

The Watershed Protection Act

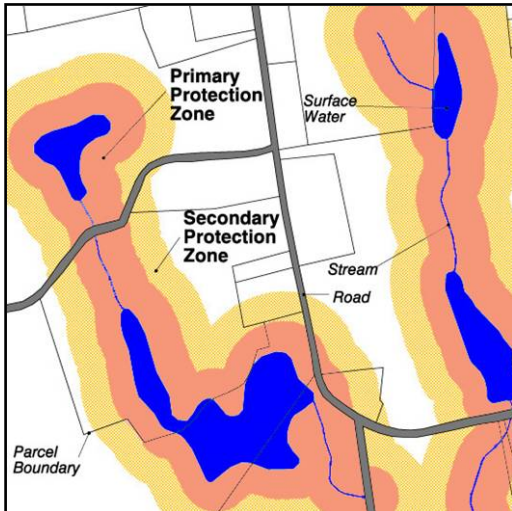
The Watershed Protection Act (WsPA) regulates land use and activities within critical areas of the Quabbin Reservoir, Ware River and Wachusett Reservoir watersheds for the purpose of protecting the quality of drinking water. Administered by the Division of Water Supply Protection (DWSP) of the Department



of Conservation and Recreation (DCR), WsPA applies only in towns in DWSP watersheds. See the back of this brochure for names of towns affected by WsPA and references to the full text of the act and its regulations.

Why Regulate Land Use?

Many aspects of the use and development of land affect the quality of nearby streams, which then flow into reservoirs and other sources of water supply. Type of development, density, amount of paved surface, and proximity to a stream contribute to the amount and types of pollutants in the stream. Often it is desirable to preserve a buffer zone beside open water, or limit impervious surface over an aquifer; but physical conditions on the land may allow for different rules in different settings.



WsPA Protection Zones

Protected Zones and Restrictions

Two areas are protected in different ways under the WsPA.

Within **400 feet of the reservoirs and 200 feet of tributaries and surface waters** (the “Primary Protection Zone”), **any alteration is prohibited**. “Alteration” includes a variety of activities, such as construction, excavation, grading, paving, and dumping. Generation, storage, disposal or discharge of pollutants is also prohibited in the Primary Zone.

Between **200 and 400 feet of tributaries and surface waters**, and on land **within flood plains, over some aquifers, and within bordering vegetated wetlands** (the “Secondary Protection Zone”), certain activities are specifically prohibited. These include storage, disposal or use of toxic, hazardous, and certain other materials; alteration of bordering vegetated wetlands; more dense development; and other activities. See 313 CMR 11.04 for a complete list.

Exemptions

There are a number of exemptions to the restrictions under WsPA. The most common are:

- **Uses, structures and facilities lawfully existing as of July 1, 1992.**
- **Construction of a single-family dwelling on an existing vacant lot.**
- **Minor changes to an existing structure.**
- **Division of an owner-occupied existing parcel to create one additional building lot.**

See 313 CMR 11.05 for a complete list.

Many exemptions are subject to qualifications. For instance, an expansion is exempt only if it does not degrade water quality. For anything other than an existing activity, therefore, contact DWSP (numbers are given on the back of this brochure) and make an application even if the activity may be exempt.

Types of WsPA Applications

Advisory Ruling

This type of application gives an informal indication of whether WsPA applies to the proposed activity. To apply for an Advisory Ruling, send a letter to one of the addresses on the back of this brochure and include:

- **Description of work proposed.**
- **Copy of the assessor's map (or sheet and parcel number).**
- **Copy of the deed showing ownership.**
- **Copy of plans or surveys, if available.**
- **Other relevant information.**

An advisory ruling usually takes a few days to a few weeks, unless the project is complicated and warrants further review.

Determination of Applicability

This application is to determine whether WsPA applies to the proposed activity, or if the activity might be exempt or otherwise not prohibited. It yields a formal determination, with a 60-day time limit for an answer, which may be recorded at the local Registry of Deeds.

Variance

Apply for a Variance if WsPA does apply but it can be demonstrated that the proposed activity will not impair water quality.

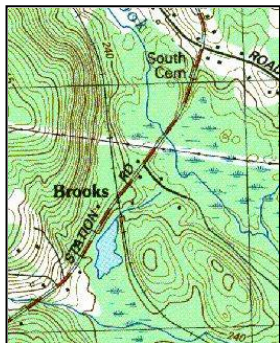
Exemption of a Tributary

Apply for this exemption if WsPA applies, but a tributary or portion of one can be exempted with no significant risk to water quality.

Except for Advisory Rulings, the applications require specific forms. See the contact information on the back of this brochure or visit the DWSP website (www.mass.gov/dcr/wspa) for forms, full text of the regulations, and further information. Applications must be submitted by the property owner or a person authorized by the owner.

Coverage of WsPA

WsPA is different from many other environmental regulations because it ties jurisdiction to computerized mapping information gathered from a number of different sources, such as reservoirs, tributaries, and surface waters from United States Geological Survey topographic surveys, and floodplains from Federal Emergency Management Agency maps.



With this information and assessors' maps, owners of affected parcels were identified (to the extent possible) and notified in November 1994 that WsPA affects their land. Information of varying accuracy was used, and some parcels were not identified, including:

- Newly subdivided parcels.
- Parcels with bordering vegetated wetlands (determined by Conservation Commission and DEP).
- Some parcels adjacent to surface waters.
- Some parcels owned by towns or conservation organizations.

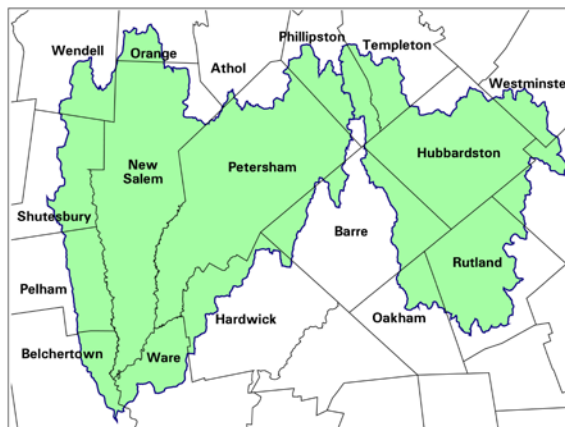
DWSP continues to try to make this information as accurate as possible. **Please contact DWSP if you are aware of errors.**

For Further Information

Please visit the DWSP Watershed Protection Act web site at www.mass.gov/dcr/watershed for additional information, including:

- MGL ch. 92A ½.
- 313 Code of Mass. Regs 11.00.
- Watershed Protection Act Forms.
- Guidance Document for Making Applications under the Watershed Protection Act.
- On-line WsPA Data Viewer.

Regarding property in the shaded areas of these Quabbin Reservoir and Ware River watershed communities –



Contact: Department of Conservation & Recreation
Division of Water Supply Protection
Quabbin/Ware Section
485 Ware Rd.
Belchertown, MA 01007
(413) 323-6921

Regarding property in the shaded areas of these Wachusett Reservoir watershed communities –



Contact: Department of Conservation & Recreation
Division of Water Supply Protection
Wachusett/Sudbury Section
180 Beaman St.
West Boylston, MA 01583
(508) 792-7423

The Massachusetts Watershed Protection Act



Watershed Regulations for Land in the Quabbin Reservoir, Ware River, and Wachusett Reservoir Watersheds

313 CMR 11.00

Commonwealth of Massachusetts
Department of Conservation and Recreation
Division of Water Supply Protection
Office of Watershed Management



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