

Summary of Differences Between Current and Proposed Tewksbury Wetland Protection Bylaw

Last Updated: June 21, 2023

Section	Current Bylaw	Proposed Bylaw
18.04.010: Purpose	The Bylaw establishes the reason for its existence, which is to protect wetland resource areas within the Town of Tewksbury. The Bylaw lists the reasons in which wetland resource areas are important to protect (public and private water supplies, groundwater quantity, quality and supply, surface water quantity and quality, flood control, etc.).	<p>Same as current Bylaw, in addition to:</p> <ul style="list-style-type: none"> (1) Establishing that the Bylaw is intended to utilize the Home Rule Amendment of the Massachusetts Constitution to create the Bylaw; (2) That the Bylaw is intended to protect the resource areas identified in the Massachusetts Wetland Act (hereinafter referred to as “the Act” or “WPA”), additional resource areas beyond what is protected in the Act, and to enact more stringent standards and procedures for the protection of said resources than the Act; and (3) The Bylaw also acknowledges that it is subject “...to the rights and benefits accorded to agricultural uses and structures of all kinds under the laws of the Commonwealth and other relevant Bylaws of the Town of Tewksbury.” This citation is meant to recognize that agricultural activities in general receive certain exemptions/benefits through other laws of the Commonwealth, and the Bylaw is not intended to be in conflict with said laws of the Commonwealth.
18.04.020: Definitions	This section of the current Bylaw further defines terms referenced within the document. Refer to the current Bylaw for a complete list of all defined terms.	<p>Same as the current Bylaw, except for the following changes:</p> <ul style="list-style-type: none"> (1) The first two paragraphs of the current Bylaw were removed, which pertained to certain definitions of terms for the protection of wildlife habitat in wetland resource areas to be consistent with how terms are defined in

		<p>310 CMR 10.04. This was removed because the terms listed are already adequately defined, and if the term is not present within the Bylaw, then there is already a provision that the term shall take on the definition of how it is defined within the Act.</p> <p>(2) The term “Administrative Order” was removed. The term is used once in the current Bylaw under the “Enforcement” section, which states that the Commission has the authority to issue administrative orders.</p> <p>(3) The term “Bordering Land Subject to Flooding” was removed. This term by default will take on the definition provided within the WPA regulations.</p> <p>(4) The term “Buffer Zone” was changed such that (1) the language was simplified and (2) to reflect that Buffer Zone does not include BLSF or Isolated Land Subject to Flooding (ILSF), consistent with the WPA. The newly defined term clarifies that there is a 200-foot buffer for potential or certified vernal pools, and that there is <u>not</u> a 200-foot buffer for perennial streams since this area is considered a protected resource area, not just buffer zone.</p> <p>(5) The term “Drained” was removed, as it seems unnecessary to define this term. “Draining” is used in the context of the definition of “Alter”, which provides a clear explanation of what is meant by “draining”.</p> <p>(6) The term “Hill Peat” was removed, as there was no context to this term in the current Bylaw and therefore seems unnecessary to include as a defined term.</p>
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<p>18.04.030: Jurisdiction</p>	<p>This section listed the wetland resource areas in which the Bylaw protects and their buffer zones. This section also included mention of the No Disturb Zone (NDZ) and the No Build Zone (NBZ), certain performance standards, and exemptions for stormwater management.</p>	<p>Changes to this section include of the following:</p> <ol style="list-style-type: none"> (1) Limiting this section strictly to what is jurisdictional under the Bylaw. For example, language related to exemptions and performance standards are now placed in their respective sections of the Bylaw. (2) The proposed Bylaw adds two (2) new resource areas that are protected under the WPA but were not previously included in the Bylaw: “Bank” and “Land Under Waterbodies and Waterways.” (3) Information related to the 10% alteration of the NBZ has been placed in Section 18.04.050 of the Bylaw.
