

**Town of West Newbury  
Conservation Commission**

**DRAFT 11/21/2023**

**WETLANDS PROTECTION BYLAW**

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**1. Purpose**

The purpose of this bylaw is to protect the wetlands, water resources, flood-prone areas, and adjoining upland areas in the Town of West Newbury by regulating activities deemed by the Conservation Commission ("Commission") likely to have a significant or cumulative adverse effect on resource area values, including but not limited to the following:

- 1.1** Public or private water supply
- 1.2** Groundwater supply
- 1.3** Flood control
- 1.4** Erosion and sedimentation control
- 1.5** Storm damage prevention including coastal storm flowage
- 1.6** Water quality
- 1.7** Prevention and control of water pollution
- 1.8** Agriculture
- 1.9** Fisheries, including aquaculture
- 1.10** Wildlife habitat
- 1.11** Rare species habitat, including rare plant and animal species
- 1.12** Recreation;

deemed important to the community (collectively, the "resource area values protected by this bylaw").

This bylaw is subject, however, 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 West Newbury.

This bylaw is intended to utilize the Home Rule authority of West Newbury to protect the resource areas under the Wetlands Protection Act (G.L. Ch.131 §40; the Act) to a greater degree, to protect additional resource areas beyond those protected in the Act recognized by the Town as significant, to protect all resource areas for their additional values beyond those identified in the Act, and to impose, in local regulations and permits, additional standards and procedures in addition to those of the Act and regulations thereunder (310 CMR 10.00).

**2. Jurisdiction**

Except as permitted by the Commission or as provided in Section 3 of this bylaw, no person shall remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas:

- 2.1 Any freshwater or coastal wetlands, isolated wetlands, marshes, wet meadows, bogs, swamps and adjoining land extending out to a distance of 100 feet, known as the Buffer Zone
- 2.2 Any freshwater or coastal bank or beach bordering on any lake, pond, reservoir, river, stream, brook, or creek and adjoining land extending out to a distance of 100 feet, known as the Buffer Zone
- 2.3 Any perennial rivers, streams, brooks and creeks and lands adjoining these resource areas out to a distance of 200 feet, known as the Riverfront Area
- 2.4 Any land under the aforementioned waterbodies and waterways
- 2.5 Any vernal pools and adjoining land extending out 100 feet, known as the Vernal Pool Habitat
- 2.6 Any lands subject to flooding or inundation by groundwater or surface water
- 2.7 Any lands subject to tidal action, coastal storm flowage, or coastal flooding

(collectively the "resource areas protected by this bylaw"). Said resource areas shall be protected whether or not they border surface waters.

The jurisdiction of this 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, as defined by the Wetlands Protection Act regulations, found at 310 CMR 10.04.

### 3. Exemptions and Exceptions

The following exemptions shall apply and no permit is necessary for:

- 3.1 Minor activities in the Buffer Zone and Riverfront Area Pursuant to 310 CMR 10.02(2)(b)(2)(a)–(q), and as may be Amended by the Massachusetts Department of Environmental Protection (“MA DEP”)  
The exemptions provided in the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00) shall apply under this bylaw provided that advance written notice of at least 72 hours has been given to the Commission or its agent before the commencement of work and provided that the work also conforms to any performance standards and design specifications as written in the Act and regulations.
- 3.2 Emergency Projects  
Projects necessary for the protection of the health and safety of the public, provided that the work is to be performed by or has been ordered to be performed by an agency of the Commonwealth or a political subdivision thereof and provided that advance notice, oral or written, has been given to the Commission or its agent before the commencement of work or within 24 hours after the commencement and provided that the Commission or its agent certifies the work as an emergency project and provided that the work is performed only for the time and place certified by the Commission or its agent for the limited purposes necessary to abate the emergency. Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.
- 3.3 Agriculture  
Work performed for normal maintenance or improvement of land in agricultural and aquacultural use as defined by the Wetlands Protection Act regulations at 310 CMR 10.04.
- 3.4 Utilities and Roads  
Maintaining, repairing, or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, telegraph, or other telecommunication services, provided that written notice is provided to the Commission or its agent at least 72 hours before the commencement of work, and provided that the work conforms to any performance standards and design specifications in regulations adopted by the Commission.

