and interested parties. Within 21 days after closing the hearing, the Wetlands Protection Committee will issue a permit called an Order of Conditions or will deny the application, stating reasons for doing so.

To expedite the permit process, applicants should consult with appropriate offices and agencies to determine *in advance* what other local, state, and federal permits are required.

WHAT ARE THE PENALTIES FOR VIOLATING THE WETLANDS PROTECTION ACT?

Violations are punishable by fines up to $1000 and/or imprisonment up to six months for each day of continuing violation. The Department of Environmental Protection is also empowered to assess administrative fines up to $25,000. The current property owner is responsible for compliance with the law, including remedial actions which may be required.

If you see a wetlands violation in progress, please contact the Conservation Administrator immediately.

WHAT DO I DO IF I DISAGREE WITH A WETLANDS PROTECTION DECISION?

The applicant, property owner, any aggrieved person, abutter, a group of ten residents, or the Department of Environmental Protection (DEP) may appeal a Wetlands Protection Committee decision or failure to act. Appeals are made to the DEP's regional office in Woburn. The Conservation Administrator can tell you about the appeal process or DEP regulations can be consulted.

WHAT DO I DO IF I AM CONCERNED ABOUT SOMEONE ELSE'S PROJECT?

Contact the Conservation Administrator or attend a Wetlands Protection Committee meeting and state your concerns. The public hearing is your legal opportunity to be heard.

Anyone, not just the landowner, may request a Determination of Applicability from the Wetlands Protection Committee to obtain a decision as to whether an area is protected or not. The property owner's consent is not required.

WHAT IS THE WETLANDS PROTECTION COMMITTEE?

The Wetlands Protection Committee (WPC) is a five-member board of volunteers appointed by the Natural Resources Commission for their interest, expertise, and willingness to conduct multiple site visits. Other interested citizens may be appointed as Associates. The Conservation Administrator serves as professional staff for the Wetlands Protection Committee.

HOW DO I GET MORE INFORMATION AND ASSISTANCE?

Contact the Conservation Administrator in the Natural Resources Commission (NRC) office in the lower level of Town Hall. The Wetlands Protection Act and its regulations may be consulted there. Copies of the regulations (310 CMR 10.00) may be purchased from the State Bookstore, State House Room 116, Boston, MA 02133; telephone (617) 727-2834.

Town of Wellesley
WETLANDS PROTECTION COMMITTEE
Town Hall, 525 Washington Street
Wellesley, MA 02181
(617) 431-1019 Ext. 294

WETLANDS AND FLOODPLAINS IN WELLESLEY

What you should know about the Wetlands Protection Act

ARE WETLANDS AND FLOODPLAINS PROTECTED IN WELLESLEY?

YES, UNDER STATE LAW AND LOCAL BYLAW. The Massachusetts Wetlands Protection Act (Chapter 131 Section 40 of the General Laws) prohibits altering land, water or vegetation in wetlands, floodplains or areas within 100 feet of wetlands without a permit from Wellesley's Wetlands Protection Committee (WPC). Another state law, the Inland Restricted Wetlands Act (M.G.L. Ch.131 §40A) gives special state-level protection to 14 designated wetlands in Wellesley.

Wellesley's Zoning Bylaw helps to protect local wetlands and floodplains. Section XIVB of the Zoning Bylaw establishes Floodplain and Watershed Protection Districts for major ponds and streams. Section XIVE establishes two Water Supply Protection Districts. A Special Permit from the Zoning Board of Appeals is required for work in these zoning districts.

WHY ARE WETLANDS AND FLOODPLAINS PROTECTED?

Wetlands sustain environmental quality. They provide flood storage and serve as buffers against storm damage, as filters for sediment and pollutants, as habitat for fish and wildlife, and as groundwater recharge and discharge areas. They are essential to pond levels, stream flows, and our drinking water supply. During the past century about half of New England's wetlands have been filled. The cost is degraded drinking water quality, increasing flood damage, and depleted fish and wildlife populations.

Floodplains are protected because they store flood waters, mitigate flood peaks, and provide wildlife habitat. Vernal ponds located in floodplains provide breeding habitat for amphibians and endangered species.

Without wetlands and floodplains, dams, dikes and water treatment plants have to be built at great public expense to clean up water pollution and to prevent storm damage to homes and businesses. Wetlands and floodplains do the job at no cost and shelter wildlife into the bargain.

HOW ARE PROTECTED AREAS IDENTIFIED?

The Wetlands Protection Act defines four protected areas: *Banks, Land Under Water, Bordering Vegetated Wetlands*, and *Land Subject to Flooding.*

Land Under Water includes ponds, lakes, rivers, streams, and some seasonal streams. *Banks* extend up to the first observable break in slope or to the mean annual flood level, whichever is lower. *Bordering Vegetated Wetlands* include marshes, swamps and wet meadows defined by wetland indicator plants such as red maple, skunk cabbage, high bush blueberry, speckled alder and sensitive fern. Soil types may also be used.

Land Subject to Flooding includes 1) isolated land, and 2) land bordering on wetlands. *Bordering Land Subject to Flooding* includes land abutting banks, land under water, and bordering vegetated wetlands within the 100-year storm elevation. *Isolated Land Subject to Flooding* includes kettleholes and other isolated depressions which hold a minimum of 10,890 cu.ft. of water to an average depth of six inches at least once a year.

HOW DO I FIND OUT IF MY PROPERTY LIES IN OR NEAR A WETLAND OR FLOODPLAIN?

Contact the Conservation Administrator to obtain information and assistance. Large or difficult projects may need the services of a botanist, engineer, and/or surveyor.

The Conservation Administrator can also give you information on 100–year flood elevations, based on the Federal Flood Insurance rate maps and on more recent town engineering studies.

WHAT ACTIVITIES ARE REGULATED?

Any activity which may "remove, fill, dredge, or alter" a wetland, the 100–year floodplain, or land within 100 feet of a wetland is regulated. Regulated work includes construction of all types, tree-cutting, clearing of vegetation, and soil regrading.

WHAT DO I DO IF I WANT TO WORK IN OR NEAR WETLANDS?

Contact the Natural Resources office in the lower level of Town Hall. The Conservation Administrator will explain the Department of Environmental Protection (DEP) regulations and the standards which must be incorporated into your project design for permit approval.

There are two procedures available. The simplest is to request a Determination of Applicability. This procedure is used to find out whether a specific parcel of land is protected or if a planned activity is significant. A public hearing will be advertised at the applicant's expense. The Wetlands Protection Committee will hold the hearing and decide within 21 days whether the Wetland Protection Act does or does not apply. If it does, an application called a Notice of Intent is required. If it does not, the work may proceed without a permit so long as plans do not change.

An applicant may choose to skip the Determination procedure and proceed with a Notice of Intent. Upon receipt of a complete Notice and filing fee, the Wetlands Protection Committee will hold a public hearing. Legal notice is published at the applicant's expense, and special notice is given to abutters