<p>18.04.040: Exemptions</p>	<p>This section of the Bylaw lists what is considered entirely exempt from the Bylaw, minor activities occurring within Buffer Zone and/or Riverfront Area that are allowed without the application and permit through the Conservation Commission, and minor</p>	<p>Changes to this section include of the following:</p> <ol style="list-style-type: none"> (1) An exemption in the current Bylaw was given for “maintaining, repairing or replacing but not substantially changing or enlarging, an existing and lawfully located

	<p>activities occurring within the No Build Zone that are allowed without the application and permit through the Conservation Commission. Note that some activities listed as minor activities within the Buffer Zone/Riverfront Area are in conflict with minor activities listed within the No Build Zone. For example, different set-back requirements are given between these two sections for the construction of accessory structures such as decks, pools, etc.</p> <p>Waivers from the NDZ and NBZ are also placed in this section of the Bylaw. The reasoning for said waivers include: (1) “public good” provisions, (2) substantial economic hardship on the applicant owing to the shape or topography of their land if the Bylaw is strictly adhered to, and (3) if a waiver would serve a substantial public benefit.</p> <p>A waiver for alteration of a wetland resource area is also provided in this section of the Bylaw, which states: “The Commission may grant a partial waiver from these bylaws for alteration of a wetland resource area in situations where there are no feasible alternatives that provide fewer impacts to the resource area values. The applicant is responsible for conducting an alternatives analysis to show that there are no feasible alternatives. The Commission may, after considering the alternatives analysis, allow the alteration or temporary surface disturbance of up to a cumulative total no greater than 5,000 square feet of wetland resource area.”</p> <p>This section of the Bylaw also states the “presumption of significance” of alterations in the</p>	<p>building (residential/ commercial) or facility used in the service of the public to provide electric, gas, water, telephone or other telecommunication services.” The new Bylaw proposes to add “sewer” to this list of utilities. The proposed Bylaw also requires that written notice of said exempt activities are “received and reviewed by the Commission prior to the commencement of work.” The phrase “received and reviewed” replaces the term “given” from the current Bylaw. Note that the proposed Bylaw also does not place a timeframe on when the written notice is provided the Commission.</p> <p>(2) The proposed Bylaw also removes following exemption from the current Bylaw: “Maintenance by the Town of its drainage system.” This exemption was removed because the language is vague; the “maintenance” of a municipal drainage system could range from routine catch basin cleaning to working within wetland resource areas for culvert work. More specificity would be needed to keep this language and would need additional review to ensure that there is no conflict with the WPA.</p> <p>(3) The proposed Bylaw adds the following exemption for agriculture: “The jurisdiction of the Bylaw shall not extend to uses and structures of agriculture that enjoy the rights and privileges of laws and regulations of the Commonwealth governing agriculture, including work performed for normal maintenance or improvement of land in agricultural or aquacultural uses as defined by the Wetlands Protection Act regulations, found at 310 CMR 10.04.” This language was derived from the Massachusetts Association of Conservation Commissions (MACC) Model Bylaw.</p>
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	<p>Buffer Zone. In other words, this language establishes that the Commission presumes that the Buffer Zone is significant to the interests identified in the Bylaw, unless this presumption is overcome upon a showing of clear and convincing evidence demonstrating that the Buffer Zone does not play a role in the protection of said interests.</p> <p>This section of the Bylaw also lists “additional waiver standards” for roadways, in which the language appears to attempt to replicate the language used for limited projects allowed under 310 CMR 10.53(3)(e).