

# Isolated Wetlands

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## *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Issue Overview** Massachusetts Wetlands Regulations (310 CMR 10.00) list in the “Statement of Jurisdiction” that “[a]ny bank, any freshwater wetland, any coastal wetland, any beach, any dune, any flat, any marsh, or any swamp bordering on the ocean, any estuary, any creek, any river, any stream, any pond, or any lake” are subject to protection. Thus, the state’s protection extends to “bordering vegetated wetlands,” not “isolated vegetated wetlands.” Many local bylaws and ordinances list in the statement of jurisdiction that the municipality protects “any vegetated wetland” or include the phrase “said resource areas shall be protected whether or not they border surface waters.” In many cases, various isolated wetlands were described in terms of hydrology and vegetation, but some also placed a size requirement on the isolated resource area.

When a municipality protects “isolated vegetated wetlands,” it is standard for it also to extend a buffer zone of protection around the isolated wetlands.

Resource areas are given a buffer zone of protection because activities in the adjacent land such as clearing and paving may cause soil erosion, loss of shading, reduction in nutrient inputs, and change in soil composition (reduced ability to filter) – which may alter the resource area itself.

**Research Coding** Researcher found the answer in the statement of jurisdiction and sections that elaborate on the criteria for wetlands determination. If the municipality makes no distinction that wetlands must border surface waters, then the researcher assumed that isolated vegetated wetlands are covered. They are sometimes referred to in the documents as “isolated vegetated wetlands” or “non-bordering vegetated wetlands.”

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## **Abington**      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes** Town of Abington Bylaws, Chapter 171-1(B) is as follows:  
"Except as permitted by the Conservation Commission or as provided in this bylaw, no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas: any freshwater wetlands, marshes, wet meadows, bogs, swamps, vernal pools, banks, reservoirs, lakes, ponds of any size, rivers, streams, creeks, beaches, dunes, estuaries, lands under water bodies, lands subject to flooding or inundation by groundwater or surface water, or flooding, and lands abutting any of the aforesaid resource areas as set out in § 171-7 (collectively the "resource areas protected by this bylaw"). Said resource areas shall be protected whether or not they border surface waters."

Then from Town of Abington Bylaws, Chapter 175-7(C): "Lands within 200 feet of rivers, ponds and lakes, and lands within 100 feet of other resource areas are presumed important to the protection of these resources because activities undertaken in close proximity to resource areas have a high likelihood of adverse impact upon the wetland or other resource, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, and loss of wildlife habitat. The Commission therefore may require that the applicant maintain a strip of continuous, undisturbed vegetative cover within the two-hundred-foot or one-hundred-foot area, unless the applicant convinces the Commission that the area or part of it may be disturbed without harm to the values protected by the bylaw."

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## **Acton**      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes** Section 1.3 of the Acton Wetlands Protection Bylaw Regulations reads in part: "Wetland and buffer zone resource areas protected by this Bylaw include: (1)Any vegetated wetland (marsh, swamp, wet meadow, bog, etc.)..."

(6) All lands within 100 feet of the wetland resource areas identified in 1.3(1) through (5) (buffer zone resource areas)."

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## Amesbury

### Does the municipality regulate buffer zones around isolated vegetated wetlands?

#### Yes

From Section II, Jurisdiction, "[e]xcept as permitted by the Conservation Commission or as provided in this bylaw, no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas: any freshwater or coastal wetlands; marshes; wet meadows; bogs; swamps; vernal pools; banks; reservoirs; lakes; ponds of any size; rivers; streams; creeks; beaches; estuaries; lands under waterbeds; lands subject to flooding or inundation by ground water or surface water; lands subject to tidal action, coastal storm flowage, or flooding; and lands within 100 feet of any of the aforesaid resource areas (collectively the "resource areas protected by the bylaw"). Said resource areas shall be protected whether or not they border surface waters."

(Town of Amesbury Wetlands Protection Bylaw)

## Andover

### Does the municipality regulate buffer zones around isolated vegetated wetlands?

#### Yes

Article XIV, Section 2 of the Andover Town Bylaws reads: "Except as permitted by the Conservation Commission or as provided in Section 3 of this By-law, no person shall remove, fill, dredge, build upon, degrade, or otherwise alter the following resource areas: any bank, freshwater wetland, marsh, wet meadow, bog, swamp, vernal pool, reservoir, lake, pond, creek, river or stream, or any land under said waters, or any land within 100 feet of any of the aforesaid resource areas, or any land subject to flooding or inundation by groundwater or surface water, or within 200 feet of any river (collectively, the 'resource areas protected by this by-law')."

Article XIV, Section 16 of the Andover Town Bylaws defines a freshwater wetland as follows:  
"Includes any area bordering a water body or, if not bordering a water body, consisting of at least 5,000 square feet, where surface or groundwater, or ice, at or near the surface of the ground support the presence of hydric soils and/or a plant community dominated (at least 50%) by wetland species. To avoid inconsistencies in delineation of such resource areas under this bylaw and the Wetlands Protection Act, the method for determining the edge of any such wetland shall be the same as that approved by the Massachusetts Department of Environmental Protection for delineating the edge of bordering vegetated wetlands under the said Act, as such rules or regulations may be amended from time to time."

(Article XIV, Wetlands Protection By-Law, Adopted 1999)

## Arlington

### Does the municipality regulate buffer zones around isolated vegetated wetlands?

#### Yes

The jurisdiction includes any freshwater wetland and does not specify they need to border surface waters.

Wetlands Protection Regulations Town of Arlington, Section 2, (Revised 2001)

#### Section 2 - Jurisdiction

##### A.Areas subject to protection under the Bylaw:

- (1)Any marsh, freshwater wetland, vernal pool, wet meadow, bog, swamp.
- (2)Any river, stream, creek, pond, reservoir, or lake.
- (3)Any bank of the areas set forth in A(1) or A(2) above.
- (4)Any land under the areas set forth in A(2) above said waters.
- (5)Any land bordering the areas set forth in A(1) or A(2) or A(3) above.
- (6)Any riverfront area as hereinafter defined.
- (7)Any land subject to flooding or inundation.

#### Section 4 - Definitions

10.BORDERING shall be defined to include any land within either of the following or the greater thereof:

- a)100 feet horizontally lateral from the edge of any marsh, freshwater wetland, vernal pool, wet meadow, bog, swamp, river, stream, creek, pond, reservoir, or lake; or
  - b)within the maximum lateral extent of the water elevation of the statistical 100 year frequency storm.
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**Ashland***Does the municipality regulate buffer zones around isolated vegetated wetlands?***No**

There is no reference to isolated vegetated wetlands in the Ashland bylaw, and the bylaw specifically says it protects "bordering vegetated wetland or bank area."

(Town of Ashland Wetlands Protection Bylaw, Code of the Town of Ashland Chapter 280, Adopted 1999)

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**Attleboro***Does the municipality regulate buffer zones around isolated vegetated wetlands?***Yes**

"Except as permitted by the Conservation Commission or as provided in this ordinance, no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas: any freshwater wetlands; marshes; wet meadows; bogs; swamps; vernal pools; banks; reservoirs; lakes; ponds of any size; rivers; streams; creeks; beaches; lands under water bodies; lands subject to flooding or inundation by groundwater or surface water; lands abutting any of the aforesaid resource areas (collectively the "resource areas protected by this ordinance"). Said resource areas shall be protected whether or not they border surface waters." From the City of Attleboro Wetlands Protection Ordinance, Section 18-1.2 (Adopted 2001).

"Lands within 25 feet of resource areas protected by this ordinance are presumed important to the protection of these resources because activities undertaken in close proximity to resource areas have a high likelihood of adverse impact upon the wetland or other resource, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, and loss of wildlife habitat. The Commission therefore shall require that the applicant maintain a 25-foot wide continuous, undisturbed vegetative buffer measured from and parallel to the resource area boundary, as an absolute minimum. The Commission may, however, allow this buffer area to be utilized in a passive manner by the landowner(s)." From the City of Attleboro Wetlands Protection Ordinance, Section 18-1.8 (Adopted 2001).

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From the Attleboro Rules and Regulations:

**1.3 AREAS SUBJECT TO PROTECTION UNDER THE ORDINANCE**

The following Wetland Resource Areas are subject to protection under the Ordinance:

- (a) Any freshwater wetlands; including marshes, wet meadows, bogs or swamps;
  - (b) Any lakes, ponds, reservoirs, rivers, streams, creeks; or their banks and beaches; and lands under waterbodies or waterways;
  - (c) Any lands subject to flooding or inundation by groundwater or surface water;
  - (d) Any Vernal Pool including lands within 100 feet of the pool's mean annual high water line;
  - (e) Any lands abutting or adjoining within 25 feet of the areas set forth above in Section 1.3 (a) (b) (c) or (d).
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**Auburn***Does the municipality regulate buffer zones around isolated vegetated wetlands?***No**

The jurisdiction does not specify that the wetlands need to border surface waters, however, on 10/25/04, Susan Jolicoeur, the conservation administrator, said to refer to the 1982 state definition of wetlands. The researcher assumed the definition would require the wetland to be bordering surface waters. From Section 1 of the bylaw, "[n]o person shall remove, fill, dredge, or alter any area within one hundred (100) feet from any bank, fresh water wetland, flat, marsh, meadow, bog, swamp, creek, river, stream, pond or lake, or any land under said waters or any land subject to flooding, other than in the course of maintaining, repairing..."

(Auburn Chapter XII - Wetland Protection, Adopted 1982)

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**Avon***Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes** Answer confirmed in 6/28/04 phone conversation with Gene Guilbault, Avon Conservation Officer.

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The jurisdiction does not specify that the wetlands needs to border surface waters, and these areas are given a 100 foot buffer zone of protection.

From Section II: Jurisdiction,

"Except as permitted by the Conservation Commission or as provided in this bylaw, no person shall remove, fill, dredge, build upon, degrade, or otherwise alter the following resource area: any freshwater wetland; marshes; wet meadows; bogs; swamps; vernal pools; banks; reservoirs; lakes; ponds; streams; creeks; lands under waterbodies; lands subject to flooding or inundation by groundwater or surface water; and lands within 100 feet of any of the aforesaid resource areas (collectively the "resource areas protected by the bylaw").

(Avon, Massachusetts Wetlands Protection Bylaw, Adopted 1991)

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**Bedford** *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes** Town of Bedford General Bylaws, Section 36.2, Wetlands Protection Bylaw (Adopted 1987, Amended 1995)

36.2 Jurisdiction

Except as permitted by the Conservation Commission or as provided in this bylaw, no person shall remove, fill, dredge, build upon, or alter the following resource areas: within 100 feet of any freshwater wetland, marsh, wet meadow, bog, swamp or vernal pool; within 100 feet of any bank or beach; within 100 feet of any lake, river, pond, or stream; and land under said waters; or within 100 feet of any land subject to flooding or inundation by groundwater or surface water.

Town of Bedford Conservation Commission Regulations Pursuant to the Bedford Wetlands Protection Bylaw.

1.3 Statement of Jurisdiction

1.3.1 Areas Subject to Jurisdiction

Areas subject to jurisdiction of the Bylaw, "resource areas," are:

- a. any freshwater wetland;
  - b. the bank of any waterbody or watercourse;
  - c. land under any waterbody or watercourse;
  - d. land subject to flooding, or inundation by groundwater or surface water;
  - e. vernal pools;
  - f. Buffer Zone - land within 100 feet in a horizontal straight line of any of the above areas (a) - (e)
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**Beverly** *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes** The City of Beverly Wetlands Protection Regulations, Section I(C)(6) (2003, as amended), indicates that there is a 100 foot buffer zone around the wetlands areas listed in the Regulations Section I(C)(1-5) which are:

- 1.)any Isolated Vegetated Wetland;
  - 2.)any Vernal Pool (certified or uncertified);
  - 3.)any vegetated wetlands bordering on any creek, river, stream, pond or lake;
  - 4.)any bank, beach, fresh or saltwater marsh, wet meadow, bog or swamp;
  - 5.)any land under any creek, river, stream, pond or lake.
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**Billerica** *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes** Article XXII, Section 2.1 A(1) of the Billerica town bylaws list vegetated wetlands as a resource area protected under the bylaw.

Article XXII, Section 5.3 of the Billerica town bylaws defines isolated vegetated wetlands as falling under the vegetated wetlands header. It reads: "A "vegetated wetlands" shall mean a freshwater wetlands that may either border on another water body or wetlands resource area or not be connected by surface water to any other water body or wetlands."

Article XXII, Section 2.1.A of the Billerica town bylaws reads: "The Billerica Conservation Commission shall have jurisdiction to regulate all proposed activities and alterations within a wetlands resources area protected by this by-law and within 100 feet from all such resources area, provided, however, that there shall be no 100-foot buffer zone to a riverfront area wetlands resource area. In addition, the Commission shall have jurisdiction to regulate those activities and alterations outside the 100-foot buffer zone if such activities have altered a wetland resource area or the area within the 100-foot buffer zone from a wetlands resource area. The Commission shall regulate such activities so as to protect the wetlands resource area values."

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**Blackstone** *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes** The jurisdiction protects "any wetland" and the definition of wetland does not specify that they need to border surface waters.

From Section 119-2 Notice of intent required prior to certain activities,

"Except as otherwise provided in section 119-4, no person shall remove, dredge, fill or alter within one hundred (100) feet of any wetland, bank, marsh, wet meadow, bog, swamp, creek, river, stream, pond, lake or one-hundred-year floodplain or, when located within the public water supply catchment basin, within one hundred fifty (150) feet of the areas listed above without first filing a written notice of intent, including such plans as may be necessary to describe such proposed activity and its effect on the environment, and obtaining and complying with an order of condition issued pursuant to this chapter."

From Section 119-3. Definitions,

"WETLAND - Includes any vegetative community consisting of wetland plant species as defined in Massachusetts Wetlands Protection Act (MGL C. 131, Section 40, as of July 1978) and/or the substrate is predominantly undrained hydric soils and/or the substrate is nonsoil and is saturated with water of covered by shallow water at some time during the growing season of each year (Army Corps of Engineers Manual for Methodology for Wetland Delineation, 1987).

The 'wetland' buffer zone, within one hundred (100) feet of a 'wetland' will be considered under this chapter to be a 'wetland' resource area and will receive protection status as marshes, wet meadows, bogs, swamps, streams, rivers, ponds, lakes, banks, and bordering vegetated 'wetlands.' [Amended by 4-25-1994 ATM, Art. 27]"

(Blackstone Code Chapter 119, Wetlands, Adopted 1986)

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**Bolton** *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes** "Unless excepted in Section 1.18.3 herein or pursuant to a wetland crossing permit, no person shall commence to remove, fill, dredge, build upon, degrade, pollute, discharge into, or otherwise alter the following resource areas or land within 25 feet of the following: any freshwater wetlands; marshes; wet meadows; bogs; swamps; vernal pool habitat, including but not limited to state certified vernal pools; banks; fresh water seeps; reservoirs; lakes; rivers; streams; creeks; beaches; lands under water bodies; lands subject to flooding or inundation by ground water or surface water (collectively the resource areas). This 25-foot prohibition, however, shall not apply to crossings essential to access upland areas. Said resource areas shall be protected whether or not they border surface waters.

Except as expressly permitted by the Conservation Commission or as provided in this Bylaw no person shall commence to remove, fill, dredge, build upon, degrade, pollute, discharge into, or otherwise alter either a resource area, as described above, or land within 100 feet of the aforesaid resource areas." From the Town of Bolton Wetlands Bylaws, Section 1.18.2.

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**Boxborough**

*Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**

“1.4 Areas Subject to Protection under the Bylaw.

The following Resources Areas are subject to protection under the Bylaw:

a)freshwater wetlands

b)marshes

c)wet meadows

d)bogs

e)swamps

f)lakes

g)ponds

h)rivers

i)streams

j)any land within 100 horizontal feet above a resource areas (a through i). Hereto known as the Adjacent Land Resource Area; referred to in Section 2.2 as Buffer Zone”

From the Town of Boxborough Regulations for the Wetlands Bylaws. Section 1.4 (Adopted 11/14/01)

**Boxford**

*Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**

Article 12, Section 2 of the Boxford town bylaws protects "any freshwater wetlands;...large isolated wetlands; lands within 100 feet of any of the aforesaid resource areas. ...Said resource areas shall be protected whether or not they border surface waters. "

Article 12, Section 8 of the Boxford Wetlands Bylaw defines large isolated wetlands as "isolated wetlands 5000 square feet or larger" and freshwater wetlands as "Wet Meadows, Marshes, Swamps, and Bogs."

**Braintree**

*Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**

In the bylaw, under the "Jurisdiction" section, the researcher did not find the term "bordering".