### 3.5 Routine Mowing and Maintenance of Lawns, Gardens, and Landscaped Areas

These activities shall be exempt from this bylaw provided that these areas were lawfully in existence on the effective date of this bylaw or were created after such date in accordance to any performance standards and design specifications in regulations adopted by the Commission.

## 4. Definitions

The following definitions shall apply in the interpretation and implementation of this bylaw.

The term "agriculture" shall refer to the definition provided by G.L. Ch. 128 §1A.

The term "alter" shall include, without limitation, the following activities when undertaken to, upon, within, or affecting resource areas protected by this bylaw:

- a. Removal, excavation, or dredging of soil, sand, gravel, or aggregate materials of any kind.
- b. Changing of preexisting drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristics.
- c. Drainage, or other disturbance of water level or water table.
- d. Dumping, discharging, or filling with any material which may degrade water quality.
- e. Placing of fill, or removal of material, which would alter elevation.
- f. Driving of piles, erection, or expansion of buildings or structures of any kind.
- g. Placing of obstructions or objects in water.
- h. Destruction of plant life including but not limited to cutting or trimming of trees, shrubs, and other vegetation.
- i. Changing temperature, biochemical oxygen demand, or other physical, biological, or chemical characteristics of any waters.
- j. Any activities, changes, or work that may cause or tend to contribute to pollution of any body of water or groundwater.
- k. Incremental activities which have, or may have, a cumulative adverse effect on the resource areas protected by this bylaw.

The term "bank" shall include the land area which normally abuts and confines a water body; the lower boundary being the mean annual low flow level, and the upper boundary being the first break in the slope observed in the field or the mean annual flood level, whichever is higher.

The term "cumulative adverse effect" shall mean the adverse effects of activities regulated under this bylaw which may be individually insignificant to the interests and values under this bylaw, but when considered in relation to other past or present activities in a given area may be significant to said interests and values in the aggregate.

The term "interests" shall mean the resource area values and resource areas protected by this bylaw.

The term "isolated wetlands" means freshwater wetlands not bordering on a water body and at least 1,000 square feet in surface area.

The term "permit" shall mean any Order of Conditions, Order of Resource Area Delineation, Determination of Applicability, or other document issued by the Commission approving work in a resource area subject to jurisdiction of this bylaw.

The term "pond" shall follow the definition of 310 CMR 10.04 except a size threshold of 1,000 square feet shall apply.

The term "rare species" shall include, without limitation, all vertebrate and invertebrate animals and all plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife or the United States Fish and Wildlife Service, regardless of whether the habitat in which they occur has been previously identified by the Massachusetts Division of Fisheries and Wildlife.

The term "vernal pool" shall include, in addition to scientific definitions found in the regulations under the Wetlands Protection Act, any confined basin or depression not occurring in existing lawns, gardens, landscaped areas or driveways which, at least in most years, holds water for a minimum of two continuous months during the spring and or summer, contains at least 200 cubic feet of water at some time during most years, is free of adult predatory fish populations, and provides essential breeding and rearing habitat functions for amphibian, reptile or other vernal pool community species which have been found in the basin or depression, regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife. The boundary of the vernal pool is the mean annual high-water line defining the depression.

Except as otherwise provided in this bylaw or in associated regulations of the Commission, the definitions of terms and the procedures in this bylaw shall be as set forth in the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00).

## **5. Burden of Proof**

The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the permit application will not have significant or cumulative adverse effects on the interests protected by this bylaw. Failure to provide adequate evidence to the Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions, or, at the Commission's discretion and with the applicant's permission, to continue a public hearing or meeting to another date to enable the applicant or others to present additional evidence upon such terms and conditions the Commission deems reasonable.

## **6. Applications, Fees, & Outside Consultants**

### **6.1 Application**

A written application shall be filed with the Commission to perform activities that may impact resource areas protected by this bylaw. No activities shall commence without receiving and complying with a permit issued pursuant to this bylaw.

