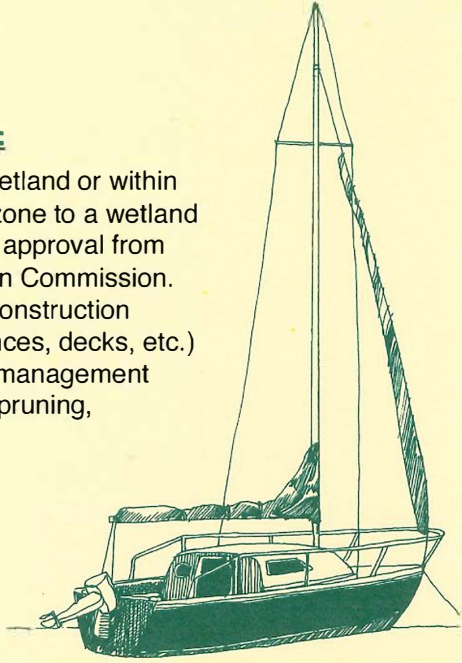


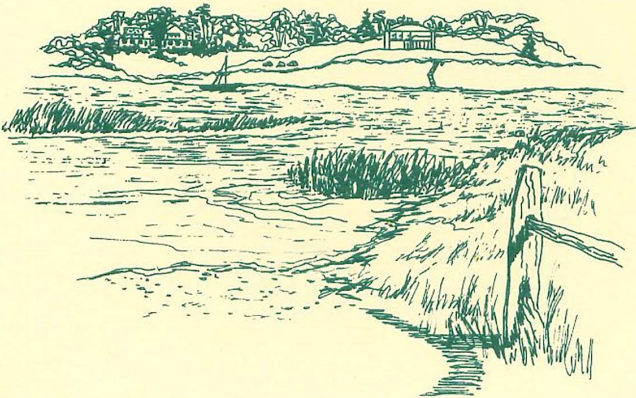
REMEMBER:

Any work in a wetland or within the 100' buffer zone to a wetland must have prior approval from the Conservation Commission. Work includes construction (e.g., sheds, fences, decks, etc.) and vegetation management (e.g., trimming, pruning, planting, etc.).

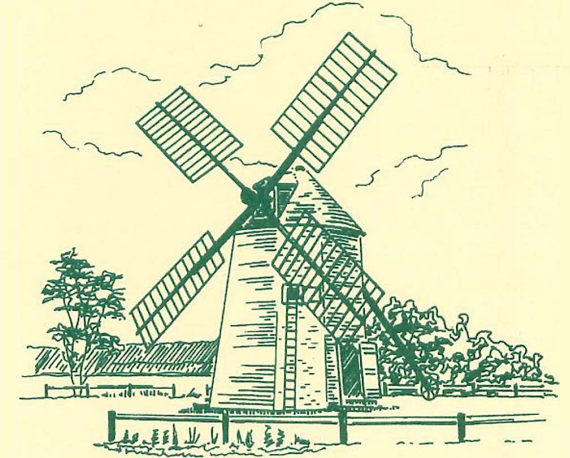


Please help us keep Orleans beautiful for current and future generations. By engaging in the municipal process and allowing for the review of jurisdictional work you are helping to protect our natural resources. In taking this step you aid in the prevention of erosion, storm damage and pollution and improve wildlife habitat, water quality and aesthetics.

It will take diligence from all of us to preserve the unique landscapes and protect the wetland resource areas in our town. Thank you for respecting the local laws and regulations that maintain the health and aesthetic of our natural environment.



ORLEANS CONSERVATION COMMISSION
Orleans Town Hall
19 School Road
Orleans, MA 02653



ORLEANS

As Orleans residents,
you own property in one of the
most beautiful and environmentally
sensitive towns on the Cape.



WHY DID YOU CHOOSE ORLEANS?

Was it because of the natural beauty and spectacular vistas or the prospect of swimming, fishing, and boating from the beaches, bays and ponds? If it was...

WE NEED YOUR HELP. YOU CAN MAKE A DIFFERENCE!

