

\$5.00

Town of Douglas
Wetlands Protection Regulations



Adopted March 9, 2005

In accordance with the
Douglas Wetlands Protection Bylaw

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Wetland Protection Regulations
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1.0 PURPOSE

The purpose of these regulations is to aid the Douglas Conservation Commission in the consistent and effective implementation of the Douglas Wetlands Protection Bylaw by way of further definition; explanation and specification; and illustration and example of the Bylaw's provisions. These regulations are intended to clarify but not replace any provision of the Douglas Wetlands Protection Bylaw, except as specifically allowed by the Bylaw. In some cases, illustrative examples from and discussion related to the Massachusetts Wetlands Protection Act and Regulations are also included.

1.1. OVERVIEW

Under the Massachusetts Wetland Protection Act (G.L. Ch. 131, Sec. 40) and Regulations (310 CMR 10.00), bordering vegetated wetlands and land under a body of water are presumed significant to the following interests: public and private water supply, ground water supply, flood control, storm damage prevention, prevention of pollution, fisheries and protection of wildlife habitat. A vernal pool habitat, which includes a buffer of 100 feet around the pool, is presumed significant to wildlife habitat when it lies within a wetland resource area.

The performance standards under the Act for a bordering vegetated wetland (BVW) state that there may be no destruction or impairment of the area. Alteration of up to 5,000 square feet may be permitted at the commission's discretion provided the area is properly replicated, unless said area lies within an Area of Critical Environmental Concern (ACEC) designated by the Secretary of Environmental Affairs under M.G.L. ch. 21A, §2(7) and 301 CMR 12.00. If an area lies within a designated ACEC, no alteration of BVW is allowed (i.e. the regulations for ACECs supersede the regulations allowing discretionary alteration of up to 5,000 square feet with replication) unless the presumption of significance under the state Act is overcome in accordance with 310 CMR 10.55(3).

Vernal pools within a 100-foot buffer, if they lie within a wetland resource area, are given special protection, and no adverse effects on the wildlife habitat characteristics are permitted. Pools must have been certified through the Natural Heritage and Endangered Species Program or identified by a preponderance of the evidence presented at a public hearing to be protected under the Act.

The Town of Douglas Wetland Protection Bylaw adds to the areas protected by the state Act. These include any vegetated freshwater wetlands; marshes; wet meadows; bogs; swamps; banks; lakes; ponds of any size; rivers; streams; creeks; lands under waterbodies; lands subject to flooding or inundation by groundwater or surface water; and lands within 100 feet of any of the aforesaid resource areas (collectively the resource areas protected by this bylaw) are protected whether or not they border water bodies.

A buffer zone of 100 ft. around any resource area is subject to protection under the bylaw. Within this buffer zone, setbacks from the wetlands edge are defined, and provide explicit guidance regarding areas where no disturbance or no building will be allowed. Under the regulations, the commission must consider whether activities within the buffer zone will likely affect the wetland resource area and will presume that projects with work within specified setbacks from the wetland will so affect the wetlands. This presumption is rebuttable and may be overcome upon a clear showing by a preponderance of evidence that the nature of the proposed work, special design measures, construction controls or site conditions for work anywhere within the Buffer Zone will prevent alteration of the resource area. Depending on site conditions and project characteristics, the Commission may also find that work at greater distance from the resource area will alter the resource area. The regulations establish specific minimum setbacks related to limit of work and limit of disturbance, which are tabulated according to project type (see table 1 under section 10.3).

2.0 REPLICATIONS

The history of wetland replication is mixed. Scientific reviews conclude that for the most part replications fail to reproduce the range of values - in quantity and quality - of the wetlands they ostensibly replace. In particular, difficulties in replicating proper hydrological conditions in a consistent and enduring fashion seem to be the source of the problem.

Accordingly, the Commission discourages any plan that requires replication. In those instances where replication is required by State Law and/or approved by the Commission the following conditions must be met:

- 2.1. The replicated wetland must be hydrologically and geographically associated with the same water body as the original wetland (310CMR10.55).
 - 2.1.1. The replicated wetland must be constructed in full, and conditionally approved prior to construction of any structures. The Commission requires that a qualified wetland scientist, employed by the Applicant, shall be available during the construction of the wetland replication area. The credentials of the wetland scientist shall be submitted to the Commission for approval prior to the start of construction.
 - 2.1.2. At a minimum the replicated wetland must reproduce all the values and functions of the original wetland as determined by the Commission. Site conditions permitting, the Commission may require that additional values and functions be incorporated into the replication design.

