

**State of Connecticut
Office of Policy & Management**

DRAFT

**Conservation and Development Policies Plan 2013-2108:
Response to Public Comments**

OVERVIEW

The Draft 2013-2018 Conservation and Development Policies Plan (Plan) was published on April 30, 2012. OPM, in cooperation with regional planning organizations, (RPOs) conducted thirteen public hearings over the ensuing five-month period. Public comments were accepted through October 5, 2012, at which time OPM committed to publish a draft response document in early November.

Due to the unprecedented number of comments received by OPM on both the Plan text and the draft Locational Guide Map (Map), OPM ultimately needed an additional month to meet its commitment. The draft response document should be considered a good-faith effort by OPM to explain its rationale for the Plan's content. Please understand that the task of summarizing what were oftentimes lengthy comments into a few words was a challenge in and of itself and, unfortunately, some loss in articulation was inevitable.

Responses to comments have been batched by: 1) Municipalities and RPOs; 2) Public/Individuals; 3) Statewide Organizations; 4) Local and Regional Interest Groups; 5) Legislators; and 6) State Agencies/Councils, and a separate document summarizes all the specific Map comments and associated data that was submitted to OPM in various formats.

Given the amount of time needed to address these comments and the evolving nature of this exercise, OPM anticipates that there will be some instances where it may be necessary to modify certain responses to comments to account for unforeseen conflicts, as it makes the recommended revisions to the Plan before submitting it to the Continuing Legislative Committee on State Planning and Development (Continuing Committee) later this month.

Please note that the Continuing Committee is required to hold a legislative public hearing on the Plan within 45 days of the start of the 2013 session, so interested parties will have another opportunity to offer comments before the Committee makes its recommendation to the General Assembly for its consideration of approval.

Organization: Audubon Connecticut

Contact: Sandy Breslin

Nature of Comments:

1) Draft Plan should incorporate clear commitment to conservation in both text and map, such as was previously included in the 2005-2010 Plan (p.55), due to concerns that there has been a pro-development shift in new map. 2) OPM should coordinate the assembly of a comprehensive statewide database of key natural resource areas. 3) The timeline for completion of the Draft Plan should be revised to allow for better integration of other state agency planning efforts. 4) The cross-acceptance mandate should be expanded beyond municipalities and RPOs to include other stakeholder groups. 5) Suggest modified language in GMP #1 for a new policy and performance measure that encourages protection, enhancement, and/or restoration of urban green spaces and recreational access to waterways. 6) Suggest modified language in GMP #2 for a new policy and performance measure that encourages access to parks, community gardens and waterways, in addition to greenways. 7) Suggest that language be added to GMP #3 to support the protection, restoration and/or enhancement of natural resource areas in the vicinity of harbors where feasible to provide habitat for wildlife, especially migrating shore birds. 8) Suggest modified language in GMP #4 for new policies and performance measures that promote the economic value of conserved lands and wildlife. 9) The policy regarding village centers should be amended to clarify that not all villages want to expand and not all should. 10) The policy regarding protection of open space should clarify issues with regard to state-only acquisitions, multi-functional lands, etc. 11) Concerned about wetlands no-net-loss policy, especially relying on mitigation through wetland enhancement and creation. 12) Suggest that language be added to GMP #4 for a new policy and performance measure promoting outdoor and wildlife-related businesses and supportive industries, while simultaneously preserving prime wildlife habitat and natural resources through various means. 13) Suggest revising the GMP #4 policy that begins with "Rely upon the carrying capacity of the land...", so that it pertains statewide; not just to rural areas. 14) Suggest language be added to clarify the state's commitment to protecting endangered watersheds and other utility lands, as well as various performance measures in GMPs #4 and #5. 15) Suggest that OPM reconsider use of Census Blocks and presence/absence of water/sewer infrastructure to identify Priority Development Areas. 16) Various concerns about the validity of criteria used to classify Priority Conservation Areas: a) Limiting conservation to Critical Habitats fails to protect many state listed species when areas identified by the Natural Diversity Database are not included; b) OPM should consult with DEEP about how to resolve Open Space errors; c) Limiting forest conservation to parcels of 250 acres or more is too restrictive; d) Existing and potential drinking water supply watersheds and aquifer protection areas should all be considered conservation priorities; e) The 2005-2010 Plan recognized all wetlands and waterbodies as conservation priorities and it should not be limited to only areas greater than 25 acres; f) Plan should recognize all prime and important farm soils, existing farms or existing agricultural uses as conservation priorities; g) Map should included historic landscapes, historic districts, scenic resources, greenways, prominent ridgelines, trails, recreation areas, and areas bordering or connecting protected open space. 17) Balance Growth Areas should consider the extent to which a given resource is irreplaceable. 18) OPM should consult federal comprehensive conservation plans. 19) OPM should provide extra priority to areas that meet more than one of the criteria and ensure that resources are directed to the highest priority areas. 20) Draft Plan should include breakdown of percentage of land that falls into each Map category and compared to 2005-2010 Plan. 21) Map should be provided in Google Earth format to promote broader community engagement. 22) Map should assign value for habitat connectivity and buffers. 23) There should be a clear process for updating data based on local information. 24) Misc. text corrections. 25) Various maps provided indicating areas with

significant resources that should be considered for designation as Priority Conservation Areas in order to ensure the long term protection of critical bird species and habitats.