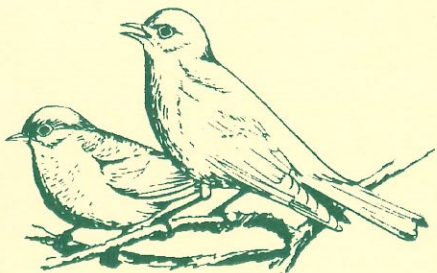
Orleans is blessed with numerous natural resource areas both saltwater and freshwater. Beaches, bays, dunes, marshes, ponds, and bogs are all abundant in Orleans, but it takes work to ensure that those resources continue to thrive.

Please keep banks vegetated and free of debris in order to protect the land & your property.

Coastal vegetated banks and marshes provide protection to the land by absorbing the force of storms. The sediment lost from a bank during a storm provides sand to nearby beaches and allows marshes to continue to grow. But banks must be stabilized to prevent any unnecessary loss. Brush, lawn clippings, and debris tossed over the bank may suffocate vegetation and could create paths for water to runoff, causing destabilization.

Make sure your property has a protective buffer with native grasses, groundcovers, shrubs, and trees.

Consider establishing a vegetative buffer at the top of the bank with natural indigenous plantings. Vegetated buffers filter or absorb many of the pollutants, encourage water recharge, prevent erosion and sedimentation, provide wildlife habitat and help to preserve the aesthetics of our natural shoreline.



Provide trees to screen your house from public view and add wildlife habitat.

Trees moderate the temperature with shade, reduce harsh winds, and provide an aesthetic component by screening your house from the water. Pruning and removal of trees to a reasonable extent is allowed with prior permission, for example: hazard trees that may threaten dwellings, vehicle access, or parking; selective vista pruning once a dwelling is complete. Dead trees can provide nesting sites for woodpeckers and nocturnal flying squirrels and should remain. Allow us to work with you to accomplish our mutual goal to enhance and protect your property while also providing wildlife habitat and maintaining the overall scenic quality of the town.



Ask the Commission for advice before you cut!

Maintaining vegetation is one of the principal means of protecting wetlands. The Conservation Commission has jurisdiction over all activities in wetlands and within 100 ft of a wetland resource, in Areas of Critical Environmental Concern, and in Land Subject to Coastal Storm Flowage. Any vegetation management in this area requires approval from the Commission. Please contact the office before commencement of work. We want you as a partner in protecting our resources.

We have enclosed brochures for further information. If you have any questions, please do not hesitate to contact us.

ORLEANS CONSERVATION COMMISSION

19 School Road
Orleans, MA 02653
508-240-3700 ext. 2425
conservation@town.orleans.ma.us

REGULATIONS ON STRUCTURE TYPES

DOCKS AND PIERS

All docks must have appropriate licenses from the State, the U.S. Army Corps of Engineers, and a valid Order of Conditions from the Conservation Commission. New or unlicensed docks must meet the criteria in the regulations for docks. In some areas, there is a moratorium on permitting new docks. Maintenance of the dock pilings requires, at minimum, an RDA filing. Altering the structure in any way requires a NOI filing. Repair before reinstallation of seasonal docks is permitted as matter of course.

WALKWAYS

Walkways can be permitted where they would improve the resource area. Walkways differ from docks in that they begin, and end above mean high water. A walkway may not be attached to a float or other structure for use with boats.

COASTAL EROSION STRUCTURES (CES)

For bank stabilization, soft solutions like fiber rolls and vegetation are preferred to hard structures like gabions and stone revetments. Soft solutions allow less increase in wave action and the bank continues to contribute sediment in storms. A revetment may be permitted to protect buildings constructed prior to 1978. Approved revetments should remain buried so they can provide sediment during storms. To reduce the effects on neighboring property the CES should be low, short, and designed to avoid end scour. Joint submissions by neighbors are preferred.

STAIRCASES OVER BANKS

Access to the water via coastal and inland banks may cause erosion. To reduce erosion, dug-in steps are preferred to elevated stairways, except where warranted by the severity of the slope. Stairways should be as discreet as possible and be no more than 4 ft in width. Elevated stairways shall have no risers.

