



# TOWN OF MIDDLETON

## *Conservation Commission*

195 NORTH MAIN STREET  
MIDDLETON, MA 01949

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For over 25 years Massachusetts has had a strong environmental regulation, the Wetlands Protection Act (ACT), which prevents alteration of wetlands. Wetlands, even portions of wetlands, cannot be legally filled or otherwise altered. Those small areas lost through exemptions must be replicated with new man-made wetlands.

Wetlands are defined in the Act as areas where over 50% of the plants present are wetland species and the presence of hydric soils. Soils that are saturated for at least two weeks in the growing season have such plants and soils. Our swamps, marshes, wet meadows, bogs, streams, river, lakes, and ponds are wetlands. Wetlands are protected because they: absorb water thus recharging the ground water and preventing flooding; act as filters thus cleansing water; contain microorganisms and a myriad of other larger organisms that take in pollutants, break them down to harmless usable compounds, and release them thus making them available; provide essential habitat for wildlife; are sources of drinking water; provide for flood storage.

It is the responsibility of the Town's Conservation Commission (CC), five townspeople appointed by the Selectmen, to administer the WPA. The Commissioners do so with backing from the State's Department of Environmental Protection (DEP). If a person wants to build, fill, excavate, install a septic system, pave, or do extensive tree cutting within 100 feet of any wetland one must file with the CC and with DEP. Contrary to the belief of many, the CC cannot deny permission if the work can be done without endangering nearby wetlands. If the applicant convinces the CC that no harm will be done to wetlands the CC will issue an Order of Conditions (a permit) that clearly specifies conditions that must be met to ensure harm is not done to wetlands or wildlife during the work or after. In cases where a majority of the Commissioners are not convinced, they may vote to issue an order denying the work. The applicant may then appeal to the DEP.

The CC is also responsible for protecting "100-year" floodplains from any filling. 100-year floodplains are those areas that are flooded on a statistical average of once every 100 years (Areas that have a 1% chance each year of being flooded.). These areas are defined by the Federal Emergency Management Agency (FEMA) for each town in graphs and on maps. If a portion of floodplain is filled, floodwater will be displaced elsewhere where damage may be done. "Flood storage" is lost. Floodplain filled must be compensated. If the CC does allow a small portion to be filled a similar or greater volume of earth, nearby, outside the floodplain, must be removed to compensate. Undisturbed wetlands and floodplain are one reason MA does not have the flooding problems other states face. There are two other valuable protections our wetlands and floodplains in Middleton have. These are: 1. Conservancy Districts administered

jointly by the Zoning Board of Appeals (ZBA) and the CC. Many of these districts include even larger areas than those protected by the WPA. (See Zoning By-laws). 2. The Board of Health requires a 100 ft. setback for a new septic system from wetlands. State regulations require only 50 ft.

In August 1996 the Rivers Protection Act was enacted and signed into law. It protects “Riverfront Areas”, those areas within 200 feet of the river’s edge. Perennial streams, those that flow year round except during periods of expanded drought, are also considered as rivers and are thus protected. People must file a Notice of Intent for any work planned in Riverfront Areas or within 100 ft of bordering vegetated wetlands. The amount of work allowed within them is restricted. It is the CC’s responsibility to review their plans and to issue or deny orders (permits) as appropriate. In Middleton the Ipswich River as well as its tributaries (Punchards Brook, Middleton Brook, Emerson Brook, Boston Brook, and Nichols Brook) and portions of their branches have Riverfront Areas that come under the CC’s jurisdiction.

The CC solicits and accepts gifts of land to the Town for conservation purposes. It also works closely with the Town’s Open Space Committee in obtaining land. In 1998 an 80-acre parcel on the north end of Mill Street was purchased by the Town, the Essex County Greenbelt Association, and the New England Forestry Foundation working together. The Wetland Protection Act and the River Protection Act alone provide strong protections for our 2500 – 3000 acres of invaluable wetlands. Tens of thousands of acres have been saved throughout the State by both regulations.

The Commission meets on the first Tuesday of each month. Meetings start at 7:00 PM. If you would like to be on the agenda or if you have any questions or complaints concerning environmental issues please contact one of the Commissioners’ agents at the above number.

Commissioners:

Fred Zacken, Chairman  
Dennis “Skip” Milotzky  
Ann Delmarsh  
Michael Sliney  
Roger Talbot

Agents:

Derek Fullerton, Health Agent/Conservation Administrator

Michèle Grenier, PWS, CWS Conservation Agent

Secretarie (Meeting Minutes) Mary Jane Morin