



# STRATEGIC LAND VENTURES

<b><i>By-Law or Regulations Section</i></b>	<b><i>Requirement</i></b>	<b><i>Explanation</i></b>
Wetlands Bylaw Section 1.2.2: Use of Home Rule Authority	<i>protect vernal pools as an additional resource area recognized by the Town as significant, but not included in the Act;</i>	DEP does not regulate vernal pools, only vernal pool habitat. Vernal Pool habitat does not extend into uplands under DEP regulations which is in contrast to the local bylaw. The Applicant cannot adhere to this local bylaw. This would effectively make a 130' no disturb area around any vernal pool, which would require a major redesign and a substantial loss of units.
Wetlands Bylaw Section 2.2.13: Definitions	<i>Any incremental activities, changes or work which have, or may have, a cumulative adverse impact on the Resource Areas protected by this By-Law.</i>	This local requirement goes beyond what is required in the Wetlands Protection Act.  The terms "cumulative" and "incremental" are not defined. Thus, it is open to subjective interpretation and could require a major redesign and a substantial loss of units depending on the local Commission's interpretation.
Wetlands Bylaw Section 2.9.5: Definitions	<i>The boundary of the Resource Area for vernal pools shall be the 100 feet perpendicular to the mean annual high-water line defining the depression.</i>	This bylaw would extend the resource area boundary 100 feet into the uplands, which greatly exceeds the Wetlands Protection Act definition which has the boundary ending at the edge of the resource area. Adherence to this bylaw would effectively create a 130-foot no disturbance zone around any vernal pools which would require a major redesign and a substantial loss of units.
Wetlands Bylaw Section 4.1.1: Jurisdiction	<i>any freshwater or coastal wetland; salt marsh; wet meadow; bog; swamp; vernal pool; spring; bank; reservoir; lake; pond; river or stream; beach; dune; estuary; coastal bank; lands under any water body; land subject to flooding or inundation by groundwater or surface water; land subject to tidal action; coastal storm flowage or flooding; and</i>	The Applicant is requesting a waiver from this section as the Department of Environmental Protection shall have jurisdiction over vernal pool habitat areas.  Wetlands Protection Act also does not protect Isolated wetlands.
Wetlands Bylaw Section 4.4: Jurisdiction and Presumption	<i>Unless the applicant demonstrates by clear and convincing evidence that a significant adverse effect will not occur, it shall be presumed that significant adverse effects will result from any alteration within: 4.4.1 - a Resource Area, other than land subject to flooding or inundation by groundwater, or surface water or coastal storm flowage or flooding;</i>	4.4.1 – The Applicant requires this waiver to allow for a sewer pipe to cross the resource area to provide access to the rear leaching field. The Applicant will NOT need this waiver if the Town allows the Applicant to connect to municipal sewer.



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	<p>4.4.2 - 30 feet of the edge of any salt marsh, freshwater wetland or vernal pool; or</p> <p>4.4.3 - 30 feet of the top of any coastal or inland bank.</p>	<p>4.4.2 – The Applicant requires this waiver to allow for work to occur within 30 feet for sewer pipe crossing mentioned above. The Applicant will NOT need this waiver if the Town allows the Applicant to connect to municipal sewer.</p> <p>4.4.3 – only applicable if there is a section of intermittent stream flowing through the wetland to be altered, in which case the Bank would need to be delineated</p>
<p>Wetlands Bylaw Section 6.1: Applications and Fees</p>	<p><i>Except as provided in Section 5 hereof, a written NOI application shall be filed with the ConCom to prior to performing any activity affecting a Resource Area. The NOI shall include such information and plans as are deemed necessary by the ConCom to describe proposed activities and their effects on the Resource Area or Resource Area Buffer Zone. No activities shall commence without receiving and complying with a permit issued pursuant to this By-Law.</i></p>	<p>This waiver relates to a procedural process. To the extent it requires additional burden beyond what is required in the Wetlands Protection Act, we would be asking for a waiver.</p>
<p>Wetlands Bylaw Section 9: Permits and Conditions</p>	<p>This entire section grants the Commission authority to discretionarily deny the project.</p>	<p>This waiver relates to a procedural process. This section requires additional burden and higher a standard beyond what is required in the Wetlands Protection Act, we would be asking for a waiver. For example, an Alternative Analysis is required (among many other things) under the local bylaw and not required under the WPA.</p>
<p>Wetlands Regulations Section 2.18: Definitions</p>	<p><i>“No Disturb Zone” means the thirty (30) feet horizontally landward of those Resource Areas included in Sections 2.18.1 and 2.18.2 in which there shall be no Alteration. The No Disturb Zone includes the area thirty (30) feet horizontally landward of:</i></p> <p><i>2.18.1 - the edge of any salt marsh, freshwater wetland or vernal pool; or</i></p> <p><i>2.18.2 - the top of coastal bank, or the top of the bank of any stream or river</i></p>	<p>The Applicant requires this waiver to allow for a sewer pipe to cross the resource area to provide access to the rear leaching field. The Applicant will NOT need this waiver if the Town allows the Applicant to connect to municipal sewer.</p>