

# Regulations of the Town of Wrentham Conservation Commission



Great Blue Heron at Wollomonopoag Conservation Area, Wrentham, MA  
Photograph courtesy of Cat Luce

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## **Overview:**

The Conservation Commission is a seven-member board appointed by the Board of Selectmen to administer the Wetlands Protection Act under M.G.L. Ch. 131 Section 40 and Wrentham General Bylaws, Chapter 375 Wetlands Protection. Members serve a three-year term and may be reappointed. The Commission is supported by two part-time staff members, an agent and a secretary.

## **Contact Information**

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### Office Hours:

Office hours are subject to change. Check the Conservation Commission pages on the town website at [www.wrentham.gov](http://www.wrentham.gov) for the latest office hours.

### Forms

Application and other forms are available on the Conservation Commission website.

### Meetings

Regular meetings are the 2nd and 4th Thursday of every month beginning at 7:00 pm at Town Hall. The agenda will be posted on the Commission website prior to all meetings giving the time of all public hearings held for specific proposals.

### Pre-Submittal Consultation with Commission Staff

It is strongly recommended that applicants meet with the Commission and/or its staff prior to proposing any work in any jurisdictional areas to make sure all impacts are minimized and the wetland areas and buffer zones remain adequately protected. The Commission/Agent is willing to meet to informally discuss site planning issues prior to an official submittal application and full completion of plans. This early input into the design process often expedites the overall permitting process, and results in lower design costs and fewer delays when the application is submitted.

# Regulations adopted under the provisions of Wrentham General Bylaws, Chapter 375 Wetlands Protection

## Section 1.0: Legal Authority

Wetlands within the Town of Wrentham are regulated by the Conservation Commission under the following provisions of the law:

1. The Commonwealth of Massachusetts “Wetlands Protection Act” (“WPA”) - **MGL Chapter 131 Section 40** and the accompanying state regulations.
2. The Town of Wrentham Wetland Protection Bylaw (“WPB”) - **Wrentham General Bylaws, Chapter 375** and the accompanying regulations contained within this document.

## Section 2.0: Jurisdiction

### 2.1: Jurisdiction

All work performed within any wetland resource area, 100-foot buffer zone, or 200-foot buffer zone of a stream, as defined under the WPA or the WPB, may be subject to jurisdiction. Work performed outside of these buffer zones may be subject to jurisdiction if it eventually alters a resource area. In some cases, a stormwater discharge to wetland resource areas may originate outside any wetland resource area or its buffer zone. Consistent with 310 CMR 10.05(6)(b) and the WPB, the Commission has the authority to impose conditions on the quality and quantity of the discharge even though it comes from a source that is located outside wetlands jurisdiction. Anybody proposing to do work in or near a wetland area within the Town of Wrentham should contact the Commission prior to starting to make sure that a permit is not needed. It is your responsibility to obtain a permit if one is required. If work proceeds without a permit, the resultant “post facto” application fees and potential fines can result in a far more expensive project than if the permit had been obtained first as required. The Commission and the Agent are more than willing to meet with anyone prior to the start of work to determine if a filing under the regulations is needed. Ignorance of the law is not an adequate excuse if a violation occurs.

### 2.2: Exceptions

The WPA specifically exempts certain activities from jurisdiction. However, these activities are not automatically exempt from jurisdiction under the WPB. In fact, Section 3 of the WPB specifically states that “*Other than stated in this section, the exceptions provided in the Wetlands Protection Act, G.L.C. 131 § 40, and Regulations, 310 CMR 10.00, shall not apply under this bylaw.*”

Section 3 of the WPB lists certain “exceptions”, but allows the Commission to set regulations for these activities that require certain performance standards and design specifications to be met before the “exception” is valid. These exceptions, and the Commission’s requirements for each, are listed below.

- a: Maintaining, repairing or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, telephone, telegraph and other telecommunication services

A Request for Determination of Applicability (RDA) or Notice of Intent (NOI) need not be filed for this type of activity provided that written notice has been given to the Commission at least 10 days prior to the commencement of the work, and provided that the Conservation Agent makes a determination, in writing, that the proposed activity is necessary for the operation of the utility, that all efforts have been made to minimize impacts to wetland resources, and that suitable Best Management Practices (BMP's) have been proposed to prevent erosion, siltation and other wetland impacts. If the scope of the proposed work exceeds what the Conservation Agent determines to be normal to maintain, repair or replace the proposed utility, or seems to create an unnecessary expansion into the wetlands, then a filing is required.

- b: Work performed for normal maintenance or improvement of land in agricultural use

The normal maintenance and normal improvement of lands in agricultural use are defined in 310 CMR 10.04, and are adopted as part of the WPB for the purposes of this section. An RDA or a NOI need not be filed for this type of activity provided that written notice has been given to the Commission at least 10 days prior to the commencement of the work, and provided that the Conservation Agent makes a determination, in writing, that the proposed activity is necessary for the operation of the farm, that all efforts have been made to minimize impacts to wetland resources, and that suitable Best Management Practices (BMP's) have been proposed to prevent erosion, siltation and other wetland impacts. The Agent shall use the publication "Farming in Wetland Resource Areas: A Guide to Agriculture and the Massachusetts Wetlands Protection Act", jointly published by Department of Environmental Management, Department of Environmental Protection and Department of Food and Agriculture, revised in January 1996, to determine whether the proposed work qualifies for the exemption. If the scope of the proposed work exceeds what the Conservation Agent determines to be normal maintenance and improvement, then a filing is required.

- c: Emergency projects necessary for the protection of the health and safety of the public, provided that the work is to be performed by or has been ordered to be performed by an agency of the Commonwealth or a political subdivision thereof

An RDA or a NOI need not be filed for this type of activity provided that advance notice, oral or written, has been given to the Commission prior to commencement of work or within 24 hours after commencement, provided that the Commission or its Agent certifies the work as an emergency project; provided that the work is performed only for the time and place certified by the Commission for the limited purposes necessary to abate the emergency; and provided that within 21 days of commencement of an emergency project a permit application shall be filed with the Commission for review as provided by this bylaw. Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and

a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.

### Section 3.0: Buffer Zone Policy – Exempt Minor Activities

The Massachusetts Department of Environmental Protection (DEP) and the Wrentham Conservation Commission understand that some activities are so minor that a permit is not required. The Commission has adopted the DEP Policy. **Any other work within a jurisdictional area or buffer zone will require the filing of a permit.**

The following minor activities are exempt from local conservation commission review as long as they are located in the riverfront area or buffer zone, but not within any other resource area. These activities are described in the wetlands regulations (310 Code of Massachusetts Regulations 10.00, section 10.58(6)). The landowner can proceed with these tasks without prior Wetlands Protection Act review by the conservation commission.

1. Unpaved pedestrian walkways for private use
2. Fencing that does not create a barrier to wildlife movement
3. Stonewalls
4. Stacks of cordwood
5. 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. (This activity does not include the cutting of trees which reduces the leaf canopy to less than 90 percent of the existing crown cover or the mowing or removal of understory brush.)
6. Plantings of native trees, shrubs, or ground cover, but **not** turf lawns
7. Conversion of lawns to decks, sheds, patios, and pools that are accessory to single family homes, as long as:
  - house existed prior to August 7, 1996
  - activity located more than 50 feet from the mean annual high-water of the riverfront area or bordering vegetated wetland (whichever is farther) and
  - sedimentation and erosion controls used during construction
8. Conversion of patios, pools, sheds, or other impervious surfaces to lawn or natural vegetation
9. Activities, such as monitoring wells, exploratory borings, soil sampling, and surveying, that are temporary, have negligible impacts, and are necessary for planning and design purposes

**Note:** Maintenance of landscaping that was legally existing at the time of the adoption of the WPB, including lawn mowing and pruning, is exempt from review regardless of location in the buffer zone or any wetland resource area.

## Section 4.0: Submittal Forms

The Wrentham Conservation Commission allows filings under the local wetlands bylaw to be made on the same forms as used under the Massachusetts Wetlands Protection Act. Applicants should indicate under the heading of the first page of each form that the application is also filed under the terms of the Wrentham Wetlands Protection Bylaw. In cases where application is made for the local bylaw only, the applicant should cross out the DEP heading on the first page of the application form and add a notation that the filing is under the Wrentham Bylaw alone.

Three types of forms are usually used for submission. All forms can be found on the Massachusetts Department of Environmental Protection (DEP) website under the “wetlands” tab. The Conservation Commission staff is available to answer questions as to which type of form is most applicable. If the timeline for a project is critical it often makes most sense to file a Notice of Intent form directly to avoid potential delays.

### Request for Determination of Applicability (RDA)

This form is used to determine whether a full Notice of Intent filing is needed and for projects that will have only a minor impact on the wetlands. Typically, the Commission will accept a filing on this form if no work is proposed within 50 feet of a resource area, and the work proposed in the 50-100-foot buffer zone is relatively minor. If the Commission issues a negative determination on the application then no additional filing is required as long as work is performed according to the submitted information. If a positive determination is made then the applicant will be required to file a Notice of Intent if they still wish to perform the work. A fee is required under the local bylaw only and no abutter notification is required.

### Notice of Intent (NOI)

This form is used for most projects, and requires the payment of both state and local fees, as well as mailed notice to abutters and advertisement of the public hearing in the local newspaper. This type of application usually requires the applicant to hire a professional knowledgeable in wetlands regulations to provide the required information and plans (typically a professional engineer or professional wetland scientist). To review larger projects the Commission will usually hire a consultant and charge the costs to the applicant under the provisions of MGL c.44 Section 53G.

