

Town of Hanson
542 Liberty Street, Hanson, MA 02341

Rules & Regulations Part I

PART I. PREFACE

These regulations are promulgated pursuant to the Hanson Wetlands Protection By-law Article 3-13 the By-law of the Town of Hanson, and are intended to establish criteria and standards for the uniform and coordinated administration of the provisions of the By-law.

1.01 Introduction and Purpose

1) Authority

These regulations are promulgated by the Town of Hanson Conservation Commission (hereinafter referred to as the Commission) pursuant to the authority granted to it under Section 7 of the Town of Hanson's Wetlands Protection By-law (hereinafter referred to as the By-law). These Rules and Regulations complement the Wetlands Protection By-law and shall have the full force of law upon their effective date.

2) Purpose

These regulations are promulgated to create a uniformity of process and to clarify and define the provisions of the Town of Hanson Wetlands Protection By-law, Article 3-13 of the Town By-laws to protect the following interests:

- a) Public and private water supplies
- b) Groundwater quality
- c) Flood control
- d) Water quality
- e) Erosion and sedimentation control
- f) Storm damage prevention
- g) Water pollution control
- h) Fisheries
- i) Shellfish
- j) Wildlife habitat
- k) Aesthetics
- l) Recreation areas
- m) Historic and archaeological preservation
- n) Rare species habitat, including rare plant species
- o) Aquaculture
- p) Riverfront area
- q) Vernal pool habitat
- r) Agriculture

1.02 Statement of Jurisdiction

1) Areas subject to Protection under the By-law.

The following areas are subject to protection under the By-law:

- a) Any beach, flat, freshwater wetland, marsh, meadow, bog, bank, swamp or vernal pool
- b) Any land subject to flooding or inundation by any of the following:
 - 1. Groundwater
 - 2. Surface water
- c) An lake, pond, river, stream;
- d) Any land under any of the water bodies set forth in Section 1.02 (c) above;
- e) Any land within 100 feet of any of the areas set forth in Section 1.02 (a) (b) and (c) above.

2) Activities Subject to Regulation Under the By-Law

- a) Any activity proposed or undertaken which constitutes removing, filling dredging, altering, draining into or building upon any area specified in Section 1.02 (1) is subject to regulation under the By-law and requires the filing of a Notice of Intent.
- b) The Conservation Commission is empowered to deny permission for any removal, dredging, filling, altering of subject lands within the town if, in it's judgment, such denial is necessary to preserve environmental quality of either or both the subject lands and contiguous lands. Due consideration shall be given to possible effects of the proposal on all values to be protected under this By-law and to any demonstrated hardship on the petitioner by reason of denial, as brought forth at the public hearing.

1.03 General Provisions

1) Burden of Proof

The applicant shall have the burden of going forward with credible evidence from a competent source in support of all matters asserted by the applicant in accordance with his or her burden of proof pursuant to Section 1.03 (2) below;

2) Burden of Going Forward

- a) The applicant shall have the burden of going forward with credible evidence from a competent source that the work proposed in the Notice of Intent or Request for Determination of Applicability will not harm the interests protected in the By-law. Failure to meet the Burden of Proof shall be cause for the Conservation Commission to deny the Application for Permit along with any work or activity proposed therein.
- b) The applicant shall have the burden of proving by clear and convincing evidence that the work proposed in the Notice of Intent shall not harm any interests protected in the By-law. Included in said interests would be Bordering Vegetated Wetlands located 100-feet outside of applicant's property boundaries. Failure to meet the burden of proof shall be cause for the Commission to deny the submitted Request or Notice along with any work or activity proposed therein.

3) Title 5; State Sanitary Code

In all cases of Title 5 issues, all State and Town regulations will be followed to insure that both bordering and no-bordering wetlands are protected.

4) Watershed Protection Districts

In watershed protection districts, namely zone one and two, thirty percent (30%) of a lot where development is proposed must remain in its natural state and up to sixty percent (60%) must remain previous. The main purpose of this section is to maintain water recharge capability.

1.04 Definitions

Abutter shall mean those property owners whose land abuts the subject land described in a plan subject to Commission review for all matters. It shall also mean those property owners across a street or road, river, stream, brook, creek, or other wetland from the

subject land. This definition shall apply to all matters subject to Commission review.

