

Wetlands Protection Bylaws

What are the Objectives of a Local Wetlands Protection Bylaw?

To increase community control over activities that impact wetland areas not regulated by the Massachusetts Wetlands Protection Act. Although the Wetlands Protection Act does offer communities an opportunity to protect wetland areas, it is too broad-based to address specific community concerns generated by development activities.

Why do we need Local Wetlands Protection Bylaws?

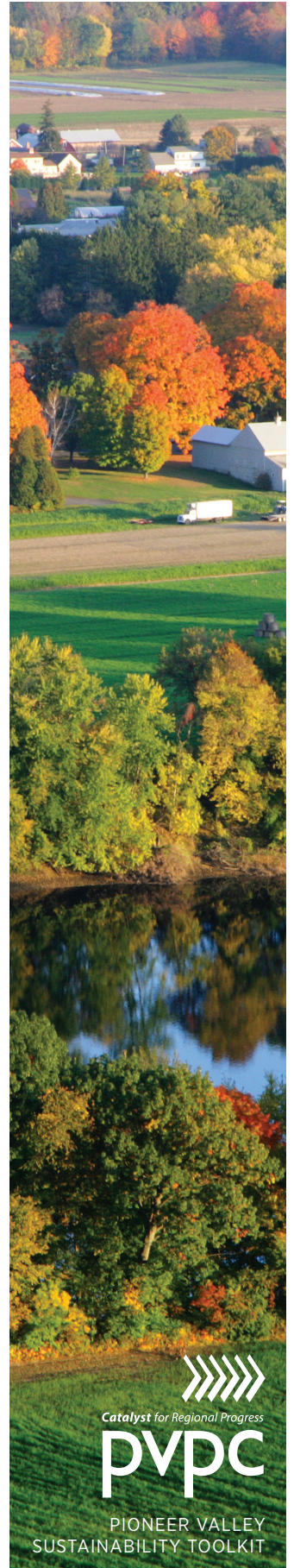
The 1968 Inland Wetlands Protection Act regulates dredging, filling, removing, and altering of wetlands. The Wetlands Act Amendments increased the scope of wetlands protected by the Act, including the addition of wildlife habitat as an interest of the Act. However, communities may desire additional control to address specific community concerns dealing with wetland areas.

Did you know that wetlands serve the following physical/hydrological functions?

- a) Flood Control
- b) Coastal Protection
- c) Ground Water Recharge
- d) Sediment Traps
- e) Atmospheric Equilibrium

Did you know that wetlands serve the following Chemical functions?

- a) Waste Treatment/Pollution Interception
- b) Biogeochemical Cycling



How do Local Wetlands Protection Bylaws Work?

A local wetlands protection bylaw could provide local regulation and greater protection of wetlands in the following areas:

- » Provide Conservation Commission jurisdiction over all isolated wetlands (i.e., vernal or seasonal ponds with amphibian habitat), some of which are currently unregulated by the Massachusetts Wetlands Protection Act;
- » Establish a one-hundred foot buffer zone (afforded by the Act to many wetland resource areas) for land subject to flooding;
- » Provide greater protection for wetland values such as recreation, aesthetics, erosion control, and wildlife which are not regulated by the Act;
- » Increase coordination between town boards on wetlands protection;
- » Define the required contents of a Notice of Intent;
- » Establish a system of fees based upon the complexity of a project, and difficulty of review.



Wetland area in Goshen; Source: PVPC

HOW AND WHERE ARE WETLANDS PROTECTION BYLAWS WORKING IN MASSACHUSETTS?

Case Study from the Pioneer Valley

Town of Belchertown

The Town of Belchertown in Hampshire County adopted a wetlands protection bylaw in 1989. The Wetland Protection District in Belchertown is an overlay protection district that applies to all lands within 100 feet of a wetland resource area as defined under MGL Ch. 131, Section 40, the Wetlands Protection Act, and Chapter 139, Wetlands Protection, of the Code of the Town of Belchertown. The purpose of the bylaw is to: (a) protect citizens from flooding, poor drainage, reduced property values, impaired water supplies and threats

to health and safety in wetlands and along streams and other watercourses; and (b) to complement the provisions of the Massachusetts Wetlands Protection Act, MGL Ch. 131, Section 40. Essentially, all uses in the underlying zoning districts whether by right or by special permit are still allowed. However, applicants have to submit to the Building Inspector the original or a certified copy, in addition to other requirements for a building permit, of: (a) a negative determination of applicability of the Massachusetts Wetlands Protection Act, MGL Ch. 131, Section 40, issued by the Conservation Commission, as described in that Act; or (b) an order of conditions, as defined in the Wetlands Protection Act, issued by either the Belchertown Conservation Commission or the Massachusetts Department of Environmental Protection, covering the proposed structures and related improvements.

A model bylaw or strategy is included in the Pioneer Valley Sustainability Toolkit.

FOR MORE INFORMATION, PLEASE CONTACT

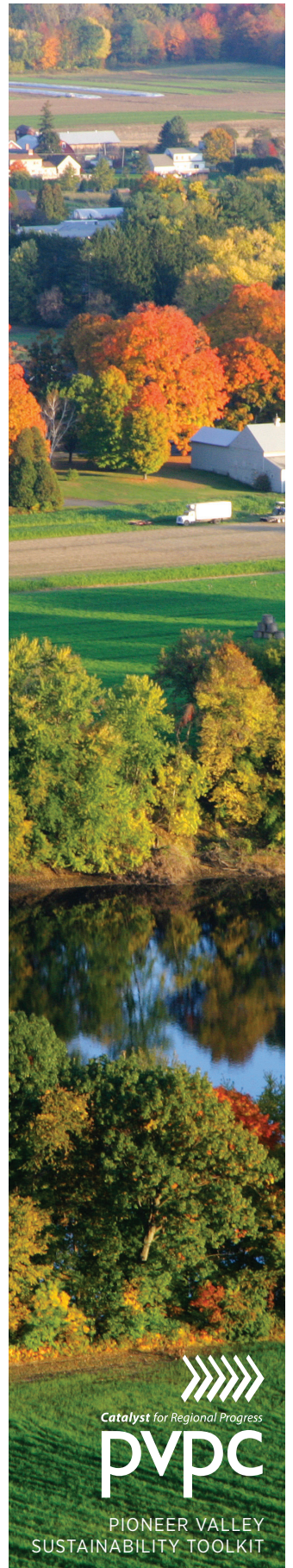
Pioneer Valley Planning Commission

413-781-6045

60 Congress Street, Floor 1

Springfield, MA 01104-3419

www.pvpc.org



Catalyst for Regional Progress

PVPC

PIONEER VALLEY
SUSTAINABILITY TOOLKIT