### Abbreviated Notice of Resource Area Delineation (ANRAD)

This form is typically used to file for the approval of the wetlands boundaries on-site with no work proposed. This allows an applicant to verify the location of all wetland boundaries and buffer zones prior to proceeding with a site design. The Commission recommends that this form be completed prior to the filing of a Notice of Intent for all projects that are complicated or that require work close to wetland resources. It is preferable for the applicant to submit two sets of

plans for this application – one showing resources regulated under the state Wetlands Protection Act and one showing areas regulated under the Wrentham Wetland Bylaw. This application also requires the payment of both state and local fees, as well as mailed notice to abutters and advertisement of the public hearing in the local newspaper. To review larger projects the Commission will usually hire a consultant and charge the costs to the applicant under the provisions of MGL c.44 Section 53G.

Orders of Resource Area Delineation (ORADs) may be issued jointly under the WPA and the WPB if additional jurisdictional areas regulated only under the WPB, as defined in sections 7.3 through 7.7 below, are present on the property. ORADs delineating such local resource areas should not be considered final decisions appealable to court, as the Commission reserves the right to revise such delineations for good cause during its review of any Notice of Intent for the site. The provisions of any ORAD delineating state-defined resource areas are appealable only to DEP.

## Section 5.0: Timelines

### 5.1 Application Timelines

The following regulations apply to deadlines for the submission of materials to be reviewed by the Commission.

**Category A – Items Requiring Publication of Legal Notice:** In order for an applicant to be placed on the Wrentham Conservation Commission’s meeting agenda, any application which requires publication of legal notice must be submitted to the Conservation Commission office by the close of business on the day 16 days prior to the meeting date.

**Category B – Other Submissions:** For all other submissions, including supporting documentation for previously submitted applications, all materials are requested to be submitted to the Conservation Commission office by no later than the close of business on the day 2 days prior to the meeting date.

**Category C – General Business Items:** General requests to be placed on the Commission’s agenda which do not require publication of legal notice must be submitted to the Conservation Commission office by the close of business on the day 7 days prior to the meeting date.

These submission dates are the minimum required to provide the Commission time to review data prior to meetings, but in many instances more time will be required to properly review all submitted information, and the Commission may request a continuation of the meeting in order to properly evaluate the materials provided.

### 5.2 Hearing Timelines

Whenever a Public Hearing is continued on three consecutive sessions without testimony or other evidence being presented, the following Hearing shall be re-advertised by publishing a



Public Notice in *The Sun Chronicle* or an equivalent daily newspaper at the applicant's expense, and the abutters shall be re-notified of the hearing by the applicant with proof of such re-notification provided to the Commission. After the second consecutive continuance the Commission shall notify the applicant of this impending requirement. This policy shall also apply whenever, subsequent to this additional Public Notice, three additional consecutive continuances occur without testimony or other evidence being presented.

## Section 6.0: Definitions

All definitions are as they appear in the Wetlands Protection Act, 310 CMR Chapter 131 Section 40 and DEP policy documents, unless they are more stringently defined in the Wrentham Wetland Protection Bylaw or elsewhere in these regulations.

Super majority vote: a majority plus one of those members voting on a motion. An abstention shall not be considered a vote.

## Section 7.0: Additional Jurisdictional Areas Regulated under the WPB

### 7.1: Areas of jurisdiction authorized by the Wrentham Wetland Protection Bylaw

The Town of Wrentham Wetland Protection Bylaw creates the following areas of jurisdiction for the Conservation Commission.

#### ***Section 2: Jurisdiction***

*Except as permitted by the Conservation Commission or as provided in this bylaw, no person shall remove, fill, dredge, build upon, degrade, or otherwise alter the following resource areas: any bank, freshwater wetland, marsh, wet meadow, bog, swamp, vernal pool (whether certified or potential), reservoir, lake, pond, creek, river or stream, or any land under said waters or any land subject to flooding or inundation by groundwater or surface water, or any land within 100 feet of any of the aforesaid resource areas (collectively, the "resource areas protected by this bylaw") and within 200 feet of any perennial stream. The area of flooding or inundation shall include all lands up to the elevation of the 100-year floodplain.*

### 7.2: Regulations governing resource areas that are not subject to the additional regulations adopted under Sections 7.3 to 7.6 below

The jurisdiction provided under WPB includes all areas subject to jurisdiction under the WPA, plus several additional areas discussed below. In those local areas that are also subject to jurisdiction under the WPA, the Commission adopts no additional new regulations, except those otherwise listed in these regulations, and the wetland boundaries, performance standards,

definitions and other wetland review criteria shall remain identical to those provided under the WPA.

The Wrentham Wetland Protection Bylaw (WPB) extends the jurisdictional reach of the Conservation Commission to some areas not regulated under the Massachusetts Wetlands Protection Act (WPA). Local regulations pertaining to these areas are outlined below.

### 7.3: Vernal Pool and 100-foot buffer zone

A vernal pool is a depression of any size or shape that contains vernal pool habitat as described in the WPA and regulations. The Commission will utilize the regulations promulgated under the WPA to determine whether a depression functions as a vernal pool and to locate its boundaries. However, a vernal pool regulated under the WPB may also be located outside of other wetland jurisdictional areas described under the WPA. Likewise, the WPB provides jurisdiction over a 100-foot-wide buffer zone around all vernal pools, even if the buffer zone lies within an otherwise non-regulated area. This jurisdictional area is greater than that provided by the WPA.

The Commission believes that the vernal pools and their 100-foot buffer zones are important areas deserving of extra protection. These pools are often too small to be subject to other forms of regulation, yet they provide essential habitat for a specialized group of amphibians that have evolved to use these wetlands. The critical upland habitat surrounding vernal pools is essential during the non-breeding season, and is particularly susceptible to destruction and fragmentation from proposed residential and commercial development of the area. Amphibians usually need areas of uncompacted, deep organic litter, coarse woody debris and shade to survive in the surrounding uplands, and any disturbances to this area can prove extremely detrimental to their survival.

Due to the extreme sensitivity of the vernal pools and their 100-foot buffer zone, the Commission will not allow any work in these areas unless (1) the applicant can prove conclusively to the Commission that the work will not impact vernal pool species, their habitat, or any other wetland and habitat functions that the area may provide; and (2) there is no other option available that allows the applicant any use of the parcel. Any work that is ultimately allowed must be performed using all best management practices available, including minimizing of the disturbed area and the scheduling of construction to those times when amphibian travel will be least impacted. Maximization of development potential or profit is not to be considered grounds for permitting disturbance of these areas.

### 7.4: Potential Vernal Pool and 100-foot buffer zone

A potential vernal pool is a depression of any size or shape that has the potential to function as a vernal pool and provide habitat typical for vernal pool species. These depressions are not limited to those areas shown as certified or potential vernal pools on the Massachusetts GIS data layer. The depression shall be regulated as a vernal pool with a 100-foot buffer zone under the WPB

until the applicant can prove conclusively to the Commission that the depression does not serve as vernal pool habitat. The Commission may require the applicant to wait until the spring breeding season to make this determination, and may hire a consultant at the applicant's expense under the provisions of MGL c.44 Section 53G to review the findings. Even though a depression listed in this section may end up not classified as a vernal pool, it may still be regulated under the provisions listed below.

#### 7.5: Land Subject to Flooding or Inundation and 100-foot buffer zone

The boundary and definition of bordering land subject to flooding is unchanged by the WPB. However while the WPA sets minimum size requirements for isolated land subject to flooding, the WPB does not. Any land subject to inundation by groundwater or surface water is regulated, up to the areas' horizontal extent during a 100 year storm. Both bordering and isolated lands subject to flooding have a 100 foot buffer zone under the WPB, but not under the WPA.

Bordering land subject to flooding provides a temporary storage area for flood water, and it and its buffer zone provide an area for erosion protection, groundwater recharge and filtering, and wildlife habitat. Lands along rivers and streams are often part of a significant wildlife corridor, and fragmentation of vegetation and terrain in these areas is to be avoided.

Isolated land subject to flooding provides areas that can be locally significant to flood control and storm damage prevention. These areas allow recharge to groundwater, storm water filtering and provide watering holes for wildlife. The buffer areas surrounding these depressions can provide shade to reduce runoff temperatures and can contain important habitat zones. The Town of Wrentham municipal water supply is serviced solely by groundwater wells, and many parts of the Town, especially in the western end, are serviced by private wells that rely directly on a clean, adequate groundwater supply. In addition, Wrentham is located at the high point of four major watersheds, and thus these small depressions are far more common and important than if they were located in downstream areas, where the larger depressions that are regulated under the WPA are more commonly found.

The Commission recognizes there are many isolated depressions within the Town that are too small to be sufficiently significant to the interests protected by the WPB to justify regulation by the Commission. Therefore, for the purpose of this section, Isolated Land Subject to Flooding shall be regulated if the depression has a potential volume of at least 3,000 cubic feet and is not completely dry for more than one month of the year except during periods of extended drought as defined by the Massachusetts DEP. If a depression contains this volume, the boundary shall be the higher of either the perimeter of the largest observed or recorded volume of water confined in said area, or the perimeter at the elevation of the 100 year storm as calculated by a professional engineer using the procedures outlined under the WPA for determining the boundaries of isolated land subject to flooding.

Due to the local significance of these areas, the "50 foot no work zone" discussed in Section 11 of these regulations will be in effect for the first 50 feet uphill of all land subject to flooding, whether bordering or isolated. Waiver provisions for this restriction are detailed in Section 11.

