



Tewksbury Conservation Commission

Notice of Intent Guidelines **& Submittal Forms**

When should I file a Notice of Intent (NOI)?

- Whenever you propose to do *any* work within a wetland (swamp, marsh, bank, water body, land subject to flooding, river, stream, brook, etc.)
- Whenever you propose to do *any* work within **100 feet** of a wetland area (swamp, marsh, bank, water body, land subject to flooding, river, stream, brook, etc.). For more information on wetlands please see the **Living with Wetlands** Brochure on the town's Conservation Commission website.
- Whenever you propose to do *any* work within **200 feet** of a River or perennial stream, certified or potential vernal pool.

IMPORTANT: *File well **before** starting any work –the permit process takes time. If you are unaware if your property is near any of the above mentioned resource areas please contact the Town's Conservation Agent prior to beginning any work @ 978-640-4370 x 236.*

***Note:** Applicants may be eligible to file a Request for Determination of Applicability (RDA) if the project meets certain criteria and is not going to impact the resource areas. Please contact the Conservation Agent to determine whether your project applies.*

*For more information on filling and wetlands visit the Conservation Commission website at:
<http://www.tewksbury-ma.gov/conservationcommission>*

How will the NOI application be processed?

1. The application must be complete before the Commission can take any action. If the application is incomplete and/or the proper fee is not submitted, the process is put on hold until the application is complete and the proper fee is submitted. If the application lacks sufficient detail for the Commission to evaluate wetlands impacts, the project may be denied. Please see and complete:
 - **Submittal Form A-Application for Permit Checklist**
 - **Submittal Form B- Information to be included in Plans and Supporting Documents**
 - **Submittal Form C-Local Filling Fee Table**
 - **Submittal Form D-Affidavit of Service**
2. A public hearing will be scheduled at a regular Commission meeting. It must be advertised **at least 5 business days** prior to the date of the hearing. It is generally advertised in *The Town Crier* which is published weekly.
3. The Commission or its Agent will visit the site prior to the hearing.

4. The Commission may require the services of an expert consultant to review the application, plans, engineering calculations, field conditions, etc. When the services of a consultant are required the cost of this review is charged to you.
5. If during the hearing process additional information is deemed necessary for the Commission to make a decision then the hearing may be continued to a later date. If the Commission determines that all pertinent information has been submitted then the hearing will be closed.
6. Within **21 days** of the close of the hearing, the Commission will act to either issue an Order of Conditions (OOC) or under certain circumstances, to deny the project as proposed. The Order of Conditions is generally sent to you by certified mail, but you can arrange to pick them up at the Commission office.

What will it cost me?

- The State and Town fees, both of which depend on the nature and extent of the work outlined. See DEP filing fee scheduled listed on their filing form and; see and complete **Submittal Form C – Local Filing Fees**.
- The fee charged by the assessor's office for a certified list of abutters.
- The cost of advertising the hearing in the local newspaper.
- The cost of notifying abutters by certified mail or certificate of mailing
- Professional services engaged by you to design the project, mark the wetland boundaries, and meet design and performance standards specified by law.
- Professional consulting costs incurred by the Commission. You can keep these costs to a minimum with a project designed to have no wetlands impacts and prepared by a professional with thorough knowledge of the town and state wetlands laws.

IMPORTANT: *If work begins without the proper permits being obtained from the Commission the applicant will be required to file for the appropriate permit and **all of the local filing fees will be doubled.***

When can work proceed?

- Work may not start until the **10-day** appeal period has elapsed (see below).
- Several requirements spelled out in the OOC and Permit, including recording of the OOC and Permit at the Registry of Deeds, must be satisfied before work can begin.

What if I disagree with the Commission's decision?

- You may appeal the decision that was made under the Town Bylaw to Superior Court; the appeal must be filed **within 10 days** of the date on which the decision was issued.
- You may also appeal the decision that was made under the state law by requesting DEP to issue a Superseding Order of Conditions. This must be done within 10 days of the date issued, and it carries a fee.

What forms do I submit?

1. **Notice of Intent (NOI)** -- you must submit either the standard Notice of Intent (MASS DEP WPA Form 3) or the Abbreviated Notice of Intent (MASS DEP WPA Form 4) which can only be used for projects with minor impact on the buffer zone and no impact on wetlands.

IMPORTANT: *For downloadable forms to file under the Wetlands Protection Act go to the DEP website at:*

<http://www.mass.gov/eea/agencies/massdep/water/approvals/wetlands-and-waterways-forms.html>

2. Natural Heritage and Endangered Species Program Notification

If any portion of your project is within an area designated on the latest (2006) Estimated Habitat Map (posted in the Conservation Commission office), you must submit a copy of the Notice of Intent and plans to the Natural Heritage and Endangered Species Program (NHESP). You are required to include proof of this mailing with your Notice of Intent submittal. Include in your NOI submittal a photocopy of map with site outlined even if the subject property is not within an area designated on the latest Estimated Habitat Map. This will show that you have checked the Map and that the property is not within a designated area.

