



### **What is the Conservation Commission?**

The Conservation Commission is the primary permitting authority for projects proposed in protected resource areas (wetlands and waterways) and their associated buffer zones. The Commission also serves as stewards for open space and conservation properties that are under its care and custody (such as Harold King Forest and White Court Easement).

Conservation Commissioners are volunteers who work long hours to achieve community conservation goals. The Swampscott Conservation Commission has seven voting members and one associate nonvoting member who are appointed by the Select Board for three-year terms.

In Massachusetts, Conservation Commissions' authority comes from several sources: the Conservation Commission Act ([MGL Chapter 40 section 8C](#)) for open space protection; the Wetlands Protection Act ([MGL Chapter 131 section 40](#)) for protecting wetlands and waterways; and the home rule provisions of the state constitution for non-zoning wetlands bylaws.

### **How often does the Swampscott Conservation Commission meet and where?**

The Commission meets once a month, usually on the third Thursday of the month, unless otherwise noted. The meetings are held remotely and the link for the meeting as well as the agenda and past meeting minutes are posted on the Town's Website at: [swampscottma.gov/conservation-commission](http://swampscottma.gov/conservation-commission).

### **How do I contact the Commission?**

The Commission Office is located on the first floor at Swampscott Town Hall at 22 Monument Avenue. Melissa Meaney is the Conservation Agent and she can be reached at 781-596-8828, Ext. 2271 or at [mmeaney@swampscottma.gov](mailto:mmeaney@swampscottma.gov)

## What is the Massachusetts Wetlands Protection Act?

The Massachusetts Wetlands Protection Act ([General Laws Chapter 131, §40](#); the Act) protects important water-related lands (such as inland and coastal wetlands, floodplains, coastal banks and beaches) from destruction or alteration. Most work proposed to be done in those areas requires a permit (known as an “Order of Conditions”) from the local Conservation Commission. Regulations for the Act ([310 CMR 10.00](#)), and [related guidance and policy documents](#), are issued by the Massachusetts Department of Environmental Protection.

## What are wetlands protected under the Act?

Generally, the word “wetland” conjures up the classic image of a swamp or bog, but wetlands can take many forms, and some may indeed look dry for a major portion of the year. Wetland resources are determined by standardized identification methods established by the Massachusetts Department of Environmental Protection, Army Corps of Engineers, and, in some instances, by local Conservation Commissions. Wetland resources are divided into inland resources and coastal resources. The more commonly encountered resource areas of each type are described below:

### Inland Wetland Resources

Bordering Vegetated Wetland	Freshwater wetlands which border on creeks, rivers, streams, ponds, and lakes. They include wet meadows, marshes, swamps, and bogs.
Bank	The portion of the land surface which normally abuts and confines a water body (stream, lake, or pond).
200-foot Riverfront Area	The land area between a river’s mean annual high water (MAHW) line and a parallel line measured horizontally 200 feet from the MAHW line.
Land Under Water Bodies or Waterways	Land underneath any creek, river, stream, pond, or lake.
Vernal Pool	A freshwater body which, in most years, holds water for a minimum of two (2) consecutive months and is free of established reproducing fish populations and provides specialized and critical breeding habitat for certain species of salamanders, frogs, and invertebrates.
100-foot Buffer Zone	The area of land measured 100 feet from the edge of the delineated wetland resource, with the exception of Lands Subject to Flooding, the 200-foot Riverfront Area, and Land under Water Bodies and Waterways.

## Coastal Wetland Resources

Rocky Intertidal Shore	Naturally occurring rocky areas such as bedrock or boulder-strewn areas between the mean high water line and the mean low water line.
Coastal Beach/Tidal Flats	Areas of unconsolidated sediment (sand, pebbles, or loose rocks) which slope from the base of a Coastal Dune, Coastal Bank, or any man-made structure replacing Coastal Dune or Bank to the mean low water line.
Coastal Bank	The seaward face or side of any elevated landform, other than a Coastal Dune, which lies at the landward edge of a Coastal Beach, Land Subject to Tidal Action, or other wetland.
Coastal Dunes	Any natural hill, mound, or ridge of sediment landward of a Coastal Beach deposited by wind action or storm overwash.
Barrier Beach	A narrow low-lying strip of land generally consisting of Coastal Beaches and Coastal Dunes extending roughly parallel to the trend of the coast.
Land Subject to Coastal Storm Flowage	Land within the 100-year floodplain (A and V Zones on FEMA maps)
Land Containing Shellfish	Land under the ocean, tidal flats, rocky intertidal shores, salt marshes, and land under salt ponds that contain shellfish (i.e. shellfish beds)
Land Under Ocean	Begins at mean low water and extends to the limit of the municipal jurisdiction or, at most, to a depth of 80 feet
Salt Marsh	A coastal wetland that extends landward up to the highest high tide line, which is noted as the highest spring tide of the year, and is characterized by plants that are well adapted to or prefer living in saline (salty) soils.
100-foot Buffer Zone	The area of land measured 100 feet from the edge of the delineated wetland resource, with the exception of Land Subject to Coastal Storm Flowage, Land Subject to Tidal Action, and Land under Water Bodies and Waterways.

## What is a buffer zone?

A buffer zone is the area of land within 100 feet of a protected resource (such as a wetland). Work (activity) in a buffer zone could have an impact on the nearby resource, depending on the type and location of the work and the resource. Thus, many activities done in a buffer

zone (other than minor activities set forth in the regulations and exempt activities) are subject to regulation under the Act and require prior approval by the Conservation Commission. The Commission may impose conditions or limits on activity done in a buffer zone so that the nearby wetland is protected.

### **How do I know if there are wetlands or other resource areas on my property?**

The Conservation Agent will be happy to help you determine the presence of resource areas and their associated buffer zones on your property. Please keep in mind that the Agent will not delineate and flag the exact wetland line for you, but she can give you a rough and very conservative idea of the extent of the wetland resources. For a more specific and flagged wetland line, you should consult a qualified wetland scientist or environmental consultant.

### **What activities are prohibited in wetlands and other resource areas?**

Under the Act no one may “remove, fill, dredge, or alter” any wetland, floodplain, bank, land under a water body, land within 100 feet of a wetland, or land within 200 feet of a perennial stream or river (25 feet of a few urban rivers), without a permit (known as an Order of Conditions) from the local Conservation Commission that protects the wetland “interests” identified in the Act.

The “interests” or values protected by the Act are: flood control; prevention of storm damage; prevention of pollution; and protection of fisheries, shellfish, groundwater, public or private water supply, and wildlife habitat.

The term “alter” is defined to include any destruction of vegetation, or change in drainage characteristics or water flow patterns, or any change in the water table or water quality. The wetland regulations prohibit most destruction of wetlands and naturally vegetated riverfront areas, and require replacement of flood storage loss when floodplains are filled.

### **What activities are allowed in wetlands and other resource areas?**

Most activities, such as construction, landscaping, and grading, require a permit. Some activities, such as normal maintenance, are allowed without a permit.

