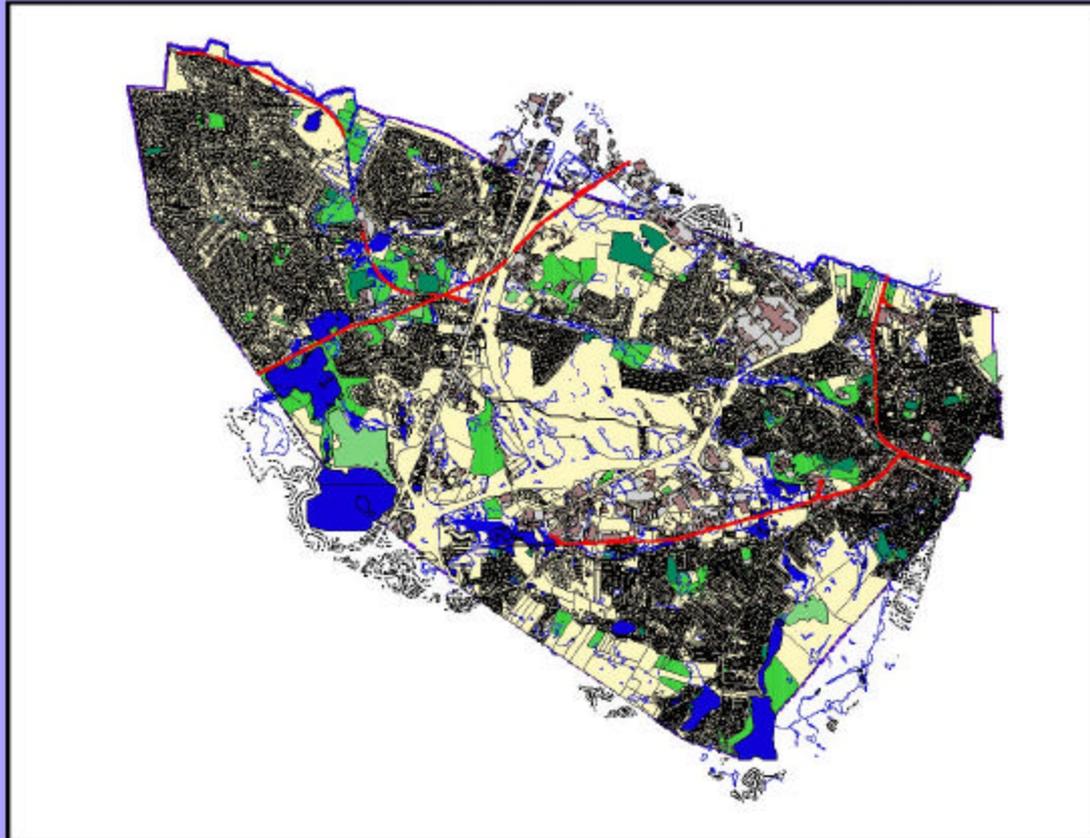




# City of Peabody Wetlands & Rivers Protection Ordinance

City of Peabody



Peabody GIS Application



# City of Peabody Wetlands & Rivers Protection Ordinance

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## Wetlands & Rivers Protection Acts

Any activity proposed or undertaken within the following areas, which will remove, fill, dredge or alter that area is subject to the Regulations, and requires the filing of a Notice of Intent (NOI).

- Rivers, Streams, Brooks, Creeks  
& Riverfront Area (200 foot buffer).
- Lakes, Ponds, Wetlands, Marshes, Swamps  
& Buffer Zone (100 foot buffer).



