STATE OF CONNECTICUT

OFFICE OF POLICY AND MANAGEMENT

Comprehensive Planning and Intergovernmental Policy Division

April 6, 2018

Members of the Continuing Legislative Committee on
State Planning and Development:

The Honorable Steve Cassano
The Honorable George Logan
The Honorable Roland Lemar
The Honorable Catherine Osten
The Honorable Cristin McCarthy-Vahey
The Honorable Jason Rojas
The Honorable Chris Soto

Re: 2018 Report on the Implementation of the Conservation and Development Policies: The Plan for Connecticut, 2013-2018

Dear Senators and Representatives:

Pursuant to Section 16a-32(c) of the Connecticut General Statutes (CGS), the Office of Policy and Management (OPM) hereby submits its report on the implementation of the *Conservation and Development Policies: The Plan for Connecticut* (State C&D Plan).

The attached report provides a summary of the reporting methodology, examples of how state agencies have implemented the State C&D Plan, current reporting challenges, and a proposed remedy to improve future reporting.

Please contact Dan Morley at (860) 418-6343 or Daniel.Morley@ct.gov if you have any questions.

Sincerely,

David A. Kalafa
Undersecretary

2018 Report on the Implementation of the Conservation and Development Policies: The Plan for Connecticut (2013-2018)

Prepared for the Continuing Legislative Committee on State Planning and Development
by the Office of Policy and Management, in accordance with CGS Section 16a-32(c)

Background

The Office of Policy and Management (OPM) prepares revisions to the *Conservation and Development Policies: The Plan for Connecticut* (State C&D Plan) on a recurring 5-year cycle, in accordance with CGS Section 16a-27 through Section 16a-29. OPM submits a draft of each five-year revision to the General Assembly for its consideration of adoption, in accordance with CGS Section 16a-30.

Once adopted, the State C&D Plan is then implemented by state agencies whenever they undertake certain actions. Specifically, CGS Section 16a-31 outlines the types of actions for which state agencies must be in conformity with the policies of the State C&D Plan.

A secondary level of implementation pertains to the Priority Funding Area requirements of CGS Chapter 297a. Specifically, CGS Section 16a-35d requires that agencies shall only provide "funding" for growth-related projects located in Priority Funding Areas, or otherwise must follow the statutory exception process that includes consideration of the municipal plan of conservation and development.

The Locational Guide Map of the State C&D Plan delineates the boundaries of Priority Funding Areas, and state agencies must consult the Map whenever they provide funding for a "growth-related project".

In determining a project's consistency with the State C&D Plan, OPM considers the Priority Funding Area requirements to be a secondary implementation tool, relative to the broader policy consistency requirements of CGS Section 16a-31. That belief arises in part because of the manner in which the statutes are constructed, with items (i) through (viii) of CGS Section 16a-35c(2) comprising a subset of projects that must be consistent with State C&D Plan policies, but are otherwise exempt from the Priority Funding Area requirements. More importantly, the process of identifying Priority Funding Areas on a statewide basis cannot possibly reflect the weighing of sometimes conflicting conservation and development priorities as they pertain to a particular project.

Attachment A outlines the statutory requirements for implementation, as referenced above.

Reporting Methodology Challenges

This is OPM's first attempt to report on State C&D Plan implementation since the Plan was last adopted by the General Assembly in June 2013.

In its previous reports, OPM used the former Locational Guide Map classifications to illustrate how state agency actions were deemed consistent with the State C&D Plan. This is because the Locational Guide Map classifications used to be considered policy guidance for agencies.

Since the adoption of the Priority Funding Area requirements, agencies can no longer refer to the Locational Guide Map for policy guidance. As a result, OPM's annual report can no longer rely on the Map to illustrate state agency consistency in implementing the State C&D Plan.

This legislative change came about due to a concern that certain agencies were using the Map as a regulatory and permitting tool instead of as a general planning tool. A copy of the Continuing Committee's May 22, 2013 endorsement letter, which addresses this concern, is provided in Attachment B.

Following the General Assembly's adoption of the 2013-2018 State C&D Plan, OPM provided outreach to state agencies on the new implementation requirements and developed a template checklist to help agencies document their statutory compliance (see Attachment C).

State C&D Plan Implementation

Since the State C&D Plan was last adopted by the General Assembly on June 5, 2013, agencies have implemented the Plan as follows:

- CGS Section 16a-31(a) – Nothing to report. **(See OPM Summary & Recommendation below)**
- CGS Section 16a-31(b) – OPM provided advisory reports in response to the two requests it received from UConn and DOT (see Attachment D).
- CGS Section 16a-31(c) – OPM staff reviewed applicable items on each State Bond Commission agenda for consistency with the State C&D Plan, and filed advisory statements with the Secretary of the State Bond Commission.
- CGS Section 16a-31(d) – Nothing to report.
- CGS Section 16a-31(e) – OPM reviewed the following state agency plans prepared under state or federal law, and provided advisory reports upon request of the preparing agency: Comprehensive Materials Management Strategy (DEEP), Green Plan (DEEP), Wildlife Action Plan (DEEP), Consolidated Plan for Housing and Community Development (DOH), and Drinking Water State Revolving Fund Intended Use Plan (DPH). A listing and status update of applicable state agency plans is provided in Attachment E.
- CGS Section 16a-35d – OPM received two requests for exceptions to the Priority Funding Area requirements. Both requests were approved by OPM (see Attachment F).

OPM Summary & Recommendation

In complying with the consistency requirements of CGS Section 16a-31(a), state agencies typically make their own determinations of consistency without seeking an advisory statement from OPM, even though the latter is required by CGS Section 16a-31(b). Without any direct input into an agency's determination of consistency, it is not possible for OPM to accurately report on the policy rationale for certain agency actions.

Section 24 of Senate Bill No. 6 seeks to remedy this issue by limiting state agency requirements for requesting advisory statements under CGS Section 16a-31(b) to only those instances that trigger Connecticut Environmental Policy Act (CEPA) public scoping requirements (see Attachment G).

If approved, this legislation would provide the following benefits:

- A more practical and enforceable mechanism for agencies to seek and obtain an OPM advisory statement on State C&D Plan consistency. This would occur prior to an agency initiating a public scoping process under the Connecticut Environmental Policy Act (CEPA). Advisory statements would only be required for "actions which may significantly affect the environment", as defined in CGS Section 22a-1c, and would not be required for other routine agency actions;
- A more comprehensive, coordinated, and uniform approach to determining consistency of proposed state-funded actions with State C&D Plan policies by having OPM serve as the central clearinghouse for such determinations;
- An effective link between State C&D Plan and CEPA statutes that will provide the public with a better understanding of the desired outcomes of proposed state agency actions, thereby allowing members of the public to be more informed when they offer public scoping comments on proposed projects as well as other prudent and feasible alternatives.
- A public record of OPM advisory statements that can also be referenced in future annual reports to the Continuing Committee, in order to demonstrate the state's progress in implementing the State C&D Plan.

Section 24 of Senate Bill No. 6 seeks to establish a link between State C&D Plan and CEPA requirements, so that the State C&D Plan would serve as the vehicle for agencies to initially explain ***why*** they intend to undertake a proposed action (i.e., policy basis) and, furthermore, to describe the outcomes they seek to achieve. After establishing the policy basis, agencies would use the CEPA environmental review process as the vehicle to explain ***how*** they plan to undertake a proposed action by considering prudent and feasible alternatives for achieving the project purpose and need in a manner that minimizes the likelihood of significant impacts on the environment, including socio-economic impacts.

It should be noted, however, that neither the State C&D Plan nor CEPA statutes apply to actions undertaken by the growing number of quasi-public agencies in Connecticut.

If this link between the State C&D Plan and CEPA requirements is established during the 2018 legislative session, OPM believes it will also be in a better position to address the requirements of CGS Section 16a-27 by the next revision cycle:

> (e) Any revision made after October 1, 2008, shall (1) for each policy recommended (A) assign a priority; (B) estimate funding for implementation and identify potential funding sources; (C) identify each entity responsible for implementation; and (D) establish a schedule for implementation; and (2) for each growth management principle, determine three benchmarks to measure progress in implementation of the principles, one of which shall be a financial benchmark.

Ideally, future annual reports on State C&D Plan implementation will be able to reference this baseline information and utilize the latest data to illustrate any trends or patterns with regard to how the Plan has been implemented.

Future Legislative Considerations

The following items are some examples of complicating factors in state agencies' ability to uniformly implement the State C&D Plan:

Overall Number of Agency Plans

As illustrated in Attachment E, implementation of the State C&D Plan can sometimes be complicated by the proliferation of narrowly focused agency plans prepared under state or federal law. Staff having responsibility for administering an agency's programs and projects likely have more awareness of their agency-specific plan than they have of the State C&D Plan's more comprehensive policies and administrative requirements.

CGS Section 16a-24 through Section 16a-27 effectively make the State C&D Plan the state's comprehensive plan for land and water resource conservation and development, including, but not limited to, policies relating to transportation, energy and air. In the years since the General Assembly's adoption of the original State C&D Plan, statutes have been amended to require that subsequent revisions also consider economic and community development needs; patterns of commerce; linkages of affordable housing and land use objectives with the transportation system; risks associated with natural hazards, including, but not limited to, flooding, high winds and wildfires; the protection and preservation of Connecticut Heritage Areas; the state water supply and resource policies; risks associated with as anticipated with sea level change; and the need for technology infrastructure.

OPM believes there may be opportunities to streamline the overall planning process in order to reduce the burden on agencies to prepare certain plans and to promote a more comprehensive and coordinated approach to statewide planning and implementation.

Apparent Aversion to Priority Funding Area Exceptions

An additional complicating factor is that the Priority Funding Area mapping is sometimes misconstrued as indicating consistency with the State C&D Plan. This appears to lead to uneven implementation by state agencies. OPM notes that there have been only two requests for exceptions to allow growth-oriented projects to proceed outside of Priority Funding Areas. This might suggest that agencies are using the map to screen potential projects, despite the Continuing Committee's letter on the subject (Attachment B). An alternative explanation might be that the Priority Funding Area boundaries have been drawn too broadly.

Given recent staff turnover in many agencies, primarily due to retirements, OPM intends to initiate a new round of training for agencies on State C&D Plan implementation, once the outcome of Senate Bill No. 6 is known.

