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;;;BOSTON CITY COUNCIL
;;;8/8/2018

TEST CAPTION

>> THE MR. CHAIRMAN.
THANK YOU TO CARL AND AMELIA AND EVERYONE ELSE FOR JOINING US.
I AM EXCITE ABOUT THE PROSPECT OF TALKING THROUGH THIS.
THIS IS LEGISLATION IS SOMETHING THE CITY HAS BEEN LOOKING AT A NUMBER OF YEARS NOW.
I JUST WANTED TO GIVE CREDIT WHERE CREDIT'S DUE.
DAVID MORGAN FROM MY OFFICE IS REALLY THE LEAD AUTHOR ON THIS AND EVEN STARTED THINKING ABOUT POTENTIAL NEXT STEPS SO HE'LL BE ON THE NEXT PANEL AS WELL SO WE'LL GET TO GRILL HIM ON EVERYTHING HE'S BEEN WORK ON THIS SUMMER BUT IT ALL FALLS INTO THE SAME BUCKET COUNCILOR O'MALLEY AND I HAVE BEEN WORKING ON THAT GIVEN THE CURRENT ENVIRONMENT AND PARTICULARLY THE CITY OF BOSTON TO TAKE LEADERSHIP AND DO WHATEVER WE CAN TO FIGHT CLIMATE CHANGE AND SET AN EXAMPLE FOR CITIES.
I KNOW IN BROAD STROKES IS WHERE WE CAN TAKE IMMEDIATE ACTION AND BOSTON IS ONLY ONE OF THREE COASTAL COMMUNITY THAT HAS NOT TAKEN THIS ACTION.
THERE'S A LOT OF ROOM TO FILL IN ON WHAT WETLAND PROTECTION ORDINANCE MAY LOOK LIKE BUT THIS IS SOMETHING THAT AFFECTS EACH ONE OF OUR CITY COUNCIL DISTRICTS AND I BELIEVE COULD HAVE GREAT IMPACT FOR STABILIZING OUR ABILITY TO FIGHT CLIMATE CHANGE AND ADAPT TO THE CHANGING WEATHER PATTERNS WE'RE ALREADY SEEING.
THANK YOU, MR. CHAIRMAN.
>> THANK YOU, COUNCILOR WU.
WE'VE BEEN JOINED BY MY DEAR

FRIEND AND COLLEAGUE DIRECT 2
COUNCILOR FLYNN.

ANY OPENING REMARKS OR THOUGHTS?

>> YES, THANK YOU.

THANK YOU COUNCILOR O'MALLEY AND
WU.

THE CITY HAS BEEN IMPACTED WITH
MORE EXTREME STORMS.

LAST YEAR WE SAW THREE NOR
EASTERS IN THREE WEEKS.

MY DISTRICT COVERS A SIGNIFICANT
PORTION OF THE WATER FRONT.

WE RECEIVED CALLS FROM FLOODING
FROM RESIDENTS IN FOUR POINT AND
THE WATER POINT DISTRICT.

IT'S IMPORTANT WE ACT NOW TO
ENSURE PROPER PROTECTION FOR OUR
CITY AND MUST TAKE STEPS TO
PROTECT OUR RESIDENTS AND CITY.

NATURAL BARRIERS LIKE WETLANDS
MUST BE PROTECT AND USE THE BEST
AVAILABLE SCIENCE AND DATA.

COASTAL STORM POOLAGE MUST BE
ADDRESSED WHEN DEVELOPERS BUILD.

I WANT TO SAY THANK YOU TO MAYOR
WALSH AND COUNCILOR WU AND
O'MALLEY.

>> THANK YOU, COUNCILOR FLYNN.

WELCOME COMMISSIONER CARL
SPECTER AND AMELIA -- I DIDN'T
GET YOUR LAST NAME.

>> CROTO.

>> ANY OPENING COMMENTS OR
THOUGHTS .

>> I BROUGHT THEM WITH ME IN
CASE YOU HAVE SPECIFIC QUESTIONS
ON THE CONSERVATION COMMISSION
AND THE WETLANDS PROTECTION ACT.
WETLANDS AND OTHER GREEN SPACES
PROVIDE MANY IMPORTANT BENEFITS
TO THE BOSTON COMMUNITY.

WATER MANAGEMENT, WILDLIFE
HABITAT AND RECREATION AND
BEAUTY AND MORE.

FOR THIS REASON THE BOSTON
CONSERVATION COMMISSION PROTECTS
THE WETLANDS THROUGH THE
ENFORCEMENT OF THE WETLANDS
PROTECTION ACT AND RECOGNIZES
EIGHT IMPORTANT FUNCTIONS AND 17
SPECIFIC TYPES OF WETLAND AREAS
THAT NEED PROTECTION.

UNDER THE ACT, BOSTON MAY CREATE
A LOCAL WETLANDS ORDINANCE TO

PROVIDE STRONGER PROTECTION THAN THOSE AVAILABLE UNDER STATE LAW. WETLAND AND BOSTON ARE SUBJECT TO MANY PRESSURES INCLUDING CLIMATE CHANGE AND SEA LEVEL RISE.

CREATE BETTER FRAMEWORK IS ALREADY PART OF THE BOSTON CLIMATE ACTION PLAN.

THE 2014'S PREPAREDNESS SECTION INCLUDES THE REQUIREMENTS SUCH AS THROUGH A LOCAL WETLANDS ORDINANCE.

THIS WAS EXPANDED IN THE 2016 CLIMATE READY BOSTON REPORT WHICH INCLUDED AN INITIATIVE TO DEVELOP A WETLANDS PROTECTION ACTION PLAN WHERE THE LOCAL WETLANDS ORDINANCE AS A POSSIBLE COMPONENT OF SUCH A PLAN.

MEMBERS OF THE ENVIRONMENT DEPARTMENT, THE PARKS AND RECREATION DEPARTMENT AND BOSTON PLANNING AND DEVELOPMENT AGENCY AND OTHER OFFICES HAVE BEEN ENGAGED IN DISCUSSIONS ON WHAT THE SPECIFIC PROVISIONS OF A WETLANDS ORDINANCE MIGHT BE AND PARTICULARLY HOW IT WOULD REALITY TO OTHER CLIMATE INITIATIVES THAT THE CITY HAS UNDERWAY.

WE WELCOME THE OPPORTUNITY TO WORK WITH YOU, WITH OTHER MEMBERS OF THE COUNCIL AND THE MANY STAKEHOLDERS WHO WILL BE INTERESTED IN FURTHER DEVELOPMENT OF A PROPOSAL UNDER THE SUBJECT.

AS WE CONSIDER THE POSSIBILITY OF A LOCAL ORDINANCE, WE SHOULD KEEP IN MIND THAT SEA LEVEL RISE AND ITS EFFECTS, IMPORTANT AS THEY, ARE ARE NOT THE ONLY SUBJECTS THAT COULD BE ADDRESSED.

SEVERAL YEARS AGO THE CONSERVATION COMMISSION HELD A SERIES OF PUBLIC HEARINGS TO RECOMMEND GUIDELINES TO THEN MAYOR THOMAS MENINO FOR A LOCAL ORDINANCE.

I CANNOT SAY WHETHER THOSE REPRESENT THE VIEW OF THE

CURRENT COMMISSION BUT ARE CONSTRUCTIVE AND INCORPORATING SEA LEVEL RISE TO THE PROTECTION OF WETLANDS THE RECOMMENDATIONS INCLUDED AN EXPANSION IN THE WETLAND FUNCTION AND NUMBER OF RESOURCE AREAS THAT SHOULD RECEIVE PROTECTIONS.

SUCH MEASURES COULD ADDRESS NON-CLIMATE RELATED CHALLENGE THE COMMISSION HAS ENCOUNTER. FINALLY, WE SHOULD BE DILIGENT TO MAKE SURE THE MEASURES ARE FAIR AS EFFICIENT AS POSSIBLE AND CONSIDER THE EFFECTS OF ANY CHANGE IN JURISDICTION AND REQUIREMENTS ON THE CAPACITY AND RESOURCES OF THE CONSERVATION COMMISSION.

WITH THE JURISDICTION, SEVERAL THOUSANDS OF PARCELS OF LAND ARE ALREADY SUBJECT TO OVERSIGHT TO THE COMMISSION.

IF WE EXPAND THAT NUMBER WE WANT TO BE ABLE TO PROVIDE THE EFFICIENT REVIEW THAT TOGETHER ENSURE PROTECTION OF THE PUBLIC INTEREST AND RESPECT THE INTEREST OF PROPERTY OWNERS. THANK YOU AGAIN FOR THE OPPORTUNITY TO BE HERE TODAY. I WILL BE HAPPY TO ANSWER ANY QUESTIONS.

>> THANK YOU COMMISSIONER. ANY OPENING THOUGHTS?

>> NO.

>> PERFECT, THANK YOU.

I'M GOING LED THE LEAD SPONSOR -- LET THE LEAD SPONSOR LEAD THE QUESTIONS. BUT CARL, YOU MENTIONED IN 2013 THE CONSERVATION COMMISSION BEGAN THE PROCESS OF DRAFTING AN ORDINANCE --

>> THEY PRESENT TO MAYOR MENINO THE GUIDELINES FOR DRAFTING AND ORDINANCE.

>> A MEETING ABOUT THE MEETING ESSENTIALLY.

>> IT WAS A VERY BROAD FRAMEWORK FOR THE TYPE OF CHANGES THAT THE COMMISSION, AT THAT TIME, WOULD BE IMPORTANT TO MAKE.

THE PROVISIONS THEY FELT WOULD

BE IMPORTANT TO ADD TO THE
AUTHORITIES THAT WE ALREADY HAD
UNDER THE STATE LAW.

>> AND THAT JUST IS --

>> AS I SAID, WE'VE HAD
DISCUSSIONS OVER THE YEARS IN
HOW TO DEVELOP AN ORDINANCE.
OBVIOUSLY, WE HAVEN'T BEEN ABLE
TO PRESENT ONE.

THE MAYOR'S NOT BEEN ABLE TO
PRESENT ONE TO THE COUNCILOR
YET.

WE'VE BEEN ENGAGED IN OTHER
CLIMATE RESILIENT ACTIVITIES
DURING THAT TIME SO IT'S NOT AS
IF WE'RE NOT PAYING ATTENTION TO
THIS IMPORTANT ISSUE.

>> WELL, I APPRECIATE THAT.
COUNCILOR WU, DO YOU WANT TO GET
IN ON THE QUESTIONING?

>> SURE.

>> SO THANK YOU AGAIN, CARL.
THAT WITH YOU REALLY HELPFUL TO
UNDERSTAND THE CONTEXT AND WE
KNOW BECAUSE WE FEEL LIKE WE SEE
YOU EVERY OTHER WEEK AND WE'RE
WORKING A LOT TOGETHER.

>> ALWAYS A PLEASURE.

>> YES.

AGAIN, WE'LL HEAR FROM THE NEXT
PANEL ON THOUGHTS THEY HAVE.
I SEE OUR ROLE IN MY OFFICE
EFFORTS IN BRINGING THIS FORWARD
AS TRYING TO SUPPLEMENT, AND
FILL IN RESOURCE GAPS IN TERMS
OF OUR INTENTIONS ALL MATCHING
UP AND ADVANCING THE LEGISLATIVE
WORK WHICH IS OUR BREAD AND
BUTTER ON THE COUNCIL SIDE.
TO STAKE -- TAKE ONE STEP BACK
AND UNDERSTAND WHAT THE IMPACT
MAY BE.

DOES THE ENVIRONMENT DEPARTMENT
HAVE A FULL INVENTORY OF THE
AREAS DESIGNATED BUT COULD BE
CONSIDERED WET LANDS UNDER THE
STATE ACT AND WHAT WOULD
POTENTIALLY ALSO FALL UNDER THAT
IF WE USED CITY ORDINANCE TO
EXPAND THAT TO THE FULLEST
POTENTIAL?

>> MAYBE AMELIA CAN ANSWER THE
CURRENT JURISDICTION.

>> THE CURRENT MAPS ARE FROM THE

STATE.

THEN WHENEVER WE HAVE A DEVELOPER COME BEFORE US IF THEY'RE IN AN AREA THAT ARE PARTICULARLY VULNERABLE WE'LL ASK THEM TO DO AN ASSESSMENT.

>> HOW MANY SITES ARE THERE?

>> I DON'T HAVE THE NUMBER OFF THE TOP OF MY HEAD, I'M SORRY.