II. JURISDICTION

Except as permitted by the Commission or as provided in this Bylaw, no person shall remove, fill, dredge, build upon, degrade, discharge into or otherwise alter any:

freshwater wetland, coastal wetland, marsh, wet meadow, bog, swamp, bank, dune, beach or land within 100 feet of any of the aforesaid resource areas [the 100 foot buffer zone];

land under a lake, pond, creek, river, stream [whether natural or manmade, intermittent or continuous], estuary or ocean;

land subject to flooding or inundation by groundwater or surface water;

land subject to tidal action, coastal storm flowage or flooding;

land which may cause degradation or change to the physical characteristics of groundwater;

alteration of land which requires the creation of detention or retention ponds or basins, 1000 sf in size or greater, which are required to control drainage for siltation or surface runoff or riverfront area (the "RESOURCE AREAS" protected by this Bylaw). Said resource areas shall be protected whether or not they border surface waters.

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According to Peter Lopolla, Director of Planning and Conservation, this is one of the major distinctions between the local rules and the state. The local bylaw recognizes non-bordering wetlands. (7/6/04)

**Bridgewater**      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**      "Section 2 Jurisdiction  
Except as permitted by the Bridgewater Conservation Commission or as provided in this by-law, no person shall remove, fill, dredge, build upon or alter the following areas:  
a. Within 100 feet of any freshwater wetland, marsh, wet meadow, bog, or swamp;  
b. Within 100 feet of any bank, lake, pond, stream;  
c. Any land under said waters;  
d. Within 100 feet of any land subject to flooding or inundation by granddaughter[sic] or surface water."  
From Town of Bridgewater Wetlands Bylaws. Section 2 (Adopted 1990).

**Burlington**      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**      The jurisdiction does not specify that the wetland needs to be bordering surface waters to receive protection.  
  
From Section 1.1 Procedure, "No person shall remove, fill, dredge, build upon or alter any bank, freshwater wetland, marsh, bog, wet meadow, swamp, creek, river, stream, pond or lake or any land under said waters, or any land bordering thereon as hereinafter defined, or any land subject to flooding or inundation..."  
  
Then from Section 1.7 Definitions "1.7.6 "Bordering" shall be defined including any land within either of the following:  
1.7.6.1 100 feet lateral from the edge of any bog, marsh, meadow or swamp bordering on a creek, river, stream, pond lake or wetland.  
1.7.6.2 100 feet horizontally lateral from the water elevation of the 100-year storm, or whichever is the greater distance of (a) or (b)."  
  
(Burlington Bylaws, Article XIV Environment, 1.0 Wetlands)

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**Canton**      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**      The section of the regulations about jurisdiction does not delineate between bordering and isolated; all are included.  
  
Wetlands Rules and Regulations Town of Canton, Section 1.02 Jurisdiction  
  
A. Areas subject to protection under the Bylaw:  
  
(1) Any bank, beach, flat, freshwater wetland, meadow, bog, swamp, vernal pool or River Front.  
(2) Any land within 100 feet of any of the areas set forth in Subsection A(1) above.

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**Carlisle**      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**No**      Sylvia Willard, Carlisle Conservation Agent, said that isolated vegetated wetlands are regulated as land susceptible to flooding - not specifically as isolated vegetated wetlands. If the isolated vegetated wetland falls within the Wetland Zoning District, certain rules do apply. The building inspector deals much more with building on wetlands than does the conservation commission. Carlisle tends to stick closely to the Massachusetts Wetlands Protection Act. Isolated vegetated wetlands are addressed by the building department. (7/30/04)  
  
From the Town of Carlisle Zoning Bylaw, Section 5.2.3.1:  
"5.2.3.1 The Wetland/Flood Hazard District shall be considered as overlying other districts and any use permitted in the portions of the districts so overlaid shall continue to be permitted in the same manner, subject to the provisions of Subsections # 5.2.4 and # 5.2.5 below."

**Carver**

*Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**

The jurisdiction does not specify that the wetlands need to be bordering. From Section I General Provisions, C Statement of Jurisdiction, "(1)Except as authorized by a vote of the Commission as provided by this Bylaw, or as exempted under 310 CMR 10.04 as land in agricultural use, no person shall remove, fill, dredge, alter, or build upon or within 100 feet of: any bank, wetland, marsh, swamp, bog, beach, or wet meadow, pond or lake; any land under said waters; any land subject to flooding or inundation by groundwater or surface water; or the 100 year flood plain."

(Town of Carver By-Laws, Wetlands Protection, Amended 2002)

Sara Hewins, conservation agent, (10/24/04) confirmed that the town bylaws protect isolated wetlands. Further, she said that the town does not require wetlands to be at least 5,000 square feet per state requirements.

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**Chelmsford**

*Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**

The jurisdiction specifies that the resource areas do not need to border surface waters.

From Section 187-3. Protection of resource areas,

"Except as permitted by the Conservation Commission or as provided in this chapter, no person shall commence to remove, fill, dredge, build upon, degrade, discharge into or otherwise alter the following resource areas: any freshwater wetlands, marshes, wet meadows, bogs, swamps, vernal pools, banks, reservoirs, lakes, ponds of any size, rivers, streams, creeks, beaches, lands under water bodies or lands within 100 feet of the aforesaid resource areas or lands within the one-hundred-year floodplain, either calculated or mapped (collectively the "areas subject to protection by this chapter"). Said resource areas shall be protected whether or not they border surface waters."

(Chelmsford Conservation Commission Wetlands Bylaw and Regulations)

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**Cohasset**

*Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**

Article XIV, Section 2(e) establishes a buffer zone "within twenty-five (25) feet of any isolated land subject to flooding and any isolated vegetated wetland". Article XIV, Section 8 defines an isolated vegetated wetland as including "any vegetated wetland area containing greater than 50% wetland vegetation, hydric soils, and seasonal high groundwater conditions. Isolated Vegetated Wetlands do not have to border a waterbody or flowing stream."

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**Danvers**

*Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**

The Town of Danvers Wetlands By-law Regulations, Section 1.02(1)(a) and (d) (1999, Revised 2003), state that the following areas are subject to protection: Any bank, beach, flat, freshwater wetland, coastal wetland, marsh, meadow, bog, or swamp and any land within 100 feet of the preceding. Unlike the state Wetlands Protection Act, the Danvers regulations do not indicate that the above areas must be bordering on something in order to be protected.

The researcher followed up with an e-mail on 6/14 to K. Tarricone, Planner, Danvers Dept of Planning and Human Services, and asked the following question:

"One last question regarding the Town of Danvers Wetlands By-law Regulations, Section 1.02(1)(a) --areas subject to protection under the By-laws. I would like to confirm with you that Danvers protects both bordering AND isolated wetlands under that section, not just bordering like the state. Therefore, that would mean that 100 foot buffer zone in the Town of Danvers Wetlands By-law Regulations, Section 1.02(1)(d) is the buffer zone for both bordering AND isolated wetlands. right?"

The response from K. Tarricone on 6/14 was: "Correct"

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**Dedham****Does the municipality regulate buffer zones around isolated vegetated wetlands?****Yes**

The jurisdiction specifies that the wetlands do not need to border surface waters to receive protection.

From Section 3. Jurisdiction, "a.)Except as permitted by the Conservation Commission or as provided in this bylaw, no person shall remove, fill, dredge, or otherwise alter the following resource areas: any freshwater wetland; marshes; wet meadows; bogs; swamps; vernal pools; banks; reservoirs; lakes; ponds; streams; creeks; beaches; lands under waterbodies; lands subject to flooding or inundation by groundwater or surface water (collectively the "resource areas protected by this bylaw" listed in this section), lands within 100 feet of any of the aforesaid resource areas; and areas within 200 feet of any waterbody which meets the definition of a 'river' under the Massachusetts Wetlands Protection Act, Chapter 131, Section 40. Said resource areas need not border surface waters in order to qualify for protection."

(Chapter XXVIII General Wetlands Protection Bylaw, Adopted 1996, Amended 2002)

**Dighton****Does the municipality regulate buffer zones around isolated vegetated wetlands?****Yes**

From Section II, Jurisdiction, "[e]xcept as permitted by the Conservation Commission or as provided in this bylaw, no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas: any freshwater or coastal wetlands; marshes; wet meadows; bogs; swamps; vernal pools; banks; reservoirs; lakes; ponds of any size; rivers; streams; creeks; beaches; dunes; estuaries; the ocean; land under water bodies; lands subject to flooding or inundation by groundwater or surface water; land subject to tidal action, coastal storm flowage, or flooding; and lands abutting any of the aforesaid areas. Said resource areas shall be protected whether or not they border surface waters."

Then from Section VI. Permits and Conditions, "[l]ands within 200 feet of rivers, ponds, lakes and lands within 100 feet of other resource areas are presumed important to the protection of these resources... The Commission therefore may require that the applicant maintain a strip of continuous, undisturbed vegetative cover within the 200-foot (or 100-foot) area, unless the applicant convinces the Commission that the area or part of it may be disturbed without harm to the values protected in this bylaw."

Further, from Section VII, Setbacks, D, "[i]solated wetlands and vernal pools will be considered wetlands and afforded the same minimum setback distances for septic systems, construction, and undisturbed vegetative zones."

(Dighton Regulations, By-Law and Policies)

**Douglas****Does the municipality regulate buffer zones around isolated vegetated wetlands?****Yes**

The jurisdiction of the bylaw does not specify that the wetland must be a bordering vegetated wetland. From Section 2 of the bylaw, "[n]o person shall remove, fill, dredge, alter or build upon or within one hundred feet of any bank, fresh water wetland, flat, marsh, meadow, bog, swamp or upon or within one hundred feet of any estuary, creek, river, stream, pond or lake, or upon or within one hundred feet of any land under said waters or upon or within one hundred feet of any land subject to flooding or inundation, or within one hundred feet of the 100-year storm flood line ... "

(Town of Douglas Wetland Bylaw, Adopted 1983)

**Dover****Does the municipality regulate buffer zones around isolated vegetated wetlands?****Yes**

According to the Town of Dover Code, Ch. 263 (2)(A)(1)(a) (Adopted 1994), both isolated and bordering wetlands are protected under the Dover Wetlands Bylaw and, "unless a Permit or negative Determination of Applicability under the Bylaw and regulations is first obtained from the Commission, no person shall remove, fill, dredge, alter or build upon or within 100 feet of any area subject to protection under the Bylaw within the Town of Dover." Ch. 263-6 further defines Buffer Zone as, "the area within 100 feet measured horizontally from any Beach, Bank or Vegetated Wetland."

**Dracut****Does the municipality regulate buffer zones around isolated vegetated wetlands?**

**Yes** "Except as permitted by the Conservation Commission pursuant to this bylaw, or as otherwise allowed in this bylaw, no person shall fill, dredge, build upon, degrade, discharge into or otherwise alter any Resource Area or Buffer Zone as defined in Section IX of this bylaw. It shall be assumed that significant adverse effect on the wetland values protected by this bylaw will result from any filling, dredging, building or other alteration within a Resource Area, land subject to flooding or inundation by groundwater or surface water, or within 50 feet of the edge of any freshwater wetland, vernal pool, bank, reservoir, pond of any size, land under waterbodies, or any marsh, wet meadow, bog or swamp. Said resource areas shall be protected whether or not they border surface waters.

The construction of any building may be prohibited within 50 feet of any bank, fresh water wetland, beach, marsh, wet meadow, bog, swamp, or lands bordering or on any estuary, creek, river, stream, or lake or any land under said waters." From the Town of Dracut Wetlands Bylaw, Section II (Adopted 1993).

Under section IX "Definitions" a buffer zone is any land within 100 feet from the edge of any freshwater wetland, marsh, wet meadow, bog or swamp.

"The term buffer zone" shall mean any land within 100 feet from the edge of any freshwater wetland, marsh, wet meadow, bog or swamp, whether or not bordering a lake, river, pond, or stream, and any land within 100 feet from the top of the bank of any lake, river pond or stream." From the Town of Dracut Wetlands Bylaw, Section IX (Adopted 1993).

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**Dunstable**      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**No**      The regulations specify the wetlands need to border surface waters. Marilyn Pike, member of the Conservation Commission, said (11/08/04) that she thought that in practice they follow the state on this.

From 1.02: Statement of Jurisdiction,

"(1)Areas subject to Protection Under the Bylaw

(a)Any bank, any freshwater wetland, any beach, any dune, any flat, any marsh, or any swamp bordering on any creek, any river, any stream, any pond, or any lake.

(b)Land under any of the water bodies listed above

(c)Land subject to flooding

(2)Activities Subject to Regulation Under the Bylaw...

(b)Activities Within the Buffer Zone

Any activity proposed or undertaken within 100 feet of an area specified in Section 1.02(1)(a) above (hereinafter called the Buffer Zone) which, in the judgment of the Commission, will alter an Area Subject to Protection Under the Bylaw is subject to regulation under the Bylaw and requires the filing of a Notice of Intent."

(Regulations for the Town of Dunstable, Adopted 1986)

**Duxbury**      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**      "Except as permitted by the Conservation Commission or as provided in this Bylaw, no person shall remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas: any bank, fresh water or coastal wetland, isolated wetland, beach, dune, flat, marsh, wet meadow, bog, swamp, vernal pool, the ocean, estuary, creek, river, stream, pond or lake,land under water body, land subject to tidal action, coastal storm flowage, or flooding, land subject to flooding or inundation by ground water or surface water,land within a minimum distance of 100 feet from any of the aforesaid resource areas (buffer zone), and land within 200 feet of a river (collectively the "resource areas protected by this bylaw"). Said resource areas shall be protected whether or not they border surface waters." From the Town of Duxbury Wetlands Protection Bylaw, Section 9.1.2. (Revised 2001).

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**Easton**      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**      Section 503.17 A(9)of the Easton Town Code reads: "Land within 100 feet of a vegetated wetland is likely to be significant to the protection and maintenance of vegetated wetlands, and therefore to the protection of the interests which these resource areas serve to protect." and B(1) – "Vegetated wetlands are freshwater wetlands. The types of freshwater wetlands are wet meadows, marshes, swamps and bogs They are areas where the topography

is low and flat, and where the soils are annually saturated. The ground and surface water regime and the vegetational community which occur in each type of freshwater wetland are specified in Subsection B(3)(a) through (d) below."

In addition, the online jurisdiction mentions that the protected wetlands do not need to border surface waters.

From Section 227-2. Jurisdiction, "Except as permitted by the Easton Commission or as provided in this chapter, no person shall remove, fill, dredge, build upon, degrade, or otherwise alter the following resource areas: any freshwater wetlands; marshes; wet meadows; bogswamps; vernal pools; banks; beaches; reservoirs; lakes; ponds of any size; streams; creeks; land under water bodies; lands subject to flooding or inundation by groundwater or surface water; and lands within 100 feet of any of the aforesaid resource areas; rives, streams and creeks whether perennial or intermittent; and lands within 200 feet of any river, stream, or creek (collectively the "resource areas protection / by this chapter"). Said resource areas shall be protected whether or not they border surface waters."

(Legal Code of the Town of Easton, Massachusetts, Chapter 227, Wetlands Protection)

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## **Foxborough**      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**      Section 1, Subsection 3 reads: "3. No person shall remove, fill, dredge, drain or alter any bank, fresh water wetland, flat, marsh, meadow, bog, swamp, or lands bordering any creek, river, stream, pond or lake, or any land under said waters or any land subject to flooding, other than in the course of maintaining, repairing or replacing, but not substantially changing or enlarging an existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, sanitary sewer, storm drainage, public roadway, telephone, telegraph, and other telecommunication services without filing written notice of his intention to so remove, fill, dredge, drain or alter and without receiving and complying to an order of conditions and provided all appeal periods have elapsed. Such notice shall be sent by certified mail to the Foxborough Conservation Commission, including such plans as may be necessary to describe such proposed activity and its effect on the environment."

David Risch, Foxboro Conservation Agent, stated (9/9/04) that the Commission will protect 100 feet from an isolated vegetated wetland.

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## **Framingham**      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**      The jurisdiction specifies that the resource area does not have to border surface waters.

From Section 18.2 Jurisdiction, "Except as permitted by the Conservation Commission or as provided by this bylaw, no person shall remove, fill, dredge, build upon, degrade, discharge into or otherwise alter the following resource areas: freshwater wetland, vernal pool, marsh, wet meadow, bog or swamp; any bank, beach, or flat; any lake, river, pond, or stream: any land under said waters; any land subject to flooding: Riverfront Area; or land subject to inundation by surface water during the 100 year event. Said resource areas shall be protected whether or not they border surface waters. The Commission may establish a no work/no alteration zone as appropriate to each application. Except as otherwise provided in the bylaw, any activity to be undertaken within the Buffer Zone as defined in Section 18.9 requires the filing of an application."

Then from Section 18.9 Definitions, "Buffer Zone means that area of land extending one hundred twenty five (125) feet horizontally outward from the boundary of any resource area specified in this Bylaw (Para. 18.2)."

