

Wetlands Protection By-Law Study Committee Minutes October 9, 2019

Present: Antrim, Hall, Hastings, Kent, Patek, Vanderslice.

Absent: Barletta, Canty.

1. Meeting began at 7:30 p.m.
2. Two members have not yet been sworn in: Antrim and Canty.
3. Patek will be secretary, take minutes and send them to members for review. We agreed that the link to the By-Law should be included in every meeting agenda. Final minutes will be sent to Peggy Barile.
4. We have paper copies of the minutes from the April 28 Town Meeting pertaining to the local Wetlands Protection By-Law (WPB), but we need copies of the bylaw itself. Patek will get that done.
5. All agreed that the purpose of our committee is to gather residents' concerns, examine the *WPB*, collect facts and create a report.
6. Before this meeting, Antrim had already prepared a list of topics which concerned residents after he examined the minutes from Town Meeting.

Here they are:

Concerns for local Wetlands Protection By-Law (WPB) to Address:

1. *Is the WPB duplicative to the Massachusetts Wetlands Act? If so, why? What are the similarities and what are the differences?*
 2. *Does the local WPB affect insurance rates? It does not affect flood insurance because that is federal.*
 3. *Why does Nahant need a local law when we are already covered by Massachusetts law?*
 4. *What, if any, are the additional burdens on property owners?*
 5. *Why must I appeal to Superior Court if I can't reach agreement with Conservation Commission?*
 6. *Does the WPB affect Northeastern?*
 7. *Should WPB apply to all of town?*
 8. *How will this impact on my ability to maintain my yard?*
 9. *Will buffer zones be added to flood plains in the future?*
 10. *Is 100' buffer fair?*
 11. *Are there financial implications on Town or citizens?*
 12. *Is there an effect on real estate prices*
 13. *What if your property is partially in buffer zone,*
 14. *How are FEMA flood plains determined? How is this relevant to the local by-law?*
 15. *Does the WPB require additional effort or burden on Town employees?*
 16. *On the map, pink and red are Massachusetts Law, yellow is local WPB only.*
 17. *What are the benefits to the Town? Are these theoretical or actual benefits?*
 18. *What should be done if the WPB is not perfect, repeal or refine?*
 19. *What is the fee schedule?*
7. Discussion of option of applying WPB to all residents equally: this would be more efficient but would entail more paperwork. A solution would be to coordinate the Con Comm with Inspection Services in work on WPB and hire a clerical person to handle all

Wetlands Protection By-Law Study Committee Minutes October 9, 2019

clerical work. Con Comm handles all MA Wetlands paperwork also and therefore has a heavy clerical burden.

8. Homework for committee members:

Hastings: study the *WPB* map to see if there is unfairness. FEMA floodplain is determined by elevation and fetch of waves. He will study the elements of floodplain determination.

Kent: will prepare a document which clearly shows what elements of the *WPB* are different from the State wetlands law. She will send Hall data of other towns' by-law enactments.

Hall: will gather data on effects, if they can be teased out of complex situations, on real estate prices in other towns after adoption of a local wetlands by-law.

Vanderslice: will research whether there would be a cost to property owners if the *WPB* applied to everyone equally.

Patek: will do the minutes and write agenda for next meeting, and any other clerical work; will have *WPB* printed for pick up at Town Hall.

Antrim: holiday.

9. Miscellaneous: only one property owner affected by new *WPB* since it's adoption; FEMA is gradually moving floodplain limits landwards so our *WPB* puts us ahead of the game; we have included our Stormwater rules into our *WPB*; Revere has 100' buffer for floodplain, Boston has 500 year floodplain.

10. Next meeting: Monday, November 4, 2019 at 7:30 p.m.

11. Target date for completion of our work: March, so we can submit our report for the warrant book. It would only need to go to Fin Comm if it included financial issues.

12. Committee Deliverable format:

Summary document (FAQ style) of topics and responses. All responses fact based and supporting documentation provided.

Adjourned at 8:58 p.m.

Respectfully submitted by Vi Patek, Secretary.