3. Notice of Intent Fee Transmittal Form

You must submit the state's share of the fee directly to DEP using the Notice of Intent Fee Transmittal Form. A copy of the form must be included with the application submitted to the Commission and DEP.

4. Abutter Notification Form

You must notify all abutters within 100 feet of the property upon which the project is to be undertaken (with some exceptions for certain large or linear parcels). Submit a request to the Assessor's Office for a certified abutter list. There is a fee for the list. The Notice to Abutters must be hand delivered or sent to each abutter by certified mail as specified in the Rules and Regulations. You must furnish the Commission with proof of mailing before the start of the hearing that all abutters have been notified by providing the Certified Mailing Green Cards or Certificate of Mailing receipts. See and complete **Submittal Form D-Affidavit of Service**.

IMPORTANT: *You should send the notice to the abutters **at least two weeks** before the scheduled hearing date, to give them time to make plans to attend the hearing. It is best to send the notice to the abutters at the same time you submit the application to the Commission.*

What else must I include?

IMPORTANT: *Be sure to read the Town and State rules and regulations and all instructions, including a detailed list of information that must be submitted with the application. Please see and complete all the attached submittal Forms.*

1. **Plans** that clearly show the area where work is to be performed, and the location of all wetlands within 100 feet of the work; and all Rivers, perennial streams, and potential or certified vernal pools within 200 feet of the work. **HIGHLIGHT** with different colors the **25-foot no disturb zone, 50-foot no build zone, and the 100-foot and 200-foot buffer lines depicted on the plans.**
2. A description of the **current/existing condition** within the site, including the vegetation, soils and buildings present.
3. A description of the **proposed work**, including all measures to prevent erosion that might affect the wetlands and all measures to mitigate any potential adverse effects on the wetlands.
4. State and local **filing fees**, both based upon the nature and extent of the work.
5. An **electronic copy** of NOI, CAD drawings, and other submitted materials (which may be scanned and copied to disc) is required for all subdivisions, developments, commercial projects and initial filings on individual house lots within subdivisions/developments.
6. **Submittal Form A- Notice of Intent Checklist**
7. **Submittal Form B- Information to be Included in Plans and Supporting Documents**

8. **Submittal Form C- Local Filing Fee Table**

9. **Submittal Form D- Affidavit of Service**

Where should I send the application?

The state share of the state filing fee must be sent to the DEP Lock Box, accompanied by the NOI Wetland Fee Transmittal Form. The original and **7 copies** of the complete application and plans must be submitted to the Conservation Commission.

A copy of the NOI and plans must be sent to DEP. Note: You may submit the NOI online through the DEP website at: <http://www.mass.gov/eea/agencies/massdep/service/approvals/wpa-form-3.html>

A copy of the NOI and plans must be sent to the Army Corps of Engineers, if the project may fall under their jurisdiction (i.e. if work is proposed within any bank, bordering vegetated wetland, or land under a water body or waterway).

Submittal Form A Notice of Intent Checklist

Please check all the documents to be submitted to:

The Department of Environmental Protection (DEP) (one copy)

- Copy of Notice of Intent (DEP Form 3) or Abbreviated Notice of Intent (DEP Form 4)
- Copy of the NOI Wetland Fee Transmittal Form
- Copy of the check sent to the DEP lock box
- Evidence of mailing (certified mail receipt) to the Natural Heritage and Endangered Species Program (NHESP), if the site is within an area marked on the most recent Estimated Habitat Map
- Copy of NHESP Estimated Habitat Map showing location of project and site outlined in red
- 8 1/2" x 11" copy of USGS quad section showing location of project and site outlined in red
- Copy of FEMA Map showing location of project and site outlined in red
- **Plans** that clearly show the area where work is to be performed, and the location of all wetlands within 100 feet of the work; and all Rivers, perennial streams, and potential or certified vernal pools within 200 feet of the work. **HIGHLIGHT with different colors the 25-foot no disturb zone, 50-foot no build zone, and the 100-foot and 200-foot buffer lines depicted on the plans.**
- Description/narrative of the **current/existing condition** within the site, including the vegetation, soils and buildings/structures present, and any other existing non-natural and natural features.
- Description of the **proposed work**, including all measures to prevent erosion that might affect the wetlands and all measures to mitigate any potential adverse effects on the wetlands.
- List of associated regulations/performance standards and how the project is or is not in compliance
- Any supporting documents or materials required by DEP

The Natural Heritage and Endangered Species Program (one copy)

- ALL of the documents submitted to DEP (listed above) if work is proposed within an area marked on the most recent Estimated Habitat Map