The Commission will regulate the remainder of the buffer zones to land subject to flooding to ensure that the proposed activity will not adversely affect the wetland protection functions of the land subject to flooding, including its flood storage capacity, water quality characteristics and wildlife habitat values. In all instances however, the Commission reserves the right to require stricter compliance if deemed necessary to protect the functioning of the adjoining wetland resource.

#### 7.6: Intermittent Stream and 100-foot buffer zone

The WPB provides a 100-foot buffer zone to all streams, whether intermittent or perennial. The definition of stream and the location of its boundaries shall be as provided under the WPA.

Intermittent streams provide important storm water and flood prevention functions, and may provide ponding areas that are essential wildlife habitat.

Due to the local significance of this area, the “50 foot no work zone” discussed in Section 11 of these regulations will be in effect for the first 50 feet uphill of all intermittent streams. Waiver provisions for this restriction are detailed in Section 11.

The Commission will regulate the remainder of the buffer zones to intermittent streams to ensure that the proposed activity will not adversely affect the wetland protection functions of the stream, including its flood storage capacity, water quality characteristics and wildlife habitat values. In all instances however, the Commission reserves the right to require stricter compliance if deemed necessary to protect the functioning of the stream.

#### 7.7: Isolated Vegetated Wetlands and 100-foot buffer zone

The WPB creates local jurisdiction over any freshwater wetland, marsh, wet meadow, bog or swamp, with an adjoining regulated 100-foot buffer, even if the resource area does not border a resource area listed under 310 CMR 10.02(1)(a). Areas of wetland vegetation that are “isolated”, and therefore not regulated under the WPA, are subject to WPB jurisdiction. Isolated vegetated wetlands (IVW) provide benefits similar to those outlined for isolated land subject to flooding (ILSF) in Section 7.5. Additional benefits are provided from the wetland vegetation, which may or may not be present in ILSF. ILSF and IVW may both be present in the same area, but may have differing boundaries.

The Commission recognizes small areas of IVW within the Town are insufficiently significant to the interests protected by the WPB to justify regulation by the Commission. Therefore, for the purpose of this section, Isolated Vegetated Wetlands shall be regulated if the outer boundary of the resource area contains a horizontal surface area of 500 square feet or more. The IVW boundary shall be delineated using the same requirements used to establish the boundary of a bordering vegetated wetland under the WPA, based on both wetland vegetation and hydric soils.

Due to the local significance of these areas, the “50 foot no work zone” discussed in Section 11 of these regulations will be in effect for the first 50 feet uphill of all IVW. Waiver provisions for this restriction are detailed in Section 11.

The Commission will regulate the remainder of the buffer zone to IVW to ensure that the proposed activity will not adversely affect the wetland protection functions of the resource area, including its flood storage capacity, water quality characteristics and wildlife habitat values. In all instances however, the Commission reserves the right to require stricter compliance if deemed necessary to protect the functioning of the adjoining wetland resource.

## Section 8.0: Minimum Submittal Requirements & Technical Standards

The minimum requirements for information to be submitted to the Commission to allow it to adequately render a decision are listed below.

### 8.1: Climate Change Resilience

- A. The impacts of climate change can adversely affect each Resource Area’s ability to provide and promote the resource area values protected by the Bylaw. Resource Areas are critical to building a community’s resilience/adaptation to the impacts of climate change due to their ability to provide for flood control, storm damage prevention, and other Resource Area Values.
- B. The Applicant shall, to the extent practicable and applicable integrate considerations of adaptation planning into their project to promote climate change resilience so as to protect and promote resource area values into the future. These considerations are especially important in Land Subject to Flooding (floodplain) and Riverfront Area and other Resource Areas which protect the interest of Flood Control and Storm Damage Prevention, including Adjacent Upland Resource Areas. These Resource Areas may be directly impacted by extreme weather events expected to be more prevalent or more intense due to climate change, in surface runoff of pollutants, and in wildlife habitat due to changes in temperature.
- C. The Applicant shall consider the project’s adaptation to potential climate change impacts by addressing the following:
  - 1. Describe project design considerations to limit storm and flood damage during extended periods of disruption and flooding as might be expected in extreme weather events.
  - 2. Describe project stormwater surface runoff, which may increase due to storm surges and extreme weather events, and how this will be managed / mitigated to prevent pollution (including nutrients from fertilizers, roadway runoff, etc.) from entering the resource area with consideration of eliminating impervious surfaces as feasible.

3. Describe project vegetation / planting plans and other measures to improve the resiliency of the wildlife habitat of the resource area to withstand potential temperature and rainfall changes (drought and excess) due to climate change.
4. Describe measures to protect proposed structures and minimize damage to structures due to the impacts of climate change.

## 8.2 Submission Documents for Request for Determination of Applicability

1. Two copies of DEP WPA Form 1 – Request for Determination of Applicability. Forms must be signed by the Applicant and the Owner of the property where the work is taking place.
2. Five plans at a legible scale must be submitted. All plans may be 11” x 17” provided they are at a legible scale showing the proposed work. If full size 24” x 36” are submitted, then 3 of that size are required. In addition to those 3, 2 copies of size 11” x 17” must also be provided.
3. An electronic Portable Document Formatted (pdf) copy of the plan, printable at full size, if the plan has been professionally prepared. If a pdf is not submitted the applicant shall submit a reduced 11”x17” copy of the plan(s) in addition to #2 above.
4. See Section 8 for the local fee. There is no State fee.
5. One copy of the Form 1 and plan must be sent by certified mail to DEP, Southeast Regional Office, 20 Riverside Drive, Lakeville MA 02347. The mailing slip should be provided to the Commission secretary at the time of filing, and the green card at the public meeting.
6. Photographs of the site are recommended so that the Commission can better understand the scope of the work to be performed.
7. The following maps should be submitted, with the site location clearly shown:
  - a. USGS Topographical Map
  - b. FEMA Flood Hazard Map
  - c. Natural Heritage and Endangered Species Map
8. Plans should show the following information
  - Wetland resource boundaries and type, with buffer zones and riparian zones. Provide the name of the botanist, wetland scientist or other competent person who flagged the wetland boundaries. Both local and state wetland boundaries and buffer zones should be shown.
  - Numbered flags along wetland boundaries so the location can be confirmed on-site.
  - North arrow and scale and plan date, with revision dates if any.
  - The entire parcel of land subject to development, and a detail of the area of proposed work, if needed.
  - Contours and spot elevations, both existing and proposed.
  - Elevation datum should be clearly listed (NGVD 1929 or NAVD 1988) with the benchmark utilized to tie into the datum, as well as a separate benchmark located on or near the site. If an assumed datum is used this should be clearly labeled. Assumed datums are usually not allowed, especially if the work is near an area susceptible to flooding.
  - A locus plan showing the nearby area and roadways.

- The scope of the work to be performed.
  - Limit of work line should be shown.
  - Show location of sediment and erosion controls to be installed. Note that the Commission encourages the use of a compost sock as specified in Section 13, but is open to alternatives if they are more beneficial.
  - Plans (and revisions) should be stamped and signed by a registered professional engineer or land surveyor, unless the work is extremely minor.
9. A copy of the latest deed (with recording information) for the parcel where work is proposed.

### 8.3: Submission Documents for Notice of Intent

1. Two copies of DEP WPA Form 3 – Notice of Intent. Forms must be signed by the Applicant and the Owner of the property where the work is taking place.
2. Five plans at a legible scale must be submitted. All plans may be 11” x 17” provided they are at a legible scale showing the proposed work. If full size 24” x 36” are submitted, then 3 of that size are required. In addition to those 3, 2 copies of size 11” x 17” must also be provided.
3. An electronic Portable Document Formatted (pdf) copy of the plan, printable at full size
4. See Section 10 for the local fees required under the Wrentham Wetland Protection Bylaw.
5. See the Massachusetts Wetland Protection Act for the required state fees.
6. One copy of the Form 3 and plan must be sent by certified mail to DEP, Southeast Regional Office, 20 Riverside Drive, Lakeville MA 02347. The mailing slip should be provided to the Commission secretary at the time of filing.
7. A copy of all information submitted must be sent by certified mail to NHESP if work lies within a regulated habitat zone. The mailing slip should be provided to the Commission secretary at the time of filing.
8. The state portion of the filing fee should be sent to the DEP Lockbox, Box 4062, Boston, MA 02211 with the DEP Transmittal form. A copy of this must be provided to the Commission.
9. A certified abutters list is required to be obtained from the assessor’s office. It is the applicants’ responsibility to notify all abutters by a certificate of mailing or certified mail. Proof of mailing notice to abutters shall be provided to the Commission at the time of filing.
10. The applicant will be responsible for payment of advertising of the public hearing in the Sun Chronicle. Payment must be received by the Sun Chronicle prior to publication of the advertisement.
11. Submit all information required under lines 6, 7, 8 and 9 above for the Request for Determination of Applicability.
12. Plans should show all existing and proposed structures, as well as the location of all utilities, septic systems, wells and other significant features.
13. Storm water management structures, BMP’s and details.
14. Storm water management form, drainage calculations, TSS calculation worksheet DEP Stormwater checklist.
15. Operation/Maintenance Plan.
16. Long Term Pollution Prevention Plan (LTPPP)
17. Wetlands report & narrative prepared by a professional botanist
18. Fill and replication areas. Replication report with planting and soil schedule if required,

along with a construction sequencing narrative.