In particular, in circumstances where replacement of specific functions and values would require substantial amounts of time before being completely replicated (for example, those provided by large mature trees) the Commission may require additional compensation of area, functions, values, etc. beyond those required in other sections of the Bylaw and its regulations.

- 2.1.3.** The area of replication must be at least 50 percent larger than the area of the original resource that will be destroyed. The actual area ratio of replacement shall be decided on a case-by case basis in accordance with 2.1.2.
- 2.1.4.** In most instances the replication of wetland resource areas will result in the destruction of buffer zone areas. In such instances replication of new resource areas shall follow 2.1.2 and 2.1.3.
- 2.1.5.** Prior to the start of wetland construction, detailed measurements of the depth of the soil O and A horizons within the wetland to be lost during construction shall be conducted. The project shall use this information to determine the suitability of these horizons for reuse in the replication area and to calculate the need for additional soil materials. The top 12" of soil from the original wetland must be transplanted with soil structure - especially lamination and density profile – as intact as possible to the replication. This is intended to preserve plant, invertebrate, and planktonic communities of the wetland and inhibit the blossoming of invasive species.
- 2.1.6.** Erosion control barriers shall be placed around the proposed wetland replication area prior to the start of construction.
- 2.1.7.** Soil materials to be reused (from the wetland to be lost during construction) should be removed and placed in the prepared replication area within one day. If the soils are not reused in the same day, then these soils shall be stockpiled for a time period no longer than the duration of time needed to finish the excavation for the crossing, but in no case greater than 7 days and kept loosely covered and moist at all times.
- 2.1.8.** The proposed replication area shall be excavated to a depth of one foot below the proposed final grade, as outlined in the specifications and plans submitted as part of the Notice of Intent and referred to in the Order of Conditions. The subsoil within the replication area shall be examined by the wetland scientist to determine whether it is fine textured (fine sandy loam or finer, as defined by NRCS standards). If the subsoil is course textured, it shall be replaced with fine textured material to allow for the development of a capillary fringe between the groundwater and the soil surface.

- 2.1.9.** A minimum of one foot (12 inches) of good quality, organic-rich (>10% by weight) topsoil shall be placed in the replication area. This soil may consist of soil removed from the wetland to be lost during construction or from an outside source. The soil may be amended with peat moss, peat humus in order to provide the necessary organic matter. Soils from an outside source shall be free of chemical contamination, sticks, trash, and rocks more than one inch in diameter. Reused wetland soils shall be free of sticks, trash, and rocks greater than six inches in diameter. Reused wetland soils shall not be screened prior to use in order to avoid removal of existing wetland vegetation. No soils from areas containing either purple loosestrife (*Lythrum salicaria*) or common reed grass (*Phragmites australis*) shall be used in the replication area.
- 2.1.10.** Following placement of topsoil, a minimum of 48 hours shall pass prior to planting of wetland vegetation to allow for rebound of buried or compacted peat. The final grade shall be adjusted as necessary.
- 2.1.11.** The replication area shall be planted and seeded according to specifications and plans submitted as part of the Notice of Intent and referred to in the Order of Conditions.
- 2.1.12.** The wetland scientist shall visit the replication area within 30 days following planting and seeding, and at regular intervals not to exceed 90 days for the duration of the first growing season to determine the need for irrigation and additional fertilization and to inform the site contractor of these requirements, and present reports to the Commission within one 7 days of the site visit.
- 2.1.13.** Erosion control structures shall be removed upon stabilization of the replication area to allow free circulation of water between the wetland replication area and the adjacent, natural wetland.
- 2.1.14.** The wetland scientist shall inspect the wetland replication area twice each year, during late spring and during the mid to late summer of the first two full growing seasons. A written report shall be submitted to the Commission at the end of each growing season. The spring inspection shall include monitoring of the groundwater elevation within a soil pit a minimum of 18 inches deep at each of three randomly distributed quadrants. The summer inspection shall include groundwater elevation monitoring and a vegetation survey to determine compliance with the general performance standard of 75% of the wetland surface being reestablished with indigenous wetland plant species within two growing seasons following planting. Vegetation monitoring shall occur within three randomly distributed quadrants sampled within the tree, shrub, and herb strata. Photos of each quadrant shall be taken during the summer inspection and submitted with the Commission report.

