

Ipswich Conservation Commission Mandatory Pre-Filing Checklist for an NOI, ANOI and ANRAD

Filings must be complete, in compliance with the following checklist, or your project filing will not be accepted. Every blank below must be either initialed, indicating compliance, or designated as “N/A,” if not applicable. *Ipswich Wetlands Protection Bylaw and Regulations and Ipswich Stormwater Bylaw and Regulations* are available at the Town Clerk’s Office or online at <http://www.town.ipswich.ma.us>

GENERAL REQUIREMENTS

___ Applicable sections of all forms are completed. We understand that incomplete or deficient information may cause delays in the hearing.

___ All forms are dated and contain contact names, addresses and telephone numbers, in addition to the proper project address. For the applicant, we understand that this must include having a **valid telephone number** for the legal advertisement bill. All information must be legible.

___ We understand that this filing requires the issuance of a Department of Environmental Protection (DEP) file number before any decision may be finalized by the Commission. Failure to file the project materials with DEP will result in no number issuing, which will cause delays.

___ If this matter is not decided for any reason in the first session it is heard, and if any new information is required, or revisions to project plans required, the deadline for submission of any and all subsequent materials in this matter is 2:00pm on the Wednesday before the meeting date to which this matter was continued. All supplemental materials must comply with the Required Number of Copies section below, including one additional complete set of same submitted to DEP-Northeast Regional Office (NERO) on or before that date of submittal to the Commission.

MANDATORY SETBACKS

___ If proposing **any activity in the No-Disturbance Zone**, we have submitted a separate written request for a variance of sufficient scope and content to establish a hardship. We have also submitted a proposed mitigation plan. The proposed impact and the mitigation areas are both shown on the plan. The mitigation area ratio is a *minimum* of 1.5 (new) to 1.0 for areas disturbed, if approved.

___ If proposing **any structural activity (any impervious surface, gravel, rip-rap, paving, etc. is considered a structure) in the No-Build Zone**, we have submitted a separate written request for variance of sufficient scope to establish a hardship in full compliance with the requirements of the Bylaw. We have also submitted a proposed mitigation plan. The proposed impact and the mitigation areas are both shown on the plan. The mitigation area ratio is a *minimum* of 1.5 (new) to 1.0 for areas disturbed, if approved.

STORMWATER MANAGEMENT:

___ If the project is subject to Massachusetts Stormwater Management requirements, a “Checklist for Stormwater Report”, stamped by a professional engineer, has been submitted with this filing.

___ If this project proposes land disturbances greater than 10,000 sq.ft. or 50% of the lot, whichever is less, the project is subject to Section V.E of the Ipswich Wetland Protection Bylaw regulations, which requires compliance with state Stormwater Management requirements. “Land Disturbance” includes soil removal, grading and filling, deforestation and clearance of other existing vegetation.

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REQUIRED PLANS:

____ We have included a Locus map showing the location of the project site, with the site circled or otherwise identified.

____ We have included engineered plans are included which show all proposed work, two-foot contours, all resources delineated, all applicable State and Bylaw buffer zones shown, and restrictive Bylaw subzones for No Disturb and No Build Zones. *Per 310 CMR 10.05(4)(h), "The issuing authority (ICC) may require that supporting plans and calculations be prepared and stamped by a registered professional engineer (PE) when, in its judgment, the complexity of the proposed work warrants this professional certification. The issuing authority may also require the preparation of supporting materials by other professionals including, but not limited to, registered landscape architect, registered land surveyor, environmental scientist, geologist or hydrologist when in its judgment the complexity of the proposed work warrants the relevant specialized expertise."*

____ If there is no large or deep excavation, and no mitigation requirement, we have included a sketch showing proposed work, and distances to wetland area(s), and requested a waiver of the requirements for engineered plans.

ABUTTER NOTIFICATION:

____ We have created an list of **all abutters for all properties within 100 feet** in any direction of the project property lines (including across paper or real streets, easements, adjoining waterbodies, etc.) and had that list certified by the Ipswich Assessor's Office.

____ We have notified all the abutters by certified mail on or before the date of filing this project with the Commission. **Proof of this notification must be submitted at the first public hearing.** Failure to notify abutters in advance will constitute valid cause for the Commission to continue this matter to a future session.

____ In lieu of the above, this project proposes work solely within Land under Water Bodies or Waterways, or solely within a Lot with an area greater than 50 acres, and the applicant has provided notification to Abutters whose Lot is within one hundred feet from the Project Site; OR

____ the project is a Linear-shaped project greater than 1,000 feet in length, and notification is provided to Abutters whose Lot is within 1,000 feet from the Project Site.

FEES AND OTHER COSTS:

____ All fees required under **both state and local law** are enclosed. **If a delineation of resources is part of the project for an NOI or ANOI, we have included payment under the local law for review of the resource boundaries.** Fees are not refundable, including for voluntary project withdrawal. Miscalculation of fees or failure to pay fees will result in the filing being deemed incomplete.

____ We understand that this filing requires published public advertisement/legal notices which the Commission will prepare and submit to the newspaper, but which are billed directly to the applicant based upon their telephone number and that **we agree to pay that fee.** Failure or refusal to pay that fee will constitute an incomplete filing and the matter will not advance until the fees are paid in full.

**Ipswich Conservation Commission
Mandatory Pre-Filing Checklist for an NOI, ANOI and ANRAD**

AUTHORIZATION:

_____ **If this document is not filled out by the applicant**, then any consultant or contractor or other representative so completing and submitting it hereby state(s) that they have full and complete knowledge and authority to make all the representations herein, that they agree to immediately notify the applicant of all aspects of this matter not decided by the applicant, and that the applicant has so authorized them to make those decisions on the applicant's behalf.

MEETING DATE

_____ We understand that this matter, if submitted in complete form, will normally be agendaed for the first meeting following our submittal of materials. The applicant or their duly-authorized representative **agrees to appear at the meeting in person.**

_____ If, due to early deadlines related to the required legal advertisement, the matter cannot be heard within the required 21-day period, we agree to sign a waiver of the 21-day requirement for a hearing, and be present at the next regularly-scheduled public hearing.

