2012 Wetlands Protection Act Statutory Change for Abutter Notification

Changes to the Wetlands Protection Act (WPA) under Chapter 238 of the Acts of 2012 (An Act relative to infrastructure investment, enhanced competitiveness and economic growth in the Commonwealth) include revisions to Abutter Notification (Section 49):

- ❖Existing abutter provisions continue to apply to most projects, including all inland (non-LUW)
  1. Lots Less than 50 acres
  2. Linear shaped projects less than 1,000 feet.
- ❖New abutter notice provisions apply only to abutters within 100 feet of the project site on:
  1. Land Under Water bodies or Waterways
  2. Lots 50 acres or more
  3. Linear shaped projects 1,000 feet or longer
- ❖Abutter - preserves 10.05(7)(a) appeal rights of "any owner of land abutting the land on which the work is to be done".

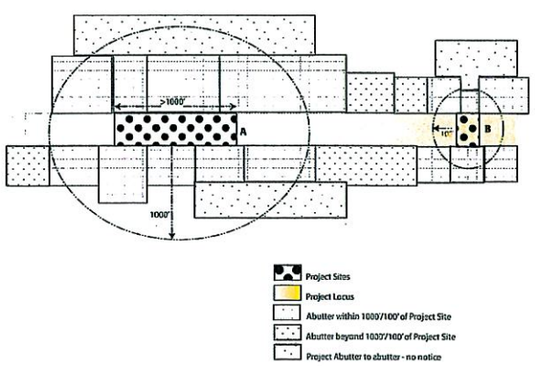
New Proposed Regulatory Definitions and Illustrated Examples

Linear-shaped Project for purposes of 310 CMR 10.05(4) means a project that is substantially longer than it is wide and is a project for the construction, reconstruction, or substantial enlargement of facilities that will be used in the service of the public to provide electric, gas, sewer, water, telephone, telegraph and other communication services, a project by a public agency or authority for the construction, reconstruction, expansion, repair or maintenance of public roads, bike paths, or other paths for pedestrians, or public railways.

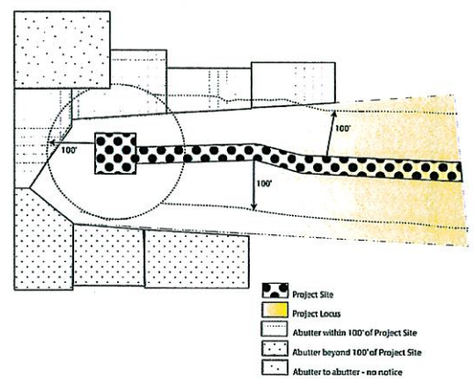
Project Locus means the lot on which an applicant proposes to perform an activity subject to regulation under M.G.L. c. 131, § 40.

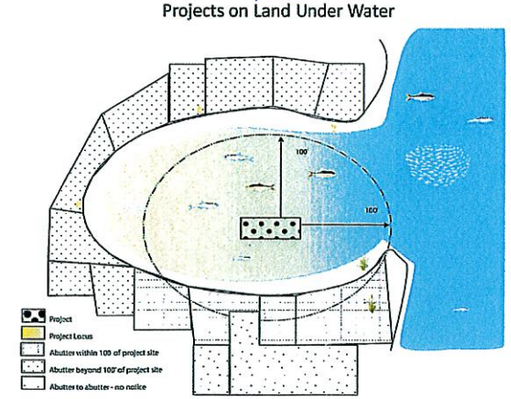
Project Site means the area within the Project Locus that comprises the limit of work for activities, including but not limited to, dredging, excavating, filling, grading, the erection, reconstruction or expansion of a building or structure, the driving of pilings, the construction or improvement of roads or other ways, and the installation of drainage, stormwater treatment, environmentally sensitive site design practices, sewage and water systems.

Linear Shaped Projects



Projects on Lots > 50 Acres



land under Ocean

Projects on Land Under Water