

Belmont Conservation Committee  
Meeting Minutes

APPROVED

February 15, 2005 - 7pm, Chenery Middle School

Members Present: K. Baskin, N. Davis, M. Moore, and M. Weil(acting chair)

Associate Members Present: R. Foster, M. King, and M. Velie

Additional Attendees: Kate Connolly, Fred Paulson, and Darrell King

Attachments: Reasons for a Local Wetlands Bylaw  
Comments – Proposed Wetlands By-law/Ordinance, Glenn R. Clancy

This meeting was scheduled to discuss the draft wetlands bylaw. Martha Moore began the meeting by discussing the points on the handout entitled “Reasons for a Local Wetlands Bylaw”. See attached.

On Point 6- Consultant Fees, Kate Connolly explained that there would be two different accounts. The first would be for the filing fee, which could be used by the Conservation Commission. The second –Consultant Fees—would be for large projects where the Conservation Commission would require additional expertise to review the project. Chapter 44 Section 53 G has been amended to include Conservation Commissions.

Point 7 – Kate stated that this is not a common provision.

Point 8 - Kate stated that many towns have a provision requiring “no cumulative impact”. She also stated that this is consistent with the Wetlands Protection Act, as the preambles and prefaces to the act and its revisions over the years have made reference to “no cumulative impact”.

The commission then discussed Glenn Clancy’s comments in detail. See attached.

Section III-Exemptions and Exceptions

G. Clancy questioned why the sewer and storm drains were not included in the Utilities section. There was discussion concerning public versus private sewer lines, as well as discussion as to whether sewer lines were deliberately left out as they may leak and Commissions may therefore not want to exempt them.

A discussion also ensued at this point on existing septic and the need to upgrade them as well as future septic systems within 50 feet of wetlands.

## **Comments – Propose Wetlands Protection By-law/Ordinance**

### **Glenn R. Clancy**

These comments are meant to clarify and foster discussion of the provisions of the proposed by-law.

### **II Jurisdiction**

Is the intent of the by-law to have the 100 foot buffer zone be a resource area?

Is it the intent to create a 100 foot buffer around vernal pools?

### **III Exemptions and Exceptions**

Why not exempt sewer and drain under the Utilities section?

### **VI Coordination with Other Boards**

Does the condition “provided such information is requested” apply to just the building inspector, or everyone?

This entire section is going to burden departments, particularly on larger developments.

### **VII Permits and Conditions**

It may take longer than two weeks for a department to issue its permit. Does this section conflict with the 21 day requirement in Section V?

Define the “no-disturbance zone of 25’ abutting the resource areas.” What does no-disturbance mean?

What is the purpose of a “wildlife survey and habitat study” as opposed to a wildlife habitat study?

### **IX Definitions**

**Alter:** K. – could this be interpreted to include normal lawn care?

**Important Wildlife Corridor:** Who is going to determine the applicability of this section?

**Land subject to flooding or inundation:** Who is going to decide that “NFIP data is outdated?”

“Said land shall also include isolated areas which frequently or seasonably hold standing water...” This is VERY Broad. Could this be interpreted to be someone’s rear yard? (In the Winn Brook area for example?)

**Vernal Pool:** How will this definition impact properties with existing vernal pool locations?

### **X Security**

**Performance and Observation of Conditions:** How does item A and item B relate to each other? Item A seems to be a means to ensure the completion of work yet item B seems to be a means to restrict use of the land. How does item B ensure the completion of the work?

### **XI Enforcement**

**Entry on Property:** Does this provision require some just cause? It appears to give the commission the right to enter on to ANY property.

**Enforcement:** Will the Board of Selectmen, Town Counsel, and the Chief of Police be made aware of this section so they can give their consent?

**XII Burden of Proof:** How does an applicant demonstrate the provision that states the work - “...will not have unacceptable significant or cumulative effect upon the resource area values protected by this by-law”.

## Reasons for Passing a Local Wetlands Bylaw in Belmont

### **1. To create local control of Belmont's wetlands:**

- allowing Belmont to have more consistent control over its resources as state policy and politics change
- supporting decisions by the Conservation Commission

### **2. To protect public health and safety by protecting water quality and reducing flooding**

**3. To protect shorelines, riverbanks and wetlands from adverse impacts by protecting buffer zones** (land abutting water bodies) from erosion, siltation, loss of groundwater recharge, poor water quality, and loss of wildlife habitat due to construction and other uses.

**4. To create protection for local wetlands not covered by state law**, including isolated wetlands, intermittent streams, certain vernal pools, ponds of any size, important wildlife corridors and rare species habitat within wetlands.

### **5. To support existing state wetland regulations by allowing:**

- **the inclusion of new data for determinations**, especially changes to Flood Plain Data (National Flood Insurance Program)
- **the inclusion of a no-alteration zone** within the first 25' of the buffer and a no permanent structure requirement within the first 50', to protect the resource area. (The 25' closest to the resource removes 50% of soluble pollutants.)
- **the establishment of Town accounts for fees** to support wetland protection consultants and projects. (Fees for necessary evaluations of existing conditions and impacts would no longer be paid by the Town.)
- **a requirement that all appropriate permits be applied** for in accordance with state law and town bylaws, before an applicant comes to the Commission with a Notice of Intent
- **the denial by the Commission of an application if not all components of the proposed project**, such as plans for roadways and utilities, are adequately addressed in the information submitted
- **facilitation of coordination between the Conservation Commission and other Town boards**