- 2.1.15.** An inspection report shall be submitted to the Commission no later than September 15 of each of the first two years. The report shall include all data collected during the inspections and photographs, and shall include recommendations for additional plantings or other remedial work as required, to ensure successful wetland replication.
- 2.1.16.** Any replication or restoration work that creates a resource on abutting properties shall require an easement from the abutting property owner covering the full extension of the resource on that property prior to commencement of the work.
- 2.1.17.** A bond shall be posted that will enable the Commission to complete the replication should the applicant fail to fulfill obligations set forth in the Order of Conditions. The amount of the bond shall be determined by the following: Any replication area greater than 500 square feet will require a bond prior to the commencement of any activity associated with the approved Orders of Conditions. The bond estimate will be based on \$1.00 per square foot of replication area plus 15%. (e.g., a 1000 square foot replication area will cost \$1,000.00 +15%, which = \$1,150.00 for a bond amount.)

The Commission may request that the Applicant provide a cost estimate for the construction and planting of the replication area. To ensure that the work is completed according to the site plan, the Commission may set a bond at a reasonable amount which exceeds the above mentioned fee schedule.

- 2.1.18.** Standards for the replication shall be specified and verified in terms of functions, values, and actual performance. Technical and engineering specifications used for design and construction shall be considered approximate. Criteria for acceptance and approval shall be based solely on function and performance and not merely on how closely actual construction matched the plan as specified in the Order of Conditions.

3.0 ORDERS OF CONDITIONS FOR VIOLATION PERMITS

Orders of Conditions for permits associated with violations shall include specific dates for completion of work. Restoration Orders of Conditions associated with violations shall include explicit restoration requirements as well as dates for review of restoration plans and completion of work.

4.0 SELF-IMPOSED HARDSHIP

The Commission views any adjacent properties or properties located nearby which are under common ownership as part of a cumulative resource area impact, such that the maximum of 5,000 square feet of alteration that may be allowed under certain conditions under the Wetland Protection Act, or the proposed degree of alteration of the resource area under the Bylaw applies to the entire area. The applicant or property owner is advised to prevent situations where they have created their own hardship by not carefully considering all likely impacts to areas subject to the Wetland Protection Act or the Bylaw. In the case of limited project proposals, proposed roadways or driveways shall be designed to provide access to all areas of the proposed site without relying upon the possibility of future wetlands crossings. The Commission shall consider any future crossings or impacts proposed to be self-imposed and will not grant further crossings or alterations in subsequent filings on a lot-by-lot basis for any project.

5.0 COLORS FOR PLAN CONTENTS

All plans submitted to the Commission for review shall be highlighted with a transparent marker pen as follows:

1. **Green:** the edge of Bordering Vegetated Wetlands;
2. **Blue:** bank, for rivers or streams;
3. **Orange:** 50-foot and 100-foot buffer zones;
4. **Pink:** the edge of other resource areas;
5. **Yellow:** the edge of the Inner & Outer Riparian Zone
6. **Red:** all culverts and discharges;
7. **Purple:** 100 year flood elevation;

- 5.1. The Conservation Commission may request that a submitted Notice of Intent include an electronic copy of the Autocad file showing the delineated resource area along with the parcel property line.
- 5.2. Two (2) wet stamped plans as described in 250 CMR and two (2) full copies of NOI's shall be submitted when presenting material for review. Any changes which may occur as a result of public hearing must be so noted and new wet stamped plans submitted prior to any final determination.
- 5.3. Hay bales or other erosion control must be clearly marked on the plan. Any wetland boundaries must be marked on the plan with corresponding numbers also placed on the flags at the wetland site.
- 5.4. Where construction is in a subdivision or the lot described includes a building with well and septic that is in close proximity to an adjacent property, the location of neighboring wells and/or septic systems shall be indicated.