# City of Peabody Wetlands & Rivers Protection Ordinance

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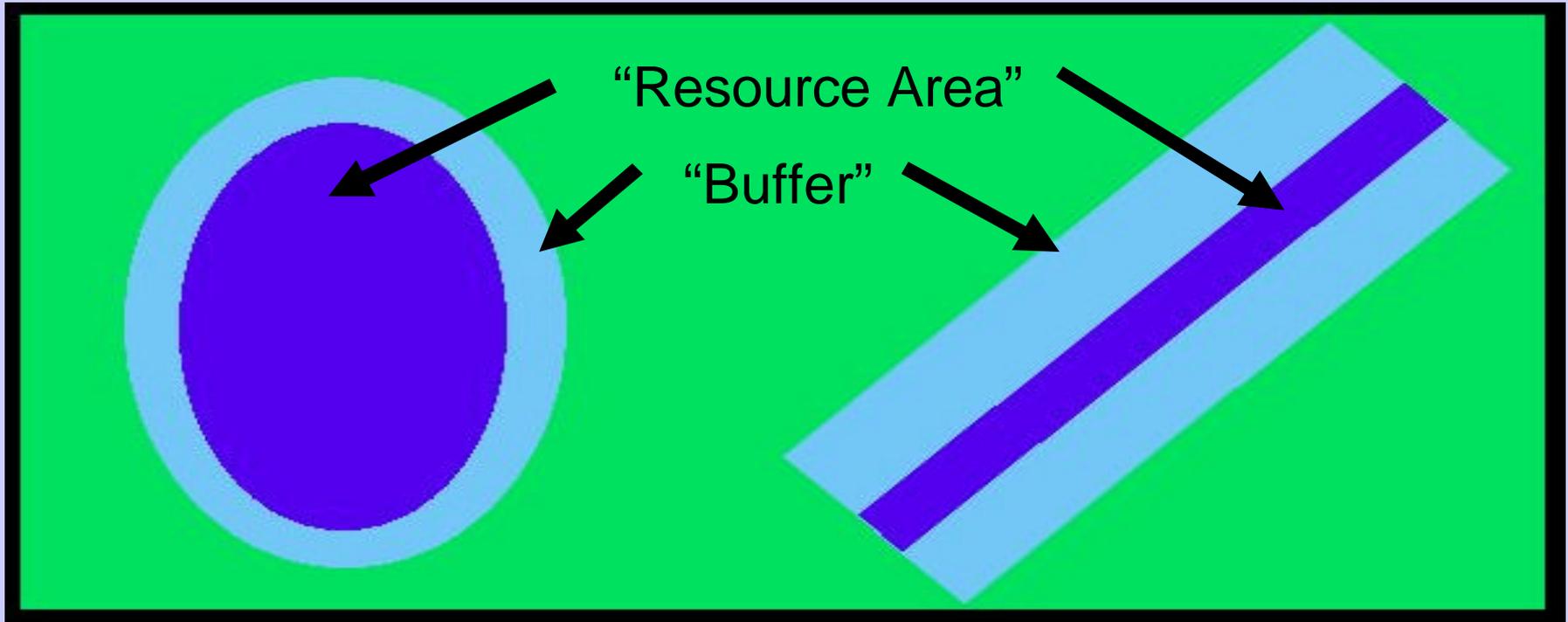
## Wetlands & Rivers Protection Acts

- Standard DEP Forms and Filing Fees
- Limited Protection: Conservation Commission must approve projects, provided the applicant proves that the proposed project will not have any significant adverse impacts on the Resource Areas.
- Appeals: Applicant may appeal to the Department of Environmental Protection, for a Superceding Order of Conditions.



# City of Peabody Wetlands & Rivers Protection Ordinance

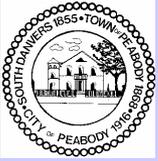
## Buffer Zones



Lakes, Ponds, Wetlands, Marshes,  
Swamps

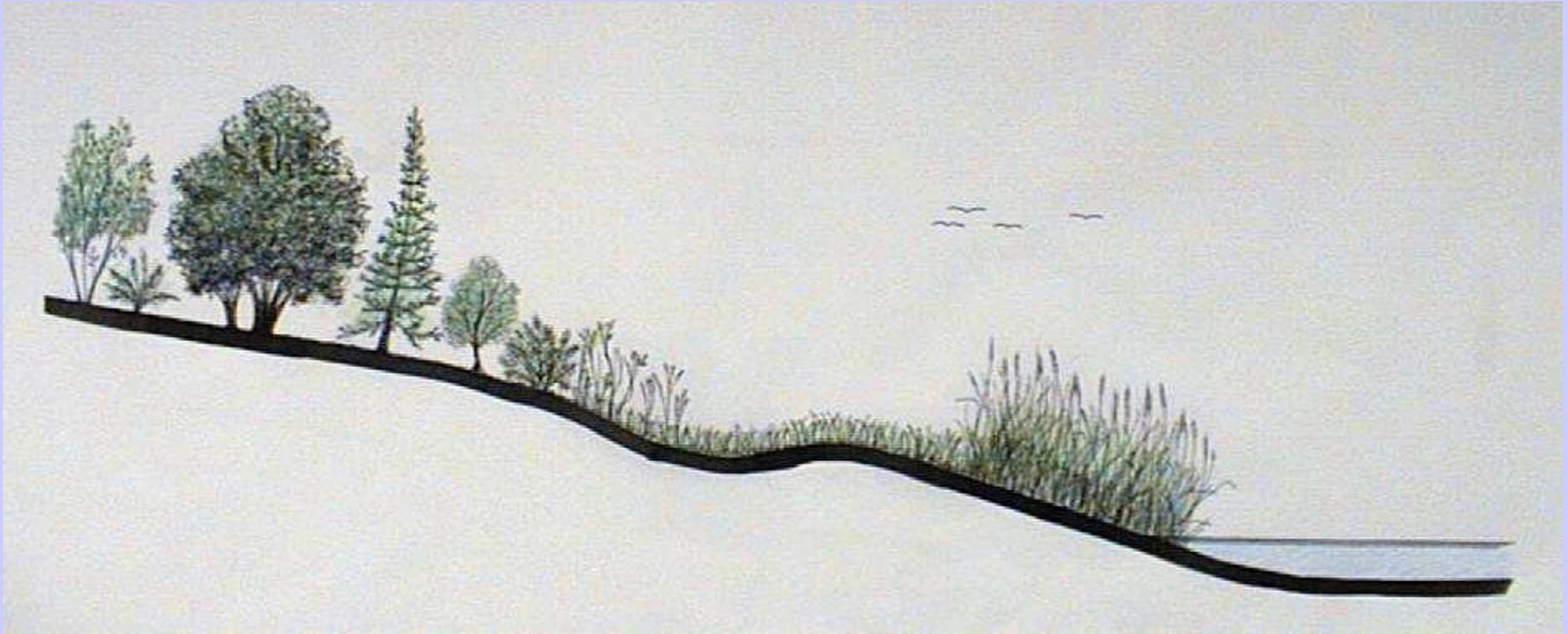
Buffer Zone (100 foot buffer)