REQUIRED NUMBER OF COPIES:

_____ We have signed and dated the original of this form, and submitted to the Conservation Office:

- **An original plus 2 copies of all 8½" by 11" documents** (e.g., NOI, etc.) **AND**
- **An original plus 4 copies of documents larger than 8½" by 11"** at actual scale (e.g. plans).

_____ **In addition**, we have submitted via email to BrendanI@ipswichma.gov and Janetr@ipswichma.gov **an electronic set of all documents and plans**, as required by the Ipswich Wetland Protection Bylaw. NOTE: *A DVD may be submitted to the Conservation Office to meet this requirement.* If you require assistance with creating an electronic copy, contact the Conservation Office.

_____ We have sent a copy of the **state Fee Form** and **state's portion of the state fee** to **Department of Environmental Protection at P.O. Box 4062, Boston, MA 02211.**

_____ We have submitted **one full set of all documents and plans except this checklist to the DEP-Northeast Regional Office (NERO) at 205B Lowell Street, Wilmington, MA 01887** on or before this submission to the Commission.

We have reviewed and completed this form on _____ day of _____, 20__.

We are the (circle all that apply): applicant // site owner // consultant

Sign here: _____

Print here: _____

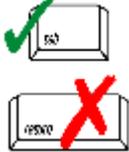


WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
MassDEP File Number
Document Transaction Number
City/Town

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Note:
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

_____	_____	_____
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude: _____		
_____	_____	_____
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

_____	_____	
a. First Name	b. Last Name	

c. Organization		

d. Street Address		
_____	_____	_____
e. City/Town	f. State	g. Zip Code
_____	_____	_____
h. Phone Number	i. Fax Number	j. Email Address

3. Property owner (required if different from applicant): Check if more than one owner

_____	_____	
a. First Name	b. Last Name	

c. Organization		

d. Street Address		
_____	_____	_____
e. City/Town	f. State	g. Zip Code
_____	_____	_____
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

_____	_____	
a. First Name	b. Last Name	

c. Company		

d. Street Address		
_____	_____	_____
e. City/Town	f. State	g. Zip Code
_____	_____	_____
h. Phone Number	i. Fax Number	j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

_____	_____	_____
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



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A. General Information (continued)

6. General Project Description:

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- | | |
|---|---|
| 1. <input type="checkbox"/> Single Family Home | 2. <input type="checkbox"/> Residential Subdivision |
| 3. <input type="checkbox"/> Commercial/Industrial | 4. <input type="checkbox"/> Dock/Pier |
| 5. <input type="checkbox"/> Utilities | 6. <input type="checkbox"/> Coastal engineering Structure |
| 7. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) | 8. <input type="checkbox"/> Transportation |
| 9. <input type="checkbox"/> Other | |

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. Yes No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

<hr/> a. County	<hr/> b. Certificate # (if registered land)
<hr/> c. Book	<hr/> d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet	2. square feet
	3. cubic yards dredged	

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet	2. square feet
	3. cubic feet of flood storage lost	4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet	
	2. cubic feet of flood storage lost	3. cubic feet replaced
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available) - specify coastal or inland	

2. Width of Riverfront Area (check one):

- 25 ft. - Designated Densely Developed Areas only
- 100 ft. - New agricultural projects only
- 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: _____ square feet

4. Proposed alteration of the Riverfront Area:

a. total square feet	b. square feet within 100 ft.	c. square feet between 100 ft. and 200 ft.
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5. Has an alternatives analysis been done and is it attached to this NOI? Yes No

6. Was the lot where the activity is proposed created prior to August 1, 1996? Yes No

3. Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Note: for coastal riverfront areas, please complete **Section B.2.f.** above.



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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users: Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

Resource Area, Size of Proposed Alteration, Proposed Replacement (if any)
a. Designated Port Areas
b. Land Under the Ocean
c. Barrier Beach
d. Coastal Beaches
e. Coastal Dunes
f. Coastal Banks
g. Rocky Intertidal Shores
h. Salt Marshes
i. Land Under Salt Ponds
j. Land Containing Shellfish
k. Fish Runs
l. Land Subject to Coastal Storm Flowage

4. Restoration/Enhancement
If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

a. square feet of BVW b. square feet of Salt Marsh

5. Project Involves Stream Crossings

a. number of new stream crossings b. number of replacement stream crossings



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C. Other Applicable Standards and Requirements

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

- 1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

- a. Yes No **If yes, include proof of mailing or hand delivery of NOI to:**

**Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581**

- b. Date of map _____

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); *OR* complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- c. Submit Supplemental Information for Endangered Species Review*

- 1. Percentage/acreage of property to be altered:

(a) within wetland Resource Area _____ percentage/acreage

(b) outside Resource Area _____ percentage/acreage

- 2. Assessor's Map or right-of-way plan of site

- 2. Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **

- (a) Project description (including description of impacts outside of wetland resource area & buffer zone)

- (b) Photographs representative of the site

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/>). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



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C. Other Applicable Standards and Requirements (cont'd)

(c) MESA filing fee (fee information available at http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/mesa/mesa_fee_schedule.htm). Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

Projects altering 10 or more acres of land, also submit:

(d) Vegetation cover type map of site

(e) Project plans showing Priority & Estimated Habitat boundaries

(f) OR Check One of the Following

1. Project is exempt from MESA review. Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/mesa/mesa_exemptions.htm; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2. Separate MESA review ongoing. a. NHESP Tracking # _____ b. Date submitted to NHESP _____

3. Separate MESA review completed. Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

a. Not applicable – project is in inland resource area only b. Yes No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and the Cape & Islands:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
1213 Purchase Street – 3rd Floor
New Bedford, MA 02740-6694
Email: DMF.EnvReview-South@state.ma.us

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: DMF.EnvReview-North@state.ma.us

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.



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Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

C. Other Applicable Standards and Requirements (cont'd)

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
- a. Yes No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
-
- b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
- a. Yes No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
- a. Yes No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
- a. Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
 2. A portion of the site constitutes redevelopment
 3. Proprietary BMPs are included in the Stormwater Management System.
- b. No. Check why the project is exempt:
1. Single-family house
 2. Emergency road repair
 3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.



