



MASSACHUSETTS ASSOCIATION OF CONSERVATION COMMISSIONS

So.....you're joining the Conservation Commission!

As a member of your conservation commission, you can look forward to a challenging and rewarding experience! To help you get started, here is a concise job description and other useful information.

Legal Authority

Your Commission was formed under the Conservation Commission Act of 1957 (G.L. c. 40, §8C), which gives the commission authority for open space and other natural resource protection in your community. The commission may identify land that should be protected, work for acquisition by your city/town or other forms of protection, and manage local lands dedicated to conservation and passive recreation. Commissions may also organize recycling and other programs that enhance the local environment.

Conservation commissions are responsible for administering the Massachusetts Wetlands Protection Act (G.L. c. 131, §40) and, if your community has one, your non-zoning wetland bylaw/ordinance. You will review proposed work in or near wetlands and other water resource areas and apply the state and local laws to approve the work with conditions or deny the proposed work. (More than 50% of cities and towns have local wetland bylaws / ordinances.)

The Community Preservation Act (G.L. c. 44B) has been adopted by many communities across the state. The conservation commission has, by law, a seat on the local Community Preservation Committee; the commission chooses its representative.

Being a local official and part of your city/town government

A conservation commission can be the environmental voice and conscience of a community. Being an effective commissioner requires that you:

- Get to know your conservation lands, unique local resources, wetlands, and other water bodies
- Familiarize yourself with the law and regulations under which you work, and their supporting science
- Attend meetings and site visits
- Foster good relations with other local boards
- Always act professionally

- Use fairness and objectivity when making your decisions

As a local official, you are subject to certain rules of conduct. You must:

- Avoid or make public any potential conflict of interest
- Not pursue special privileges
- Maintain confidentiality
- Let your behavior contribute to the smooth and effective operation of your commission

Learn about the laws that cover conducting public open meetings, hearings, and handling public records. Review the materials you were given when you were sworn in. Much of your time will be spent in meetings; you can help them run efficiently by making sure there are clear rules and agendas and also by learning the procedural requirements of the Wetlands Protection Act, its regulations, and other relevant laws.

You will become more familiar with your local flora and fauna (especially wetland plants), construction plans, and erosion controls. In short order, you will become conversant with acronyms like NOI, RDA, and BVW and phrases like Order of Conditions and Performance Standards. You will learn to make and write legally binding decisions and handle the controversy your decisions may generate.

You will help maintain lines of communication and cooperation among town boards. Sometimes overlapping or contradictory mandates for different town boards cause confusion; good communication will help your local government function smoothly and achieve better planning and land management.

You will want to take advantage of training sessions and publications offered by environmental organizations and agencies to learn about your legal responsibilities and relevant science, enhance your skills, and keep up with regulatory changes.

Conservation Commissioners have many responsibilities.

About Your Open Space and Natural Resource Protection Responsibilities

Local woodlands, farms, fields, parks, rivers, streams, lakes and ponds are key components of your community's character. When protected as municipal conservation lands, they provide wildlife habitat and biodiversity, scenic vistas, areas for passive recreational use such as hiking, cross-country skiing, bird watching, photography, and general relaxation. You have an important role in determining which should be preserved, how, and for what purposes.

You may help establish criteria for evaluating local lands for protection, determine priority parcels, create networks and corridors of lands in natural condition, prepare your community's Open Space and Recreation Plan, and propose lands for acquisition or other

forms of protection such as conservation restrictions and agricultural preservation restrictions. You will work to achieve this protection through preparing publicity and presentations, for example, to town meeting, and will learn about and seek and raise funds for acquisitions.

Conservation lands may be managed to enhance their natural resource value and enjoyment by the public. You may participate in developing management plans, working with “friends” groups, organizing cleanups or conducting guided walks to explain their value.

About Your Wetlands Protection Responsibilities

Conservation commissioners spend much of their time focusing on the Wetlands Protection Act (and local wetland bylaws/ordinances). Below are some important concepts, terms, and recommendations.

State Regulations and Bylaw/Ordinance Provisions

It is important to become familiar with the Wetlands Protection Act, its regulations (310 CMR 10.00-10.99) and related guidance documents and explanatory publications, and your local wetlands bylaws/ordinance and regulations if your community has them. Never hesitate to refer to the wetlands regulations during a meeting or ask for explanations of terms you don’t understand. Know how your wetland bylaw/ordinance is more protective than the Wetlands Protection Act; that is its great value.