Rivers, Streams, Brooks, Creeks  
Riverfront Area (200 foot buffer)



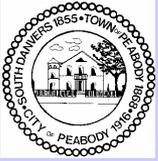
# City of Peabody Wetlands & Rivers Protection Ordinance

## Natural Buffer



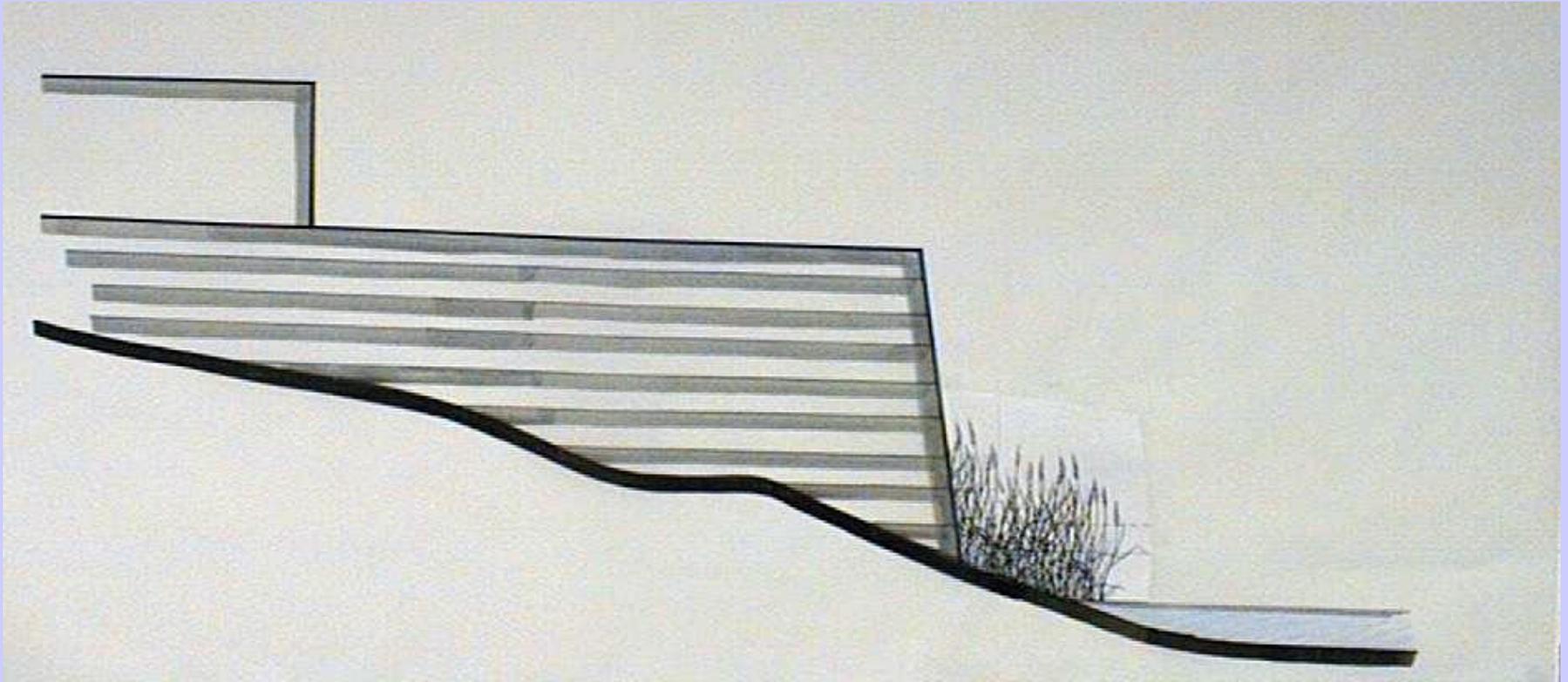
Natural Buffer Zone

Resource  
Area



# City of Peabody Wetlands & Rivers Protection Ordinance

## Development in Buffer



Disturbed Buffer Zone

Resource  
Area



# City of Peabody Wetlands & Rivers Protection Ordinance

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## Wetland & Buffer Zone Functions