OPM Response:

1) Recommend adding reference to CGS Sec. 22a-1a in GMP #6, to reflect the Plan's commitment to ensuring that statutory policy concerning the conservation and protection of environmental resources is fully integrated with the GMPs. 2) OPM will continue its efforts to ensure that there is a more efficient and effective means to capture the myriad data available, such as coordinating with DEEP and its stakeholders in the revision of the Green Plan. 3) State statutes provide timelines for various agency plans and updates, and drafts of such plans must be submitted to OPM for a review of consistency with the State C&D Plan per CGS Sec. 16a-31(e). OPM is complying with the C&D Plan statutory timeframe, so any desire to delay this process would need legislative approval. 4) The cross-acceptance process is a good-faith effort to better integrate the planning processes of state agencies, regional planning organizations and municipalities. It is administered at the regional level on a voluntary basis, so any stakeholders interested in attending future regional workshops should request their respective regional planning organization to add them to their mailing list. OPM's Jan. 2011 report on the cross-acceptance process provides more information and can be found on OPM's website. 5) Recommend modification for GMP #1 policy that begins "Promote urban areas..." to include "access to urban green spaces and waterways." 6) Recommend modification for GMP #2 policy that begins "Encourage and promote access..." to include reference to parks, community gardens and waterways. 7) No change recommended as the recreational and environmental aspects of harbor areas are addressed in GMPs #1 and #4. 8) This matter is generally covered in the GMP #4 introduction. 9) OPM recommends replacing the clause that begins "there should be complementary efforts" with "there may also be instances where towns want to pursue complementary efforts..." 10) The Plan chapter on the Locational Guide Map will be modified to include information on preserved open space and protected farmland, and the subject GMP #4 policy will include a reference to "continued state funding" and broaden the policy to include "other priorities identified in the Green Plan". 11) It is understood that wetlands enhancement and creation is difficult to achieve, and that is why it is recognized as third in the order behind avoidance and minimization. 12) This issue is generally covered already in the GMP #4 introduction. 13) Modified language provided, and related reference provided in OPM's response to Dept. of Public Health comment #3b in "State Agencies" comment document. 14) See response to Council on Environmental Quality comment #7 in "State Agencies" comment document. 15) Due to past issues with the Map concerning the accuracy of utility service area boundaries and the resulting requests for interim changes, OPM is recommending a uniform statewide approach to the initial establishment of priority funding area boundaries using Census Blocks as the common unit. Municipalities can opt out of a development designation for any Census Block if they feel it is not representative of local plans or zoning. Municipalities may also provide data on any local conservation priorities they would like to have reflected on the Map, and rural municipalities may also opt to delineate specific boundaries for Village Growth Areas, where appropriate. State agencies and other interested parties will be able to access specific data layers, such as sewer service area, when determining the consistency of their actions with the Plan (see response to Dept. of Economic and Community Development comment #1 in "State Agencies" comment document). 16a-g) OPM believes that the Map criteria as amended through this public comment process are appropriate for a statewide scale in recommending the delineation of boundaries of PFAs. Municipalities may provide supplemental data to OPM for inclusion on the Map to identify other local conservation priorities as noted in #15 or to correct state data inaccuracies. 17) The sponsoring agency must coordinate with appropriate parties to determine the nature and characteristics of any conservation factors present when an action is proposed within a Balanced Growth Area. See related response to CT Chapter of the American Planning Association comment #6. 18) OPM will consult

with DEEP on this matter. 19) As noted in #15, agencies and other interested parties will be provided access to individual data layers that will allow each proposed state action to be assessed in the context of its intended outcome(s) (i.e., GMPs). The chapter on the Map acknowledges that there are no values assigned to the Map criteria, and that each proposed action having potential impacts on conservation factors/resources would need to be addressed and coordinated on a case-by-case basis with any affected state agencies, prior to determining whether or not to proceed with a proposed action. 20) Due to the fundamental changes in the Map resulting from CGS Chapter 297a, there is no value in comparing it to past Plans. 21) OPM intends to make the Map available in such a format, upon adoption by the General Assembly. 22) This is a matter that should be addressed with DEEP in the Green Plan revision process. 23) OPM is open to working with the Continuing Committee on addressing technical updates to the Map through the interim change process. 24) Revisions accepted. 25) As noted in #15, local conservation priorities will be added when specifically requested by a municipality.

