



TOWN OF FAIRHAVEN, MASSACHUSETTS

CONSERVATION COMMISSION

Town Hall · 40 Center Street · Fairhaven, MA 02719

Memorandum

Date: February 3, 2021

To: Conservation Commission

From: Whitney McClees, Conservation Agent

RE: Draft buffer zone regulations

Buffer Zone Regulations

1.0 Preamble

- 1.1 The Town of Fairhaven considers 100 feet from a resource area as the buffer zone and consequently an additional protected resource. Floodplains, lands within 100 feet of other resource areas and within 200 feet of rivers and perennial streams, and the resource areas, are presumed significant to the protection of functions and characteristics of these areas because activities undertaken in close proximity have a high likelihood of adverse impact upon them, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, damage to or reduced water quality, and damage or loss of wildlife habitat. Any person in Fairhaven that proposes a project that is within the 100-foot buffer zone resource area is required to submit a Notice of Intent or other applicable application such as a Request for Determination of Applicability to the Fairhaven Conservation Commission (the Commission).
- 1.2 A growing body of research evidence suggests that even “no disturbance” areas reaching beyond 25 feet from resource areas may be insufficient to protect many important characteristics and values. Problems of nutrient runoff, water pollution, siltation, erosion, vegetation change, and habitat destruction are greatly exacerbated by activities within 100 feet of resource areas. Thus, work and activity within the 100-foot buffer zone shall be avoided and discouraged and reasonable alternatives pursued. The applicant may site all construction activities, including grading, beyond the 100-foot buffer zone resource area and avoid a public hearing and the permitting process through the Commission.
- 1.3 Currently as established by precedent, the Commission has instituted a no disturb buffer zone that extends 25 feet from the defined/delineated edge of the resource area. This policy will codify this requirement. Extensive work in this zone,

particularly clearing of natural vegetation and soil disturbance, is likely to alter the physical characteristics of resource areas by changing their soil composition, topography, hydrology, temperature, and the amount of light received. Soil and water chemistry within resource areas may be adversely affected by work in the buffer zone. As a result of buffer zone alterations, biological conditions in adjacent resource areas may include changes in plant community composition and structure, invertebrate and vertebrate biomass and species composition, and nutrient cycling. The effects from work in the buffer zone will most likely result in the disruption and erosion of soil, loss of shading, reduction in nutrient inputs, and changes in litter and soil composition that filters runoff and serves to attenuate pollutants and sustain wildlife habitat within resource areas. For these stated reasons, the Commission is codifying the requirement not to disturb the 0-25 foot buffer zone around the defined/delineated resource area.

- 1.4 This policy will also characterize and provide guidance as to the type of projects that would most likely be acceptable to the Commission in the zone that extends 25-50 feet from the defined/delineated resource area (“25-50 foot buffer zone”), as well as the buffer zone that extends 50-100 feet from the defined/delineated resource area (“50-100 foot buffer zone”) in order to be consistent with the Massachusetts Wetlands Protection Act Regulations (310 CMR 10.00) relative to the simplified review process, as well protect the 50-foot buffer zone resource area where the functions and characteristics of the resource area are most critical.
- 1.5 The science supporting the protection of buffer zones is documented in the Massachusetts Association of Conservation Commissions Buffer Zone Guidebook. The Commission shall utilize this guidebook in evaluating buffer zone projects.
- 1.6 The requirements for a Minor Buffer Zone Activity (MBZA) area as follows:
 - 1.6.1 The Commission shall presume that the MBZA proposed will occur:
 - 1.6.1.1 Exclusively within a previously disturbed or clearly delineated buffer zone; and
 - 1.6.1.2 The alteration is less than 1,000 square feet or 5% of the buffer zone on the lot, whichever is less; and
 - 1.6.1.3 At a minimum, a 25-foot-wide area is preserved between the activity and the resource area boundary; and
 - 1.6.1.4 The buffer zone does not contain estimated wildlife habitat which is indicated on the most recent Estimated Habitat Map of State Listed Rare and Endangered Species; and
 - 1.6.1.5 Erosion and sedimentation controls, if required, are provided at the limit of work to protect the resource areas; and
 - 1.6.1.6 Shall constitute activities within the buffer zone that would be eligible for a Negative Determination of Applicability with conditions.
 - 1.6.2 The Commission may determine that this presumption shall not apply based on unusual circumstances such as steep slopes, the potential for negative impacts over time, or because the proposed project would require oversight

