

NEWTOWN WATER AND SEWER AUTHORITY

VOLUME II OF MARCH 12, 2015 PUBLIC HEARING CONTINUED TO APRIL 1, 2015

Application from 79 Church Hill, LLC for 43,750 gpd for sewer capacity to support approximately 350 units for multi-family housing.

Prepared by: Frederick W. Hurley Jr.
Director of Public Works &
WSA Administrator

The following is a supplemental addition to the presentation of March 12, 2015 regarding an application from "79 Church Hill LLC" for movement of the "Sewer Service Area" line, connection to the sanitary sewer system and 43,750 gallons per day of waste-water treatment capacity.

1. The existing "Notice of Installment Loan" ("Document 17") placed on the subject parcel is for a single residential benefit assessment. This is further confirmation of the limited access of this parcel to the sanitary sewer system of a single residential unit.
2. There was a previous application, in November 2004, for the construction of 104 units of multi-family housing on the subject parcel, ("Document 18"). It is noted, in support of earlier suppositions, this application indicated that its project lateral would require an 8" lateral and not a 6" to service less than a third of the units requested in the current application.

This application was neither approved nor denied, ("Document 19"). However, a central tenet of guidance to the applicant was, "The Water Pollution Control Authority does not allocate any system capacity to new development outside the sewer service area" and referenced the requirements of Section 6 of the Sewer Use Regulations, ("Document 10").

3. A review of the "Negotiated Terms And Conditions Of Sale, Fairfield Hills", ("Document 20") clearly indicates tight restrictions on the 100,000 gallons of treatment plant capacity transferred to the Town. "This capacity will be allocated strictly for development on the Fairfield Hills campus".

A public statement was printed, in the 3/13/2015 Newtown Bee, ("Document 21"), by Dennis Schain, CT State Department of Energy and Environmental Protection (DEEP) spokesman, that said, "Because of (the) needs of state agencies and investments (the) state has made, it is not likely the state would be willing or able to cede any of the capacity they have rights to". It seems clear that State treatment capacity is not likely to be made available.

4. In the current application, we did not comment on items G-H listed on page 3, (“Document 1”), during the initial part of the hearing. However, we will start in general by referencing CGS Section 7-246. This section specifically outlines the authorities of the water pollution control authorities (our WSA), (“Document 22”). Under (b) of that Section, specific reference is made to the WSA and its authority to “prepare and periodically update a water pollution control plan for the municipality”, (“Document 11”). The WSA has the authority “to designate and delineate the boundary of... areas served by any municipal sewerage system ... areas where sewers are to be avoided”. This authority, under the statute, rests solely with the WSA.
5. Within the sewer regulations, (“Document 10”), the WSA may consider various items in making its determination to grant a sewer extension. (Section 6.1.7.) states, “conformance of proposed extension with the Town’s Plan of Development and with the State Conservation and Development Policies Plan for Connecticut.” While both plans are advisory and may be the basis for authorization of available State development funding, neither plan overrides or takes precedent over the statutory environmental authority of the WSA.

In the “2013-2018 Conservation & Development Policies: The Plan For Connecticut”, (“Document 23”), prepared by the Office of Policy and Management, in accordance with CGS Section 16a-29, several references are made to the legal limitation of requiring compliance by municipalities to this plan. On page 3, it states, “there is no statutory requirement for a municipal plan (Plan of Conservation and Development) to be consistent with either the regional plan (regional planning agency plan) or the State C&D Plan (or vice versa)”. And on page 4, it further states, “In summary, the statutory mandate for consistency with the State C&D Plan applies only to state agencies, as outlined in CGS Section 16a-31. The State C&D Plan is advisory to municipalities, due to the fact that there is no statutory requirement for municipal plans, regulations, or land use decisions to be consistent with it”.

As an advisory document to state agencies for current investment of state development monies, it does not set, direct or over-ride statutory based environmental decisions by municipal water pollution control authorities.

The transitory nature of these plans and there lack of recognition of or impact on local environmental conditions is evident from copies of maps of the subject parcel prepared over several planning cycles by the State. In the first map, 2005 – 2010 CT Plan of C&D Locational Guide Map, (“Document 24”), the subject parcel, outlined in heavy blue, indicates rural land with a conservation swath that corresponds to local wetland designations. In the second map, 2013 – 2018 CT Plan of C&D Locational Guide Map, (“Document 25”), the same subject parcel has multiple references to funding priorities but no delineation of the still undevelopable existing wetlands. It should be clear that these plans are only meant to provide general guides for the application of State funding priorities and not delineators of the use of local environmental systems.

6. Finally, the professional sewer and water system manager was asked to characterize the operation of the sewer system and its operational limits, (“Document 26”). They have operated the entire sewer system for the last ten years and have received both DEEP and EPA recognition for their excellence in running our system. Regulatory success has led however to the identification of the operational limits of the system. Because interaction of the major plant components is so critical to overall system performance, after more than a decade of operation, it has become clear that there are no more meaningful incremental changes.

Any substantial need for additional plant capacity would require major new plant components. The expansion plan in the original design calls for a duplication of the existing clarifiers and oxidation ditches. This by itself would be \$8-10 Million. Total project cost would actually be much larger with the need for additional sand filters, a major expansion of the UV disinfection system and engineering. At current permit requirements the overall cost can be estimated at \$13-15 Million. Should regulatory

requirements be increased the overall project cost could be substantially higher.

If the Town/WSA promises or is forced to provide sewer treatment capacity it does not have, it would place the Town/WSA in major financial jeopardy because it could not provide that treatment capacity without a system expansion at the dollars noted above.

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CERTIFICATE OF NOTICE OF INSTALLMENT PAYMENT OF ASSESSMENT OF BENEFITS

5330

The undersigned Tax Collector of the Town of Newtown in the County of Fairfield, State of Connecticut, hereby certifies from the date hereof an instalment payment plan is in effect, for payment of an assessment of benefits for the installation of a sewerage system, in favor of the Town of Newtown upon real property situated in Newtown, Connecticut, which real property is more fully described in the Newtown Land Records in:

Volume
274

Page
931

The notice of such assessment of sewerage benefits herein certified is to **Carmine Renzulli** the principal of which is \$ 9,900.00 due to said Town of Newtown, together with legal interest, fees and charges thereon, assessed on February 26, 1998 in the name of **Carmine Renzulli** and the same became due on August 15, 1998 and may be paid in annual instalment payments of \$ 605.48 each plus or including interest and continuing to August 15, 2017.

This certificate is filed pursuant to section 7-253 of the general statutes as amended, (or (indicate special act or charter).

The property assessed is:

M/B/L 38-2-1

Street 79 Church Hill Road

Tax Collector

Received 7-10-98

At 9:55AM

Recorded in Newtown Land Records

Volume Page

Town Clerk

Such certificate shall operate as notice of the existence of a plan for payment of such assessment by instalments and the Town clerk shall cancel or remove the same within seven calendar days after the last instalment due has been satisfied, or the total assessment together with all interests, fees and charges has been paid in full.

To all People to Whom these Presents shall Come, Greeting:

Know Ye, That AMERICO A. RENZULLI and DOMINIC RENZULLI, of the
Town of Westport, County of Fairfield and State of Connecticut

for the consideration of ONE (\$1.00) DOLLAR and other valuable consideration
received to their full satisfaction of CARMINE RENZULLI of the Town of
Westport, County of Fairfield and State of Connecticut

do remise, release, and forever QUITCLAIM unto the said CARMINE RENZULLI

his
heirs and assigns forever, all the right, title, interest, claim and demand whatsoever as

they, the said releasors have or ought to have in or to

ALL THAT CERTAIN piece or parcel of land, situated in the Town of
Newtown, County of Fairfield and State of Connecticut, together
with buildings and improvements thereon, shown and designated on
a certain map entitled, "Map Prepared for Corrine Honegger,
Newtown, Connecticut, Area = 35.064 Acres, Scale 1" = 80'",
certified Substantially Correct Robert M. Henrici, R.L.S.,
January 9, 1969, which map is on file in the office of the Town
Clerk of the said Town of Newtown as Map No. 3574, to which re-
ference may be had.

The above premises are bounded NORTHERLY by land now or formerly
of Edward G. McGlinchy, EASTERLY by Walnut Tree Hill Road,
SOUTHERLY by Church Hill Road and WESTERLY by land of the State
of Connecticut (non-access Highway Route I-84).

ALSO TOGETHER WITH all that certain piece, parcel or tract of
land, together with the improvements thereon and appurtenances
thereto, situated in the Town of Newtown, County of Fairfield
and State of Connecticut, as shown and designated on a certain
map entitled, "Property of Helvetix I & M Corporation, New
York, N.Y., located in the Town of Newtown, Conn., Scale
1" = 100'0", 50.93 acres", certified Substantially Correct by
Frank E. Rowe, Surveyor, Brookfield, Conn., May 28, 1942 which
map is on file as Map No. 469 in the office of the Town Clerk
of the said Town of Newtown.

(consideration less than \$100.00)

\$ NO Conveyance Tax received

Walter Schickel

Town Clerk of Newtown

To Have and to Hold the premises, with all the appurtenances, unto the said Releasee, his heirs and assigns forever, so that neither they, the Releasors nor their heirs nor any other person under or them shall hereafter have any claim, right or title in or to the premises, or any part thereof, but therefrom and they are by these presents forever barred and excluded.

In Witness Whereof, we have hereunto set our hands and seals this 25th day of May A.D. 19 78 Signed, Sealed and Delivered in presence of

George A. Vardamis

Americo A. Renzulli

Arlene Giannattassio

Dominic Renzulli

State of Connecticut, } ss. Norwalk
County of FAIRFIELD

On this the 25th day of May 1978, before me, George A. Vardamis, the undersigned officer, personally appeared

AMERICO A. RENZULLI and DOMINIC RENZULLI, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained, as their free act and deed.

In Witness Whereof, I hereunto set my hand and official seal.

3:15 PM
Rec'd for Record 5-26 1978
George A. Vardamis
Town Clerk Newtown
Commissioner of the Superior Court
Title of Officer

State of Connecticut, } ss.
County of

On this the day of 19 before me, the undersigned officer, personally appeared who acknowledged himself to be the a corporation, and that he as such being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as
~~In Witness Whereof, I hereunto set my hand and official seal.~~

Latest address of Grantee:
No. and Street 505 Westport Avenue Title of Officer
City Westport
State Conn. Zip 06851

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4 TURKEY HILL ROAD
NEWTOWN, CONNECTICUT 06470
TEL. (203) 270-4300
FAX (203) 270-9968
www.newtown-ct.gov



RICHARD ZANG
CHAIRMAN
Jan Andras
Marianne Brown
Philip Cruz
Eleanor Mayer
Alan Shepard
Carl Zencey

Fred Hurley
Public Works Director

TOWN OF NEWTOWN
WATER AND SEWER AUTHORITY

APPLICATION FOR PRELIMINARY REVIEW
NEWTOWN WATER AND SEWER AUTHORITY

Name of Applicant: Ryan Walter Date: 11/16/04
Name of Firm: Toll Brothers, Inc.
Address: 53 Church Hill Road
City and State: Newtown, CT 06470
Business Phone: (203) 364-9300 Cell Phone: N/A
Name of Property Owner: Carmine Renzulli

Type of Construction:

Single Family	_____	Number of Units	_____
Subdivision	_____	Number of Units	_____
Multi-Family	<u>✓</u>	Number of Units	<u>104</u>
Commercial	_____	Square Feet	_____
Industrial	_____	Square Feet	_____

Street Address of Connection: 79 Church Hill Road

Estimated Start Date: Nov. 2005 Estimated Completion: Nov. 2007 for

Estimated Sewerage Flow: Connection 8104
Unit

Average 19,760[±] Gallons per Day

Peak Hour Flow 4120[±] Gallons per Day

Main Trunk Line Pipe Size: 8"

Lateral Line Pipe Size: 8" (From Main to Property Line - 6" required)

Required for Review:

- Eight copies of a Preliminary Layout of the Proposed Development with Approximate Grades and Sewer Schematics
- Additional Information may be requested by the WSA at the time of application.

Signature of Applicant: [Signature] Date: 11/18/04

Signature of Approval: _____ Date: _____

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4 Turkey Hill Road
Newtown, CT 06470
Tel (203) 270-4300
Fax (203) 426-9968



Richard B. Zang,
Chairman
Jan Andras
Marianne Brown
Philip Cruz
Eleanor Mayer
Alan Shepard
Carl Zencey

Fred Hurley,
Director

**TOWN OF NEWTOWN
WATER AND SEWER AUTHORITY**

December 9, 2004

To: Hall & Savarese, P.C.

Re: "Renzulli Property," Walnut Tree Hill Road

The WSA has considered your request dated October 26, 2004 as presented by representatives of Toll Brothers, Inc. at our meeting on November 18, 2004 for sewer service to new development on the subject property. The following guidance is offered to the Owner and to other Town boards and departments having jurisdiction over any proposed development of the property.

Only a portion of the property lies within the sewer service area. The development proposed lies on a portion outside the sewer service area. Allowable development of this property meeting current zoning does not warrant an extension of the sewer service area. The Water Pollution Control Plan does not allocate any system capacity to new development outside the sewer service area.

You have stated that an application for a zoning change to EH-10 has been filed with P&Z. The WSA takes no position on the merits of such a change; but if the Town believes it is in its long-term best interest to approve a zoning change to EH-10, the WSA would recommend that the development be limited to the number of units that could be served by subsurface disposal without mechanical pretreatment. If the Town endorses a development with a greater number of units, the Owner may request the WSA to consider a Town recommendation for an extension of the sewer service area to serve the property.

Any extension must be accomplished in accordance with the criteria set forth in Section 6 of the Sewer Use Regulations. Final approval will be conditioned on the execution of a Sewer Extension Agreement in form and substance satisfactory to the Town and the WSA.

Richard B. Zang, Chairman

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NEGOTIATED TERMS AND CONDITIONS OF SALE
FAIRFIELD HILLS

The Town of Newtown agrees to purchase from the State of Connecticut, 185 acres including all buildings on the 185 acre campus, plus the firehouse/laundry building, greenhouse and acreage, as per Department of Public Works Survey Map Project #B1-A-335, for a purchase price of \$3.9 million. The property will be delivered to the Town free of tenants other than the Town of Newtown.

Reflected in the \$3.9 million purchase price, negotiated from the asking price of \$5.5 million, the Town of Newtown will be responsible for environmental clean up and any demolition required for the Town's future plans. The Town of Newtown will purchase environmental insurance for the property. The State of Connecticut Office of Policy & Management and Department of Public Works will allow the Town to complete its ongoing due diligence review and remedial investigations and will support the Town's application to the Connecticut Department of Environmental Protection to secure a "Covenant Not To Sue" from the D.E.P. as allowed under C.G.S. §22a-133m, §22a-133aa or §22a-133bb. Legal counsel will work out necessary language regarding this Covenant, the Transfer Act and any other environmental liability.

The State of Connecticut will transfer to the Town of Newtown *Trades Lane* and *Old Farm Road*, from its intersection with Trades Lane to the west. The State and Town will grant respective easements necessary for both parties to conduct business on their properties.

The State of Connecticut will transfer rights for the Fairfield Hills Water Company to the Town of Newtown and will purchase water from the Town for State needs at the former FHH site. The Town will agree to preserve the two 500,000 gallon holding tanks to provide fire protection to both State and Town property. The Town of Newtown will assume responsibility for providing water for Town, State and Nunnawauk Meadows Housing for the Elderly needs. To do this, the Town will enter into an agreement with The Potatuck Club Inc. and The Potatuck Land Co. Said agreement will guarantee sufficient water to satisfy the needs of all parties, will include the creation of a \$200,000 conservation fund for aquifer protection and conservation, and a lease of the existing wells and land around them on Potatuck property. The Town of Newtown agrees to engage a qualified firm to operate the water company.