The application shall include such information and plans deemed necessary by the Commission to describe proposed activities and their effects on the resource areas protected by this bylaw. The Commission may accept as the application and plans under this bylaw any application and plans filed under the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00) where they are sufficient to meet the requirements of the bylaw and any regulations promulgated thereto. The Commission may require additional materials or information in addition to the plans and specifications required to be filed by an applicant under the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00), in order to fulfill the requirements of this bylaw.

### **6.2 Request for Determination of Applicability (RDA)**

Any person desiring to know whether or not a proposed activity or an area is subject to this bylaw may request, in writing, a determination from the Commission. The Commission shall accept a Request for Determination of Applicability (RDA) under the Wetlands Protection Act (G.L. Ch. 131 §40) as a request under this bylaw. Such a request for determination shall contain information and plans specified by the regulations of the Commission. The Commission shall make a determination as to whether or not this bylaw applies to a specific situation prior to the filing of a written notice of intent under the provisions hereof. Any person desiring only to certify limits of resource areas on site shall file an Abbreviated Notice of Resource Area Delineation (ANRAD).

**6.3 Abbreviated Notice of Resource Area Delineation (ANRAD)**

Any person desiring to certify, for purposes of this bylaw, the limits of resource areas on a site may file an Abbreviated Notice of Resource Area Delineation (ANRAD). This application shall include such information and plans as are set forth in the regulations of the Commission to describe and define the wetland resource areas. The Commission shall accept an Abbreviated Notice of Resource Area Delineation (ANRAD) under the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00) as a request under this bylaw.

**6.4 Fees**

At the time of an application, the applicant shall pay a filing fee specified in the regulations of the Commission. The fee is in addition to that required by the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00).

**6.5 Fee Waiver**

The Commission may waive fees specified in the regulations of the Commission for applications filed by a government agency, including a municipal department, board, or committee. The Commission may also waive fees specified in the regulations of the Commission for applications filed for projects the Commission finds have a net benefit to wetland resources and a primary purpose of restoring wetland ecological functions.

**6.6 Consultants**

The Commission may, at the expense of the applicant and in accordance with the provisions of G.L. Ch. 44 §53G and regulations promulgated by the Commission, impose reasonable fees upon applicants to secure outside consultants including engineers, wetlands scientists, wildlife biologists, or other experts to aid in the review of proposed projects presenting technical issues requiring additional expertise to assist in protecting resource areas. Such funds shall be deposited with the town treasurer, who shall create an account specifically for this purpose. Additional consultant fees may be requested where the requisite review is more expensive than initially calculated or new information requires additional consultant services. This is intended to apply only to assist in reviewing projects deemed by the Commission to be large or complex.

**7. Notice, Public Hearings, and Public Meetings**

**7.1 Abutter Notification**

Any person filing a Notice of Intent or Abbreviated Notice of Resource Area Delineation, or for an amendment to an Order of Conditions shall follow the abutter notification requirements set forth in the Wetlands Protection Act (M.G.L. Ch. 131 §40) and regulations, 310 CMR 10.05(4), and as may be amended by the MA DEP.

**7.2 Public Notice**

The Commission shall provide written notice given at the expense of the applicant at least five business days prior to the public hearing or public meeting by publication in a newspaper of general circulation in West Newbury or in any other manner approved by the MA DEP. Where applicable, notice given for public meetings and public hearings under this bylaw may be combined with notice given for public meetings and public hearings under the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00).

**7.3 Public Hearings & Public Meetings**

The Commission shall commence a public hearing on any permit application, Notice of Intent, or Abbreviated Notice of Resource Area Delineation, or a public meeting on the Request for Determination of Applicability, within 21 days from receipt of a complete permit application, Notice of Intent, or

Abbreviated Notice of Resource Area Delineation unless an extension is authorized in writing by the applicant.