Activity means any form of draining, dumping, dredging, damming, discharging, excavating, filling or grading; the erection, reconstruction and/or expansion of any buildings, or structures; the driving of pilings; the construction or improvement of roads and other ways; the changing of runoff characteristics; the intercepting or diverting of ground or surface water; the installation of drainage, sewage or water systems; the discharging of chemicals or pollutants; the destruction of plant life; the cutting of trees; and any other changing of the physical characteristics of land, or the physical or chemical characteristics of water.

Aesthetics means the natural scenery and appearance of any area visually accessible to the public.

Agriculture Land in agriculture use means land presently and primarily used in the raising of animals including, but not limited to: dairy cattle, beef cattle, poultry, sheep, swine, horses, ponies, mules, goats, bees and fur-bearing animals; or land presently and primarily used in a related manner which is incidental thereto and represents a customary and necessary use in raising such animals.

Additionally, land in agricultural use means land presently and primarily used in the raising of fruits, vegetables, berries, nuts, and other foods for human consumption, feed for animals, tobacco, flowers, sod, trees, nursery or greenhouse products, and ornamental forest products under a planned program to improve the quantity and quality of a continuous crop; or land presently and primarily used in a related manner which is incidental thereto and represents a customary and necessary use in raising such products.

Alter means to change the condition of any area subject to protection under the By-law. The term “alter” shall include, but not be limited to, the following actions when undertaken in resource areas subject to Protection under the By-law:

- a) Removal, excavation, or dredging of soil, sand, gravel or aggregate materials of any kind.
- b) Changing of pre-existing drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns or flood retention characteristics;
- c) Drainage or other disturbance of water level or water table;
- d) Dumping, discharging or filling with any material;
- e) Placing of fill, or removal of material
- f) Driving of piles, the erection of buildings or structures of any kind;
- g) Placing of obstructions or objects in water;
- h) Destruction of plant life, including cutting of trees;
- i) Changing water temperature, biochemical oxygen demand, or other physical, biological or chemical characteristics of water;
- j) Any activities, changes, or work which pollute in any way any body of water or groundwater;
- k) The driving and/or drilling of any type of wells.

Applicant means any person who files and Application for Permit or Request for Determination of Applicability, or on whose behalf such a notice is filed.

Area Subject to Protection under the By-law means any area specified, each one of which is defined in greater detail in Part II.

Bank (inland) is defined in Part II

Beach (inland) a naturally occurring inland beach means an un-vegetated bank as defined in Part II.

Best Available Measures means the most up-to-date technology or the best designs, measures or engineering practices that have been developed and that are commercially available.

Best Practical Measures means technologies, designs, measures or engineering practices that have been developed and that are commercially available.

Bordering means touching.

Boundary means the boundary of an Area Subject to Protection under the By-law. A description of the boundary of each area is found in the appropriate Section of these regulations.

Buffer Zone means land within 100 feet horizontally of any bank, freshwater wetland, beach, river; and bordering on any marsh, swamp, creek, stream, pond or lake.

By-law means Hanson Town Code [Article 3-13](#)

Certificate of Compliance means those requirements set forth in a written Permit issued by a Conservation Commission for the purpose of permitting, regulating or prohibiting any activity that removes, fills, dredges or alters an Area Subject to Protection Under the By-law.

Conservation Commission means that body comprised of members lawfully appointed pursuant to M.G.L., Ch. 40, s. 8C.

Creek means the same as a stream

Date of Issuance means the date of notarization

Date of Receipt means the date of delivery to an office, home or usual place of business by mail or hand delivery.

Determination of Applicability means a written finding by a Conservation Commission as to whether a site or the work proposed thereon is subject to the jurisdiction of the By-law.

Dredge means to deepen, widen or excavate, either temporarily or permanently.

Extension Permit means a written extension of time within which the authorized work shall be completed.

Fill means to deposit any material so as to raise an elevation, either temporarily or permanently.

Flood Control means the prevention or reduction of flooding and flood damage.

Freshwater Wetlands are defined in Part II

Ground Water means water below the earth's surface in the zone of saturation.

Interests Identified in the By-law means those interests specified in Section 1 of the By-law and Section 1.01 (2) of these regulations.

Issuing Authority means the Conservation Commission.

Lake means any open body of fresh water with a surface area of 10 acres or more, and shall include great ponds.

