

Article 24: Amend ‘Wetlands Protection Bylaw’

Conservation Commission

Presentation at Warrant
Committee
Open Hearing
March 14, 2022

Dover Wetlands Protection Background

- Dover Conservation Commission is charged with the **protection of the wetlands, streams and the Charles**
 - MA Wetlands Protection Act (1972) requires that any **work in or near a wetland, obtain a permit** to prevent or mitigate negative impacts
 - MA Rivers Act (1996) further protects rivers and perennial streams
 - Dover Wetlands Protection Bylaw (TM 1986) to address **Dover's reliance on wells and rural character**
 - Commission amended the 'Rules & Regulations' December 2020

Protection of the wetlands is important for water quality & quantity as well as biodiversity

Purpose of the Bylaw Amendments

- **Expand the Buffer Zone that surrounds the wetlands from 100 feet to 150 feet**
 - Increase protection of the sensitive areas around wetlands to **enhance resilience to climate change**
 - Expanding the Buffer Zone **does not prohibit work** in this area, just requires that work is reviewed and permitted
- **Remove the limit on outside consultant's fees**
 - Bring in line with other Town Bylaws and regulations for complex projects like subdivisions
- Both Bylaw Amendments are **needed to be consistent** with other Town and Commission regulations

Why increase the Buffer Zone to 150 feet for wetlands?

- **Climate change and development** are increasingly stressing our streams and wetlands
 - **A number of perennial (always flowing) streams have been reclassified intermittent** in recent years
 - Disturbance of 'feeder' streams, tree cover and associated wetlands due to development
 - Lower groundwater due to drought and/or well draws
- Expanded Buffer Zone enhances protection to wetlands
 - **Wetlands clean and recharge the groundwater** and the aquifer for our wells
 - **At least 11 other MA Towns have 150 foot or greater**
 - **MA Rivers Protection Act (1996) has a 200 foot Buffer**

Impact of the Bylaw Amendments

- They **DO** provide greater protection of wetlands, water resources, wildlife and promote climate resiliency by expanding the Buffer Zone to 150 feet
- They **DO** make the Wetlands Bylaw consistent with the Town's other Bylaws and Regulations by removing the limit on consulting fees for the review of complex permits
- They **DO NOT** impact residents ability to make changes to their property, but do give the Commission the ability to review and condition work to protect the wetlands

The Commission respectfully seeks your support
of these two Bylaw Amendments

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Questions?

Wetlands Protect Public Interests

- MA Wetlands Protection Act identified public interests that wetlands serve:
 - Flood control
 - Prevention of pollution
 - Mitigation of storm damage
 - Protection of public and private water supplies
 - Groundwater supply
 - Fisheries and land containing shellfish
 - Wildlife habitat

These Public Interests have particular relevance in Dover

Conservation Commission's Authority and Responsibilities

- **Administer and enforce the MA Wetlands Protection Act(1972), Rivers Act (1996) and Dover Bylaw (1986)**
 - Review projects on a case-by-case basis according to regulations, issue permits and enforce violations
 - Applies to work that may affect wetlands, streams, rivers, land subject to flooding, and their buffer zones
- **Acquire, protect and manage** conservation land
- **Provide information** to the public regarding wetlands protection and why it is important

Anyone wishing to perform work in or near wetlands, must apply for and obtain a permit to mitigate impact

Dover Wetlands Protection Background

- **Dover Wetlands Protection Bylaw expanded the protection** of wetlands beyond those in the State's Act
 - Adopted by Town Meeting in 1986
 - Gave statutory authority to Conservation Commission
- Dover's Bylaw tasks the Commission with establishing '**Rules & Regulations**' as day-to-day guidelines
 - In a public hearing in December 2020, the Commission amended Dover's Rules & Regulations to include:
 - Increased protection of the Town's wetlands by expanding the wetlands protection **buffer zone from 100 feet to 150 feet**
 - **Removed restrictions on consultant permit review fees** to provide consistency with the regulations of other Town Boards

Rationale for 150 foot Buffer Zone

- Current scientific evidence document that expanded buffer zones provide needed protection to wetlands, enhance biodiversity and promote climate resiliency
 - Over 100 scientific documents referenced
 - “MACC Buffer Zone Guidebook” (2019)
 - “Scientific Wetland Buffer Report” by NH Assoc. of Natural Resource Scientists (2017)
- Bylaws and regulations from 11 other Towns that have 150 foot or greater Buffer Zones
- MA Rivers Protection Act has a 200 foot Buffer Zone
- Town special setback for the Charles River is 150 feet