

What must I do if I'm planning work in or near a wetland?

First, you should contact Wellesley's Conservation Administrator for information on how the laws can affect your project and for help in identifying areas of wetlands on or near your property. The Administrator is in the Natural Resource Commission (NRC) office in Town Hall, and can be reached at 781-431-1019, ext. 2292.

Then consult regulations in the State Act and the Wellesley Wetlands Protection Bylaw: these specify the standards your project design must incorporate. You should use these performance standards as your planning guide.

If your plans include work within the jurisdiction of the wetlands laws, the wetlands must be delineated and mapped. A number of engineering, surveying, and wetlands consulting firms provide these services for a fee. Sometimes services of a botanist or ecologist are needed.

Judgments on your project will be made by the Wellesley Wetlands Protection Committee. If the Committee finds that your project impacts a wetland resource area, you must file a formal application, called a *Notice of Intent*. You then notify abutters and near neighbors and present your proposal at a public hearing, usually within 21 days of filing. Once the hearing is closed, the Committee must issue its decision within another 21 days. This decision usually takes the form of an *Order of Conditions* that stipulates specific conditions that the project must meet. If your project does not meet the standards, the Committee will deny your proposal.

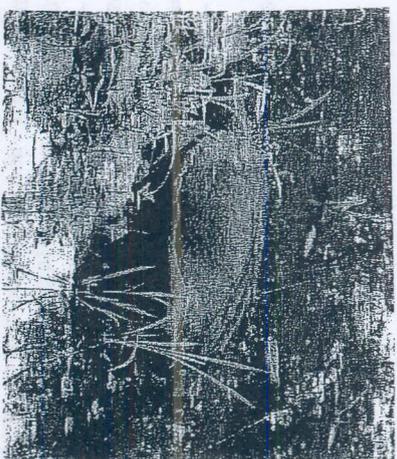
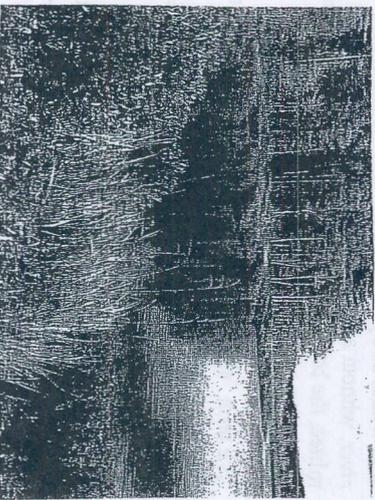
Under the state Act, you may appeal the Order of Conditions within 10 days. Abutters, ten residents of the community, or the Massachusetts Department of Environmental Protection (DEP) can also appeal within those 10 days. Appeal is first to the regional office of the DEP, which will issue a *Superseding Order of Conditions*. Further appeals are possible, to the central office of the

DEP and then to Superior Court. Appeal of decisions under the Wellesley Bylaw is to Superior Court only.

There is a simplified application process for small projects in buffer areas that do not appear to have a wetland's impact. With this process, you file a *Request for Determination of Applicability*. If the Wetlands Protection Committee agrees that a permit is not required, it will allow the project to proceed and issues a negative *Determination of Applicability*. A positive Determination means that you are required to file the *Notice of Intent* permit application.

What are the penalties for violating wetlands protection laws?

Violations of the state Wetlands Protection Act are punishable by a fine of up to \$25,000 and two years in prison. Under the Town Bylaw, the maximum fine is \$300 each day of violation. In addition, a landowner is usually required to restore any illegally altered land to its original condition.



How can I get more information?

Contact the Conservation Administrator for the Wetlands Protection Committee at Town Hall (781-431-1019 ext 2292) or a consultant engineer. The Natural Resources Commission section of the Town of Wellesley website, www.wellesleyma.gov/nrc has links to key wetlands information, including the laws, regulations, and application forms. You also can view them at the Natural Resources Commission office in Town Hall. You can purchase copies of the State Act as well as the Regulations for its Administration (310 CMR 10.00) at the State House Bookstore or from the Massachusetts Association of Conservation Commissions (617-489-3930).

Town of Wellesley
WETLANDS PROTECTION
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WELLESLEY

WETLANDS

PROTECTION BYLAW:

How they protect our wetlands
and what they mean to you



The Massachusetts Wetlands Protection Act, General Law Ch. 131 Sec. 40, prohibits any filling, excavation or other alterations of land surface, water levels, or vegetation in wetland resource areas, regardless of ownership, without a permit from the local Conservation Commission (in Wellesley, the Wetlands Protection Committee).

The Wellesley Wetlands Protection Bylaw (Article 44) supplements the State Act by including additional areas and activities, providing for application and consultant fees, and allowing for local enforcement.