Land Subject to Flooding is defined in Part II

Land Under Water Bodies and Waterways means, the bottom of, or land under the surface of the creek, river, stream, pond or lake. Land under inland water bodies is further identified in Part II, Section 2.04.

Marsh is defined in Part II, Section 2.03.

Meadow (or Wet Meadow) is defined in Part II, Section 2.03

MEPA means the Massachusetts Environmental Policy Act, M.G.L., Chapter 30, ss.61-62H, and the regulations promulgated pursuant thereto, 301 CMR 10.00, et seq.

No Disturb Zone means disturbance of any kind including the removal of any vegetation. Any construction, filling and/or grading.

Notice of Intent means the written notice filed by any person intending to remove, fill, dredge, alter or build upon an Area Subject to Protection under State Wetlands Protection Act, M.G.L. Ch. 131, Sec. 40 and Article 3-13 of the code of Town of Hanson.

Notification of Non-Significance means a written finding by the Conservation Commission, after a public hearing, that the area on which the proposed work is to be done, or which the proposed work will alter, is not significant to any of the interests of the By-law.

Order means an Order of Conditions.

Order of Conditions means the document issued by the Conservation Commission containing conditions which regulate or prohibit an activity under M.G.L. Ch. 131, Sec. 40 and Article 3-13 of the Town of Hanson.

Party to any Proceeding means the applicant, the Conservation Commission and pursuant to Section 1.05 may include the owner of the site, any abutter, any person aggrieved, any ten residents of the town or any ten persons pursuant to M.G.L. Ch 30A, s.10A.

Permit means the issued document from the Commission required for any activity to begin on a project granted an Order of Conditions.

Person Aggrieved means any person who, because of an act or failure to act by the Conservation Commission, may suffer an injury in fact which is different either in kind or magnitude from that suffered by the general public and which is within the scope of the interests identified in the By-law. Such persons must specify in writing sufficient facts to allow the Conservation Commission to determine whether or not the person is in fact aggrieved.

Plans means such data, maps, engineering drawings, calculations, specifications, schedules and other materials, if any, deemed necessary by the Conservation Commission to describe the site and/or the work to determine the applicability of the By-law or to determine the impact of the proposed work upon the interests identified in the By-law.

Pond means an open body of fresh water, natural or man-made, with a surface area of at least 10,000 square feet within the last 10 years, and which has standing water at all times except during extended drought.

Prevention of Pollution means the prevention or reduction of contamination of surface or ground water.

Private Water Supply means any source or volume of surface or ground water demonstrated to be in any private use or shown to have potential for private use.

Protection of Fisheries means protection of the capacity of an Area Subject to Protection Under the By-Law (a) to prevent or reduce contamination or damage to fish and (b) that serves as their habitat and nutrient source. Fish include all species of fresh water finfish and shellfish.

Protection of Historic Values means the protection of areas subject to protection under the By-law which are known or determined in writing by the Commission or other governmental bodies to be likely to contain sites of archaeological significance, including, but not limited to: middens, burial sites, or historical and pre-historic structures and artifacts.

Protection of Land Containing Shellfish means protection of the capacity of an Area Subject to Protection under the By-law (a) to prevent or reduce contamination or damage to shellfish and (b) to serve as their habitat and nutrient source.

Protection of Wildlife means the protection of the habitat which supports animal species native to this area, including migratory water fowl and endangered species, but excluding pests, insects etc., harmful to man or domestic animals. Natural resources, breeding areas, sources of food and sanctuary shall have maximum priority in protected areas.

Public Water Supply means any source or volume of surface or ground water demonstrated to be in public use or approved for water supply pursuant to M.G.L. Ch. 111, s.160 or shown to have a potential for public use.

Remove means to take away any type of material, thereby changing an elevation, either temporarily or permanently.

Request for Determination of Applicability means a written request made by any person to the Conservation Commission for a determination as to whether a site or work thereon is subject to the By-law.

Resource Area means any of the areas specified in Part II. It is used synonymously with Area Subject to Protection Under the By-law, each one of which is enumerated in Section 1.02 (1) of this part.

River means a natural, flowing body of water that empties to any ocean, lake or other river and which flows throughout the year.

Riverfront Area means the area of land between a river's mean annual high-water line and a parallel line located 200-feet away (25

feet in areas specified in the Rivers Protection Act) measured horizontally outward from the river's mean annual high-water line. There is no buffer zone to the riverfront area. The riverfront area may include or overland other resource areas and/or their buffer zones.