SPECIAL FILING FOR SMALL PROJECTS

Any work or alteration within a resource area or within 100 feet to the resource area must be permitted by the Conservation Commission. In Orleans, small projects such as small construction projects, typically outside of the 50' buffer zone, repairs, or minor vegetation alteration, can be requested through an Administrative Review. After an applicant files an Administrative Review, the Administrator visits the site and reviews the project. If the Administrator or Commission approves the application, no further filing will be required. They may deny the application because it requires more extensive review via a Request for Determination (RDA) or Notice of Intent (NOI). Please see "A Guide to the Massachusetts Wetlands Protection Act" pamphlet for details about RDA and NOI filings.

VARIANCES

The Conservation Commission may, in its discretion, grant variances from specific stipulations of our regulations. Variances may be granted where relief is warranted but relief does not adversely affect the Wetlands Interests protected by the Commission.

Forms, submission requirements and procedures may be obtained on the websites of the Town of Orleans (www.town.orleans.ma.us) and the Department of Environmental Protection (www.state.ma.us/dep).



Further information is available by writing or calling:

ORLEANS CONSERVATION COMMISSION

19 School Road
Orleans, MA 02653
508-240-3700 ext. 2425
conservation@town.orleans.ma.us

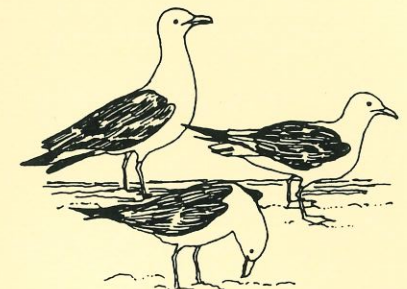
ORLEANS

A Guide to the ORLEANS Wetlands By-law and Regulations

The Orleans Conservation Commission was established to protect the town's wetland resource areas. The Commission is responsible for administering the Massachusetts Wetlands Protection Act (Massachusetts General Laws Ch.131, S. 40), the Wetlands Protection Act Regulations (310 CMR 10.00-10.99), the Orleans Wetlands Bylaw (Ch.160 of the Orleans Code), and the Orleans Wetlands Regulations (Ch.196A).

Orleans expanded the local control of activities within wetland resource areas by adopting the Orleans Wetlands Protection Bylaw in 1983 and Wetlands Regulations in 1995. The Conservation Commission holds hearings simultaneously under both the Massachusetts Wetlands Protection Act and the Orleans Wetlands Protection Bylaw. This guide reflects the June 15, 2021, revision date of the Regulations.

**This pamphlet identifies major differences
in the Orleans Wetlands Regulations
from the Wetlands Protection Act
Regulations of the State.**



ADDITIONAL WETLAND INTERESTS

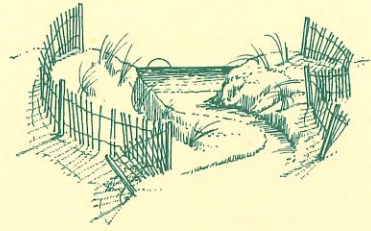
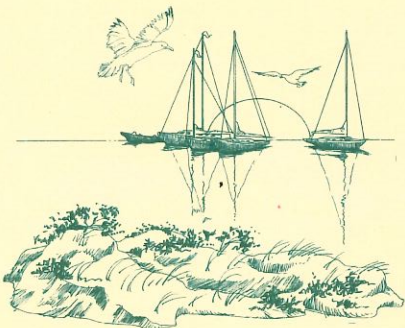
The Orleans Wetlands Regulations identify additional wetland values to the interests under the State Act. The additional wetland values, or interests, are:

- Aesthetics; erosion and sediment control; recreation; agriculture; aquaculture; "Land Containing Shellfish" is expanded to shellfish habitat.

EXPANDED JURISDICTION

The Orleans Regulations increase the jurisdiction of the Commission:

- All permanent water bodies such as rivers, ponds and estuaries are regulated regardless of size.
- All permanent vegetated wetlands, such as swamps and bogs, are regulated even if they are not bordering a water body.
- Areas without wetland vegetation that temporarily support water due to flooding or tidal action are regulated. These temporary wetlands, including registered vernal pools, all have a 100-foot buffer under the Orleans regulations except for "Land Subject to Coastal Storm Flowage" (LSCSF). Temporary wetlands smaller than 650 sq. ft. are not included in the Orleans regulations unless they are a registered vernal pool.
- Jurisdiction can be expanded beyond a Resource Area and the 100-foot Buffer Zone if the Commission believes that an activity can or has altered a Resource Area.



