



Natural Resource Provisions Review

Presentation of Long-range
Planning Committee research and
recommendations

January 25, 2010

History

- Fall 2007 - Community Development Committee & Long-range Planning Advisory Committee begin review of the current natural resource provisions.
- Winter 2008– Normandeau Associates and Beth DellaValle hired to provide scientific research, regulation review and assist with drafting the policy and ordinance documents.
- May 2008 – Council adopts policy document May 27, 2008. Long-range Planning Advisory Committee is charged with producing recommendations for amendments.
- Fall 2009 – Long-range Planning Advisory Committee completes recommendations and report.

Principles for Research and Review

- Start with scientific principles and best management practices.
- Compile information about state, federal and local regulations.
- Maximize protection of resources while minimizing impacts on land owners.
- Strive to be consistent with Smart Growth principles.

Project Goals for Ordinance Language

- Determine whether changes to the ordinance are warranted.
- Be more consistent with state terminology and align with regulatory practices where feasible.
- Clarify ordinance language for applicants' and staff's ease of use.
- Reorganize sections and processes to minimize repetition.

Major Findings

- Current regulations for vernal pools and wetlands are ineffective in protecting critical upland habitat.
- Current wetlands definitions are not consistent with state and federal language.
- Current development design processes are inconsistent when addressing resource protection.

Why are we proposing provisions different from the state?

- State provisions do not adequately protect upland habitat associated with wetlands and vernal pools.
- State regulates only significant vernal pools, not vernal pools
- State provides compensation methods of creation and restoration and LPAC does not recommend due to challenges and regulation.
- State permitting process allows flexibility not granted to local authorities.
- State policy developed through scientific and political process, LPAC recommending science based policy
- State policy is outdated, LPAC recommendations reflect current science.

Changes to Dimensional Standards

- Freshwater Wetlands – maintain structural setback of 50' currently required for low value wetlands.
- Wetlands of Special Significance & Vernal Pools – require 100' buffer, currently 50' buffer with 100' structural setback for high value wetlands
- Significant Vernal Pools – require buffer of 100' & limit area between 100' and 250' to 25% disturbance
- Threshold for wetland filling - increased to 4300 square feet from 4000 sq feet
- “Finger wetlands” currently exempt – recommendation is allow fill under certain circumstances

Compromises

- Increased types & numbers of exempt lots
- Replaced alternatives analysis with Development Design Process
- Allowed Codes to review certain lot types
- Allowed flexibility in development rather than strict protection
- Set regulatory threshold for freshwater wetlands at 4,300 square feet
- Set ratios for mitigation to reflect state requirements

Deviations from Adopted Policy

- Removed regulation of potential vernal pools
- Changed Alternatives Analysis to Development Design Process to incorporate goal as part of design rather than separate process
- Expanded exemptions to include all legally existing residential properties
- Allowed stormwater improvements in protected area with approval
- Removed reference to pre-existing alterations for vernal pools

Administrative Recommendations

- Update definitions and terminology to reflect state use and current practice.
- Reorganize sections to provide clarity, logical progression and avoidance of repetition.
- Create Development Design Process to apply best development practices for natural resource protection during the initial design of a project.

Conclusions

- Result meets the goals of the Council as articulated in the adopted policy.
- Recommendation reflects a compromise between the protection of natural resources and opportunities for development.