Shall is defined as mandatory.

Should is defined as advisory.

Significant means plays a role. A resource area is significant to an interest identified in the By-law when it plays a role in the provision or protection, as appropriate, of that interest.

Siltation Device means a barrier of hay bales and/or silt fence or other device approved by the Hanson Conservation Commission, installed between a work area and a resource area to prevent the movement of earth material into a resource area.

Storm Damage Prevention means the prevention of damage caused by water from storms, including, but not limited to, erosion and sedimentation, damage to vegetation, property or building, or damage caused by flooding, water-borne debris or water-borne ice.

Stream means a body of running water, including brooks and creeks, which moves in a definite channel in the ground due to a hydraulic gradient and which flows within, into or out of an Area Subject to Protection Under the By-law. A portion of a stream may flow through a culvert or beneath a bridge. Such a body of running water, which does not flow throughout the year (i.e. which is intermittent) is a stream.

Vegetated Wetlands is defined in Part II, Section 2.02.

Vernal Pool Habitat means a confined basin depression which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, and which are free of adult fish populations, as well as the area 100-feet of the mean annual boundaries of such depressions.

Work means the same as activity.

1.05 Procedures

1) Time Periods:

All time Periods of ten days or less specified in the By-law and these regulations shall be computed using business days only.

In the case of a Determination or Orders, such period shall commence on the first day after the date of issuance and shall end at the close of business on the tenth business day thereafter. All other time periods specified in the By-law and these regulations shall be computed on the basis of calendar day unless the last day falls on a Saturday, Sunday or legal holiday, in which case the last day shall be the next business day following.

2) Actions by the Conservation Commission

a) Where the By-law states that a particular action (except receipt of a request or notice) is to be taken by the Conservation Commission, that action is to be taken by more than half the members present at a meeting of at least a quorum. A quorum is defined as a majority of the members then in office.

b) Where the by-law states that an Order or Notification shall be signed by the Commission, that action is to be taken by a majority of the members then in office, who need not convene as a body in order to sign said Order or Notification, provided they met pursuant to the Open Meeting Law, M.G.L. Ch. 39, s.23A-C when voting on the matter.

3) Determination of Applicability

a) Request for Determination of Applicability

1. Any person who desires a determination as to whether the By-law applies to land, or to work that may affect an Area Subject to Protection Under the By-law, may submit to the Conservation Commission by Certified Mail or hand delivery a Request for Determination of Applicability
2. Any person who proposes to perform work within the Buffer Zone shall submit to the Conservation Commission either a Notice of Intent for such work or a Request for Determination of Applicability. Said request shall include sufficient information (See Part 7.03) to enable the Conservation Commission to find and view the area and to determine whether the proposed work will alter an Area Subject to Protection Under the By-law.
3. A Request for Determination of Applicability shall include certification that the owner of the area subject to the request, if the person making the request is not the owner, has been notified that a determination is being requested under the By-law.

b) Determination of Applicability

1. Within 21 days after date of receipt of the Request for Determination of Applicability, the Conservation Commission shall issue a Determination of Applicability. Notice of the time and place of the public meeting shall be given by the Conservation Commission at the expense of the person making the request not less than five (5) days prior to such meeting, by publication in a newspaper of general circulation in the town and by mailing a notice to the person making the request, the owner, the board of health, the planning board, the building inspector, and the Zoning Board of Appeals. Notice shall also be given in accordance with M.G.L. Chapter 131, s.40 as amended by Chapter 472 of the Acts of 1993 and shall be given to all abutters according to the most recent records of the Assessors. Abutters include property owners across a traveled way, body of water, or a Town Line, by certified mail at the applicant's expense or by hand delivery. Evidence of such notification shall be submitted at the public meeting. Said determination shall be signed by a majority of the Conservation Commission, and copies thereof shall be sent by the Conservation Commission, to the person making the request and to the owner with 21 days of the receipt of the Request for Determination. Said determination shall be valid for three years from the date of issuance.
2. The Conservation Commission shall find that the By-law applies to the land, or a portion thereof, if it is an area Subject to Protection Under the By-law as defined in Section 1.02 (1) above. The Conservation Commission shall find that the By-law applies to the work, if it is an activity Subject to Regulation Under the By-law as defined in Section 1.02 (2) above.
3. An application for Permit shall be filed with the Conservation Commission by submitting a Notice of Intent in the event of a positive determination, and all of the procedures set forth in Section 1.05 (4) shall apply.
4. Any person who proposes an activity which will remove, fill, dredge, or alter any area subject to protection under the By-law shall submit a Notice of Intent with the required information as noted in Section 6.04 of these regulations.
5. If a portion of a proposed project or activity lies within an area Subject to Protection Under the By-law, a Notice of Intent for the entire project must be submitted to the Commission conforming to the requirements of Section 6.04.

