

## Cemetery News

The Hawley Historical Commission has been hard at work developing rules and regulations to oversee the four town-owned cemeteries in Hawley – Doane Cemetery on Forget Road, East Hawley Cemetery on East Hawley Road, Bozrah Cemetery on Bozrah Road, and South Hawley Cemetery on Hallockville Road.

To that end, there has been a flurry of good thinking, as well as some 'field work'. Members of the Historical Commission taking part are Pam Shrimpton, John Sears, Bob Root, Lark Thwing, and Suzy Groden.



Due to be completed shortly and subject to the approval of the Selectboard, the Rules and Regulations will be available for viewing on the website. My appreciation goes to the several customers who have been patiently awaiting the finalization, waiting to purchase plots!

### **FIELD WORK AT DOANE CEMETERY**

Lloyd Thwing, Suzy Groden, and Jerry McCarthy in the process of laying out new lots at the cemetery on Forget Road. It was not the best of weather!

**Many thanks to Jerry,** a Hawley resident who has been freely sharing his expertise from a lifelong career in cemetery management.

# The CONSERVATION COMMISSION

◇ *EVER WONDER WHAT THE CONSERVATION  
COMMISSION DOES ?*

◇ *How it does it ?*

◇ *And why it matters to hawley ?*

**Virginia Gabert, Hawley's Financial Administrator, has shared the following:**

## **What does the Hawley Conservation Commission do?**

Since Colonial times, almost one third of Massachusetts' wetlands have been destroyed. Today, wetlands are protected by state and federal laws. Each town has a Conservation Commission that works hand-in-hand with state agencies to make sure that our water resources remain intact for the future generations.

The role of the Hawley Conservation Commission is to protect the water resources in Hawley by ensuring compliance with the state's Wetlands Protection Act (MGL Chapter 131, section 40). Water resources serve as environmental, recreational and scenic assets and provide habitat for wildlife.

The primary purpose of the Wetlands Protection Act (WPA) is to protect wetlands and the public interests they serve. These interests include: flood control; prevention of pollution and storm damage; protection of public and private water supplies, groundwater supply, fisheries, land containing shellfish and wildlife habitat. Local Conservation Commissions protect these areas by requiring review of all proposed work that may alter these water resource areas.

These water resource areas are also referred to as "resource areas" and include:

- Bordering Vegetated Wetlands (BVW)
- Land subject to flooding
- Riverfront areas (also protected through the Rivers Protection Act)
- Land under water bodies
- Banks of water bodies

The way the Wetlands Protection Act protects these various water resources is by creating "jurisdictional areas" comprised of the resource areas as well as certain buffer zones near these resource areas. Under the act, no one may "remove, fill, dredge, or alter" any wetland, bank of a lake or stream, land under a water body, land within 100 feet of any of these resource areas, land

within 200 feet of a perennial stream or river, or within a floodplain **regardless of ownership** without a permit from the Conservation Commission. The term ‘alter’ includes any activities that will change drainage characteristics, impact the water table, destroy vegetation, or impact the physical, biological, or chemical characteristics of any other body of water or resource area nearby.

The regulations prohibit most destruction of wetlands and naturally vegetated riverfront lands. Wetlands are defined by the type of vegetation, hydrology, and soils, and it may take a qualified specialist to determine their boundaries. Certain resource areas are not easy to determine without some training or expertise. You may have an intermittent stream that is not running at the time you are looking at it, or certain wetland soils that you can’t identify without soil or plant sampling. And work that you want to do may be near a resource area that is not on your property and that you may not even see. The safest thing to do is to either check with the Conservation Commission prior to doing any work, or hire a qualified wetlands professional to look at your site and help you identify and determine the wetlands boundaries and areas under the jurisdiction of applicable laws (there are several qualified wetlands professionals in our geographic area). Moving forward on work in jurisdictional areas without a permit may result in an enforcement order from the Conservation Commission, and added time, expense, and delay for your project.

**If you are considering doing any work on land on or near the above resource areas, you may need to obtain a permit from the Conservation Commission.** The Commission issues these permits on behalf of, and with the assistance of, the Department of Environmental Protection (DEP).

If you are doing any construction, digging, cutting of trees, or other work:

- Within 200 feet of a perennial stream.
- Within 100 feet of an intermittent stream.
- Within 100 feet of a wetland,
- Within 100 feet of a lake or pond
- Within a 100 year floodplain,

a permit may be required for such activity. Some minor activities may be exempt from these permitting requirements. You may contact the Commission to ask if your planned activities are exempt, or consult the regulations (310 CMR 10.00 – available on the internet).

If your planned activities require Conservation Commission review, you will first fill out an application to obtain approval for your project (Notice of Intent), or for a determination of whether or not the WPA applies to your project (Determination of Applicability). The purpose of the application is to provide the Commission and the Department of Environmental Protection with a complete and accurate picture of the site, the work that you want to do on it, and how the work will be done. After receiving a complete application, the Conservation Commission will hold a public hearing, where it will make a ruling on your application. If work is started without a permit, or if an Order of Conditions is not followed, an Enforcement Order may be issued, causing you to stop work until the situation is fixed. Enforcement Orders issued by the Conservation Commission are also filed with the Department of Environmental Protection (DEP). In addition, the Conservation Commission can refer the case to the DEP, who can assess fines depending upon the extent and the type of the violation.

Virginia Gabert