In summary, the overall complexity of the State C&D Plan implementation process leads OPM to suggest that its staff and members of the Continuing Committee might want to jointly discuss ways to simplify the implementation process going forward, so that state agencies can implement the Plan in a more uniform and meaningful manner.

Attachment A

State C&D Plan Implementation Requirements

Part 1: Determination of Consistency with the State C&D Plan Policies

CGS Section 16a-31 requires the following:

(a) The following actions when undertaken by any state agency, with state or federal funds, shall be consistent with the plan:

- The acquisition of real property when the acquisition costs are in excess of two hundred thousand dollars;
- The development or improvement of real property when the development costs are in excess of two hundred thousand dollars;
- The acquisition of public transportation equipment or facilities when the acquisition costs are in excess of two hundred thousand dollars; and
- The authorization of each state grant, any application for which is not pending on July 1, 1991, for an amount in excess of two hundred thousand dollars, for the acquisition or development or improvement of real property or for the acquisition of public transportation equipment or facilities.

(b) A state agency shall request, and the secretary shall provide, an advisory statement commenting on the extent to which any of the actions specified in subsection (a) of this section conforms to the plan and any agency may request and the secretary shall provide such other advisory reports as the state agency deems advisable.

(c) The secretary shall submit and the State Bond Commission shall consider prior to the allocation of any bond funds for any of the actions specified in subsection (a) an advisory statement commenting on the extent to which such action is in conformity with the plan of conservation and development.

(d) Notwithstanding subsection (b) of this section, The University of Connecticut shall request, and the secretary shall provide, an advisory statement commenting on the extent the projects included in the third phase of UConn 2000, as defined in subdivision (25) of section 10a-109c, conform to the plan and the university may request and the secretary shall provide such other advisory reports as the university deems advisable. Notwithstanding subsection (c) of this section, the secretary shall submit and the State Bond Commission shall consider prior to the approval of the master resolution or indenture for securities for the third phase of UConn 2000, pursuant to subsection (c) of section 10a-109g, the advisory statement prepared under this subsection.

(e) Whenever a state agency is required by state or federal law to prepare a plan, it shall consider the state plan of conservation and development in the preparation of such plan. A draft of such plan shall be submitted to the secretary who shall provide for the preparer of the plan an advisory report commenting on the extent to which the proposed plan conforms to the state plan of conservation and development.

Part 2: Compliance with the Priority Funding Area Statutes

CGS Section 16a-35d requires the following:

(a) On and after the approval of the General Assembly of the boundaries of priority funding areas under section 16a-35c, no state agency, department or institution shall provide funding for a growth-related project unless such project is located in a priority funding area.

(b) Notwithstanding the provisions of subsection (a) of this section, the head of a state department, agency or institution, with the approval of the Secretary of the Office of Policy and Management, may provide funding for a growth-related project that is not located in a priority funding area upon determination that such project is consistent with the plan of conservation and development, adopted under section 8-23, of the municipality in which such project is located and that such project (1) enhances other activities targeted by state agencies, departments and institutions to a municipality within the priority funding area, (2) is located in a distressed municipality, as defined in section 32-9, targeted investment community, as defined in section 32-222, or public investment community, as defined in section 7-545, (3) supports existing neighborhoods or communities, (4) promotes the use of mass transit, (5) provides for compact, transit accessible, pedestrian-oriented mixed use development patterns and land reuse and promotes such development patterns and land reuse, (6) creates an extreme inequity, hardship or disadvantage that clearly outweighs the benefits of locating the project in a priority funding area if such project were not funded, (7) has no reasonable alternative for the project in a priority funding area in another location, (8) must be located away from other developments due to its operation or physical characteristics, or (9) is for the reuse or redevelopment of an existing site.

(c) Not more than one year after the designation of priority funding areas, and annually thereafter, each department, agency or institution shall prepare a report that describes grants made under subsection (b) of this section and the reasons therefor.

Other relevant Priority Funding Area sections include:

Sec. 16a-35c. Priority funding areas. Definitions. Delineation of boundaries. Review and approval.

(a) As used in this section and sections 16a-35d to 16a-35g, inclusive:

(1) "Funding" includes any form of assurance, guarantee, grant payment, credit, tax credit or other assistance, including a loan, loan guarantee, or reduction in the principal obligation of or rate of interest payable on a loan or a portion of a loan;

(2) "Growth-related project" means any project that includes (A) the acquisition of real property when the acquisition costs are in excess of two hundred thousand dollars, except the acquisition of open space for the purposes of conservation or preservation; (B) the development or improvement of real property when the development costs are in excess of two hundred thousand dollars; (C) the acquisition of public transportation equipment or facilities when the acquisition costs are in excess of two hundred thousand dollars; or (D) the authorization of each state grant, any application for which is not pending on July 1, 2006, for an amount in excess of two hundred thousand dollars, for the acquisition or development or improvement of real property or for the acquisition of public transportation equipment or facilities, except the following: (i) Projects for maintenance, repair or renovations to existing facilities, acquisition of land for telecommunications towers whose primary purpose is public safety, parks, conservation and open space, and acquisition of agricultural,

conservation and historic easements; (ii) funding by the Department of Housing for any project financed with federal funds used to purchase or rehabilitate existing single or multifamily housing or projects financed with the proceeds of revenue bonds if the Commissioner of Housing determines that application of this section and sections 16a-35d and 16a-35e (I) conflicts with any provision of federal or state law applicable to the issuance or tax-exempt status of the bonds or any provision of any trust agreement between the Department of Housing and any trustee, or (II) would otherwise prohibit financing of an existing project or financing provided to cure or prevent any default under existing financing; (iii) projects that the Commissioner of Housing determines promote fair housing choice and racial and economic integration as described in section 8-37cc; (iv) projects at an existing facility needed to comply with state environmental or health laws or regulations adopted thereunder; (v) school construction projects funded by the Department of Education under chapter 173; (vi) libraries; (vii) municipally owned property or public buildings used for government purposes; and (viii) any other project, funding or other state assistance not included under subparagraphs (A) to (D), inclusive, of this subdivision;

Sec. 16a-35e. Cooperative effort to sustain village character in rural areas. On and after the approval of the General Assembly of the boundaries of priority funding areas pursuant to section 16a-35c, each state agency, department or institution shall cooperate with municipalities to ensure that programs and activities in rural areas sustain village character.

Sec. 16a-35f. Review of regulations to coordinate management of growth-related projects in priority funding areas. On and after the approval of the General Assembly of the boundaries of priority funding areas under section 16a-35c, each state agency and department shall review regulations adopted in accordance with the provisions of chapter 54 and modify such regulations to carry out the purpose of coordinated management of growth-related projects in priority funding areas.

Attachment B

Continuing Committee's Endorsement of the 2013-2018 State C&D Plan

Endorsement Letter from Continuing Committee
May 22, 2013

On April 8, 2013, the Continuing Legislative Committee on State Planning and Development voted, in accordance with section 16a-30 of the general statutes, to submit the draft State Plan of Conservation and Development Policies Plan Update: 2013-2018 to the General Assembly with its recommendation of approval. This vote was the culmination of a revision process that began with the passage of Public Act 10-138, which required the Office of Policy and Management to develop the update to the State Plan of Conservation and Development through a bottom-up process known as cross-acceptance. Over the past two years, OPM has conducted an unprecedented level of outreach to, and received input from, municipalities, regional planning organizations, affected state agencies, various advocacy groups and the public as it developed this important revision to our state's comprehensive plan.

The Continuing Committee recognizes that many have expressed concern over the way in which the State Plan of Conservation and Development has been implemented in the past, particularly with regard to the manner in which some state agencies have relied upon the Locational Guide Map to determine a proposed project's consistency with the State Plan for the purpose of obtaining state or federal funding. The Continuing Committee makes its present endorsement under the belief that the revisions to the State Plan will not only improve, but prevent such problematic practices going forward.

First, upon adoption of the State Plan, the new priority funding area requirements associated with chapter 297a of the general statutes effectively ensure that no state agency will use the Locational Guide Map, by itself, to determine the consistency of a proposed state action with the State Plan. To the contrary, state-sponsored actions that are not considered growth-related projects under section 16a-35c of the general statutes will be exempt from the Locational Guide Map review. Under the revision to the State Plan, the Locational Guide Map will simply be used to determine whether a growth-related project is located within a priority funding area.

Second, if a growth-related project is not located within a priority funding area, section 16a-35d of the general statutes prescribes an exception process that is weighted toward determining the project's consistency with a municipal plan of conservation and development. This exception process provides a mechanism by which state agencies may consider funding projects that have been deemed to be consistent with the text of the State Plan and are locally supported, even though such projects may not be located within a priority funding area. For this reason, it is critical that municipal plans of conservation and development be as robust as possible and reflect coordinated local infrastructure, community development, and conservation plans.

Finally, as part of its endorsement of the revised State Plan, the Continuing Committee has requested that the Office of Policy and Management work in conjunction with the Department of Energy and Environmental Protection to facilitate the implementation of the revised State Plan at the local and regional levels. The Continuing Committee believes that a better understanding of the revisions to the State Plan will prevent unnecessary project delays in the future. It is also worth noting that the text of the State Plan includes a separate chapter that describes the role of the Locational Guide Map, its use and application, and the criteria for delineating the boundaries of priority funding areas.

Attachment C

Template Checklist for Agency Implementation

OPM Template for State C&D Plan, PFA & Preliminary CEPA Review

Applicant Name:

Project Name & Location:

1. CGS Sec. 4-37l and Section 1 of Public Act 09-230 requires state agencies to consider whether the proposed action promotes some or all of the following Smart Growth Principles? (Circle any that apply)
   a. Integrated planning or investment
   b. Efficiencies and coordination of services
   c. Redevelopment of existing infrastructure
   d. Transportation choices
   e. Development or preservation of housing affordable to households of varying income in locations proximate to transportation or employment centers
   f. Concentrated, mixed-use, mixed income development proximate to transit nodes and civic, employment or cultural centers
   g. Conservation and protection of natural and cultural resources and furthering energy efficiency

2. Does the proposed action require a consistency determination under CGS Sec. 16a-31(a)? (Check either "Yes" or "No")
   a. Is it in excess of $200,000? Yes ___ No ___
   b. Is it for acquisition, development or improvement of real property or for acquisition of public transportation equipment/facilities? Yes ___ No ___

   (If either a. or b. is "No", the action is exempt from State C&D Plan review. Skip to #10)

3. What is the nature or purpose of the proposed action? (Circle any that apply)
   a. Re-use or re-development of land and/or facilities
   b. New development or an expansion of facilities
   c. Land protection or conservation
   d. Addresses an immediate public health or safety concern
   e. Other _____

4. What are the characteristics of the area in which the action is proposed? (Circle any that apply)
   a. Area is already developed. Public water ___ and/or sewer ___ available (check if either/both are applicable)
   b. Conservation values are present. List any conservation factors noted on the Locational Guide Map: _____
   c. Proposed action is generally consistent with surrounding land uses, and/or is consistent with the municipal POCD.