BUILDING IN RESOURCE AREAS

An increase in the size of a building in a resource area (e.g., Dune, Bank, LSCSF, ACEC) will be presumed to have a significant adverse impact on the resource and is strongly regulated.

STANDARDS IN THE BUFFER ZONE & ACEC

The buffer zone is the area of land extending 100 feet horizontally from the boundary of any resource area. The buffer zone is further divided into several sections: No new construction is permitted within 0-50 feet from a resource area. Where there is new construction or reconstruction, a buffer strip will be required landward of the resource area. Between 25-50 feet, only activities that protect or enhance wetland interests are permitted. Between 50-100 feet, activities are permitted with approval of the Commission with conditions to protect wetland interests.

Some wetland areas are further protected under the state designation of an Area of Critical Environmental Concern, or ACEC. Orleans has two ACEC's, Pleasant Bay and Inner Cape Cod Bay. The freshwater wetlands that contribute to these bays such as Crystal Lake, Pilgrim Lake and Cedar Pond are also designated as ACEC. To work within the boundary of an ACEC the applicant must show that the proposed project in and adjacent to the ACEC will result in no adverse effect on any of the interests protected by these regulations.

The Orleans Wetland Regulations also applies ACEC performance standards to the Nauset Marsh/Town Cove estuary.

VEGETATION ALTERATION

Vegetation alteration in a resource area or within the buffer zone to a resource area must be reviewed and approved by the Conservation Commission. For large vegetation projects a Notice of Intent should be filed. Only native species can be planted within the 50' buffer zone to the resource area. Invasive species should not be included in any planting plan. Invasive species, such as bittersweet, can compromise the buffer zone by killing trees and outgrowing other native vegetation. Additionally, it does not provide food for wildlife. The removal of invasive species can be proposed as part of a planting plan.

Mitigation plantings within the jurisdiction can be required by the Commission as a condition of approval on any Order.

Vegetation alteration that is not considered an improvement to the buffer or resource area, such as vista pruning, may be approved. Requests for vista cutting should be filed after construction is complete and a specific view can be identified.



WETLAND REPLICATION

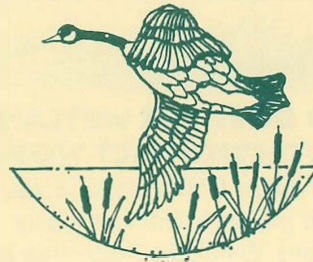
Wetland replication is the creation of a new wetland in exchange for altering an existing one and is not allowed under the Orleans Regulations. The State Act permits a loss of up to 5,000 sq ft of wetland if replicated and up to 500 sq ft without proposed replication under limited circumstances. The Town of Orleans prohibits loss of any wetland.

WHY ARE WETLANDS IMPORTANT?

Freshwater wetlands offer many beneficial functions to the community. By channeling runoff away from nearby roads and buildings, wetlands protect structures from flood damage. Wetlands also provide temporary storage for floodwaters, allowing the water to slowly recede and recharge the groundwater aquifer. In addition, the wetland may help purify the water it receives.

Saltwater beaches, dunes, coastal banks, and salt marshes are dynamic systems that defend against storm damage and minimize the need for engineered seawalls. These systems reduce the force of wave action and allow for salt marshes and beaches to grow with sea level rise. In a storm, windblown dunes and eroding coastal banks release sediment, which will in turn provide replenishment to other beaches. Construction activities must be planned carefully in these areas to allow this natural shifting to occur.

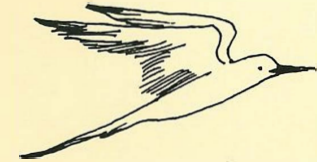
Wetlands provide wildlife with important food, shelter, breeding areas and sources of fresh water. Aquatic wildlife such as fish and clams live directly in the water. Other animals such as toads and salamanders live near and are dependent on temporary spring pools for spawning. Terrestrial wildlife such as birds and foxes are dependent on freshwater sources for drinking water. The buffer and wetland resource areas often provide cover, food, and nesting or denning sites as well. Many animals rely on wetland resource areas for over wintering and during migration.



