Wetlands and Waterways
Presented by Jeff Carlson
Town of Nantucket
Natural Resources Director
Coastal Regulations

- Massachusetts Waterfront Protect Act (Chapter 91)
- Wetlands Protection Act M.G.L. 131 §40
- Town of Nantucket Wetlands Bylaw Chapter 136
Chapter 91

- Purpose to preserve public use of tidelands and waterways
- Formally established in 1866
- Original concept dates back to Colonial Ordinances of 1641-1647
  - Fishing, Fowling, Navigating or Strolling
Flowed Tidelands
Filled Tidelands
Great Ponds

Chapter 91 also includes navigable non-tidal rivers and streams, no areas on Nantucket
MORIS

- [http://maps.massgis.state.ma.us/map_ol/moris.php](http://maps.massgis.state.ma.us/map_ol/moris.php)
Conservation Commission

- Permitting Agency for the Massachusetts Wetlands Protection Act (Chapter 131 Section 40)
- Permitting Agency for the Nantucket Wetlands Bylaw (Chapter 136) and Wetlands Protection Regulations
- Permit is required for any alteration of land within 100 feet of a resource area
Coastal Resource Areas

- Land Under the Ocean
- Coastal Beach
- Salt Marsh
- Coastal Dune
- Barrier Beach
- Coastal Bank
- Land Containing Shellfish
- Land Subject to Coastal Storm Flowage (Flood Zone)
Coastal Resource Areas

- Atlantic Ocean
- Nantucket Harbor
- Barrier Beach
Coastal Resource Areas

- Coastal Beach
- Coastal Dune
- Coastal Bank
- Land Under the Ocean
Land Subject to Coastal Storm Flowage
Permissible Activities

Top of Bank

25’-50’ No Structures
Landscaping, Grading,
Pervious Patios,
Pervious Driveway
Split Rail Fence

0’-25’ No Disturbance

50’-100’ Structures
Dwellings, Pools,
Decks, Retaining
Walls, Pool Fences,
Board Fences

100’ Limit of Jurisdiction
(Note: Septic Leach Area
to be outside of jurisdiction)
How are projects evaluated

- Interests identified by the Act or Bylaw
  - Examples: flood control, erosion control, storm damage prevention, wildlife

- Using performance standards for each resource area
  - Coastal Bank Section 2.05; all projects shall be restricted to activity as determined by the Commission to have no adverse effect on bank height, bank stability, wildlife habitat, vegetation, wetland scenic view or the use of the bank as a sediment source.
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Questions?