19. Any additional details, cross-sections or specifications necessary for the Commission to completely understand the impacts of the project.
20. If an acre or more of land is disturbed, a filing under NPDES is required. A copy of the permit application will be required by the Commission, as well as a copy of the accompanying Storm Water Pollution Prevention Plan (SWPPP). This information can sometimes be submitted at a later date, as one of the conditions of approval. This decision will be made during the public hearing if the SWPPP is not submitted when filing.
21. An alternatives analysis is required for all projects within the riverfront area
22. A habitat and wildlife analysis may be required, depending on the extent of the proposed work.
23. All plans and reports, including revisions, must be stamped and signed by the professional who prepared them.
24. The Commission will request any additional information that may be required to allow it to make its final decision on the application.

#### 8.4: Submission Documents for Abbreviated Notice of Resource Area Delineation

1. Two copies of DEP WPA Form 4A – Abbreviated Notice of Resource Area Delineation. Forms must be signed by the Applicant and the Owner of the property where the work is taking place.
2. Five plans at a legible scale must be submitted. All plans may be 11” x 17” provided they are at a legible scale showing the proposed work. If full size 24” x 36” are submitted, then 3 of that size are required. In addition to those 3, 2 copies of size 11” x 17” must also be provided.
3. An electronic Portable Document Formatted (pdf) copy of the plan, printable at full size
4. See Section 10 for the local fees required under the Wrentham Wetland Protection Bylaw.
5. See the Massachusetts Wetland Protection Act for required state fees.
6. One copy of the Form 4A and plan must be sent by certified mail to DEP, Southeast Regional Office, 20 Riverside Drive, Lakeville MA 02347. The mailing slip should be provided to the Commission secretary at the time of filing, and the green card at the public meeting.
7. The state portion of the filing fee should be sent to the DEP Lockbox, Box 4062, Boston, MA 02211 with the DEP Transmittal form. A copy of this must be provided to the Commission.
8. A certified abutters list is required to be obtained from the assessor’s office. It is the applicants’ responsibility to notify all abutters by a certificate of mailing or certified mail. Proof of mailing notice to abutters shall be provided to the Commission at the time of filing.
9. The applicant will be responsible for payment of advertising of the public hearing in the Sun Chronicle. Payment must be received by the Sun Chronicle prior to publication of the advertisement.
10. Submit all information required under lines 6, 7, 8 and 9 above for the Request for Determination of Applicability.
11. Plans should show all wetland resources defined under both the Wetland Protection Act and the Wrentham Wetland Bylaw, with all buffer zones and no work zones shown. The Commission often requires two sets of plans to be submitted on complicated sites, one showing state resources and buffer zones and one showing local resources and buffer zones. This helps clarify the Commission’s jurisdiction for later site design applications.



12. Wetlands report & narrative prepared by a professional botanist.
13. All plans and reports must be stamped and signed by the professional who prepared them.

#### 8.5: Professional Standards for Consultants

Any person may represent an applicant during a public hearing provided that the person is listed as the applicant's representative on the appropriate DEP form and the form is signed by the applicant and the representative. However, in some situations you may need professional representation. Although any person may present an engineered plan, if there are any questions regarding the plan or calculations on that plan, the person answering the question must be qualified to provide an answer.

For engineering and storm water questions, the Commission shall consider a person having a four-year degree in an appropriate field of engineering to have a suitable background. However, should the need arise, the Commission reserves the right to have the licensed professional who stamped the plans and reports attend the public hearing to answer questions for the Commission and the public.

For land surveying, property line determination and elevation questions, the Commission shall consider a person having a four-year degree in civil engineering or land surveying to have a suitable background. However, should the need arise, the Commission reserves the right to have the licensed professional who stamped the plans and reports attend the public hearing to answer questions for the Commission and the public.

For wetland boundary delineations, the Commission shall consider a person having a four-year degree in biology, earth science, landscape architecture or related field to have a suitable background. However, should the need arise, the Commission reserves the right to have a person certified as a professional wetland scientist attend the public hearing to answer questions for the Commission and the public.

At any time during the public hearing process, the Commission has the option to hire a consultant, at the applicant's expense, to review the application and provide professional assistance to the Commission in its review of the application. Consultants shall be hired under the provisions outlined in MGL Chapter 44 Section 53G.

#### Section 9.0: Low Impact Development Policy

Land development projects and other land use conversions, and their associated changes to land cover, permanently alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, which in turn increase flooding, stream channel erosion, and sediment transport and deposition, and decrease groundwater recharge

Land development projects and other land use conversions also contribute to increased nonpoint source pollution and degradation of receiving waters.

The impacts of post-development stormwater runoff quantity and quality can adversely affect public safety, public and private property, surface water drinking water supplies, groundwater resources, drinking water supplies, recreation, aquatic habitats, fish and other aquatic life, property values and other uses of lands and waters.

These adverse impacts can be controlled and minimized through the application of Low-Impact Development (LID), which includes careful site planning and the application of both structural and nonstructural Best Management Practices.

The Massachusetts Wetlands Protection Act and the Massachusetts Stormwater Management Regulations require the Conservation Commission to include in its review of projects an assessment of how the utilization of Low Impact Design could be used to mitigate wetland impacts and protect water resources.

Therefore, the Wrentham Conservation Commission strongly recommends that any project proponents meet with the Commission and/or its Agent early in the design process (prior to filing an application) to see how LID could be utilized in the site design. Early adoption of LID practices could greatly reduce the time and expense of re-engineering project if the Commission decides to require their use.

## Section 10.0: Administrative & Enforcement Fee Schedules

### 10.1: Introduction

The Massachusetts Wetlands Protection Act assigns fees to be assessed under 310 CMR 4.00 and 310 CMR 10.03. This schedule sets forth additional fees for permits, determinations, and certificates of compliance as authorized under Section 5.1 of the WPB, and penalty fees in cases of non-compliance as authorized by Section 12 of the WPB. Permit and Penalty fee waivers or reductions may be granted by a super majority vote. These monies may be supplemented, as authorized under M.G.L. Chapter 44, Section 53G, for the hiring of outside consultants. Statutory exemptions from these fees shall be municipalities and those entities and circumstances cited in 310 CMR 4.00.

### 10.2: Jurisdiction

The Wrentham Wetland Administrative Fee Schedule applies to any work subject to jurisdiction under the Town of Wrentham Wetlands Protection Bylaw.

### 10.3: Application Fees

The fees listed below in Table 10-1 are in addition to the fees that are assigned under the Massachusetts Wetlands Protection Act. The categories listed in Table 10-1 are the same as the fee categories utilized by the WPA.

These fees are assessed by the Conservation Commission for its staff to review a project in the application phase, monitor the work, conduct administrative functions during the work, and verify the proper completion of all site activities.

All fees within this schedule are cumulative by activity.

#### 10.4: Penalty Fees

These fees are in addition to those that may be imposed by the State Wetlands Protection Act and the Federal Clean Water Act. These fees shall be assessed for any unauthorized alteration, filling, or dredging within jurisdictional resource areas and buffer zones.

The purpose of these fees is to ensure the protection of the functions of wetland areas. These fees provide for the additional cost of administrative and field support that enforcement actions incur.

The Penalty Fees are applied to permit applications for those projects that are filed after unpermitted work has begun. See Table 10-1, “After the Fact Filing” for the filing fee amounts.

#### 10.5: Site Fees

Site Fees are assessed for site visits to permitted projects that are required due to violations or deficiencies noted during routine site inspections. These fees are in addition to those imposed in Table 10-1. Examples of deficiencies include such items as improperly installed or missing erosion controls, evidence of erosion or siltation to areas likely to impact wetland resources, failed vegetative growth or missing plantings and work performed beyond permitted limits.

Site fees shall be imposed as follows:

First visit	No cost
Second visit (same topic)	\$50
Third visit (same topic)	\$75
Each Subsequent visit (same topic)	\$100

<b>Table 10-1: Wrentham Administrative Fee Schedule</b>	
<b>Category/Action</b>	<b>Wrentham Wetland Administrative Fee</b>
<b>Request for Determination of Applicability:</b> As set forth in 310CMR10.05 (3)(a), using State Form WPA 1.	\$85
The following Categories are as set forth in 310 CMR 10.03 (7).	
<b>Category 1-</b> Work on an existing home, septic system repairs, construction of a dock. See 310 CMR 10.03(7)(c)1. a - g.	\$100
<b>Category 2 –</b> New home, parking lot, beach nourishment, crossing for house. See 310 CMR 10.03(7)(c)2. a – k.	\$250
<b>Category 3 –</b> Site clearing, commercial buildings. See 310 CMR 10.03(7)(c)3. a – e.	\$1,000
<b>Category 4 –</b> Bridges. See 310 CMR 10.03(7)(c)4. a – l.	\$1,200
<b>Category 5 –</b> Docks, piers, revetments. See 310 CMR 10.03(7)(c)5.	\$100
<b>Category 6 –</b> Abbreviated Notices of Resource Area Delineations (ANRAD), verifying the location of Resource Area boundaries. See 310 CMR 10.03(7)(c)6.	\$500 or reduced to \$250 if 53G funds are used
The following are actions that the Commission may take in performing its duties. There is no current State fee for these items as the State does not take any action.	
Minor Modification – No written decision needed	\$0
Modification – Requiring a written decision from the Conservation Commission as determined by the Commission.	One-third of the appropriate Wrentham Wetland Administrative Fee.
Amended Order of Conditions – Including that needed when the State has issued a Superseding Order of Conditions.	One-half of the appropriate Wrentham Wetland Administrative Fee
<b>After the Fact Filing,</b> Where an Enforcement Order was issued and endorsed by the Commission directing a filing.	Twice the relevant Wrentham Wetland Administrative Fee.
<b>Extension of Existing Order of Conditions</b>	\$100
<b>Certificate of Compliance</b>	
<b>Category 1 &amp; 5 filings</b>	\$85
<b>Category 2 filing</b>	\$125
<b>Category 3 filing</b>	\$500
<b>Category 4 filing</b>	\$600
<b>Partial Certificates of Compliance</b>	Same as for Certificate of Compliance.

