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<sup>2</sup>These Rules and Regulations were adopted by the North Reading Conservation Commission on May 25, 1993 and became effective June 1, 1993. Revisions to the Rules and Regulations were made on November 26, 1996 and February 27, 2001.

## SECTION 1 GENERAL PROVISIONS

### 1.1 AUTHORITY

These rules and regulations are promulgated by the North Reading Conservation Commission under Chapter 196, Section 196.8 of the Town of North Reading General Bylaws.

### 1.2 PURPOSE

These rules and regulations are promulgated to create uniformity of process and to help clarify the provisions of the Town of North Reading's General Wetlands Protection Bylaws. They are intended to minimize delay in the permitting process by providing applicants and their consultants with information which will help them comply with the Bylaw. The Bylaw sets forth a public review and decision making process to protect wetlands and adjoining land areas by controlling activities deemed likely to have significant or cumulative impact on wetland values, including but not limited to the following:

- a) public or private water supply
- b) groundwater
- c) flood control
- d) storm damage prevention
- e) erosion & sedimentation control
- f) prevention of water pollution
- g) protection of wildlife habitat
- h) fisheries
- i) recreation
- j) aesthetics
- k) agriculture and aquacultural values  
(collectively, the wetland values)

### 1.3 AREAS SUBJECT TO PROTECTION UNDER THE BYLAW

The following areas are subject to protection under the Bylaws:

- (a) Any freshwater wetland, including marsh, wet meadows, bog or swamp;
- (b) any lake, pond, reservoir, river stream, creeks or other watercourse and their banks and beaches;
- (c) Any land subject to flooding or inundation by groundwater or surface water;
- (d) Any Vernal Pools, and
- (e) Any land within 100 feet of the areas set forth in section 1.3 (a), (b), (c), (d) as provided under Section 196.2 of the Bylaws
- (f) Any land defined as "Riverfront"

#### 1.4 DEFINITIONS

Definitions which apply to this bylaw are presented in Appendix A.

### 31.5 REVISIONS

These rules and regulations may be revised from time to time by a majority vote of a quorum of the Conservation Commission provided that after public notice, and a public hearing has been held in accordance with Section 196.8 of the Town of North Reading General Bylaws.

<sup>4</sup>SECTION 2 FILING FEES

2.1 FILING FEE SCHEDULE

At the time of a permit application or request for determination, the applicant shall pay a filing fee in accordance with the following schedule. This fee is in addition to that required by the Wetlands Protection Act M.G.L., c 131, s. 40, and Regulations, 310 CMR 10.00.

2.1.1 REQUEST FOR DETERMINATION OF APPLICABILITY

The first 200 feet of delineation will be done at no charge, additional footage will be by length of wetland delineation \$15.00 / 100' of delineation

2.1.2 NOTICES OF INTENT

Minor Residential Project (Such as but not limited to: House addition, pool, deck, landscaping, septic system repair or utility work within buffer zone resource areas.)	\$ 25.00
Single Family Dwelling (Within wetlands or buffer zone resource areas)	\$250.00
Subdivisions (Road and Utility work within wetlands or buffer zone resource areas)	\$500.00 +- \$2.00/l.f. of roadway (in resource area)
Multiple Dwelling Structures (Within wetlands or buffer zone resource areas)	\$250.00/unit
Commercial; Condominium; multi unit residential developments or Industrial Projects (Within wetlands or buffer zone resource areas) of resource area altered	\$500.00 +- \$ 0.50/s.f.
Nonprofit Organizations	\$ 0.50/s.f. of resource area altered to a maximum of \$500.00
Amended Order of Conditions	\$100.00

52.1.3 EXTENSION PERMITS

Minor Residential Projects, as defined above	\$ 10.00
Single Family Dwellings	\$ 25.00
Subdivisions (as defined above)	\$100.00
Multiple Dwelling Structures	\$100.00
Commercial or Industrial Projects	\$100.00

2.1.4 ADDITIONAL SITE VISITS

The Conservation Commission requires that sites be ready for inspection at the time the Notice of Intent is filed. If a site is not clearly marked, as required in these Rules and Regulations, a fee of one hundred dollars will be assessed for a second site visit.

Initial requests for Certificates of Compliance will be reviewed for no charge. If a site fails to be approved for a Certificate of Compliance, a fee of \$25.00 will be assessed for subsequent site visits needed to issue the Certificate of Compliance.

Note: These fees are in addition to those required under MGL c.131, s. 40 and 310 CMR 10.00. They do not include any additional costs or expenses mentioned in the Town of North Reading's General Wetlands Protection Bylaw section 196.4.3 and do not include costs of placing public hearing notices in the local paper.

