



WELLESLEY WETLANDS PROTECTION COMMITTEE
RETREAT MEETING AGENDA (amended 1/10/23 at 2:50pm)
Kingsbury Room, Police Station, 485 Washington Street
Thursday, January 12, 2023, 3:00 – 5:00 p.m.

3:00 Meeting Open (Chair)

- a. What is Climate Resilience?
- b. What Does it Look Like in Wellesley?
 1. What Does the Data Say? [DPW/Blue Hills/Charles River Flood Model]
 2. What Do You See?
- c. Considering Options to Include Climate Resilience in Wetland Bylaw Regulations
- d. Considering General Bylaw changes to clarify the amount of a fine, the fine schedule, what constitutes a wetland offense (44.10. Enforcement); and who constitutes an enforcement agent (Article 52.B.1 General Provisions under G.L. c. 40, § 21D)

“To see if the Town will vote to amend the Town’s General Bylaw as follows:

1. Amend the fifth and sixth paragraphs of Article 44.10 “Enforcement” by deleting the language in strikethrough and adding the language in bold:

Whoever violates any provision of this bylaw, regulations hereunder, or permits issued hereunder, shall be punished by a fine of ~~not more than~~ \$300. Each day or portion thereof during which a violation continues shall constitute a separate offense, and each provision of the bylaw, regulations, or permit violated shall constitute a separate offense.

As an alternative to criminal prosecution in a specific case, the Committee may issue citations **in the amount of \$300 per offense** under the non-criminal disposition procedure set forth in G.L. c. 40§ 21D, as amended, which has been adopted by the Town in Article 52.

2. Insert a new Section 52.B.1.h. into Article 52 “Bylaw, Rule or Regulation Violations” as follows:

h. Wetlands Protection (Article 44)

[1] Enforcement agents: Wetlands Protection Committee and Wetlands Protection Agent.

[2] Fine schedule: first and subsequent offenses, three hundred dollars (\$300).”

- e. Considering WPC Regulation changes to clarify the amount of the fine and make other changes to align the regulations with the proposed bylaw changes. Specifically, amend Section 1.7(6) of the WPC’s Regulation by deleting the language in strikethrough and adding the language in bold:

(6) Enforcement Process

(1) Upon the Committee’s request, Town Counsel shall take legal action for enforcement under civil law. Upon the Committee’s request, the Chief of Police and/or Town Counsel shall take legal action for enforcement under criminal law. Municipal boards and officers, including any police officer or other officer having police powers, shall have the authority to assist the Committee with enforcement.

(2) As an alternative to ~~criminal prosecution in a specific case~~, the Committee **or the Wetlands Protection Agent** may issue citations under the non-criminal disposition procedure set forth in MGL Ch. 40, § 21D, as amended, ~~which has been adopted by the Town in Article 52 of its general bylaws~~. **Each of the following shall be considered a separate offense for purposes of Article 44.10 and Article 52.B.1.h of the General Bylaws:**

- a. **Alteration of ___ square feet of land without proper approvals, including filling of said land;**
- b. **Each tree with a ___ diameter at breast height cut or removed without proper approvals;**
- c. **Each violation of a permit or approval condition; and**
- d. **Failure to obtain any required approvals prior to performance of any work in the resource area.**

References: [Article 44: Wetlands Protection](#) and [Article 52: Bylaw, Rule or Regulation Violations: Non-Criminal Disposition](#)