5. Describe the extent to which the proposed action is in conformity with the State C&D Plan's Growth Management Principles and associated policies, and indicate what are the likely indirect impacts (positive and/or negative), if any, associated with this project.

6. Based on items 1-5, is the proposed action generally consistent with the State C&D Plan? Yes ___ No ___ **(If "No", do not complete the remainder of this form)**

7. Does the proposed action meet the definition of a "growth-related project" under CGS Sec. 16a-35c? Yes ___ No ___ **(If "No" skip to #10)**

8. Is the growth-related project located entirely in any one or more Priority Funding Area (PFA) on the Locational Guide Map? (Check all that apply)
   a. PFA ___
   b. Balanced PFA ___ (Attach documentation describing how any policy conflicts will be addressed)
   c. Village PFA ___ (Attach documentation describing how the project will help sustain village character)

   (If none of the above are checked, proceed to #9. Otherwise, skip to #10)

9. If the growth-related project is not entirely located in any one or more of the PFAs listed in #8, please attach documentation verifying compliance with the exception process outlined in CGS Sec. 16a-35d(b).

10. Is the proposed action likely to trigger CEPA public scoping requirements? Yes ___ No ___ **(If "Yes", complete #11)**

11. CEPA requires the sponsoring agency to assess the project's potential impact on the environment and to determine whether or not to prepare an Environmental Impact Evaluation (EIE). Since the potential cost of an EIE is an important consideration, please provide a preliminary opinion regarding the potential likelihood that an EIE will be needed?
    a. Likely _____
    b. Unlikely _____
    c. Unknown (Explain) _____

Analyst:

Date Reviewed:

Attachment D

OPM Advisory Report Prepared under CGS Sec. 16a-31(b)

STATE OF CONNECTICUT
OFFICE OF POLICY AND MANAGEMENT

July 25, 2013

Mr. Thomas Q. Callahan, Assistant Vice President
Infrastructure Planning and Strategic Project Management
University of Connecticut
3 North Hillside Road Unit 6076
Storrs, CT 06269-6076

Dear Mr. Callahan:

Thank you for your letter dated July 18, 2013 in which you request an advisory report from the Office of Policy and Management (OPM), pursuant to Section 16a-31(b) of the Connecticut General Statutes (CGS). OPM is providing this advisory report to assist the University of Connecticut in finalizing its Environmental Impact Evaluation (EIE) for Potential Sources of Water Supply and subsequent Record of Decision.

UCONN Request #1

"Please confirm that the University should analyze the Project's consistency with the state conservation and development plan as required by C.G.S. §22a-1b(c) (5) with reference to the 2013 Plan, and that the 2005 Plan need not be addressed."

OPM Response

The University should determine the Project's consistency with the 2013-2018 *Conservation and Development Policies: The Plan for Connecticut (State C&D Plan)*, which was adopted by the General Assembly on June 5, 2013. This was the sixth such revision of the *State C&D Plan*, since the original *Plan* was adopted in 1979. The statutory revision process provides an opportunity every five years for a comprehensive public review of state conservation and development policies, which can result in incremental changes to such policies when warranted by evolving science and technology or new legislative mandates.

OPM understands that the new Priority Funding Area (PFA) requirements of CGS Chapter 297a present some challenges to the University in responding to public comments on the EIE that reference the now obsolete 2005 Locational Guide Map categories. Although the Map categories have been changed to accommodate the PFA requirements, much of the underlying data that helped define Map categories in the past has been carried forward and updated as appropriate to meet the new PFA requirements.

For example, data pertaining to environmental or natural resource values is now reflected as "Conservation Area" on the Map. When a PFA overlaps a Conservation Area, it results in a "Balanced Priority Funding Area". In such instances, the sponsoring agency must consider all relevant information

and document how any potential policy conflicts will be addressed as part of its determination of consistency with the *State C&D Plan*.

Please note that the Continuing Legislative Committee on State Planning and Development provided a statement of legislative intent regarding the implementation of PFA requirements when it endorsed the 2013-2018 *State C&D Plan*. That statement is attached as the cover memo to the *Plan* and can be viewed at: www.ct.gov/opm/cdplan. In addition, page 34 of the *Plan* provides supplemental information and guidance on this topic under the section titled, "Summary of Statutory Requirements for State Agency Implementation."

UCONN Request #2

"Please advise the University whether potential induced development via connections to the pipeline leading from the supply source to the University must be restricted in those areas designated as Priority Funding Areas."

OPM Response

The CEPA process is designed to address reasonably foreseeable environmental and socio-economic impacts associated with the Project, including those impacts from induced development. Project design elements and local land use controls are among the considerations for limiting the potential impacts from induced development.

PFA boundaries were delineated based on conditions that exist at the Census Block level, and their intended use is to facilitate state agency responsibilities associated with CGS Section 16a-35d. PFAs are not an appropriate vehicle for addressing CEPA mitigation measures, as the new Map categories do not connote any land use policies. In fact, page 32 of the 2013-2018 *State C&D Plan* states, "Any limitations in the use of Census Blocks in this LGM should not be construed as influencing local land use and zoning decisions or municipal plans of conservation and development; nor should it create any expectation for future utility service where none currently exists."

Therefore, consideration of impacts from induced development should be based on local plans and zoning regulations as they currently exist. The EIE should indicate the extent to which connections to the pipeline are reasonably foreseeable, based on existing uses, local plans and regulations. If the anticipated connections result in potential impacts to the environment, then the University must consider options for avoiding, minimizing or mitigating the impacts. For example, the pipeline could be designed to limit certain sections to transmission purposes only, or a local ordinance could place restrictions on future pipeline connections. (See related issue in OPM's response to UCONN Request #1 re: Balance Priority Funding Areas.)

OPM understands that each of the preferred alternatives has unique characteristics that will affect the degree to which the University can effectively leverage project design elements and land use controls to address concerns over induced development and other potential impacts to the environment, particularly in light of the independent nature of each preferred alternative's source(s) of supply, potential area impacted, and vendor characteristics.

UCONN Request #3

"Please advise the University whether a new public comment period must be opened to receive comments regarding the consistency of the Project with the 2013 Plan."

OPM Response

As noted in OPM's response to UCONN Request #1, the *State C&D Plan* has remained in effect since it was first adopted by the General Assembly in 1979. Each statutorily-required revision since then has provided the public with ample opportunity to comment, and has typically resulted in the continuation of past state policies with accommodations for incremental revisions when warranted. Therefore, there is no requirement for the University to provide a new public comment period as a result of the General Assembly's adoption of the 2013-2018 *State C&D Plan*.

UCONN Request #4

"The University proposes to include the estimated additional water demands of the Next Generation Connecticut legislation in the preparation of the record of decision. Please advise the University whether incorporating consideration of Next Generation Connecticut in the record of decision conforms to CEPA requirements in light of the relative timing of the Next Generation Connecticut legislation."

OPM Response

OPM understands that the timing of Next Generation Connecticut (NextGenCT) legislation (PA 13-233) has resulted in additional future demands being placed on the University's water supply, beyond those estimated when the EIE was published. The University's Record of Decision (ROD) should provide revised information, to the extent possible, which highlights the additional demands for water attributable to NextGenCT (e.g., additional faculty, staff, facilities, etc.). The NextGenCT estimates should be combined with any revised estimates attributable to reasonably foreseeable service connections along the proposed pipeline routes (see OPM response to UCONN Request #2) and incorporated into the total estimated demand for the Project.

Incorporating this information in the EIE/ROD is in accordance with Section 22a-1a-7(d) of the Regulations of Connecticut State Agencies (RCSA), which states that the "EIE shall cover future component actions of a program or sequence of activities provided that there is no substantive change in the action's environmental setting, environmental impacts or alternatives which would merit a revision to the environmental impact evaluation." In order to satisfy the above requirement, the University should provide such justification in the ROD and state conclusively whether there are any such substantive changes resulting from NextGenCT.

OPM understands that the University may need to conduct further evaluation of certain component actions related to NextGenCT in the future, due to the fact that there is not sufficient information at present to adequately address its broader potential impacts beyond demand for water in this EIE.

UCONN Request #5

"Please advise the University whether a new public comment period must be opened to receive comments regarding consideration of water supply alternatives with reference to the Next Generation Connecticut legislation in the record of decision. This question specifically concerns the University of Connecticut Potential Sources of Water Supply Project only as we recognize that any future University projects (Next Generation Connecticut or otherwise) will be separately evaluated (including for adequacy of water supply) when proposed as required by CEPA and the Generic Environmental Classification Document."

OPM Response

RCSA Section 22a-1a-9(a) states, "A sponsoring agency shall review all comments submitted on an environmental impact evaluation and any other pertinent information it obtains following circulation of an environmental impact evaluation, and conduct further environmental study and analysis or amend the evaluation if it determines appropriate."

This Section goes on to state, "In all cases, the sponsoring agency shall prepare responses to the substantive issues raised in review of the environmental impact evaluation, and shall forward such responses, as well as any supplemental materials or amendments and all comments received on the evaluation to the Office of Policy and Management."

As noted above, the CEPA regulations are silent on the matter of whether a new public comment period is required for the amended EIE. Therefore, a new public comment period is not required.

With regard to the University's last statement, I would like to reiterate that OPM's response to UCONN Request #4 is based on the understanding that the Potential Sources of Water Supply EIE does, in fact, represent "an interdependent part of a sequence of planned activities", in accordance with RCSA Section 22a-1a-7(d). This Section also acknowledges that "Subsequent environmental impact evaluations shall be prepared by the sponsoring agency when such actions have environmental impacts not adequately discussed in the initial evaluation." Therefore, NextGenCT certainly must be considered part of the sequence of planned activities for purposes of estimating the cumulative demand for water in this EIE, even though there is currently not enough information available to fully address its broader potential impact on the environment. The ROD should clarify that the University intends to "further" evaluate NextGenCT projects (as opposed to "separately" evaluate) once more details are known.

