

1 PUBLIC UTILITIES COMMISSION  
2 Special Workshop:  
3 Proposed Changes to the State Plan of Conservation and  
4 Development Locational Guide Map for Wallingford  
5

6 November 3, 2008  
7

8 Wallingford Electric Division  
9 100 John Street, Wallingford, CT  
10

11  
12 Present: Chairman David Gessert, Commissioner Richard Nunn, Director of Public Utilities  
13 George Adair, Water and Sewer Divisions General Manager Roger Dann, Water and Sewer  
14 Divisions Engineer/Planner Erik Krueger, Recording Secretary Cecilia Manthay Malin.  
15

16 Chairman Gessert called the meeting to order at 1:06 PM.  
17

18 Mr. Adair explained that a team (including Roger Dann and Erik Krueger who have worked hard  
19 on this) has been meeting for almost two years, prompted by a letter from Mr. Hogan in Septem-  
20 ber 2006. The purpose of the workshop is to discuss the state map of conservation and develop-  
21 ment, which is enabled by a section of the Connecticut state statutes. The statute contains lan-  
22 guage on state funding for certain activities and requires that those activities be consistent with  
23 this plan. The plan lays out four categories of general development areas and four categories of  
24 conservation areas. Our focus is on whether a given area is provided with water and/or sewer  
25 service. In general, areas deemed not for development would desirably not have water or sewer  
26 service.  
27

28 Mr. Adair displayed the map and explained the color coding set by the Office of Policy and Man-  
29 agement (OPM), with some added by Water Division staff. There is a five-year cycle, currently  
30 from 2005-2010. Until about 2006, this was viewed by towns as a guidance document. About  
31 that time, we started seeing a change in practice, and now there is a great deal of interest, particu-  
32 larly by the Department of Environmental Protection (DEP), in having sewer service provided  
33 only in areas identified for development. Staff and other Town departments (Mayor, Planning  
34 and Zoning, Inland-Wetlands, Health, Town Attorney, Program Planning) have held a long series  
35 of meetings, of which Commissioner Beaumont has been a part. Consensus was achieved among  
36 these departments, but since it concerns water and sewer areas, this comes under the purview of  
37 the Public Utilities Commission (PUC).  
38

39 The intent of today's workshop is to provide information, answer questions, and arrive at a con-  
40 sensus, either as-is or making changes. After that, staff would meet with staff from OPM and  
41 DEP and probably the State Health Department, and then come back to the PUC with a finalized  
42 proposed map for ultimate adoption, probably involving public hearings.  
43

1  
2 Mr. Adair displayed a slide of Guiding Principles (*attached*). Mr. Dann referred to the map and  
3 described the various colored areas. There are four categories of development areas, described in  
4 a written document that goes along with the map, and four categories of preservation areas. In  
5 Wallingford, only five come into play. Neighborhood conservation and growth areas are two  
6 categories that are viewed as developable areas, suitable for utility extensions. Three shades of  
7 green show existing preserved open space, conservation areas, and preservation areas. White  
8 indicates rural areas. Green and white areas are viewed as preservation areas, and the written  
9 document supports this. Any development of those areas would be without the benefit of water  
10 and wastewater infrastructure, unless it is necessary because of public health concerns, such as  
11 failing septic or water, or the property is simply unsuitable for development with septic or well.  
12

13 According to the statute, DEP and OPM, one would conclude that anything falling outside of the  
14 boundaries of the red and orange areas is not consistent with the plan of conservation and devel-  
15 opment. By virtue of that, a conclusion could be reached that funding for projects could be with-  
16 held, although there is room for interpretation. Placed on the map in blue or black are water and  
17 sewer infrastructure as they exist today, quite a bit of which falls into the C&D areas. The thinner  
18 black lines represent sanitary sewer, and the thinner blue lines are water extensions. Some of this  
19 infrastructure has been in place for many decades but appears in areas now considered to be pre-  
20 servation areas.  
21

