

Land Subject to Flooding

Does the municipality regulate buffer zones around "land subject to flooding"?

Issue Overview The state wetlands regulations list "land subject to flooding" in the "Statement of Jurisdiction," but they do not grant a buffer zone of protection around land subject to flooding. The state "buffer zone" extends only around vegetated wetlands that "border" lakes, ponds, or other bodies of water. Many local bylaws and regulations extend the conservation commission's jurisdiction to regulate activities in buffer zones around land subject to flooding.

Research Coding Researcher usually located the answer to the question in the statement of jurisdiction in the local bylaw/ordinance and/or regulations.

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Issue Overview The state regulations list "land subject to flooding" in the statement of jurisdiction, and do not grant a buffer zone to such land. The state regulations group lands subject to flooding into two categories: isolated and bordering. The state defines Isolated Land Subject to Flooding as "an isolated depression or closed basin without and inlet or an outlet. It is an area which at least once a year confines standing water to a volume of at least ¼ acre-feet and to an average depth of at least six inches." The boundary of Bordering Land Subject to Flooding is the estimated extent of floodwater which would result from the statistical 100-year frequency storm, according to data provided by FEMA.

There are a few ways that municipalities' treatment of "land subject to flooding" differs from the state. First, many municipalities grant buffer zones of protection around land subject to flooding. Second, municipalities redefine what qualifies as land subject to flooding. While the state regulations use the language "land subject to flooding," many municipalities added the terms (in the statement of jurisdiction) "land subject to flooding and inundation by groundwater or surface water." Some bylaws/ordinances that include these terms are explicit that the state definitions of flooding apply. Some do not define the terms at all. In some cases, this language (inundation by groundwater or surface water) indicates a change from state requirements.

Many municipalities reduce the size and depth requirement for "isolated land subject to flooding" – often to 1/8 acre-foot, sometimes with no depth requirement. Some municipalities indicate generally that isolated land subject to flooding only needs to confine standing water once per year (with no size requirement). Some include even broader definitions with the language: "temporary inundation... that covers land not usually under water."

Research Coding Researchers coded the answer Yes if the bylaw/ordinance or regulations grant a buffer zone around land subject to flooding or broaden the definition of flooding. For municipalities that added the terms "inundation by groundwater or surface water," but did not provide definitions or grant a buffer zone, the answer is coded No, unless a conservation agent told the researcher otherwise. In many of the ambiguous cases, the conservation commission clarified the answer in written surveys, through phone conversations with the researcher, or by email.

Abington

Does the municipality regulate buffer zones around "land subject to flooding"?

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."

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are the same as the state.

The terms "inundation by groundwater or surface water" have been added in the jurisdiction.

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."

The terms "inundation by groundwater or surface water" have not been defined.

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."

The researcher did not find any reference to a change in definitions for LSF.

Acton

Does the municipality regulate buffer zones around "land subject to flooding"?

No From Section 1.3 Jurisdiction, in part, "Wetland and buffer zone resource areas protected by this Bylaw include:
(1) Any vegetated wetland (marsh, swamp, wet meadow, bog, etc.)
(2) Any river or stream (intermittent or perennial)
(3) Any lake or pond
(4) Any bank of the resource areas identified in 1.3(2) and (3)
(5) Any vernal pool or pool of water having vernal pool properties or characteristics
(6) All lands within 100 feet of the wetland resource areas identified in 1.3(1) through (5) (buffer zone resource areas)
(7) Any land subject to flooding or isolated land subject to flooding..."

(Town of Acton Wetland Protection Bylaw Rules and Regulations, Adopted 2004)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

No No additional terms are added.
Lands subject to flooding are not given buffer zones.
Definitions for LSF are the same as the state.

From Section 1.3 Jurisdiction, in part, "Wetland and buffer zone resource areas protected by this Bylaw include:

- (1) Any vegetated wetland (marsh, swamp, wet meadow, bog, etc.)
- (2) Any river or stream (intermittent or perennial)
- (3) Any lake or pond
- (4) Any bank of the resource areas identified in 1.3(2) and (3)
- (5) Any vernal pool or pool of water having vernal pool properties or characteristics
- (6) All lands within 100 feet of the wetland resource areas identified in 1.3(1) through (5) (buffer zone resource areas)
- (7) Any land subject to flooding or isolated land subject to flooding..."

(Town of Acton Wetland Protection Bylaw Rules and Regulations, Adopted 2004)

Section F3.17 of the Acton Wetlands Bylaw uses a definition of "lands subject to flooding" that is consistent with the 310 CMR standard (once per year confines standing water to a volume of 1/4 acre-foot and an average depth of 6 inches).

Amesbury

Does the municipality regulate buffer zones around "land subject to flooding"?

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."

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are the same as the state.

The terms "lands subject to ... inundation by ground water or surface water" have been added.

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)

The terms "lands subject to ... inundation by ground water or surface water" have not been defined in the bylaw.

The researcher did not find any reference to a change in the definition of ILSF or BLSF.

Andover

Does the municipality regulate buffer zones around "land subject to flooding"?

No 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, Wetlands Protection By-Law, Adopted 1999)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are not given buffer zones.
Definitions for LSF are the same as the state.

The terms "land subject to ... inundation by groundwater or surface water" have been added to the bylaw.

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, Wetlands Protection By-Law, Adopted 1999)

From Section 5: Definitions of the Andover Wetlands Regulations states:

"Groundwater is all subsurface water contained in natural geologic formations or artificial fill, including soil water in the zone of aeration. Activities in or within 100 feet of a resource areas shall not significantly alter the existing quality or elevation of naturally occurring ground water."

"Land subject to flooding is defined in 310 CMR 10.57, as may be amended."

"Land subject to inundation means the same as the land subject to flooding or isolated land subject to flooding."

(Regulations Adopted by the Andover Conservation Commission Pursuant to the Town of Andover's General Bylaw For Wetland Protection, Adopted 2002)

"Surface water" is not defined in the bylaw or regulations.

From Section 5: Definitions:

Bordering land subject to flooding "is defined in 310 CMR 10.57(2), as may be amended.

Isolated land subject to flooding "is defined in 310 CMR 10.57(2), as may be amended.

Land subject to flooding "is defined in 310 CMR 10.57, as may be amended.

Land subject to inundation "means the same as land subject to flooding or isolated land subject to flooding."

(Regulations Adopted by the Andover Conservation Commission Pursuant to the Town of Andover's General Bylaw For Wetland Protection, Adopted 2002)

Arlington

Does the municipality regulate buffer zones around "land subject to flooding"?

No 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.

Wetlands Protection Regulations Town of Arlington, Section 4, (Revised 2001)

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.

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes

Additional terms are added.

No buffer zone around lands subject to flooding.
Definitions for LSF are not the same as the state.

The terms "land subject to ...inundation" have been added to the jurisdiction.

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.

Wetlands Protection Regulations Town of Arlington, Section 4, (Revised 2001)

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.

28.LAND SUBJECT TO FLOODING OR INUNDATION shall mean the land within the estimated maximum lateral extent of flood water which will theoretically result from the statistical 100-year frequency storm; said boundary shall be that determined by reference to the most recently available flood profile data prepared for Arlington within which the work is proposed under the National Flood Insurance Program ("NFIP"). Where NFIP data are unavailable or deemed by the Commission to be outdated, the boundary of said land shall be based on the maximum lateral extent of flood water which has been observed or recorded, or other evidence presented and considered by the Commission. Said land shall also include isolated areas which frequently or seasonably hold standing water; such areas may or may not be characterized by wetland vegetation or soil characteristics.

(Wetlands Protection Regulations Town of Arlington, Amended 2001)

ILSF are not given a size requirement.

Section 19 - Land subject to flooding (bordering and isolated)

A. Findings.

- (1) Bordering land subject to flooding.
 - (a) Bordering land subject to flooding is an area which floods from a rise in a bordering waterway or water body. Such areas are

likely to be significant to flood control and storm damage prevention.

(b) Bordering land subject to flooding provides a temporary storage area for floodwater which has overtopped the bank of the main channel of a creek, river or stream or the basin of a pond or lake. During periods of peak runoff, floodwaters are both retained (i.e., slowly released through evaporation and percolation) and detained (slowly released through surface discharge) by bordering land subject to flooding. Over time, incremental filling of these areas causes increases in the extent and level of flooding by eliminating flood storage volume or by restricting flows, thereby causing increases in damage to public and private properties.

(c) The hydrologic regime, plant community and structure, topography, soil, and proximity to water bodies or vegetated wetlands provide important food, shelter, migratory, and overwintering areas, and breeding for wildlife.

(d) The hydrologic regime, surrounding plant community, topography, soil, and proximity to water bodies or vegetated wetlands make bordering land subject to flooding allow vegetation to successfully grow in these areas.

(2) Isolated land subject to flooding.

(a) Isolated land subject to flooding is an isolated depression or a closed basin which serves as a ponding area for runoff or high groundwater which has risen above the ground surface. Such areas are likely to be locally significant to flood control and storm damage prevention. In addition, where such areas are underlain by pervious material they are likely to be significant to public or private water supply and to groundwater supply. Where such areas are underlain by pervious material covered by a mat of organic peat and muck, they are also likely to be significant to the prevention of pollution. Isolated land subject to flooding provides important breeding habitat for amphibians and some rare plants. Isolated land subject to flooding provides a temporary storage area where runoff and high groundwater pond and slowly evaporate or percolate into the substrate. Filling causes lateral displacement of the ponded water onto contiguous properties, which may result in damage to said properties.

(b) Isolated land subject to flooding, where it is underlain by pervious material, provides a point of exchange between groundwaters and surface waters. Contaminants introduced into said area, such as road salts, find easy access into the groundwater. Where these conditions occur and a mat of organic peat or muck covers the substrate of the area, said mat serves to detain and remove contaminants which might otherwise enter the groundwater.

B. Definitions, critical characteristics and boundaries.

(1) Bordering land subject to flooding.

(a) Bordering land subject to flooding is an area with low, flat topography adjacent to and inundated by floodwaters rising from creeks, rivers, streams, pond or lakes. It extends from the banks of these waterways and water bodies; where a bordering vegetated wetland occurs, it extends from said wetland.

(b) The topography and location of bordering land subject to flooding specified in the foregoing Subsection B(1)(a) are critical to the protection of the interests specified in subsection A(1) above.

(c) The boundary of bordering land subject to flooding is the estimated maximum lateral extent of floodwater which will theoretically result from the statistical one-hundred-year-frequency storm.

i. Said boundary shall be that determined by reference to the most recently available flood profile data prepared for the community within which the work is proposed under the National Flood Insurance Program (NFIP, currently administered by the Federal Emergency Management agency, successor to the U.S. Department of Housing and Urban Development). Said boundary, so determined, shall be presumed accurate. This presumption may be overcome only by credible evidence from a registered professional engineer or other professional competent in such matters.

ii. Notwithstanding the foregoing, where NFIP profile data is unavailable or is determined by the Commission to be outdated, inaccurate or not reflecting current conditions, the boundary of bordering land subject to flooding shall be the maximum lateral extent of floodwater which has been observed or recorded.

(2) Isolated land subject to flooding.

(a) Isolated land subject to flooding is an isolated depression or closed basin without an inlet or an outlet. It is an area which at least once a year confines standing water. Isolated land subject to flooding may be underlain by pervious material, which in turn may be covered by a mat of peat or muck.

(b) The characteristics specified in the foregoing Subsection B(2)(a) are critical to the protection of the interests specified in Subsection A(2) above.

(c) The boundary of isolated land subject to flooding is the perimeter of the largest observed or recorded volume of water confined in said area.

C. No activity, other than the maintenance of an already existing structure, which will result in the building within or upon, or removing, filling, dredging or altering of, land subject to flooding shall be permitted by the Conservation unless the Applicant can demonstrate by a preponderance of credible evidence that the resource area values protected by the Bylaw are not significantly or cumulatively effected.

D. Any activity which is allowed under this section on land subject to flooding shall not result in the following:

- (1) Flood damage due to filling which causes lateral displacement of water that would otherwise be confined within said area;
- (2) Adverse effect on public and private water supply or groundwater supply, where said area is underlain by pervious material;
- (3) An adverse effect on the capacity of said area to prevent pollution of the groundwater, where the area is underlain by pervious material which in turn is covered by a mat of organic peat and muck.

Any such activity shall provide compensatory flood storage for all flood storage volume that will be lost at each elevation.

Compensatory flood storage shall be at a 2:1 ratio for each unit volume of flood storage lost at each elevation. Compensatory flood storage shall mean a volume not previously used for flood storage, shall have an unrestricted hydraulic connection to the same waterway or water body, and, with respect to waterways, shall be provided within the same reach of the river, stream, or creek. Parking garages or structures in which petroleum, hazardous materials, or pollutants will likely be found may not be used as compensatory storage. The Commission has found that such an approach results in a significant or cumulative effect upon the resource area values protected by the Bylaw, and has found that these facilities can result in the uncontrolled acute or chronic release of these harmful materials into the resource areas protected by the Bylaw. The Commission has also found that using these structures for flood storage can result in the damage of vehicles and property under flooding conditions.

E. No work shall be performed within 50 feet of land subject to flooding that abuts and estimated habitat area as designated on the most current map prepared by the Massachusetts Natural Heritage and Endangered Species Program without a request for a variance and a variance granted by the Commission, and said variance request shall receive the highest level of scrutiny.

(Wetlands Protection Regulations Town of Arlington, Amended 2001)

Note: on survey received from the Arlington Conservation Commission on 4/27/05, the comment "Not greater area, but more compensation" was added to the "yes" answer under the question "Does the municipality define 'areas subject to inundation and flooding' to cover greater potential area than the jurisdiction in the state Wetlands Protection Act would cover?"

Ashland

Does the municipality regulate buffer zones around "land subject to flooding"?

No Lands subject to flooding are not mentioned in the jurisdiction, and thus the researcher concluded the jurisdiction for the town of Ashland in this matter is the same as the state.

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

No No additional terms are added.
Lands subject to flooding are not given buffer zones.
Definitions for LSF are the same as the state.

Lands subject to flooding are not mentioned in the jurisdiction, and thus the researcher concluded the jurisdiction for the town of Ashland in this matter is the same as the state.

The researcher found no reference to changes in definitions to LSF in the bylaw.

Attleboro

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes "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)." From the City of Attleboro Wetlands Protection Rules and Regulations, Section 1.3 (Adopted 2004)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Buffer zone around land subject to flooding.
Definition for Lsf not the same as the state.

"LANDS SUBJECT TO FLOODING OR INUNDATION (BY GROUNDWATER OR SURFACE WATER) – shall include Isolated or Bordering Land Subject to Flooding as defined in 310 CMR 10.57 as well as any isolated shallow or special flood hazard area, or closed basins, which at least once per year confine standing water characterized by ponding or sheet flow to an average depth of six (6) inches or more and a surface area of 2,000 square feet or more."

"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)." From the City of Attleboro Wetlands Protection Rules and Regulations, Section 1.3 (Adopted 2004)

From the City of Attleboro Wetlands Protection Rules and Regulations:

4.6 LAND SUBJECT TO FLOODING

The Commission shall rely on information contained within the Federal Emergency Management Agency, National Flood Insurance Program (NFIP), Flood Insurance Rate Maps for determining the extent of Bordering Land Subject to Flooding (BLSF), which in most cases extends up to and includes the 100 year flood elevation. In the event that NFIP Profile data is unavailable, the boundary of BLSF shall be determined using the methods described in 310 CMR 10.57(2)(a)3. The engineering calculations referred to in 310 CMR 10.57(2)(a)3. shall be based on a design storm of seven inches of precipitation in 24 hours (i.e., a Type III Rainfall, as defined by NRCS).

The Ordinance protects Isolated Land Subject to Flooding (ILSF), as defined in 310 CMR 10.57(2)(b), as a Wetland Resource Area. The Ordinance also protects other isolated Lands Subject to Flooding or Inundation, which may not be large enough to meet the definition of ILSF under the Act. These areas include any isolated shallow or special flood hazard area, or closed basins, which at least once per year confine standing water characterized by ponding or sheet flow to an average depth of at least six (6) inches and a surface area of at least 2,000 square feet or an equivalent volume of 1,000 cubic feet.

Auburn

Does the municipality regulate buffer zones around "land subject to flooding"?

No On 10/25/04, the researcher confirmed with the conservation administrator that lands subject to flooding do not have a buffer. 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)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

No No additional terms are added. Lands subject to flooding are not given buffer zones. Definitions for LSF are the same as the state.

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)

The researcher found no reference to definitions for LSF in the bylaw.

Avon

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes 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)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are the same as the state.

The terms "lands subject to ...inundation by groundwater or surface water" have been added to the jurisdiction.

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)

The terms in the phrase "lands subject to ...inundation by groundwater or surface water" have not been defined in the bylaw.

Researcher found no reference to a change in the definitions for LSF.

Bedford

Does the municipality regulate buffer zones around "land subject to flooding"?

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.

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are not the same as the state.

The terms "land subject to ...inundation by groundwater or surface water" have been added in the jurisdiction.

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.

The terms in the phrase "land subject to ...inundation by groundwater or surface water" have not been defined.

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)

Town of Bedford Conservation Commission Regulations Pursuant to the Bedford Wetlands Protection Bylaw, Section 2.2.2.6

2.2.2.6 Land Subject to Flooding (bordering and isolated)

Where a proposed activity will alter land subject to flooding, the Commission shall presume that the land is significant to all the wetland values of the Bylaw. This presumption is rebuttable, and can be overcome by the proponent proving by a preponderance of the credible evidence that said land does not play a role in the protection of any of the wetland values. In the event that the presumption is not overcome, any activity within land under a waterbody or watercourse shall:

- a) comply with the performance standards identified in 310 CMR 10.57 (4) (a-b) and any amendments thereof; and
- b) not alter the ability of the land to provide breeding habitat, escape cover, or food for wildlife; and
- c) neither decrease the flood storage capacity, nor increase or decrease the groundwater infiltration rate of the land.

Notwithstanding the foregoing, permanent alterations of any sort may not occur within any area two vertical feet or more below the contour of the 100 year floodplain, or within the 10 year floodplain according to the most recently adopted flood insurance rate map.

2.2.2.7 Detention Ponds, Retention Ponds and other Flood/Discharge Control Measures

Any facilities constructed for flood and/or discharge control from or on the site shall be mapped onto the master set of the town's wetland maps, and copies of the modified map(s) shall be delivered to the Bedford Conservation Commission, Planning Board, Building Inspector, Department of Public Works, Board of Assessors, and Town Clerk. The work shall be performed, certified, and stamped by a registered land surveyor at the proponent's expense. Further, the Commission shall require that the proponent submit a maintenance plan for the flood and discharge control measures which shall:

- a) insure the continuing function of the facilities as originally designed, and
- b) identify the source of funds and the party responsible for implementing the maintenance plan.

Town of Bedford Conservation Commission Regulations Pursuant to the Bedford Wetlands Protection Bylaw, Appendix A, Definitions

Bordering land subject to flooding - an area which floods from a rise in a bordering watercourse or waterbody. The 100 year or 10 year floodplain shall be determined as indicated in Mass. General Laws, Chapter 131, Section 40 or any amendments thereof.

Isolated land subject to flooding - an isolated depression or basin which confines at least either 10,000 square feet or 1/8 acre foot, whichever is smaller in surface area, of standing water inundation.

