




# Hudson Wetlands Protection Bylaw

07/09/2017 16:34

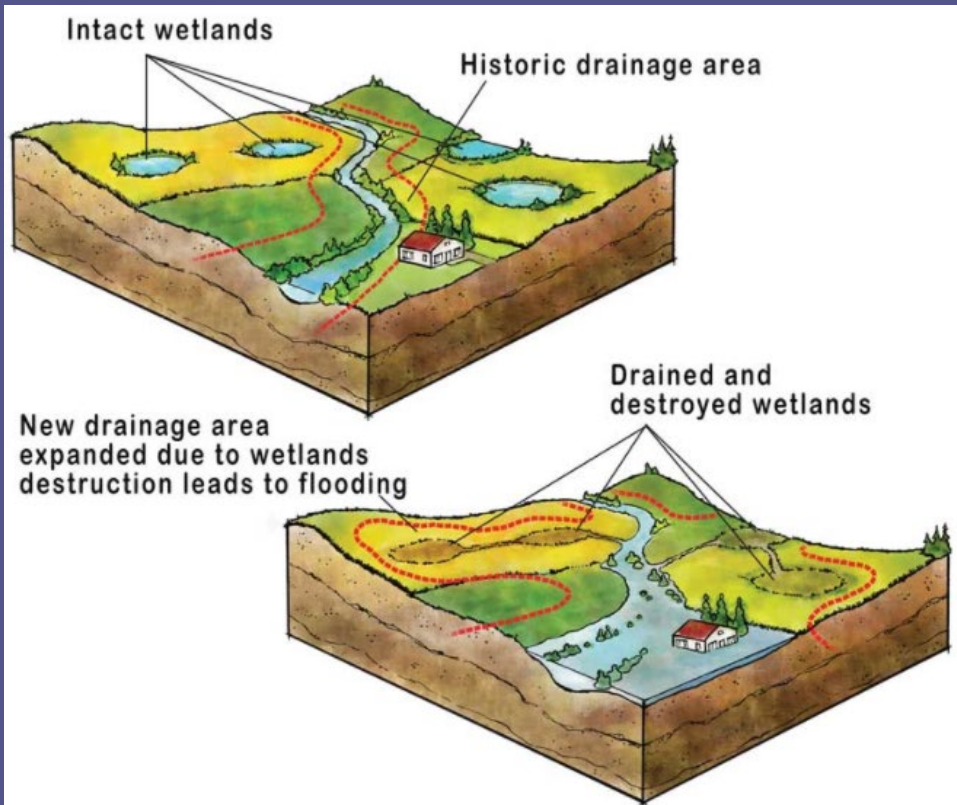
# Conservation Commission

- Protect Wetlands - MA Wetlands Protection Act
  - Permitting projects near wetlands and waterbodies
  - Correcting violations (unpermitted alterations)
  - *Any disturbance of soil or vegetation (except for maintenance of existing lawn and gardens) or addition of impervious surface requires a permit*
- Manage Town Conservation Land

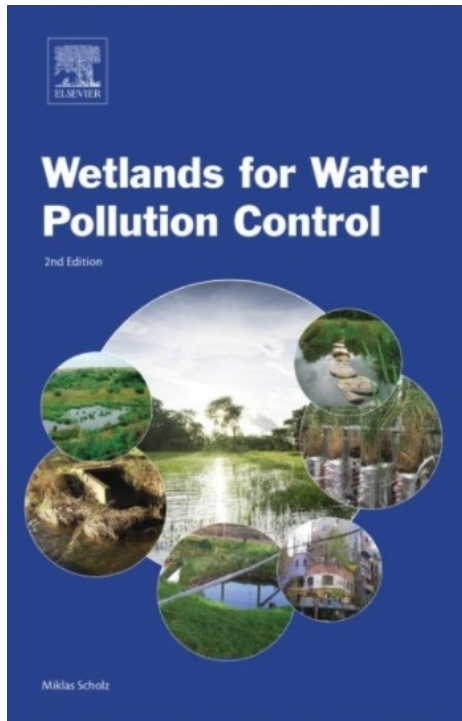
	<b>Massachusetts Department of Environmental Protection</b> Bureau of Resource Protection - Wetlands <b>WPA Form 5 - Order of Conditions</b> Massachusetts Wetlands Protection Act M.G.L. c. 131, §40	Provided by MassDEP: MassDEP File #:190-0592 eDEP Transaction #:826901 City/Town:HUDSON
<b>A. General Information</b>		
1. Conservation Commission	HUDSON	
2. Issuance	a. <input checked="" type="checkbox"/> OOC	b. <input type="checkbox"/> Amended OOC
3. Applicant Details		



