



**TOWN OF NORTH ATTLEBOROUGH
CONSERVATION COMMISSION**

**RULES AND REGULATIONS GOVERNING
STRUCTURES ON FALLS AND WHITING'S PONDS**

Effective June 2, 2002
Amended August 19, 2003; April 6, 2004;
June 4, 2013; June 27, 2017

SECTION 1- PURPOSE

The Conservation Commission, as stewards of Falls Pond and Whiting's Pond, finds that it is for the public good and welfare of the citizens of the Town of North Attleboro to protect and preserve its ponds and the associated wetland resource areas from unregulated activities which may adversely affect the ponds and the values and interests they provide.

The purpose of these regulations is to establish definitions and to set forth guidelines and procedures for activities on Falls and Whiting's Ponds in order to ensure the protection of values and interests including, but not limited to, wildlife habitat, fisheries, recreation, aesthetics, public access, flood control, water pollution prevention, and storm damage prevention.

Therefore these regulations are promulgated pursuant to Article VIII, Section 6c of the By-Laws of the Town of North Attleborough.

SECTION 2 -DEFINITIONS

All words not defined in this section shall use the definitions found in 310 CMR 10.00 or in the Town of North Attleboro Zoning Bylaws.

- 2.1 Abutter: The owner of land within 100 feet of the property line of the land where the activity is proposed including, but not limited to, owners of land directly opposite said proposed activity across the body of water (Falls or Whiting's Pond) but not unreasonable distant from the project site.
- 2.2 Activity: The erection, reconstruction, or expansion of any structure.
- 2.2 Alter: The changing of existing drainage characteristics, sedimentation patterns, flow patterns, or flood retention characteristics; the placement of fill, excavation or re-grading, cutting or removing of vegetation, ground cover, trees; changing water temperature, biochemical oxygen demand or other physical or chemical characteristics of the water, including but not limited to, the application of herbicides, pesticides, or fertilizers; any activities which cause displacement of the water body or groundwater; or any activities which cause alteration of wildlife habitat.
- 2.3 Applicant: The property owner, the property owner's representative, the Town of North Attleboro or someone with a direct financial interest in the property and said interest shall be explained.
- 2.4 Clear Cut: The cutting down or removal of 80% or more of all trees and/or vegetation in an area.
- 2.5 Commission: The North Attleboro Conservation Commission

- 2.6 Construction: Any activity that requires a building permit and/or approval from the Conservation Commission
- 2.7. Deposit: Includes but not limited to fill, grade, dump, place, discharge or emit
- 2.8 Discharge: The emission of any water, substance or material into the any areas under the legal jurisdiction of the Commission.
- 2.9 Dredging: The removal of materials including but not limited to, rocks bottom sediments, debris, sand, refuse, or plant matter, either permanently or temporarily, from any stream, pond or other waters.
- 2.10 Fill: Any unconsolidated material that is confined or expected to remain in place in a water way, not including material placed by natural processes.
- 2.11 Material: Any substance, solid or liquid, organic or inorganic, including, but not limited to soil, sediment, aggregate, land, gravel, clay, mud, debris, sand, refuse, vegetation and waste.
- 2.12 Person: Any firm, person, partnership, association, corporation, company, organization, or legal entity of any kind including governmental agencies or subdivisions thereof.
- 2.13 Pollution: Any harmful effect, or the contamination or rendering unclean or impure of any areas under the jurisdiction of the Commission by reason of any waste or other materials discharged or deposited therein.
- 2.14 Remove: Includes, but is not limited to, drain, excavate, mine, dig, dredge, suck, bulldoze, blast or clear-cut.
- 2.13 Rendering unclean or impure: Any alteration of the physical, chemical or biological properties of any areas under the jurisdiction of the Commission including, but not limited to, a change in color, odor, taste or turbidity.
- 2.14 Structure: Any man-made object which is intended to remain in place (either permanently or temporarily) in, on, over, or under the pond(s). Structures do not include boats or motorboats as defined by Massachusetts General Law Chapter 90B and registered with the Massachusetts Environmental Police.
- 2.15 Wetland Resource Area: Bordering Vegetated Wetland, Bank, Land Under Water Bodies and Waterways and Land Subject to Flooding as defined in 310 CMR 10.00.