22 This has never been an issue or been brought to our attention (or anyone else around the state)  
23 until very recently when the DEP began to insist that when they review plans, they will compare  
24 them to this map for any inconsistencies. Where there are inconsistencies, they will put you on  
25 notice that you may be jeopardizing future grant funds. Mr. Gessert pointed out that jeopardized  
26 funding could include waste treatment plants, or even school funds or any other state funds. Mr.  
27 Adair explained that this is why the Mayor is very concerned and the towns are taking this very  
28 seriously. Mr. Gessert also observed there is a difference of opinion between DEP and OPM. Mr.  
29 Dann clarified that the DEP is the only state agency that seems to be taking a very strong posi-  
30 tion. The statute provides that any state agency administering a grant program can check your  
31 conformance with this. OPM is supposed to make an advisory comment on any projects going  
32 for bonding. They may have been doing that all along, but it has never come up here that grant  
33 money would be denied because of an inconsistency.  
34

35 Mr. Nunn asked to what degree we are in violation. Mr. Adair cautioned that it is more properly  
36 a 'non-conformance' rather than a 'violation.' Mr. Dann explained that it is not a matter of not  
37 being allowed to have utilities in these areas, but that if you choose to do so you might be jeo-  
38 pardizing opportunity for state funding. Mr. Nunn asked whether existing utilities can be grand-  
39 fathered in and whether there is any recourse since these were placed prior to our knowledge of  
40 this statute. Mr. Dann responded that the statute has been in existence for decades. Mr. Gessert  
41 pointed out that when we have extended lines, it has been after we sent notification to DEP. Mr.  
42 Dann concurred, noting that in many cases we sent the actual plans to the DEP for their review,  
43 without any response. Mr. Krueger added that there was a period when, at their request, we were  
44 not sending plans to DEP because they did not have staff to review them. Nonetheless, Mr. Dann  
45 summarized, the DEP has seen plans for many of these extensions, without comment, which Mr.  
46 Gessert understands to mean that we have complied with their request to be notified of any

1 incursions into the green areas over the years. Mr. Dann pointed out there is no requirement that  
2 we give them plans for that purpose, but we do so because there is a requirement that they review  
3 them for technical reasons. At the same time, of course, they could be looking at them for this  
4 purpose.

5  
6 This began to show up as background chatter a couple of years ago when an individual at the  
7 DEP began to make the case that we should be looking at our utilities and the state C&D plan  
8 and be aware that there is statutory language. Since that time, they have taken this position with a  
9 couple of utilities that were actually seeking grant funds. In our case, they took this position  
10 when we submitted our plans for the Grieb Road sewer plans for their review, which was  
11 particularly confusing because that sewer is within one of the areas designated for growth. They  
12 were stretching it to say that the upgrade you are making in the growth area could serve future  
13 development outside of the area and therefore it is inconsistent with the C&D plan. Mr. Adair  
14 added that at a meeting, we were told orally that we could connect via sewer laterals even if the  
15 residents were in the conservation areas.

16  
17 While OPM seems to have a statutory role, they don't seem to be particularly interested, but the  
18 DEP is drawing them in since DEP is interested and has statutory guidelines. Mr. Dann explained  
19 that now we have been made aware that what we do is supposed to be consistent with this state  
20 plan. Mr. Nunn asked whether we are in jeopardy, and Mr. Dann responded that he does not feel  
21 that we are because, in our conversations with DEP (and to a limited extent, with OPM), they  
22 recognize that we can't rewrite history and we're not going to pull pipe out of the ground. On the  
23 other hand, they provide no process, even though we have prodded them for one by which this  
24 can be 'trued up,' if it is critically important that in the future we stay within the boundaries of  
25 areas that are allowable for growth and don't go outside them. Mr. Krueger pointed out that they  
26 suggested a process but didn't follow it up; Mr. Adair added that we sent a draft but nothing  
27 came of it. We have asked for guidance from the Commissioner on this interim condition, in 14  
28 questions. She referred it to Mr. Hogan, but at a meeting Mr. Hogan and Mr. Stacy were not  
29 prepared and apparently not informed by the Commissioner. In subsequent conversations, Mr.  
30 Dann has memorialized the oral guidance, or answers, that we received from Mr. Hogan and sent  
31 them to Mr. Hogan summarizing what we understood him to have said, and we are still trying to  
32 get something on paper. Commissioner McCarthy wrote to the Mayor in April indicating a  
33 guidance document was forthcoming from DEP that would answer these questions, but we  
34 haven't seen anything yet. Mr. Nunn commented that he had seen responses from Mr. Hogan in  
35 which he responded in his handwriting on our own memo and felt that was satisfactory.