Organization: Council of Small Towns

Contact: Betsy Garra

Nature of Comments:

1) Municipalities should be given more time to review the Draft Plan, so that it accurately reflects local data and is consistent with local conservation and development goals.

OPM Response:

1) OPM is addressing numerous comments submitted by municipalities during the five month formal public comment period, including the acceptance of data that reflects local mapping priorities. Municipalities and other stakeholders may provide additional comments through the legislative public hearing process required by CGS Sec. 16a-30(a) - likely in February 2013, and the Continuing Committee may direct OPM to make further revisions prior to the Plan's consideration of adoption by the General Assembly.

Organization: CT Chapter of the American Planning Association

Contact: Chris Wood, Jana Butts

Nature of Comments:

1) The Map should serve an important function in the planning process by illustrating the six growth management principles and providing guidance for their interpretation. 2) OPM should re-examine the methodology used to determine the Map's Priority Development Areas, such as removing the 2010 Census Urban Areas criterion and identifying "corridor management areas" and how they relate to the Plan. 3) OPM should re-examine the methodology used to determine the Map's Priority Conservation Areas, such as adding "farmland soils of additional statewide importance", farmland and wetland soil units less than 25 acres, the Natural Diversity Database, stratified drift aquifers, and state designated greenways. 4) OPM should consider including separate maps for conservation and development. 5) OPM should consider the need for a formal statewide sewer management policy, as well as for water supply and all utilities that allow greater development densities. 6) OPM should provide a more descriptive set of procedures for assisting state agencies in using the Plan and Map, such as the following sample language: "The 2013-2018 Conservation and Development Policies Plan for Connecticut, in particular the Locational Guide Map, is advisory only and not intended to be utilized, by itself, as a basis for a state agency to approve, or deny, funding when rendering applicable funding decisions, nor is it intended that this Plan, in particular the Locational Guide Map, supersede municipal plans or regulations when rendering municipal land use decisions." 7) The Draft Plan should include an implementation strategy for state agencies that describes priorities in urban, suburban and rural communities.

OPM Response:

1) While each GMP provides a geographic depiction to help illustrate how various criteria help shape the planning process, the composite Map delineating the boundaries of PFAs is primarily intended to address the requirements of CGS Sec. 16a-35d. Nonetheless, the underlying data layers associated with the Map criteria do provide valuable information in the planning process, and access to such layers will be provided as noted in the response to the Dept. of Economic and Community Development comment #1 in "State Agencies" comment document. 2) See response to Audubon Connecticut comment #15 re: Census Blocks. With regard to "corridor management areas", the Plan has not designated such areas at this time as required by CGS Sec. 16a-27(d)(3) because it is not clear how the legislature intended this to be applied by state agencies. Also, see related response to Dept. of Transportation comment #8 in "State Agencies" comment document. 3) OPM agrees that farmland soils of statewide importance (>25 acres) should be added to the existing farmland soils criteria for the Map, but other criteria will be added to the Map only when a municipality specifically requests that it be shown as a local conservation priority. See related response to Dept. of Agriculture comment #1 in "State Agencies" comment document. 4) OPM did provide separate maps on its website; however, in order to highlight the special consideration required by Balance Growth Areas, it is important to combine the two. Since a number of conservation-related funding actions are not considered "growth-related projects" as defined under CGS Sec. 16a-35c(a), such actions would not be subject to a review of their location on the Map. 5) This would be a substantial undertaking that is generally supported by GMP #6, but would likely require some modification to municipal planning statutes to tie sewer and water plans into local POCDs. 6) Agree to add similar language to that provided in both the Background and Map sections of the Plan text, and also recommend adding language to the Map section describing how agencies determine consistency with the Plan and apply the Map, similar to what was published in CCAPA's Connecticut Planning magazine (Summer 2012). 7) Due to the new statutory requirements associated with the Plan,

an implementation strategy that has consensus among the Executive and Legislative Branches, as well as municipalities, has yet to evolve beyond initial investigation into other states' planning models.

Organization: CT Conference of Municipalities

Contact: Ron Thomas

Nature of Comments:

1) Concerned that use of Census Urbanized Areas as a criterion for delineating Priority Development Areas may encourage unintended sprawl in rural areas.

OPM Response:

1) Use of Census Urbanized Areas is intended to generally reflect where population density exists. The Census Bureau definition also takes into account other urban land uses and the areas that connect densely settled areas. Use of this criteria is not intended to promote sprawl in rural municipalities, but to identify opportunities for infill development where such linkages are consistent with municipal plans and zoning. Any municipality that is concerned with the existence of criteria (e.g., Census Urbanized Areas, public sewer/water, etc.) that result in a particular Census Block being designated as a priority development area may request OPM to remove such designation if they feel it is not appropriate. Rural municipalities may also opt to delineate specific boundaries for Village Growth Areas where appropriate, or identify local conservation priorities when the preference is to reflect Balanced Growth.