## 10.6: Fines

Fines are levied for those activities listed that damage, or may pose an imminent threat of damage to the environment.

These fines are for unpermitted work that has occurred and permitted work that is in violation of Orders of Conditions. Any person who violates any provisions of these regulations, the Wrentham Wetlands Protection Bylaw, any Orders of Conditions issued by either the Wrentham Conservation Commission or the State of Massachusetts, or any Administrative Order may be fined not more than \$300 for each offense. Each day or portion thereof during which a violation continues, or unauthorized fill remains in place or any alteration exists, shall constitute a separate offense, and each provision of the Bylaw, Wrentham Wetland Regulations, Orders of Conditions, or Administrative Orders violated shall constitute a separate offense.

In a specific case, the Commission may issue citations pursuant to MGL Chapter 40 Section 21D under the noncriminal disposition procedure established in the Town of Wrentham. When so enforced, the penalties for wetland violations of any type described in these Regulations shall be determined by the Commission based on the severity of the offense and the impact on the wetlands. The maximum allowed fine is \$300 per day for each offense.

The payment of a fine is punitive, and is imposed in addition to all work the Commission may require from the applicant to restore and mitigate all damage that has occurred to jurisdictional areas.

The enforcing officers in the noncriminal disposition procedure shall be members of the Conservation Commission or its Agents.

## Section 11.0: 50-Foot No-Work Zone Regulations

### 11.1: Jurisdictional Authority

Authority to implement additional restrictive regulations within land within 50 feet of a regulated wetland resource area is provided in Section 8 of the WPB as follows:

*“The Commission therefore will require that the applicant maintain a fifty-foot wide continuous strip of undisturbed vegetative cover within the 200-foot [or 100-foot] area. A variance to this criteria may be granted under three circumstances: 1) if the applicant demonstrates that the proposed project will have no adverse effect on any of the interests protected by this bylaw; 2) if the project is a rare or unusual case; and 3) if the project is not approved by the Commission this action will restrict the use of the property to such an extent to constitute a constitutional taking without compensation. If no evidence is supplied to support the claims that the project meets the specified criteria above the hearing will be delayed or continued until this information is provided, or the project request will be denied without prejudice.*

*To prevent wetlands loss, the Commission shall require applicants to avoid wetlands*

*alteration wherever feasible, to minimize wetlands alteration, and where alteration is unavoidable, to incorporate mitigation measures into the project design.”*

These areas are presumed to require additional protections due to their close proximity to sensitive resource areas. However, it is recognized that incursions into the 50-foot no-work zone will occasionally be necessary. These regulations are designed to provide guidance as to how the 50-foot “no-work” zone applies, how the three criteria for exemption in the Bylaw are to be met by an applicant and presented to the Commission, and what forms of mitigation for those exemptions exist.

### 11.2: Jurisdiction

These regulations apply to any and all construction subject to jurisdiction under the WPB. This policy does not apply to those areas on lots with buildings and landscaping in existence prior to April 1, 1999, except that any undisturbed areas of these lots, that is, areas with natural vegetation, will come under the jurisdiction of these regulations.

These criteria do not apply in those instances where it would be clearly contrary to public safety to not allow the work to be performed in the 50 foot no work zone. “Section 3: Exceptions” in the WPB lists activities that are exempt from strict compliance with this section of the regulations. See that section for the notifications to the Commission that are required prior to starting any work under the “exceptions” category.

### 11.3: Purpose

Activities within 50 feet of a wetland have the highest potential for negative impacts upon the wetlands and for future violations of the Wetland Protection Act and Bylaw, and have the greatest impacts on wetland functions. Typical examples of work within 50-feet of a wetland include (but are not limited to) the following activities and alterations, with subsequent wetland degradation resulting:

- Discharge of storm water from management structures deposits water containing pollutants and elevated nutrients within the wetlands, degrading surface and ground water quality.
- Construction of houses and buildings introduces pollutants to the wetlands and causes subtle alterations, especially alteration of soil chemistry, that are additive throughout the watershed.
- Concentrating water flow at stormwater management structures leads to increased flows, decreased times-of-concentration, and greater potential for flooding and downstream impacts to properties.
- Removal of trees alters soil and water chemistry, degrades water quality in wetlands by elevating runoff temperatures, and is deleterious to native plant and animal life. It also increases soil erosion and invites the proliferation of non-native invasive species.

- Clearing and grubbing of understory shrubs, trees, and herbaceous plants alters soil chemistry and unsaturated soil-water chemistry, creating impacts that are harmful to ground water supplies and the environment. Clearing and grubbing also afford the opportunity for non-native and invasive plants to flourish at the expense of wildlife and in some instances, ground water and surface water quality.

These regulations have been enacted to attenuate the above effects of intrusions into the 100 foot buffer and 50 foot no-work zones.

#### 11.4: Definitions

All definitions are as they appear in the Wetlands Protection Act, 310 CMR 10 and DEP policy documents, unless they are more stringently defined in the Wrentham Wetland Protection Bylaw or elsewhere in these regulations.

##### “fifty-foot wide continuous strip of undisturbed vegetative cover”:

This term is used in the WPB to define the area of additional regulation. The Commission defines this area as extending 50 feet horizontally uphill from the closest wetland resource boundary as defined under both state and local regulations. This phrase is defined as allowing no work within this 50-foot zone unless the criteria set forth herein are met. The term “no work” zone used in these regulations refers to this area.

The installation of drainage pipes, swales, basins and other stormwater management structures within this “no work” zone is included in the examples of activities that are not allowed without a waiver as outlined in Section 11.6.

#### 11.5: Procedure

It is strongly recommended that if work is to be done close to the 50 foot no work zone that an Abbreviated Notice of Resource Area Delineation (ANRAD) be filed prior to the filing a Notice of Intent. Similarly, an ANRAD is recommended if the project is complex or requires permitting from the Planning Board in addition to the Conservation Commission. If work needs to occur within the 50-foot no-work zone the applicant is required to file an application for that work when submitting a Notice of Intent according to the criteria set forth below.

#### 11.6: Meeting the Criteria of the WPB

For any work within 50 feet of a wetland the applicant will need to submit as part of the Notice of Intent application a waiver request for each separate intrusion. The applicant must state how the project meets each of the required criteria. All three criteria must be met and it is the burden of the applicant to provide substantive documentation of each point.

Criterion #1 –The proposed project will have no adverse effect on any of the interests protected by the Bylaw

The submitted plans and reports must clearly show what work is to be done within the 50-foot no-work zone and how it is to be constructed. Detailed information beyond that required in Section 8 may be required, and a construction sequence must be included that shows potential impacts to resource areas both during and after construction. Information submitted must include:

- A. Statement of how work is to occur, and a comprehensive statement of what measures will be taken to protect the wetland, both during and after construction.
- B. Plans showing the work to be performed within the 50-foot no-work zone must include both plan and cross-section details to clearly show pre- and post-development conditions. Existing and proposed surface conditions must be detailed.
- C. Plans or other information shall be submitted showing **alternatives** to the proposed design. The Commission shall not allow the work under this criterion if a feasible alternative is available. If the work is allowed, the Commission shall choose the alternative with the least possible impact to wetland resources.
- D. All information required in Section 15.2 shall be submitted.

The Commission will make a determination based on the submitted information as to whether adequate environmental protections have been provided, for both temporary and permanent conditions, to allow the project to be constructed and operated with no adverse effect on any of the interests protected by the WPB.

Criterion #2 – The Project is a Rare or Unusual Case

The applicant must demonstrate within the report how their project meets this test. The Wrentham Conservation Commission believes that the following qualify as rare and unusual cases.

- Open space subdivisions submitted under the provisions of Article 17 of the Town Zoning Bylaws may meet this criterion if the Commission determines that the overall benefit created by the permanently protected open space will be more beneficial to the protection of wetland resources than if construction was permitted as a conventional subdivision. This exemption extends to both the construction of the roadways and utilities and the construction of houses within the open space development. However, requests for compliance for the roadway and utilities (including stormwater) should be made separately from requests for compliance of the lots. While it may be determined by the Commission as necessary to construct the roadways and utilities in the “no work” zone to achieve more valuable open space protection, it is the applicants’ responsibility to make every effort to keep lot construction outside of the “no work” zone, and to configure the lots to minimize overall impacts to resource areas.



Work on the lots will be approved only if it creates a significantly more effective open space area for the overall protection of wetland resources, or if a denial of the request will significantly reduce the number of lots that would be allowed if the site was constructed in a conventional layout. For all instances, the Commission's standard should be whether the overall protection of wetland resources is enhanced by the granting of a waiver. Criterion #3 need not be met if approval under this case is obtained.

- Permanently protecting at least 30% of a property being built on or sub-divided, of which at least 50% of the total protected area must be upland and is preserved through a Conservation Restriction approved by the State or by donation through a recognized Land Trust or other body that will certify that said property will be preserved in perpetuity.
- Restricting all wetlands and at least 15% of total upland in the project from ever being developed or altered. The protected land may be managed to maintain existing vegetation or to combat invasive species that pose ecological harm.
- A service to the community at large providing greatly increased public safety as a non-incident use.
- The intrusion is in exchange for leaving a significant natural feature on, or very close to, the site protected in perpetuity. Significant natural features include landforms, significant and/or historic trees, significant stone walls or rural landscapes.