36  
37 Mr. Adair explained that the impression he has gotten from conversations with Mr. Hogan is that  
38 as long as we attempt to true up 'what is' with 'what ought to be,' and since we will not be  
39 required to pull any pipe out of the ground, the door is very open to get something approved by  
40 DEP, and presumably by OPM, that recognizes reality and starts now. If you go out of the bound-  
41 aries that you have proposed and we have accepted, then you would be in trouble. Until now, it  
42 has been sort of a 'no fault, no foul' condition.

43

1  
2 Mr. Nunn asked how much of a disadvantage it would be to us to be limited in where we can put  
3 additional pipe. Would we be losing water and sewer coverage in areas we might want to put  
4 them in? Mr. Dann acknowledged that if we draw the boundaries and stay within them, portions  
5 of the town would fall outside of the area where we would probably have picked up some of  
6 those services, at least from a water perspective. We probably would not be in favor of expand-  
7 ing the sewer system into the watershed area any further than it already is.  
8

9 Mr. Dann explained where our planning has been to this point. To true this up, we considered  
10 where to draw the boundaries that we're allowed to work within, that reflect the existence of  
11 today's infrastructure. We developed the guiding principles (*attached*) to begin to draw bound-  
12 aries, shown as the thick black lines. One was to draw the boundary around the perimeter of a  
13 parcel; we were not proposing to divide a parcel into a portion that was able to be served and a  
14 portion that was not able to be served. The DEP was toying with a notion that we should only be  
15 able to work within 200 feet of the utility, but for our purposes we really felt we should be going  
16 around the perimeter of a property. Since we have water service to McKenzie Pump Station, we  
17 went so far as to draw a boundary encompassing a portion of the reservoir, even though, obvious-  
18 ly, it would not be developed. We also drew the boundary around the entire Vietnam Veterans  
19 Park where we have water service (but no sewer service).  
20

21 Mr. Dann explained that we then consulted with Eloise Hazelwood of the Health Department and  
22 asked her to identify areas that she thought might require some sort of remediation in the future.  
23 We would propose that we pre-identify those areas that are susceptible to having problems and  
24 get them approved in advance so that later, perhaps due to failing septic, we would avoid having  
25 a lag in going to OPM and amending the map. Presumably, those would be areas where we  
26 would extend only for public health reasons. Mr. Adair pointed out that those areas are already  
27 developed. Mr. Krueger added that we would also put them into a planning process so that as we  
28 upgrade sewers downstream from there, we would anticipate the volume of flow from those  
29 areas, which Mr. Hogan acknowledged made good sense. Mr. Dann explained the streets that  
30 were so identified are shown in the pink color. Almost exclusively, the dotted lines encompass  
31 those; the exception is the area between the two pink zones, which we left in because it is the  
32 route that would have to be taken to bring in the sanitary system.  
33