</p> <p>This section of the Bylaw contains other miscellaneous information related to (1) prohibited wetland alterations, (2) wildlife habitat evaluations, and (3) upland habitats. The language used for “prohibited wetland alterations” lists certain activities where wetland alterations are prohibited. The language used for “wildlife habitat evaluations” states that the Commission can request a wildlife habitat evaluation to be conducted at its discretion whenever deemed necessary. The language use for “upland habitats” is that upland habitats should not be used for the location of wetland replication areas to the fullest extent feasible.</p>	<p>(4) The proposed Bylaw states that certain minor activities, as further defined in the <u>Commission’s regulations</u>, are exempt from the Bylaw. The Bylaw defers to the regulations to establish what the minor activities are that should be exempt. Note that the proposed Bylaw and Commission’s regulations do not differentiate between minor activities within the No Build Zone and minor activities within the Buffer Zone/Riverfront Area. In general, within the Proposed Commission’s Regulations, more minor activities are added as exemptions in accordance with the WPA regulations, and exempt accessory structures to residential dwellings are further defined. Refer to the proposed Regulations for more information.</p> <p>(5) Language for “emergency projects” was kept the same as the current Bylaw with the following exception: the current Bylaw states that a permit “shall” be filed with the Commission within twenty-one (21) days of commencement of an emergency project, where as the proposed Bylaw states that the Commission “may” require a permit to be filed.</p> <p>(6) The proposed Bylaw reflects WPA regulations at 310 CMR 10.02(2)(c) by stating that certain stormwater management systems do not by themselves constitute Resource Areas or Buffer Zone. The applicant has the burden of proving that the subject stormwater management system meets the criteria defined within this citation.</p> <p>(7) A separate section for waivers was established in the proposed Bylaw; waivers from the NDZ & NBZ setbacks</p>
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		<p>are not included in the “exemption” section of the proposed Bylaw.</p> <p>(8) The “presumption of significance” for Buffer Zone is established under the “permits & conditions” section of the proposed Bylaw. It was placed in this section because this presumption relates to <i>why</i> Commissions condition projects within the Buffer Zone of resource areas.</p> <p>(9) The “additional waiver standards” for roadways was removed from the proposed Bylaw entirely. It appears this language was included in the current Bylaw to reflect WPA language that allows Commissions to consider certain roadway projects as a “Limited Project”, which then allows Commissions to certain waive performance standards. Note that the Commission’s proposed <u>regulations</u> make reference to the ability of the Commission to waive performance standards for Limited Projects under the WPA.</p> <p>(10)The “prohibited wetland alterations” under the current Bylaw was removed entirely. This section of the current Bylaw was removed as it seemed redundant since all alterations to wetland resource areas are prohibited unless permitted by the Commission or is otherwise exempt.</p> <p>(11) The “wildlife habitat evaluation” language from the current Bylaw was kept, although it was placed in the “permits and conditions” section of the Bylaw.</p> <p>(12) The “upland habitats” portion of the Bylaw was removed entirely. It was removed because wetland</p>
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		<p>replication areas must be placed in upland habitats, the idea of wetland replication is to convert uplands to wetlands.</p>
<p>18.04.045: Performance Standards (Current Bylaw) / 18.04.050: Buffer Zone Performance Standards (Proposed Bylaw)</p>	<p>This section of the Bylaw establishes the NDZ, with no mention of the NBZ. This section also establishes that the Commission may require demarcating the NDZ.</p>	<p>This section of the proposed Bylaw is meant to explicitly establish the NDZ and the NBZ. There is no mention of the demarcating the NDZ.</p> <p>A notable change in this section was to the 10% rule of the No Build Zone. This section of the Bylaw reads:</p> <p><u>No Build Zone:</u> Unless otherwise provided under the Bylaw herein, no Structures are allowed to be built within 50-feet of the delineated edge of Resource Areas that are incorporated into the definition of Buffer Zone, with the following exceptions:</p> <ul style="list-style-type: none"> i. The cumulative area of Structures encroaching or within the No Build Zone of a lot is allowed to be no more than 10% of the total area representative of the No Build Zone within the lot where encroachment is proposed. ii. Where the cumulative encroachment of Structures within a lot's No Build Zone is greater than 10% of the total area representative of the No Build Zone within the lot where encroachment is proposed, the Commission may approve of said encroachment provided that: <ul style="list-style-type: none"> 1. Buffer Zone within the lot is enhanced and/or restored at a minimum ratio in square feet of 1:1 and a maximum ratio in square feet of 2:1 of Buffer Zone