OPM looks forward to receiving the University's ROD/EIE for Potential Sources of Water Supply, so that we can determine its adequacy under CGS Section 22a-1(e).

Sincerely,

Karen Buffkin
Deputy Secretary

Cc: Susan Herbst

STATE OF CONNECTICUT

OFFICE OF POLICY AND MANAGEMENT

OFFICE OF THE SECRETARY

September 8, 2015

Hon. James P. Redeker, Commissioner
Department of Transportation
2800 Berlin Turnpike
Newington, CT 06131-7546

Dear Commissioner Redeker:

Thank you for your memorandum dated March 2015, which describes the Department of Transportation's (DOT) proposed practice and procedure for: (1) ensuring consistency with the 2013-2018 *Conservation & Development Policies: The Plan for Connecticut* (State C&D Plan) under CGS Sec. 16a-31(a); and (2) identifying growth-related projects relative to the Priority Funding Area (PFA) requirements of CGS Sec. 16a-35d. Due to the large volume and diversity of projects administered by DOT staff, I can appreciate your desire to organize and streamline DOT's internal procedures to establish a uniform and effective compliance process.

Specifically, DOT "proposes a list of project categories that will always comply with the plan", and Attachment A of your memorandum further describes how DOT proposes to categorically organize the different types of agency activities, including its rationale for determining each category's consistency with the State C&D Plan. Please bear in mind that the broad scope of DOT's request is somewhat unique to OPM, since typical agency requests for advisory statements relate to either a discrete project or an agency plan prepared under state or federal law.

Nonetheless, my staff has prepared comments for your consideration, responding to each category listed in Attachment A. Staff comments, together with this letter, comprise OPM's advisory report that you requested under CGS Sec. 16a-31(b).

In addition to OPM's comments in Attachment A, I have also attached for your reference a copy of the "OPM Template for State C&D Plan, PFA & Preliminary CEPA Review" (Attachment B). OPM staff use this template whenever any of its projects trigger such a review, and the records are retained in a database. By maintaining such a database, any agency can have a quick, centralized reference for meeting its annual reporting requirement under CGS Sec. 16a-35d(c). I recognize that this template might not be entirely practical for DOT's purposes, due to the fact that OPM administers far fewer projects than DOT; however, I believe it will provide your staff with additional perspective as it moves forward with this effort.

The statutory requirement for State C&D Plan consistency is meant to ensure that agencies are pursuing coordinated objectives and outcomes, and the six growth-management principles (GMPs) and associated policies provide the basis for an agency to document ***why*** it is undertaking a particular project with public funding. This, in turn, can help better inform other state agencies and the public of a proposed project's

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intended outcome whenever the Connecticut Environmental Policy Act (CEPA) requirements are triggered. CEPA statutes (CGS Sec. 22a-1 through Sec. 22a-1h) provide a public process for a more detailed assessment of ***how*** the sponsor agency will avoid, minimize or mitigate potential impacts on the environment by considering a range of reasonable alternatives prior to implementing a project.

The State C&D Plan and CEPA requirements are important because the Governor's *Let's Go CT* initiative is designed to not only revitalize the state's aging transportation infrastructure, but also to help meet the future transportation needs of our state's residents, businesses and visitors. I urge DOT to take particular care in ensuring that its project planning and design efforts are based on realistic economic and demographic projections for Connecticut's planning regions, and not on national averages. By designing and scaling projects accordingly, the state can enhance the overall utility of the system without creating a larger cost burden than necessary on taxpayers for future debt service, as well as for maintenance, repairs, and operations over the lifecycle of the system.

Certainly, much of the recent emphasis on transit-oriented development (TOD) requires effective municipal and regional land use planning. However, state agencies, working through the Inter-agency TOD Workgroup, must also continue to take a coordinated and strategic approach toward supporting such local efforts when state resources are used to help leverage private investments in housing, jobs and commercial retail projects within close proximity to transit stations and municipal centers. Furthermore, Connecticut's responsible growth planning efforts also require a coordinated and complementary approach to state investments outside of TOD areas, particularly for rural community preservation priorities and growing the state's agricultural industry.

In summary, I believe that a categorical approach to State C&D Plan consistency can be effectively implemented by your staff. OPM recognizes that DOT and other affected agencies require sufficient latitude in developing internal procedures and controls that address their own unique circumstances. However, it is ultimately up to each sponsoring agency to satisfy the requirements of CGS Sec. 16a-31(a) and Sec. 16a-35d in the manner it deems appropriate.

Please feel free to contact Eric Lindquist at (860) 418-6395 or eric.k.lindquist@ct.gov, if you or your staff have any questions.

Sincerely,

Benjamin Barnes
Secretary

Attachments

Cc: Hugh Hayward, DOT
Garrett Eucalitto, OPM
Dan Morley, OPM

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Attachment A

State Conservation and Development Plan
Definitions Relating to the Department of Transportation
OPM comments beneath each section in blue

The following is the Department of Transportation's (Department's) interpretation of the applicability of the State Conservation and Development Plan (Plan) to the Department's broad range of activities. It is intended for use in determining the Department's consistency with the plan.

Sec. 16a-31(a), item (2) refers to "The development or improvement of real property". The Department is responsible for maintaining many roads which are located within Right of Way owned by the State either in fee or by easement. For the purpose of this plan, improvements to these roads, or construction of new roads on property acquired, are considered to be improvements of this real property. Improvements to roads can fall into many categories which are further described below.

Sec. 16a-35c, item (2), sub item (D), sub-sub item (i) refers to "Projects for maintenance, repair or renovations to existing facilities". For the purpose of this plan, "facilities" are considered to include highways, bridges, buildings, rail lines, sidewalks, multi-use trails, and public transportation pathways such as a busway.

Comment: OPM recommends that DOT add language that further defines “renovations” and “maintenance and repair”. OPM views maintenance and repairs as routine activities intended to keep a facility in good working order, whereas renovations are viewed as actual improvements to real property through upgrading a facility’s features to a condition superior to that which previously existed.

“Renovations” may include, but are not limited to, any of the following types of actions that do not increase capacity: 1) Restoring a component of the transportation system to a “like new” condition; 2) Preserving historic architectural features associated with the transportation system; 3) Replacing any component of the transportation system infrastructure or public transportation equipment after it has reached the end of its useful life; 4) Extending the useful life of a component of the transportation system via a major capital investment; and 5) Redesigning any existing component of the transportation system that is not adequately serving the demonstrated needs of the public.

The Department conducts a very large and varied array of activities. For the purpose of this plan, the following is intended to be a broad categorization of these activities in order to be able to efficiently discuss consistency with the plan. This encompasses activities performed by all Bureaus within the Department. Following the description of each category, a discussion follows regarding the consistency with the plan.

Maintenance:

This is a very broad category of activities and includes repairs, renovations, and purchases. Repairs can consist of repairs to items such as culverts and associated end walls, catch basins, safety features such as

guiderail and attenuation systems, retaining walls, signs and pavement deficiencies. Generally, repairs return the item to the condition that previously existed. Renovations include upgrading features to a condition superior to that which previously existed, such as replacing an outdated cable guiderail system with a more modem and safer metal beam rail system, or repaving a road with a wider shoulder area at an intersection to allow for the bypassing of stopped left-turning vehicles, for safety and/or congestion relief purposes. The work described above may be performed by Departmental staff or through a Vendor In Place (VIP) contract. Purchases generally include the acquisition of equipment or materials needed to accomplish the overall mission of maintaining transportation facilities. This could include purchasing snow plowing equipment, trucks, mowers, tree cutting equipment, or other specialized equipment. It can also consist of purchasing a wide variety of materials such as road salt or de-icing materials, signs, guiderail parts, pavement, pavement marking materials, and concrete.

The Department's interpretation is that this category of activities is consistent with the Plan through Growth Management Principle (GMP) # 1 (Redevelop and Revitalize Regional Centers and Areas with Existing or Currently Planned Physical Infrastructure), specifically the State policy "Ensure the safety and integrity of existing infrastructure over its useful life through the timely budgeting for maintenance, repairs and necessary upgrades", and constitutes an exception to the definition of a Growth Related Project (GRP) as defined in Sec. 16a-35c, Item (2), Subsection (D), Sub-Subsection (i) "Projects for maintenance, repair or renovations to existing facilities".

Comment: The examples cited by DOT for routine maintenance, repairs, and purchases of equipment and materials needed to keep its transportation facilities in a good state of operation over their expected life span are generally exempt from the consistency requirements of CGS Sec. 16a-31(a). Therefore, OPM recommends that DOT delete the Maintenance category in its entirety and move its examples for renovation projects to another category, since renovations may constitute an improvement to real property under Sec. 16a-31(a) and necessitate a determination of consistency with the State C&D Plan. OPM concurs with DOT that “renovations to existing facilities” are not considered growth-related projects, so they are not subject to the Priority Funding Area requirements of CGS Sec. 16a-35d.

Highway Maintenance Projects:

Maintenance related work that is deemed to be beyond the available manpower or capabilities of Department Maintenance staff is performed using designed plans and specifications and the low bidder selection process. This work can include repaving roads or multi-use trails, replacing pavement markings and signing, replacing or upgrading guiderail, renovations to drainage systems or any of the work described in the Maintenance section above.

The Department's interpretation is that this category of activities is consistent with the Plan through GMP # 1 (Redevelop and Revitalize Regional Centers and Areas with Existing or Currently Planned Physical Infrastructure), specifically the State policy "Ensure the safety and integrity of existing infrastructure over its useful life through the timely budgeting for maintenance, repairs and necessary upgrades", and constitutes an exception to the definition of a Growth Related Project (GRP) as defined in Sec. 16a-35c, Item (2), Subsection (D), Sub-Subsection (i) "Projects for maintenance, repair or renovations to existing facilities".

Comment: The examples cited by DOT in this category overlap to some degree with the Maintenance category, so repaving and replacing signs, pavement markings or guiderail (in-kind) are also exempt from the consistency requirements of CGS Sec. 16a-31(a). Therefore, OPM recommends that DOT delete the Highway Maintenance Projects category in its entirety and move its examples for renovation projects to another category, since renovations may constitute an improvement to real property under Sec. 16a-31(a) and necessitate a determination of consistency with the State C&D Plan.

