

**MINUTES**  
**Wetland and Shoreland Committee**  
of the Conservation Commission  
9:00 a.m. Upstairs Conference Room – Town Hall  
**February 9, 2023**

**Committee Members Present**

Emily Friedrichs, Planning Board representative  
Sally Needell, former Conservation Commission chair  
Paul Rasmussen, Planning Board representative  
Neil Slepian, Conservation Commission Representative  
Dwight Trueblood, Conservation Commission representative  
  
Michael Behrendt, Town Planner

The committee looked at several maps created by Emily and Sally. The meeting was mainly reviewing proposed criteria for conditional uses in the WCOD and SPOD – including proposed language from Carden Welsh (which Michael helped with), proposed language from Sally, and comments from James Bubar. Michael said the committee should look at everything in Sections 175-61 WCOD and 175-71 SPOD, except for the list of uses.

There was much discussion and the discussion is continued to the following Thursday. The committee agreed to have an extra meeting on February 16 so they can have comments to the Conservation Commission by February 27.

Most discussion was about the first criterion. There was discussion whether to combine a) regarding impacts on the WCOD and b) regarding overall ecological impact. Michael said either way could work – using just a), just b), or both. Emily talked about including design of the project as a consideration. For example, if a smaller building would allow for less impact should that be considered. It was noted that this kind of weighing of issues would be more easily done by the Planning Board than the commission. Michael said we want to have the same criteria for the board and the commission. There was some discussion whether the ordinance should get into this. Michael suggested language at the beginning of 1. that would get at this some. “1. There is no alternative location and design for the proposed project that:” This would allow for consideration of the design and with the word reasonable or practical it would allow for a reasonable weighing of issues.

It was also suggested for criterion 1. that c) regarding practicality and d) regarding reasonableness could be combined.

There was much discussion about including broader ecological values than only wetlands and wetland buffers. Sally’s recommended language added wildlife habitats and corridors. There was discussion about including a broad range of ecological values. It was noted that the Natural Resources article in the Site Plan Regulations and the conditional use criteria in the zoning ordinance list various natural resources. Other resources are included on the Wetlands

Considerations Sheet and the Town's criteria for acquiring open space. Dwight noted that water quality is a key parameter. It was noted that cultural resources like stone walls should not be included and that the economic value of natural resources should not be part of the evaluation. Should there be a few specific resources listed or a broad range? Should there be a way to weigh the different resources? Should wetlands be weighted higher than others? The value of this more holistic approach was noted. Dwight will work on this issue.

Michael emphasized that if there is a list of ecological resources this should not be used as a way to require numerous analyses by an applicant for wildlife habitat, water testing, etc. He said that would be unfair. We should rely on the judgment of the commission to draw its conclusions. He said there should be language included making clear that such a requirement is not intended, such as "It is not the intent of this provision to require additional research on the part of the applicant [which the applicant pays for] except where substantially warranted". For significant impacts, like at Gerrish Drive, the wetland scientist produced a functions and values analysis of the wetlands.

Paul suggested including a section C. under 175-61 Conditional Uses where the list of ecological values and how to weight them would be provided, rather than trying to embed all this in the criterion itself but rather could refer to ecological resources and note to See C. below).

Sally suggested requiring applicants to come to the Conservation Commission earlier. Michael advised against this. He said the process is already quite cumbersome with at least three meetings with the commission and board. Maybe this should be encouraged, or possibly required for large projects. For conservation subdivisions applicants have to come to the commission during a preliminary phase.

Emily suggested including language that ecological values could trump other zoning constraints such as regular setbacks. Michael said there might be a provision in zoning saying where impacts on wetlands could be reduced if another standard were reduced such as side setbacks such a reduction could be approved by a special exception.

Several other ideas were raised but it was suggested that those be talked about later and not incorporated into the current changes regarding the conditional use criteria.

Respectfully submitted.

Michael Behrendt, Town Planner