

Proposed amendment to the Manchester-by-the-Sea General Wetlands Regulations

The Manchester Conservation Commission (MCC) wishes to highlight and further protect eelgrass habitat in waters under its jurisdiction per the Massachusetts Wetlands Protection Act, M.G.L. c. 131, sec. 40 and its Regulations, 310 CMR 10.00; and the Manchester General Wetlands By-Law, XVII, and its Regulations.

Specifically, MCC proposes to add to the list of Performance Standards (Section 9) of the Regulations. MCC proposes to insert the following language after 9.7 Vernal Pool:

9.8 Lands Under Any Water Body, specifically Land Under Ocean. Prior to the issuance of a permit for work or activity which alters Land Under Ocean, the Applicant shall demonstrate by Clear and Convincing Evidence as set forth in an Alternatives Analysis that there is no Practicable Alternative to the work or activity proposed. Any Alteration, other than improvement or maintenance dredging for navigational purposes, which alters water circulation; destroys any plant(s), including eelgrass (*Zostera marina*) or widgeon grass (*Ruppia maritima*) beds; alters the distribution of sediment grain size; changes water quality, including, but not limited to, other than natural fluctuations in, the level of dissolved oxygen, temperature or turbidity, or the addition of pollutants; or alters shallow submerged lands with high densities of polychaetes, mollusks or macrophytic algae, shall be presumed to have a Significant Immediate and Cumulative Adverse Effect to Land Under Ocean and the wetlands values protected by the By-Law.