

Approved Meeting Notes
CDC/CPAC Natural Resources Review Meeting
Wednesday, April 16, 2008
Falmouth Town Hall, Large Conference Room

Attendance

CDC: Councilor Joe Wrobleski, Councilor Bonny Rodden
CPAC: David Chase, Kurt Klebe, Jim Thibodeau, Karen Farber
Consultant: Jeff Simmons, Beth Della Valle
Town Staff: Theo Holtwijk

Materials Submitted:

1. April 16, 2008 Agenda
2. April 10, 2008 Parking Lot Issues
3. April 10, 2008 Draft Meeting Notes
4. April 10, 2008 Summary of Vernal Pools
5. April 10, 2008 Summary of Wetlands
6. Pertinent Vernal Pool Definitions (no date)

Joe Wrobleski opened the meeting at 7:08 PM.

1. Policy regarding Small Projects

Joe suggested that the term “exemption” should really be replaced with “exception.” The group agreed. He stated that he saw five special circumstances:

- existing developed properties,
- existing lots,
- lots exempt from private way requirements,
- lots approved by the Planning Board, and
- lots in the “Tidewater” etc. group.

There was some discussion if Falmouth’s definition of subdivision conforms with the State’s definition. Beth will look into that. On existing lots, the group discussed if large lots should be treated differently than small lots. The group also discussed to what extent a resource that was off-site needs to be looked at. It was suggested that the approach of the special circumstances cases should be the same. A question was raised if watershed boundaries should come into play with vernal pools. The group decided it should not, except in the case of the hierarchy of preferred locations of vernal pools mitigation that had been previously discussed. There was a concern expressed with regulating vernal pools in developed areas, concerning its productivity and impact on staff. To make a difference in those cases, it was argued, would be more an exception than a rule. The suggestion was in those cases only to regulate within 100 feet of the resource.

The committee reviewed various scenarios to see how 100 foot setback would play out: on a 100 acre parcel (it was argued that it was not practical with that much land to clear around a vernal pool); with a teardown; etc. The group reviewed the current structural setback which is 75 feet and discussed the enforceability of any setback relative that

what the CEO does prior to issuing building permits. There was a proposal made to keep it at 75 feet. A suggestion was made to create a vernal pool overlay district where there are clusters of vernal pools. There was concern expressed about introducing a new number (75 feet) and steering away from more uniformity. The suggestion was made to go to 100 feet no alteration setback. The definition of structure was reviewed.

Ultimately the group settled on the following:

- Have a 100 feet “no alteration” setback for existing developed properties, existing lots, and lots exempt from private way requirements
- Have no setback requirement for lots approved by the Planning Board and lots in the “Tidewater” etc. group.
- Have any projects that are in non-conforming situations fall under conditional use permit review or delegate to staff (to minimize impacts).
- Not apply setbacks from off-site pools to the entire “class” of special circumstances properties.
- Not apply any setbacks to resources located outside the municipal boundaries.

As part of this discussion the group referred several times to three large maps prepared by Ethan Croce and Hugh Coxe that showed vernal pools throughout town.

2. Review of Recently Amended State Definition of Vernal Pools

Jeff passed around copies of a Pertinent Vernal Pool Definitions handout. There were three changes the state recently made to its definition of vernal pools. After discussion the group agreed to:

- Incorporate the hydroperiod change in the Falmouth definition;
- Incorporate the rare species change in the Falmouth definition;
- Not incorporate the hydrology change in the Falmouth definition.

3. Clarification of Terms

The group agreed that a glossary with the following terms would be useful: flexible guidelines, alternatives analysis, best management practices, special circumstances, scientific principles, resource, area of concern.

As part of this discussion Beth reviewed the changes she had made relative to BMP's. The group also settled on using the following vernal pool terms: significant vernal pool, vernal pool, and potential vernal pool. The group struck “steep slopes” from the flexible guidelines section, and agreed to substitute “exempt” with “except.”

4. Approval of minutes

The draft minutes from January 23, 2008; February 13, 2008; February 20, 2008, March 6, 2008, March 19, 2008, April 3, 2008, and April 10, 2008 were considered. Beth reviewed typos/suggested changes for minutes of March 19 and April 3. Kurt stated he was not present on April 10. CPAC and CDC voted to approve the minutes as revised, as present at each meeting. David Chase of CPAC abstained.

5. Next meeting agenda, date, and time.

Next meeting is Thursday, April 24, 2008, 7:00 PM, to review draft outreach documents prepared by staff and consultant. The outreach meeting is expected to take place on either May 7 or 8. Joe is going to check the availability of other councilors before deciding on a date.

With the exceptions decided at this meeting, the group agreed to scale the mailing back to property owners 5+ acres, and owners within 100 feet of a mapped vernal pool.

6. Adjournment

The meeting was adjourned at 9:52 p.m.

Draft minutes prepared Theo Holtwijk, April 18, 2008.
Revised Theo Holtwijk, April 25, 2008