

Riparian Buffers Working Group – November 21, 2025 – Summary for Buffers Briefing

The November 21st meeting included presentations from DEEP legal staff, UConn CLEAR, and a case study from Tracey Miller as well as confirmation of consensus items.

Riparian Buffers: Legal Considerations – Eliza Heins, DEEP Staff Attorney

- Attorney Heins provided an excellent, detailed overview of how other New England states protect riparian buffers in statute and regulation. I strongly urge everyone to take a look at her presentation which is linked above.
- It was pointed out that Connecticut differs from other states in that it does not have explicit language regulating vegetation removal in buffer/setback areas. DEEP indicated similar language could be added to Connecticut statute.
- As Attorney Brooks emphasized previously, any new language must clearly articulate the inherent protective functions of riparian vegetation to avoid challenges under existing case law.

UConn CLEAR Tools – Dave Dickson

- CLEAR presented land cover maps and related tools illustrating the loss of natural vegetation in riparian areas across the state.
- These tools continue to demonstrate clear trends in development pressure and can help identify priority areas for protection.

Case Study – Tracey Miller

- Tracey Miller, landscape architect and former Ridgefield Inland Wetlands Commissioner, shared a case study that inspired her graduate thesis at UConn.
- The example highlighted the struggle to protect forested riparian areas when a town proposed a parking lot near a watercourse.
- Her full presentation will be shared once submitted.

Discussion Themes

- Significant discussion focused on regulatory takings.
 - A strict “no-touch” buffer with no ability to condition activity could be interpreted as a taking; no other New England state has such a provision.
 - The threshold for a regulatory taking is high — the agency must deprive a property owner of all reasonable use of their land.
- Case law is clear that tree removal is a regulated activity (CT Supreme Court, 2005). The statute remains implicit; case law makes the point explicit.

Consensus Items Identified by Co-Chairs

The co-chairs sought confirmation on several items from prior meetings:

- The focus should remain on protecting existing vegetation along watercourses.
- A one-size-fits-all width is not appropriate.
- The Inland Wetlands and Watercourses Act (IWWA) will be the primary vehicle for buffer protection.
- DEEP will need to develop new regulations for local implementation. *DEEP's reaction to this is that they need clearer expectations on what this means.*
- We should look to Massachusetts and Rhode Island as strong models. *There was not consensus on this as some working group members mistakenly thought this statement meant that other states would not be included for consideration as models.*
- A potential shift toward reversing the burden of proof (placing more responsibility on the applicant).

One open question for a consensus check: Should lakes and ponds be excluded?

Concerns Going Forward – From a water quality and efficacy perspective

- Ensuring that manicured lawn is not treated as “natural state.”
- Avoiding a framework that applies only to rivers and streams, leaving out lakes and ponds, which often have the greatest need for vegetated buffer protections. Excluding them would remove an important tool for lake managers and communities.

Next Steps

- How do we address “as-of-right” exemptions and how they fit within a vegetation protection framework?