Beverly

Does the municipality regulate buffer zones around "land subject to flooding"?

- No** From Section III - Additional Wetland Resource Areas Protected Under the Beverly Wetland Protection Ordinance, Part C. Buffer Zone
- "2. Definition, Critical Characteristics, and Boundary:
A Buffer Zone is the area of land extending 100 feet horizontally from the delineated edge of the following resource areas:
- a. Bordering Vegetated Wetlands;
 - b. Isolated Vegetated Wetlands as provided above;
 - c. Bank, beach, fresh or salt water marsh, wet meadow, bog, or swamp;
 - d. Land under any creek, river, brook, stream, pond or lake;

Note that Riverfront Area and Bordering and Isolated Land Subject to Flooding do not have a Buffer Zone."

(City of Beverly Wetlands Protection Regulations, Adopted 2003)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

No Although the terms "any land subject to storm flowage, or flooding by groundwater or surface water" appear in the jurisdiction, land subject to flooding is not given a buffer zone, and it is defined according the state's standards. On a survey received from the Beverly Conservation Commission on 3/28/05, the answer was marked "no."

Additional terms are added.
Lands subject to flooding are not given buffer zones.
Definitions for LSF are the same as the state.

The terms "groundwater or surface water" have been added in the jurisdiction.

From Section I - General Provisions, Part C. Jurisdiction,
"The areas subject to protection under the Ordinance differ from those protected solely by the Act in that additional wetland resource areas are protected by the Ordinance, as well as the additional interests previously described. Wetland resource areas protected by the Ordinance include:

- 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;
- 6.)any 100-foot Buffer Zone of wetland areas 1 through 5 listed above;
- 7.)any land subject to storm flowage, or flooding by groundwater or surface water;
- 8.)the 200-foot Riverfront Area;
- 9.)the ocean.

Water bodies located in Beverly, and their contiguous 200-foot Riverfront Areas have been identified by the Commission and include, but are not limited to, the following: Bass River, Danvers River, Lawrence Brook, Chubbs Brook, and Centerville Creek."

The terms "groundwater or surface water" have not been defined in bylaw or regulations.

From Section III - Additional Wetland Resource Areas Protected Under the Beverly Wetland Protection Ordinance, Part C. Buffer Zone

"Note that Riverfront Area and Bordering and Isolated Land Subject to Flooding do not have a Buffer Zone."

(City of Beverly Wetlands Protection Regulations, Adopted 2003)

Below is the definition of the two flood areas in the City of Beverly Wetlands Protection Regulations, Section II (4) and (11) (2003, as amended):

Bordering Land Subject to Flooding means an area which floods from a rise in a bordering waterway or water body (i.e. surface water). (see 310 CMR 10.57 (2) (a) for definition, critical characteristics and boundaries for this resource area).

Isolated Land Subject to Flooding means an isolated depression or a closed basin which serves as pond area for surface run-off (i.e. storm flowage) or high groundwater which has risen above the ground surface (see 310 CMR 10.57(2)(b) for definition, critical characteristics and boundaries of this resource area).

Billerica

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes Article XXII, Section 2.1 of the Billerica town bylaws states:
"A. 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...
(1) A 'wetlands resource area protected by this by-law' is: any freshwater wetlands; marshes; wet meadows; bogs; swamps; vernal pools; banks; reservoirs; lakes; ponds; rivers; streams; creeks; beaches; lands under water bodies; and lands subject to flooding or inundation by groundwater or surface water. Said wetlands resource areas are defined in Section 5 and shall be

protected whether or not the wetlands resource areas border surface waters."

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are the same as the state.

The terms "lands subject to ...inundation by groundwater or surface water" have been added to the jurisdiction.

The terms in the phrase "lands subject to ...inundation by groundwater or surface water" have not been defined in the bylaw or regulations.

Article XXII, Section 2.1 of the Billerica town bylaws states:

"A. 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...

(1) A 'wetlands resource area protected by this by-law' is: any freshwater wetlands; marshes; wet meadows; bogs; swamps; vernal pools; banks; reservoirs; lakes; ponds; rivers; streams; creeks; beaches; lands under water bodies; and lands subject to flooding or inundation by groundwater or surface water. Said wetlands resource areas are defined in Section 5 and shall be protected whether or not the wetlands resource areas border surface waters."

From Section 3.07 Lands Subject to Flooding (Bordering and Isolated)

"A. Definition. The definitions of these wetland resource areas are found in 310 CMR 10.57."

(Billerica Conservation Commission Wetlands Protection Regulations, Adopted 2003)

Blackstone

Does the municipality regulate buffer zones around "land subject to flooding"?

No Note: The definition for wetland could be used to protect isolated lands subject to flooding, and given a 150 foot buffer zone of protection.

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)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

No Additional terms are not added.
Lands subject to flooding are not given buffer zones.
Definitions for LSF are the same as the state.

Note: The definition for wetland could be used to protect isolated lands subject to flooding, and given a 150 foot buffer zone of protection.

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."

The researcher found no reference to a change in definitions for LSF in the bylaw.

Bolton

Does the municipality regulate buffer zones around "land subject to flooding"?

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.

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are the same as the state.

The terms "lands subject to ...inundation by ground water or surface water" have been added.

"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.

The terms "lands subject to ...inundation by ground water or surface water" have not been defined in the bylaw.

The researcher did not find an alternate definition of LSF in the wetlands bylaw.

Boxborough

Does the municipality regulate buffer zones around "land subject to flooding"?

No From Section 1. General Provisions

"1.4 Areas Subject to Protection under the Bylaw.
The following Resource 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 of above resource areas (a through i). (Hereto known as the Adjacent Land Resource Area; referred to in Section 2.2 as Buffer Zone)

(Town of Boxborough Regulations for the Wetlands Bylaw, Adopted 2001)

Lands subject to flooding are mentioned in the definition of adjacent land resource area, which is regulated with a buffer zone. However, since these lands were not mentioned in the jurisdiction, the researcher concluded they did not have a buffer zone.

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes No additional terms are added.
Lands subject to flooding are not given buffer zones.
Definitions for LSF are not the same as the state.

In the jurisdiction, lands subject to flooding are not mentioned. Note, however, the researcher did find mention of additional words in the definition of "adjacent land resource area" but presumed since they were not in the jurisdiction, had no real effect or meaning.

From Section 1. General Provisions

"1.4 Areas Subject to Protection under the Bylaw.
The following Resource 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 of above resource areas (a through i). (Hereto known as the Adjacent Land Resource Area; referred to in Section 2.2 as Buffer Zone)

Then from 1.5 Definitions,

"1.5.1 Adjacent Land Resource Area: defined in Section 2.0 of the Bylaw as 'Buffer Zone'; this area includes the land area within 100 feet of any fresh water wetland; marshes; wet meadows; bogs; swamps; vernal pools; banks; reservoirs; lakes; ponds; rivers; streams; creeks; beaches; land under water bodies; land subjected to flooding or inundation by ground or surface water."

(Town of Boxborough Regulations for the Wetlands Bylaw, Adopted 2001)

On 11/16/04 a person at the Conservation Commission told the researcher that Boxborough's flooding policy was the same as the state's, except that Boxborough had removed size requirements for isolated lands subject to flooding.

"Isolated Lands Subject to Flooding: Any isolated depression without an inlet or outlet where surface or groundwater is at or near the surface of the ground for at least 8 weeks during the year to support wetland vegetations." From the Town of Boxborough Regulations for the Wetlands Bylaws. Section 1.5.9 (Adopted 11/14/01).

Boxford

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes Article 12, Section 2 of the Boxford town bylaws protects "any...lands subject to flooding or inundation by groundwater or surface water; land within 100 feet of said land subject to flooding or inundation. ...Said resource areas shall be protected whether or not they border surface waters. "

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are the same as the state.

The terms "any lands subject to ... inundation by groundwater or surface water" have been added to the jurisdiction.

Article 12, Section 2 of the Boxford town bylaws protects "any...lands subject to flooding or inundation by groundwater or surface water; land within 100 feet of said land subject to flooding or inundation. ...Said resource areas shall be protected whether or not they border surface waters. "

The terms in the phrase "any lands subject to ... inundation by groundwater or surface water" have not been defined.

From Section 375-4. Definitions,
"Bordering land subject to flooding is an area with low, flat topography adjacent to and inundated by flood waters rising from creeks, streams, rivers, ponds or lakes. The boundary of bordering land subject to flooding is the one-hundred-year floodplain. It extends from the outer edge of a bank or bordering vegetated wetland."

and

"Isolated land subject to flooding is any isolated depression without an inlet or an outlet which at least once a year confines standing water to a volume of at least 1/4 acre-foot of water with an average depth of at least six inches. The boundary is the perimeter of the largest observed or recorded volume of water confined in the basin."

(Town of Boxford Wetlands Protection Bylaw Regulations, Adopted 1994, Amended 2004)

Braintree

Does the municipality regulate buffer zones around "land subject to flooding"?

No Town of Braintree Wetland Bylaw Chapter 12.20 Braintree Bylaw, Section II:

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.

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

No Additional terms are added.
Lands subject to flooding are not given buffer zones.
Definitions for LSF are the same as the state.

The terms "inundation by groundwater or surface water" have been added to the jurisdiction.

The terms "inundation by groundwater or surface water" have not been defined in the bylaw.

Town of Braintree Wetland Bylaw Chapter 12.20 Braintree Bylaw, Section II:

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.

According to Peter Lopolla, Director of Planning and Conservation, Braintree does not regulate activities in areas subject to flooding beyond what the state requires. He said they base the jurisdiction on the 100 year flood plane. (7/6/04)

There were no reference to changes in definitions for LSF in the bylaw.

Bridgewater

Does the municipality regulate buffer zones around "land subject to flooding"?

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 granddaugther[sic] or surface water."

From Town of Bridgewater Wetlands Bylaws. Section 2 (Adopted 1990).

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes

Additional terms are added.

Lands subject to flooding are given a buffer zone.

Definitions for LSF are the same as the state.

The terms "any land subject to ...inundation by granddaugther[sic] or surface water" have been added in the jurisdiction.

"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 granddaugther[sic] or surface water."

From Town of Bridgewater Wetlands Bylaws. Section 2 (Adopted 1990).

The terms in the phrase "any land subject to ...inundation by granddaughter[sic] or surface water" have not been defined in the bylaw or regulations.

The researcher found no change in definitions for LSF in the bylaw or regulations.

Burlington

Does the municipality regulate buffer zones around "land subject to flooding"?

No 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..."

(Burlington Bylaws, Article XIV Environment, 1.0 Wetlands)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms have been added.
Lands subject to flooding are not given buffer zones.
Definitions for LSF are not the same as the state.

The term inundation has been added.

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..."

(Burlington Bylaws, Article XIV Environment, 1.0 Wetlands)

From Section 1.7 Definitions,
"1.7.7 Land subject to flooding or inundation shall mean:
An area of depression in topography, isolated depression, low lying land, or closed basin which floods and/or serves as a ponding area of water. This area may also border a freshwater vegetated wetlands that results from a hydrologic connection as a result of a rise in water level on a freshwater wetlands, marsh, bog, wet meadow, swamp, creek, river, stream, pond, or lake or water body during any storm event up to and including the 100 year storm event.

Said area may also receive water from runoff, snowmelt, heavy precipitation, and high ground water sources.

The area subject to jurisdiction under this Bylaw shall be 500 square feet or greater in surface area.

This area may be characterized by evidence of standing or ponding water during any storm event (up to and including the 100 year storm event based upon a 24 hour 7 inch rainfall), hydrophilic vegetation (wetland indicator plants), and/or hydric soils. The lateral extent of flooding may be determined by the elevation that is reached by the amount of water from a 100 year storm event determined either by visual observation or by calculation using the TR-20 computer program for a 24 hour 7 inch rainfall event..."

(Burlington Bylaws, Article XIV Environment, 1.0 Wetlands)

Randy Newell, Assistant Administrator, confirmed that Burlington regulates smaller areas of flooding that the state regulations would cover.

Canton

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes From Section 2: Jurisdiction

"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 freshwater wetland, coastal wetland, marsh wet meadow, bog or swamp; within 100 feet of any bank, beach, dune, or flat; any lake, river, pond, stream, estuary, or the ocean; within 100 feet of any land subject to flooding or inundation by groundwater, surface water, tidal action, or coastal storm flowage or within 200 feet of a riverfront as defined in the Rivers Protection Act of 1996 as it may be amended from time to time."

(Article XV Wetlands Protection By-Law)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms have been added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are not the same as the state.

The terms "inundation by groundwater, surface water" have been added in the jurisdiction.

From Section 2: Jurisdiction

"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 freshwater wetland, coastal wetland, marsh wet meadow, bog or swamp; within 100 feet of any bank, beach, dune, or flat; any lake, river, pond, stream, estuary, or the ocean; within 100 feet of any land subject to flooding or inundation by groundwater, surface water, tidal action, or coastal storm flowage or within 200 feet of a riverfront as defined in the Rivers Protection Act of 1996 as it may be amended from time to time."

(Article XV Wetlands Protection By-Law)

The terms "inundation by groundwater, surface water" have not been defined in the bylaw or regulation.

Wetland Rules and Regulations Town of Canton, Section 2.04

2.04 Land subject to flood (both bordering and isolated areas.

B. Definitions, critical characteristics and boundaries.

(1) Bordering land subject to flooding.

(a) Bordering land subject to flooding is an area with low, flat topography adjacent to and inundated by floodwaters rising from creeks, rivers, streams, pond and lakes. It extends from the banks of these waterways and water bodies; where a bordering vegetated wetland occurs, it extends from said wetland.

(c) The boundary of bordering land subject to flooding is the estimated maximum lateral extent of floodwater, which will theoretically result from the statistical one-hundred-year-frequency storm.

(2) Isolated land subject to flooding.

(a) Isolated land subject to flooding is an isolated depression or closed basin without an inlet or an outlet. It is an area, which at least once a year confines standing water. Isolated land subject to flooding may be underlain by pervious material, which in turn may be covered by a mat of peat or muck.

(c) The boundary of isolated land subject to flooding is the perimeter of the largest observed or recorded volume of water in said area.

Note that "No work shall be performed within 30 feet of land subject to flooding that abuts an estimated habitat area designated on the most current map prepared by the Massachusetts Natural Heritage and Endangered Species Program."

Carlisle

Does the municipality regulate buffer zones around "land subject to flooding"?

No From Section 13.1 Purpose and Jurisdiction,
"1.2 Except as permitted by the 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; any land under said waters, any land subject to flooding, or any riverfront area [collectively, the "Resource Areas Subject to Protection]."

(Carlisle NonZoning Wetland Bylaw, Adopted 2003)

The bylaw does not further explain that lands subject to flooding are given a buffer zone, and therefore, the researcher concluded the town follows state standard.

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

No No additional terms are added.
Lands subject to flooding are not given buffer zones.
Definitions for LSF are the same as the state.

From Section 13.1 Purpose and Jurisdiction,
"1.2 Except as permitted by the 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; any land under said waters, any land subject to flooding, or any riverfront area [collectively, the "Resource Areas Subject to Protection]."

(Carlisle NonZoning Wetland Bylaw, Adopted 2003)

Carver

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes 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)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions are the same as the state.

The terms "any land subject to ... inundation by groundwater or surface water" have been added to the jurisdiction of the bylaw.

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)

The terms "any land subject to ... inundation by groundwater or surface water" are not defined in the bylaw.

The researcher did not find any reference to a change in definitions of LSF in the bylaw. On 10/25/04, the researcher spoke to the Conservation Agent, Sara Hewins, and she said that the town follows the state definitions of flooding, except that she added that the town protects wetlands smaller than 5,000 square feet. The researcher found no reference to this in the bylaw.

Chelmsford

Does the municipality regulate buffer zones around "land subject to flooding"?

No The researcher noticed that lands subject to flooding are not addressed in the bylaw jurisdiction and thus concluded there is no buffer zone.

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

No Researcher spoke with Trill Levine, Chelmsford Conservation Agent on 9/7 at 11:45 AM. He stated that Chelmsford adheres to the state standard in this area.

No additional terms are added.
Lands subject to flooding are not given buffer zones.
Definitions for LSF are the same as the state.

Cohasset

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes The Cohasset Wetlands Regulation, in Section 31, states: "Also regulated in these CWR (as well as under the State Regulations) are Bordering Lands Subject to Flooding and Isolated Lands Subject to Flooding. The Commission adopts the definitions of these terms set forth in the State Regulations at 310 CMR 10.57(1)(a) and (b), with the exception that there is no minimum size requirement under these CWR and any such areas are subject to regulation."

Same section, Part A. Characteristics & Protected Interests, (second paragraph)
"Isolated Lands Subject to Flooding may contain vegetated wetlands areas similar in every respect to a BVW. Such isolated wetlands areas shall be presumed to involve the same characteristics and Protected Interests as do a BVW, and shall be subject to regulation under Section 24 above and will have Twenty-Five Foot (25') buffer zone."

(Cohasset Wetland Regulations, Adopted 2001)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are not the same as the state.

The terms "land subject to ... inundation by groundwater, surface water, or tidal action..." have been added in the jurisdiction.

From Article XIV - Wetlands Protection,
Section 2. Regulated Activities,
Except as permitted by the Cohasset Conservation Commission or as provided in this Article, no person shall remove, fill, dredge, build upon, or alter the following resource area:

...
(d)within one hundred (100) feet of any land subject to flooding or inundation by groundwater, surface water, or tidal action..."

(Cohasset Wetlands Bylaw, Adopted 2001)

[note: this is a case where the bylaws and regulations are slightly different. Additional terms were added in the bylaw and not mentioned in the jurisdiction of the regs]

The terms in the phrase "land subject to ... inundation by groundwater, surface water, or tidal action..." have not been defined in the bylaw or regulations.

The Cohasset Wetlands Regulation, in Section 31, states: "Also regulated in these CWR (as well as under the State Regulations) are Bordering Lands Subject to Flooding and Isolated Lands Subject to Flooding. The Commission adopts the definitions of these terms set forth in the State Regulations at 310 CMR 10.57(1)(a) and (b), with the exception that there is no minimum size requirement under these CWR and any such areas are subject to regulation."

Same section, Part A. Characteristics & Protected Interests, (second paragraph)

"Isolated Lands Subject to Flooding may contain vegetated wetlands areas similar in every respect to a BVW. Such isolated wetlands areas shall be presumed to involve the same characteristics and Protected Interests as do a BVW, and shall be subject to regulation under Section 24 above and will have Twenty-Five Foot (25') buffer zone."

(Cohasset Wetland Regulations, Adopted 2001)

The Cohasset Wetlands Regulation, in Section 31, states: "Also regulated in these CWR (as well as under the State Regulations) are Bordering Lands Subject to Flooding and Isolated Lands Subject to Flooding. The Commission adopts the definitions of these terms set forth in the State Regulations at 310 CMR 10.57(1)(a) and (b), with the exception that there is no minimum size requirement under these CWR and any such areas are subject to regulation."

Same section, Part A. Characteristics & Protected Interests, (second paragraph)

"Isolated Lands Subject to Flooding may contain vegetated wetlands areas similar in every respect to a BVW. Such isolated wetlands areas shall be presumed to involve the same characteristics and Protected Interests as do a BVW, and shall be subject to regulation under Section 24 above and will have Twenty-Five Foot (25') buffer zone."

