

# Rivers Protection Act FAQ's

## **What is a Riverfront?**

The Rivers Protection Act of 1996 expanded the jurisdiction of the Wetlands Protection Act, MGL Ch. 131 §40, by regulating activities within a new wetland resource area called the "Riverfront Area."

The Riverfront Area includes the land within 200 feet of the banks (or mean annual high-water line) of a river or major stream. "River" is very broadly defined as "a natural flowing body of water that empties into any ocean, lake or other river and which flows throughout the year," regardless of size, and so includes many streams.

## **Why are Riverfront Areas so important?**

Riverfront Areas provide many free services to the community and the environment. By providing groundwater recharge and natural flood storage, as well as by slowing surface water runoff, Riverfront Areas can limit flooding and damage from storms. Riverfront Areas are also important wildlife habitat, providing food, shelter, breeding sites, migration stops, and overwintering areas; even some predominantly upland species use Riverfront Areas and may depend on them in winter.

In all, the Wetlands Protection Act identifies eight interests for Riverfronts: flood control, prevention of storm damage, prevention of pollution, fisheries, land containing shellfish, groundwater, public or private water supply, and wildlife habitat.

## **What activities in Riverfront Areas are regulated?**

Under the Wetlands Protection Act, no one may "remove, fill, dredge or alter" a Riverfront Area (or other wetland resource or buffer) without a permit from the Conservation Commission. The term "alter" includes destruction of vegetation, changes in drainage characteristics or flow patterns, changing water quality or characteristics, dumping, and placing of structures. Certain activities, specified in the regulations, are exempt from the Act.

## **What must I do if I plan activities within a Riverfront Area?**

First, you should contact the Conservation Agent or the Commission for further information on the law and its effect, if any, on the particular project you have in mind. For regulated activities within the 200-foot Riverfront (or within another wetland resource or buffer zone), you will need an Order of Conditions (a permit) from the Commission. To apply, you submit a Notice of Intent (an application) along with plans adequately describing your project and the wetland resources. Professional services may be needed to prepare the plans. The Commission will then visit the site and set a time for the public hearing. Once the hearing is closed, the Commission will make its decision and issue the Order of Conditions within 21 days. The Order will approve the project and specify how it must be conducted to protect Riverfront interests, or it may deny the project on a finding that it does not meet the standards specified in the Act and regulations. A denial may also result from a lack of sufficient information. You (or abutters, or the DEP) may appeal the decision within 10 days.

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## **What standards must my project meet?**

The regulations for Riverfront Areas provide that the eight interests identified for Riverfront Areas must be protected. The applicant must show that the proposed project will protect those interests and that there is no practicable and substantially equivalent economic alternative with less adverse effects on the interests. Consult the regulations issued by the state Department of Environmental Protection (DEP), 310 CMR 10.58, which contain specific standards that you must incorporate into your project design.

## **What projects are exempt from the Riverfront requirements?**

Exemptions from the Rivers Protection Act include:

- Structures in existence on August 7, 1996, and their maintenance
- The following minor activities:
  - Unpaved walkways for private use;
  - Fencing, provided it will not impede wildlife movement;
  - 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 does not include the cutting of trees which reduces the leaf canopy to less than 90% of the existing crown cover or the mowing or removal of understory brush.)
  - Plantings of native vegetation;
  - Conversion of lawn to accessory uses for single family houses (decks, sheds, patios, pools), provided they are more than 50 feet from the river;
  - Conversion of impervious surfaces to vegetation; provided erosion control is used during construction; and
  - Temporary planning and design activities having negligible impacts.
- Activities covered under Chapter 91 waterways licenses.
- Other exemptions, of less interest to homeowners, are also listed in the Regulations (310 CMR 10.58(6)).

## **What resource areas, besides the Riverfront, are included in the Wetlands Protection Act?**

Legally, the term "wetland" includes not only what we typically think of as wetland, such as cattail marshes, but also areas such as wet meadows, red maple swamps, shrub swamps, and streams that may even be dry for a significant portion of the year. The Act also covers land under rivers and ponds, the banks of these water bodies, and areas subject to flooding. The Act and Regulations give technical definitions. The abundance of wetland vegetation and the character of the soil define many wetland resources. Alterations within these resource areas, and within a 100-foot buffer surrounding vegetated wetlands and banks, require permits.

## **How can I get more information?**

Contact the Conservation Agent for the Webster Conservation Commission at Webster Town Hall (508-949-3800 ext. 4008) or a wetlands consultant / engineer. The Massachusetts Wetlands Protection Act (M.G.L. Ch. 131 §40) and Regulations (310 CMR 10.00) are on line for viewing and downloading at the DEP website.