



DRAFT REPORT OF ADVISORY COMMITTEE MEETING

Southeast Connecticut Regional Drinking Water Quality Management Plan Groton, Ledyard, Preston, North Stonington, Norwich, Montville, and Waterford Thursday, July 17, 2008

A meeting of the DWQMP Advisory Committee was held on July 17, 2008 at the Groton Utilities Operations Complex Julio H. Leandri Administration Building Conference Room. The meeting was facilitated by Jeanine Armstrong Bonin, P.E., Vice President of Milone & MacBroom, Inc. (MMI). Also present from MMI was David Murphy, P.E. The following members were in attendance:

Advisory Group Members	Representing		Guests	
Al Dion	PRI – Groton Utilities	X	Karl Acimovic, GU	
Rick Stevens	ALT – Groton Utilities	X	Joyce Brown, GU	X
Mike Murphy	PRI – Town of Groton		Ronald Bata, GU	X
Deborah Jones	ALT – Town of Groton	X	Jeff Butensky, EPA	X
Mayor Fred Allyn	PRI – Town of Ledyard	X	Mike Boland, MPTN	X
Mike Cherry	ALT – Town of Ledyard	X	Marc Cohen	X
Marcia Vlaun	PRI – Town of Montville	X	Pat Bresnahan, UCONN	X
Tom Wagner	PRI – Town of Waterford			
Neftali Soto	ALT – Town of Waterford			
Mike Schaefer	PRI – City of Norwich	X		
John Bilda	ALT – City of Norwich			
Kathy Warzecha	PRI – Town of Preston			
1 st Selectman Robert Congdon	ALT – Town of Preston	X		
Juliet Leeming	PRI – Town of N. Stonington	X		
1 st Selectman Nicholas Mullane	ALT – Town of N. Stonington			
Robert Birmingham, AICP	PRI – Mashantucket Pequot Tribal Nation			
Ken Greenwood	ALT – Mashantucket Pequot Tribal Nation	X		
Jennifer Pagach	PRI – State & Federal Agencies	X		
Lori Mathieu	ALT – State & Federal Agencies	X		
Sharon Mann	PRI – Water Planning Council	X		
Gregory Leonard	PRI – Water Utilities	X		
Ed Monahan	ALT – Water Utilities	X		
Tom Seidel	PRI –Regional Planning	X		
Jim Butler	ALT –Regional Planning			
Peter Gardner	PRI – Land Owners/Developers			
Clint Brown	ALT – Land Owners/Developers	X		
Margaret Miner	PRI – Open Space/Conservation	X		
Sydney VanZandt	ALT – Open Space/Conservation	X		
Zell Steever	PRI – Environmental Groups	X		
Ryan McCammon	PRI – Health Districts			
Amy Eberly	ALT – Health Districts			
William Sweeney, AICP	PRI – Land Use Consultants/Attorneys			
Tim Bates, Esq.	ALT – Land Use Consultants/Attorneys			
Deborah Donovan	PRI – Business/Industry	X		

Welcome and Introductions

- J. Bonin opened the meeting at 9:35 a.m. Attendee introductions were made around the table. Ms. Sharon Mann, representing the Water Planning Council, was introduced as the newest member of the Advisory Committee and Administration Group.

Review of Meeting Minutes and Correspondence

- J. Bonin invited comments, questions, or discussion on the June 24, 2008 Advisory Committee and Administration Group meeting minutes as well as the July 15, 2008 progress memorandum.
- Z. Steever asked what the following statement meant in the Administration Group meeting minutes: "... when Milone & MacBroom, Inc. was retained, they were repeatedly cautioned that the communities needed to write the plan and that the consultant was to merely facilitate the process." J. Bonin explained Dr. Iwan's early philosophy and noted that it was subsequently determined that the consultant would write the plan with input received at the meetings.
- J. Bonin addressed M. Miner's email of July 14, 2008 concerning a number of issues, including shellfish, low impact development vs. centralized stormwater management, and drought planning. M. Miner believes that droughts are related to water quality, although L. Mathieu noted that droughts had never been discussed in the context of the DWQMP before now. Z. Steever stated that flood management also affects water quality. There was agreement among other members on this point.

Water Quality Summary

- Before the presentation commenced, Z. Steever suggested that everyone withhold comments and feedback until some other time, given the volume of materials for presentation. Although these notes will demonstrate that numerous productive discussions were generated during and after each presentation.
- J. Bonin introduced water quality summary and R. Stevens presented the data collected by Groton Utilities. He noted that the water quality is consistent with the results of the Source Water Assessment Program (SWAP) report for the Groton Utilities system.
- M. Cherry asked that water quality outliers be linked to major storms. He suggested that this would help the committee select the proper management strategies as we move forward with the DWQMP.
- Z. Steever asked that water quality be correlated to development trends. For example, samples that are downstream of recent or older developments might reflect the stormwater management used upstream.

- S. VanZandt mentioned that the time of year matters, as well. Frozen ground can cause flooding.
- Z. Steever asked if there was older data (the summary goes back four to five years) that could help establish trends. J. Brown answered that bacteria sampling extends back the furthest, but that the current level of monitoring does not extend back more than a few years.