34 Mr. Gessert asked about streets that were left off in the Quarry Run area; Mr. Dann responded  
35 that they were not identified as being of concern. The only case to be made to the State would be  
36 if the health director had reason to include them. We would limit ourselves to locations that she  
37 identified. Mr. Gessert questioned other green areas within the black lines as being potentially  
38 able to be served, which Mr. Dann confirmed is the proposal; in many cases, they are currently  
39 being served. Areas in the vicinity of Thorpe Avenue don't show any water or sewer, although it  
40 is on both ends. Mr. Dann acknowledged that is one of the rare exceptions; we didn't draw it so  
41 as to create an island in the middle of properties that didn't have frontage on a utility. However,  
42 there are a couple of islands where there are no failures and no repairs. It is just outside Spring  
43 Lake, which is in our existing service area. It runs along Barnes Road and Route 68. Mr. Adair  
44 pointed out areas that are fully developed and, while he realizes we were driven by the health  
45 director, he questioned whether the dotted lines should be removed so that it's all enclosed.  
46

1  
2 Mr. Nunn pointed out that there are Planning and Zoning regulations and that appeals can be  
3 brought to the Zoning Board of Appeals. He questioned whether we would have any avenue for  
4 appeals if we felt that following this map was a hardship on us. Mr. Dann explained that one can  
5 request that OPM do an interim modification, which is what we're moving towards here. If we  
6 were unsatisfied with their response, we could go to a legislative subcommittee that was set up to  
7 deal with this issue and try to bypass OPM and get the map modified with or without their con-  
8 sent. As far as we know, there are two that have gone in that direction and been successful. The  
9 DEP will try to close that loophole if they can, but it still exists.

10  
11 Mr. Gessert recalls that years ago, we put in sewer lines under various contracts (22, 29, etc.) in  
12 the area of Tuttle Avenue and Deer Run Road and, on the east side, Jobs Road, and that there  
13 was a ten-year timeframe within which people were required to hook up to the sewer. He asked  
14 whether that had been enforced. Mr. Dann responded that when he arrived here, the position was  
15 that people had to pay the assessment for the capital cost, but they did not have to hook up as  
16 long as their system still worked. Once it required repair, they were told to connect. The Health  
17 Department would make that determination. Mr. Gessert asked whether we can confirm that they  
18 all paid the assessment. Mr. Krueger explained that when someone comes in to connect, we  
19 check the records book to verify that they have paid. Mr. Gessert suggested reviewing the  
20 records for payment status.

21  
22 Mr. Dann explained that the process is similar to what was done more recently with the water  
23 mains. All the assessed properties are recorded and given a timeframe for payment, invoices are  
24 sent out annually for that year's installment payment, interest is tracked, and if they haven't paid  
25 at the end of the timeframe, we pursue collection through the Law Department. There is a good  
26 process for following through on assessments.

27  
28 Mr. Nunn asked whether the DEP is more rigid than in the past. Mr. Dann explained that in the  
29 past, they did not take any stand, although they did prorate the funding for the wastewater treat-  
30 ment plant on the basis of not wanting to fund growth. His understanding is that you would not  
31 get any grant money if you were inconsistent with the C&D plan. With the treatment plant, they  
32 simply said that the EPA is not paying for future growth, although they will pay for the existing  
33 system. The DEP took no position until, all of a sudden, here this comes.

34  
35 There isn't even a start date. Mr. Dann's initial conversation with Mr. Hogan may have been  
36 noted as the day from which they might measure our consistency, and we might be perfectly fine  
37 today if we had never had that conversation. Mr. Krueger pointed out we have the letter that Mr.  
38 Hogan sent us, and it might have come up then. If they decided to enforce the statute after all  
39 these years, one would think that they would have made a very public pronouncement and pro-  
40 vided a guidance document. They might have acknowledged that there had been some expansion,  
41 with their knowledge, into areas that weren't suitable under this plan. Mr. Dann would like to  
42 true-up now and then go forward and apply this.