In the case of wetland crossings where alteration is unavoidable, the applicant must demonstrate that no other access, whether under the control of the present or any previous owner of the property, has existed or currently exists. It is important that the applicant consider all alternative means of accessing a site and convey that research in the text of the report.

The applicant may apply for relief in any other case where justified. However, any new category should be fully documented and exhaustively researched with respect to potential alterations and appropriate mitigation. It is important that the applicant documents in narrative form the reasoning as to why the project meets this criterion. Any outside sources should be referenced within the report.

Criterion #3 – If the project is not approved by the Commission this action will restrict the use of the property to such an extent as to constitute a constitutional taking without compensation.

The applicant will need to demonstrate that reasonable economic use of the property would be denied such that it would result in an unconstitutional taking if the 50-foot no-work zone is maintained. The taking must be whole, that is, that it leaves no "reasonable use" of the property available to the owner that would have been available had the regulations not been in effect. "Reasonable use" means the smallest practical use that is an allowable activity on the parcel of land, such as the construction of a 2-bedroom house with septic system on a zoning compliant

lot. In a subdivision, house lot lines must be drawn to provide adequate area for construction of a home and its grading and septic system while avoiding any work in the 50-foot no-work zone.

If an applicant believes that the 50-foot no-work zone renders his lot unusable, he must demonstrate this by submitting engineering plans that show the largest possible house on the site, with all elements complying with the 50-foot no-work zone, with a septic system which includes the possibility of combining that system with other nearby systems or of using alternative sewage treatment systems. Another necessary consideration includes adjustments to the property lines of other adjoining lots as may be necessary.

Note that lots created in conventional subdivision developments are not eligible for an exemption under this criterion. Lots within these subdivisions should be designed so that construction occurs outside of the 50 foot no work zone. The inability of an applicant to maximize the number of lots in a development that may be allowed under zoning does not constitute a taking as defined by these regulations.

#### 11.7: Documentation of Decision

Once the Commission has evaluated the applicant's report it will determine by **super majority** vote whether to grant the request as submitted. The Commission may make this vote prior to the close of the public hearing **if** the Commission votes to allow it, and **if** the applicant wishes to do so, and the application may be modified to address concerns raised during the review of the three criteria, and then reconsidered **if** a vote under this section is still required. If a denial is issued, and modifications are not made, then the Commission shall provide documentation for the decision.

#### 11.8: Mitigation

Mitigation to compensate for the potential damage to the resource areas and the 50 foot no work zone shall be required as outlined in Section 15.3 of these regulations.

### Section 12.0: Using property under Conservation Commission jurisdiction

- a. No motorized vehicles are permitted outside of specified parking areas.
- b. Fishing is allowed in season with proper licenses in accordance with applicable laws. Hunting is not allowed.
- c. Intoxicating beverages and disorderly acts are prohibited.
- d. Open fires and liquid fuel require a fire permit form the Conservation Commission and from the Wrentham Fire Department. Contact the Con Com at 384-5417 or in writing c/o Town Hall, 79 South Street, Wrentham, MA 02093.

- e. All cans, bottles, litter, and garbage are to be taken away or placed in receptacles provided.
- f. Overnight camping will usually be permitted to organizations having adult supervision present at all times. Permission must be secured in writing from the Conservation Commission.
- g. No plants, bushes, or flowers to be defaced, cut removed, nor paint applied.
- h. The Conservation Commission, alone, may authorize trails to be cut or marked, dams to be built, or construction of any type of structure.
- i. Permission to use the area may be denied for any reason relating to health, safety, morals, fire danger, over-crowding, or prior violation of these regulations.
- j. The Conservation Commission does not patrol, and cannot assume, for the Town of Wrentham, liability for injuries, damage to property, or other losses. Those persons using the conservation areas assume all risks involved.
- k. Conservation areas are open at sunrise and close at sunset, except as noted in item f. above.

l. Dog Control

- 1. Dogs are allowed in all Wrentham Conservation Areas, but only if on a leash or lead suitable to prevent the dog from being at large except as allowed below, and to prevent the dog from being a public nuisance, as those terms are defined in the Town of Wrentham General Bylaws, Chapter 260: Animal Control, and only if the dog is wearing a currently valid dog license tag.
- 2. Dogs may be allowed off-leash in the area designated as “Off-Leash Area”. The area designated as “Off-Leash Area” shall be that portion of Birchwold Conservation area which is outside of the Open Space field designated with signage as Off-Leash Area.” Dogs in the off-leash area must be under the care and control of an owner or keeper such that the dog is under voice command sufficient to prevent the dog from disturbing or harming wildlife, other dogs, people or property.
- 3. The owner or keeper of any dog shall immediately remove and properly dispose of dog waste deposited by said dog in any portion of any Wrentham Conservation Area.
- 4. Violators of this regulation shall be subject to the enforcement provisions of §260-5 of the Wrentham General Bylaws, and may be subject to fines, penalties and impoundment as specified under said Bylaw.

## Section 13.0: Compost Sock Specifications

The Commission requires compost sock filter tubes be used for erosion control purposes unless the applicant can prove an alternative method will provide superior protection. The required specifications are listed below.

### 13.1: Specifications for Mulch Filter Tubes (“Compost Socks”)

The purpose of Mulch Filter Tubes is to provide a linear embankment of organic material, to be placed in the path of storm water flows for the purpose of filtering a substantial portion of the suspended sediments from the flow. This item shall conform to the following requirements:

1. The filter tube exterior shall be 100% organic burlap or other approved biodegradable material, and will become incorporated with the organic interior material.
2. Organic matter content shall be between 20-100% (dry weight basis) as determined by ASTM D2974 (method A) Standard Test Methods for Moisture, Ash and Organic Matter of Peat and Other Organic Soils.
3. Moisture content shall be <150% by dry weight (<60% by wet weight) as measured by ASTM D2216 Standard Test Method for Laboratory Determination of Water Content of Soil and Rock and ASTM D2974 (cited above).
4. Particle size as measured by sieving shall be as follows:

<u>Sieve Size</u>	<u>% Passing</u>
75 mm	100%
19 mm	70-100%
#4	30-75%
#20	20-40%

No particle may be longer than 150 mm.

5. Soluble salts in the organic interior material shall be <5.0 mmhos/cm, and the pH of same shall be between 5.5 and 8.0.

### 13.2: Maintenance

The Applicant shall maintain the filter tubes in a functional condition at all times, including inspections after each rainfall and at least daily during prolonged rainfall. Applicant shall immediately correct all deficiencies, such as gaps in coverage, overtopping, clogging with sediment, erosion, or otherwise becoming ineffective. Any filter tube which has broken open or otherwise had its functioning compromised shall be immediately replaced, and all mulch from the filter tube interior spilled in any area intended to be protected by the filter tube shall be immediately removed. Applicant shall make a daily review of the location of the berm in areas where construction activity causes drainage runoff to ensure that the tube is properly located for effectiveness. Where deficiencies exist, such as gaps in coverage, overtopping, or wash-out, corrective action shall be taken immediately, consistent with the Order of Conditions, or as approved or directed by the Commission or its Agent. Applicant shall remove sediment deposits

as necessary to maintain the filters in working condition. Sediment also must be removed when it reaches a level equal to one-half the effective height of the installed filter tube.

### 13.3: Removal

The Applicant shall rake out filter berms so that filter material is no greater than 3” in depth on soil substrate. Typically, filter tubes are to be removed at the same point in the construction process as conventional erosion control materials such as hay bales and silt fence would be. In appropriate cases, the Commission or its Agent may direct that the tubes and/or their contents remain in place to decompose naturally. If only the interior material is to remain, the exterior tubing material shall be cut and removed and disposed of off-site by the Applicant. Filter material remaining shall be raked per the above instructions.

### 13.4: Other

The diameter or height of the filter tubes or compound filter tubes to be used may be specified by the Commission in its Order of Conditions. Steeper slopes may require the use of compound filter tubes to create a berm.

## Section 14.0: Amendment of Regulations

These regulations may be amended by a majority vote of the Commission after due notice and a public hearing in conformance with Section 11 of the Wrentham Wetland Protection Bylaw.

## Section 15.0: Waiver provisions

### 15.1: Grounds for Granting a waiver

The Commission may waive strict compliance with these regulations by a super majority vote. The waiver provisions of Section 15.1 do not apply to Section 11, which contains its own waiver provisions that are provided in the WPB. Waivers are intended to be granted only in rare and unusual cases, not as a matter of right, and shall be granted only in conformance with the provisions listed below. The Commission may grant a waiver under any of the following conditions:

- a. The applicant can show that the granting of the waiver will have no more adverse impact on the wetland resources than if the waiver were denied.
- b. The waiver is necessary to avoid restricting use of the property to the extent that it constitutes an unconstitutional taking.
- c. The applicant can show that the granting of the waiver will have an overriding public benefit.

### 15.2: Required Information

All waiver requests must contain, at a minimum, the following information. The commission may request additional information in order to render its decision.

- a. The request must be made in writing and state exactly which provisions of these regulations need to be waived.
- b. Plans must be submitted clearly showing all details of the proposed alterations.
- c. An alternatives analysis must be submitted showing that no other practicable option exists that would have less impact on regulated resource areas.
- d. Deed information may be required to prove that land was never held in contiguous ownership with other land that could have been used to avoid the waiver request if it was not sold.

