DEDHAM CONSERVATION COMMISSION

WETLANDS PROTECTION RULES & REGULATIONS

ADOPTED APRIL 4, 1996

AMENDED MAY 15, 2003

AMENDED AUGUST 22, 2025

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SECTION 1. INTRODUCTION AND PURPOSE

1. The Rules and Regulations contained herein have been adopted by the Dedham Conservation Commission in accordance with Section 9 of the Town of Dedham General Wetlands Protection Bylaw. These regulations complement and implement the Bylaw and shall have the force of law upon their effective date. These regulations set forth additional definitions, regulations, requirements, and performance standards necessary to protect the values and/or intent of the Bylaw; and protect additional Resource Areas and wetland values as well as specify standards and procedures stricter than those of the Massachusetts Department of Environmental Protection's Wetlands Protection Act, M.G.L. c. 131, Section 40 and implementing regulations at 310 CMR 10.00. Nothing in these Rules and Regulations is intended to replace or conflict with the requirements of the Town of Dedham General Wetlands Protection Bylaw or the Town of Dedham Floodplain Zoning Bylaw.

2. The Bylaw sets forth a public review and decision making process by which activities affecting areas subject to protection under the Bylaw are to be regulated in order to ensure the protection of the following interests: public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention, water pollution prevention, fisheries, shellfish, wildlife habitat, recreation, aesthetics, agriculture and aquaculture values (collectively, "Resource Area Values". The purposes of these regulations are to define and clarify that process by establishing standard definitions and uniform procedures by which the Dedham Conservation Commission shall carry out its responsibilities under the Bylaw.

SECTION 2. DEFINITIONS

Except as otherwise provided in the Bylaw or these regulations, the definitions of terms in the Bylaw shall be as set forth in the Wetlands Protection Act, M.G.L. c.131, Section 40, and its regulations, 310 CMR.10.00. The definitions contained herein apply to the Town of Dedham General Wetlands Protection Bylaw and the regulations adopted thereunder. Terms not defined in this section shall be construed according to their customary and usual meaning unless the context indicates a special or technical meaning.

1. **ABUTTER:** For the purpose of the Dedham General Wetlands Protection Bylaw and these Rules and Regulations, an abutter is any property owner whose property adjoins the

property upon which work is being proposed. This includes property owners across water bodies such as rivers, lakes and ponds.

2. **BEST MANAGEMENT PRACTICES (BMPs):** Structural, non-structural and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce point source and non-point source pollution, in order to promote stormwater quality and protection of the environment.

3. **CLIMATE CHANGE:** Climate is the average weather conditions of a given place in a time period of over 30 years or more, and climate change is measured by comparing these long-term observations of climate periods. Climate change impacts can adversely impact resource area functions. Impacts include without limitation: extreme heat, the timing, frequency, intensity and amount of precipitation, storm surges, and rising water levels; increased intensity or frequency of storm events or extreme weather events; and frequency, intensity, and duration of droughts.

4. **COMPENSATORY FLOOD STORAGE:** A volume not previously used for flood storage that shall have an unrestricted hydraulic connection to the same waterway or waterbody, and with respect to waterways, shall be provided within the same reach of the river, stream, or creek. Compensatory flood storage shall be replaced at each elevation where flood storage is lost.

5. **CONDITIONS**: Requirements set forth in a written permit issued by the Conservation Commission for the purposes of permitting, regulating, or prohibiting any activity that removes, fills, dredges, or alters an area subject to protection under the Bylaw.

6. **CONSERVATION COMMISSION or COMMISSION:** Body in Dedham comprised of members lawfully appointed pursuant to M.G.L. c. 40, Section 8C and pursuant to Chapter 12, Article V of the Dedham General Bylaws.

7. **CULTIVAR:** A plant variety created or produced in cultivation by selective breeding, propagated by methods such as root and stem division, cuttings, or grafting.

8. **DBH (DIAMETER AT BREAST HEIGHT):** The diameter (in inches) of the trunk of a tree (or, for multiple trunk trees, the aggregate diameters of the multiple trunks) measured 4 ½ feet from the existing grade at the base of the tree.

9. **DROUGHT:** A period of abnormally dry weather long enough to cause a serious hydrological imbalance, as declared by the Massachusetts Drought Advisory Team.

10. **ECOLOGICAL CLIMATE RESILIENCE:** Ability of an ecosystem or an ecological community to recover and achieve a similar level of functioning after a climate-related disturbance, such as flooding, severe storms, high heat, drought. In an ecosystem, the specific species may change, but the overall complexity, structure, function and biodiversity of the system is maintained. Ecological resilience is often associated with undisturbed, healthy, natural, connected systems with high biodiversity of native species, and likewise can be fostered through appropriate ecological restoration and avoidance of synergistic stressors (such as pollution, land use change, hydrologic alterations, spread of invasive species) caused by humans.

11. **EROSION CONTROL:** The prevention or reduction of the movement of soil particles or rock fragments by water, wind, ice, snow, gravity, and/or human activity.

12. **EXTREME HEAT:** A Heat Advisory from the National Weather Service, issued when the heat index is forecasted to exceed 100°F for two or more hours.

13. **FEMA FLOODLINE:** The boundaries specified by the Federal Emergency Management Agency, as located on the most recently available Flood Insurance Rate Maps for the Town of Dedham.

14. **FLOODING:** A local and temporary inundation or a rise in the surface of a body of water, such that it covers land not usually underwater.

15. **GROWING SEASON:** The period of the year during which vegetation is typically undergoing active growth, typically after the last frost in the Spring and the first frost in the Fall.

16. **IMPERVIOUS SURFACE**: Any material or structure on, above or below the ground that prevents water from infiltrating through the underlying soil. Impervious surface is defined to include, without limitation: paved surfaces (parking lots, sidewalks, driveways), roof tops, swimming pool decks, patios, and paved, gravel and compacted dirt surfaced roads. This shall also include surfaces whose permeability depends on proper design and installation, such as porous pavement or permeable pavers. Impervious surfaces shall not include the water surface of swimming pools.

17. **NATIVE PLANTS:** Plants that occur naturally in a particular region, ecosystem, or habitat without human introduction.

18. **PEATLANDS:** A type of wetland whose soil consists of organic matter from decaying plants, forming layers of dark, fibrous deposits known as peat. Peatlands are the largest natural carbon store on land, and removal of peatlands releases a substantial amount of greenhouse gas emissions.

19. **PERVIOUS SURFACE:** Soil Types that are listed as Class I, II and III soils as defined in 310 CMR 15.243 and 15.244 based upon the general soil classification used by the U.S. Department of Agriculture and depicted in the Soil Textural Triangle.

20. **QUORUM:** Refers to the number of Commissioners who must be present before business may be transacted; here, it shall mean the majority of the number of Commissioners currently in office.

21. **RESOURCE AREA ENHANCEMENT:** Removal or management of invasive species, removal of man-made debris, garbage, or trash, stabilization of bank or other resource area, planting of native vegetation, or activities to enhance and increase ecological climate resilience.

22. **SEDIMENTATION:** A process of depositing material which has been suspended in water.

23. **SFD (SINGLE FAMILY DWELLING**): For the purpose of these regulations, a SFD is a single house lot/dwelling not associated with a new subdivision project.

24. **SIGNIFICANT TREES:** Large, mature trees, here, any tree over 24" DBH, that are significant to the protection of wildlife habitat, carbon storage, stormwater mitigation, and canopy preservation. These trees shall not be removed from an area protected by the Wetlands Protection Bylaw without a waiver from the Commission.

25. **TREE CITY**: A designated community under the Arbor Day Foundation that meets the following standards: Has a dedicated staff member tasked with tree care, has a public tree

care ordinance, has an annual tree budget that meets the Arbor Day requirements, and observes Arbor Day as a municipality.

26. **VEGETATED BUFFER:** Areas of natural, existing, established vegetation adjacent to resource areas usually no less than 25 feet wide of grasses, shrubs, trees, and groundcover. These areas are necessary to provide wildlife habitat, stabilizing banks, preventing erosion, and protecting adjacent resource areas from sediment and nutrient input, human disturbance, and the impacts of climate change.

27. **VERNAL POOL:** A contained basin lacking a permanent above ground outlet, which fills with water in the spring and usually dries out on an annual basis. Vernal pools do not contain a fish population and are important breeding habitats for species of reptiles and invertebrates, including obligate species (Wood Frog, Fairy Shrimp, Spotted Salamander, Marbled Salamander, Blue-Spotted Salamander, and Jefferson Salamander) that require a vernal pool habitat to breed.

SECTION 3. MEETINGS

1. All scheduled meetings, at which public hearings will occur, shall have their agenda posted in the Dedham Town Hall and the Dedham Public Library. Information about meetings can be obtained at the Conservation Department or the Town Clerk's Office at Town Hall during regular business hours.

2. The meeting location will be posted on the agenda 48 hours prior to the meeting. The meeting may be held over a remote meeting platform, or in Town Hall located at 450 Washington Street.

SECTION 4. FILING DEADLINES

1. All items that require public hearings before the Commission must be filed with the Conservation Office a minimum of ten (10) business days prior to the date of the meeting. This is to allow for adequate time for advertising and abutter notification as well as review of the filing.

2. All supplemental information associated with an application before the Commission must be submitted to the Conservation Department a minimum of seven business days prior to the meeting date. Information submitted after this deadline will not be considered at the public hearing unless the applicant requests a continuation of the public hearing to allow sufficient time for this information to be reviewed.

3. A physical filing may not be considered complete until two hard copies of applications, associated documents, and site plans have been submitted to the Conservation Department.

4. Filings can also be made using the town's online permitting system. Hard copies are not required for an online submission, however Conservation Staff reserves the right to request up to two (2) hard copies of the application in addition to the online documents.