(Framingham Wetlands Protection Bylaw, Adopted 1992)

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## **Franklin**      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**      In part C of the jurisdiction, the bylaw states that the resource areas do not need to border surface waters.

From Section 181-2. Jurisdiction,  
"B. Except as permitted by the Conservation Commission or as provided in this chapter, no person shall commence to remove, fill, dredge, build upon, degrade, discharge into or otherwise alter the following resource areas: any freshwater wetlands; marshes; wet meadows; bogs; swamps; vernal pools; banks; reservoirs; lakes; ponds of any size; beaches; intermittent streams; lands under water bodies; lands within 100 feet of any aforesaid wetland or floodplain areas; lands subject to flooding or inundation by groundwater or surface water; rivers and streams; and lands within 200 feet of the mean

annual high-water line of any river or stream.

C. The above-referenced areas are the resource areas protected by this chapter. Said resource areas shall be protected whether or not they border surface waters."

(Franklin Wetlands Bylaw, Adopted 1997)

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**Freetown**      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**      The jurisdiction does not specifically say that the resource area must be bordering a surface water.

From the bylaw, "[a] conservation permit is needed whenever any work or alteration falls in or within 100 feet of any of the following resource areas: fresh water wetland (regardless of size); coastal wetland or saltmarsh; beach; dune; (tidal) flat; water-body (including ponds, river, streams, estuaries or the ocean); land under said waters; coastal bank (defined by slope-ratio and including any such slopes within the 100-year flood zone); inland bank (defined by slope-ratio) that leads to a freshwater wetland or water-body, and land subject to flooding or inundation by groundwater, surface water tidal action or storm flowage (the "100-year Flood Zone").

(Freetown Wetland Bylaw)

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**Georgetown**      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**      "Wetland Resources Wetland resources protected by the bylaw include:  
a. Land within two-hundred (200) horizontal linear feet of any river, perennial stream, brook, or creek.  
b. Land within one-hundred (100) horizontal linear feet of any bank of any intermittent stream, brook, or creek.  
c. Land within one-hundred (100) horizontal linear feet of any land subject to flooding or inundation by groundwater or surface water.  
d. Land within one-hundred (100) horizontal linear feet of any freshwater wetland, marsh, wet meadow, bog, swamp, pond, or lake  
e. Land within one-hundred (100) horizontal linear feet of any bank, flat, or estuary.  
f. Land or water under or water within any of the bodies listed above."  
From The Town of Georgetown's Wetlands Protection Regulations, Section 3.1 (Adopted June 2003).

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**Gloucester**      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**No**      "The following areas, also referred to as resource areas, are subject to protection under this article:  
(1) Any bank, any freshwater wetland, any coastal wetland, any beach, any dune, any flat, any marsh, or any swamp, bordering on the ocean, any estuary, any creek, any river, any stream, any pond or any lake.  
(2) Land under any of the water bodies listed above.  
(3) Any bog, swamp, marsh or wet meadow, not otherwise included in (1) above.  
(4) Land subject to tidal action.  
(5) Land subject to coastal storm flowage.  
(6) Land subject to flooding.  
(7) Areas designated by the secretary of environmental affairs as Areas of Critical Environmental Concern (ACEC), including without limitation the Parker River/Essex Bay ACEC.  
(8) Land extending one hundred (100) feet horizontally outward from the boundary of an ACEC (hereinafter called the upland edge).  
(9) Vernal pools as defined in section 12-11.  
(10) Isolated land subject to flooding which contains at least one thousand (1,000) cubic feet of water volume at least once annually with an average depth of at least six (6) inches, whether flooded by surface water or rising groundwater. Isolated land subject to flooding lacks a buffer zone." From the Gloucester Wetlands Ordinance, Section 12.11 (Adopted 1990, Amended 2000).

"Buffer zone means the area extending one hundred (100) feet horizontally outward from the resource areas numbered (1) and (2) of section 12-11, subsection (b) and/or two hundred (200) feet horizontally from (8) of section 12-11, subsection (b). From the Gloucester Wetlands Ordinance, Section 12.14 (Adopted 1990, Amended 2000).

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**Grafton**

*Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**

“Except as permitted by the Conservation Commission or as provided in this by-law, no person shall remove, fill, dredge, build upon, or alter the following resource areas: within 100 feet of any freshwater wetland, vegetative wetland, marsh, wet meadow, bog or swamp; within 100 feet of any bank, beach, or flat; any lake, river, pond, stream or estuary; or within 100 feet of any land subject to flooding or inundation by groundwater, surface water, tidal action, or storm flowage.” From the Town of Grafton’s General Wetlands Protection By-Law Article 26, Section 3 (Adopted 1987, Amended 1990).

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**Groton**

*Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**

“Except as permitted by the Conservation Commission or as provided in this bylaw, no person shall commence to remove, fill, dredge, build upon, degrade, discharge into or otherwise alter any of the following resource areas protected by this chapter, (collectively, “wetland resource areas”): any wetland, including, but not limited to, any freshwater wetland, marsh, wet meadow, bog, swamp, vernal pool, creek, beach or bank, reservoir, lake, pond of any size, land under any water body or within 100 feet of any of the aforesaid resource areas; any river or stream, including land within 200 feet of same; or any land subject to flooding or inundation by stormwater, groundwater or surface water.”  
From the Town of Groton Wetlands Protection Bylaw, Section 215.2 (Adopted 2001, Amended 2003).

“FRESHWATER WETLAND – Shall include all wetlands whether or not they border on a water body. For the purposes of this chapter, lakes or ponds of any size, all bordering vegetated wetlands, as well as isolated vegetated wetlands with a minimum of 10 contiguous square feet shall be protected.” From the Town of Groton Wetlands Protection Bylaw, Section 215-9 (B) (Adopted 2001, Amended 2003).

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**Groveland**

*Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**

“The Groveland Bylaw is not restricted to protection of Bordering Vegetated Wetlands, but applies to all wetlands. Wetlands and their boundaries shall be identified in the manner designated in G.L. C 131 Section 40, incorporated herein by reference. Where appropriate, the Commission may use additional criteria for the identification of wetlands and their boundaries, including, but not limited to, soil type.

Only Isolated Wetlands greater than 5000 square feet in area are subject to Protection under these Regulations.” From the Town of Groveland Wetlands Protection Regulations, X.2.

“The following resource areas are subject to protection under the Bylaw:

- a. Fresh Water Wetlands,
  - b. Marshes,
  - c. Wet Meadows,
  - d. Bogs,
  - e. Swamps,
  - f. Lakes,
  - g. Rivers,
  - h. Ponds,
  - i. Streams,
  - j. Land within 100 feet of the above resource areas,
  - k. Land under water in the above areas,
  - l. Land subject to flooding or inundation by groundwater or surface water, and
  - m. Land within 100 feet of said land subject to flooding or inundation,
  - n. Land within 200 feet of the mean high water mark along the Merrimack River.”
- From the Town of Groveland Wetlands Protection Bylaws, II.1 (Adopted 1995).
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**Halifax**

*Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**

"Land within 100 feet of a vegetated wetland is likely to be significant to the protection and maintenance of vegetated wetlands, and therefore to the protection of the interest which these resource areas serve to protect." From the Rules and Regulations accompanying Article 6, Section 2.02 (1) (Adopted 1989).

"Vegetated Wetlands are freshwater wetlands. The types of freshwater wetlands are wet meadows, marshes, swamps, and bogs. They are areas where the topography is low and flat; and where the soils are annually saturate. The ground and surface water regime and the vegetational community which occur in each type of freshwater wetland are specified in Section 2.02(2)(c)(1) through 2.02 (2)(c)(4)" From the Rules and Regulations accompanying Article 6, Section 2.02(2)(a) (Adopted 1989).

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**Hamilton**

*Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**

Isolated wetlands are protected in the regulations. Further, the commission defines a 100 foot zone from a resource area as that protected under the bylaw and regulations.

Section I of the Hamilton Conservation regulations states:

"C. Jurisdiction

The areas subject to protection under the Bylaw differ from those protected by the Act in that additional areas are protected by this Bylaw. The additional areas subject to protection under the Bylaw include smaller ponds, vernal pools and certain freshwater wetlands that may not meet the definition of bordering vegetated wetland under the Act and including Associated Upland Resource Areas (AURA's) as defined below.

1. Vernal Pools - Such areas are presumed to be significant to the 'wildlife' and 'wildlife habitat' interests of the Bylaw. This presumption of significance can exist in the absence of certification by the MA Division of Fisheries and Wildlife and whether or not the vernal pool is located outside a wetland. Such areas can be regulated by the Bylaw since these areas protect the public interests identified in the Bylaw. See Section II Definitions for more detail.
2. Freshwater Wetland - Certain land may not meet the definition of a bordering vegetated wetland under the Act but still provide identified, important wetland functions and values. Such areas are significant to all of the interests of the Bylaw. Such areas are regulated by the Bylaw since these areas protect the public interests in the Bylaw. See Section II Definitions for more detail.
3. Associated Upland Resource Area - The Associated Upland Resource Area ("AURA" hereafter) means that area of land extending 100 feet horizontally outward from the boundary of any area specified in these Regulations in Article I or Article II, or in 310 CMR 10.02(1)(a-e) as amended... The AURA is a RESOURCE AREA under the By Law. The AURA serves to protect the following interest established in the By Law; public and private water supply, groundwater supply, flood control, storm damage prevention, pollution prevention, protection of wildlife habitat, and preservation of aesthetics. Specifically, public and private water supply benefit from undisturbed , or minimally disturbed, vegetative cover..."

Section 2.3 of the Hamilton conservation regulations reads in part:

"The term 'freshwater wetland' under the Bylaw shall mean an isolated or previously disturbed area that meets the criteria of the currently applicable procedures under 310 CMR 10.00 or meets at least 2 of the following 3 criteria:

- 3.1. the vegetative community consists of at least 50% wetland plant species (listed as OBL, FACW, FAC by US Fish and Wildlife Services)
- 3.2. hydric soils as listed by the US Natural Resources Conservation Service are present
- 3.3. hydrology or field indicators of hydrology according to the procedures of the 19876 Federal Method of Wetlands Delineation (US Environmental Protection Agency) are present
4. A 'freshwater wetland' as described in these regulations that does not meet the definition of bordering vegetated wetland under the Act must be a minimum of 1000 sq. ft. in surface area to be protected."

(Town of Hamilton Conservation Bylaw Regulations)

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**Hanover**

*Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**

The Hanover Wetlands bylaw (Article 6-14 of the Hanover Town Bylaws), Section 2a. lists "Within 100 feet of any freshwater wetland, marsh, wet meadow, bog or swamp;" as areas protected by the bylaw.

**Hanson**

*Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**

Article 3-13, Section 2 states: "Except as permitted by the Hanson Conservation Commission or as provided in this By-Law, no person shall remove, fill, dredge, build upon, or alter the following areas:

a. Within 100 feet of any freshwater wetland, marsh, wet meadow, bog, or swamp;... "

Hanson Wetlands Regulation 2.03(1) reads: "Land within 100 feet of a Vegetated Wetland is likely to be significant to the protection and maintenance of vegetated wetlands, and therefore to the protection of the interests which these resource areas serve to protect."

Hanson Wetlands regulations, in Section 2.03(2)(a) define a Vegetated wetland as a Freshwater Wetland. Massachusetts regulation only addresses vegetated wetlands that are bordering on certain resource areas. Hanson regulations go the step further to place a 100 foot buffer zone around isolated vegetated wetlands.

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**Harvard**

*Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**

"No person shall remove, fill, dredge, alter, or build upon or within 100 feet of any bank, freshwater wetland, beach, flat, marsh, meadow, bog, swamp, or lands bordering on any stream, river, creek, pond, lake, or any land under said waters or any land within the one-hundred-year floodplain, except as permitted by the Conservation Commission or as provided by this bylaw." From Harvard Wetlands Protection Bylaw, Chapter 119-1(B) (Adopted 1987).

Isolated vegetated wetlands greater than 500 square feet are given a 100 foot buffer zone.

"Freshwater wetlands shall mean wet meadows, swamps, bogs, marshes, areas where ground water, flowing or standing surface water or ice provide a significant part of the supporting substrate for a plant community for at least five months of the year. For the purpose of this bylaw fresh water wetlands shall also include non-bordering vegetated wetland of greater than 500 square feet in area." From the Harvard Rules and Regulations for the Administration of the Harvards Wetlands Bylaw, Section II (8) (Adopted 1996).

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**Haverhill**

*Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**

Isolated wetlands greater than 5000 feet get a 100 foot buffer zone.

"Except as permitted by the Conservation Commission or as provided in this ordinance, no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas: any freshwater or coastal wetlands, marshes, wet meadows, bogs, swamps, vernal pools, banks, seeps, springs, replication areas, reservoirs, lakes, ponds of any size, rivers, streams, creeks, wetlands not bordering a body of water, lands under waterbodies, lands subject to flooding or inundated (sic) by ground water or surface water, lands subject to tidal action, coastal storm flowage, or flooding, poorly drained and very poorly drained areas, the potable drinking water and potential drinking water supply areas at Kenoza Lake, Crystal Lake, Chadwick Pond, Johnson Pond, Millville Reservoir, and Round Pond, sensitive wetland areas, rare and endangered wetland areas, rare and endangered species habitats and lands within 100 feet of any of these resource areas. Said resource areas shall be protected whether or not they border surface waters. Said resource areas will be determined by analysis." From the City of Haverhill Wetlands Protection Ordinance, Section II (Adopted 1996).

"Isolated Wetland: A wetland Area of at least 5,000 square feet which has no visible inlet or outlet" From the City of Haverhill Wetlands Protection Ordinance, Section IX (Adopted 1996).

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**Hingham**

*Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes** The jurisdiction in the regulations protects "any freshwater wetland" and does not specify that the wetlands need to border surface waters.

From Section 10.02 Statement of Jurisdiction,

"(1) Areas subject to Protection

The following areas are subject to protection under the By-Law:

any bank, freshwater wetland, coastal wetland, beach, dune, bog, flat, marsh, meadow, or swamp, or any estuary, creek, river, stream, pond, lake, or the ocean, or land under or bordering on said waters or wetlands, or any land subject to tidal action, coastal storm flowage, or flooding.

(2) Activities Subject to Regulations Under the By-Laws

a. Activities within the Areas Subject to Protection under the By-Law

Any activity proposed or undertaken within an area specified in Section 10.02(1) above, which will remove, fill, dredge or alter that area is subject to regulation under the By-Law and requires the filing of a Notice of Intent.

b. Activities within the Buffer Zone

Any activity proposed or undertaken within 100 feet of an area specified in Section 10.02(1) above (hereinafter called the Buffer Zone)... is subject to regulations under the By-Law and requires the filing of a Notice of Intent."

(Regulations of Town of Hingham's Wetland's Protection By-Law, Adopted 1987)

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**Holbrook** *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes** Town of Holbrook Code, Section 11-7, Wetlands Protection By-Laws.

Section 17. Definitions

For the purpose of this bylaw, freshwater wetlands do not need to border water bodies in order to be regulated.

Section 2. Jurisdiction

Except as permitted by the Holbrook Conservation Commission ("The Commission") or as provided in this bylaw, no person shall remove, fill, dredge, build upon, degrade, or otherwise alter the following resource areas: any bank, freshwater wetland, marsh, wet meadow, bog, swamp, vernal pool, reservoir, lake, pond, creek, river or stream, or any land under said waters or any land subject to flooding or inundation by groundwater or surface water, or any land within 100 feet of any of the aforesaid resource areas (collectively, the "resource areas protected by this bylaw").

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**Holden** *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes** From Section II. Jurisdiction, "[e]xcept as permitted by the Conservation Commission or as provided in this bylaw, no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas: any freshwater wetlands; marshes; wet meadows; bogs; vernal pools; swamps; banks; reservoirs; lakes; ponds of any size; rivers; streams; creeks; beaches; land under water bodies; lands subject to flooding or inundation by groundwater or surfacewater; and lands abutting any of the aforesaid resource areas as set out in Section VII (collectively the "resource areas protected by this bylaw"). Said resource areas shall be protected whether or not they border surface waters."

From Section VII. Permits and Conditions, "[l]ands within 200 feet of rivers, ponds and lakes, and lands within 100 feet of other resource areas, are presumed important to the protection of these resources ...The Commission therefore may require that the applicant maintain a strip of continuous, undisturbed vegetation cover within either the 200-foot or 100-foot area, as applicable, unless the applicant convinces the Commission that the area or part of it may be disturbed without harm to the values protected by the bylaw."

