

Policies

Hamilton Conservation Commission, Hamilton, MA 01936

Revision	Date Adopted at Meeting	Description of changes
A	September 11, 1996	Initial revision. Collected from previous lists of sample conditions and discussion at meeting of August 29, 1996

Scope and purpose

As the Commission works on its responsibilities under the Wetlands Protection Act MGL Ch 131 S 40 and the Hamilton Town Conservation Bylaw, it may adopt as Commission policy certain findings or practices in addition to those incorporated in the statutes and their associated regulations which it believes promote the interests of these statutes or their equitable and orderly application. Obviously these policies do not have the force and relative permanence of the statutes and regulations but the Commission finds it useful and also fair to make known to applicants so they will know more fully in advance what is likely to be expected of them.

Citation. Since these policies are revised from time to time, when making reference to a part of this document include the revision identification and date.

Best Practices.

Applicants are expected to apply best practical measures to avoid alteration of wetlands. They should justify their design choices in the Notice of Intent or a separate document with a detailed narrative explaining the alternatives considered, the specific reasons for selecting their preferred alternative, and giving full and specific bibliographic citations to US Natural Resource Conservation Service standards, other similar references, reports or articles. The commission must be provided with two sets of photocopies of the pages cited.

Projects in wetlands or buffer zones must be planned, executed, and maintained to prevent alteration of the wetlands, including but not limited to introduction of sediment or contaminants into wetland. If the applicant's measures are seen to fail to protect the wetlands, there is a responsibility to take additional measures in consultation with the commission. The performance standard is success in protecting the resource—even if applicant has carried out the measures in the Notice of Intent and Order of Conditions, if these measure do not succeed, further measures must be planned and applied.

Applicants should take note of the following findings of the Commission in past cases:

- Because it reduces sediment and contaminants, overland flow is preferred to point sources where runoff water enters wetland
- Vegetated buffer strips are important and effective in reducing sediment and nutrient loads introduced into wetlands. Therefore removal of vegetation in the buffer zone shall be kept to the minimum practical. A twenty five foot zone

adjacent to wetlands with no disturbance of vegetation is expected (see Regulations).

- Steep slopes (steeper than 1 vertical unit in 3 horizontal) near wetlands increase risk of erosion and should be avoided.
- Grading should accurately follow the plan, within USNRC guidelines or a vertical tolerance of 0.2 feet at any point on the plan.
- Projects involving substantial increase in impervious area should be designed to result in no increase in runoff from the site
- The use of leaching catch basins and settling basins to receive runoff from impervious surfaces is encouraged

Mailing labels for notification of abutters is required. Applicants submitting a Notice of Intent must provide mailing labels with addresses of abutters to the proposed project to the Commission at the time of filing, to facilitate notification of abutters about the time and place of public hearings.

Junk or yard debris may not be dumped in wetlands, and existing debris must be removed as part of your project. Dumping of refuse or debris of any description in or near wetlands areas alters physical and chemical characteristics of the wetlands and is therefore not permitted. *This includes grass clippings, leaves, branches and the like.* It is tempting to do so, using the excuse that some dead plant matter is already in the wetland, but natural leaf-fall does not have the same effect as throwing in large quantities of yard waste from elsewhere. The commission will ask you to remove any existing debris piles in or immediately adjacent to wetlands. Failure to comply leads to an Enforcement Order under the Wetlands Protection Act.

Apply for Certificate of Compliance after vegetation is established and site cleanup complete. In most circumstances it is premature to issue a Certificate of Compliance until (1) vegetation called for in the project plan is fully established and serving its erosion-controlling function, and (2) site cleanup is complete. Applicants are advised to request Certificates only after these conditions have been met. Applicants should also review their Order of Conditions to make sure all site-specific conditions have been met. Note that some Orders include a condition requiring the preparation of as-built plan and letter from registered professional engineer saying the work was completed in compliance with the plan or noting and explaining any variations from the approved plan. In such cases this must be done prior to requesting a Certificate of Compliance.

Maintenance responsibility continues after issuance of a Certificate of Compliance. The owner's responsibility for wetlands protection continues after the issuance of a Certificate of Compliance. The owner must see that erosion, sedimentation or pollutants affecting the wetland are prevented. Owner is responsible for maintaining natural and manmade watercourses and drainage channels to maintain flow capacity and keep them clear of debris.

Manmade ponds and channels not exempt. Applicants should be aware that legal protection of wetlands generally includes manmade water bodies and watercourses.

Application of fertilizers, pesticides, salt, etc. in buffer zone is regulated. Applicants are expected to plan and manage application of salt and de-icing chemicals, herbicides, pesticides and fertilizers (including manure) in so that they are kept from entering wetlands. Prior to any use of such materials within the buffer zone, a written plan must be submitted to and reviewed by the commission.