4) Notice of Intent

- a) Any person who proposed to do work that will remove, fill, dredge, alter or build upon any Area Subject to Protection Under the By-law shall submit a Notice of Intent and other application materials in accordance with the submittal requirements set forth in Part VII, Filing Procedure.
- b) the applicant must submit two copies of the
original material to the Conservation Commission containing: Notice of Intent form, an 8.5 x 11 inch reproduction of the USGS quadrangle sheet showing the project locus, and clearly identifying the proposed site and work in addition to the labeled boundaries of the resource areas (see part 7.03 (1) for proper plan), notification to abutters, affidavit of service, list of abutters from the most recent assessors list. All submitted material must be legible.
- c) In the event that only a portion of a proposed project or activity lies within an Area Subject to Protection Under the By-law and the remainder of the project or activity lies outside those areas, the entire project must be described in the detail called for in the Part 7 Filing Procedures. The Notice of Intent shall also contain a description and calculation of peak flow and estimated water quality characteristics of discharge from a point source (both closed and open channel) when the point of discharge falls within an Area Subject to Protection Under the By-law.

5) Public Hearings

- a) A public hearing shall be held by the Conservation Commission within 21 days of receipt of the minimum submittal requirements set forth in Section 8 and shall be advertised in accordance with the By-law and the requirements of M.G.L. Chapter 131, s.40 as amended by Chapter 472 of the Acts of 1993 at the applicants expense. In addition, abutters, as identified from the latest available assessor's records, shall be notified by certified mail at the applicant's expense and notification shall be submitted to the Commission

b) Public hearings may be continued as follows:

1. Without the consent of the applicant, to a “date certain” announced at the hearing, either for receipt of additional information offered by the applicant or for information required of the applicant and deemed necessary by the Conservation Commission.
2. With the consent of the applicant, to an agreed-upon date, which shall be announced at the hearing; or
3. With the consent of the applicant for a period not to exceed 21 days after the submission of a specified piece of information or the occurrence of a specified action. The date, time and place of said continued hearing will be announced at the public hearing.

6) Permits Regulating the Work

a) Within 21 days of the close of the public hearing, the Conservation Commission shall either:

- 1) Make a determination that the area on which the work is proposed to be done, or which the proposed work will remove, fill, dredge or alter, or build upon is not significant to any of the interests identified in the By-law, and shall notify the applicant.
- 2) Make a determination that the area on which the work is proposed to be done, or which the proposed work will remove, fill, dredge, or alter, is significant to one or more of the interests identified in the By-law and shall issue a Permit for the protection of said interest(s).

b) The Permit shall impose such conditions as are necessary for the protection of those areas found to be significant to one or more of the interests identified in the By-law. The Permit shall prohibit any work or any portion thereof that cannot be so conditioned to protect those areas or which may adversely alter the integrity of contiguous lands. The Permit shall impose conditions upon work or the portion thereof that will in the judgment of the Conservation Commission, result in the filling, dredging, altering or building within or upon an Area Subject to Protection Under the By-law. The Permit shall impose conditions setting limits on the quantity and quality of discharge from a point source (both closed and open channel) when said limits are necessary to protect the interests identified in the By-law.

c) If the Conservation Commission finds that the information submitted by the applicant is not sufficient to describe the site, the work or the effect of the work on the interests identified in the By-law, it may issue a Permit prohibiting the work. The Permit shall specify the information which is lacking and why it is necessary.

d) A Permit shall be valid for one year from the date of its issuance.

e) The Permit shall be signed by a majority of the Conservation Commission and shall be sent by certified mail or hand delivered to the applicant or the applicant’s agent or attorney.

f) A copy of the plans with latest revisions describing the work and the Permit shall be kept on file by the Conservation Commission and shall be available to the public during normal business hours.

g) Prior to the commencement of any work permitted or required by the Permit, the Permit shall be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the permit shall also be noted in the Registry’s Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, the Permit shall also be noted on the land Court Certificate of Title of the owner of the land upon which the proposed work is to be done. Certification of recording shall be sent to the Commission. If work is undertaken without the applicant first recording the Permit, the Commission may issue an Enforcement Order and/or withdraw the Permit.

