

## Local Housing Regulation Database

### Summary of Wetlands Survey Questions

This document summarizes some commonly used regulatory practices in wetlands bylaws, ordinances and regulations adopted by Massachusetts cities and towns. The information provided is a sample of data from the Local Housing Regulation Database; the entire database can be downloaded at [www.pioneerinstitute/municipalregs](http://www.pioneerinstitute/municipalregs). Documentation on the database, including variable definitions, descriptions of how the data were collected, and discussions of the land use issues, can be found on the same website.

#### **Does the municipality have a local wetland bylaw or ordinance?**

Some municipalities regulate development near wetlands in the zoning bylaw, rather than in a separate wetlands bylaw or regulations; regulations from zoning bylaws are not coded in this section.

<u>Answer</u>	<u>Municipalities</u>
Yes	131
No	56

#### **Has the Conservation Commission adopted wetlands regulations?**

<u>Answer</u>	<u>Municipalities</u>
Yes	94
No	37

#### **Does the municipality regulate vernal pools that are not certified by the state?**

Some municipalities explicitly regulate all vernal pools, regardless of whether the pools are state-certified. Other municipalities explicitly indicate that pools must be state-certified to be regulated.

<u>Answer</u>	<u>Municipalities</u>
Yes	77
No	54

#### **Does the town regulate activities in buffer zones around vernal pools that would not be regulated by the state?**

<u>Answer</u>	<u>Municipalities</u>
Yes	82
No	49

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

The state regulations only grant jurisdiction to regulate wetlands that border on lakes, streams, ponds, etc.

<u>Answer</u>	<u>Municipalities</u>
Yes	114
No	17

**Does the local wetland bylaw, ordinance or regulation expand coverage of "areas subject to inundation and flooding" beyond wetlands that would be protected under the state Wetlands Protection Act?**

The Massachusetts Wetlands Protection Regulations grant protection to "land subject to flooding," but do not grant a buffer zone around land subject to flooding.

<u>Answer</u>	<u>Municipalities</u>
Yes	100
No	31

**Does the wetlands bylaw or regulation create limited use zones where there is "no building", "no disturbance", "no clearing" or "no cutting"?**

A "no disturb" zone prohibits most construction-related activity, while a "no build" zone prohibits construction of structures but may allow other activities, including clearing and installation of driveways, sidewalks, or accessory uses.

<u>Answer</u>	<u>Municipalities</u>
Yes	99
No	32

**If the wetland bylaw, ordinance or regulation creates limited use zones, what is the width of the zone?**

Mean:	45.7
St. dev:	20.1

**Does the wetlands bylaw, ordinance or regulation give the Commission the right to delay the determination or certification of wetlands resource areas in a drought year or dry season or during winter months?**

<u>Answer</u>	<u>Municipalities</u>
Yes	105
No	31