43

1  
2 Mr. Gessert noted that it is not even the DEP, or the commissioner, but rather a lower level DEP  
3 employee, who has decided to enforce the regulation. However, Mr. Dann pointed out, the DEP  
4 commissioner has not backed off, when asked about the statute, and pushed the application back  
5 down to the staff level. Mr. Adair noted that the statute does appear to support what he is doing.  
6 Mr. Dann explained we are attempting to come up with a way in which we can proceed going  
7 forward and remain consistent.

8  
9 Mr. Gessert feels we have always tried to be informed and follow the rules and send maps until  
10 they told us they had enough and we didn't need to send any more. Even then, we were still fol-  
11 lowing their directive. Mr. Dann noted that we started sending maps again when they asked for  
12 them to resume. Mr. Dann confirmed that they look at them and respond. Mr. Adair feels this  
13 may be one reason they don't wish to find us at fault; it is just a matter of reconciling 'what is'  
14 with a locational guide map that calls for something else. This rule that says if it is already in the  
15 ground when we are having this conversation, they will probably allow a boundary that recog-  
16 nizes what is in the ground now. It is not clear what is recognized, whether it is a limit of 200  
17 feet and let the chips fall where they may, or what we have done, incorporate the parcel boun-  
18 daries, which is more fair to property owners who front on water and sewer.

19  
20 Mr. Krueger commented that it is interesting to note that when we submitted the Grieb Road  
21 plan, the DEP stepped beyond their bounds. Their first response was that they rejected our plan,  
22 which they don't have the right to do under the statute. We can build it if we want to, and all they  
23 have the right to do is withhold future funding. They can only reject it on technical grounds, not  
24 on the C&D plan. It took a year, but they finally stepped back and we got approval for Grieb  
25 Road. So far, the Town has not been damaged.

26  
27 Mr. Dann said that now we know how they want to approach it. We don't know how OPM wants  
28 to approach it, but they are locked into it since they can't ignore the statute. They are really the  
29 ones who prepare the planning maps.

30  
31 Mr. Gessert asked about the dark lines, and Mr. Dann explained that is the boundary that we pro-  
32 pose would be the revised boundary of our service and also correspond to areas that would be  
33 acceptable for extension of utilities. Mr. Gessert noted extensions in Cheshire that already exist.

34  
35 Mr. Adair showed that the Blue Hills area is outside the black lines. Mr. Dann acknowledged that  
36 this is the one area where we probably violated the notion that we would extend out if it has fron-  
37 tage. The reason was that for years we were told it would never be allowed to be developed so  
38 we specifically did not include it in any of our water or sewer plans. The Mayor has pretty much  
39 said that if that ever comes up for sale, the Town would be interested in buying it for open space  
40 that can't be developed. We could not provide service in that area even if we were asked to with-  
41 out boosting the water pressure and downstream improvements like sewer collection. Mr. Krue-  
42 ger added that there are other areas that are permanent open space, even though they may have a  
43 main in front of it or going through it.

44

1  
2 Mr. Dann also mentioned that we looked at sewer contracts that had been assessed to make sure  
3 we weren't leaving anything out that fell within a sewer assessment. If someone had already paid  
4 a sewer assessment, they would be allowed to hook up. In more recent years, the assessments  
5 were drainage-area-based so they didn't involve just frontage. They were assessed and notices  
6 were put in the land records but they didn't actually pay anything. We considered those as  
7 assessed for the purpose of developing this as well. We did not try to differentiate between a  
8 deferred assessment and a paid assessment. Those areas fall within these boundaries.

9  
10 Mr. Gessert asked about a subdivision on North Farms Road, just north of Grieb Road. Mr.  
11 Krueger explained we are not considering those as part of the actual development because they  
12 are wetlands. That plan went to the DEP and came back with a star or something.