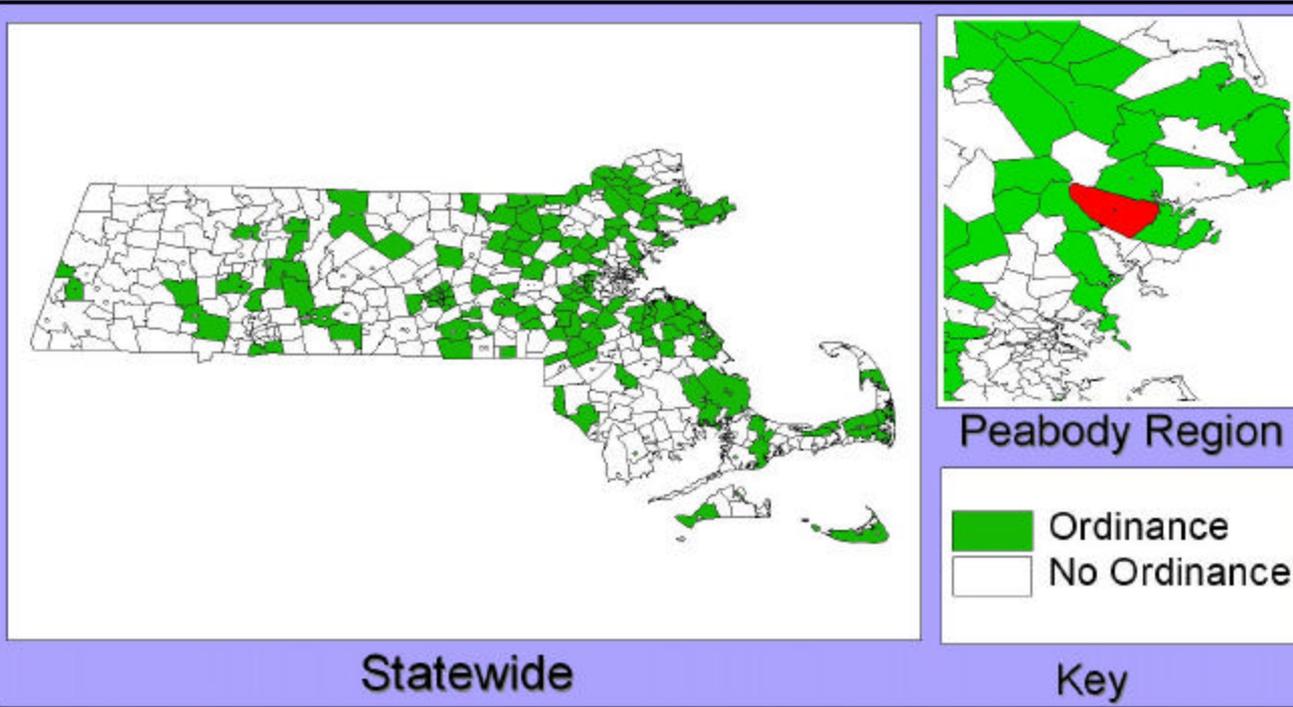
### Eight Interests of the ACT

- Water Quality Improvement (vegetation & soils act as a filter)
- Storm Buffering (vegetation minimizes erosion)
- Flood Prevention (storage & controlled release of water)
- Groundwater Protection (quality & quantity)
- Public & Private Water Supply (quality & quantity)
- Protection of Shellfish & Fisheries (industries)
- Wildlife Habitat (plants, animals, rare & endangered species)
- Open Space (aesthetics, recreation, education)



# City of Peabody Wetlands & Rivers Protection Ordinance

## Massachusetts Communities with Wetlands and Rivers Protection Ordinance or Bylaw



Data obtained from the Massachusetts Association of Conservation Commissions (MACC)



# City of Peabody Wetlands & Rivers Protection Ordinance

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## Why Adopt a Local Ordinance?

### Increased Protection of Wetlands and Rivers:

- No Disturb Zones (no work within buffer zones)
- Local Control (no appeals to DEP)
- Applicant Pays Consultant Fee (professional analysis)
- Burden of Proof on Applicant (presumption of significance)
- Use Standard State Forms (DEP)
- No Additional Filing Fees



# City of Peabody Wetlands & Rivers Protection Ordinance

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## Local Ordinances Reviewed

### General

#### Ordinance:

- Amherst
- Braintree
- Burlington
- Groveland
- Northampton
- Plymouth
- Revere
- Saugus
- Topsfield

### Ordinance with No Disturb

#### Buffer:

- Belchertown
- Easton
- North Reading
- Rutland
- Scituate



# City of Peabody Wetlands & Rivers Protection Ordinance

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## Ordinance Review and Comment

- Department of Environmental Protection (DEP)
  - Michael Abel, Northeast Regional Circuit Rider
  - Approved, no changes
- Massachusetts Association of Conservation Commissions (MACC)
  - Alexandra Dawson, Esq., Legal Affairs Director
  - Approved, minor changes made
- City of Peabody
  - John Christopher, Attorney
  - Approved, no changes