through continuing conditions. The Commission may waive any or all of the above requirements if they find that there is an emergency situation. In order for the site to be declared an emergency, a vote of the Commission shall be required.

- 1.6.3 The Commission may, in its discretion, permit a MBZA in a location closer than 25 feet to the resource area if, and only if, the proposed activity occurs exclusively within a previously disturbed area and is located no closer to the resource area than existing structures, activities, or disturbances. However, it is encouraged to increase the width of the buffer zone where possible.

2.0 0 to 25 Foot Buffer Zone Resource Area

- 2.1 An applicant shall demonstrate that no work/disturbance, including grading activities, is proposed within the 0-25 foot buffer zone resource area. Any applicant proposing a project within the 0-25 foot buffer zone resource area will have an irrefutable presumption of significant adverse impact to the functions and characteristics of the resource area, unless otherwise determined by the Commission to be a Minor Buffer Zone Activity (MBZA), as described in Section 1.6 of this policy.

3.0 25 to 50 Foot Buffer Zone Resource Area

- 3.1 Any applicant proposing a project within the 25-50 foot buffer zone resource area shall indicate that there are no structures including, but not limited to, concrete, stone, or other impervious foundations and/or slabs for construction purposes that would significantly increase runoff. Alteration of the 25-50 foot buffer zone resource area is limited to grading, tree clearing, stormwater management system components, lawns, gardens, and other low-impact uses as determined by the Commission or otherwise approved by the Commission by the variance procedures set forth in Section 6.0 of this policy. Footings for building structures, such as a deck, as opposed to slabs or foundations, shall be used when technically feasible. The Commission may condition the applicant to use Best Management Practices (BMPs) for stormwater management consistent with the best available data, most up-to-date local and state stormwater regulations, and taking into account impacts from climate change. Stormwater management systems or individual components, including drainage piping and construction of detention/retention ponds, shall be allowed by the Commission based on an alternative analysis and review of design and space limitations as indicated in the final approved plans.
- 3.2 Previously disturbed areas: When there is a pre-existing disturbance (disturbed as part of a previously recorded Certificate of Compliance or Determination of Applicability or disturbed prior to the enactment of the Massachusetts Wetlands Protection Act (MGL Ch. 131 §40) and the Fairhaven Wetlands Bylaw (Chapter 192)), and the work proposed is entirely within this previously disturbed area, an applicant may propose impervious surfaces or other uses, such as pools, buildings, porches, and sheds within the 25-50 foot buffer zone resource area. The Commission shall evaluate the proposed uses based on the demonstration by the applicant that the functions, characteristics, and values of the resource area will not be adversely impacted.

4.0 50 to 100 Foot Buffer Zone Resource Area

- 4.1 Alterations including structures are allowed in the 50-100 foot buffer zone resource area. The Commission may require additional mitigation offsets when the slope within the buffer zone is steeper than 10%. Additionally, mitigation offsets may be required by the Commission when the applicant proposes that more than 30% of the 50-100 foot buffer zone resource area is proposed to be impervious surface.
- 4.2 Mitigation offsets may include, but are not limited to, plantings, conversion of impervious surfaces to pervious surfaces, and other practices consistent with best available data.