(Cohasset Wetland Regulations, Adopted 2001)

Danvers

Does the municipality regulate buffer zones around "land subject to flooding"?

No From Section 2. Jurisdiction,
"Except as permitted by the Conservation Commission or as provided in this by-law, no person shall remove, fill, dredge, alter or build upon or within 100 feet of any freshwater wetland, coastal wetland, marsh, meadow, bog or swamp; upon or within 100 feet of any bank, beach, or flat; upon or within any river, lake, pond, stream, or estuary; upon any land within 100 feet of any river, lake, pond, stream or estuary; upon or within any land under said water; upon any land subject to flooding or inundation by groundwater, surface water, tidal action, or coastal storm flowage."

(Chapter XXVI Wetlands Protection By-Law)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms have been added.
Lands subject to flooding are not given buffer zones.
Definitions for LSF are not the same as the state.

The terms "upon any land subject to ... inundation by groundwater, surface water" have been added to the jurisdiction.

From Section 2. Jurisdiction,

"Except as permitted by the Conservation Commission or as provided in this by-law, no person shall remove, fill, dredge, alter or build upon or within 100 feet of any freshwater wetland, coastal wetland, marsh, meadow, bog or swamp; upon or within 100 feet of any bank, beach, or flat; upon or within any river, lake, pond, stream, or estuary; upon any land within 100 feet of any river, lake, pond, stream or estuary; upon or within any land under said water; upon any land subject to flooding or inundation by groundwater, surface water, tidal action, or coastal storm flowage."

(Chapter XXVI Wetlands Protection By-Law)

The terms "inundation" and "surface water" are not defined.

The Town of Danvers Wetlands By-law Regulations, Section 1.02(e)(1999, Revised 2003) includes in its list of areas protected by the Town of Danvers Wetland By-laws, "any land subject to flooding or inundation by any of the following: groundwater,

surface water, tidal action or coastal storm flowage." The definition of "Land Subject to Flooding" in The Town of Danvers Wetlands By-law Regulations, Section 1.04(1999, Revised 2003), is "an area with low, flat topography subject to inundation from floodwaters that may rise from creeks, rivers, streams, ponds or lakes."

In the same section "flooding" is defined as "inundation by groundwater, surface water, tidal action or coastal storm flowage".

Dedham

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes 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)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are not the same as the state.

The terms "lands subject to ...inundation by groundwater or surface water" have been added to the jurisdiction.

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)

The terms "lands subject to ...inundation by groundwater or surface water" have not been defined.

From Section 2. Definitions, "15. Flooding - A local and temporary inundation or a rise in the surface of a body of water, such that it covers land not usually under water."

(Conservation Commission Rules and Regulations, Adopted 1996, Amended 2002)

Dighton

Does the municipality regulate buffer zones around "land subject to flooding"?

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."

(Dighton Regulations, By-Law and Policies)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are the same as the state.

The terms "lands subject to ... inundation by groundwater or surface water" have been added to the jurisdiction in the bylaw.

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."

(Dighton Regulations, By-Law and Policies)

The terms "lands subject to ... inundation by groundwater or surface water" are not defined in the bylaw.

The researcher found no reference to changes in the definitions for LSF in the bylaw.

Douglas

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes 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)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are the same as the state.

The terms "any land subject to ... inundation" has been added to the jurisdiction in the bylaw.

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)

The terms "any land subject to ... inundation" is not defined in the bylaw.

The researcher did not find any reference to changes in the definitions for LSF in the bylaw and regulations.

Dover

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes From section § 181-2. Permit required for work, "No person shall remove, fill, dredge, alter or build upon or within 100 feet of any freshwater wetland, marsh, wet meadow, bog, swamp, bank, beach, dune, lake, river, pond, stream, estuary, upon or within any land under said water, upon any land subject to flooding or inundation by groundwater, surface water or storm flowage or within 100 feet of the one-hundred-year storm line without first applying for, receiving and complying with a Permit issued by the Conservation Commission."

(Dover Wetlands Protection Bylaws, Chapter 181, Adopted 1986, Amended 1994)

Survey received from Dover on 5/4/05 marks the answer to this question as "yes."

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms have been added.
Lands subject to flooding are not given buffer zones.
Definitions for LSF are not the same as the state.

The terms "inundation by groundwater, surface water" have been added in the jurisdiction.

From section § 181-2. Permit required for work, "No person shall remove, fill, dredge, alter or build upon or within 100 feet of any freshwater wetland, marsh, wet meadow, bog, swamp, bank, beach, dune, lake, river, pond, stream, estuary, upon or within any land under said water, upon any land subject to flooding or inundation by groundwater, surface water or storm flowage or within 100 feet of the one-hundred-year storm line without first applying for, receiving and complying with a Permit issued by the Conservation Commission."

(Dover Wetlands Protection Bylaws, Chapter 181, Adopted 1986, Amended 1994)

The terms "inundation by groundwater, surface water" have not been defined.

According to Town of Dover Code, Ch. 263-6 (Adopted 1994), areas subject to flooding are defined as follows:
"BORDERING LAND SUBJECT TO FLOODING -- An area which floods from a rise in a bordering water body or waterway. Bordering Land Subject to Flooding extends from the upper boundary of a Bank or Vegetated Wetland to the elevation of a one-hundred-year frequency flood. Where such information is available, the flood elevation and boundaries shown on the most recent National Flood Insurance Program Flood Insurance Rate Maps shall be presumed to be correct, unless credible evidence to the contrary is presented. In the absence of such maps, the extent of Bordering Land Subject to Flooding shall be determined through appropriate calculations conducted by a registered professional engineer or other person whose qualifications are deemed appropriate by the Commission.

B.ISOLATED LAND SUBJECT TO FLOODING -- An isolated depression or closed basin without an inlet or an outlet. It is an area which at least once a year confines standing water to a volume of at least one-sixth-acre-foot and an average depth of at least 6 inches. The boundary of Isolated Land Subject to Flooding is the perimeter of the area which would be inundated during a one-hundred-year frequency storm event, or the maximum extent of flooding observed or recorded in said area, whichever is larger."

Dracut

Does the municipality regulate buffer zones around "land subject to flooding"?

No Neither buffer zone nor no-construction zone protection is given to lands subject to flooding.

"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).

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

No Additional terms are added.
Lands subject to flooding are not given a buffer.
Definition for LSF is the same as the state.

"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).

The researcher found no definitions for the terms "inundation by groundwater or surface water" in the Wetlands Protection Bylaw.

The researcher found no definitions for isolated lands subject to flooding in the Wetlands Protection Bylaw.

Dunstable

Does the municipality regulate buffer zones around "land subject to flooding"?

No 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)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes No additional terms are added.
Lands subject to flooding are not given buffer zones.
Definitions for LSF are not the same as the state.

No additional terms are added to land subject to flooding in the jurisdiction.

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)

The definition for bordering land subject to flooding appears to be the same as the state, but that for isolated land subject to flooding is less stringent than the states (only needs to be 2500 square feet).

From Section 1.36: Land Subject to flooding (both Bordering and Isolated Areas), (2)Definitions, Critical Characteristics and Boundaries

"(b)Isolated Land Subject to Flooding:

1. Isolated Land Subject to Flooding is an isolated depression or closed basin without an inlet or an outlet. It is an area which at least once a year, on the average, confines standing water to an area of at least 2500 square feet and to an average depth of at least six inches. Isolated Land Subject to Flooding may be underlain by pervious material, which in the turn may be covered by a mat of organic peat or muck...

(3)The boundary of Isolated Land Subject to Flooding is perimeter of the largest observed or recorded volume of water confined in said area."

(Regulations for the Town of Dunstable, Adopted 1986)

Duxbury

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes "Resource Areas associated with the Protected Interests are subject to protection under the Bylaw and are ANY of the following:
(1)Land under water bodies, including but not limited to the ocean, ponds, lakes, rivers, streams, creeks, estuaries, and banks;
(2)Land bordering on the ocean, including but not limited to, beaches, dunes, tidal flats, coastal bank, salt marshes, and salt meadows;
(3)Land subject to flooding or inundation by groundwater or surface water, including but not limited to freshwater wetlands, beaches, wet meadows, swamps, bogs, vernal pools, reservoirs or isolated wetlands;
(4)Land within 100 feet of any of the aforementioned Resources Areas (hereinafter referred to as the "Buffer Zone");
(5)Land subject to coastal storm flowage, including but not limited to the coastal floodplain as set forth on the Flood Insurance Rate Maps (FIRM);
(6)Land within 200 feet of any river, stream, or creek continuously flowing throughout the year toward a body of water (hereinafter referred to as the "Riparian Zone")." From the Town of Duxbury Conservation Commission's Rules & Regulations, Section 3.0.

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms have been added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are not the same as the state.

The terms "land subject to ...inundation by groundwater or surface water" have been added in the jurisdiction.

"Resource Areas associated with the Protected Interests are subject to protection under the Bylaw and are ANY of the following:
(1)Land under water bodies, including but not limited to the ocean, ponds, lakes, rivers, streams, creeks, estuaries, and banks;
(2)Land bordering on the ocean, including but not limited to, beaches, dunes, tidal flats, coastal bank, salt marshes, and salt meadows;
(3)Land subject to flooding or inundation by groundwater or surface water, including but not limited to freshwater wetlands, beaches, wet meadows, swamps, bogs, vernal pools, reservoirs or isolated wetlands;
(4)Land within 100 feet of any of the aforementioned Resources Areas (hereinafter referred to as the "Buffer Zone");
(5)Land subject to coastal storm flowage, including but not limited to the coastal floodplain as set forth on the Flood Insurance Rate Maps (FIRM);
(6)Land within 200 feet of any river, stream, or creek continuously flowing throughout the year toward a body of water (hereinafter referred to as the "Riparian Zone")." From the Town of Duxbury Conservation Commission's Rules & Regulations, Section 3.0.

The terms in the phrase "land subject to ...inundation by groundwater or surface water" have not been defined.

"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. The buffer zone for isolated land subject to flooding shall extend 100 feet from the highest extent of flooding.

Performance Standards

When a Land Subject to Flooding, Bordering or Isolated, or Land within 100 feet of Land Subject to Flooding, Bordering or Isolated, is determined to be significant to an Interest Protected by the Bylaw, the following regulations shall apply:

- (1) Projects on land subject to flooding shall be permitted only in connection with such procedures determined by the Commission as not having the effect of reducing the ability of the land to absorb and contain floodwaters.
 - (2) The Commission may require compensating or greater flood storage capacity in the same watershed if it permits any filling of land subject to flooding, and all filling of areas subject to flooding shall be strictly minimized. Except as stated in the preceding sentence, no proposed projects shall be permitted to displace or direct floodwaters, through fill or other means, to other areas.
 - (3) Projects shall not have any effect on vernal pools certified or uncertified.
 - (4) The Commission may impose such additional requirements as are necessary to protect the Interests Protected by the Bylaw.
 - (5) Refer to Section 9.00 et seq. for additional project specific performance standards."
- From the Town of Duxbury Conservation Commission's Rules & Regulations, Section 8.3.1.

Easton

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes 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; bogsl swamps; 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)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are not the same as the state.

The terms "lands subject to ... inundation by groundwater or surface water" were added to the jurisdiction.

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; bogsl swamps; 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)

The terms "lands subject to ... inundation by groundwater or surface water" were not defined in the bylaw.

Section 503-19(2) of the Easton Town Code protects areas within 50 feet of isolated land subject to flooding as defined in 503-19(2)(a) more liberally than the state standard. The jurisdiction from the online version states that the Commission has a 100 zone of jurisdiction for lands subject to flooding.

From 503-19, B. Definitions, critical characteristics and boundaries, (2) Isolated land subject to flooding,
"(a) Isolated land subject to flooding is an isolated depression or closed basin without an inlet or an outlet. It is an area which at least once a year confines standing water. Isolated land subject to flooding may be underlain by pervious material, which in turn may be covered by a mat of peat or muck..."

(Chapter 503 Wetlands Protection, Adopted 1986)

Foxborough

Does the municipality regulate buffer zones around "land subject to flooding"?

No 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."

(Foxborough ARTICLE IX WETLAND AND GROUNDWATER PROTECTION, Adopted 1980)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

No No additional terms are added.
Lands subject to flooding are not given buffer zones.
Definitions for LSF are the same as the state.

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."

(Foxborough ARTICLE IX WETLAND AND GROUNDWATER PROTECTION, Adopted 1980)

The researcher found no reference to a change in definitions for LSF in the bylaw.

Framingham

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes 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)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes No additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are the same as the state.

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)

Article V, Section 18.9 defines "land subject to flooding as follows: "Land subject to flooding is defined in Part III, 310 CMR 10.57(2)."

(Framingham Wetlands Protection Bylaw, Adopted 1992)

Franklin

Does the municipality regulate buffer zones around "land subject to flooding" ?

No 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)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

No Additional terms are added.
Lands subject to flooding are not given buffer zones.
Definitions for LSF are the same as the state.

Rich Vacca, Franklin Conservation Agent, stated (8/3/04) that the commission recognized floodplains as a resource area and required compensatory storage, but his definition was within 310 CMR.

The terms "lands subject to ... inundation by groundwater or surface water" have been added to the jurisdiction.

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)

The terms "lands subject to ... inundation by groundwater or surface water" have not been defined in the bylaw and regulations.

The researcher did not find any change in the definitions for LSF.

Freetown

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes 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)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are the same as the state.

The terms "land subject to ... inundation by groundwater" have been added to the jurisdiction in the bylaw.

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)

The terms "land subject to ... inundation by groundwater" have not been defined in the bylaw.

The researcher found no reference to a change in definitions for LSF in the bylaw.

Georgetown

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes § 161-2. Jurisdiction. [Amended 6-12-2000 ATM, Art. 21]
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: within 100 feet of any freshwater wetland, marsh, wet meadow, bog or swamp; within 100 feet of any bank or flat; any lake, river, pond, stream, or estuary; any land under said waters; or within 100 feet of any land subject to flooding or inundation by groundwater or surface water; and within 200 feet of any river, perennial stream, brook or creek.

(Georgetown Chapter 161, Wetlands Protection, Adopted 1986)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are not the same as the state.

The terms "any land subject to ...inundation by groundwater or surface water" have been added in the jurisdiction.

§ 161-2. Jurisdiction. [Amended 6-12-2000 ATM, Art. 21]
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: within 100 feet of any freshwater wetland, marsh, wet meadow, bog or swamp; within 100 feet of any bank or flat; any lake, river, pond, stream, or estuary; any land under said waters; or within 100 feet of any land subject to flooding or inundation by groundwater or surface water; and within 200 feet of any river, perennial stream, brook or creek.

(Georgetown Chapter 161, Wetlands Protection, Adopted 1986)

The terms "any land subject to ...inundation by groundwater or surface water" have not been defined in the bylaw or regulations.

Georgetown expands the definition of flooding and gives these areas a 100 foot buffer zone. However, the Commission also acknowledges that not all isolated areas subject to flooding provide habitat function and will remove the buffer on a case-by-case basis.

"Isolated land subject to flooding" shall include an area, depression, or basin that holds minimum of twenty-five (25) cubic feet of water and retains standing water for a significant period of time. Not included are swimming pools, artificially lined ponds, or pools, or constructed wastewater lagoons." From The Town of Georgetown's Wetlands Protection Regulations, Section 10.1.17 (Adopted June 2003, Amended 2004).

"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).

"The quantity and quality of resource values and functions should be considered explicitly in placing conditions on adjacent upland resource work. Some isolated land subject to flooding, for example, may serve for temporary flood storage only. Minimal adjacent upland resource restrictions within several feet of the resource might be necessary only to prevent erosion. Other isolated land subject to flooding might provide vernal pool habitat. It might also provide important flood storage capacity and intersect ground water. In this instance far stronger adjacent upland resource restrictions would be appropriate because a larger number of functions are involved and some functions, such as habitat, are more sensitive to adjacent upland resource activity and require greater protection. If rare or endangered species were found at the site then still greater levels of restrictions would be appropriate." From The Town of Georgetown's Wetlands Protection Regulations, Section 8.2.1 (Adopted June 2003, Amended 2004).

Gloucester

Does the municipality regulate buffer zones around "land subject to flooding"?

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)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes No additional terms have been added.
Lands subject to flooding are not given buffer zones.
Definitions for LSF are not the same as the state.

"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)

The Wetlands Ordinance protects lands subject to flooding that contain 1000 cubic feet of water from surface or groundwater, but does not give these areas a buffer zone. The researcher found no reference to a change in the definition for BLSF.

Grafton

Does the municipality regulate buffer zones around "land subject to flooding"?

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).

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are not the same as the state.

The terms "land subject to ... inundation by groundwater, surface water ... or storm flowage" have been added to the jurisdiction.

"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).

"The term 'inundation by groundwater' means having groundwater at or near the surface of the ground at least six months of the year." From the Town of Grafton's Wetlands Rules and Regulations (Adopted 1988).

The researcher found no reference to a definition for BLSF.

However, from Section II Definitions,

"7. The term 'isolated land subject to flooding' shall mean an isolated depression or closed basin without and inlet or an outlet. It is an area which at least once a year confines standing water to a volume of at least 5000 cubic feet and to an average depth of at least six (6) inches."

Note: 5000 cubic feet is approx 1/8 acre-foot.

Groton

Does the municipality regulate buffer zones around "land subject to flooding"?

No "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).

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

No Additional terms have been added.
Lands subject to flooding are not given buffer zones.
Definitions for LSF are the same as the state.

The terms "any land subject to ... inundation by stormwater, groundwater or surface water" have been added in the jurisdiction of the bylaw.

"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).

The terms "any land subject to ... inundation by stormwater, groundwater or surface water" have not been defined in the bylaw.

The researcher did not find any reference to definitions for LSF in the bylaw.

Groveland

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes "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).

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are the same as the state.

The terms "land subject to ... inundation" have been added to the jurisdiction.

“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).

The terms in the phrase "land subject to ... inundation" have not been defined in the bylaw or regulations.

The researcher did not find any change to the definitions of LSF in the bylaw or regulations.

Halifax

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes The jurisdiction of the bylaw gives Land Subject to Flooding a 100 foot buffer zone that is not given in Section 2.04, Lands Subject to Flooding (both bordering and isolated) in the regulations. On 12/22/04 the researcher spoke to the conservation agent regarding this apparent discrepancy. The agent said LSF did not get a buffer and seemed surprised to find out that the bylaw indicated otherwise. The agent assured the researcher that the issue had never come up because the Commission enforces LSF policy in accordance with Section 2.04 (3) of the wetlands rules and regulations, i.e. with no buffer provisions.

From the bylaw:

"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 including any marsh, wet meadow, bog or swamp, or within 100 feet of any bank, beach, lake, river, pond or stream; any land under said waters, any land subject to flooding or inundation by groundwater or surface water or within 100 feet of such land." From Halifax's Wetlands Protection Bylaws, Jurisdiction (Adopted 1989).

From the regulations:

"No activity, other than the maintenance of an already existing structure, which will result in the building within or upon; removing, filling, dredging or altering land subject to flooding shall be permitted by the Conservation Commission, except for activity which is allowed under a variance from these regulations granted pursuant to Section 4.01." From the Rules and Regulations accompanying Halifax's Wetlands Protection Bylaw, Section 2.04 (3) (Adopted 1989).

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in

the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Definitions for LSF are not the same as the state.