SECTION 5. PUBLIC NOTICE

1. Prior to the start of a public hearing, all abutters shall be notified in accordance with the Massachusetts Wetlands Protection Act and the Town of Dedham Wetlands Protection Bylaw.

2. Abutters must be notified no later than seven business days before the public hearing.

3. The Commission will require the applicant to notify all abutters and abutters to abutters within 300 feet of the project site. Notification of abutters to abutters may be waived by the Commission in cases where it feels that this requirement may place an undue hardship on an applicant. The applicant shall submit either the return receipts from the certified letters, copies of certificates of mailing, or evidence that letters were hand delivered to the Commission as proof of notification. The applicant shall sign an affidavit of service that abutters were notified of the project.

4. The Commission will place a legal notification of the public hearing in the local newspaper. The applicant shall be billed directly for the cost of the legal notice.

5. Re-notification of abutters and re-advertisement in the newspaper will not be required for cases where a public hearing is opened and continued to a later meeting date. Re-notification will also not be required in cases where a meeting is postponed due to a lack of a voting quorum or inclement weather.

SECTION 6. PUBLIC HEARINGS

1. Public hearings shall be held on the date shown on the posted agenda and legal notice placed in the local newspaper.

2. The public hearing may include a presentation by the applicant and or their representative, the Conservation Agent's report on the project review, and questions and comments from the Commissioners and the public.

3. The Commission may request additional information or schedule a site meeting prior to closing a public hearing. The Commission may request an applicant to grant a continuance of the public hearing to a later meeting date. Reasons for continuances include providing additional plans, calculations, or other data requested by the Commission or to allow the Commission to schedule a site visit. Failure to provide adequate information to the Commission may result in the denial of an application. Any requested information shall be submitted to the Conservation Department a minimum

of seven business days prior to the continued hearing date.

SECTION 7. COMMISSION MEMBERS AND OFFICERS

1. The Commission consists of seven voting members who are appointed by the Select Board to serve three-year terms.

2. The Select Board may appoint up to three non-voting Resource Associate Members to the Commission pursuant to Chapter 12, Article V of the Dedham General Bylaws.

3. Each year, the Commission will elect from their ranks members to fill the following positions: Chair, Vice Chair, and Clerk.

4. The Chair is responsible for calling a meeting to order, addressing scheduled agenda items in a timely manner, and maintaining order at public meetings.

5. The Vice Chair is responsible for assuming and administering the responsibilities of the Chair at times when the Chair is not present.

6. In the event that both the Chair and Vice Chair are absent from a meeting, the Clerk shall assume the duties and responsibilities of the Chair.

SECTION 8. VOTING QUORUM

1. A minimum of four eligible members of the Commission is required as a quorum in order to open a meeting or public hearing of the Commission. Any Commissioner may sign an Order of Conditions or a Determination of Applicability, even if they did not vote in favor of the application.

2. An application must receive affirmative votes by a majority of the Commission members present. A minimum of four Commissioners must sign an Order of Conditions or Determination of Applicability in order for the document to be valid.

3. In cases where a public hearing occurs over the course of several meetings, members need not be present for the entire public hearing in order to vote on a given application.

4. In cases where there is a tie vote, the application is not approved.

SECTION 9. REQUESTS FOR DETERMINATIONS OF APPLICABILITY

1. The Commission will require any person wishing the Commission to determine whether a given area, or proposed work in said area is subject to the jurisdiction of the Wetlands Protection Act or the Dedham Wetlands Protection Bylaw and Regulations to file a

Request for Determination of Applicability.

2. A Request for Determination of Applicability shall include certification that the owner of the area subject to the request, if the person making the request is not the owner, has been notified that a determination is being requested under the Bylaw.

3. Any person who feels that a proposed project falls within the jurisdiction of the Commission may file a Notice of Intent without first filing a Request for Determination.

4. The Commission can issue a Negative Determination of Applicability with special conditions attached. This can be done for projects which will involve work within the 100-foot Buffer Zone to a Resource Area where the Commission feels that the project poses only a minimum potential of adversely impacting the bordering Resource Area. Such special conditions may include items such as requiring a pre-construction meeting, the placement of erosion control barriers, or the regulation of stockpiling of materials.

5. The Commission will require the use of the Notice of Resource Area Delineation or Abbreviated Notice of Resource Area Delineation application form in lieu of the Request for Determination of Applicability form for any application whose main purpose is to determine the location of resource areas or to determine if a parcel is buildable.

6. The standard used by the Commission in determining whether an activity presents a significant potential to impact a Resource Area may include one or more of the following:

    a. Any actual or potential contamination to public, private or groundwater supply, including aquifers or recharge areas.

    b. Any reduction of the flood storage capacity of a freshwater wetland, river, stream or creek.

    c. Any alteration of a river, stream or creek that results in any increase in the volume or velocity of water which may cause flooding or storm damage.

    d. Any actions which shall remove, fill, dredge or alter any area subject to the bylaw.

    e. Any alteration which will impact the ability of an area subject to the jurisdiction of the Commission to remove contaminants from stormwater runoff.

7. Any project found to have the potential to impact a Resource Area, will receive a Positive Determination of Applicability. This will require the filing of a Notice of Intent with the Commission as the next step in the permitting process.

SECTION 10. NOTICES OF INTENT AND ORDERS OF CONDITIONS

1. Any person wishing to perform work which will remove, fill, dredge, alter, impact, or otherwise perform work within a Resource Area protected under the Massachusetts Wetlands Protection Act, Massachusetts Rivers Act and the Dedham General Wetlands Protection Bylaw shall file a Notice of Intent and other application materials in accordance with the submittal requirements set forth on the Conservation Commission's website with supporting plans and documents, including the local filing fee. Said Notice of Intent shall be sent by certified mail, hand delivered to the Conservation Office, or submitted using the town's online permitting platform as outlined in Section 4 of these Rules and Regulations.

2. The Commission may require that supporting plans and calculations be prepared and stamped by a Massachusetts registered professional engineer (PE) when, in its judgment, the complexity of the proposed work warrants this professional certification. The Commission may also require the preparation of supporting materials by other professionals, including, but not limited to, registered landscape architect, registered land surveyor, environmental scientist, geologist or hydrologist, when, in its judgment, the complexity of the proposed work warrants the relevant specialized expertise.

3. The Commission shall open the public hearing within 21 days of receipt of the completed Notice of Intent Application, unless the Applicant provides a written waiver of this requirement as set forth in Section 23. The Commission shall have the authority to continue the hearing to a date certain announced at the hearing, for reasons stated at the hearing. The applicant may also request to continue a hearing to a date certain announced at the hearing. Reasons for continuing a hearing may include, but are not limited to, failure of the applicant or others to provide information (including comments, recommendations, or action of other town boards and officials) by the submittal deadline, lack of timely receipt of necessary information from the applicant, time needed by the applicant to provide additional or missing information and for the Commission to review such information, inability to view the proposed project, need for additional information to evaluate the potential impacts upon the wetland values, and incorrect or incomplete abutter notification as required under these Regulations. Should the applicant refuse to continue the hearing or to provide the requested information, the Commission shall close the public hearing and issue an Order of Conditions within 21 calendar days.

4. Within 21 days of the close of the public hearing, the Commission shall either:

    a. Make a determination that the area on which the work is proposed to be done, or which the proposed work will remove, fill, dredge, or alter, is not significant to any of the wetland values identified in the Bylaw, and shall so notify the applicant, or

    b. Upon determination that activities which are the subject of the application are likely to have a significant individual or cumulative adverse effect on the resource area values protected by this by-law, issue an Order of Conditions for the protection of said values. Said Order of Conditions shall include Special

Conditions which will regulate the activities proposed under the Notice of Intent. The purpose of these Special Conditions is to ensure that the proposed project will not have a negative impact on any Resource Areas in the vicinity of the proposed project.

5. If the Commission determines that the project cannot be conditioned so that it will not have a negative impact on a Resource Area, the Commission will issue a Denial Order of Conditions which denies part or all of the project. A Denial Order of Conditions may be issued on procedural or substantive grounds, or both, including but not limited to:

    a. Failure to meet the requirements of the Bylaw and Regulations.

    b. Failure to submit necessary information or plans requested by the Commission.

    c. Failure to avoid or prevent unacceptable significant individual or cumulative adverse effects upon the wetland values protected by this Bylaw and Regulations.

    d. The proposed project cannot be conditioned to adequately protect the wetland protection values protected by the Bylaw and Regulations.

    e. In the Commission's judgement such denial is necessary to preserve the environmental quality of the areas subject to the Bylaw and Regulations.

SECTION 11. ABBREVIATED NOTICE OF RESOURCE AREA DELINEATIONS

1. The Commission need not act upon Abbreviated Notice of Resource Area Delineation applications when in the opinion of the Commission, seasonal soil and vegetation conditions do not permit the accurate delineation of the Resource Area.

2. The Commission finds that the following conditions may prevent accurate delineation of wetland resource areas: snow cover, frozen ground, frost, saturated ground conditions, lack of visible vegetation indicators, and drought.

3. When possible, wetland delineation should be avoided under abnormally dry conditions, which can occur during dry seasons or as a result of climate change. If delineation must be conducted during these dry periods, methodology and criteria should be modified as follows.

    a. If the hydrophytic status of the area's vegetation during the normal wet season of a year with normal precipitation cannot be determined, exclude consideration of vegetation or herbaceous vegetation, and delineate wetland boundaries based on hydric soil conditions and evidence of wetland hydrology. If appropriate, woody and other perennial species can be considered.

b. Evaluate desktop data, aerial photos, and mapping.

c. Use data from water table monitoring wells if they are available for the area during normal groundwater conditions.

SECTION 12. SITE PLAN REQUIREMENTS

1. The following site plan requirements and specifications outlined in this section shall apply to Notices of Intent and Abbreviated Notices of Resource Area Delineations.