These fees were approved by the North Reading Board of Selectmen on December 2, 1996.

### 3.1 APPLICATION FORMS

Applicants filing a Request for Determination of Applicability under the General Wetlands Protection Bylaw shall use the latest form bearing the same title provided in 310 CMR 10.99 and currently known as Form 1; and the words "North Reading General Wetlands Protection Bylaw" shall be typed onto the form.

Applicants filing for a permit application under the General Wetlands Protection Bylaw shall use the latest form entitled "Notice of Intent" or "Abbreviated Notice of Intent" as provided in 310 CMR 10.99 and currently know as Form 3 and Form 4 respectively; and the words "North Reading General Wetlands Protection Bylaw" shall be typed onto the form.

Requests for extensions to Orders of Conditions shall be written in compliance with the regulations found at 310 CMR 10.05 (8) (a) and (b). Requests for Certificate of Compliance shall be in writing and accompanied by an As Built Plan and written certification from a Professional Engineer.

Application forms can be obtained from the North Reading Conservation Commission office at 235 North Street, North Reading, MA 01864.

### 3.2 TIMING REQUIREMENTS

The date of filing of the application shall be the date when all required information, fees and notices have been received and deemed complete by the Commission. All time periods set forth under Chapter 196, Section 196.5.2 of the Town of North Reading General Wetlands Protection Bylaw shall commence from this date.

The Conservation Commission will attempt to schedule a public hearing within two weeks of acceptance of the Notice of Intent. Normally, the agenda of the Conservation Commission meeting will be limited to eight items.

### 3.3 PLANS AND INFORMATION

Plans and information shall be submitted which completely and accurately describe the purposed activity and its effect on the resource areas and values protected by the North Reading General Wetlands Protection Bylaw.

Each plan, drawing, sketch or set of calculations shall be titled, dated and signed by the person responsible for their preparation. Plans or information involving the practice of professional engineering or surveying shall be stamped and signed by the appropriate design professional who

<sup>7</sup>shall be registered in the Commonwealth of Massachusetts.

Appendix B and C provide a detailed checklist of information that may be required by the Commission to deem a filing complete. The following provides a general guideline of the minimum information necessary to present a proposal to the Commission.

83.3.1 Plans shall be drawn to scale and are required to include the following information, which is required by the Commission, but is not limited to:

- (a) An 8 1/2 x 11 excerpt of the USGS Quadrangle Map at its original scale showing the location of the proposed activity.

All plans shall be drawn to scale and shall include:

- (a) All wetlands within 100' of the property, wetland flags shall be shown and numbered on the plans.
- (b) The location, names and present widths of all streets, private ways, easements covenants or restrictions on, bounding, approaching or within 50' of the parcel on which the project is located.
- (c) All property lines;
- (d) Location, extent and area of all existing and proposed structures, paved areas and utilities including, but not limited to, facilities for sewage including expansion areas, refuse and waste disposal facilities, facilities for storm water drainage, both temporary and permanent, and facilities for water supply, electricity conduction and telecommunications.
- (e) Boundaries of all resource areas within which work is proposed and within 100' of the property lines. All plans shall be drawn at a scale no smaller than 1"= 40'. Dimensions from structures to flagged wetland resource areas shall be shown on the plans.
- (f) Delineation of limit of work.

3.3.2 Additional plans and information which may be required by the Commission include, but are not limited to:

- (a) Drainage calculations based on the USDA Soil Conservation Service TR-55 or TR-20 method for the 2, 10, 25, and 100 year storm events. Drainage calculations for each sub watershed area shall include the hydraulic length drawn on the watershed plan, time of concentration calculation, pre and post development CN calculation, average watershed slope calculations, peak rate of runoff and volume of runoff;
- (b) Reservoir routing calculations shall be based on the Storage Indication or Modified Puls Method and shall include a stage-storage graph.
- (c) Existing and Proposed Topography at 2' contour intervals for the subject parcel;

- 9(d) Locations and basement floor elevations of all building structures;
- (e) Soil logs including deep observation holes and percolation tests with date and locations of tests;
- (f) Locations of all wells within 100' of the proposed activity;
- (g) Wildlife habitat analysis prepared in accordance with 310 CMR 10.60;
- (h) A single sheet plan detailing all resource areas within the project boundaries. This plan may be prepared at a scale of less than 1" = 40', if necessary;
- (i) Identification of all required federal, state and local permits and copies of all applicable federal, state and local environmental permits obtained;
- (j) Replication Plans as may be required;
- (k) A written description of the methodology used to delineate the wetland and a botanical inventory of species used in the delineation.