>> CURRENTLY WE HAVE JURISDICTION OVER 6.9 SQUARE -- 6.9 SQUARE MILES OF THE CITY.

>> AND THROUGH THE INITIATIVE WE HAVE IDENTIFIED AREAS THAT ARE LIKELY TO BE IN THE FLOOD PLANE WITH UP TO 40 INCHES OF SEA LEVEL RISE AND HAVE AN ESTIMATE OF LAND THAT WOULD COME UNDER CONSERVATION COMMISSION JURISDICTION UNDER THE CURRENT LAW IF WE MOVED IT FORWARD IN TIME.

SO DEPENDING ON HOW ONE MIGHT DEFINE A JURISDICTION OF THE CONSERVATION COMMISSION TO TAKE INTO ACCOUNT PROJECTED SEA LEVEL RISE AND AREAS OF FLOODING WE CAN DEVELOP AN ESTIMATE OF HOW MUCH LAND CAN BE UNDER THE JURISDICTION OF THE COMMISSION.

>> OKAY.

LET'S START THERE.

SO THE WAYS WE CAN ADD EITHER TEETH OR OVERSIGHT TO THE CONSERVATION COMMISSION IS THE CITY'S ABILITY TO THINK ABOUT CLIMATE RESILIENCY SPECIFICALLY AROUND WETLANDS ARE TO CHANGE OR INTERPRET THE DEFINITION OF VULNERABLE AREAS USING FUTURE PROJECTIONS AND THAT WOULD NOT REQUIRE ADDITIONAL ORDINANCE BUT AN ADMINISTRATIVE PRACTICE?

>> I BELIEVE SUBJECT OUT OF FURTHER ANALYSIS IT WOULD REQUIRE A CHANGE IN THE ORDINANCE BECAUSE UNDER THE CURRENT ORDINANCE THE LAND SUBJECT TO COASTAL STORM FLOWAGE WHICH IS WHAT WE'RE TALKING ABOUT IS DEFINED BY THE FLOOD PLANE WHICH IS THE CURRENTLY 1% PROBABILITY FLOODING AREA.

>> GOT IT.

SO WHAT ARE THE ADDITIONAL WAYS
THE ADMINISTRATION OR
CONSERVATION COMMISSION IN
PARTICULAR HAVE THOUGHT ABOUT
EXTENDING JURISDICTION?
THE DEFINITIONS, THE PROJECTIONS
RELATIVE TO FLOOD PLAIN AND
CONSIDERING MORE IN THE
PERMITTING PROCESS AND WHAT
YOU'D BE ABLE TO MANDATE?

>> ONE AREA WE HAD BEEN
CONSIDERING IS TO START TO TAKE
INTO CONSIDERING THE PROJECTED
LEVELS OF FLOODING.

AS I SAID IN CLIMATE READY
BOSTON WITH THE PLANNING WORK
WE'RE DOING NOW WE'RE LOOKING AT
40 INCHES OF SEA LEVEL RISE.

SO IF FOR EXAMPLE, THIS IS ONE
WAY OF APPROACHING IT.

WE STARTED TO INCLUDE FUTURE
AREAS OF FLOOD PLAIN IS ONE WAY
OF EXPANDING THE ANALYSIS AND
AREAS THAT THE CONSERVATION
COMMISSION LOOKS AT.

THERE ARE OTHER WAYS OF DOING IT
I KNOW SOME HAVE CHANGED THEIR
FLOOD PLAIN DEFINITION FROM THE
100 YEAR STORM TO THE 500-YEAR
STORM THE .2% CHANCE AS A
MECHANISM FOR EXPANDING WHAT THE
CONSERVATION COMMISSION LOOKS AT
OR THE WAY CERTAIN RESOURCE
AREAS MIGHT MOVE WITH CLIMATE
CHANGE AND THINGS LIKE THAT.

THERE ARE SEVERAL DIFFERENT
APPROACHES THAT ONE COULD TAKE
AND IF WE MOVE INTO AN ORDINANCE
OBVIOUSLY THIS IS SOMETHING WE
WOULD NEED TO DISCUSS AND FIGURE
OUT WHAT MAKES SENSE FOR THE
CITY OF BOSTON BOTH IN TERMS OF
POLICY AND IN TERMS OF THE
BEHAVIOR OF NATURAL SYSTEMS AND
OUR JURISDICTIONAL CAPACITY.

>> SO IN ADDITION TO DIFFERENT
WAYS TO EXPAND THE JURISDICTION
WITH THE CURRENT TOOLS THE
COMMISSION HAS, HAVE YOU THOUGHT
ABOUT WAYS TO ADD NEW TOOLS OR
MAKE THOSE TOOLS STRONGER
REGARDLESS OF WHAT THE AREA IS?

>> I'M NOT SURE WHAT YOU'RE
REFERRING TO AS TOOLS.

I'M SORRY.

>> RIGHT NOW, WHEN A DEVELOPER COMES BEFORE THE COMMISSION, WHAT ARE THEY ASKED TO DO BY THE CONSERVATION COMMISSION?

>> THEY'RE TO SUBMIT EVERYTHING REQUIRED BY THE STATE PLUS A FEW OTHER ITEMS THAT THE WE, THE CONSERVATION COMMISSION ASKED FOR.

BUT IF THERE'S A CONSERVATION -- WE ASK FOR A DETERMINATION.

>> WHAT DO YOU ASK FOR IN TERMS OF A DETERMINATION.

>> USUALLY A HABITAT AND VEGETATION ASSESSMENT, HYDRATION.

>> BASICALLY THEY'RE LOOKING TO ENSURE THAT THE EXISTING RESOURCE AREAS, THE WETLANDS ON ANY PARCEL OF LAND ARE BEING PROTECTED AND THE VALUES SPECIFIED YOU KNOW WATER QUALITY PROTECTION, YOU KNOW, FLOODING PROTECTION ARE BEING MAINTAINED BY ANY CHANGES TAKING PLACE ON THAT PARCEL OF LAND.

>> AND SO THE PROCESS OF YOU ASKING FOR THAT DETERMINATION AND TAKING A VOTE ON APPROVAL OR DISAPPROVAL, HOW BINDING IS THAT OR IS IT SIMILAR TO THE CLIMATE RESILIENCY CHECKLIST AT THE BPDA WHICH IS SOMEWHAT MORE VOLUNTARY OR STRONGER THAN THAT?

>> IT IS STRONGER.

IT IS A BINDING LEGAL DOCUMENT. IT'S A PERMIT WITH CONDITIONS AND THE PROPERTY OWNER IS REQUIRED TO SHOW THE DEVELOPMENT, WHATEVER IT IS, TAKES PLACE IN ACCORDANCE WITH THOSE CONDITIONS IN THE PERMIT.

>> OKAY.

>> I SHOULD ADD THE CLIMATE CHECKLIST THAT'S PART OF THE ARTICLE 80 REVIEW PROCESS IS ALSO NOW COMMITTED TO THE CONSERVATION COMMISSION AS PART OF THE INFORMATION THAT THEY REQUEST.

THERE ARE NO -- AND AMELIA CAN CORRECT ME IF I'M WRONG, THERE ARE NO SPECIFIC PERFORMANCE

REQUIREMENTS THAT ARE ASSOCIATED WITH THE PROJECTED LEVEL OF FLOODING AND SEA LEVEL RISE THAT THE CITY AS A WHOLE ASK DEVELOPERS TO INFORM US ABOUT IN RELATION TO THE DEVELOPMENT AND CLIMATE CHANGE BUT THE CONSERVATION COMMISSION ALONG WITH OTHER BODIES IN THE CITY ARE LOOKING AT THAT INFORMATION AS A WAY TO SPUR DEVELOPERS TO TAKE MORE ACTION.

>> IS THERE ROOM TO GET TO THE POINT WHERE THERE ARE PERFORMANCE STANDARDS OR REQUIREMENTS?

>> WE CAN EXPAND BUFFER ZONES OR RESILIENT STONES.

THEY'RE CALLED -- ZONES. THEY'RE CALLED VARIES THINGS AND DEVELOP PERFORMANCE STANDARDS FOR THEM AND WE CAN LOOK AT THOSE KINDS OF STANDARDS.

>> DO YOU CURRENTLY OR DO YOU NOW REQUIRE EASEMENTS FOR IF THERE'S A PARTICULAR VULNERABLE AREA OR SET ASIDE AS GREEN INFRASTRUCTURE?

>> SO CURRENTLY ONE THING WE HAVE ARE CALLED CONSERVATION RESTRICTIONS AND THOSE HAVE TO BE ADDED THROUGH THE STATE. I'M NOT ENTIRELY SURE OFF THE TOP OF MY HEAD THE PROCESS BUT WE HAVE THAT MECHANISM.

>> WHAT TYPES OF RESTRICTION THOSE?

>> USUALLY NO BUILD, NO CLEAR.

>> I'M HEARING THERE'S A CHANGE OF PRACTICES WITH WHAT THE CONSERVATION COMMISSION REQUIRES MOVING INTO OR ADDING PERFORMANCE STANDARDS AND/OR DIFFERENT TYPES OF RESTRICTIONS OR EASEMENTS?

>> THERE ARE MANY RESOURCE AREAS EVEN UNDER THE LAW THAT DO NOT HAVE STANDARDS.

THE PERFORMANCE STANDARDS WOULD BE CLARITY.

EVERYBODY WOULD KNOW WHAT'S REQUIRED AND THAT WOULD HELP BOTH LAND OWNERS IN PREPARING THEIR PROPOSALS AND OBVIOUSLY

THE COMMISSION TO EVALUATING
THOSE.
>> AND THE EFFICIENCY YOU
DESCRIBED.
>> YES.
GREAT.
I MAY HAVE MORE BUT I'LL PASS IT
OVER TO MY COLLEAGUES AT THIS
POINT.
>> THANK YOU, COUNCILOR WU.
I WANT TO THANK MY TEAM THAT DID
RESEARCH GOING INTO THIS.
I THINK THE NUMBER WAS THE CITY
OVERSEAS 200 WETLAND AREAS IS
THAT RIGHT?
>> ARE WE TALKING PARCELS --
>> NO, THE NUMBER OF PARCEL IS
MUCH LARGER.
THE NUMBER PROBABLY GOES IN THE
THOUSANDS.
>> REALLY?
OKAY.
GOOD TO KNOW.
THERE'S BEEN LITTLE FOCUS FROM
YOUR DEPARTMENT IN TERMS OF
PICKING UP THE BANNER IN TERMS
OF AN ORDINANCE.
>> AS A MENTIONED BECAUSE IT WAS
INCLUDED IN OUR CLIMATE ACTION
PLAN AND CLIMATE READY BOSTON,
WE SEE THAT COULD BE A VERY
EFFECTIVE TOOL.
>> GOOD.
>> SO WE'RE VERY INTERESTED IN
WORKING WITH YOU TO EXPLORE THIS
AND SEE WHAT WE CAN COME UP
WITH.
>> COUNCILOR FLYNN, ANY
QUESTIONS?
>> I KNOW IN THE CITY WE ARE IN
CURRENTLY ONE OF THE BIGGEST
BUILDING BOOMS.
I KNOW WE HAVE CURRENT
REGULATIONS FOR DEVELOPERS.
AS YOU CONSIDER THIS ISSUE, DO
YOU HAVE ANY RECOMMENDATIONS
THAT YOU COULD MAKE ON HOW WE
CAN ENSURE EVERYBODY WORKS
CLOSELY.
THE DEVELOPERS AND THOSE
CONCERNED ABOUT THE ISSUE AND
THE IMPACT OF THE NEIGHBORHOOD
GOING FORWARD.
WHAT ARE SOME STEPS WE CAN TAKE

AS A COMMUNITY OR CITY?

>> SINCE THE MAYOR RELEASED HIS REPORT WE HAVE SOLUTIONS FOR EAST BOSTON AND CHARLESTOWN AND WE'RE CURRENTLY AT WORK ON DEVELOPING PLANS FOR SOUTH BOSTON AND MOVING ON TO OTHER AREAS OF THE CITY SO WE'RE DEVELOPING SPECIFIC PROPOSALS THAT CAN PROVIDE ASSISTANCE -- ASSISTANCE AND SEA LEVEL RISE AND COASTAL IMPROVEMENT. WE'RE MAKING WHAT WE WANT ADDRESSED VERY CLEAR IN TERMS OF NEW DEVELOPMENT.

