

Meeting Notes
CDC/CPAC Natural Resources Review Meeting
January 23, 2008, 7:00 P.M.
Falmouth Town Hall, Large Conference Room

Attendance

CDC: Councilor Wroblewski, Councilor Rodden
CPAC: Lissa Robinson, Hugh Coxe, Kurt Klebe
Consultant: Jeff Simmons, Beth Della Valle
Town Staff: Theo Holtwijk

Materials distributed

- Vernal Pool Resource Areas, Summary of draft policy discussion, as of 1/10/08 (with typos corrected)
- Vernal Pool Resource Areas, Summary of draft policy discussion, as of 1/15/08
- Parking lot of issues to be revisited, January 15, 2008
- DEP handout – excerpt from Chapter 335 Significant Wildlife Habitat, page 10
- Forestry Habitat Management Guidelines for Vernal Pool Wildlife (electronically distributed)

1. Modifications to Revised Summary of Draft Vernal Pool Discussion

Jeff mentioned that he met with Bob Shafto regarding the mitigation topic and would keep him in loop when that would be discussed by the group.

Joe requested to see the actual language of the state standards on vernal pools, so it could be held up as a comparison.

The vernal pool map will serve as a preliminary guide for developers. They still have the responsibility to do field investigations.

The group discussed what triggers an application to have to do a field investigation. The ordinance language needs to address this.

The group mentioned it wanted the language to also address skidder tracks, farm ponds, etc. How can the Town avoid to regulate every puddle?

The group suggested to add a “why” section to the policy section on vernal pools. The conservation commission prepared a fact sheet a few years back and Lissa will get a copy of it.

2. Complete Vernal Pool Discussion –

- **Approach to resources that are off-site, but related to those under development review**
- **Confirm that we have completed discussion of differentiation of treatment based on geographic location and/or zone**

The DEP requires off site vernal pools to come only into play (and only require permits) if they are “mapped.” This was flagged in a DEP handout – excerpt from Chapter 335 Significant Wildlife Habitat, section E.2. However, the state does not maintain a map at this time.

The group wondered if the Town sent its vernal pool map data to the State. Most likely not. The committee agreed that it made sense to use the Falmouth map in a similar manner to regulate impacts on off-site vernal pools.

It then discussed the implication. It agreed that a pro-rated 25% of the property under control could be developed. This would only apply to significant vernal pools. The group recognized that this was a fair way, but could also lead to more habitat fragmentation than it desired.

This approach would put Falmouth in sync with the state’s intention as the state currently would practically not do anything to regulate impacts on off-site pools.

The group discussed how to verify that the off-site pools are indeed significant. That led to a discussion on landowner access permission. The committee agreed that if no access could be obtained that that off-site pool would not be regulated. Notification of abutters would be done by the developer.

The group then discussed how many of the sites on the map were actually field checked, and if any size check was performed. This could affect the zone of interest on the adjacent property. No size checks were done.

In the top paragraph of the same DEP handout it states an option for credit for “restoration” of habitat. Should the Town do something similar? There seemed interest in that, although the group wondered about the language pertaining to returning to “a condition with the same drainage patterns.” That made sense if the prior condition was known (such as with construction activity that would disrupt an area, to have it subsequently restored). Such language is found in conservation easements. The success of restoration was also discussed. This seemed to be more an issue with wetland restoration.

The group then moved on to the next section and confirmed its approach to policy #3.e. It agreed that the three land use zone approach should not be used at this time as it is not incorporated in current zoning rules.

It was suggested to add a new parking lot issue as there was a concern expressed that the methodology used to produce the vernal pool map will be questioned.

The group agreed to then take up item 4 before item 3.

4. Public Engagement

Various ideas for public engagement were discussed.

- The group is already meeting with the FEDC.
- The project has been posted on the Town's website.
- The group did not pursue doing an on-line survey on such a specific issue.
- It wanted to advertise the availability of web project info.
- It wanted to produce a fact sheet and flier on the policy choices as well as a press release.
- It was felt that the Council would have some input on public engagement as well. There was a discussion on how to minimize the off-topic speaking that the public sometimes does at a council meeting.
- It was suggested that the CDC should a separate public workshop or roundtable discussion.
- Holding a one on one coffee discussions with key interested parties as it is known who does a lot of development as well as where the mapped vernal pools are. This could also be done as a group, although the interest may be to know the impact on a specific property.
- The group agreed that a mailing to affected property owners should be done (all owners within 750 feet of any mapped pool).
- The opportunity for one on one meetings with staff to look at and discuss regulatory impact on a specific site should be offered.
- The group was interested to have a way to receive comments back via e-mail, and to have all comments posted on the Town's web site. It agreed that such a site needed to be managed.
- The group agreed that getting informal input early in the process was best.
- The group had a discussion on whether to seek public input on vernal pools only, to do vernal pools + wetlands, or do all of the resource policies at the same time. Concern was expressed that combining issues may be asking too much to absorb from attendees all at once.

The group decided on the following next steps:

- staff to identify affected vernal pool property owners and start developing a mailing list;
- group to identify key stakeholders;
- group to check and comment on the project website.

The group also discussed producing a cable TV program and distributing DVDs of it. The roundtable could be recorded and broadcast multiple times to help educate the public.

The group also discussed if the consultants needed to do a bit more on the regulatory level, so property owners could get a better sense of potential implications – sort of middle ground language. Jeff felt that the current policy language should give owners a good idea what they can and cannot do with their land if the policies were adopted.

The group also agreed that having some graphic materials to illustrate plausible scenarios and their implications was a good thing.

The group agreed to keep the public engagement topic on each agenda and to work on parallel tracks.

3. Discuss policy choices to guide ordinance revisions for each topic. Answer clarifying questions, as appropriate.

Proposed order of discussion:

- **Wetland Resource Area Matrix**
- **Wetland Mitigation White Paper**
- **Surface Water Resource Area Matrix**
- **Steep Slopes and Erosive Soils Matrix**
- **Setbacks and Buffers/Invasive Species White Paper**

A start will be made with the wetlands issue at the next meeting.

5. Schedule of meetings, including next meeting agenda date and time

The group agreed to meet next on Thursday January 31st. Joe asked the group to keep Wednesday February 6th open as a possible next meeting. There was some concern expressed about being able to attend every meeting.

6. Adjourn

The meeting was adjourned around 10:00 PM.

Notes prepared by Theo Holtwijk