

Final Meeting Notes
CDC/CPAC Natural Resources Review Meeting
Thursday, April 3, 2008
Falmouth Town Hall, Large Conference Room

Attendance

CDC: Councilor Wrobleski
CPAC: Hugh Coxe, Kurt Klebe, Hugh Smith, David Chase
Consultant: Jeff Simmons, Beth Della Valle
Town Staff: Theo Holtwijk, Amanda Stearns

New Materials distributed

- Agenda, April 3, 2008
- Draft Meeting Notes March 19, 2008
- Wetlands, Summary of Draft Policy Decisions, As of 3/19/08
- Vernal Pool Resource Areas, Summary of Draft Discussion, As of 2/20/08
- Parking lot of issues to be revisited, March 19, 2008

The meeting was called to order at approximately 7:00 p.m.

1. Summary of 4/1/08 Committee/Staff Meeting on Town Council/Public Outreach

J. Wrobleski reviewed the small group meeting with the Committee. Staff will prepare a press release and sketch maps depicting different policy scenarios. The consultant will prepare a PowerPoint presentation. Possible Agenda for the workshop includes:

- PowerPoint presentation by Beth and Jeff – include methodology, policies and matrices
- Sketch map presentation
- Facilitated question and answer period

1. **Schedule of meetings** – J. Wrobleski indicated that he anticipates one more meeting to work on the substance of the policy, one small group meeting to work on the public workshop and a final full committee meeting to review the workshop materials. A calendar to be passed around and filled in was discussed but due to the number of members present, availability will be solicited by email.

2. Revisit Parking Lot Issues

- a. Revisit access/all practical use issue for vernal pools –

The members discussed what should be allowed, the resource and the 100' no alteration zone? Should the criteria be different for different types of pools? J. Simmons mentioned that the DEP and ACOE allow alteration through permitting and have rigorous requirements for significant vernal pools. J. Wrobleski agreed that standards should be stringent for significant pools. H.

Coxe suggested language that would discourage disturbance but allow some impact. J. Simmons suggested that the Best Development Practices noted by Calhoun and used by the DEP and ACOE look specifically at road crossings and mitigative design measures to reduce impacts such as submerged culverts and retained fills. J. Wroblewski suggested adopting the existing language in 5.38 for vernal pools and tie to mitigation. D. Chase noted that this situation would be the exception and the few lots that might need the access would not have a large impact on the preservation of vernal pools.

H. Coxe proposed that the policy be that the permitting authority utilize the standards in 5.38 for both wetlands and vernal pools to allow crossings in the resource and buffer areas. K. Klebe asked if the resource should be protected first. B. DellaValle suggested that it might be best to allow the process to determine what extent the resource and adjacent habitat be altered. There was committee consensus to adopt this policy.

- b. Consider how treatment of vernal pools and wetlands plays out in conservation subdivisions – run scenarios/use graphics. This item was not discussed.
- c. Consider requiring mitigation if have no choice but to impact wetlands, establish limitation on square footage of disturbance and amount of area needed to mitigate impact

B. DellaValle suggested striking the first half of the comment to the comma; the focus was on establishing a minimum threshold to require mitigation. The Committee has already established that the minimum threshold in the Highland Lake Watershed District will be 1,000 square feet. J. Simmons corrected a statement he made at an earlier meeting. The DEP requires mitigation of freshwater wetlands alteration over 15,000 square feet and may require mitigation of wetlands of special significance between 500 and 15,000 square feet. J. Wroblewski suggested they look at the impact data provided by staff.

Out of five projects noted, the range of alteration was between 1,330 and 7,840 square feet. Two of the five options would exceed the exempt amount of 4,300 square feet of impact.

J. Simmons noted that the SPO had prepared a report covering the time period between 1995 and 2001 which reported that out of 27 Falmouth projects a total of 8.5 acres being altered, an average of about 13,000 square feet per project. These same projects provided 14.8 acres of preservation as mitigation.

After some discussion the Committee agreed that the threshold would be 4,300 square feet for all wetlands and the ratios for mitigation will reflect the state requirements.

The discussion moved to administration of mitigation and the requirements for individual lots. Concerns raised included the requirement of the Code Officer to do a site visit and determine the mitigation required. Lots previously approved

by the Planning Board were discussed to be exempt from the overall provisions for wetlands alteration, as it could be assumed they had complied with state permitting and developed building envelopes that complied with the then existing regulations. **The Committee agreed to exempt construction of primary residential structures on lots that had been approved by the Planning Board and recorded at the registry. An educational handout should be prepared to educate the landowners about minimizing impacts to the area of concern.** The Committee would address the remaining “individual lots at a future meeting as well as the construction of accessory structures.

- d. “Skidder track” vernal pool issue – Is it the intention to regulate every puddle in Town or is there some bright line, a clear explanation of where the line will be drawn? How is the system going to work so it will not be viewed as “unjust”?

J. Wroblewski indicated that he had given this subject some thought and believes that there is some merit in looking at the regulatory “bright line.” He believes very strongly that the town should regulate significant naturally and non-naturally occurring pools as well as natural breeding pools but is concerned about extending protection to pools that are man-made and also those that do not have any breeding activity. The Committee discussed this issue at length. H. Coxe suggested that perhaps the town should require those non-breeding pools to be mapped that were located within the 750 foot area of concern of any breeding pool. A. Stearns asked J. Simmons if there were “industry standards” for mapping non-breeding pools. J. Simmons replied that it would most likely be mapped as a wetland if it met those standards. He also stated that there are some indicators of possible vernal pools. **It was agreed that the regulation of vernal pools would be restricted to Significant Naturally or Non-Naturally Occurring Pools and Natural Breeding Pools.**

3. Consider mitigation questions for vernal pools – This item was not discussed.
 - Should Falmouth allow mitigation for impacts on vernal pools? If so, should mitigation be required to take place in certain areas?
 - What is the appropriate threshold for Falmouth? Should it vary by location in town or value of vernal pool?
 - What ratios of alteration to mitigation should guide mitigation requirements?
 - Should mitigation thresholds be the same for all types of activities or should some types of activities be exempt?
 - How should selection of mitigation sites be coordinated with the Town Ombudsman and/or Conservation Commission? Should mitigation locations be tied to specific documents such as the Town’s *Open Space Plan* or *Mitigation Properties Available in the Town of Falmouth*?
4. Finalize lower threshold for wetlands mitigation pending staff assessment of development over past 2 years. – The committee agreed to use the 4,300 square foot threshold for all wetlands mitigation. See discussion under Item 3.c. above.
5. Revisit the Revised Summaries of Draft Vernal Pool and Draft Wetlands Discussions with a view towards incorporating approaches toward mitigation and refinements

for presentation to the Town Council and general public. – The committee postponed this to the next meeting. Beth DellaValle indicated that staff and the consultants had developed a series of clarification questions and would ask the members to review these for discussion at the next meeting.

6. Next Steps for the Workshop with Town Council/Public Outreach Efforts
7. Other conclusions:
 - a. Need to re-visit lot exemptions for existing undeveloped lots.
 - b. Need to address clarifying questions for vernal pool and wetlands policy.
 - c. Need to determine if legislative changes will affect treatment or vernal pools at the local level.
8. Approval of minutes from January 23, 2008; February 13, 2008; February 20, 2008, March 6, 2008, and March 19, 2008
9. Adjourn - The group adjourned around 10:15 PM.

Notes prepared by Amanda Stearns April 4, 2008
Rev. April 18, 2008 Theo Holtwijk