# City of Peabody Wetlands & Rivers Protection Ordinance

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## Ordinance Review and Comment

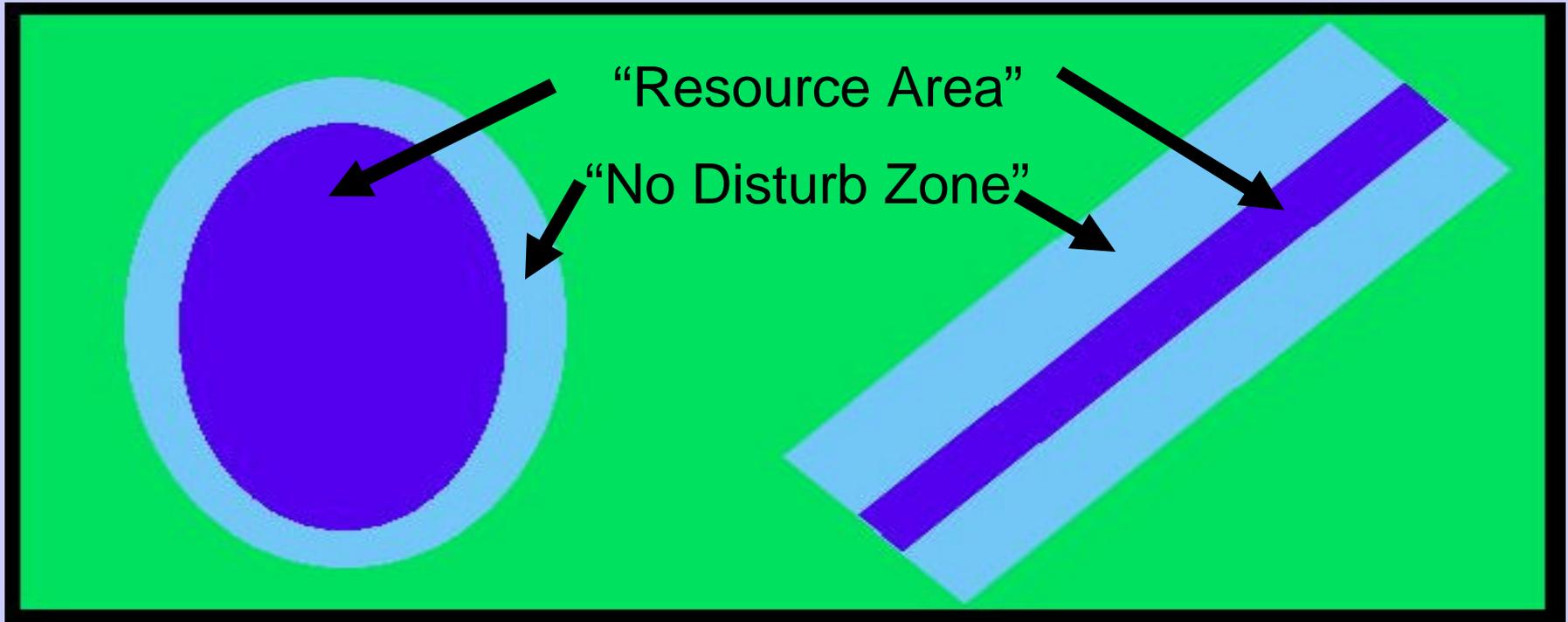
“Good features of your proposal include: the addition of new resource areas (such as vernal pools and isolated wetlands) and values not covered by the state law; limits on the state’s “limited projects”; a presumptive no-disturbance area of 100 to 200 feet; consultant fees; security requirements and some control of placement of paddocks, generally exempt under state law and under zoning.”

~Alexandra Dawson, Legal Affairs Director, Esq., MACC



# City of Peabody Wetlands & Rivers Protection Ordinance

## No Disturb Zone

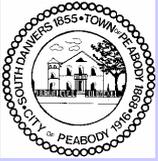


Lakes, Ponds, Wetlands, Marshes,  
Swamps

Buffer Zone (100 foot buffer)

