



Town of Stow Conservation Commission

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Winter Conditions Wetland Delineation and Certificate of Compliance Policy

Delineating or verifying resource area boundaries during the winter months, especially with deep snow cover or frozen soil conditions, is difficult and under extreme conditions, virtually impossible. Vegetation and other indicators of hydrology that are used to determine wetland boundaries are not readily observable or may be misleading during these times.

MassDEP recommends that resource area delineations be avoided when deep snow cover or “deep freeze” conditions exist. When these conditions exist, it is also not possible to conduct a field verification of a delineation that was performed earlier, under favorable conditions, but was not submitted to the Commission until unfavorable conditions existed.

Based on this, the Stow Conservation Commission finds that it may be necessary and appropriate to continue any hearing on a filing with an unapproved wetland delineation until conditions have improved sufficiently to permit field verification of the submitted delineation. The Conservation Coordinator, in consultation with the Commission Chair, is authorized and directed to determine when such conditions exist and thereafter perform such evaluation and/or schedule a Commission site visit for evaluation purposes.

Exceptions to this policy may be granted upon a written request, stating the reasons for the exceptions sought. Each request shall be evaluated on its own merits, on a case-by-case basis, taking into account the type(s) of resource areas being delineated, the type of work proposed, and the distance between the work and the unapproved resource area delineation. The grant of an exception on any given property or for any particular application, when warranted, shall be for that one instance only.

If the applicant does not agree to a meeting or hearing continuance in order to allow the Commission to complete an adequate field verification of the wetland resource boundaries affecting a particular application, the Commission shall close the hearing and render a decision based on the information available, which may result in a denial for lack of information.

For the same reasons, it is also difficult or impossible for the Commission to issue Certificates of Compliance under adverse winter weather conditions involving deep snow. The Commission will defer final action on Certificates of Compliance using the same procedures described above until conditions improve sufficiently to permit a site visit.

This policy is intended to be consistent with the Massachusetts DEP’s “Winter Delineation” guidance as set forth in the MassDEP manual: “Delineating Bordering Vegetated Wetlands under the Massachusetts Wetlands Protection Act” (1995), on page 49 thereof and shall apply to applications submitted under the Wetlands Protection Act and Town of Stow Wetlands Bylaw.

Approved by the Stow Conservation Commission, 3/3/15.