### 3.4 NOTICE TO ABUTTERS

Written notification of the filing of a Request for Determination of Applicability or a Notice of Intent shall be delivered by certified mail to all abutters within 300' of the project as well as to abutters across a body of water. The notice shall provide the time, place, and subject matter of the public hearing. The applicant may use the legal notice, as published, for the text of the written notification. Written notice shall be given to abutters not less than five days prior to the hearing. With the approval of the Commission, abutter notification may be by hand delivery. The applicant will be required to provide an affidavit of service. Evidence of proper notification shall be given to the North Reading Conservation Commission at the commencement of the Public Hearing.

4.1 INTRODUCTION

The introduction, purpose and performance standards stated in 310 CMR 10.51 - 10.60 shall apply except as stated below.

4.2 LIMITED PROJECTS

The "limited projects" status granted under 310 CMR 10.53 (3) is not recognized under the North Reading General Wetlands Protection Bylaw. Each application shall be handled on a case-by-case basis.

4.3 FRESHWATER WETLANDS

The definition of "freshwater wetlands" (see appendix A) shall include both Bordering and Isolated Vegetated Wetlands. Isolated Vegetated Wetlands are those wetlands areas which meet the definition and critical characteristics of Bordering Vegetated Wetlands but do not border on creek, rivers, streams, ponds or lakes. (See 310 CMR 10.53 section 1 and 2 ) They exist as "pockets" of wetland vegetation which, are supported by hydric soils and /or hydrologic conditions. See definitions of Hydric Soil, Freshwater Wetlands and Vegetated Wetlands (Appendix A). No work will be permitted within 12' of freshwater wetlands unless it is deemed unavoidable by the Commission.

4.4 REPLICATION AREAS

In situations where wetlands loss is unavoidable, a compensatory wetland area shall be provided which is at least 1.5 times the size of the lost area; is at or below the same elevation, has the same hydrology and surfaces water elevation; has the same hydrologic connection to a water body; and within two growing seasons is vegetated with a plant community of at least 75% cover consisting of the same plant community type and similar species composition to the lost area; and within two growing seasons demonstrates a hydrologic regime similar to the lost area.

4.5 LAND SUBJECT TO FLOODING

The engineering calculations referred to in 310 CMR 10.57 (2) (a) 3. shall be based on a design storm of 7 inches of precipitation in twenty four hours i.e. a Type III Rainfall, as defined by the U.S. Soil Conservation Service). The remaining basis (b and c) outlined in 310 CMR 10.57 (2) (a) 3. shall also apply.

#### 114.6 VERNAL POOLS

Vernal pools and vernal pool habitat as defined in this Bylaw shall be determined by the North Reading Conservation Commission. The Commission need not identify vernal pool and vernal pool habitat locations prior to application with the Commission. It shall be the applicant's responsibility to indicate the location of possible vernal pools and vernal pool habitats on the subject property, during the application process. The applicant may request a determination of applicability prior to application for a permit under the bylaw, if he is unsure as to whether a vernal pool exists on the subject site. There shall be no alteration to any vernal pool. The buffer zone of a vernal pool is critical to the function of the pool and any work in this area should be avoided. Specific buffers to vernal pools and vernal pool habitats will be created on a case by case basis by the Commission.

#### 4.7 LANDS WITHIN 100 FEET

The land area within 100 feet of any freshwater wetland; marshes; wet meadows; bogs, swamps, vernal pools, river banks, reservoirs, lakes, ponds, rivers, streams, creeks, beaches, lands under waterbodies, lands subject to flooding or inundation by groundwater, or surface water is considered to be a resource area under the General Wetlands Protection Bylaw and, as such, is subject to protection. This is different from 310 CMR 10.00 in that this area is a protectable resource area; and that this resource area encompasses more than the buffer zone designated in 310 CMR 10.00 e.g. it surrounds land subject to flooding and isolated vegetated wetlands in addition to bordering vegetated wetlands, banks and land under waterways and waterbodies. The function of this protectable resource area is; 1.) to protect the resource area it surrounds, i.e. by shading, filtering stormwater runoff (as in reducing turbidity), reducing noise and wind, and reducing pollutants, such as salts, pesticides, herbicides and fertilizers; 2.) to provide wildlife habitat, food and shelter; 3.) to provide traversable recreation areas; 4.) to improve or add to the aesthetics of the area; 5.) to allow for wetland plant growth and wetland expansion.