The Town of Newtown will require 100,000 gallons per day of sewer capacity that will be provided from capacity allocated to the State of Connecticut. This capacity will be allocated strictly for development on the Fairfield Hills campus. If any future additional capacity is required, it must be negotiated as per Article G of the Interlocal Sewerage Agreement, dated November 17, 1993. The State of Connecticut will continue the current sewer agreement with Nunnawauk Meadows Housing for the Elderly.

Each party is responsible for negotiating electricity for their respective needs. The current demarcation for telephone service is in the Newtown Hall building. For such

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Town Clerk of Newtown 3:25
Antonia Luteri

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Opponents Charge Proposed Multifamily Complex Poses Environmental Threat

By [Andrew Gorosko](#)
Friday, March 13, 2015



Photo: *Andrew Gorosko*

Some members of the Water & Sewer Authority are shown at a March 12 public hearing on a proposal to expand the sewer district to provide sewer service for a proposed multifamily complex in Sandy Hook. From left, Alan Shepard, Eugene Vetrano, Chairman Marianne Brown, Richard Zang, and Louis Carbone.

Opponents of a large multifamily housing complex proposed for a 35-acre site near Exit 10 of Interstate 84 are urging the Water & Sewer

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Authority (WSA) to reject a developer's dual requests to provide the project with sewer service and to designate certain wastewater treatment capacity for its use.

The WSA conducted a public hearing on Thursday, March 12, on 79 Church Hill Road, LLC's, application submitted on behalf of developer Sirjohn Papageorge of Trumbull. About 30 members of the public attended the lengthy session.

It remains unclear how many dwellings the developer is seeking to construct. The application documents state "350 units" as being the maximum number of dwellings that would be allowed under the terms of the Incentive Housing-10 Overlay Zone (IH-10), which was recently created by the Planning and Zoning Commission (P&Z).

However, attorney Timothy Hollister, of Shipman & Goodwin, LLP, of Hartford, who represents Mr Papageorge, told WSA members that "We're not there yet," in terms of specifying a number of dwellings.

Mr Hollister said the developer would state the number of dwellings sought when submitting an application to the Inland Wetlands Commission (IWC). The project, which is simply listed as "Newtown Residential Development" on the WSA application, would require IWC and P&Z approvals.

The site at 79 Church Hill Road is bounded on the south by Church Hill Road, on the east by Walnut Tree Hill Road, on the north by Evergreen Road, and on the west by westbound Interstate 84 and its Exit 10 interchange. Vehicle access to the site would be provided at Walnut Tree Hill Road.

Before the public hearing began, the WSA held an executive session to discuss the status of a pending lawsuit filed against it by 79 Church Hill Road, LLC, for having recently rejected "without prejudice" the developer's initial application for sewer service because that application was incomplete.

Through that lawsuit the developer seeks to have a judge order the WSA to provide sewer service for the project.

The developer later filed a second WSA application, which was the subject of the March 12 hearing.

Public Comment

Virginia Gutbrod of 4 Walnut Tree Hill Road said she is concerned about the prospect of a multifamily complex being built in her neighborhood. She said she is concerned about the effects of nitrogen in water runoff in the area, given that her property is served by a domestic water well.

- [Families Of 12/14 Victims Suing Lanza Estate](#)
- [Developer Proposes 74-Unit Housing Complex In Sandy Hook Center](#)
- [Children's Department At C.H. Booth Library Reopens](#)
- [Parents Protest Cuts In Voluntary Services Program](#)
- [Local Voting Officials Oppose Plan To Eliminate Elected Registrars](#)

At recent P&Z sessions, Walnut Tree Hill Road and Evergreen Road residents have expressed concerns about the construction density issues posed by the presence of a new multifamily complex.

They point to construction density issues already posed by the presence of the 212-unit Walnut Tree Village age-restricted condominium complex on Walnut Tree Hill Road, which lies directly across that street from the 79 Church Hill Road site.

Jack Bestor of 24 Walnut Tree Hill Road told WSA members that he is seeking “intervenor status” in the developer’s application. Such status would grant the intervenor certain review privileges on the project.

In a statement submitted to the WSA, Mr Bestor said, in part, “I firmly believe that [the project] is likely to have the effect of unreasonably polluting an already fragile environmental infrastructure, thereby impairing and threatening the public trust... that our water and other natural resources will be protected.”

Duane Jones of 16 Walnut Tree Hill Road told WSA members that he opposes providing sewer service for the proposed housing complex.

Beth Koschel of 20 Evergreen Road said it is difficult to believe that the developer does not yet know how many dwellings he would seek to construct.

To that comment, one WSA member responded that “350 units” is the number of dwellings listed on the application.

Zoltan Csillag of 10 Walnut Tree Hill Road said that area residents are concerned about the implications of the project, whether it involves 350 or 250 or 150 dwellings. “This project would be a threat to the local environment,” he said. He urged that the WSA deny sewer access for the project.

The WSA should protect the town and its taxpayers, he said.

Linda Jones of 16 Walnut Tree Hill Road said a petition is being circulated in seeking signatures of those opposed to the project.

“The neighborhood is strongly opposed,” she said. The sewer system should be used for its intended purpose of resolving groundwater pollution problems, she said in urging that the developer not gain sewer access.

Opponents are circulating petitions both on paper on the Internet. The Internet petition reads, in part, “If approved, this project would threaten health and safety, and present a serious environmental risk to the area – and will set a dangerous precedent that could negatively impact all of Newtown.”

Resident Rich Fennaroli said that the presence of a multifamily complex could serve a positive purpose through increased local property tax revenue.

A spokesman for the Blue Colony Diner at 66 Church Hill Road said that the presence of new multifamily complex would provide a good opportunity for young adults to locate in Newtown.

David Troy of 42 Farm Field Ridge Road asked WSA members what the town would do if the developer received access to all of the town's remaining sewage treatment capacity, as has been requested, and then the town needed more treatment capacity for some other reason.

Bryan Atherton, the real estate broker representing Carmine Renzulli who owns the 79 Church Hill Road site, spoke in favor of the proposed housing project. Such a complex would not put stress on the local public school system, Mr Atherton said.

A Good Location

As he handed out some documents to WSA members, Mr Hollister said, "There has been a lot of misinformation about what we are doing."

The lawyer said the developer has been trying to cooperate with the town in terms of creating a high-quality housing complex in what is considered a good location for such development.

He noted that the P&Z recently created the IH-10 zoning regulations, which would apply to the project sought by the developer.

Mr Hollister said that the site has good traffic access and also has access to a public water supply system.

In its application, the developer is seeking to have the WSA expand the sewer service district to include all 35 acres of the site, not just the three acres nearest Church Hill Road, which already are located in the sewer district.

Mr Hollister said the developer wants approval from the WSA to reserve 43,845 gallons of daily sewage treatment capacity for the project. Application documents list 43,750 as the gallonage sought. The 43,845 gallon figure represents the maximum potential development of 350 dwellings at the site under the terms of the IH-10 rules, Mr Hollister said.

But, the lawyer added, the developer does not have a plan to build 350 dwellings.

Mr Hollister said the applicant also is reviewing whether the site could be developed without sewer service, but with the use of a large on-site community septic system.

“The issue is ‘how’ this [site] is going to be developed, not whether” it is going to be developed, he told WSA members.

The community septic system planning has indicated that the site could support a maximum 400 to 410 dwellings, Mr Hollister said.

However, the lawyer stressed that having use of the municipal sanitary sewer system is the developer’s preferred waste disposal method.

Mr Hollister told WSA members that the best approach to residentially developing the 79 Church Hill Road site would be under the terms of the IH-10 zoning regulations.

Those rules cover multifamily housing complexes which have an affordable housing component, as well as a commercial component. Also, the IH-10 rules provide the P&Z with some control over the design features of a housing complex.

Mr Hollister noted the WSA has indicated that it has approximately 23,000 gallons of unused daily wastewater treatment capacity available at the local sewage treatment plant.

Because the developer wants more treatment capacity than that, it wants the WSA to seek from the state some of the state’s remaining treatment capacity at the sewage plant, he said. “The state has reserved way more capacity that they are using or would ever use,” he said.

“I’m not saying it would be easy” to have the state transfer some of its treatment capacity for a multifamily complex, Mr Hollister said.

Besides the town, the wastewater treatment agreement that governs operation of the sewage plant is signed by five state agencies which have interests at the Fairfield Hills property.

Response

Asked recently for a comment on the prospect of the state transferring some of its sewage treatment capacity for use by a multifamily complex, state Department of Energy and Environmental Protection (DEEP) spokesman Dennis Schain said, in part, “Because of (the) needs of state agencies and investments (the) state has made, it is not likely the state would be willing or able to cede any of the capacity they have rights to.”

Engineer Kurt Mailman of Fuss & O'Neill, Inc, which is the town's engineering consultant, said at the March 12 public hearing that, "Trying to reallocate the state's (wastewater treatment) capacity would be a difficult program."

Also, improving the facilities at the sewage plant and improving the Sandy Hook Center sewage pumping station in order to accommodate the proposed multifamily complex would be expensive, Mr Mailman said.

Mr Mailman said that although the applicant lists 350 dwellings on the WSA application form, the generalized design of a community septic system for the site indicates that such a system could handle wastewater from 400 units.

Fred Hurley, director of public works, noted that the 32 acres which the developer wants included in the sewer district is located within the town's "sewer avoidance area."

The central sewer system was built to resolve existing groundwater pollution problems caused by failing septic systems, not to promote new development, he said. The sewer system started operation in 1997.

Extending sewer service to a sewer avoidance area would violate WSA policy, he said.

The town's remaining 23,000 gallons of sewage treatment capacity pertains to properties within the sewer district, not properties outside the district, he said.

Mr Hurley noted that under the development plans, the applicant would be using all of the town's remaining 23,000 gallons of treatment capacity.

Mr Hurley said it is unclear if the current application contains sufficient information for the WSA to decide on the sewer request.

Following discussion, WSA members agreed to continue the public hearing on April 1.

More stories like this: [sewers, 79 Church Hill Road](#), [Water and Sewer Authority](#), [Walnut Tree Hill Road](#)

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Statutes Regarding WPCA's (or WSAs)



Thu 3/26/2015 12:10 PM

From: Kurt A. Mailman

To: fred.hurley@newtown-ct.gov

Hi Fred,

Attached are the CGS statutes 7-246 which outline the authorities of the WPCA. Highlighted section provides the authority to delineate the boundaries for sewers and sewer avoidance.

Sec. 7-246. Water pollution control authority; designation. Preparation of municipal plan. Successor to sewer authority; validation of sewer authority acts. (a) Any municipality may, by ordinance, designate its legislative body, except where the legislative body is the town meeting, or any existing board or commission, or create a new board or commission to be designated, as the water pollution control authority for such municipality. Any municipality located within the district of a regional water authority or regional sewer district established under an act of the General Assembly may designate such water authority or sewer district as the water pollution control authority for such municipality, with all of the powers set forth in this chapter for water pollution control authorities, provided such water authority or sewer district agrees to such designation. If a new board or commission is created, the municipality shall, by ordinance, determine the number of members thereof, their compensation, if any, whether such members shall be elected or appointed, the method of their appointment, if appointed, and removal and their terms of office, which shall be so arranged that not more than one-half of such terms shall expire within any one year. The water pollution control authority of the town within which there is a city or borough shall not exercise any power within such city or borough without the express consent of such city or borough, except that such consent shall not be required for any action taken to comply with a pollution abatement order issued by the Commissioner of Environmental Protection.

(b) Each municipal water pollution control authority designated in accordance with this section may prepare and periodically update a water pollution control plan for the municipality. Such plan shall designate and delineate the boundary of: (1) Areas served by any municipal sewerage system; (2) areas where municipal sewerage facilities are planned and the schedule of design and construction anticipated or proposed; (3) areas where sewers are to be avoided; (4) areas served by any community sewerage system not owned by a municipality; (5) areas to be served by any proposed community sewerage system not owned by a municipality; and (6) areas to be designated as decentralized wastewater management districts. Such plan shall also describe the means by which municipal programs are being carried out to avoid community pollution problems and describe any programs wherein the local director of health manages subsurface sewage disposal systems. The authority shall file a copy of the plan and any periodic updates of such plan with the Commissioner of Environmental Protection and shall manage or ensure the effective supervision, management, control, operation and maintenance of any community sewerage

system or decentralized wastewater management district not owned by a municipality.

(c) Any municipal sewer authority in existence prior to October 1, 1978, shall be deemed to be the water pollution control authority of such municipality unless the legislative body of the municipality, by ordinance, determines otherwise, and such water pollution control authority shall be deemed the successor to such sewer authority for all of the purposes of this chapter. All acts of any such sewer authorities from October 1, 1978, to June 1, 1979, are validated. The provisions of this subsection shall not apply to any action pending in any court or any right of appeal under this chapter existing on June 1, 1979.



Kurt Mailman, PE

Associate

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Attachments:

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Endorsement Letter from Continuing Committee
Draft - May 15, 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.

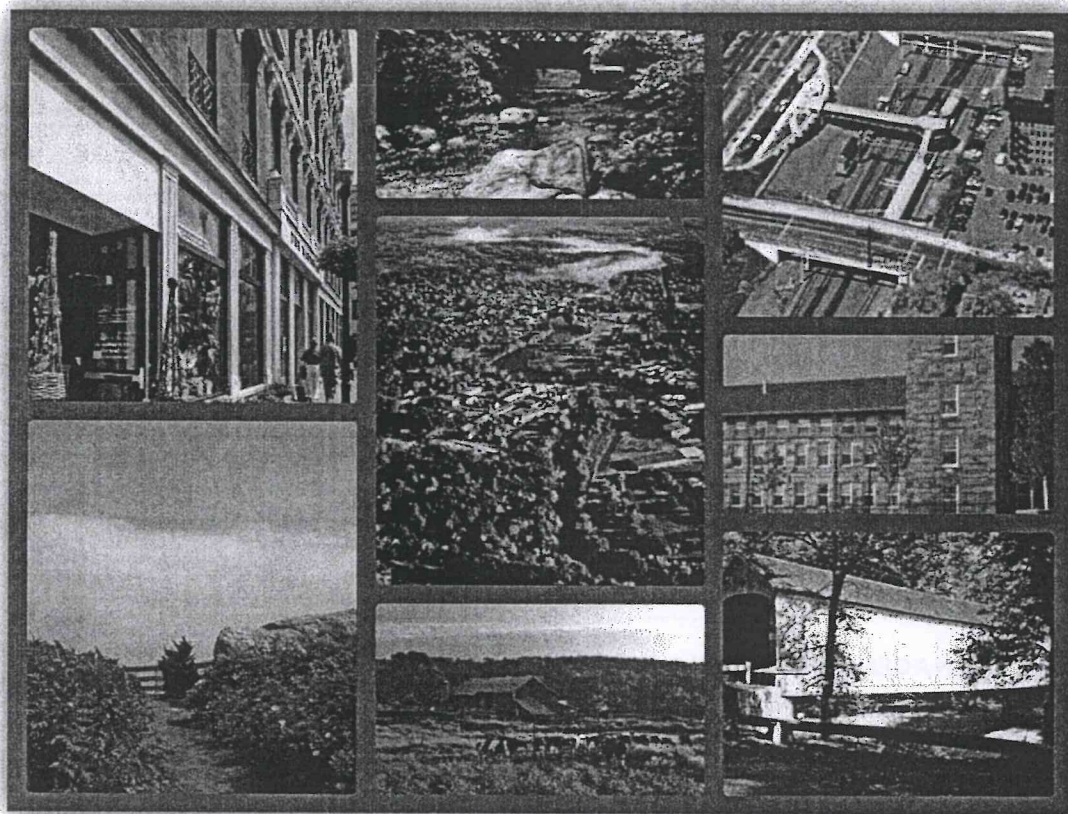
The Continuing Committee recognizes that many have expressed concern over the way in which the State Plan of Conservation and Development has been implemented in the past, particularly with regard to the manner in which some state agencies have relied upon the Locational Guide Map to determine a proposed 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.