"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 including any marsh, wet meadow, bog or swamp, or within 100 feet of any bank, beach, lake, river, pond or stream; any land under said waters, any land subject to flooding or inundation by groundwater or surface water or within 100 feet of such land." From Halifax's Wetlands Protection Bylaws, Jurisdiction (Adopted 1989).

"2. Definitions, Critical Characteristics, and Boundaries
...

B. Isolated Lands Subject to Flooding:

1) Isolated land subject to flooding is an isolated depression or closed basin without an inlet or an outlet. It is an area which at least once a year confines standing water.

Isolated land subject to flooding may be underlain by pervious material, which in turn may be covered by a mat of peat or muck.

2) The characteristic specified in the foregoing subsection 2(b)(1) are critical to the protection of the interests specified in Section 2.04 above.

3) The boundary of isolated land subject to flooding is the perimeter of the largest observed or recorded volume of water confined in said area.

(3) No activity, other than the maintenance of an already existing structure, which will result in the building within or upon; removing, filling, dredging or altering land subject to flooding shall be permitted by the Conservation Commission, except for activity which is allowed under a variance from these regulations granted pursuant to Section 4.01." From the Rules and Regulations accompanying Halifax's Wetlands Protection Bylaw, Section 2.04, subsections 2(B) and 3 (Adopted 1989).

Researcher found no definitions for "inundation," "surface waters" or "groundwater".

Hamilton

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes From Chapter XVII Conservation (third paragraph),
"No person shall remove, fill, dredge, alter or build upon or within one hundred feet of any bank, fresh water wetland, flat, beach, marsh, meadow, bog, swamp, or lands bordering on any estuary, creek, river, stream, pond, or lake, or any land under said water or any land subject to storm flowage, flooding, inundation, or within one hundred feet of the one hundred year storm line ..."

(Town of Hamilton Bylaws Chapter XVII Conservation)

Survey received from Hamilton Conservation Commission on 3/21/05 marked the answer as "yes."

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are the same as the state.

Jim Hankin, Hamilton Conservation Administrator, (9/02/04) stated that Hamilton abides by the state standard in this area.

The terms "any land subject to storm flowage, flooding, inundation" have been added to the jurisdiction.

From Chapter XVII Conservation (third paragraph),

"No person shall remove, fill, dredge, alter or build upon or within one hundred feet of any bank, fresh water wetland, flat, beach, marsh, meadow, bog, swamp, or lands bordering on any estuary, creek, river, stream, pond, or lake, or any land under said water or any land subject to storm flowage, flooding, inundation, or within one hundred feet of the one hundred year storm line ..."

(Town of Hamilton Bylaws Chapter XVII Conservation)

The terms in the phrase "any land subject to storm flowage, flooding, inundation" have not been defined in the bylaw or regulations.

The researcher found no reference to definitions of LSF in the bylaws or regulations.

Hanover

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes The Hanover Wetlands Bylaw, Section 2d. states that the area "Within 100 feet of any land subject to flooding or inundation by groundwater, surface water or tidal action" is protected by the bylaw.

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are the same as the state.

The Hanover Wetlands Bylaw, Section 2d. states that the area "Within 100 feet of any land subject ... inundation by groundwater, surface water or tidal action" is protected by the bylaw.

The terms in the phrase "any land subject ... inundation by groundwater, surface water" are not defined in the bylaw or regulations.

The researcher did not find any reference to a change in the definitions for LSF.

Hanson

Does the municipality regulate buffer zones around "land subject to flooding"?

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:..."
d. Within 100 feet of any land subject to flooding or inundation by groundwater or surface water."

(Town Wetland Protection By-law with Rules and Regulations)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are not the same as the state.

The terms "land subject ...or inundation by groundwater or surface water" have been added in the jurisdiction.

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:...

d. Within 100 feet of any land subject to flooding or inundation by groundwater or surface water."

(Town Wetland Protection By-law with Rules and Regulations)

The performance definition for bordering land subject to flooding appears to be the same as the state, but the performance definition for isolated land subject to flooding does not specify a certain size requirement (and therefore, more stringent than the state).

Then from Section 2.05, (2)(b) of the regulations,

"Isolated Land Subject to Flooding:

1. Isolated Land Subject to Flooding is an isolated depression or closed basin without an inlet or any outlet. It is an area which at least once a year confines standing water. Isolated Land Subject to Flooding may be underlain by pervious material, which in turn may be covered by a mat of organic peat or muck."

(Town Wetland Protection By-law with Rules and Regulations)

Harvard

Does the municipality regulate buffer zones around "land subject to flooding"?

No The town of Harvard changes the size requirement for isolated lands subject to flooding but does not give them a buffer zone.

"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 the Harvard Wetlands Protection Bylaw, Section 119-1 (B) (Adopted 1987) on www.ordinance.com

"The definitions given in 310 CMR 10.57(2)(b) for Isolated Land subject to Flooding shall apply to this regulation except that the minimum volume of 1/4 acre-feet does not apply when the area is known to be part of the ground water system." From the Harvard Rules and Regulations for the Administration of Harvard's Wetlands Bylaw, Section II (7) (Adopted 1996).

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes No additional terms added.
No buffer zone granted around LSF.
Definition for LSF is not the same as the state.

The town of Harvard changes the size requirement for isolated lands subject to flooding but does not give them a buffer zone.

"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 the Harvard Wetlands Protection Bylaw, Section 119-1 (B) (Adopted 1987) on www.ordinance.com

"The definitions given in 310 CMR 10.57(2)(b) for Isolated Land subject to Flooding shall apply to this regulation except that the minimum volume of 1/4 acre-feet does not apply when the area is known to be part of the ground water system." From the Harvard Rules and Regulations for the Administration of Harvard's Wetlands Bylaw, Section II (7) (Adopted 1996).

Haverhill

Does the municipality regulate buffer zones around "land subject to flooding"?

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 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 an very poorly drained areas, the potable drinking water and potential drinking water supply areas an 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).

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Buffer zone is around lands subject to flooding.
Definitions for LSF are not the same as the state.

"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, steams, 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 an very poorly drained areas, the potable drinking water and potential drinking water supply areas an 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).

"Land Subject to inundation of Ground through the surface as standing water and/or drains off slowly during the year" From the City of Haverhill Wetlands Protection Ordinance, Section IX (Adopted 1996).

"Flooded: A condition in which the soil surface is temporarily covered with flowing water from any source, such as streams overflowing their banks, runoff from adjacent or surrounding slopes, inflow from high tides, or any combination of sources." From the City of Haverhill Wetlands Protection Ordinance, Section IX (Adopted 1996).

Hingham

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes 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. Acitivities 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)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes No additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are not the same as the state.

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."

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

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)

From the section titled "Performance Standards,"

"10.57(2)(b) Isolated land subject to flooding is an area which at least once a year confines standing water to a volume of at least 1/16 acre feet to an average depth of at least six inches."

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

Holbrook

Does the municipality regulate buffer zones around "land subject to flooding"?

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

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").

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are the same as the state.

The terms "inundation by groundwater or surface water" have been added to the jurisdiction.

The terms "inundation by groundwater or surface water" have not been defined in the bylaw.

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

The researcher found no reference to definitions for BLSF and ILSF and concluded the town follows state code.

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").

Holden

Does the municipality regulate buffer zones around "land subject to flooding"?

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)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are the same as the state.

The terms "inundation by groundwater or surfacewater" have been added in the bylaw.

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."

(Holden Conservation Commission Wetland Bylaws, Adopted 2001)

The terms "inundation by groundwater or surfacewater" are not defined in the bylaw.

The researcher did not find reference to definitions for ILSF or BLSF.

Conservation agent, Pam Harding, (10/25/04) said that the town of Holden follows the state definition of flooding.

Holliston

Does the municipality regulate buffer zones around "land subject to flooding"?

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)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes

Additional terms are added.

Lands subject to flooding are given buffer zones.

Definitions for LSF are not the same as the state.

The terms "land subject to flooding (including vernal pools) or inundation by ground water or surface water" have been added to the jurisdiction.

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."

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

The terms in the phrase "land subject to flooding (including vernal pools) or inundation by ground water or surface water" have not been defined in the bylaw or regulations.

The definition of bordering land subject to flooding appears to be the same as the state, although these areas also get a buffer zone. Section 2.3 of the Holliston Wetlands Regulations defines "Land Subject to Flooding" as follows: "Land Subject to Flooding shall include "isolated land subject to flooding", "bordering land subject to flooding" and "vernal pools" as defined in this section (2.3)." and Isolated Land Subject to Flooding as follows: "Isolated Land Subject to Flooding (ILSF). An area, depression, or basin of any size that holds standing water for at least one month during the spring and/or fall of most years. Not included are swimming pools, artificially lined ponds or pools, or constructed wastewater lagoons."

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

Hopkinton

Does the municipality regulate buffer zones around "land subject to flooding"?

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 2003)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are the same as the state.

The terms "lands subject to ... inundation by groundwater or surface water" have been added in the jurisdiction.

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 2003)

The terms in the phrase "lands subject to ... inundation by groundwater or surface water" have not been defined.

The researcher did not find any reference to a change in definitions for LSF.

Ipswich

Does the municipality regulate buffer zones around "land subject to flooding"?

No "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."
From Ipswich Wetlands Regulations, Section V(C) (Adopted 2001).

"Except as permitted by the Conservation Commission or as provided in this By-Law, no person shall remove soil or vegetation from, fill, dredge, build upon, discharge into, or alter the following Resource Areas:

Coastal Wetlands,
Freshwater Wetlands,

Bank, beach, dune, marsh, meadow, swamp or flat bordering on a water body;
or land within 100 feet of these resource areas;
or land under a body of water;
or land subject to flooding, tidal action or coastal storm flowage;
or vernal pools within a wetland resource area;
or land within 150 feet of the Parker River/Essex Bay Area of Critical Environmental Concern.

Any activity proposed or undertaken outside of the above areas is not subject to regulation under this By-Law and does not require the filing of a permit application unless and until that activity actually alters any of the said resources areas." From Ipswich Wetlands Protection Bylaw, Section 2 (Adopted 1990).

"The term "Land Subject to Flooding" shall mean all land subject to inundation by ground or surface water, including land within the 100 year floodplain, isolated land subject to flooding, and bordering land subject to flooding as defined in the State regulations." From Ipswich Wetlands Protection Bylaw, Section 3 (Adopted 1990).

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

No

No terms added.
No buffer given to LSF.
Definition of LSF does not differ from the state.

"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." From Ipswich Wetlands Regulations, Section V(C) (Adopted 2001).

"Except as permitted by the Conservation Commission or as provided in this By-Law, no person shall remove soil or vegetation from, fill, dredge, build upon, discharge into, or alter the following Resource Areas:

Coastal Wetlands,
Freshwater Wetlands,
Bank, beach, dune, marsh, meadow, swamp or flat bordering on a water body;
or land within 100 feet of these resource areas;
or land under a body of water;
or land subject to flooding, tidal action or coastal storm flowage;
or vernal pools within a wetland resource area;
or land within 150 feet of the Parker River/Essex Bay Area of Critical Environmental Concern.

Any activity proposed or undertaken outside of the above areas is not subject to regulation under this By-Law and does not require the filing of a permit application unless and until that activity actually alters any of the said resources areas." From Ipswich Wetlands Protection Bylaw, Section 2 (Adopted 1990).

"The term "Land Subject to Flooding" shall mean all land subject to inundation by ground or surface water, including land within the 100 year floodplain, isolated land subject to flooding, and bordering land subject to flooding as defined in the State regulations." From Ipswich Wetlands Protection Bylaw, Section 3 (Adopted 1990).

Kingston

Does the municipality regulate buffer zones around "land subject to flooding"?

- Yes** "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.
- Isolated lands subject to flooding are protected under the wetlands bylaw; however, in the regulations the Commission acknowledges that these lands might only be beneficial for water storage. The researcher understood this concession to mean that the 100 foot buffer zone around isolated lands subject to flooding could be waived on a case-by-case basis.
- "Isolated land subject to flooding may only have value for flood storage capacity, if in the judgment of the Commission, the area does not support wetland vegetation or function as a breeding habitat for obligate vernal pool species." From the Town of Kingston Wetlands Protection Regulation. 4.05.

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

- Yes** Additional terms have been added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are not the same as the state.
- The terms "land subject to ... coastal storm flowage ... inundation" have been added to the jurisdiction.
- "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.
- The terms "land subject to ... coastal storm flowage ... inundation" have not been defined in the bylaw or regulations.
- From Section 3.00 Definitions,
"Isolated Land Subject to Flooding is any area subject to flooding or inundation which, in the Commission's judgment, does not support wetland vegetation and does not serve as Vernal Pool habitat."
- (Kingston Wetland Protection Regulations)
- The researcher did not find any reference to a definition for BLSF.

Leicester

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes 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, swampl, 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 whether the town of Leicester has a buffer around lands subject to flooding, Conservation Chair, Dianna Provencher, responded, "We regulate the 100' buffer zone as well [as] Land Subject to Flooding." (12/01/04)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes No additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are not specified.

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, swampl, creek, river, stream, pond, or land, or any land under said waters or any land subject to flooding..."

(Town of Leicester - Wetlands Bylaw)

The researcher did not find any reference to definitions for LSF and concluded the town adheres to state standard.

Lexington

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes From section 130-8. Definitions

"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. The boundary pf these wetlands is either the line within which 50% or more of the vegetation community consists of the wetland plant species identified in M.G.L. Chapter 131, Section 40 or the line within which the soil conditions meet the technical criterion of a nydric soil as developed and revised by the National Technical Committee for Hydric Soils, whichever line or segment ofline protects more wetlands in situations where two lines exist. [Amended 4-8-2002 ATM by Art.22]
(2)The terms "river" and "riverfront area" 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.
(3)The terms "bank," "creek," "stream," "pond," "lake," "vernal pool habitat," "land under water bodies," and "bordering land subject to flooding" shall be defined as set forth in the regulations 310 CMR 10.04 of the M.G.L. Chapter 131, Section 40. [Amended 4-8-2002 ATM by Art. 22]
(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)
(5)The term "isolated land subject to flooding" shall mean an area, depression or basin that holds at minimum one-eighth acre foot of water to an average depth of at least six inches once a year. This shall not include swimming pools, artificially lines ponds or pools, or constructed wasterwater lagoons. [Added 4-8-2002 ATM Art. 22]"

(Code of the Town of Lexington, Chapter 130 and Rules, Adopted 1985, Amended 2002)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes No additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are not the same as the state.

From section 130-2 Notice of intent; permit required,

"A.No person shall remove, fill, dredge, build upon or alter any bank, freshwater wetland, marsh, bog, wet meadow, swamp, creek, river, stream, pond, lake, vernal pool habitat, land under water bodies, land subject to flooding, or any land bordering thereon as hereinafter defined, or riverfront area ..."

Note, however, although there are no additional terms in the jurisdiction of the bylaw in Section 3. Definitions, "Land Subject to Flooding or Inundation is that which, under existing conditions, would be defined as either 'Bordering Land Subject to Flooding' or 'Isolated Land Subject to Flooding' in 310 CMR 10.57."

(Rules Adopted by the Lexington Conservation Commission Pursuant to By-Laws Article XXXII, General By-Law for Wetland Protection)

From section 130-8. Definitions

"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. The boundary of these wetlands is either the line within which 50% or more of the vegetation community consists of the wetland plant species identified in M.G.L. Chapter 131, Section 40 or the line within which the soil conditions meet the technical criterion of a hydric soil as developed and revised by the National Technical Committee for Hydric Soils, whichever line or segment of line protects more wetlands in situations where two lines exist. [Amended 4-8-2002 ATM by Art.22]

(2)The terms "river" and "riverfront area" 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.

(3)The terms "bank," "creek," "stream," "pond," "lake," "vernal pool habitat," "land under water bodies," and "bordering land subject to flooding" shall be defined as set forth in the regulations 310 CMR 10.04 of the M.G.L. Chapter 131, Section 40. [Amended 4-8-2002 ATM by Art. 22]

(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)

(5)The term "isolated land subject to flooding" shall mean an area, depression or basin that holds at minimum one-eighth acre foot of water to an average depth of at least six inches once a year. This shall not include swimming pools, artificially lined ponds or pools, or constructed wastewater lagoons. [Added 4-8-2002 ATM Art. 22]"

(Code of the Town of Lexington, Chapter 130 and Rules, Adopted 1985, Amended 2002)

(5) The term "isolated land subject to flooding" shall mean an area, depression or basin that holds at minimum one-eighth acre foot of water to an average depth of at least six inches once a year. This shall not include swimming pools, artificially lined ponds or pools, or constructed wastewater lagoons. [Added 4-8-2002 ATM by Art. 22]

The state starts at 1/4 of acre while Lexington begins with 1/8 of acre. 1/8 is smaller than 1/4, so Lexington goes beyond the state.

Lincoln

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes Town of Lincoln Bylaws, Article XVIII, Wetlands Protection, Section 2 Jurisdiction (2003).
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."

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are the same as the state.

The terms "land subject to ... inundation by groundwater or surface water" have been added.

Town of Lincoln Bylaws, Article XVIII, Wetlands Protection, Section 2 Jurisdiction (2003).
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."

The terms in the phrase "land subject to ... inundation by groundwater or surface water" have not been defined in the bylaw.

The researcher found no reference to a change in definitions for LSF.

Littleton

Does the municipality regulate buffer zones around "land subject to flooding"?

No From Section 171-1. Purpose and jurisdiction,
"C. Any activity proposed or undertaken within the 'buffer zone' as defined in G.L.C. 131, Section 40 and 310 CMR 10.02(2)(b) or areas subject to protection (collectively the 'resource area') which, in the judgment of the Commission, will remove, fill, dredge, or alter an area subject to protection under this chapter to regulation under the chapter and requires the filing of a request of determination (RFD) or Notice of Intent (NOI)."

(Chapter 171, Wetlands Protection, Adopted 2003)

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")."

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

No No additional terms are added.
Lands subject to flooding are not given buffer zones.
Definitions for LSF are the same as the state.

Barbara Chapin, Littleton Conservation Administrator, confirmed on 8/31/04 that Littleton adheres to the state standard in this

matter.

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")."

From Section 171-1. Purpose and jurisdiction,
"C. Any activity proposed or undertaken within the 'buffer zone' as defined in G.L.C. 131, Section 40 and 310 CMR 10.02(2)(b) or areas subject to protection (collectively the 'resource area') which, in the judgment of the Commission, will remove, fill, dredge, or alter an area subject to protection under this chapter to regulation under the chapter and requires the filing of a request of determination (RFD) or Notice of Intent (NOI)."

(Chapter 171, Wetlands Protection, Adopted 2003)

The researcher found no reference to a change in definitions for LSF.

Lowell

Does the municipality regulate buffer zones around "land subject to flooding"?

No From Section 2. Jurisdiction,
"Except as permitted by the Conservation Commission or as provided in the ordinance, no person shall remove, fill, dredge, alter, or build upon or within 100 feet of any bank; upon or within 100 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."

(Section 5-120 of the Code of the City of Lowell, MA)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

No Additional terms are added.
Lands subject to flooding are not given buffer zones.
Definitions for LSF are the same as the state.

The terms "land subject to ... inundation by groundwater or surface water" have been added in the jurisdiction.

The terms "land subject to ... inundation by groundwater or surface water" have not been defined in the bylaw.

