

# Wetlands Bylaws

## WHAT ARE THE OBJECTIVES OF A LOCAL WETLANDS BYLAW?

To increase community control over activities in or near wetland resource areas by imposing stronger protective measures, or increase the jurisdictional area, than the Massachusetts Wetlands Protection Act (G.L. Ch. 131 §40). Although the Wetlands Protection Act does offer communities an opportunity to protect river areas, additional regulation may be needed to protect water supplies hydrologically connected to wetlands.

## WHY DO WE NEED LOCAL WETLANDS BYLAWS?

Wetlands are rich ecological areas, providing habitat for a diverse array of birds, amphibians, plants, and animals. Preserved wetlands and woodlands provide significant public health benefits in the form of clean drinking water, groundwater recharge, healthy fisheries, and recreational areas.

The Wetlands Protection Act is limited to protecting only eight wetland values and covers vegetated wetlands, flood prone areas and other listed resource areas if they border bodies of water. Vernal pools are protected only if they occur in resource areas. Communities usually wish to regulate work over more resource types including isolated vegetated wetlands, vernal pools, and other resources not linked to water bodies and also including adjacent upland areas, work on which may affect wetlands and floodplains.

### Did you know that local wetlands bylaws can:

- » Expand Conservation Commission jurisdiction
- » add wetland values warranting local protection
- » Tighten permit and hearing procedures
- » Establish filing and consultant fees
- » Confer authority on the Commission to adopt its own regulations, and
- » Clarify the power to disapprove work in or affecting wetlands and floodplains.

## HOW DO LOCAL WETLANDS BYLAWS WORK?

Local Wetland Bylaws are generally administered by the local Conservation Commission in tandem with their local administration of the Wetlands Protection Act. Both state and local standards must be observed. If the municipality holds a dual hearing, for example, I must be advertised, mentioning in the notice both the local law and state Act. If the terms of the two permits differ, this must be made clear in the text of each.



# HOW DO LOCAL WETLANDS BYLAWS PROTECT WATER SUPPLIES?

Many lakes, rivers, and aquifers are important local sources of drinking water and require special protection. Open space adjacent to water bodies and over aquifers can help assure good water quality as well as recharge groundwater supplies. Vegetated uplands and wetlands in these watersheds filter pollutants and collect sediments from stormwater running across the land surface.

# HOW AND WHERE ARE WETLANDS BYLAWS WORKING?

More than half of the 351 towns and cities in Massachusetts have adopted local wetlands bylaws or ordinances, taking a variety of approaches and using different formats (MACC, 2006).

## CASE STUDY: CITY OF NORTHAMPTON, MA

The City of Northampton adopted a local Wetlands Bylaw administered by the Conservation Commission that includes Smart Growth principles encouraging infill development and a smaller environmental footprint in business and industrial zoned districts. Such provisions allow the Conservation Commission to waive performance standards over and above the state Act for such districts.

## RESOURCES

Environmental Handbook for Massachusetts Conservation Commissioners, MACC, 2006

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## FOR MORE INFORMATION, PLEASE CONTACT

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