In order to provide for the protection of the above protected resource area, the following activities are prohibited within the land within 100 feet:

- (a) Any activity within 12 feet of the vegetated wetland resource area;
- (b) Installation of underground fuel oil storage tanks;
- (c) Rendering 22% or more of the protected "lands within 100 feet" of the resource area impervious (CN greater than 89 ) on any lot;
- (d) Altering more than 75% of the protected "lands within 100' resource area on any lot;
- (e) Altering the protected resources around vernal pools shall be made on a case by case basis;
- (f) Construction of a leaching facility of a subsurface sewage disposal system within 75' of the vegetated wetland resource area. \* (Change - effective 2/27/01)

<sup>12</sup>The preceding restrictions are intended to represent the limits beyond which the ability of the resource area to function is presumed to be impaired. The presumption may be overcome by a clear showing that the ability of the resource area to function will not be impaired. All work proposed in the buffer zone or protected resource area will be reviewed on a case by case basis.

#### 4.8 DRAINAGE

Peak rates and/or volumes of runoff to resource areas shall not be increased or decreased beyond the resource area's ability to function in the same manner as existing during pre-development conditions. It is presumed that a change of more than 15% in either the peak rate or volume or runoff for the 2, 10, 25, or 100 year design storm events will impair the resource areas ability to function. The hydrologic calculations shall be based on the Soil Conservation Service TR-55 or TR-20 methods. A twenty-four hour, Type III storm with an antecedent moisture condition II shall be used in the calculations. Curve numbers shall conform to the SCS Guidelines. The presumption in the above paragraph may be overcome by a clear showing that the resource area's ability to function will not be impaired.

5.1 CALCULATING IMPACTED RESOURCE AREAS

Adequate provision shall be made for the physical construction of proposed structures, embankments, grading and other proposed activities as show on the proposed plans. Sufficient work space shall be considered as part of the altered area when calculating the amount of resource area impacted. The area required for work space will vary on a site by site basis, but in no case shall it be less than twelve (12) feet. Any work within twelve (12) feet of a wetland or Vernal Pool will be presumed to alter that resource area. No buildings or structures will be allowed within this resource area, but landscaping proposals for buffering proposes will be considered by the Commission.

5.2 DETENTION/RETENTION BASINS

Detention and retention basins shall meet the minimum requirements set forth in the U.S. Bureau of Reclamation Design of Small Dams and the U.S. Department of Agriculture Soil Conservation Service Guidelines. The inlet to detention basins shall be at or above the twenty-five (25) year design storm level of the basin. The inlet to retention basins shall be at or above the mean annual water elevation. In no case shall the outlet from either basin be above the inlet elevation except for the emergency spillway. Embankment side slopes shall not be steeper than two (2) feet

horizontal to one (1) foot vertical on either side of the embankment and shall be a minimum of ten (10) feet wide at the 100 year design storm capacity. An emergency spillway capable of protecting the embankment during the 100 year storm event shall be provided should the normal outlet fail to work. The embankment shall consist of a homogeneous mixture of clay, sand and silt. In no case is loam or any other organic material to be used in the embankment construction. If a core design is used instead of an homogeneous embankment, the design shall meet the minimum requirements set forth in the US Bureau of Reclamation Design of Small Dams. The surface of the embankment shall be protected from erosion by loaming and seeding, rip-rap or other method acceptable to the Commission.

5.3 RIP-RAP

Rip-rap shall be sized such that the stones will be able to resist movement due to water velocity. Small stones may be used to fill the gaps between the larger stones in order to form a more stable structure.

14SECTION 6

ENFORCEMENT

It is the intention of these regulation to clarify the provisions set forth under the General Wetlands Protection Bylaw. Unfortunately, there may be instances where violations occur. In recognition of this fact, the Commission has devised a procedure whereby violations may be handled fairly:

- a) Upon the Commission's finding that a violation has occurred, the violator will be informed in writing of the violation and requested to attend a meeting of the Commission to resolve the matter. The meeting date shall be agreed to by both parties but in no case shall be more than one (1) month after the original date of the Commission's notice of the violation to the violator.
  
- b) Upon failure of the violator to appear at the meeting referred to above or upon failure of the violator to remedy the violation within the time frame set by the Commission, the Commission may levy a fine of \$25.00 for the first offense, \$100.00 after the second notification and \$300.00 for each subsequent offense. Each day or portion thereof during which a violation continues shall constitute a separate offense. Refer to section 196.11 of the General Wetlands Protection Bylaw.

SECTION 7

SEVERABILITY

The invalidity of any section or provision of these rules and regulations shall not invalidate any other section or portion thereof, nor shall it invalidate any permit or determination which previously has been issued.

SECTION 8

EFFECTIVE DATE

These regulations shall be effective upon the date of adoption by the Commission.

**ACTIVITY** - any form of draining, dumping, dredging, damming, discharging, excavation, filling or grading; the erection, reconstruction, or expansion of any buildings or structures; the driving of pilings; the construction or improvement of roads and other ways; the changing of runoff characteristics; the intercepting or diverting of ground surface water; the installation of drainage, sewage and water systems; the discharging of pollutants; the destruction of plant life; and any other changing of the physical characteristics of water.