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D. Additional Information (cont'd)

3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4. List the titles and dates for all plans and other materials submitted with this NOI.

a. Plan Title

b. Prepared By

c. Signed and Stamped by

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

5. If there is more than one property owner, please attach a list of these property owners not listed on this form.

6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.

7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.

8. Attach NOI Wetland Fee Transmittal Form

9. Attach Stormwater Report, if needed.

E. Fees

1. Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

2. Municipal Check Number

3. Check date

4. State Check Number

5. Check date

6. Payor name on check: First Name

7. Payor name on check: Last Name



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F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

1. Signature of Applicant

2. Date

3. Signature of Property Owner (if different)

4. Date

5. Signature of Representative (if any)

6. Date

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.

Ipswich Conservation Commission – NOI Filing Procedure

√	Item	Notes
	1. "Mandatory Pre-Filing Checklist for an NOI, ANOI and ANRAD"	MANDATORY - Initial or note "NA" on each item, as applicable. Sign and date the last page. Submit original only.
	2. Notice of Intent (NOI) form	MANDATORY - WPA Form 3 – Notice of Intent. The NOI must also list the Ipswich Wetlands Protection Bylaw, which may be hand written on the 1 st page. Owner and applicant must sign last page. Submit original plus 2 copies
	3. Project Locus	MANDATORY – A map showing the location of the project site, preferably a copy of the U.S. Geological Survey (USGS) map, with the site circled. The Ipswich Quadrangle of the USGS map is available in the Conservation Office. Alternatively use a Google map, with site circled. Submit original plus 2 copies
	4. Certified Abutters List, completed Abutter Notification Form, and completed Affidavit of Service form.	MANDATORY – All abutters (owners of all properties) within 100' of the project site must be notified in accordance with state law. See "Ipswich Abutter Notification Procedure_12-2-2014" on our website. Proof of notification must be submitted at the 1 st public hearing. Submit original plus 2 copies
	5. Project Narrative.	<i>If needed</i> – Include a separate written description of the proposed work if there is insufficient room on the NOI form. Submit original plus 2 copies
	6. DEP Stormwater Checklist.	<i>If required</i> – Submit form prepared and signed by a professional engineer (not required for single-family house projects). Submit original only.
	7. Engineered plan	MANDATORY – submit showing the proposed work and distance to resource area. If a sketch is to be submitted, you must request a waiver of the requirement for engineered plans. Submit original plus 2 copies of plan/sketch if 8½ x 11"; Submit original plus 4 copies if plan is larger than 8½ x 11".
	8. State Fee Form with check for Town share of state fee.	MANDATORY – Make check out to "Town of Ipswich". Please note project address in the memo space. NOI instructions note required fees for each category of work. Submit original plus 2 copies, including a copy of check.
	9. Local Fee Form with check for local fee.	MANDATORY - Make check out to "Town of Ipswich". Please note project address in the memo space. Use the same fee category as on state fee form. Submit original plus 2 copies, including a copy of check.
	10. Written waiver request.	<i>If required</i> – submit for work in the Mandatory Subzones (No-Disturbance Zone, No-Build Zone), with required 1.5 : 1 mitigation. Submit original plus 2 copies.
	Submit NOI filing packets with all of the above documents (1-10), with required number of copies as noted to the Conservation Office.	MANDATORY - NOI packets are due in accordance with the published schedule, (see Conservation website), generally 2-3 weeks before a scheduled meeting.
	Submit an electronic copy of all the above documents (1-10) to the Conservation Office.	MANDATORY – Send a scan of all documents via email to Brendanl@ipswichma.gov and Janetr@ipswichma.gov . If you are unable to scan the documents, ask for assistance from the Conservation Office.
	Submit 1 copy of items 2-8, including copies of state and local filing fee checks, to the regional DEP office.	MANDATORY – mail to: DEP-NERO, 205B Lowell St, Wilmington, MA 01887
	Submit a copy of the state fee form with a check for the state's share of the state fee to DEP in Boston.	MANDATORY – Make check out to "Commonwealth of Massachusetts", and mail to: DEP, P.O. Box 4062, Boston, MA 02211.
	Applicant must attend the public hearing(s).	MANDATORY – Someone knowledgeable about the project must attend the Conservation Commission hearing to answer questions.
	Other important notes:	The Conservation Office will submit a legal ad, to be paid for by the applicant. The Conservation Agent and/or Field Inspector will visit the site prior to the hearing. In addition, Conservation Commission members may also visit the site. Submittal of the NOI grants access to the project site for these individuals.

Insufficient information, incomplete forms, the failure to submit all required documents to the Conservation Office, or failure to pay required fees will result in a delay.

The Commission cannot close the public hearing until the DEP issues a file number. DEP will not issue a file number until they receive the complete NOI packet, and the check for the state share of the state fee has cleared their bank. For questions about the DEP file number contact James Freeley at James.Freeley@state.ma.us or 978-694-3254.

Ipswich Conservation Commission Abutter Notification Requirements and Procedure

When submitting a Notice of Intent (NOI), Abbreviated Notice of Intent (ANOI), or an Abbreviated Notice of Resource Area Delineation (ANRAD) certain abutters to the subject property must be notified in accordance with the Massachusetts Wetlands Protection Act and Ipswich Wetlands Protection Bylaw. This notification is at the applicant's expense. The notification must meet the following requirements:

1. Notify all abutters within 100' of the subject property, including properties across roadways, unless your project meets the MA Department of Environmental Protection's Abutter Notification protocol for large or linear project. This protocol states that:
 - an applicant who proposes work only in Land Under Water Bodies or Waterways, or only on a lot larger than 50 acres, is required to provide notification only to abutters whose lot is within 100' of the "Project Site", which is the specific area where work is occurring that is within the Commission's jurisdiction.
 - an applicant proposing a Linear-shaped project (such as a within utility easement) greater than 1,000 feet in length is required to provide notification only to Abutters whose lot is within 1,000 feet of the "Project Site", which is the specific area where work is occurring that is within the Commission's jurisdiction.
2. Notify abutters at least seven (7) days prior to the public hearing;
3. The notification must be in writing, using the required local form (entitled "Notification Of Abutters Under The Massachusetts Wetlands Protection Act And The Town Of Ipswich Wetlands Protection Bylaw"). The notification must be either delivered by hand (with a confirmatory signature of the abutter); by certified mail, return receipt requested; or by certificates of mailing.
4. The applicant must present proof of notification (signature of hand delivery, certified mail receipts, or certificate of mailing receipts) for all abutters at the beginning of the first public hearing.

