Recommendation

Issue: Should Springfield provide a "coarse filter" for wetlands determination?

Overview: There has been much discussion and disagreement concerning the most effective, most timely and least expensive way to determine the absence or presence of wetlands on an Applicant's lot. The method currently utilized by the Board of Selectmen includes a site visit by the Code Enforcement Officer and a Selectman on those sites the Board of Selectmen deems are questionable. The Planning Board may rely on an Applicant's report or conduct a site visit. Problems associated with these include:

- Qualifications to determine wetlands – not wetlands scientists
- Consistency – not all Applicants are treated equally
- Cost and delay to Applicant to challenge determination

Recommendation: Provide for a three step process incorporating a "coarse filter" for wetlands determination that is less expensive and more consistent

1. ***All applications for a land use change (building permit, subdivision, site plan, etc) will be reviewed by a representative of the Board of Selectmen or Planning Board, as appropriate, and a representative of the Conservation Commission, who will visually inspect the area in question and report to the applicable Board as to the presence or absence of wetlands and wetlands buffers in the area to be impacted by the proposed land use change.***
2. ***If the Applicant is dissatisfied with the report rendered by the Board representative and the Conservation Commission, the Applicant may retain an independent Certified Wetlands Scientist, at the Applicant's expense, who will visually inspect the area in question and present a written report to the applicable Board as to the presence or absence of wetlands and wetlands buffers in the area to be impacted by the proposed land use change.***
3. ***In the event that the report concludes that wetlands are likely present and the Applicant wishes to continue the application process, the Applicant may retain an independent Certified Wetlands Scientist to map the area in question at the Applicant's expense. The delineation shall be consistent with DES Wetlands Bureau Rules, as amended. The completion of a New England District Wetland Delineation Datasheet (US Army Corps of Engineers, latest version) by the Certified Wetland Scientist can provide the appropriate level of documentation to address questions about the delineation. A report of the Scientist's findings shall be submitted to the Town Board applied to, and shall include, if warranted, a wetland map of the area in question, along with a written report of the results of the investigation, together with data forms completed.***

The Town Board applied to shall make the final determination of the wetlands limit based on the evidence presented and may require review of the documentation, at the Applicant's expense, by an independent Certified Wetlands Scientist.

Recommendation

Reasoning:

- Utilizing a “coarse filter” instead of the NWI map eliminates the built-in underreporting and errors inherent in this map
- Applying the “coarse filter” consistently to all Applications for a land use permit will eliminate the argument that some Applicants are treated differently
- Applying the “coarse filter” removes the need for an initial wetlands delineation with the associated costs and delays for the Applicant
- Utilizing a representative of the Board and a representative of the Conservation Commission to view all sites will reduce, but not eliminate, the question of qualifications
- Restricting the goal of the “coarse filter” to determining the presence or absence of wetlands and buffers will minimize the time, need and cost for continuing education
- Adding an option for the Applicant to rebut an initial finding of the presence of wetlands by retaining a Wetlands Scientist for this purpose only will reduce the Applicant’s expense and delay, and reduce the need to increase application fees
- Applicants retain the right to retain a Wetlands Scientist to delineate wetlands and buffers --- no change from present practice

Specification: Amend Section 4.11 Wetland Conservation Overlay District Boundaries – add “coarse filter” - see page 1 of this Recommendation and same text in Draft Ordinance with Changes