CONSERVATION & DEVELOPMENT POLICIES: THE PLAN FOR CONNECTICUT



2013-2018

Prepared by the Office of Policy and Management

In accordance with Connecticut General Statutes Section 16a-29

Conservation & Development Policies: The Plan for Connecticut

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BACKGROUND

In 1971, House Joint Resolution No. 40 called for the development of a state plan of conservation and development (State C&D Plan). A plan was published on September 27, 1974, and it served as the official policy for the Executive Branch in matters pertaining to land and water resources conservation and development, in accordance with Executive Order No. 28.

In 1976, the General Assembly established a process for direct legislative participation in the preparation, adoption, and implementation of the State C&D Plan. That process, as amended from time to time, is codified in Section 16a-24 through Section 16a-33 (Chapter 297) of the Connecticut General Statutes (CGS). The Office of Policy and Management (OPM) is responsible for administering the State C&D Plan revision process on a recurring 5-year cycle, under the oversight of the Continuing Legislative Committee on State Planning and Development (Continuing Committee). The Continuing Committee was established under CGS Section 4-60d.

The General Assembly adopted the first State C&D Plan in 1979, with subsequent revisions adopted in 1983, 1987, 1992, 1998, and 2005. Although the current Plan covers the period 2005-2010, it remains in effect until the General Assembly formally adopts the 2013-2018 State C&D Plan as anticipated in 2013 (per Public Act 09-230, as amended by Public Act 10-138).

Once the 2013-2018 State C&D Plan is adopted, in accordance with CGS Section 16a-30, state agencies will proceed to implement the Plan pursuant to the requirements of CGS Section 16a-31 and Section 16a-35d. (Note: This latter section is codified in CGS Chapter 297a, which entails new requirements for priority funding areas that take effect upon adoption of the 2013-2018 State C&D Plan.)

Finally, CGS Section 16a-32 provides a mechanism for amending the State C&D Plan in between the statutory five-year revision cycle, and it also requires OPM to report annually by February 15th on the extent to which state-sponsored actions were in conformity with the Plan.

CONNECTICUT'S PLANNING FRAMEWORK

In addition to the State C&D Plan requirements noted above, CGS Sections 8-23 and 8-35a provide separate requirements for municipalities and regional planning organizations (RPOs) to prepare and update their respective plans of conservation and development at least once every ten years. While these plans must "note any inconsistencies" with the six growth management principles that are the foundation of the State C&D Plan, there is no statutory requirement for a municipal plan to be consistent with either the regional plan or the State C&D Plan (or vice versa). A new provision of CGS Section 8-23(b) requires each municipality to have a formally adopted plan in place, which is no more than ten years old on or after July 1, 2014, in order to remain eligible for discretionary state funding.

APPLICATION OF THE STATE C&D PLAN

Although Connecticut's planning framework does not require municipal, regional and state *plans* to be consistent with one another, CGS Section 16a-31 requires state agencies to be consistent with the State C&D Plan whenever they undertake any of the following *actions* with state or federal funds:

- (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.

CGS Section 16a-31 also requires OPM to:

- provide an advisory statement, upon request by another state agency, on the extent to which a proposed action is consistent with the State C&D Plan;
- review each Bond Commission agenda and issue an advisory statement on the extent to which the items on the agenda are consistent with the State C&D Plan; and
- review certain draft plans prepared by state agencies under state or federal law, and provide the submitting agency with an advisory report commenting on the extent to which the proposed plan conforms to the State C&D Plan.

The State C&D Plan is defined in CGS Section 16a-25 as "the text of such plan and any accompanying locational guide map." A separate chapter on the Locational Guide Map has been included to provide supplemental details on the use and application of the Map, relative to new priority funding area requirements associated with CGS Chapter 297a.

In summary, the statutory mandate for consistency with the State C&D Plan only applies to state agencies, as outlined in CGS Section 16a-31. The State C&D Plan is advisory to municipalities, due to the fact that there is no statutory requirement for municipal plans, regulations, or land use decisions to be consistent with it.

NEW STATUTORY REQUIREMENTS

There have been some significant amendments to state planning statutes since the current State C&D Plan was adopted in 2005:

- Public Act 05-205 expands the definition of "funding" to include "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." It also requires OPM to develop recommendations for the delineation of boundaries of "priority funding areas", and to identify "corridor management areas" on either side of a limited access highway or a rail line. The Act further requires that, upon the General Assembly's adoption of the 2013-2018 State C&D Plan, no state agency shall provide funding for a "growth-related project" unless such project is either located in a priority funding area or the sponsoring agency has fully complied with the statutory exception process, if such project is not located in a priority funding area. (CGS Sec. 16a-35c through Sec. 16a-35h)
- Public Act 08-182 outlines new performance-based planning and programming requirements. Although this Draft includes examples of performance indicators for measuring progress, OPM recognizes that there still needs to be broad consensus developed around a set of meaningful and measurable performance indicators. OPM views the establishment of benchmarks for each Growth Management Principle as a longer term goal that will be addressed only after a high degree of confidence has been developed around the baseline data to be collected on the performance indicators. (CGS Sec. 16a-27(e))
- Public Act 09-230 defines "principles of smart growth" and Public Act 10-138 requires state agencies to consider whether certain grant application proposals comply with such principles. (CGS Sec. 4-37l)

- Public Act 10-138 directs OPM to develop a new process for the revision, adoption, implementation and amendment of the State C&D Plan, and to submit a draft of such process to the Continuing Committee. OPM submitted said report in January 2011 and began implementing the new process accordingly, so that the “planning policies of different levels of government are compared and differences between such policies are reconciled with the purpose of attaining compatibility between local, regional and state plans.” A summary of the “Cross-Acceptance Process” is included below.

CROSS-ACCEPTANCE PROCESS

Due to the desire of many for a more bottom-up approach to the State C&D Plan revision process, OPM proceeded to implement the new cross-acceptance process as described in its January 2011 report to the Continuing Committee. Following the report’s submission, OPM conducted *initial outreach* workshops over the next several months, which are summarized in Attachment B. OPM incorporated its findings from these workshops into the initial Draft 2013-2018 C&D Plan that was submitted to the Continuing Committee in December 2011 for a required 90-day review under CGS Section 16a-28(a).

From January through March 2012, OPM proceeded to implement the *plan comparison* phase of the cross-acceptance process. During this period, OPM conducted fourteen regional workshops and various coordinating meetings with state agencies, which are summarized in Attachment C. The Continuing Committee opted not to comment during this early review period.

In total, 136 municipalities and 14 Regional Planning Organizations (RPOs) participated in the voluntary *plan comparison* phase. The participating municipalities and RPOs reviewed their respective plans of conservation and development to determine the extent to which they were compatible with the planning policies of the initial Draft C&D Plan. That effort, combined with input from affected state agencies, provided OPM with general consensus in support of the policies listed under each Growth Management Principle when it published the “Public Draft” on April 30, 2012, under CGS Section 16a-28(b).

Over the following five-month period, OPM coordinated with RPOs to schedule and publicize formal public hearings in each of the state’s planning regions, as required under CGS Section 16a-28(c). Attachment D provides a summary of all public hearings conducted, as well as informal map workshops and other related outreach efforts. OPM’s legal notice announcing the availability of the Public Draft and upcoming public hearings is provided in Attachment E.

After the public comment period concluded on October 5, 2012, OPM logged and summarized all public comments received on the Public Draft. In December 2012, OPM posted its responses to public comments on its website, and proceeded to further revise the Draft C&D Plan, in accordance with CGS Section 16a-29.

The last phase of the cross-acceptance process, known as *plan negotiation*, is intended to provide an opportunity for each regional facilitator (i.e., RPO) to meet with state officials to address any remaining unresolved issues before drafting an optional Statement of Agreements and Disagreements for inclusion in the revised Draft C&D Plan. The inclusion of such statements in the revised Draft C&D Plan is intended to provide state legislators with information pertaining to their constituent municipalities’ level of support for the Draft 2013-2018 State C&D Plan when it is considered for adoption by the General Assembly.

Unfortunately, neither RPOs nor municipalities had enough time to fully assess OPM’s responses to comments leading up to the submittal date of this Plan, so it is unknown how many regions would have participated in the voluntary *plan negotiation* phase if time had permitted. OPM believes that its unprecedented level of effort in responding to public comments should help to minimize the number of remaining concerns in each region. With

the Continuing Committee's consent, OPM is fully committed to working with any region that is interested in drafting a Statement of Agreements and Disagreements, so that it can be concluded prior to the General Assembly's consideration of this Plan for adoption.

FORMAT OF THE PLAN

The Continuing Committee held a series of informational hearings in 2009, relating to Public Act 09-230, which provided OPM with direction on how to develop and implement the State C&D Plan. Based on the results of those hearings and other new statutory requirements noted above, the text of the State C&D Plan is being presented in a new condensed format that is built around six Growth Management Principles:

- 1) Redevelop and Revitalize Regional Centers and Areas with Existing or Currently Planned Physical Infrastructure;
- 2) Expand Housing Opportunities and Design Choices to Accommodate a Variety of Household Types and Needs;
- 3) Concentrate Development Around Transportation Nodes and Along Major Transportation Corridors to Support the Viability of Transportation Options;
- 4) Conserve and Restore the Natural Environment, Cultural and Historical Resources, and Traditional Rural Lands;
- 5) Protect and Ensure the Integrity of Environmental Assets Critical to Public Health and Safety; and
- 6) Promote Integrated Planning Across all Levels of Government to Address Issues on a Statewide, Regional and Local Basis.

Not only do the Growth Management Principles serve as the chapters of the State C&D Plan, but municipalities and RPOs must also note any inconsistencies with these principles when they update their respective plans of conservation and development (CGS Sections 8-23 and 8-35a). Therefore, it is important that the State C&D Plan be conveyed in a format that is clear and concise to all of its users.

Each Growth Management Principle begins with a brief summary statement of its objectives. This is followed by:

- A set of relevant policy statements that provide the basis for state agencies to assess the consistency of their proposed plans and actions with the State C&D Plan (Note: OPM recognizes that a number of policies can apply to more than one Growth Management Principle; however, there was an intentional effort to limit such cross-references. Whenever a state agency is required to determine the consistency of a proposed action with the State C&D Plan, it may cite any relevant policies contained in the Plan – regardless of the particular Growth Management Principle under which it appears.);
- A list of plans prepared by state agencies under state or federal law, which must be submitted to OPM for a review of consistency with the State C&D Plan prior to their adoption. Links to such agency plans are intended to provide state agencies and other interested parties with access to more detailed information and policy guidance on various subject matters beyond that which is covered in this Plan;
- A list of examples of performance indicators for measuring progress in implementing the State C&D Plan, including financial indicators;
- A reference to relevant Principles of Smart Growth, as defined in Public Act 09-230 and listed in Attachment F. This reference is included to assist state agencies in complying with CGS Section 4-371, which requires agencies to consider whether certain grant applications under their purview comply with some or all of the Principles of Smart Growth; and

- A map that reflects the geographic areas generally supported by the policies of the particular Growth Management Principle. Each map is based on a limited number of criteria and, therefore, is intended for illustrative purposes only.

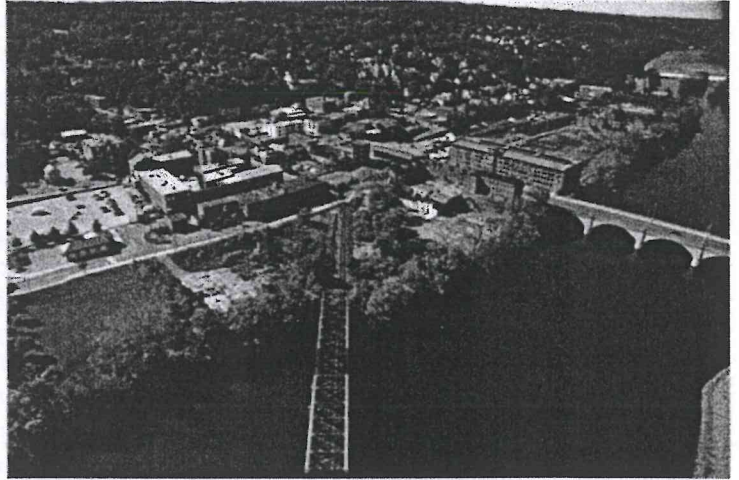
In addition to the chapter format revisions noted above, the Locational Guide Map component of the State C&D Plan has also undergone significant changes. With the priority funding area legislation set to take effect upon adoption of the 2013-2018 State C&D Plan, OPM recognizes that there may be greater interest in the Plan's Locational Guide Map. As a result, OPM has devoted a separate chapter to the Locational Guide Map, which describes the role of the Map, its use and application, and the criteria for delineating the boundaries of priority funding areas.

Finally, Attachment A lists a number of Examples of State Agency-Administered Programs. This list was developed with input from state agencies and serves as a general guide for agency staff to locate relevant policies for consideration when determining the consistency of their proposed actions, with the caveat noted in the first bullet above. Attachment A is also intended to help fulfill some of the new requirements of CGS Section 16a-27(e), such as identifying potential funding sources and the entity responsible for program implementation.

GROWTH MANAGEMENT PRINCIPLE #1

Redevelop and Revitalize Regional Centers and Areas with Existing or Currently Planned Physical Infrastructure

A region's development potential is highly correlated with its accessibility to urban-scale infrastructure. Connecticut has invested significant resources in the physical infrastructure of its cities and towns to provide for wastewater treatment capacity, potable water supplies, highways and railways, air and sea ports, broadband access, energy generation and transmission, and other related facilities. In order to help position the state for growth, state agencies, regional planning organizations, municipalities, private developers, and other stakeholders must coordinate their actions to leverage these assets in a manner that will take full advantage of Connecticut's strategic location within the Northeast Megaregion, while also proactively addressing the needs and desires of a changing demographic base.



Shelton Downtown Revitalization Project includes the Riverwalk and Veteran's Memorial Park, condominiums and farmer's market.

Photo Credit: Shelton Economic Development Corporation

Repairs and upgrades to the state's aging, and sometimes underutilized, infrastructure represent a significant ongoing cost to taxpayers, who sometimes view investments in new or expanded infrastructure and facilities as a more cost-effective and preferred use of their tax dollars. Compounding this perception is the fact that deferred maintenance is typically a less controversial option for balancing government operating budgets than cutting public services. Over time, the cumulative effect of deferred maintenance can create an unsustainable long-term financial burden on taxpayers.

A life-cycle cost analysis can raise important considerations about taxpayers' long term liability associated with maintaining an ever-expanding infrastructure base. For example, timely repairs and upgrades to aging infrastructure can save taxpayers money by extending an asset's useful life and forestalling the need for costlier renovations or replacement in the future. Such an analysis can also provide a better understanding of the combined total capital and operational costs associated with a proposed project. In addition, it can provide a context for considering a project's other potential costs or benefits to the environment that may not be easily quantified, such as greater energy efficiency, water conservation, pollution prevention, and historic preservation.

State Agency Policies:

- **ENSURE** the safety and integrity of existing infrastructure over its useful life through the timely budgeting for maintenance, repairs and necessary upgrades;
- **FOCUS** on infill development and redevelopment opportunities in areas with existing infrastructure, such as in city or town centers, which are at an appropriate scale and density for the particular area;

- **ENCOURAGE** multi-disciplinary approaches to infrastructure planning and design. For example, for transportation projects in areas with combined sewers, seek to preserve the functional capacity of wastewater treatment plants by designing projects that enhance the infiltration of stormwater generated by the existing street network and other impermeable surfaces through “green infrastructure” measures such as pervious pavement material and the incorporation of urban green spaces;
- **COORDINATE** the timing of any planned expansion of existing infrastructure to meet state and regional growth objectives;
- **PERFORM** a life-cycle cost analysis to identify potential cost burdens beyond the initial capital investment for any proposed action involving the expansion of infrastructure beyond the current limits of the existing or planned service area for the particular form(s) of infrastructure, except when necessary to address immediate public health or safety concerns;
- **PROMOTE** the continued use or adaptive reuse of existing facilities and developed property, including brownfields in strategic locations;
- **PROACTIVELY IDENTIFY AND MARKET** available properties that are currently served by infrastructure and that could meet the needs of new or expanding businesses, especially those within close proximity to existing industry clusters;
- **PROMOTE** supportive land uses around rail stations, airports and sea ports, and discourage uses that are not dependent upon, or complimentary to, the available infrastructure;
- **UTILIZE** the state’s strategic location and infrastructure to promote expansion of markets for Connecticut grown and manufactured products;
- **ENCOURAGE** local zoning that allows for a mix of uses “as-of-right” to create vibrant central places where residents can live, work, and meet their daily needs without having to rely on automobiles as the sole means of transport;
- **PROMOTE** urban areas as centers for arts, entertainment and culture, while also supporting community-based agriculture, historic preservation, and access to urban green spaces and waterways;
- **CAPITALIZE** on opportunities to develop and deploy innovative energy technologies, and promote distributed generation and microgrids where practical to provide reliable electrical power during outages and peak demand periods; and
- **MINIMIZE** the potential risks and impacts from natural hazards, such as flooding, high winds and wildfires, when siting infrastructure and developing property. Consider potential impacts of climate change on existing and future development.