Organization: CT Fair Housing Center

Contact: Erin Boggs

Nature of Comments:

1) Projects that promote fair housing choice and racial and economic integration, which are not under the auspices of DECD or CHFA, should either be designated as outside the definition of "growth-related project" or added to the list of exceptions in CGS Sec. 16a-35c(d). 2) There is no clear guidance on how to address situations where the state and municipal plans conflict, and OPM is encouraged to state explicitly that neither the state nor municipal plans can be used to justify a town's rejection of affordable housing proposals. 3) GMP#2 lacks fair housing emphasis and fails to mention several groups that have particular housing needs, such as "people of color, families with children, and people with disabilities." 4) There is a general lack of attention to affordable housing development in many municipal plans, so consideration should be given to vesting OPM with authority to reject a municipal plan if it does not comply with certain obligations. 5) Many of the concerns about the past Map continue, such as accuracy of data and how it is used by state agencies, so consideration should be given to discontinuing use of the Map altogether.

OPM Response:

1) There would need to be a state agency-sponsored action in order for the Plan to apply in this case. If a complementary state action was pursued to assist a private affordable housing development (e.g., sewer extension), the sponsoring agency would need to take into consideration the appropriate GMPs and policies of the Plan in determining consistency. The statutory PFA exception process was designed to address circumstances when a consistent growth-related project falls outside a PFA, as detailed in CGS Sec. 16a-35d. Any changes to the definition of "growth-related project" would need to be pursued legislatively. 2) There is no such guidance because the Plan only applies to state-sponsored actions, and there is no statutory requirement for municipal plans to be consistent with the state Plan. Also, see response to CT Chapter of the American Planning Association comment #6. 3) OPM believes that the more appropriate recognition of these issues is within state housing plans, as referenced on p. 12 of the Plan. 4) There is no statutory authority for OPM to approve or reject municipal plans, so any changes to state statutes would need to be pursued legislatively. Municipal planning commissions are authorized under CGS Sec. 8-23 to adopt the local plan, as they deem appropriate. 5) OPM believes that discontinuing use of the Map would first require the repeal of CGS Chapter 297a.

Organization: CT Federation of Lakes

Contact: Larry Marsicano, Richard Canavan, Tom McGowan

Nature of Comments:

1) Disappointed that lakes and most other natural resources are no longer individually discussed in more detail. 2) A reassessment of map designations of lake watershed areas should be considered. 3) Provide a disclaimer of the limitations in using the mapping at scales beyond the level of detail of the underlying GIS layers used in the analysis. 4) The GMP #4 policy statement that begins with "Rely upon the capacity of the land..." promotes the continued use of on-site wastewater disposal as a land use density regulation tool. Request that the policy be amended to allow for use of Best Available Technologies to help clean groundwater nutrient loading in existing developments such as lake shores through local and regional controls. 5) Applicable principles tab on p.18 should include reference to A and C, as well as G. 6) The Plan's "no-net loss" policy for wetlands under GMP #4 should be extended to lakes and ponds (suggested language provided). 7) The GMP #4 policy statement that begins "Protect and preserve natural areas, Connecticut Heritage Areas,..." should either clarify that natural areas include lakes and ponds and/or include Heritage Lakes as "Connecticut Heritage Areas". 8) The GMP #4 policy statement that begins with "Manage water resource conflicts..." should list agriculture as one of the competing needs of water resources. 9) Note that GMP #4 needs a more general performance indicator for freshwater quality in the state, as well as an indicator for lake water quality (suggested language provided).

OPM Response:

1) The abbreviated nature of the Plan did not allow for the same level of discussion that was included in previous Plan revisions. This new format relies upon specific agency plans identified in each chapter and/or associated agency guidance to provide interested parties with more detailed information. 2) OPM will accept any data provided by a municipality in which they would like to have the Map reflect certain local conservation priorities, such as lake watersheds. 3) See response to CT Chapter of the American Planning Association comment #6. 4) The policy was amended to include a reference to "advanced on-site wastewater treatment systems". 5) Agree. 6) The no-net-loss policy is specific to regulated wetlands, consistent with federal policy. Nothing precludes municipalities from adopting similar policy pertaining to lake watersheds. OPM believes that the policy on p.18 that begins with "Utilize the landscape..." covers much of the concern, given the definition of "waters (of the state)" as defined in Attachment E. 7) See response to #6 regarding the "Utilize the landscape" policy. OPM believes that the definitions of "natural areas" and "CT Heritage Areas" in Attachment E, provide sufficient clarification as to the circumstances under which certain lakes and ponds would be applicable. 8) Agree. 9) Agree on need for a general performance measure on fresh water quality, but OPM views the establishment of a concise set of such measures to be a longer-term, consensus-building, process.