- 5.5.** Every submittal must also include: a USGS map, flood plain map, endangered species map, and an assessor map indicating location where the work is to take place.

6.0 PUBLIC HEARINGS AND NOTIFICATIONS

From time to time, the Commission may find that it does not have a quorum present at a given hearing on a Notice of Intent, and therefore cannot legally act upon the applicant's submission. Every effort is made to ensure that a quorum is always present, but in certain instances, family emergencies or unexpected obligations may cause a member to be unavailable.

In such instances, it is the policy of the commission to open and continue (if a new hearing) or continue the hearing to the next available date. This action is necessary, because the law requires that the Commission act to open a hearing within a set time-period from the filing date of the NOI. While it might seem that the Commission would be unable to act in this manner due to the lack of a quorum, the Supreme Court has ruled (*Winning Homes, Inc. v. Lexington Conservation Commission, Middlesex, CV97-01045*) that a quorum is not necessary for members of the Commission to open and continue a hearing for lack of a quorum. The Court concluded that "as a safeguard, it is entirely reasonable to permit the members present to perform such ministerial tasks as opening and continuing the meetings to another date, so long as no evidence is taken."

7.0 COORDINATION WITH OTHER BOARDS

As appropriate the Commission may choose to solicit the advice and opinions of other Town boards and officials in the course of its deliberations. Town boards and officials shall be entitled to file written comments and recommendations with the Commission at or before the public hearing. The Commission shall take any such comments and recommendations into account but shall not be bound by them. The applicant shall have the right to receive any comments and recommendations, and to respond to them at a hearing of the Commission, prior to final action.

8.0 DETERMINATIONS, PERMITS, AND CONDITIONS

If the Commission, after a public hearing, determines that the activities which are subject to the permit application or the land and water uses which will result there from are likely to have a significant individual or cumulative effect upon the resource area values protected by this bylaw, the Commission, within 21 days of the close of the hearing, shall issue or deny a permit for the activities requested. If it issues a permit, the Commission shall impose conditions which it deems necessary or desirable to protect those values, and all activities shall be done in accordance with those conditions. The Commission shall take into account the cumulative adverse effects of loss, degradation, isolation, and replication of protected resource areas throughout the community and the watershed, resulting from past activities, permitted and exempt, and foreseeable future activities.

The Commission is empowered to deny a permit for failure to meet the requirements of the Douglas Wetland Protection Bylaw; for failure to submit necessary information and plans requested by the Commission; for failure to meet the design specifications, performance standards, and other requirements in regulations of the Commission; for failure to avoid or prevent unacceptable significant or cumulative effects upon the resource area values protected by this bylaw; and where no conditions are adequate to protect those values. Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing.

9.0 WRITTEN CONDITIONS

Upon closing the hearing and voting on the approval or denial of the Notice of Intent, the Commission may not issue an Order of Conditions under the Massachusetts Wetlands Protection Act until a Mass DEP file number has been issued (CMR 10.05(4)(c)).

10.0 ADDITIONAL PROVISIONS AND DEFINITIONS

10.1. MINIMUM SETBACK FROM RESOURCE AREA

10.2. DEFINITION, CRITICAL CHARACTERISTIC AND BOUNDARY

Critical Characteristic: Where surface runoff or groundwater from the Buffer Zone drains towards the resource area, vegetative cover and soils may filter runoff and provide uptake or renovation of pollutants from adjacent areas, thereby protecting water quality within the resource area. The vegetation and soils may slow surface runoff and permit infiltration of precipitation, maintaining the hydrologic regime to which the area is adapted. Where the surface water or groundwater from the Buffer Zone does not drain toward the resource area, the topography and soils characteristics may help to control the surface and groundwater regime in the resource area.

