



Department of Planning and Human Services
DANVERS, MASSACHUSETTS
Conservation Commission

About the Conservation Commission

Local Conservation Commissions are essential for orderly growth within the cities and towns of the Commonwealth. This handout is intended to help clarify the functions and determinations of the Danvers Conservation Commission, whose responsibilities include permitting, protecting important resources and adhering to the Wetlands Protection Act.

We are six volunteers, appointed by the Town Manager for staggered 3-year terms.

Our objective is to encourage appropriate and thoughtful growth in Danvers, while also minimizing impact to our towns varied natural resources.

Legal Guidance

Our guiding laws are the Massachusetts Wetland Protection Act and the Town of Danvers Wetland By-law, which was adopted by Town Meeting and approved by the state Attorney General.

Consultation

Depending on the project, we may seek input from staff through our Technical Review Committee (TRC) and/or other boards such as the Danvers Planning Board, Zoning Board of Appeals, Open Space Committee, and Rail Trail Advisory Committee.

MEMBERS

- Matthew Lallier, Chair
- Michael Splaine, Vice Chair
- Peter Wilson
- James Elliott
- Neal Waldman
- Jean Hartnett, Alternate



Why are Resource Areas Important?

Wetlands, coastal banks, streams and ponds are a few of the resource areas the Conservation Commission and the State strive to protect. Without these areas we would not have suitable:

Wildlife Habitat

Flood Control

Pollution Protection

Water quality improvement

Ground water discharge

Biological Productivity

Protected Open Space

Protected Areas

The following areas are subject to protection under the **Wetlands Protection Act** and the **Town of Danvers Wetlands By-Law**:

- Bank
- Beach
- Freshwater Wetland
- Coastal Wetland
- Marsh
- Meadow
- Bog
- Swamp
- Lake
- Pond
- River
- Stream
- Estuary
- 100 Year Flood Zones

What are Buffer Zones?

The protected areas identified in the Wetlands Protection Act and the Town of Danvers Wetlands By-Law are surrounded by a **100 foot buffer zone (200 feet for riverfront areas)**

The Town of Danvers By-Law also enforces a **25' No Disturb Zone** and a **35' No Build-Zone**. These additional buffer zones limit the impact on important resource areas. A waiver request must be submitted along side a permit application for any work proposed in these zones.

What Activities are Regulated?

The Conservation Commission must permit activities that propose to remove, fill, dredge, alter or build upon wetlands or their buffer zones. **Regulated activities include:**

- Dumping leaves, brush, grass, debris
- Cutting trees or shrubs
- Reconstructing lawns
- Building or constructing structures or a septic system
- Grading, excavating, or filling
- Changing storm water discharge
- Polluting wetlands or streams

You can maintain lawfully existing (grand-fathered or permitted) structures, lawns and landscapes, and you can do some limited vista pruning of trees, but cutting of whole trees, clearing understory, construction, earth disturbing activities, or drainage altering activities require a permit.

How You Can Help

- Compost yard waste instead of dumping in the woods or resource areas
- Plant native species and avoid invasives.
- Fight weeds with eco-friendly herbicides
- Drain swimming pools wisely



Where can I find the Wetlands Bylaw?

The Wetland Bylaw is posted on the Town website under "Bylaws and Regulations." Hard copies can be viewed at the Planning Office or purchased for \$10.

Can the Wetlands Bylaw be changed?

Yes. Proposed changes must pass at Town Meeting and can be initiated by public entities or citizen petitioners.

Are some project types exempt from the Wetlands Bylaw?

Yes. The Town's ability to regulate projects through permitting is given by the State, which limits that authority for certain uses. For example, education, agriculture, and solar installations have special protections under State law.

How are public hearings announced?

Public hearings are posted in legal ads in the local paper, outside the Town Clerk's office, and on the Town website. When hearings involve a particular property, the abutters are notified by certified mail with return receipt requested or by certificate of mailing.

The Permit Process

Depending on the size and impact of a proposed project, the appropriate permit application must be completed. Often times these applications require DEP approval, abutter notification, engineered plans, site visits and public hearing attendance. Once a project application is submitted, it must be reviewed and approved by the Conservation Commission before work can begin.

Types of Applications

ANRAD (*Abbreviated Notice of Resource Area Delineation*):

An ANRAD is not a permit to do work. It is a tool to determine where a wetland boundary lies. Oftentimes, land developers will use this tool to aid in the design process before delving into a potential project. These applications are often used for big projects such as sub-divisions and commercial buildings.

NOI (*Notice of Intent*)

The Notice of Intent is an application to perform work in a wetland resource area or buffer zone. These applications require legal ad postings, abutter notifications, engineered plans and approval by the commission and DEP. The result of an approved NOI is an Order of Conditions (**OOC**). The OOC for a project outlines all the regulated steps the applicant must take before, during and after construction.

COC (*Certificate of Compliance*)

When an approved project that has been issued an OOC is complete, the applicant must apply for a COC. This is the final step in the permitting process, as it removes the "cloud" on the properties title. Applying for a COC is an easy process, as long as the project has been completed as approved. When making a determination to issue a COC, the Conservation Commission, or its agent, will attend the site and compare proposed plans to as-built plans.

RDA (*Request for Determination of Applicability*)

An RDA is used to determine if a project or property is subject to wetland regulations. This permit is often used for smaller sized projects that may not be subject to certain conditions and standards. The commission can issue one of the two determinations after reviewing the application at a public hearing:

Negative Determination: No further review is necessary and the project may proceed with some minor caveats.

Positive Determination: Further review is necessary in the form of another application known as a Notice of Intent. A positive determination is often issued when the commission is not provided with enough information to make a determination, or the project has a large impact on important resource areas.

Your Participation in Public Hearings

Anyone can speak at a public hearing. In fact, your input is invited and taken into consideration by the Conservation Commission prior to making a final decision. **If you choose to speak, please follow these simple rules:**

- State your name and address for the record
- Ask your questions of the Board Chair, not the applicant. The Chair will respond, or ask others to do so.
- Limit your remarks to matters within the Commission's scope.
- Be brief, speak for 2 or 3 minutes as to allow someone else a turn.
- Be respectful, common courtesy is expected of all members, staff and the general public.

Remember, you can send emails or letters instead of appearing in person. If possible, deliver your mail at least one day before the Committees meeting to staff:

For questions and permitting please contact:

Erin Schaeffer, Principal Planner
eschaeffer@danversma.gov
978-777-0001 x 3099

For helpful resources please contact:

Mass. Department of Environmental Protection
<http://www.mass.gov/eea/agencies/massdep/>
978-694-3200

**Department of Land Use and Community Services, 1 Sylvan Street Danvers MA, 01923
Aaron Henry, Director**