Organization: CT Forest & Park Association

Contact: Eric Hammerling

Nature of Comments:

1) Priority Funding Areas should be defined by natural resource and population density, and not by Census Block, in order to reduce likelihood that Map is misunderstood/misused in a way that would be detrimental to conserving important natural resources. 2) Include "traprock ridges" as a conservation factor, due to the views they provide and the species they harbor. 3) The map that is shown under GMP #2 does not include the Blue-Blazed Trail System, the Metacomet Ridge System, and others and GIS data is available. 4) Under GMP #4 add performance indicator of "Acreage of working forests" 5) Support need to develop and implement a robust framework for GIS sharing.

OPM Response:

1) The description of Priority Conservation Areas under the heading "LGM Classifications" on p. 28 should have stated that such areas are classified by the actual boundaries of the associated criteria, and not by Census Block. Only Priority Development Areas are classified on a Census Blocks basis. See related responses to CT Conference of Municipalities comment #1, CT Chapter of the American Planning Association comment #6, and Audubon CT #15. 2) Recommend adding traprock ridges as a conservation factor. 3) The map on p.13 will be updated to include all officially designated greenways. 4) The establishment of actual performance indicators is expected to be a longer-term, consensus-building, process, so OPM is not recommending expanding the number of examples of such indicators at this time. 5) This is acknowledged in GMP #6.

Organization: CT Fund for the Environment

Contact: Lauren Savidge, Curt Johnson

Nature of Comments:

1) The Draft Plan must include a more detailed approach to protect watersheds from intensive development, which ultimately preserves the integrity of the state's drinking water. The broad watershed goals in the Draft Plan are insufficient by themselves to protect watersheds, so it is recommended that OPM reinstate the more detailed policies of the 2005-2010 Plan (see excerpts). For example, the two-acre minimum lot size is an important and measurable guideline that provides local governments with specific guidance and support for zoning ordinances to protect drinking water watersheds. 2) The Draft Plan should designate areas and resources by characteristics and density, rather than by Census Block, in order to promote outcomes such as transit-oriented development. 3) The Draft Plan should develop specific policies to further prioritize and direct government resources toward the areas that meet all six criteria for priority development areas. 4) The Draft Plan method to designate development priority is inconsistent with legislative intent, so actual boundaries should be used in place of Census Blocks. 5) The Draft Plan should direct agencies to spend resources on the top development and conservation priorities. 6) Protection and restoration of Long Island Sound should be identified as a goal in the Draft Plan, along with specific strategies (examples provided).

OPM Response:

1) See response to Council on Environmental Quality comment #7 in "State Agencies" comment document. 2) See response to CT Forest & Park Association comment #1. 3) See response to Audubon CT comment #19. 4) OPM believes that the legislature was intentionally vague on this matter in allowing OPM to make recommendations for the delineation of PFA boundaries. Furthermore, as noted in the response to Audubon CT comment #19, OPM believes that the establishment of initial boundaries of PFAs based on Census Blocks will allow the possibility that future coordination among municipalities and regional planning organizations will result in a more focussed identification of the highest priority areas for targeting state funding. 5) See response to CT Chapter of the American Planning Association comment #7. 6) Long Island Sound is specifically addressed in the GMP #4 policy that begins "Protect and preserve natural areas..." Also, see response to the Dept. of Energy and Environmental Protection comment #1d in "State Agencies" comment document re: use of LIS Study in lieu of citing specific strategies in this Plan.

Organization: CT Greenways Council

Contact: Mark Paquette

Nature of Comments:

1) Including a link to the official CT Greenways website is beneficial, since the Greenways map is updated annually. 2) The Draft Plan's only explicit references to Greenways are in relation to housing, transportation and recreation, so adding a reference to Greenways in the GMP #4 policy that begins with "Continue to protect permanently preserved open space..." would appropriately reflect the role of Greenways in protecting natural resources and linking protected areas to provide larger, connected open spaces (draft language provided).

OPM Response:

1) Agree. 2) Recommend adding suggested language.

Organization: CT Land Conservation Council

Contact: Amy Paterson

Nature of Comments:

1) Concern over the compressed timetable and perceived lack of dialogue with local conservation community in developing Draft Plan. 2) Concern over the lack of sufficient and accurate consideration of the state's natural resources in delineating Priority Funding Areas, as well as other errors and omissions on the Map. 3) Draft Plan timetable should be adjusted to allow the Open Space Advisory Board and DEEP sufficient time to complete their work with respect to the Green Plan and PA 12-152 and better integrate with Draft Plan. 4) Concerned that the Map is confusing and does not reflect a thorough or accurate assessment of the state's natural resources that would otherwise be useful information to towns when developing their own respective plans. Particularly concerned about the use of Census Blocks and the limited number of conservation criteria. Offer suggestions on use of Natural Diversity Database, providing a legal definition of "open space", deleting the 25 acre threshold for wetlands and preserved farmland and the 250 acre threshold for forest resources, and other water resources, greenways, and scenic and historic features. 5) Map's conservation layer should be updated based on the most accurate information from each town and/or private conservation organizations.

