

Town Meeting Warrant– November 20, 2023 at 7:30, Hudson High School

Proposed Wetlands Protection Bylaw - Cheat Sheet

Wetlands are important and valuable natural resources:

- Wetlands are natural sponges that absorb flood waters so that they don't end up in our basements, yards, and streets.
- The roots of wetland plants filter pollutants and sediments, cleaning storm water runoff before it reaches our rivers, streams, ponds and reservoirs.
- Wetlands provide critical habitat for wildlife, support biodiversity, and create recreational opportunities.
- As development increases, storm water runoff increases and wetlands become increasingly important.
- Changes to the environment close to wetlands can result in changes to the wetlands, due to differing light, water flow, and temperature.

Wetlands in Massachusetts are protected by the State Wetlands Protection Act, which is enforced in each town by the Conservation Commission. Many Massachusetts communities further protect their wetlands with a Wetlands Protection Bylaw. The Hudson Conservation Commission is requesting Town Meeting to approve a local Wetlands Protection Bylaw.

What the Hudson Wetlands Protection Bylaw would do:

- Improve protection of Hudson's wetlands and waterbodies
 - Establish a 25-foot No Disturb Zone
 - Add protection for resources not protected by the state law: isolated wetlands, small ponds, and vernal pools
 - Consider cumulative impacts, climate change, biodiversity, and recreation values
- Increase enforcement ability with the option to fine for violations
- Allow waivers under certain conditions

What the Bylaw would not do:

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

What you can do in the No Disturb Zone:

- Recreational activities
- Maintain existing structures, lawn and landscaping
- Build docks, retaining walls and other water-related projects
- Prune vegetation, remove hazardous trees, and remove invasive vegetation
- Plant native vegetation

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

- Add new pavement or structures that are not water-related
- Clear existing natural vegetation

The Wetlands Protection Bylaw is broken into the following sections:

Section 1: Purpose explains the point of having the local Wetlands Protection Bylaw, including protection against flooding, storm damage, pollution and impacts of climate change as well as protection of rare species habitat, biodiversity, and recreation.

Sections 2 and 3: Statutory Authority and Jurisdiction explain the purview the Conservation Commission would have under the Bylaw, or the extent of their control. This section adds some unprotected wetlands and water bodies and establishes the No Disturb Zone.

Section 4: Exemptions and Exceptions explains circumstances that would *not* be subject to this Bylaw such as emergency work and a number of minor activities including maintenance of existing structures and vegetation, certain fencing, planting non-invasive vegetation, pruning, and construction of residential accessories such as sheds and decks greater than 50 feet from the wetlands.

Section 5: Administration explains the application process for applying for a permit and describes the activities which may be permissible by administrative approval, such as certain tree removal and fencing. It also describes the conditions for granting waivers.

Section 6: Regulations allows the Commission to create rules and regulations which will provide more detail on process and procedures that are consistent with the Bylaw.

Section 7: Definitions explains key terms used in the Bylaw which are not already defined in the State Wetlands Protection Act or are defined differently in the Wetlands Protection Act.

Section 8: Security protects the Town by ensuring Applicants meet any conditions spelled out in their permits through a bond, deposit of money, conservation restriction, or easement. This would only apply to large, complex development projects.

Section 9: Enforcement explains the process to enforce the Bylaw and gives the Commission the ability to fine for Bylaw violations. \$100 may be fined for the first offense, \$200 for the second offense, and \$300 for the third and subsequent offenses. Each day that a violation is not addressed constitutes a separate offense.

Section 10: Burden of Proof is standard language stating it is an Applicant's responsibility to demonstrate that proposed work will not have an unacceptable significant or cumulative effect on the values protected by the Bylaw.

Section 11: Appeals states Conservation Commission decisions may be appealed to the Superior Court.

Section 12: Relation to the Wetlands Protection Act is standard language stating that the Bylaw is required to be more restrictive than the Wetlands Protection Act.

Section 13: Severability is standard legal language stating the invalidity of any section of the Bylaw does not invalidate the Bylaw in its entirety.

Section 14: Effectivity Date states that projects that were approved before passage of the Bylaw are exempt from the Bylaw unless any amendments or changes that increase the scope of the project are requested.