2. **Size:** All plans shall be a minimum size of 8.5 by 11 inches to a maximum size of 24 by 36 inches. All plans must be submitted folded to such a size that they will fit in a standard (8.5 by 11 inches) letter size file.

3. **Scale:** All plans shall be drawn at a scale of one inch equals forty feet (1"=40') or larger. For large projects which involve work in a Wetland Resource Area or Buffer Zone in only an isolated area, a smaller scale may be used, provided that a detail plan of the work in the Wetland Resource Area or Buffer Zone at a scale of one-inch equals twenty feet (1"=20') or larger is included.

4. **Professional Certification** All site plans shall be stamped by either a Professional Land Surveyor and/or Professional Engineer (Civil or Environmental disciplines) licensed by the Commonwealth of Massachusetts.

5. **Title Block:** All plans shall include a title block which lists the name of the project, owner's name and address, applicant's name and address, engineer's name, address, telephone number, plan date, revision date(s), and plan scale, including a graphical scale representation.

6. **Resource Area Information:** All plans shall show the limit of the resource area as delineated in the field by the applicant's wetland consultant. This delineation shall indicate any flags or other markers set in the field to locate the resource area. Additionally, the edge of any water body or waterway shall be shown along with the date on which it was located. The limit of the 100-foot Buffer Zone, Undisturbed Buffer Area (See Section 14), Inner and Outer Riparian Areas shall also be delineated on all plans. Where applicable, the limits of any Wetlands Restriction Areas or areas designated as floodplain on the FEMA/FIRM map shall be shown on the plans.

7. **Topography:** Existing and proposed contours at 2-foot vertical increments shall be shown on all plans. All topographic information shall be referenced to the 1988 U.S.G.S. North America Vertical Datum (N.A.V.D.). All topography shall be labeled in such a manner as to clearly indicate the contour elevation and to differentiate between existing and proposed contour lines. If filling is proposed, the loss of storage on downstream channels and culverts shall be determined. Reference benchmarks shall be noted on the plan with location and elevation.

8. **Structures and Utilities:** All existing and proposed structures shall be shown and appropriately labeled on the site plan. All utilities, including utility poles, which are located within the area of the proposed work shall be located and shown. Existing and proposed drainage structures and pipes shall be labeled to indicate invert, size, and slope.

9. **Soils:** Soil characteristics, including depth of peat and muck in wetlands, shall be indicated on the site plans. Projects in lands subject to flooding shall include existing and proposed water storage capacity of the property, including calculations and data on which capacity is based.

10. **Trees:** All existing trees greater than 6” DBH located within the limit of work shall be shown on the site plan. The site plan should include the size and species of each tree proposed to be removed within the limit of work. Limits of existing and proposed tree canopy shall be shown on the plan. Applicant shall clearly indicate which trees will be cut/removed, and which trees will remain and be protected. Additionally, any trees over 24” DBH shall be presumed as a “Significant Trees” and denoted as such on the site plan. See Section 21 for more information on Dedham’s Tree Replacement Policy.

11. **Landscape Plans:** All site plans for multi-family residential, commercial, and industrial projects shall include a landscape plan which shall show landscaped areas and proposed plantings, indicating location and type of all proposed vegetation. Additionally, any project which proposes the alteration of a resource area or work within the Inner Riparian Area shall include a landscape plan as outlined in this section. Any plantings within resource areas or buffer zones to resource areas shall be native, non-cultivar species as specified in Section 21. Planting Plans shall include provisions for watering replacement plantings under drought conditions and during extended dry periods.

12. **Snow Storage:** All site plans for multi-family residential, commercial, and industrial projects shall include a snow storage plan, which indicates the location where snow piles will be stored temporarily during a snow event. Storage locations and removal measures shall demonstrate compliance with Section 19: Snow Storage and Disposal Standards.

13. **Wetland Replication/Restoration Plans:** Wetland replication and restoration plans shall meet the above requirements. Additionally, proposed contours shall be shown at 1-foot increments in areas of replication and restoration. Proposed spot grades shall be shown at critical locations, such as where the replication area meets the existing wetland. A cross section shall be included that shows the existing and proposed landscape profiles and underlying soil and groundwater information. Wetland replication and restoration plans shall be prepared under the direction of a qualified wetlands professional.

14. **As-Built Plans:** An as-built plan shall be required for projects which receive an Order of Conditions. As-built plans require all site plan elements listed above and additionally will require an engineer’s statement certifying that the work has been performed in conformance with the Order of Conditions.

SECTION 13. FILING FEES

1. Permit filing fees are commensurate with the nature, scope, type, and cost of the proposed project or activity, as categorized in the table below:

Table 1: Dedham Conservation Commission Permit Filing Fees

Permit	Project Type	Base Fee	Additional Unit Fee
Request for Determination of Applicability (RDA)	Minor Project Associated with Existing Single-Family Dwelling	$50	N/A
	All other projects	$100	N/A
Notice of Intent (NOI)*	Minor Project Associated with Existing Single-Family Dwelling	$200	$1/ sq.ft. of resource area disturbed
	New Single-Family Dwelling	$350	$1/ sq.ft. of resource area disturbed, $0.02/sq.ft of land subject to flooding, 100' buffer zone, or $200' riverfront area disturbed
	Subdivisions (road/utilities only)	$350	$2/ln.ft. of roadway sideline within a resource area or within 100' of resource area or within 200' of riverfront
	Multifamily Dwellings, Commercial, or Industrial Projects	$600	$1/ sq.ft. of resource area disturbed, $0.02/sq.ft of land subject to flooding, 100' buffer zone, or $200' riverfront area disturbed
	Control of Nuisance Vegetation	N/A	$100/Acre of resource area to be treated ($150 minimum)
Abbreviated Notice of Resource Area Delineation (ANRAD)	All	N/A	$1/ln.ft. of resource area delineated (maximum $200 per existing single-family dwelling, maximum $1,000 for all other projects)
		N/A	$100

Extension to Existing Order of Conditions	Minor Project or Single-Family Dwelling		
	All others	N/A	$250
*Note that in addition to the local NOI fees, we also receive a portion of the state-required fee for each NOI, which is defined in 310 CMR 4.00. The total fee will vary depending on the project activity, but the Town will receive 50% of the calculated fee plus $12.50.			

2. Permit fees shall be payable at the time of application and are non-refundable. Town, county, state, and federal projects are exempt from fees. These fees are in addition to the fees paid under M.G.L. c. 40, Section 8C (The Wetlands Protection Act).

3. Upon request and demonstration of a compelling reason to do so, which circumstances the Commission anticipates shall be rare, the Commission in its sole discretion may grant a waiver from, or reduction of, Permit Fees.

4. From time to time, the Commission may determine that a peer review from a third-party consultant may be necessary for comprehensive project review. The applicant shall pay the fee and expenses of any outside peer review consultants deemed necessary by the Commission in accordance with Massachusetts General Law Chapter 44, Section 53G.

5. Subject to applicable law, any unused portion of any fees collected shall be returned by the Commission to the applicant within forty-five calendar days of a written request by the applicant, unless the Commission decides in a public meeting that other action is necessary.

6. Peer review fees collected under this section shall be deposited in the revolving account authorized under Chapter 398 of the Acts of 1996. The Commission shall include a full accounting of the revolving account as part of its annual report to theTown.

SECTION 14. RESOURCE AREA PERFORMANCE STANDARDS

The Commission finds that strict protections of resource areas and their buffer zones are crucial for upholding the interests of the Wetlands Protection Act. Resource Areas provide important habitats for a diverse range of plant and animal species, many of which are rare or endangered. They act as natural filters, trapping sediments, nutrients, and pollutants, thereby improving the quality of water that flows through them, in addition to absorbing and storing excess rainfall and surface water, reducing the risk of flooding in adjacent areas. Protecting and preserving the town’s Resource Areas is essential for maintaining ecological balance, enhancing climate resilience, and ensuring the health and well-being of surrounding communities. Performance standards must be demonstrated for work in the following resource areas:

1. **Bordering Vegetated Wetlands, Isolated Wetlands, Bank, and Land Under Waterbodies and Waterways**

    a. The Commission adopts and incorporates herein the definitions, requirements, and performance standards for the aforesaid Wetland Resource areas as specified in the Massachusetts Department of Environmental Protection's Wetlands Regulations in 310 C.M.R. 10.54, 10.55, and 10.56. Additionally, the Commission requires the following performance standards for work in Bordering Vegetated Wetlands, Isolated Wetlands, Bank, and Land Under Waterbodies and Waterways:

        i. No activity, other than the maintenance of an already existing structure or Resource Area Enhancement, shall be allowed, which will result in the building within or upon, removing, filling, or altering of the Resource Area without a waiver from the Commission.

        ii. The Commission may, at its discretion, grant a waiver to the preceding performance standards and impose reasonable conditions thereto, in accordance with waiver provisions set forth in Section 23 of these Rules and Regulations.

        iii. In addition to the general wavier criteria set forth in Section 23 of these Rules and Regulations, the Commission may exercise its discretion to grant a waiver only after determining that the proposed project will not impair the following:

            1. Ground water and surface water quality and quantity.

            2. The capacity of the BVW to provide breeding habitat, escape cover or food for fisheries.

            3. The capacity of the BVW to provide ecological climate resilience attributes.

2. **Vernal Pools**

    a. Vernal Pools have been identified as being vital breeding habitats for several species of Fairy Shrimp, Wood Frogs, and various varieties of Mole Salamanders. Preservation of Vernal Pools is vital to the survival of these species. The Conservation Commission shall presume that protection of Vernal Pool resource areas is significant to the protection of the wetland values recognized under Section 271-1 of the Bylaw and Section 1 of these Regulations. This presumption of significance may be rebutted upon a showing by clear and convincing evidence that the Vernal Pool does not play a role in the protection of wetland values.