Resource Areas

Wetland resource areas are important to safeguard because they help prevent storm damage, reduce flooding, protect groundwater, prevent pollution, support fish and shellfish, and provide wildlife habitat. The state wetlands regulations cover both inland and coastal resource areas. Inland wetlands and waterways are divided into their component parts. For instance, an inland river has at least three resource areas: (1) land under water; (2) banks, and (3) riverfront area. It may also have bordering land subject to flooding and bordering vegetated wetland. Because different resource areas have different standards with respect to alteration, it is critical that you become familiar with each. Bylaws and ordinances may include additional resource areas.

Reviewing Development Proposals

Conservation commissions review projects that are in or near wetland resource areas or within the 100-foot buffer zone or in a riverfront area. Most often projects will come before a commission as either a Request for Determination of Applicability (RDA) or a Notice of Intent (NOI).

A RDA determines if a project is subject to the wetlands regulations or will not have a negative impact to the wetland. After reviewing the information, visiting the site, and

conducting a public meeting, the conservation commission will issue either a “Negative” or “Positive” Determination of Applicability (DOA). Given a negative determination, the project may go forward; given a positive determination, the applicant must submit a Notice of Intent (NOI).

The permit from an NOI is called an Order of Conditions (OOC). Other types of permit applications include an Abbreviated Notice of Intent and Abbreviated Notice of Resource Area Delineation. Commissions also receive requests for an Emergency Certification or Certificate of Compliance.

Site Visits

Before voting on a permit request, it is essential to conduct a site visit. Visit the site with the applicant or applicant’s representative and have them show you where the work will take place, the location of the wetland boundaries, and how the plans mesh with the site. It is also important to conduct monitoring visits after issuing a permit and work has begun. Bring the plans and a copy of the Order of Conditions to make sure the work is in compliance.

Appeals and Enforcement

Anyone aggrieved by a decision of the conservation commission under the Wetlands Protection Act may appeal the ruling to the regional Department of Environmental Protection office during a 10-day appeal period. Appeals of your bylaw/ordinance go to Superior Court.

When work is being done without a permit or the terms of a permit are not being met, the conservation commission is responsible for enforcing state and local wetland laws. You will learn to communicate with landowners and strive to bring the work into compliance. The state Department of Environmental Protection has equal authority with commissions in enforcing the Wetlands Protection Act.

Commission Administration

Commissions elect their own officers, may hire consultants, including staff (subject to local requirements), and determine the rules for conducting meetings and hearings (subject to requirements of state law). Your staff can often provide invaluable assistance with the increasingly technical responsibilities of the commission.

Commissions prepare budgets and may need to defend them before the Finance Committee or Town/City manager. Commissioners may be required to serve on subcommittees, for example, open space acquisition or land management, and on inter-board committees such as the Community Preservation Committee.

Conservation commissioners should coordinate regularly with other local officials and boards, especially the selectboard/mayor, building inspector/commissioner, planning

board, board of health, engineering department, and others that may have important input about a particular project or matter.

Who is there to help?

- Your commission's experienced commissioners
- Your commission's conservation agent, administrator, and other staff, if your commission has staff
- **Massachusetts Association of Conservation Commissions (MACC)**
MACC has training programs for commissioners, including the certificate program, Fundamentals for Massachusetts Conservation Commissioners, and holds workshops throughout the year, Annual Environmental Conference, and Fall Conference. *Protecting Wetlands and Open Space: MACC's Environmental Handbook for Massachusetts Conservation Commissioners* is the indispensable resource for conservation commissioners. MACC offers other publications, including a bound copy of the wetland regulations and the *Massachusetts Runoff, Erosion & Sediment Control Field Guide*. You can call or email MACC's Helpline for answers to questions and participate in the online MACC Web Forum. MACC will email you the MACC Quarterly and the twice monthly eMACC, all containing information for conservation commissions. www.maccweb.org
- **Massachusetts Department of Environmental Protection**
MassDEP writes the state wetlands regulations and guidance documents, hears appeals under the state law, provides educational material and workshops on regulatory changes, and has Wetland Circuit Riders to assist commissions. www.mass.gov/eea/agencies/massdep/
- **The State Ethics Commission**
For answers to questions about your ethical responsibilities as a commissioner. www.mass.gov/ethics/
- **The Secretary of the Commonwealth**
For information about the Public Records Law. www.sec.state.ma.us/pre/preidx.htm
- **The Attorney General**
For information about the Open Meeting Law. www.mass.gov/ago/government-resources/open-meeting-law/

Your involvement and service are critical to shaping your local environmental future. You are protecting the public health and common good of all the residents of your community.