

## Spencer Conservation Commission Filing a Notice of Intent (NOI)

It is recommended that you hire a wetland scientist, landscape planner or engineer to assist you with preparing the permit application. Applications must generally include a plan certified by a registered professional engineer or land surveyor.

### Step 1: Fill out the Permit Application

Use eDEP to complete WPA Form 3 (NOI) - [edep.dep.mass.gov/](http://edep.dep.mass.gov/) available for download. The same forms may be used to file under the Spencer Wetlands Protection Bylaw.

### Step 2: Certified List of Abutters

Obtain a certified list of abutters within **300 feet** of the property from the Spencer Assessors Office. A copy of the Notification to Abutters form must be filled out. A completed & signed Affidavit of Service form certifying that abutters have been notified will be required. Please save an

### Step 3: Submit the Following Application Materials to the Spencer Conservation Department

Plan your submission date based on the hearing schedule. The Conservation Commission generally meets on Wednesdays, on the second and fourth week of the month – please contact the Conservation Department for exact dates or visit [www.spencer.ma.gov/conservation-commission](http://www.spencer.ma.gov/conservation-commission) . Applications are due by 4:00pm on Wednesday, 21 days in advance of the Commission's meeting. Application materials may be hand delivered or mailed: **Spencer Conservation Commission, 157 Main Street, Spencer, MA 01562.**

#### (A) NOI Application - two (2) copies double-sided

- Signed WPA Form 3 (NOI)
- NOI Wetland Fee Transmittal Form
- Check to "Town of Spencer" for Bylaw Filing Fee & Portion of State Fee
- Check to "Town of Spencer" for Legal Notice Fee
- Copy of certified abutters list
- Priority & Estimated Habitat Map
- DEP BVW Delineation field data forms

#### *Please*

- No plastic covers or TOC
- No page dividers
- Stapled or bound
- Print materials double-sided
- **Fold plans**

#### (B) Project Narrative - two (2) copies double-sided

- Include owner info, address, parcel id and date
- Resource area description & delineation details
- Executive summary of existing & proposed conditions with closest point of disturbance to BVW
- How does the project comply with each interest of the Act and Bylaw
- Construction sequencing & staging plan
- Complete and include the Notice of Intent Application Review Checklist

**(C) Plan Set @ 1"=10' or 1"=20' - one (1) copy full size**

- Title block with applicant's name, project address, map-block-lot, scale and date
- Wetland Boundaries, 25' No Disturb, 50' Buffer, & 100' Buffer,
- Streams, 100' Riverfront Area, and 200' Riverfront Area
- Existing Conditions and Proposed Work
  - Parcel lines, easements, structures, pavement, edge of lawn, canopy tree line
  - Topography and grading if relevant to the proposed project
  - Septic system, stormwater and drainage infrastructure
  - Limit of work, erosion controls and topsoil stockpile area

**(D) Wetlands Delineation Report**

- Must be conducted by a certified wetland scientist with name and qualification included in report.
- Include what date the wetlands were delineated, documentation on methodology on which the wetlands were delineated, a description of the vegetation, and soils and hydrology in the wetlands (including a list of plant species).

**(E) Email the Electronic Submission to [conservation@spencerma.gov](mailto:conservation@spencerma.gov)**

- Entire NOI Application – DO NOT INCLUDE CHECKS
- Project Narrative (separate document from the application)
- Plan Set as full-size and 11x17 in .pdf format

**Step 4: Submit your Application to the Department of Environmental Protection**

(A) One copy of the entire submission (described above) along with photocopy of the checks submitted to the Town and the State to: Mass DEP Central Regional Office - Worcester, 8 New Bond Street, Worcester, MA 01606.

(B) *(For NOI filings only)* Send original check for state fee and copy of Wetlands Fee Transmittal Form to Mass DEP Central Regional Office - Worcester, 8 New Bond Street, Worcester, MA 01606.

**Step 5: You will be Given a Hearing Date and Time**

By submitting a **complete** RDA or NOI application (see items listed in Step 3), you will be scheduled to attend the next available public hearing. Incomplete applications will not be accepted by the Conservation Office. **The applicant or their representative must be present at the scheduled public hearing.**

**Step 6: Notify Abutters**

The applicant is required to notify abutters within 300 feet of the property lines as certified by the Town Assessors, in accordance with the provisions of 310 CMR 10.05(4)(a). List must be no older than 30 days from the filing date. Please use Spencer's "Notification to Abutters Form" and **be sure to include the exact time and date of the hearing on this form**. The applicant must present either the certified mail or certificate of mailing receipts for all abutters at the beginning of the public hearing.

**Step 7: Conservation Commission will Conduct a Site Visit**

The Commission and their staff will perform a site visit to confirm the existing conditions and resource area delineation. The applicant will be notified about the date and time of the site visit.

**Step 8: Attend a Public Hearing and Bring Certificates of Mailing**

When application is presented to the Commission, Power Point presentation may be used. Please notify the Clerk or Conservation Agent prior to the hearing if you intend to utilize the audio and visual connection.