b. A Vernal Pool habitat meeting the definition under Section 2(28) of these Regulations is presumed to exist for purposes of protection under the Bylaw and these Regulations, regardless of whether the MassWildlife Natural Heritage & Endangered Species Program has certified the area as a Vernal Pool. The presumption of existence of a vernal pool may be overcome with the presentation of clear and convincing evidence to the Commission that, in the judgment of the Commission, demonstrates that the basin, depression, or ponding area does not provide and cannot provide vernal pool wildlife habitat functions.

c. In determining whether an applicant has met the aforesaid burden of proof for overcoming the presumption of existence applicable to a Vernal Pool under these regulations, the Commission shall consider evidence and criteria including, but not limited to:

    i. Evidence that the ponding area does not hold water for at least two continuous months in most years, with "most years" defined to mean three out of any five consecutive years of average rain fall.

    ii. Evidence that vernal pool species do not breed or have not bred in the ponding area for at least three consecutive years of average rainfall.

    iii. Evidence that the ponding area could not be a viable breeding site for vernal pool species due to incompatible physical, chemical, biological, or other persistent conditions at the site in most years. Such evidence could include, without limitation, several months of pH and dissolved oxygen measurements yielding values incompatible with breeding of any animal species known to be a vernal pool indicator.

d. In considering whether an applicant has overcome the presumption of existence applicable to a Vernal Pool, the Commission shall take into account the following:

    i. The particular stress climate change is likely to exert on vernal pools, which, due to their small size and temporary nature are more readily impacted by changes in water quality, water temperature, and Vernal Pool extent and duration.

    ii. Whether the spring vernal pool season is one with normal or above normal water tables and precipitation, or whether the spring vernal pool season has lower than normal water tables and precipitation.

e. In circumstances where documentation of a Vernal Pool is from a season with lower than normal water tables and precipitation, the Commission may require that an applicant provide additional data and information from one or more prior periods with normal or above normal hydrological conditions, prior to making a final determination as to whether the Applicant has provided clear and convincing evidence sufficient to overcome the presumption of existence of a Vernal Pool.

f. The following performance standards shall apply to vernal pool resource areas as defined in above sections:

   i. No activity, other than the maintenance of an already existing structure or Resource Area Enhancement, shall be allowed, which will result in the building within or upon, removing, filling, or altering of Vernal Pool without a waiver from the Commission.

   ii. There shall be no disturbance, other than ecological restoration/resource area enhancement activities, within 100 feet of a Vernal Pool. This 100-foot Vernal Pool No Disturb Zone does not extend beyond resource areas jurisdictional to the Bylaw/Ordinance. No disturbance includes: no new clearing, landscaping, building of structures, or paving. Existing structures, roadways, and landscaped areas within 100 feet of vernal pools may be maintained but not expanded.

   iii. Any resource area determined to be a potential vernal pool that meets the definition of freshwater wetland (bordering or isolated) but lacks evidence to support it is currently a functioning, certifiable, vernal pool shall adhere to the Undisturbed Buffer Area regulations set forth in Section 14(3).

   iv. The Commission may, at its discretion, grant a waiver to the preceding performance standards and impose reasonable conditions thereto, in accordance with waiver provisions set forth in Section 23 of these Regulations.

3. Buffer Zones to Resource Areas

a. The Commission presumes that the entire 100-foot Buffer Zone is relevant and important to the protection of any Resource Area protected by this Bylaw. Protection will be accomplished, in part, through the control and regulation of proposed work which will occur within the 100-foot Buffer Zone bordering a Resource Area. Additionally, an undisturbed buffer area shall be calculated and utilized as the minimum area of no-disturbance.

b. The Commission finds that factors such as topography and slope of the buffer zone, as well as proposed activities within the buffer zone, are crucial in determining the level of protection such buffer zone should be subject to. The Undisturbed Buffer Area (UBA) shall be calculated based the following equation:

UBA = Slope x Usage Factor

c. The calculated Undisturbed Buffer Area (UBA) value is the required minimum depth of the Undisturbed Buffer from the edge of the Resource Area. The Slope value is the average slope across the 100-foot buffer zone, expressed in terms of percent (%), and the Usage Factor is taken from Table 2 below. The UBA shall be either the value calculated using this formula or the "Min. UBA" set forth in Table 2, whichever is greater:

Table 2: Values to be Used to Calculate UBA

Usage	**Usage Factor**	**Min. UBA**
Agriculture (commercial farming)	4	20'
Single Family Dwelling (SFD) and accessories	6	30'
Commercial / Retail / Industrial / Institutional / Multi-Unit Residential Building / New Subdivisions	8	40'
Paved Parking Lots and Access Ways	10	50'
Gasoline Stations, Automotive Maintenance & Petroleum Storage Facilities	15	75'

d. The UBA buffer shall be established by calculating the UBA every 25 feet along the resource area at right angles to the resource area delineation line and submitted in tabular form as demonstrated in Appendix A of the Rules and Regulations "UBA Worksheet".

e. The UBA shall not extend beyond the 100' buffer zone.

f. For developed lots, the UBA depth shall extend to the existing limit of development where the distance between the Resource Area and existing man-made structure(s) is less than that which would be calculated in Section 14(3)c above.

g. The man-made structures which would qualify to delineate an existing limit of development include items such as buildings, paved parking areas, and engineered retaining walls. Existing drainage structures such as culverts and discharge trenches, landscaped areas, lawns, stone walls or non-engineered retaining walls (See Section 18(C)), property markers, fences, temporary structures, utility poles, and wells shall not be utilized to determine the existing limit of development.

h. Development in the buffer zone that was not permitted and under enforcement of the Commission shall not qualify as the existing limit of development.

i. Wetland or flood plain replication/restoration areas and associated grading and landscaping may be approved within the UBA.

j. The Commission may, at its discretion, grant a waiver to the preceding Undisturbed Buffer Area Performance Standards, and impose reasonable conditions thereto, in accordance with waiver provisions set forth in Section 23 of these Rules and Regulations.

4. Lands Subject to Flooding

a. The Commission accepts and adopts the definitions, requirements, and performance standards for Lands Subject to Flooding as specified in the Massachusetts Department of Environmental Protection's Wetlands Regulations in 310 C.M.R. 10.57.

b. Additionally, the Commission requires the following performance standards for work in Lands Subject to Flooding:

   i. Structures in Lands Subject to Flooding that are proposed to be on pilings or columns shall provide compensatory storage for any part of the structure that is not so elevated (such as the posts or walls it stands on).

   ii. At a minimum, proposed redevelopment work or activity shall result in an improvement over existing conditions of the capacity of Land Subject to Flooding to protect the interests of the Bylaw, including the ability of Land Subject to Flooding to provide ecological climate resilience.

   iii. The Commission may, at its discretion, grant a waiver to the preceding Undisturbed Buffer Area Performance Standard, and impose reasonable conditions thereto, in accordance with waiver provisions set forth in Section 23 of these Rules and Regulations.

5. Riverfront Area

a. The Commission accepts and adopts the definitions, requirements, and performance standards for Riverfront Area as specified in the Massachusetts Department of Environmental Protection's Wetlands Regulations in 310 C.M.R.

10.58. Additionally, the Commission requires the following performance standards for work in the Riverfront Area.

b. For any project that includes proposed work within the 200-foot Riparian Area established by the Massachusetts Rivers Act, the Commission requires an applicant to perform an Alternatives Analysis for the proposed project as outlined in 310 CMR 10.58(4)(c).

c. The Commission finds that the Charles and Neponset Rivers are bordered by extensive wetland systems on both sides, which flood on an annual basis during the spring. Therefore, unless calculations are performed to determine the 100-year flood elevation for the Charles River and Neponset River, the outer edge of the Bordering Vegetated Wetlands shall delineate the Mean Annual High-Water Line of the Charles and Neponset Rivers.

d. Additionally, the Commission requires the following performance standards for work in Riverfront Area:

   i. Where feasible, a vegetated buffer strip shall be included and maintained in Redevelopment projects that are entirely located in previously degraded Riverfront Area.

   ii. Any previously undisturbed inner Riparian Area (vegetated, unaltered land within 100' of the Mean Annual High Water) that is altered shall be replaced at ratio of 2:1, per Section 15: Compensatory Resource Area Creation.

   iii. A Wildlife Habitat Study in accordance with Section 22 shall be required for any activity that will alter previously undisturbed inner Riparian Area.

   iv. At a minimum, proposed redevelopment work or activity shall result in an improvement over existing conditions of the capacity Riverfront Area to protect the interests of the Bylaw, including the ability of the Riverfront Area to provide ecological climate resilience.

   v. The Commission may, at its discretion, grant a waiver to the preceding Riverfront Area standards, and impose reasonable conditions thereto, in accordance with waiver provisions set forth in Section 23 of these Rules and Regulations.

6. Summary of Resource Area Performance Standards

a. Performance standards should be read in full, and a narrative should be attached with any application demonstrating compliance with each standard. The following table summarizes the performance standards for each resource area:

Table 3: Resource Area Performance Standards

Resource Area	**Summary of Performance Standards**
Bordering Vegetative Wetland	Any alteration requires waiver from Commission. If allowed, applicant must comply with WPA standards, demonstrate overall improvement to Resource Area, demonstrate replication or mitigation a 2:1 ratio, must not impair key wetland values, and must conduct wildlife habitat study.
Isolated Vegetative Wetland	
Bank	
Land Under Water & Waterways	
Vernal Pools	Applicant must overcome presumption that a potential vernal pool is a vernal pool and comply with 100' no disturbance setback.
Buffer Zone to Resource Areas with (*)	No disturbance may occur in calculated Undisturbed Buffer Area without a waiver.
Lands Subject to Flooding	Applicant must comply with WPA standards and demonstrate that work is an overall improvement to the resource area.
Riverfront Area	Applicant must comply with WPA standards, as well as maintain a vegetive buffer strip and be an overall improvement to the resource area. Alteration of otherwise unaltered Inner Riparian Area will require 2:1 Compensatory Resource Area Creation as well as a Wildlife Habitat Study and Alternatives Analysis.

