

Final Meeting Notes
CDC/CPAC Natural Resources Review Meeting
Thursday, March 19, 2008
Falmouth Town Hall, Large Conference Room

Attendance

CDC: Councilor Wrobleski, Councilor Rodden
CPAC: Hugh Coxe, Jim Thibodeau, Lissa Robinson, Kurt Klebe, Karen Farber, Hugh Smith
Consultant: Jeff Simmons, Beth Della Valle
Town Staff: Theo Holtwijk

New Materials distributed

- Agenda, March 19, 2008
- Draft Meeting Notes March 6, 2008
- Wetlands, Summary of Draft Policy Decisions, As of 3/6/08
- Vernal Pool Resource Areas, Summary of Draft Discussion, As of 2/20/08
- Parking lot of issues to be revisited, March 6, 2008

The meeting was called to order at 7:09 PM.

Continue discussion by revisiting issue of a 25' no alteration zone for freshwater wetlands

The group went back to policy choice #6 of the wetlands document and discussed if it wanted to designate a 25 feet zone from the wetland resource as a "no alteration" zone. Although all recognized the environmental benefits, some felt that such a rule would be too restrictive. The general policy is to try avoiding impacts in a 75 feet area of concern, and some stated that that process should be trusted. In the end, the group decided against a 25 feet no alteration zone. During this discussion, Jim T. suggested an exemption for conservation subdivisions. Conservation subdivisions have already been flagged as number 4 in the parking lot list and will be taken up in the future.

Discuss policy choices related to the Wetlands Mitigation White Paper

The group then went to the Mitigation of Natural Resources paper that was distributed at the beginning of this project. The NRPA provides for mitigation options relative to wetlands. The group agreed that it was interested to incorporate such options into the ordinance as they provide for additional flexibility. These include: creation of wetlands, restoration, enhancement and preservation. Only a few towns have done this at the local level.

The discussion then went to when a requirement for mitigation should kick in. The measure for this for wetlands would be the impact to the resource, not the area of concern.

The group debated the merits of using a hierarchy: a lower threshold for disturbance in the Highland Lake watershed, and higher threshold elsewhere. The Presumpscot River and Mill Creek watershed were also considered for a lower threshold. In the end the group decided to keep the system simple and not single out other watersheds, other than Highland Lake, as it wanted to apply the homeowner exemptions it developed elsewhere for mitigation as well.

The group struggled with coming up with a good number threshold. The state uses 15,000 sf. Kittery uses 1,001 sf. The group felt that the number should probably be between 4,300 sf and 15,000 sf and wanted to have some data from staff as how much wetland impact typically happens with recent projects, to help decide on a specific number.

The group was OK with using the same ratios for mitigation as the State uses.

The group felt that there should be a decision tree that would articulate where mitigation was preferred: on-site first, then in the same watershed, then within Falmouth, etc. It was recognized that if mitigation was required by other agencies as well that there needed to be some agreement and flexibility with that.

The group did not see need to make geographic distinctions beyond Highland Lake.

The group expressed a need for an applicant and the approving body (be it Planning Board, staff, or CEO) to consult with appropriate entities (such as Conservation Commission, Open Space Committee, or Ombudsman) and use applicable documents (such as 2007 Mitigation Properties report or Open Space Plan) to arrive at the best mitigation proposal. There was a concern that the Conservation Commission needed to be strategic and not regulatory.

The group then asked if mitigation should also apply to vernal pools. It agreed that in that case the threshold needed to include impact on the resource as well as impact on the critical terrestrial habitat around the resource. The policy stated that 25% of that habitat could be impacted (and more if development had already occurred off-site in that zone). The group explored, but did not decide, whether to require mitigation for allowing the 25% impact in the first place or to require it if impact went over the 25% figure. Beth and Jeff were asked to make a proposal on what might make sense.

Workshop with Town Council and Public Outreach Efforts

The group agreed with doing a Vernal Pool and Wetlands roundtable/outreach meeting at the end of April. Joe suggested that a subcommittee work on the details of that. The group got a homework assignment to flag which of the parking lot items each person felt had to be discussed at the next meeting so sufficient closure could be obtained prior to the outreach meeting. Staff will work with Beth and Jeff on producing the next draft of the FAQ.

Schedule of meetings, including next meeting agenda date and time

Joe said he would e-mail four possible dates for a next meeting: March 26 or 27, April 2 or 3, to see which one would work for most people.

Other business

Theo pointed to the presentation board with concept site plan that he brought along and briefed the group on the current work by Town Council and Workforce Housing Committee to create a workforce housing development off Woods Road. This site is impacted by vernal pools, wetlands and a stream. He mentioned that potential developers had particular concerns how regulatory agencies such as USACE would view these resources and what the development capacity for this site was. Theo wanted the group to aware of this effort, as it provided a test case for how these protections may work.

Adjourn

The group adjourned around 10:22 PM.

Notes prepared by Theo Holtwijk, March 20, 2008
Rev. April 18, 2008 Theo Holtwijk