**AESTHETICS** - that quality which exists in the general aspect of a landscape which adds to the array of impressive natural prospects and imposing features of a particular place. For the purposes of the General Wetlands Protection Bylaw, the natural prospects and imposing features referred to above are ones which are not man-made.

**ALTER** - to change the condition of any Area Subject to Protection Under the Bylaw. The term “alter” shall include, without limitation, the following activities when undertaken to, upon, within or affecting the resource areas protected by this Bylaw:

- (a) Removal, excavation or dredging of soil, gravel or aggregate material of any kind;
- (b) Changing of pre-existing drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristics;
- (c) Drainage or other disturbance of water level or water table;
- (d) Dumping, discharging, or filling with any material;
- (e) Placing of fill, or removal of material;
- (f) Driving of piles, erection of buildings, or structures of any kind;
- (g) Placing of obstructions of objects in water;
- (h) Destruction of plant life, including cutting of trees and replacement of existing plant life with lawns and other landscaping;
- (i) Changing water temperature, biochemical oxygen demand, or other physical or chemical characteristics of water.
- (j) Any activities, changes, or work which may cause or tend to contribute to pollution of any body of water or groundwater.

16(k) Application of herbicides and pesticides.

**AQUACULTURE** - the growing of aquatic organisms under controlled conditions, including but not limited to finfish, shellfish, amphibians, reptiles, and seaweeds.

**BANK** - that portion of the land surface which normally abuts and confines a stream, river, pond, or lake. The upper boundary of a Bank is the first observable break in the slope or the mean annual high water level, whichever is lower. The lower boundary of a Bank is the mean annual low water level.

**BOG** - any area where standing or slowly running water is near or at the surface during a normal growing season, and where the vegetational community has a significant portion of the water or surface covered with sphagnum moss, and where the vegetational community is made up of a significant portion of one or more of, but not limited to nor necessarily all of, the following plants or groups of plants: azaleas (*Rhododendron canadense* and *R. viscosum*), black spruce (*Picea mariana*), bog cotton (*Eriophorum*), cranberry (*Vaccinium macrocarpon*), highbush blueberry (*Vaccinium corymbosum*), larch (*Larix laricina*), laurel (*Kalmia polifolia*), leatherleaf (*Chamaedaphne calyculata*), orchids (*Pogonia*, *Calopogon*), pitcher plant (*Sarracenia purpurea*), sundews (*Drosera rotundifolia*, *D. intermedia*), sweet gale (*Myrica gale*), white cedar (*Chamaecyparis thyoides*), sedges (*Dulichium arundinaceum*, *Carex canescens*, *Cares spp.*, *Rychospora spp.*, *Cladium (Mariscoides)*).

**BORDERING** - touching

**BOUNDARY** - the boundary of the Area Subject to Protection Under the Bylaw.

**BYLAW** - refers to the North Reading General Wetlands Bylaw, Chapter 196, of the North Reading General Bylaws.

**CERTIFICATE OF COMPLIANCE** - a written determination by the Conservation Commission that the proposed work or a portion thereof has been completed in accordance with a pertinent permit.

**COMMISSION** - the North Reading Conservation Commission.

**CONDITIONS** - those requirements set forth in a written Permit issued by the Conservation Commission for the purpose of permitting, regulating, or prohibiting any activity that removes, fills, dredges, builds upon, or alters an Area Subject to Protection Under the Bylaws.

**CONSERVATION COMMISSION** - that body comprised of members lawfully appointed pursuant to M.G.L. c. 40, s. 8C.

**CREEK** - the same as a stream.

**DATE OF ISSUANCE** - the date a Permit, Determination, or Certificate of Compliance is mailed, as evidenced by a postmark or the date it is hand delivered.

**DATE OF RECEIPT** - the date of delivery to an office, home, or usual place of business by mail or hand delivery.

**DEPARTMENT** - Massachusetts Department of Environmental Protection (DEP).

**DETERMINATION (of Applicability)** - a written finding by the Commission as to whether a site or the activity proposed thereon is subject to the jurisdiction of the Bylaw.

**DREDGE** - to deepen, widen, or excavate, whether temporarily or permanently.

**EROSION CONTROL** - the prevention or reduction of the detachment or movement of soil or rock fragments by water, wind, ice, and/or gravity.

**EXTENSION PERMIT** - a written extension of time within which the authorized activity shall be completed.

**FILL** - to deposit any material so as to raise an elevation, either temporarily or permanently.

**FLOOD CONTROL** - the prevention or reduction of flooding and flood damage.

**FOR GOOD CAUSE** - discovery by the Commission of new information related to the application and/or discovery by the Commission of information supplied by the applicant which in the opinion of a majority of a quorum of the Commission does not reflect actual site conditions.