What areas are protected?

These laws protect a 200-foot riverfront area that extends from each bank of every river and stream having a year-round flow. Other stream banks, as well as ponds, vegetated wetlands, and vernal pools are protected by a 100-foot buffer area.

You may think of a wetland as a marsh filled with cattails, but the "wetland" or a "wetland resource area" that state and town law legally protects include wet meadows, red maple swamps, vernal pools, streams, rivers, ponds and certain adjoining areas. Floodplains also fall under these protections.

Definitions for types of wetlands are given in the State Act and the Wellesley Bylaw. Vegetated wetlands, for instance, are defined by the abundance of wetland vegetation and the character of the soil.

Why are wetlands important?

Left in a natural state, the benefits of wetlands are numerous and extend far beyond providing habitats for wildlife. The economic benefits are tangible; wetlands protect roads and buildings from storm damage, contain flooding, trap pollution and recharge ground water aquifers. The loss of over half of the country's wetlands to development can be seen all too clearly in flooded homes and degraded water supplies.

Wellesley's wetlands – directly or indirectly – impact the town water supply, both as water sources and as natural purification systems. Before passing water on, Town wetlands act as natural settling ponds - where soils and vegetation trap sediments and bind pollutants or chemically break down pollutants into non-toxic compounds. Sediments under marsh vegetation also serve as natural water purification systems, absorbing chlorinated hydrocarbons and heavy metals such as lead, copper and iron. Wetland plants take up nitrogen and phosphorous compounds that promote nuisance plant growth in Morres Pond and other fresh water bodies in warm weather, and release them in winter, when they are less likely to harm the environment.

Lands subject to flooding in Wellesley are protected because they soak up rainwater and then gradually release it back into streams and ground water. Each driveway that is paved in these areas reduces the capacity of the soil to drink up rainwater and increases the likelihood of flooding.

Banks, which are also protected by both the State Act and Town Bylaw, serve as buffers against storm damage. Vegetated banks bind the soil and reduce erosion caused by surface water flow.

Buffer zones and riverfronts play a vital part in protecting Wellesley's wetlands and water bodies. Construction and other alterations in these areas affect the wetlands – either immediately or over time. Particularly troublesome are impervious areas and chemically treated lawns

The crucial role wetlands play in providing food, protective cover and nesting areas for wildlife is evident in Wellesley's ponds, streams and surrounding buffer zones. Perhaps less evident are the role banks and streambeds play as microhabitats for numerous small aquatic animals and invertebrates. The wood frog and other amphibians breed in small, seasonally flooded areas, called vernal pools. Vernal pools form throughout parts of Wellesley in the spring.

What activities are prohibited and what are permitted?

Under the State Act and Town Bylaw, you cannot remove, fill, dredge, build upon, or alter any vegetated wetland, floodplain, bank, land under a water body, land within 100 feet of a wetland, or land within 200 feet of a perennial stream or river, without a permit from the Wetlands Committee, the body that Wellesley created to oversee and enforce its Wetlands Protection Law.

The term "alter" covers destruction of vegetation, changes in drainage characteristics or flow patterns, changes in water quality or characteristics, dumping, and placing of any kind of structures. Practically, this means that if you are in a protected area and plan a project – whether it is adding a deck or a pool or removing a tree or planting roses – you probably will need a permit.

The Wetlands Protection Committee will permit projects that can be implemented *without harming the wetland values*, as long as they meet stipulated conditions that guarantee the protection of those values. Projects that cannot meet the standards and applications with insufficient information will be denied.

The performance standards that projects must meet are detailed in the Town Bylaw and the State Act. The Town Bylaw is on the Town of Wellesley Website, and it provides links to the State Act.

Certain activities are exempt from these provisions. Maintenance of conditions that existed before permits were required, for example, is exempt, as are certain agricultural activities and specified minor projects within riverfront and buffer areas. Types of project that can be permitted without fully complying with performance standards, however, are very limited: even emergency projects are not entirely exempt. These exempted projects are listed in the state and town laws and regulations.

How can I identify protected areas and their boundaries?

Some wetlands, such as streams, ponds, bogs, and cattail marshes are easily recognizable. Identifying other wetland areas can be more difficult. Some flood-prone land can be readily identified through floodplain maps issued by the Federal Emergency Management Agency under the national flood insurance program. Wellesley, however, has studied, identified and protected additional flood-prone areas along streams, ponds, lakes and other low-lying areas.

The Wetlands Protection Committee can help you determine wetlands or areas subject to flooding that are near or on your property. So can many surveyors.

A landowner or other interested party needing binding wetland identification or delineation – often before planning a major project – can request an *Order of Resource Area Delineation* from the Wetlands Protection Committee. A surveyed plan of the area is usually required.