**Step 9: Receive Order of Conditions (OOC) and READ IT**

If you have any questions, contact the Conservation Department. Whether a permit is issued or denied, any abutter, the applicant, or a 10-citizen group may follow separate provisions for appealing the decision under the Wetlands Protection Act and/or the Spencer Wetlands Protection Bylaw.

**Step 11: Record Order of Conditions at Worcester Registry of Deeds**

**THE ORDER OF CONDITIONS IS NOT VALID UNTIL RECORDED.**

Worcester County Registry of Deeds, 90 Front Street, Worcester, MA 01608

**Bring the original or a copy of the original Order of Conditions with the recording information on the first sheet back to the Conservation Department. Keep a copy of your permit on-site.**

**Pre and Post Construction Reminders**

- ANY AND ALL deviations from the approved plan must be approved by the Conservation Department prior to said changes being executed. This may require an amendment to the Order of Conditions.
- Contact the Conservation Department to schedule a pre-construction site visit. The Spencer Conservation Commission requires that all new structures, additions, erosion control barriers, septic systems, and stormwater systems within the Buffer Zone for which a Notice of Intent has been filed, must be staked prior to pre-construction site visit.
- Complete the work within 3 years or request an extension 30 days prior to expiration of the permit.
- Request a Certificate of Compliance from the Conservation Commission and record it at the Worcester Registry of Deeds.

## **Spencer Conservation Commission Plan Requirements**

Plans with sufficient information are required in order for the Conservation Commission to properly review proposed projects. To prevent delays in issuing permits, plans submitted with a Notice of Intent (NOI) or Request for Determination of Applicability (RDA) must adhere to the following:

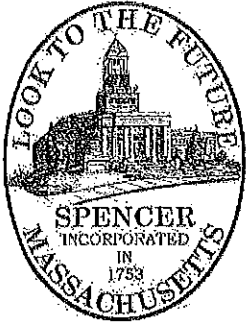
### **Plan requirements:**

1. Title block with applicant's name, project address, map-block-lot, scale and date.  
\*Plans shall not be smaller than 1" = 20'. Resource areas impacted and replication areas shall be shown at 1" = 10'.
2. Engineered plans shall be stamped and signed by a Professional Engineer.
3. The plans shall be dated, and revision dates shall be included when applicable.
4. Locus map shall be readable and useable for locating the site.
5. Multiple sheets may be used to show all required information in a readable and useable format.
6. The plans shall list the name of the Wetland Specialist and date of wetland delineation.
7. Additional information may be required based on the proposed project.

### **The plans shall clearly show:**

8. The entire parcel.
9. Scale and North arrow.
10. Resource areas and wetland flag numbers on the subject parcel. Resource areas on abutting property shall also be shown if within 200 feet of the project.
11. The following zones shall be shown on the plans:
  - a. 50' Buffer Zone
  - b. 100' Buffer Zone
  - c. 100' Riverfront Area
  - d. 200' Riverfront Area
  - e. 25' No Disturb Zone
12. Existing and proposed structures. Proposed structures are to be marked in the field.
13. Existing septic system, stormwater, and drainage infrastructure.
14. Existing and proposed grades shall be labeled and shown topographically.
15. The closest disturbance to the wetland with the exact distance listed. For septic systems, show the closest distance to the fill, grading, and leach field trench lines.
16. Sediment and erosion control type and location.
17. All trees proposed to be removed within the resource area and buffer zone shall be shown on the plans and flagged in the field.
18. Existing and proposed utilities including water, sewer, electric and utility pole locations and utility pole numbers.
19. For new houses, the square footage of contiguous upland, per the Town of Spencer Zoning Bylaw definition for Lot Size or Lot Area.

If you have any questions regarding deviation from the above, please contact the Conservation Department at (508)885-7500 x180



# TOWN OF SPENCER

Office of Development & Inspectional Services

Memorial Town Hall, 157 Main Street, Spencer, MA 01562

Tel: (508)885-7500 x180

conservation@spencerma.gov

## CONSERVATION COMMISSION INSPECTION FEE SCHEDULE

(Effective 1/9/24)

---

*Notice of Intent (NOI)	See page 2 for NOI Categories
*Request for Determination of Applicability (RDA)	\$50
Abbreviated Notice of Resource Area Delineation (ANRAD)	\$50 + \$1.50/linear foot
Certificate of Compliance (COC)	\$50
*Amendments to Any Permit	\$50
Permit Extension/Renewal	\$150
Stormwater Permit <i>Must be paid via separate check.</i>	\$150
Duplicate Permit with Wet Signatures	\$25
*Legal Notice Fee Required <i>Must be paid via separate check.</i>	\$100

### **ONCE PERMITS ARE PROCESSED FEES ARE NON-REFUNDABLE**

#### **Notes:**

- All checks should be made payable to the Town of Spencer.
- These fees are in addition to the state fees and the portion of the state fees that goes to the municipality.
- The applicant is responsible for all abutter notifications, for application times where they may be required.
- The cost of any **third-party engineering review** (i.e. peer review) shall be paid by the applicant; a deposit of \$2,000 shall be submitted with any application for major site plans. Said funds will be held in a special account through the ODIS. For projects where these costs are higher than \$2,000, the applicant shall replenish the account upon notice by the ODIS. All funds remaining in the account at the completion of the project shall be returned to the applicant.

