

Legislative Task Force Supplement: Municipal Planners Meeting



Wednesday, November 19, 2014

12:30 AM – 2:30 PM
Conference Room A
Department of Administration
One Capitol Hill, Providence, RI

Local officials in attendance: Michael Turco (Westerly), Jim Lamphere (Hopkinton), Justin Jobin (Jamestown), Lisa Bryer (Jamestown), Mike Steers (Little Compton), Rich Blodgett (Providence Water Supply Board), Jane Weidman (Block Island/Charlestown), Ron Wolanski (Middletown).

Task force members also in attendance: Joseph Casali, Gary Ezovski, Nancy Scarduzio, Thomas Kutcher, and Russ Chateauneuf.

Agency staff members present: Carol Murphy (DEM), Nancy Hess and Sean Henry (DOP)

As a benefit to municipal officials, Nancy Hess invited local planning officials to an informational session at the Department of Administration to provide an overview of the work the Task Force has done in the past year. The goal was to relate how the municipalities' wetlands regulations would be impacted with proposed revisions to the State's wetlands law and new DEM regulations.

She began the meeting with a background of the Task Force legislative charge and the activities it engaged in over the past year: the science and the "Wetlands 101" presentations, municipal regulation and zoning efforts, the representative case studies, the findings of the literature review, and selections from the current working draft of the report. Nancy also presented the key scientific findings of the Task Force: wetlands functions and values, literature review materials, science-based buffer recommendations, water quality impacts from OWTS, and other findings. Based off of these findings, the Task Force came to a consensus on several statutory and regulatory changes to the current system of regulation. The four primary themes of the report are:

1. Buffers must be protective
2. Buffer sizes and permits should be uniform
3. Terminology needs clarification
4. Regulators need adequate funding to be successful

The core recommendations are to:

- establish a jurisdictional area of 200 feet from all rivers and streams regardless of size and from drinking water supply reservoirs
- establish a jurisdictional area of 100 feet from all vegetative wetlands and standing bodies of water, and
- establish a provision to enable petition by local communities for the identification of "Critical Resource Areas" and a jurisdictional area of up to 300 feet that may need added protection.

After the presentation, Nancy answered questions from the local officials. Some of the topics included:

- What about towns with no public water supplies?
- When will current laws sunset?
- How will Critical Resource Areas be defined and status obtained?
- Is there a comment period for the LTF report?
- Will the setback distance numbers be directly in the legislation?
- Can DEM prevent towns from abusing CRA's?
- What if DEM doesn't have the resources it needs to regulate effectively?
- What about existing lots of record?
- Will there be local involvement with DEM during the rulemaking process?

The last question garnered the most discussion. After reviewing and debating, most of the planners expressed satisfaction that as long as there was a procedure to recognize local concerns they would be happy to let DEM make all the decisions on wetland and OWTS setbacks. In fact there was recognition that few municipalities have the scientific personnel to make the same findings as DEM.