The Commission shall have authority to continue the public hearing or public meeting to a specific date announced at the hearing or meeting, for reasons stated at the hearing or meeting, which may include the need for additional information or plans required of the applicant or others as deemed necessary by the Commission. In the event that the applicant objects to a continuance or postponement, the hearing or meeting shall be closed and the Commission shall take action on such information as is available.

The Commission may combine its hearing or meeting under this bylaw with the hearing or meeting conducted under the Wetlands Protection Act (M.G.L. Ch. 131 §40) and Regulations (310 CMR 10.00).

## **8. Permits and Conditions**

### **8.1 Decision**

The Commission shall issue its permit, denial, or determination within 21 calendar days of the close of the hearing or meeting, unless the applicant authorizes an extension in writing. The Commission shall take into account the extent to which the applicant has avoided, minimized and mitigated any adverse effect to the interests of this bylaw. Each case will be considered on its own merits. Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing or public meeting. The Commission may, in an appropriate case, combine the permit issued under this bylaw with the Order of Conditions, Order of Resource Area Delineation, or Determination of Applicability issued under the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00).

### **8.2 Waivers**

Upon written request, the Commission may waive specifically identified and requested procedures, design specifications, performance standards, or other requirements set forth in its bylaw or regulations, provided that:

- a. The Commission finds in writing after said public hearing that there are no reasonable conditions or alternatives that would allow the proposed activity to proceed in compliance with said bylaw or regulations.
- b. That avoidance, minimization and mitigation have been employed to the maximum extent feasible.
- c. The project, when considered in its entirety, would result in a net benefit of resource areas values.
- d. The waiver is necessary to accommodate an overriding public interest or to avoid a decision that so restricts the use of the property as to constitute an unconstitutional taking without compensation.

### **8.3 Approvals**

The Commission is authorized to approve a permit or Order of Conditions when proposed work meets all applicable design specifications, performance standards and other requirements under this bylaw and in regulations of the Commission and where the work will not result in significant or cumulative adverse effects upon the interests protected by this bylaw, as determined by the Commission. Any permit or Order of Conditions issued under this bylaw may differ from any such permit or Order of Conditions issued by the Commission under the provisions of the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00), where the bylaw and regulations of the Commission differ.

### **8.4 Conditions**

The Commission is authorized to impose conditions on any approved permit or Order of Conditions that the Commission deems necessary to protect the interests of this bylaw or to ensure that a project or activity proceeds in accordance with any design specifications, performance standards and other

requirements in regulations of the Commission. If an approved permit contains conditions, all activities shall be conducted in accordance with those conditions.

A permit or Order of Conditions may include conditions with requirements which shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place, and shall apply to all present and future owners of the land. These conditions may remain in full force and effect after issuance of a Certificate of Compliance.

### **8.5 Denials**

The Commission is empowered to deny a permit or Order of Conditions for the following reasons:

- a. Failure to meet the requirements of this bylaw.
- b. Failure to submit necessary information and plans requested by the Commission.
- c. Failure to meet the design specifications, performance standards and other requirements in regulations of the Commission.
- d. Failure to avoid or prevent significant or cumulative adverse effects upon the interests protected by this bylaw.
- e. The refusal to authorize entry of the Commission to a property in connection with review of an application for a permit, Notice of Intent, Request for Determination of Applicability or Abbreviated Notice of Resource Area Delineation.
- f. Where no conditions are adequate to protect the interests of this bylaw, in the Commission's sole discretion as the issuing authority.

Any denial issued under this bylaw may differ from any such permit, Order of Conditions, or denial issued by the Commission under the provisions of Wetlands Protection Act (M.G.L. Ch. 131 §40) and regulations (310 CMR 10.00), where the bylaw and regulations of the Commission differ.

### **8.6 Amendments**

An applicant may request an amendment to an Order of Conditions. The request for an amendment shall be submitted to the Commission in writing and shall contain a narrative description of what changes are proposed and any pertinent plans showing the changes. Once the request is received, the Commission shall make a determination whether the requested change is great enough to warrant the filing of a new Notice of Intent or whether it is of a relatively minor nature and can be considered as an amendment to the Order of Conditions. If the Commission determines a new Notice of Intent is not necessary, the applicant shall provide a better notification of the public hearing for the proposed amendment per section 7.1 of this bylaw and the Commission shall provide public notice of the public hearing per section 7.2 of this bylaw. The Commission shall issue an amended Order of Conditions or denial of the amendment request within 21 days of the close of the public hearing. The amended Order of Conditions shall not extend the effective date of the original Order of Conditions and shall run with the term of the original Order of Conditions or the term of the effective date of an extended Order of Conditions.

