

Horsekeeping & Water Quality: The Massachusetts Wetlands Protection Act and Single Family Home/Horse Ownership

How does the Wetlands Protection Act (WPA) serve the Commonwealth?

Under the Massachusetts Wetlands Protection Act (WPA), certain "public interests" that are provided by wetlands and associated areas are protected for the good of the Commonwealth and its citizens. Among other things, these public interests include the protection of public and private drinking water supplies, the protection of public and private property from storm damage and flooding, and the protection of fisheries. In order to protect the public good, strict guidelines are applied to activities that are proposed to occur in these State-protected "wetland resource areas." Such activities of concern might include clearing a wetland resource area of native vegetation or construction of a new manure storage area close to a water body.

How does the WPA affect equine-related activities?

Under the MA Wetlands Protection Act some agricultural and equine-related activities receive special consideration, and are exempt from the Regulations (see 310 Code of Massachusetts Regulations, 10.04 Agriculture). However, in order to receive an exemption from the Regulations, certain criteria must be met. You may be exempt if you meet the following criteria:

- Your activity is proposed for land that is subject to the WPA and its associated Regulations, and;
- Your land CURRENTLY HAS AN EQUINE-RELATED USE (historically existing and/or have a valid wetlands permit), and;
- Your land is used PRESENTLY AND PRIMARILY for producing or raising certain agricultural commodities, including horses and associated livestock feed, etc.; and;
- Your activity has a VERIFIABLE COMMERCIAL PURPOSE.

If you believe that your proposed activity meets all of these criteria, and would like to verify that you are eligible for this exemption, see your local Conservation Commission.

I am a single-family homeowner, I have horses for my private use and am not exempt ... what do I need to do?

Most single-family-home owners and their equine-related activities do not receive the exemption, so what can you do and how can you do it?

- Informal discussions with the local Conservation Commission: Most Conservation Commissions will discuss your ideas with you, either at one of their regular meetings or at your property. The Commission can provide guidance on what kind of Permit is required, if any. Remember that the Permit will not only tell you what you may not do

under the Regulations, but also what you can do. Call your Town Hall to learn when the Conservation Commission meets and to obtain their phone numbers.

- Planning: Before you pick up your shovel or start up the excavator, list your needs and put them on paper. Many times your "dream scheme" may need only minor modifications to meet the regulatory requirements. In some cases, rethinking your plan can avoid a review by the Commission, or can turn an un-permittable project into one that is permittable.
- Get help from a professional: A formal review by the Conservation Commission can be stressful when your dream plans are being evaluated by people you don't know. The process can be made easier - and sometimes more time- and cost-efficient - if an experienced professional gives you assistance. A qualified professional who has experience with the permitting of projects that are subject to the WPA can help you with the paperwork, the site inspection and the public hearing of your application. Discuss this with the Conservation Commission; they may be able to refer you to others who have received good professional guidance.
- Appeals of local decisions: Remember - the Conservation Commission's decision may be appealed to DEP. If you are unhappy with the outcome of your permit review, you have 10 business days to appeal in writing. Ask the Conservation Commission or Massachusetts Department of Environmental Protection (DEP) about how to appeal the local decision.

Additional Resources:

Massachusetts Department of Environmental Protection:

DEP Western Region

436 Dwight Street Springfield, MA 01103

General Number: 413-784-1100

Wetlands Circuit Rider (outreach assistance): 413-755-2257

DEP Central Region

8 New Bond Street Worcester, MA 01606

General Number: 508-792-7650

Wetlands Circuit Rider (outreach assistance): 508-767-2722

DEP Southeast Region

20 Riverside Drive Lakeville, MA 02347

General Number: 508-946-2700

Wetlands Circuit Rider (outreach assistance): 508-946-2723

DEP Northeast Region

205b Lowell Street Wilmington, MA 01887

General Number: 978-694-3200

Wetlands Circuit Rider (outreach assistance): 978-694-3234

MA Wetlands Protection Regulations (310 CMR 10.00)

Available from the [Massachusetts State Bookstore](#) (email: regs@sec.state.ma.us)

[Farming in Wetland Resource Areas: A Guide to Agriculture and the MA Wetlands Protection Act, Commonwealth of MA](#) (revised January 1996)

Local Conservation Commissions can be contacted through your Town Offices.

Massachusetts Association of Conservation Districts: 978-692-9395

UMASS Cooperative Extension Service: 413-545-4800