SECTION 15. COMPENSATORY RESOURCE CREATION

1. The Commission requires a minimum 2:1 ratio of compensatory resource area creation to filled/altered resource area for each and every resource area protected under the Town of Dedham General Wetlands Protection Bylaw. This includes bordering vegetated wetlands, isolated wetlands, Riverfront Area (as applicable), land under water bodies, and land subject to flooding. Additionally, this includes areas designated as Floodplain districts under the Town of Dedham Floodplain Zoning Bylaw. The Town of Dedham Floodplain Zoning Bylaw requires a 2:1 volumetric compensation for any floodplain areas which are filled.

2. At minimum, the replicated resource area must reproduce all the values and functions of the original wetland as determined by the Conservation Commission. Wetland soils from the altered wetland shall be excavated and kept intact to the greatest extent possible and used for the replicated wetland when these soils are suitable for such purpose. The Applicant will take into consideration the impacts of climate change on the replication of the wetland, especially in terms of mitigation of extreme heat, resilience to increased/extreme storm events, and changes in precipitation. The use of locally sourced seed or plants within replication areas may help promote climate resilience, while avoiding the introduction of invasive species.

3. The Commission finds that peatlands, which provide key climate resilience benefits including carbon storage and sequestration, are sensitive wetland areas and difficult to replicate successfully. Replication of peatlands should be a last resort for mitigation and instead alteration of peatlands should be avoided altogether. If alteration of peatlands is absolutely necessary for maintenance of an existing structure or emergency situations, an alternatives analysis shall be provided to the Commission and replication should achieve equal or greater benefits than previous conditions.

4. The Commission may, at its discretion, grant a waiver from compensatory resource area creation and impost reasonable conditions thereto, in accordance with waiver provisions set forth in Section 23 of these Rules and Regulations.

SECTION 16. STORMWATER MANAGEMENT

1. All projects submitted to the Commission for review should review the current Dedham Stormwater Management Bylaws and associated Rules & Regulations to determine if a stormwater permit is needed for the proposed activity.

SECTION 17. PRE-CONSTRUCTION MEETING & EROSION AND SEDIMENTATION CONTOLS

1. Prior to the commencement of excavation or construction, the wetlands shall be flagged in such a manner as to be clearly visible to any machine operator in all areas where work is within 25 feet of the edge of Bordering Vegetated Wetland on the project site.

2. Prior to the commencement of construction, erosion control barriers shall be staked in place as detailed on the approved plan. The erosion control barriers shall consist of a siltation fence backed by a staked compost filter sock as detailed in the erosion control barrier detail included as part of the approved plans.

3. Prior to commencement of additional site work, the applicant or their representative shall meet with the Commission or its agent to review the erosion control barrier installation. Site clearing work should not commence without a clear understanding of the erosion control measures to be implemented.

4. Exposed soils shall be stabilized as soon as possible following, establishment of final contours in the project area and following completion of the proposed planting program in those areas. Erosion control barriers shall be removed following satisfactory completion of the proposed construction work and the establishment of stabilizing vegetation in the areas of proposed work. If weather conditions require, the area shall be covered with mulch, hay, broadcast seed or hydromulch to reduce the potential for erosion.

5. All fill brought to the site shall be clean and free from any construction debris, stumps, wood, asphalt, concrete, boulders or other contaminants and shall be accompanied by a manifest attesting to its place of origin. All loam to be used in the landscaped areas of the site shall be free from weed seeds, especially those of invasive species. Documentation of fill and seed mix shall be provided to the Conservation Commission upon request. Seed mixes shall be as described in the Massachusetts Erosion and Sediment Control Guidelines for Urban and Suburban Areas as it may be updated from time to time by DEP.

6. The erosion control barriers shall be inspected weekly by the owner/applicant after each storm event.

7. Additional erosion control barriers may be placed as required by site conditions in areas subject to erosion and sedimentation unanticipated by construction plans. Weekly inspections will help to identify any area requiring maintenance or repair. The Commission may require weekly inspection logs to be submitted during the duration of project construction.

SECTION 18. CONSTRUCTION STANDARDS

1. All projects shall be designed to meet the following design and construction standards in addition to those adopted by the Town of Dedham and contained in the Town of Dedham Engineering and Design Standards.

2. **Dumpster Standards**:

    a. Dumpsters shall be located outside the 100-foot Buffer Zone to any Resource Area protected by the General Wetlands Protection Bylaw.

    b. All dumpsters shall be placed on a concrete pad. Exceptions will be made for dumpsters temporarily placed on the site during the course of a project approved by the Commission.

    c. All dumpsters shall be enclosed by a solid fence at least six (6) feet in height. Exceptions may be made for dumpsters temporarily placed on the site during the course of a project approved by the Commission.

    d. Proposed dumpster locations shall be shown as part of any site plan filed with the Commission.

3. **Retaining Wall Standards:**

a. For the purposes of retaining walls located within a Resource Area or buffer zone protected by the by the Town of Dedham General Wetlands Protection Bylaw, retaining walls shall be categorized as Engineered Retaining walls and Non-Engineered Retaining walls, as detailed below. Additionally, retaining walls shall comply with standards outlined in the Dedham Zoning Bylaw.

b. Engineered Retaining Walls: Retaining walls constructed with professional design and structural integrity, typically involving materials such as concrete, steel, or other engineered components. These walls are built to specific engineering standards to ensure stability and durability. These walls are considered as the limit of previous development under the Commission's UBA regulations as outlined in Section 14.

c. Non-Engineered Stone Retaining Walls: Informal constructions using natural stones or materials without formal engineering. These walls serve as boundary markers or aesthetic features and are not built to specific engineering standards. These walls are not considered the limit of existing development under the Commission's UBA regulations as outlined in Section 14, as they are constructed with natural materials and do not significantly alter the landscape or hydrology of a resource area.

4. **Blasting Standards:**

a. The Commission finds that vibrations associated with blasting can impact wildlife habitat, and blasting has the potential to introduce pollutants used during the blasting process into surface water.

b. Any project submitted to the Commission that will involve blasting must submit a blasting plan. The plan shall outline proposed blasting zones, assessment of potential environmental impacts, and preventative measures that will be taken to avoid such impacts.

c. The Commission may require that a Wildlife Habitat Study is submitted in advance of the blasting plan.

5. **Lighting Standards:**

a. The Commission finds that artificial lighting can disrupt natural behaviors of wetland wildlife, including birds, insects, and amphibians.

b. Any new commercial project shall be required to submit a lighting/photometric plan to the Commission.

c. The photometric plan shall be "dark sky" compliant -- i.e., shielded to prevent any "up-lighting" and "backlighting", focused, and directed so as not to illuminate any part of the wetland.

d. Lighting shall have limited blue content to decrease skyglow and disruption of diurnal animals.

e. Lighting shall be switched off when not in active use.

f. Lighting shall not exceed the illumination shown on the approved photometric plan sheet.

SECTION 19. SNOW STORAGE AND DISPOSAL STANDARDS

1. The following snow storage regulations apply to multi-family residential, commercial, and industrial projects, and shall be implemented to ensure that snow disposal areas do not impact Resource Areas protected under the Town of Dedham General Wetlands Protection Bylaws.

    a. Snow piles shall be located adjacent to or on pervious surfaces in upland areas.

    b. A 50-foot vegetative buffer strip shall be maintained during the snow storage area and adjacent Resource Area.

    c. Sand and debris shall be removed regularly from snow storage areas.

    d. The use of deicers shall be limited as much as possible in Resource Areas or buffer zones to Resource Areas. Excess salt or deicer shall be swept up and properly disposed of following a snow event.

    e. The Commission may require that alternatives to deicers are used on sites in close proximity to Resource Areas, such as brine.

    f. If the project site constraints prevent snow from being stored in upland, pervious areas, the Commission may require a snow disposal plan outlining the frequency of which snow will be removed offsite.

    g. Additionally, the Commission may require signage to be installed at the boundary of the Resource Area to prevent snow from being pushed towards the Resource Area.

2. The following snow disposal regulations apply to multi-family residential, commercial, and industrial projects, and shall be implemented to ensure that snow disposal areas do not impact Resource Areas protected under the Town of Dedham General Wetlands Protection Bylaws.

    a. Snow shall not be plowed/store or dumped in any waterbody, including rivers, ponds, or wetlands.

    b. Snow shall not be dumped within the Zone II or Interim Wellhead Protection Area (IWPA) of a public water supply well or within 75 feet of a private well, where road salt may contaminate water supplies, vegetated wetlands, certified vernal pools, shellfish beds, mudflats, Outstanding Resource Waters, or Areas of Critical Environmental Concern.

    c. Snow shall not be dumped on DEP-designated high and medium yield aquifers where it may contaminate groundwater.

    d. Snow shall not be dumped in sanitary landfills and gravel pits.

    e. Snow shall not be dumped on top of storm drain catch basins or in storm drainage swales.

    f. Snow shall not be disposed in areas where trucks may cause shoreline damage or erosion.

SECTION 20. HAZARDOUS MATERIALS CONTINGENCY PLAN

1. A Hazardous Materials Contingency Plan shall be provided to the Commission for any project site that is undergoing or has undergone a Phase II site evaluation and cleanup, sites that are listed on the DEP Spill's Database, or any sites that are formerly or currently in industrial or automotive-related uses. This also applies to sites that abut the aforementioned conditions.

2. The outline should contain the name, address, and telephone number of the Property Owner, Project Engineer, General Contractor, Excavation Subcontractor (if any), and the Environmental Service Company (if any). The plan should also include information about soil stockpiling of excavated contaminated materials, and a list of action procedures that will be followed in case contaminated soils are encountered.

