

RIVERFRONT AREA

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WHAT IS A "RIVERFRONT AREA"?

The Riverfront Area includes the land within 200 feet of the bank (or mean annual high water line, "MAHWL") of a river or major stream. "River" is very broadly defined as "a natural flowing body of water that empties into any ocean, lake or other river and which flows throughout the year," regardless of size, and so includes many streams.

The Rivers Protection Act of 1996 expanded the jurisdiction of the Wetlands Protection Act (MGL Ch. 131 §40) by regulating activities within a new wetland resource area, referred to as the "Riverfront Area."

WHY ARE RIVERFRONT AREAS SO IMPORTANT?

Riverfront Areas provide many free services to the community and to the environment. The Riverfront Area, in its natural condition, provides a natural flood storage area, slows down surface water runoff, and can limit flooding and damage caused by storm events. Rivers, including their abutting 200-foot upland areas, are important wildlife habitat areas, providing food, shelter, breeding sites, migration, and overwintering areas, for both wetland and upland species of mammals, birds, reptiles and amphibians.

The Wetlands Protection Act identifies eight protected riverfront interests, including: flood control, prevention of storm damage, prevention of pollution, fisheries, land containing shellfish, groundwater, public or private water supply, and wildlife habitat.

WHAT ACTIVITIES ARE REGULATED IN A RIVERFRONT AREA?

Under the Wetlands Protection Act, no one may "remove, fill, dredge or alter" the 200-foot Riverfront Area (or other wetland resource or buffer) without a permit from the Wetlands Protection Committee. The term "alter" includes destruction of vegetation, changes in drainage characteristics or flow patterns, changing water quality or characteristics, dumping, and placing of structures. Certain minor activities specified in the Act's regulations (listed below), are exempt from review.

WHAT MUST I DO IF I PLAN ACTIVITIES WITHIN A RIVERFRONT AREA?

For proposed activities within the 200-foot Riverfront (or within another resource area), an Order of Conditions (a wetlands permit) from the Wellesley Wetlands Protection Committee is required. To apply for an Order of Conditions, you will need to submit a Notice of Intent (a wetlands application also called a "NOI"), with plans to illustrate your proposed project and the site's "resource areas." You may need the assistance of an environmental professional to

prepare your NOI application and/or your proposed project's plans. As a courtesy (and not a recommendation), the NRC office has a list of environmental consultants who have worked well with the Wetlands Protection Committee in the past.

After submitting an NOI, the Committee's staff will schedule a public hearing (within 21 days), and post a legal notice in the Wellesley Townsman for the proposed project. The Wetlands Administrator will then review the application and visit the proposed project's site. After the NOI hearing has been closed, the Committee will make its decision and issue an Order of Conditions (wetlands permit) within 21 days.

The Order of Conditions ("Order") will either approve the project and include specific construction requirements (to protect the Riverfront area), or deny the project if the proposed project does not meet the performance standards (created to protect resource areas) of the State Wetlands Protection Act ("Act") and/or the Wellesley's Wetlands Protection Bylaw ("Bylaw"). A denial may also result from the submission of an inadequate, or incomplete, NOI application. The Applicant, the abutters, or the DEP, may appeal the Committee's decision (1) under the Act within 10 business days (to the DEP), or (2) under the Bylaw within 60 calendar days (to Superior Court).

WHAT STANDARDS MUST MY PROJECT MEET?

The Act's regulations include eight interests, identified for Riverfront Areas, which must be protected. The applicant must show (1) that the proposed project will protect these interests and (2) that there is no practicable and substantially equivalent economic alternative with less adverse effects on the interests. Consult the Department of Environmental Protection ("DEP") regulations, 310 CMR 10.58, which contain specific standards that you must incorporate into your proposed project's design.

WHAT PROJECTS ARE EXEMPT FROM THE RIVERFRONT REQUIREMENTS?

Exemptions from the Rivers Protection Act include:

» Structures in existence on August 7, 1996, and their maintenance.

» The following minor activities:

Unpaved walkways for private use;

Fencing, *provided* it will not impede wildlife movement;

Vista Pruning - the selective thinning of tree branches or understory shrubs to create a "window" to improve visibility - as long as it occurs more than 50 feet from the mean annual high water line within a riverfront area or from a bordering vegetated wetland, whichever is farther away.

(*This does not include* the cutting of trees which reduces the leaf canopy to less than 90% of the existing crown cover or the mowing or removal of understory brush.)

Planting of native vegetation;

Conversion of lawns to accessory uses for single family houses (decks, sheds, patios, pools), *provided* they are more than 50 feet away from the river;

Conversion of impervious surfaces to vegetation; *provided* erosion control is used during construction; and

Temporary planning and design activities *having negligible impacts*.

» Activities covered under Chapter 91 waterways licenses.

» Other exemptions, of less interest to homeowners, are also listed in the Regulations (310 CMR 10.58(6)).

HOW CAN I FIND OUT MORE INFORMATION?

If you need additional information, please feel free to contact Julie Meyer, Wetlands Administrator at jmeyer@wellesleyma.gov, or you can visit and/or schedule an appointment with her (in the NRC's Office in Lower Town Hall).

This website also contains downloadable application forms and useful website links.