The abutters list (the list of those who must be notified) must be certified by the Ipswich Assessor's Office. The process is as follows: the applicant/representative gets a blank abutter form from the Assessor's Office or the Conservation Office. Then the applicant/representative fills it in using the maps and computer in the Public Research Room at Town Hall (across from the Assessor's Office – 1st floor). After the list is created, it is brought to the Assessor's office for certification. If it is a short list and they have the time, they'll review/certify it on the spot. If it is long or they are very busy, you leave it and they review and certify it. They then let the applicant/representative know when the form is ready for pickup. A copy of the certified abutter list must be submitted with the NOI/ANOI/ANRAD filing packet.



TOWN OF IPSWICH

IPSWICH, MASSACHUSETTS 01938

TOWN ASSESSOR
(978) 356-6603

DATE: _____

THE FOLLOWING REPRESENTS THE LIST OF ABUTTERS FOR
(LOCATION) _____ MAP _____ LOT _____
AS SUPPLIED BY _____

<u>MAP/LOT</u>	<u>RECORD OWNER</u>	<u>MAILING ADDRESS</u>
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____
9.	_____	_____
10.	_____	_____
11.	_____	_____

I HEREBY CERTIFY THAT THE ABOVE LIST REPRESENTS OWNERS OF
PROPERTY FROM THE MOST CURRENT TAX LIST.

ROBIN E. NOLAN, MAA
CHIEF ASSESSOR

**NOTIFICATION OF ABUTTERS UNDER THE
MASSACHUSETTS WETLANDS PROTECTION ACT AND
THE TOWN OF IPSWICH WETLANDS PROTECTION BYLAW**

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, and the Ipswich Wetlands Protection Bylaw, as an abutter within 100 feet of any property line, you are hereby notified of the following: _____ has filed a

(Applicant)

Notice of Intent _____; Abbreviated Notice of Intent _____;
Abbreviated Notice of Resource Area Delineation _____; Request for Amendment _____

with the Ipswich Conservation Commission, for review of the following activity:

at _____, Tax Map _____ Tax Lot _____.
(project address)

Existing IPS/DEP File Number, if assigned, is DEP # 036-_____. The Applicant's target hearing date is: _____. Information regarding the date, time, and place of the public hearing may be obtained from the Ipswich Conservation Office by calling (978) 356-6661.

The filing materials may be examined at the Conservation Office, Room 101, at 25 Green St, Ipswich, MA, by appointment, during regular office hours. Office hours are Monday 9:00am – 12:00pm and 2:00pm to 7:00pm; and Tuesday through Thursday 9:00am to 2:00pm.

Copies of 8½” by 11” documents may be purchased for \$0.20/page. Full size plans (24” by 36”) may be purchased for \$7.00 per sheet. **Copies may not be available immediately**, but will be prepared within a reasonable time of the request. **No file materials may be borrowed under any circumstances.** Other than a brief summary of the matter at issue, the Conservation Office will not be able to discuss projects in depth over the telephone. If you have specific questions about a filing, contact the Conservation Office to review the file and/or speak with the Conservation Agent.

Notice of the public hearing, including the date, time and place, will be published at least five (5) days in advance of the first hearing only, in the Ipswich Chronicle, and in the Conservation Commission's Agenda as posted outside the Town Clerk's Office in Town Hall not less than forty-eight (48) hours in advance of sessions, and on the Town's Conservation website at www.Ipswichma.gov.

For more information regarding this matter or the Massachusetts Wetlands Protection Act, you may also contact the Mass. Department of Environmental Protection, Northeast Regional Office (DEP-NERO) at 978-694-3200, or at 205B Lowell Street, Wilmington, MA 01887; or at its website at: <http://mass.gov/dep/water/resources/wetlands.htm>.

AFFIDAVIT OF SERVICE

Under the Massachusetts Wetlands Protection Act

I, _____, of _____, hereby give notice under pains and penalties of perjury that on _____ I gave notice to abutters in compliance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, and the DEP Guide to Abutter Notification, in connection with the following matter:

A _____ was filed under the Massachusetts Wetlands Protection Act by _____ with the Town of Ipswich Conservation Commission on _____ for the property located at _____. The form of the notification. The list of abutters to whom it was given, and their addresses, are attached to this Affidavit of Service. Proof of notification will be submitted at or before the first public hearing.

signature

date

printed name



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



A. Applicant Information

1. Location of Project:

a. Street Address _____ b. City/Town _____
 c. Check number _____ d. Fee amount _____

2. Applicant Mailing Address:

a. First Name _____ b. Last Name _____
 c. Organization _____
 d. Mailing Address _____
 e. City/Town _____ f. State _____ g. Zip Code _____
 h. Phone Number _____ i. Fax Number _____ j. Email Address _____

3. Property Owner (if different):

a. First Name _____ b. Last Name _____
 c. Organization _____
 d. Mailing Address _____
 e. City/Town _____ f. State _____ g. Zip Code _____
 h. Phone Number _____ i. Fax Number _____ j. Email Address _____

B. Fees

Fee should be calculated using the following process & worksheet. **Please see Instructions before filling out worksheet.**

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).