# Why are wetlands important: Flood Control



# Why are wetlands important: Pollution Filtering

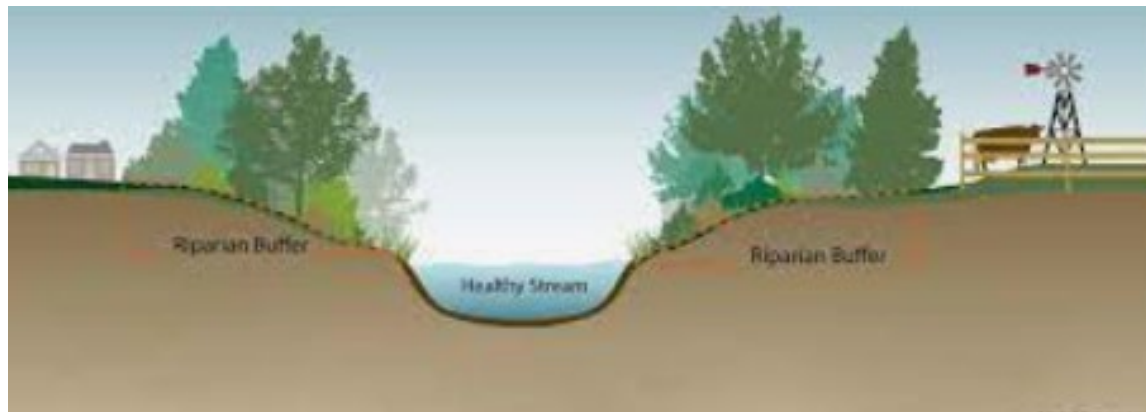


# Why are wetlands important: Wildlife Habitat



# Importance of Buffer Zones

- Light Reaching Wetlands
- Temperature of Wetland
- Flow of Water to Wetland
- Erosion into Wetland



# MA Wetlands Protection Act

## State law that protects

- **Bordering Vegetated Wetlands**
  - 100-foot Buffer Zone
- **Bank**
  - 100-foot Buffer Zone
- **Land Under Water**
- **Riverfront Area**
  - 200 feet
- **Floodplain**



# Why a Bylaw?

- Increased development
  - Buffer Zone is disappearing
  - Wetlands are shrinking
- Unprotected resources
- Limited Enforcement ability








*Note that almost 200 municipalities in MA feel that the state Wetlands Protection Act does not provide enough protection and have adopted Bylaws, including many of our neighbors.*



# Hudson's Wetland Resources: Assabet River



Assabet River (MA82B-04) Use Summary Table

Designated Uses		Status
Aquatic Life		<b>IMPAIRED</b> Causes: Combination benthic/fish bioassessment, total phosphorus, dissolved oxygen, oxygen saturation, excess algal growth (Suspected Causes: Ambient bioassay-chronic aquatic toxicity) Sources: Municipal point source discharge, impacts from hydrostructure flow regulation/modification, unknown (Suspected Sources: Internal nutrient recycling, discharges from municipal separate storm sewer systems (MS4s))
Fish Consumption		<b>NOT ASSESSED*</b>
Primary Contact		<b>IMPAIRED</b> Causes: Excess algal growth
Secondary Contact		Sources: Municipal point source discharge (Suspected Sources: Highway/ road/ bridge runoff (non -construction, residential districts, discharges from municipal separate storm sewers (MS4s), municipal urbanized high density areas)
Aesthetics		