**FRESHWATER WETLANDS** - any area where the topography is low and flat, where soils are annually saturated as demonstrated by the presence of hydric soils, or where the vegetation community is composed of species adapted to or characteristic of saturated areas. The presence of hydric soils or wetlands vegetation can be used to define an area. The Commission recognizes that soils can be slow to respond to hydrologic conditions and will allow a wetland delineation to be made without the presence of hydric soils. Freshwater wetlands includes both Bordering & Isolated Vegetated Wetlands.

**GROUND WATER SUPPLY** - water below the earth's surface in the zone of saturation.

**HYDRIC SOIL** - The Field Indicators for Identifying Hydric Soils in New England manual shall be used as the basis for determining hydric soil characteristics.

**ISSUING AUTHORITY** - the Conservation Commission.

**LAKE** - any open body of fresh water with a surface area of 10 acres or more, and shall include Great Ponds.

**LAND SUBJECT TO FLOODING OR INUNDATION** (by groundwater or surface water) - areas inundated by flood waters rising from creeks, rivers, streams, ponds, lakes, or water courses; and isolated or closed basins which at least once a year confine standing water to an average depth of six (6) inches and surface area of 2,000 square feet.

**LAND UNDER WATER BODIES** - the land under the surface of any lake, river, pond, stream, estuary, or watercourse. The boundary of Land Under Water Bodies is the mean annual low water level.

**MAJORITY** - more than half the members of the Conservation Commission then present.

**MARSH** - an area where water is at or above the surface of the ground during the growing season, and where a significant part of the vegetational community is composed of, but not limited to nor necessarily including all of, the following plants or groups of plants: bladder worts (*Utricularia*), bur-reed (*Sparganium*), button bush (*Cephalanthus occidentalis*), cattails (typha), duck weeds (*Lemna*), hydrophilic grasses (*Calamagrostis canadensis*, *Phalaris arundinacea*, *Phragmites australis*, *Glyceria*), pickerel weed (*Pontederia*), pipwort (*Eriocaulon*), rushes (*Juncus effusus*, *Juncus* spp.), hydrophilic sedges (*Scirpus cyperinus*, *Carex stricta*, *Carex lacustris*, *Carex crinita*, *Carex lurida*, *Eleocharis* spp., *Rhynchospora* spp.), hydrophilic smartweeds (*Polygonum* spp.), water will (*Decodon verticillatus*), arrow head (*Sagittaria*), or sweet flag (*Acorus calamus*).

**NOTICE OF INTENT** - the written notice filed by any person intending to remove, fill, dredge, or alter an Area Subject to Protection Under the Massachusetts Wetland Protection Act, M.G.L. c. 131, s. 40, or the Bylaw. See section 3.1 for details on application forms.

**OBSTRUCTION** (or objects in water) - means but is not limited to dams, weirs, sluiceways, docks, bulkheads, pilings, slips, floats, or cofferdams.

**ORDER** - an Order of Conditions, Superseding Order, or Final Order, whichever is applicable, issued pursuant to M.G.L. c. 131, s. 40, or the Bylaw.

**ORDER OF CONDITIONS** - the document issued by the Conservation Commission containing conditions which regulate or prohibit an activity under M.G.L.c. 131, s. 40.

**PERMIT** - the document issued by the Commission containing conditions which regulate or prohibit an activity under the Town of North Reading Wetlands Protection Bylaw. The Commission is an appropriate case may combine the permit or other action on an application issued under the Bylaw with the Order of Conditions issued under the Wetlands Act, M.G.L.

c. 131, s.40.

**PLANS** - such data maps, engineering drawings, calculations, specifications, schedules and other materials, if any, deemed necessary by the Conservation Commission to describe the site and activity; to determine the applicability of the Bylaw; or to determine the impact of the proposal upon the interests identified in the Bylaw.

**POND** - any open body of fresh water, either naturally occurring or man-made, which is {for not more than six months of the year} not without water due to natural causes, except during periods of extended drought. For purposes of this definition, extended drought shall mean any period of four or more months during which the average rainfall for each month is 50% or less of the ten year average for that same month. Basins or lagoons which are part of waste water treatment plants shall not be considered ponds, nor shall swimming pools or other impervious man-made retention basins. A pond must have a minimum surface water area of at least 5,000 square feet, determined based on the annual high water elevation.

**PREVENTION OF POLLUTION** - the prevention or reduction of contamination of surface or ground water.

**PRIVATE WATER SUPPLY** - any source or volume of surface or ground water demonstrated to be in any private use, or demonstrated to have a potential for private use.