		<p>enhancement/restoration to areas encroaching into the lot's No Build Zone which exceeds the 10% threshold outlined in Section 18.04.050(b)(ii).</p> <p>2. For projects approved by the Commission under Section 18.04.050(b)(ii)(1), the Commission shall require that these areas of enhancement/restoration shall remain unaltered in perpetuity. Said requirement can be incorporated into a permit issued by the Commission and/or included as an ongoing condition upon issuance of a Certificate of Compliance.</p>
<p>18.04.060: Waiver (Proposed Bylaw)</p>	<p>This is not a separate section in the current Bylaw.</p> <p>Waivers under the current Bylaw are mentioned under the exemption section.</p> <p>Waivers within the current Bylaw include:</p> <ul style="list-style-type: none"> - Waivers from the NDZ & NBZ requirements. Reasoning for said waivers include: (1) "public good" provisions, (2) substantial economic hardship on the applicant owing to the shape or topography of their land if 	<p>This is a new section introduced in the proposed Bylaw.</p> <p>Two waivers are included in the proposed Bylaw:</p> <p>(1) "The Commission may waive specifically identified and requested procedures, design specifications, performance standards or other requirements set forth in this Bylaw or its regulations," provided that there are no reasonable alternatives, alterations are avoided, minimized, and mitigated to the maximum extent practicable, and the waiver is necessary to accommodate an overriding public interest or to avoid</p>

	<p>the Bylaw is strictly adhered to, and (3) if a waiver would serve a substantial public benefit.</p> <ul style="list-style-type: none"> - A waiver for alteration of a wetland resource area, which states: “The Commission may grant a partial waiver from these bylaws for alteration of a wetland resource area in situations where there are no feasible alternatives that provide fewer impacts to the resource area values. The applicant is responsible for conducting an alternatives analysis to show that there are no feasible alternatives. The Commission may, after considering the alternatives analysis, allow the alteration or temporary surface disturbance of up to a cumulative total no greater than 5,000 square feet of wetland resource area.” - “Additional waiver standards” are provided for roadways, in which the language appears to attempt to replicate the language used for limited projects allowed under 310 CMR 10.53(3)(e). 	<p>an “unconstitutional taking.” This was taken from the MACC Model Bylaw.</p> <p>(2) “The Commission may waive the dimensional requirements of the No Disturb Zone and the No Build Zone where the Commission specifically finds, after the applicant has presented sufficient proof, that literal enforcement of the provision would involve demonstrated substantial hardship to an applicant, the applicant has demonstrated that no practicable alternative exists to comply with the No Disturb Zone and No Build Zone setbacks, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Bylaw. The applicant has the burden of proof regarding whether their proposed project satisfies the requirements of this waiver.” This waiver is included to allow the Commission flexibility on waiving the NDZ & NBZ requirements if a hardship exists. This waiver was partially derived from Chelmsford’s Bylaw.</p>
<p>18.04.060 Notice and Hearings (Current Bylaw) / 18.04.080 (Proposed Bylaw)</p>	<p>This section of the Bylaw establishes the following:</p> <ol style="list-style-type: none"> 1) The requirement for the Conservation Commission to hold a public hearing on any permit application (including RDAs). 2) The abutters within a certain distance of a project who need to be notified and the 	<p>The proposed Bylaw establishes the following in this section:</p> <ol style="list-style-type: none"> 1) The Proposed Bylaw mirrors procedures established in the WPA regulations for public meeting, public hearing, abutter notification, and legal ad requirements corresponding to RDA, NOI, and ANRAD applications. Therefore, for example, RDA applications no longer will require a public hearing (consistent with the WPA

