

A Stow Landowner's Guide to Wetland Permitting



Wetlands in Stow are protected by both the state Wetlands Protection Act and the Town of Stow Wetlands Bylaw. Together these laws regulate work within 100 feet of wetlands and 200 feet of waterbodies on both public and private land (excepting Lake Boon which has a 100 foot regulated area). This includes marshes and swamps, streams, ponds, vernal pools, and floodplains, collectively known as "resource areas." Permits for work in these areas are issued by the Stow Conservation Commission.

What is the Stow Conservation Commission?

The Stow Conservation Commission is part of Stow's town government – and is a seven-member volunteer appointed body. The Commission is staffed by a full-time Conservation Coordinator and a part-time Assistant who work in Town Building. The Commission is responsible for wetlands permitting, managing the town's conservation land, and general education and outreach on conservation issues. The Commission meets twice a month on Tuesday evenings to review permit applications. Our office is open Monday through Friday; please call ahead or email if you would like to make an appointment.

What Kinds of Projects Require a Permit from the Conservation Commission?

State and local laws require permits for most work within 100 feet of wetlands and 200 feet of streams and ponds – whether these resource areas are on the same lot, a nearby lot, or across the street. Examples are:

- *New construction and additions to existing houses*
- *Construction of sheds and accessory structures*
- *Construction or paving of driveways*
- *Landscaping, grading, clearing of trees and brush, expansion of lawns or garden beds*
- *Construction, repair, and replacement of septic systems and wells*
- *Construction of pools, patios, retaining walls, and docks*
- *Construction of dams, installation of culverts in streams, and changing water levels in waterbodies*
- *Placing fill in or dredging a wetland (for example to make a pond)*

What Types of Projects and Activities do not require a Permit from the Conservation Commission?

- *Lawn mowing and lawn maintenance activities*
- *Unpaved pathways for private use*
- *Fencing, if more than 50 feet from wetlands and constructed to allow passage of wildlife*
- *Stacking cordwood*
- *Vista pruning that is at least 50 feet from wetlands and waterbodies*
- *Planting native vegetation*
- *Conversion of lawns to decks, sheds, patios, and pools, so long as at least 50 feet from wetlands and waterbodies and so long as erosion controls are installed.*
- *Forest cutting under an approved Forest Cutting Plan*
- *Ongoing agricultural operations (but not expansion of these operations)*

How Can I Find Out if My Project Requires a Permit?

The Conservation Commission has Geographic Information System (GIS) maps of wetlands in Stow and files from past projects. You can contact the Commission's Office for an informal opinion regarding whether your work will require a permit. For a formal determination you may submit a Request for Determination of Applicability to the Conservation Commission. Depending on your project, you may need to hire a wetland scientist to help you determine the boundaries of wetlands on your property.

How Do I Get a Permit?

You should contact the Conservation Commission to discuss your proposed work and what permits you will need. Our website at www.stow-ma.gov (see Conservation Commission section) has information on submittal requirements and links to application forms. Permit applications are submitted to the Conservation Commission office at Town Building (380 Great Road). You will be required to notify abutters and the Commission will conduct a site visit, hold a public hearing to get information about the project, and take testimony from interested individuals. After the hearing, the Commission will make a decision on your permit application. **Landowners should allow sufficient lead time – it generally takes 4-6 weeks from filing to commencement of work due to legal notice requirements.** Once issued, permits are valid for three years.

What Standards Does the Commission Use to Make its Decision?

The Commission uses standards called "performance standards" that are found in the Wetlands Protection Act (MGL Chapter 131, Section 40) as well as the Stow Wetlands Bylaw and their associated regulations to make its decisions. These regulations are complex and designed to ensure that the important functions of wetlands and waterbodies are protected from new construction and other activities near wetlands. For example, the Stow Wetlands Bylaw generally requires that a 35 foot undisturbed buffer be maintained to wetland and the Wetlands Protection Act limits new development within 200 feet of rivers. Most work in the Commission's jurisdiction is approved provided that performance standards are met, and measures are taken to protect wetlands from erosion and sedimentation.

What if I Work Without a Permit?

It is illegal to perform work in and near wetlands without a permit. Violations are punishable by a maximum fine of \$25,000 and/or not more than two years of imprisonment. In addition, a landowner is usually required to restore illegally altered land to its original condition. The Commission can seek assistance from the state Department of Environmental Protection in enforcing the provisions of the Wetlands Protection Act.

Why Protect Wetlands and Waterbodies?

- Wetlands, such as swamps, marshes and floodplains, help protect the quality and quantity of our groundwater, which supplies our drinking water and replenishes ponds and streams.
- Wetlands and floodplains store floodwaters and release them slowly preventing storm damage and reducing downstream flooding of rivers and streams.
- Wetlands absorb excess nutrients and trap pollutants before they reach our streams and rivers.
- Wetlands of all kinds provide vital habitat for a wide variety of fish and wildlife to feed, breed and live. A healthy environment for them is good for us too!

This information is not meant to be a complete or definitive summary of wetlands laws or permitting requirements. It was prepared by the Conservation Commission to assist homeowners in understanding permitting requirements. We urge you to ask before beginning work that may be subject to the Commission's jurisdiction. For more information, please visit the Conservation Commission at Town Building (380 Great Road) or call or email our office. You can also find more information on our website at: www.stow-ma.gov.

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