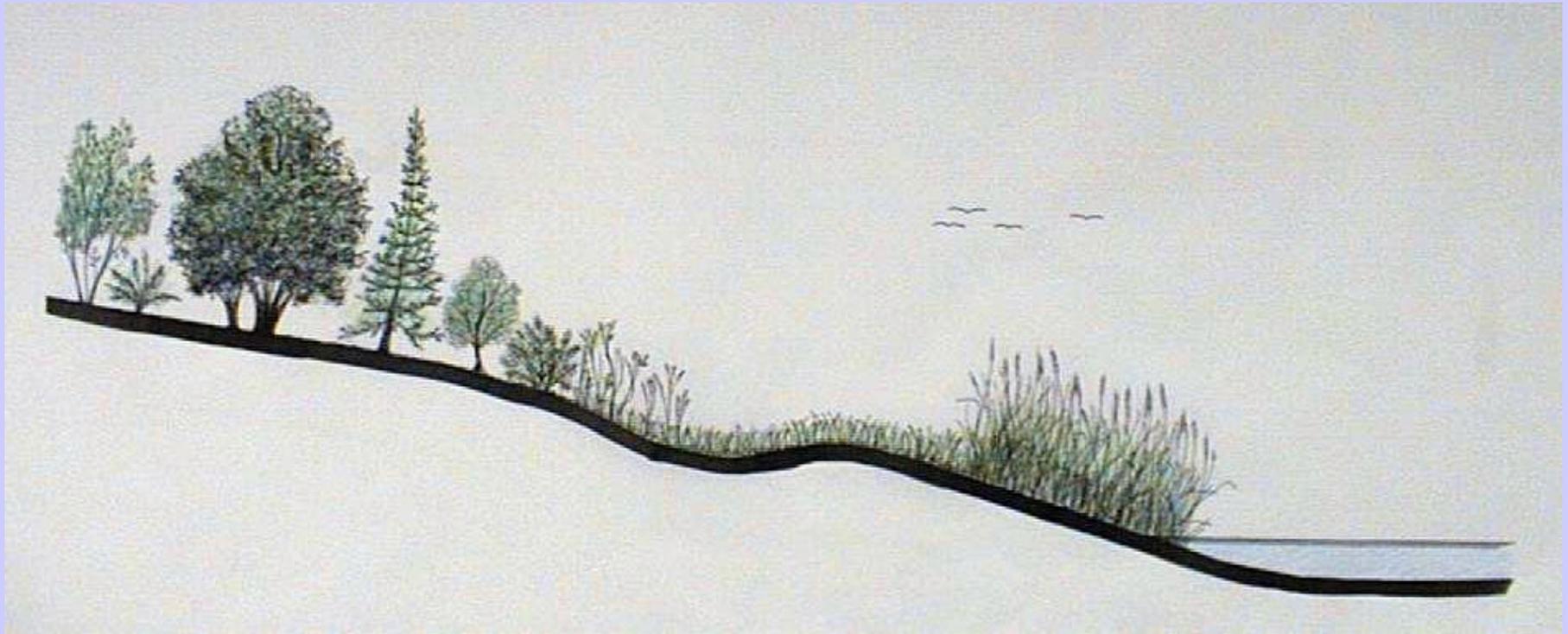
Rivers, Streams, Brooks, Creeks

Riverfront Area (200 foot buffer)