The Army Corps of Engineers (one copy)

- ALL of the documents submitted to DEP (listed above), if work is proposed within any bank, bordering vegetated wetland, or land under a water body or waterway

The Tewksbury Conservation Commission

- All of the documents submitted to DEP (listed above, 7 copies)
- Check for the town's share of the Notice of Intent fee, payable to "Town of Tewksbury"
- Check for the local wetland bylaw fee, payable to "Town of Tewksbury"
- Statement of how the wetlands bylaw permit fee was calculated (see Appendix C)
- 8-1/2" x 11" section of Tewksbury assessors map with the site boundaries outlined
- All deeds, title certificates, and latest tax bill for the property
- Certified Assessor's list of all abutters within 100 feet of the site
- Copy of the notice sent to abutters
- Proof that abutters were notified (provide certified mail return receipt Green Cards or certificate of mailing receipts prior to the scheduled hearing and a completed Affidavit Appendix D)

Submittal Form B

Information to be included in Plans and Supporting Documents

Format for Drawings

- All drawings must show the name of the project, location, name of person(s) preparing the drawings, and date prepared (including latest revision date)
- Plans should be stamped and signed by a Registered Professional Engineer (showing his/her engineering discipline) or Registered Land Surveyor. Plans depicting proposed drainage systems must be stamped and signed by a Registered Professional Civil Engineer.
- Index sheet, if more than two drawing sheets
- Drawing sheets must be no larger than 24" x 36"
- Drawing scale of 1" = not more than 50'

Description of Existing Site and Conditions (include all that apply to your site)

- Property boundaries showing metes and bounds and abutters
- All zoning district boundaries, including floodplain and water supply protection overlays
- Existing contours at 2-foot intervals based on National Geodetic Vertical Datum
- All existing natural and human-made features, including tree/shrub lines, rock outcrops, stone walls, fence lines, cart roads, foot paths, overhead and underground utilities, and drainage structures
- Location of all surface and subsurface water supplies, wells, and septic systems on the property and on the abutting properties
- All wetlands resource areas (including water courses, water bodies, intermittent streams, springs, open and closed channels, storm drains, kettleholes, vernal pools, isolated areas subject to flooding, and vegetated wetlands) contained on the site or within 100 feet of the site; and rivers and perennial streams on the site or within 200 feet of the site, and with boundaries identified by a wetland scientist and locations determined from a survey performed by a Registered Land Surveyor or Registered Professional Civil Engineer
- **HIGHLIGHT with different colors** the boundaries of buffer zones on plans presented to the Commission
 - **Boundaries of the 100-foot buffer zone for each wetland resource area**
 - **Boundaries of the 25-foot no-disturb zone for each wetland resource area**
 - **Boundaries of the 100-foot and 200-foot Riverfront Areas**
 - **Boundaries of the 200-foot vernal pool and potential vernal pool line**
- Elevations of all natural and human-made drainage structures, waterways, water bodies and wetlands
- 100-year flood elevations and boundaries of all natural and human-made waterways, water bodies and wetlands
- Hydraulic calculations showing full-flow capacity and velocity of all water courses, open and closed channels, and storm drains flowing into, on and out of the property
- Soil boundaries as determined from mapping by the USDA Soil Conservation Service
- Soil characteristics in representative portions of the site, including depth of peat, muck, and organic matter in wetland areas
- Maximum groundwater elevations with calendar dates of measurements, samplings, and percolation tests where applicable

Description of Proposed Activity

- All proposed man-made features including roads, driveways, parking areas, structures, buildings, and overhead and underground utilities
- Subsurface sewage disposal systems, with plans showing compliance with Title V
- Proposed grading and changes in elevation shown with two-foot contours and spot grades
- All surface and subsurface drainage structures, including location, cross-section, slope, and surface treatment of all drainage channels and inverts, slope, pipe materials, catch basins, manholes and end treatment of all storm drains discharging within 100 feet of any wetland or waterway or within 200 feet of any River or perennial stream
- Location and detail of all temporary erosion control devices, diversions, terraces, silt fences, hay bales, straw wattles and sedimentation basins
- Verify how project complies with all applicable Performance Standards

Supplemental Documentation (include all that apply to your project)