From Section 2. Jurisdiction,
"Except as permitted by the Conservation Commission or as provided in the ordinance, no person shall remove, fill, dredge, alter, or build upon or within 100 feet of any bank; upon or within 100 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."

(Section 5-120 of the Code of the City of Lowell, MA)

Christine Thomas, Lowell Environmental Officer, (8/27/04) said that Lowell protects lands at the state standard of 1/4 acre foot with an average depth of six inches. In addition, the lands subject to flooding is not given a buffer zone. The bylaw, however, does add the clause "inundation by groundwater or surface water." While these terms are not written in state code, the definition and boundaries appear to be identical to state standards.

On survey received from Lowell on 3/21/05, the answer to this question was marked by the City "no."

Lunenburg

Does the municipality regulate buffer zones around "land subject to flooding"?

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 Subjection to Regulation Under the By-Law Part I, Section 10.02.2(b) (Adopted 1983, Amended 1987).

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms added.

Buffer zone around land subject to flooding.

Definitions of LSF same as state.

Lands subject to flooding/inundation by surface or groundwater are given a 100 foot buffer zone.

"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 Subjection to Regulation Under the By-Law Part I, Section 10.02.2(b) (Adopted 1983, Amended 1987).

Researcher found no definitions for "inundation," "surface, or "groundwater" in the regulations.

"Isolated Land Subject to Flooding is an isolated depression or closed basin without an inlet or an outlet. It is an area which at least once a year confines standing water to a volume of at least ¼ acre-feet and to an average depth of at least six inches.

Isolated Land Subject to Flooding may be underlain by pervious material, which in turn may be covered by a mat of organic peat or muck." From the Lunenburg Wetlands Protection Bylaw and Regulations Part II, Section 10.57.2 (b) (Adopted 1983, Amended 1987).

*Note: Definition from state wetlands protection regulations:

"Isolated Land Subject to Flooding is an isolated depression or closed basin without an inlet or an outlet. It is an area which at least once a year confines standing water to a volume of at least 1/4 acre-feet and to an average depth of at least six inches...."

Lynn

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes From Section II. Jurisdiction - Areas Subject to Protection,
"Except as permitted by the Conservation Commission or as provided in these By-Laws, no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following (Areas Subject to Protection); 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; oceans; lands under waterbodies; 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 these By-Laws'). Said resource areas shall be protected whether or not they border surface waters."

(Lynn Conservation Commission Wetlands Protection By-Laws, Rules and Regulations, Adopted 2000, Amended 2001)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms have been added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are not the same as the state.

The terms "lands subject to ...inundation by ground water or surface water" have been added to the jurisdiction.

From Section II. Jurisdiction - Areas Subject to Protection,
"Except as permitted by the Conservation Commission or as provided in these By-Laws, no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following (Areas Subject to Protection); 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; oceans; lands under waterbodies; 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 these By-Laws'). Said resource areas shall be protected whether or not they border surface waters."

(Lynn Conservation Commission Wetlands Protection By-Laws, Rules and Regulations, Adopted 2000, Amended 2001)

The terms "lands subject to ...inundation by ground water or surface water" have been defined and appear to apply to ILSF as well.

The Lynn Conservation Commission Wetland Protection Bylaws, Definitions: Land Subject to Flooding and Inundation:
"Land Subject to Flooding or Inundation: (by groundwater or surface water)- Areas inundated by flood waters rising from creeks, rivers, streams, ponds, lakes or water courses; and isolated or closed basins which at least once a year confine standing water to an average depth of six(6) inches and surface water of 2,000 square feet."

Manchester-by-the-Sea

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes From Section 2.1 Jurisdiction,
"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."

(Manchester-by-the-Sea general By-Law, Amended 2003)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are the same as the state.

The term "inundation" has been added to the jurisdiction.

From Section 2.1 Jurisdiction,
"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."

(Manchester-by-the-Sea general By-Law, Amended 2003)

The term "inundation" is not defined.

From Section 5. Performance Standards,

"5.3 Bordering Land Subject to Flooding. Except as provided in this subsection, the Performance Standards contained in the DEP Regulations, currently codified at 310 CMR 10.57, shall apply. Creation of compensatory flood storage equal in volume to that displaced by the proposed project is a minimum standard. In its discretion, the Commission may require compensatory flood storage of greater volume. In exercising this discretion, the Commission shall consider the extent of flooding and the resulting flood hazard, the topography of the site, the area of land available, and such other factors as the Commission may determine to be relevant in a particular case."

and

"5.6 Isolated Land Subject to Flooding. Except as provided in this subsection, the Performance Standards contained in the DEP Regulations, currently codified at 310 CMR 10.57, shall apply. Prior to permitting any work that will alter Isolated Land Subject to Flooding, the Commission shall require that the applicant to demonstrate by a preponderance of credible evidence that there is no feasible alternative to the work proposed affording equivalent use of the land and which would avoid or reduce alteration."

(Town of Manchester-by-the-Sea Wetlands Regulations, Amended 2002)

Mansfield

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes "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).

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes No additional terms are added.
Lands subject to flooding (ILSF) are given buffer zones.
Definitions for LSF are the same as the state.

"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).

Mansfield's wetlands bylaws defer to the Wetlands Protection Act's definition of Isolated Land Subject to Flooding and the researcher found nothing in the bylaws or regulations that altered or amended said definition.

However, the conservation agent told said (10/25/04) that in practice the Mansfield Conservation Commission did not follow ISLF size requirements stipulated by the state.

Marblehead

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes From Sec. 1-25-102. Jurisdiction
"Except as permitted by the Conservation Commission or as provided for in this chapter, no person shall remove, fill, dredge, build upon or alter the following resource areas, or land within (100) feet thereof: freshwater wetland, coastal wetland, marsh wet meadow, bog, swamp, vernal pool, 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. (5-6-87, Art. 63(s. 2)); (5-8-2001, Art 38)."

(Town of Marblehead Wetlands Protection Bylaw)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are the same as the state.

The terms "inundation by groundwater, surface water, tidal action or coastal storm flowage" have been added to the jurisdiction.

From Sec. 1-25-102. Jurisdiction
"Except as permitted by the Conservation Commission or as provided for in this chapter, no person shall remove, fill, dredge, build upon or alter the following resource areas, or land within (100) feet thereof: freshwater wetland, coastal wetland, marsh wet meadow, bog, swamp, vernal pool, 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. (5-6-87, Art. 63(s. 2)); (5-8-2001, Art 38)."

(Town of Marblehead Wetlands Protection Bylaw)

The terms "inundation by groundwater, surface water, tidal action or coastal storm flowage" have not been defined in the bylaw or regulations.

The researcher did not find any reference to a definition for ILSF.

Town of Marblehead Wetlands Protection Bylaw Regulations, Section 5.3 states as follows with regards to Bordering Lands Subject to Flooding: "Except as provided in this subsection, the Performance Standards contained in the DEP Regulations, currently codified at 310 CMR 10.57, shall apply. Creation of compensatory flood storage equal in volume to that displaced by the proposed project is a minimum standard. In its discretion, the Commission may require compensatory flood storage of greater volume. In exercising this discretion, the Commission shall consider the extent of flooding and the resulting flood hazard, the topography of the site, the area of land available, and such other factors as the Commission may determine to be relevant in a particular case."

Marshfield

Does the municipality regulate buffer zones around "land subject to flooding"?

- 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).

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

- Yes**
- No additional terms added.
- Lands subject to flooding given a buffer zone.
- Definition of LSF differs from state.
- Isolated lands subject to flooding meeting the definition stipulated by Marshfield's bylaws are protected by a 100 foot buffer zone. Additionally, isolated lands subject to flooding must only be greater than 400 square feet.
- "Isolated Land Subject to Flooding-A fresh water wetland that is a confined basin or depression which does not support a minimum of 400 square feet of predominantly wetland plant vegetation and does not function as a Vernal Pool and is not contiguous with other wetland resources. Isolated, from the Town of Marshfield Wetlands Protection Regulations. Section XVI (Effective 9/18/03).

- 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).

"Isolated Land Subject to Flooding-A fresh water wetland that is a confined basin or depression which does not support a minimum of 400 square feet of predominantly wetland plant vegetation and does not function as a Vernal Pool and is not contiguous with other wetland resources. Isolated." From the Town of Marshfield Wetlands Protection Regulations. Section XVI (Effective 9/18/03).

Maynard

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes 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)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are not the same as the state.

The terms "groundwater, surface water or storm flow" have been added 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)

The terms "groundwater, surface water or storm flow" have not been defined in the bylaw or regulations.

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)

Medfield

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes 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)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are the same as the state.

The terms "within one hundred (100) feet of any land subject to ... inundation" have been added to the jurisdiction.

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)

The researcher found no reference to a definition for "inundation" in the bylaw.

The researcher found no reference to a change in definitions to LSF in the bylaw or regulations.

Medway

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes Section 21.2(a) of the Medway town 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)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms have been added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are the same as the state.

The terms "lands subject to ...inundation by ground water or surface water" have been added to the jurisdiction.

Section 21.2(a) of the Medway town 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)

The terms "lands subject to ...inundation by ground water or surface water" have not been defined in the bylaw.

The researcher did not find any reference to a change in definitions for LSF in the bylaw.

Ginny Briggs, Medway Conservation Administrator, on 8/31/04 said that Medway's bylaws adhere to the state standards in this area.

Merrimac

Does the municipality regulate buffer zones around "land subject to flooding"?

No 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."

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

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

No Additional terms are added.
Lands subject to flooding are not given buffer zones.
Definitions for LSF are the same as the state.

The terms "any land subject to storm flowage, or flooding by groundwater or surface water" have been added to the jurisdiction.

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."

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

The terms in the phrase "any land subject to storm flowage, or flooding by groundwater or surface water" have not been defined in the bylaw or regulations.

The researcher did not find any reference to a change in the definitions for LSF in the regulations.

Methuen

Does the municipality regulate buffer zones around "land subject to flooding"?

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).

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are not the same as the state.

The terms "land subject to ...inundation" has been added in the jurisdiction.

"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)

Inundation has not been defined in the bylaws or regulations.

"Flooding shall be defined as a local and temporary inundation or a rise in the surface of a body of water such that it covers land not usually underwater."

From the City of Methuen's Regulations for their Wetlands Ordinance, Section 2 (Adopted 9-30-04).

The conservation agent said (10/25/04) that these areas subject to flooding must be at least 500 square feet.

The researcher found no change in definitions for BLSF or ISLF in the bylaw or regulations.

Milford

Does the municipality regulate buffer zones around "land subject to flooding"?

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.

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms have been added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are the same as the state.

The terms "by groundwater, or surface water" have been added to the 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

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.

The terms "by groundwater, or surface water" have not been defined in the bylaw.

The researcher found no reference to a change in definitions for LSF.

Millis

Does the municipality regulate buffer zones around "land subject to flooding"?

No 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, bog 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)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

No No additional terms are added.
Lands subject to flooding are not given buffer zones.
Definitions for LSF are the same as the state.

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, bog 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)

The researcher did not find any reference to a change in definitions for LSF in the bylaw.

Millville

Does the municipality regulate buffer zones around "land subject to flooding"?

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)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms have been added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are not the same as the state.

The terms "lands subject to ... inundation by groundwater or surface water" have been added to the jurisdiction.

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)

The terms "lands subject to ... inundation by groundwater or surface water" have not been defined in the bylaw.

12-9-1-20. Isolated Land Subject to Flooding is an isolated depression or closed basin without an inlet or outlet. It is an area which at least once a year confines standing water to a volume of at least 1/8 acre-feet and to an average depth of at least six (6) inches.

(Town of Millville Wetland Protection Bylaw, Adopted 2003)

Milton

Does the municipality regulate buffer zones around "land subject to flooding"?

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.

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given a buffer zone.
Definitions for LSF are the same as the state.

The terms "any land subject to ...flood or inundation" have been added in the jurisdiction.

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.

The terms "any land subject to ...flood or inundation" have not been defined.

The researcher did not find any reference to a change in the definitions for LSF.

Natick

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes 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.

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are not the same as the state.

The terms "inundation by groundwater, surface water or storm water flow" have been added to the jurisdiction.

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, Appendix A - Definitions (On Natick website August 2004)

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

Needham

Does the municipality regulate buffer zones around "land subject to flooding"?

No From 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.
(b) Any bank of a lake, pond, river, stream, or other watercourse.
(c) Any waterbody or waterway, including any lake, river, pond, stream, or watercourse.
(d) Any land within 100 feet of any of the areas set forth in Section 1.02(1)(a-c) above.
(e) Any land subject to flooding or inundation by groundwater or surface water."

(Town of Needham Wetlands Protection Regulations, Adopted 1995)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are not given buffer zones.
Definitions for LSF are not the same as the state.

The terms "any land subject to ...inundation by groundwater or surface water" have been added in the jurisdiction.

From 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.
- (b) Any bank of a lake, pond, river, stream, or other watercourse.
- (c) Any waterbody or waterway, including any lake, river, pond, stream, or watercourse.
- (d) Any land within 100 feet of any of the areas set forth in Section 1.02(1)(a-c) above.
- (e) Any land subject to flooding or inundation by groundwater or surface water."

(Town of Needham Wetlands Protection Regulations, Adopted 1995)

It appears the phrase "any land subject to ...inundation by groundwater or surface water" is used synonymously with isolated land subject to flooding.

From Section 1.04 Definitions,

"Land Subject to Flooding or Inundation by groundwater or surface water means areas inundated by flood waters rising from creeks, rivers, streams, ponds, lakes, or water courses, and isolated or closed basins which at least once a year confine standing water to an average depth of six (6) inches and a surface area of 2,000 square feet."

(Town of Needham Wetlands Protection Regulations, Adopted 1995)

From Section 2.05 Isolated Land Subject to Flooding, "(2) Definitions, Critical Characteristics and Boundaries

(a) Isolated Land Subject to Flooding is an isolated depression or closed basin without an inlet or an outlet. It is an area which at least once a year confines standing water to an average depth of six inches, and an average surface area of 2,000 square feet..."

(Town of Needham Wetlands Protection Regulations, Adopted 1995)

Newbury

Does the municipality regulate buffer zones around "land subject to flooding"?

No The researcher found no provision stipulating how the town of Newbury defines flooding or inundation in the wetlands bylaw.

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

No The researcher found no provision stipulating how the town of Newbury defines flooding or inundation in the wetlands bylaw.

Newburyport

Does the municipality regulate buffer zones around "land subject to flooding"?

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)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes 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)

Survey received from Newburyport on 5/4/05 (completed by Tracy Peters, Conservation Administrator):

"Yes - V-zone, high velocity zones 'land subject to coastal storm flowage.'"

ARTICLE II. WETLANDS

Sec. 6.5-26. Purpose.

(a) Purpose of the Massachusetts Wetlands Protection Act. The State Wetlands Protect Act, M.G.L.A. c. 131, § 40, is intended to further the following purposes:

- (1) Protection of groundwater supply;
- (2) Flood control;
- (3) Storm damage prevention;
- (4) Prevention of pollution;
- (5) Protection of land containing shellfish;
- (6) Protection of fisheries; and
- (7) Protection of wildlife habitat.

(b) Special purpose of this article. This article 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).
- (Ord. of 10-9-01(1), § I)

Newton

Does the municipality regulate buffer zones around "land subject to flooding"?

No On 12/20/04 Martha Horn, conservation agent, directed the researcher to Ordinance Section 22-22 "Floodplain/watershed protection provisions". Bordering lands subject to flooding are delineated as follows:

"The boundaries of the Floodplain/Watershed Protection District are intended to correspond with the maximum lateral extent of floodwater which will result from the 100-year flood. Said boundaries have been determined by reference to data prepared for the city pursuant to the National Flood Insurance Program, as currently administered by the Federal Emergency Management Agency. Said boundaries, so determined, shall be presumed accurate. This presumption may be overcome only by credible evidence from a registered professional engineer or other professional competent in such matters."

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes On 12/20/04 Martha Horn, conservation agent, directed the researcher to Ordinance Section 22-22 "Floodplain/watershed protection provisions". Bordering lands subject to flooding are delineated as follows:

"The boundaries of the Floodplain/Watershed Protection District are intended to correspond with the maximum lateral extent of floodwater which will result from the 100-year flood. Said boundaries have been determined by reference to data prepared for the city pursuant to the National Flood Insurance Program, as currently administered by the Federal Emergency Management Agency. Said boundaries, so determined, shall be presumed accurate. This presumption may be overcome only by credible evidence from a registered professional engineer or other professional competent in such matters."

Martha Horn said that in the case of BSLF, Newton supplemented FEMA maps with local data. This information included areas not studied by FEMA but that historically had been known to flood. The researcher found no reference to this practice in the ordinance.

Bordering lands subject to flooding are delineated as follows:

"The boundaries of the Floodplain/Watershed Protection District are intended to correspond with the maximum lateral extent of floodwater which will result from the 100-year flood. Said boundaries have been determined by reference to data prepared for the city pursuant to the National Flood Insurance Program, as currently administered by the Federal Emergency Management Agency. Said boundaries, so determined, shall be presumed accurate. This presumption may be overcome only by credible evidence from a registered professional engineer or other professional competent in such matters."

On 12/20/04 the researcher confirmed with Martha Horn that Newton's ISLF policy is the same as the state's.

Norfolk

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes According to Article VII, Section 2.B(1) of the Norfolk Bylaws, the municipality regulates lands subject to flooding and sets a 100 foot buffer zone around them. The bylaw 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)"

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are the same as the state.

The terms "inundation by groundwater or surface water" have been added to the jurisdiction.

According to Article VII, Section 2.B(1) of the Norfolk Bylaws, the municipality regulates lands subject to flooding and sets a 100 foot buffer zone around them. The bylaw 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)"

The terms "inundation by groundwater or surface water" have not been defined in the bylaw.

The researcher did not find any reference to a change in the definitions for ILSF or BLSF.

North Andover

Does the municipality regulate buffer zones around "land subject to flooding"?

No 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."

From the 1998 regulations:

"1 The following wetland resource areas do not have a 100-foot Buffer Zone: Riverfront Area and Land Subject to Flooding (Bordering and Isolated Areas)."

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

No Additional terms are added.
Lands subject to flooding are not given buffer zones.
Definitions for LSF are the same as the state.

The terms "any land subject to storm flowage, or flooding by groundwater or surface water" have been added in the jurisdiction.

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."

The terms in the phrase "any land subject to storm flowage, or flooding by groundwater or surface water" have not been defined in the bylaw or regulations.

The researcher did not find any reference to a change in definitions for LSF.

North Reading

Does the municipality regulate buffer zones around "land subject to flooding"?

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").

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms have been added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are not the same as the state.

The terms "lands subject to ...inundation by groundwater, surface water" have been added to the jurisdiction.

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, Appendix A, Definitions (Adopted 1993, Revised 2001)

LAND SUBJECT TO FLOODING OR INUNDATION (by groundwater or surface water) - areas inundated by flood waters rising from creeks, rivers, streams, ponds, lakes, or water courses; and isolated or closed basins which at least once a year confine standing water to an average depth of six (6) inches and surface area of 2,000 square feet. [STATE STANDARD IS 1/4 ACRE]

North Reading General Wetlands Bylaw, Section 196-9 (3) (Adopted 1992)

Definitions

(3) The term "land subject to flooding" shall include both isolated land subject to flooding and bordering land subject to flooding as set forth in the Wetlands Protection Act, MGL c. 131 40, and regulations, 310 CMR 10.00.

