



Is Your Land Use Agenda in Sync with Source Water Protection?

“ When we try to pick out anything by itself, we find it hitched to everything else in the universe. ”

JOHN MUIR

Audience

- ~ planning and zoning board members
- ~ conservation commissioners
- ~ wetlands commissioners
- ~ health officers
- ~ zoning boards of appeal

“Home Rule”—as it pertains to land use in the New England states—places most of the responsibility for land use regulation and consequently source water protection with local governments. While there are a variety of federal and state requirements and programs that address water quality issues, the day-to-day decisions associated with land use and resource protection are made by municipal officials.

The good news is that most municipalities have sufficient authority to control land use activities and conditions that threaten their drinking water supplies. With this in mind, there are some key questions you should consider up front

- ~ Are you currently doing the best you can to minimize the cumulative risks of land uses to your drinking water resources?
- ~ What authorities and options are available to your community to ensure the future health of your water supply?

Is Your Source Water Protection House in Order?

Your Source Water Assessment report can be a powerful tool for your community, because it identifies the land uses that pose potential threats in your water supply areas. It is a jumping-off point from which you can:

- review your community’s existing policies, regulations, codes, standards, ordinances, and other land use controls—if you haven’t already—to see if they protect source water
- carefully consider the prospect of discarding or revising outdated and ineffective regulations
- substantiate your Source Water Assessment report, with regard to known and potential threat inventories and action priorities
- determine who in your community has the authority to address specific types of threats
- adopt and implement mitigative or protective measures.

Resource protection philosophies and strategies have evolved considerably over the past 50 years. Much of what has changed comes as the result of lessons learned about the long- and short-term effects of our land use activities on our environment. Your source water protection strategies should take into account the most current, science-based BMPs available, leaving the door open to effective, innovative techniques.



Best Management Practices (BMPs)

Established practices used to help reduce the impacts of activities (e.g., construction, road building, agriculture) that have the potential to threaten water quality.

Strategies for Action

✓ **Make sure your water resource protection goals are in agreement with your comprehensive town plan.**

✓ **Target critical water resource protection areas for land conservation.**



More and more communities are working with their water suppliers, nonprofit organizations, and neighboring communities to develop regional open space and recreation plans that target specific parcels of land for conservation.

Land conservation is about investing in the long-term health and welfare of the people in your community and their environment. It is also a means of linking existing open

spaces, preserving important wildlife habitats, providing the public with low-impact recreational opportunities, and, most important, guiding growth away from sensitive water resources. There are several ways to secure land for conservation:

- **Purchase land** – A strategy for water suppliers, the community, a group of communities, or a land trust.
- **Purchase development rights** – Protects the land from development, while allowing the landowner to retain all other rights associated with land ownership.
- **Select subdivision open space areas** (e.g., greenways, habitat corridors, expanded wetland buffers, protected forest fragments) – These are typically identified in the town open space plan and should be targeted during the subdivision approval process.
- **Use conservation easements** – A transaction whereby the landowner transfers rights to develop a given area of land to a recipient organization (e.g., municipality, water utility, land trust) that assumes responsibility for monitoring the land to ensure that easement restrictions are met.

- **Transfer of development rights** – Establishes special zones whereby development rights (through donation or purchase) are transferred away from sensitive areas to other areas in the community that are better able to accommodate growth.

✓ **Review your land-use ordinances and bylaws to see if the areas identified in your Source Water Assessment report are protected from incompatible land uses now and in the future.**

One of the most difficult challenges communities face is determining how much risk they are willing to accept. If you can't keep a potential contamination source out of the source water protection area—the most risk-free solution—you can limit the size or scale or ensure that BMPs are being used. Take measures to minimize risks as much as possible.

✓ **Consider hiring a local or regional environmental enforcement officer.**

Identify ways to ensure compliance with local regulations, including hiring a local or regional environmental enforcement officer or designating existing town staff (e.g., health director, building inspector, planner, conservation commission officer) to conduct field inspections, educate landowners, home owners, businesses, and developers, and pursue enforcement actions.

✓ **Maintain forested buffers to wetlands and surface waters.**

Ensure that inland wetlands and watercourses are adequately protected from the impacts of activities such as new housing, industrial and business development, highway construction, logging, golf courses, and mining.

✓ **Educate the public about land use practices to protect water supplies.**

Educate the various sectors of your community about the importance of protecting drinking water sources, steps your community is taking (e.g., land purchases, special ordinances), and the kinds of BMPs they can implement.

FOR MORE INFORMATION

For more detailed information, check out “Water Today... Water Tomorrow? Protecting Drinking Water Sources in Your Community: Tools for Municipal Officials” at www.neiwpcc.org. To find out more about your state's source water protection program:

Connecticut:	(860) 509-7333	http://www.dph.state.ct.us/BRS/water/Source_Protection/source_protection.htm
Maine:	(207) 287-2070	http://www.state.me.us/dhs/eng/water/
Massachusetts:	(617) 292-5770	http://www.mass.gov/dep/brp/dws/dwshome.htm
New Hampshire:	(603) 271-3139	http://www.des.state.nh.us/dwsp
Rhode Island:	(401) 222-7769	http://www.health.ri.gov/environment/dwq/swap/index.php
Vermont:	(800) 823-6500 or (802) 241-3400	http://www.vermontdrinkingwater.org/swapp.htm