5.0 Vernal Pool and Its Associated 100-Foot Buffer Zone Resource Area

5.1 Findings

- 5.1.1 Vernal pools and their associated 100-foot no-disturbance zones are likely to be significant to the protection of wildlife habitat and rare plant and animal habitat. Vernal pools constitute a unique and increasingly rare type of wetland that is inhabited by many species of wildlife, some of which are completely dependent on vernal pools and their associated habitat for survival. Areas in the immediate vicinity of vernal pools (i.e., the 100-foot buffer zone) provide these species with important non-breeding habitat functions, such as migratory pathways, feeding, shelter, and over-wintering sites. Many other species utilize vernal pools and their associated 100-foot buffer zone resource area for breeding and non-breeding functions, although such species are not limited to this type of wetland. The protection of vernal pools and their associated 100-foot buffer zone resource area is essential for the survival of wildlife species that depend on these unique and threatened resource areas. Vernal pools need not be state-certified in order to be protected under the Fairhaven Wetlands Bylaw (Chapter 192) or this policy.
- 5.1.2 The extreme edges of vernal pool habitat represent one of the most ecologically valuable portions of these habitats. Shallow water at the edges of a pool generally are the first to thaw in the spring. This provides early access to the pool for the earliest breeding species. The shallow water zones also tend to be significantly warmer than the deeper portions of a vernal pool throughout the spring. Egg masses of early breeding amphibians benefit from the warmer water temperatures at the pool edges that promote rapid egg development.

5.2 Definition, Critical Characteristics, and Boundary

- 5.2.1 Vernal pools exhibit a tremendous variation in physical, geographic, hydrologic and vegetative conditions, and therefore, for the purposes of these Regulations, these conditions are not considered reliable criteria for their identification. A vernal pool is a temporary freshwater body, which, in most years holds water for a minimum of two (2) months and is free of established, reproducing fish populations, and is protected by this policy if it meets any of the following criteria:

- 5.2.1.1 The vernal pool contains evidence of the presence of any one (1) of the following obligate indicator species: Spotted Salamander,

Blue-Spotted Salamander, Jefferson Salamander, Marbled Salamander, Wood Frog or Fairy Shrimp, or;

5.2.1.2 In the absence of any obligate indicator species, the Vernal Pool contains evidence of two (2) of any of the following facultative indicator species: Spring Peeper, American Toad, Green Frog, Pickerel Frog, Gray Tree Frog, Four-Toed Salamander, Spotted Turtle, Caddisfly larvae or cases of Caddisfly larvae, Dragonfly or Damselfly larvae or shed skins (exuvia) of Dragonfly or Damselfly larvae, adults, juveniles or shells of either Fingernail Clams or Amphibious, air-breathing Snails.

5.2.2 The boundary of vernal pool is the lower of:

5.2.2.1 the maximum elevation of a topographic depression that holds water for a minimum of two (2) continuous months each year; or

5.2.2.2 the maximum observed or recorded water level in a topographic depression.

5.2.3 The boundary of vernal pool may be defined differently for the purpose of state or federal protection. The boundary of vernal pool is not established when a vernal pool certification number is issued by the Commonwealth.

5.3 Timing of Evidence Collection: Many of the indicators of Vernal Pool habitat are seasonal. For example, certain salamander egg clusters are found only between late March and late May; Wood Frog chorusing occurs only between late March and late May, and then only at night.

Consequently, failure to find evidence of breeding must be tied explicitly to those periods during which the evidence is most likely to be available. Accordingly, in the case of challenges to the presumption of Vernal Pool habitat, the Commission may require that the determination be postponed until the appropriate time period consistent with the evidence being presented. The Commission may also require its own site visit(s) as necessary to confirm the evidence.

5.4 Presumptions of Significance for 100-foot Buffer Zone to a Vernal Pool: Where a proposed activity involves the removing, filling, dredging, or altering of a Vernal Pool or its 100-foot buffer zone resource area, the Commission shall presume that the Vernal Pool and its 100-foot buffer zone resource area are significant to the protection of wildlife habitat and rare plant and animal habitat.

