

PEABODY CONSERVATION COMMISSION

“FREQUENTLY ASKED QUESTIONS”



What is the Peabody Conservation Commission?

The Peabody Conservation Commission is composed of nine volunteer members, appointed by the Mayor. The Commission was established to protect and promote Peabody's natural resources, to protect watershed resources, to protect wetland resource areas, to provide permitting review for proposed projects within resource areas and their buffers, and to coordinate with other town officials and boards on conservation issues that relate to its areas of responsibility.

The Peabody Conservation Commission's functions and goals are as follows:

- To protect, expand, and improve Peabody's open space and conservation land, and create greenway connections;
- To fulfill the commission's statutory responsibility to protect wetlands and water bodies, and to continue participating in the environmental review process;
- To educate the Peabody community about issues related to wetlands and waterways, resource area protection, greenways, and general environmental protection.

What Does the Commission Do?

The purpose of the Conservation Commission is to protect Peabody's wetland resource areas in accordance with the Massachusetts Wetlands Protection Act (WPA) and the Peabody Wetlands Ordinance and supporting regulations. The Commission is the permitting authority specifically charged with the protection of wetland resource areas. The primary activity of the Commission is the administration of the State Wetlands Protection Act (WPA) (M.G.L. Chapter 131, Sec. 40) and the local Wetlands and Rivers Protection Regulations (Chapter 32 of the Code of the City of Peabody). The Commission also engages in planning, helping to acquire and manage open space.

What is the Wetlands Protection Act?

The Massachusetts Wetlands Protection Act (M.G.L. Chapter 131, Sec. 40) prohibits any filling, excavation or alteration of the land surface, water levels or vegetation in wetlands, floodplains, riverfront areas or other wetland resource areas, regardless of ownership, without a permit from the local Conservation Commission. Regulations for the Act are issued by the Massachusetts Department of Environmental Conservation (310 CMR 10.00). The Department of Environmental Protection also issues policy statement and guidance documents for clarification of issues.

The Massachusetts Wetlands Protection Act exists to preserve and protect Massachusetts wetlands by preventing pollution; reducing the effects of potential flooding; storm damage prevention; protecting groundwater supplies; maintaining habitats for plants and wildlife; and protecting public and private water supplies.

The Act gives local communities the authority to determine which Resource Areas within its jurisdiction are protected, to regulate work in these areas, and to enforce the regulations. The performance standards under the Act state that there may be no destruction or impairment of bordering vegetated wetland (BVW) areas: alteration of up to 5,000 square feet may be permitted at the Commission's discretion provided the area is properly replicated.

What is Protected Under the State Wetlands Protection Act?

The protected resource areas include rivers, streams, brooks, ponds, lakes, wetlands, banks, floodplains, and vernal pools. Protection extends 100 feet from the edge of the wetlands, 100 feet from vernal pools, and 200 feet from rivers and most brooks and streams.

It is illegal for anyone in Peabody to dredge, fill, modify or alter any of these resource areas without first filing for and receiving a permit (Order of Conditions). Anyone who may want to work within 100 feet of a wetland or within 200 feet of a brook, stream or river and who plans to build, grade, clear, apply herbicides or do any work which could alter the resource area must contact the Conservation Commission before doing so.

What is Protected Under the Local Wetlands and Rivers Protection Regulations?

The Peabody Wetlands Protection Ordinance adds to the areas protected by the State Act. The bylaw protects all of the interests identified in the state act, and adds additional wetland values. The Commission may establish a *No Disturb Zone* around any resource area under its jurisdiction. Within the *No Disturb Zone* established by the Commission, no grading, planting, site work, construction, or storage of materials is allowed.

When Should You Consult the Commission?

Anytime you plan to work within the 100-foot buffer zone of a Resource Area, or within the 200-foot buffer zone of any Waterway, you must obtain the necessary permits from the Commission. When in doubt, our Commission Agent will be happy to consult with you and answer your questions. For detailed information, please contact the office.

When Does the Commission Meet?

The commission meets approximately once every month, usually on the first or second Wednesday of each month in the Commission office at City Hall, 24 Lowell Street.

Who should I contact?

For more information, contact either of the following:

Position	Name	Contact
Conservation Agent	Andrew Port	978-532-3000 x 391
Conservation Secretary	Marilyn Limongiello	978-532-3000 x 389

Who are the Current Conservation Commissioners?

Position	Name	Contact
Chairman	Frank Lee	978-532-5302
Vice-Chairman	Michael Rizzo	978-535-4023
Secretary	Joseph Horrigan	978-535-3657
Commissioner	John Marino	978-535-3657
Commissioner	Kevin McHugh	978-531-7279
Commissioner	Arthur Peretzian	978-532-1109
Commissioner	Joel Whitman	978-531-0591
Alternate Commissioner	Paul Carter	978-531-8745
Alternate Commissioner	Scott Olivio	781-402-9000 x 6255

What are Wetlands?

Wetlands are low-lying areas where water tends to collect and saturate the ground, either year-round or for long periods. Wetlands are most easily identified by vegetation composition, plants and animals that thrive in wet conditions. There are wetlands in every community and they take many forms: banks, beaches, bogs, dunes, marshes, ponds rivers, salt marshes, streams, tidal pools and wet meadows.

Why Protect Wetlands?

Wetlands and their surrounding areas provide many useful functions such as flood control, groundwater recharge and pollution minimization. To date, Massachusetts has lost nearly a third of its original natural wetlands acreage to agricultural, commercial, and residential development. The cost of this loss is many fold including degraded water quality; increased storm damage; depleted fish and wildlife and plant populations.

How Do I Know if My Project is Regulated?

Contact the Conservation Commission Agent. Regulations issued under the state and local laws contain specific standards which may apply to your particular project. Your project must meet those standards to be approved.

Where Do I Go for More Information?

Department of Environmental Protection (DEP)
Forms and Applications Online (DEP)
Environmental Statutes and Regulations
Massachusetts Executive Office of Environmental Affairs
Massachusetts Natural Heritage and Endangered Species Program
US Army Corps of Engineers
Environmental Protection Agency (EPA) New England
Massachusetts Association of Conservation Commissions (MACC)
Facts About Wetlands

www.magnet.state.ma.us/dep/
www.state.ma.us/dep/appkits/forms.htm
www.state.ma.us/dep/matrix.htm
www.state.ma.us/envir/eoea.htm
www.heritage.tnc.org/nhp/us/ma/
www.usace.army.mil/
www.epa.gov/region01/
www.maccweb.org/
www.epa.gov/OWOW/wetlands/facts.html