(Holden Conservation Commission Wetland Bylaws, Adopted 2001)

**Holliston** *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes** Section 3.1 and 3.2 of the Holliston Wetlands Administration Regulations reads:

"3.1 RESOURCE AREAS

The following areas which are referred to as resource areas are subject to protection under the Bylaw:



Land within 100 feet of any:  
freshwater wetland, marsh, wet meadow, bog, or swamp

Land within 100 feet of any:  
bank, beach, dune, flat, lake, river, pond, or stream.

Any land under said waters listed above; or

Within 100 feet of any land subject to flooding (including vernal pools) or inundation by ground water or surface water

In order to protect these resource areas, any altering activity within 100 feet horizontally outward from the edge of a resource area (200 feet horizontally outward from perennial streams and rivers) and certain adjacent upland areas (collectively "the adjacent upland resource areas protected by these Regulations") shall be reviewed by the Commission.

### 3.2 BUFFER ZONES

Any land within 100 feet horizontally outward from any resource area protected by the Bylaw shall be referred to as the "buffer zone".

(Town Of Holliston Wetlands Administration Bylaw Regulations, Adopted 2001)

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## **Hopkinton**      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**      From Section 1.1 of the Regulations, "The Town of Hopkinton Wetland Protection Bylaw adds to the areas protected by the state Act any Vegetated freshwater wetlands; marshes; wet meadows; bogs; swamps; vernal pools; banks; reservoirs; lakes; ponds of any size; rivers; streams; creeks; lands under waterbodies; lands subject to flooding or inundation by groundwater or surface water; and lands within 100 feet of any of the aforesaid resource areas (collectively the resource areas protected by this bylaw) are protected whether or not they border water bodies. Vernal pools and their 125 foot buffers are protected, regardless of whether they have been certified under the state program or whether the pool and buffer are located within state protected resource areas. The bylaw protects the interests identified in the state act, and adds; erosion and sediment control, wildlife and recreational values."

(Hopkinton Wetlands Protection Bylaw - Wetlands Protection Regulations, Adopted 200

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## **Ipswich**      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**      Ipswich regulates isolated vegetated wetlands greater than 5,000 square feet.

"These regulations also establish the Commission's jurisdiction over projects proposed for non-bordering vegetated wetlands in which the non-bordering vegetated wetlands are in excess of 5,000 square feet in area. This requirement is in addition to the state-regulated resource area of bordering vegetated wetlands. Performance standards for proposed activities for this wetland resource area shall be those found at 310 CMR 10.55, as amended and as further adopted by the Commission. The so-called "limited project" exceptions found at 310 CMR 10.53 shall also apply to non-bordering vegetated wetlands regulated pursuant to this section." From Ipswich Wetlands Regulations, Section V(B) (Adopted 2001).

"Section 2 of the By-law also establishes the Commission's jurisdiction over projects in the buffer zone (which is defined as the 100-foot area horizontally landward of wetland resource areas and the 150-foot area horizontally landward of the Area of Critical Environmental Concern). Land subject to flooding does not have a buffer zone. As defined in Section 2 of the By-Law, these Buffer Zones are protectable resource areas and are significant to the protection of the Interests specified in Section 1 of the By-law."

**Kingston**                      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**                      Isolated vegetated wetlands greater than or equal to 500 square feet are protected by a 100 foot buffer zone.

“Isolated vegetated wetlands of 500 square feet or more in surface area are presumed to be significant to the interest protected under the By-Law.” From the Town of Kingston Wetlands Protection Regulation. 4.04.

“The following areas as set forth in Article 3.1 of the By-Law, shall be considered “resource areas” or “areas subject to protection” under the By-Law and the Regulations of the Kingston Wetland Protection By-Law and are subject to protection under the By-Law:

- Bank,
- Fresh water wetland,
- Coastal wetland,
- Beach,
- Dune,
- Flat,
- Marsh,
- Bog,
- Swamp,
- Estuary, creek, river or stream,
- Pond or lake,
- Land under said waters,
- Land subject to tidal action, coastal storm flowage, flooding or inundation
- Land within the 100-year storm line” From the Town of Kingston Wetlands Protection Regulation. 2.01

“Any activity proposed or undertaken within or within 100 feet of an area specified in 2.01 which, in the judgment of the Conservation Commission, will remove, fill, dredge, alter, or build upon an Area Subject to Protection under the By-Law is subject to regulation under the By-Law and requires the filing of a Notice of Intent and the issuing of an Order of Conditions by the Conservation Commission.” From the Town of Kingston Wetlands Protection Regulation. 2.02.

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**Leicester**                      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**                      Unlike the state code, the jurisdiction does not specify that wetland needs to border surface waters. Therefore, the researcher concluded that Leicester can garner protection for isolated wetlands.

From Section 1 of the bylaw,

"The purpose of this by-law is to protect the flood plains and wetland of the Town of Leicester by controlling activities deemed to have a significant effect upon water supply, ground water, flood control, erosion control, storm damage, water pollution, wildlife habitat, recreation, and aesthetics. No person shall remove, fill, dredge, or alter any area within one hundred (100) feet from any bank, fresh water wetland, flat, marsh, meadow, bog, swamp, creek, river, stream, pond, or land, or any land under said waters or any land subject to flooding..."

(Town of Leicester - Wetlands Bylaw)

In response to the question, "Does the town of Leicester have jurisdiction of both bordering and isolated wetlands?", Conservation Chair Dianna Provencher, responded "Yes." (12/01/04)

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**Lexington**                      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**                      Code of the Town of Lexington, 130-8 (C-1), (Updated 11-30-2003)

C.Protected resource areas definitions.

(1)The terms "marsh," "freshwater wetland," "swamp," "wet meadow" and "bog" as used in this by-law shall be defined as set forth in M.G.L. Chapter 131, Section 40 and its regulations 310 CMR 10.04. Said resource areas shall be protected whether or not they border surface waters.

\*\*\*

Code of the Town of Lexington, 130-8 (C-4), (Updated 11-30-2003)

4)"Land bordering thereon" shall be defined including any land within either of the following:

(a)One hundred feet horizontally lateral from the edge of any bank, freshwater wetland, bog, marsh, wet meadow, swamp, creek, river, stream, pond, lake, vernal pool habitat, land under water bodies or land subject to flooding.

(b)One hundred feet horizontally lateral from the water elevation of the one-hundred-year storm or whichever is the greater distance of Subsection C(4)(a) or (b).

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**Lincoln**                      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**                      Town of Lincoln Bylaws, Article XVIII, Wetlands Protection, Section 2 Jurisdiction (2003).(\*See last sentence of text\*)

Except as permitted by the Conservation Commission pursuant to this bylaw, or as otherwise allowed in this bylaw, no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following wetland resource areas: any freshwater wetland; marsh; wet meadow; bog; swamp; vernal pool; bank; reservoir; lake, pond of any size; river; stream; creek; lands under any water body; land subject to flooding or inundation by groundwater or surface water; or the following upland buffer zone resource areas: lands within 200 feet of any river or perennial stream; and lands within 100 feet of any freshwater wetland, marsh, wet meadow, bog, swamp, vernal pool, bank, reservoir, lake, pond, intermittent stream, creek, lands under any water body, and land subject to flooding or inundation by groundwater or surface water (collectively the "resource areas protected by this bylaw"). Said resource areas shall be protected whether or not they border surface waters."

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**Littleton**                      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**No**                      Chapter 171 of the Littleton Town Code lists the jurisdiction of the commission. Section 1B of Chapter 171 states: "Except as permitted by the Littleton Conservation Commission or as provided in this chapter, no person shall remove, fill, dredge, or alter any bank, freshwater wetland, marsh, meadow, bog, or swamp bordering any creek, river, stream, pond, or lake, or land under said waters or any land subject to flooding or riverfront area (collectively, the "areas subject to protection").

This jurisdiction covers only bordering wetlands, and almost exactly matches the state standard for wetlands covered.

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**Lowell**                      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**No**                      Isolated vegetated wetlands are not mentioned in the Lowell wetlands ordinance. (Answer confirmed with Christine Thomas, Lowell Environmental Officer, 8/27/04.)

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**Lunenburg**                      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes** "The following areas are subject to protection under the By-law:

- (a) Any freshwater wetland
  - any bordering vegetated wetlands
  - any isolated vegetated wetland
  - any seasonal freshwater wetland
- (b) Any bank
- (c) Any beach
- (d) Any lank
- (e) Any river
- (f) Any pond
- (g) Any stream
- (h) Any land subject to flooding, inundation by surface water, or ground water" From the Lunenburg Wetlands Protection Bylaw and Regulations Part I, Section 10.02(1) (Adopted 1983, Amended 1987).

"Any activity proposed or undertaken within 100 feet of an area specified in Section 10.02 (1) (a-h) above (hereinafter called the Buffer Zone) which will alter an Area Subject to Protection Under the By-law is subject to regulation under the By-law and requires the filing of a Notice of Intent." From the Lunenburg Wetlands Protection Bylaw and Regulations, Activities Subject to Regulation Under the By-Law Part I, Section 10.02.2(b) (Adopted 1983, Amended 1987).

"Isolated vegetated Freshwater Wetlands (including wet meadows, marshes, swamps, and bogs which do not border on lakes, rivers, streams and ponds)." From the Lunenburg Wetlands Protection Bylaw and Regulations Part I, Section 10.04 (Adopted 1983, Amended 1987).

**Lynn** *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes** The Lynn Conservation Commission Wetland Protection Bylaws, Section 2, Jurisdiction includes "resource areas shall be protected whether or not they border surface waters."

In addition, in the Lynn Conservation Commission Wetland Protection Bylaws, Section 21, Performance Standard includes "The definition of 'freshwater wetlands' shall include both bordering and isolated vegetated wetlands. Isolated Vegetated Wetlands are those wetland areas which meet the definition and critical characteristics of bordering vegetated wetlands, but do not border on creeks, rivers, steams, ponds, or lakes."

The Lynn Conservation Commission Wetland Protection Bylaws, Section 2, Jurisdiction includes "lands within 100 feet of any of the aforesaid resource areas."

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**Manchester-by-** *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes** Article XVII, Section 2.1 of the Manchester town bylaws reads:  
"Except as provided by this by-law or permitted by the Manchester Conservation Commission ("the Commission"), no person shall remove, fill, dredge, alter or build upon or within one hundred feet (100) of the following resource areas: any bank, fresh water wetland, coastal wetland, beach, dune, flat, marsh, meadow, bog or swamp; any estuary, creek, river, stream, pond, vernal pool, lake or the ocean, or any land under said waters; any land subject to tidal action, coastal storm flowage, flooding or inundation, or within the 100 year storm line."

Isolated vegetated wetlands are under the category of "any...freshwater wetland".

The Manchester wetlands regulations, in Section 2.7, state that an isolated vegetated wetland must be a minimum of 5,000 square feet in area to be considered freshwater wetlands and protected.

**Mansfield** *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**

Mansfield's regulations stipulate that an isolated wetland area must be greater than 5000 sq. ft to fall under the jurisdiction of their wetlands bylaw.

"Except as permitted by the Conservation Commission, or as provided for in this bylaw, no person shall remove, fill, dredge, build upon, or alter in any other way, the following wetland resource areas: any freshwater wetlands, marsh, swamp, bog, or wet meadow [hereinafter 'bordering vegetated wetland' or 'bvw']; any lake or pond, river or stream [hereinafter waterbody or waterway]; a [sic] any bank, beach, or other type of edge adjacent to, or land under, said waterbodies or waterways, any flood zone, as shown on the federal flood maps, or determined by other engineering methodology, associated with said waterbodies or waterways; any vernal pools certified by the State; any isolated wetland area larger than 5,000 sq. ft. and/or any are defined as Isolated Land Subject to Flooding [ISLF] under the Wetlands Protection Act; wetlands which is identified by the State as the habitat site of a state-listed species [collectively, and hereinafter, the 'resource areas']; or any land within 100 feet from the edge of any of the above referenced resource areas [hereinafter the 'buffer zone'].

From Mansfield Conservation Commission Rules and Regulations for the Town of Mansfield Wetland Protection Law. Section 2.1 (Adopted 1999).

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**Marblehead**

*Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**

Town of Marblehead Wetlands Protection Bylaw Regulations, Section 2.6 (effective 2001) indicates that freshwater wetlands may be isolated or bordering. Town of Marblehead Wetlands Protection Bylaw Regulations, Section 2.4 includes a buffer zone of 100 feet around wetlands resource areas, including freshwater wetlands.

Section 2.4: "Except as otherwise set forth in Section 2.13, buffer zone means that area of land extending 100 feet horizontally outward from the boundary of the following resource areas: freshwater wetland, coastal wetland, marsh, wet meadow, bog, swamp, bank, beach, dune, flat, river, pond, stream, estuary, ocean, land under water, or land subject to flooding or inundation by groundwater, surface water, tidal action or coastal storm flowage; and any area specified in 310 CMR 10.02(1)(a)."

Section 2.6: "Freshwater Wetlands are wet meadows, marshes, swamps and bogs. Also, they are areas where the topography is low and flat, and where soils are annually saturated such that groundwater, flowing or standing surface water or ice provides a significant part of the supporting substrate for a plant community. Also, freshwater wetlands may border creeks, rivers, streams, ponds, lakes or other bodies of water or wetlands, or they may be isolated. Freshwater wetlands also include that portion of any bank, which touches any inland waters. Where isolated, freshwater wetlands shall be at least 1,000 square feet in area. Wetland indicator plants shall include but not necessarily be limited to those plant species identified in the Act. Wetland indicator plants are also those classified in the indicator categories of Facultative, Facultative+, Facultative Wetland-, Facultative Wetland, Facultative Wetland+, or Obligate Wetland in the National List of Plant Species That Occur in Wetlands: Massachusetts (Fish & Wildlife Service, U.S. Department of the Interior, 1988). The presence of hydric soils or other indicators of wetland hydrology will also be considered when delineating wetland boundaries. If freshwater wetlands lack wetland indicator species due to unpermitted alteration or winter conditions that do not allow for adequate identification of vegetation, delineation by the applicant may be based solely upon the presence of hydric soils and evidence of wetland hydrology.

The boundary of freshwater wetlands is the line within which the vegetation community is substantially characterized by wetland indicator species and within which hydric soils or other indicators of wetland hydrology are present. When vegetation appears to have been altered, is absent, or is not identifiable due to winter conditions, the boundary is the line within which hydric soils and indicators of wetland hydrology are present."

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**Marshfield**

*Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**

"III. Jurisdiction

A. Areas Subject to Protection

The following areas are subject to protection under the By-Law:

(i) Any:

Bank;

Freshwater wetland;

Coastal wetland;

Beach;

Dune;

Flat;

Marsh;

Wet Meadow;

Bog;

Swamp;

Lands adjoining the Ocean or any:

Estuary;

Creek;  
River;  
Stream;  
Pond;  
Lake;  
Or any land under said waters;  
Or any land subject to:  
Tidal Action;  
Coastal storm flowage;  
Or Flooding.

(ii) Land at or below elevation eleven (11.0) feet above sea level.

**B. Activities Subject to Regulation**

(i) Any activity proposed or undertaken within 100 feet (Buffer Zone) of any area specified in Paragraph III (A)(i) of these regulations or within an area specified in Paragraph III(A)(ii) of these regulations which will remove, fill dredge, or alter that area is subject to regulation under the By-Law and will require a Notice of Intent and approval by the Conservation Commission.

(ii) Any activity proposed or undertaken which is not set forth in Paragraph III(B)(i), but which will in the opinion of the Marshfield Conservation Commission will alter an area subject to the By-Law will require the filing of Notice of Intent" From the Town of Marshfield Wetlands Protection Regulations. Section III (Effective 9/18/03).

**"XVI Definitions**

Isolated Vegetated Wetland - A Freshwater wetland not bordering on the ocean, or any: estuary; creek; river; stream; pond; or lake and having a minimum of 400 square feet of predominately wetland vegetation." From the Town of Marshfield Wetlands Protection Regulations. Section XVI (Effective 9/18/03).

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**Maynard**                      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**                      "Any freshwater wetland" includes any isolated vegetated wetlands in the resource areas listed in the jurisdiction.

Section 2 of the Maynard Wetlands Administration Bylaw reads: "In accordance with this purpose no person shall remove, fill, dredge, build upon, degrade, pollute, discharge into, or otherwise alter the following resource areas; any freshwater wetland, marshes, wet meadows, bogs, swamps, vernal pools, banks, reservoirs, lakes, ponds, rivers, streams, creeks, lands under waterbodies, lands subject to flooding by groundwater, surface water or storm flow (collectively the "resource areas protected by this bylaw); and lands within 100 feet of any of the aforesaid resource areas (the buffer zone) without a permit from the Conservation Commission, or as is provided by this bylaw."

(Town of Maynard Wetlands Administration Bylaw, Adopted 1996, Amended 2003)

Section 9 of the Maynard Wetlands Administration Bylaw defines "isolated land subject to flooding" as follows:

"The term "isolated land subject to flooding" shall include an area, depression, or basin that holds at minimum one-eighth acre-foot of water and at least six inches of standing water once a year. Not included are swimming pools, artificially lined ponds or pools, or constructed wastewater lagoons. The buffer zone for isolated land subject to flooding shall be 25 feet."

