

WETLAND PROTECTION BYLAW REGULATIONS

I. General Provisions

A. Authority

These Wetland Protection Regulations (hereafter referred to as “Regulations”) are promulgated under authority of the Massachusetts Constitution Amendment Article XCVII (Article 97), Massachusetts General Laws (MGL) c. 40 § 8C, the Home Rule Amendment Article LXXXIX (89), of the amendments of the Constitution of Massachusetts, 1966 as amended from time to time and in accordance with the Rowley Wetlands Protection Bylaw and shall be effective upon fulfillment of all legal requirements of their effectiveness.

B. Purpose

The purpose of the Rowley Wetlands Protection Bylaw (hereafter referred to as the “Bylaw”) is clearly stated in the Bylaw. Wetlands contribute to a number of public interest such as the prevention of pollution of surface water and groundwater, private and public water supply, wildlife habitat, protection of fisheries, and stormwater damage prevention, and are therefore protected by the Bylaw. The Bylaw identifies additional public interests not recognized by the Massachusetts Wetlands Protection Act MGL c. 131 § 40 and Regulations 310 CMR 10.00 (hereafter referred to as the “Act”). These are: “prevention and control of erosion and sedimentation”, “wildlife”, “recreation” and “aesthetic value”. Any permit issued under the Bylaw and Regulations must therefore contribute to, and not be in violation of, these public interests. These Regulations are promulgated to ensure fairness, to create a uniformity of process and to clarify and define the provision of the Bylaw, administered by the Rowley Conservation Commission (hereinafter referred to as the “Commission”).

C. Jurisdiction

The areas subject to protection under the Bylaw differ from those protected solely by the Act in that additional wetland resource areas are protected by the Bylaw, as well as the additional interests previously described. The additional areas subject to protection under the Bylaw include vernal pool habitat and certain freshwater isolated vegetated wetlands that may not meet the definition of bordering vegetated wetland under the Act and including Department of Environmental Protection Groundwater Protection Areas Zone I and Zone II,

habitats of rare wetlands wildlife as defined by the Natural Heritage and Endangered Species Program; or Outstanding Resource Waters (ORW) as defined by the Executive Office of Environmental Affairs.

The Town's wetland resource areas consist of:

1. Isolated vegetated wetlands, including replication areas built according to an approved Order of Conditions;
2. Vegetated wetlands bordering on any creek, river, stream, pond or lake, ocean or estuary including replication areas built according to an approved Order of Conditions;
3. Coastal or inland banks, beaches, flats, marshes, wet meadows, bogs or swamps;
4. Areas of Critical Environmental Concern (ACEC) as defined in 301 CMR 12.00, including without limitation the Parker River/Plum Island Sound ACEC;
5. A 100' buffer zone from any area specified in #1-4 listed above;
6. Vernal pool habitat as defined in the Bylaw;
7. Land under any creek, river, stream, pond or lake, estuary, ocean, and any land subject to tidal action;
8. The 200' Riverfront Area as defined in 310 CMR 10.58; and,
9. Any areas designated critical or environmentally sensitive, including the approved Department of Environmental Protection Groundwater Protection Areas, Zone I; the Approved Department of Environmental Protection Groundwater Protection Area, Zone II, habitats of rare wetlands wildlife as defined by the Natural Heritage and Endangered Species Program; or Outstanding Resource Waters (ORW) as defined by the Executive Office of Environmental Affairs.

D. Fee Schedule

The attached Wetland Bylaw Fee Calculation Form (herein after referred to as the "Form") has been determined by the Commission to be commensurate with the expense of providing review services to applicants (exclusive of design review fees by expert engineers and consultants). The Form shall be submitted and the fees paid at the time an application or other request for Commission approval is filed. These fees are in addition to and commensurate with those required by the Act (except where otherwise noted). This Fee Schedule may be amended as necessary by majority vote of the Commission at any public hearing.

NOTE: Similar to 310 CMR 10.03(7)(c), when the work involves activities within the Riverfront Area as well as another resource area or the Buffer Zone, the local

bylaw fee for a Request to Determine Applicability (RDA), a Notice of Intent (NOI), and a Request to Amend an Order of Conditions (RAOC) shall be determined by adding an additional 50% of the fee calculated for activities in another resource area(s) or the Buffer Zone. When the work involves activities within the Riverfront Area but no other resource area, the fee shall be determined by adding the fees for each of the proposed activities within the Riverfront Area and multiplying the alteration fee times the square foot measurement of surface area alteration.

Public Hearing(s): February 18, March 10, and March 31

The Rowley Conservation Commission passed these Regulations unanimously by roll call vote on March 31, 2020