13  
14 Mr. Gessert asked where Ashlar Village is on the map, which is a green area. Mr. Krueger  
15 indicated there are some wetlands. Mr. Dann explained that where there are wetlands, they are  
16 done on a very undefined scale. What will actually rule is the actual wetlands that are on the  
17 ground at the time a project is developed. Mr. Krueger showed that the darkest green color is the  
18 most preserved, and the medium green is less preserved, and the lighter green is even less. The  
19 darkest color is the most protected. The Water Division has tried to make sure the map has all the  
20 latest pipes, especially on the fringes, although some of the internal pipes may not show up. It's  
21 all well within the boundaries so it's not critical that it be exact.

22  
23 Mr. Adair asked about the green areas within the boundaries. They are included, rather than put-  
24 ting an island around them. They may be Town open space or wetlands where you would not put  
25 a structure on them, but they are still encompassed, broadly speaking, in our service area, subject  
26 to more finite local restrictions. Mr. Krueger commented that we could put the same cross-hatch-  
27 ing on these areas that we put on the Mackenzie parcel. Mr. Dann doesn't feel that is necessary  
28 since they are inside the boundaries and are open space or wetlands or stream channel and you  
29 would not be allowed to put a structure there.

30  
31 Mr. Gessert asked whether there is any negative impact on economic development, as far as  
32 realistic projects that might come down the road. Mr. Dann responded that for the most part, the  
33 map includes the areas where you would expect any growth to be, such as in the I-5 and I-X  
34 areas. There will be a continuation of residential growth, probably on the west side, and Gaylord  
35 has a lot of undeveloped acreage that has a potential for development.

36  
37 The only place that stands out is shown on the water supply map, on which we project where we  
38 might be extending service in the 20-year and 50-year horizons. The water supply map shows  
39 areas projected to be developed by 2020, and the gray area by 2050. We have pretty much incor-  
40 porated everything we envision would be developed.

41  
42 Mr. Dann referred to an area that presents a twist, and Mr. Adair commented that we have been  
43 debating adding that on even though it would not meet any of the guiding principles. Mr. Dann  
44 recounted that many years ago, we were obligated to participate on a water utility coordinating  
45 committee in a regional planning exercise. The purpose was to carve the state up into planning  
46 areas, and within those areas to delineate exclusive service area boundaries for water utilities. In

1 essence, every part of the state would be attached to an entity that would conceivably provide  
2 water service to that area. We claimed the boundaries of Wallingford as our exclusive area  
3 boundary. That gives us some protection as a franchise area, but it also carries with it an expect-  
4 tation that we would provide water service where it is reasonable to do so.

5  
6 To the extent that any part of the town is now excluded from our intended service area, we might  
7 run into a conflict between the two planning concepts. It particularly comes into play in the Clin-  
8 tonville Road area. The mains were extended into that area out of necessity, and if we had the  
9 same necessity again, we would probably be able to extend it. But there have been occasions in  
10 the past when we have had inquiries from property owners in this area about the potential for  
11 developing their properties with the benefit of public utilities. They have inquired about getting  
12 their utilities from Wallingford, but also from elsewhere, which might be closer. If we exclude  
13 this area from our boundary and say that we won't extend utilities, we may not then be able to  
14 continue to claim this as part of our exclusive service area.

15  
16 Given the proximity of other utilities, they might approach Regional for water or North Haven  
17 for sewer and ask to tie into their systems, since Wallingford won't extend. The answer might be  
18 'yes,' and if they were to develop, there would then be water and sewer infrastructure and the  
19 town would not be consistent with the plan.

20  
21 Mr. Gessert commented that someone who wanted to build in Wallingford and be served by our  
22 water system, and was even willing to pay for it, would be upset to be told 'no.' Mr. Nunn specu-  
23 lated that they would go to Planning and Zoning, who would then come to us, and we would  
24 advise them what they could do as far as utilities are concerned. Mr. Dann clarified that more  
25 commonly, as a matter of practice, if our utility were reasonably available (technically feasible  
26 and reasonable in cost), we insist. Mr. Nunn pointed out exceptions in the northern area, near  
27 Kohl's, where utilities are provided by service areas outside Wallingford. Mr. Dann explained  
28 they are customers of our other utility, South Broad Street Water Utility Service. It is not differ-  
29 entiated on this map.

