

Water Planning Council Advisory Group—Watershed Lands Work Group

June 14, 2024

Meeting Notes

Attendees: Paul Aresta, Aaron Budris, Alicia Charamut, Kathy Czepiel, Becca Dahl, Rich Hanratty, Ali Hibbard, Molly Johnson, Iris Kaminsky, Charles Vidich, S.N. Villalba, Steve Vitko

The meeting began at 9:02 a.m. with a moment of silence in memory of Margaret Miner. Rich noted that Margaret has “been a great mentor to probably all of us here, and I know she’ll be greatly missed. I think she’d be proud that we’re advancing her work.”

Previous notes:

Notes were not taken at our March 2024 meeting, so there was no review of previous notes.

Watershed Protection presentation:

Charles Vidich gave a follow-up to his presentation to this group in March. He reviewed key points from his previous presentation on watershed-conscious land use controls and spoke more this time about some of the mapping challenges as well as riparian corridor protections.

Key takeaways for us to consider in order to guide next steps and recommendations:

- We have the legislation for appropriate protections, but zoning won’t have a longterm protective value for watersheds without enforcement. It’s difficult for municipalities to deal with inspections, nonconforming uses, preexisting industrial/commercial uses.
- We don’t yet have a consistent approach in CT to watershed-conscious zoning; instead, we have a potpourri of approaches from municipal stormwater management plans to mitigation measures for the top threats.
- Overlays are important, especially in towns that have multiple zones. Three complementary overlays to consider: watershed-based protections, GAA groundwater protections, riparian buffer protections should all be working together, in a complementary fashion. Zoning districts don’t follow watershed boundaries. An overlay zone is the only approach to deal with the wide range of municipal zoning districts.
- Recommendation should be 150 feet for riparian buffers. CT has the least protection of riparian corridors in New England. Riparian corridor setbacks are possible by simply moving around existing setback percentages within a given piece of property.
- Of the zoning strategies used, land-based is simplest; activity-based is weakest; review-based can compensate for some activity-based weaknesses.

Charles recommends that we, as a work group, make a decision about what level or range of drinking water protections is most appropriate and advocate for that. This range includes:

- Watershed-based protection—restoration and preservation strategy; broadest choice
- GAA Groundwater Classified Land protection—preservation strategy; being used in greatest number of towns (though ultimately this is a state decision)
- GA Groundwater Classified Land protection—“Middletown strategy”
- Riparian buffer protections for tributaries to public water supply reservoirs

In addition, consider:

- Balancing rights of individuals with public benefit

Rich asked the group what it might consider recommending to WPCAG; our charge is partly to determine the adequacy of current statutory/regulatory provisions.

Denise suggested making sure this is in the POCD, which supports protections being put in place.

Charles argued that the state should be doing the same level of planning and technical support for watershed and GAA protection as it does for aquifer protection via the APA.

Charles would like the work group to look through the report he’s working on before it’s published.

Kathy asked whether there any other ways we can assist with getting it in the hands of people who can/will use it.

Charles suggested the state should have a model ordinance for watershed protection/riparian corridor protection just like we do for aquifer protection; we are the only state in New England without a riparian buffer program and one of 10 in the US without one.

Review of legislation this session:

Rich and Alicea ran through a list of relevant legislation from the recent session:

Passed:

- SB 292 (PFAS)
- HB 5290 (notifications re: projects in watersheds)
- HB5355 (upper Farmington River, dam releases)
- HB5222 (stormwater funds for purchase of riparian buffers)

Did Not Pass:

- HB5218 (riparian buffers and inland wetlands training) (Alicea notes this is going to require a heavy lift next session)
- HB5170 (stand-alone inland wetlands training)
- HB5004 (climate change)
- SB11 (resiliency planning and climate resilience)

Rich asked about the work group's ability to advance legislative initiatives.

Becca noted that in Sept. or Oct. most agencies submit their legislative proposals to OPM; she raised a concern about a quarterly group like ours being able to work within these constraints. She also noted that with four agencies on the WPC, it takes time.

Ali Hibbard noted that if this group had any suggested revisions for DEEP regulations, those drafts need to go to the commissioner in Sept.

Alicea reminded us that the WPC doesn't advance legislation; the best way forward is to put something together with our own groups and ask the WPC to send a letter to support it.

Rich suggested we all use our connections with legislators, who can propose a bill for next session.

Other business/comments:

Aaron noted Charles's takeaway that an APA style program for watersheds and groundwater/surface water protection areas would be useful. He suggested it would be great to understand how the APA came about, made it through, got the support it needed.

Iris noted that Yale Superfund Project at Yale School of Public Health is focusing on 1-4 dioxine and wondered whether there was any related legislative opportunity or need.

Meeting adjourned 10:15 a.m.

Next meetings:

September 13, 2024

December 13, 2024

March 14, 2025