

## Checklist for Filing a Notice of Intent or Request for Determination of Applicability

The Conservation Commission reviews projects that are in or near wetland resource areas or within the 100-foot buffer zone. Most often projects will be either a Request for Determination of Applicability (RDA) or a Notice of Intent (NOI).

### Application/Permit Options:

Date:

- I. Preliminary Property Review and Wetland Permit Requirements: Do you need a permit?
- II. Request for Determination of Applicability (RDA): Any person who desires to know whether the bylaw applies to any land or work to be performed thereon must submit a written request for determination.
  - a. Given a **negative** determination, the project may go forward.
  - b. Given a **positive** determination, the applicant must submit a Notice of Intent (NOI).
- III. Notice of Intent (NOI): Any person who proposes to do work that will remove, fill, dredge, build upon, or alter any protected resource area shall submit to the Conservation Commission a Notice of Intent (NOI), consisting of application materials required for a Notice of Intent (NOI) under MGL c. 131, § 40 and 310 CMR 10.

***Applications are due 21 days in advance of the Conservation Commission's meeting.*** This allows the Commission to analyze the information before the hearing and minimizes the likelihood of the hearing being continued or the project being denied for lack of information.

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### Preliminary Property Review and Wetland Permit Requirements

#### A. Owner:

Phone:

Mailing Address:

Project Address:

Project Description:

#### B. Findings:

- ☐ **No Wetland resource areas or buffer zones**: No wetland resource areas are identified in the vicinity of the project; thus, no further action is required.
- ☐ **Wetland resource area or buffer zones**: According to our maps and records, at least a portion of the property is within wetland resource areas or buffer zones protected by the Wetlands Protection Act. Specifically, the property has on it:
- ☐ Wetland Resource Area (wetland, marsh, pond, intermittent stream, or 100-year flood zone)
  - ☐ 100-foot Buffer Zone of a Wetland Resource Area (wetland, marsh, pond, bank, stream, etc.)
  - ☐ Riverfront Area (land within 200 feet of the bank of a perennial stream or river).

If any of the above are checked, ***you must file a permit application with the Conservation Commission*** under the MA Wetlands Protection Act (MGL c 313, s. 40). (Instructions for the permitting process are on the reverse of this page.)

**C. Permit Application Process:** In order to conduct work, an application needs to be filed with the Conservation Commission.

- Hire a wetland scientist to flag the wetlands, streams, ponds, and fill out DEP BVW Delineation field data forms.
- Hire an engineer or surveyor to create a signed and stamped plot plan showing: (1" = 20'; Maximum 24" x 36")
  - Existing conditions (property lines, house, driveway, yard, trees)
  - Information on Rare Species Habitat, if any
  - Wetland Boundaries (highlighted in blue), 50' Buffer (in pink) and 100' Buffer (in yellow)
  - Streams (in green), 100' Riverfront Area (in pink), and 200' Riverfront (in yellow)
  - Topography (at least 2-foot contour) of both existing and proposed grades
  - Runoff, Erosion and Sedimentation Control
  - Proposed work (grading, drainage, plantings, construction, tree clearing, limit of work)
- Write a Narrative Description of Work and Alternatives Analysis demonstrating that there are "no practicable and sustainably equivalent economic alternatives to the proposed project with less adverse effects..." See 310 CMR 10.58(4).
- Fill out a wetland application. Completed by you or your engineer/wetland scientist.
  - RDA – WPA Form 1 is available for download at: [mass.gov/lists/wetlands-permitting-forms](http://mass.gov/lists/wetlands-permitting-forms)
  - NOI – Use eDEP to complete WPA Form 3 – [edep.dep.mass.gov](http://edep.dep.mass.gov)
  - Permit fees are payable at the time of application and are nonrefundable.
- Submit two (2) copies of application, forms, and plans to the Conservation Commission and one copy to DEP. *Completed:*

**D. You will be given a Hearing Date and Time:** By submitting a completed RDA or NOI, you will be scheduled to attend the next available public hearing. Incomplete applications will not be accepted by the Conservation Commission. If the Notice of Intent is not complete, the applicant will be notified, and the NOI will be returned. *Completed:*                     

**E. Notify Abutters:** Once you have the date and time for the hearing, you shall notify abutters in accordance with the provisions of 310 CMR 10.05(4)(a). Please use "Notification to Abutters Form" and be sure to include the exact time and date of the hearing on this form. The applicant must present either the certified mail or certificate of mailing receipts for all abutters at the beginning of the public hearing. *Completed:*                     

**F. Stake the Property (2) Weeks in Advance of the Hearing:** All new structures, additions, erosion control barriers, septic systems and stormwater systems within the Buffer Zone for which a NOI has been filed, must be staked and labeled prior to the hearing. The Commission will perform a site visit before the public hearing to confirm the existing conditions and resource area delineation. During its site inspection, the commission should evaluate the adequacy of the applicant's delineation of protected areas. *Completed:*                     

**G. Present the project at the Commission's public hearing.** The Commission presents a summary of its findings on the site visit and discusses with the applicant the boundaries of wetland resource areas on the site followed by questions, comments and concerns. After closing the hearing, the commission has 21 days to issue its decision (an Order of Conditions) to (a) approve, (b) approve with conditions, or (c) deny the project. *Completed:*                     

**H. Receive a Determination of Applicability (WPA Form 2) or Order of Conditions (OOC WPA Form 5):** Whether a permit is issued or denied, any abutter, the applicant, or a 10-citizen group may follow separate provisions for appealing the decision under the Wetlands Protection Act. After an Order of Conditions has been issued, work may not begin until the appeal period of 10 business days has passed or, if an appeal has been filed, until MassDEP has acted.