30  
31 Mr. Nunn asked whether the purpose of this workshop was informational or for action. Mr. Dann  
32 responded that it was informational, with the next step being to set up a meeting with DEP, OPM  
33 and possibly the Health Department, to discuss this approach that we would like to redraw the  
34 boundaries of what is allowable, to true up, and then utilize that going forward as the basis for  
35 determining whether we are being consistent or inconsistent so that we would not be forced to  
36 forego any grant funds. If that is deemed acceptable to DEP and OPM, we would then be  
37 expected to live with that. There would be an expectation that at a later date, the Commission  
38 would formally adopt a policy that says if you're outside these boundaries, and you're not here  
39 because of a health issue, we won't be able to provide an extension of service.

40  
41 Mr. Nunn asked whether he anticipates any problems with DEP or OPM. Mr. Dann acknow-  
42 ledged that he does not know what to expect. They have seen a couple of towns go around them,  
43 successfully, and he hopes that would make them amenable to a working solution, such as we are  
44 proposing, which they could then point to later. Mr. Dann wants to approach them with reason-  
45 able planning goals, recognizing that they are trying to encourage growth where it won't interfere

1 with undeveloped land. He pointed out that this doesn't stop any of these areas from developing;  
2 it just stops them from developing with utilities.

3  
4 Mr. Gessert suggested removing the white areas. Mr. Adair doesn't feel we will be arguing with  
5 them so much about what color, but rather to execute an agreement that these would be our boun-  
6 daries, and as long as we stay within these boundaries, we're okay. He feels they are hung up on  
7 the color scheme and even heard that from Jeff Smith at OPM.

8  
9 Mr. Gessert would also like the piece in the corner to be in compliance with the other map. They  
10 won't add and would only subtract, so he suggests asking for it to be included. Mr. Krueger  
11 noted there are other areas that are even outside our health boundaries, like Quarry Run.

12  
13 Mr. Adair commented that we have some tactical decisions to make, such as whether the Health  
14 Department comes to that meeting, or a separate meeting. This is a planning guide, and to aban-  
15 don some parts of it is troubling. Mr. Dann feels that all of our justifications for drawing these  
16 boundaries are pretty solid. Where we draw it down here, our defense is more in line with think-  
17 ing that we will gain customers and we don't want to leave them out. We've actually had inquir-  
18 ies in the past, ten years ago, about the ability to develop a parcel in this area. Mr. Krueger  
19 pointed out it was drawn as a planning tool and it was our best guess. Mr. Adair commented that  
20 it also shows some feasibility.

21  
22 Mr. Dann is most concerned about the issue of it being our exclusive service area but we won't  
23 serve it and someone else who is right there could serve it. He questioned what we would accom-  
24 plish. Mr. Dann believes the sewer is somewhere in the area in North Haven, and water is very  
25 close. Mr. Adair does not feel that Mr. Hogan will be concerned with water. Our fall-back posi-  
26 tion would be that you get water.

27  
28 Mr. Adair referred to the guiding principle of not stranding assets. In looking at all of this, we  
29 didn't size water tanks, pump stations, sewer mains, water mains, infrastructure that absolutely  
30 was built with the expectation of a basin or region adding on, and now we lop those off, or  
31 whether we paid more than we should have for what's in the ground. Is there any concern about  
32 that? Mr. Krueger pointed to one area where there might have been. Mr. Dann explained that he  
33 doesn't feel this would strand a lot of investment. He doesn't feel that when we sized the water  
34 treatment plant, we were looking at the east side developing; that's always been kind of off-  
35 limits. We don't want to run the risk of this going back to one acre, half acre, quarter acre, in the  
36 watershed, because we provided the utilities and we have a policy statement already with respect  
37 to water.