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 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee

Step 5/Total Project Fee: _____

Step 6/Fee Payments:

Total Project Fee: _____
 a. Total Fee from Step 5

State share of filing Fee: _____
 b. 1/2 Total Fee **less** \$12.50

City/Town share of filing Fee: _____
 c. 1/2 Total Fee **plus** \$12.50

C. Submittal Requirements

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
 Box 4062
 Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

APPENDIX A

TOWN OF IPSWICH WETLANDS PROTECTION BY-LAW PROCESSING FEE CALCULATION WORKSHEET (Effective January 17, 2018) IMPORTANT: BYLAW FEES ARE IN ADDITION TO WPA FEES

(Submit this form with application with payment check made payable to Town of Ipswich)

1. A flat fee of \$30.00 for an **Small Project Permit** \$ _____
2. A fee for the following applications: (check off appropriate item)
 - _____ **Request for Determination of Applicability (RDA)** \$75.00 ea. \$ _____
 - _____ **Request for Certificate of Compliance (COC) if Order is unexpired** \$100.00 ea. \$ _____
 - _____ **Request for COC if Order is expired** \$200.00 ea. \$ _____
 - _____ **Request for Extension of Order** \$60.00 ea. \$ _____
3. The following schedule applies for **Notice of Intent** and **Abbreviated Notice of Resource Areas Delineation** categories at 310 CMR 10.03(7) (c), as follow:

	<u>No.</u>		<u>Total</u>
Category 1.	\$75.00 per activity	x _____	= \$ _____
Category 2.	\$300.00 per activity	x _____	= \$ _____
Category 3.	\$650.00 per activity	x _____	= \$ _____
Category 4.	\$950.00 per activity	x _____	= \$ _____
Category 5. (Not less than \$50.00 or more than \$1,000.00)	\$2.00/L.F.	x _____ L.F.	= \$ _____
Total:			\$ _____
4. **Formal Amendment** to an existing Order (requires a public hearing):
 Equal to original filing fee/per each activity \$ _____
5. **Minor Modification** to an existing Order (does not require a public hearing), *check appropriate item(s)*:
 - _____ First Request - Equal to 25% of original filing fee or \$30.00, whichever is greater \$ _____
 - _____ Second Request - Equal to 50% of original filing fee \$ _____
 - _____ Third and Subsequent Requests-Equal to original filing fee \$ _____

Total: \$ _____
6. Application for review of resource area delineation: \$1.00/Linear Foot (LF) of not less than \$50.00 or more than \$200.00 for single family house projects; not less than \$50.00 or more than \$2000.00 for any other activity. This fee will be in addition to the fee for an RDA or NOI listed above.
 Type of activity: _____ \$1.00/LF x LF = \$ _____
7. Fees for projects within the Riverfront Area and another resource area shall be 150% of the above (check off appropriate item)
 - _____ RDA: \$ 75.00 x 150% = \$ _____
 - _____ NOI (Total from Paragraph #3 above): \$ _____ x 150% = \$ _____
8. Late filing penalty fees: In the event of a violation finding by the Commission in which a filing is required after-the-fact, the local Wetlands By-Law fee for that late filing will be three times the normal fee(s) for the activities, applicable per the above schedule, including delineation fees.
 Regular Processing Fee: \$ _____ x 3 (penalty) = \$ _____

Name/project address of Applicant: _____

DEP or ICC File No. _____ **(if applicable).** **TOTAL BYLAW FEE SUBMITTED \$** _____

Revised January 17, 2018



Massachusetts Department of Environmental Protection
Bureau of Resource Protection – Wetlands & Waterways
BRP WPA Form 3 - Notice of Intent
Instructions and Supporting Materials

Instructions for Completing Application
WPA Form 3 – Notice of Intent

Please read these instructions for assistance in completing the Notice of Intent application form (WPA Form 3). These instructions cover certain items on the Notice of Intent form that are not self-explanatory.

Purpose of the Notice of Intent (NOI)

To protect the Commonwealth's wetland resources, the Massachusetts Wetlands Protection Act (General Law Chapter 131, Section 40) prohibits the removal, dredging, filling, or altering of wetlands without a permit. To obtain a permit (called an Order of Conditions), a project proponent must submit an application to the Conservation Commission and the Department of Environmental Protection (the Department). The Notice of Intent application provides the Conservation Commission and the Department with a complete and accurate description of the:

- **Site:** including the type and boundaries of resource areas under the Wetlands Protection Act, and
- **Proposed work:** including all measures and designs proposed to meet the performance standards described in the Wetlands Protection Act Regulations, 310 Code of Massachusetts Regulations (CMR) 10.00, for each applicable resource area.

The applicant is responsible for providing the information required for the review of this application to the permit issuing authority (Conservation Commission or the Department). The submittal of a complete and accurate description of the site and project will minimize requests for additional information by the issuing authority that may result in an unnecessary delay in the issuance of an Order of Conditions.

To complete this form, the applicant should refer to the wetlands regulations (310 CMR 10.00), which can be obtained from the Department's web site: <http://www.mass.gov/eea/agencies/massdep/water/regulations/310-cmr-10-00-wetlands-protection-act-regulations.html>. Regulations are available for viewing at public libraries and county law libraries across the state, as well as at the Department's Regional Service Centers (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/> for locations of regional offices and the communities they serve). Regulations also are available for sale from the State House Bookstore in Boston (617-727-2834) and State House Bookstore West in Springfield (413-784-1378).

Requirements for Professional Services

The issuing authority may require that supporting plans and calculations be prepared and stamped by a registered professional engineer (PE) when, in its judgment, the complexity of the proposed work warrants this certification. Examples of information likely to require certification by a PE include: hydraulic and hydrologic calculations; critical elevations and inverts; and drawings for water control structures such as head walls, dams, and retention areas.

The issuing authority also may require that supporting materials be prepared by other professionals including, but not limited to, a registered architect, registered landscape architect, registered land surveyor, registered sanitarian, biologist, environmental scientist, geologist, or hydrologist when the complexity of the proposed work warrants specialized expertise.



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Completing WPA Form 3

Leave the shaded box located at the upper right hand corner of page 1 of NOI blank. This box contains the words: “MassDEP File Number” and “Document Transaction Number”. The MassDEP File Number for this project will be issued to the Conservation Commission by the Department’s regional office. Once issued, all subsequent correspondence on the project should reference the MassDEP file number.

Instructions to Section A: General Information

Item 1. Project Location. The map or plat, parcel, and lot numbers must be included if the lot subject to the NOI does not contain a residence, school, or commercial or industrial establishment, or if the lot is being subdivided.

Electronic filers must click on the button next to Item 1 and use to the GIS locator to identify the project site.

Item 3. Property Owner. If there is more than one property owner, a list of additional property owners should be attached to the Notice of Intent.

Item 5. Total Wetlands Protection Act Fee Paid. Instructions regarding calculations of fees are explained in Section E, below.