5.5 Performance Standards for 100-foot Buffer Zone Resource area: Unless the presumption set forth in Section 5.4 of this policy is overcome, the following standards shall apply to Vernal Pools and their 100-foot buffer zone resource area:

5.5.1 100-foot Buffer Zone Resource Area: No activity shall be permitted within 100 feet of the delineated edge of a Vernal Pool, or in the case of a wetland resource area that encompasses the pool, within 100 feet of the delineated edge of said wetland resource area. Prohibited activities include, but are not limited to, grading, landscaping, vegetation control, pruning, cutting, filling, excavation, roadway construction and/or driveway construction.

- 5.5.2 100-foot Buffer Zone to Vernal Pool Demarcation: To maintain the perpetual integrity of the 100-foot Buffer Zone Resource Area and to ensure that there will be no encroachments into this Area by the applicant or future owners of the subject property, the Commission may require the 100-foot Buffer Zone Resource Area to be marked on the ground, at the applicant's expense, with permanent markers. These markers shall be made of weather resistant material (e.g. granite, concrete, other), and the Commission shall determine their number, location and size. The Commission may require the maintenance of such markers in any certificate of compliance issued for the project.

6.0 Variance Procedure

- 6.1 The Commission may grant a variance from this policy upon a showing by the applicant that any proposed work, or its natural and consequential impacts and effects, will not have any adverse effect upon any of the interests protected in Chapter 192 of the Code of the Town of Fairhaven (Wetlands). It shall be the responsibility of the applicant to provide the Commission, in writing, with any and all information, which the Commission may request, in order to enable the Commission to ascertain such adverse effects. The failure of the applicant to furnish any information, which has been requested, shall result in the denial of a request for a variance pursuant to the applicable subsection of this policy.
- 6.2 The Commission may grant a variance from this policy when it is necessary to avoid so restricting the use of the property as to constitute an unconstitutional taking without compensation. If the Commission receives an application for a variance pursuant to an applicable subsection of this policy, the Commission may request an opinion from Town Counsel as to whether the application of this policy to a particular project will result in such a taking without compensation.
- 6.3 Variance process: To request a variance, the applicant shall submit a variance request in writing at the time of the application for the Notice of Intent or Request for Determination of Applicability. The request shall explain why the variance is needed and shall describe in detail how the project can be completed without significant adverse impacts on the functions, characteristics, and values of the resource areas. Such detail must include, but is not limited to, an alternatives analysis.



TOWN OF FAIRHAVEN, MASSACHUSETTS

CONSERVATION COMMISSION

Town Hall · 40 Center Street · Fairhaven, MA 02719

Memorandum

Date: February 3, 2021

To: Conservation Commission

From: Whitney McClees, Conservation Agent

RE: Draft winter delineation and certificate of compliance regulations

Winter Conditions Wetlands Delineation and Certificate of Compliance Regulations

Delineating or verifying resource area boundaries during the winter months, especially with deep snow cover or frozen soil conditions, is difficult and under extreme conditions, virtually impossible. Vegetation and other indicators of hydrology that are used to determine wetland boundaries are not readily observable or may be misleading during these times.

MassDEP recommends that resource area delineations be avoided when deep snow cover or “deep freeze” conditions exist. When these conditions exist, it is also not possible to conduct a field verification of a delineation that was performed earlier, under favorable conditions, but was not submitted to the Commission until unfavorable conditions existed.

Based on this, the Fairhaven Conservation Commission finds that it may be necessary and appropriate to continue any hearing on a filing with unapproved wetland delineation until conditions have improved sufficiently to permit field verification of the submitted delineation. The Conservation Agent, in consultation with the Commission Chair, is authorized and directed to determine when such conditions exist and thereafter perform such evaluation and/or schedule a Commission site visit for evaluation purposes.

Exceptions to this policy may be granted upon a written request, stating the reasons for the exceptions sought. Each request shall be evaluated on its own merits, on a case-by-case basis, taking into account the type(s) of resource areas being delineated, the type of work proposed, and the distance between the work and the unapproved resource area delineation. The grant of an exception on any given property or for any particular application, when warranted, shall be for that one instance only.