**PROTECTION OF FISHERIES** - protection of the capacity of an Area Subject to Protection Under the Bylaw to;

- a) prevent or reduce contamination or damage to fish, and
- b) to serve as the habitat and nutrient source of fish.

**PUBLIC WATER SUPPLY** - any source of volume of surface or ground water demonstrated to be in public use or approved for water supply pursuant to M.G.L. c. 111, s. 160 by the Division of Water Supply of the DEP or shown to have potential for public use.

**QUORUM** - the majority of the duly appointed members of the Conservation Commission that when duly assembled is legally empowered to transact business.

**REMOVE** - to take away any type of material, thereby changing a resource area, either temporarily or permanently.

**REQUEST FOR DETERMINATION OF APPLICABILITY** - a written request made by any person to the Conservation Commission for a determination as to whether a site or a proposed activity thereon is subject to the Bylaw and M.G.L. Ch. 131, s. 40.

**RESOURCE AREA** - is synonymous with Area Subject to Protection Under Bylaw, each one of which is enumerated in Section 1.3 of these regulations.

**RIVER** - a naturally flowing body of water than empties to any ocean, lake, or other river, and which flows throughout the year.

**SEDIMENTATION CONTROL** - the prevention or reduction of the collection or concentration of sand, soil or rock fragments by the action of water, wind, ice or gravity.

**SIGNIFICANT** - means play role. A resource area is significant to an interest identified in the Bylaw when it plays a role in the provision or protection, as appropriate, of that interest.

**STORM DAMAGE PREVENTION** - the prevention of damage caused by water from storms, including but not limited to; erosion and sedimentation; damage to vegetation, property, or buildings; or damage caused by flooding, waterborne debris, or waterborne ice.

**STREAM** - a body of running water, including brooks, creeks and other watercourses, which moves in a definite channel in the ground due to a hydraulic gradient. A portion of a stream may flow through a culvert, is naturally obscured, or beneath a bridge. A stream's flow may be intermittent (i.e., does not flow throughout the year), or perennial.

**SWAMP** - an area where ground water is at or near the surface of the ground for a significant part of the growing season or where runoff water from surface drainage frequently collects above the soil surface, and where a significant part of the vegetational community is made up of, but not limited to nor necessarily includes all the following plants or groups of plants: alders (*alnus*), ashes (*Fraxinus*), azalea (*Rhododendron canadense* or *R. viscosum*), winterberry (*Ilex verticillata*), highbush blueberry (*Vaccinium corymbosum*), red maple (*Acer rubrum*), poison sumac (*Toxicodendron vernix*), spicebush (*Lindera benzoin*), sweet pepperbush (*Clethra alnifolia*), black gum (*Nyssa sylvatica*), swamp white oak (*Quercus bicolor*), willow (*Salix*), skunk cabbage (*Symplocarpus foetidus*), sphagnum moss (*Sphagnum*), cinnamon fern (*Osmunda cinnamomea*) or royal fern (*Osmunda regalis*).

**VEGETATED WETLANDS** - any area where the soils are annually saturated (hydric) and/or where at least 50 percent of the plant community consists of wetland plant species. Vegetated Wetlands include bogs, marshes, wet meadows, and swamps.

**VERNAL POOL** - any vegetated wetland or area subject to flooding which provides breeding habitat for obligate vernal pool species such as wood frogs (*Rana sylvatica*), spotted salamanders (*Ambystoma maculatum*), or fairy shrimp, and which may be without standing water during later summer.

**WATERCOURSE** - a stream wholly or partially man-made.

**WET MEADOW** - an area where ground water is at or near the surface of the ground for a significant part of the growing season, and where a significant part of the vegetational community is made up of, but not limited to nor necessarily includes all of the following plants or groups of plants; marsh fern (*Thelypteris palustris*), sensitive fern (*Onoclea sensibilis*), sedges (*Scirpus cyperinus*, *Carex stricta*, *C. lanuginosa*, *Eleocharis* spp.), hydrophilic grasses

(Calamagrostis canadensis, Glyceria spp., Alopecurus pratensis), rushes (Juncus effusus, J. canadensis), blue flag (Iris versicolor), vervain (Verbena hastata), joe-pye-weed (Eupatorium maculatum), boneset (Eupatorium perfoliatum), and meadowsweet (Spiraea latifolia, S. tomentosa).

**WETLAND PLANT SPECIES** - those species listed as occurring in bogs, marshes, swamps, or wet meadows, as well as any other plant species known to occur primarily in wetlands, and including all species classified as Obligate, Faculative Wetland, or Faculative + or Faculative according to the most recent edition of the National List of Wetland Indicators published by the United States Fish and Wildlife Service.