(Town of Maynard Wetlands Administration Bylaw, Adopted 1996, Amended 2003)

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**Medfield**                      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**                      Article IX, Section 2 of Medfield's town bylaws include "any freshwater wetland" as a resource area, and place a 100 foot buffer zone around all resource areas. This was confirmed with the conservation agent.

Leslee Willitts, Medfield Conservation Agent, (8/18/04) said that Medfield protects isolated vegetated wetlands with a 100 foot buffer and a 50 foot no disturbance area.

From Article IX, Section 2:

"Application - No person shall remove fill, dredge, build upon or alter the following resource areas: any freshwater wetland, bordering vegetated wetland, certifiable vernal pools, marsh, wet meadow, bog or swamp; any bank, beach, lake, river, pond, stream or any land under said waters; any land subject to flooding or inundation by groundwater, surface water or storm flowage; or any riverfront area; or any fifty(50) foot

buffer zone without receiving a permit issued pursuant to the Bylaw. Any proposed work which falls within one hundred (100) feet of any freshwater wetland, bordering vegetated wetland, vernal pool, marsh, wet meadow, bog or swamp; any bank, beach, lake, river, pond, stream or any land under said waters, within one hundred (100) feet of any land subject to flooding or inundation, or within one hundred (100) feet of the one hundred (100) year storm line must be permitted by the Conservation Commission. (ATM 4/26/99)"

(Town of Medfield Bylaw, Article IX, Adopted 1926, Amended 2000)

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## **Medway**                    *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**                    Section 21.2(a) of the Medway bylaws reads:  
"(a) Except as permitted by the Conservation Commission, or as provided in this By-Law, no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas: any freshwater wetlands, marshes, wet meadows, bogs, swamps, vernal pools, banks, reservoirs, lakes, ponds of any size, rivers, streams, creeks, land under waterbodies, lands subject to flooding or inundation by ground water or surface water, and lands within 100 feet of any of the above resource areas. Said resource areas shall be protected whether or not they border surface waters. To be afforded protection, Isolated Vegetated Wetlands (not including vernal pools) must encompass minimum surface areas of 5,000 square feet."

(Medway General Wetlands Protection Bylaw)

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## **Merrimac**                    *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**                    The jurisdiction specifies that it protects any isolated vegetated wetland and gives it a 100 foot buffer zone. Additional regulations explicitly define what classifies as an isolated vegetated wetland.

From the regulations, Section 1.3 Jurisdiction,  
"The areas subject to protection under the Bylaw differ from those protected solely by the Act in that additional wetland resource areas are protected by the Bylaw, as well as the additional interests previously described. The additional areas subject to protection under the Bylaw include the Buffer Zone, Vernal Pools, Vernal Pool Habitat and Isolated Vegetated Wetlands that do not meet the definition of Bordering Vegetated Wetland under the Act.

The Town's wetland resource areas consist of:

1. any Isolated Vegetated Wetland;
2. any Vernal Pool and Vernal Pool Habitat;
3. any vegetated wetlands bordering on any creek, river, stream, pond or lake (bordering vegetated wetland);
4. any bank, beach, marsh, wet meadow, bog, or swamp;
5. any land under any creek, river, stream, pond or lake;
6. any 100-foot Buffer Zone of wetland areas 1-5 listed above;
7. any land subject to storm flowage, or flooding by groundwater or surface water;
8. and the 200-foot Riverfront Area."

From Section 3.2 Isolated Vegetated Wetland,  
"...Definition, Critical Characteristics and Boundary  
Isolated Vegetated Wetlands protected under this Bylaw are freshwater wetlands, of at least 2,000 sq. ft. in surface area, that do not border on creeks, rivers, streams, ponds or lakes. The types of Isolated Vegetated Wetlands may include wet meadows, marshes, swamps and bogs. In addition to the minimum size requirement, Isolated Vegetated Wetlands must be comprised of the following three (3) delineation parameters:

1. The vegetation community of an Isolated Vegetated Wetland consists of 50% or more wetland indicator plants. Wetland indicator plants are classified in the following categories: Facultative, Facultative+, Facultative Wetland-, Facultative Wetland, Facultative Wetland+, or Obligate Wetland (source:... ) and wetland plants specifically indicated in the Act and plants that exhibit morphological adaptations to wetlands (source:... ) and,
2. Other indicators of hydrology including site inundation or saturation, water marks, drift lines, sediment deposits, oxidized rhizospheres, water-stained leaves, shallow root systems, buttressed tree trunks, and recorded hydrological data (stream or lake gauge, aerial photo, other) and,
3. Hydric Soils (source:... )....

Performance Standards

When the presumption set forth in Section 1.0 of these regulations is not overcome, any proposed work in Isolated Vegetated Wetlands shall not destroy or otherwise impair any portion of said area. The following additional standards also apply to isolated vegetated wetlands.

1. 25-foot No Disturbance Zone: No activity is permitted within 25 feet of the edge of the delineated Isolated Vegetated Wetland boundary....

2. 50-foot No-Build Zone: No structures shall be permitted within 50-feet of the delineated edge of an Isolated Vegetated Wetlands..."

(Town of Merrimac, Massachusetts, Wetlands Protection Regulations, Adopted 2004)

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**Methuen**                    *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**                    "No person shall remove, fill, dredge, alter or build upon or within one hundred feet of any bank, fresh water wetland, coastal wetland, beach, dune, flat, marsh, meadow, bog, swamp, or on any estuary, creek, river, stream, pond or lake, or any land under said water or any land subject to tidal action, coastal storm flowage, flooding or inundation, or within one hundred feet of the one hundred year storm line, other than in the course of maintaining, repairing or replacing but not substantially changing or enlarging an existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, sanitary sewers, public roadways, storm drainage systems, telephone, telegraph and other telecommunication services, provided however, that such person shall file with the Conservation Commission within forty-eight hours, a notice or as-built plan of such repair or replacement and listing individuals involved, work undertaken, location and date without filing written application for a permit so to remove, fill, dredge, alter or build upon, including such plans as may be necessary to describe such proposed activity and its effect on the environment, and receiving and complying with a permit issued pursuant to this ordinance."

From The City of Methuen's Wetlands Ordinance, Section 12.1 (Adopted 1987).

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**Milford**                    *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**                    "Except as permitted by the Conservation Commission, or as provided in this bylaw, no person shall remove, fill, dredge, build upon, or alter the following resource areas:  
-land within 100 feet of any:  
    freshwater wetland,  
    marsh,  
    wet meadow,  
    bog, or  
    swamp  
  
-land within 100 feet of any  
    bank,  
    beach,  
    dune, or  
    flat;  
    any lake  
    river,  
    pond,  
    stream, or  
    estuary  
  
-any land under said waters; or  
-within 100 feet of any land subject to flooding by groundwater, or surface water."

From the Town of Milford Wetlands Bylaw: Article XXX, Section 3.

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**Millis**                    *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**                    From Section 3. Jurisdiction  
"Except as permitted by the Conservation Commission or as provided in this bylaw, no person shall remove, fill, dredge, build upon, or alter the following resource areas: land within 100 feet of any freshwater wetland, marsh, wet meadow, bor or swamp; land within 100 feet of any bank, beach, dune, or flat; any lake, river, pond, stream or estuary, or any land under said waters.

No person shall remove, fill, dredge, or alter any bank, freshwater wetland, marsh, wet meadow, bog or swamp or lands bordering on any estuary, creek,



river, stream, pond or lake, or any land subject to flooding.... without filing written notice of his intention so to remove, fill, dredge or alter and without receiving and complying with an order of conditions and provided all appeal periods have elapsed."

(Town of Millis, Article XIX, Wetlands Protection Bylaw)

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**Millville**                    *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**                    12-2. Jurisdiction. Except as permitted by the Conservation Commission or as provided in this bylaw, no person shall commence to remove, fill, dredge, build upon, degrade, or discharge into, or otherwise alter the following resource areas: any freshwater or; wet meadows; bogs; swamps; vernal pools; banks; reservoirs; lakes; ponds; rivers; streams; creeks; tributaries; lands under water bodies; lands subject to flooding or inundation by groundwater or surface water; the one-hundred (100) foot Buffer Zone to any of the aforementioned resource areas or lands abutting any of the aforesaid resource areas; and the two-hundred (200) foot Buffer Zone of rivers, ponds and lakes, (collectively the "resource areas protected by this bylaw"). Said resource areas shall be protected whether or not they border surface waters.

(Town of Millville Wetland Protection Bylaw, Adopted 2003)

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**Milton**                    *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**                    Wetlands Bylaws Town of Milton, Chapter 15, Section I (Amended 2000)

SECTION I. Application.

(Second paragraph) No person shall remove, fill, dredge, alter or build upon or within one hundred feet of any bank, freshwater wetland, coastal wetland, beach, dune, flat, marsh, meadow, bog, swamp, aquifer or upon or within one hundred feet of lands bordering on the ocean or upon or within one hundred feet of any estuary, creek, river, stream, pond or lake, or upon or within one hundred feet of any land under said waters or upon or within one hundred feet of any land subject to tidal action, coastal storm flowage, flood or inundation, or within one hundred feet of the 100-year storm line, or upon or within 200 feet of the mean annual high water line of a perennial stream unless exempted by the Rivers Protection Act (st. 1996, c. 258), other than in the course of maintaining, repairing or replacing but not substantially changing or enlarging, and existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, telephone, telegraph and basic telecommunication services, or, in the course of practicing agriculture, forestry or the maintenance of property, essentially in its existing condition, so long as these activities are not detrimental to the interests protected by this Bylaw without filing written application for a permit so to remove, fill, dredge, alter or build upon, including such plans as may be necessary to describe such proposed activity and its effect on the environment, and receiving and complying with a permit issued pursuant to this Bylaw.

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**Natick**                    *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**                    Wetlands Protection Bylaw Town of Natick, Section 2.2(Adopted 2002, on website August 2004)

2.2 Definitions

Protected Resource Area. Any freshwater wetland as defined in M.G.L. Chapter 131, Section 40 and as determined by vegetation community, soil composition or hydrologic regime, bank, beach, marsh, wet meadow; bog or swamp lands bordering any creek, river, perennial stream, intermittent stream, reservoir, pond or lake; vernal pool; Riverfront Area; any floodplain; any lands under or any lands subject to flooding or inundation by groundwater, surface water or storm flow.

Wetlands Protection Bylaw Town of Natick, Section 2.2(Adopted 2002, on website August 2004)

Buffer Zone. Lands within 100 feet of any Protected Resource Area except floodplain land and Riverfront Area.

Wetland Protection Bylaw & Rules and Regulations, Section 1.2 (On Natick website August 2004)

1.2 Areas Subject to Protection Under the Bylaw

The Bylaw protects the following resource areas in addition to the areas protected by the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131, Sec. 40) (hereinafter referred to as the "Act") :

Any freshwater wetland, bank, beach, flat, marsh, swamp, wet meadow, or bog bordering on any creek, river, perennial stream, intermittent stream, pond, lake, or reservoir and any vernal pool, Riverfront Area, floodplain, isolated wetland, lands under any of the water bodies listed above, and lands subject to flooding or inundation by groundwater, surface water or storm water flow.

(Collectively the Protected Resource Areas).

The areas subject to protection under the Bylaw differ from those protected by the Act in that additional areas are protected by the Bylaw. The additional areas subject to protection under the Bylaw include all intermittent streams, land subject to flooding or inundation by groundwater, surface water, or storm flow, isolated wetlands, and all vernal pools.

A buffer zone of 100 ft. around any resource area (except Riverfront Area and 100-year floodplain) is subject to regulation under the Bylaw. Within this buffer zone, setbacks from the edge of Protected Resource Areas are defined. These regulations establish minimum setbacks referred to herein as No Build Zones and No Disturbance Zones. Under the regulations, the commission shall consider whether activities within the buffer zone will likely affect the Protected Resource Areas and will presume that projects that work within specified setbacks from the wetland will so affect the wetlands. This presumption is rebuttable and may be overcome upon a clear showing by a preponderance of the evidence that the nature of the proposed work, special design measures, construction controls and/or site conditions which exceed the norm for work anywhere within the Buffer Zone will prevent alteration of the protected resource area.

Wetland Protection Bylaw & Rules and Regulations, Section 4.4 (On Natick website August 2004)

#### 4.4 LANDS WITHIN 100 FEET

The land area within 100 feet of any freshwater wetland; marshes; wet meadows; bogs; swamps; vernal pools; banks; reservoirs; lakes; ponds; rivers; streams; creeks; beaches; land under water bodies; or surface water is subject to regulation under the Bylaw. Lands within 100 feet of protected resource areas are presumed important to the protection of these resources because activities undertaken in close proximity to wetlands and other resources have a high likelihood of adverse impact upon the wetland or other resource, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, and harm to wildlife habitat. For this reason these buffer zone areas are a valuable resource under this Bylaw.

The following restrictions are intended to represent the limits beyond which the ability of the protected 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.

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### **Needham**      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**      Town of Needham Wetlands Protection Regulations, 1.02(a) (Adopted November 1995).

#### 1.02 STATEMENT OF JURISDICTION

(1) Areas Subject to Protection Under the By-Law. The following areas are subject to protection under the By-Law:

(a) Any freshwater wetland, including marsh, wet meadow, bog, or swamp

Town of Needham Wetlands Protection Regulations, 1.04(Adopted November 1995).

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

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### **Newbury**      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**No**      The town of Newbury states in its wetlands bylaws that the purpose of the bylaw is to "maintain vegetative buffers to wetlands and waterbodies". Taking into account that Newbury's wetlands bylaws are aimed at protecting barrier beaches as well as the absence of language pertaining to how the town of

Newbury defines a wetland in the bylaws, the researcher determined Newbury followed state standards and did not place isolated vegetated wetlands under the jurisdiction of its wetlands bylaw.

"Special Purpose of this Wetlands Bylaw/Ordinance. This Bylaw is intended to further the interests set forth above and to provide enhanced protection to the Plum Island Barrier Beach for the following purposes.

- (1) To minimize environmental damage, loss of life, and destruction of property inevitably resulting from storms flooding and erosion;
  - (2) To minimize public health threats resulting from storm damage;
  - (3) To prevent loss or diminution of the beneficial functions of storm and flood damage prevention or reduction and pollution prevention provided by wetlands, beaches, dunes, barrier beaches, and coastal banks;
  - (4) To maintain vegetative buffers to wetlands and waterbodies so as to reduce and/or eliminate runoff and other nonpoint discharges of pollutants to protect public health and preserve environmental resources; and
  - (5) To maintain vegetative cover so that the integrity and stability of coastal dunes and banks are maintained and so that the coastal dunes and banks can fulfill their functions and promote the interests identified in Subsection A." From the Town of Newbury Wetlands Bylaws, Section 94-1. (Adopted 2001).
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**Newburyport**      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**No**      The Conservation Commission confirmed that the Newburyport Wetlands Ordinance does not give added protection to wetlands resources other than the Barrier Beach. (10/20/04)

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**Newton**      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**No**      According to Martha J. Aherin Horn, environmental planner at the Newton Conservation Commission, Newton does not regulate buffer zones around isolated vegetated wetlands. (6/9/04)

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**Norfolk**      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**      According to Article VII, Section 2.B(1) of the Norfolk Bylaws, the municipality regulates all freshwater wetlands, not only the bordering vegetated wetlands regulated by the state of Massachusetts. It reads:

"1) Resource areas within 100 feet of any freshwater wetland, marsh, wet meadow, bog or swamp; within 100 feet of any bank, beach, or flat; any lake, river, pond, stream, estuary; or Riverfront Area; any land under said waters; or within 100 feet of any land subject to flooding or inundation by groundwater or surface water. (Riverfront Area - May 26, 1998 Annual Town Meeting)"

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**North Andover**      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**      North Andover Wetlands Protection Regulation 3.2 reads in part: "Isolated Vegetated Wetlands are likely to be significant to all of the interests identified in Section 178.1 of the Bylaw and are likely to support all of the functions and values identified for Bordering Vegetated Wetlands in 310 CMR 10.55(1). These interests include public or private water supply; groundwater; the prevention and control of flooding, erosion, sedimentation, storm damage, and/or pollution; and the protection of fisheries, wildlife, wildlife habitat, and recreation. Definition, Critical Characteristics and Boundary  
Isolated Vegetated Wetlands protected under this Bylaw are freshwater wetlands, of at least 1,000 sq. ft. in surface area, that do not border on creeks, rivers, streams, ponds or lakes. The types of Isolated Vegetated Wetlands may include wet meadows, marshes, swamps and bogs. In addition to the minimum size requirement, Isolated Vegetated Wetlands must be

comprised of the following three (3) delineation parameters:

&#9830; The vegetation community of an Isolated Vegetated Wetland consists of 50% or more wetland indicator plants. Wetland indicator plants are classified in the following categories: Facultative, Facultative+, Facultative Wetland-, Facultative Wetland, Facultative Wetland+, or Obligate Wetland (source: U.S. Fish & Wildlife Service) and, &#9830; Other indicators of hydrology including site inundation or saturation, water marks, drift lines, sediment deposits, oxidized rhizospheres, water-stained leaves, shallow root systems, buttressed tree trunks, and recorded hydrologic data (stream or lake gauge, aerial photo, other) and, &#9830; Hydric Soils (source "Field Indicators for Identifying Hydric Soils in New England", Version 2, July 1998)."