OPM Response:

1) See response to Council of Small Towns comment #1. 2) See response to Audubon CT comments #15 and #16. 3) See response to Audubon CT comment #3. OPM will work with the Continuing Committee established under CGS Sec. 4-60d to ensure that any resulting improvements to statewide open space data, following adoption of the Green Plan, will be incorporated into the Map through a technical change. 4/5) See response to Audubon CT comments #15 and #16. The Map was developed to address the statutory requirements associated with priority funding areas (CGS Chapter 297a) and is not intended to serve as a thorough assessment of the state's natural resources. The GMP #6 policy that begins "Develop and implement a robust framework for geographic information sharing..." acknowledges that the state must partner with other data generators to allow the sharing of information that will be useful to myriad agencies, municipalities, and other organizations.

Organization: CT Section - American Water Works Association

Contact: Ron Walters

Nature of Comments:

1) The Draft Plan provides insufficient detail with regard to management of drinking water resources to be of value as a guidance document to municipalities and drinking water providers. There appears to be a greater emphasis placed on regulatory "least-cost compliance options" instead of the need to conserve and protect watershed and forest lands per the excerpts provided from the 2005-2010 Plan. 2) The GMP #5 map should include public water supply watershed areas, in addition to aquifer protection areas. 3) The heading in each GMP titled "State Agency Policies" perpetuates the misinterpretation that the policies listed within the Plan have no bearing or application beyond activities of state agencies or state-funded projects, while p.88 of the 2005-2010 Plan clearly indicated that local land use commissions should follow the guidance policies. 4) Protection of water utility lands for future drinking water supply should take priority on Map, and the text should clarify what is meant by "factors" for conservation and development. 5) GMPs #4/#5 should provide as much attention to forest land resources as is devoted to agriculture and farmland, including the need to conserve and protect them which is an important component of "Smart Growth Principle G". Specifically, DEEP's Statewide Forest Resource and Assessment Strategy provides "Priority Area Maps" which should be a consideration in the Plan Map.

OPM Response:

1) See response to Council on Environmental Quality comment #7 in "State Agencies" comment document. 2) See response to Dept. of Public Health comment #4 in "State Agencies" comment document. 3) Consistency with the C&D Plan and its associated policies is only mandatory for state agency-sponsored actions outlined under CGS Sec. 16a-31(a). Also, see response to CT Chapter of the American Planning Association comment #6. 4) See response to CT Water Company comment #10 in "Local & Regional Interest Groups" comment document. 5) GMP #4 describes the functional roles of various resources, such as forest lands, and stresses the need to maintain them. In general, forest land issues are covered to a large extent under the Plan's open space and water supply watershed policies, and to a lesser extent under its "working lands" policies, so OPM does not believe there is a lack of attention to forest resources. Furthermore, the Map's use of Core Forest Areas and other criteria used to delineate Priority Conservation Areas already provide a measure of overlap with the Forest Resource and Assessment Strategy's priority area maps, and OPM has stated its willingness to accept any supplemental local priority conservation area data (e.g., forest areas less than 250 acres) if specifically requested by a municipality.

Organization: CT Water Works Association

Contact: Maureen Westbrook

Nature of Comments:

1) The Draft Plan lacks the detail provided by the 2005-2010 Plan, which emphasized the critical role of municipalities in water resource conservation and provided guidance to municipal land use commissions regarding concerns associated with development densities and the impact on water supply watershed areas, the extension of municipal sanitary sewer and water supply systems in source water areas, and ways of mitigating the cumulative effects of development on water quality. 2) The Draft Plan should provide for the expansion of efficient and viable water supply delivery systems that promote responsible growth, including the extension of service to areas served by private wells that have water quality or quantity issues, where there is known groundwater contamination, where there can be interconnections to or acquisition of small non-viable water systems, or to limit the proliferation of small water systems that may not be able to be sustained to serve their customers. 3) Draft Plan should not be overly prescriptive or limiting with regard to sizing of such facilities when there is the demonstrated future need to accommodate fire protection, anticipated growth, or to allow for interconnections of water systems. 4) The listing of "State Agency Policies" suggests that the references to source water protection are only applicable to state investment policies and are not intended to guide local land use decisions and policies. 5) Concern that not all watershed or aquifer protection areas are appropriately reflected on Map.