Item 6. General Project Description. The applicant should provide a brief description of the project. Describe, and show on accompanying maps and plans, both existing and proposed site conditions, including temporary construction impacts, replication areas, and/or other mitigation measures. Attach maps, plans, and other documents identifying proposed activities and their location relative to the boundaries of each wetland resource area and Buffer Zone (if applicable).

Item 8. Property Recorded at the Registry of Deeds. For Multiple Parcels, additional book and page numbers should be attached to the Notice of Intent.

Instructions to Section B: Buffer Zone and Resource Area Impacts

To determine the size and location of any impacts that a proposed project may have on each wetland resource area, first determine the resource area boundaries.

Item 1. Buffer Zone Only. The **boundary of the buffer zone** is determined by measuring 100 feet horizontally from the outer (landward) boundaries of bordering vegetated wetland, inland or coastal bank, coastal or barrier beach, rocky intertidal shore, salt marsh, and/or coastal dune. See Instructions in Section B, below, to determine the outer boundaries of these resource areas. If you check the Buffer Zone Only box in this section (indicating that the project is entirely in the Buffer Zone), skip the remainder of Section B of the Notice of Intent (Buffer Zone and Resource Area Impacts), and go directly to Section C of the Notice of Intent.

Item 2. The **boundaries of inland resource areas** in Items 2a through f can be determined by reference to the wetlands regulations, subsection (2), “Definitions, Critical Characteristics, and Boundaries,” for each resource area covered under 310 CMR 10.54 - 10.58. The Riverfront Area, listed in Item 1f, also can be a coastal resource area. The width of the Riverfront Area is described in 310 CMR 10.58(2)(a)3, and the methods for determining the Mean Annual High-Water Line (which is the inner boundary) are found in 310 CMR 10.58(2)(a)2 and 10.58(2)(c).

Item 3. The **boundaries of coastal resource areas** (in Items 3a-k) can be determined by reference to 310 CMR 10.25 – 10.35, and to the definitions found in 310 CMR 10.04 and 10.23, and M.G.L. c. 131, § 40. Land Subject to Coastal Storm Flowage is defined in the Wetlands Protection Act (M.G.L. c. 131, § 40); there are no performance standards pertaining to this resource area.



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Once you have identified the resource areas and located the components of the proposed project in each such area, you must indicate on the Notice of Intent the size of the proposed alterations (and proposed replacement areas) in each resource area. **Replacement area standards**, if any, are included in the performance standards for each resource area, discussed in the paragraph below. See also the Department's "Massachusetts Inland Wetland Replication Guidelines", March 2002 (available on MassDEP website at: <http://www.mass.gov/eea/docs/dep/water/laws/i-thru-z/replicat.pdf>).

You must also attach to the Notice of Intent a narrative and any supporting documentation describing how the project will meet all **performance standards** for each of the resource areas altered, including standards requiring consideration of alternative project design or location. The wetland regulations describe the type and extent of work that may be permitted in resource areas, called performance standards. Proposed work must meet these standards.

- **Performance standards for inland resource areas**, including the Riverfront Area (which can be either inland or coastal) are described in the Wetland regulations, subsection 3: "General Performance Standards" for each resource area covered under 310 CMR 10.54 - 58. Among other performance standards, an **alternatives analysis** is required for all projects involving bordering vegetated wetlands as well as those in the Riverfront Areas. Detailed requirements for the evaluation of alternatives to proposed work in Riverfront Areas and bordering vegetated wetlands are described at 310 CMR 10.58(4) and 310 CMR 10.55(4), respectively.
- **Performance standards for coastal resource areas** (excluding Riverfront Area) are described in various subsections within 310 CMR 10.25 – 10.35.
- **Limited Projects** are categories of activities specified in the regulations at 310 CMR 10.24(7) and 10.53(3) – (6), which can proceed at the discretion of the issuing authority without fully meeting the resource area performance standards. **Performance standards for limited projects** are described in the regulations at 310 CMR 10.24(7) and 10.53(3)-(6). An **alternatives analysis** performance standard is required for most limited projects.

Instructions to Section C. Other Applicable Standards and Requirements

Item 1. Rare Wetland Wildlife Habitat. Except for Designated Port Areas, no work (including work in the Buffer Zone) may be permitted in any resource area subject to the Act that would have adverse effects on the habitat of rare, "state-listed" vertebrate or invertebrate animal species.

The most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife is published by the Natural Heritage and Endangered Species Program (NHESP). See: http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm or the *Massachusetts Natural Heritage Atlas*.

If any portion of the proposed project is located in Estimated Habitat of Rare Wildlife as indicated on NHESP maps, the project is subject to the endangered species protection provisions of the Massachusetts Wetlands Protection Act Regulations (310 CMR 10.37, 10.58(4)(b), & 10.59). Projects located within Estimated Habitat are also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18; for exemptions see 321 CMR 10.14). If any portion of the proposed project is located within Estimated Habitat, the applicant must send the Natural Heritage Program, at the following address, a copy of the Notice of Intent by certified mail or priority mail (or otherwise sent in a manner that guarantees delivery within two days), no later than the date of the filing of the Notice of Intent with the Conservation Commission and the Department.

Evidence of mailing to the Natural Heritage Program (such as Certified Mail Receipt or Certificate of Mailing for Priority Mail) must be submitted to the Conservation Commission and the Department's Regional Office along with the Notice of Intent.



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Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581-3336
508.792.7270

To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete the portion of Section D in the NOI entitled: Streamlined Massachusetts Endangered Species Act/Wetlands protection Act Review. **If MESA supplemental information is not included with the NOI, the NHESP will require a separate MESA filing which may take up to 90 days to review.**

Item 2. Coastal Projects. The **mean high water line** in coastal areas is described in the regulatory definitions at 310 CMR 10.23. The definition of **anadromous/catadromous “fish runs”** is found at 310 CMR 10.35(2). If the proposed work is located in either such area, the applicant must send the Massachusetts Division of Marine Fisheries (South Shore (Cohasset to Rhode Island, and the Cape & Islands): Division of Marine Fisheries - Southeast Marine Fisheries Station, Attn: Environmental Reviewer, 1213 Purchase Street – 3rd Floor, New Bedford, MA 02740-6694 or North Shore (Hull to New Hampshire): Division of Marine Fisheries - North Shore Office, Attn: Environmental Reviewer, 30 Emerson Avenue, Gloucester, MA 01930) a copy of the Notice of Intent by certified mail or priority mail (or otherwise sent in a manner that guarantees delivery within two days) no later than the date of the filing of the Notice of Intent with the Conservation Commission and the Department. Evidence of mailing to the Division of Marine Fisheries (such as certified mail receipt or certificate of mailing for priority mail) must be submitted to the Conservation Commission and the Department's Regional Office along with the Notice of Intent.