Chapter 178.2 of North Andover's Town Bylaws reads:  
"§178.2 Jurisdiction.

Except as permitted in writing by the Commission, or as provided in this Bylaw, no person shall engage in the following activities ("activities"): removal, filling, dredging, discharging into, building upon, or otherwise altering or degrading the wetland resource areas described in the following sentence. The Town's wetland resource areas consist of:

- 1) any isolated vegetated wetland,
- 2) any ephemeral pool
- 3) any vegetated wetland bordering on any creek, river, stream, pond or lake,
- 4) any bank, beach, marsh, wet meadow, bog, or swamp,
- 5) any land under any creek, river, stream, pond or lake,
- 6) any 100-foot buffer zone of wetland areas 1-5 listed above,
- 7) any land subject to storm flowage, or flooding by groundwater or surface water,
- 8) and the 200-foot riverfront area."

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## **North Reading**    *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**    North Reading General Wetlands Bylaw, Section 196-2 (Adopted 1992)

196-2. Jurisdiction

Except as permitted by the Conservation Commission or as provided in this by-law, no person shall remove, fill, dredge, build upon, degrade, or alter the following resource areas: any freshwater wetland; marshes; wet meadows; bogs; swamps; vernal pools; banks; reservoirs; lakes; ponds; rivers; streams; creeks; beaches; dunes; estuaries; flats; land under water bodies; lands subject to flooding and inundation by groundwater, surface water or tidal action; and lands within 100 feet of any of the aforesaid resource areas (collectively the "resource areas protected by this bylaw").

North Reading Conservation Rules and Regulations, section 4.7 (Adopted 1993, Revised 2001)

4.7 LANDS WITHIN 100 FEET

The land 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 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.

## **Northborough**    *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**    "Except as permitted by the Conservation Commission or as provided in this chapter, no person shall remove, fill, dredge, build upon or alter the following resource areas: any freshwater wetland, bordering vegetated wetland, marsh, wet meadow, bog or swamp; any bank, beach, lake, river, pond, stream or any land under said waters; any land subject to flooding or inundation by groundwater, surface water or storm flowage; any riverfront area. Any proposed work which falls within one hundred (100) feet of the previously

mentioned resource areas or the riverfront area must be approved by the Conservation Commission. Plans of the same are required to be filed by the applicant under M.G.L.A. C. 131, § 40, said plan scale to be no greater than one (1) inch equals forty (40) feet."  
From the Northborough Wetlands Bylaws, Section 6-04-020(Adopted 1990, Amended 1998).

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**Northbridge**      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**      The jurisdiction does not specify that the wetlands protected need to border surface waters. From Section 7-702. Jurisdiction, "[e]xcept as permitted by the conservation commission or as provided in this chapter, no person shall remove, fill, dredge, build upon or alter the following resource areas: within one hundred (100) feet of any freshwater wetland, coastal wetland, marsh, wet meadow, bog or swamp; within one hundred (100) feet of any bank, beach, dune or flat; any lake, river, pond, stream, estuary or the ocean; within one hundred (100) feet of any lake, river, pond, stream, estuary or the ocean; any land under said water; or within one hundred (100) feet of any land subject to flooding or inundation by groundwater, surface water, tidal action or coastal storm flowage."  
  
(Town of Northbridge Wetlands Protection By-Law, Section 7-700)

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**Norwell**      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**      The jurisdiction includes isolated wetlands and gives these areas a 100 foot buffer zone of protection.  
  
Article XVA-a Section 2.A. of the Norwell town bylaws reads:  
"Except as permitted by the Norwell Conservation Commission ("Conservation Commission") or as otherwise provided in this Bylaw, no person shall remove, fill, dredge, alter or build upon or within one hundred (100') feet of any bank, fresh water wetland, including without limitation, isolated vegetated wetlands, flat, marsh, meadow, bog, swamp, creek, river, stream, pond or lake, any land under said waters, any land subject to flooding or inundation by groundwater, surface water or tidal action other than in the course of maintaining, repairing or replacing, but not substantially changing or enlarging an existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, sanitary sewer, storm drainage, public roadway, telephone, telegraph, and other telecommunication services, without filing written Notice of this intention to so remove, fill, dredge, alter or build upon or within one hundred (100') feet of said wetland resources and without receiving and complying with an Order of Conditions and provided all appeal periods have elapsed. Such Notice shall be sent by certified mail to the Norwell Conservation Commission, including such plans as may be necessary to describe such proposed activity and its effect on the environment."  
  
(Article XVI-a Wetlands Protection, Adopted 2002)  
  
In addition, the definition for an isolated vegetated wetland is given in the regulations. From the Fifty Foot (50') Buffer Strip Regulation, "Isolated Vegetated Wetland: any area where surface or ground water, ice at or near the surface of the ground and greater than five hundred (500) square feet which supports a plant community (cover) comprised of fifty (50%) percent or greater of wetland species, or which in the judgment of the Commission supports a significant community of wetland vegetation."  
  
(Norwell Conservation Commission Rules and Regulations for Town of Norwell Wetlands Bylaw Article XVI-a, Amended 2000)

UPDATED REGULATIONS:  
Effective Date: December 21, 2004

8.4.0 Vegetated Wetlands (Meadows, Marshes, Swaps and Bogs)

Characteristics and Definition

Vegetated Wetlands are freshwater wetlands, which do or do not border on creeks, rivers, streams, ponds and lakes. The types of freshwater wetlands are wet meadows, marshes, swamps and bogs. Vegetated Wetlands are areas where soils are saturated and/or inundated such that they support a predominance (greater than 50%, based on a standardized grid)of wetland indicator plants. The ground and surface water regime and the vegetational community which occur in each type of freshwater wetland are specified in M.G.L. c. 131 s. 40.

The boundary of Vegetated Wetlands is the line within which 50 percent or more of the vegetational community consists of wetland indicator plants and saturated or inundated conditions exist. Wetland indicator plants shall include but not necessarily be limited to those plant species identified in the Act.

Wetland indicator plants are also those classified in the indicator categories of Facultative, Facultative+, Facultative Wetland-, Facultative Wetland, Facultative Wetland+, or Obligate Wetland in the National List of Plant Species That Occur in Wetlands: Massachusetts (Fish and Wildlife Service, U.S. Department of the Interior, 1988) or plants exhibiting physiological or morphological adaptations to life in saturated or inundated conditions.

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**Norwood**                    *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**                    Norwood Wetlands Bylaw

"2. No person shall remove, fill, dredge, or alter any bank, fresh water wetland, beach, wet meadow, marsh, bog, swamp, or any lands bordering on any creek, river, stream, or pond, or any land under said waters, or any land subject to flooding, other than in the course of maintaining, repairing or replacing, but not substantially enlarging an existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, sanitary sewer, storm drainage, public roadway, telephone, telegraph, and other telecommunication services, without filing written notice of his intention to so remove, dredge, fill, or alter, and without receiving and complying with an Order of Conditions, and provided all appeal periods have elapsed. Such Notice shall be sent by certified mail to the Norwood Conservation Commission, including such plans as may be necessary to describe such proposed activity and its effect on the environment. The same Notice of Intent, plans and specifications required to be filed by an applicant under Massachusetts General Laws Chapter 131, Section 40 will be accepted as fulfilling the requirements of this by-law. The said Commission may hear any oral presentation under this by-law at the same public hearing required to be held under Chapter 131, Section 40 of the Massachusetts General Laws. Definitions, time frames, and procedures, insofar as applicable, set forth in said Chapter and Section and in the Regulations promulgated by the Department of Environmental Quality Engineering on July 28, 1978 are hereby made a part of this by-law."

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**Peabody**                    *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**                    The jurisdiction specifically includes isolated wetlands as a resource area, which also receives a 100 foot buffer zone. Specific definitions for isolated vegetated wetlands have been included.

Resource Area: The primary resource being protected by this ordinance, which is the area of jurisdiction defined in Sec. 32-3. Jurisdiction, excluding the one hundred (100) and two hundred (200) foot buffer zones. Resource areas include:

- A. Any coastal or freshwater wetland, bordering vegetated wetland, riverine wetland, marsh, wet meadow, bog or swamp;
- B. Any seasonal wetland, isolated wetland, including kettle holes;
- C. Any land subject to flooding or inundation by groundwater, surface water, or storm flowage.
- D. Any pond, reservoir, lake, natural or man-made;
- E. Any estuary, the ocean, land subject to tidal action, coastal storm flowage or flooding;
- F. Any land under aforesaid waters;
- G. Any bank, beach, dune;
- H. Any vernal pool, whether certified or uncertified;
- I. Any river, stream, creek, brook, whether intermittent or continuous, natural or man-made.

Ordinance Establishing the wetlands and Rivers Protection Regulations in the City of Peabody, Chapter 32 of the Code of the City of Peabody, Section 32-2(Adopted, 1986, as amended) - Definitions

Isolated Wetlands and Seasonal Wetlands: Freshwater wetlands that do not border on creeks, rivers, streams, ponds, and lakes, isolated depressions which hold standing water for extended periods of time, such as kettle holes which are too small to be called ponds; and isolated depressions or closed basins which are subject to flooding during periods of high water table and high input from spring runoff, snow- melt, or heavy precipitation. Isolated wetlands shall include any isolated depression with no inlet or outlet which serves as a ponding area for run-off or high groundwater which has risen above the ground surface, and shall be capable of containing at least 5,000 cubic feet of water. Isolated and seasonal wetlands include temporary ponds and pools and vernal ponds and pools.

Ordinance Establishing the wetlands and Rivers Protection Regulations in the City of Peabody, Chapter 32 of the Code of the City of Peabody, Section 32-6 (Adopted, 1986, as amended)

Sec. 32-6. Seasonal and Isolated Wetlands

The Commission may allow work within the one hundred (100) foot buffer zone around an isolated wetland or seasonal wetland itself if the area of the wetland is less than four hundred (400) square feet and it does not appear likely that area is a vernal pool or otherwise critical to the wetland values protected by this ordinance. Seasonal wetlands and isolated wetlands which are less than 30 square feet are not within the jurisdiction of this ordinance, unless they contain a certified vernal pool, as identified under the Wetlands Protection Act, G. L. Chapter 131, Section 40.

Sec. 32-33. No Disturb Zone Presumption

Lands within two hundred (200) feet of rivers, streams, creeks, and brooks, and lands within one hundred (100) feet of all other resource areas, are presumed important to the protection of these resources because activities undertaken in close proximity to resource areas are presumed to result in alteration of the resource area and to have adverse impact upon the wetland values protected by this ordinance, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss or impairment of groundwater recharge or flood control, poor water quality, and loss of wildlife habitat. The Commission, therefore, may require that the applicant maintain a strip or buffer of continuous, undisturbed vegetative cover within 200 feet of resource areas defined in Sec. 32-2 Definitions Resource Area (I), and within 100 feet of resource areas defined in Sec. 32-2 Definitions Resource Area (A-H), respectively..."

(Chapter 32 Wetlands and Rivers Protection Regulations, Adopted 1986)

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**Pepperell**      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**No**      The bylaw includes no mention of protection for isolated vegetated wetlands and section 6 of the bylaw explicitly states "[u]nless otherwise stated in this Bylaw the areas of jurisdiction, definitions, provisions, procedures, and performance standards of the Wetlands Protection Act (M.G.L. Ch 131) and Regulations (310 CMR 10.00) shall continue to apply."

(Town of Pepperell Wetlands Protection Bylaw)

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**Plainville**      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**      "No person shall remove, fill, dredge, alter, or build upon or within one hundred feet of any bank, fresh water wetland, flat, marsh, meadow, bog, swamp or lands bordering on any creek, river, stream, pond or lake, or upon or within one hundred feet of any land under said waters, any land subject to flooding and inundation, or the 100-year storm line, other than in the course of maintaining, repairing, or replacing but not substantially changing or enlarging an existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, sanitary services, without filing written notice with the Conservation Commission of his intention to so remove, fill, dredge, or alter, including such plans as may be necessary to describe such proposed activity and its effect on the environment and without receiving and complying with an order of conditions and provided all appeal periods have elapsed." From the Town of Plainville Wetlands Protection Bylaw, 23.3 (Adopted 1981).

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**Plymouth**      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**      The jurisdiction does not specify that the wetlands need to border surface waters. From Section IV. Jurisdiction of the bylaw, "[n]o person shall remove, fill, dredge, or alter within 100 ft. of the following resource areas: surface water body, vegetated wetland or unvegetated wetland, any bank, fresh water wetland, coastal wetland, coastal bank, beach, dune, flat, marsh, meadow, bog, swamp, or isolated land subject to flooding, or lands adjoining the ocean or any estuary creek, river, stream (whether intermittent or continuous; natural or man made), pond, or lake, or any land under said waters or any land subject to tidal action, coastal action, coastal storm flowage, or flooding, as defined by the Federal Emergency Management Act and designated as zone A, A1-A30, V1-V30 and zone B on the town of Plymouth, Massachusetts flood insurance rate maps and the flood boundary and floodway maps as amended, on file with the town clerk and related documents, except as provided in Sections V, VI, or as permitted by the Conservation Commission in Section VII."

**Quincy**                      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**                      Quincy Wetlands Protection Ordinance, Order 401, Section 2, (Adopted 1987)

Section 2: Jurisdiction

Except as permitted by the Conservation Commission or as provided in this ordinance, no person shall remove, fill, dredge, build upon, or alter the following resources or land under said resources or land within 100 feet of said resources:

Any freshwater wetland including any marsh, wet meadow, bog, or swamp; and saltwater wetlands; any lake, river, pond, stream, drainageway, canal, estuary or the ocean; any bank, beach, dune, or flat bordering on said water or wetlands; or any land subject to flooding or inundation by groundwater, surface water, total action or coastal storm flowage.

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**Reading**                      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**                      According to Fran Fink, Conservation Administrator at the Reading Conservation Commission, Reading regulates buffer zones around isolated vegetated wetlands. (6/7/04)

According to the Town of Reading Bylaw, Section 5.7.5(2001), Buffer Zone: Shall include land extending one hundred (100) feet horizontally outward from the boundary of any area subject to protection under this Bylaw, except land subject to flooding or riverfront area.

Also, the Town of Reading Bylaw, Section 5.7.3 (2001) states that listed resource areas "shall be protected whether or not they border surface waters."

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**Revere**                      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**                      From Section 16.04.030 Permit application procedures,  
"A. No person shall remove, fill, dredge, alter or build upon or within one hundred feet of any bank, fresh-water wetland, coastal wetland, beach, dune, flat, marsh, meadow, bog, swamp, or upon or within one hundred feet of lands bordering on the ocean or upon or within one hundred feet of any land under said waters or upon or within one hundred feet of any land subject to tidal action, coastal storm flowage, flooding or inundation, or within one hundred feet of the one-hundred-year storm line ..."

Then from Section 16.04.020 Definitions,  
"A. The following definitions shall apply in the interpretation and implementation of this chapter:

...  
7. 'Qualifying wetland' means only inland freshwater areas which are seasonally flooded basins or flats or inland fresh meadows."

(The Revised Ordinances of the City of Revere, MA, Wetlands Bylaw, Title 16 ENVIRONMENT)

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**Rockland**                      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**No**                      The bylaw does not mention isolated vegetated wetlands.

From Section 2. Application,  
"No person shall remove, fill, dredge, alter or build upon or within one hundred (100) feet of any area as defined in the Act without filing a Notice of Intent with the Rockland Conservation Commission."



(Rockland Conservation Commission Wetland By-Law)

Referencing the state Act, Section 10.02 Statement of Jurisdiction

"(1) Areas Subject to Protection Under M.G.L. C. 131 s. 40. The following areas are subject to protection under M.G.L. c. 131, s 40:

- (a) Any bank, any freshwater wetland, any coastal wetland, any beach, any dune, any flat, any marsh, or any swamp bordering on the ocean, any estuary, any creek, any river, any stream, any pond, or any lake
- (b) Land under any of the water bodies listed above
- (c) Land subject to tidal action
- (d) Land subject to coastal storm flowage
- (e) Land subject to flooding
- (f) Riverfront area."