### **8.7 Expiration**

A permit, Order of Conditions, Determination of Applicability, or Order of Resource Area Delineation shall expire three years from the date of issuance unless otherwise specified by the Commission at the time of issuance.

### **8.8 Extensions**

Notwithstanding the above, the Commission in its discretion may extend a permit, Order of Conditions, or Order of Resource Area Delineation for one or more periods of up to three years each, upon written request from the applicant made at least 30 days prior to the expiration of the permit Order of Conditions, or Order of Resource Area Delineation.

## **8.9 Revocation**

For good cause the Commission may revoke or modify any permit, Order of Conditions, Order of Resource Area Delineation, or other decision issued under this bylaw after notice to the holder, the public, abutters, and after a public hearing.

## **8.10 Recordation of Permit**

No work proposed in any application shall be undertaken until the permit, Order of Conditions, or amended Order of Conditions issued by the Commission with respect to such work has been recorded in the Southern Essex District Registry of Deeds or, if the land affected is registered land, in the registry section of the land court for the Southern Essex District Registry of Deeds, and until the holder of the permit, Order of Conditions, or amended Order of Conditions certifies in writing to the Commission that the document has been recorded or registered. If the holder of the permit fails to perform such recording, the Commission may record the document itself and require the holder of the permit to furnish the recording fee either at the time of recording or as a condition precedent to the issuance of a Certificate of Compliance.

## **9. Security**

As part of a permit issued under this bylaw, in addition to any security required by any other municipal or state board, agency, or official, the Commission may require that the performance and observance of the conditions imposed thereunder, including conditions requiring mitigation work, be secured wholly or in part by one or both of the methods described below:

- A. By a proper bond, a deposit of money or negotiable securities under a written third-party escrow arrangement, or other undertaking of financial responsibility sufficient in the opinion of the Commission, to be released in whole or in part upon issuance of a Certificate of Compliance for work performed pursuant to the permit.
- B. By accepting a conservation restriction, easement, or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of West Newbury whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed. This method shall be used only with the consent of the applicant.

## **10. Appeals**

A decision of the Commission shall be reviewable in the superior court of the Commonwealth of Massachusetts in accordance with G.L. Ch. 249, §4. Any applicant, owner, abutter, or any ten (10) residents of West Newbury may appeal an order of the Commission under this bylaw to the Superior Court of Essex County within ten (10) business days following the date of issuance of the permit, order, determination, or other decision. However, if an appeal has been made to MA DEP, then said appeal period under this bylaw shall commence upon the date of issuance of a superseding order from MA DEP and shall continue for no more than sixty (60) days from that date, even if a further appeal has been made for a final order of conditions before a MA DEP adjudicatory hearing. If an appeal under the Wetlands Protection Act is made to MA DEP within ten (10) days of the issuance of the Order, the sixty-day appeal period under the bylaw will be suspended during this period of appeal to DEP.

## **11. Enforcement**

### **11.1 Scope**

No person shall remove, fill, dredge, build upon, degrade, or otherwise alter resource areas protected by this bylaw, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this bylaw.



### **11.2 Entry**

The Commission, its agents, officers, and employees shall have authority to request authorization to enter upon privately owned land to perform their duties under this bylaw subject to the constitutions and laws of the United States and the Commonwealth. They may make or cause to be made such examinations, surveys, or sampling as the Commission deems necessary, subject to the constitutions and laws of the United States and the Commonwealth. The refusal to authorize entry in connection with review of an application for a permit, Notice of Intent, Request for Determination of Applicability, or Abbreviated Notice of Resource Area Delineation shall be grounds for denial of that application.