If the applicant does not agree to a meeting or hearing continuance in order to allow the Commission to complete an adequate field verification of the wetland resource boundaries affecting a particular application, the Commission shall close the hearing and render a decision based on the information available, which may result in a denial for lack of information. For the same reasons, it

is also difficult or impossible for the Commission to issue Certificates of Compliance under adverse winter weather conditions involving deep snow or other significant weather events. The Commission will defer final action on Certificates of Compliance using the same procedures described above until conditions improve sufficiently to permit a site visit.

This policy is intended to be consistent with the Massachusetts DEP's "Winter Delineation" guidance as set forth in the MassDEP manual: "Delineating Bordering Vegetated Wetlands under the Massachusetts Wetlands Protection Act" (1995), on page 49 thereof and shall apply to applications submitted under the Wetlands Protection Act and the Fairhaven Wetlands Bylaw.

DRAFT



Whitney McClees <wmcclees@fairhaven-ma.gov>

Wetlands Protection.

Wayne Gifford [REDACTED]
To: Whitney McClees <wmcclees@fairhaven-ma.gov>

Mon, Mar 15, 2021 at 6:49 PM

In reading the Buffer Zone Guidebook, it is imperative to keep buffers zones at a minimum of 30' to minimize the impending hardship to our wetlands from road runoff and fertilizers which will heavily impact our ever shrinking natural resources. The guidebook makes reference to the catastrophic results of blue green algae blooms. Cyanobacteria blooms, as scientifically stated, add a toxicity component to humans as well. Well defined buffer zones reduce overland flow of run off, reducing the amount of sediment and pollutants that can otherwise negatively change the composition of Fairhaven's precious wetlands.

Wayne Gifford
[5 Teal Circle](#)



Whitney McClees <wmcclees@fairhaven-ma.gov>

Buffer Zone Draft Policies

Leah Isherwood [REDACTED]
To: conservation@fairhaven-ma.gov

Mon, Mar 15, 2021 at 6:50 PM

Dear Conservation Commission Members,

For my job it is very important for me to take science into account to determine what would actually be helpful over people's opinions on what they think will be useful especially if what they want could have negative consequences. I hope that the board has read through the wetlands buffer zone guidebook as well as the actual verbiage of the proposed policies in order to make an appropriate decision. Some of the concerns brought up are addressed in how the policy is written. The town should look to update and create policies that reflect science to do the least amount of damage as possible.

Effective buffer distance may vary in length for different functions, but you need to take all those functions into account when deciding the overall effective buffer zone distance. I would like to refer to the handbook on pages 24-25. Buffers of 30 ft or more will remove pollutants more consistently. Buffer zones should be greater in areas of steep use and high intensity of land use. Larger buffers will be more effective because buffers can become saturated with sediments and nutrients reducing their effectiveness over time. Buffers of less than 50 ft were more susceptible to degradation by human disturbance. No buffers of 25 ft or less were functioning to reduce disturbance to the wetland.

I am also worried that if the effect of buffer zone distance is not taken seriously large-scale projects may try to disguise/present their development as piecemeal small-scale projects to try to get away with disturbing a larger portion of buffer zone and wetland.

Thank you very much.

Respectfully,
Leah Isherwood
3 Teal Circle

10 Little Bay Road
Fairhaven, MA. 02719
March 16, 2021

Dear Conservation Agent McClees:

Please accept this letter in support of your proposed regulations on the Buffer Zone and Winter Delineation and Certificate of Compliance Regulations associated with Fairhaven Wetlands Bylaw (Chapter 192).

I am certainly wise to the impacts a poorly situated project can have on an individual and for that reason understand the importance of the need for bylaws that will protect our resource areas. Conservation Commission members play a vital role in adopting regulations and bylaws that will provide the maximum protection and compliance. Toward that end, I am hopeful board members will acknowledge and vote to accept the proposed changes as residents rely on the knowledge, expertise and service of board members to protect our wetland areas through such means.

Thank you for your consideration and service.