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**Rockport**                      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**                      From Section II. Jurisdiction, "[e]xcept as permitted by the Conservation Commission or as provided in this bylaw, no person shall commence to remove, fill, dredge, discharge into, or otherwise alter within the following resource areas: any freshwater or coastal wetlands; marshes; wet meadows; bogs; swamps; vernal pools; banks; reservoirs; lakes; ponds of any size; quarry pits and motions; rivers; streams; creeks; beaches; dunes; estuaries; the ocean; lands under water bodies; lands subject to flooding or inundation by groundwater or surface water; lands subject to tidal action; lands within 100 feet of above cited resource areas; coastal storm flowage, or flooding; and lands abutting any of the aforesaid resource areas as set out in VII (collectively the "resource areas protected by this bylaw"). Said resource areas shall be protected whether or not they border surface waters."

(Rockport Code of By-Laws, Section A: Wetlands)

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**Rowley**                      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**                      "The provisions of this Bylaw apply to the following wetlands resource areas and presumptions. Except as otherwise provided in this bylaw, the wetlands resource areas and presumptions shall be set forth in MGL Chapter 131 Section 40 and 310 CMR 10.00. Each resource area or area subject to protection is presumed significant to the protection of the wetlands interests and values enumerated in Section 1.

1. Isolated vegetated wetlands, including replication areas built according to an approved Order of Conditions;
2. Vegetated wetlands bordering on any creek, river, stream, pond or lake, ocean or estuary including replication areas built according to an approved Order of Conditions;
3. Coastal or inland banks, beaches, flats, marshes, wet meadows, bogs, or swamps;
4. Areas of Critical Environmental Concern (ACEC as defined in 301 CMR 12.00, including without limitation the Parker River/Plum Islands Sound ACEC;
5. A 100-foot buffer zone from any area specified in #1-4 listed above;
6. Vernal pool habitat, as defined in this Bylaw;
7. Land under any creek, river, stream, pond or lake, estuary, ocean, and any land subject to tidal flooding;
8. The 200-foot Riverfront Area as defined in 310 CMR 10.58
9. Any areas designated critical or environmentally sensitive, including the approved Department of Environmental Protection Groundwater Protection Area, Zone 1; the Approved Department of Environmental Protection Groundwater Protection Area, Zone 11; habitats of rare wetlands wildlife as defined by the Natural Heritage and Endangered Species Program; or Outstanding Resource Waters (ORW) as defined by the Executive Office of Environmental Affairs." From the Town of Rowley Wetlands Protection Bylaw, Section III (Adopted 2003).

"Isolated Vegetated Wetlands – shall mean a freshwater wetlands not connected by surface water to any other water body or wetland. A vegetated wetland is an area where the soils and vegetation meet the criteria of 310 CMR 10.00" From the Town of Rowley Wetlands Protection Bylaw, Section IV (Adopted 2003).

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**Salem**                      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**No**

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**Salisbury**

*Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**

The jurisdiction does not specify the wetlands have to be bordering surface waters.

From Section 1.02 Statement of Jurisdiction (in the regulations)

"(1) Areas Subject to Protection Under the By-law. The following areas are subject to protection under the By-law:

(a) Any freshwater wet land,

coastal wetland,

marsh,

wet meadow,

bog,

swamp,

bank,

beach,

dune,

or flat;

(b) Any land within 100 feet of any of the areas set forth in Section 1.02 (1) (a) above;

(c) Any river,

pond,

stream,

estuary,

watercourse,

or the ocean;

(d) Any land under any of the water bodies set forth in Section 1.02 (1) (c) above;

(e) Any land within 100 feet of the water bodies set forth in Section 1.02 (1) (c);

(f) Any land subject to flooding or inundation by:

groundwater,

surface water,

or tidal action;

(g) Any land within 100 feet of any land subject to flooding or inundation as set forth in Section 1.02 (1) (f) above;

(h) Any land subject to coastal storm flowage."

(Town of Salisbury Conservation By-Law Regulations, Adopted 1993).

**Saugus**

*Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**

According to the jurisdiction in Section 3 of the Bylaws, Saugus does regulate buffer zones around isolated vegetated wetlands. Saugus also provides a definition of isolated wetlands.

Town of Saugus Bylaws, 508.08, Section 2 (February 1998):

5. The term "isolated wetland" shall mean an isolated depression with no inlet or outlet which serves as a ponding area for run-off or high ground water which has risen above the ground surface' and shall be capable of containing at least 5,000 cubic feet of water.

Town of Saugus Bylaws, 508.08, Section 3 (February 1998):

lands within one hundred (100) feet of any of the aforesaid resource areas; rivers and streams; and lands within two hundred (200) feet of any river or stream, without filing a Notice of Intent with the Saugus Conservation Commission (Commission) and receiving and complying with an Order of Conditions issued by the Commission. Said resource areas shall be protected whether or not they border surface waters.

## Scituate

### Does the municipality regulate buffer zones around isolated vegetated wetlands?

#### Yes

The jurisdiction includes any freshwater wetlands, and vegetated wetlands are defined as "freshwater wetlands". These areas receive a 100 foot buffer zone of protection.

From Section 10.02 Statement of Jurisdiction,

"(1)Areas Subject to Protection Under the Bylaw. The following resource areas are subject to protection under this bylaw:

- (a)any bank, cliff, or bluff, freshwater wetland, coastal wetland, beach, dune, flat, marsh, wet meadow,bog, swamp;
- (b)any lake, pond, river, stream, estuary, or ocean, or vernal pool
- (c)an[y] land under any of the water bodies listed in section (b) above;
- (d)Any land subject to tidal action or bordering the ocean including but not limited to, beaches, dunes, tidal flats, coastal banks, salt marsh's, salt meadows and dredge spoils areas;
- (e)Any land subject to coastal storm flowage, including, but not limited to the coastal floodplain, as set forth on the Flood Insurance Rate Maps;
- (f)Any land subject to flooding;
- (g)Any land within one hundred (100) feet of any resource area set forth in SWR 10.02 (a)(b) and (c). This land area shall hereinafter be called the BUFFER ZONE.
- (h)Land within 200 feet of the bank of any river, stream or creek continuously flowing throughout the year toward a body of water. This area shall hereafter be called the RIVERFRONT AREA."

From Section 10.04 Definitions,

"Buffer Zone: Area of land within 100 feet of a resource area, except in the case of vernal pools, where the buffer zone shall be 250 feet."

Same section,

"Vegetated Wetland: are freshwater wetlands which do or do not border on creeks, rivers, stream, ponds and lakes, and may be isolated. The types of freshwater wetlands are wet meadows, marshes, swamps, and bogs. They exist where soils are saturated and/or inundated by water such that they support a predominance of wetland indicator plants. The ground and surface water regime and the vegetational community which occur in each type of freshwater wetland are specified in M.G.L. c. 131 s. 40."

(Town of Scituate Code of Bylaws SECTION 30770, Wetlands Protection Rules and Regulations, Amended 2003)

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## Seekonk

### Does the municipality regulate buffer zones around isolated vegetated wetlands?

#### Yes

From Section 2: Jurisdiction of the bylaws, "[e]xcept as permitted by the Conservation Commission or as provided in this bylaw, no person shall remove, fill, dredge, build upon, degrade into or otherwise alter the following resource areas; any freshwater wetland; isolated wetland; coastal wetland; marsh; wet meadow; bog swamp or vernal pool; bank; reservoir lake; pond of any size; river; stream or estuary; any land under said waters; land subject to flooding or inundation by groundwater, surface water, tidal action, or coastal storm flowage or flooding; and lands abutting any of the aforesaid resource areas as set out in Section 7. (Collectively the "resource areas protected by this bylaw"). Said resources shall be protected whether or not they border surface waters."

From Section 7: Permits, Determinations, and Conditions, "[l]ands within 200 feet of rivers, ponds, and lakes, and lands within 100 feet of other resource areas listed in Section 2 are within the jurisdiction of the Seekonk Conservation Commission."

(Seekonk Conservation Commission By Laws, Adopted 1980, Amended 2003)

## Sharon

### Does the municipality regulate buffer zones around isolated vegetated wetlands?

#### Yes

The jurisdiction mentions wetlands and then also protects bordering vegetated wetlands.

From section 3.0 Jurisdiction, "No person shall remove, fill, dredge, drain, build upon, or alter any bank, freshwater wetland, vernal pool, beach, flat, marsh, wet meadow, bog, swamp, or lands bordering on any creek, river, stream, pond or lake, or any land under said waters, or any land subject to storm flowage, or flooding, or inundation by groundwater or surface water, or the buffer zone, without filing written notice of the intention to do so with the Commission in accordance with the provisions set forth in this By-Law and without receiving and complying with the Order of Conditions issued by the Commission and provided all appeal periods have elapsed, unless the Commission shall have determined that this By-Law does not apply to the activity proposed."

(Sharon By-Laws, Article 23 Wetlands Protection, Adopted 1986)

In addition, the rules and regulations further clarify freshwater isolated wetlands. The lands are given a 100 foot buffer zone, and it specifically states that the wetland does not need to border surface waters to be protected.

Rule 3.02(2)(a) of the Sharon Conservation Commission's rules and regulations states:

"Freshwater wetlands are vegetated wetlands. The types of freshwater wetlands are wet meadows, marshes, swamps and bogs...Said Resource Areas shall be protected whether or not they border surface waters."

Rule 3.02 (Preamble) states: "Land within 100 feet of a vegetated wetland is likely to be significant to the protection and maintenance of vegetated wetlands, and therefore to the protection of the interests which these Resources Areas serve to protect."

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**Sherborn**                    *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**No**                    According to Jean Bednor, conservation agent, (6/04) Sherborn does not regulate buffer zones around isolated vegetated wetlands, to her knowledge.

Researcher also found that the Town of Sherborn Bylaw, Section 17, General Wetlands Bylaw (1981) does not regulate isolated vegetated wetlands, just bordering vegetated wetlands.

"No person shall remove, fill, dredge, alter or build upon or within one hundred feet of, any bank, fresh water wetland, beach, marsh, meadow, bog, swamp, or on or within one hundred feet of lands bordering on any estuary, creek, river, stream, pond or lake, or any land under said waters or on or within one hundred feet of any land subject to storm flowage, flooding or inundation, or within one hundred feet of the 100-year storm line, other than in the course of maintaining, repairing or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, telephone, telegraph and other telecommunication services, without filing written application for a permit to remove, fill, dredge, alter or build upon, and receiving and complying with a permit issued pursuant to this By-Law. The application shall be accompanied by plans and analyses required by the Sherborn Conservation Commission."

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Note: survey received from Sherborn on 3/28/05 changes the answer to yes. The survey also notes that Sherborn has created new regulations in 2005. It may be that the new regulations addressed isolated vegetated wetlands in a new way.

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**Shirley**                    *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**No**                    The jurisdiction specifies that the wetland needs to border a surface water. [The Shirley bylaw appears to follow state code throughout and a fee schedule was included. The researcher concluded that the town enacted a bylaw primarily to implement fees.]

From Section 1. Purpose and Jurisdiction,

"1.2 Except as permitted by the Shirley Conservation Commission or as provided in this Bylaw, no person shall remove, fill, dredge, or alter any bank, fresh water wetland, marsh, meadow, bog, or swamp bordering any creek, river, stream, pond, or lake or land under said waters or any land subject to flooding (collectively, the "Area Subject to Protection").

1.3 Any activity proposed or undertaken within the "Buffer Zone" as defined in Massachusetts General Laws Chapter 131, Section 40 and the Wetlands Protection Act Regulations 310 CMR 10.00 or Areas Subject to Protection which, in the judgment of the Commission, will remove, fill, dredge, or alter an Area Subject to Protection under this Bylaw is subject to regulation under the Bylaw and requires the filing of a Request for Determination ("Request") or Notice of Intent ("Notice")."

(Shirley Non-Zoning Wetland Bylaw, Adopted 1995, Amended 1996)

**Southborough**                    *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**                    From Section 2. Jurisdiction, "Except as permitted by the Conservation Commission or as provided in this chapter, no person shall remove, fill, dredge, build upon, degrade, discharge into or otherwise alter the following resource areas or within (20) feet of their borders: any freshwater wetland, bordering vegetated wetland, marsh, wet meadow, bog or swamp, any bank, beach, lake, river, pond, stream or any land under said waters, any vernal pool, and land subject to flooding or inundation by groundwater, surface water or storm flowage (collectively, "the resource areas"). Any proposed work which falls within one hundred (100) feet (the "bufferzone") of the previously mentioned resource areas must be approved by the Conservation Commission."

**Stoneham**      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**      The jurisdiction specifies that wetlands do not need to border surface waters to be protected. The permits and conditions section specifies that the Commission has a 100 foot zone of protection.

Stoneham, Massachusetts Wetland Bylaw, Adopted May 2004)

II. Jurisdiction

Except as permitted by the Conservation Commission or as provided in this bylaw, no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas: any freshwater or coastal wetlands; marshes; wet meadows; bogs; swamps; vernal pools; banks; reservoirs; lakes; ponds of any size; rivers; streams; creeks; beaches; dunes; estuaries; the ocean; lands under water bodies; lands subject to flooding or inundation by groundwater or surface water; lands subject to tidal action, coastal storm flowage, or flooding; and lands abutting any of the aforesaid resource areas as set out in §VII (collectively the "resource areas protected by this bylaw"). Said resource areas shall be protected whether or not they border surface waters.

Then from Section VII Permits and Conditions,  
(third paragraph)

"Lands within 200 feet of rivers, ponds and lakes, and lands within 100 feet of other resource areas, are presumed important to the protection of these resources because activities undertaken in close proximity to resource areas have a high likelihood of adverse impact upon the wetland or other resource ... The Commission may therefore establish performance standards for protection of such lands including without limitation strips of continuous, undisturbed vegetative cover within the 200 foot or 100 foot area, or other form of work limit or setback to buildings, roads, landscaping and other features, unless the applicant convinces the Commission that the area or part of it may be disturbed without harm to the values protected by the bylaw. The specific size and type of protected area may be established by regulations of the Commission."

**Stow**      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**      Article 9, Section 2 of the Stow Town Bylaws reads:"No person shall remove, fill, dredge, alter, degrade, pollute, discharge into or build upon or within one hundred feet of any bank, fresh water wetland, beach, dune, flat, marsh, meadow, bog or swamp...without...receiving and complying with a permit issued pursuant to this Bylaw."

(Town of Stow, Wetland Protection General Bylaws Article 9, Adopted 1983, Amended 2003)

Stow Conservation Administrator Pat Perry (8/26/04) confirmed that Stow protects a 100 foot buffer zone around isolated vegetated wetlands and areas subject to flooding.

**Sudbury**      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**      The jurisdiction includes "any freshwater wetland."

From Section 2. Jurisdiction, "In accordance with this purpose no person shall remove, fill, dredge, build upon, degrade, pollute, discharge into, or otherwise alter the following resource areas: any freshwater wetland; marshes; wet meadows; bogs; swamps; vernal pools; banks; reservoirs; lakes; ponds; rivers; streams; creeks; lands under waterbodies; lands subject to flooding by ground water, surface water, or storm flow (collectively the 'wetland resource areas protected by this bylaw') as described in Section 9. Definitions, without a permit from the Conservation Commission, or as provided by this Bylaw."

Additionally, in Section 7. Permits and Conditions,

"Lands within 100 feet of wetlands resource areas and within 200 feet of perennial streams and rivers are presumed important to the protection of these resources because activities undertaken in close proximity to wetlands and other resources have a high likelihood of adverse impact upon the wetland or other resource, either immediately, as a consequence of construction, or over time,

as a consequence of daily operation or existence of the activities. These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, and harm to wildlife habitat. For this reason these adjacent upland areas are a valuable resource under this Bylaw. The Commission therefore may require that the applicant maintain a strip of continuous, undisturbed vegetative cover in part or all of the adjacent upland resource area and set other conditions on this area, unless the applicant provides evidence deemed sufficient by the Commission that the area or part of it may be disturbed without harm to the values protected by the law."

(Town of Sudbury Wetlands Administration Bylaw, Adopted 1994, Amended 1998)

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**Sutton**                    *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**                    Sutton includes perched wetlands in their jurisdiction. From Section 2.4.1 Jurisdiction over Wetlands in General, "[a]ll those resource areas, including the 100 foot buffer zone, 200 feet in a Riverfront District or adjacent upland resource area(s) and/or any perched wetlands, any bordering vegetated wetlands, are those areas related to water, the water table or column, and/or subject to isolated or bordering floods, and all areas(s) under water, and which are defined and protected under the regulative jurisdiction of the Wetlands Protection Act, MGL c. 131, Section 40, Regulations, and the Rivers Protection Act, 310 CMR 10.00, as they may be amended from time to time, and this Bylaw."

