

Homeowner's Guide to Wetlands and Permitting



If you live in Massachusetts, you may have heard of the Wetland Protection Act and Regulations. This law says that wetlands are important and that we all share in the stewardship responsibilities to keep wetlands clean. This law requires anyone doing work or any activity near a wetland to obtain a wetland permit from the Conservation Commission. Mendon also has a local Wetland Protection Bylaw. These laws apply to homeowners and developers alike. Under Massachusetts laws you are responsible for obtaining the permit even if you don't know you are required to get one. When you buy land/house or propose a project you are responsible for finding out which permits you need and obtain them before you do the project. This is called *due diligence*. But you may be asking yourself "how do I know if I have wetland on my property" and "how would I know I need a permit if no one told me"?

The first step is to review all of the information that is free and readily available to you. Some of that information is in your closing documents. The easiest thing to do is to contact the Conservation Commission. All permit applications and permits are public information and stored in the Conservation Office. Staff have access to aerial photographs, soil maps, previous permits and other resources to help determine if wetlands are on your property.

You could also put your boots on and walk the property yourself. The checklist on the reverse side of this page will help you. If you answer yes to any of the questions, you probably have wetlands on your property or close enough to your property that it is likely you will need a wetland permit to do a project. **Caution:** The checklist is just a *guide* and not meant as a definitive determination about wetlands.

Any project within 100 feet of wetland or 200 feet of a perennial stream requires a wetland permit. All projects within the floodplain and endangered species habitat are required to obtain permits too. Those maps can be found in the Conservation Office. There are some exemptions for minor projects that could be determined by the Conservation Commission or Conservation Agent. **Do not assume that a project is exempt.** An exemption under one law does not necessarily mean that it qualifies for an exemption under Wetland Protection Act. For example, certain agricultural activities are exempt under the Building Code but may not be exempt from getting a wetland permit. Always make the inquiry. It is far easier to ask first than to stop work and fix it later. Asking first avoids costly delays.

Examples of work or activities that require permits are, including but not limited to:

- Construction
- Land clearing
- Buildings, additions, and garages
- Parking lots, roads, and subdivisions
- Cutting and clearing vegetation
- Installing a lawn
- Retaining walls
- Wells (irrigation, point, drinking water)
- Septic systems
- Pools, decks, patios, and sheds
- Docks and beaches

Remember:

You can't have clean drinking water if you don't have clean wetlands!

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Adapted from Easton Conservation Commission and Waking Up to Wetlands: Know Before You Buy or Build: A Helpful Guide for Determining Wetlands. Wisconsin Department of Natural Resources.

Wetland Identification and Checklist

In Massachusetts, wetlands are defined by three parameters including hydrology, vegetation and soils and may not be easy to identify. A wetland may not always have water in it, or at all. These questions should give you clues to whether wetlands are present on your land. If you answer yes to any of these questions, it is likely that you need a wetland permit to do your project.

Is there evidence of water?

Yes No

Do you live near a stream, river, spring, seep, lake or pond?

Do you see standing or flowing water?

Do you have any "low spots" or depressions that fill with water after it rains or snow melts?

Are there any "ditches", drainage channels or trenches that carry water?

Are there any areas where the leaves are stained or darker than in the surrounding areas?

Are the tree roots bulging out of the ground or have a shallow root system?

Is the ground bumpy or hummocked?

Does the lawn mower sink in the mud or lawn?

Do you have wetland plants in the area?

Yes No

Are there red maples?

Do trees have multiple trunks or are they swollen at the base of the trunk?

Do you see shrubs growing on the property like red twig dogwood, swamp azalea, sweet pepperbush, or northern arrowwood?

Are there tall blueberry bushes?

Do you see groundcover plants like sphagnum moss, ferns, cattails, sedges, rushes, or skunk cabbage?

Do you have wetland soils?

Yes No

Is the soil dark brown or black?

Does the soil feel moist, or can you squeeze water out of it?

If you dig a hole, does it fill with water or have water weeping in from the sides?

Is the soil grayish or does it have red or gray spots or streaks in it?