THE CLIMATE CHECKLIST WE'VE ALREADY REFERRED TO THIS MORNING, WE'VE ASKED WE'VE ASKED THE DEVELOPERS TO LOOK AT THE CONSEQUENCES OF 40 INCHES OF SEA LEVEL RISE AND ASK HOW THEY'RE PREPARING THEIR PROJECT TO COPE WITH LEVEL OF FLOODING THAT WE EXPECT TO OCCUR THEN.

AND THE BPDA HAS DEVELOPED A TOOL ANYONE IN THE CITY CAN IDENTIFY A PARCEL AND SEE WHETHER OR NOT IT'S EFFECTED BY FLOODING WITH 40 INCHES OF SEA LEVEL RISE AND THE EXTENT OF THAT FLOODING SO THEY KNOW WHAT WE WANT THEM TO START PREPARING FOR AS THEY THINK AHEAD.

>> THANK YOU.

MY FINAL QUESTION IS ARE YOU ENGAGING ANY NEIGHBORHOOD ORGANIZATIONS ABOUT THIS ISSUE WHETHER IT'S THE FOUR POINT NEIGHBORHOOD ASSOCIATION EDUCATING THEM ON WHAT IS TAKING PLACE, HOW THEY CAN BE MORE ACTIVE, MORE ENGAGED.

THEY DO COMMENT ON THE ISSUE FREQUENTLY BUT IS THERE AN OPPORTUNITY FOR YOU AND YOUR STAFF TO MAKE VISITS INTO THE VARIOUS NEIGHBORHOODS AND ENGAGE THE RESIDENTS ABOUT THE SUBJECT? >> ABSOLUTELY.

WE'RE ALWAYS LOOKING FOR MORE OPPORTUNITIES SO IF HAVE YOU SUGGESTIONS WE WELCOME THEM. IN THE PAST SIX MONTHS WE'VE HAD

TWO OPEN HOUSES IN SOUTH BOSTON AS PART OF THE SOUTH BOSTON AND WE'VE HAD PEOPLE LOOK AT THE PROPOSALS BEING DEVELOPED FOR SOUTH BOSTON AND WE WANT TO CONTINUE THAT ENGAGEMENT WITH THE COMMUNITY BECAUSE WE KNOW HOW IMPORTANT IT IS.

>> THANK YOU FOR YOUR OUTSTAND WORK.

WE APPRECIATE IT.

>> -- OUTSTANDING WORK.

WE APPRECIATE IT.

>> AND WE'VE BEEN ASKED ABOUT THE PROCESS.

WHEN A DEVELOPER'S LOOKING TO BUILD SOMETHING THAT MAYBE IS ADJACENT TO THE WETLANDS THERE'S CRITERIA THE CONSERVATION COMMISSION OUTLINES AND SITE VISIT.

DO THEY CONDUCT THEIR OWN WETLANDS VISIT?

IS THERE A PERSON WHO HAS A STERLING REPUTATION -- WALK ME THROUGH THAT.

>> WE HAD A SITUATION IN WEST ROXBURY WHERE THERE WAS A WETLANDS AREA WHICH IS ONE OF THE TWO VERNAL POOLS IN THE CITY OF BOSTON AND THE DEVELOPER WAS LOOKING TO DEVELOP SEVERAL UNITS THERE.

I HAD GRAVE CONCERNS AS DID MANY NEIGHBORS.

THERE WERE TWO MEETINGS OF THE CONSERVATION COMMISSION AND WITHOUT GETTING IN THE CASE CAN YOU WALK THROUGH WHAT THE STEPS WOULD BE IN TERMS OF THE STATE-MANDATED GUIDELINE AND THE EXTRA STEP THAT YOU ALL PRESCRIBE.

>> SO THE DEVELOPER HIRES A WETLAND SCIENTIST.

>> DO WE HAVE MANY WETLAND SCIENTISTS IN THE CITY?

>> WE HAVE A FEW AGENCIES OR CONSULTING GROUPS.

>> AND WHAT PRECISELY DO THEY DO.

>> A WETLAND DELINEATION. A LAND SURVEY, VEGETATION HABITAT SURVEY.

>> IF I MAY ADD, AS AMELIA SAID,
WE LOOK TO PRESENT THE INITIAL
INFORMATION AND AMELIA OR HER
COLLEAGUES WILL ALWAYS OR
CERTAINLY USUALLY PERFORM A SITE
VISIT.

IF THERE'S ANY QUESTION IN TERMS
OF WHAT WE'VE RECEIVED FROM THE
APPLICANT, WE DO ON OCCASION, WE
CAN HIRE OUR OWN WETLANDS EXPERT
TO CONDUCT AN INDEPENDENT SURVEY
AND CHECK THE INFORMATION.

WE DO THAT AS NECESSARY.

>> HOW OFTEN HAVE WE DONE THAT?

>> ABOUT 10% OF THE TIME.

>> OKAY.

AND WHAT'S THE RULE IF A LOT IS
AT 100 FEET -- IS IT 100 FEET
FROM A PARCEL?

I FORGET WHAT'S THE PERCENTAGE?

>> WE HAVE A 100-FOOT BUFFER
ZONE SUBJECT UNDER THE ACT.

>> TO THE BEST OF YOUR KNOWLEDGE
YOU KNOW HAVE OTHER CITIES OR
TOWNS ADOPTED OTHER STRINGENT
REGULATIONS INCREASED THAT
NUMBER AND IS THAT PART OF THE
TOOLS THAT CAN BE DONE?

>> PRESUMABLY.

AMELIA DO YOU KNOW?

>> I DON'T KNOW ABOUT THE TOWNS
AROUND HERE.

>> I STAND WITH COUNCILOR WU AND
HER WORK AND WE'RE GOING TO
CONTINUE TO DELVE INTO THIS.

I THINK A NICE COMPLEMENT TO
THIS WORK WE HAVE BEEN WORKING
ON WITH YOUR TEAM, CARL, AND
CHANGING THE BUILDING CODE AND
PERHAPS WE'VE TALKED ABOUT DOING
THE ENVIRONMENTAL OVERLAY

DISTRICT AND I THINK THIS WOULD
DOVETAIL NICELY IN STRENGTHENING
IT AND MAKING IT MORE EFFECTIVE.

>> ONE OTHER ACTIVITY WHICH IS
NOT THE SAME BUT CLOSELY RELATED
AROUND A WETLANDS ORDINANCE AND
IN THE LAST FEW WEEKS THE BOSTON
PLANNING DEVELOPMENT AGENCY
DEVELOPED AN RFP FOR A FLOOD
RESILIENCY OVERLAY DISTRICT AND
RESILIENCY DESIGN GUIDELINES IN
PREPARING CONCEPTS FOR SEA LEVEL
RISE INTO THE ZONING CODE.

OBVIOUSLY, THIS IS STILL THE
BEGINNING OF THEIR PROCESS BUT
PARALLEL TO A POSSIBLE
DEVELOPMENT OF A WEDLAND

ORDINANCE -- WETLANDS ORDINANCE
AND WANT TO MAKE SURE THE
ORDINANCE AND ZONING ARE CLOSELY
ALIGNED.

>> THE MORE THE MERRIER.
GOOD, SOUND ENVIRONMENTAL
POLICY.
COUNCILOR WU.

>> ON THAT NOTE, IN TERMS OF
CODIFYING FOR ZONING VERSUS AN
ORDINANCE, RIGHT NOW IF IT WERE
DONE THROUGH ZONING THE R.S.
WOULD BE THE EN CITY TO GRANT
POTENTIAL VARIANCES IN THAT CASE
SIGH DEVELOPER COULD UNDERSTAND
WHAT THE REQUIREMENTS ARE AND
THEN ASK FOR AN EXCEPTION.
WHAT WOULD BE THE PARALLEL FOR
DOING IT THROUGH AN ORDINANCE?
IS THERE AN APPEALS PROCESS OR
VARIANCE?

>> CURRENTLY OUR APPEALS PROCESS
IS THROUGH THE STATE.
SO IF WE WERE TO DENY A PROJECT
FOR WHATEVER REASON THEN THEY
COULD APPEAL THAT SO THE STATE.
IF WE WERE TO HAVE AN ORDINANCE,
I BELIEVE IT WOULD HAVE TO GO
THROUGH SUPERIOR COURT.

>> THIS IS NOT AN EITHER/OR.
SOME ARE ALREADY SUBJECT TO
JURISDICTION AND THEY ADDRESS
DIFFERENT PARTS OF A PROJECT AND
WOULD WANT THEM NOT TO CONFLICT
BUT WORK TOGETHER TO CREATE AS A
FAIR AND STRONG REGIME AS WE
WOULD LIKE.

>> I COMPLETELY AGREE.
I JUST THINK IT'S AN IMPORTANT
POINT TO NOTE THAT I GUESS WHAT
I WAS TRYING TO UNDER SCORE IN
YOUR STATEMENT IS HAVING BOTH IS
IMPORTANT AS WELL BECAUSE WE
LYING JUST ON ZONING TO DO IT
STILL LEAVES OPEN THE DOOR FOR A
LOT OF DIFFERENT EXCEPTIONS AND
ONE-OFF CIRCUMSTANCES MANY OF
WHICH ARE VALID BUT IN THE FACE
OF CLIMATE CHANGE SOMETIMES IT

WOULD SEEM TO HAVE MORE
CONSISTENCY TO HAVE THE SECOND
SET OF EXPECTATIONS THROUGH THE
CONSERVATION COMMISSION.
>> WE HAVE AN ORDINANCE THERE
WOULD BE AN APPEALS PROCESS
BUILT INTO IT TO.
>> YES.
>> THE THINGS NEED TO WORK
TOGETHER.
>> THANK YOU.
>> THANK YOU BOTH.
WE'LL GET YOU OUT OF THE HOT
SEAT THERE BUT IF YOU WOULD MIND
STICKING AROUND FOR OUR NEXT
PANEL.
THANK YOU BOTH.
THANK YOU FOR YOUR GOOD WORK.
I'D LIKE TO INVITE PAM HARVEY
AND DANA MORAN AND DAVID MORGAN.
MR. SUTTON.
>> THANK YOU.
I WILL DEDUCE YOU ARE DAVID
MORGAN SO WE'LL START WITH YOU
AND IF YOU WANT TO BRIEFLY
INTRODUCE YOURSELF AND SAY YOUR
AFFILIATION AND THEN WE'LL GO
BACK IF THERE'S ANY OPENING
STATEMENT.
>> GREAT.
I AM DAVID MORGAN.
I'M A POLICY FELLOW IN COUNCILOR
WU'S OFFICE AND GRADUATE STUDENT
AT TUFT'S UNIVERSITY AND IN THE
ENVIRONMENT JEWEL POLICY AND
PLANNING -- ENVIRONMENTAL POLICY
AND PLANNING PROGRAM.
I HAVE DRAFTED A COPY OF THE
ORDINANCE, SHOULD THAT PROVE
HELPFUL IN THE FUTURE.
IT ADDRESSES MANY OF THE THINGS
THAT COMMISSIONER SPECTOR RAISED
AND AMELIA RAISED IN THEIR
TESTIMONY.
>> BEFORE WE GET TO YOUR OPENING
STATEMENT -- THANK YOU.
>> I'M PAMELA HARVEY AN
ENVIRONMENTAL LAWYER AND I'M
HERE TODAY REPRESENTING THE
MASSACHUSETTS ASSOCIATION OF
CONSERVATION COMMISSION.
I'M THE VICE PRESIDENT FOR
ADVOCACY THERE AND A RESIDENT OF
BROOKLINE AND A MEMBER OF THE

CONSERVATION COMMISSION.

>> THANK YOU.

[MIC OFF]

>> I'M DEANNA MORAN THE DIRECTOR OF ENVIRONMENTAL PLANNING AT THE CONSERVATION LAW FOUNDATION. IT'S A REGIONAL NON-PROFIT ENVIRONMENTAL ADVOCACY ORGANIZATION IN BOSTON.

>> WELCOME ALL.

THANK YOU.

DAVID, WE'LL START WITH YOU. FINISH OFF WHERE I CUT YOU OFF.

>> NO PROBLEM.

SO BRIEFLY, THE ORDINANCE THAT I'VE PUT TOGETHER WOULD STRENGTHEN THE AREAS WE'VE BEEN DISCUSSING AND MORE OR LESS THE WAY WE DESCRIBED.