North Reading Conservation Rules and Regulations, Section 4.5 (Adopted 1993, Revised 2001)

4.5 LAND SUBJECT TO FLOODING

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

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 waterwas and waterbodies.

Note: Survey received 3/23/05 from North reading marked the answer as "no."

Northborough

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes From Section 1 Introduction and Purpose,
"1.3 Applicability
Except as permitted by the Commission or as provided in the Wetlands Bylaw, no person shall remove, fill, dredge, build upon or alter the following resource areas:
a. Any freshwater wetland, bordering vegetated wetland, marsh, wet meadow, bog or swamp;
b. Any bank, beach, lake, river, pond, stream or any land under said waters;
c. Any land subject to flooding or inundation by ground water, surface water run-off or storm flowage; and
d. Any riverfront area.
e. Any proposed work, which falls within 100 feet of such resource area, or within the riverfront area, must be approved by the Commission."

(Town of Northborough Wetlands Regulations)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms have been added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are not the same as the state.

The terms "any land subject ... inundation by ground water, surface water run-off or storm flowage" have been added in the jurisdiction.

From Section 1 Introduction and Purpose,

"1.3 Applicability

Except as permitted by the Commission or as provided in the Wetlands Bylaw, no person shall remove, fill, dredge, build upon or alter the following resource areas:

- a. Any freshwater wetland, bordering vegetated wetland, marsh, wet meadow, bog or swamp;
- b. Any bank, beach, lake, river, pond, stream or any land under said waters;
- c. Any land subject to flooding or inundation by ground water, surface water run-off or storm flowage; and
- d. Any riverfront area.
- e. Any proposed work, which falls within 100 feet of such resource area, or within the riverfront area, must be approved by the Commission."

(Town of Northborough Wetlands Regulations)

The terms "any land subject ... inundation by ground water, surface water run-off or storm flowage" have not been defined in the bylaw.

The Town Engineer (11/12/04) said that the definition of flooding is essentially the same except that the language in the regulations had been amended to 1/8 acre foot rather than 1/4 acre foot.

"Isolated Land Subject to Flooding (ILSF). As defined by 310 CMR 10.57(2)(b) as amended except that it is an area, which at least once a year confines standing water to a volume of at least 1/8 acre-feet." From the Town of Northborough Wetlands Bylaw and Regulations, Section 2.7 (Adopted 1993, Amended 2000).

Northbridge

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes 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)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are the same as the state.

The terms "land subject to ... inundation by groundwater, surface water ..." have been added in the jurisdiction of the bylaw.

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)

The terms "land subject to ... inundation by groundwater, surface water ..." are not defined in the bylaw.

The researcher did not find any reference to changes in the definition of LSF in the bylaw.

On 10/25/04, the researcher confirmed with Bob Anderson, member of the Conservation Commission, that the state definitions of flooding apply.

Norwell

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes 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)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are not the same as the state.

The terms "land subject to ... inundation by groundwater, surface water" have been added in the jurisdiction.

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)

The terms "land subject to ... inundation by groundwater, surface water" have not been defined.

State standard: "It is an area which at least once a year confines standing water to a volume of at least 1/4 acre-feet and to an average depth of at least six inches"

Norwell Wetlands Bylaw Regulations:
Effective Date: December 21, 2004

8.3.0 Land Subject to Flooding (both Bordering and Isolated Areas)

Characteristics and Definition Same as CMR 310 CMR 10.57(2) with the following addition:

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. The jurisdictional buffer zone for isolated land subject to flooding shall extend 100 feet from the highest extent of flooding, defined as the mean annual high water line.

Protected Interests

Whenever a proposed project involves removing, filling, dredging, altering or building upon land subject to flooding, the Commission shall find that the land is significant to the protection of the following interests: groundwater, public water supply, wildlife habitats, private water supply, public safety, prevention of water pollution, recreation, prevention of storm damage, aesthetics, water quality, wildlife, sedimentation control, rare plant and animal species, and erosion control. These findings may be overcome only upon a clear showing that land subject to flooding does not play a role in protecting one or more of the interests given above, and only upon a determination to that effect by the Commission.

Performance Standards

When a Land Subject to Flooding, Bordering or Isolated, or Land within 100 feet of Land Subject to Flooding, Bordering or Isolated, is determined to be significant to an Interest Protected by the Bylaw, the following regulations shall apply:

- (1) Projects on land subject to flooding shall be permitted only in connection with such procedures determined by the Commission as not having the effect of reducing the ability of the land to absorb and contain floodwaters.
- (2) The Commission may require compensating or greater flood storage capacity in the same watershed if it permits any filling of land subject to flooding, and all filling of areas subject to flooding shall be strictly minimized. Except as stated in the preceding sentence, no proposed project shall be permitted to displace or direct floodwaters, through fill or other means, to other areas.
- (3) Project shall not have any effect on vernal pools, whether certified by the Massachusetts Department of Wildlife and Fisheries or uncertified.
- (4) A Vernal Pool Protection Zone, as defined under these Regulations, is 100 feet.
- (5) The Commission may impose such additional requirements as are necessary to protect the Interests Protected by the Bylaws.

Norwood

Does the municipality regulate buffer zones around "land subject to flooding"?

No 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."

Conservation agent on 12/9/04 said that the bylaw did not include provisions for a buffer zone around lands subject to flooding.

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes No buffer zone around land subject to flooding.
No additional terms added.
Definition of land subject to flooding not the same as the state (according to agent.)

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."

Conservation agent on 12/9/04 said that the bylaw did not include provisions for a buffer zone around lands subject to flooding.

He said that the conservation commission does as much as they can to protect lands subject to flooding that do not necessarily fall specifically under the jurisdiction of the bylaw. The agent said that the bylaw is "not black and white" and for all intents and purposes the town of Norwood has the right to review anything "wet".

He told the researcher on 6/30/04 that Norwood defines areas subject to flooding beyond what the state includes in the Wetlands Protection Act. (There is not reference in the bylaw to a definition of land subject to flooding. The researcher never obtained the regulations.

According to Mr. Goetz, the Town does not allow filling of flood plains, unless there is compensation. Normally, Norwood does not accept 1:1. The Conservation Commission has been successful in getting most engineers to provide between 1:2 and 1:5.

Peabody

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes 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.

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)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are not the same as the state.

The terms "land subject to ...inundation by groundwater, surface water, or storm flowage" have been added to the jurisdiction.

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.

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

The terms in the phrase "land subject to ...inundation by groundwater, surface water, or storm flowage" have not been defined.

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) - Definitions

Lands Subject to Flooding: Depressions or closed basins which serve as ponding areas for runoff, snow- melt, heavy precipitation, or high ground water which has risen above the ground surface, and areas which flood from a rise in a bordering resource area as defined in Sec. 32-2 Definitions Resource Area.

Pepperell

Does the municipality regulate buffer zones around "land subject to flooding"?

No There is no jurisdiction section of the bylaw.

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

No No additional terms are added.
Lands subject to flooding are not given buffer zones.
Definitions for LSF are the same as the state.

Plainville

Does the municipality regulate buffer zones around "land subject to flooding"?

No "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).

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

No Additional terms are added.
No buffer zone given to LSF.
Definitions of LSF are the same as the state.

The town uses the terms "flooding and inundation," however, the researcher found no definitions for these terms or isolated land subject to flooding.

"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).

Plymouth

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes 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."

(Plymouth Conservation Commission Wetlands Protection Bylaw, Article #27, Adopted 1989, Amended 1994)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are the same as the state.

The definition of an isolated lands subject to flooding is the same as the state, but flooded land is given the buffer zone and the town of Plymouth uses the terms "inundation by ground water, surface water."

The terms "[a]ny land subject to ... inundation by: groundwater, surface water..." have been added to the jurisdiction (in the regulations not the bylaw).

From Section 3. Jurisdiction from the regulations protects "[a]ny land subject to flooding or inundation by: groundwater, surface water, tidal action, coastal action or coastal storm flowage."

(Rules and Regulations for Plymouth Wetlands Protection Bylaw, Article #27, Adopted 1999, Amended 2001)

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."

(Plymouth Conservation Commission Wetlands Protection Bylaw, Article #27, Adopted 1989, Amended 1994)

The terms "[a]ny land subject to ... inundation by: groundwater, surface water..." have not been defined in the bylaw or regulations.

The researcher did not find any reference to a change in definitions of LSF in the bylaw or regulations.

Quincy

Does the municipality regulate buffer zones around "land subject to flooding"?

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.

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms have been added.
Lands subject to flooding have been given buffer zones.
Definitions for LSF are the same as the state.

The terms "any land subject to ...inundation by groundwater, surface water" have been added to the jurisdiction.

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.

The terms "any land subject to ...inundation by groundwater, surface water" have not been defined.

The researcher found no reference to a change in definitions for LSF.

Reading

Does the municipality regulate buffer zones around "land subject to flooding"?

No From Section 5.7.3 of the bylaw, "No person shall remove, fill, dredge or alter the following resource areas: bank; fresh water wetland; marsh; meadow; bog; swamp; creek; river; stream; pond; lake; lands under water bodies; land within one hundred feet of any of the preceding resource areas; land subject to flooding; and riverfront area, 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 or alter and without receiving and complying with an Order of Conditions, and provided all appeal periods have elapsed. Said resource areas shall be protected whether or not they border surface waters. Such notice shall be sent by certified mail or hand delivered to the Reading Conservation Commission, including such plans as may be necessary to describe such proposed activity and its effect on the environment."

(Reading General Bylaws, Article 5 Wetland Protection)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes No additional terms are added.
Lands subject to flooding are not given buffer zones.
Definitions for LSF are not the same as the state.

From Section 5.7.3 of the bylaw, "No person shall remove, fill, dredge or alter the following resource areas: bank; fresh water wetland; marsh; meadow; bog; swamp; creek; river; stream; pond; lake; lands under water bodies; land within one hundred feet of any of the preceding resource areas; land subject to flooding; and riverfront area, 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 or alter and without receiving and complying with an Order of Conditions, and provided all appeal periods have elapsed. Said resource areas shall be protected whether or not they border surface waters. Such notice shall be sent by certified mail or hand delivered to the Reading Conservation Commission, including such plans as may be necessary to describe such proposed activity and its effect on the environment."

(Reading General Bylaws, Article 5 Wetland Protection)

The Town of Reading Town of Reading, Massachusetts
Conservation Commission, Wetlands Protection Regulations (2002) Definitions:
LAND SUBJECT TO FLOODING (See also Floodplain and Lower Floodplain):
1. Bordering Land Subject to Flooding: an area which floods due to a rise in water level on a waterway or water body during any event up to and including the 100-year storm event; also: Floodplain.
2. Isolated Land Subject to Flooding: an isolated depression or a closed basin which serves as a ponding area for run-off or high ground water which has risen above the ground surface.

Revere

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes From Section 16.04.030 Permit application procedures, within one hundred feet of any land subject to tidal action, coastal storm flowage, flooding or inundation
"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 , or within one hundred feet of the one-hundred-year storm line ..."

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

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are the same as the state.

The terms "any land subject to tidal action, coastal storm flowage, flooding or inundation" have been added to the jurisdiction.

From Section 16.04.030 Permit application procedures, within one hundred feet of any land subject to tidal action, coastal storm flowage, flooding or inundation
"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 , or within one hundred feet of the one-hundred-year storm line ..."

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

The terms in the phrase "any land subject to tidal action, coastal storm flowage, flooding or inundation" have been not been defined in the bylaw.

The researcher found no reference to a change in definitions of LSF in the bylaw.

Rockland

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes The jurisdiction gives the Commission the right to regulate a 100 foot buffer zone around land subject to flooding.

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."

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes No additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are the same as the state.

The jurisdiction gives the Commission the right to regulate a 100 foot buffer zone around land subject to flooding.

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."

The researcher did not find any reference to a change in definitions for LSF.

Rockport

Does the municipality regulate buffer zones around "land subject to flooding"?

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)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions are the same as the state.

The bylaw includes "lands subject to ... inundation by groundwater or surface water".

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)

The terms "lands subject to ... inundation by groundwater or surface water" are not defined in the bylaw.

The researcher found no reference to the definition of LSF.

On 10/25/04, the conservation agent, Suzanne O'Connell, wrote in an email that the town of Rockport does not have a definition for land subject to flooding, and thus the researcher determined it must be the same as the state (she did not specify.)

Rowley

Does the municipality regulate buffer zones around "land subject to flooding"?

No The researcher found no reference to areas subject to inundation and flooding.

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

No The researcher found no reference to areas subject to inundation and flooding.

Salem

Does the municipality regulate buffer zones around "land subject to flooding"?

No

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

No

Salisbury

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes 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).

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are not the same as the state.

The terms "any land subject to ...inundation by:
groundwater, surface water" have been added in the jurisdiction.

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).

From Section 1.04 Definitions,
"Land subject to flooding or inundation by groundwater or surface water
See Part III - 3.04 (1), (a) and (b)."

These aforementioned section reference Bordering and Isolated Lands Subject to Flooding. The definition for BLSF appears to be the same as the state. ILSF, however, does not have a size requirement.

From Section 3.04, (2) (b), Isolated Land Subject to Flooding,
"1. Isolated Land Subject to Flooding is an isolated depression or closed basin without an inlet or an outlet. It is an area which at least once a year confines standing water."

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

Saugus

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes Town of Saugus Bylaws, 508.08, Section 3 (February 1998): Section 3 - Jurisdiction:
No person shall remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas: any bank; freshwater or coastal wetland; beach; dune; flat; marsh; wet meadow; bog; swamp; vernal pool lake; pond of any size; creek estuary; the ocean; land under water bodies; land subject to flooding or inundation by ground water or surface water; land subject to tidal action, coastal storm flowage, or flooding; lands within one hundred (100) feet of any of the aforesaid resource areas..."

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are not the same as the state.

The terms "inundation by ground water or surface water" have been added to the jurisdiction.

Town of Saugus Bylaws, 508.08, Section 3 (February 1998): Section 3 - Jurisdiction:
No person shall remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas: any bank; freshwater or coastal wetland; beach; dune; flat; marsh; wet meadow; bog; swamp; vernal pool; lake; pond of any size; creek estuary; the ocean; land under water bodies; land subject to flooding or inundation by ground water or surface water; land subject to tidal action, coastal storm flowage, or flooding; lands within one hundred (100) feet of any of the aforesaid resource areas..."

The terms "inundation by ground water or surface water" have not been defined.

From the email response from Mr. Dame, 'isolated wetland' is used to regulate isolated lands subject to flooding.

6/23/04 email from Mr. Dame:
(2) Different than state in that an isolated wetland can be a wetland if it contains 5,000 cubic feet of water (as opposed to a quarter acre foot as defined in state ILSF definition).

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

"A. The following definitions shall apply in the interpretation and implementation of this by-law.

...

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."

Scituate

Does the municipality regulate buffer zones around "land subject to flooding"?

No 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) any 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."

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

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

No No additional terms are added.
Lands subject to flooding are not given buffer zones.
Definitions for LSF are the same as the state.

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."

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

The researcher did not find any reference to a definition for BLSF and ISLF and concludes the town follows state code.

Seekonk

Does the municipality regulate buffer zones around "land subject to flooding"?

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)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are the same as the state.

The terms "land subject to ... inundation by groundwater, surface water ... " has been added to the jurisdiction.

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."

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

The terms "land subject to ... inundation by groundwater, surface water ... " are not defined in the bylaw or regulations.

The researcher did not find any reference to definitions, characteristics, or boundaries of LSF that are different from the state.

Sharon

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes Lands subject to flooding are included in the jurisdiction, and the researcher concluded these lands may also receive a 100 foot buffer zone (especially if the town deems the land an isolated wetland). This conclusion was reached because the jurisdiction protects the buffer zone, and the definition of buffer zone includes a "body of water" which it does not further define.

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."

Then from section 2. Definitions, "2.3 The term 'buffer zone' shall be the land within one hundred (100) feet horizontally landward from the perimeter of outer border of any wetland, floodplain, vernal pool or body of water."

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

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are not the same as the state.

The terms "inundation by groundwater or surface water" have been added in the jurisdiction.

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."

Then from section 2. Definitions, "2.3 The term 'buffer zone' shall be the land within one hundred (100) feet horizontally landward from the perimeter of outer border of any wetland, floodplain, vernal pool or body of water."

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

The terms "inundation by groundwater or surface water" have not been defined in the bylaw or regulations.

In the rules and regulations, the definition of bordering land subject to flooding appears to be the same as the state. However, isolated land subject to flooding has less stringent standards. This was confirmed with the conservation agent. Researcher spoke with Greg Meister, Sharon's Conservation Agent on 7/23/04. Mr Meister stated that some wetlands in town that are over an acre - didn't quite qualify as isolated land subject to flooding, so the town uses the protection of isolated vegetated wetlands to define and protect these parcels.

From Section 3.04 Land Subject to Flood (Both Bordering and Isolated Areas), (2) Definitions, Critical Characteristics and Boundaries, "(b)Isolated Land Subject to Flooding:

1. Isolated land subject to flooding is an isolated depression or closed basin without an inlet or an outlet. It is an area which at least once a year confines standing water. Isolated land subject to flooding may be underlain by pervious material, which in turn may be covered by a mat of peat or muck...
3. The boundary of isolated land subject to flooding is the perimeter of the largest observed or recorded volume of water confined in said area."

(Rules and Regulations of the Sharon Conservation Commission)

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes "3.1 Resource Areas
The following resource areas are subject to protection under Chapter 17, Sherborn General Wetlands By-Laws:
a.Banks
b.Freshwater wetlands
1.Wet meadows
2.Marshes
3.Swamps
4.Bogs
5.Areas where groundwater, flowing or standing surface water, or ice provides a significant part of the supporting substrata for a plant community for at least five months of the year
(a)Vernal pool and vernal pool habitat:
(1)Definitions:
a.Vernal pool - a confined basin or depression which, at least in most years, holds water for a minimum of two continuous months during the spring or summer or both, and which is free of adult fish populations. A confined basin or depression occurring in an existing lawn, garden, landscaped area, driveway, cultivated field, or open grazed meadow is not considered a vernal pool.
b.Vernal pool habitat - a vernal pool and the area within 100 feet of the mean annual boundaries of such pool. Such an area is an essential breeding habitat for amphibian, reptile, or other vernal pool community species and provides other extremely important functions during the non-breeding season for a variety of these species as well as other wildlife.
(2)Presumption: Where a freshwater wetland's physical characteristics conform with those defined for vernal pool habitat, the Commission shall presume the existence of a vernal pool and vernal pool habitat. This presumption is unconditional, and shall be made notwithstanding certification or lack thereof by the Massachusetts Division of Wildlife and Fisheries and whether or not the site is located within another wetland resource area.
(3)Presumption Rebuttal: The vernal pool habitat presumption may be overcome only upon a showing by a preponderance of credible evidence which in the judgment of the Commission demonstrates that such freshwater wetland does not provide, or cannot provide, vernal pool habitat functions.
6.Emergent and submergent plant communities in inland waters
7.Banks touching inland waters
c.Bordering land subject to flooding (so defined as the boundary of the 100-year floodplain).
d.Isolated land subject to flooding.

In order to protect these resource areas, any altering activity within 100 feet horizontally outward from the upland edge of a resource area shall be reviewed by the Commission."