Highway and Bridge Projects:

Projects in this category are generally designed and advertised for construction by private contractors. These projects include a wide range of activities with a variety of purposes. Accordingly, this group has been broken down further as described below:

Bridge Repair and Renovations:

Similar to the Maintenance activities described above, these projects include repairs and renovations to bridges and culverts which carry roads, rail lines or busways over watercourses, open areas, or other roads or rail lines. In some cases, the overall width of the structure may be increased to provide additional lane or shoulder width to comply with accepted design standards, but such alterations are not done to provide additional capacity. These projects are intended to maintain or restore the structural and/or functional capacity of these structures and thereby ensure the safety of the travelling public.

The Department's interpretation is that this category of activities is consistent with the Plan through GMP # 1 (Redevelop and Revitalize Regional Centers and Areas with Existing or Currently Planned Physical Infrastructure), specifically the State policy "Ensure the safety and integrity of existing infrastructure over its useful life through the timely budgeting for maintenance, repairs and necessary upgrades'', and constitutes an exception to the definition of a GRP as defined in Sec. 16a-35c, Item (2), Subsection (D), Sub-Subsection (i) "Projects for maintenance, repair or renovations to existing facilities".

Comment: Similar to the previous two categories, bridge and culvert maintenance and repairs are exempt from compliance with the State C&D Plan because such actions do not meet the criteria of Sec. 16a-31(a). However, bridge “renovations”, as previously defined, would be subject to a determination of consistency with the State C&D Plan because they are considered improvements to real property.

Although projects in this category are not designed to provide additional capacity, OPM recommends that DOT document its rationale for increasing lane or shoulder width as part of its consistency determination, even when such widening is in accordance with accepted design standards. Please note that CGS Sec. 16a-35e states that agencies “shall cooperate with municipalities to ensure that programs and activities in rural areas sustain village character.” (See additional suggestions in OPM’s summary comments at the end of this document.)

Traffic Projects:

This category includes projects to install or replace typical traffic control items such as traffic signals, signs, and pavement markings. Replacement of these features is done as a typical maintenance activity to keep these items in good working condition and provide the visibility and safety required by Federal guidelines. The installation of new signals is based on a review of existing traffic volumes and crash history and as such, the purpose of such work is to either address a safety issue, which could involve motorized and/or non-motorized users, or to relieve a congestion issue, typically involving congestion on a side street approach to a State road. It is important to note that when a significant development is proposed on, or affecting, a State road, that development is required to undergo a traffic review by the Office of State Traffic Administration. Any traffic related improvements required as a result of that review, such as the installation of a traffic signal or widening to provide a turning lane, would be the responsibility of the developer and no State or Federal funds would be involved in those improvements. Therefore, the typical State traffic projects are not intended to foster growth but rather to address existing safety and/or congestion issues.

The Department's interpretation is that this category of activities is consistent with the Plan through GMP # 1 (Redevelop and Revitalize Regional Centers and Areas with Existing or Currently Planned Physical Infrastructure), specifically the State policy "Ensure the safety and integrity of existing infrastructure over its useful life through the timely budgeting for maintenance, repairs and necessary upgrades", and constitutes an exception to the definition of a GRP as defined in Sec. 16a-3Sc, Item (2),
Subsection (D), Sub-Subsection (i) "Projects for maintenance, repair or renovations to existing facilities".

Comment: The installation or replacement of traffic signals, signs and pavement markings are exempt from compliance with the State C&D Plan because such actions do not meet the criteria of Sec. 16a-31(a). Therefore, OPM recommends that DOT delete the Traffic Projects category in its entirety. OPM also recommends that DOT strongly encourage municipalities to work with their respective Councils of Governments on developing and maintaining access management plans for preserving the capacity of critical arterial highway corridors in each region, so as to ensure that public safety and congestion issues associated with local land use decisions are coordinated to the extent possible (GMP #6).

Highway Safety Projects:

Projects in this category can include various types of improvements such as providing turning lanes at intersections possibly with the installation of a new traffic signal, installation of roundabouts, improving the horizontal or vertical curvature of a road, upgrading roadside safety features such as guiderail, removal of fixed objects, such as trees or rock outcrops, which are too close to the road, installation or upgrading or illumination, improvements to sight lines, and extension of acceleration or deceleration lanes on expressways. In some cases (such as the addition of turning lanes at intersections) these improvements may also result in a reduction of congestion, which may be intentional to address certain types of crashes, or simply an additional benefit of the safety improvement. However, all these projects are primarily intended to address safety of an existing roadway facility.

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The Department's interpretation is that this category of activities is consistent with the Plan through GMP # 1 (Redevelop and Revitalize Regional Centers and Areas with Existing or Currently Planned Physical Infrastructure), specifically the State policy "Ensure the safety and integrity of existing infrastructure over its useful life through the timely budgeting for maintenance, repairs and necessary upgrades", and constitutes an exception to the definition of a GRP as defined in Sec. 16a-35c, Item (2), Subsection (D), Sub-Subsection (i) "Projects for maintenance, repair or renovations to existing facilities".

Comment: OPM recommends a further refinement of this category or combination with other related categories, in order to capture a broader focus on public safety that considers all modes of travel. See OPM suggestions in its summary comments at the end of this document.

Congestion Mitigation Projects:

Congestion mitigation projects differ from capacity improvement projects in a subtle yet important way in respect to compliance with the plan. Congestion Mitigation is a term that refers to reducing delays at isolated or limited locations. There is no intent to increase the volume of traffic using the facility. Instead, these projects are intended as a renovation of the facility to handle the existing traffic volumes plus normal growth (typically in the range of 1-2% per year). In contrast, a Capacity Improvement project is planned with the intent to allow substantially more traffic to use the facility, possibly to facilitate planned significant growth in an area. Capacity Improvement projects are further described below. Congestion Mitigation projects typically involve some combination of intersection improvements such as construction of turning or auxiliary lanes, installation or revision of traffic signals, construction of a roundabout, or widening a road between two points of congestion such as two intersections or interchanges (without widening the roads feeding into the area). The goal of a congestion mitigation project is to reduce delays at "bottlenecks" which results in environmental benefits due to reduced fuel consumption and pollution output.

The Department's interpretation is that this category of activities is consistent with the Plan through GMP # 1 (Redevelop and Revitalize Regional Centers and Areas with Existing or Currently Planned Physical Infrastructure), specifically the State policy "Ensure the safety and integrity of existing infrastructure over its useful life through the timely budgeting for maintenance, repairs and necessary upgrades", and GMP #5 (Protect and Ensure the Integrity of Environmental Assets Critical to Public Health and Safety), specifically the State policies "Attain National Ambient Air Quality Standards in accordance with Connecticut's State Implementation Plan, with emphasis on cost-effective strategies and effective enforcement of regulated sources", "Reduce carbon dioxide emissions in this state consistent with the recommendations of the Connecticut Climate Change Preparedness Plan", and "Emphasize pollution prevention, the efficient use of energy, and recycling of material resources as the primary means of maintaining a clean and healthful environment". Furthermore, it is the Department's interpretation that this category of projects constitutes an exception to the definition of a GRP as defined in Sec. 16a-35c, Item (2), Subsection (D), Sub-Subsection (i) "Projects for maintenance, repair or renovations to existing facilities".

Comment: Although the stated goal of this category is to reduce delays at bottlenecks, thereby improving air quality, OPM questions whether it is appropriate for DOT to continue projecting a 1-2% annual growth rate into its congestion mitigation project designs. Recent FHWA forecasts for VMTs

nationally show a declining growth rate, which should be viewed in context for Connecticut where population and economic growth lag the national averages. Furthermore, demographic trends point toward reduced car ownership and increased public transportation ridership.

Given the overlap of some of the elements cited in this category with those cited in other categories, OPM has provided an alternative approach for DOT's consideration in the summary comments at the end of this document, with the intention of reducing redundancies and further streamlining the number of project categories.

Capacity Improvement Projects:

As briefly described in the Congestion Mitigation Projects section above, the purpose of a Capacity Improvement Project is to increase the ability of a facility to handle additional volume, above and beyond that which currently exists and can be expected to occur through normal growth. In other cases, this would involve the construction of a new highway or the extension of an existing highway which would provide additional capacity compared to an existing road (i.e. construction of a bypass road). Projects such as these are usually undertaken at the request of municipalities or regions that may be looking to increase development in the area.

The Department's interpretation is that this category of activities is consistent with the Plan through GMP # 1 (Redevelop and Revitalize Regional Centers and Areas with Existing or Currently Planned Physical Infrastructure), specifically the State policy "Ensure the safety and integrity of existing infrastructure over its useful life through the timely budgeting for maintenance, repairs and necessary upgrades". Although projects such as widening an entire expressway corridor could be considered a renovation of an existing facility and thereby considered an exception to a GRP, the Department's interpretation is that this category of activities falls under the intended definition of a GRP. Such projects would need to follow the process of determining whether they are located in a Priority Funding Area, and if not, whether it is consistent with the plan of conservation and development of the municipality in which it is located and whether it meets any of the exceptions listed in Sec. 16a-35d. Projects which are granted an exception will be reported on an annual basis.

Comment: OPM recommends that Capacity Improvement Projects should always be subject to individual reviews of consistency with the State C&D Plan because the purpose, need and scope will typically vary from project to project. Documenting a proposed project's consistency with the State C&D Plan at this early stage can also subsequently serve to satisfy the separate, yet related, requirement under Connecticut Environmental Policy Act (CEPA) regulations (RCSA Sec. 22a-1a-3(a)(8)). A clear statement of the sponsoring agency's proposed action and intended outcome is key not only for determining consistency with the State C&D Plan, but also for providing the necessary context to inform the CEPA public scoping process.

Non-Motorized User Accommodations:

This category of projects includes construction, renovation or additions to existing or proposed features utilized by non-motorized users, primarily bicyclists and pedestrians but also sometimes including equestrians. The features included in this category can include sidewalks and multi-use trails, either paved or unpaved, and associated items such as fencing and signing.

