

## TOWN OF SUTTON GUIDE TO WETLANDS AND PERMITTING

The Commonwealth of Massachusetts passed the Wetlands Protection Act in 1972. This law recognizes that wetlands are important. Wetlands function in storm water management, floodplain protection, drinking water quality and wildlife habitat. This law requires anyone doing work or any activity near a wetland to obtain a permit from the Conservation Commission. This law applies to homeowners and develops alike. Under Massachusetts Law, you are responsible for obtaining a permit, even if you don't know you are required to get one. When you purchase property or propose a project, you are responsible for due diligence by obtaining the appropriate permits before you begin the project.

The Town of Sutton passed a revised Bylaw in May 2015. A copy may be obtained at the Conservation Office or on line. Some parts of the Bylaw may differ from the Wetlands Protection Act with additional Jurisdictional Areas and Public Interests that protect Aquatic Life Habitat, Recreational Activities, Aesthetics, and Agriculture.

Any project within 100' of a wetland or intermittent stream and 200' feet of a perennial stream or Great Pond, as well as the 100-year flood plain, requires a permit from the Conservation Commission. If an endangered species habitat exists on the property, a permit from the Division of Fish & Wildlife's Natural Heritage and Endangered Species Program is also required. Wetlands are determined by 3 factors: hydrology, vegetation, and soils. Appearance varies with seasons and weather conditions. Contact the Conservation Office (508-865-8728) when in doubt, because they have maps and any former permits on the property, which are public record. Any open Orders of Conditions should be disclosed at closing when property is sold or transferred. Always make the inquiry. It is far easier to ask first than to stop work and fix it later. Permits from other boards have different requirements and do not exempt you from getting a permit from the Conservation Commission if wetlands are present. Asking first avoids costly delays in both time and money.

### **WORK OR ACTIVITIES THAT REQUIRE CONSERVATION PERMITS** (including but not limited to):

**Land Clearing, Septic Systems, Wells, Retaining Walls, Cutting and Clearing Vegetation, Construction of Buildings, Additions, Garages, Pools, Decks, Sheds, Docks, Parking Lots, Roads, Demolition and Subdivisions**

Wetland Identification Checklist - If you answer yes to any of the following, it is likely that you need a permit.

#### **Evidence of Water**

- ☐ You live near a stream, river, spring, seep, lake or pond.
- ☐ There is a low area with standing water after a storm.
- ☐ There are drainage channels or trenches that carry water.
- ☐ There are areas where the leaves are stained or darker than surroundings.
- ☐ The ground is hummocked (mounds with water around them).

#### **Wetland plants**

- ☐ You see plants like sphagnum moss, ferns cattails, sedges, rushes, or skunk cabbage.
- ☐ There are red maple trees.
- ☐ There are tall blueberry bushes, swamp azalea, sweet pepperbush, northern arrowwood or dogwoods.

#### **Soils**

- ☐ Is the soil dark brown or black?
- ☐ If you dig a hole, does it fill with water or have water weeping in from the sides?
- ☐ Can you squeeze water out of the soil within 20 inches of the soil surface?