### 15.3: Requirements to mitigate the effects of granting a waiver.

If a waiver is granted the Commission may require the following:

- a. Mitigation may be required to offset the loss of protection to the wetlands. This could take the form of additional upland land being permanently set aside to compensate for the requested alterations, improvements to previously damaged areas on-site, invasive plant eradication, or monetary or other improvements to other, off-site public areas that would improve wetland resources elsewhere in Town.
- b. Most replication areas fail to adequately duplicate existing conditions over their entire area. If loss of a wetland resource occurs and a wetland replication area is required, a 2:1 ratio of replicated wetland to altered wetland may be required.

### Section 16.0: Effective date

These regulations have been duly adopted by the Wrentham Conservation Commission at a public meeting on November 8, 2012 with an effective date of January 1, 2013. The regulations were created by compiling, amending and adding to previously adopted regulations and policies, and are intended to replace all previously adopted regulations and policies of the Commission. These regulations are adopted and enforced as authorized by Section 11 of the Wrentham Wetland Protection Bylaw.

### Section 17.0: Severability

The invalidity of any section or provision of these regulations shall not invalidate any other section or provision thereof, nor shall it invalidate any Order of Conditions which has previously become final.

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## Appendix A

### Wrentham General Bylaws, Chapter 375 Wetlands Protection

<https://ecode360.com/36011286>

## Wetlands Protection Bylaw

### **§ 375-1 Purpose**

The purpose of this by-law is to protect the wetlands, related water resources, and adjoining land areas in the Town of Wrentham by controlling activities likely to have a significant or cumulative effect upon the important public values of those areas, which include, without limitation, the following: public or private water supply, ground water supply, flood control, erosion and sedimentation control, storm damage prevention, protection of surrounding land and other homes or buildings, water pollution control, fisheries, wildlife habitat, agriculture, recreation, and the historic and natural scenic character of wetland resource areas, watercourses, lakes and ponds (collectively, the “interests protected by this by-law”).

### **§ 375-2 Definitions**

The following definitions shall apply in the interpretation and implementation of this by-law.

- A. The term “alter” means to change the conditions of any area subject to protection under this by-law and shall include but not be limited to one or more of the following actions upon areas described in this by-law:
- i. the removal, excavation or dredging of soil, sand, gravel or aggregate material of any kind;
  - ii. the changing of preexisting drainage characteristics, flushing characteristics to include soil structure, salinity distribution to include soil compositions and chemistry, sedimentation patterns, flow patterns and flood storage retention areas;
  - iii. the disturbance or raising or lowering of the water level or water table;
  - iv. the dumping, discharging or filling with any material which could degrade the water quality or change water flow or quantity;
  - v. the driving of piling, erection of buildings or structures of any kind;
  - vi. the placing of any object or obstruction whether or not it interferes with the flow of water;
  - vii. the destruction of plant life, including the cutting of trees, and the removal of stumps, within any resource area other than the buffer zone, or the cutting of shrubbery or trees greater than 50% of the overhead canopy;
  - viii. the changing of water temperature, biochemical oxygen demand and other natural characteristics of the receiving water;
  - ix. any activities, changes or work which pollutes any body of water or ground water; and
  - x. the application of pesticides or herbicides.

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- B. The term “person” shall include any individual, group of individuals, associations, partnerships, corporations, business organizations, trust, estate, Commonwealth of Massachusetts when subject to town by-laws, any public or quasi-public corporation or body when subject to town by-laws or any other legal entity, including the Town of Wrentham or its legal representative, agents or assigns.

Except as otherwise provided in this by-law or in regulations of the Commission, the definitions of terms in this by-law shall be as set forth in the Wetlands Protection Act, G.L.C. 131, Sec. 40, and regulations 310, CMR 10.00, thereunder.

### **§ 375-3 Jurisdiction**

Except as permitted by the Conservation Commission or as provided in this by-law, no person shall remove, fill, dredge, build upon, degrade, or otherwise alter the following resource areas: any bank, freshwater wetland, marsh, wet meadow, bog, swamp, vernal pool (whether certified or potential), reservoir, lake, pond, creek, river or stream, or any land under said waters or any land subject to flooding or inundation by groundwater or surface water, or any land within 100 feet of any of the aforesaid resource areas (collectively, the “resource areas protected by this bylaw”) and within 200 feet of any perennial stream. The area of flooding or inundation shall include all lands up to the elevation of the 100-year floodplain.

### **§ 375-4 Exceptions**

The application and permit required by this by-law shall not be required for maintaining, repairing or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, telephone, telegraph and other telecommunication services, provided that written notice has been given to the Commission prior to the commencement of the work, and provided that the work conforms to performance standards and design specifications in any regulations adopted by the Commission.

The application and permit required by this by-law shall not be required for work performed for normal maintenance or improvement of land in agricultural use, provided that written notice has been given to the Commission prior to commencement of work, and provided that the work conforms to performance standards and design specifications in regulations adopted by the Commission.

The application and permit required by this by-law shall not apply to emergency projects necessary for the protection of the health and safety of the public, provided that the work is to be performed by or has been ordered to be performed by an agency of the Commonwealth or a political subdivision thereof; provided that advance notice, oral or written, has been given to the Commission prior to commencement of work or within 24 hours after commencement; provided that the Commission or its agent certifies the work as an emergency project; provided that the work is performed only for the time and place certified by the Commission for the limited purposes necessary to abate the emergency; and provided that within 21 days of commencement of an emergency project a permit application shall be filed with the Commission for review as provided by this by-law. Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.



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Other than stated in this section, the exceptions provided in the Wetlands Protection Act, G.L.C. 131, Sec. 40, and Regulations, 310 CMR 10.00, shall not apply under this by-law.

### **§ 375-5 Applications for Permits and Requests for Determination**

Written application shall be filed with the Commission to perform activities affecting resource areas protected by this by-law. The permit application shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on the resource areas protected by this by-law. No activities shall commence without receiving and complying with an appropriate permit issued pursuant to the bylaw whether the entity allowing or performing the work is private, commercial, municipal, or agricultural.

The Commission in an appropriate case may accept as the permit application and plans under this by-law the Notice of Intent and plans filed under the Wetlands Protection Act, G.L.C. 131, Sec. 40, and Regulations 310 CMR 10.00.

Any person desiring to know whether or not a proposed activity or an area is subject to this bylaw may be writing request a determination from the Commission. Such a request for determination shall include information and plans as are deemed necessary by the Commission. The Commission may determine that a proposed activity or an area is not governed by this bylaw subject to the observance of conditions imposed by the Commission on the work to be performed by the applicant or may require a Notice of Intent.

At the time of a permit application or request for determination, the applicant shall pay a filing fee specified in regulations of the Commission. The fee is in addition to that required by the Wetlands Protection Act, G.L.C. 131, Sec. 40, and Regulations, 310 CMR 10.00.

### **§ 375-6 Fees**

#### **A. Administrative Fee**

The Commission is authorized to include in any regulations adopted under this by-law a fee schedule imposing fees for permits, determinations and certificates of compliance. Such fees must be based on a reasonable estimate of the actual costs incurred by the Commission in carrying out its duties under this by-law, taking into account any fees provided under the Wetlands Protection Act. Failure to pay any fee required by regulations duly promulgated by the Commission shall be grounds for denial of the application.

#### **B. Consultant Fees**

The Commission is authorized to require the applicant to pay the reasonable costs and expenses borne by the Commission for specific expert engineering and consultant services deemed necessary by the Commission to review any application and/or submissions, and to monitor or provide field services required under an Order of Conditions. Such services may include, without limitation, the delineation, survey, monitoring, and inspection of wetland resource areas including any construction within Conservation Commission's jurisdiction, including an analysis of resource area values, hydrogeological and drainage analyses, evaluation of wildlife habitat, and legal services. The Commission is authorized to charge the applicant for said fee based upon its

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reasonable finding that the additional information acquirable only through outside consultants would be necessary for the making of an objective decision, and when the application or request for determination proposes any of the following:

- i. the alteration of 500 square feet or more of any land under a water body or bordering vegetated wetlands;
- ii. the alteration of 50 linear feet or more, or the alteration of 10% or more, whichever is less, of the bank of any water body or waterway;
- iii. the alteration of 1000 square feet or more of the buffer zone;
- iv. the creation or evaluation of any point source discharge, detention or retention basin, water control structure or wetland replication area;
- v. new construction proposed within any area that falls within the jurisdiction of the Conservation Commission as listed in Section 2, *Jurisdiction*; or
- vi. the determination of the boundary line of any resource area by the Commission.

Said fee may be requested of the applicant within thirty (30) days of the filing of the application, or from the last amendment thereto. In its request, the Commission shall identify the consultant it has selected and include an estimate of the charges for the proposed services. The applicant may appeal the selection of the consultant to the Board of Selectmen within ten (10) days of receiving notice from the Commission of the same. The Selectmen may set aside the selection of the consultant only if the consultant lacks sufficient qualifications to perform the work or has a conflict of interest. Any fees paid to the Commission under this section shall be placed into a professional services conservation account.

### C. Waiver/Non-Applicability of Fees

No application or consultant fees shall be due from the Town of Wrentham in connection with any project performed by the Town or on its behalf, or from any person having no financial connection with a property which is the subject of a request for determination.

### D. Revolving Fund

Subject to the adoption of appropriate regulations by the Conservation Commission under G.L. Ch. 40, Section 8C, any consultant fees collected under Section 5.2 shall be deposited, expended, and accounted for under the provisions of G.L. c. 44, Section 53G.

