



Protecting Wetlands in Massachusetts

Wetlands are found throughout the state from the Atlantic coast to the Berkshires. Wetlands help clean drinking water supplies, prevent flooding and storm damage, and support a variety of wildlife.

While we now recognize the benefits of wetlands, that recognition has come late. Since Colonial times, almost one third of Massachusetts' wetlands have been destroyed. Concerned about the loss of wetlands, Massachusetts adopted the nation's first wetlands protection laws in the early 1960's. Today wetlands are protected by state and federal laws.

Wetlands Protection Program

The Wetlands Protection Act protects wetlands and the public interests they serve, including flood control, prevention of pollution and storm damage, and protection of public and private water supplies, groundwater supply, fisheries, land containing shellfish, and wildlife habitat. These public interests are protected by requiring a careful review of proposed work that may alter wetlands. The law protects not only wetlands, but other resource areas, such as land subject to flooding (100-year floodplains), the riverfront area (added by the Rivers Protection Act), and land under water bodies, waterways, salt ponds, fish runs, and the ocean.

At the local level, the community's conservation commission administers the Wetlands Protection Act. The commission is a volunteer board of three to seven members appointed by the selectmen or city council. On the state level, the Department of Environmental Protection (DEP) oversees administration of the law. DEP develops regulations and policies, and provides technical training to commissions. DEP also hears applicants' appeals of decisions made by commissions.

The conservation commission ensures that proposed activities will not alter resource areas and the public interests they provide by reviewing projects on a case-by-case basis according to regulations. The regulations describe how each type of resource area provides one or more of the public interests. The regulations also spell out the type and extent of work allowed in resource areas. Proposed work must meet these standards. This information helps landowners and developers plan their work and helps commissions apply the law to specific projects.

The law regulates many types of work in resource areas, including vegetation removal, regrading, and construction of houses, additions, decks, driveways, and commercial or industrial buildings. If you want to work in a wetland resource area or within 100 feet of a wetland (an area called the buffer zone), contact the conservation commission before you start work.

If you are unsure whether your proposed work site is in a resource area or whether the work will alter a resource area, you can apply for a Request for Determination of Applicability. If the conservation commission determines that the work will alter a resource area, you must file an application, called a Notice of Intent (NOI), and pay an application fee.

The NOI requires a plan describing the details of the proposed project, location of the wetland resource areas and buffer zones, and measures to be taken to protect them. This information can be found in the regulations and application instructions. Contact the conservation commission for guidance on the content and detail needed in plans.

The commission will visit the site to verify the resource area boundaries on the property. At a public hearing on the project, the applicant may present information and abutters and other members of the public may ask questions.

Following the hearing, the commission will issue a permit, called an Order of Conditions. The Order will either approve the project with special conditions that will protect the public interests or deny the project if impacts to resource areas cannot be avoided or mitigated.

The applicant, landowner, any aggrieved person, abutter, group of 10 citizens, or DEP may appeal the local commission's decision to DEP.

Local Wetlands Bylaws

Over 200 of 351 Massachusetts communities have local wetlands protection bylaws in addition to the state and federal laws described here. Contact the conservation commission at your city or town hall for more information about local town bylaws.

***For more information about** Wetlands laws in Massachusetts, call the conservation commission at your city or town hall or call MassDEP's Wetlands Protection Program in Boston at 617-292-5500 or MassDEP's Regional Service Centers at:

- Northeast (Wilmington): 978-694-3200
- Southeast (Lakeville): 508-946-2714
- Central (Worcester): 508-792-7683
- Western (Springfield): 413-784-2214

*Information taken from: <http://www.mass.gov/dep/water/resources/protwet.htm>