IT WOULD ENABLE THE CITY'S CONSERVATION COMMISSION TO REQUIRE RESILIENCE PLANNING AND ENSURE THAT THE CITY PROVIDES PRIVATE DEVELOPERS THE BEST AVAILABLE SCIENCE TO MAKE THEIR DETERMINATIONS IN TERMS OF PERMITTING.

ONE STEP FURTHER, I'VE HOPED TO ALLOW THE CITY TO PURSUE MORE GREEN INFRASTRUCTURE PROJECTS WITH THIS ORDINANCE AND SO TO THE EXTENT POSSIBLE I'VE INCLUDED LANGUAGE THAT IS ENABLING IN THAT WAY.

IT DOES SPEAK BRIEFLY TO THE PERFORMANCE STANDARDS THAT WERE RAISED EARLIER SPECIFICALLY LAND SUBJECT AND COASTAL STORM FLOWAGE MASS EDP IS WORKING ON SO THERE WILL BE EVENTUALLY REGULATIONS AT THE STATE LEVEL THAT ARE BINDING FOR US LOCALLY. THAT MOVE FORWARD AFTER THE INITIAL VERSION OF THIS ORDINANCE WAS INTRODUCED BACK IN 2013 SO I KNOW IT'S BEEN DISCUSSED.

IT'S OUT IN THE AIR AND AT THE STATE LEVEL THEY STARTED WORKING ON IT.

TO SPEAK TO WHAT I'VE DRAFTED, THERE'S TWO SETS OF CONCERNS THE ORDINANCE WOULD ADDRESS.

THE FIRST BUCKET IS STRICTLY

ADMINISTRATIVE BUREAUCRATIC
CONCERNS SIZE, DOVE --
DEFINITIONS, SETBACKS, FEES,
PERMITTING PROCESSES, ETCETERA,
THAT WE JUST KIND OF NEED TO
DEAL WITH AT THE ADMINISTRATIVE
LEVEL TO IMPLEMENT A LOCAL
WETLANDS ORDINANCE AND THE
SECOND IS MORE AMBITIOUS AND
GROUNDBREAKING WITH THE CLIMATE
CLAUSES AND THOSE ARE MORE
SPECIFIC TO THE ISSUES THAT
WE'VE RAISED SO FAR.
WITH FLOWAGE AND SO FORTH.
THERE ARE TWO SEPARATE PIECES TO
THIS.

I THINK IT COMES TOGETHER TO
FORM A PRETTY COHESIVE SET OF
PROTECTIONS FOR THE ISSUES THAT
WE NEED TO PROTECT AND THE
VALUES WE NEED TO PROTECT.

>> THANK YOU.

>> OKAY.

I JUST WANTED TO JUST SAY A
COUPLE WORDS ABOUT THE
CONVERSATION COMMISSION.
IT IS A STATEWIDE ORGANIZATION
THAT WAS FOUNDED REALLY IN 1961
A FEW YEARS AFTER THE
LEGISLATION PASSED TO SET UP
CONSERVATION COMMISSIONS AND IT
PLAYS A VERY IMPORTANT ROLE IN
EDUCATING AND ADVOCATING FOR
CONSERVATION COMMISSIONS AROUND
THE STATE.
BOSTON IS A MEMBER AND THE PRIME
CONSTITUENCY IS THE
COMMISSIONERS AND COMMISSIONS IN
THE STATE.

>> DOES EVERY CITY AND TOWN HAVE
ONE?

>> YES AND MOST ARE MEMBERS AND
DO THE BUDGET SHORTFALLS BUT
TYPICALLY MEMBERS OF MACC AND WE
HAVE A LARGE ANNUAL CONFERENCE
EVERY YEAR IN NEW ENGLAND AND
WE'RE THE MOST ACTIVE STATEWIDE
CONSERVATION COMMISSIONS
STATEWIDE.

IT'S AN IMPORTANT GROUP.
I THINK IT'S IMPORTANT TO NOTE
WHAT THEY DO IS VERY IMPORTANT
IN THIS STATE.

HISTORICALLY, IN ADDITION TO

DOING TRAINING AND PROVIDING WRITTEN MATERIALS, WE DO REALLY ENCOURAGE CITIES AND TOWNS TO DEVELOP BYLAW ORDINANCES.

I APOLOGIZE SOMETIMES I SAY BYLAWS.

>> YOU'RE DOING GREAT.

>> SINCE SOMETIMES THEY HAVE TO GET THROUGH TOWN MEETINGS WHICH COULD BE DIFFICULT AND THE SOME CITIES MAY NOT HAVE COUNCILS BUT IN ANY EVENT THEY COULD BE HANDY FOR HELPING TOWNS TO TAY -- TAILOR TO THEIR LOCAL NEEDS. THE STATE LAW HAS RESOURCE AREAS AND VALUES THAT HAVE VALUES SET UP TO PROTECT AND THERE'S EIGHT OF THEM AND THEY'VE BEEN LARGELY MENTIONED HERE.

THEN THE RESOLUTIONS SPELL OUT AND MOST OF THE PERFORMANCE STANDARDS ARE NOT IN THE ACT ITSELF.

THEY'RE SPELLED OUT IN REGULATION WHICH IS VOLUMINOUS, 100 PAGES LONG AND VERY DETAILED AND CONTAIN SPECIFIC PERFORMANCE STANDARDS FOR EACH RESOURCE AREA.

YOU FIGURE OUT WHAT RESOURCE AREA THAT PROJECT IS GOING TO EFFECT AND THEN APPLY THOSE PERFORMANCE STANDARDS AND THE PROPERLY OWNER WOULD BE EXPECT TO MEET THOSE.

SO THE AND I DO WANT TO NOTE IT IS A PERMIT PROCESS.

THOUGH A LARGE LAND AREA COULD BE SUBJECT TO JURISDICTION, PEOPLE DON'T NEED TO DO ANYTHING UNLESS THEY'RE GOING DO SOMETHING THAT WILL ALTER THE WETLANDS AND HAVE TO SEND IN AN APPLICATION FOR A FORMAT AND TYPICALLY THERE'S DETERMINATION OF APPLICABILITY THAT MAY HANDLE SMALLER PROJECTS OR MAKE A DETERMINATION.

SO THERE'S THAT.

JUST TURNING NOW TO THE ROLL OF IMPORTANCE OF LOCAL BYLAWS AND ORDINANCES.

WHEN SITIES -- CITIES AND TOWNS CHOOSE TO ADOPT THESE BYLAWS AND

200 CITIES HAVE DONE THIS SO
THERE'S QUITE A MOVEMENT THERE,
AND SO A COUPLE THINGS, FIRST OF
ALL, THE LOCAL BY-LAW HAS TO BE
MORE STRINGENT IN THAT STATE
STANDARDS.

YOU HAVE TO MAKE SURE WHAT DO
YOU AND YOUR ORDINANCE IS MORE
STRINGENT.

AND THE APPEALS WOULD GO TO
COURT RATHER THAN APPEAL TO DEB.
I ALSO WANT TO BE CLEAR THAT AND
THERE'S ALSO A STRING OF STATE
LAWS AT THE SAME TIME.

TYPICALLY YOU THINK IT'S
COMPLICATED BUT THE PERMIT
PROCESS IS DONE AS ONE SINGLE
HEARING AND THE SAME SORTS OF
THINGS ARE TAKEN INTO ACCOUNT
AND THE CITY AND TOWN THAT'S A
BY-LAW CONSIDERS ANYTHING
DIFFERENT AT THE LOCAL LEVEL IN
ISSUING A PERMIT AND THE PERMITS
TEND TO BE THERE'S A TENDENCY TO
BE A NARRATIVE FOCUS AND IT
COULD BE DEFENDED.

THAT'S SOMETHING I WANTED TO
NOTE BECAUSE IT IS AN IMPORTANT
DIFFERENCE.

SO UNDER AN ORDINANCE AND
THEY'LL TYPICALLY ISSUE
REGULATIONS AND THE DETAILS
COULD BE SPELLED OUT THERE.
OFTEN THE COMMISSIONS MAY MAKE
CHANGES IN THEIR REGULATIONS
WITHOUT NEEDING TO GO BACK AND
CHANGE THE ORDINANCE.

I CAN SIMPLIFY THINGS A BIT.
AND THE THINGS MOST COMMONLY
NOTED AN EXAMPLE WOULD BE MANY
CITIES AND TOWNS USE THE BUFFER
ZONE AS A RESOURCE AREA.
AND THERE'S SOME UNDER THE STATE
LAW THAT'S BEEN UPHELD.

SOMETIMES THERE'S CHANGES IN
PROCEDURES ESTABLISHING FEES AS
SOMETHING UNDER THE STATE ACT
THE COMMISSIONS GET SOME FEES.
AND GROUNDS FOR ISSUING OR
DENYING A PERMIT.

OFTEN THERE'S PERMISSIONS THERE.
THERE'S A MODEL BY-LAW SOME
COMMUNITIES HAVE USED AND IT'S
BEEN ON THE BOOKS NOW AND CAN

USE UPDATING TO INCORPORATE MORE ABOUT CLIMATE CHANGE IN IT. WITH THAT I'LL SEE IF YOU HAVE ANY QUESTIONS FOR ME. THANK YOU.

ANY OPENING STATEMENT?

>> WE WERE THRILLED TO GET THE INVITATION TO COME TODAY.

I WAS HEAR SEVERAL MONTHS AGO ON A SIMILAR PANEL TO TALK ABOUT FLOODING IN THE CITY OF BOSTON AND AT THAT TIME ONE OF THE LAST MAJOR PRIORITY WAS THE CITY LOOK AT GETTING A WETLANDS ORDINANCE OVER THE FINISH LINE.

WETLANDS AS MY COLLEAGUES HAVE ALREADY SAID, LOCAL WETLAND ORDINANCE AND BY-LAWS PROVIDE A RARE OPPORTUNITY TO IMPROVE ON STATEMENT MINIMUM REQUIREMENTS. BY DEVELOPING PROTECTIONS NOT ONLY RESPONSIVE TO LOCAL CONDITIONS BUT ALSO RESPONSIVE TO CLIMATE CHANGE.

LIKE WITH MOST OF OUR STATE LAWS AND REGULATIONS, THE STATE'S WETLAND PROTECTION ACT DOES NOT ANTICIPATE CLIMATE CHANGE OR THE IMPACT ON RESOURCE AREAS.

WHILE THE CITY OF BOSTON HAS LONG BEEN KNOWN AS A LEADER OF MASSACHUSETTS IT'S AN AREA WHERE WE'RE NOTICEABLY BEHIND NEIGHBORS AND OTHER MUNICIPALITIES IN THE STATES. OVER HALF MUNICIPALITIES IN MASSACHUSETTS HAVE A WETLAND ORDINANCE OR REGULATION IN PLACE.

TO BE FAIR THIS IS SOMETHING THAT'S BEEN CONTEMPLATED IN THE CITY OF BOSTON AND THERE'S BEEN WORK DONE TO LOOK AT THIS AND STOPPED AND STALLED.

RECENTLY IT WAS INCLUDED AS A RECOMMENDED STRATEGY IN THE 2016 CLIMATE READY BOSTON REPORT WHICH IS GREAT.

AND AFTER HEARING WHAT'S UNDER CONSIDERATION AND BEING THOUGHT THROUGH SO THAT'S GREAT.

BOSTON'S ADOPTION OF A WETLANDS ORDINANCE IS IMPORTANT FOR TWO REASONS.

ONE -- THERE ARE MANY REASONS
BUT TWO MAIN REASONS.
ONE, THERE ARE GAP IN THE
CURRENT PROTECTION ACT THAT ARE
BETTER SUITED TO BE ADDRESSED
LOCALLY IN MANY CASES.
AND IN PARTICULAR IS A RESOURCE
AREA THAT WE'VE TALKED A LOT
ABOUT ALREADY LAND SUBJECT TO
COASTAL STORM FLOWAGE WHICH IS A
MOUTHFUL BUT IS LAND SUBJECT TO
FLOODING UP TO AND INCLUDING THE
100 YEAR STORM OR THE STORM OF
RECORD AND SO EVENTUALLY IT IS
THE FLOOD PLAIN.

AS I'M SURE EVERYONE IN THE ROOM
KNOWS THE FLOOD PLAIN THERE'S AN
ENORMOUS UTILITY IN PROTECT THE
CAPACITY AND FUNCTION OF THE
FLOOD PLAIN WITH OR WITHOUT
CLIMATE CHANGE BUT CLIMATE
CHANGE IS MADE PRESERVING THAT
FUNCTION MORE IMPORTANT.

