

Guidance for the meaning of the term “structure” in the Acton Wetland By-law

Approved by the Conservation Commission : April 17, 2019

The Acton Wetland Bylaw does not define the term “structure”. This has lead to instances of confusion on the part of applicants. In order to provide guidance to applicants, the Acton Conservation Commission has adopted the following definition:

Structure: Anything which is built or constructed, including but not limited to the following, whether permanent or temporary: building, including eaves, overhangs, and gutters; shed; stairway; above or below ground swimming pool; roofed storage area; garage; car port; free standing wall taller than 4'; retaining wall; concrete pad larger than 50 SF(1); patio larger than 200 sf(1); deck larger than 200 sf (1); riprap greater than 100sf (1); terrace; parking lot; above or below ground storage tank; non-portable barbecue; non-portable fire pit; tennis court; and all parts of an above or below ground stormwater facility including but not limited to detention/retention basin.

(1) Although decks and patios less than 200 sf, concrete pads less than 50 sf, and riprap less than 100 sf are not considered structures for the purpose of the setbacks in Section F8.3, projects which include a deck or patio less than 200 sf, a concrete pad less than 50 sf or riprap less than 100 sf and are within 100' of a resource area are subject to jurisdiction under the Acton Wetland By-law.

This Guidance Document is not intended to and cannot be relied upon to create any rights, substantive or procedural, enforceable by any party in any litigation with the Acton Conservation Commission. Nothing in this Guidance Documents limits the Commission's authority in approving or disapproving a Request for Determination or Notice of Intent submitted pursuant to the Acton Wetland By-law or in determining compliance with the By-law. The Commission reserves the right to act at variance with this Guidance Document and to change it at any time without public notice.