3. Copies of the outline shall be kept on site at all times and provided to all sub-contractors, the Commission, and the Dedham Fire Department.

SECTION 21. TREE REMOVAL PERFORMANCE STANDARDS

1. Dedham is designated as a “Tree City USA” by the Arbor Day Foundation, which is a designation demonstrating the extent to which the community cares about its environment and quality of life. With respect to wetland functions and values, trees provide shade that maintains a favorable microclimate for wetland plants, reptiles, amphibians, and insects. Dead limbs and hollow trunks provide important habitats for small mammals and birds. Additionally, the leaves shed by deciduous trees provide a valuable source of nutrients and organic matter that support wetland soils.

2. Trees and other vegetation, if undisturbed or minimally disturbed, slow the surface runoff providing flood control and reducing down-gradient storm damage. Trees sequester and store substantial amounts of carbon, with large trees generally sequestering the greatest amount of carbon per year and holding the largest carbon stores. Older, large trees tend to be more resilient to climate variations and, through the soil-root-fungus network belowground, provide nutritional support to younger trees in the vicinity, thereby supporting the resilience and health of surrounding trees.

3. For these reasons, protection of older, large trees is particularly important. In these ways, trees mitigate potential climate change impacts due to extreme heat and heavy storm and rain events and help reduce the amount of greenhouse gases in the atmosphere. While protection of large older trees should be prioritized due to their large carbon storage capacity and role in supporting younger trees via root-fungus networks (mycorrhizal networks), protecting smaller younger trees ensures continuity of larger trees and canopies in the future. Thus, it is important to protect both young and old trees.

4. The Commission adopts the following standards in regards to trees within any resource area protected under the Dedham Wetlands Protection Bylaw:

    a. No trees may be removed within resource areas or buffer zones protected under the Dedham General Wetlands Protection Bylaw the following areas without permission from the Commission or the Conservation Department.

    b. Trees that are dead, damaged, or diseased that pose a threat to private or public property (“hazard trees”) may be permitted for removal in buffer areas under an Administrative Review after consultation and a scheduled site visit with the Conservation Agent and Tree Warden. If the removal of the hazard tree will have a significant impact on the Resource Area values protected by the bylaw, the Applicant may be required to file a Request for Determination of Applicability or Notice of

Intent. When feasible, a snag of at least 6 feet in height shall be retained when a dead or hazardous tree is removed.

c. Minor pruning of trees, shrubs, and vegetation outside the undisturbed buffer area and within the outer Riparian Area may be permitted under Administrative Review after consultation and a scheduled site visit with the Conservation Agent and Tree Warden. If the minor pruning will have a significant impact on the Resource Area values protected by the bylaw, the Applicant may be required to file a Request for Determination of Applicability or Notice of Intent. The Commission shall consider extensive pruning as removal of 20% or more of limbs or growth.

d. Applicants wishing to remove any healthy tree over 6” DBH within a resource area or buffer zone protected under the Dedham General Wetlands Protection Bylaw shall file a Request for Determination of Applicability or Notice of Intent with the Commission.

e. Every healthy over 6” DBH tree removed within a protected resource area or buffer zone shall be replaced at a minimum 2:1 ratio (two new trees for each one tree removed), with native species of at least 1-inch caliper being used as replacement trees.

f. Applicants that are unable to meet the 2:1 tree replacement requirement due to site constraints can request that the Commission reviews a 4:1 native shrub replacement plan. Tree replacements shall be maximized on the property to the extent practicable before shrub replacement is considered.

g. Non-diseased, native trees over 24” DBH (or greater than 75” circumference) are considered by the Dedham Conservation Commission to be Significant Trees and shall not be removed within Resource Areas or Buffer Zones without receiving a waiver from the Dedham Conservation Commission. Species, Size, and Locations of Significant Trees shall be noted on Site Plans. The Commission may waive this requirement in accordance with Section 23 of the Rules and Regulations. Tree replacement regulations are summarized in Table 4, below:

Table 4: Dedham Conservation Commission Tree Replacement Requirements		
Tree Size (DBH – in inches)	**Trees**	**Shrubs**
≤6	Not required to replace, however permission from ConCom required	N/A

≥6; ≤24	2:1	4:1, if site can't support required trees*
≥24 (Significant Tree – cannot remove without waiver from Commission)	4:1 replacement, if waiver is approved by the Commission	N/A
*Must provide documentation from a Landscape Architect or Wetland Scientist that the site cannot support additional plantings.		

SECTION 22. WILDLIFE HABITAT STUDIES

1. The following types of projects may require the performance of a Wildlife Habitat Study:

   a. Projects located within 200-feet of a Vernal Pool (certified, uncertified, or potential) as defined under the Massachusetts Wetlands Protection Act and Dedham Wetlands Protection Bylaw.

   b. Projects which have a proposed work area larger than 1.0 acre. The work area includes all areas where existing vegetation will be removed and/or replaced.

   c. Any project proposing alteration of a Resource Area (as defined under the Massachusetts Wetlands Protection Act, U.S. Army Corps of Engineers, and the Dedham Wetlands Protection Bylaw).

2. The Wildlife Habitat Study shall contain at a minimum:

   a. An index of the existing plant species on the project site and surrounding areas, including prevalence and dispersal of species.

   b. An index of wildlife and wildlife indicators (nests, burrows, etc.) found on the project site and surrounding areas.

   c. An estimate of the existing wildlife populations which utilize the site.

   d. A report detailing the impact the proposed project will have on the wildlife population.

   e. A detailed plan and report on any proposed resource area restoration/replication work proposed. This plan and report should describe how the proposed work will enhance or restore wildlife habitat.

3. The Wildlife Habitat Study shall be performed by an individual with at least a master's degree in wildlife biology or ecological science from an accredited college or university, or other competent professional with at least two years of experience in wildlife habitat evaluation, in accordance with 310 CMR 10.60 (1)(b).

4. The Wildlife Habitat Study does not necessarily need to be performed during the growing season, however the commission may require this if it is necessary for thorough assessment.

SECTION 23. WAIVERS

1. The performance standards for Resource Areas established herein have been adopted to ensure that the interests of the Bylaw are adequately protected. The Commission recognizes that, in certain situations, it may be appropriate for the Commission to grant a discretionary waiver to a specific performance standard for a particular project under these Rules and Regulations when the waiver is consistent with the intent and purpose of the Bylaw and these Rules and Regulations, subject to the preceding requirements of these conditions and the procedures below.

2. The applicant shall have the burden of demonstrating that the granting of the waiver is consistent with the intent and purpose of the Bylaw and these Regulations. The Commission shall act on the written request for a waiver and shall provide to the applicant, either by certified mail or hand delivery, with its written decision.

3. The granting of a waiver is at the discretion of the Commission, which may impose conditions on any waiver to protect the interests protected by the Bylaw and these Rules and Regulations.

4. Any applicant may submit a written waiver request to the Commission, which shall be submitted in writing and be accompanied by an explanation or documentation supporting the waiver request and demonstrating that the request meets the relevant waiver criteria as set forth below. The Commission shall consider a request for a discretionary waiver only after finding that the applicant has met the burden of establishing, by clear and convincing evidence, that:

    a. That there are no practicable conditions or alternatives that would allow a project to proceed in compliance with the Regulations.

    b. The Applicant shall be responsible for conducting an alternatives analysis, consistent with the requirements and criteria set forth the Wetlands Protection Act, to establish that there are no such practicable conditions or alternatives.

c. Substantially the same level of protection to the Resource Areas protected by the Town of Dedham General Wetlands Protection Bylaw will be provided without strict application of the Rules and Regulations.

d. The project, including any mitigation measures or additional conditions imposed by the Commission, will maintain or improve the natural capacity of a wetland resource area to protect the wetland resource area values protected under the Bylaw and these Rules and Regulations.

5. Upon finding that the applicant met their burden by establishing by clear and convincing evidence, that the proposed project satisfies the waiver criteria set forth in the preceding Section 23-6, the Commission may exercise its discretion to grant a waiver of a specific performance standard for a particular project.

6. In exercising its discretion to grant a waiver for a particular project, the Commission shall impose such additional or substituted conditions and mitigation requirements as deemed necessary to protect the resource areas protected under the Bylaws and these Rules and Regulations, including but not limited to the following:

   a. The Commission may require that the applicant provide mitigation to offset the proposed project's impact to the particular wetland Resource Area(s) in accordance with the replication ratios and performance standards specified in Section 14 and in accordance with the Compensatory Resource Area Creation provisions set forth under Section 15 of the Rules and Regulations.

   b. The Commission may require a wildlife habitat study is conducted in accordance with Section 22 of the Rules and Regulations.

   c. The Commission may require an alternative analysis to describe practicable conditions or alternatives that would allow the project to proceed in compliance with the Bylaw and Regulations.

7. All waiver requests shall be discussed and voted on at the public hearing for the project.

8. If in the Commission's opinion, additional time or information is required for review of a waiver request, the Commission may request to continue a hearing to a date announced at the meeting. In the event the applicant objects to a continuance or postponement, or fails to provide requested information, the waiver request shall be denied.

SECTION 24. SEVERABILITY

1. The invalidity of any section or provision of these Rules and Regulations shall not invalidate any other section or provision thereof, nor shall it invalidate any permit or determination which previously has been issued.

APPENDIX A: Undisturbed Buffer Area Calculation Guide

1. Overview of the Undisturbed Buffer Area & How it is Calculated

The Undisturbed Buffer Area (UBA) is a no-disturbance zone located within the 100-foot buffer zone from a Resource Area. The distance of the UBA is dependent on the proposed activity within the buffer zone (ie: an industrial activity would have a much greater distance than a residential use). Topography of the buffer zone itself is also factored into the UBA calculation, as activities in buffer zones of greater slopes have more potential to harm the adjacent wetland.