WHEN IT COMES TO COASTAL STORM
FLOWS IT'S ONLY THE RESOURCE
AREA IN THE STATE LAW THAT DOES
NOT HAVE PERFORMANCE STANDARDS
AND MANY MUNICIPALITIES HAVE
TAKEN IT UPON THEMSELVES TO
ADOPT STANDARDS FOR THAT AREA
AND THEY DO THAT IN A VARIETY OF
WAYS BUT THE GOOD NEWS IS
THERE'S WAYS TO LOOK AT HOW
THEY'VE DONE IT.

AND THE STATE HAS ALSO BEEN
LOOKING AT PERFORMANCE STANDARDS
FOR THESE RESOURCE AREAS WHILE
IT MAY BE TEMPTING TO WAIT FOR
THE STATE RECOMMENDATIONS I
THINK BOSTON SHOULD MOVE FORWARD
REGARDLESS OF THE STATE PROCESS
MAINLY BECAUSE THE STATE HAS
BEEN CONSIDERING PERFORMANCE
STANDARDS SINCE THE 1990s.

SO THEY'VE STOPPED AND TODD
ABOUT THE THAT'S WHERE WE ARE.
THE UNDERSTANDING OF CLIMATE
CHANGE IS MORE SOPHISTICATED
THAN IT'S EVER BEEN INCLUDING
THE IMPACT OF SEA LEVEL RISE.
WE HAVE THE NEWEST MOST
ACTIONABLE CLIMATE CHALLENGE
THROUGH INITIATIVES LIKE CLIMATE
READY BOSTON AND IT'S IMPORTANT

THAT THROUGH A WETLAND ORDINANCE
LIKE THIS WE ACKNOWLEDGE THE
UTILITY OF CLIMATE CHANGE IN THE
CONTEXT OF HEALTH AND SAFETY AND
IT'S IMPORTANT TO TAKE THAT INTO
CONSIDERATION AND IT'S BEEN AN
APPROPRIATE PLACE TO DO THAT AND
MANY CITIES ARE IN THE PROCESS
OF MODERNIZING EXISTING
ORDINANCES OR PASSING NEW
ORDINANCES AND BY-LAW
ACKNOWLEDGE CLIMATE CHANGE AND
HAVE STANDARDS TO INCORPORATE
THIS FORWARD-LOOKING DATA.
IN PARTICULAR AROUND THE ISSUE
OF HABITAT MIGRATION.

AS WE SEE THE SHORELINE SHIFT IN
RESPONSE TO SEA LEVEL RISE,
WE'LL SEE THE RESOURCE AREAS
MIGRATE INLAND AND FOR OBVIOUS
REASONS IF THEY DON'T HAVE THE
SPACE TO MIGRATE, WE'RE IN
TROUBLE.

WE SEE MANY CITIES AND TOWNS
START TO ACCOUNT FOR THAT.
AGAIN, THERE'S MANY CITIES AND
TOWNS WHO HAVE ALREADY DONE THIS
AND LOOKING AT THIS AND THERE'S
PLENTY OF EXAMPLE TO LOOK TO.
EVERYONE CAN AGREE THERE'S BROAD
CONSENSUS THERE'S A NEED FOR
WETLANDS ORGANIZATION AND
ORDINANCE AT THE LOCAL LEVEL AND
WHAT'S LESS CLEAR IS ABOUT THE
COORDINATING TO MAKE THIS AN
ACTIONABLE ITEM THIS YEAR AND
THINK IT'S IMPORTANT GOING
FORWARD THE DEVELOPMENT OF A
LOCAL WETLAND PROTECTION IS
COORDINATED AMONG ALL CITY
DEPARTMENTS AND THE COUNCIL AND
COMMISSION AND INCORPORATES ALL
THE DATA AND FINDINGS OF
PARALLEL EFFORTS.

SO WE LOOK FORWARD IN CONTINUING
THE CONVERSATION AND SEE WHAT'S
AVAILABLE AS A RESOURCE AS
NEEDED.

THANKS.

>> THANK YOU FOR YOUR INSIGHT
AND EXPERTISE TO WORK ON THIS
IMPORTANT ISSUE.

THIS IS A GREAT PANEL.

SORRY, A BRIEF QUESTION FOR EACH

OF YOU.

DAVID, STARTING WITH YOU, HAVING A REGULAR ORDINANCE AT YOUR PROPOSAL AND I'M LOOKING FORWARD TO READING IT AND I'M SURE IT'S VERY THOROUGH, IN YOUR RESEARCH DID YOU FIND A PARTICULAR CITY OR TOWN IN MASSACHUSETTS THAT WAS YOUR GOLD STANDARD YOU THOUGHT WAS MOST GROUNDBREAKING AND INSPIRATIONAL FOR WHAT YOU DID AND TALK ABOUT HOW THAT IS WORKING.

>> I WOULD SAY ARLINGTON IS THE LEADING EDGE OF THIS ISSUE. IN FACT THEY DEVELOPED REGULATIONS THAT WENT INTO EFFECT THE FIRST COUPLE MONTHS OF THE YEAR.

THOSE ARE THE MOST AMBITIOUS TO DATE.

THERE'S THE DIFFERENCE BETWEEN ORDINANCE AND A REGULATION. THEY ALREADY HAD ONE IN PLACE SO THEY CHOSE TO ADD TO THEIR ORDINANCE.

>> NOT ONLY ARE WE BEHIND THE BALL, SO TO SPEAK, BUT THERE ARE ADDRESSING CLIMATE.

ARLINGTON'S GOOD PAM, YOU TALKED ABOUT THE TEMPLATE YOU HAVE.

WOULD YOU SHARE WHAT YOU KNOW ABOUT EVERY CITY IN TOWN AS IT RELATE TO THIS.

>> I THINK I AGREE ARLINGTON IS FRONT IN THIS I THINK FALMOUTH ADDED ON ARLINGTON HAD A LOT OF FLOODING CONCERNS AND WHAT THEY DID IN THE LAND SUBJECT TO FLOODING ALONG RIVERS YOU HAVE TO AND IF THERE'S ANYTHING IN THE FLOOD PLAIN THEY HAVE TO ACCOUNT FOR THAT TO MAKE SURE THERE'S NOT OVERALL FLOODING. I DON'T MEAN TO TURN YOU INTO ENGINEERS BUT ONE THING THEY DID WAS MAKE SURE THE VOLUME LOSS BE COMPENSATED ON A ONE TO ONE RATIO AND INCREASED IT FROM TWO TO ONE.

IT'S AN EXAMPLE IN THE ORDINANCE OF BEING SURE YOU'RE GOING TO HAVE MORE PROTECTION FROM FLOODING.

>> AND DO THEY PAY INTO THAT?
>> IT'S NOT IT'S NOT A MONEY THING.
NOW WE'RE --
>> IN ANY EVENT IF SOMETHING IS
PUT, A DEVELOPMENT IS PUT IN THE
FLOOD PLAN IT'S, YOU KNOW
PHYSICALLY IN THE FLOODPLAIN.
YOU HAVE TO COMPENSATE FOR IT BY
PROVIDING SOME VOLUME THAT WON'T
BE IN THE FLOODPLAIN.
>> I SEE.
INTERESTING.
>> YES.
IT'S AN EXAMPLE OF GOING BEYOND
WHAT THE STATE REQUIREMENT WAS.
>> OKAY.
I LIKE THAT.
THEY ALSO HAVE A REQUIREMENT
ABOUT VEGETATION.
-- BEING REPLACED.
SO THAT YOU HAVE ENOUGH SHADE.
IT HELPS WITH THE HEAT AFFECT.
TREES ARE ANOTHER THING LOST TO
DEVELOPMENT.
YOU MAY NOT THINK ABOUT THEM
RIGHT AWAY.
THINK ABOUT TREES IN THE CONTEXT
OF WETLANDS THERE.
IS OFTEN LOSS OF TREES.
>> WE'RE WORKING ON THE TREES OF
BOSTON.
TALKING ABOUT THE ECOSYSTEM.
LITERALLY THE WHOLE ECOSYSTEM.
>> YES, THEY ALSO HAVE
ADDITIONAL STORM DRAINAGE
MANAGEMENT REQUIREMENTS, CLIMATE
CHANGE IMPACTS IN THE FUTURE ARE
TAKEN INTO ACCOUNT.
IT'S, YES I THINK -- I THINK IT
MAYBE TRUE THAT THE DRAFT GOES A
LITTLE FURTHER.
I THINK IT'S PROBABLY ENTIRELY
APPROPRIATE.
THE CITY IS VERY VULNERABLE.
>> HOW LONG YOU HAVE BEEN ON THE
BROOKLINE CONVERSATION --
>> ABOUT THREE YEARS.
BEFORE THAT I WAS WORKING FOR
THE DEPARTMENT OF ENVIRONMENTAL
PROTECTION.
DID I A LOT OF WRITING, IT'S A
PERSONAL INTEREST OF MINE.
I WAS AN ASSOCIATE MEMBER FOR
MANY YEARS BEFORE BECOMING A

FULL MEMBER.
>> TO YOU MEET IN BROOKLINE'S
TOWN HALL?
>> YES WE DO.
>> YOU APPRECIATE THE
ARCHITECTURE YOU'RE SITTING IN
NOW.
>> YES.
>> I LOVE IT.
>> DEANNE A TALK ABOUT THE
SECOND POINT, PERFORMANCE
STANDARDS.
IT'S A SIMILAR QUESTION.
MAYBE CLS HAS A DIFFERENT
PERSPECTIVE TO IT.
TALK ABOUT WHAT A DIFFERENCE
PERFORMANCE STANDERS WOULD MAKE
OUR PROPOSAL SOLID AND
EFFECTIVE.
>> YES.
I WILL EMPHASIZE PAM'S POINT.
LOCAL CONDITIONS MATTER A LOT.
IN THE CONTEXT OF BOSTON.
ESPECIALLY BECAUSE WE'RE IN THE
MIX OF A DEVELOPMENT BOOM THERE
WOULD NEED TO BE ROBUST
CONVERSATION ABOUT THE IMPACTS
OF PERFORMANCE STANDARDS AND
WHAT THEY WOULD BE.
I DON'T KNOW IF WE CAN DIRECTLY
IMPORT PERFORMANCE STANDARDS
FROM OTHER SIT HE'S AND TOWNS.
AT THE FOUNDATION STANDARDS ARE
IMPORTANT BECAUSE WHEN YOU SEE A
LOT OF THE WATERFRONT
DEVELOPMENTS COME FORWARD MANY
OF THEM ARE AFFECTING LAND TO
COASTAL FLOW.
BECAUSE THEY'RE NOT REQUIRED
THEY DON'T HAVE TO PROVIDE WHAT
PAM WAS TALKING ABOUT.
PROVIDING COMMUNICATION,
COMPENSATORY OR OTHERWISE.
TO US THAT IS A LITTLE LOOPHOLE
IN THE DEVELOPMENT PROCESS RIGHT
NOW.
HAVING HER ROBUST STANDARDS FOR
WHAT CAN ACTUALLY BE BUILT IN
THE RESOURCE AREAS.
THERE ARE TOWNS RESTRICTING THE
TYPE OF USE THERE.
THERE ARE CITIES AND TOWNS THAT
TIE CLIMATE RELATED ISSUES TO
THE PERFORMANCE STANDARDS.

SO FOR EXAMPLE NOT PROHIBITING ANY STRUCTURES BE LOW BASE FLOOD ELEVATION OR REQUIRING DEVELOPERS TO CONSIDER FUTURE SEA LEVEL RISE IN THE DEVELOPMENT OF THEIR PROJECTS. SIMILAR TO WHAT IS REQUIRED UNDER THE CHECKLIST LIFT AND INSTANCES LIKE.

THAT AGAIN IT WOULD BE SITUATIONAL TO BOSTON FOR WHAT IS PROPOSED AND MAKES THE MOST SENSE.

HAVING A LITTLE BIT MORE OF A HOOK IN THE DEVELOPMENT PROPOSAL PROCESS, I THINK THAT WOULD BE REALLY VALUABLE.

TO MICHELE'S POINT YOU KNOW WE HAVE THE DPBA PROCESS. THERE IS THE ZONING PROCESS, THE VARIANCE PROCESS THERE. THE CONVERSATION COMMISSION IS A BIT OF A BACKSTOP ON THE WATERFRONT DEVELOPMENT AND ADDITIONAL STANDARDS THAT ARE MANDATORY.