- Engineering calculations to fully support the design of compensatory flood storage areas, detailing existing and proposed incremental flood storage volumes up to the 100-year flood elevation
- Engineering data to describe alteration and replication of resource areas, with calculations showing that the capacity and stability of existing and altered waterways is not impaired by the proposed work
- Wildlife habitat study and design of compensating wetland/wildlife habitat, where alterations will exceed the thresholds described in 310 CMR 10.00 or where the alteration of vernal pool habitat or the habitat of a rare species is proposed
- Hydrologic analysis to support the design of the storm water management system for new point source discharges within 100 feet of a resource area, prepared by a Registered Professional Civil Engineer
- Limit of clearing for all areas that will be altered within 100 feet of a resource area
- Planting plans, monitoring plans, specifications, and construction schedules for all area that will be altered within 100 feet of a resource area
- List of alternative sites for restoration/replication to avoid using restoration sites with existing mature trees
- Erosion control plan, describing all methods to control erosion and siltation on site, temporarily and permanently, showing location of any fill material that will be stored on site
- Completed DEP Stormwater Management Form
- Copy of NPDES Stormwater Pollution Prevention Plan
- Copies of completed DEP Field Data Forms used for delineating bordering vegetated wetlands in representative areas of site

FOR QUESTIONS REGARDING SUPPLEMENTAL INFORMATION TO SUBMIT PLEASE CONTACT THE CONSERVATION AGENT AT 978-640-4370

Submittal Form C Local Filing Fee Table

Please check the appropriate box associated with the work that is to be undertaken through your submittal to the Conservation Commission and include your total local filing cost.

IMPORTANT: If work begins without the proper permits being obtained from the Commission the applicant will be required to file for the appropriate permit and **all of the local filing fees will be doubled.**

Check Box	FILING TYPE	DESCRIPTION	LOCAL FEE	NOTIFICATION NEEDED
	RDA		\$125	LEGAL AD
	NOI Category 1	(see DEP wetland filing fee schedule below)	\$225	ABUTTERS, LEGAL AD
	NOI Category 2	(see DEP wetland filing fee schedule below)	\$275	ABUTTERS, LEGAL AD
	NOI Category 3	(see DEP wetland filing fee schedule below)	\$375	ABUTTERS, LEGAL AD
	NOI Category 4	(see DEP wetland filing fee schedule below)	\$275	ABUTTERS, LEGAL AD
	ANRAD	15% of TOTAL FEE + \$25		ABUTTERS, LEGAL AD
	CERTIFICATE OF COMPLIANCE		\$85	NONE, SUBMIT ENGINEER'S LETTER AND AN AS-BUILT
	AMENDMENTS		15% OF ORIGINAL FEE	
	EXTENSIONS		\$60 PER REQUEST	NONE, SUBMIT LETTER WITH REASON

The local filing fee for Notice of Intent submittals is required in addition to the State's filing fee schedule for Notice of Intent which can be found on the DEP NOI Instructions Page found on the attached link:

<http://www.mass.gov/eea/docs/dep/water/approvals/year-thru-alpha/w/wpaform3.pdf>

Category Activities and Fees

Category 1

- a.) work on single family lot; addition, pool, etc.;
- b.) site work without a house;
- c.) control vegetation;
- d.) resource improvement;
- e.) work on septic system separate from house;
- f.) monitoring well activities minus roadway;
- g.) new agricultural or aquaculture projects.

Category 2

- a.) construction of single family house;
- b.) parking lot;
- c.) beach nourishment;
- d.) electric generating facility activities;
- e.) inland limited projects minus road crossings and agriculture;
- f.) each crossing for driveway to single family house;
- g.) each project source (storm drain) discharge;
- h.) control vegetation in development;
- i.) water level variations;
- j.) any other activity not in Category 1, 3, 4, 5 or 6;
- k.) water supply exploration.

Category 3

- a.) site preparation (for development) beyond Notice of Intent scope;
- b.) each building (for development) including site;
- c.) road construction not crossing or driveway;
- d.) hazardous cleanup;
- e.) water supply development.

Category 4

- a.) each crossing for development or commercial road;
- b.) dam, sluiceway, tidegate (safety) work;
- c.) landfills operation/closures;
- d.) sand and gravel operations;
- e.) railroad line construction;
- f.) bridge;
- g.) hazardous waste alterations to resource areas;
- h.) dredging;
- i.) package treatment plant and discharge;
- j.) airport tree clearing;
- k.) oil and/or hazardous material release response actions.

Submittal Form D
AFFIDAVIT OF SERVICE

Under the Massachusetts Wetlands Protection Act
and the Town of Tewksbury's Wetlands Protection Bylaw

(To be submitted to the Tewksbury Conservation Commission when filing a Notice of Intent or Abbreviated Notice of Resource Area Delineation)

I, _____ (person making Affidavit), hereby certify under the pains and penalties of perjury that on _____ (date) I gave notification to abutters in compliance with :

A Notice of Intent or Abbreviated Notice of Resource Area Delineation filed under the Massachusetts Wetlands Protection Act and the Town of Tewksbury's Bylaws by _____ (name of applicant) with the Tewksbury Conservation Commission on _____ (date) for property located at _____ (address of proposed work) .

The form of the notification and a list of the abutters to whom it was given and their addresses are attached to this Affidavit of Service.

Name

Date