Applicable Principles of Smart Growth	
Integrated Planning or investment	A
Efficiencies and coordination of services	B
Redevelopment of existing infrastructure	C
Transportation choices	D
Development of housing affordable to households of varying income	E
Concentrated, mixed use, mixed income development	F
Conservation and protection of natural resources	G

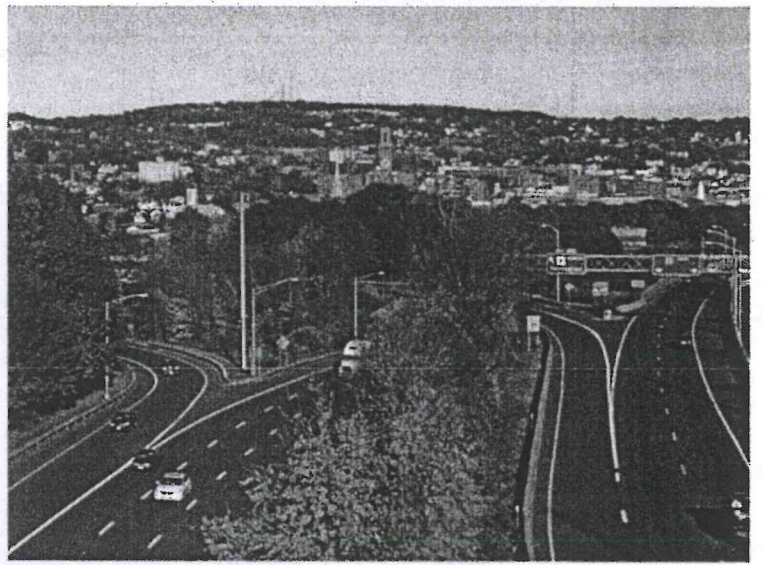
Plans Prepared by State Agencies under State or Federal Law:

- Master Transportation Plan (DOT) (includes listing of major transportation projects and plans per CGS Section 16a-27) <http://www.ct.gov/dot/cwp/view.asp?a=3529&q=430714>

- Economic Strategic Plan (DECD)
http://www.ct.gov/ecd/lib/ecd/connecticut_esp-final.pdf
- Comprehensive Energy Strategy for Connecticut (DEEP)
http://www.ct.gov/deep/lib/deep/energy/cep/deep_draft_connecticut_comprehensive_energy_strategy.pdf

Examples of Performance Indicators for Measuring Progress:

- Percentage of State capital investments in priority funding areas
- Number of new businesses registered in priority funding areas compared to total statewide new business registrations
- Percent increase in development in priority funding areas
- Number of businesses started or expanded in priority funding areas
- Number of brownfield sites/acres redeveloped
- Percent of state highways and bridges in fair or better condition
- Number of historic facilities preserved in priority funding areas
- Number of registered farmers markets in priority funding areas

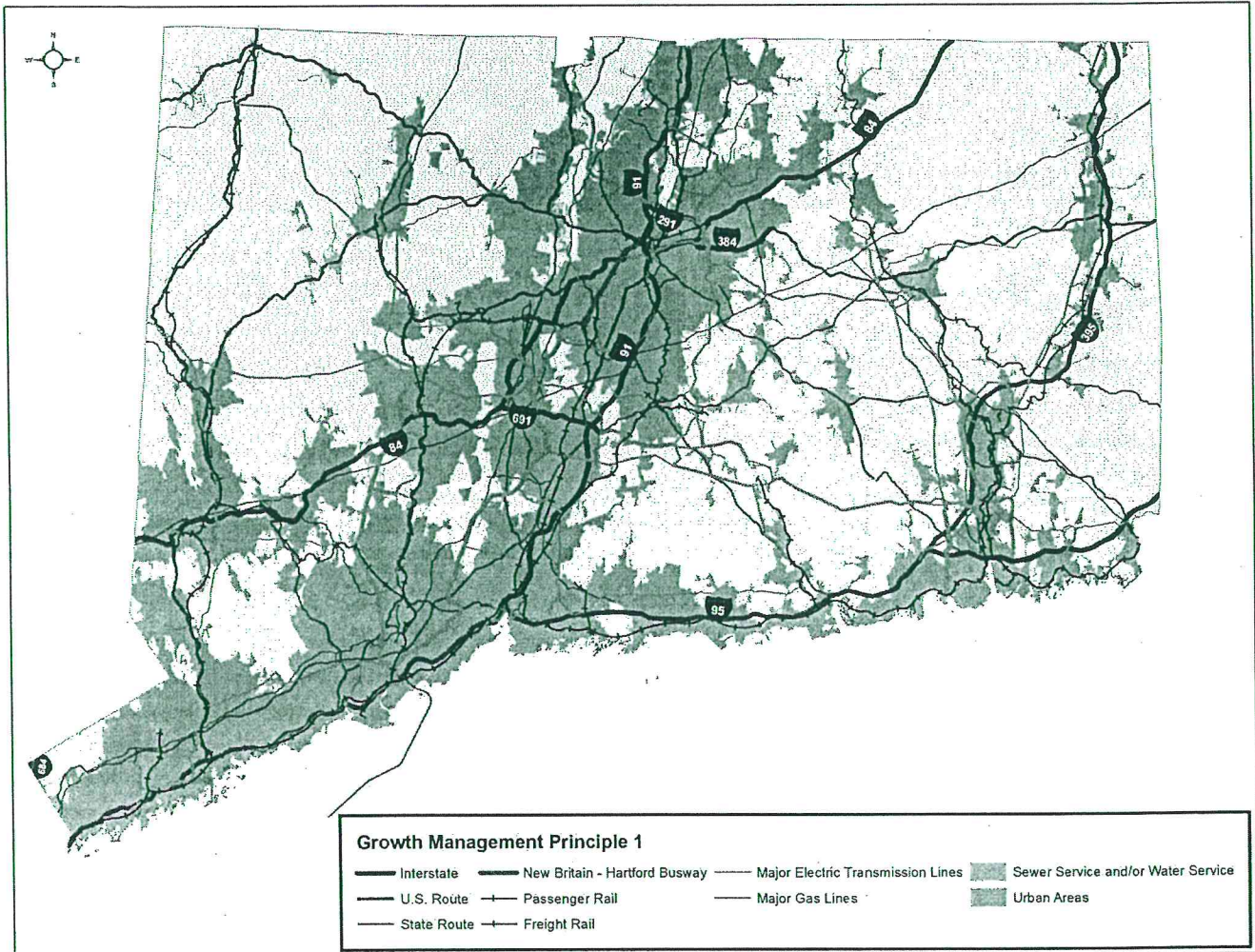


Approaching the I-84/Route 8 Interchange known as the "Waterbury Mixmaster"
Photo Credit: Joe Perrelli, COGCNV

Geographic Depiction of GMP 1

The following map reflects the geographic areas generally supported by the policies of GMP 1. State-sponsored efforts to redevelop and revitalize regional centers and areas with existing or currently planned infrastructure are broadly illustrated by these map criteria:

- 1) Public Water and Sanitary Sewer Service Areas;
- 2) Primary Highways
- 3) Rail Lines and Busways;
- 4) Major Electricity and Gas Transmission Lines; and
- 5) U.S. Census Bureau-Delineated Urban Areas.

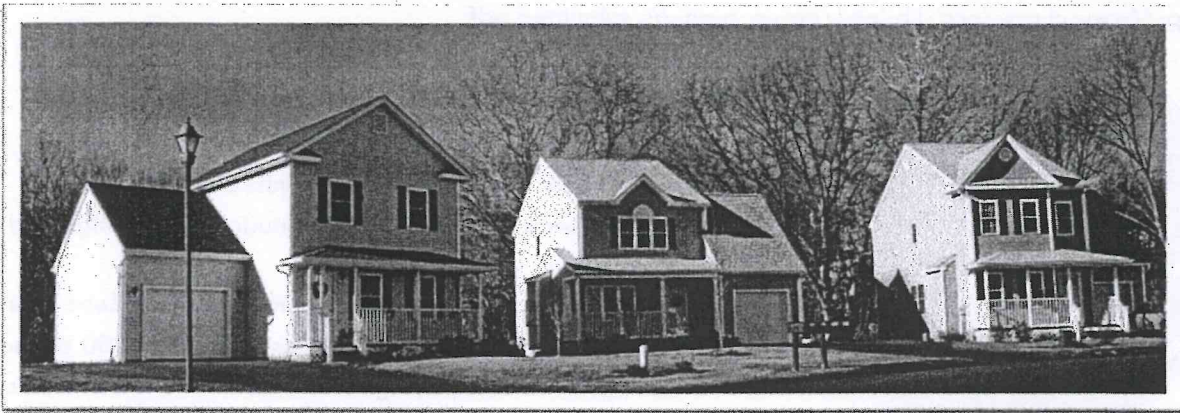


GROWTH MANAGEMENT PRINCIPLE #2

Expand Housing Opportunities and Design Choices to Accommodate a Variety of Household Types and Needs

Demographic trends indicate that Connecticut's population, along with most of the nation, is aging. The sheer magnitude of the number of members in the "baby boom" generation, combined with increased life expectancy, will have profound effects on our communities and society in general well into the future. Notably, the "millennial" generation, whose members are now entering the 25 to 34 year old age group, outnumbers the "baby boom" generation. The different needs and desires of these two large generations will present unprecedented challenges, as well as opportunities, for the state and its communities to attract and retain a diverse and innovative citizenry.

In order to expand the economy and promote a vibrant population, state and local governments must proactively address current policies and regulations that hinder private developers from building the types of housing options and lifestyle amenities that the market demands. The high cost of housing is often cited as one of the factors why Connecticut has lost a large percentage of its young adult population over the past twenty years. However, a number of municipalities are positioned to create higher density, mixed-income housing stock in areas that are within walking distance to retail, recreational and cultural attractions, jobs and public transit. Coordinated marketing of each region's unique assets and lifestyle amenities will help to attract prospective developers, employers and residents, while also providing new housing options for the local workforce.



The Olde Oak Village in Wallingford incorporates attractive affordable and market rate homes. Photo Credit: Partnership for Strong Communities

State Agency Policies:

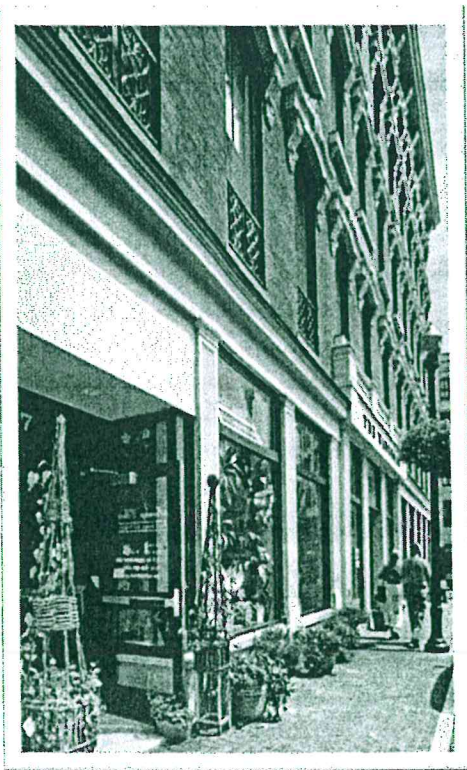
- **ENHANCE** housing mobility and choice across income levels and promote vibrant, mixed-income neighborhoods through both ownership and rental opportunities;
- **SUPPORT** adaptive reuse of historic and other existing structures for use as residential housing;
- **PROVIDE** favorable loan terms for multi-family housing and mixed-use properties in targeted areas;

- **MARKET** urban communities to people most likely attracted to working and/or living in urban environments, such as young people and “empty nesters”;
- **SUPPORT** local efforts to develop appropriate urban infill housing and neighborhood amenities to make better use of limited urban land;
- **PROMOTE** housing and/or affordable housing as part of mixed use and transit-oriented developments within walking distance to public transportation facilities;
- **IDENTIFY** innovative mechanisms, utilizing decentralized or small-scale water and sewage systems, to support increased housing density in village centers and conservation subdivisions that lack supporting infrastructure; and
- **ENCOURAGE AND PROMOTE** access to parks and recreational opportunities, including trails, greenways, community gardens and waterways, for affordable and mixed-income housing.

Plans Prepared by State Agencies under State or Federal Law:

- State Long-Range Housing Plan (DECD)
http://www.ct.gov/ecd/lib/ecd/2010-15_slrhp_-_final_.pdf
- Annual Action Plan for Housing and Community Development (DECD)
http://www.ct.gov/ecd/lib/ecd/action_plan_as_submitted.pdf

Applicable Principles of Smart Growth	
Integrated Planning or investment	A
Efficiencies and coordination of services	B
Redevelopment of existing infrastructure	C
Transportation choices	D
Development of housing affordable to households of varying income	E
Concentrated, mixed use, mixed income development	F
Conservation and protection of natural resources	G



Examples of Performance Indicators for Measuring Progress:

- Number of new affordable housing units created
- Number of towns with 10% of their housing stock designated affordable
- Number of towns with approved Incentive Housing Zone overlays
- Percentage of population in high density areas (1,000 per sq mi)
- Percentage of renters paying more than 30% of income on rent