Item 3. Areas of Critical Environmental Concern. If the project is proposed in one of the communities listed in the last page of these Instructions (also listed at the Department's web site: <http://www.mass.gov/eea/docs/dep/water/approvals/year-thru-alpha/06-thru-d/aceclist.pdf>), the project may be located in an Area of Critical Environmental Concern (ACEC). To confirm whether the project location is in an ACEC, contact the Conservation Commission or the MA Department of Conservation & Recreation (formerly the Department of Environmental Management) ACEC Program at:

251 Causeway St., Suite 600
Boston, MA 02114
617.626.1394

The ACEC Program also may be contacted for additional information or to verify new ACEC designations.

Item 5. Restriction Orders. If any portion of the proposed project is located on a site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131 § 40A) or Coastal Wetlands Restriction Act (M.G.L. c. 130 § 105), attach a copy of the order to the Notice of Intent. To determine if a Wetlands Restriction Order exists for the site, contact the Conservation Commission or the Department's Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/>).

Item 6. Stormwater Management. According to MassDEP's Stormwater Regulations (January 2008), certain projects require stormwater management measures. To determine if a project requires stormwater management, consult the Wetland Regulations at 310 CMR 10.05(6) and the Department publications: *Massachusetts Stormwater Management Handbook: Volumes 1, 2, 3*. These documents are available for purchase from the State House Bookstore (617/727-2834) and State House Bookstore West (413/784-1378) and also may be obtained from MassDEP's web site: <http://www.mass.gov/eea/agencies/massdep/water/regulations/massachusetts-stormwater-handbook.html>.



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If stormwater management is required, applicants are required to submit a Stormwater Report with the Notice of Intent to provide stormwater management information for Conservation Commission review consistent with the wetland regulations, 310 CMR 10.05(6)(k)-(q). The Department requires engineers to also complete the Stormwater Report Checklist and Certification to certify that the project conforms to the Stormwater Regulations and meets acceptable engineering standards. For recharge wells, check the Underground Injection Control (UIC) requirements to see if UIC regulation is required at <http://www.mass.gov/eea/agencies/massdep/water/approvals/underground-injection-control-forms.html>.

Instructions to Section D: Additional Information

All information listed in Section D of the Notice of Intent must be provided along with the Notice of Intent when it is filed with the conservation commission and the Department.

Item 2. Plans should be of adequate size, scale, and detail to completely and accurately describe the site, resource area boundaries, and proposed work. The following guidelines are provided to encourage uniformity:

Sheet Size

- Maximum 24" x 36"
- If more than one sheet is required to describe the proposed work, provide an additional sheet indexing all other sheets and showing a general composite of all work proposed within the Buffer Zone and areas subject to protection under the Act.

Scale

- Not more than 1" = 50'
- If plans are reduced, display graphical scales.

Title Block

- Included on all plans
- Located at the lower right hand corner, oriented to be read from the bottom when bound at the left margin
- Include original date plus additional space to reference the title and dates of revised plans.

Item 3. Resource Area Delineation Methodology: Attach documentation of the methodology used to delineate the Bordering Vegetated Wetlands (BVW) boundary (e.g. BVW Field Data Form, Final Order of Resource Area Delineation or other delineation method) as well as methods used to delineate any other resource areas proposed for alteration.

Instructions to Section E: Fees

A wetland application filing fee must accompany the Notice of Intent. The fee is based on the category of the proposed activity (described in 310 CMR 10.03(7)) and the resource area to be impacted by the activity. To calculate the filing fee of the NOI Wetland Fee Transmittal Form from the instructions below.

In summary, the total filing fee for a Notice of Intent that involves more than one activity is determined by adding the fees for each proposed activity. When work is proposed in the Riverfront Area, as well as another resource area or their Buffer Zones, add 50% to the fee for each activity in the Riverfront Area. For activities exclusively within the Riverfront Area, and not within other resource areas or their Buffer Zones, the fee is determined by



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adding the amounts for each proposed activity. The city/town share of the fee is the first \$25, plus half of the remaining total fee. The state share is half the total fee in excess of \$25.

Complete pages 1 and 2 of the NOI Wetland Fee Transmittal Form (attached to the NOI) and send them, along with a check for the state share of the filing fee, payable to *the Commonwealth of Massachusetts*, to MassDEP, Box 4062, Boston, MA 02211. Review of the Notice of Intent cannot begin until the fee is received.

Include check number and payor name information on the Notice of Intent to expedite fee payment confirmation.

No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

In addition, a notice of the application must be placed in a local newspaper, and published at least five days prior to the hearing, at the applicant's expense. Contact the Conservation Commission for the municipality where the project is located regarding the procedure for public newspaper notice.

Instructions for Completing the NOI Wetland Fee Transmittal Form

The wetland filing fee should be calculated using the following steps based on a hypothetical project involving two driveway crossings through a Riverfront Area and Bordering Vegetated Wetland and six single family houses in Riverfront Area only.

Step 1/Type of Activity: Review plans and narrative to identify each activity in wetland resource areas and their applicable Buffer Zones. Example: driveway crossing and construction of a single family house.

Step 2/Number of Activities: Determine the number of each activity associated with the project. Example: driveway crossings and 6 single family homes.

Step 3/Individual Activity Fee: List the fee amount for each category of activity (see Category Activities and Fee, below) Example: Driveway crossing is a Category 2(f.) activity and is \$500 each. Construction of a single family house is a Category 2(a.) activity and is \$500 each.