### **11.3 Enforcement**

The Commission, its agents, officers, and employees shall have authority to enforce this bylaw, its regulations, permits, Orders of Conditions, Orders of Resource Area Delineation, and Determinations of Applicability issued thereunder by letters, phone calls, electronic communication and other informal methods, violation notices, enforcement orders, non-criminal citations under G.L. Ch. 40 §21D, and civil and criminal court actions. Any person who violates provisions of this bylaw may be ordered to restore the property to its original condition and take other action deemed necessary to remedy such violations, or may be fined, or both.

### **11.4 Legal Action**

Upon request of the Commission the Select Board may authorize town counsel to take legal action for enforcement of this bylaw under civil law. Upon request of the Commission the chief of police may take legal action for enforcement of this bylaw under criminal law. Municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.

### **11.5 Fines**

As an alternative to criminal prosecution the Commission may, in its sole discretion, issue citations with specific penalties pursuant to the non-criminal disposition procedure set forth in G.L. Ch. 40 §21D, which West Newbury has adopted in §XXVIII of the Bylaws of the Town of West Newbury. Any person who violates any provision of this bylaw, or regulations, permits, Orders of Conditions, Orders of Resource Area Delineation, Determinations of Applicability, enforcement order, or other administrative orders issued thereunder, shall be punished by a fine set by the Commission of not more than \$300. Each day or portion thereof during which a violation continues, or unauthorized fill or other alteration remains in place, shall constitute a separate offense, and each provision of the bylaw, regulations, permit, or administrative orders violated shall constitute a separate offense.

As long as any person in violation demonstrates, in the sole judgement of the Commission, a reasonable, good faith effort to comply with this bylaw, the Commission shall refrain from issuing fines. However, the Commission shall resort to issuing fines when the violator ceases to demonstrate a reasonable, good faith effort toward achieving compliance. This provision does not preclude the Commission from issuing fines or preclude the Commission from simultaneously ordering mitigation or restoration of the affected resource areas.

### **11.6 Appeals**

In addition to the appeal provisions under M.G.L. Chapter 40, §21D, persons fined may appeal in writing to the Commission within 21 days. The Commission shall vacate fines where compliance has been established or where the issuance of fines is inconsistent with the interests of this bylaw. The Commission shall suspend fines as long as the person in violation demonstrates a reasonable, good faith effort toward obtaining compliance. The Commission may restore suspended fines at any time during an existing violation. This provision does not preclude the issuance of fines in conjunction with orders for restoration or mitigation.

## **12. Regulations**

The Commission may promulgate regulations after public notice and public hearing to effectuate the purposes of this bylaw, effective when voted by the Commission and filed with the town clerk. At a minimum, these regulations shall reiterate the terms defined in this bylaw, define additional terms and requirements not inconsistent with the bylaw, impose filing and consultant fees, and include design specifications and performance standards which provide for undisturbed vegetative buffers extending from the edge of resource areas. Failure by the Commission to promulgate such regulations or a legal declaration of their invalidity, in whole or in part, by a court of law shall not act to suspend or invalidate the effect of this bylaw.

## **13. Relation to the Wetlands Protection Act**

This bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00) thereunder. It is the intention of this bylaw that the purposes, jurisdiction, authority, exemptions, regulations, specifications, standards, and other requirements shall be interpreted and administered as stricter than those of the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00).

## **14. Severability**

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, Order of Conditions, Order of Resource Area Delineation, Determination of Applicability, enforcement or other administrative orders which previously has been issued.

## **15. Effective Date**

The effective date of this bylaw shall be the first day of the month following the approval of the bylaw by the Attorney General. This bylaw shall not be applicable to activity that is the subject of a Notice of Intent, Request for Determination of Applicability, or Abbreviated Notice of Resource Area Delineation filed with the Commission pursuant to the provisions of the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00) before the effective date of this bylaw. This bylaw shall not be applicable to activity that has been issued a permit, Order of Conditions, Order of Resource Area Delineation, or Determination of Applicability pursuant to the provisions of the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00) before the effective date of this bylaw.