

The Conservation Commission is proposing adding a new paragraph to the Local Wetland Bylaw, Chapter 240. The language in paragraph "D" below will allow the Commission to collect permit fees, mitigation payments, or fines.

Simultaneously, the Commission is proposing changes to the Local Wetland Regulations related to tree replacement performance standards. These performance standards would allow an in lieu of payment to be collected in unique circumstances when tree replacement mitigation requirements cannot be met due to site constraints. To allow the Commission to make said changes to the Wetland Regulations, a Wetland Bylaw change must be made to give the Commission proper authorization to collect mitigation payments for these unique circumstances.

The proposed new language is underlined below.

### **Town of South Hadley Bylaw Chapter 240: Wetlands**

#### **§ 240-1 Purpose and Authority**

A. The purpose of this bylaw is to maintain the quality of the surface water, the quality and level of the groundwater table and water recharge areas for existing or potential water supplies; to protect the public health and safety; to protect persons and property against the hazards of floodwater inundation; and, to provide for the reasonable protection and conservation of certain irreplaceable natural features, resources and amenities for the benefit and welfare of the present and future inhabitants of the Town of South Hadley.

[Amended 1-10-2018 STM by Art. 7]

B. Accordingly, this bylaw protects the wetlands, water resources, and adjoining land areas in the Town of South Hadley by providing prior review and control of activities deemed by the Conservation Commission (hereinafter the "Commission") to have significant or cumulative detrimental effect upon the following resource area values. These values (collectively, the "resource area values protected by this bylaw") include, but are not limited to:

- (1) Protection of public or private water supply.
- (2) Protection of groundwater.
- (3) Flood control.
- (4) Erosion and sedimentation control.
- (5) Storm damage prevention.
- (6) Prevention of water pollution.
- (7) Protection of fisheries and wildlife habitat and rare species habitat, including rare plant species.
- (8) Recreation and agriculture values.

South Hadley Conservation Commission  
Tree Removal & Replacement Performance Standards

C. This bylaw is intended to utilize the Home Rule authority of this municipality to protect additional resource areas, with additional standards and procedures to augment those of the Wetlands Protection Act (MGL c. 131, § 40) and regulations thereunder (310 CMR 10.00).

D. This bylaw is intended to utilize the Home Rule authority of this municipality to protect additional resource areas, for additional values, with additional standards and procedures to augment those of the Wetlands Protection Act, G.L. Ch. 131, §40 and Regulations thereunder, 310 CMR 10.00.

To further the purposes of this bylaw, the Commission is authorized to promulgate rules and regulations, which may be amended from time to time, and to collect permit fees, mitigation payments, or fines pursuant to its authority under the Wetlands Protection Act (MGL c. 131 § 40) and regulations thereunder (310 CMR 10.00), M.G.L. c. 40 § 8C, and this Bylaw.