

CHAPTER 173 – CONSERVATION LANDS

History: Adopted by the Town of Mashpee: Art. I, 5-6-1991 ATM, Article 19, approved 7-3-1991.
Amendments noted where applicable.

GENERAL REFERENCES

Conservation Commission - See Ch. 5, Art. VI

Wetlands - See Ch. 172

Zoning - See Ch. 174

ARTICLE I – General Provisions

§173-1. Purpose.

¹ Editor's Note: This bylaw also provided for the renumbering of former § 172-14 as § 172-15.

The purpose of this Article is to protect environmental values on Mashpee conservation lands. These lands are defined to mean lands owned by the Town of Mashpee and/or lands administered by the Mashpee Conservation Commission or water rights, conservation restrictions, easements or other contractual rights, including conveyances on conditions or with limitations or revisions, which have been acquired by the Conservation Commission. The Commission is authorized to adopt rules and regulations governing the use of land and waters under its control for the protection, promotion and development of water supply, groundwater, flood control, erosion and sedimentation control, for the prevention of water pollution, for the protection and preservation of fisheries, shellfish, recreational values, wildlife and wildlife habitat and for the providing of open spaces in land and water areas and for all other purposes as provided for in MGL C. 40, §8c.

History: Amended 10-4-1993 ATM, Article 31, approved by Attorney General 10-18-1993.

§173-2. Procedure.

The Conservation Commission is authorized to adopt rules and regulations pursuant to this Article and to make amendments thereto from time to time as deemed necessary. A public hearing shall be held, pursuant to public notice given at least fourteen (14) days prior to the date of hearing. The notice shall be published in a newspaper of general circulation in the Town and shall inform residents that a public hearing is to be held and that a copy of any proposed rule or regulation or amendment thereto is available for inspection at the office of the Town Clerk and Conservation Commission. Any rule and regulation or amendment thereto shall not become effective until notice and hearing and until the same is adopted by vote of the conservation Commission and publication of notice of the rule and regulation in a newspaper of general circulation in the Town.

§173-3. Violations and Penalties.

The Conservation Commission may prescribe penalties for violation of any rule and regulation adopted pursuant to this Article. Any such penalty shall be a part of the rule and regulation and shall be adopted pursuant to the procedural requirements set forth in this Article. The Conservation Commission may establish a schedule of fines, not to exceed three hundred dollars (\$300) per incident, for any violation of the rules and regulations promulgated hereunder. Such penalties shall be recovered by indictment or on complaint before the Barnstable District Court or by noncriminal disposition in accordance with MGL C. 40, §21D. Any fines so recovered shall inure to the Mashpee Conservation Fund account of the Town of Mashpee.