OPM Response:

1) See response to Council on Environmental Quality comment #7 in "State Agencies" comment document. 2) The requested provisions are generally covered in the GMP 4 policy that begins "Rely upon the capacity of the land... Support the introduction of expansion of public water..." See related response to Dept. of Public Health comment #1. 3) The Draft Plan is not prescriptive on this and allows for consideration of such factors on a case-by-case basis, with consideration also given to possible CT Environmental Policy Act (CEPA) requirements. 4) The reference to State Agency Policies is accurate because only state agencies must be consistent with the Plan when they undertake certain actions listed under CGS Sec. 16a-31(a). Furthermore, CGS Sec. 8-23 does not require municipal plans of conservation and development to be consistent with the State Plan. However, state agencies may issue new or updated guidance to municipalities for any programs that they administer, whenever they deem appropriate. 5) OPM will accept any such data that can improve the accuracy of the Map. See related response to CT Water Company comment #10 in "Local & Regional Interest Groups" comment document.

Organization: Home Builders & Remodelers Association of CT and the CT Housing Coalition

Contact: Tim Hollister, Matt Ranelli

Nature of Comments:

1) The Map criteria are vague, undefined and difficult to update, making the Map inappropriate as any kind of guideline or reference point for government spending. 2) What percentage of towns provided updated Map information? 3) The Map continues to be contrary to GMP #6 and to statutes governing municipal planning and permitting, especially sewer and wetlands. 4) It is not clear if DEEP intends to continue its reliance on the Map to inform its decisions with regard to Clean Water Funding, as memorialized in its November 2008 guidance to WPCAs. 5) The disconnect between the five year Plan revision cycle and the 10 year municipal plan cycle has not been addressed. 6) The process for interim amendments to the Map has not been changed. 7) The Map does not improve the State's planning process and should be eliminated from the Plan.

OPM Response:

1) OPM believes that the Map meets the statutory requirements of CGS Chapter 297a. 2) At least 50% of municipalities provided their own data for inclusion in the Map, while several Regional Planning Organizations also provided updated Map data on behalf of their towns. In addition to submitting Map data, many other municipalities offered more general Map-related comments, such as those pertaining to its criteria or usage. Since 2008, OPM has also received updated sewer service area data for 106 municipalities. 3) Neither the Plan nor the Map governs municipal planning and permitting. In fact, the Map only applies to state agency-sponsored actions under CGS Sec. 16a-31(a), which meet the definition of growth-related project under CGS Sec. 16a-35c, for which the sponsoring agency has already determine such action to be consistent with the Plan's policies. A statutory exception process (CGS Sec. 16a-35d) also allows any sponsoring agency to consider funding such a growth-related project, even if it is located outside of a priority funding area. 4) Upon adoption of the 2013-2018 Plan, DEEP will determine the consistency of its Clean Water Funding actions with the policies of the Plan and is expected to revise its past guidance when it deems appropriate. If there is a need to invoke the exception process under CGS Sec. 16a-35d for any growth-related project occurring outside of a priority funding area, DEEP will have to consult the municipal plan prepared under CGS Sec. 8-23 to determine that it was updated within the past ten years and that the proposed state action is consistent with such plan. 5) The plan revision cycles are set in statute (CGS Sec. 16a-25, Sec. 8-35a, Sec. 8-23). 6) OPM believes that the process for interim changes established in CGS Sec. 16a-32(b) is adequate, and that the new priority funding area requirements of the Map will result in the need fewer interim changes. 7) See response to CT Fair Housing Center comment #5.

Organization: League of Women Voters of CT
Contact: Carolyn Bayne, Margaret Wirtenberg

Nature of Comments:

1) The 2005-2010 Plan included strong policies that limited development in drinking water recharge areas by specifying a density guideline of one dwelling unit per two acres of buildable area. The Draft Plan makes no such specification. The Draft Plan should include the kind of concrete steps and enforceable requirements that will protect these lands.

OPM Response:

1) See response to Council on Environmental Quality comment #7 in "State Agencies" comment document.

Organization: Rivers Alliance of CT

Contact: Margaret Miner

Nature of Comments:

1) The sequence of planning tasks assigned to OPM and its sister agencies by state statutes is in an illogical order. In particular, the Draft Plan and Map should be based in significant part upon the data and recommendations developed under PA 12-152 and the upcoming revision of the Green Plan. OPM should seek a revised timetable and, in the meantime, work with a provisional text and map. 2) Additional time would allow the cross-acceptance process to achieve the much fuller, bottom-up process used in New Jersey, which requires longer and more detailed negotiation among state, regional and local entities. 3) The Map does not accurately reflect existing conditions, but appears to be more pro-development. OPM should clarify how much weight officials and the public should give to the text versus the Map. 4) The Draft Plan should identify any policy changes associated with compacting the text from the 2005-2010 Plan, particularly with regard to drinking water watersheds. A legal analysis should be done to determine whether deletion of material will be interpreted in court cases as signaling a deliberate change in state policy. 5) Suggest incorporating agency plans by reference in policy statements, where appropriate, so it is explicit in directing readers not just to consult but to comply. 6) The Draft Plan over-emphasizes growth based on construction, instead of other qualitative factors (GMP #4 example provided). 7) The GMP #4 policy that begins with "Seek to achieve no net loss of wetlands..." should acknowledge that wetlands creation is difficult to achieve. 8) The Plan should acknowledge that water and sewer planning is fragmented and needs special, overarching attention.

