

WHAT MUST YOU DO IF YOU WANT TO CONDUCT A REGULATED ACTIVITY IN OR NEAR A PROTECTED AREA?

Not all activity in or near a protected area requires permission from the Conservation Commission; some smaller projects and maintenance work are allowed if they meet certain standards. Exceptions for a permit are outlined in the regulations implementing the whether your project needs a permit, you may submit a Request for Determination of Applicability and the Commission will determine whether your project or property is subject to the Wetlands Protection Act. Most regulated activity require the submission of a formal application, known as a Notice of Intent, to the Conservation Commission.

Before submitting a Notice of Intent, you may wish to contact the Somerville Conservation Agent, who can help you understand the law and application to your project. The Conservation Agent can also point you to important resources, such as the state regulations, which include specific standards that you should incorporate into your project design. You should be sure that your application includes all required information, and that notice of your application is appropriately given to the public and abutters. While the Conservation Agent can answer questions, it is your responsibility to make sure that the Notice of Intent and project design meet the applicable requirements.

QUESTIONS?

More detailed information about the permit application process is available from the Somerville Conservation Commission, and all of the Commission's meetings are open to the public.

If you have any questions or concerns, you are welcome to call or visit the Conservation Agent at City Hall.

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WHAT ARE THE PENALTIES FOR VIOLATING THESE LAWS?

Violations of the Wetlands Protection Act are punishable by a fine up to \$25,000 per violation per day and up to two years of imprisonment. An illegal "alteration" of a protected area can be a separate violation each day, so fines can add up over time. In addition, landowners may be required to restore any illegally altered land to its original condition.



WHAT DOES THE SOMERVILLE CONSERVATION COMMISSION DO?

The Somerville Conservation Commission administers and enforces the Massachusetts Wetlands Protection Act and River Protection Act, which includes reviewing and issuing permits for projects that are in, near or impact wetlands and riverfront areas. The Commission also initiated and oversees the City's Community Garden Program as part of its mission to preserve and protect Somerville's open spaces and natural environment.

WHY IS PROTECTING WETLANDS AND RIVERFRONT AREAS IMPORTANT?

Somerville residents and businesses benefit from the role these natural resources play in reducing impacts from flooding and storm damage, protecting riverfront property from erosion, absorbing pollutants, improving water quality, and providing habitat for fish. The role of wetlands, and floodplains in particular, as "storage" areas for excess water during storms will continue to grow in importance as the number and intensity of storms increase in the future. Projects that reduce this storage capacity can cause greater flooding elsewhere.

WHAT AREAS ARE PROTECTED BY THE CONSERVATION COMMISSION?

Generally speaking, the Commission has jurisdiction over riverfront areas and land areas that contain surface water all or part of the time. These protected areas are often referred to as “wetlands,” but the Commission’s jurisdiction includes:

- ✓ Activities within 25 feet of a river;
- ✓ Activities in or within 100 feet of a bank, wetland, beach, dune, flat, marsh or swamp bordering on any creek, river, stream, pond, or estuary;
- ✓ Activities on land under any creek, river, stream, estuary or ocean;
- ✓ Activities in land subject to flooding; and
- ✓ Activities in other areas that alter one of these protected areas.

There are many types of wetlands in Massachusetts. In Somerville, most protected wetlands and riverfront areas are near the Mystic River or Alewife Brook. The most common resources protected in Somerville are riverfront areas, inland banks, bordering vegetated wetlands, bordering land subject to flooding.

The technical definitions of various wetlands can be found in the Massachusetts Wetlands Protection Act and its accompanying regulations, and for the most part are based on the occurrence of surface water and/or the abundance of specific wetland plants.

HOW DO YOU KNOW IF YOUR PROJECT IS IN OR NEAR A PROTECTED WETLAND OR RIVERFRONT AREA?

Identifying the location of protected areas is important before proceeding with a project if you wish to develop, modify or engage in construction on land that is near a protected wetlands or river. Some protected areas are easier to identify than others, such as land within 25 feet of a river. For some protected areas, you can use common sense or existing maps to make an initial evaluation of whether the area might be protected. For example:

- If your project is in a relatively flat area that is near a creek, river, stream, or pond, the area may be subject to protection, particularly if the land has been inundated by flood waters from these water bodies in the past.
- If part of your project will be in a 100-year floodplain, as shown on the National Flood Insurance Maps prepared by the Federal Emergency Management Agency, then the area may be subject to protection.

These types of evaluations are a starting point for identifying protected wetlands and riverfront areas but are not always definitive. Distinguishing other wetland areas may be more difficult and may require the services of trained botanists or wetlands consultants, who will charge for their services.

The Somerville Conservation Agent may be able to assist you in identifying protected areas in or near the vicinity of your project. You can begin by seeking an informal consultation with the Conservation Agent. You may also file an Abbreviated Notice of Resource Area Delineation, which triggers a more formal process in which the Conservation Commission will determine whether your identification of protected areas is accurate.



WHAT ACTIVITIES ARE REGULATED IN PROTECTED AREAS?

A permit from the Somerville Conservation Commission is required to “remove, fill, dredge, or alter” most protected areas. According to the law, the term “alter” includes any destruction of vegetation, any change in drainage characteristics or flow patterns, or any change in the water table. Examples of activities that often require a permit include constructing a house, garage or shed, adding fill to enlarge a backyard, installing drainage ditches, adding new paved areas, and disposing of landscaping debris. Any permit issued by the Commission must protect the values of the protected areas; these values are identified in the Massachusetts Wetlands Protection Act.