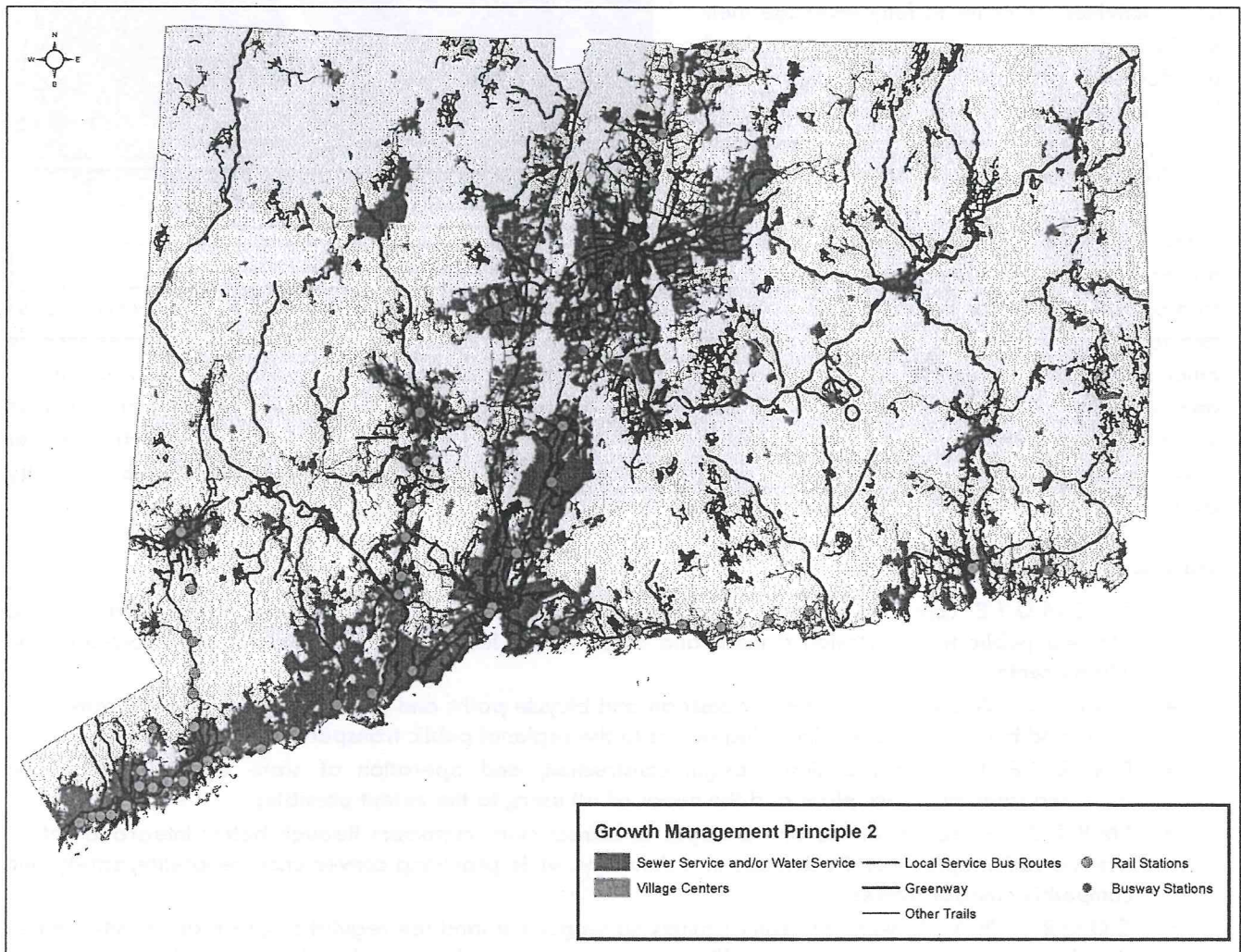
Historic 1855 Wauregan Hotel turned into a mixed use project comprising 70 units of moderate income housing, 4,000 s.f. of retail space, ballroom restoration, and 100-space parking garage.
Photo Credit: Partnership for Strong Communities

Geographic Depiction of GMP 2

The following map reflects the geographic areas generally supported by the policies of GMP 2. State-sponsored efforts to expand housing opportunities and design choices to accommodate a variety of household types and needs are broadly illustrated through the following map criteria:

- 1) Public Water and Sanitary Sewer Service Areas;
- 2) Village Centers;
- 3) Rail and Busway Station Areas;
- 4) Local Bus Routes; and
- 5) Greenways (for more detail, please see:

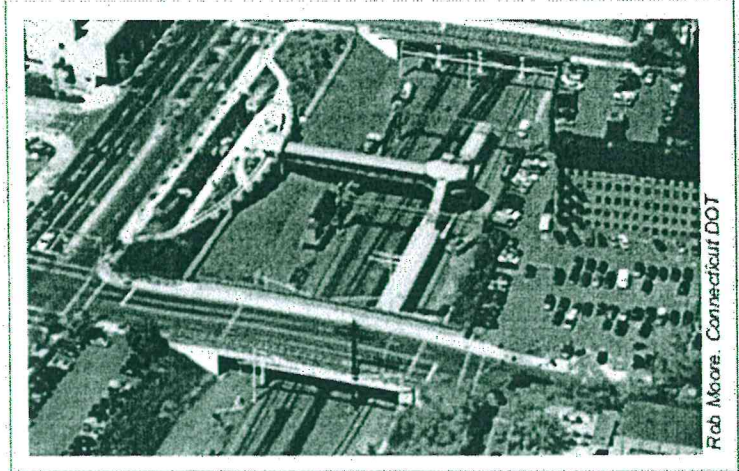
http://www.ct.gov/dep/cwp/view.asp?a=2707&q=323852&depNav_GID=1704&depNavPage=%7C



GROWTH MANAGEMENT PRINCIPLE #3

Concentrate Development Around Transportation Nodes and Along Major Transportation Corridors to Support the Viability of Transportation Options

Transportation corridors and hubs are critical assets that affect Connecticut's ability to compete for economic development. In addition to providing expanded business access to markets, they provide residents with access to jobs, education, recreation and other daily activities. In order to fully leverage their ability to generate new economic growth, land use decisions within such corridors and around hubs must include a mix of complementary strategies that target the long-term development goals of each region.



Aerial view of the new State St. Station in New Haven

While improved access to the New York and Boston metropolitan area markets is a key transportation goal for the state, it is even more essential that the points in between (i.e., Connecticut's cities and towns) are integrated into the economic fabric of the greater region and its labor market. Experiences in other states have shown that transit hubs can be effective drivers of new office, commercial, and residential development. Regional coordination will be needed to maximize state investments in the transportation infrastructure through transit-supportive land use regulations around hub and station areas, effective feeder and connector services within the corridor, and access management planning to preserve the highway capacity on urban arterial roads with significant commercial development.

State Agency Policies:

- **PROMOTE** compact, pedestrian-oriented, mixed use development patterns around existing and planned public transportation stations and other viable locations within transportation corridors and village centers;
- **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;
- **ENSURE** that the planning, design, construction, and operation of state and local highways accommodates municipal plans and the needs of all users, to the extent possible;
- **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;
- **COORDINATE** with host municipalities on supportive land use regulations, such as transit-oriented development zones and freight villages where practical, to make the most effective use of transportation facilities for the movement of people and/or goods;
- **IDENTIFY** brownfields and other strategic sites that are (1) within one-half mile or walking distance of public transportation facilities and/or (2) near other inter-modal transportation nodes and facilities, and consider them for designation as pre-approved development areas; and

- **RESTORE** strategic shipping channels and pier areas to their authorized depths when dredging is recommended in Connecticut's Deep Water Port Strategy Study.

Applicable Principles of Smart Growth	
Integrated Planning or investment	A
Efficiencies and coordination of services	B
Redevelopment of existing infrastructure	C
Transportation choices	D
Development of housing affordable to households of varying income	E
Concentrated, mixed use, mixed income development	F
Conservation and protection of natural resources	G

Plans Prepared by State Agencies under State or Federal Law:

Strategic Long-Range Transportation Plan, 2009-2035 (DOT)

<http://www.ct.gov/dot/cwp/view.asp?a=3531&q=259760>

Connecticut Statewide Bicycle and Pedestrian Transportation Plan (DOT)

<http://www.ct.gov/dot/cwp/view.asp?a=1390&q=259656>

Connecticut State Rail Plan (DOT)

<http://www.ct.gov/dot/cwp/view.asp?a=1386&q=437648&PM=1>

Connecticut Statewide Airport System Plan (DOT)

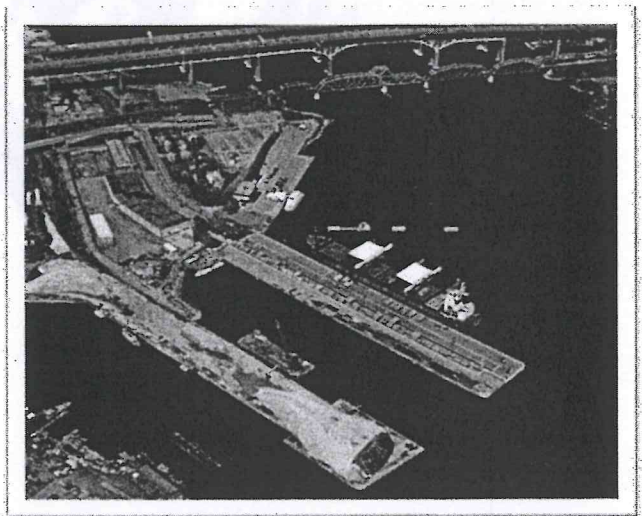
<http://www.ct.gov/dot/lib/dot/documents/dpolicy/ExecutiveSummary.pdf>

Examples of Performance Indicators for Measuring Progress:

- Number of passengers using public transportation
- Number of locally-designated transit-oriented development zones
- Percent of Surface Transportation Program funds used

for bicycle/pedestrian access

- Percent of state capital investments made within 1/2 mile of a rail station or a bus rapid transit (BRT) station
- Number of housing units/amount of commercial building space built or renovated within 1/2 mile of a rail station or a bus rapid transit (BRT) station
- Number of Bradley International Airport passengers
- Volume of goods transported by mode within and through Connecticut
- Average per rider subsidy by mode/service

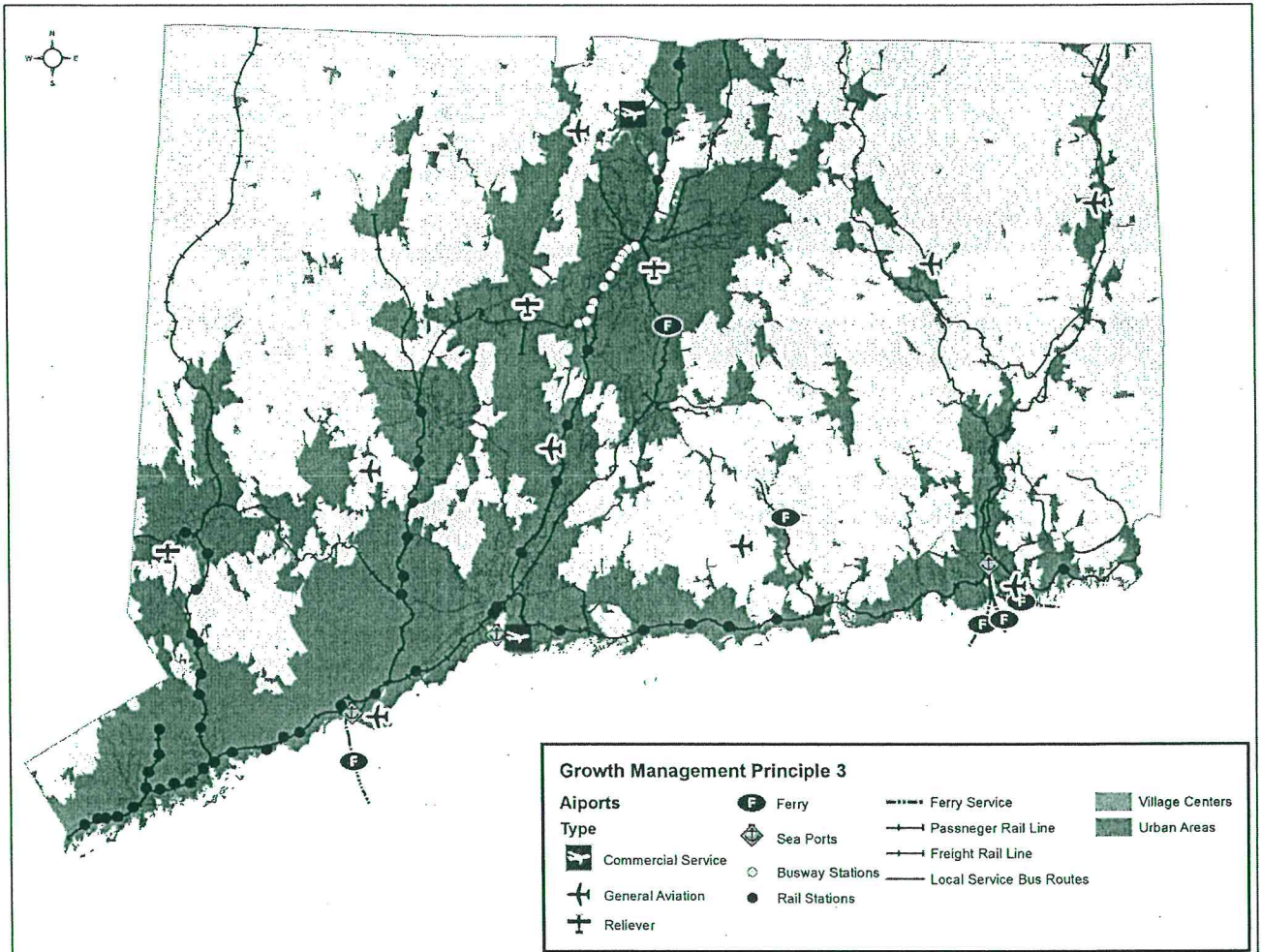


Port of New London

Geographic Depiction of GMP 3

The following map reflects the geographic areas generally supported by the policies of GMP 3. State-sponsored efforts to concentrate development around transportation nodes and along major transportation corridors to support the viability of transportation options are broadly illustrated through the following map criteria:

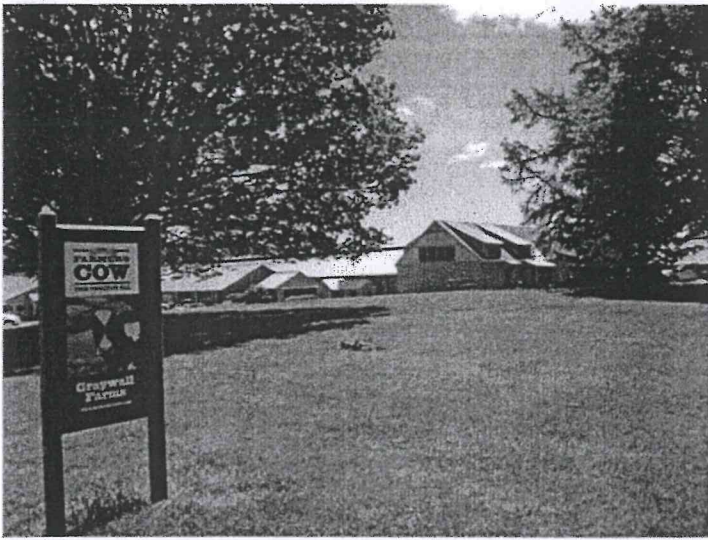
- 1) Rail and Busway Stations;
- 2) Passenger Rail and Freight Rail Lines
- 3) Commercial, General Aviation & Reliever Airports;
- 4) Deep Water Seaports;
- 5) Ferry Service
- 6) Local Bus Routes;
- 7) U.S. Census Bureau-Delineated Urban Areas; and
- 8) Village Centers.



GROWTH MANAGEMENT PRINCIPLE #4

Conserve and Restore the Natural Environment, Cultural and Historical Resources, and Traditional Rural Lands

It is widely recognized that Connecticut's natural, cultural and historical resources, along with its rural landscapes, have intrinsic values which contribute to the state's high quality of life. Less obvious are the functional values that these resources provide, such as storm water management, flood control, oxygen production and carbon storage, and the filtration and purification of water for human consumption and habitat preservation. Similar to the need to maintain the physical infrastructure of cities and towns, there is a corresponding need to strategically invest in the state's natural infrastructure, through preservation and maintenance of multi-functional land, when it can cost-effectively perform or supplement the types of functions performed by human-engineered systems.



Graywall Farms in Lebanon, CT. Photo Credit: Robin Chesmer

"Too often communities focus on developing land versus preserving agriculture. Both have their pluses, but only agriculture provides sustainable value in terms of the environment, municipal finance, aesthetics, and food security, which can be appreciated by everyone."

Philip Chester, Lebanon Town Planner

Furthermore, a number of Connecticut industries, such as agriculture and aquaculture, outdoor recreation, and culture and tourism, are important contributors to the state economy and to the communities in which they are based. Since the economic value of such industries is oftentimes derived from the natural and cultural resources upon which they are based, it is critical that public and private interests take a strategic and coordinated approach to protecting and/or managing the long-term viability of both the conservation and development functions of such resources.

Rural communities in Connecticut, which typically lack urban-scale infrastructure, face especially difficult challenges to grow in a manner that is consistent with their rural character. Their growth prospects are oftentimes perceived to be limited to strip commercial development along rural highways. While the conservation of open space and farmland can have a net positive impact on the local tax base and the region's quality of

life, there may also be instances where towns want to pursue complementary efforts to plan for the development of new, or the expansion of existing, village-scale mixed use centers. Cluster development techniques, when combined with properly installed and maintained decentralized water, wastewater and/or stormwater systems, can accommodate growth without the need for publicly subsidized expansions of infrastructure.