The Department's interpretation is that this category of activities is consistent with the Plan through GMP #3 (Concentrate Development Around Transportation Nodes and Along Major Transportation Corridors to Support the Viability of Transportation Options), specifically the State policy "Encourage a network of pedestrian and bicycle paths and greenways that provide convenient inter- and intra-town access, including access to the regional public transportation network" and GMP #5 (Protect and Ensure the Integrity of Environmental Assets Critical to Public Health and Safety), specifically the State policy "Promote transportation alternatives to the automobile, such as bicycling, walking, and public transportation as a means to reducing energy consumption, air pollution, and obesity-related health care costs". Furthermore, it is the Department's interpretation that repairs or renovations to existing facilities in this category of projects constitutes an exception to the definition of a GRP as defined in Sec. 16a-35c, Item (2), Subsection (D), Sub-Subsection (i) "Projects for maintenance, repair or renovations to existing facilities". However, additions or construction of new facilities in this category falls under the intended definition of a GRP. Such projects would need to follow the process of determining whether they are located in a Priority Funding Area, and if not, whether it is consistent with the plan of conservation and development of the municipality in which it is located and whether it meets any of the exceptions listed in Sec. 16a-35d. Projects which are granted an exception will be reported on an annual basis.

Comment: As with some of the previous categories, OPM believes that some of the examples cited by DOT for Non-Motorized User Accommodations are exempt from the requirements of CGS Sec. 16a-31(a). OPM has provided more detailed suggestions for your consideration in its summary comments at the end of this document to help determine which types of actions can be considered to always be consistent with the State C&D Plan and which ones might require individual reviews.

Buildings:

Transportation facilities such as highways and public transit require buildings for support and to access the facility. Examples of support buildings include construction of highway maintenance buildings to store equipment and materials as well as providing work stations for personnel. Public transit facilities could include rail stations and associated parking garages or lots, bus stations, and water ports.

The Department's interpretation is that this category of activities is consistent with the Plan through GMP # 1 (Redevelop and Revitalize Regional Centers and Areas with Existing or Currently Planned Physical Infrastructure), specifically the State policy "Ensure the safety and integrity of existing infrastructure over its useful life through the timely budgeting for maintenance, repairs and necessary upgrades" and GMP #3 (Concentrate Development Around Transportation Nodes and Along Major Transportation Corridors to Support the Viability of Transportation Options), specifically the State policy "Improve transit service

and linkages to attract more customers through better integration of all transportation options and advances in technology, while providing convenience, reliability, safety and competitive modal choices". Furthermore, it is the Department's interpretation that repairs or renovations to existing facilities in this category of projects constitutes an exception to the definition of a GRP as defined in Sec. 16a-35c, Item (2), Subsection (D), Sub-Subsection (i) "Projects for maintenance, repair or renovations to existing facilities". However, additions or construction of new facilities in this category falls under the intended definition of a GRP. Such projects would need to follow the process of determining whether they are located in a Priority Funding Area, and if not, whether it is consistent with the plan of conservation and development of the municipality in which it is located and whether it meets any of the exceptions listed in Sec. 16a-35d. Projects which are granted an exception will be reported on an annual basis.

Comment: OPM recommends that construction of new buildings and renovations to existing buildings should always be subject to individual determinations of consistency with the State C&D Plan because the purpose, need and scope will typically vary from project to project. However, projects that do not constitute improvements to real property, such as repairs and maintenance to existing buildings, are exempt from the statutory review of consistency. Documenting a proposed project's consistency with the State C&D Plan at this early stage can also subsequently serve to satisfy the separate, yet related, requirement under Connecticut Environmental Policy Act (CEPA) regulations (RCSA Sec. 22a-1a-3(a)(8)), except in those instances where a project is specifically exempt from the CEPA scoping under Category IV of DOT's Environmental Classification Document.

Public Transit Projects:

The Bureau of Public Transportation is responsible the purchase of public transportation equipment such as buses and rail cars as well as for projects to maintain and improve public transit facilities such as rail lines and busways. The purchase of equipment is typically to replace outdated equipment but could also be to expand an existing service. For the purposes of this topic, public transit projects have been divided into "maintenance, repair, and renovations" and "new facilities". Maintenance, repair, and renovations include general work to keep the facility in good working order to service existing demand and expected growth. This could include repairs to rail line tracks or power systems, construction of rail sidings and switches, and repairs to pavement for busways. New facilities projects would consist of construction of rail lines or busways providing service that does not currently exist.

The Department's interpretation is that this category of activities is consistent with the Plan through GMP #3 (Concentrate Development Around Transportation Nodes and Along Major Transportation Corridors to Support the Viability of Transportation Options), specifically the State policy "Improve transit service and linkages to attract more customers through better integration of all transportation options and advances in technology, while providing convenience, reliability, safety and competitive modal choices". The Department's interpretation is that the purchase of public transportation equipment to replace existing equipment and public transit projects which are considered maintenance, repair or renovations fall under the exception to GRPs as defined in Sec. 16a-35c, Item (2), Subsection (D), Sub-Subsection (i) "Projects for maintenance, repair or renovations to existing facilities". The purchase of equipment for the purpose of expanding an existing service or to create a new service and projects to construct new facilities would fall under the intended definition of a GRP. These purchases and projects would need to

follow the process of determining whether they are located in a Priority Funding Area, and if not, whether they are consistent with the plan of conservation and development of the municipality in which they are located and whether they meet any of the exceptions listed in Sec. 16a-35d. Projects which are granted an exception will be reported on an annual basis.

Comment: OPM recommends that Public Transit Projects involving "new facilities" should always be subject to individual determinations of consistency with the State C&D Plan, while projects involving either "maintenance" or "repairs" are exempt from State C&D Plan consistency requirements. Furthermore, OPM previously recommended that DOT include a universal definition for "renovations", which is intended to link its use in CGS Sec. 16a-35c(a) with the terminology used in CGS Sec. 16a-31(a) (i.e., improvements to real property) and the term "upgrades" used in GMP 1.

OPM's summary comments at the end of this document provide a suggested format for streamlining the number of categories, and for identifying whether a specific action requires its own separate review of consistency with the State C&D Plan or whether it can be lumped together with other similar actions that are always considered to be consistent.

OPM Summary Comments:

As noted in several categories throughout this advisory report, OPM considers maintenance and repair activities, as well as the acquisition of certain equipment or materials needed to maintain transportation facilities, to be exempt from the consistency requirements of CGS Sec. 16a-31(a). This broad exemption should reduce the number of project categories proposed by DOT; however, it might also warrant further consideration by DOT on how best to categorize the remaining non-exempt projects and activities.

One possible approach DOT might want to consider for streamlining its projects and activities into fewer categories is to focus on the nature and purpose of individual projects (similar to what OPM considers in item 3 of Attachment B). Batching DOT projects and activities among fewer categories might make it easier for DOT staff to know which category relates most closely to the proposed action, thereby reducing the likelihood of inconsistent judgment among staff. OPM recognizes that safety features are designed into all types of transportation system renovation and expansion projects, and that DOT might want to consider batching its projects for State C&D Plan consistency purposes in a more streamlined manner, as described below:

A. Renovation Projects (Safety)

OPM recognizes that one of the policies of GMP #1 is to "ensure the safety and integrity of existing infrastructure over its useful life through the timely budgeting for maintenance, repairs and necessary upgrades." Since maintenance and repair activities are exempt from the requirements of CGS Sec. 16a-31(a), DOT should focus on identifying the types of projects/activities that constitute "necessary upgrades" to ensure the safety and integrity of transportation systems and related facilities (including ADA compliance). (See proposed definition of "renovations" in OPM's earlier comments that ties in "upgrades" and "improvements to real property".)

Renovations that entail the acquisition, development or improvement of real property in excess of $200,000 should be considered to always be consistent with the State C&D Plan, whenever a project is undertaken and designed for the ***primary purpose*** of enhancing public safety. (When public safety is ***not the primary purpose*** for a renovation project, see category B below.)

Renovations to facilities also constitutes an exception to the definition of a "growth-related project" (GRP) under CGS Sec. 16a-35c, so DOT does not need to consider the project's location relative to the mapped "priority funding area" criteria when it provides funding for such projects.

B. Renovation Projects (Other than Safety)

OPM recognizes that renovation projects can entail varying degrees of improvement to real property, depending on the purpose and need of the particular project. This can include factors, such as congestion mitigation or operational improvements, which are typically considered to be the primary purpose(s) for funding the project. While safety may be an added consideration in the design of such projects, caution should be taken to ensure that safety is viewed in a holistic context, so as to reduce the likelihood that improving the safety of one mode does not inadvertently impact the safety of users of other modes.

1) Renovations in excess of $200,000 that entail the development or improvement of real property, or the acquisition of public transportation equipment or facilities should be considered to **always be consistent with the State C&D Plan** whenever a project is undertaken and designed for the primary purpose of restoring, preserving, replacing, or extending the useful life of any component of the transportation system and does not increase the physical footprint or capacity of such system or facility.

   Renovations for this purpose constitute an exception to the definition of a "growth-related project" (GRP) under CGS Sec. 16a-35c, so DOT does not need to consider the project's location relative to the mapped "priority funding area" criteria when it provides funding for such projects.

2) Renovations in excess of $200,000 that entail the acquisition, development or improvement of real property, which increase the footprint of the transportation system or related facility without a corresponding expansion in capacity, should be considered to **always require an individual review for consistency with the State C&D Plan**. (See OPM's earlier comments under Bridge Repair and Renovations for additional context.)

   Renovations for this purpose also constitute an exception to the definition of a "growth-related project" (GRP) under CGS Sec. 16a-35c, so DOT does not need to consider the project's location relative to the mapped "priority funding area" criteria when it provides funding for such projects.

C. Expansion Projects

Expansion Projects, by their nature, are subject to the requirements of CGS Sec. 16a-31(a) and Sec. 16a-35d. However, OPM recognizes that the policies of the State C&D Plan might warrant unique approaches for the different modes of Expansion Projects, such as for new sidewalks, multi-use trail

connections, highway lane additions, or the expansion of public transit service. Therefore, OPM recommends that DOT consider approaching Expansion Projects in the following manner:

1. Any project in excess of $200,000 that entails the acquisition of real property, the development of new, or the expansion of existing, transportation systems or related facilities, for the purpose of providing enhanced non-motorized network access, capacity or connectivity, including connections to public transportation, should be considered to **always be consistent with the State C&D Plan**.

   (**Note**: Certain projects, such as striping for a new bike lane on an existing roadway, should be considered exempt from the requirements of CGS Sec. 16a-31(a), if they either cost less than $200,000 or do not result in the development or improvement of real property.)

