

# AYER WETLANDS BYLAW – FAQ

## DID YOU KNOW?

- Any activity that alters a wetland or its buffer zone must be permitted by the Conservation Commission.
- You are responsible for activity affecting wetlands and buffer zones on your property.
- Before you begin a project, please know the laws and regulations that govern these activities.
- Wetlands and buffer zones protect and preserve many things people care about and benefit from.
- Wetlands on both public and private property are already regulated by the Commonwealth.

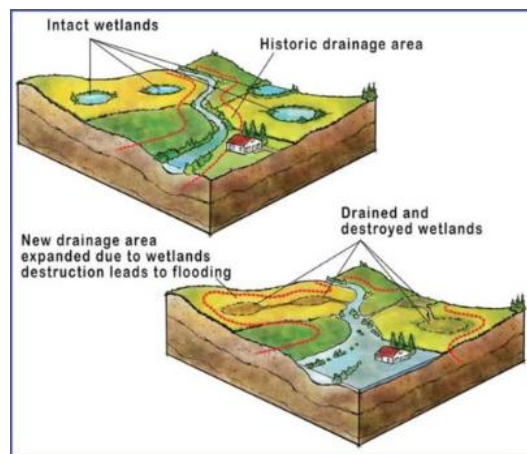
## WHAT ARE WETLANDS?

Wetlands are areas where water covers land, or is present at or near the surface of land, either year-round or for varying periods of time during the year. This includes ponds, rivers and brooks, their banks, as well as wet meadows, bogs, springs, vernal pools, and intermittent streams. Wetlands are determined visually by the presence of standing or flowing water, but also by the presence of specific wetland soils and vegetation.

## WHY ARE WETLANDS IMPORTANT?

Wetlands provide a variety of “free services” important to both local communities and the environment:

- First and foremost, wetlands protect our water quality by filtering out harmful sediments, pollutants, and excess nutrients, and ‘recharging’ groundwater. **Remember – all of Ayer’s drinking water, whether public or private, is connected to our town’s wetland resource areas!**
- Wetlands also store floodwater from heavy rains and melting snows. All communities are vulnerable to severe storms and more extensive episodes of flooding or drought – wetlands protect our resilience. This ‘sponge-like’ capacity works two ways by 1) reducing the impact of flooding on nearby non-wetland properties and 2) distributing that stored moisture during times of severe drought. If wetlands and floodplain cannot store floodwaters, that water has to go somewhere else – and that can include basements, driveways and roads.
- While providing critical wildlife habitat for plants and animals, wetlands also provides all of us with fantastic recreational opportunities – including swimming, fishing and boating – and great scenic vistas that make our town attractive to residents and visitors.



## WHAT ARE BUFFER ZONES AND WHY ARE THEY IMPORTANT AS WELL?

Buffer zones are those areas that extend out 100 feet from most wetlands, or 200 feet from rivers and streams. In addition to protecting wetlands so they can keep functioning to benefit communities and environments, buffer zones also provide their own “free services” – filtration of sediments and pollutants for groundwater protection and recharge, additional flood storage capacity, habitat, and so much more. Some types of work in a buffer zone, if done without proper protective measures and oversight, can have a devastating impact on the wetlands that buffer zones are meant to protect. Thus, both wetlands and their associated buffer zones fall under the jurisdiction of local conservation commissions.

## **WHAT IS THE MASSACHUSETTS WETLANDS PROTECTION ACT (WPA)?**

The WPA (G.L. c. 131, §40) and its Regulations (310 CMR 10.00) set minimum statewide standards for the protection and preservation of jurisdictional wetland resource areas. Local conservation commissions have statutory authority to administer this Act on behalf of the Commonwealth. The WPA recognizes 8 important public values or functions provided by wetlands. Collectively known as the “interests of the Act,” they are:

- protection of public and private water supply
- protection of groundwater supply
- flood control
- storm damage prevention
- prevention of pollution
- protection of land containing shellfish
- protection of fisheries
- protection of wildlife habitat

## **WHAT IS A LOCAL NON-ZONING WETLANDS BYLAW?**

Because the WPA sets minimum statewide standards, many towns in Massachusetts have passed local bylaws to provide stronger protection to meet the unique needs of their own community and its wetland resource areas. This provides the opportunity for more local community input and oversight for what matters to residents of Ayer. A well-written local bylaw helps conservation commissions effectively oversee the complex relationship between ‘natural’ and ‘built’ environments.

## **AYER’S WETLAND RESOURCES – WHAT ARE THEY?**

Over 13.5% of Ayer’s 9.6 square miles is covered by surface waters – numerous ponds, a portion of the Nashua River, several major brooks, and a host of unnamed wetlands that sprinkle green areas throughout the town. That figure goes up when you add in the buffer zones that directly protect these resource areas and provide their own additional services. Our town has one of the highest rates of development in Massachusetts, and as we approach ‘build-out’, more and more of this development pressure is pushing against our most environmentally sensitive areas. In a recent study, for example, Long Pond was recognized as a “regionally significant example” of a healthy and pristine pond. Once these resources are lost, they’re pretty much lost for good – or else the cost of trying to repair or replace them is prohibitively high.

## **WHAT’S IN AYER’S PROPOSED NEW LOCAL WETLANDS BYLAW?**

- Our proposed new bylaw extends more protection to buffer zones as well as to other resources like vernal pools and intermittent streams. It allows Ayer’s Conservation Commission to specify tighter performance standards for construction projects, especially big developments – and this added clarity will save everyone time and money. It provides for exemptions and waivers, and we identify a new category of “minor activities” in the buffer zone – weekend backyard projects, for example – that may not even need review by the Commission. We’ve also added in a provision to require bonds on large developments, so that the cost of completing the terms of a Conservation permit don’t fall on the town or a homeowner’s association if a developer just walks away.
- At the same time, our proposed bylaw **DOES NOT** impact existing conditions or structures, it **DOES NOT** allow Commission members to enter your property without permission, it **DOES NOT** prevent new projects or developments, and it **DOES NOT** prevent appeal challenges to Commission decisions.
- Helping the Conservation Commission better protect our shared wetland resources protects each and every one of us. And while this isn’t the primary intent of the bylaw, an important side-effect is that protection of our resources also helps preserve property values for all of us.

## **HOW DO I KNOW IF I HAVE WETLANDS ON MY PROPERTY?**

If you’re uncertain, just call our Conservation Administrator, Jo-Anne Crystoff, at 978-772-8249 – or email her at [concom@ayer.ma.us](mailto:concom@ayer.ma.us), or even drop by her office on the first floor of Town Hall. She can visit your property and give you a rough determination of whether there are wetlands or their associated buffer zones present. If there are, she’ll advise you on whether you need a review and permit from the Commission, and if so, help guide you through the permitting process.