The formula to calculate the UBA is as follows:

UBA = Slope x Usage Factor

There are 2 components that should be used when calculating the UBA:

Slope: The average slope across the 100-foot buffer zone, expressed in terms of percent (%).

Usage Factor: The value associated with the proposed usage of the buffer zone as set forth in the Usage Factor in the table below.

Note: The UBA shall be either the value calculated using this formula, or the minimum UBA set forth in the table below, whichever is greater. The UBA can not exceed 100 feet.

Table 2: Values to be Used to Calculate UBA		
Usage	**Usage Factor**	**Min. UBA**
Agriculture (commercial farming)	4	20’
Single Family Dwelling (SFD) and accessories	6	30’
Commercial / Retail / Industrial / Institutional / Multi-Unit Residential Building / New Subdivisions	8	40’
Paved Parking Lots and Access Ways	10	50’
Gasoline Stations, Automotive Maintenance & Petroleum Storage Facilities	15	75’

2. How to Depict UBA on Site Plan

The UBA shall be depicted on the site plans associated with the Notice of Intent in a similar format to any other Resource Area boundary. The UBA buffer shall be established by calculating the UBA every 25 feet along the resource area perpendicular to the resource area delineation line and submitted in tabular form, as demonstrated in Example 1. The

UBA will likely fluctuate based on the shape and size of the Resource Area, the topography of the resource area, and the limit of existing development on the site.

3. How the Limit of Existing Development Impacts the UBA

In some instances, the UBA will be set by the limit of existing development already in the buffer zone. For example, if an existing driveway is located 20’ from a wetland area, the UBA would be 25’ in that exact location of the site. However, as the UBA is calculated along the resource area, in locations beyond the driveway area where there was not previous development, the UBA would be calculated as normal.

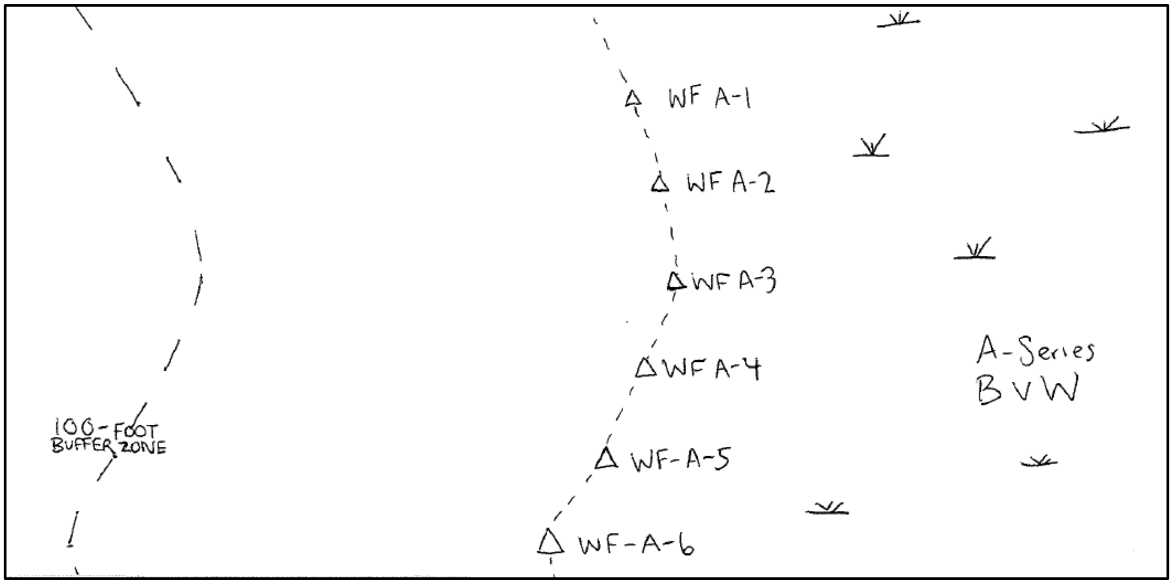
The man-made structures which would qualify to delineate an existing limit of development include items such as buildings, paved parking areas, and engineered retaining walls. Development in the buffer zone that was not permitted and under enforcement of the Commission shall not qualify as the existing limit of development.

Existing drainage structures such as culverts and discharge trenches, landscaped areas, lawns, stone walls or non-engineered retaining walls, property markers, fences, temporary structures, utility poles, and wells shall not be utilized to determine the existing limit of development.

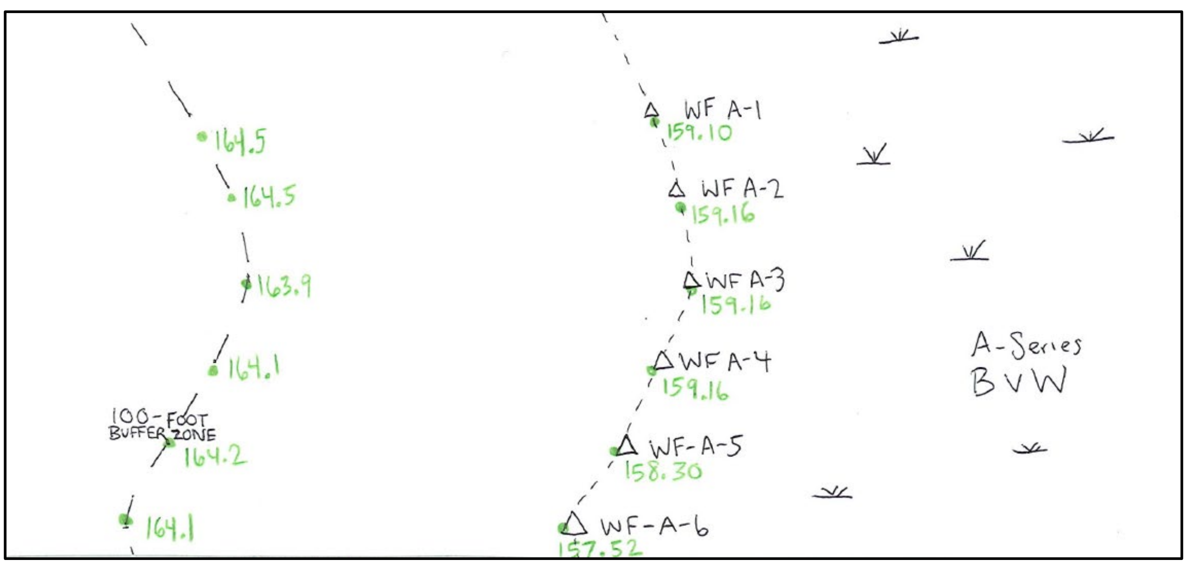
Wetland or flood plain replication/restoration areas and associated grading and landscaping may be approved within the UBA. The Commission may, at its discretion, grant a waiver for work in the UBA.

Example 1: UBA Calculation on Previously Undisturbed Lot

Step 1: Determine the 100' Buffer Zone from the edge of the flagged Resource Area.



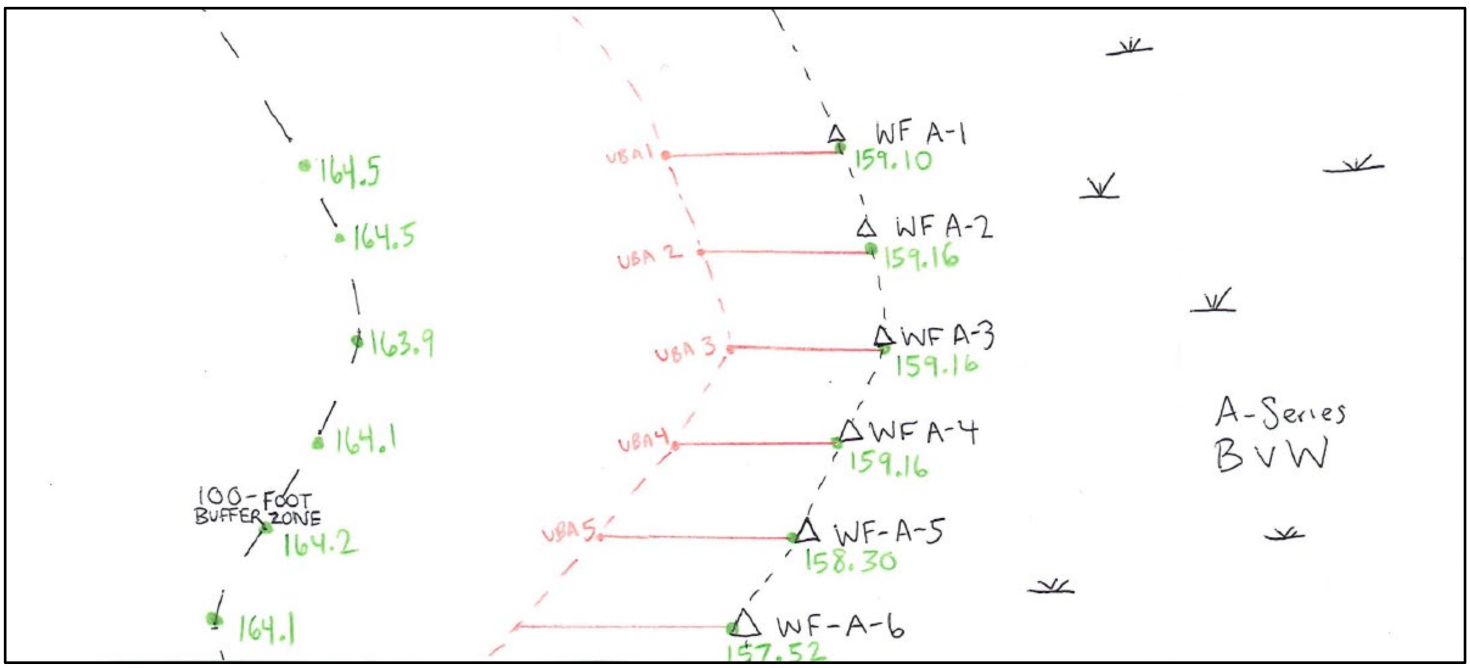
Step 2: Determine elevations of wetland flags and elevations of 100' buffer from wetland flags.