\* Alert Status issues identified—see details in use assessment section

# Hudson's Wetland Resources: Fort Meadow Reservoir



**WARNING!**

**NO SWIMMING**

**SWIMMING MAY CAUSE ILLNESS**



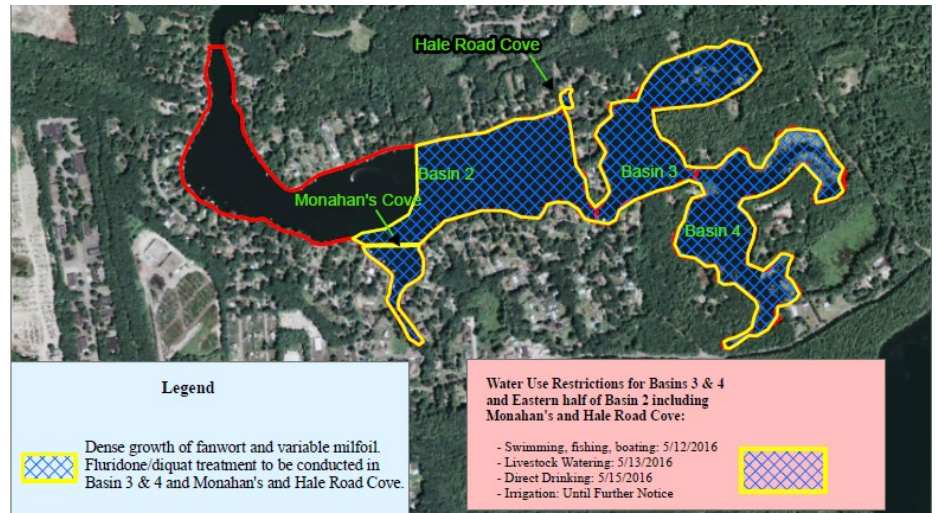
**Reason: Cyanobacteria**

**Date of posting: 9/14/2017**

**Hudson Board of Health**

**(978) 562-2020**

# Hudson's Wetland Resources: Lake Boon



# What the Bylaw will do



- Improve Protection
  - 25-foot No Disturb Zone
  - Protection for isolated wetlands, small ponds, vernal pools
  - Consideration of cumulative impacts, climate change, biodiversity, and recreation
- Increase Enforcement Ability
  - Ability to fine
  - Ability to require bonds for large projects
  - Appeals go to Superior Court

# 25-Foot No Disturb Zone

No work or disturbance is allowed within 25 feet of a wetland or water body unless it meets an exemption or is granted a waiver.

Pre-existing activities or structures need not be discontinued or removed.

Docks, retaining walls and other water related projects are exempt and may be permitted as in the past.

Exemptions for other minor activities also apply.

**NOTE:** Hudson currently has a 25-foot No Disturb Policy. This will turn it into law.

# What you can do in the No Disturb Zone

- Recreational activities (note that the Bylaw includes Recreation as a protected wetlands function)
- Maintain existing structures
- Maintain existing lawn and vegetation
- Plant new vegetation



# What you can't do in the No Disturb Zone

- Add new pavement or build a new permanent structure closer than existing pavement or structures
- Clear existing natural vegetation
- Use pesticides or fertilizers
  - **NOTE:** A waiver may be granted for work judged not to negatively impact the functions or values protected by the Bylaw, for which there is no good alternative.