2. Any project in excess of $200,000 that entails the acquisition of public transportation equipment or facilities, for the purpose of adding capacity to a new or existing public transportation system, should be considered to **always be consistent with the State C&D Plan**. (Note: If the additional service or capacity is dependent upon improvements to the public transportation infrastructure, acquisitions of such equipment or facilities should be considered, to the extent possible, in the context of the overall infrastructure improvement project.)

3. Any project in excess of $200,000 that entails the acquisition of real property, the development of new, or the expansion of existing transportation systems, public transportation services, or related facilities, for the purpose of providing additional capacity or connectivity for motorized forms of transportation above and beyond that which currently exists, should be considered to **always require an individual review for consistency with the State C&D Plan**.

Expansion Projects are typically considered to be "growth-related projects" under CGS Sec. 16a-35c, so DOT would need to consider each project's location relative to the mapped priority funding area criteria when it provides funding for such projects. Finally, OPM recognizes that sidewalk and multi-use trails are among the actions listed in Category IV of DOT's 2011 Environmental Classification Document that are considered to be exempt from CEPA requirements.

In conclusion, this advisory report is intended to provide an analysis of DOT's proposed approach to determining the consistency of its projects with the State C&D Plan, and OPM's recommendations are in no way binding on DOT to implement. Attachment B is provided as an example of OPM's approach, but ultimately it is up to DOT to determine how best to meet the requirements of CGS Sec. 16a-31(a) and Sec. 16a-35d, in addition to CEPA (CGS Sec. 22a-1 through Sec. 22a-1h). OPM has purposely refrained from providing specific examples of typical DOT projects that would fit under each of the three suggested categories above, in order to allow DOT staff the opportunity to test such an approach on its own. OPM staff is available to discuss the potential application of its recommendations and associated supporting GMPs/policies or any other approach being considered by DOT.

Phone: (860) 418-6323 Fax: (860) 418-6486
450 Capitol Avenue, MS# 52ORG, Hartford, Connecticut 06106-1379

Attachment B
OPM Template for State C&D Plan, PFA & Preliminary CEPA Review

Applicant Name:

Project Name & Location:

1. CGS Sec. 4-37/ and Section 1 of Public Act 09-230 requires state agencies to consider whether the proposed action promotes some or all of the following Smart Growth Principles? (Circle any that apply)
   a. Integrated planning or investment
   b. Efficiencies and coordination of services
   c. Redevelopment of existing infrastructure
   d. Transportation choices
   e. Development or preservation of housing affordable to households of varying income in locations proximate to transportation or employment centers
   f. Concentrated, mixed-use, mixed income development proximate to transit nodes and civic, employment or cultural centers
   g. Conservation and protection of natural and cultural resources and furthering energy efficiency

2. Does the proposed action require a consistency determination under CGS Sec. 16a-31(a)? (Check either "Yes" or "No")
   a. Is it in excess of $200,000? Yes ___ No ___
   b. Is it for acquisition, development or improvement of real property or for acquisition of public transportation equipment/facilities? Yes ___ No ___

   (If either a. or b. is "No", the action is exempt from State C&D Plan review. Skip to #10)

3. What is the nature or purpose of the proposed action? (Circle any that apply)
   a. Re-use or re-development of land and/or facilities
   b. New development or an expansion of facilities
   c. Land protection or conservation
   d. Addresses an immediate public health or safety concern
   e. Other _____

4. What are the characteristics of the area in which the action is proposed? (Circle any that apply)
   a. Area is already developed. Public water ___ and/or sewer ___ available (check if either/both are applicable)
   b. Conservation values are present. List any conservation factors noted on the Locational Guide Map: _____
   c. Proposed action is generally consistent with surrounding land uses, and/or is consistent with the municipal POCD.

5. Describe the extent to which the proposed action is in conformity with the State C&D Plan's Growth Management Principles and associated policies, and indicate what are the likely indirect impacts (positive and/or negative), if any, associated with this project.

6. Based on items 1-5, is the proposed action generally consistent with the State C&D Plan? Yes ___ No ___ **(If "No", do not complete the remainder of this form)**

7. Does the proposed action meet the definition of a "growth-related project" under CGS Sec. 16a-35c? Yes ___ No ___ **(If "No" skip to #10)**

8. Is the growth-related project located entirely in any one or more Priority Funding Area (PFA) on the Locational Guide Map? (Check all that apply)
   a. PFA ___
   b. Balanced PFA ___ (Attach documentation describing how any policy conflicts will be addressed)
   c. Village PFA ___ (Attach documentation describing how the project will help sustain village character)

   (If none of the above are checked, proceed to #9. Otherwise, skip to #10)

9. If the growth-related project is not entirely located in any one or more of the PFAs listed in #8, please attach documentation verifying compliance with the exception process outlined in CGS Sec. 16a-35d(b).

10. Is the proposed action likely to trigger CEPA public scoping requirements?
    Yes ___ No ___ **(If "Yes", complete #11)**

11. CEPA requires the sponsoring agency to assess the project's potential impact on the environment and to determine whether or not to prepare an Environmental Impact Evaluation (EIE). Since the potential cost of an EIE is an important consideration, please provide a preliminary opinion regarding the potential likelihood that an EIE will be needed?
    a. Likely _____
    b. Unlikely _____
    c. Unknown (Explain) _____

Analyst:

Date Reviewed:

Attachment E

Directory of Plans Prepared by State Agencies

Plan	Agency	Current Edition	Update Frequency	Statutory Citation or other Reference
Economic Strategic Plan	DECD	2015 - 2019	4 years	CGS Sec. 32-1o
Historic Preservation Plan	DECD	2011-2016	5 years	U.S. 16 USC 470 et seq.
Clean Water Fund Priority List	DEEP	FY 2016 - FY 2017	Annually	CGS 22a-475 to 22a-483
Climate Change Preparedness Plan	DEEP	2011	Not defined	CGS Sec. 22a-200e
Comprehensive Energy Strategy	DEEP	2013 - 2016	3 years	CGS Sec. 16a-3d
Comprehensive Materials Management Strategy	DEEP	2016	Not defined	CGS Sec. 22a-241a
Forest Action Plan (Forest Resource Assessment and Strategy)	DEEP	2010 - 2015 (revised 2015)	Not defined	U.S. Public Law 110-234
Green Plan (Comprehensive Open Space Acquisition Strategy)	DEEP	2016-2020	5 years	CGS Sec. 23-8(b)
Long Island Sound Blue Plan	DEEP	Not yet adopted	Not defined	CGS. Sec. 25-157t
Nonpoint Source Management Program Plan	DEEP	2014 - 2019	5 years	Public Law 92-500 (Clean Water Act) Section 319
Statewide Comprehensive Outdoor Recreation Plan	DEEP	2011-2016	5 years	Requisite of the federal Land and Water Conservation Fund
Wildlife Action Plan	DEEP	2015-2025	10 years	Requisite of the federal State Wildlife Grants Program
Natural Disaster Plan	DESPP	2009	Not defined	CGS Sec. 28-5(b)
Natural Hazard Mitigation Plan	DESPP	2014	3 years	U.S. Public Law 106-390 and 44 CFR Pt. 201
Consolidated Plan for Housing and Community Development	DOH	2015 - 2019	5 years	U.S. 24 CFR Part 91 and CGS Sec. 8-37t
Bicycle and Pedestrian Transportation Plan	DOT	2009	Not defined	N/A
Highway Safety Plan	DOT	FY 2017	Annually	U.S. 23 USC - Chapter 4
Long-Range Transportation Plan	DOT	2009	3 to 5 years	U.S. CFR Section 450.214
State Rail Plan	DOT	2012 - 2016	4 years	U.S. Public Law 110-432
Drinking Water State Revolving Fund Intended Use Plan	DPH	FY 2017	Annually	Federal Safe Drinking Water Act
State Facility Plan	OPM	2015-2020	2 years	CGS Sec. 4b-23
Drought Preparedness and Response Plan	WPC	2003	Not defined	N/A
State Water Plan	WPC	Not yet adopted	Not defined	CGS Sec. 22a-352

Attachment F

OPM Approved Exceptions to Priority Funding Area Requirements of CGS Sec. 16a-35d

STATE OF CONNECTICUT

OFFICE OF POLICY AND MANAGEMENT

OFFICE OF THE SECRETARY

TO: Raul Pino, MD, MPH
Commissioner
Department of Public Health

FROM: Benjamin Barnes, Secretary
Office of Policy and Management

DATE: October 24, 2016

SUBJECT: 2014 Small Town Economic Assistance Program (STEAP)
North Stonington Village Water Main Extension – Phase III

Dear Commissioner Pino:

Thank you for your letter dated September 8, 2016 regarding the proposed extension of water service to the North Stonington Community Grange. For purposes related to CGS Chapter 297a, this is considered to be a growth-related project located outside of a priority funding area. You have requested this exception under CGS Sec. 16a-35d(b), so that DPH may proceed with administering this grant award.

I understand that DPH staff has determined the proposed water main extension is consistent with State C&D Plan policies under CGS Sec. 16a-31(a), since the project is designed to respond to an existing need without serving as an attraction to more extensive development, and that the requested exception is limited to the Grange connection.

I concur with DPH's assessment that the proposed project is also consistent with North Stonington's 2013 Plan of Conservation and Development, and that it complies with the other statutory requirements for an exception. Therefore, I hereby issue this exception, in accordance with CGS Sec. 16a-35d(b), so that DPH may proceed with funding Phase III of the North Stonington Village Water Main Extension.

Please contact Bruce Wittchen (860-418-6323) if there are any questions with regard to this finding.

Sincerely,

Benjamin Barnes
Secretary of OPM

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH

Raul Pino, M.D., M.P.H.
Commissioner

Dannel P. Malloy
Governor
Nancy Wyman
Lt. Governor

RECEIVED
SEP 13 2016
OPM/IGP DIVISION

September 8, 2016

Mr. Benjamin Barnes, Secretary
Connecticut Office of Policy and Management
450 Capitol Avenue
Hartford, CT 06106-1379

Subject: 2014 Small Town Economic Assistance Program (STEAP)
North Stonington Village Water Main Extension – Phase III

Dear Secretary Barnes:

Pursuant to *Conn. Gen. Stat.* § 16a-35d(b), I am writing to request an exception for the above-referenced growth-related project, a portion of which project (the "Grange") is not located in a priority funding area. As required, I have determined that such project is consistent with the 2013 North Stonington Plan of Conservation and Development ("North Stonington's Plan"), adopted under *Conn. Gen. Stat.* § 8-23. Specifically, the Goals and Objectives for Maintaining Rural Character section of Appendix C of North Stonington's Plan includes support of the Grange as it is a "positive economic and recreational [contribution] to the town."

