

<http://www.wickedlocal.com/wayland/topstories/x1531249690/Letter-Support-articles-1-and-2-in-wake-of-NStar-clearing#axzz27eECAyWH>

Letter: Support articles 1 and 2 in wake of NStar clearing

By Scott Machanic [GateHouse News Service](#)

Posted Sep 30, 2012 @ 12:51 PM

WAYLAND —

TO THE EDITOR:

In the wake of NStar's clear-cutting of trees in our neighborhood and in other towns throughout the area, in an effort to prevent the same thing happening to others, and to protect trees, wildlife and other aspects of the environment, we began an effort to find a legislative solution on a local level. We discovered an existing model bylaw that had been drafted by the Cape Cod Commission, and we liberally borrowed from the model bylaw.

The article as drafted requires anyone who proposes to clear cut more than 20,000 square feet of land (about half an acre), in any one year, to obtain a special permit from the Planning Board.

Agricultural uses are exempted, as are removal of hazardous trees, and construction of roadways for approved subdivisions.

The article limits the percentage of vegetation that can be removed to 50 percent in agricultural areas, 25 percent in residential areas, 40 percent in commercial areas, and (most importantly to the petitioners) 25 percent in rights of way maintenance areas in residential areas.

The article also requires the applicants submit detailed plans showing sensitive areas in the land to be cleared, and to justify why the trees need to be removed, rather than cut.

The article also requires a demonstration of efforts to prevent erosion after the trees are removed.

The article will not impact most homeowners, as it will be unusual that any of us would undertake to clear a half-acre in any year. Furthermore, if we do desire to cut more than a half acre, it could be done over a two-year period.

Rather, the article would likely impact utilities seeking to clear cut a right of way, and developers who seek to completely clear a proposed development site (and later replant trees) to save expense, rather than save existing trees.

We ask all of you to attend the special Town Meeting, and support Article 1.

In addition, please support Article 2 as well. As many of you know, the town's Meadowview wells is within the area where NStar clear-cut trees on its right of way. NStar proposes to prevent regrowth of vegetation by application of herbicides.

Currently, we have no procedures to do anything about it. The law does not permit any town from regulating application of herbicides or pesticides – only our state or federal governments may currently regulate in those areas.

However, we are not completely powerless. In the same decision that ruled that towns may not regulate applications of herbicides, our Supreme Judicial Court ruled that towns may hold hearings to determine whether a proposed application is in fact being properly undertaken and conforms to legal requirements.

Article 2 establishes a hearing mechanism before the Board of Health, at which a utility would have to present evidence that its proposed application in fact complies with legal requirement, that it will be done by competent applicators, using correct chemicals, and will be applied properly, utilizing required safeguards.

The warrant forwarded contained typos with respect to the legal opinion of town counsel. It is his opinion that, as drafted, the article improperly allows the town to regulate herbicides and pesticides. However, it appears that counsel agrees the hearing mechanism is legal, and the petitioners are working with counsel to produce an amendment to the article that will fully comply with the law, providing a different enforcement mechanism, through the appropriate state authority, rather than by direct action of the town.

The article will protect our safety and the safety of our drinking water. It will not restrict any activities by our private citizens.

We urge you to attend special Town Meeting, and to support Article 2. – **Scott Machanic, Meadowview Road**