



The Wetlands Protection Act, the Conservation Commission, and You

This is the time of year when people look at building or upgrading their homes. Given the proliferation of wetlands and other resources in Amesbury, residents could be entering into a situation where they may be infringing upon the wetlands and other protected natural resources. The purpose of this article is to familiarize residents with the laws they may be affected by – why they were created and how they may affect a project.

Overview of the Wetlands Protection Act

This Act was adopted in 1972 and has been amended and expanded continually since. The 8 interests of the act are:

- 1) Protection of water supplies;
- 2) Protection of groundwater supply;
- 3) flood control;
- 4) Storm damage control;
- 5) Prevention of pollution;
- 6) Protection of land containing shellfish;
- 7) Protection of fisheries and
- 8) Protection of wildlife habitat.

From this evolved a set of state regulations, reflected in [310 CMR 10.00](#) These regulations encourage towns to enact local bylaws which are more stringent than the state regulations. The town's Conservation Commissions are charged with the enforcement of state and local wetlands regulations.

City of Amesbury Wetlands Protection Ordinance and Regulations

As indicated previously, it is recommended that towns and cities in Massachusetts incorporate their own bylaws or ordinances – which most have done. You can access our local ordinance and regulations from the Amesbury Conservation Commission [here](#)

The Amesbury Wetlands Protection Regulations were derived from the Amesbury Wetlands Protection Ordinance. They define resource entities such as wetlands, streams, and land subject to flooding and vernal pools among others. The Regulations contain 'setbacks' which determine how far a particular activity must be from the resource in question.

Amesbury Conservation Commission Responsibilities

The Amesbury Conservation Commission is composed of seven appointed Commissioners, an Office of Community and Economic Development Coordinator and a Conservation Agent. The Commission is responsible for applying the State required Wetlands Protection Act process to building / renovation projects which may affect protected resources. The process has several steps, which are listed below in the order normally required. If a project does fall within the regulatory domain of the Commission a hearing will be initiated upon the submission of the appropriate forms.

The Filing Process

There are several different processes which may be required, depending on the nature of the work being proposed.

RDA – Request for Determination of Applicability – in this process the applicant asks the Commission to determine whether they need to oversee a project. If a positive determination is made the applicant will then need to submit a Notice of Intent. Alternatively, the Commission may decide that the applicant can go forward with their project following a simple set of guidelines. These are issued in an ORAD (Order of Resource Delineation).

ANRAD – Abbreviated Notice of Resource Area Delineation – in this process the applicant obtains an official delineation of a resource area (marking the boundary of the resources on site) prior to submitting a Notice of Intent (NOI).

NOI – Notice of Intent – this is the official submission document to the local Conservation Commission and state DEP (there are separate forms for local and state submission). The submission and acceptance of the NOI constitutes the beginning of the ‘hearing process’ for the project. During the hearing process applicants submit engineering plans showing the resources areas and details of the project. The Commission may make a site visit to assess the project and resource areas. Abutters are notified that this application has been submitted and are invited to attend the hearings and give information pertinent to the project. Once the Commission is satisfied that they have received all information regarding the project and its impact on the resource areas they issue an acceptance or denial of the project.

OOC – Order of Conditions – this is the end result of the process initiated by the NOI. The OOC contains the findings of the hearing process indicating rejection or acceptance of the project. If the project has been accepted the OOC defines the conditions under which the project is to be conducted. The OOC is recorded with the Registry of Deeds on the property itself.

COC – Certificate of Compliance – The applicant must file for a COC within 30 days of the completion of a project. The Agent verifies that all special conditions of the OOC have been satisfied and submits the final CoC to the Commission for sign-off. Once the Commission has signed off on the CoC the document is recorded with the Registry of Deeds to clear the OOC from the property deed.

EO – Enforcement Order – This is the enforcement tool used by Conservation Commissions to ensure that a) that ad hoc activities in a resource area are controlled and b) that the conditions in an OOC are explicitly followed. The EO is issued against an individual/firm and allows for fines per day per offense.

Your Responsibility

As was indicated, it is the responsibility of the Conservation Commission to ensure that any activity to be undertaken within 100 feet of wetland or 200 feet of is done properly. Often this simply means a visit to the Amesbury Conservation Commission office at the City of Amesbury Municipal Development Center located at 39 South Hunt Road and a conversation with the Agent. The Conservation Agent can determine if there is a potential issue and/or prevent an offense from occurring. In addition, the Conservation Agent will indicate the next step that you should take.

If you are in doubt about a project, please contact the Amesbury Conservation Commission at 978-388-8110 ext. 504 or by email at conservation@amesburyma.gov.