Stormwater Management and Memorandums of Understanding (MOUs)

- J. Bonin presented the stormwater management memorandum. S. VanZandt questioned the viability of off-site stormwater management when low impact development (LID) should be promoted. J. Bonin explained that centralized off-site management is not intended to be a replacement for LID; rather, it is to be used in conjunction with LID. In some cases, retrofits on existing developed properties are not cost-effective or feasible.
- A. Dion added that any redundancy provided by on-site and off-site systems is also beneficial.
- M. Vlaun added that centralized treatment systems also help when a business closes (like Ames and Railroad Salvage) when the on-site systems are no longer maintained. She stated that MOUs don't protect the town from a business closing.
- M. Vlaun requested a summary of the economics of centralized systems vs. many on-site systems. M. Miner concurred, but also asked who pays for centralized systems.
- Z. Steever agreed with M. Vlaun and M. Miner about MOUs not protecting the town from businesses that close. He suggested that perhaps MOUs can be linked to assessments or deeds. L. Mathieu remarked that a company still pays taxes after a business closes, and that liens could be placed on the property.
- M. Vlaun reiterated her point that enforcement is costly and "MOUs can go bad."
- M. Cherry noted that land use commissions can only act on the application in front of them and can not predict what will happen in the future.
- M. Vlaun provided an example of difficult enforcement. Towns have been in court with a local gravel pit operator for seven years regarding violations, and the gravel pit operator has never been fined.
- L. Mathieu sits on her town's wetland commission and often notes that basins on new developments get transferred to the town and then it is difficult to maintain them.

- A. Dion reiterated that on-site and off-site stormwater management provides redundancy, and added that MOUs help provide that redundancy. J. Bonin summarized this part of the discussion by noting that multiple levels of protection are best.
- End-of-the-line treatment systems were then discussed. The question of who pays for these systems was asked. Stormwater utilities were debated in the last meeting and seemed to be poorly received. Perhaps end-of-the-line treatment systems could be funded by ratepayers. But then Groton Utilities would need to take responsibility for managing the funding and maintenance of these systems.
- Z. Steever remarked that the economics of end-of-the-line treatment systems should be evaluated as well. J. Bonin expressed a concern that economics would cause the Advisory Committee to favor one solution over another, when all should be considered.
- M. Miner recommended that civil fines be investigated as a means to pay for systems. Z. Steever cautioned against civil penalties.
- M. Vlaun suggested that payments similar to those in lieu of open space could be used for stormwater management. However, this would require a change in Statutes to allow for this arrangement.
- F. Allyn warned that fines are not always available. In a recent case in Ledyard for a wetland violation, the town paid legal fees and DEP was awarded the fine.
- L. Mathieu stated that whatever the means of paying for stormwater management, the system would need to be in place to do it.
- D. Murphy then presented the stormwater MOU memo. C. Brown noted that many of the examples were for parties that had common goals. MOUs are more difficult when the parties do not have common goals. M. Cherry stated that P. Gardner (absent) shared this opinion.
- Z. Steever stated that the MOU examples don't include the means for arbitration and dispute resolution. He asked if towns could enter into MOUs. D. Jones asked if any of the representatives in the room have seen their towns enter into MOUs.
- M. Vlaun stated that commissions can not enter into legal agreements. It must be the board of selectmen or town councils. M. Vlaun and M. Cherry added that commissions can not enter into binding agreements.
- D. Jones said that towns would really need to enter into MOUs with funding in order to be effective.
- J. Bonin indicated that some developers may be interested in paying an up-front lump sum in exchange for the Town taking their system over for continued maintenance. This might be

favorable as compared to long-term administration and maintenance through an MOU arrangement.

- L. Mathieu mentioned that the status of the Hamden MOU (one of the attached examples) should be checked.
- C. Brown stated that an MOU could be an encumbrance if the property owner tries to sell the land.
- Z. Steever remarked that MOUs were popular here because the towns didn't solve the stormwater problems, leaving Groton Utilities to address them on its own. A. Dion explained that most of the MOUs were interim measures while the DWQMP was being developed. Without the DWQMP, they have worked well.
- C. Brown believes that the Long Hill Drainage District is a good model. The developer, Town, and property owner all entered into the agreement. MMI worked on this project.

Watershed Land Acquisition

- D. Murphy presented the watershed land acquisitions paper.
- S. VanZandt and Z. Steever believe that the memo is incorrect in its citation of open space acreage in the Town of Groton. S. VanZandt provided a page of an addendum to the Plan of Conservation & Development that may have the correct information. D. Murphy will check this with the Town of Groton.
- Z. Steever strongly disagreed with the recommendation on Page 14 that acquisitions be favored over conservation easements, small disconnected open space parcels, and the like.
- D. Murphy asked if it was burdensome for the towns to have many smaller open spaces and conservation easements. S. VanZandt indicated that it was starting to get better as they are inventoried and managed. M. Cherry stated that easements can be successful, but enforcement can be problematic.
- B. Congdon recommended that the bullet (recommendation) in the memo be edited to reflect that all are options although acquisitions should be emphasized. Z. Steever disagreed and believes that conservation easements should be given equal consideration to acquisitions.
- A short discussion took place involving the economics of conservation easements. J. Bonin asked if development rights can ever be "purchased back" to retire an easement. Several members indicated that the easement language can preclude this from happening. It was also noted that easements are a tax deduction for a developer and therefore could be favored by them.

- L. Mathieu reminded the group land acquired by the water utility becomes Class I and II land, but easements do not.
- S. VanZandt would like Groton Utilities to meet with the Conservation Commissions.

Security and Recreation

- D. Murphy presented the watershed security and recreation paper.
- L. Mathieu and J. Pagach explained that people enjoying the watershed provide the eyes and ears to assist with security.
- L. Mathieu added that the law in Connecticut used to allow nothing in public water supply reservoirs and watersheds, and that slowly certain allowances have been added.

Water Treatment Edits

- J. Bonin briefly presented the edited memo.
- Z. Steever asked that costs of improvements be added to the memo. Groton Utilities does not yet have those figures.

Future Meetings

- Subsequent meetings are scheduled for August 21 and September 18, 2008.
- M. Cherry noted that it is time for all participants to offer comments.

Adjourn

The meeting was adjourned at 11:45 a.m.