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes No additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are not the same as the state.

"3.1 Resource Areas
The following resource areas are subject to protection under Chapter 17, Sherborn General Wetlands By-Laws:
a.Banks
b.Freshwater wetlands
1.Wet meadows
2.Marshes
3.Swamps
4.Bogs
5.Areas where groundwater, flowing or standing surface water, or ice provides a significant part of the supporting substrata for a plant community for at least five months of the year
(a)Vernal pool and vernal pool habitat:
(1)Definitions:
a.Vernal pool - a confined basin or depression which, at least in most years, holds water for a minimum of two continuous months during the spring or summer or both, and which is free of adult fish populations. A confined basin or depression occurring in an existing lawn, garden, landscaped area, driveway, cultivated field, or open grazed meadow is not considered a vernal pool.
b.Vernal pool habitat - a vernal pool and the area within 100 feet of the mean annual boundaries of such pool. Such an area is an essential breeding habitat for amphibian, reptile, or other vernal pool community species and provides other extremely important functions during the non-breeding season for a variety of these species as well as other wildlife.
(2)Presumption: Where a freshwater wetland's physical characteristics conform with those defined for vernal pool habitat, the Commission shall presume the existence of a vernal pool and vernal pool habitat. This presumption is unconditional, and shall be made notwithstanding certification or lack thereof by the Massachusetts Division of Wildlife and Fisheries and whether or not the site is located within another wetland resource area.
(3)Presumption Rebuttal: The vernal pool habitat presumption may be overcome only upon a showing by a preponderance of

credible evidence which in the judgment of the Commission demonstrates that such freshwater wetland does not provide, or cannot provide, vernal pool habitat functions.
6. Emergent and submergent plant communities in inland waters
7. Banks touching inland waters
c. Bordering land subject to flooding (so defined as the boundary of the 100-year floodplain).
d. Isolated land subject to flooding.

In order to protect these resource areas, any altering activity within 100 feet horizontally outward from the upland edge of a resource area shall be reviewed by the Commission."

BLSF appears to be the same as the state, where ISLF is not.

Town of Sherborn Wetland Regulations, Definitions:

"Bordering Land Subject to Flooding. The area inundated when a statistical 100-year frequency storm causes lakes, ponds, rivers, and streams to rise from their normal courses. The bordering land boundary is defined in one of three ways:

1. The boundary or high water mark of the 100-year floodplain as shown on the Sherborn FEMA (Federal Emergency Management Agency) flood study map where that boundary is based on flood profile data.
2. For areas bordering other resource areas, where the boundaries of the 100-year flood plain are not based on FEMA flood profile data, historic observations of high water flood levels shall be used. Evidence includes high water marks, flood damage to structures or trees, flood debris deposition elevations, written depth measurements, photos, and other flood documentation.
3. For areas bordering other resource areas where the boundaries of the 100-year flood plain are not based on FEMA flood profile data, and where documented historic observations are not available, the floodplain boundaries may be based on hydrologic calculations."

"Isolated Land Subject to Flooding. An isolated depression or closed basin without an inlet or an outlet. It is an area which at least once a year confines standing water to a volume of at least 1/4 acre-feet and to an average depth of at least 4 inches."

(SHERBORN WETLANDS REGULATIONS, Adopted 1994, Amended 2001)

Shirley

Does the municipality regulate buffer zones around "land subject to flooding"?

No 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)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

No No additional terms are added.
Lands subject to flooding are not given buffer zones.
Definitions for LSF are the same as the state.

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)

[No definition for LSF provided]

Southborough

Does the municipality regulate buffer zones around "land subject to flooding"?

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."

(Southborough Wetlands By-Law, Adopted 1992, Amended 1995)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms have been added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are the same as the state.

The terms "land subject to ...inundation by groundwater, surface water or storm flowage" have been added in the jurisdiction.

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."

(Southborough Wetlands By-Law, Adopted 1992, Amended 1995)

The terms in the phrase "land subject to ...inundation by groundwater, surface water or storm flowage" have not been defined.

Town of Southborough Wetlands Regulations (Approved 2002) state:

"2.2 ACTIVITIES WITHIN AREA SUBJECT TO PROTECTION UNDER THE WETLANDS BYLAW. The general performance standards for Banks, Land Under Water Bodies, Bordering Land Subject to Flooding and Isolated Land Subject to Flooding shall be as stated in 310 CMR 10.00 as amended."

Stoneham

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes 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.

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."

(Stoneham, Massachusetts Wetland Bylaw, Adopted May 2004)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are the same as the state.

The terms "inundation by groundwater or surface water" have been added to the jurisdiction.

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.

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."

(Stoneham, Massachusetts Wetland Bylaw, Adopted May 2004)

The terms "inundation by groundwater or surface water" have not been defined.

The researcher did not find any reference to definitions for LSF and concluded Stoneham follows the state code.

Stow

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes Article 9, Section 2 of the Stow Town Bylaws protects "lands bordering on or within one hundred feet of any land subject to flooding or inundation by ground water or surface water; or lands bordering on or within one hundred feet of the one-hundred year flood elevation, 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)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are not the same as the state.

The terms "land subject to ... inundation by ground water or surface water" have been added to the jurisdiction.

Article 9, Section 2 of the Stow Town Bylaws protects "lands bordering on or within one hundred feet of any land subject to flooding or inundation by ground water or surface water; or lands bordering on or within one hundred feet of the one-hundred year flood elevation, 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)

The term "groundwater" is defined as "water below the surface of the earth in the zone of saturation" in Section 2 Definitions of the Regulations. The terms "inundation" and "surface water" are not defined.

(Town of Stow, Regulations Wetland Protection Bylaw, Adopted 1987, Amended 1990)

Section 2.25 of the Stow Wetlands Regulations defines "Land Subject to Flooding" as:

"(A) Any area which floods due to a rise in a water body or waterway.

(B) Any area which serves as a ponding area for runoff or high groundwater which has risen above the ground surface.

(C) The boundaries of Land Subject to Flooding shall be defined by the 100 year flood elevation."

The definition does not give certain size and water depth requirements, and section B may protect additional areas not protected by the state.

In the same section, "flooding" is defined as "any local or temporary inundation of water or a rise in the surface of a body of water such that it covers land not usually under water."

(Town of Stow, Regulations Wetland Protection Bylaw, Adopted 1987, Amended 1990)

Sudbury

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes 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)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are not the same as the state.

The terms "ground water, surface water, or storm flow" have been added to the jurisdiction.

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)

The terms "ground water, surface water, or storm flow" have not been defined.

Debbie Dineen, Sudbury Conservation Coordinator, (8/13/04) said that in Section 9 of the Sudbury Wetlands Bylaw 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 adjacent upland resource area for isolated land subject to flooding shall be 25 feet."

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

Sutton

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes From Section 2.1 Application of Jurisdiction, "Except as permitted by the Conservation Commission, and/or as provided in this Bylaw, no person shall commence to 'alter' (as defined in Section 9.15) in any manner, remove, fill, dredge, build upon, degrade, discharge or dump into any of the following areas: any freshwater wetland, perched wetland, marsh, wet meadow, bog, swamp, vernal pool, bank, reservoir, flat, lake, pond of any size, river, all perennial and intermittent streams, creek, beach, estuary, land under water bodies, land subject to flooding or inundation by groundwater or surface water, and any abutting adjacent upland resource areas as defined in Section 9.12 of this Bylaw. Said resource areas shall be protected whether or not they border waters and if they are within 100 feet of the resource area(s), or of the 100 year storm line, or 200 feet if within a Riverfront District."

Then Definition 9.12 Adjacent Upland Resource Area(s),
"The term, 'adjacent upland resource area(s)', shall include all lands within 100 feet of wetlands, including but not limited to any watershed containing freshwater wet land, and bordering vegetation associated with and including marshes, wet meadows, bogs, swamps, vernal pools (as defined herein and in Section 9.10), banks, reservoirs; lakes, all perennial and intermittent streams, creeks, rills, springs, lands under water bodies, lands subject to flooding by ground water, surface water, or storm flow, collectively and/or separately. For all perennial streams, great ponds and rivers, it extends 200 feet from the top of the bank. For vernal pools under 10,000 square feet in area, and in isolated land subject to flooding, occurring within or without that two hundred feet, it extends 100 feet."

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

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are the same as the state.

The terms "land subject to ...inundation by groundwater or surface water" has been added to the jurisdiction.

From Section 2.1 Application of Jurisdiction, "Except as permitted by the Conservation Commission, and/or as provided in this Bylaw, no person shall commence to 'alter' (as defined in Section 9.15) in any manner, remove, fill, dredge, build upon, degrade,

discharge or dump into any of the following areas: any freshwater wetland, perched wetland, marsh, wet meadow, bog, swamp, vernal pool, bank, reservoir, flat, lake, pond of any size, river, all perennial and intermittent streams, creek, beach, estuary, land under water bodies, land subject to flooding or inundation by groundwater or surface water, and any abutting adjacent upland resource areas as defined in Section 9.12 of this Bylaw. Said resource areas shall be protected whether or not they border waters and if they are within 100 feet of the resource area(s), or of the 100 year storm line, or 200 feet if within a Riverfront District."

Then Definition 9.12 Adjacent Upland Resource Area(s),

"The term, 'adjacent upland resource area(s)', shall include all lands within 100 feet of wetlands, including but not limited to any watershed containing freshwater wet land, and bordering vegetation associated with and including marshes, wet meadows, bogs, swamps, vernal pools (as defined herein and in Section 9.10), banks, reservoirs; lakes, all perennial and intermittent streams, creeks, rills, springs, lands under water bodies, lands subject to flooding by ground water, surface water, or storm flow, collectively and/or separately. For all perennial streams, great ponds and rivers, it extends 200 feet from the top of the bank. For vernal pools under 10,000 square feet in area, and in isolated land subject to flooding, occurring within or without that two hundred feet, it extends 100 feet."

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

The terms "land subject to ...inundation by groundwater or surface water" have not been defined in the bylaw or regulations.

The researcher did not find any reference to definitions for LSF.

On 10/21/04, Mark Briggs, member of the Conservation Commission, confirmed that the town uses the state definitions for areas subject to flooding.

Swansea

Does the municipality regulate buffer zones around "land subject to flooding"?

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.

B. Activities Subject to Regulation Under the Bylaw

Any activity proposed or undertaken which will constitute removing, filling dredging, or altering any area specified in section 1.03(A) above is subject to regulations under this Bylaw; Any activity proposed or undertaken within one hundred (100) feet of an area specified in section 1.03(A) above, hereinafter referred to as the Buffer Zone, is subject to regulations under this Bylaw."

(Rules and Regulations Under the Swansea Wetlands Protection Bylaw)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are more stringent than the state.

The terms "any land subject to ... inundation by: Groundwater, surface water" have been added in the bylaw.

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.

B. Activities Subject to Regulation Under the Bylaw

Any activity proposed or undertaken which will constitute removing, filling dredging, or altering any area specified in section 1.03(A) above is subject to regulations under this Bylaw; Any activity proposed or undertaken within one hundred (100) feet of an area specified in section 1.03(A) above, hereinafter referred to as the Buffer Zone, is subject to regulations under this Bylaw."

(Rules and Regulations Under the Swansea Wetlands Protection Bylaw)

"Inundation" appears to be a synonym for flooding.

Then from 1.05 Definitions, "Land Subject to Flooding or Inundation by Ground Water - Any land which borders a wetland or any depression or basin which on the average at least once every five years contains standing water over an area of at least one thousand square feet."

(Rules and Regulations Under the Swansea Wetlands Protection Bylaw)

Taunton

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes The buffer zone for bordering lands subject to flooding is not specified in the jurisdiction. However, if the area classifies as a "Jurisdictional ILSF" which are larger than 1/4 acre foot in size are given a WPZ buffer zone of 25 feet.

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)

From Section II Definitions "Jurisdictional ILSF": "ISLFs of greater than a quarter acre-foot are jurisdictional as currently stated in the Act and in addition under this Ordinance shall have a WPZ.

(City of Taunton Conservation Ordinance Regulations)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Only ILSF is given a buffer zone.
Definitions for ILSF are more stringent than the state.

The terms "lands subject to ...inundation by groundwater or surface water" have been added to the bylaw.

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."

The terms "lands subject to ...inundation by groundwater or surface water" are not defined in the bylaw or regulations.

The researcher did not find any reference to a change in the definition for BLSF. However, Taunton has changed the definition for ILSF.

From Section II Definitions "Jurisdictional ILSF": "ISLFs of greater than a quarter acre-foot are jurisdictional as currently stated in the Act and in addition under this Ordinance shall have a WPZ. ILSFs that hold less than a quarter acre-foot of water are also presumed to be jurisdictional unless it can be demonstrated that they do not have a minimum of 1000 sq. ft. in surface area or contain 100 cubic feet of water at any time of the year. Although protected such areas have no WPZ or buffer zone. Altering ILSF may be allowed, if the applicant demonstrates a legitimate hardship and an appropriate mitigation plan is proposed."

(City of Taunton Conservation Ordinance Regulations)

Tewksbury

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes From 18.04.30 Jurisdiction, "Except as permitted by the Commission or as provided in this Bylaw, no person shall alter the following local resource areas:
(1) Within 100 feet of any vegetated wetlands wet meadow, marsh, swamp or bog;
(2) Within 100 feet of any river, brook stream (intermittent or otherwise), pond or lake;
(3) Land under any of the bodies of water listed in (1) and (2) above;
(4) Within 100 feet of bordering or isolated land subject to flooding or inundation by groundwater or surface water. The inundation by groundwater at or near the surface of the ground at least six months of the year (Art. 30 C, ATM 1991)
(5) Buffer zone where an activity is proposed within the buffer zone, the Commission shall presume that the activity has a high likelihood of altering any resource area adjacent to the buffer zone..."

(Wetland Protection By-Law, Adopted 2004)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are not the same as the state.

Article 18.04.30 (4) of the Tewksbury town bylaws protects "100 feet of bordering or isolated land subject to flowing or inundation by groundwater or surface water. The term inundation by groundwater at or near the surface of the ground at least six months of the year. (Art. 30 § C, ATM 1991)"

From 18.04.30 Jurisdiction, "Except as permitted by the Commission or as provided in this Bylaw, no person shall alter the following local resource areas:

(1) Within 100 feet of any vegetated wetlands wet meadow, marsh, swamp or bog;
(2) Within 100 feet of any river, brook stream (intermittent or otherwise), pond or lake;
(3) Land under any of the bodies of water listed in (1) and (2) above;
(4) Within 100 feet of bordering or isolated land subject to flooding or inundation by groundwater or surface water. The inundation by groundwater at or near the surface of the ground at least six months of the year (Art. 30 C, ATM 1991)
(5) Buffer zone where an activity is proposed within the buffer zone, the Commission shall presume that the activity has a high likelihood of altering any resource area adjacent to the buffer zone..."

(Wetland Protection By-Law, Adopted 2004)

Topsfield

Does the municipality regulate buffer zones around "land subject to flooding"?

No From Section 62-2 Jurisdiction,
"Except as permitted by the Conservation Commission or as provided in this By-Law, no person shall remove soil or vegetation from, fill, dredge, build upon, discharge into, or alter the following Resource Areas:
a. Freshwater wetlands;
b. Bodies of water;
c. Land under water;
d. Banks;
e. Land within one hundred (100) feet of Freshwater Wetlands, Bodies of Water, Land Under Water, or Banks;
f. Riverfront Area;
g. Land Subject to Flooding.

(Chapter LXII General Wetlands Bylaw)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in

the state Wetlands Protection Act would cover?

- No** No additional terms are added.
Lands subject to flooding do not have buffer zones.
Definitions for LSF are the same as the state.
- From Section 62-2 Jurisdiction,
"Except as permitted by the Conservation Commission or as provided in this By-Law, no person shall remove soil or vegetation from, fill, dredge, build upon, discharge into, or alter the following Resource Areas:
a. Freshwater wetlands;
b. Bodies of water;
c. Land under water;
d. Banks;
e. Land within one hundred (100) feet of Freshwater Wetlands, Bodies of Water, Land Under Water, or Banks;
f. Riverfront Area;
g. Land Subject to Flooding.
- (Chapter LXII General Wetlands Bylaw)
- From R:10-3 Identification of Resource Areas Protected Under the Bylaw
"f. Land Subject to Flooding includes those lands identified in the manner specified in 310 CMR 10.57."
- (Chapter R:10 Regulations for Topsfield Wetlands General Bylaw, Amended 2003)

Townsend

Does the municipality regulate buffer zones around "land subject to flooding"?

- 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."
- 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)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

- Yes** Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are not same as the state.
- The terms "lands subject to ... inundation" have been added to the bylaw.
- 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 the regulations, Section 150-3 Definitions, "inundation -- see definition of 'flooding'" and the flooding definition is not rigidly defined like the state. Same section, "flooding - local and/or temporary rise in the surface of a body of water such that it covers land not usually under water."

(Townsend Wetlands Regulations, Adopted 1989)

Definitions for LSF are not included in the bylaw or regulations. However, the researcher noted that perhaps the definition for inundation and flooding can be used to regulate areas more stringently than the state.

Tyngsborough

Does the municipality regulate buffer zones around "land subject to flooding"?

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; 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; 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 Tyngsboro Wetlands Protection Bylaw, Section 2 (Effective 10/8/02).

"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 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, degraded water quality, and loss or degradation of wildlife habitat. The Commission therefore may require in its regulations 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 presents credible evidence which in the judgement[sic] of the Commission the area or part of it may be disturbed without harm to the values protected by this bylaw." From the Tyngsboro Wetlands Protection Bylaw, Section 7 (Effective 10/8/02).

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms have been added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are not the same as the state.

The terms "lands subject to ... inundation by groundwater or surface water; or flooding" have been added to the jurisdiction.

"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; 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; 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 Tyngsboro Wetlands Protection Bylaw, Section 2 (Effective 10/8/02).

"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 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, degraded water quality, and loss or degradation of wildlife habitat. The Commission therefore may require in its regulations 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 presents credible evidence which in the judgement[sic] of the Commission the area or part of it may be disturbed without harm to the values protected by this bylaw." From the Tyngsboro Wetlands Protection Bylaw, Section 7 (Effective 10/8/02).

The terms in the phrase "lands subject to ... inundation by groundwater or surface water; or flooding" have not been defined.

The researcher found no change in definitions for LSF in the bylaw.

On 11/15/04 the researcher called the Conservation Commission and was told that Tyngsboro does not enforce size requirements for lands subject to flooding nor do they make a distinction between isolated or bordering lands subject to flooding.

Upton

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes 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."

In addition, from section IX. Definitions,
"The term "pond" shall follow the definition of 310 CMR 10.04 except that the size threshold of 10,000 square feet shall not apply."

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

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are the same as the state.

Note: The researcher found no reference to a change in definitions for LSF. However, "ponds of any size" are included in the jurisdiction and ponds are explicitly defined. The researcher concluded that this could be used to protect certain areas more stringently than the state.

From section IX. Definitions,
"The term "pond" shall follow the definition of 310 CMR 10.04 except that the size threshold of 10,000 square feet shall not apply."

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

The terms "lands subject to ... inundation by groundwater or surface water" have been added to the jurisdiction.

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."

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

The terms "lands subject to ... inundation by groundwater or surface water" are not defined in the bylaw.

