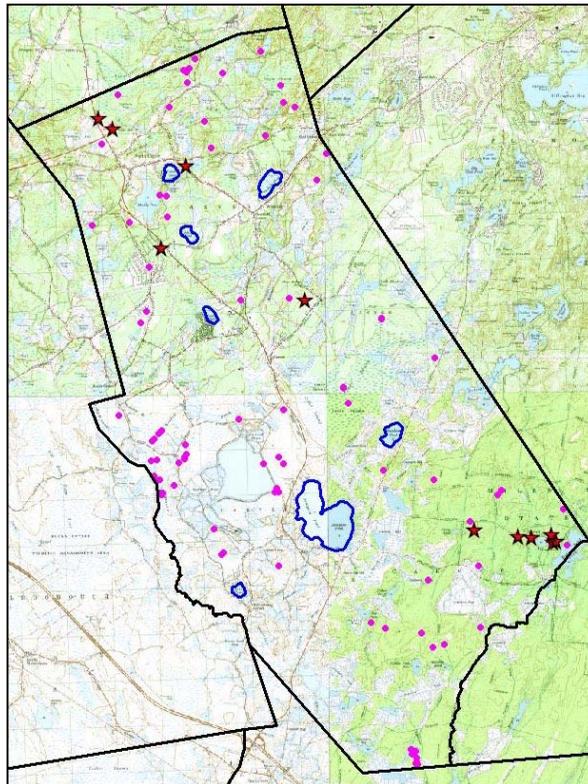




Carver Conservation Commission
108 Main Street
Carver, MA 02330

TO:

Understanding the Carver Wetland Bylaw and Regulations



Top: Wetlands in Carver. Bottom: Map of Carver showing Great Ponds (outlined in blue), certified vernal pools (red stars, as of 2003), and potential vernal pools (magenta dots from 2001 NHESP study.).

Understanding the Carver Wetland Bylaw and Regulations

What is the Conservation Commission, and what does it do?

In Massachusetts, the implementation of the state wetland law (M.G.L. Chapter 131, Section 40) and state wetland regulations (310 CMR 10.00) is delegated to municipal Conservation Commissions. These Conservation Commissions also oversee any local wetland bylaws and regulations that have been adopted.

In Carver, the Conservation Commission is made up of 7 volunteer members appointed by the Carver Town Manager, and is staffed by a part-time Conservation Agent and Secretary. The Commission oversees implementation of the state law and the Carver Wetlands Protection Bylaw. The Commission also oversees the development of and updates to the Carver Open Space Plan. The Carver Conservation Commission meets every first and third Wednesday of each month at 7:00 P.M. in Meeting Room 1 at the Carver Town Hall. The meetings are open to the public, and are also televised on the Carver Community Access Channel.

Why is the Carver Wetland Bylaw different from those of the State of Massachusetts' wetlands law?

The Massachusetts Home Rule Amendment to the Constitution enables municipalities to adopt local bylaws and regulations that exceed state laws. Because of this provision, municipal Planning Boards, Boards of Health, and Conservation Commissions throughout Massachusetts often have bylaws and regulations that exceed the minimum requirements established by state laws. These local bylaws help municipalities better address special needs and concerns particular to their community. The Town of Carver adopted its current wetland bylaw in 1998, through Town Meeting. Town Meeting can revise the bylaw, but cannot change the state regulations. The bylaw can be downloaded at the town's website www.carverma.org/conservation.htm.

The purpose of the Carver Wetlands Protection Bylaw is to protect public and private water supplies, groundwater and surface water quality, fisheries, and wildlife habitat; to prevent and manage pollution, flooding, erosion and sediment runoff, and storm damage; to preserve agriculture, aesthetics, and recreation; and to protect rare plants and animals and riverfront areas. One of the most important provisions of the bylaw is that it prohibits the construction of a structure or impervious service within 65 feet of a wetland without a variance.

Like most wetland bylaws, the Carver Wetland Protection Bylaw enables the Conservation Commission to enact more specific regulations that establish criteria and performance standards to meet these goals. The Conservation Commission is now developing these supporting regulations.

If Carver has its own wetland bylaw, do the state wetland regulations still apply?

Yes. Conservation Commissions must specifically approve or deny a project under the state regulations, and approve or deny a project under the local bylaw. In fact, because the local bylaws are often more stringent than state regulations, it is not uncommon for a Commission to approve a project under the state regulations, but deny a project under the local bylaws. In a practical sense, applicants to any municipal board will develop plans and designs to meet the most stringent regulatory standard that may apply to their project.

Why are wetland regulations so complex?

All regulations, whether written for Building Inspectors, Health Departments, or Conservation Commissions, are written to be understood by those most likely to use them. For the state wetland regulations, the most likely users of the regulations are engineers and environmental consultants. It is true that at all levels of government, environmental regulations have become lengthier with detailed and specific criteria and "performance standards." This trend has occurred in part to reduce litigation and charges that decisions are either "arbitrary or capricious," and to ensure that regulations



The wetland plants living in the wet soils around ponds, rivers, bogs, and vernal pools are just one of the natural resources protected by wetland laws.