Further information is available by writing or calling:

ORLEANS CONSERVATION COMMISSION

19 School Road
Orleans, MA 02653
508-240-3700 ext. 2425
conservation@town.orleans.ma.us



A GUIDE TO MA WETLANDS PROTECTION ACT



WHAT DOES THE CONSERVATION COMMISSION DO?

The Orleans Conservation Commission was established to protect the town's wetland resource areas. The Commission is responsible for administering the Massachusetts Wetlands Protection Act (Massachusetts General Laws Ch.131, S. 40), the Wetlands Protection Act Regulations (310 CMR 10.00-10.99), the Orleans Wetlands Bylaw (Ch.160 of the Orleans Code), and the Orleans Wetlands Regulations (Ch.196A).

WHAT IS THE WETLANDS PROTECTION ACT?

The Wetlands Protection Act (MGL ch131, s40) was enacted to preserve functions that wetlands perform such as:

- protection of public, private, and ground water supply
- flood control
- storm damage prevention
- prevention of pollution
- protection of land containing shellfish
- protection of fisheries and wildlife habitat

Orleans expanded the local control of activities within wetland resource areas by developing the Orleans Wetlands Protection Bylaw and Regulations. The local bylaw identifies additional wetland values or interests:

- aesthetics
- erosion and sediment control
- recreation
- agriculture
- aquaculture

Each wetland resource area is presumed to be significant to one or more of the functions and interests mentioned above. Environmental standards must be met for approval of a proposed project to minimize the impact of said project on the wetland.

WHAT AREAS ARE PROTECTED UNDER THE WETLANDS PROTECTION ACT?

The Act shelters any Resource Area presumed significant to the protection of the previously discussed wetland interests. There are Inland and Coastal Resource Areas. Inland Resource Areas include Inland Banks; Bordering Vegetated Wetlands; Land Under Waterbodies & Waterways; Bordering Land Subject to Flooding; Isolated Land Subject to Flooding; and Riverfront Areas. Coastal Resource Areas include Land Under the Ocean; Beaches; Dunes; Coastal Banks; Salt Marshes; Land Under Salt Ponds; Land Containing Shellfish; Fish Runs; and Land Subject to Coastal Storm Flowage. Many of these Resource Areas are further protected by a 100' buffer zone in which any work or alteration is regulated.

Resource Areas are further defined in the state and local regulations. To determine Resource Area delineations on your property an engineer and/or wetland specialist should be engaged.



HOW DOES THE WETLANDS PROTECTION ACT WORK?

The Conservation Commission holds hearings on proposed projects simultaneously under the Massachusetts Wetlands Protection Act (WPA) and the Orleans Wetlands Protection Bylaw.

The state and local laws regulate any proposed projects that involve filling, dredging, excavation or altering a wetland resource area and land within 100 feet of the resource area in the buffer zone. Any activity including but not limited to vegetation alteration like pruning and tree removals; revetments; regrading; deck expansion; additions must be approved by the Conservation Commission.

To perform any work within the jurisdictional area an application must be filed with the Conservation Commission. The two most common filings are a Request for Determination (RDA) and a Notice of Intent (NOI). An RDA is a call to establish whether the proposed work will affect the resource area and therefore be subject to the WPA. It can also be used to verify resource area delineations. This application requires an engineered site plan, notification to abutters, and a description of the proposed activity. The Commission will issue a decision on how the project can proceed.

A NOI is a notice of your intent to work within a wetland resource area and/or 100-foot buffer zone. This application requires an engineered site plan, notification to abutters, and a detailed description of the proposed activity. The Commission will decide whether the project can be conditioned to proceed. If so, they will issue an "Order of Conditions", a permit specifying that the work can go forward under certain conditions. If not, they will issue a denial.

For projects requiring an RDA or NOI filing an engineer and/or wetlands specialist should be engaged. These projects will be legally advertised, and a public hearing held to deliberate the proposal. For small scale projects homeowners can engage the Conservation office for information regarding the filing of an Administrative Review.

