

**TOWN OF SCITUATE  
BYLAWS:  
ADOPTION OF LOCAL WETLANDS PROTECTION BYLAW 1988**

To see if the Town will vote to amend the Bylaws by adding a new Chapter 19, Wetlands Protection Bylaw, as follows, or take any other action relative thereto:

Section 1. The purpose of this bylaw is to protect the foreshores and wetlands of the Town of Scituate by prior review and control of activities deemed to have a significant effect upon wetland values, including the following: public or private water supply, ground water, flood control, prevention of storm damage, prevention of water pollution, fisheries, shellfish and wildlife habitat. No person shall remove, fill, dredge or alter any of the following resource areas: In or within one hundred (100) feet of any freshwater wetland, coastal wetland, marsh, wet meadow, bog or swamp, in or within one hundred (100) feet of any bank, beach, dune or flat; in or within one hundred (100) feet of any lake, river, pond, stream, creek or estuary; or any land under said waters; or on any land subject to tidal action, coastal storm flowage or flooding, without first filing written notice of his or her intention so to remove, fill, dredge or alter by sending a separate letter by certified mail, to Scituate Conservation Commission at least 21 days prior to any hearing for removing, filling, dredging or altering. Such notice of intention shall include such plans as may be necessary to describe such proposed activity and its effect on the environment. The same plans and specifications required to be filed by an applicant under Massachusetts General Laws, Chapter 131, Section 40, may be accepted as fulfilling the requirements of this bylaw. The said Commission, in its discretion, may hear any oral presentation under this bylaw at the same public hearing required to be held under the provisions of said Chapter 131, Section 40, of Massachusetts General Laws.

Section 2. The term “person” as used in this bylaw shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust estate, the Commonwealth or political subdivision thereof, administrative agency, public or quasi-public corporation or body, or any other legal entity or its legal representatives, agents or assigns.

Section 3. The Commission may 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, upon receipt of a written request from any person desiring such determination. The Commission, its agent and employees, may enter upon the land upon which the proposed work is to be done in response to a request for a prior determination or for the purpose of carrying out its duties under this bylaw and may make or cause to be made such examination or survey as deemed necessary.

Section 4. The Conservation Commission is empowered to deny permission for any dredging, filling, or altering of any resource areas described in Section 1, if, in its judgment, such denial is necessary to preserve environmental quality of said resource areas. Due consideration shall be given to possible effects of the proposal on all values to be protected under this bylaw and to any demonstrated hardship on the petitioner by reason of a denial, as brought forth at the public hearing.

Section 5. The Commission may, as an alternative to a denial, impose such conditions as it deems necessary to contribute to the protection and preservation of subject lands in accordance with purposes of this bylaw. Any Order of Conditions issued under this bylaw shall be identical to any such order issued by the Scituate Conservation Commission under the provisions of Massachusetts General Laws, Chapter 131, Section 40.

Section 6. The twenty-one day notice required by the first paragraph in Section 1, of this bylaw shall not apply to emergency projects necessary for the protection of the health and safety of the citizens of Scituate and to be performed by an administrative agency of the Commonwealth or by the Town. Emergency projects shall mean any projects certified to be an emergency by the Commissioner of the Department of Environmental Quality Engineering and the Conservation Commission. Within thirty (30) days after a project is certified as an emergency, a public hearing shall be held on the project at which time the Conservation Commission may require a filing of a Notice of Intent or impose remedial conditions on the work. In no case shall any filling, dredging or altering commence prior to any emergency certification nor extend beyond the time necessary to abate the emergency.

Section 7. The Conservation Commission may from time to time establish rules and regulations in order to administer and clarify this bylaw. To promulgate such rules and regulations, the Commission must first publish notice of such rules and regulations in a newspaper or local circulation. The Commission must then hold a public hearing no less than two weeks after publication of the notice.

Section 8. The Conservation Commission may from time to time establish fees in order to administer this bylaw. To establish such fees, the Commission must first publish notice of such fees in a newspaper of local circulation. The Commission must then hold a public hearing no less than two weeks after publication of the notice. No fees shall be excess of demonstrated true costs to the Town of the services performed by the Commission.

Section 9. Any applicant, owner, abutter, ten residents of the Town, or any person aggrieved by an Order of the Conservation Commission may, within ten (10) business days of the issuance of said Order, request that the matter be settled through a mediation process conducted by an individual(s) mutually agreed upon by the applicant, the Commission and any appellant (if different from the applicant or the Commission). Any party may refuse to participate in, or may withdraw from the mediation proceeding at any time, and no settlement agreement shall be effective unless signed by all parties whose cooperation is necessary to its implementation. If no agreement to mediation is recorded within the said ten (10) business days, or for any reason mediation is abandoned before consummation, then the applicant, owner, abutter, ten residents of the Town or any person aggrieved by an Order of the Commission may appeal to Superior Court pursuant to MGL Chapter 249, Section 4.

Section 10. The Commission may require, as a permit condition that the performance and observance of other conditions be secured by a bond or deposit of money or negotiable securities in an amount determined by the Commission to be sufficient and payable to the Town of Scituate.