

What Are Wetlands?

Wetlands include bodies of water, such as lakes, streams, and rivers; land that is always covered by water, such as marshes and swamps; and land that is covered by water for part of the year, such as vernal pools.

Wetlands can also include land that is saturated by water, even when no water is present at the surface.

Why Are Wetlands Important?

Wetlands serve three important functions: They act to filter and purify rainwater and runoff as it returns to replenish groundwater supplies; they provide temporary storage of storm water, preventing flooding of rivers and streams; and they provide an important habitat for wildlife.

Each of these three functions is recognized by the state and local wetlands regulations, and each is uniquely important in Dover, where we are bordered by the Charles River, where we depend on private wells and springs for water, and where we value our natural resources and wildlife.

How Are Wetlands Protected?

Any human activity that is conducted within or near a wetland has the potential to damage or destroy that wetland. The Commonwealth of Massachusetts passed the *Wetlands Protection Act* in 1972. In 1996 Massachusetts broadened the act to include all riverfront areas. The act was further amended in 2002.

The town of Dover passed its own *Wetlands Protection By-Law* in 1986 and revised it in 1996. These laws and by-laws are enforced through a set of regulations that control what types of activities can be performed.

Both the Commonwealth's wetlands laws and Dover's by-laws give the responsibility for enforcing these regulations within the town of Dover to the Dover Conservation Commission.

What Are My Obligations Under These Laws?

Before you start any activity within the town of Dover, you must ensure that the activity does not take place within an area that is subject to the jurisdiction of any of the acts listed above.

Even everyday activities such as clearing brush or dumping grass clippings are prohibited in or near wetlands in Dover. If you perform such activities without a permit from the Conservation Commission, you may become liable for the costs of restoring the damage to the wetlands.

How Can I Get More Information?

This pamphlet provides information about how to determine whether your property includes wetlands and how the Conservation Commission works.

You can get more information about the Massachusetts Wetlands Protection Act from the Department of Environmental Protection web site:

<http://www.state.ma.us/dep/>

Dover's Wetlands Protection By-Law is available on the Dover town web site:

<http://doverma.org/codes.shtml>

You can reach the Conservation Commission staff at the Dover Town House by telephone at (508) 785-0032 x 233 or through e-mail at dovercc@gis.net.

Dover Conservation Commission
P.O. Box 250
5 Springdale Avenue
Dover, MA 02030

Dover Conservation Commission Wetlands Protection Guide



Dover's open meadows, forests, streams, rivers, and wetlands make Dover a special place in which to live. Wetlands play a vital role in maintaining Dover's rural character, in protecting our ground water, and in providing refuge to wildlife.

The Dover Conservation Commission is charged under state laws and Dover by-laws with protecting Dover's wetlands, streams, rivers, ponds, and vernal pools from damaging alteration.

This pamphlet provides information on state and town wetlands regulations; you can use this information to help preserve and protect Dover's natural resources and ensure that you comply with state and local laws.

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Wetlands Resource Areas

The Wetlands Protection Act (which includes riverfront areas) and Dover's Wetlands Protection By-Law protect several types of wetlands.

Wetlands

Swamps, marshes, and other lands that are always inundated with water are defined as wetlands, even though water may not be visible at the surface.

Rivers and Streams

The banks of any river, stream, or brook are defined as wetlands, even if the stream only carries water during part of the year.

Vernal Pools

Pools that contain water during part of the year and which do not contain any fish provide a critical habitat for a number of endangered species. These areas receive special protection.

Buffer Zones and Setbacks

Wetlands resource areas can be affected and damaged by nearby activities such as changes to the drainage characteristics or nearby vegetation. For this reason, activities both within and around wetlands resource areas are strictly regulated.

The state and local regulations provide for a 100-foot buffer zone from wetlands. This means that all activity within 100 feet of a wetland resource area is subject to Conservation Commission jurisdiction. State regulations also regulate all activities performed within 200 feet of perennial rivers and streams.

Identifying Wetlands

The definitive test of whether a land is a wetland is a soil analysis. A survey of the vegetation within an area provides another method of identifying wetlands.

Wetlands Indicator Plants

Common wetlands indicator plants include Joe Pye Weed, high-bush blueberry, skunk cabbage, and several species of ferns.

Numerous professionals, including wetlands scientists and civil engineering firms, are available to help you identify wetlands resources on your property.

Joe Pye weed



Royal fern



High-bush blueberry

Wetlands Regulations

The wetlands laws provide that no one may "remove, fill, dredge, or alter" any land subject to the Wetlands Protection Act or local by-laws without first obtaining a permit from the Conservation Commission.

Regulated Activities

The definition of "alter" used by the wetlands laws includes adding or removing any plants; any clearing, draining, filling or other changes to drainage patterns such as the construction of drains or swales; building or altering structures or lawns; and disposing of or stockpiling yard waste or brush.

Filing with the Conservation Commission

If you are planning a project on property in Dover, and you believe that any aspect of the project will take place within a wetlands resource area or buffer zone, you should contact the Conservation Commission *before* beginning your project.

There are two types of filings you can make with the commission.

Request for Determination of Applicability

If you are unsure whether your project lies within a wetlands resource area, or if you are unsure whether your project falls under the regulations, you can file a *Request for Determination of Applicability* (RDA).

The process of filing an RDA is quick and inexpensive. The filing fee is \$99, and the Conservation Commission staff will assist you in completing the required forms. The Conservation Commission will schedule a hearing to review

your project, and it may schedule a site visit and/or have its agent evaluate your project.

The Conservation Commission may decide that your project is not subject to its regulation (a negative determination), that you may proceed with your project if you follow certain conditions, such as providing siltation barriers to protect wetlands, or that your project requires a more extensive filing with the Conservation Commission.

Notice of Intent

If you know that your project will affect a wetlands resource or buffer area, or if the Conservation Commission issues a positive determination when you file an RDA, you must file a detailed plan and description of your intended activities. The commission will carefully review your plans and either approve them, approve them with additional conditions, or reject them.

Notice to Abutters

Both types of filings also require that you notify the owners of property that lies within 300 feet of your property. The Assessor's office can prepare the required list of abutters for you for a nominal fee.

Deciding If and When to File
Filing a Request for Determination of Applicability before you begin a project will protect you from potential liability under the Wetlands Protection Act.

If you are unsure about whether or not to file, contact the Conservation Commission for advice. You can reach the Commission by telephone at (508) 785-0032 x 233 or through e-mail at dovercc@gis.net.