38  
39 Part of the approach we would make on the exclusive service area boundary is to say that we  
40 have an obligation under a different set of criteria to serve within our exclusive area. Maybe the  
41 answer is similar to what the answer has been in the past, that we will not require that water be  
42 extended if someone comes in with a subdivision, as we might elsewhere. However, if they  
43 approach us and ask for it, we would allow it to the extent that it does not result in an increase in  
44 density as a consequence of doing so. That's pretty much what the Commission's policy is today  
45 on water on the east side. That might be a way of working through this exclusive service area  
46 issue with DEP and OPM, if we can also get the Health Department to chime in.

1  
2 Mr. Nunn feels this is thoughtful planning, in advance of action that may be taken, and perhaps  
3 we won't meet a lot of antagonism. Mr. Adair felt the answer, particularly on water, is "no, but."  
4 It is not slamming the door but rather putting some conditions on a given area. Mr. Gessert sug-  
5 gested including gray areas in the black lines and adding the corner near North Haven to coincide  
6 with the other map. They won't add anything and would only take away. It would be better to put  
7 it in here and see if they can justify taking it out, than to ask to add it later. The last six lots on  
8 High Hill Road are past the line.

9  
10 Mr. Adair feels we have some areas to fall back, such as water only, or water with conditions,  
11 perhaps no sewer. DEP has nothing to say about water at all. Mr. Krueger noted that we can put  
12 water mains anywhere in the state and they don't know where they are since we don't file any  
13 construction plans. Mr. Nunn suggested that they might consider it a victory if we put something  
14 in and they take it out. Mr. Adair thought we should at least be true to this plan. Mr. Dann feels  
15 we have legitimate concerns that they may not even have thought of. They never even matched  
16 up the two maps. They should have to acknowledge that there are other requirements that we  
17 have to follow. Mr. Gessert added that if they ask why we have the dotted lines way out here, the  
18 answer is to conform to the other map and the Health Department recommendations. Mr. Adair  
19 pointed out we are up-front and clear about it, that there is another lens we have to look through.

20  
21 Mr. Adair commented that we have held this workshop, this is a draft, and they are free to  
22 comment on it. If they are not cooperative and it is not going well, there is an alternative path,  
23 although we hope we don't have to go that way. Mr. Dann surmised that we could further our  
24 good reputation, which Mr. Adair agrees is quite good. We have a good record of working with  
25 them, while forcing them to deal with reality. He feels that the approach we have taken harmon-  
26 izes with what Mr. Hogan has said.

27  
28 Mr. Gessert suggested making a few changes, then ask to sit down with them, and see where it  
29 goes. They might say 'well thought out,' or nitpick it, and then we come back and see where we  
30 go. Mr. Adair pointed out that we will have engaged and seen what the reaction is. Mr. Gessert  
31 feels they probably have not received many others.

32  
33 Mr. Dann clarified that the water supply plan is part of the statewide map. They have done this  
34 for the whole state as a guidance document, although it is more than a guidance document when  
35 they take your money. Mr. Adair observed that there seems to be a reluctance to update or recon-  
36 cile on the five-year cycle. Linda Bush has reminded them there is an industrial park that is not  
37 reflected here, which hasn't helped either, as a living document. Mr. Krueger pointed out that  
38 Planning and Zoning is not required to make their plan of development update; they are supposed  
39 to but they are not required to. Mr. Dann added that no one viewed this map as a mandatory  
40 document. It is a planning document, and the Town has tried in its planning to match up and  
41 identify where there may be discrepancies and think about them, as you would with a planning  
42 document, and reconcile why there are differences. Mr. Adair feels we have done well, from a  
43 growth standpoint. This adds to the development area, but there are a lot of regions that we are  
44 willing to leave out of service. There are a lot more total acres of green, proportionately, at least  
45 from a water and sewer perspective, that is a concession-laden proposal.

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