10.3. PRESUMPTION

Based on previous projects in the Buffer Zone, the Commission shall presume that work in the categories shown in Table 1, within the tabulated distances from a resource area, will result in alteration of the resource area, and will require that the applicant maintain a strip of continuous, undisturbed vegetative cover within the 100 foot buffer area unless the Applicant can demonstrate to the Commission that the area or part of it may be disturbed without harm to the values protected by the Town Bylaw. This presumption is rebuttable and may be overcome upon a showing by a preponderance of the evidence that the nature of the proposed work, special design measures, construction controls, or site conditions will prevent alteration of the resource area, and will cause no significant harm to the areas or values protected by the Bylaw. Depending upon site conditions and project characteristics, the Commission may also find that work at greater distances from the resource area will alter the resource area. For the purposes of the table below, “work” means filling, excavation, grading, operation of motorized construction equipment, and storage or stockpiling of earth or construction materials; and “building” means anything requiring a building permit or other structure including but not limited to retention or detention ponds, culverts or wing walls.

Table 1: Work within the areas listed below are presumed by the Commission to result in alteration of the resource area unless the presumption is overcome.

Type of Work	Limit of Work or Disturbance	Limit of Building
Residential activity, including residential lots and multi-family residential development,	25-feet	50-feet
Utilities	10-feet (except for permitted crossings)	15-feet
Roads or multiple concurrent driveways	25-feet (except for permitted crossings)	30-feet
Private driveway (one)	10-feet (except for permitted crossings)	15-feet
Commercial, Industrial, Parking Lot, or other Non-Residential activity not included above.(Excluding Municipal activities)	50-feet	75-feet

10.4. REPLICATION OF WETLAND RESOURCE AREA

It is the policy of the Commission that there shall be no net loss of wetlands in the town. When wetlands are destroyed by fill or other means, compensatory replication must be provided (Chapter 131 M.G.L., 310 CMR 10). Further, as replicated wetlands carry no assurance that it will serve the function of the destroyed wetlands as effectively, it is the policy of the Commission that the replication of a destroyed wetland shall be compensated on a greater than 50 percent basis and installed according to specific guidelines. The exact proportion of replication to destruction to be approved by the Commission will be on the basis of the existing site topography and other site considerations.(See replications under section 2.0 for further requirements).

10.5. CONSULTANTS

The Commission, at its discretion, may choose to hire a consultant for projects of such scope as to warrant an independent review and/or an on-site construction monitor, in order to protect and preserve wetland values and to monitor adherence to an Orders of Conditions and/or Enforcement Orders. It is the policy of the Commission to request that the applicant reimburse the Commission for the cost of such consultant.

10.6. MODEL RULES FOR HIRING OUTSIDE CONSULTANTS MGL CH. 44 §53G

As provided by GL Ch. 44§ 53G, the Commission may impose reasonable fees for the employment of outside consultants, engaged by the Commission, for specific expert services deemed necessary by the Commission to come to a final decision on a application submitted to the Commission pursuant to the requirements of the Wetlands Protection Act (GL Ch. 131 § 40), Conservation Commission Act (GL Ch. 40§ 8C), or any other applicable state or municipal statute, bylaw (ordinance) or regulation, as they may be amended or enacted from time to time. The Commission may require the payment of the consultant fee at any point in its deliberations prior to a final decision. The exercise of discretion by the Commission in making its determination to require the payment of a consultant fee shall be based upon its reasonable finding that additional information or technical assistance acquirable only through outside consultants would be necessary for the making of an objective decision.

Funds received by the Commission pursuant to these rules shall be deposited with the Town of Douglas Treasurer who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Commission without further appropriation as provided in GL Ch. 44 §53G. Expenditures from this account shall be made only in connection with the review of a specific project or projects for which a consultant fee has been collected from the applicant. Accrued interest may also be spent for the purposes hereunder.

Specific consultant services may include, but are not limited to, resource area survey and delineation, analysis of resource area values and impacts, hydrogeologic and drainage analysis, impacts on municipal conservation lands, and issues of environmental or land use law. Consultants include, but are not limited to, engineers, planners, wetland scientists, surveyors, attorneys or other professionals with experience in the matters that are the subject of the Commission's proceedings. The consultant shall be chosen by, and report only to, the Commission and/or its Agent.

The Commission shall give written notice to the applicant of the selection of an outside consultant, which notice shall state the identity of the consultant, the amount of the fee to be charged to the applicant, and a request for payment of said fee in its entirety. Such notice shall be deemed to have been given on the date it is mailed or delivered. No such costs or expenses shall be incurred by the applicant if the application or request is withdrawn within five days of the date notice is given.