(Sutton Wetlands and Riverfront District Administration Bylaw and its Rules and Regulations, Adopted 1983, Adopted 2000)

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**Swansea**                    *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**                    From Article I General Provisions, 1.03 Jurisdiction, "A. Resource Areas Subject to Protection Under the Bylaw 1. Any freshwater wetland, any coastal wetland, any freshwater marsh, any coastal marsh, any wetland meadow, any bog, any swamp, any bank, any beach, any dune, any flat, any vegetated or un-vegetated wetland 2. Any lake, any pond, any river, perennial or non-perennial, any stream, any creek, any estuary, or the ocean or bay 3. Any land under any of the waterbodies set forth in 1.03(A)(2) above 4. Any land subject to flooding or inundation by: Groundwater, surface water, tidal action, coastal action, or coastal storm flowage."

(Rules and Regulations Under the Swansea Wetlands Protection Bylaw)

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**Taunton**                    *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**                    From section 16-31. Jurisdiction, "[e]xcept as permitted by the Conservation Commission pursuant to the Act or as provided in this ordinance no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following protectable resource areas: any freshwater marshes; wet meadows; bogs; swamps; vernal pools, banks; reservoirs, lakes, ponds of any size; rivers; streams; creeks, beaches, dunes; estuaries; lands under water bodies; lands subject to flooding or inundation by groundwater or surface water, lands subject to tidal action, coastal storm flowage, or flooding; and lands abutting any of the aforesaid resource areas as set out in VII (collectively the "resource areas protected by this ordinance"). Said resource areas and their applicable buffer zones under the Act, if any, shall be protected whether or not they border surface waters."

(Chapter 16 City of Taunton Conservation Ordinance, Adopted 2001)

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**Tewksbury**                    *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**                    Article 18.04.30 (1) lists any area "Within 100 feet of any vegetated wetlands wet meadow, marsh, swamp or bog;" as protected by the wetlands bylaw.

**Topsfield***Does the municipality regulate buffer zones around isolated vegetated wetlands?***Yes**

Section 62-2 of the Topsfield bylaws protects "a. Freshwater wetlands" and "e. Land within one hundred (100) feet of Freshwater wetlands, bodies of water, land under water, or banks;" Section 62-3 reads in part: "Freshwater Wetland shall mean and include any marsh bog, swamp, or wetmeadow, whether or not it borders on water. The wetland may be defined by its vegetational community, soil composition or hydrologic regime. A wetland not bordering on a body of water and not exceeding five thousand (5,000) square feet shall not be subject to protection under this bylaw."

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**Townsend***Does the municipality regulate buffer zones around isolated vegetated wetlands?***Yes**

From 138-1 of the Bylaw, Section B, "[i]n accordance with this purpose no person shall remove, fill, dredge, build upon, degrade, pollute, discharge into, or otherwise alter the following resource areas: banks, freshwater wetlands, marshes, bogs, wet meadows, swamps, creeks, rivers, streams, ponds, lakes, lands under water bodies, lands subject to flooding or inundation, vernal pools, isolated wetlands (collectively, resource areas) and lands within a buffer zone (as defined in 138-7) of any such resource areas without a permit from the Conservation Commission, or as provided by this by-law."

(Townsend Wetlands Bylaw, Adopted 1983, Amended 1987)

From Section 138-7 Definitions, A(6), "'Buffer zone' shall be defined as: [Amended 4-29-1997 ATM by Art. 42; 5-1-2001 ATM by Art. 49] (a) An area extending 100 feet horizontally outward from banks, freshwater wetlands, marshes, bogs, wet meadows, swamps, intermittent creeks, intermittent streams, lands under water bodies, lands subject to flooding or inundation, vernal pools, isolated wetlands and ponds not granted a two-hundred-foot buffer and an area extending 200 feet horizontally from a river or perennial stream (riverfront area) as defined in the Massachusetts Wetlands Protection Act (MGL c. 1313, 40)."

(Townsend Wetlands Bylaw, Adopted 1983, Amended 1987)

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**Tyngsborough***Does the municipality regulate buffer zones around isolated vegetated wetlands?***Yes**

"Except as permitted by the Commission or as provided in this bylaw, no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas: any freshwater wetlands; marches; wet meadows; bogs swamps; vernal pools; banks; reservoirs; lakes; ponds on any size; rivers; steams; creeks; beaches; lands under water bodies; lands subject to flooding or inundation by groundwater or surface water; or flooding, and lands abutting, any of the aforesaid resource areas as set out in Section 7 (collectively the "resource areas protected by this bylaw"). Said resource areas shall be protected whether or not they border surface waters." From the Town of Tyngsboro Wetlands Protection Bylaw, Section 2.1(Effective 10/08/02).

"Lands within 200 feet of rivers, and lands within 100 feet of other resource areas, are presumed important to the protection of these resources because activities undertaken in close proximity to resource areas have a high likelihood of adverse impact upon the wetlands or other resource area, either immediately, as a consequence of construction, or over time as a consequence of daily operation or existence of the activities. These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, degraded water quality, and loss of degradation of wildlife habitat. The Commission therefore may require in its regulation that the applicant maintain a strip of continuous, undisturbed vegetative cover and a strip of continuous area where no permanent structures or impervious surfaces exist within the 200- foot or 100 foot area, unless the applicant present credible evidence which in the judgment of the Commission the area or part of it may be disturbed without harm to the values protected by this bylaw." From the Town of Tyngsboro Wetlands Protection Bylaw, Section 7.3 (Effective 10/08/02).

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**Upton***Does the municipality regulate buffer zones around isolated vegetated wetlands?***Yes**

The jurisdiction specifically states that the resource area does not need to border surface waters to receive protection.

From Section II. Jurisdiction,

"Except as permitted by the Conservation Commission or as provided in this bylaw, no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas: any freshwater marshes; wet meadows; bogs; swamps; vernal pools; banks; reservoirs; lakes; ponds of any size; rivers; streams; creeks; beaches; lands under water bodies; lands subject to flooding or inundation by groundwater or surface water; flooding; and lands abutting any of the aforesaid resource areas as set out in §VII (collectively the "resource areas protected by this

bylaw"). Said resource areas shall be protected whether or not they border surface waters."

Then from section VII. Permits and Conditions,

"Lands within 200 feet of rivers, ponds and lakes, and lands within 100 feet of other resource areas, are presumed important to the protection of these resources because activities undertaken in close proximity to resource areas have a high likelihood of adverse impact upon the wetland or other resource, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities...The Commission may therefore establish performance standards for protection of such lands including without limitation strips of continuous, undisturbed vegetative cover within the 200-foot or 100-foot area, or other form of work limit or setback to buildings, roads, landscaping and other features, unless the applicant convinces the Commission that the area or part of it may be disturbed without harm to the values protected by the bylaw. The specific size and type of protected area may be established by regulations of the Commission."

(Town of Upton Proposed Wetlands Protection Bylaw, Adopted 2004)

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## Walpole

### Does the municipality regulate buffer zones around isolated vegetated wetlands?

#### Yes

The Walpole Wetlands Protection Bylaw Regulations defines a protected resource area, in Section 1.2, as:

"Any bank, freshwater wetland, marsh, wet meadow, bog, swamp, stream, river, pond, lake, vernal pool (as defined by the Natural Heritage & Endangered Species Program), or any land bordering thereon, or any land subject to flooding or inundation. Bordering in this context shall mean either (a) 100-foot horizontally lateral from any of the foregoing areas; or (b) 100-foot lateral from the water elevation of the 100 year storm, whichever is greater of (a) or (b); and (c) land within 200-feet of the mean annual high-water line of any year round river or stream. Further defined in Section 9 of the Bylaw."

Section 9 does not provide any additional information.

Researcher concluded that any freshwater wetland includes isolated wetlands.

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## Watertown

### Does the municipality regulate buffer zones around isolated vegetated wetlands?

#### Yes

Answer is based on Section IV - Standards for Inland Wetlands, Part B Vegetated Wetlands (Wet Meadows, Marshes, Swamps, and Bogs) -- the section does not distinguish between isolated and non-isolated wetlands. Watertown also regulates isolated lands subject to flooding which can include vegetated wetlands.

In addition, the jurisdiction does protect "any freshwater wetland" and does not specify that the wetland needs to border surface waters to garner protection.

From the regulations, Section I General Provisions, Part C Statement of Jurisdiction,

"(1) Areas Subject to Protection Under the Ordinance. The following areas are subject to protection under the Ordinance:

- (a) Any freshwater wetland, marsh, wet meadow, bog, beach, swamp, or bank.
- (b) Any land within 150 feet of any of the areas set forth in Section I(C)(1)(a) above;
- (c) Any lake, river, pond, stream, or watercourse;
- (d) Any land under any of the water bodies set forth in Section I(C)(1)(c) above;
- (e) Any land within 150 feet of the water bodies set forth in Section I(C)(1)(c) above;
- (f) Any land subject to flooding or inundation by:  
groundwater, surface water of the 100-year flood;
- (g) Any land within 150 feet of any land subject to flooding or inundation as set forth in Section I(C)(1)(f) above."

(Rules and Regulations for the Administration of the Watertown Wetlands Ordinance of 1987, Adopted 1989)

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## Wayland

### Does the municipality regulate buffer zones around isolated vegetated wetlands?

#### No

From a statement of the home page of the Wayland Conservation Commission' website,

"The Wetlands Protection Act prohibit construction, earth-moving, or the alteration of soils or vegetation within 100 feet of the wetlands and/or 200 feet



of a perennial stream without the authorization of the Commission. In Wayland, wetlands include ponds, streams, vernal pools, banks, bordering vegetative wetlands, flood plains, and forested wetlands. The Conservation Commission is the sole board that determines whether an area is or is not under their jurisdiction, no other board or department has the authority to do so." (<http://www.wayland.ma.us/conservation/>, Accessed 11/03)

From the code of Town of Wayland, Massachusetts, Chapter 194.2, 2002:

BUFFER ZONE -- Unless otherwise specified herein, any land whichever is the greater distance of the following:

(1)One hundred feet horizontally lateral from the edge of any bog, marsh, wet meadow, swamp, pond, vernal pool, bank, streambed, lake, stream or any other resource area specified in this chapter; or

(2)One hundred feet horizontally lateral from the water elevation of the one-hundred-year storm, or land subject to flooding or inundation.

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From the bylaw:

WETLAND -- Wet meadows, marshes, swamps, bogs, and other areas where groundwater, flowing or standing surface water or ice provide a significant part of the supporting substrate for a hydrophilic plant community, or emergent and submergent plant communities in inland waters.

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**Wellesley**      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**      Town of Wellesley Wetlands Protection Bylaw, Article 44 of Town Bylaws, Section 2 (Adopted 2002, Amended 2004)

Section 2: Jurisdiction

...isolated wetlands so long as they cover at least 2,500 square feet of surface area; land within 100 feet of the aforesaid resource areas...

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**Wenham**      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**      Section 2 of the Wenham Water Resources Protection Bylaw protects "any freshwater wetland as determined by vegetational community, soils composition or hydrologic regime including any marsh, wetmeadow, bog, or swamp...or lands within one hundred (100) feet of any of the aforesaid resource areas."

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**West Bridgewater**      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**      Section 9.1.9 states that land within 100 feet of a vegetated wetland is significant to its functions. This places said land under the jurisdiction of the Conservation Commission as a buffer zone.

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**Westford**      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**      The town jurisdiction does not specify that the wetlands need to be bordering surface waters.

Westford Town Bylaw 171-2.A states:

"Except as permitted by the Conservation Commission or as provided by this chapter, no person shall remove, fill, dredge, alter or build upon or within one hundred (100) feet of any bank, freshwater wetland, flat, marsh, wet meadow, bog, swamp, vernal pool or beach; upon or within one hundred (100) feet of any brook, stream, pond or lake or upon or within one hundred (100) feet of any land under said waters or within one hundred (100) feet of the one-

hundred-year floodline as determined under the Federal Emergency Management Agency (FEMA). "

(Town of Westford Non-Zoning Wetlands Bylaw, Chapter 171, Adopted 1987)

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**Westwood**      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**      According to Alice Smith, conservation agent, (6/22/04) Westwood regulates buffer zones around isolated vegetated wetlands.

Any wetland, and the 100 foot zone around it, is subject to protection by the jurisdiction.

From Section 2. Jurisdiction, "Except as permitted by the Conservation Commission or as provided in this Bylaw, no person shall remove, fill, dredge, build upon, or alter the following resource areas: any freshwater wetland, marsh, wet meadow, bog, or swamp; any bank, lake, pond, vernal pond, river, or stream; any land under said waters; any land subject to flooding; or any riverfront area. Any activity proposed or undertaken within one hundred (100) feet of any freshwater wet- land marsh, wet meadow, bog, swamp, bank, lake, pond, vernal pond, river or stream (here- in after called the Buffer Zone), which, in the judgment of the Commission will alter an area subject to protection under this Bylaw is subject to regulation under this Bylaw."

(Westwood Wetlands Protection Bylaw, Article 18)

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**Weymouth**      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**      The Code of Ordinances, Town of Weymouth, Chapter 7, Section 7-301(B)(1), which lists an area of jurisdiction, states as follows:  
"Any freshwater or coastal wetland, riverine wetland, marsh, wet meadow, bog, swamp or kettle hole, whether bordering on surface waters or isolated, or whether annual or seasonal." Section 7-301(B)(8) indicates that there is a 100 foot buffer zone around each area listed as a protected resource area.

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**Winchester**      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**      Town of Winchester Code of Bylaws, Chapter 13, 2.21 and 3.00(Enacted March 4, 1976, Updated March 2004)

2.21 "Wetland" shall include, but not be limited to, wet meadows, bogs, and swamps, and may include land within one hundred feet of any bank, lake, river, pond, or stream, land under said waters, or land subject to flooding or inundation by groundwater or surface water.

Section 3. JURISDICTION Except as permitted by the commission or as provided in this by-law no person shall remove, fill, dredge, alter, or build upon or within one hundred (100) feet of any freshwater wetland, wet meadow, bog, or swamp;

**Winthrop**      *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**      The jurisdiction specifies freshwater wetlands, and does not mention that the wetlands need to border surface waters.

From Section 13802. Jurisdiction,

"Except as permitted by the Conservation Commission or provided in this chapter, no person shall remove soil or vegetation from fill, dredge, build upon, discharge into or alter the following resource areas:

- A. Coastal wetlands
- B. Freshwater wetlands
- C. Bank, beach, dune, marsh of flat bordering a water body; or land within 100 feet of these resource areas; or land under a water body; or land subject to flooding, tidal action or coastal storm flowage or vernal pools within a wetland; or land within 100 feet of the Marsh Area of Critical Environmental Concern."

**Woburn**                    *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**No**                    According to Theresa Murphy, Woburn Conservation Administrator, (7/2/04) Woburn does not regulate the buffer zone around isolated vegetated wetlands.

Note, however, that the jurisdiction does not mention that the wetlands need to be bordering and could be interpreted as isolated.

From Section 7-2 Jurisdiction,

"Except as permitted by the Conservation Commission or as provided in this Ordinance, no person shall remove, fill, dredge, alter or build within 150 feet of any fresh water wetland, marsh meadow, bog or swamp; upon or within 150 feet of any lake, river, pond, stream; upon or within any land under said waters; or upon any land subject to flooding or inundation by groundwater or surface water. (Prior Ch. 9-A, sec A; new Ord. Dated 06/24/87)."

(Title 7 Wetlands Protection and Conservation)

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**Worcester**                    *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**                    Except as permitted by the Conservation Commission or as provided in this ordinance, no person shall remove, dredge, build upon, or alter the following areas: within one hundred (100) feet of any freshwater wetland, bordering vegetated wetland, marsh, wet meadow, bog or swamp; within one hundred (100) feet of any bank; any lake, river, pond, or stream; any land under said waters; any land subject to flooding; or within one hundred (100) feet of any existing or proposed inlet to any storm drain, catch basin, or other storm drain system component discharging to any lake, pond, river, stream, or wetland. In addition, any project in progress, which is not serviced by a combined sewer system, and from which a visible occurrence of silted/polluted effluent is entering any of the jurisdictional areas in the previous sentence, regardless of any exceptions in Section 3, shall be placed under the jurisdiction of the Conservation Commission and is subject to the permit and application required by this ordinance.

(City of Worcester Wetlands Protection Ordinance and Wetlands Protection Regulations, Adopted September 1990)

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**Wrentham**                    *Does the municipality regulate buffer zones around isolated vegetated wetlands?*

**Yes**                    Article 16, Section 2 of the Wrentham town bylaws states that the commission protects "any...freshwater wetland...or any land within 100 feet of any of the aforesaid resource areas..."

(Town of Wrentham Wetlands Protection Bylaw, Article 16, Adopted 1999)

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