OPM Response:

1) See response to CT Land Conservation Council comment #3. 2) OPM conducted an unprecedented level of outreach during the past two-years, relying upon the voluntary efforts of regional planning organizations to facilitate the cross-acceptance process, and is making every effort to address shortcomings in the Draft Plan that were identified through the formal public comment process. See related responses to Audubon CT comment #4 and Council of Small Towns comment #1. 3) See responses to Audubon CT comment #3 and CT Chapter of the American Planning Association comment #6. 4) See response to Council on Environmental Quality comment #7 in "State Agencies" comment document. A legal analysis as suggested is beyond the scope of these efforts. 5) In general, OPM believes that such specificity is not required. Agency plans are listed for inter-agency consultation purposes, since state agency compliance is required under CGS Sec. 16a-31(a). Also, see response to CT Water Works comment #4. 6) See response to Audubon CT comment #9. 7) See response to Audubon CT comment #11. 8) This is generally the intent of the GMP 6 policy that begins "Support the creation of an objective and uniform public water and sewer need assessment protocol...", and OPM will continue to work with its sister agencies to better coordinate cross-agency efforts through implementation of the Plan.

Organization: The Nature Conservancy

Contact: David Sutherland

Nature of Comments:

1) Suggest modified language for GMP #4 to address concern that Alternative Wastewater Treatment Systems can seriously impact groundwater and surface water supplies if not properly installed and maintained. 2) Suggest modified language for GMP #4 to explicitly refer to state funding for open space acquisition; not just public private partnerships. 3) Suggest modified language in GMP #4 to incorporate sound stormwater management design in all development projects and recognize the need to continue to invest in sewage treatment plant upgrades and Combined Sewer Overflow projects through the Clean Water Fund. 4) Suggest modified language in GMP #4 to reflect new mandates for the Plan attributable to PA 12-101. 5) Suggest modified language in GMP #5 to strongly discourage development in most floodplain areas, and address the potential for removal of some dams when it is deemed a more cost-effective option for reducing threats to downstream property. 6) Suggest modified language to GMP #5 to note the impacts of sea level rise on road, septic, systems, and other infrastructure in coastal communities when addressing climate change adaptation strategies.

OPM Response:

1) Agree with suggested language. 2) Agree with suggested language. 3) Included modified language based on these and other organization's comments. 4) Included modified language based on based on these and other organization's comments. 5) Agree with suggested language. 6) No change recommended, as current language about managing the risks associated with "flooding and drought conditions" already captures the potential impacts associated with climate change, such as sea level rise. Furthermore, considerations for siting infrastructure and developing property when there are risks of flooding, etc., are addressed in the last policy in GMP #1.

Organization: Working Lands Alliance

Contact: Kip Kolesinskis

Nature of Comments:

1) The Plan fails to recognize the unique soils and climate of the CT Valley that cannot be duplicated by only protecting farmland in the rural areas of the eastern and western parts of the state. 2) The Plan needs to include a stronger mechanism for mitigation and consideration of alternatives when state funds are expended that result in a loss of farmland and farm viability. Like wetlands and watercourses regulations, our best agricultural soils also deserve protection for their unique ability to provide goods and services. 3) The 25 acre prime farmland soil threshold in CGS Sec. 3-20 and Sec. 22-6 is not adequate, and Farmland Soils of Statewide Importance and soils of Local Importance should be added to the Map. Such soils are recognized in many of the criteria for participation in federal conservation programs. The Map threshold of 25 acres of prime farmland has no technical or scientific justification and should be abandoned. 4) The Plan should acknowledge that the need for the green infrastructure and ability to sustain local economics that agriculture can provide occurs in every Town.

OPM Response:

1) See response to Dept. of Agriculture comment #2. 2) See response to Dept. of Agriculture comment #5 in "State Agencies" comment document. 3) See response to Dept. of Agriculture comment #1 in "State Agencies" comment document. Any proposed changes to statutory thresholds would need to be pursued through the General Assembly. 4) The reference to "community-based agriculture" in the GMP #1 policy that begin "Promote urban areas as centers..." implies that agriculture can occur in any town.