

My Property Has Wetlands ! What Does that Mean ?

You may need a wetland permit to do work. Any land altering activities within wetlands, within the 100-foot buffer zone of a wetland, seasonal stream, or pond, or within 200-feet of a perennial stream must be permitted by the Conservation Commission under the Massachusetts Wetlands Protection Act (WPA) and its regulations (310 CMR 10.00). Such activities include cutting perennial vegetation, expanding a lawn, new paving, changing grading, exterior demolition, and exterior. Some “minor activities” are exempted by the regulations.

There are 3 application options (and 3 possible permits)

1. Request for Administrative Approval → *Administrative Approval*: For some minor or emergency projects.
2. Request for Determination of Applicability (RDA) → *Determination of Applicability (DOA)*: For some small projects no possible adverse impact on the wetland.
3. Notice of Intent (NOI) → *Order of Conditions (OOC)*: For medium or large projects with noticeable disturbance.

To get a wetland permit:

1. You may need to hire professionals to help. A [checklist of the process](#) is available on the ConCom website.
 - Wetland scientists to delineate and flag wetlands and can help with applications.
 - Surveyors, engineers, and landscape designers create plans showing existing and proposed conditions: wetlands, buffers, buildings, pavement, lawn, trees, grading, sediment controls, limit of work, etc.
2. Fill out a wetland application. The [state application forms](#) are available on the ConCom website.
3. Submit a complete application packet to the Conservation Commission and Mass DEP.
4. Receive a date for a public hearing (Thursday nights, every 3 weeks). See the website for the [meeting calendar](#).
5. Notify abutters by certified mail if you are submitting an NOI. (The [notification form](#) is on the website)
6. Stake out proposed structures and limits of work. The Conservation Administrator will conduct a site visit.
7. Present the project at the Commission’s public meeting or hearing.
8. Receive your permit, (record your OOC), schedule your pre-construction site visit, proceed with the project.
9. Once done with the project, request a Certificate of Compliance to remove the cloud on your title.

To get a wetland permit for work in Riverfront Area (RFA) you will have to do extra analyses.

For work in any RFA you must fill in a chart showing existing vs. proposed conditions as follows.

		Existing (s.f.)	Proposed (s.f.)	Difference (s.f.)
Degraded = roofs, driveways, patios, decks, etc.	Inner 100'			
	Outer 100'			
Disturbed = lawn, landscaping	Inner 100'			
	Outer 100'			
Natural = wooded	Inner 100'			
	Outer 100'			

For work in vegetated/natural RFA (see 310 CMR 10.58(4)), include in your application:

- Written Alternatives Analysis demonstrating that there are “no practicable and substantially equivalent economic alternatives to the proposed project with less adverse effects...” Note that “the Alternatives Analysis may reduce the scale of the activity...”
- Proof of “no significant adverse impact”
 - A plan providing a 100-foot wide area of undisturbed vegetation (to the maximum extent practicable)
 - Protection of wildlife, water quality, and rare species

For work in degraded/developed RFA (310 CMR 10.58(5)), include in your application:

- Proof of “improvement”
- Proposed work no closer to the river than existing conditions or 100-feet, whichever is less
- Proposed work located outside the riverfront area or away from the river
- An area of proposed work not exceeding the amount of degraded area
- Note: There is some allowance for new degraded areas given sufficient restoration or mitigation

To get a permit for work in Flood Zone (FZ) you must calculate the volume of fill* and over-compensate with cuts†.

You must calculate the volume of all "fill" brought into the Flood Zone at each foot increment.

You must then calculate and "cut" or remove an equal or greater volume of material at each foot increment to provide "compensatory flood storage".

See the example below.

Elevation	Fill	Cuts	Net Cut	Percent Overage
94'-95'	12 cu. ft.	15 cu. ft.	3 cu. ft.	
95'-96'	20 cu. ft.	27 cu. ft.	2 cu. ft.	
96'-97'	26 cu. ft.	30 cu. ft.	4 cu. ft.	
97'-98'	42 cu. ft.	48 cu. ft.	6 cu. ft.	
TOTAL	100 cu. ft.	115 cu. ft.	15 cu. ft.	15%

