



Town of Sturbridge

Conservation Commission

FREQUENTLY ASKED QUESTIONS

What are wetlands?

Wetlands are identified by vegetation composition, plants and animals that thrive in wet conditions. Wetlands take many forms, some of which are identified as: banks, beaches, bogs, dunes, marshes, ponds, rivers, salt marshes, streams, tidal pools and wet meadows.

Why protect wetlands?

Wetlands, especially those at the headwaters and along the main branch of rivers and streams, store large amounts of water during rainy periods. This storage of flood waters reduces peak flows downstream, thereby reducing potential flood damage to downstream property owners. When wetlands and floodplains are filled and the flood storage capacity is lost, property, homes and businesses downstream, which were never flooded before may become subject to flooding. To date, Massachusetts has lost nearly a third of its original natural wetlands acreage to agricultural, commercial, and residential development. The cost of this loss is may include degraded water quality; increased storm damage; depleted fish and wildlife and plant populations.

What is the Wetlands Protection Act?

The Massachusetts Wetlands Protection Act (M.G.L. Chapter 131, Sec. 40) prohibits any filling, excavation or alteration of the land surface, water levels or vegetation in wetlands, floodplains, riverfront areas or other wetland resource areas, regardless of ownership, without a permit from the local Conservation Commission.

Regulations for the Act are issued by the Massachusetts Department of Environmental Protection (DEP) (310 CMR 10.00). The Department of Environmental Protection also issues policy statement and guidance documents for clarification of issues.

The eight interests of the Massachusetts Wetlands Protection Act which serve to preserve and protect Massachusetts wetlands are: preventing pollution; reducing the effects of potential flooding; storm damage prevention; protecting groundwater supplies; protection of fisheries; protection of land containing shellfish; maintaining habitats for plants and wildlife; and protecting public and private water supplies.

The Act gives local communities the authority to determine which Resource Areas within its jurisdiction are protected, to regulate work in these areas, and to enforce the regulations. The performance standards under the Act state that there may be no destruction or impairment of bordering vegetated wetland (BVW) areas: alteration of up to 5,000 square feet may be permitted at the Commission's discretion provided the area is properly replicated.

What is a buffer zone?

A buffer zone is an area of land within 100 feet of coastal banks, inland banks, freshwater wetlands, coastal wetlands, tidal flats, beaches, dunes, marshes, and swamps. Work in a buffer zone could have an impact on the nearby wetland, depending on the type and location of the work and the wetland. Thus, many activities done in a buffer zone (other than minor activities set forth in the regulations and exempt activities) are subject to regulation under the Act and require prior approval by the Conservation Commission. The Conservation Commission may impose conditions or limits on activity done in a buffer zone so that the nearby wetland is protected.



Town of Sturbridge

Conservation Commission

What does the Commission do?

The purpose of the Conservation Commission is to protect the wetland resource areas in Sturbridge, in accordance with the Massachusetts Wetlands Protection Act (WPA) as well as the Sturbridge Wetland Bylaw and supporting regulations. The primary activity of the Commission is the administration of the State Wetlands Protection Act (WPA) (M.G.L. Chapter 131, Sec. 40). The Commission also engages in planning, as well as helping to acquire and manage open space.

When should you consult the Commission?

Anytime you plan to work within the 200-foot buffer zone of a Resource Area, or within the 200-foot buffer zone of any waterway, you must obtain the necessary permits from the Conservation Commission. When in doubt, our Conservation Agent will be happy to consult with you and answer your questions. For detailed information, please contact the office 508-347-2506.

When/where does the Commission meet?

The Conservation Commission meets the 1st and 3rd Tuesday of each month in the Center Office Building, located at 301 Main Street, Sturbridge MA, on the second floor.

Who are these people?

The Conservation Commission is appointed by the Board of Selectmen and is made up of Sturbridge residents.

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 or the Sturbridge Wetland Bylaw.

When the Conservation Commission determines that the Wetland Protection Act Applies to a proposed project, what is next?

You may file for a **"Request for Determination of Applicability"** for small projects in which no alteration of a wetland resource area is proposed. A \$25.00 fee is required and shall be payable to the Town of Sturbridge. A public hearing notice must be placed in the Southbridge News, at least 5 days before the hearing.

THE SOUTHBRIDGE NEWS
P.O. Box 90, Southbridge, MA 01550
(phone) 508-909-4104 (fax) 508-764-8102

Your project will be heard at a scheduled meeting by the Commission. After the meeting is closed, the Conservation Commission will issue a Determination of Applicability.

For larger, more complex or sensitive projects you must complete a **"Notice of Intent,"** form and an engineered plan is often required. Abutter notification is required as well as a fee payable to both the Town and the DEP. A public hearing notice must be placed in the Southbridge News, at least 5 days before the hearing.



Town of Sturbridge

Conservation Commission

Your project will be heard at a scheduled meeting by the Commission. After the hearing is closed, the Conservation Commission will issue an "Order of Conditions," detailing how you must proceed with the project. This "Order of Conditions" must then be recorded at the Registry of Deeds. Proof of recording must be presented to the Conservation Commission office prior to the start of your project.

How do I record a permit?

An Order of Conditions must be recorded at the Worcester Registry of Deeds, no earlier than 10 business days after the issuance of the Order of Conditions by the Conservation Commission along with proof that no appeal of the Order of Conditions has been filed. The Registry fee for recording or registering shall be paid by the owner or applicant.

How do I close out a permit?

To close out a permit, you must submit a Request for Certificate of Compliance with as-built plans. Upon receipt and recording of a Certificate of Compliance signed by the Conservation Commission, the "cloud" on your title will be released.