# City of Peabody Wetlands & Rivers Protection Ordinance

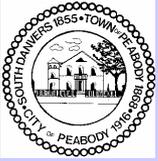
## Protected Natural Buffer



No Disturb Zone

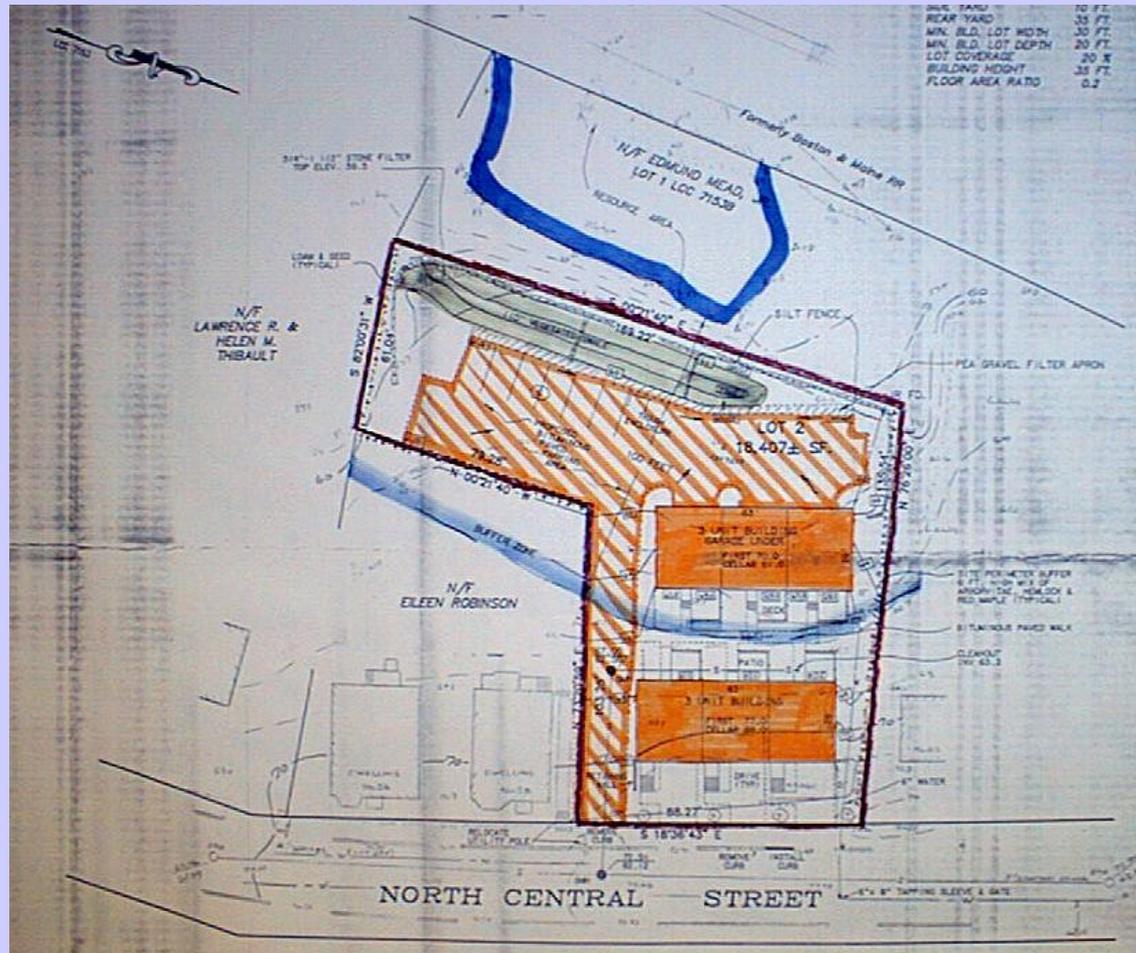
Resource  
Area





# City of Peabody Wetlands & Rivers Protection Ordinance

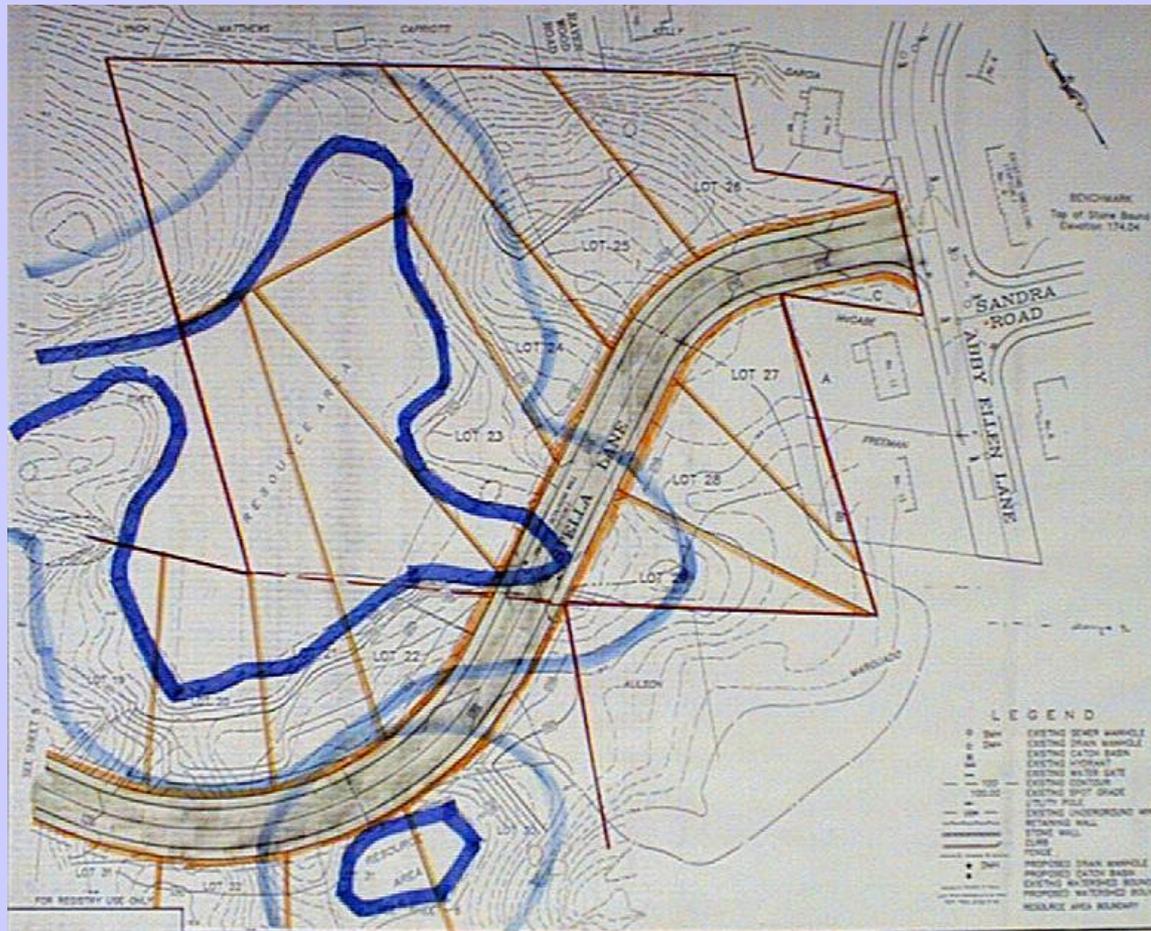
## Case Study: 26-28 North Central St.