YOU KNOW, ARGUABLY THIS IS MORE ROBUST AND DIFFERENT PROCEDURALLY THEN THE DPBA PROCESS COULD BE VALUABLE IN MAKING SURE WHATEVER HAS DEVELOPED INTO THE FLOOD PLANES IS RESPONSIBLE DEVELOPMENT.

>> GOOD ANSWER.

APPRECIATE THAT.

THANK YOU.

COUNSELOR WITH YOU.

WU.>> THANK YOU.

I WANT TO START WITH A PIECE OF LEGISLATION WE'RE LOOKING FOR PASSING.

A STATIC VIEW MATCHED WITH CONSTANTLY CHANGING PROJECTIONS OF SEA LEVEL RISE.

AS MENTIONED IN THE BEGINNING, HOW DO YOU HAVE THE BEST AVAILABLE.

IN THE, IN THE DRAFT ORDINANCE DO YOU GET AT THAT BY MENTIONING THAT YOU USE AS A STANDARD BEST AVAILABLE MEASURES AND 500 YEAR FLOOD FREQUENCY EVENT PERIOD. ARE THOSE THE FIRST IS CONSTANTLY ADJUSTING.

FOR EXAMPLE IS THE 500 YEAR
FLOOD IS THAT CONSTANTLY
ADJUSTED TOO.
OR IS THAT FROZEN IN TIME?
SO THE EXTENT OF THE FLOODPLAIN
WILL EVOLVE OVERTIME.
IN THAT RESPECT THEY'RE NOT
STATIC.
>> SO RIGHT NOW MOST OF THESE
TYPES OF REGULATIONS REFERENCE
FEMA NOW.
IT'S FEMA'S DEFINITION OF A ONE
HUNDRED YEAR FLOODPLAIN.
IS IT DOESN'T TAKE INTO
CONSIDERATION CLIMATE CHANGE.
THAT'S A LIMITATION TO THE
STANDARD.
>> HOW OFTEN DO THEY ADJUST THE THE
A MAP.
>> IT DEPENDS.
BOSTON WAS 2016.
THERE ARE OTHER CRITICISMS FOR
DEVELOPING THE MAPS.
PARTICULARLY THEY DON'T INCLUDE
THE PROCESSES A TPEBLGTING THE
VULNERABILITY OF CERTAIN LANDS
INCLUDING EROSION.
THERE IS A QUESTION WHETHER OR
NOT EVEN THE RETROSPECTIVE MAP
BASED ON HISTORICAL RATES ARE AS
ACCURATE AS THEY NEED TO BE.
LET ALONE ACCURATE FOR
DEVELOPMENT THAT WOULD BE AROUND
FOR 50-60 YEARS.
>> IS THIS ANOTHER POTENTIAL
REFERENCE POINT OR METRIC THAT
IS MORE DYNAMIC?
THAT COULD BE USED INSTEAD OF
THAT OR OTHER CITIES ARE USING
IN THEIR LEGISLATION.
>> THERE IS A PART OF THE
ORDINANCE I PUT TOGETHER, THANKS
TO CLS HELP THAT REFERS TO
SPECIAL TRANSITION ZONES.
THAT IS PARTICULARLY MEANT TO
ADDRESS SALT MARSH MIGRATION.
SO, THAT IS MORE DYNAMIC
EVALUATION OF A RESOURCE AREA
THAT NECESSARILY MIGRATES WITH
SEA LEVEL RISE, WILL HAVE TO
MOVE FURTHER INLAND.
SO, THERE ARE WAYS OF DO I
NNAMDI I CANNILY DEFINING THE
RESOURCE AREAS TO ADJUST WITH,

WITH CHANGE.

TP-RB

>> OKAY.

>> YES.

I THINK THAT'S RIGHT ON POINT.

THE OTHER THING I THINK WORTH

MENTIONING HERE IS TYPICALLY THE 100 YEAR STORMY VENT IS WHAT IS USED.

THIS PROPOSAL IS TO GO TO THE

500 YEAR STORMY VENT.

>> GOT IT.

OKAY.

>> TO TOUCH ON COUNSELOR

O'MALLEY'S LINE OF QUESTIONING

ON PERFORMANCE STANDARDS.

ARE WE TALKING ABOUT, WE HAD A EXCHANGE WITH THE ADMINISTRATION

SPECIFICALLY ABOUT THE STORM

WATER FLOWAGE, VULNERABLE AREAS

AND NOT HAVING PERFORMANCE

STANDARDS.

ARE THERE -- WOULD WE BE LOOKING

TO CHANGE AND OR SET THE

PERFORMANCE STANDARDS FOR OTHER

RESOURCE AREAS AS WELL?

AGAIN HOW DO YOU GET AT SORT OF

STAYING AHEAD OF THE CURVE WITH

THE STANDARD?

IS IT TIEING IT BACK TO SOME

RELATIONSHIP TO THE METRIC WE'RE

USING IN TERMS OF FEMA.

>> TO MY KNOWLEDGE THIS IS THE

ONLY RESOURCE AREA UNDERSTATE

LAW WITHOUT PERFORMANCE

STANDARDS.

>> THE OTHERS ARE JUST FLOORS WE

COULD BUILD --

>> YES, CORRECT.

AS LONG AS WHATEVER IS PASSED

LOCALLY IS MORE STRINGN'T YOU

HAVE FLEXIBILITY.

>> AND DEP AFTER A VERY LONG

DELAY DID COME OUT A MONTH AGO

OR SIX WEEKS AGO WITH A DRAFT OF

REGULATIONS FOR THE LAND COASTAL

FLOWAGE.

I THINK THEY DO INTEND TO MOVE

FORWARD.

IN A WAY THE TIMING IS GOOD.

YOU SEE WHAT THEY DO.

IF YOU DO SOMETHING DIFFERENT

YOU WANT IT TO BE MORE

STRINGENT.

JUST CHANGING IT TO A HUNDRED

YEAR STORM TO A 500 YEAR STORM
WOULD BE MORE STRINGENT.
ANYWAYS THERE IS MOVEMENT THERE.
>> I THINK IT WAS PAMELA WHO
MENTIONED THE COMMISSIONER'S
NEED TO ADMINISTER BOTH SETS OF
FEDERAL AND STATE -- SORRY,
LOCAL AND STATE LAWS.
BECAUSE YOU'RE DOING IT, YOU'RE
DOING IT IN ONE SITTING.
ONE MEETING.
SO IT'S NOT NECESSARILY MORE
BURDENSOME.
IS THAT, CAN YOU GO INTO THAT
MORE.
HOW MUCH MORE ADDITIONAL
TRAINING WOULD OUR COMMISSIONERS
NEED.
OR OTHER RESOURCES, TECHNICAL
ASSISTANCE TO HAVE OUR EXISTING
STRUCTURES.
ADMINISTRATIVE STRUCTURES TAKE
ON THIS ENHANCED JURISDICTION OR
SET OF LEGISLATIONS THEY WOULD
BE ENFORCING.
>> TYPICALLY ONCE THE
APPLICATION COMES IN THERE IS A
TIME TABLE AND SO TYPICALLY
UNDER THE STATE LAW IT'S FAIRLY
TIGHT.
THERE HAS TO BE A PUBLIC HEARING
WITHIN 21 DAYS.
THINGS MOVE FAIRLY PROMPTLY.
THAT'S A GOOD THING.
IT'S A GOOD THING.
SO TYPICALLY BYLAWS ARE SET UP
TO MEET THE SAME TIME TABLE.
THERE IS A JOINT PUBLIC NOTICE
UNDER THE STATE AND BYLAWS.
THAT MAKES IT SIMPLER.
THEN THE HEARING IS UNDER --
TYPICALLY IT'S A JOINT
APPLICATION TOO. THEN THERE IS
ADDITIONAL MATERIALS FOR
ANYTHING THAT MAYBE DIFFERENT
UNDER THE BYLAWS.
THEN THE HEARING IS A HEARING
UNDER BOTH STATE LAW AND THE
BYLAW.
THEN AGAIN THE -- THE APPLICANT
AT THE HEARING.
YOU KNOW THEY DISCUSS HOW THE
PROJECT IS DESIGNED TO CONFORM
TO STATE REGULATIONS AND ADDRESS

ANYTHING ADDITIONAL THAT WILL
COME UP UNDER THE BYLAW.
FOR EXAMPLE IN BROOKLINE WE HAVE
A 150-FOOT BUFFER ZONE INSTEAD
OF A 100-FOOT BUFFER ZONE.
THERE MAYBE AREAS UNDER THE
BYLAW THAT THE APPLICANTS -- WE
CAN DISCUSS THAT.
TYPICALLY I THINK MOST
COMMUNITIES USE THE
DEPARTMENT'S, WHAT IS CALLED THE
ORDER OF CONDITION.
THAT'S WHAT THE PERMIT IS
CALLED.
THEN THERE ARE ADDITIONAL PAGES
AT THE END FOR ADDITIONAL
CONDITIONS UNDER THE BYLAW.
THINK IT'S OFTEN DONE THAT WAY.
COMMUNITIES CAN DO DIFFERENT
THINGS.
TYPICALLY IT'S HANDLED THAT WAY.
IT'S NOT LIKE TWO SEPARATE
PERMITTING PROCESSES.
IT IS THOUGH, IT'S TRUE THAT
UNDER THE, UNDER THE STATE
REGULATIONS -- IF AN APPLICANT
IS UNHAPPY WAY PERMIT OR APPEAL
RIGHTS TO OTHERS AS WELL.
THEY CAN REQUEST A SUPERSEDING
ORDER, A DIFFERENT ORDER FROM
DEP.
>> IF THEY'RE UNHAPPY WITH THAT
THERE COULD BE AN APPEAL TO THE
HEARING AND THAT COULD GO TO
COURT.
UNDER THE BY LAW THE APPEAL IS
DIRECT TO THE COURT.
SO, COMMISSIONS DO WANT TO TAKE
SOME TIME TO KEEP THAT IN MIND
WHEN THEY MAKE THEIR DECISIONS.
I THINK IT'S FARE TO SAY THAT
SOMETIMES COMMISSIONS WILL
SETTLE WITH AN APPLICANT BEFORE,
BEFORE IT ACTUALLY GETS TO
COURT.
IN THE COURT IT IS ON THE RECORD
REVIEW.
IT'S NOT TYPICALLY ENTIRE --
>> GREAT.
I MEAN THE GOOD NEWS THAT YOU
MENTIONED.
>> YES.
>> I YES MY FINAL QUESTION IS
ANY RECOMMENDATIONS YOU HAVE FOR

THE PROCESS MOVING FORWARD.
MOSTLY HOW BOSTON SHOULD ARRIVE
AT THE BEST, MOST SUITABLE
BALANCE FOR US AS A MUNICIPALITY
OF PROTECTION VERSUS
DEVELOPMENT.

YOU KNOW THE CITY EASY ECONOMY.
WE HEAR, DON'T KILL THE GOLDEN
GOSSE, A LOT.
BUT THERE IS A THREAT OF DELIGHT
CHANGE.

HAVING A DRAFT FROM DAVID IS
GREAT.

THIS IS A STARTING POINT TO TALK
ABOUT THIS IN A CONCRETE WAY.
WHAT WOULD YOU RECOMMEND COME
NEXT.

I WOULD BE CURIOUS TO SEE WHERE
THE CITY IS IN THEIR PROCESSES.
>> I THINK IT'S IMPORTANT TO
RECONCILE WHAT IS HAPPENING WITH
OTHER CITY DEPARTMENTS.

OBVIOUSLY REALLY IMPORTANT TO
BRING IN ALL OF THE VARIOUS
STAKE HOLDERS THAT WANT TO SIT
AT THE TABLE.

REAL ESTATE, ENVIRONMENTAL
COMMUNITY AND OTHERS.

I THINK ULTIMATELY THE MAXIMUM
AMOUNT OF COORDINATION NEEDS TO
HAPPEN WITH KITTY COUNCIL AND
CITY DEPARTMENTS -- CITY COUNCIL
AND CITY DEPARTMENTS INVOLVED IN
IMPLEMENTING REGULATION.

>> TWO THINGS WOULD I OFFER
HERE.

ONE THE EXTENT THERE MAYBE
CONCERN ABOUT YOU KNOW INCREASED
JURISDICTION.