State Agency Policies:

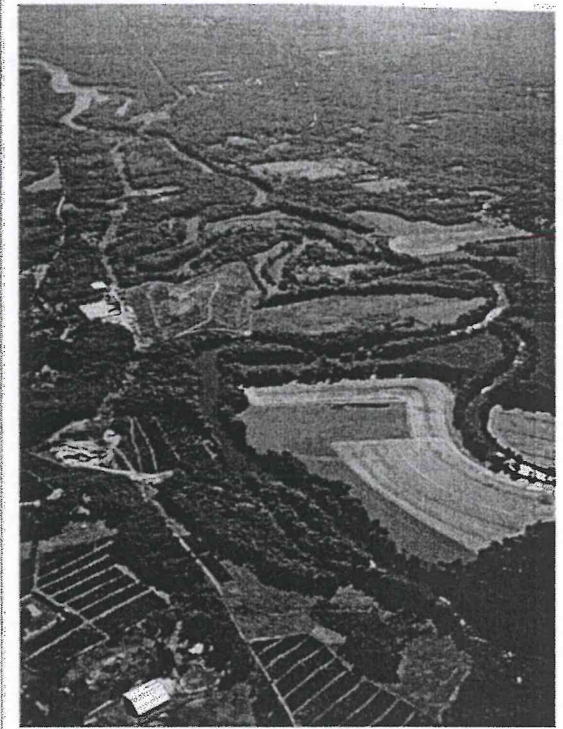
- **CONTINUE TO PROTECT** permanently preserved open space areas and facilitate the expansion of the state's open space and greenway network through continued state funding and public-private partnerships for the acquisition and maintenance of important multi-functional land and other priorities identified in the State's Open Space Plan (i.e., Green Plan);
- **LIMIT** improvements to permanently protected open space areas to those that are consistent with the long-term preservation and appropriate public enjoyment of the natural resource and open space values of the site;
- **PROTECT AND PRESERVE** Connecticut Heritage Areas, archaeological areas of regional and statewide significance, and natural areas, including habitats of endangered, threatened and special concern species, other critical wildlife habitats, river and stream corridors, aquifers, ridgelines, large forest areas, highland areas, and Long Island Sound;
- **ENCOURAGE** collaborative ventures with municipalities, private non-profit land conservation organizations and other entities to provide a system of appropriately preserved and managed natural areas and resources that allow for a diversity of well-functioning habitats and the sustainable use of resources;
- **SEEK TO ACHIEVE** no-net-loss of wetlands through development planning that: 1) avoids wetlands, whenever possible; 2) minimizes intrusions into wetlands when impacts are unavoidable; 3) mitigates any resulting impacts through wetland enhancement or creation; and 4) encourages ongoing maintenance of functional wetlands and buffer areas.
- **REVITALIZE** rural villages and main streets by promoting the rehabilitation and appropriate reuse of historic facilities, such as former mills, to allow a concentration of higher density or multiple use development where practical and consistent with historic character;
- **UTILIZE** the state's renewable power generation potential to the extent that is compatible with state goals for environmental protection, and minimize potential impacts to rural character and scenic resources when siting new power generation facilities and/or transmission infrastructure.
- **ENCOURAGE** municipalities to build capacity and commitment for agricultural lands preservation;
- **DEVELOP**, through the Governor's Council on Agricultural Development, a comprehensive Strategic Plan for Agriculture in Connecticut;
- **PROMOTE** agricultural businesses and supportive industries that are vital to the local and regional economy, while simultaneously preserving prime farmland through the acquisition of development rights and, to the extent practical, the avoidance, minimization, and/or mitigation of the loss or conversion of agricultural lands associated with state-sponsored development actions;
- **PROMOTE** Connecticut's commercial and recreational fishing and aquaculture industries consistent with marine productive capacities and environmental protections;

Applicable Principles of Smart Growth	
Integrated Planning or investment	A
Efficiencies and coordination of services	B
Redevelopment of existing infrastructure	C
Transportation choices	D
Development of housing affordable to households of varying income	E
Concentrated, mixed use, mixed income development	F
Conservation and protection of natural resources	G

- **UTILIZE** the landscape to the extent practical and incorporate sound stormwater management design, such as low impact development techniques, in existing and new development to maintain or restore natural hydrologic processes and to help meet or exceed state and federal water quality standards, so that the state's waters can support their myriad functions and uses;
- **MANAGE** water resource conflicts by balancing the competing needs of water for human consumption, waste assimilation, habitat sustainability, recreation, power production, agriculture and transporting people and goods;
- **RELY** upon the capacity of the land, to the extent possible, to provide drinking water and wastewater disposal needs beyond the limits of the existing service area. Support the introduction or expansion of public water and/or sewer services or advanced on-site wastewater treatment systems only when there is a demonstrated environmental, public health, public safety, economic, social, or general welfare concern, and then introduce such services only at a scale which responds to the existing need without serving as an attraction to more extensive development;
- **MINIMIZE** the siting of new infrastructure and development in coastal areas prone to erosion and inundation from sea level rise or storms, encourage the preservation of undeveloped areas into which coastal wetlands can migrate, and undertake any development activities within coastal areas in an environmentally sensitive manner consistent with statutory goals and policies set forth in the Connecticut Coastal Management Act;
- **PROTECT** the ecological, scenic and recreational values of lakes, rivers and streams by promoting compatible land uses and management practices in the vicinity of these resources;
- **PROTECT, MAINTAIN AND RESTORE** the chemical, physical, and biological integrity of surface waters to ensure that existing and designated uses are maintained; and
- **PROMOTE** innovative land conservation and banking practices that further local, regional and state conservation and development objectives, and minimize the need to expand infrastructure to support new development in rural areas.

Plans Prepared by State Agencies under State or Federal Law:

- State Historic Preservation Plan (DECD)
http://www.ct.gov/cct/lib/cct/state_historic_preservation_plan_ic.pdf
- The Green Plan: Guiding Land Acquisition and Protection in Connecticut (DEEP)
http://www.ct.gov/dep/lib/dep/open_space/green_plan.PDF
- Connecticut Statewide Comprehensive Outdoor Recreation Plan (DEEP)
http://www.ct.gov/dep/lib/dep/outdoor_recreation/scorp/2011_ct_scorp_reviewdraft.pdf
- Connecticut Forest Resource Assessment and Strategy (DEEP)



"The Last Green Valley" in Northeastern CT

Photo Credit: www.glsweetnam.com

"The forest is producing oxygen. It's cleaning the air. It's purifying the water. You try to explain to people that this is a huge natural machine that is working for you, and that we have to invest in it because that's what we do – we invest in infrastructure."

David Foster, Director of the Harvard Forest, excerpt from "The Working Forest"

http://www.ct.gov/dep/lib/dep/forestry/assessment_and_strategy/assessment_strategy.pdf

- Connecticut's Comprehensive Wildlife Conservation Strategy (DEEP)
http://www.ct.gov/dep/cwp/view.asp?a=2723&q=329520&depNav_GID=1719
- Natural Hazard Mitigation Plan (DEEP)
http://www.ct.gov/dep/cwp/view.asp?a=2720&q=325652&depNav_GID=1654

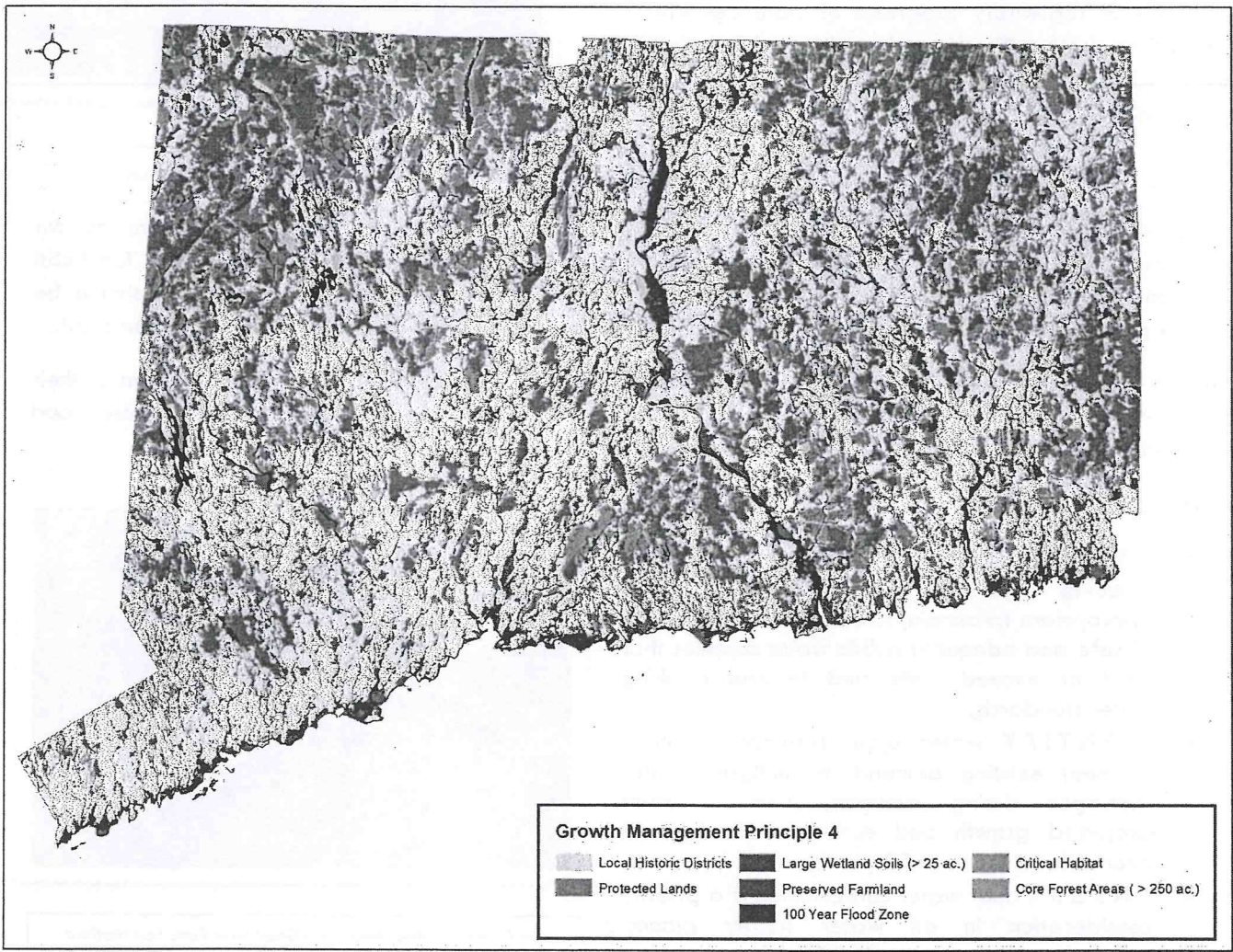
Examples of Performance Indicators for Measuring Progress:

- Acreage of preserved/protected open space
- Acreage of land being farmed in Connecticut
- Acreage of preserved farmland
- Percentage of Connecticut consumer dollars spent on locally produced farm products
- Total value of Connecticut's agricultural industry
- Acres of Inland Wetlands affected by activities subject to local or state permits
- Tons of Nitrogen delivered to Long Island Sound from Connecticut
- Oxygen depletion in Long Island Sound
- Miles of stream supporting wild brook trout
- Number of lakes meeting water quality assessment goals in Connecticut's Integrated Water Quality Report

Geographic Depiction of GMP 4

The following map reflects the geographic areas generally supported by the policies of GMP 4. State-sponsored efforts to conserve and restore the natural environment, cultural and historical resources, and traditional rural lands are broadly illustrated through the following map criteria:

- 1) Critical Habitat;
- 2) Protected Open Space;
- 3) Large Wetlands;
- 4) Preserved Farmland;
- 5) Core Forest Areas;
- 6) Local Historic Districts; and
- 7) 100 year Flood Zones



GROWTH MANAGEMENT PRINCIPLE #5

Protect and Ensure the Integrity of Environmental Assets Critical to Public Health and Safety

Among the competing interests faced by land use decision-makers, none is of greater importance than protecting the public health and well-being of Connecticut's citizens. Best practices for protecting the air we breathe, the water we drink, and the food we eat are rooted in the value Connecticut has placed upon its environment and working lands when planning for the future. Protecting and maintaining the functional qualities of natural systems is vital to maintaining our quality of life.

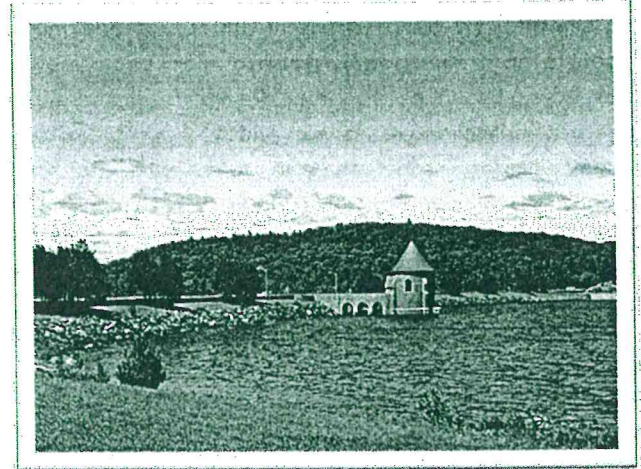
A number of regulatory programs of state agencies are intended to protect Connecticut's residents by maintaining healthy air quality, ensuring a safe and adequate drinking water supply, requiring proper waste management and material handling, mitigating the risks and impacts to property prone to flooding and other natural hazards, and preventing the spread of contagious diseases.

Furthermore, planning for Connecticut's energy future will have particularly broad implications on our environment and society. Regulatory approaches that are environmentally sound, allow for least-cost compliance options, provide operational flexibility, and offer incentives for pollution prevention should be actively pursued wherever practical to reduce the time and cost associated with doing business in Connecticut.

It is also important that municipal land use commissions fully consider the broader regional implications of their decision-making processes, whenever there are potential impacts to the integrity of environmental assets and working lands that are critical to the well-being of citizens beyond their local boundaries.

State Agency Policies:

- **UTILIZE** a multiple barrier approach, including source water protection and appropriate treatment, to ensure the availability of safe and adequate public water supplies that meet or exceed state and federal drinking water standards;
- **IDENTIFY** water supply resources sufficient to meet existing demand, to mitigate water shortages during droughts, and to meet projected growth and economic development over at least the next 50 years;
- **ENSURE** that water conservation is a priority consideration in all water supply planning activities and regulatory decisions;



Barkhamsted Reservoir

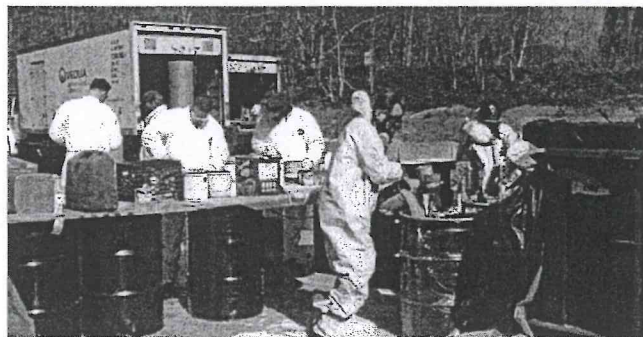


The Connecticut River flooding in Great River Park, East Hartford

- **UTILIZE** an integrated watershed management approach to ensure that high quality existing and potential sources of public drinking water are maintained for human consumption;
- **ALLOW** redevelopment and rebuilding of coastal areas consistent with coastal area management principles and regulations and prevailing federal rules and requirements;
- **DISCOURAGE** new development activities within floodway and floodplain areas, manage any unavoidable activities in such areas in an environmentally sensitive manner and in compliance with applicable laws, and seek to prevent the loss of life and property by maintaining existing dikes, channels, dams, and other barriers, or removing such structures where removal would be a more cost-effective option for reducing threats to downstream property;
- **MINIMIZE** the impacts of development on drinking water sources by utilizing development forms and densities that limit impervious surface coverage to 10% of the overall area to be developed and which preserves the most amount of land in a natural or undisturbed state.
- **PRESERVE** and maintain traditional working lands for the production of food and fiber, and support niche agricultural operations that enhance community food security throughout Connecticut;
- **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;
- **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;
- **EMPHASIZE** pollution prevention, the efficient use of energy, and recycling of material resources as the primary means of maintaining a clean and healthful environment; and
- **PROACTIVELY ADDRESS** climate change adaptation strategies to manage the public health and safety risks associated with the potential increased frequency and/or severity of flooding and drought conditions, including impacts to public water supplies, air quality and agriculture/aquaculture production.

