

# Homeowners Guide to Wetlands Protection Laws



**TOWN OF NEWBURY**

Newbury Conservation Commission

# Table of Contents

Overview of Laws .....	<b>1</b>
Wetlands Protection .....	<b>2</b>
How do I know if an area is protected? .....	<b>2</b>
What types of areas are protected? .....	<b>2</b>
What is MA DEP? .....	<b>3</b>
Overview of Wetlands .....	<b>3</b>
Wetlands Permitting .....	<b>4</b>
How do I get a permit? .....	<b>4</b>
What happens if I don't get a permit? .....	<b>4</b>
FAQ .....	<b>5</b>

# Overview of Laws

## MA Wetlands Protection Act (MGL ch. 131, s. 40)



This is the state law that governs the removal, filling, dredging, and alteration of wetland resources. The WPA is supplemented by its associated regulations (310 CMR 10.00) which further outline general provisions for permitting and performance standards for different resource types.

## Town of Newbury Wetlands Bylaw (Ch. 95)



The town Wetlands Bylaw currently only applies to Plum Island, and provides additional protections beyond the WPA. The WPA applies to the entire state, including all areas of the Town of Newbury.

## Other Laws and Regulations



In addition to the WPA and town Bylaw, some areas are subject to other laws that conservation commissions must consider. These may include, but are not limited to, laws related to waterways/navigable waters, floodplains, and rare/endangered wildlife.

# Wetlands Protection

## How do I know if something is protected?

Wetlands are defined by the kind of plants that grow in them as well as the kind of soils that exist there. Generally, if you have an area that holds water or has flowing water on a regular basis, you probably have wetlands. If you are unsure, contact the Conservation Office or a qualified wetland scientist for assistance finding out before you do any work.

---

*If you live on Plum Island, which is classified as a Barrier Beach, everything around you is considered a wetland resource area!*

---

## What types of areas are protected?

Under the WPA, the following areas are subject to protection:

- Freshwater and saltwater/coastal wetlands
- Oceans, lakes, and ponds
- Rivers, streams, creeks, estuaries, and riverfront area
- Banks, dunes, and flats
- Marshes, swamps, and bogs
- Land under bodies of water
- Lands subject to tidal action
- Lands coastal storm flowage
- Land subject to flooding
- Areas within 100' of most wetland areas

Any activities proposed or undertaken in areas subject to protection which will remove, fill, dredge, or alter those areas is subject to regulation and review by the Conservation Commission and the MA Department of Environmental Protection.

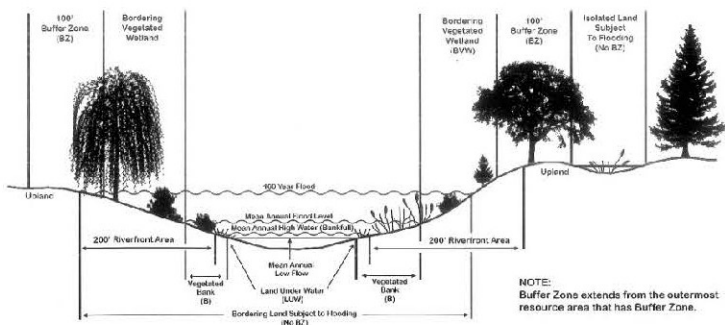
## What is MA DEP?

The Massachusetts Department of Environmental Protection (or “DEP”) is the state agency that helps to protect the Commonwealth’s natural resources, including water, to provide for the health, safety, and welfare of all people, and to ensure a clean and safe environment for future generations.

When you file an application with the Conservation Commission for work in protected areas, you will also send the application to DEP for review. DEP may provide comments, and they reserve the right to appeal decisions made by the Commission.

# Overview of Wetlands

Below is a graphic that helps to identify some key features of wetland areas. Please note that this graphic does not depict all wetland resource types and does not represent what all wetland areas may look like. This only serves as general reference material. To identify and delineate wetlands accurately, you must obtain the services of a qualified professional.



**FIGURE 1:** Inland Wetland Resource Areas and associated Buffer Zones. Modified from: Massachusetts Department of Environmental Protection (personal communication) and MA WPA regulations.



# Wetlands Permitting

If you are planning any work that will take place in, or have any impact on, a jurisdictional area, you will need to get a permit through the Conservation Commission.

Regulated activities include dumping, vegetation removal, construction or renovation of structures and septic systems, grading, excavation, filling, altering stormwater discharge, and polluting wetlands.

---

*If you're unsure if you need a permit,  
reach out to the Conservation Agent!*

---

## How do I get a permit?

First, figure out what type of permit you need. If you're not sure, contact the Conservation Agent. Once you know what type of permit you need, locate the necessary forms, fill them out, and submit them to the Conservation Office and to DEP.

Want to make the process easier? You can hire a consultant to help you! Many consultants will complete the filing and represent you in hearings.

## What happens if I don't get a permit?

Conducting regulated activities without permits, intentionally or unintentionally, may result in a violation finding. Violation findings can include Enforcement Orders mandating restoration, or requirements to obtain after-the-fact permits.

Under the WPA, the Conservation Commission can also issue fines of up to \$300 per violation per day. To avoid enforcement action, contact the Conservation Office before conducting regulated activities in jurisdictional areas.

# Conservation FAQs

## When does the Commission meet?



The NCC typically meets on the first and third Tuesdays of the month, unless otherwise posted. Meeting schedules are posted on the Conservation Commission webpage, and agendas are posted on the webpage no later than two business days before a meeting.

## What if I think someone has violated the WPA?



If you believe you have seen a violation occur, contact the Conservation Agent. You will be asked to complete a Complaint Form, available on the webpage, so the Agent has a record of the complaint and contact info in case they need to reach you with any questions.

## Did you know...



- Wetlands on both public and private property are regulated by law.
- You are responsible for activity conducted on your property – always check to see if you need a permit before doing work, don't leave it up to your contractor!
- Wetlands may not always be wet, in the summer they may even appear dry.

## Who We Are

The Newbury Conservation Commission (NCC) is made up of volunteers - residents from town who choose to spend their time making sure our valuable wetland resources are being protected.

The Conservation Agent is a dedicated staff member who is your first point of contact when you reach out to us. The Conservation Department is also supported by the Inspectional Services Admin Assistant.

- The Agent and the IS Admin are here in the office to assist you with any questions you have about wetlands, wetland protection, and work in and around wetlands...
- The NCC is the permitting authority that reviews applications and authorizes the issuance of permits to do work.

## Contact Us

If you have any questions, please do not hesitate to reach out to us! We are here and happy to help!

12 Kent Way, Suite 101  
Newbury, MA 01922

Phone: 978-465-0862 ext 310

Email: [conscom@townofnewbury.org](mailto:conscom@townofnewbury.org)

Web: [www.townofnewbury.org/conservation-commission](http://www.townofnewbury.org/conservation-commission)



**Town Of Newbury**  
12 Kent Way, Suite 101  
Newbury, MA 01922