



Bylaw Review Subcommittee

5/25/2022

Welcome to the bylaw review!

-Michele Loebe (chair), LeRoy Gaynor. Erin Jacque (staff)

-Combined 50+ hours on zoom and many more in background!

-Con Com Website: <https://www.amherstma.gov/273/Conservation-Commission>

-Videos of the meetings: <https://www.youtube.com/c/TownofAmherstMA01002>

Scope

-Regulations vs. Bylaws

-By Amherst for Amherst

Background

- MA constitution allows for home rule
- Beth Wilson, Briony Angus, Rob Maura ca. 2018
- 4+ years, 1000+ edits comments and changes!

Sequence

- Page by page work
- Lots of offline research (Thanks Michele!)
- Review original, suggest changes
- Draft written and reviewed by KP law
- Draft reviewed again by Subcom, presented now to the full commission

Goals

-Make it approachable

-Make it consistent

Contents

Section

I. GENERAL PROVISIONS

- A. Introduction
- B. Purpose
- C. Statement of Jurisdiction
 - 1. Areas Subject to Protection
 - 2. Activities Subject to Regulation
- D. Minor Activities and Exemptions
 - 1. Minor Activities
 - 2. Exemptions
- E. Burden of Going Forward and Burden of Proof

II. DEFINITIONS

III. PROCEDURES

- A. Time Periods
- B. Abutter Notifications
- C. Actions by Conservation Commission
- D. Determination of Applicability Request for Determination of Applicability/Determinations of Applicability
- E. Notices of Intent/Order of Conditions
- F. Public Hearings
- G. Coordination with Other Boards and Offices
- H. Security
- I. Extension of Permit

Part I

-Section A Introduction

-Section B Purpose

-Section C Jurisdiction

Part I cont.

- Major wording changes
- NOIs required within 100' of resource areas
- Burden of proof on Applicant

Part II: Definitions

-Alterations

-Bordering Vegetated Wetland

-Clear Cutting

Part II cont.

- Competent Source
- Impervious Surface
- Isolated Vegetated Wetland
- Vernal Pool

Part III: Procedures

-Section A: Time Periods

-Section B: Abutter Notification

-Section C: Actions by Conservation Commission

Requests for Determination (RDA)s

- Abutters must be notified**
- Wording made consistent**
- Stormwater BMPs**

Notices of Intent (NOI)s

-Similar changes as to RDA

-Impacts from outside of jurisdiction

-Recording in land court

Part III F,G & H

-Mostly formatting and wording changes

-Clarifying continuances

-E-copies save paper!

Extension & Enforcement

- Why a permit can be extended
- Why an extension may be denied
- More violations specified

Certificates of Compliance

- Must be requested at the completion of the work**
- Wording made consistent with state**
- Some conditions (such as monitoring) may continue**

LMNO....P!

- Most of the sections are unchanged
- Section M defines our Emergency Cert process
- Emergency Certs are limited in time and require site visits

Part IV: Standards for Inland Wetlands

- Largest and most changed part of this revision**
- Many wording changes to come into compliance with WPA**
- Organizational changes based on the town's experience**

Banks

- Organization of the standards section**
- Perennial stream banks are riverfront!**
- Stream crossings must be at least 1.2x bankfull width**
- 50' no disturb on riverfront**

Bordering Vegetated Wetlands

-Most of the information is the same

-Proper references given to WPA

-Preamble good example of new interest headers

Isolated Vegetated Wetlands

- Separated from BVW and paired with Vernal pools
- Vernal pools will be treated the same whether certified or not
- Vernal pool shall have the same protections as IVW
- Big thanks to Michele for her work on this section

Land Under Water

- Most of the information is the same
- Good example of formatting change
- Again stream crossings will be at least 1.2x bankfull width

Lands subject to flooding

- Lengthy section due to increased protections!**
- Separate definitions for bordering and isolated land subject to flooding**
- Vernal Pools and IVW considered land subject to flooding**

Riverfront

- Entire section was missing from the older (in use) version**
- Preamble stresses the importance of the resource**
- Streams with watersheds greater than .5 miles² will be deemed perennial**

Buffer Zones

2014

<i>Type of Project</i>	<i>No-work Distance from Resource Area</i>	<i>Building Set-back Limit</i>
Residential lot	30 ft.	50 ft.
Subdivision lot (with lot preparation done in conjunction with road construction)	30 ft.	50 ft.
Commercial/Industrial	30 ft.	75 ft.
Driveways/Utilities	25 ft. (except for permitted crossings)	
Parking lot	25 ft.	
Other roads	25 ft. (except for permitted crossings)	
Vernal Pools	100 ft.	100 ft.

2022

Type of Project	No-work Distance from a Resource Area	Building Set Back
Single Family/Residential Subdivision Building(s)	50 feet	60 feet
Commercial/Industrial Building(s)	50 feet	75 feet
Institutional/Mixed Use/Multi-Family Building(s)	50 feet	75 feet
Driveways/Utilities	50 feet	
Parking Lot	50 feet	
Other Roads	50 feet	

Wrap Up!

-Part V is almost unchanged

-Part VI is Amendments which is what allows for this process!

Special Thanks

- K.P. law, town attorney for the review efforts**
- Michele for loads of research and editing**
- Erin for many, many things, start to finish**