# City of Peabody Wetlands & Rivers Protection Ordinance

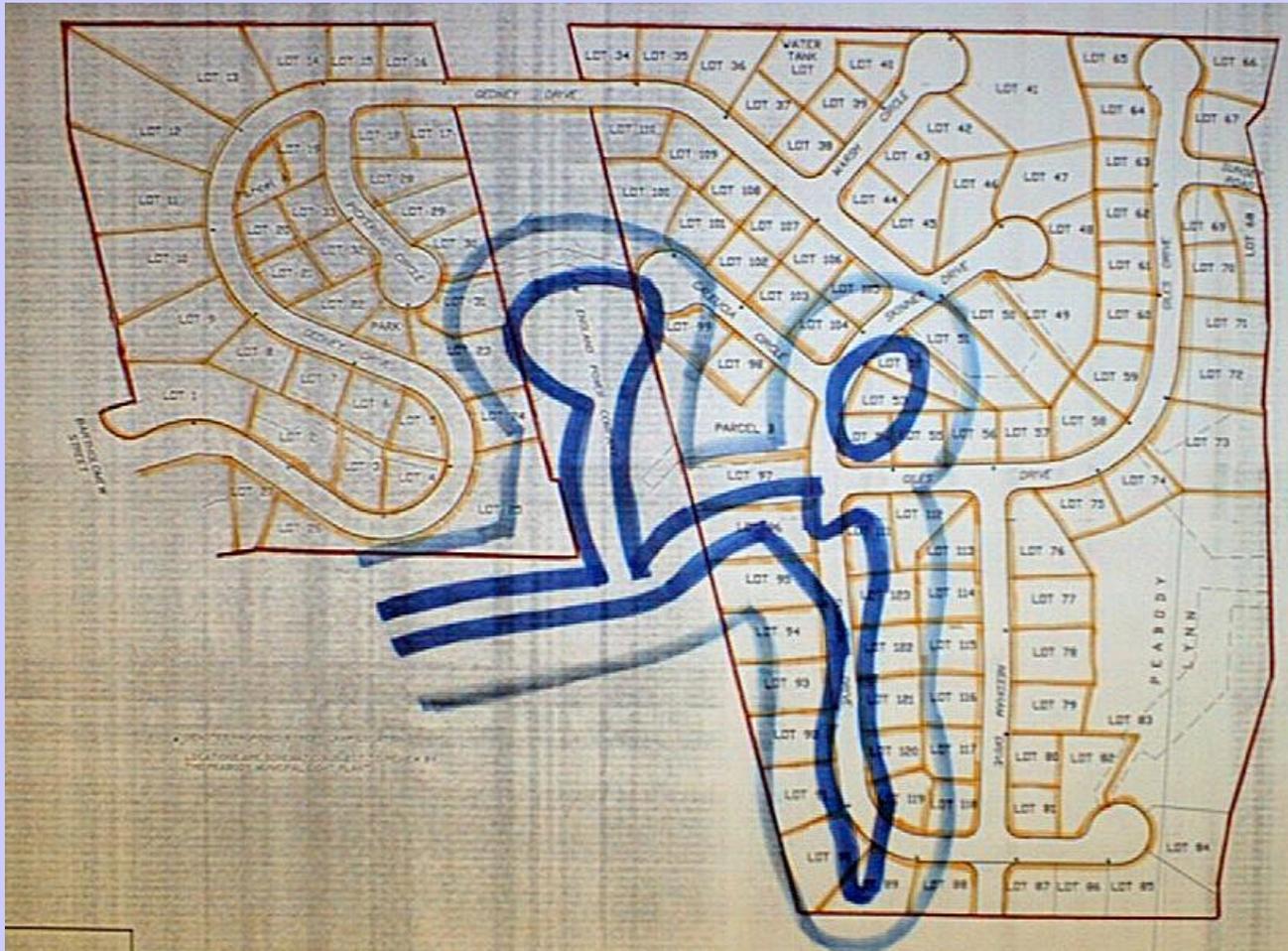
## Case Study: Oak Ridge Estates





# City of Peabody Wetlands & Rivers Protection Ordinance

## Case Study: Boulderwood





# City of Peabody Wetlands & Rivers Protection Ordinance

## STATE Act

vs.

## LOCAL Ordinance



- Limit of Work at Resource Area >
- DEP Appeals Possible >
- Commission Pays Consultant Fees >
- Burden of Proof on Commission >
- Standard Wetland Protection >
- DEP Forms & Filing Fees >
- Limit of work at No Disturb Zone
- Local Control
- Applicant Pays Consultant Fees
- Burden of Proof on Applicant
- Increased Wetland Protection
- DEP Forms & Filing Fees