



# TOWN OF WEBSTER

## Conservation Commission General Information

### Fact Sheet

#### **What is the Conservation Commission's role in Webster?**

The 7-member Commission is responsible for:

- Wetlands protection, by administering: The Massachusetts Wetlands Protection Act (“the Act”, MGL Ch. 131.s 40) at the local level
- Advising other government bodies
- Open space protection, including the following: Land acquisition; Accepting gifts of land; Administering Conservation Restrictions; Administering Agricultural Preservation Restrictions
- Other non-regulatory functions (such as public education)

Administering the wetland laws is an important and time-consuming part of the Conservation Commission's duties.

#### **What is a wetland?**

Wetlands are places where there is shallow water or soggy soil at least part of the time. The water has to be just shallow enough, or the soil just soggy enough, for wetland plants to take hold. Ponds, lakes, rivers and streams are not wetlands, because the water is too deep, but there are often wetlands along the edges of those water bodies.

Some examples of wetlands are bogs, swamps, marshes, and intermittent streams. Another type of wetland is a “bordering vegetated wetland”, which shares a border with a stream, pond, or lake. Wetlands can, however, be found far from deep water. Even some wetlands are not wet year-round.

#### **Why are wetland's important?**

Wetlands provide many valuable functions. The state's Wetland Protection Act protects **eight functions**, called “interests”:

- Public and private water supply
- Ground water supply
- Flood control
- Storm damage prevention
- Pollution prevention
- Land containing shellfish
- Fisheries
- Wildlife habitat

The Wetlands Protection Act protects all of the above, as well as these additional interests:

- Rare species habitat
- Agriculture
- Aquaculture
- Adjoining land areas deemed important to the community
- Aesthetics of the community

All of these interests ultimately benefit people, often in ways that are not obvious. For example, wetlands play a key role in recharging groundwater. Even though some wetlands have no apparent connection to surface water, most have critical groundwater connections. Particularly in the Town of Webster. Wetlands are sponges that soak up water after storms, protecting us from floods. They also allow particles to settle so that pollutants can be detoxified by plants and microorganisms.

Wetlands are often wildlife “hot spots”, providing food, water, breeding sites, and cover for many species. The benefits to humans of wildlife habitat go beyond recreation: Green plants moderate climate by fixing carbon. Forest canopies clean air by capturing particles produced by combustion. Leaf surfaces are the site of chemical reactions that transform certain pollutants into harmless compounds.

Even rare species habitat benefits people. Nature is a system which functions best when all of its components – all its living organisms – are present. When habitats are polluted or lost to development, and when species disappear, the system begins to erode, natural processes are compromised, and humans ultimately suffer.

### **What is a “wetland resource”?**

Technically a resource area is land (not the water) subject to protection under the Wetlands Protection Act and applicable local bylaws.

Inland wetland resource areas:

- Land under water (which could be land under a stream, pond, etc.)
- Banks Bordering vegetated wetland (see What is a Wetland, above)
- Land subject to flooding: Bordering a stream, pond, or lake; Isolated from other water bodies
- Riverfront area

The Act protects these wetland resource areas. According to science-based research, the wetland itself plus land within 25 feet of it, comprise the “wetland resource area”. This is why Webster has a no-disturb of 25 feet policy to help keep our resources and wetlands healthy and intact for the benefit of the community as a whole.

### **What is a wetland buffer zone?**

Under the Wetlands Protection Act, a “buffer zone” is the area **within 100 feet** of a wetland. According to the WPA, activity within the buffer zone is not presumed to have impact on the wetland. However, buffer zones play an important role in preservation of the physical, chemical,

and biological characteristics of the wetland and an applicant who wishes to conduct activity within a buffer zone must explain what will be done to protect the nearby wetland.