# What the Bylaw won't do

- Impact existing conditions or structures
- Allow the Commission to add more restrictions through Regulations
- Add local filing fees
- Allow trespass on private property





# New Development

- The bylaw **will not** prevent new development
- It will help ensure new development is done in an **environmentally-friendly** way



# Section 1: Purpose

## Functions and values that are protected:

### Current State Law

- Public or private water supply
- Groundwater
- Flood control
- Storm damage prevention
- Prevention of pollution
- Protection of fisheries and shell fisheries
- Protection of wildlife habitat

### New in Bylaw

- Erosion and sedimentation control
- Water quality
- Rare species habitat including rare plant species
- Agriculture
- Aquaculture
- Biodiversity
- Impacts from climate change
- Recreation

# Section 3: Jurisdiction

## Current State Law

- Any bank or freshwater wetland bordering on any creek, river, stream, pond (>10,000 sq ft), or lake
- 100-foot Buffer Zone to above if it impacts Resource Area
- Land under above waterbodies
- Land subject to flooding
- Riverfront Area (200 feet)

## New in Bylaw

- Any bank or freshwater wetland whether or not it abuts surface waters
- Vernal pools, lakes, ponds of any size, streams, brooks, creeks, rivers
- 100-foot Buffer Zone to above
- 25-foot No Disturb Zone

## Section 4: Exemptions and Exceptions

- Many exemptions in Wetlands Protection Act also apply to Bylaw (agricultural usage, public utilities, emergency projects, certain minor activities in the Buffer Zone or Riverfront Area)
- Allows for additional exemptions in Regulations

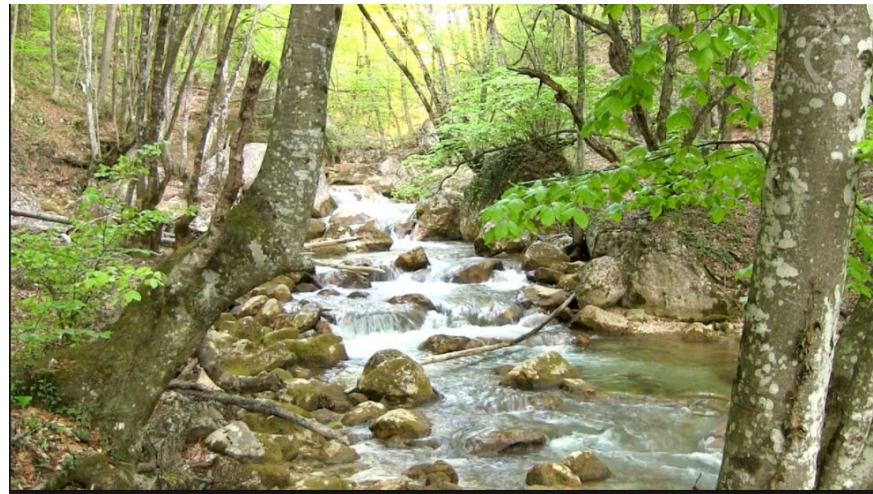


# Exempt Minor Activities

- Routine mowing
- Maintaining existing buildings
- Unpaved walkways
- Maintaining existing stone walls
- Certain fencing
- Residential accessories such as sheds, decks, above-ground pools if 50 feet from wetland
- Planting non-invasive vegetation
- Pruning shrubs and trees

# Section 5: Administration

- Wetlands Protection Act application and plans may be accepted for the Bylaw and hearings combined
- Administrative approval for certain tree removal and fencing
- No new filing fees
- Waiver requests under certain conditions



# Section 6: Regulations

- Clarify implementation of the Bylaw
- Require Public Notice and Public Hearing before passage
- Cannot be inconsistent with the Bylaw



# Section 9: Enforcement

Establishes ability to fine for violations of the Bylaw or regulations, permits or administrative orders issued under the Bylaw:

- \$100 for the first offense
- \$200 for the second offense
- \$300 for the third and subsequent offenses





# Conclusion

**The Wetlands Protection Bylaw would enable Hudson to better protect its valuable resources.**

**Please come to Town Meeting and vote for the Bylaw!**

- **Monday November 20, 2023 7:30 PM**
- **Hudson High School Auditorium**

- Questions:

- Call the Conservation Office at (978)562-2948 x1
- Email [phelinek@townofhudson.org](mailto:phelinek@townofhudson.org)