	<p>timeframe in which notification should be provided.</p> <ol style="list-style-type: none"> 3) Newspaper legal ad requirements. 4) The types of allowable notification methods to abutters including of certified mail return receipt request and hand delivery. 5) An exemption provision for septic system <i>repair</i> that a public hearing is not necessary for the corresponding RDA application. 6) A 21-day timeframe for holding a public hearing once a RDA application has been received. 7) A 21-day timeframe for issuing a Determination of Applicability following the close of the public hearing (note that this is inconsistent with the WPA, which establishes a 21-day timeframe to hold the public <u>and</u> issue the permit within 21-days). 8) A provision stating that the Commission can combine their public hearing under the Bylaw with the public hearing required under the WPA. 9) A provision which allows the Commission to continue a project; 	<p>regulations) but still requires placing a legal ad in a newspaper of general circulation within the town. This means that abutter notification (i.e., sending out letters to abutters within 100-feet of the property where work is occurring) is no longer necessary for RDA applications. NOIs and ANRADs will remain a public hearing, consistent with the WPA regulations.</p> <ol style="list-style-type: none"> 2) When abutter notification is necessary, an affidavit from the applicant is required to verify that all abutters were notified in an appropriate timeframe in accordance with provisions included in the WPA. Note that this is current operating procedure but is not codified. 3) Clarification that abutters across bodies of water or within another municipality need to be notified if they fall within the applicable notification distance (e.g., 100-feet from the property where the project is proposed). 4) The timeframes and allowed continuances of projects under different permit applications (RDAs, NOIs, ANRADs) are to be consistent with the WPA regulations. 5) A provision stating that the Commission can combine their public hearing under the Bylaw with the public hearing required under the WPA.
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	10) Special abutter notification requirements for projects involving public utilities.	
18.04.070 Time of Receipt (Current Bylaw)	The Current Bylaw states that once an application is submitted, it is not considered “received” by the Commission until the Commission has gathered for their next scheduled meeting.	This is not a section under the Proposed Bylaw. However, note that the timeframe for an application should begin once it is <i>complete</i> and has been given to the Commission or its agent/administrator.
18.04.080: Coordination with Other Boards (Current Bylaw) / 18.04.100	The Current Bylaw requires any person filing a RDA or application for permit to notify various town departments (e.g., Board of Health, Building Inspector, Planning Board, Board of Selectment, etc.) for their application. The Current Bylaw continues by requiring an affidavit that said notification was completed and that the “...Commission shall not take final action until such boards have had fourteen (14) days...to file written comments and recommendations with the Commission...”	The Proposed Bylaw removes the <i>requirement</i> of the applicant notifying various boards and instead states that the Commission can solicit the advice and opinions of said boards if necessary. This was derived from Chelmsford’s Bylaw.
18.04.090: Permits, Determinations – Conditions / 18.04.090: Permits and Conditions	The Current Bylaw establishes the following: <ol style="list-style-type: none"> 1) A 21-day timeframe to issue or deny a permit application, including RDA applications. Again, this is inconsistent with the WPA regarding RDA applications, since a Determination is required 21-days from when the RDA is filed. 2) Allows the Commission to issue a permit with conditions that protect wetland resource areas and their values. 3) Parameters which allow the Commission to deny a permit 	The Proposed Bylaw establishes the following: <ol style="list-style-type: none"> 1) A 21-day timeframe to issue or deny an application for permit (non-RDA and non-ANRAD applications). 2) Allows the Commission to issue a permit with conditions that protect wetland resource areas and their values. 3) Timeframes established in the WPA regulations to issue each type of permit (Determination, ORAD, Order of Conditions (OOC)) are to be followed. This section has some overlap with #1 above, although the language in #1 elaborates on what gives cause to the Commission issuing or denying the application for permit within 21-days.