Applicable Principles of Smart Growth	
Integrated Planning or investment	A
Efficiencies and coordination of services	B
Redevelopment of existing infrastructure	C
Transportation choices	D
Development of housing affordable to households of varying income	E
Concentrated, mixed use, mixed income development	F
Conservation and protection of natural resources	G

Household Hazardous Waste collection facility in Essex, established by the CT River Estuary Regional Planning Agency.
Photo Credit: RiverCOG



Plans Prepared by State Agencies under State or Federal Law:

- State Solid Waste Management Plan
http://www.ct.gov/dep/lib/dep/waste_management_and_disposal/solid_waste_management_plan/swmp_final_chapters_and_execsummary.pdf
- Connecticut Drought Preparedness and Response Plan
http://www.ct.gov/waterstatus/lib/waterstatus/Drought_Preparedness_&_Response_Plan.pdf
- Connecticut Climate Change Preparedness Plan
<http://www.ct.gov/deep/lib/deep/climatechange/draft-2011-connecticut-climate-change-preparedness-plan.pdf>
- State Natural Disaster Plan
http://www.ct.gov/demhs/lib/demhs/plans/connecticut_natural_disaster_plan_-_2009.pdf
- Drinking Water State Revolving Fund (DWSRF) Intended Use Plan (Section 1452(b) of the Safe Drinking Water Act
http://www.ct.gov/dph/lib/dph/drinking_water/pdf/Intended_Use_Plan_FFY2011_and_2012.pdf

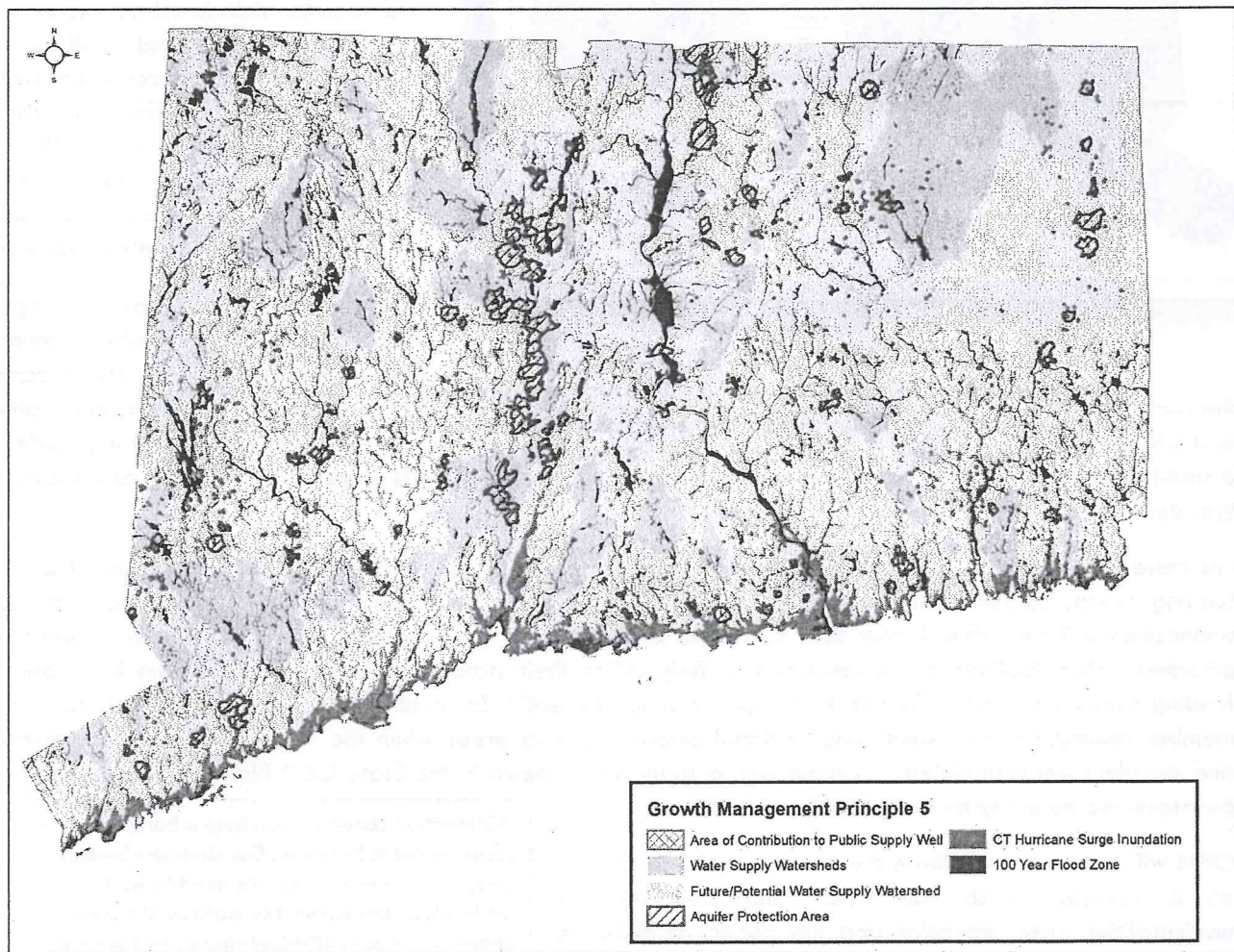
Examples of Performance Indicators for Measuring Progress:

- Percent of public water systems meeting drinking water quality standards
- Number of "Good Air Days"
- Number of beach closings
- Pollution Index Values (average of all measured air pollutants)
- Amount of municipal solid waste sent to landfills
- Number of school systems, restaurants and state institutions contracting with Connecticut farms

Geographic Depiction of GMP 5

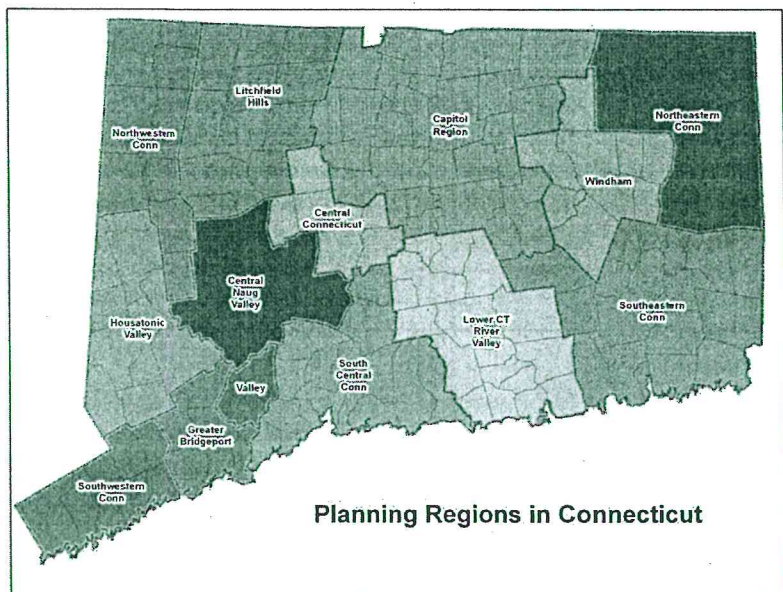
The following map reflects the geographic areas generally supported by the policies of GMP 5. State-sponsored efforts to protect and ensure the integrity of environmental assets critical to public health and safety are broadly illustrated through the following map criteria:

- 1) Aquifer Protection Areas;
- 2) CT Hurricane Surge Inundation;
- 3) Area of Contribution to Water Supply Well;
- 4) Public Drinking Water Supply Watershed Areas;
- 5) Water Quality Improvement Areas; and
- 6) 100 year Flood Zones.



GROWTH MANAGEMENT PRINCIPLE #6

Promote Integrated Planning across all Levels of Government to Address Issues on a Statewide, Regional, and Local Basis



Planning Regions in Connecticut

CGS Section 22a-1a provides the basis for this principle by stating that “it is the continuing policy of the state government, in cooperation with federal and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Connecticut residents.”

In order for Connecticut to compete and thrive in the global economy over the coming years and decades,

the constituent units of state, regional and municipal government must leverage their myriad assets in a manner that will enhance the vibrancy of the overall state economy and its populace. While Connecticut is considered a small state in geographic terms, it must also be recognized that there is a wealth of diversity and character that defines each of its regions.

For these reasons, OPM recommends a fairly broad approach to delineating the initial boundaries of priority funding areas, as further described in the Locational Guide Map chapter. OPM recognizes that these boundaries will be refined over time to reflect evolving land use conditions and local, regional and state priorities. Municipalities are encouraged to fully utilize their statutory authority to designate local priority funding areas under CGS Section 8-23(f)(7) and, subsequently, for each RPO to plan and negotiate with its member municipalities in identifying regional priority funding areas when the regional plan of conservation and development is updated. Without such a planning framework, the State C&D Plan will likely continue to be perceived by many as a top-down plan.

OPM will continue to facilitate the cross-acceptance process on a voluntary basis with RPOs and their member municipalities, state agencies and the public, in order to develop consensus around a set of conservation and development priorities for each region. Once this is accomplished, there will be a reciprocal responsibility for

“Connecticut consists of exciting urban places with quiet rural spaces in between. Our diverse elements complement each other. We need to work together at all levels of government to maintain the special character of our individual spaces and places.”

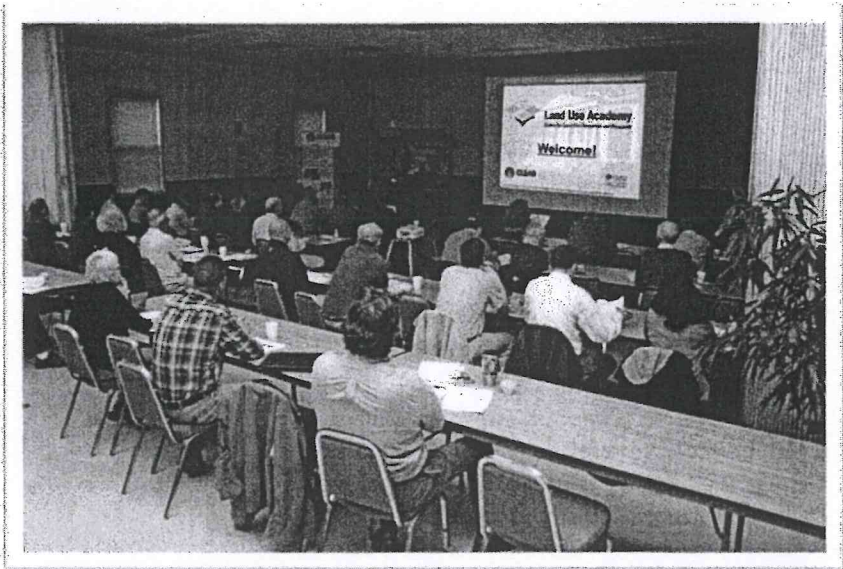
Linda Krause, Director, RiverCOG

both local land use decision-makers and state agencies to plan and act according to the regional growth strategies.

State Agency Policies

- **DEVELOP AND IMPLEMENT** a robust framework for geographic information sharing that will service the common needs of all users and permit the orderly storage, organization, and handling of large amounts of geographic data;
- **INITIATE** a progressive program for the sharing of planning data among state agencies, regional planning organizations, and municipalities;
- **SUPPORT** the creation of an objective and uniform water and sewer need assessment protocol to help municipalities realistically assess their options for addressing community development goals, relative to cost, environmental and public health considerations, and local management capacity;
- **ENCOURAGE** municipalities to incorporate utility service areas from approved wastewater facility plans and water supply plans into the local plan of conservation and development, so that any future state agency-sponsored actions can be coordinated and designed to accommodate locally-desired development forms and/or outcomes that are consistent with growth management principles.
- **PROVIDE** advisory statements to state agencies as required under CGS Section 16a-31 when they prepare required programmatic plans and undertake certain actions using state or federal funds, to ensure that the State C&D Plan is implemented on a consistent basis;
- **ASSIST** municipalities and regional planning organizations in the planning and implementation of cooperative ventures that are intended to reduce the property tax burden on residents, while providing essential services and equipment more efficiently; and
- **ENCOURAGE** regional planning organizations and economic development districts to develop coordinated and effective regional plans and strategies for implementing projects that address the priorities of each region.

Applicable Principles of Smart Growth	
Integrated Planning or investment	A
Efficiencies and coordination of services	B
Redevelopment of existing infrastructure	C
Transportation choices	D
Development of housing affordable to households of varying income	E
Concentrated, mixed use, mixed income development	F
Conservation and protection of natural resources	G



The Connecticut Land Use Academy provides training for local land use commission members. Photo Credit: University of Connecticut, Center for Land Use Education and Research (CLEAR)

Plans Prepared by State Agencies under State or Federal Law:

- State Facility Plan
[http://www.ct.gov/opm/lib/opm/assets/facilityplans/state_facility_plan - 2011-2016.pdf](http://www.ct.gov/opm/lib/opm/assets/facilityplans/state_facility_plan_-_2011-2016.pdf)

Examples of Performance Indicators for Measuring Progress:

- Number of municipalities and regional planning organizations in compliance with the 10-year requirement for updating their plans of conservation and development;
- Number of municipalities that have adopted the CT Geospatial Information Systems Council-endorsed parcel standard;
- Number of applications received by OPM for interim changes to the State C&D Plan;
- Number of new cooperative ventures (inter-municipal and regional) for sharing regional services or equipment; and
- Estimated annual cost savings from cooperative ventures begun under the Regional Performance Incentive Program and the Inter-town Capital Equipment Sharing Program.

LOCATIONAL GUIDE MAP

Background

CGS Section 16a-31(a) requires state agencies to determine the consistency of their proposed actions with the State C&D Plan. CGS Section 16a-25 defines the State C&D Plan as “the text of such plan and any accompanying locational guide map.” Since this consistency mandate only applies to specific state agency actions, the State C&D Plan is considered advisory to municipalities when they update their municipal plans of conservation and development and/or render local land use decisions.

Past revisions of the State C&D Plan included policies in both the Plan text and the locational guide map (LGM), in order to assist state agencies in determining the consistency of their proposed actions. The LGM policies included four “development” classifications (i.e., Regional Centers, Neighborhood Conservation Areas, Growth Areas & Rural Community Centers) and four “conservation” classifications (Existing Preserved Open Space, Preservation Areas, Conservation Areas & Rural Lands).

The existence of both text and LGM policies increasingly caused confusion over recent years, leading some agencies to believe that the LGM alone could be relied upon for determining a proposed action’s consistency with the State C&D Plan. This was never intended to be the case, nor is it the case with this new LGM.

Role of the Locational Guide Map

Since the LGM is a component of the State C&D Plan, it is not intended to be utilized, by itself, as a basis for a state agency to approve or deny funding when rendering applicable funding decisions. In fact, the new requirements associated with the Priority Funding Area (PFA) statutes have necessitated a shift in the role of the LGM. First and foremost, the LGM no longer reflects its traditional policy-based classifications noted above.

Instead, the new LGM classifications are intended to help state agencies comply with the following administrative requirements associated with CGS Section 16a-35d:

- (a) 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.

The PFA exception process provided in CGS Section 16a-35d recognizes that the scale of the State C&D Plan's LGM cannot accurately reflect the land use detail of a municipal plan of conservation and development prepared under CGS Section 8-23. The PFA exception process provides a mechanism for state agencies to consider funding projects that have been deemed consistent with the State C&D Plan policies and are locally supported, even though they may not be located in a PFA.