Step 4/Subtotal Activity Fee: Determine the subtotal fee for each type of activity by multiplying the fee for the activity (Step 3) by the number of activities (Step 2). If the activity is within the Riverfront Area as well as another resource area or its Buffer Zone, add 50% to total fee (e.g., multiply the fee by 1.5). If the activity is located in a Riverfront Area only, apply the fee amount for the category without the additional 50%. Example: 2 (driveway crossings in BVW) x \$500 x 1.5 (for riverfront area) = \$1,500; 6 (single family homes) x \$500 = \$3,000.

Step 5/Total Project Fee: Add all the subtotals identified in Step 4 to determine the total fee. Example: \$1,500 + \$3,000 = \$4,500.

Step 6/Fee Payments: The state share of the fee is 50% of any filing fee in excess of \$25 (i.e., the state share can be determined by dividing the total fee in half and subtracting \$12.50); the remaining portion of the fee shall be made to the city or town (i.e., the City/Town share can be determined by dividing the total fee in half and adding \$12.50). Example: City/Town share: \$2,262.50; state share: \$2,237.50.



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Category Activities and Fees

Category 1 (Fee for each activity is **\$110**):

- 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 (Fee for each activity is **\$500**)

- 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 (Fee for each activity is **\$1,050**)

- 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 (Fee for each activity is **\$1,450**):

- 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.

Category 5 (Fee is **\$4 per linear foot**; total fee not less than \$100 or more than \$2,000):

- a.) work on docks, piers, revetments, dikes, etc. (coastal or inland).

Category 6 (Fee is **\$2 per linear foot for each resource area**): **For each resource area delineation, the fee shall not exceed \$200 for activities associated with a single family house or \$2,000 for all other activities).**



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Instructions to Section F: Signatures and Submittal Requirements

Signatures and Submittal Requirements. Follow the filing instructions in Section F of the Notice of Intent. For additional filing requirements, see Section D of these instructions, above. The original Notice of Intent and a copy must be sent, by certified mail or hand delivery, to the Conservation Commission. At the same time the original Notice of Intent is submitted to the commission, one copy of the Notice of Intent must be sent to the appropriate MassDEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/>) by certified mail or hand delivery. Failure by the applicant to send the copies in a timely manner may result in dismissal of the Notice of Intent application.

Mail transmittal forms and MassDEP payments, payable to:

Commonwealth of Massachusetts
Department of Environmental Protection
Box 4062
Boston, MA 02211



Massachusetts Department of Environmental Protection
Bureau of Resource Protection – Wetlands & Waterways

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TOWNS WITH ACECs WITHIN THEIR BOUNDARIES

Town	ACEC NAME	Town	ACEC NAME
Ashby	Squannassit	Lunenburg	Squannassit
Ayer	Petapawag and Squannassit	Lynn	Rumney Marshes
Barnstable	Sandy Neck/Barnstable Harbor	Mansfield	Canoe River Aquifer
Bolton	Central Nashua River Valley	Mashpee	Waquoit Bay
Boston	Rumney Marshes	Melrose	Golden Hills
	Fowl Meadow and Ponkapoag Bog	Milton	Fowl Meadow and Ponkapoag Bog
	Neponset River Estuary		Neponset River Estuary
Bourne	Pocasset River	Mt Washington	Karner Brook Watershed, Schenob Brook
	Herring River Watershed		Parker River/Essex Bay
	Bourne Back River	Newbury	Hockomock Swamp
Braintree	Cranberry Brook Watershed	Norton	Canoe River Aquifer
Brewster	Pleasant Bay, Inner Cape Cod Bay		Fowl Meadow and Ponkapoag Bog
Bridgewater	Hockomock Swamp	Norwood	Inner Cape Cod Bay, Pleasant Bay
Canton	Fowl Meadow and Ponkapoag Bog	Orleans	Petapawag and Squannassit
Chatham	Pleasant Bay	Pepperell	Hinsdale Flats Watershed
Cohasset	Weir River	Peru	Herring River Watershed, Ellisville Harbor
Dalton	Hinsdale Flats Watershed	Plymouth	Neponset River Estuary
Dedham	Fowl Meadow and Ponkapoag Bog	Quincy	Fowl Meadow and Ponkapoag Bog
Dunstable	Petapawag	Randolph	Hockomock Swamp
Eastham	Inner Cape Cod Bay	Raynham	Rumney Marshes
	Wellfleet Harbor	Revere	Parker River/Essex Bay
Easton	Canoe River Aquifer	Rowley	Sandy Neck/Barnstable Harbor
	Hockomock Swamp	Sandwich	Rumney Marshes, Golden Hills
Egremont	Karner Brook Watershed	Saugus	Canoe River Aquifer
Essex	Parker River/Essex Bay	Sharon	Fowl Meadow and Ponkapoag Bog
Falmouth	Waquoit Bay		Schenob Brook
Foxborough	Canoe River Aquifer	Sheffield	Squannassit
Gloucester	Parker River/Essex Bay	Shirley	Kampoosa Bog Drainage Basin
Groton	Petapawag and Squannassit	Stockbridge	Hockomock Swamp, Canoe River Aquifer
Grafton	Miscoe-Warren-Whitehall Watersheds	Taunton	Squannassit
Harvard	Central Nashua River Valley	Townsend	Wellfleet Harbor
	Squannassit	Truro	Petapawag
Harwich	Pleasant Bay	Tyngsborough	Miscoe-Warren-Whitehall Watersheds
Hingham	Weir River, Weymouth Back River	Upton	Golden Hills
Hinsdale	Hinsdale Flats Watershed	Wakefield	Hinsdale Flats Watershed
Holbrook	Cranberry Brook Watershed	Washington	Wellfleet Harbor
Hopkinton	Westborough Cedar Swamp	Wellfleet	Hockomock Swamp
	Miscoe-Warren-Whitehall Watersheds	W Bridgewater	Westborough Cedar Swamp
Hull	Weir River	Westborough	Fowl Meadow and Ponkapoag Bog
Ipswich	Parker River/Essex Bay	Westwood	Weymouth Back River
Lancaster	Central Nashua River Valley	Weymouth	Rumney Marshes
	Squannassit	Winthrop	
Lee	Kampoosa Bog Drainage Basin		
Leominster	Central Nashua River Valley		