Walpole

Does the municipality regulate buffer zones around "land subject to flooding"?

No 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.

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

No Additional terms are added.
Lands subject to flooding are not given buffer zones.
Definitions for LSF are the same as the state.

The terms "inundation" has been added in the jurisdiction.

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.

Landis Hershey, Walpole Conservation Agent, (8/3/04) said that Walpole's bylaw goes beyond the state regulations in two key ways. First, it protects isolated vegetated wetlands. Second, it protects pieces of land than the state considers eligible to be deemed an "area subject to flooding" by protecting land that the commission deems inundated (definition of inundated is an informal policy).

From Section 9 Definitions in the bylaw,
"Land Subject to Flooding or Inundation - is defined as it is in 310 CMR 10.00."

(Article XXIV, Town of Walpole Wetland Protection By-Law)

Note, inundation is not defined in the state code.

Watertown

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes 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)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in

the state Wetlands Protection Act would cover?

Yes Additional terms have been added.
Lands subject to flooding have a buffer zone.
Definitions for LSF are not the same as the state.

The terms "land subject to ... inundation" has been added to the jurisdiction.

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)

The terms in the phrase "land subject to ... inundation" were not defined.

The researcher found that bordering lands subject to flooding had the same performance definition as the state. However, isolated lands subject to flooding are defined less stringently than the state, since no size requirement is given for these areas.

Then from Section IV Standards for Inland Wetlands, Part D Land Subject to Flooding (both Bordering and Isolated Areas),
"(2) Definitions, Critical Characteristics and Boundaries ...
(b) Isolated Land Subject to Flooding
1. Isolated land subject to flooding is an isolated depression or closed basin without an inlet or an outlet. It is an area which at least once a year confines standing water...
(3) No activity other than the maintenance of an already existing structure, which will result in the building within or upon, removing, filling, dredging or altering of land subject to flooding, or of land within 50 feet of land subject to flooding shall be permitted by the Conservation Commission, except for activity which is allowed under a variance from these regulations granted pursuant to Section I (D)."

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

Wayland

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes 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.

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are not the same as the state.

The term "inundation" has been added and appears to be a synonym with flooding.

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.

Code of Town of Wayland, Massachusetts, Chapter 194.2, 2002:

LAND SUBJECT TO FLOODING OR INUNDATION -- A protected water resource, except as noted in the definition of "stream," means an area of depression in topography, isolated depression, low lying land, or closed basin which floods periodically and/or serves as a ponding area of ground or surface water. This area may also border a freshwater vegetated wetlands as a result of a hydrologic connection with a freshwater wetlands, marsh, bog, wet meadow, swamp, creek, river, stream, pond, or lake or other water body during any storm event up to and including the one-hundred-year storm event.

(1)Such area shall be 500 square feet or greater in surface area and may include vernal pools.

(2)Land subject to flooding or inundation shall include the area shown on the Federal Emergency Management Agency Flood Profile, Town of Wayland one-hundred-year flood elevation, as most recently amended.

(3)This area may be characterized by evidence of standing or ponding water during any storm event (up to and including the one-hundred-year storm event based upon a twenty-four-hour seven-inch rainfall), hydrophilic vegetation (wetland indicator plants), and/or hydric soils. The lateral extent of flooding may be determined by: the most recent Federal Management Flood Profile one-hundred-year flood elevation for the Town of Wayland, the elevation that is reached by the amount of water from a one-hundred-year storm event determined either by visual observation, or by calculation using the Soil Conservation Service hydrologic model TR-20 computer program (Computer Program for Project Formulation - Hydrology, Soil Conservation Service Technical Release 20, Washington, D.C., 1983) for a twenty-four-hour, seven-inch rainfall event.

Wellesley

Does the municipality regulate buffer zones around "land subject to flooding"?

No Town of Wellesley Wetlands Protection Bylaw, Article 44 of Town Bylaws, Section 2 (Adopted 2002, Amended 2004)

Except as permitted by the Wetlands Protection Committee or as provided in this bylaw, no person shall remove, fill, dredge, build upon, or alter any of the following resource areas: marshes; wet meadows; bogs; swamps; banks; reservoirs; lakes; ponds; rivers; streams; creeks; lands under reservoirs, lakes, ponds, rivers, creeks or streams; any wetlands bordering on any of the aforesaid resource areas; 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; vernal pool habitats; lands within 200 feet of perennial streams or rivers; bordering land subject to flooding; or isolated land subject to flooding.

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

No No additional terms are added.
Lands subject to flooding are not given buffer zones.
Definitions for LSF are the same as the state.

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

Except as permitted by the Wetlands Protection Committee or as provided in this bylaw, no person shall remove, fill, dredge, build upon, or alter any of the following resource areas: marshes; wet meadows; bogs; swamps; banks; reservoirs; lakes; ponds; rivers; streams; creeks; lands under reservoirs, lakes, ponds, rivers, creeks or streams; any wetlands bordering on any of the aforesaid resource areas; 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; vernal pool habitats; lands within 200 feet of perennial streams or rivers; bordering land subject to flooding; or isolated land subject to flooding.

Peter Keenan, Conservation Administrator, confirmed that Wellesley defines areas subject to flooding the same as the state does. (7/28/04)

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

Section 3. Definitions

Except as otherwise provided in this bylaw or in regulations of the Committee, the definitions of terms in this bylaw shall be as set forth in the Wetlands Protection Act, General Laws Chapter 131, Section 40, as amended, or regulations promulgated thereunder.

The only terms defined in this section are "stream" and "vernal pool habitat".

In the regulations, the terms defined include: buffer zone and vernal pool habitat. Therefore, the researcher concludes that the local bylaw and regulations do not define lands subject to flooding to include areas not covered by the state Wetlands Protection Act.

Wenham

Does the municipality regulate buffer zones around "land subject to flooding"?

No From Section 2. Jurisdiction,
"Except as permitted in writing by the Conservation Commission or as provided in this bylaw, no person shall remove, fill, dredge, discharge into, build upon, otherwise alter or degrade the following resource areas: any freshwater wetland as determined by vegetational community, soils composition or hydrologic regime including any marsh, wet meadow, bog, or swamp; any lake, stream, river, or pond, whether intermittent or continuous, natural or manmade; any land under such waters; any bank or beach; or lands within one hundred (100) feet of any of the aforesaid resource areas; any land subject to flooding or inundation by groundwater, surface water or storm water."

(Town of Wenham Water Resources Protection Bylaw, Amended 1996)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are not given buffer zones.
Definitions for LSF are not the same as the state.

The terms "inundation by groundwater, surface water or storm water" are added in the jurisdiction.

From Section 2. Jurisdiction,
"Except as permitted in writing by the Conservation Commission or as provided in this bylaw, no person shall remove, fill, dredge, discharge into, build upon, otherwise alter or degrade the following resource areas: any freshwater wetland as determined by vegetational community, soils composition or hydrologic regime including any marsh, wet meadow, bog, or swamp; any lake, stream, river, or pond, whether intermittent or continuous, natural or manmade; any land under such waters; any bank or beach; or lands within one hundred (100) feet of any of the aforesaid resource areas; any land subject to flooding or inundation by groundwater, surface water or storm water."

(Town of Wenham Water Resources Protection Bylaw, Amended 1996)

The terms "inundation by groundwater, surface water or storm water" are not defined in the bylaw or regulations.

The town does redefine the definitions of lands subject to flooding to that less stringent than the state.
In Section 10.04 of the Wenham Water Resources Regulations, "Areas Subject to Flooding" are defined as "Depressions or closed basins which serve as ponding areas for runoff, snowmelt, heavy precipitation, or high ground water which has risen above the ground surface on a yearly basis, and areas which flood from a rise in a bordering waterway or water body."

West Bridgewater

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes From Section 3 Jurisdiction,
"3.1 Application of Bylaw
3.1.1 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:
3.1.1.1 Upon or within one hundred (100) feet of any freshwater wetland, marsh, wet meadow, bog or swamp.
3.1.1.2 Upon or within one hundred (100) feet of any bank, beach, dune or flat.
3.1.1.3 Any lake, river pond, or stream.
3.1.1.4 Upon or within one hundred (100) feet of any lake, river, pond, or stream.
3.1.1.5 Any land under said waters.
3.1.1.6 Upon or within one hundred (100) feet of any land subject to flood[ing] or inundation by groundwater and surface water."

(West Bridgewater Conservation Commission, Wetland Protection bylaw plus Rules and Regulations)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are not the same as the state.

The terms "inundation by groundwater and surface water" have been added in the jurisdiction.

From Section 3 Jurisdiction,
"3.1 Application of Bylaw
3.1.1 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:
3.1.1.1 Upon or within one hundred (100) feet of any freshwater wetland, marsh, wet meadow, bog or swamp.
3.1.1.2 Upon or within one hundred (100) feet of any bank, beach, dune or flat.
3.1.1.3 Any lake, river pond, or stream.
3.1.1.4 Upon or within one hundred (100) feet of any lake, river, pond, or stream.
3.1.1.5 Any land under said waters.
3.1.1.6 Upon or within one hundred (100) feet of any land subject to flood[ing] or inundation by groundwater and surface water."

(West Bridgewater Conservation Commission, Wetland Protection bylaw plus Rules and Regulations)

The terms "inundation by groundwater and surface water" have not been defined.

Section 2.1.1.34 of the West Bridgewater Wetlands Regulations defines,
"(a)Bordering Land Subject to Flooding: is an area with low, flat topography adjacent to and inundated by flood waters rising from creeks, rivers, ponds, or lakes. It extends from the banks of these waterways and water bodies. Where a bordering vegetated wetland occurs, it extends from said wetland.
(b)Isolated land subject to flooding: is an isolated depression or closed basin without an inlet or an outlet. It is an area which at least once a year confines standing water. Such land may be underlain with pervious material, which may be covered by a layer of peat or muck."

(West Bridgewater Conservation Commission, Wetland Protection bylaw plus Rules and Regulations)

Westford

Does the municipality regulate buffer zones around "land subject to flooding"?

No From 171-2, "A. 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 (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)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes No additional terms are added.
Lands subject to flooding are not given buffer zones.
Definitions for LSF are not the same as the state.

From 171-2, "A. 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 (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)

William Turner, Westford Conservation Agent, (8/13/04) said that the commission will protect areas subject to flooding and inundation regardless of size while the state will only protect land of a certain size. He stated that these areas included vernal pools and freshwater wetlands. In the regulations, the definition of flooding is, "A local and temporary inundation or as a rise in the surface of a body of water such that it covers land not usually under water."

(Town of Westford Wetlands Rules and Regulations, Chapter 235, Adopted 1989)

Westwood

Does the municipality regulate buffer zones around "land subject to flooding"?

No 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, marshe, wet meadow, bog, or swamp; any bank, lake, pond, vernal pond, rive, 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 marshe, 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)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

No Additional terms are not added.
Lands subject to flooding are not given buffer zones.
Definitions for LSF are the same as the state.

According to Alice Smith, conservation agent, Westwood does not regulate "areas subject to inundation and flooding" beyond what the state regulates. Smith said that those areas are typically smaller than isolated land subject to flooding. Smith stated that Westwood does regulate isolated wetlands but does not regulate smaller land subject to flooding. Smith said typically those depressions tend to be wetlands.

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, marshe, wet meadow, bog, or swamp; any bank, lake, pond, vernal pond, rive, 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 marshe, 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)

This is the same as the state code for BLSF:

From Section 8. Definitions,

"The term 'land subject to flooding' shall mean any area adjacent to a water body which is inundated during the 100-year storm, as indicated on FEMA maps."

(Westwood Wetlands Protection Bylaw, Article 18)

Weymouth

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes From Section B. Jurisdiction
"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 (collectively, the 'resource areas protected by this ordinance'):
1. Any freshwater wetland 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.
2. Any bank, beach or dune.
3. Any ocean, bay or estuary.
4. Any reservoir, lake, pond of any size, vernal pool, river, stream or creek, whether intermittent or continuous, natural or manmade.
5. Any land under aforesaid water.
6. Any land subject to flooding or inundation by groundwater or surface water.
7. Any land subject to tidal action, coastal storm flowage of flooding at or below the one-hundred-year storm line.
8. Any land within 100 feet of the aforesaid resource areas (the 'buffer zone')."

(Town of Weymouth, Chapter 7 - Wetlands Protection)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are not the same as the state.

The terms "inundation by groundwater or surface water" have been added to the jurisdiction.

From Section B. Jurisdiction
"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 (collectively, the 'resource areas protected by this ordinance'):
1. Any freshwater wetland 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.
2. Any bank, beach or dune.
3. Any ocean, bay or estuary.
4. Any reservoir, lake, pond of any size, vernal pool, river, stream or creek, whether intermittent or continuous, natural or manmade.
5. Any land under aforesaid water.
6. Any land subject to flooding or inundation by groundwater or surface water.
7. Any land subject to tidal action, coastal storm flowage of flooding at or below the one-hundred-year storm line.
8. Any land within 100 feet of the aforesaid resource areas (the 'buffer zone')."

(Town of Weymouth, Chapter 7 - Wetlands Protection)

From Section 1.04 Definitions, "Ground Water - means water below the earth's surface in the zone of saturation."

(Town of Weymouth Wetlands Regulations)

The terms "inundation" or "surface water" have not been defined in the bylaw or regulations.

The performance definition for bordering land subject to flooding appears to be the same as the state. However, the isolated land subject to flooding is not given a size requirement.

The Town of Weymouth Wetlands Regulations, Section 3.05, 2b

"Isolated Land Subject to Flooding:

1. Isolated Land Subject to Flooding is an isolated depression or closed basin without an inlet or an outlet. It is an area which at least once a year confines standing water. Isolated Land Subject to Flooding may be underlain by pervious material, which in turn may be covered by a mat of organic peat or muck."

(Town of Weymouth Wetlands Regulations)

Winchester

Does the municipality regulate buffer zones around "land subject to flooding"?

No From 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; within one hundred (100) feet of any bank; upon or within one hundred (100) feet of any lake, river, pond, stream; upon any land under said waters; upon any land subject to flooding or inundation by groundwater or surface water; or within the foregoing areas in such a way as to detract from visual access to the Aberjona River, Horn Pond Brook, Winter Pond, Judkins Pond, Mill Pond, Smith Pond or Mystic Lake."

(Winchester Wetlands Bylaw, Adopted 1987)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are not given buffer zones.
Definitions for LSF are not the same as the state (vague).

The terms "land subject to ...inundation by groundwater or surface water" have been added in the jurisdiction.

From 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; within one hundred (100) feet of any bank; upon or within one hundred (100) feet of any lake, river, pond, stream; upon any land under said waters; upon any land subject to flooding or inundation by groundwater or surface water; or within the foregoing areas in such a way as to detract from visual access to the Aberjona River, Horn Pond Brook, Winter Pond, Judkins Pond, Mill Pond, Smith Pond or Mystic Lake."

(Winchester Wetlands Bylaw, Adopted 1987)

Town of Winchester Code of Bylaws, Chapter 13, 2.14, 2.16, 2.21 (Enacted March 4, 1976, Updated March 2004)

2.14 "Flooding" shall mean a temporary inundation of water or a rise in the surface of a body of water, such that it covers land not usually under water.

2.15 "Groundwater" shall mean water below the earth's surface in the zone of saturation.

2.16 "Inundation by groundwater" shall mean having groundwater at or near the surface of the ground during a portion of the year.

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.

The researcher did not find a change in definitions for BLSF or ILSF.

Winthrop

Does the municipality regulate buffer zones around "land subject to flooding"?

No 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."

(Town of Winthrop Bylaws, Chapter 138 Wetlands, Adopted 1993)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

No No additional terms are added.
Lands subject to flooding are not given buffer zones.
Definitions for LSF are the same as the state.

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."

(Town of Winthrop Bylaws, Chapter 138 Wetlands, Adopted 1993)

The researcher found no reference to a change in definitions for LSF.

Woburn

Does the municipality regulate buffer zones around "land subject to flooding"?

No 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)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms have been added.
Lands subject to flooding are not given buffer zones.
Definitions of LSF are the same as the state.

The terms "land subject to ...inundation by groundwater or surface water" have been added to the jurisdiction.

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)

The terms "land subject to ...inundation by groundwater or surface water" have not been defined in the bylaw.

According to Theresa Murphy, Woburn Conservation Administrator, (7/2/04) Woburn defines wetlands to include areas subject to inundation and flooding beyond what the state includes.

Note, however, the jurisdiction does not give lands subject to flooding a buffer zone. In addition, this researcher found no reference to a new performance definition of flooding, so she is not sure how Woburn differs than the state. This researcher did not have access to the wetland regulations.

Worcester

Does the municipality regulate buffer zones around "land subject to flooding"?

No 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)

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes No additional terms are added.
Lands subject to flooding are not given buffer zones.
Definitions for LSF are more stringent than the state.

The bylaw does not go beyond "land subject to flooding" in the jurisdiction.

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)

The definition for BLSF appears to be the same, except the city of Worcester adds, "[i]n determining the boundaries of the BLSF, the Commission shall also consider an observed flood boundary provided that the observation is documented and recorded."

(Definition 2.2, Regulations, City of Worcester Wetlands Protection Ordinance and Wetlands Protection Regulations, Adopted September 1990)

As for isolated land subject to flooding (ILSF), from definition 2.5 in the regulations, "Isolated Land Subject to Flooding (ILSF) - As defined by 310 CMR 10.57 (2) (b) except that it is an area which at least once a year confines standing water to a volume of at least 1/8 acre-feet."

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

Wrentham

Does the municipality regulate buffer zones around "land subject to flooding"?

Yes 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, degrade, or otherwise alter the following resource areas: any bank, freshwater wetland, marsh, wet meadow, bog, swamp, vernal pool (whether certified or potential), 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') and within 200 feet of any perennial stream. The area of flooding or inundation shall include all lands up to the elevation of the 100-year floodplain."

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

Does the municipality define "areas subject to inundation and flooding" to cover greater potential area than the jurisdiction granted in the state Wetlands Protection Act would cover?

Yes Additional terms are added.
Lands subject to flooding are given buffer zones.
Definitions for LSF are not the same as the state.

The terms "inundation by groundwater or surface water" have been added to 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, degrade, or otherwise alter the following resource areas: any bank, freshwater wetland, marsh, wet meadow, bog, swamp, vernal pool (whether certified or potential), 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') and within 200 feet of any perennial stream. The area of flooding or inundation shall include all lands up to the elevation of the 100-year floodplain."

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

The terms "inundation by groundwater or surface water" have not been defined.

Note, however, in the jurisdiction, "The area of flooding or inundation shall include all lands up to the elevation of the 100-year floodplain."

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

From the definitions section in the regulations,
"Bordering land subject to flooding - areas of flooding that are adjacent to ponds, lakes, streams, and vegetated wetlands. Includes all areas outline on FEMA maps as the extent of the 100-year flood and areas found, in the field, to be areas of periodic inundation. Areas of inundation are indicated by maps, strand lines, anecdotal information, photographs, or other indicators of hydrology."

and

"Isolated land subject to flooding - areas that hold water with a bottom that is not artificially impervious, and that are hydraulically unconnected to ponds, lakes, streams or wetlands, hold at least 3,000 cubic feet of water and are dry for more than two months. It includes areas that are found through mapped, photographic, or other field evidence to flood in that manner."

(Wrentham Conservation Commission Enforcement Regulations, Adopted 2000)