

Wetlands Protection Bylaw

FAQ

Clean water is so important. Wetlands play an integral role. Taking steps to protect our rivers, wetlands, and streams keeps clean drinking water in our taps, creates recreational opportunities for future generations, protects us from flood risks, and provides a healthy ecosystem for plants and wildlife.

The MA Wetlands Protection Act (1972) is a state law that offers some protections for our wetlands. Through the Wetland Protection Act, permits are required to be submitted to the Conservation Commission for review when projects are located within 100 feet of a wetland, or within 200 feet of a perennial stream.



However, the **state law has limitations**. Many towns in Massachusetts have created their own Wetlands Bylaws that fit the needs of their community. **These Bylaws add more protections to wetlands and water resources, creating cleaner water for our community.**

Q: What will the proposed by-law do?

- The Bylaw creates a 25-foot No Disturb Zone around resource areas. Resource areas include: wetlands; ponds; streams; and lakes. *(For a full defined list, please reference our full bylaw)*. No new structures or pavement can be added in the 25-foot area, and natural vegetation cannot be cut, unless the Conservation Commission approves a waiver application.
- The Bylaw protects some resource areas that are not protected by the state law, including: vernal pools, small ponds, and isolated wetlands. These are critical habitats for wildlife and important water resources.
- The Bylaw improves the Conservation Commission's enforcement ability by giving it the right to fine for violations.

Q: Why the 25-foot No Disturb Zone in Hudson?

With more and more development occurring, and less and less land available, people are building closer and closer to wetlands and water resources. The natural vegetation surrounding our water and wetlands provides so much protection to keep our water clean. These "vegetative buffers" have many benefits, including:

- Helping filter out pollutants before they get into the water that we drink and swim in.
- Providing shade, which stabilizes water temperature, reduces algae blooms, and creates a suitable environment for fish and aquatic wildlife.
- Protecting our water from sedimentation and erosion. Sedimentation can kill fish and aquatic wildlife, increase contaminants, and make waterways more shallow.

Wetlands act like a sponge, absorbing flood waters and filtering pollutants. Changing surrounding conditions can significantly harm wetlands and waterbodies. It's important we put additional measures in place to protect Hudson's water resources.

Q: What about docks and retaining walls?

Water related projects such as docks and retaining walls are exempted from the restrictions of the 25-foot No Disturb Zone, but do require a Notice of Intent, as was always required under the state's Wetlands Protection Act.

Q: What if I already have structures or pavement closer than 25-feet to a wetland or waterbody?

You will be grandfathered in. Existing structures may remain without change. Expansion of existing structures wouldn't be allowed to prevent building or paving closer to the wetland/waterbody than existing structures. However, if you need to do construction work within the 25-foot No Disturb Zone, you can apply to the Conservation Commission for a waiver under certain conditions.

Q: Are violaters fined? How do these fines work?

The Bylaw improves the Conservation Commission's enforcement ability by giving it the right to fine. The fines are: \$100 for the first offense; \$200 for the second offense; \$300 for the third and subsequent offenses.

Q: What if I already have a lawn? What about mowing or pruning in my existing landscape?

These would be exemptions. Routine mowing (including river meadows) and maintenance of lawns, gardens, and landscaped areas, in existence on the effective date of this Bylaw or which are created after such date in accordance with the terms of this Bylaw. You may also prune existing vistas and of tree branches or shrubs, so long as pruning does not impact the health of the vegetation.

Q: Why does the Commission believe they need this bylaw?

The commission has seen a great need for this bylaw. We process permit applications and proposed design plans, and also handle violations to the Wetlands Protection Act. Over the years, we've realized we need a bylaw like this for the best interest of Hudson town residents. We want ensure that development is conducted in a responsible way, but we are currently obligated to approve permit applications right up to the wetland. We also have no jurisdiction to protect some of these water resources previously mentioned. We cannot fine violations, no matter how egregious. The science shows that vegetative filter strips are crucial to protecting our environment. This 25-foot buffer would enable us to protect these valuable resources.

Q: Where can I find more information on this bylaw?

You can visit the Conservation Commission's website to get a full copy of this bylaw to review and other materials, including a video explaining the Bylaw. You can also contact the Conservation office anytime at 978-562-2948 or email phelinek@townofhudson.org.