This new role for the LGM is intended to serve three purposes: 1) it reinforces the policies contained in the text of the State C&D Plan as the primary determinant of consistency for a proposed action; 2) it ensures that any LGM reference is a secondary consideration only after a proposed growth-related project has been deemed consistent with the policies of the State C&D Plan; and 3) it allows state agencies to operate with sufficient discretion and transparency, as afforded them in CGS Section 16a-35d(c). This is important because the LGM only applies to "growth-related projects", and many state agency actions that are subject to the consistency mandate under CGS Section 16a-31(a) are not considered "growth-related projects" under CGS Section 16a-35c.

Use and Application of the Locational Guide Map

Although state agency staff and other interested parties may use the underlying LGM data for general planning purposes, the only formal application of the LGM is limited to instances when a sponsoring state agency has already determined that a proposed "growth-related project" is consistent with the State C&D Plan and it must comply with the administrative requirements of CGS Section 16a-35d noted above.

A "growth-related project" is defined in CGS Section 16a-35c(a)(2) to mean any project which includes:

- (A) the acquisition of real property when the acquisition costs are in excess of one 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 one hundred thousand dollars*;
- (C) the acquisition of public transportation equipment or facilities when the acquisition costs are in excess of one 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 one 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, additions** 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 Economic and Community Development for any project financed with federal funds used to purchase or rehabilitate existing single or multi-family housing or projects financed with the proceeds of revenue bonds if the Commissioner of Economic and Community Development 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 Economic and Community Development 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 Economic and Community Development 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.

* OPM has submitted proposed legislation to change the dollar threshold in CGS Section 16a-35c(a)(2) from \$100,000 to \$200,000 to be consistent with CGS Section 16a-31a, which had previously been increased by Public Act 07-239.

** OPM has submitted proposed legislation to remove the reference to "additions", since it is not clear why additions to existing facilities should be exempt from the PFA requirements.

Given the diversity of state agency-administered programs, as illustrated in Appendix A, there are many state agency-sponsored actions that are subject to the consistency mandate of CGS Section 16a-31(a), but are not subject to the LGM because they are not considered a "growth-related project" under CGS Section 16a-35c.

Locational Guide Map Classifications & Criteria

Priority Funding Areas

Priority Funding Areas are delineated based on conditions that exist at the Census Block level, which is the smallest geographical unit delineated by the U.S. Census Bureau. Census Blocks are statistical areas which in Connecticut are typically bounded by visible features, such as streets, roads, streams, and railroad lines. Generally, Census Blocks in denser urban communities are small in area, such as a block in a city that is bounded on all sides by streets. However, Census Blocks in suburban and rural areas may be large, or irregular, and bounded by a variety of features, such as roads or streams. For example, a specific Census Block may be partially served by public water and/or sewer, and thus the entire block would appear to be served by these utilities. There were several instances during the public comment period where municipalities requested that certain Census Blocks be removed from this classification, and such requests were granted. 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.

Priority Funding Areas are classified by Census Blocks that include:

- Designation as an Urban Area or Urban Cluster in the 2010 Census
- Boundaries that intersect a ½ mile buffer surrounding existing or planned mass-transit stations
- Existing or planned sewer service from an adopted Wastewater Facility Plan
- Existing or planned water service from an adopted Public Drinking Water Supply Plan
- Local bus service provided 7 days a week

Balanced Priority Funding Areas

Balanced Priority Funding Areas meet the criteria of both Priority Funding Areas and Conservation Areas. State agencies that propose certain actions in these areas must provide balanced consideration of all factors in determining the extent to which it is consistent with the policies of the State C&D Plan. For example, a state-sponsored growth-related project (e.g., business expansion) proposed in a Balanced Priority Funding Area that

is also characterized as a Drinking Water Supply Watershed would need to consider the integrity of the drinking water supply in determining the consistency of its proposed action.

Village Priority Funding Areas

In the state's more rural municipalities, traditional village centers are considered to be Village Priority Funding Areas. This LGM classification is intended to recognize the unique characteristics and needs of these areas, in accordance with CGS Section 16a-35e. Village Priority Funding Areas were based initially on the boundaries of the former Rural Community Center classification from the 2005-2010 State C&D Plan. The boundaries have since been modified, to a large extent, based on public comments received on the Draft 2013-2018 State C&D Plan.

Conservation Areas

Conservation Areas are delineated based on the presence of factors that reflect environmental or natural resource values. In contrast to Priority Funding Areas, which are based on man-made Census Blocks, Conservation Areas are based on existing environmental conditions, such as soils or elevation, which oftentimes have no visible boundaries.

Conservation Areas include any one or more of the following factors:

- Core Forest Areas Greater than 250 acres based on the 2006 Land Cover Dataset
- Existing or potential drinking water supply watersheds
- Aquifer Protection Areas
- Wetland Soils greater than 25 acres
- Undeveloped Prime, Statewide Important and locally important agricultural soils greater than 25 acres
- Category 1, 2, or 3 Hurricane Inundation Zones
- 100 year Flood Zones
- Critical Habitats (depicts the classification and distribution of twenty-five rare and specialized wildlife habitats in the state)
- Locally Important Conservation Areas (based on data authorized/submitted by municipalities)

Protected Lands

Lands that have some form of restriction on development, such as permanently protected open space or property in which the development rights have been acquired, are classified as Protected Lands. In addition, this may include, where data is available, Class I or II Water Company Owned Lands, since the development of such property is strictly regulated by the Department of Public Health.

Undesignated Lands

Undesignated Lands on the LGM are typically rural in nature and lack the criteria necessary for being delineated as either Priority Funding Areas or Conservation Areas.

Local Historic Districts

Local Historic Districts are established and administered by the community itself to help ensure that the distinctive and significant characteristics of each district are protected, by having local preservation commissions review architectural changes for compatibility.

Water








Water features such as lakes, ponds, rivers, and streams are depicted on the LGM in blue.

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2005-2010 CT Plan of C&D Locational Guide Map

Town of Newtown

Legend

-  Sewer Pipe
-  Water Pipe
-  Water
-  Dam
-  Water
-  Parcels
-  Rail Line

CT OPM Development Policies

-  Existing Preserved Open Space
-  Neighborhood Conservation Areas
-  Growth Areas
-  Preservation Areas
-  Conservation Areas
-  Rural Lands

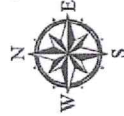
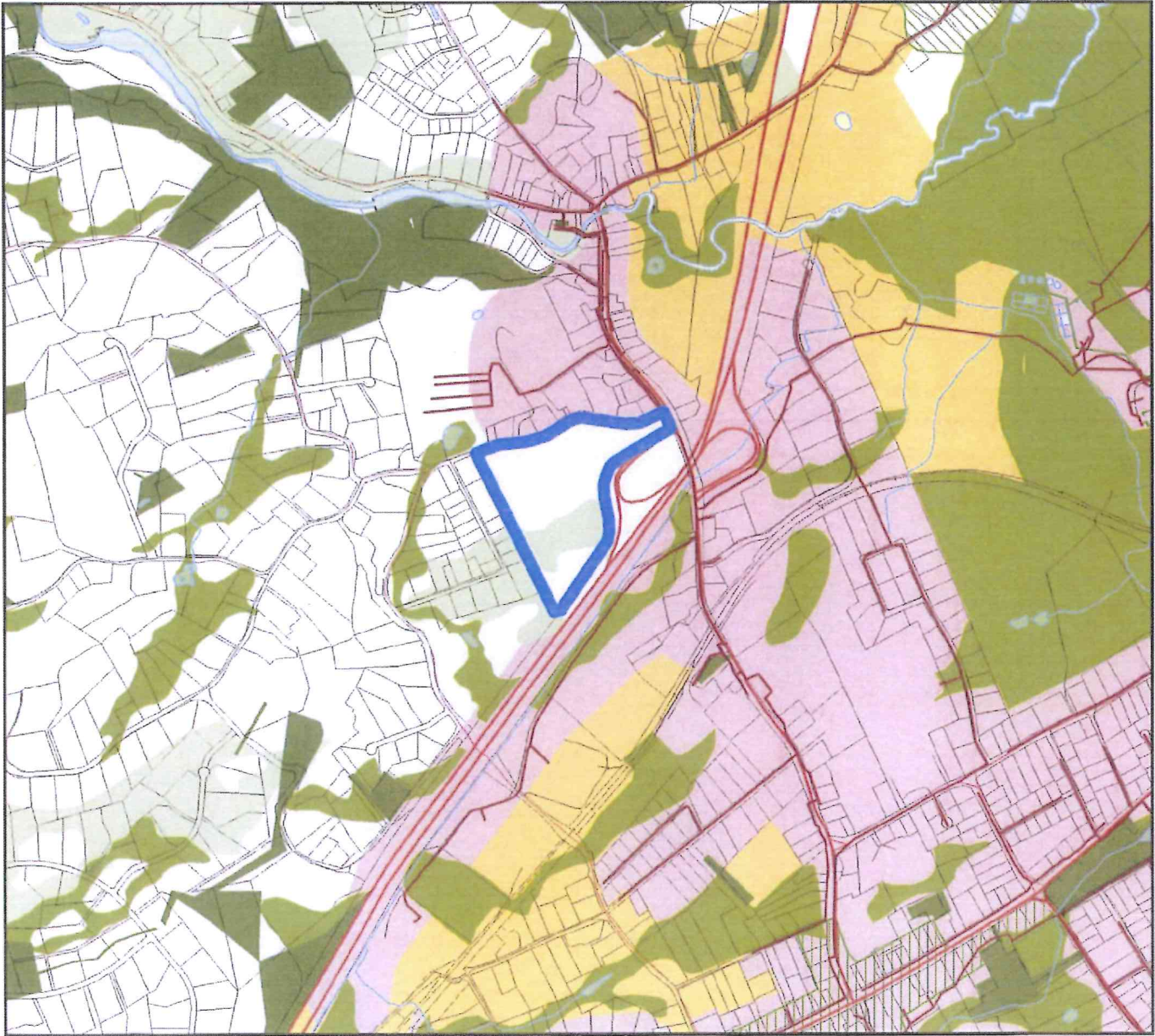
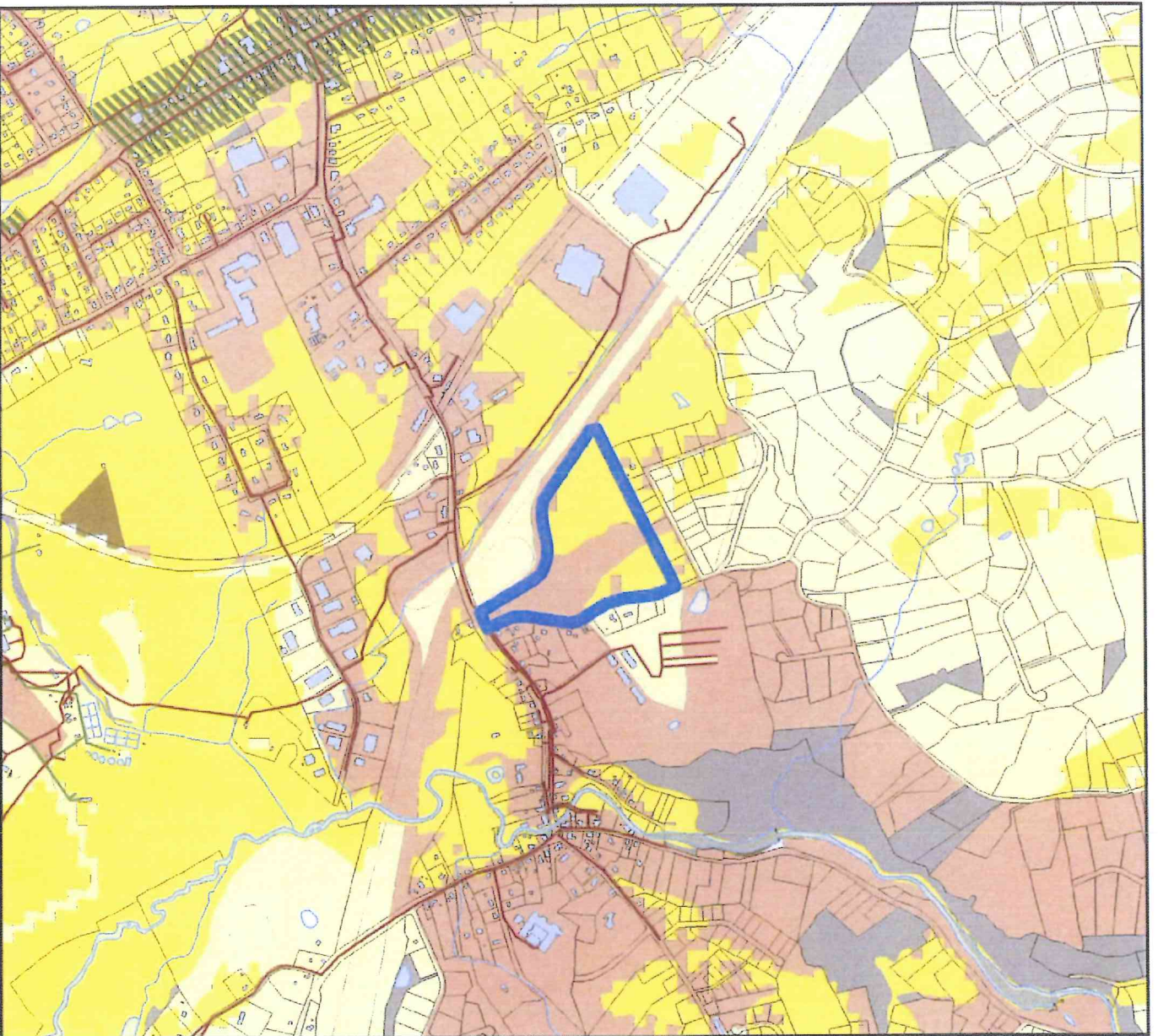


FIGURE 2
FEBRUARY 2015



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2013-2018 CT Plan of C&D Locational Guide Map

Town of Newtown

Legend
















-  Sewer Pipe
-  Water Pipe
-  Water
-  Dam
-  Water
-  Parcels
-  Buildings
-  Local Historic Districts
-  Balanced Priority Funding Areas
-  Conservation Areas
-  Protected Lands
-  Village PFA
- Priority Funding Areas**
-  1-2 Criteria
-  3-4 Criteria
-  5 Criteria



FIGURE 1
FEBRUARY 2015



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Julio Segarra
Plant Manager
United Environmental Services
24 Commerce Road, Newtown, CT 06470
Tel: 203.525-7117 • Fax: 203.270.4316
Julio.Segarra@unitedwater.com



March 27, 2015

Mr. Fred Hurley
Director of Public Works
4 Turkey Hill Road
Newtown, CT 06470

RE: Town of Newtown
Water Pollution Control Facility

Dear Mr. Hurley:

As your certified operator of the Town's Wastewater Water Treatment Facility, it is my ultimate responsibility to provide the Town's receiving waters with the best quality effluent the plant can provide.

With the present flows and design criteria, we have been successful in managing the effluent quality to a level below the permit requirements that provides us a compliance buffer to handle high flow events. Should the Town increase the flows to the facility the following risks would apply:

- Increased influent flows will decrease the quality of the facilities effluent to the receiving waters, reduce our compliance buffer, and during high flow events inhibit our ability to meet D.E.E.P. and E.P.A permit limits.
- The facility design has some equipment redundancy, which has allowed us to perform maintenance to all of the plant equipment and not operate to premature failure. Increased influent flows will require us to use all redundant equipment and negatively impact equipment maintenance.
- The facility design also has some tank redundancy which has allowed us to absorb, manage, and divert the high flows during wet weather events without negatively impacting our permit or the receiving waters. After a high flow event the diverted flows would then be slowly introduced to the plant and be fully treated.

If you have any questions or need any additional information please call me at 203-525-7117.

Sincerely,

A handwritten signature in cursive script that reads 'Julio Segarra'.

Julio Segarra
Chief Plant Operator/Project Manager
Newtown WPCF