### **Does my project fall under the Wetlands Protection Act?**

Generally, both WPA laws apply for any work in the 100-foot buffer zone, but there can be some exemptions to each law. The Conservation Commission Agent can have a 1 on 1 meeting to help you determine whether your project meets criteria for any exemption and for which filing is appropriate for a project that is in the buffer zone.

### **Why is it important to evaluate the impact of every project within these resource areas?**

People sometimes think that one backyard project within a resource area won't make a difference, and should be ignored. However, many backyards are within resource areas, and the effects of many small projects add up. In a sense, wetland violations are like littering. The impact of only one-person littering is very small, but the cumulative impact of many people littering can be enormous. Likewise, the cumulative impact of many small wetland violations can be enormous. Like the no littering laws, wetland protection laws and bylaws must apply to everyone. That is only fair, and it ensures that the cumulative impact will be minimized.

It's also important to understand that most wetlands are connected to other wetlands (creating larger systems), either directly or through groundwater. This means that activities which impact wetlands within one property can impact people living elsewhere.

### **When am I required to file an application with the Conservation Commission?**

You must file an application when you want to conduct activity within an area which is under the jurisdiction of the Conservation Commission, as identified by the Wetlands Protection Act. The Webster Conservation Agent is your reference on the proper permit needed for a jurisdictional area. Contacting the office at Town Hall would be best to ask questions and discuss a potential project.

### **How do I apply to conduct activity in or near a wetland or floodplain?**

There are three kinds of applications under these regulations. The size and scope of your project will determine what application process should be submitted to the Conservation Commission. Contact the Conservation Agent if you are not sure which is appropriate. The Commission will set a time for a public hearing/meeting on your project and will advertise the hearing/meeting in the local newspaper at your expense. Once the public hearing/meeting is closed, the Commission must issue a decision.

1. A Request for Determination of Applicability should be filed if you are unsure if your project area falls within the jurisdiction of the Conservation Commission, or if it will have any impact on a resource area. This filing is for smaller impact projects.
2. A Notice of Intent should be filed if it is clear that your project will have **significant** impact a resource area or buffer zone.
3. An Abbreviated Notice of Resource Area Delineation can be filed to confirm the boundaries of a resource area only. This is the least common filing in the Town of Webster.

The Conservation Agent can explain the laws that regulate wetlands more completely to you and their effect on the particular project you have in mind. Regulations issued under the Act should be consulted, as they contain specific standards that you should incorporate into your project design. If you know that your project is regulated and that the size and scope of the project will require professional services you may go directly to a wetland consultant to assist you.

**How should I prepare for a meeting or hearing?**

You should be prepared to clearly explain your project, refer to maps and diagrams where helpful, and answer the Commission's questions. The Commission must treat everyone as fairly as possible and make fact-based decisions. A focus on the facts, rather than your mission or passion for the project, will help the process go more efficiently.

**Whom can I call for assistance in permitting?**

The Conservation Commission or its Agent cannot legally recommend any particular engineer, consultant, or landscaper, but may be able to advise you as to the type of consultation that would be most appropriate. It may also be useful to look through our minutes and look for any consultants that are familiar with our community. A google search for a local Wetland Scientist is always a good place to start.

**If I hire a consultant, will the Conservation Commission accept their opinion as the final word?**

Consultants can help you understand the complicated wetland laws and how they apply to your project, and can also help you communicate efficiently and effectively with the Conservation Commission. However, a consultant you hire to represent your own interests is not an unbiased expert. Therefore, the Commission cannot automatically accept a consultant's opinion as the final word. If the Commission did so, there would be no one representing the wetland interests of Webster.

**Contact Information:**

For inquiries on projects or additional guidance contact our Conservation Commission Agent at: 508.949.3800 ext. 4008 or via email at [conservation@webster-ma.gov](mailto:conservation@webster-ma.gov)

Feel free to stop into the conservation office is located in the Land Use Department in the basement level at the Webster Town Hall, 350 Main St. Webster, MA 01570

We look forward to helping you!

Thank you.