**WILDLIFE HABITAT** - areas having a plant community composition and structure, hydrologic regime, or other characteristics sufficient to provide shelter, nutrients, growing conditions, nesting or breeding sites conducive to the propagation and preservation of wildlife.

**WILDLIFE** - any non-domesticated native mammal, bird, reptile, amphibian, fish, mollusk, arthropod, or other invertebrate other than a species of the Class Insecta which has been determined by the Commission to constitute a pest whose protection under the By-law would be a risk to man.

**WORK** - the same as Activity.

## APPENDIX B: CHECKLIST FOR REQUEST FOR DETERMINATION OF APPLICABILITY

The proponent shall submit three copies of the completed Request for Determination of Applicability form to the Conservation Commission. Copies of the Request shall also be given to the Community Planning Commission, Board of Appeals, Board of Health, Building Inspector and Town Engineer. This application shall include the following information:

1. Name and street address of proponent, and the proponent's representative, if any. If the proponent's mailing address is a post office box, then the proponent's street address shall also be furnished;

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2. Street address of proposed project. In the event that there is no street address, the Assessors map and lot number shall be used for identification;
3. The telephone numbers, day and evening, where the proponent and any representative may be contacted;
4. General locus map;
5. Plan of land showing 1) buildings (existing and proposed), 2) topography with maximum contour intervals of two feet (existing and proposed), and 3) resource areas as defined in MGL 131, s.40 and any amendments thereof and the Town of North Reading By-Laws and any amendments thereof with, at a minimum, delineation according to the Town of North Reading Wetlands Maps being indicated.
6. List of abutters and proof that they have been notified of the hearing;
7. Check made out to Great Oak Publication for public notice; and \*
8. Filing fee, if appropriate.

In addition to the above, the Commission may require the following information:

1. Certification of compliance with Title 5 Massachusetts Sanitary Code and any amendments thereof, where applicable;
2. Any other information which the North Reading Conservation Commission deems necessary to reach a determination.

\*change - effective 2/27/01  
Town of North Reading, MA.

### APPENDIX C: CHECKLIST FOR NOTICE OF INTENT

The proponent shall submit three copies of the completed Notice of Intent form to the Conservation Commission. Copies of the complete Notice of Intent shall also be given to the Community Planning Commission, Board of Appeals, Board of Health, Building Inspector and Town Engineer. This application shall include the following information:

1. Name and street address of proponent, and the proponent's representative, if any. If the proponent's mailing address is a post office box, then the proponent's street address shall also be furnished;
2. Street address of proposed project. In the event that there is no street address, the Assessors map and lot number shall be used for identification;

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3. The telephone numbers, day and evening, where the proponent and any representative may be contacted;
4. General locus map from a USGS Topographic Map;
5. Plan of land showing 1) buildings (existing and proposed), 2) topography with maximum contour intervals of two feet (existing and proposed), and 3) resource areas as defined in MGL 131, s.40 and any amendments thereof and the Town of North Reading By-Laws and any amendments thereof with, at a minimum, delineation according to the Town of North Reading Wetlands Maps being indicated; and
6. Check(s) made payable to the Town of North Reading for filing fee(s) under both MGL Ch. 131, S.40 and the North Reading General Wetlands By-Laws, Chapter 196 of the North Reading General By-Laws
7. List of abutters and proof that they have been notified of the hearing;
8. Check made out to Great Oak Publication for public notice. \*

In addition to the above, the Commission may require the following information:

1. Certification of compliance with Title 5, Massachusetts Sanitary Code, where applicable;

2. Soils information (S.C.S. soils maps, soil logs, soil classification);
3. Drainage calculations: to include pre and post construction, method used, assumption, and worksheets;
4. Erosion control specifications and details;
5. Description of how work will comply with 310 CMR 10.00 and any amendments thereof and Town of North Reading Wetland Protection Bylaw and any amendments thereof;
6. Work completion schedule;
7. Depth of water table;
8. Water quality analysis (pre and post construction) of surface and groundwater;
9. Analysis of wetland soils including depth, organic content, etc.;

## GENERAL WETLANDS PROTECTION RULES AND REGULATIONS

10. Vegetation maps showing types of vegetation, impervious cover, etc.;
11. Landscaping plans;
12. Potential sources of pollution such as fertilizer, pesticides, petroleum products, heavy metals, etc.;
13. Aquifers and groundwater resources in vicinity of site;
14. Dates when all field work was conducted;
15. Headwall and riprap specifications;
16. Maintenance plans;
  - Detention and/or retention ponds
  - Replication resource areas
  - Oil and grease traps
  - Conservation and pedestrian easements or rights of way
  - Culverts; and
17. Any other information which the Commission deems necessary to reach a determination.