	<p>4) Expiration dates of permits, which is generally three years from the date of issuance. Permits (including Determinations and ORADs) can not be extended past six (6) years from the date of issuance of the original permit.</p> <p>5) The capability for the Commission to revoke or modify a permit for good cause.</p> <p>6) The ability of the Commission to combine their permit issued under the Bylaw with the permit issued under the WPA.</p>	<p>4) Reasonings for the Commission to deny an application.</p> <p>5) Permit expirations – “A DOA, OOC, or ORAD issued under the Bylaw shall expire three years from the date of issuance. Upon request, the Commission, in their discretion, may extend the expiration date of said DOA, OOC, or ORAD for one or more periods of up to three years each. The request for an extension shall be made at least 30-days prior to the expiration of the DOA, OOC, or ORAD.”</p> <p>6) This is where the Proposed Bylaw introduces the presumption that the Buffer Zone is significant to the interests of the Bylaw and wetland resource areas.</p> <p>7) This is where the Proposed Bylaw introduces the presumption that Riverfront Area is important to all the resource area values unless proven otherwise.</p> <p>8) The mantra of “avoid, minimize, and mitigate” is established. In other words, wetland resource area impacts should be avoided when possible, minimized if wetland resource area impacts are necessary, and impacts should be mitigated to restore whatever impacts were created.</p> <p>9) The Commission is to have the right, when deemed appropriate, to request a wildlife habitat evaluation for a project. This differs from the WPA because a wildlife habitat evaluation is only triggered after certain thresholds of resource area impacts have been crossed.</p>
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		<p>10) The presumption that all areas meeting the definition of a “Vernal Pool”, including areas within 200-feet of the Vernal Pool, serve essential habitat functions.</p> <p>11) Provisions for revoking a permit for good cause.</p> <p>12) Provisions for combining the permit, DOA, or ORAD with the permit (OOC), DOA, or ORAD issued under the WPA.</p> <p>13) Provisions for requiring a permit or ORAD to be recorded at the Registry of Deeds before work begins.</p> <p>14) A provision that allows the Commission to have applicants post permanent signage that demarcates wetland resource areas and/or their buffer zones.</p>
18.04.100: Modifications	Explains procedures on making modifications to existing permits	1) The following sentence was added at the end of this section: “An application to amend an existing permit follows the same procedures as was necessary for the original permit application.”
18.04.110: Registry of Deeds	This section of the Bylaw includes provisions for recording permits and ORADs at the registry of deeds prior to beginning any work.	This language is the same, except that the requirement to record Certificates of Compliances was also added to this section.
18.04.120: Certificate of Compliance (Current Bylaw) / 18.04.130: Certificate of Compliance (Proposed Bylaw)	<p>This section of the Current Bylaw establishes the following:</p> <ol style="list-style-type: none"> 1) The need for an applicant to obtain a Certificate of Compliance (COC) with the potential of the applicant providing an As-Built. 2) Allowing the Commission a timeframe of 30-days to act on a request for Certificate of Compliance. Note that this timeframe is not consistent with the WPA. 	<p>This section of the Proposed Bylaw establishes the following:</p> <ol style="list-style-type: none"> 1) The need for an applicant to obtain a Certificate of Compliance (COC) with the potential of the applicant providing an As-Built. 2) Timeframes and procedures for issuing a COC are the same as WPA regulations. 3) The Commission can combine the issuance of a COC under the Bylaw with the COC under the WPA.

	3) Allows the Commission to impose ongoing conditions to the COC.	4) Allows the Commission to impose ongoing conditions to the COC.
18.04.130: Regulations (Current Bylaw) / 18.04.140: Regulations (Proposed Bylaw)	This section establishes that the Commission can impose regulations to effectuate the Bylaw.	This section had minor language change but accomplishes the same goal of establishes that the Commission can impose regulations to effectuate the Bylaw.