SOME, SOME COMMUNITIES HAVE -- -
SOMETIMES YOU CAN LOOK AT AND
PUT IN REGULATION.

THINGS THAT ARE MINOR ACTIVITIES
THAT PEOPLE CAN DO PROVIDED THEY
DO THEM IN CERTAIN WAYS.

THEN THEY DON'T NEED TO APPLY --
THAT CAN BE A HANDY TOOL.

DEPs REGULATION, WEREN'T FOR
DECADES THEN THEY WERE PUT IN
AWHILE AGO.

IT'S BEEN HELPFUL.

SOME SOME COMMUNITIES HAVE AN
ADMINISTRATIVE REVIEW PROCESS.
PEOPLE CAN TALK TO THE

COMMISSION AGENT AND INQUIRE
WHAT THEY WANT TO DO AND KNOW
WHETHER IT'S SUBJECT TO
JURISDICTION.

YOU HAVE PEOPLE CONCERNED ABOUT
BEING UNDER JURISDICTION.
I THINK THE OTHER THING ABOUT
BOSTON.

>> -- WE HAVE DISCUSSIONS AND IF
THEY COME UP UNDER THE
PROTECTION ACT.

NEW STRINGENT REGULATION.
THE ACT REQUIRED A LOT OF
STRINGENT REGULATION ALONG
RIVERS.

I THINK IT'S IMPORTANT TO THINK
ABOUT HOW IT WOULD WORK IN THE
CONTEXT OF REDEVELOPMENT.

YOU WANT TO MAKE SURE YOU DON'T
HAVE PERFORMANCE STANDARDS THAT
ARE STRICT AND THEN THERE IS A
DISTANCE TO GO IN ON THE NEW
DEVELOPMENT.

IT'S AN EXAMPLE FOR THE RIVER
FRONT AREA.

THE RIVER CONNECTION
PARTICULARLY A PROVISION FOR
REDEVELOPMENT.

RATHER THAN A APPLICABLE
PERFORMANCE STANDARDS.

THE POT ONLY LINE IS IMPROVING
EXISTING CONDITIONS.

THAT'S A GOOD THING TO HAVE THAT
IN THERE.

I HAVEN'T THOUGHT THIS THROUGH
BUT IT MAY WORK THROUGH THE
CITY.

>> I WOULD ONLY REITERATE WHAT
MY FELLOW MEMBERS HAVE OFFERED.

>> OKAY.

WE DID GET SOME QUESTIONS
PARTICULARLY FROM TENWAY HOW
THIS WOULD APPLY TO THE FENCE
AND INVASIVE SPECIES THERE.
THE COMMUNITY LEADERS WANTING TO
HAVE REASSURANCE THAT THIS
WOULDN'T MEAN THAT ANY AREA
AROUND WETLANDS WOULD BE FROZEN
FROM ANY ACTIVITY.

THE -- THE GOAL THEY HAVE TO
MAKE SURE THAT THE NATIVE PLANTS
ARE RESTORED AND SPECIES MANAGED
WOULDN'T BE AT ODDS WITH THIS.

YOUR DRAFT HAS SPECIFIC

EXCLUSION FOR.
THAT I DO WANT TO PUT THAT ON
THE RECORD.
>> THANK YOU.
>> THANK YOU.
ALRIGHT I HAVE ONE FINAL
QUESTION.
IT'S A TOUGH ONE.
I WILL START WITH YOU, DAVID.
WHAT IS YOUR -- WHAT IS YOUR
FAVORITE WETLANDS AREA IN THE
CITY OF BOSTON.
>> GREAT QUESTION.
I WILL GO WITH THE BOSTON HARBOR
ISLANDS.
I WANT TO CONSIDER THE WAYS WE
CAN EXPANDED NATURE BASED
SOLUTIONS FOR SORT OF SHORELINE
PROTECTION OUT THERE.
I AM SORT OF PLANNING MY THESIS
ON THAT SUBJECT.
>> THAT'S AN EXCELLENT ANSWER.
GOOD ANSWER.
I HOPE TO READ YOUR THESIS WHEN
YOU ARE DONE.
>> PAM, I KNOW YOU'RE A
BROOKLINE RESIDENT.
I CAN THINK OF ONE BETWEEN THE
PLAINS AND BROOKLINE I LOVED TO
GO TO AND LOVE TO GO TO.
WHAT IS YOUR FAVORITE.
>> YES.
I SPEND A LOST TIME ON THE
CHARLES RIVER.
>> ME TOO.
>> IT'S A BEAUTIFUL PLACE.
>> AND.
>> DAVID AND PAM TOOK BOTH OF
MINE.
THE HARBOR ISLANDS WAS MY FIRST
CHOICE.
CHARLES RIVER WAS THE SECOND.
I LIVE RIGHT BEHIND CHARLES
RIVER.
I DON'T THINK I COULD EVER LIVE
TOO FAR FROM THE ESPLANADE.
>> WE WILL SAVE IT FOR THE NEXT
TIME.
THANK YOU THIS WAS HELPFUL AND
INFORMATIVE.
THIS IS ALL I HAVE FOR THIS
PANEL.
I SEE DEAR FRIENDS IN THE
AUDIENCE I THOUGHT WOULD

TESTIFY.

I DON'T HAVE ANYTHING SIGND IN
TO ASK TO TESTIFY.

I SEE A HAND RAISED.

ANYONE WHO WOULD LIKE TO
TESTIFY, LINEUP BEHIND THIS
GENTLEMAN AT ONE OF THE TWO
PODIUMS BEHIND ME.

IF YOU COULD JOIN US AND SAY
YOUR NAME AND AFFILIATION.

THIS PANEL CAN LEAVE.

YOU'RE WELLING COME TO SIT AND
LISTEN TO PUBLIC TESTIMONY OR
YOU'RE WELCOME TO SIT MORE
COMFORTABLY OFF THE HOT SEAT AS
WELL.

THANK YOU.

>> THANK YOU.

>> IF YOU COULD SAY YOUR NAME
AND AFFILIATION, RESIDENT.
KEEP IT TO ABOUT TWO MINUTES PER
PERSON FOR PUBLIC TESTIMONY.

>> SURE.

I'M JULIE WOOD WITH THE CHARLES
RIVER WATER ASSOCIATION.

THANKS TO THE PANEL FORGIVING
PROPS TO THE CHARLES.

I WILL TRY TO KEEP IT SHORT.

WE ANTICIPATE SUBMITTING WRITTEN
COMMENTS AS WELL.

FIRST OF ALL I WANT TO EXPRESS
IN GENERAL OUR SUPPORT FOR
BOSTON TO PASS A LOCAL WETLANDS
ORDINANCE.

AS MANY HAVE BROUGHT UP IT'S THE
NORM FOR COMMUNITIES.

THAT'S TRUE ACROSS THE WATER
SHED.

WE'RE HAPPY TO SEE BOSTON
PURSUING THIS.

HOPE IT CAN COME TO FRUITION
SOONER RATHER THAN LATER.

IT'S GREAT TO SEE THE CITY IS
ACKNOWLEDGING THE IMPORTANCE OF
THE NATURAL SYSTEMS TO THE
CITY'S QUALITY OF LIFE.

AS WELL AS CITY'S ABILITY TO
ADAPT TO CLIMATE CHANGE.

IT'S WONDERFUL ALSO TO SEE THE
INNOVATIVE APPROACH TO THE WET
LANDS.

TO COMBINE PROTECTION OF WET
LANDS WITH ADAPTATION TO CLOY
MAT CHANGE.

I PARTICULARLY LIKE THE WORD
"CUMULATIVE" THAT I READ
THROUGHOUT THIS DRAFT ORDINANCE.
BECAUSE THAT IS, THAT DOES TEND
TO BE HOW WE SEE IMPACTS OCCUR
TO OUR NATURAL SYSTEMS.
IT'S NOT JUST ONE PROJECT, ONE
OFF.

IT'S THE CUMULATIVE NATURE OF
PROJECTS ONE AFTER THE OTHER
THERE HAS BEEN A LOST DISCUSSION
ABOUT THE LAND SUBJECT TO
FLOODING.

I WOULD LIKE TO ADD FRESH WATER
FLOODING TO THAT SUBJECT.
THIS IS ALSO IMPORTANT.
THE MAIN TRIBUTARY TO THE LOWER
CHARLES RIVER IS THE STONY
BROOK.

WHICH ISY SENTUALLY COMPLETELY
UNDERGROUND.

SO THAT WOULD NOT FALL UNDER
THIS ORDINANCE AS WRITTEN AS MY
UNDERSTANDING.

THE STONY BROOK IS INDEED A
WATER RESOURCE IN THE CITY OF
BOSTON.

IF YOU LOOK AT THE CLIMATE
PROJECTIONS FOR STORM WATER
FLOODING THAT HAVE COME OUT OF
THE BOSTON WATER AND SEWER
COMMISSION.

WILL YOU SEE A LOT OF THE
POTENTIAL FLOODING IS IN THAT
STONY BROOK SYSTEM.
THAT IS SOMETHING TO KEEP IN
MIND.

IT'S NOT JUST COASTAL FLOODING.
IT'S ALSO STORM WATER FLOODING
AND CAN OCCUR OUTSIDE OF THE
AREA AS TYPICALLY MAPPED.
AGAIN SUPPORT FOR THE MENTION -P
HOW TKPWRAEUGS ZONES.

THOSE ARE CERTAINLY CRITICAL.
SECOND SUPPORT FOR ALLOWING
RESTORATION OPPORTUNITIES AND
WAVING OF FEES FOR THE MUDDY
RIVER IS OUR MOST VISUAL
TRIBUTARY IN THE LOWER CHARLES.
IT HAS A TROUBLE WITH IN
VASIVES.

THE PART THAT WAS RECENTLY
DAYLIGHT S-D NOW BEAUTIFUL.
WE LOVE FOR THE REST OF THE

MUDDY RIVER TO LOOK THAT
BEAUTIFUL.
SO JUST KEEPING IN MIND THAT THE
RESOURCE AREA IMPORTANT TO
PROTECT IT.
ALSO IMPORTANT TO ALLOW
ENHANCEMENTS TO IT.
THAT'S GREAT THIS DOESN'T
PROVIDE A BARRIER THERE.
I THINK THE BUFFER ZONES ARE
GOOD, TWO HUNDRED FEET.
AS WELL AS THE FLOOD STANDARD.
MANY COMMUNITIES USE A LOCAL WET
LANDS ORDINANCE TO ACTUALLY HAVE
THE REQUIREMENTS APPLIED TO THE
ENTIRE COMMUNITY.
I UNDERSTAND THAT MAYBE OVERLOAD
IN A DENSE CITY LIKE BOSTON.
THERE ARE TOWNS AND THE HE'S
THAT DECIDE TO DO THAT.
A POINT MADE ON THE PREVIOUS
PANEL I WOULD LIKE TO ECHO.
ENCOURAGING REDEVELOPMENT OR
INFILL DEVELOPMENT ESPECIALLY
WITH THE LIMITED NATURE OF GREEN
SPACE, OPEN SPACE ON OPEN LAND
IN BOSTON TO THE EXTENT WE CAN
PRESERVE WHAT WE HAVE.
AND OTHER NEIGHBORHOODS THAT
NEED DEVELOPMENT.
THINK THAT'S A WIN WIN FOR THE
ENVIRONMENT AND ECONOMY.
THANK YOU, I'M HAPPY TO BE HERE
TODAY.
>> THANK YOU, JULIE.
THANK YOU FOR YOUR TESTIMONY.
APPRECIATE IT.
SIR.
>> HELLO MY NAME IS TONI LACAST.
I LIVE IN ROSS EN DALE.
I'M A FRIEND OF THE ALLENDALE
WOODS.
WAY TONIGHT THANK COUNSELORS FOR
BRINGING UP THE CONSIDERATION OF
HAVING AN ORDINANCE THIS.
IS REALLY CRITICAL.
AS WE HAVE SEEN IN TERMS OF THE
TESTIMONY SO FAR BOSTON IS WAY
BEHIND THE CURVE IN TERMS OF WET
LANDS PROTECTION.
THIS IS PARTICULARLY AWAY FROM
THE WATERFRONT.
THERE IS A NEED FOR CRITICAL
FRESH WATER PROTECTION.

FOR BOTH OF YOUR NEIGHBORHOODS
I'M INVOLVED IN.

