nerej
CELEBRATING 55 YEARS

Are Wetlands Regulations green?

February 05, 2015 - Owners Developers & Managers

They certainly are! During the final months of the Patrick administration in Massachusetts, revised wetlands regulations have added another provision to, in part, encourage the development of alternative energy. The regulations have "relaxed" the approvals necessary to allow for energy-efficient equipment, such as wind turbine blades, to be transported on roads along inland and coastal resource areas, where an upland area is unavailable. The proviso is that these activities be designed and constructed in a way that "avoids, minimizes and mitigates adverse impacts to resource areas and complies with the specified conditions, to the maximum extent practicable." Best management practices are presumed to be used by the applicant. Any temporary structures or work areas must be removed within 30-days of completion of the work.

Additional revisions to the Wetlands Regulations include modifications to the notice provision to abutters, continuation of emergency provisions for wetlands cleanup, minor buffer zone activity exemptions, maintenance of stormwater structures, combined applications and permits for wetlands, chapter 91, and federal §401 water quality certifications; stream crossing standards, and ecological restoration.

These became effective October 24, 2014 and in many ways are more developer- friendly as the changes involve less process, replace exemptions due to expire, combine more approvals into one request, and provide more options for certain qualified projects. The impetus for the revised regulations is part of the permit streamlining efforts, in which Mass DEP has prioritized its regulatory activities in the face of budget and associated personnel reductions.

Susan Bernstein is an attorney at law, Needham, Mass.