SECTION 3 –POND PERMITS

- 3.1. No person shall construct, repair or replace any structure(s) in, on, over or under, Whiting's or Falls Pond or on land adjacent to the ponds, owned by the Town of North Attleboro/ Conservation Commission, without a valid Pond Permit issued by the Commission.
- 3.2. The Pond Permit application shall be submitted via certified mail or hand delivery to the Conservation Commission and shall include: (a) a detailed plan of adequate size, scale, and detail to completely and accurately describe the site, resource area boundaries, and proposed work; (b) a map showing the exact location of the proposed activity; (c) a filing fee in the form of a check made out to the Town of North Attleboro in the amount of \$25.00; (d) verification that abutters have been properly notified.
- 3.3. Any person filing a pond permit application for a permanent structure with the Conservation Commission shall at the same time give written notice thereof, by certified mail (return receipt requested); certificates of mailing or hand delivery, to all abutters within 100 feet of the property line. The applicant shall provide notification at the mailing addresses shown on the most recent applicable tax list from the municipal assessor. The notice shall state a brief description of the project and the date of any Commission meeting if known. Mailing at least 7 days prior to the public meeting shall constitute timely notice. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. If the pond permit application is being submitted concurrently with a filing under the WPA, the certified abutters list/ notification form used for the WPA filing may be utilized to meet the requirements of this section.
- 3.4. The Commission will consider the permit application at a regularly scheduled public meeting within 21 days of the permit filing, concurrently with the public meeting or hearing being held pursuant to the Wetlands Protection Act Regulations, 310 CMR 10.00, if applicable. The granting of a Pond Permit by the Conservation Commission does not alleviate the applicant from obtaining any other approval necessary under 310 CMR 9.00, 310 CMR 10.00 or any other local, state or federal regulations.

SECTION 4 –POND PERMIT EXEMPTIONS

- 4.1. The repair of an existing legally permitted structure which does not result in any increase in the square footage of the structure or any alteration to a wetland resource area. The Conservation Commission and/or Conservation Agent shall be notified prior to any such repairs.
- 4.2. Maintenance activities (e.g. plank and railing replacement of a dock) of legally permitted structures in accordance with the permit approval. The Conservation Commission and/or Conservation Agent shall be notified prior to any such repairs.

SECTION 5 – LOCATION AND DESIGN GUIDELINES (DOCKS)

The Commission shall consider factors relating to safe boat navigation, public access to the pond, public access to adjoining areas, and distance to adjacent property lines in its consideration of permit applications for new docks. In addition, all docks shall conform to the following guidelines:

- 5.1 No property owner shall have more than one structure at the property's shoreline.
- 5.2 A dock may be perpendicular or parallel to the shoreline of Whiting's or Falls Pond. Any boat secured to such a structure shall not extend beyond the extension of the abutter's property line.
- 5.3 Docks shall not exceed the minimum size and length necessary to achieve the intended water related use.
- 5.4 Docks shall be positioned to span the Bank and Bordering Vegetated Wetland (BVW) as feasible to avoid alterations to wetland resource areas and negatively impacting the functions the wetland resource areas provide. Docks resulting in impacts to wetland resource areas shall comply with the performance standards set forth under 310 CMR 10.00 which shall be demonstrated in the Notice of Intent filing.
- 5.5 The Commission recommends against use of "CCA pressure treated" lumber (i.e. treated with copper chromated arsenic) for decking and pilings and recommends alternative materials be utilized if feasible. Paints and wood treatments containing creosote are prohibited.
- 5.6 Floating docks, boats, or any floating objects shall be removed from the pond by October 31st of each year and may be returned to the pond no sooner than March 31st of each year.
- 5.7 Application of non-leaching wood preservatives shall be conducted out of water (floating docks) or no more than one time per year for permanent docks.

SECTION 6 – PENALTIES

- 6.1. Any person who violates any provision of these regulations, a decision or condition of a permit issued under these regulations, or misrepresents any material fact in connection with any activity regulated or prohibited by these regulations, shall pay a fine of not more than One Hundred Dollars (\$100.00) as set forth under Article VIII, Section 8c of the By-laws of the Town of North Attleborough.
- 6.2. Each day or portion of a day, that any violation is allowed to continue shall constitute a separate offense.

AMENDMENTS

EFFECTIVE DATE	SECTIONS AMENDED
6/02/02	
8/19/03	Delete sections 6 and 7.3 (re-number as necessary)
4/6/04	
6/4/13	Amendments to Sections 1.0-5.0
6/27/17	Amendment to Section 3.3