Sincerely,

Sue Powers



Whitney McClees <wmcclees@fairhaven-ma.gov>

Buffer Zone guidelines

Jose [REDACTED]
To: wmcclees@fairhaven-ma.gov

Tue, Mar 16, 2021 at 7:58 PM

As an avid outdoorsman participating in mountain biking, I have seen the results of sound conversation measures that protect our vital wetlands and other natural resources. To continue on the right path so our grandchildren can appreciate nature, I wholeheartedly support a 30 foot buffer zone to all wetlands in Fairhaven .

José Rosa
6 Teal circle Fairhaven

Sent from my iPad



Whitney McClees <wmcclees@fairhaven-ma.gov>

Wetlands Statement to the Conservation Committee

Isherwood, Chelsea [REDACTED]
To: Whitney McClees <wmcclees@fairhaven-ma.gov>

Wed, Mar 17, 2021 at 9:37 PM

Hello Whitney,

Please find below my mother, Karen's, statement for the Public Hearing of the Buffer zone wetland policy, to be provided to the Conservation Committee.

To the Conservation Committee,

I would like to address the main concerns brought up by several board members at the last meeting on 8 March 2021, regarding the proposed Buffer Zone Policy Draft. It consisted of land taking, pre-existing projects and hardships on disabled and handicapped residents, and residents with small lots of land in the buffer zones. I would like to point out section 1.6 for a Minor Buffer Zone Activity (MBZA). Section 3.2 for pre-existing disturbance as well as Sections 6.1 and 6.2 for Variance Procedure. All of these sections address and solve the concerns the Commission has with the Policy.

I would like to add that this Policy has been drafted from the findings and science of the MACC Wetlands Buffer Zone Guidebook. This Guidebook was created from over 100 references ranging from research papers, literature review papers, textbooks, and reports written by scientists.

This handbook has been made available as a guide to protecting the precious natural resources that are sadly still being chipped away at even though we know the ultimate future of Climate Change. I ask this Conservation Commission to please refer to the science made available to you by reliable, educated and professional scientists and look towards the future of Fairhaven. The Conservation Commission is mandated to protect our natural resources, so please put this policy in place to ensure this. This Commission will still be able to allow less than 30 feet when necessary. That being said, generally in life more protection has always been safer than less protection. I've never known someone to say when a situation has gone badly that "Wow, I really wish I had less protection."

Also, please be aware that a landowners level of understanding the role of the buffer zone can be a significant component in determining how the buffer zone is maintained overtime. That can lead to a lesser protection of the adjacent resource area. So having a 30 foot no disturb policy in lieu of 25 feet would give added protection for the Commission to enforce the proper maintenance of landowners buffer zones. There would also be added protection in terms of appeals in situations that the Commission believes the 25-30 foot protection is in the best interest of all involved, most importantly the wetlands, the main reason this Commission exists.

I hope if there are other concerns, you will allow the Conservation Agent and the public the appropriate amount of time to research and address them. All voting members should be completely informed and educated on their decision before deciding the Future of Fairhaven.

Sincerely,
Karen Isherwood



Whitney McClees <wmcclees@fairhaven-ma.gov>

Re: Conservation

Donna McKenna [REDACTED]

Thu, Mar 18, 2021 at 11:39 AM

To: "wmcclees@fairhaven-ma.gov" <wmcclees@fairhaven-ma.gov>

Cc: [REDACTED]

Hi Whitney

"Conservation Committee,

I am a fellow Town board member on the School Committee. This has been a challenging year for School Committee trying to keep up with the ever changing rules and regulations for COVID-19 to keep our students and teacher safe. A lot of reading and learning. However, each of us School Committee members has always made sure to keep up with the reading and new regulations, to be prepared to have substantial conversations on how to keep our students and teachers safe, while still enabling a smooth learning environment. Not an easy feat, but as members of the School Committee, we have pledged by joining the board to ensure our number one concern and focus has been to provide healthy safe learning environments.

