



CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

Conservation Commission Frequently Asked Questions

1. What is the Conservation Commission and what is their role?

The Commission is composed a group of dedicated volunteers that have been appointed by the Mayor and the City Council. The Commissioner's share a common goal for the city: to provide assurance and protection for natural resources in New Bedford. Their tasks include upholding the State and Local regulations to ensure all Wetland Resource Areas in the Greater New Bedford area are protected. They hold regularly scheduled Meetings/Hearings twice a month (1st & 3rd Tuesdays @ 6:30 PM in Room 314 of City Hall) and issue permits to anyone from a homeowner, a City Department or a developer. The meetings are open to the public. The Commission also manages Open Space such as the Flora B. Peirce Trail. This trail is open to the public and a map is included on the website. The Commission has professional and administrative staff for support in carrying out their duties.

2. What is a wetland?

A wetland can be difficult to define. One way to define a wetland is to break it down into *i.*) Key features of a wetland and *ii.*) Wetland values.

I. Key Features of a Wetland:

Wetlands are identified based on 3 key features.

1. Presence of water – either at the surface or within the root zone
2. Unique soil conditions – different from upland locations
3. Support hydrophytic (water loving) vegetation.

II. Wetland Values :

Wetlands provide countless functions and values that are often overlooked.

Wetlands absorb excess water and provide flood control. Wetlands act as resting areas for migratory birds, and provide shelter, feeding and nursery grounds for wildlife. Wetlands provide aesthetic and recreational opportunities. Wetlands offer important filtering capabilities by trapping sediment and capturing nutrients and pollutants. Under the Massachusetts Wetland Protection Act (WPA), wetlands have eight interests of the act:

1. protection of public and private water supply
2. protection of ground water supply
3. flood control
4. storm water prevention

5. prevention of pollution
6. protection of land containing shellfish
7. protection of fisheries
8. protection of wildlife habitat

3. What is the Massachusetts Wetland Protection Act?

The Massachusetts Wetlands Protection Act (MGL Ch. 131 sec. 40; the Act) prohibits any filling, excavation, or other alteration of the land surface, water levels, or vegetation in wetlands, floodplains, riverfront areas or other wetland resource areas, regardless of ownership, without a permit from the local Conservation Commission.

4. What is the Rivers Protection Act?

The Rivers Protection Act (St. 1996, c. 258) protects perennial streams and rivers and their functions and values exclusively. New Bedford is an urbanized community and therefore our Riverfront Area extends 25’ from the Top of the River Bank inland.

5. Does New Bedford have a local Wetlands Bylaw?

Yes, the City of New Bedford has a local Bylaw which mimics the State law. The difference is that the Commission requests that the applicant work with them on each application to try and achieve a 25’ setback from a Resource Area. This 25’ setback is part of the 100’ Buffer Zone and extends from the Resource area boundary landward.

6. Where are wetlands found?

Wetlands can be found in low lying areas bordering on rivers, ponds or lakes, on the side of a slope or perched in upland areas. Until an environmental professional looks at a parcel of land it can be very difficult to determine if you have a wetland present or not. Wetlands can be seasonally dry which makes identification a tricky process relying on the vegetation, soils and hydrology of the area to determine if it is a functional wetland subject to the jurisdiction of the WPA. In New Bedford, we have many fragmented wetlands due to the past and present development.

7. What is a Resource Area?

Resource Areas are protected under the Massachusetts Wetland Protection Act (M.G.L. c131 S40) (WPA) and Regulations (310 CMR 10.00 et seq.). Resource Areas are divided into two categories (inland and coastal).

Inland Resource Areas Consist of:

- Swamps
- Ponds
- Marshes
- Rivers and Streams
- Banks
- Land Subject to Flooding
- Vernal Pools
- Land under Waterways and Water Bodies

Coastal Resource Areas Consist of:

- Tidal waters
- Salt Marshes
- Rocky Shores
- Beaches and Mudflats
- Dunes
- Coastal Banks
- Land under Salt Ponds
- Land containing Shellfish

Anadromous and Catadromous Fish runs Coastal Floodplains

It is illegal for anyone to dredge, fill, modify or alter any of the resource areas listed above without first filing for and receiving a permit from the Conservation Commission. Anyone wishing to work in or within 100' of a wetland resource area (i.e. plans to build, grade, clear vegetation, apply herbicide or do any work which could alter the resource area) must contact the Conservation Commission BEFORE doing so to determine if a permit is required.

8. What is a Buffer Zone?

A Buffer Zone extends 100-feet into the upland from the edge of any Resource Area, except floodplains and isolated land subject to flooding. Buffer Zones are not Resource Areas (as listed above) in and of themselves. However, any work (i.e. clearing vegetation, filling, excavating) within the 100 Buffer Zone of Resource Area normally requires the filing of an application with the Conservation Commission. Buffer Zones are important because they help establish a buffer to the wetland, reduce runoff, stabilize soils, reduce erosion, and protect wetland wildlife habitat. In New Bedford, the Conservation Commission strives to keep the first 25' of the Buffer Zone undisturbed. Some minor Buffer Zone activities may be exempt but only the Conservation Commission can make this determination.

9. What is a Floodplain and how can I tell if live in a floodplain?

Floodplains are geographic areas defined by the Federal Emergency Management Agency (FEMA) according to varying levels of flood risk. These areas experience flooding during storms, prolonged rainfall or snowmelt. Floodplain maps were updated as of July 7, 2009. Floodplain maps are available in the Conservation Commission office and the City website (<http://www.newbedford-ma.gov/otherlinks/OnlineServices.html>) .

