

**Meeting Notes**  
**CDC/CPAC Natural Resources Review Meeting**  
**Thursday, March 6, 2008, 7:00 P.M.**  
**Falmouth Town Hall, Large Conference Room**

**Attendance**

CDC: Councilor Wrobleski, Councilor Rodden  
CPAC: Hugh Coxe, Jim Thibodeau, Lissa Robinson, Kurt Klebe  
Consultant: Jeff Simmons, Beth Della Valle  
Town Staff: Amanda Stearns

**New Materials distributed**

- Agenda, March 6, 2008
- Draft Meeting Notes February 20, 2008
- Wetlands, Summary of Draft Policy Decisions, February 20, 2008
- Vernal Pool Resource Areas, Summary of Draft Discussion, As of 2/20/08
- Parking lot of issues to be revisited, February 20, 2008

The meeting was called to order at 7:20 PM after enduring the fire alarm for 20 minutes.

**Wetlands Policy Choices**

The group started with **Policy Choice 8**, exemptions for special circumstances Beth recapped these areas. Group discussion followed.

1. **Wetlands below 4300 sq. ft.** – Beth and Jeff explained that the state uses this threshold for wetlands **impact**. DEP allow for activity in these wetlands with a Permit by Rule provided they do not meet the definition of a “Wetland of Special Significance.” No notification of abutters is required.

The following questions and comments were made by the committee members:

- Why is this allowed? Is it political reality?
- Should the town follow the same procedure?
- Impact seems minimal but could affect the remainder of the wetland or upland areas.
- Should consider impact trade offs, effects to other habitats that might better be preserved.
- Should strike a balance between impact and good site design and preservation of other habitats.
- What are the methods of evaluating the impact?
- Should focus on significant wetlands impact.

Suggestions for policy were:

- Allow for flexibility of disturbance as in the 25% disturbance for certain areas surrounding vernal pools.
- Could utilize the current buffer requirements in 5.38
- Use other current methods through subdivision review, both at the local and state level. All wetlands must be identified for a Conservation Subdivision. The state requires under Site Law for cumulative impacts to be addressed.

The group decided to mirror the state Permit by Rule as a basis. Further discussion continued as to whether or not it was appropriate to add further restrictions as in:

- Adding “minimize impact to the greatest extent possible”
- Require a finding of no better alternative by the permitting authority
- Build in mitigation requirement

The group agreed on the policy to include only the exemption and that, at the time of ordinance drafting, to work on the details.

2. **“Finger Wetlands”** – The group reviewed the existing ordinance provisions which currently exempt wetlands that are basically long and narrow and serve more like drainage swales. It was noted that the wetlands amendments that were proposed last year would have eliminated the exemption and that the Council wanted more “science” around the decision. Beth and Jeff discussed the state’s approach to regulating man-made swales that are serving a drainage function related to development and typically they are not looked at as wetlands, except that in rare cases where the area has become “naturalized.”

Ideas that were offered:

- Look at relationship to the landscape and functions
- Go to a flexibility standard
- Adopt state language “not intended to regulate roadside ditches”
- Differentiate between “functioning” and “abandoned” man-made swales
- Do not include farm impoundments

The group generally agreed to exempt “finger wetlands” that are not related to wetlands of special significance, man-made ditches and drainage systems.

3. **Areas where access cannot be provided without crossing a wetland** – Jeff Simmons noted that the DEP has 17 types of PBRs (Permit by Rule) that include provisions for providing access. The group agreed to have Jeff review them.
4. **Areas where there can be no practical use of the property** – The group had a lengthy discussion regarding this issue. Beth DellaValle

explained that it was an attempt to look at the possibility of the regulation rendering a property unusable. Concerns were raised that the regulation should not be “bent” to accommodate odd-shaped lots or those difficult to develop but there should be some concern for property rights. One option was to tie this to mitigation so that the lot could be developed but would require some sort of mitigation to do so. The group drew no consensus on the topic.

5. **Off-Site Wetlands** – Beth explained that this is to look at wetlands that are adjacent to or nearby the development parcel. The group addressed vernal pool policy to investigate if a pool were shown on the Town’s Vernal Pool Map. One option to mirror vernal pool policy but the issue of no official of map of wetlands arose. The discussion also included what additional cost would be required to map wetlands on adjacent properties and what attempt the property owner would have to make to gain access. This issue was placed in the parking lot.

**Policy Choice #9 – Incorporate provisions to allow removal of invasive species (topic of white paper)?** – It was agreed that this topic would go to the Conservation Commission or the parking lot.

**Policy Choice #10 – Review role for Conservation Commission?** – This would go to the parking lot.

**Policy Choice #5 – Differentiate regulatory requirements in different areas?**  
– It was agreed to not apply to existing Master Plan Development Areas or Overlay Districts such as Tidewater, the Retirement Community Overlay District or West Falmouth Crossing. The differentiation between growth and rural areas should be considered during the discussion of compact development

### **Next Meeting**

A. Stearns will email all for the March 12, 13 and 19<sup>th</sup>.

**Adjournment** occurred at approximately 10:15.

Notes prepared by Amanda Stearns, March 14, 2008