**Summary of revisions to the proposed Hamilton Conservation Bylaw as printed in the Warrant, following the Hamilton Conservation Commission’s 16 March 2023 public meeting, and as voted by the Hamilton Conservation Commission on 23 March 2023.**

**Section 1 Purpose:**

* Line 6: Added “freshwater” before shellfisheries to clarify local relevance, so that the list of Resource Area values now reads: *“…public or private water supply, groundwater supply, flood control, erosion and sedimentation control, storm damage prevention, water quality, prevention and control of pollution, fisheries, freshwater shellfisheries, wildlife habitat, rare species habitat including rare plant and animal species, agriculture, aquaculture, and recreation values…”*
* Lines 8 and 12: Replaced the term “community” with “the Town of Hamilton” for clarity.
* Line 10: Shifted the following sentence up from Section 7: Permits and Conditions: *“In order to protect these Resource Area Values, the Commission shall take into account any loss, degradation, isolation, and replacement or replication of such protected resource areas elsewhere in the Town of Hamilton and the watershed, resulting from past activities, whether permitted, unpermitted or exempt, and foreseeable future activities.”*

**SECTION 2: Definitions:**

* #2, line 2: Removed extra space between “freshwater” and “wetlands”
* #2 line 4: Removed extra space between “bodies.” and “The”
* Deleted #5 definition of Genetically modified seeds, plants or micro-organisms (GMOs) as this definition is a) not unique in the context of this bylaw and b) not referenced anywhere else in the bylaw. The following text was deleted: ***“Genetically modified seeds, plants or micro-organisms”*** *are those organisms primarily used in agriculture which are created through the technique of artificial gene splicing.*
* #11 lines 4-9. Deleted the following text, to be moved into the Regulations: *“The surrounding vegetation and trees are vital to a vernal pool, with the canopy and other plant life eventually providing the dead leaves that spark the energy transfer in the food chain. Bacteria and other organisms feed on the detritus and decomposing organisms add important nutrients to the water. Studies have shown that removal of vegetation or disturbance of these areas, which range from 750 to 1,200 feet from the vernal pool, can wipe out the vernal pool populations.”*
* #11 line 4. Added – between 100 and foot (“100-foot")
* #11 A. Removed extra space between “fresh” and “water”.

**Section 6: Notice and Hearings:**

* Section A, line 1: Deleted “person filing” as this text was repeated twice.

**Section 7: Permits and Conditions**

* Section A, lines 6-9: Deleted the following text: “*The Commission also shall take into account any loss, degradation, isolation, and replacement or replication of such protected resource areas elsewhere in the community and the watershed, resulting from past activities, whether permitted, unpermitted or exempt, and foreseeable future activities.”* As noted above, this text was moved into Section 1 Purpose.
* Section B, lines 8-9: Deleted the following text: *“whenever it deems appropriate, regardless the type of resource area or the amount or type of alteration proposed. The decision shall be”*
* Section H, line 6: Deleted extra space between “one” and “year” and added “-“.

**Section 8: Regulations**

* Line 17: Shifted the following paragraph up from Section 14: Waiver from Regulations. *“All waiver requests must be in writing and no waiver request will be considered unless it is part of a complete Notice of Intent application. The waiver request will be denied unless the applicant shows that there is no alternative proposal which meets the requirements of these regulations, and the applicant must show that the granting of the waiver is consistent with the intent and purpose of this Bylaw and its Regulations. In addition, the applicant must demonstrate that a waiver is necessary to accommodate an overriding public interest or to avoid a decision that so restricts the use of the property as to constitute an unconstitutional taking without compensation. Applicants shall present documented evidence that site specific conditions of slope, vegetation, soil type, and water sources taken together with the applicant’s proposed plan are fully and entirely consistent with maintaining resource area quality and function. The Commission shall act on the request and shall provide to the applicant, either by certified mail or hand delivery, its written decision. A Waiver Request Form shall be promulgated as part of the Regulations to be developed under this Bylaw.”*

**Section 11: Enforcement**

* Line 16 replaced “shall” with “may”.
* Line 17 replaced “shall” with “may”.
* Line 19 replaced “shall” with “may”.

**Section 14: Waiver from Regulations**

* Line 1, sentence 1: The following text has been deleted and will be put into the Regulations. *“Waivers are not favored, and will not be granted, except in the most rare and unusual circumstances.”*
* The rest of this section (constituting 1 paragraph) has been moved up into Section 8: Regulations, as noted above. No further edits to the text have been made.

*“All waiver requests must be in writing and no waiver request will be considered unless it is part of a complete Notice of Intent application. The waiver request will be denied unless the applicant shows that there is no alternative proposal which meets the requirements of these regulations, and the applicant must show that the granting of the waiver is consistent with the intent and purpose of this Bylaw and its Regulations. In addition, the applicant must demonstrate that a waiver is necessary to accommodate an overriding public interest or to avoid a decision that so restricts the use of the property as to constitute an unconstitutional taking without compensation. Applicants shall present documented evidence that site specific conditions of slope, vegetation, soil type, and water sources taken together with the applicant’s proposed plan are fully and entirely consistent with maintaining resource area quality and function. The Commission shall act on the request and shall provide to the applicant, either by certified mail or hand delivery, its written decision. A Waiver Request Form shall be promulgated as part of the Regulations to be developed under this Bylaw.”*

* As a result of this move, there is no longer a stand-alone section in the proposed bylaw titled “Waiver from Regulations”.

**Section 15: Severability**

* Section renamed “Section 14” following the deletion of “Section 14: Waiver from Regulations”