10. Why are Fences or other barriers important?

A spilt rail or stockade fence is often recommended to an applicant by the Conservation Commission. A fence is a permanent visible barrier/ boundary in perpetuity that separates a resource area from a developed area. Home owners that abut a wetland may have a fence on their property. The fence symbolizes that the land behind the fence is not to be altered. It serves as a protection (buffer) to the wetland.

11. Why are there signs/placards placed on the fence or other barriers?

Signs or placards are often placed on a fence or other barrier (see question #7) in order to inform others of an existing resource area. The signs are intended to inform the public that an important resource area exists beyond the sign and is to remain undisturbed per Order of the New Bedford Conservation Commission. If you would like to conduct work on the developed side of the sign, and within the 100' Buffer Zone, you also need permission from the Conservation Commission.

12. Examples of things that are NOT allowed (illegal) in a wetland:

1. Lawn grass clippings, landscape debris
2. Trash of any kind such as refrigerators, shopping carts, paint cans, tires, cars, ovens, bicycles
3. Construction materials such as concrete, asphalt, bricks or fill material
4. Draining or pumping water from a wetland or resource area

13. When do I need to file with the Conservation Commission?

Whenever your property falls within 100' of a wetland you will generally need to file with the Conservation Commission. Often this is determined when either a project goes through site plan review or a building permit is applied for. The Commission's staff review these applications and make comment to the applicant as to whether the work proposed is subject to the MA WPA. Two types of applications can be filed with the Conservation Commission: A Request for Determination of Applicability (RDA) and a Notice of Intent (NOI). An RDA is often filed for minor work in the outer Buffer Zone whereas a NOI is the form to file for work in the inner Buffer Zone or work within a Resource Area itself. These applications are filed with the Conservation Commission, advertised in the Standard Times and a Public Hearing held all within 21 days of filing the application. A public Hearing is sometimes continued to allow the applicant or the Commission more time to review or submit additional information. Once the Commission has taken a vote to issue the permit a Determination of Applicability (DOA) or Order of Conditions (OOC) is issued to the applicant. A 10 business day appeal period begins the day after a permit is issued and work cannot begin until this period has lapsed. Once the appeal period has lapsed, the applicant is requested to contact the Conservation Agent for an on-site inspection prior to commencing work. The purpose of this meeting is to meet the contractor and to inspect any erosion control (hay bales, silt fence, waddles) BEFORE work begins to ensure the adjacent Resource Area(s) are protected.

14. What would happen if I conducted work without a permit?

Like any City board, the Commission strongly opposes conducting any activity without proper permitting. If the Massachusetts Wetland Protection Act has been violated, the Commission shall often issue an Enforcement Order, which could immediately cease and desist the project. The violator would then be requested to come before the Commission during the regularly scheduled public meeting and be asked to file for a permit and pay any associated fees. The violator may also be required to pay fines associated with the Enforcement Order. This process can prolong your project and can be very costly. If you are unsure whether you have to file an application please call the office (508-991-6188) and we will gladly assist you.

15. Here are some ways you can conserve your environment:

- Use water responsibly when maintaining your lawn. Construct rain barrels to recycle rain water, allow roof runoff to flow onto your lawn or garden and not onto the pavement.
- Do not discard items into catch basins. This includes such items like paint, oil, gasoline, trash, and soap from car washes. Most catch basin flow into the Bay or another Resource Area.
- Do not use herbicides, fertilizers, insecticides, or deicers near wetlands or other resource areas.
- Encourage native vegetation to foster native wildlife.
- Start composting yard and garden material in an upland area.
- Reduce, Reuse, Recycle - start recycling
- Purchase duck stamps from your local post office to support wetland acquisition. Ninety-eight cents of every dollar from the sales of Duck Stamps goes to purchase of wetlands.

16. Fun Facts about Wetlands:

1. Wetlands are found all over the world. They are found on every continent, except Antarctica.
2. Forested wetlands are the most common wetland type in New England.
3. The majority of wetlands in the United States (95%) are inland wetlands.
4. One acre of wetlands can store 1 to 1½ million gallons of water.
5. More than one-third of the nation's threatened & endangered species live only in wetlands.
6. Although wetlands cover only about 5% of the land surface in the lower 48 states, they are home to 31% of plant species.
7. Two thirds of all fish consumed worldwide are dependent on coastal wetlands at some stage in their life cycle.
8. Peat is moss that sinks to the bottom of wetlands and eventually turns into coal.
9. In the 1600.s, over 200 million acres of wetlands existed in the lower 48 states. By the mid-1970.s, only 99 million acres remained a loss of approximately 54% of the original acreage.

17. Links

MADEP Wetland Forms

<http://www.mass.gov/dep/water/approvals/wwforms.htm>

MADEP Wetland laws and Regulations

<http://www.mass.gov/dep/water/laws/regulati.htm>

MA Division of Fish & Wildlife Natural Heritage Program (Rare & Endangered Species)

<http://www.mass.gov/dfwele/dfw/nhesp/nhesp.htm>

MA Division of Marine Fisheries

<http://www.mass.gov/dfwele/dmf/>

MA Audubon

<http://www.massaudubon.org/>

Massachusetts Association of Conservation Commissioners

<http://www.maccweb.org/>

Environmental Protection Agency Fact Sheets about Wetlands

http://water.epa.gov/type/wetlands/outreach/facts_contents.cfm

City of New Bedford Recycling

http://www.newbedford-ma.gov/publicfacilities/recycling_overview.html