The fee must be received in its entirety prior to the initiation of consulting services. The Commission may request additional consultant fees if said review requires a larger expenditure than originally anticipated or new information requires additional consultant services. Failure by the applicant to pay the consultant fee specified by the Commission within ten (10) business days of the date of the request for payment shall be cause for the Commission to determine that the application is administratively incomplete (except in the case of an appeal). The Commission shall state such in a letter to the applicant. No additional review or action shall be taken on the permit request until the applicant has paid the requested fee. Repeated failures to pay requested fees shall be grounds for denial of the underlying application. The applicant may appeal the selection of the outside consultant to the Douglas Board of Selectmen, who may disqualify the outside consultant selected only on the grounds that the consultant has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist of either an educational degree or three or more years of practice in the field at issue or a related field. Such an appeal must be in writing and received by the Douglas Board of Selectmen and a copy received by the Commission, so as to be received within ten (10) days of the date consultant fees were requested by the Commission. The required time limits for action upon the application shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Board of Selectmen within 30 days following the filing of the appeal, the selection made by the Commission shall stand.

At the completion of the Commission's review of a project, any excess amount in the account, including interest, attributable to a specific project shall be repaid to the applicant or the applicant's successor in interest. A final report of said account shall be made available to the applicant or applicant's successor in interest. For the purpose of this regulation, any person or entity claiming to be an applicant's successor in interest shall provide the Commission with documentation establishing such succession in interest.

10.7. PRINTING OF PUBLIC NOTICES

Both the Town of Douglas Bylaw and the state Wetland Protection Act (MGL Ch. 131, sect. 40) require the printing of public notice of hearings to be paid for by the applicant.

10.8. WELL LOCATION

Any proposed well located within the jurisdiction of the Commission shall be adequately designed and installed to control and contain any excess or overflow of drilling material.

10.9. CERTIFICATE OF COMPLIANCE

When the work has been completed on a project, a certificate of compliance may be applied for in writing only after the work associated with the permit has been substantially completed. A site walk will be required at which time no less than three Commission members shall be in attendance.

11.0 SURETY

11.1. ORDERS OF CONDITIONS & BONDING

In the specifying of an Order of Conditions and setting of bond the Commission may, at its choosing, take into account the prior history of applicant and the applicant's representatives, consultants, builders, or other contractors. When in the Commission's opinion prior instances of disregard for orders of conditions, violations of wetlands regulations and policies, practices known to threaten wetlands values and functions, or other failures to fulfill legal obligations pursuant to wetlands protection raise questions about the applicant's willingness or ability to abide by permit requirements the Commission can set additional conditions and impose bond requirements to ensure adherence to permit requirements. (See section 2.1.17 for replication bonding)

12.0 PERMITTING IN THE CONTEXT OF OUTSTANDING VIOLATIONS

No permit shall be issued for any project to an applicant who has an outstanding violation of this Bylaw for which either (a) no corrective Order of Conditions has been recorded at the Registry of Deeds, or (b) which is not under legal appeal.

13.0 SITE WALKS

- 13.1.** Site visits will take place only after limits of construction are physically marked in the field. These include the house, well, septic and boundaries. Lot numbers in the case of subdivisions shall also be prominently displayed to ensure proper location
- 13.2.** No site walks will be done with less than two Commission members present. Where sites have questionable types of streams we recommend the taking of photographs dated and attested to by an engineer. This will be retained in the applicant's file.
- 13.3.** In the event that the verification of a wetland boundary cannot be determined because of snow cover: A Public Hearing held by the Conservation Commission may be continued with the consent of the Applicant, to a date (unknown at the time of the hearing) within 21 days of receipt of additional information needed by the Commission or within 21 days of the date of the scheduled site walk in which the Commission was able to make a determination on the wetland delineation.
- 13.4.** The date, time and place of said continued Hearing shall be publicized in accordance with M.G.L. Chapter. 131 Section 40, and notice shall be sent to any person at the Public Hearing who so requests in writing. (see 310 CMR 10.05(5)(b)(3))

CHECKLIST FOR COMPLETENESS OF NOTICES OF INTENT

In order to facilitate review of your proposal, please verify the following items are included as part of your Notice of Intent. Once the complete NOI is received in our office, the Commission will schedule a hearing within 21 days of receipt. We may also wish to schedule a site visit to see the site first-hand.