In addition, as required for an exception under *Conn. Gen. Stat.* § 16a-35d(b), I have determined that such project supports existing neighborhoods and communities, has no reasonable alternative in another location, must be located away from other developments due to its operation or physical characteristics, and is for the reuse or redevelopment of an existing site. Accordingly, I request that you grant such exception.

If you have any questions or require additional information, please contact Eric McPhee of my staff at (860) 509-7333.

Sincerely,

Raul Pino, MD, MPH
Commissioner

Phone: (860) 509-7333 • Fax: (860) 509-7359 • VP: (860) 899-1611
410 Capitol Avenue, P.O. Box 340308, MS#51WAT
Hartford, Connecticut 06134-0308
www.ct.gov/dph/publicdrinkingwater
Affirmative Action/Equal Opportunity Employer

Connecticut Department of Public Health

STATE OF CONNECTICUT

OFFICE OF POLICY AND MANAGEMENT

OFFICE OF THE SECRETARY

TO: Catherine H. Smith
Commissioner
Department of Economic and Community Development

FROM: Benjamin Barnes, Secretary
Office of Policy and Management

DATE: October 24, 2016

SUBJECT: Priority Funding Area Exception Request
2016 Responsible Growth and Transit-Oriented Development Grant
Windsor Animal Shelter Relocation and Site Development

Dear Commissioner Smith:

Thank you for your letter dated September 19, 2016 regarding the proposed relocation of the Town of Windsor's animal shelter to free-up and create a development ready site adjacent to the State's planned commuter rail station. For purposes related to CGS Chapter 297a, the relocation of the animal shelter to the 942 Bloomfield Ave site is considered to be a growth-related project located outside of a priority funding area. You have requested this exception under CGS Sec. 16a-35d(b), so that DECD may proceed with administering this grant award.

I understand that DECD staff has determined the proposed animal shelter relocation is consistent with State C&D Plan policies under CGS Sec. 16a-31(a), and meets one or more of the exception criteria outlined in CGS Sec. 16a-35d that would allow for such exception:

1. The project supports the state's Transit-Oriented Development initiatives, especially in Windsor's Downtown Area which is a Priority Funding Area.
2. Windsor was designated a Public Investment Community in Fiscal Year 2016.
3. The project supports the Town by providing animal shelter services, and is consistent with the Windsor 2015 Plan of Conservation and Development (reference attachments: Modification of Judgement letter, and statement of POCD consistency from the Town of Windsor).
4. By freeing up development space adjacent to the train station, the project indirectly supports mass transit.
5. Due to the nature of the activities in an animal shelter, it is not suitable in a residential area.

Based on the information presented herein, I concur with DECD's assessment that the proposed project is consistent with the municipal plan of conservation and development, and that it complies with the other statutory requirements for an exception. However, as the State looks for opportunities to coordinate regional services and promote municipal cooperation and cost-sharing ventures, my approval of this exception is contingent upon verification that the Town has explored regional alternatives, and found those options to be inadequate. Therefore, in accordance with CGS Sec. 16a-35d(b), I hereby issue my conditional approval to allow DECD to proceed with funding the Animal Shelter Relocation and Site Development under the Responsible Growth and Transit-Oriented Development Grant.

Please contact Matthew Pafford (860-418-6412) if there are any questions with regard to this finding.

Sincerely,

Benjamin Barnes
Secretary of OPM

Department of Economic and Community Development

Connecticut
still revolutionary

Catherine H. Smith
Commissioner

September 19, 2016

Benjamin Barnes
Secretary
Connecticut Office of Policy and Management
450 Capitol Avenue
Hartford, CT 06106

Sub: **Priority Finding Area Exception Request – Windsor RG/TOD Grant**

Dear Secretary Barnes:

The Town of Windsor was awarded a $993,000 Responsible Growth and Transit-Oriented Development Planning Grant by the Office of Policy and Management (OPM) on June 9, 2016. The Department of Economic and Community Development (DECD) was assigned to be the administering agency for this project. The project scope includes relocation of an existing animal shelter in the Windsor Center adjacent to the state's planned commuter rail station (on the Hartford Line) to free up and create a development–ready site. The grant funds will be used for construction of the proposed (relocated) Animal Shelter at 942 Bloomfield Avenue, Windsor CT (942 Bloomfield Ave. site).

The 942 Bloomfield Ave. site falls within the Protected Area category of the state's Conservation and Development Policies Plan 2013-2018 (Locational Guide Map). Since the proposed project is a growth-related project and is not within a Priority Funding Area, DECD is applying for an exception process as per the Connecticut General Statutes (C.G.S.) Sec. 16a-35d.

DECD requests your approval to proceed with funding of the new animal shelter at the 942 Bloomfield Ave. site for the following reasons:

1. The project supports the state's Transit-oriented Development initiatives especially in Windsor's Downtown Area which is a Priority funding Area.
2. Windsor was designated a Public Investment Community in Fiscal Year 2016.
3. The project supports the Town by providing animal shelter services. Also see attached a statement from the Windsor Town Planner regarding consistency of project with the Town's Plan of Conservation and Development.
4. By freeing up development space adjacent to the train station, the project indirectly supports mass transit.
5. Due to the nature of the activities in an animal shelter, it is not suitable in a residential area.

I look forward to working with you and your staff to implement this important project for the state.

Sincerely,

Tim Sullivan, Deputy Commissioner
For Catherine H. Smith, Commissioner

Catherine H. Smith
Commissioner

Encl: *Memo from Windsor Town Planner*

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SEP 19 2016
OFFICE OF POLICY & MANAGEMENT
BUDGET DIVISION

Statement With Regard to Consistency of Proposed Animal Shelter Relocation Project with Town's Plan of Conservation and Development

The Town of Windsor's proposal to relocate the existing animal shelter from Mechanic Street is consistent with the Town's 2015 Plan of Conservation and Development (POCD) as evidenced by the following:

WINDSOR PLAN OF CONSERVATION AND DEVELOPMENT 2015

Chapter 11 - Maintain Excellent Community Facilities & Services

Animal Shelter

"The location of the animal shelter conflicts with redevelopment on the east side of Windsor Center and possible commuter rail parking. Alternative locations have been identified to relocate the facility and a Town Council decision on funding is expected in the first year of the planning period." (Page 11-2)

Strategies to Address Current Needs

"2. Relocate the animal shelter." (Page 11-10)

With regard to the proposed relocation site, the only indication in the POCD for its future use is in the Future Land Use Plan, which shows the area as Open Space due to the consideration of multiple sites, none of which were specifically identified. This reflects the site's ownership, Public and Quasi-Public zoning, and status as land held in trust by the Town. In 1960, the Probate Court of the District of Windsor appointed the Town of Windsor as the successor trustee for the H. Sydney Hayden estate. The trust holds property at 942 Bloomfield Avenue known as Pine Grove. The POCD states: "In essence, the Future Land Use Plan (FLUP) is a visual statement of what the Windsor of tomorrow should look like. While it suggests changes in zoning, where desirable future land uses do not match existing zoning, it is not intended to be used as a zoning map. Rather, the Commission should consider and be guided in its actions by the FLUP.

To ascertain whether or not use of the Pine Grove site for an animal shelter would be acceptable under the Hayden Trust, the Town sought review by the Superior Court. In June of 2015, the Court issued a modification of judgment that authorized the Town to remove trees from the area for approximately one-half acre and to construct an animal shelter and pet adoption center, and a small parking lot with appurtenances.

On September 13, 2016, the Town Planning and Zoning Commission reviewed the site plan for the proposed animal shelter project at 942 Bloomfield Avenue under CGS Section 8-24. The Commission voted to approve the site plan and recommend approval by the Town Council in light of the above POCD references, finding the use of a small portion of the site for the animal shelter not in conflict with the plan.

Eric Barz

Eric Barz, Town Planner

9/14/16

Date

Attachment G

Section 24 of Senate Bill No. 6

Sec. 24. Section 16a-31 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

(a) The following actions when undertaken by any state agency, with state or federal funds, shall be consistent with the plan:

(1) The acquisition of real property when the acquisition costs are in excess of two hundred thousand dollars;

(2) The development or improvement of real property when the development costs are in excess of two hundred thousand dollars;

(3) The acquisition of public transportation equipment or facilities when the acquisition costs are in excess of two hundred thousand dollars; and

(4) The authorization of each state grant, any application for which is not pending on July 1, 1991, for an amount in excess of two hundred thousand dollars, for the acquisition or development or improvement of real property or for the acquisition of public transportation equipment or facilities.

(b) [A] Except as provided in subsection (d) of this section, a state agency [shall] may request, and upon request, the secretary shall provide, an advisory statement commenting on the extent to which any of the actions specified in subsection (a) of this section conforms to the plan, [and any] except that in the case of any such action that is subject to an early public scoping process, as described in section 22a-1b, the agency shall request and the secretary shall provide such an advisory statement. Any agency may request and upon request, the secretary shall provide such other advisory reports as the state agency deems advisable.

(c) [The] Except as provided in subsection (d) of this section, the secretary shall submit and the State Bond Commission shall consider prior to the allocation of any bond funds for any of the actions specified in subsection (a) an advisory statement commenting on the extent to which such action is in conformity with the plan of conservation and development.

(d) [Notwithstanding subsection (b) of this section,] The University of Connecticut shall request, and the secretary shall provide, an advisory statement commenting on the extent the projects included in the third phase of UConn 2000, as defined in subdivision (25) of section 10a-109c, conform to the plan and the university may request and the secretary shall provide such other advisory reports as the university deems advisable. [Notwithstanding subsection (c) of this section, the] The secretary shall submit and the State Bond Commission shall consider prior to the approval of the master resolution or indenture for securities for the third phase of UConn 2000, pursuant to subsection (c) of section 10a-109g, the advisory statement prepared under this subsection.

(e) Whenever a state agency is required by state or federal law to prepare a plan, it shall consider the state plan of conservation and development in the preparation of such plan. A draft of such plan shall be submitted to the secretary who shall provide for the preparer of the plan an advisory report commenting on the extent to which the proposed plan conforms to the state plan of conservation and development.