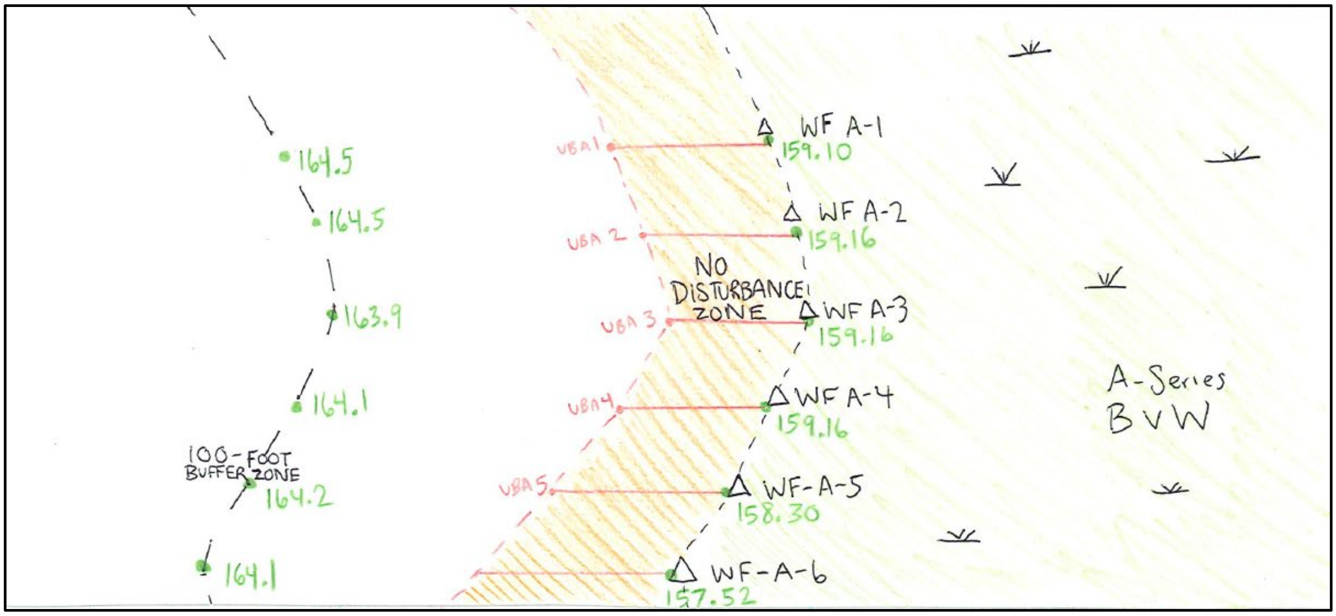
Series A UBA Calculation							
UBA ID#	**BVW Elevation**	**100' Buffer Elevation**	**Slope**	**Usage Factor**	**Calculated UBA**	**Actual UBA**	**Notes**
1	159.10	165.5	5.4	6	32.4	32.4	-
2	159.16	164.5	5.34	6	32.04	32	-
3	159.16	163.9	4.74	6	28.44	30	Minimum UBA
4	159.16	164.1	4.94	6	29.64	30	Minimum UBA
5	158.30	164.2	5.9	6	35.4	35.4	-
6	157.52	164.1	6.58	6	39.48	39.5	-

Step 3: Use the difference in elevations to determine the slope. Then multiply the slope by the usage factor (in this case, the project is residential therefore the usage factor is 6). The product will be the UBA. If this number is below the "minimum UBA" for the corresponding value, the minimum UBA must be used.

Step 4: Add the actual UBA distance from each wetland flag to the site plan. Connect All UBA points to create the Undisturbed Buffer Area.

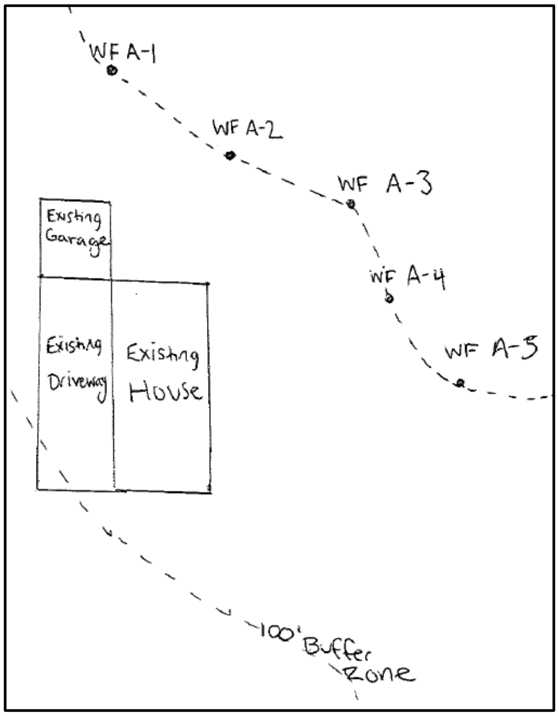


Step 5: The Undisturbed Buffer Area has now been added to the site plan. No disturbance can occur in this zone without a waiver from the Conservation Commission. Any proposed work or disturbance should be sited outside of the UBA.

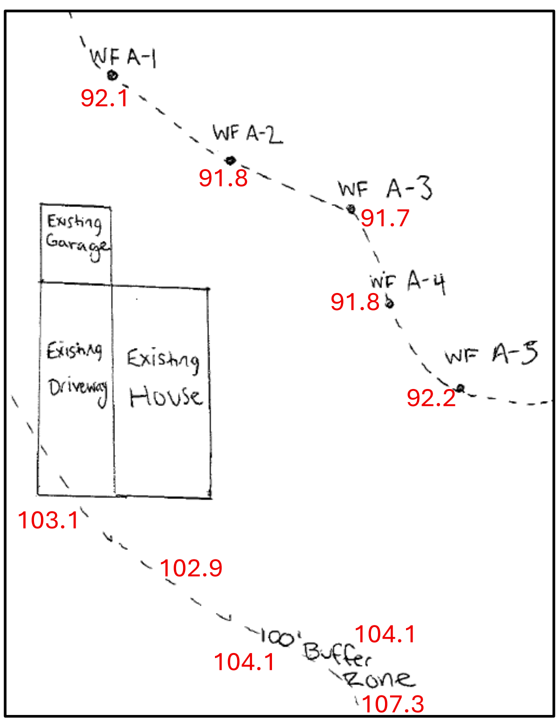


Example 2: UBA Calculation on Previously Disturbed Lot

Step 1: Determine the 100' Buffer Zone from the edge of the flagged Resource Area.



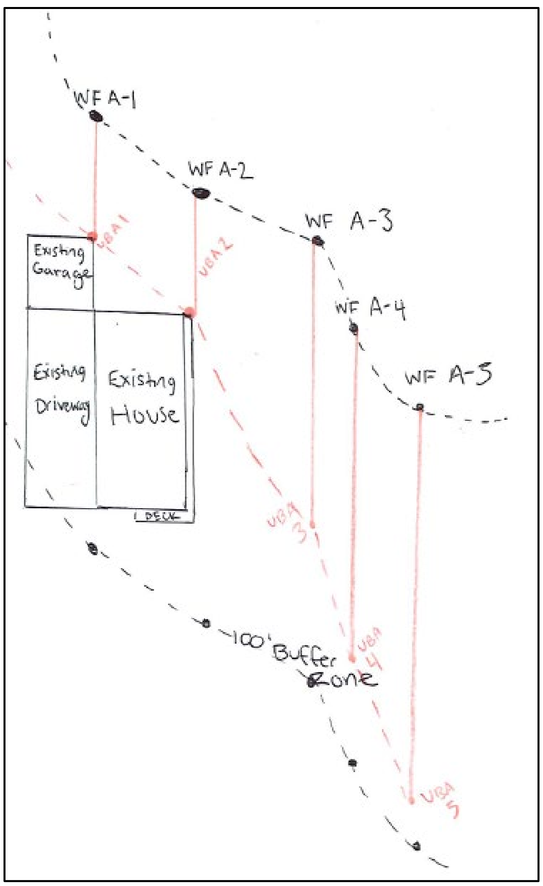
Step 2: Determine elevations of wetland flags and elevations of 100' buffer from wetland flags.



Series A UBA Calculation							
UBA ID#	BVW Elevation	100' Buffer Elevation	Slope	Usage Factor	Calculated UBA	Actual UBA	Notes
1	92.1	103.0	10.9	6	64.4	31	Existing Development
2	91.8	102.9	11.1	6	66.6	33	Existing Development
3	91.7	103.0	11.3	6	67.8	67.8	
4	91.8	104.1	12.6	6	75.6	75.6	
5	92.2	107.3	15.1	6	90.6	90.6	

Step 3: Use the difference in elevations to determine the slope. Then multiply the slope by the usage factor (in this case, the project is residential therefore the usage factor is 6). The product will be the UBA. If this number is below the "minimum UBA" for the corresponding value, the minimum UBA must be used.

Step 4: Determine locations where UBA may be a shorter distance due to existing development, for example at Wetland Flag A-1 and Wetland Flag A-2 the UBA will be the distance from the flag to existing development. Add the UBA distances from each wetland flag to the site plan. Connect All UBA points to create the Undisturbed Buffer Area.



For more information about the UBA and how to calculate it, please contact the Conservation Department at conersation@dedham-ma.gov or 781-751-9210.