NOI requirements under 310CMR 10 (DEP requirements)

- 1) Two copies of a completed Notice of Intent form (Form 3).
- 2) Two wet stamped copies of plans, supporting calculations, and other documentation necessary to completely describe the proposed work and mitigation measures (see NOTE 1, below).
- 3) Two wet stamped copies of plans showing compliance with Title 5 of the State Environmental Code, if a subsurface sewage disposal system (septic system) is proposed in an area subject to commission jurisdiction.
- 4) Each Notice of Intent form should have a copy of:
 - The USGS quadrangle map of the area, marked to identify where the proposed work will be located.
 - The Flood Plain Map
 - The Endangered Species Map
 - The Assessor Map
- 5) The appropriate filing fee and fee transmittal form and a copy of the fee calculation.
- 6) Evidence that all abutters within 100 feet of the property have been notified.
- 7) If applicable, evidence that a copy of the Notice was sent to the Massachusetts Natural Heritage and Endangered Species Program by Express or Priority mail on or before the date the Notice of Intent was filed, or other evidence that the Program received the Notice of Intent within 2 days of filing with the commission.

NOTE 1. A determination that plans and other documentation are "complete" for the purposes of accepting a Notice of Intent does not necessarily mean that enough information has been provided to let the conservation commission adequately evaluate the project.

NOI Requirements under Town Regulations

- 1) Plans: Two complete copies of the permit application and supporting documents.
 - (a) The plans **must be highlighted with transparent marker pen** as follows:
 1. **Green:** the edge of Bordering Vegetated Wetlands;
 2. **Blue:** bank, for rivers or streams;
 3. **Orange:** 50-foot and 100-foot buffer zones;
 4. **Pink:** the edge of other wetlands
 5. **Yellow:** the edge of the Inner & Outer Riparian Zone
 6. **Red:** all culverts and discharges;
 7. **Purple:** 100 year flood elevation;

- 2) The location of consecutively numbered flags denoting the wetland resources shall be shown on the plan and shall be certified wetland biologist or wetland professional.
- 3) Elevation contours shall be shown in two-foot contours unless the slopes are very steep. Steep elevations, over 25%, shall be shown in five-foot contours.
- 4) All offset distances from the proposed foundation(s), well(s) and septic system(s) or other proposed work to all wells, septic systems, wetland resources, property lines, streams, watercourses, drainage structures, or easements within 150 feet, shall be shown.
- 5) All distances and % slopes along septic system piping shall be shown.
- 6) Where septic systems are proposed, the maximum groundwater elevation, and the elevation of the bottom of the leaching facility, the elevations of the inlets, outlets and the finished grades shall be given, as well as breakout calculations where a septic system is located on a slope.
- 7) All soil logs must be submitted showing the type of material, soil horizons, elevation of existing grades, maximum ground water elevation, depth of hole, and location of percolation test with corresponding elevations and percolation rates.
- 8) All proposed grades must be shown.
- 9) The limit of proposed work shall be shown on the plan along with haybales.
- 10) Plan scale shall be no less than 1" = 20' unless applicable.
- 11) All proposed structures within 100 feet of the resource areas shall be shown.
- 12) The Assessor's map, block, lot number, street number and subdivision lot number, where applicable, on the lot where work is proposed shall be shown.
- 13) Owner/applicant of large parcels or adjacent property of which they may have a vested interest should supply a general scheme of any proposed development, i.e. what impacts (cumulative or significant) to the values protected by the bylaw, will be addressed along with mitigation, compensation and remediation protocols.
- 14) The appropriate filing fee and a copy of a worksheet showing the fee calculation.
- 15) A copy of the AutoCAD file showing the wetland delineation.

The Commission may, at its discretion, choose to waive certain of the above items for small projects or projects likely to result in minimum or no impact. However, the Commission reserves the right to require additional information during the course of the public hearing if necessary to reach a decision on the proposal. In general, all roadway projects, limited projects as defined by 310 CMR 10.53(3), and subdivisions will require a full filing. Applicants who wish guidance prior to submitting a project should consult with the Conservation Agent for further guidance.