## § 375-7 Notice and Hearings

Any person filing a Notice of Intent with the Commission at the same time shall give written notice thereof, by certified mail (return receipt requested) or hand delivered, to all abutters at their mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within 100 feet of the property line of the applicant, including any in another municipality or across a body of water. The notice to abutters shall state where copies of the permit application may be examined and obtained by abutters. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. When a person requesting a determination is other than the owner, the request, the notice of the hearing, and the determination itself shall be sent by the applicant to the owner as well as to the person making the request.

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The Commission shall conduct a public hearing on any permit application or request for determination, with written notice given at the expense of the applicant, five business days prior to the hearing, in a newspaper of general circulation in the Town of Wrentham.

The Commission shall commence the public hearing within 21 calendar days from receipt of a completed permit application or request for determination unless an extension is authorized in writing by the applicant.

The Commission shall issue its permit or determination in writing within 21 calendar days of the close of the public hearing thereon unless an extension is authorized in writing by the applicant.

The Commission in an appropriate case may combine its hearing under this by-law with the hearing conducted under the Wetlands Protection Act, G.L.C. 131, Sec. 40, and Regulations 310, CMR 10.00. Notice of a hearing so combined shall not be considered defective solely because it fails to make reference to this by-law.

The Commission shall have authority to continue the hearing to a date certain announced at the hearing, for reasons stated at the hearings, which may include receipt of additional information offered by the applicant deemed necessary by the Commission in its discretion, or comments and recommendations of local, State or Federal Regulatory agencies. In the event the applicant objects to a continuance or postponement, the hearing shall be closed and the Commission shall take action on such information as is available.

### **§ 375-8 Burden of Proof**

The applicant shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the permit application will not have unacceptable significant or cumulative effect upon the interests protected by this by-law. Failure to provide adequate evidence to the Commission supporting this burden shall be sufficient cause for the Commission to deny such permit or to grant a permit with conditions.

### **§ 375-9 Permits and Conditions**

If, after said hearing, the Commission determines that the activities which are subject to the permit application are likely to have a significant or cumulative effect upon the interests protected by this by-law, the Commission, within 21 days of the close of the public hearing or such further time as the Commission and the applicant shall agree on, shall issue or deny a permit for the activities proposed. If it issues a permit, the Commission shall impose conditions which it deems necessary or desirable to protect those interests, and all work shall be done in accordance with those conditions.

The Commission is empowered to deny a permit for failure to meet the requirements of this by-law; for failure to submit necessary information and plans requested by the Commission; for failure to meet the design specifications, performance standards, and other requirements in regulations of the Commission; for failure to avoid or prevent unacceptable significant or cumulative effects upon the interests protected by this by-law; and where no conditions are adequate to protect those interests. Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing.

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Lands within 200 feet of perennial rivers and streams, and lands within 100 feet of other resource areas, are presumed important to the protection of these resources because activities undertaken in close proximity to resource areas have a high likelihood of adverse impact upon the wetland or watercourse, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of those activities. In addition, such areas are often vital to the preservation of species that depend on wetlands for food or reproduction. The Commission therefore will require that the applicant maintain a fifty-foot wide continuous strip of undisturbed vegetative cover within the 200-foot (or 100-foot) area. A variance to this criteria may be granted under three circumstances: 1) if the applicant demonstrates that the proposed project will have no adverse effect on any of the interests protected by this bylaw; 2) if the project is a rare or unusual case; and 3) if the project is not approved by the Commission this action will restrict the use of the property to such an extent to constitute a constitutional taking without compensation. If no evidence is supplied to support the claims that the project meets the specified criteria above the hearing will be delayed or continued until this information is provided, or the project request will be denied without prejudice.

To prevent wetlands loss, the Commission shall require applicants to avoid wetlands alteration wherever feasible, to minimize wetlands alteration, and where alteration is unavoidable, to incorporate mitigation measures into the project design.

A permit shall expire three years from the date of issuance. Notwithstanding the above, the Commission in its discretion may issue a permit expiring five years from the date of issuance for recurring or continuous maintenance work, provided that annual notification of time and location of work is given to the Commission. Any permit may be renewed for up to three years, unless otherwise set by the Commission, provided that a request for a renewal is received in writing by the Commission one month prior to expiration.

For good cause the Commission may revoke a permit or determination issued under this by-law after notice to the holder of the permit or determination, notice to the public, abutters, and town boards, pursuant to Section 5 and 6, and a public hearing.

The Commission in an appropriate case may combine the permit or determination issued under this by-law with the Order of Conditions or Determination of Applicability issued under the Wetlands Protection Act, G.L.C. 131, Sec. 40, and Regulations 310, CMR 10.00.

No work proposed in any permit application shall be undertaken until the permit issued by the Commission with respect to such work has been recorded in the Registry of Deeds or, if the land affected is registered land, in the registry section of the land court for the district wherein the land lies, and until the holder of the permit certifies in writing to the Commission that the permit has been recorded.

### **§ 375-10 Security**

As part of a permit issued under this by-law, the Commission may require, in addition to any security required by any other town or state board, commission, agency or officer, that the performance and observance of the conditions imposed hereunder be secured wholly or in part

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by one or more of the methods described below:

- i. by a proper bond or deposit of money or negotiable securities, sufficient in the opinion of the Conservation Commission to secure performance of the conditions and observance of the safeguards of such permit, to be released upon the issuance of a certificate of compliance for work performed pursuant to the permit; or
- ii. by a conservation restriction, easement, or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of the Commission whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed.

### **§ 375-11 Regulations**

The Commission shall promulgate after due notice and public hearing Rules and Regulations to effectuate the purposes of this by-law. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this by-law.

At a minimum these regulations shall define key terms in this by-law not inconsistent with the by-law and procedures governing the amount and filing of fees.

### **§ 375-12 Enforcement**

No person shall remove, fill, dredge, build upon, degrade, or otherwise alter resource areas protected by this by-law, or cause, suffer, or allow such activity to continue or allow such fill or other alteration to be left in place, without the required authorization pursuant to this by-law.

The Commission, its agents, officers, and employees shall have authority, with prior approval from the property owner or pursuant to court process, to enter upon privately owned land for the purpose of performing their duties under this by-law and may make or cause to be made such examinations, surveys, or sampling as the Commission deems necessary.

The Commission shall have authority to enforce this by-law, its regulations, and permits issued thereunder by violation notices, administrative orders, and civil and criminal court actions. Any person who violates provisions of this by-law may be ordered to restore the property to its original condition and take other action deemed necessary to remedy such violations.

Upon request of the Commission, the Board of Selectmen and the Town Counsel shall take legal action for enforcement under civil law. Upon request of the Commission, the Chief of Police shall take legal action for enforcement under criminal law.

Municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.

Any person who violates any provision of this by-law, or regulations, permits, or administrative orders issued thereunder, shall be punished by a fine of not more than \$300.00. Each day or portion thereof during which a violation continues, or unauthorized fill or other alteration remains in place, shall constitute a separate offense, and each provision of the by-law

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regulations, permits, or administrative orders violated shall constitute a separate offense.

As an alternative to criminal prosecution in a specific case, the Commission may issue citations under the non-criminal disposition procedure set forth in G.L.C. 40, Sec. 21D.

### **§ 375-13 Appeals**

A decision of the Commission shall be reviewable in the Superior Court in an action filed within 60 days thereof, in accordance with General Laws chapter 249, Section 4.

### **§ 375-14 Relation to Wetlands Protection Act**

This By-law is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act, G.L.C. 131, Sec. 40, and regulations 310, CMR 10.00, thereunder.

## Appendix B: Meeting Rules

The following rules apply to all Conservation Commission meetings.

- a. **Applicants and members of the public:** If you wish to speak, please raise your hand and wait to be recognized by the Chair. Please state your name and address for the record when called upon.
- b. **The Commission will strive to start hearings at the time on the agenda.** Exceptions may be made at the discretion of the Chair. Please plan your presentations / comments / questions accordingly. Although previous business may occasionally cause a hearing to start late, be assured that no public hearing will be held prior to the time printed on the agenda.
- c. **General Business.** Unless otherwise stated at a meeting, only Commission Members, the Conservation Agent, and the Conservation Secretary may speak. If you wish to address the Commission during the General Business portion of the meeting, please raise your hand and wait to be recognized the Chair.
- d. **Public Hearings.** The Chair will ask for a presentation by the applicant. The Chair will frequently set a time limit for this presentation. The Chair will then entertain relevant questions from Members, and after that, from abutters and the public.
- e. **Public Meetings.** Only Members, the Agent, and the Secretary may speak during a public meeting. However, a brief presentation is usually requested of the Applicant. Input from abutters or members of the public is at the discretion of the Chair.
- f. **Appropriate items for discussion** are limited to issues jurisdictional under the Massachusetts Wetlands Protection Act, MGL c.131 s.40, and Wrentham's Wetlands Protection Bylaw. In the interest of time and relevance, discussion of unrelated issues is discouraged.
- g. **Executive Sessions.** Members, the Agent, and the Secretary will be present during executive sessions, but not the public. The Chair may permit others to be present as appropriate.
- h. **Continuations.** Public hearings and public meetings may only be continued at the applicant's written request, except that the Commission may continue a hearing or meeting without the applicant's prior approval if a meeting is cancelled or the applicant is not present. If a continuation is favored by the Commission but not granted by the applicant, the Commission will close the hearing or meeting and make its decision based on the information received up to that point, and may choose to deny the application due to lack of information.

### Appeals Advisory:

Per MA Regulations, in order to be eligible to appeal a DEP Superseding Order of Conditions, one must have participated in the local public hearing process by submitting written comments to the Commission prior to the close of its hearing.