I would hope that the Conservation Committee is as committed to protecting and conserving the wetlands, as the members have pledged to do so, and to always ensure they read all science and updated regulations to continually ensure the wetlands are protected and conserved to the maximum extent.

Best,

Donna McKenna



Whitney McClees <wmcclees@fairhaven-ma.gov>

Statement for Wetland Buffer Zone Public Hearing

Isherwood, Chelsea [REDACTED]
To: Whitney McClees <wmcclees@fairhaven-ma.gov>

Thu, Mar 18, 2021 at 6:57 PM

Hello Whitney,

Please see below my statement for Monday's Public Hearing on increasing the "no disturb zone" to 30 feet.

To the Conservation Committee,

I, as a citizen of this town of Fairhaven, have made sure to take the time to read in its entirety the MACC Buffer Zone Guidebook, and both of the Draft Policies that Whitney, the Conservation Agent wrote up and provided. I have made sure to do research of my own on fill, wetlands, green regulations and climate change for this Public Hearing and for past hearings, because I wanted to ensure that I knew the science and am able to have an educated substantial conversation.

These are the same techniques I have used for my job, working for the Navy, where regulations change daily. I make sure that when I do not understand a new policy or regulation, that I set aside time to discuss with my Policy department, so I can understand what I need to make happen when writing up and awarding contracts that help protect this nation. I have done all of this, working more than 50 hours a week, while also earning my second masters degree.

Why am I mentioning all if this? Because I felt so uncomfortable at the last few meetings of the Conservation, when you could hear it in discussion, that no one on the board, except Amy, had taken the time to read the MACC Buffer Zone Guidebook, or the draft policies the Conservation Agent wrote. Its discouraging to think that these same members can then vote on a topic they did not bother to read about and learn the science. What is even more discouraging, is that this board, by being members, are meant to protect wetlands, wildlife and nature, but how can they do so if they do not make the time to educate themselves. The Conservation Committee has a Conservation Agent who is highly educated and passionate about wetlands and protecting wetlands. If a member does not have time to read, then why are they not taking the time to communicate with the Conservation Agent to learn about the science? Use your assets!!!

If members do not have the time or passion to keep up with the science and regulations that help them mandate the protection of wetlands, wildlife and nature, then they should step down. By accepting a position as a board member, you are accepting the duties that come with that position. I wouldn't have gone to get my second masters if my plan was to never read the material and fail tests. When regulations are constantly changing at my job, I make sure to use my assets, such as my Policy team, to help me understand and make sure tax payer dollars are being spent wisely on Naval defense materials and services.

Another aspect I have learned from my job, is always go for the higher protection level, especially when the science backs it up. I mean even in sales, its common sense to up sell, when you know its pulling teeth to get engineers to adhere to the regulations. You go for 30 feet, you may actually get the 25 feet no disturb zone you were looking for. Sticking with 25 is only going to continue in the headache of getting engineers to adhere to the regulations. As shown in the 16 home development where there were 1 foot, 10 feet, and no feet areas that work was going to occur, with massive fill creating high slopes. Science in the guidbook shows, high slopes equals less protection to the wetlands because the pollutants travel faster down hill toward the wetlands, which give less time for the soil and vegetation to suck in the pollutants. This is in reference to the guidbook discussion on using a higher buffer zone multiplier when the slope is higher, therefore, the wider the buffer zone, or no disturb zone, the higher the protection to the wetlands. Hence, 30 feet. Please refer to Section 2 of the MACC Buffer Zone Guidebook. Why not give yourself the added protection of enforcing 30 feet, especially if there is a potential appeal from engineers. The policy would protect the committee. Even the MACC guidebook informs commissions to use the science to protect yourself, it says that language multiple times.

But what do I know, I only made sure to take the time to read the guidbook, the draft policies and research more on why 30 feet is an a more accurate protection than 25 feet.

Best,
Chelsea Isherwood

Thank you Whitney for all that you do. If I worked with you, I would never miss the opportunity to have discussions with you on how better to protect our wildlife.

Best,
Chelsea