TOWN OF SPENCER

Office of Development & Inspectional Services

Planning Board
Zoning Board of Appeals
Conservation Commission
Board of Health

Town Planner
Inspector of Buildings
Health Agent
Wetland/Soil Specialist

Memorial Town Hall
157 Main Street
Spencer, MA 01562

Tel: 508-885-7500 ext. 180
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Spencer Conservation Commission
Procedures for filing a Notice of Intent
August 7, 2013

This packet includes the following:

1. Procedures for filing a Notice of Intent (3 pages)
2. FORMS called:
    a. "**WPA Form 3** – Notice of Intent" (9 pages)
    b. **Wetland Fee Transmittal Form** (2 pages)
    c. **Stormwater Report Checklist** (8 pages. Not needed for some projects but always in this package.)
    d. **Notification to Abutters** (1 page)
    e. **Affidavit of Service** (1 page)
3. Instructions:
    a. "BRP WPA Form 3 Notice of Intent **Instructions and Supporting Materials**" (11 pages)
    b. **Conservation Commission** (Spencer Wetlands Bylaw) **Inspection Fee Schedule** (2 pages.)
    c. **Plan Revision Policy** (1 page)
    d. **NOI checklist**
    e. **Stormwater Permit Application Checklist**

If you have questions *after* reading through this packet, please come to ODIS at Spencer Town Hall or phone (508)-885-7500x180.

INCOMPLETE APPLICATIONS WILL BE RETURNED TO THE APPLICANT/REPRESENTATIVE.

Notice Of Intent Checklist

(Required Application Contents-Put it ALL together. THEN make 4 more copies)

- ☐ Completed Notice of Intent Form (WPA Form 3) –signed by the property owner on page 8.
- ☐ A copy of a completed Wetland Fee Transmittal Form.
- ☐ A photocopy of the checks used to pay fees (3 separate checks).
- ☐ A Locus map, that is a USGS Topographic map of the area CLEARLY indicating the project/property location. [USGS maps are available at the Town Library, online and major bookstores.]
- ☐ Plans showing the location of work in relation to the wetlands, as explained in BRP WPA Form 3 – Notice of Intent Instructions. Plans must have a title and a date. Graphic plans must show existing conditions, proposed conditions, and erosion controls
- ☐ . Certified Abutters List obtained from the Assessors Office. [The applicant is required to notify abutters within 300 feet of the property lines as certified by the Town Assessors. List must be no older than 30 days from the filing date].
- ☐ A copy of the Notification to Abutters. [Complete the Notification to Abutters form. Mail or hand deliver it to each abutter address. Mailing must be byCertified Mail, Return Receipt or Certificate of Mailing. Abutter Notification may be delivered by hand *if* the signature of each recipient is obtained on the list of certified abutters.]
- ☐ The completed & signed Affidavit of Service form certifying that abutters have been notified.
- ☐ A list of all other materials included with or attached to your application. [*include anything not above in this checklist specific to your project & location e.g. storm water calculations, a consultant's wetlands evaluation report, or wildlife habitat information*].

Information which may be required: *These depend on the type of project. If in doubt ask.*

- ☐ Checklist for Stormwater Report (DEP form). *A Stormwater management plan is required by the Spencer Bylaws Article 7, section 16.2 for all subdivisions and/or divisions of more than 2 lots. The Massachusetts Wetlands Protection Act regulations 310 CMR 10.05 (6) require Stormwater information for all projects except those project types listed at 310 CMR 10.05(6)(l).*
- ☐ Stormwater calculations
- ☐ Wetlands Delineation Methods Report
- ☐ Wildlife Habitat Report

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About FEES: Most Notices of Intent are a double application to be reviewed under two separate laws. The laws are the Wetlands Protection Act (WPA), MGL ch 131, s 40 a state law and Article 7 of Spencer General Bylaws, Wetlands Protection, a local bylaw. Each law has associated fees.

- Calculation of WPA fees is based on the category of activity. WPA fees are Split between the Town and DEP.Find details on pages 6 & 7 of BRP WPA Form 3 Instructions. Record those fees on the Transmittal Form .
- Calculate Spencer bylaw fees using the same categories & the Spencer schedule of fees.

Fee Payments:

☐ check payable to Town of Spencer for "Spencer Conservation Inspection Fee";

☐ Check payable to Town of Spencer for Spencer's part of the WPA Fee.

☐ Check payable to "Commonwealth of Massachusetts" to mail to Boston DEP PO Box with a copy of the Transmittal Form - for the state's part of the WPA fee.

APPLICATION SUBMISSION

Complete ONE COPY of the application (together the "Notice of Intent" See Notice of Intent checklist). Then make FOUR (4) MORE copies of the complete Notice of Intent. Keep one copy. SEND:

Notice of Intent original & 2 copies	To: Spencer Conservation Commission 157 Main Street Spencer MA 01562 *Hand deliver or by certified mail*	2 Checks attached to NOI PACK: (both payable to **Town of Spencer**) 1. Spencer bylaw fee 2. Spencer part of WPA fee
1 Copy Notice of Intent	To: DEP Central Region 627 Main Street Worcester, MA 01608 Attention: Wetlands *Hand deliver or by certified mail*	***No check** to DEP Central Region*
Check:	To: Department of Environmental Protection PO Box 4062 **Boston**, MA 02211	Make the check payable to **Commonwealth of Massachusetts** (DEP part of WPA fee)
KEEP 1 copy of the NOI for your records		

After NOI has been filed:

HEARING

The applicant will be notified of the date of the Public Hearing by the Spencer Conservation Commission. Legal notice of the public hearing shall be given by the Spencer Conservation Commission not less than five days prior to such hearing by publication in a newspaper of general circulation to the Town of Spencer. The applicant or representative should be prepared to make a brief presentation to the Commission at the hearing to explain the work proposed as stated in the Notice of Intent.

DECISION

Within twenty-one days of the close of the public hearing, the Commission will issue its decision in the form of an *Order of Conditions.* This is a *conditional* Permit. READ the conditions.

APPEAL

There is a 10-day appeal period after the Order is issued. During this appeal period the applicant, an aggrieved abutter, or 10 citizens of Spencer may appeal the decision to DEP. No appeal later.

RECORDING

The Order of Conditions must be recorded by the applicant at the Worcester County Registry of Deeds, 90 Front Street, Worcester, MA 01608.

The Order of Conditions (permit) is not valid until recorded and no work shall begin