18.04.140: Enforcement (Current Bylaw) / 18.04.150: Enforcement (Proposed Bylaw)	This section of the Current Bylaw establishes the Commission's (or their Agent) ability to enforce the Bylaw and its regulations.	<p>This section, under the Proposed Bylaw, was primarily re-structured with no significant changes. Worth mentioning is that the following provision was added to this section:</p> <p>“Any person who purchases, inherits or otherwise acquires land upon which work has been done in violation of the provisions of this Bylaw or in violation of any permit issued pursuant to this Bylaw shall forthwith comply with any order of the Commission and restore such land to its condition prior to any violation; provided, however, that no action, civil or criminal, shall be brought against such person if corrective action commences within six (6) months following the date of acquisition of the land by such person or within the time specified in the Commission's order.”</p> <p>Note that similar language is included in the “Pre-Acquisition Violation” section of the Current Bylaw.</p>
18.04.150: Inspection (Current Bylaw)	<p>The Current Bylaw states the following in this section:</p> <p>The Commission, its agents and officers shall have the authority to enter privately owned land for the purpose of performing its duties under this Bylaw, and may make or cause to be made such examinations, surveys or samplings as the Commission deems necessary</p>	This section was removed from the Proposed Bylaw, as the content of this section is captured under “Enforcement” where the power of the Commission and/or their agent to enforce the Bylaw/Regulations is granted.

18.04.160: Burden of Proof:	This section establishes that the applicant has the burden of proving that their project will not result in adverse impacts to wetland resource areas.	The wording of this section may have changed slightly but maintains the same purpose.
18.04.170: Relationship to the Wetland Protection Act:	No substantial changes from Current Bylaw.	
18.04.180: Performance Guarantee	This section of the Current Bylaw establishes the ability of different performance guarantee mechanisms (bonds, covenants, conservation restrictions, etc.) to be applied to projects.	<p>The primary change from the Current Bylaw to the Proposed Bylaw is the removal of the following paragraph from the Current Bylaw:</p> <p>“Reduction of Bond or Surety. The penal sum of any required bond, or the amount of any deposit held hereunder may, from time to time, be reduced by the Commission and the obligations of the parties thereto released by the Commission in whole or in part”</p>
18.04.190: Appeal	No significant changes from Current Bylaw	
18.04.200: Amendments	No significant changes from Current Bylaw	
18.04.210: Penalties	No significant changes from Current Bylaw	
18.04.220: Pre-Acquisition Violation (Current Bylaw)	<p>Current Bylaw:</p> <p>“Any person who purchases, inherits or otherwise acquires land upon which work has been done in violation of the provisions of this Bylaw or in violation of any permit issued pursuant to this Bylaw and such violation notice is recorded at the registry of deeds or land court, shall forthwith comply with any order of the Commission and restore such land to its condition prior to any violation; provided, however, that no action, civil or criminal, shall be brought against such person if corrective action commences within six (6) months following the date of acquisition of</p>	<p>Proposed Bylaw (under Section 18.04.150):</p> <p>“Any person who purchases, inherits or otherwise acquires land upon which work has been done in violation of the provisions of this Bylaw or in violation of any permit issued pursuant to this Bylaw shall forthwith comply with any order of the Commission and restore such land to its condition prior to any violation; provided, however, that no action, civil or criminal, shall be brought against such person if corrective action commences within six (6) months following the date of acquisition of the land by such person or within the time specified in the Commission's order.”</p>

	the land by such person or within the time specified in the Commission's order.”	
18.04.220: Severability	This is not a section under the Current Bylaw	The Proposed Bylaw states the following under this section: “The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any permit, approval or determination which previously has been issued.”
<p>the Act = The Massachusetts Wetland Protection Act BLSF = Bordering Land Subject to Flooding COC = Certificate of Compliance DOA = Determination of Applicability ILSF = Isolated Land Subject to Flooding MACC = Massachusetts Association of Conservation Commissions NBZ = No Build Zone NDZ = No Disturb Zone NOI = Notice of Intent OOC = Order of Conditions RDA = Request for Determination of Applicability WPA = The Massachusetts Wetland Protection Act</p>		