PROBABLY THROW OF THE BIGGEST
CONTROVERSIAL NEIGHBORHOODS IN
WEST ROXBURY, ROSS EN DALE AND
JAMAICA PLANES THE LAST YEAR
HAVE ALL CONCERNED WET LANDS
ENCROACHED UPON WHAT IS
UNACCEPTABLE DEVELOPMENT
PROPOSALS.

ONE OF THE THINGS I THINK IS
CRITICAL VERSUS THE ORDINANCE
FROM ZONING ACT IS THE CULTURE
OF DEVELOPMENT IS SO
OVERWHELMING IN TERMS OF CITY
GOVERNMENT WE SEE PROPOSAL
THAT'S ARE OUTRAGEOUS.
WHAT HAPPENS IS DEVELOPERS GOING
THROUGH THE CONTEXT, WHATEVER
THEY PROPOSE.

BUILDING OUT 90% OF THE WET
LANDS BUFFER ZONE WOULD BE
NORMAL AND ACCEPTED.

ONE OF THE THINGS THAT IS
IMPORTANT THAT THE ELEMENTS HAVE
EXTRA TEETH.

THE PROPOSALS THAT HAPPEN AT
1225 CENTER STREET THAT IS
BASICALLY MEDIATE ADJACENT TO
THE LAST TWO VERBAL POOLS IN
ALLENDALE.

64 ALLENDALE.

THE PROPOSAL TO BUILD
18 MILLION-DOLLAR CONDOMINIUMS.
UP SLOPE ON A STEEP SLOPE.
THAT WAS GIVEN 55 VARIANCES ON A
55-ACRE PARCEL.

PRETTY HARD TO DO.

IN BOTH CASES THEY'RE OF THE
FACT THERE IS NOT A SERIOUS
CONSIDERATION OUTSIDE OF THE
CONVERSATION COMMISSION LOOKING
AT THE WET LANDS ISSUES.

THESE ARE PROPOSALS THAT
SHOULDN'T EVEN COME FORWARD.
THEY WOULDN'T COME FORWARD FOR
DEVELOPMENT CULTURE IN THE
COMMONWEALTH ANYWHERE ELSE.
THEY COME FORWARD BECAUSE ONE OF
THE THINGS THAT HAPPENS WITH
WETLANDS THEY'RE ATTRACTIVE
SPACES.

THEY'RE PLACES THAT PEOPLE WANT
TO LIVE.

MAYOR NEAR NATURAL ENVIRONMENTS.
IN THIS CASE WE SEE WE LITERALLY
HAVE A WILLINGNESS TO LOVE THEM
TO DEATH FOR PROVE FIT AND
LEAVE.

THE FRIEND OF ROSS ENDALE WOODS
AND THE ROSS ENDALE TASK FORCE
HAVE SUBMITTED A LETTER FOR THE
WRITTEN RECORD.

I'M HERE TO ADD THINGS ON A
PERSONAL NOTE.

LEARNING FROM THE PRIOR
TESTIMONY THAT I LIKE TO AMPLIFY
AND LOOK TO SEE IF IT CAN BE
INCLUDED IN THE ORDINANCE.

NUMBER ONE IS ONE OF THE THINGS
REGARDING VERNALE POOLS.
BOSTON IS A PRETTY LARGE CITY IN
TERMS OF PHYSICAL DIMENSIONS.
WE ARE LEFT WITH TWO VERNALE
POOL SITES.

ONE IN ALLENDALE WOODS AND WE
HAVE A GROUP IN THE STONY BROOK
PRESERVATION.

WHAT WAS SO AMAZING TO PEOPLE WE
COULD CASUALLY CONSIDER THE
IMMENSE DEVELOPMENT RUNNING OVER
GET LAND CONSIDERATIONS.

THIS IS WHAT WE NEED TO IMBED
INTO THE ORDINANCE THAT VERNALE
POOLS ARE PROTECTED.

BUFFER ZONES ARE NOT NEGOTIABLE.
ANOTHER KEY ASPECT, LAPAUL IS
KNOWLEDGEABLE ON THE BEST
PRACTICES AROUND VERNALE POOLS
IN TERMS OF TURNING IN THE
COMMONWEALTH AND AROUND THE
COUNTRY.

A KEY ASPECT OF THAT IN TERMS OF
VITALITY OF MAINTAINING AN
ECOSYSTEM.

A SEASONAL FRESH WATER POND
SUPPORTING AM FIBBIANS AND BIRD
AND A LOT OF OTHER LIFE.

IT'S BOY OWE MASS OFTEN EXCEEDS
AN AREA.

SAY WE HAVE A ONE ACRE POND.
THE BIO MASS IN THE VERBAL POND
WOULD EXCEED THE FOUR SURROUNDED
ACRES.

IT'S INCREDIBLY IMPORTANT IN
TERMS OF.

THAT WE NEED TO IMBED INTO THE
ORDINANCE THE PROTECTION OF THE

HABITATS AROUND THERE.
THE TYPICAL GUIDELINES PAUL HAS
MADE REFERENCE TO THE IN THE
PAST SHOWS IF YOU DON'T PROTECT
THE HABITAT THE PROTECTION OF
THE VERBAL POOL WILL GO FOR NOT.
OVERTIME THEY WILL DECLINE IF
YOU DON'T PROTECT THE HABITAT
AROUND IT THAT'S SOMETHING WE
WOULD LIKE TO SEE HAPPEN AROUND.
THAT THE OTHER THING WE WOULD
LIKE TO DO IS -- THERE IS
IMMENSE CONFUSION AND A LOST
LEGAL PLAY ON THE PART OF
ATTORNEYS OF DEVELOPERS TO BE
ABLE TO BYPASS AND CREATE
CONFUSION ON UPLAND ENFORCEMENT.
PARTICULARLY ON CENTER STREET
THIS PAST YEAR.
WE HAVE BEEN TOLD HISTORICALLY
THAT DEVELOPERS IN TERMS OF
LOOKING FOR WET LANDS IN
SECTIONS NEEDED TO GO AND MOVE
THROUGH THE NEIGHBORHOOD PROCESS
BEFORE GOING TO CONVERSATION
COMMISSION.
THEY BEGAN A CONVERSATION
COMMISSION.
CONVERSATION COMMISSION, THEY
GAVE A LOST TOUGH QUESTIONING IN
THOSE FIRST STEPS.
THE RESPONSE ON THE PART OF THE
ATTORNEYS WAS TO LOOK FOR THEM
TO APPROVE THE EXCEPTION FOR A
TECHNICAL FIX.
THE PROBLEM IS WE TALKED ABOUT
ONE OF THE LAST TWO VERBAL POOLS
IN BOSTON.
IT MAKES NO SENSE TO PUT THAT AT
RISK FOR WHAT IS NOT A
SIGNIFICANT DEVELOPMENT.
THE OTHER ASPECT OF THAT IS
THESE TECHNICAL FIXES.
THEY'RE EASY FOR THE DEVELOP
TORE PUT IN.
THEY REQUIRE THE CONDO
ASSOCIATIONS OFTEN BE ABLE TO
KEEP UP REALLY EXPENSIVE
MAINTENANCE ISSUES.
WHETHER THAT'S PERMEABLE
PAVEMENT, BIO SPILL TO BRING IN
FRESH WATERY COLONEL GIFT AND
LANDSCAPERS TO MAINTAIN THOSE OR
LIKE 1225 CENTER WE'RE LOOKING

AT SOPHISTICATED RUN OFF
MITIGATION EFFORTS.
ALL OF THOSE WILL TAKE DOLLARS
FROM A CONDO ASSOCIATION.
FOR THOSE LIVING IN A CONDO
ASSOCIATION WE KNOW IT JUST
TAKES A COUPLE OF NEIGHBORS NOT
TO AFFORD IT, MAY HAVE GOOD
REASON, BUT IN THOSE CASE WEZ
NEED TO IMBED IN THE ORDINANCE
IF WE MAKE EXCEPTION TO THAT THE
CONDO ASSOCIATIONS ARE OBLIGED
TO -- MAINTAIN AND IS ON GOING.
THOSE ARE THE THINGS THAT ARE
FORGOTTEN OVER DECADES.
THEN WHEN WE HAVE THE GREATER
PRECIPITATION EVENTS, THOSE
FUNCTIONS FAIL THEN WE HAVE THE
IMPACT THAT WE ARE CONCERNED
ABOUT. MY LAST POINT I WANTED TO
BE ABLE TO MAKE S I ALSO THINK
IT'S REALLY IMPORTANT THAT -
DISH WANT TO MAKE A STATEMENT
ABOUT THE IMPORTANCE OF FRESH
WATER WET LANDS IN THE UPLANDS
OF BOSTON.
I THINK THE ORDINANCE WILL BE
ABLE TO DO.
THAT WE HAVE TO BE ABLE TO GET
OUT OF THE GAME OF RELYING ON
CITIZEN GROUPS TO DO THE WORK OF
WHAT CITY AGENCIES SHOULD BE
DOING.
THERE ARE A FEW HUNDRED PEOPLE
IN THE ROSS EN DALE, WEST
ROXBURY AND JAMAICA PLANES AREAS
THAT HAVE SPENT \$5500 SO FAR AND
THOUSANDS OF HOURS OF THEIR OWN
TIME RAISING MONEY AND ATTENDING
NEIGHBORHOOD MEETINGS THEY
SHOULDN'T HAVE TO ATTEND.
THESE ARE SO OUTRAGEOUS AND SO
AGREEGIOUS WE HAVE TO BREAK THE
CULTURE.
THE PROBLEM IS IT CREATES A
MISTRUST OF CITY GOVERNMENT.
THE FEELING IS DEVELOPERS IN THE
CURRENT CULTURE HAVE NOW MOVED
WHERE THEY KNOW THEY CAN GET
WHATEVER, THE VARIANCES ARE
GRANTED SO LIBERALLY WE HAVE
STEPPED BACK TO THE 1970s
WHERE WETLANDS LAWS WERE
INTRODUCED AND EDUCATED.

NOW IN PRACTICE THEY'RE GOING
AFTER THE WET LANDS LAWS AS WELL
RESPECT TO BOSTON.

WE DON'T HAVE A LOT OF WET LANDS
TO BEGIN WITH.

WE SHOULD PROTECT WHAT WE.
HAVE THANK YOU FOR LISTENING.

>> THANK YOU, TONI.

APPRECIATE IT.

APPRECIATE YOUR WORK.

WOULD ANYONE LIKE TO TESTIFY
THAT HAS NOT SIGNED UP?

SPEAK NOW OR FOREVER HOLD YOUR
PEACE?

WELL I WANT TO THANKS, THANKS
EVERYONE FOR TESTIFYING, COMING
DOWN TODAY.

THANK YOU.

CARL, EMILIA, OUR SECOND
PANELISTS, THANK YOU JULIE WOOD
AND TONI FOR YOUR PUBLIC
TESTIMONY.

THANK YOU, COUNSELOR WU FOR YOUR
LEADERSHIP ON THIS ISSUE.

IT GOES WITHOUT SAYING I'M
ENORMOUSLY SUPPORTIVE, CONTINUED
EFFORTS AND WHATEVER THE NEXT
STEP WILL BE.

I HAVE A GOOD FEELING WHAT IT
WILL BE FROM YOUR PERSPECTIVE.

IT'S LIE SOMETIME THAT WE, I'M
PROUD TO PARTNER WITH YOU ON SO
MANY EFFECTIVE ENVIRONMENTAL
INITIATIVES.

THIS IS ANOTHER ONE GOING TO THE
GOAL.

AGREE WITH SO MUCH SAID BY
EXPERTS AND PANELISTS ABOUT THE
IMPORTANCE OF PROTECTING THESE.
FRESH WATER AND SALT WATER
WETLANDS.

OUR NATURAL BODIES OF WATER.
PARTICULARLY THOSE IN THE
OUTSIDE NEIGHBORHOODS.

HELLO COUNSELOR EDWARDS.

WE'RE WRAPPING UP IF YOU COULD
SAY HELLO.

THANK YOU FOR BEING HERE.

APPRECIATE THE EFFORTS AND KNOW
WE HAVE A LOST WORK TO DO AND
READY TO ROLL UP OUR SLEEVES AND
GET IT DONE.

THANK YOU, COUNSELOR FLYNN,

THANK YOU, COUNSELOR EDWARDS.

THANK YOU, ENJOY THE DAY.
IT LOOKS LIKE THE WEATHER MAYBE
COOPERATING NOW.
STAY DRY AND THIS HEARING IS
HEAR BY ADJOURNED.