7) Extensions of Permits for Work

a) The Commission may extend a Permit for one or more periods of up to one year each, which shall be made on Form 7 of Part VI. The request for an extension shall be made to the Conservation Commission at least thirty days prior to the expiration of the Permit.

b) The Commission may deny the request for an extension and require the filing of a new application for Permit for the remaining work in the following circumstances.

- 1.) Where no work has begun on the project, except where such failure is due to an unavoidable delay, such as appeals, in the obtaining of other necessary permits.
- 2.) Where new information, not available at the time the Permit was issued, has become available and indicates that the Permit is not adequate to protect the interests identified in the By-law.
- 3.) Where incomplete work is causing damage to the interests identified in the By-law; or
- 4.) Where work has been done in violation of the Permit or these regulations.

- c) An Extension Permit shall be signed by a majority of the Commission.
- d) The Extension Permit shall be recorded in the Land Court or the Registry of Deeds, whichever is appropriate within 30 days of issuance.

Certification of recording shall be sent to the Commission. If work is undertaken without the applicant so recording the Extension Permit, The Conservation Commission may issue an Enforcement Order or may itself record the Extension Permit at the expense of the applicant and/or the Commission can withdraw the Extension Permit.

8) Certificates of Compliance

- a) Upon written request by the applicant, signed and stamped by a Registered Professional Consultant if employed to present plans and/or other documentation, a Certificate of Compliance shall be issued by the Conservation Commission within 21 days of receipt thereof, and shall certify that the activity or portions thereof described in the application for Permit and plan has been completed in compliance with the Permit. The Certificate shall be signed by a majority of the Commission.
- b) Prior to the issuance of a Certificate of Compliance, a site inspection shall be made by the Conservation Commission or its agent in the presence of the applicant or the applicant's agent.
- c) If the Conservation Commission determines, after review and inspection, that the work has not been done in compliance with the Permit, the Commission may refuse to issue a Certificate of Compliance. Such refusal shall be issued within 21 days of receipt of a Request for Certificate of Compliance, shall be in writing and shall specify the reasons for denial.
- d) If a project has been completed in accordance with plans stamped by a registered professional engineer, landscape architect, or land surveyor, a written statement by such a professional person certifying substantial compliance with the plans and setting forth what deviation, if any, exists from the plans approved in the Permit shall accompany the request for a Certificate of Compliance.
- e) If the Permit contains conditions which continue past the completion of the work, such as maintenance or monitoring, the Certificate of Compliance shall specify which, if any, of such conditions shall continue. The Certificate shall also specify to what portions of the work it applies, if it does not apply to all the work regulated by the permit.
- f) The Certificate of Compliance shall be recorded in the Land Court or Registry of Deeds, whichever is appropriate. Certification of recording shall be sent to the Commission. Upon failure of the applicant to so record, the Commission may do so, at the expense of the applicant.

1.06 Emergencies

- 1) Any person requesting permission to do an emergency project shall specify why the project is necessary for the protection of the health and safety of the citizens of the Commonwealth and what agency of the Commonwealth or subdivision thereof is to perform the project or has ordered the project to be performed. If the project is certified to be an emergency by the Conservation Commission, its agents or employees, the certification shall include a description of the work which is to be allowed and shall not include work beyond that necessary to abate the emergency. A site inspection shall be made prior to certification.
- 2) An Emergency Certification shall be issued only for the protection of public health or safety or for the protection of any interest specified in the By-law.
- 3) The time limitation for performance of emergency work shall not exceed 21 days.

1.07 Severability

The invalidity of any Section or provision of these regulations shall not invalidate any other Section or provision thereof, nor shall it invalidate any permit which previously has been issued.

If any Court of the Commonwealth shall invalidate any provision of these regulations, the Conservation Commission shall promulgate additional regulations designed to comply with any court decision invalidating such provision or regulation, as the case may be.

1.08 Effective Date

The effective date of these regulations shall be immediately upon approval and the provisions of these regulations shall apply to all applications files after such date.

Approval date: February 10, 1998