# CONSERVATION COMMISSION INSPECTION FEE SCHEDULE

## Notice of Intent (NOI) Categories

<b>Category 1</b>	\$100
<ul style="list-style-type: none"><li>• Minor projects on a single residential lot (addition, pool, etc.)</li><li>• Resource improvement/restoration;</li><li>• Septic installation, repair, or replacement;</li><li>• Repair/modification to existing impervious surface</li><li>• Construction of a new single-family home</li><li>• Waterfront retaining wall repair/replacement, 200 linear feet or below</li><li>• Other residential project - 60,000 sq ft or less</li></ul>	
<b>Category 2:</b>	\$250
<ul style="list-style-type: none"><li>• Projects on a commercial lot (parking structure, addition, etc.)</li><li>• Construction a multi-family housing unit 30,000 sq ft or below</li><li>• New parking lot 10,000 sq ft or below</li><li>• Road construction 1,000 linear feet or below</li><li>• Wetland crossing</li><li>• Water level variations</li><li>• Chemical treatment of a body of water</li><li>• Dam repair</li><li>• Sand gravel operations</li><li>• Waterfront retaining wall repair/replacement, greater than 200 linear feet</li><li>• Any other activity not in Category 1, 3, or 4</li></ul>	
<b>Category 3:</b>	\$525
<ul style="list-style-type: none"><li>• Construction a multi-family housing unit above 30,000 sq ft</li><li>• New parking lot above 10,000 sq ft</li><li>• Hazardous cleanup</li><li>• Road construction over 1,000 linear feet</li><li>• Dredging</li><li>• Bridge repair/modification</li></ul>	
<b>Category 4:</b>	\$850
<ul style="list-style-type: none"><li>• New dam or sluiceway</li><li>• Landfills operation/closures</li><li>• Bridge construction</li><li>• Hazardous waste alteration to resource areas</li><li>• Site preparation, 10 or more acres</li></ul>	



# SPENCER MASSACHUSETTS

## NOTICE OF INTENT APPLICATION REVIEW CHECKLIST Spencer Conservation Commission Required Application Contents Updated 1/9/24

Site Address: \_\_\_\_\_  
Applicant Name: \_\_\_\_\_  
Representative Name: \_\_\_\_\_

DEP #: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Phone: \_\_\_\_\_

### **Check items included. Circle missing items.**

- Table of Contents listing all items in the filing, in the order which they appear. The TOC should match this checklist but may include additions specific to the project & location (e.g. storm water calculations, a consultant's wetlands evaluation report, or wildlife habitat information).
- Completed WPA Form 3 – Notice of Intent *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: 2 separate checks, including bylaw fee.  
**DO NOT INCLUDE CHECK IN ELECTRONIC FORMAT.**
- A signed copy of the Application Process Signature Form.
- Signed Site Visit Access form.
- Certified Abutters List, obtained from the Assessor's Office.
- A copy of the Notification to Abutters form, filled out.
- Completed & signed Affidavit of Service form certifying that abutters have been notified.
- Spencer Stormwater Permit Application Checklist.
- A wetlands delineation report (if applicable).
- A United States Geographical Survey (USGS) topographic map of the area clearly indicating the project/property location. The lot should be outlined or have an arrow pointing to it.
- Copy of Assessor's map indicating a location of the project.
- A project narrative and a construction sequence listing all proposed work in the order in which it will occur.
- Scaled plans showing the location of work in relation to the wetlands, as explained in DEP WPA Form 3 "Notice of Intent Instructions."
- Flood map.
- NHESP map (in necessary).

### **FOR COMMERCIAL, INDUSTRIAL PROPERTIES & SUBDIVISIONS OF MORE THAN 4 LOTS**

- Stormwater Management Form and supporting documentation.

**Two complete paper sets and one digital set of all materials (except copies of checks) shall be submitted. Additional information may be requested: e.g. DEP Wetland Delineation Field Forms, after initial review.**

**Any revisions must be submitted NO LESS THAN 7 (SEVEN) DAYS to the hearing date. Revisions submitted less than seven days prior may not be accepted or may lead to a continuance.**





**Applicants be advised, electronic submission is required in addition to TWO (2) hard copies of all documents, EXCEPT photocopies of checks.**

## **DO NOT INCLUDE PHOTOCOPIES OF CHECKS IN ELECTRONIC SUBMISSION.**

**IF AN ELECTORNIC COPY IS SUBMITTED WITH A COPY OF CHECKS, THE ELECTRONIC COPY WILL NOT BE ACCEPTED AND APPLICANTS WILL BE ASKED TO RESUBMIT.**

Electronic submissions should be sent to [conservation@spencerma.gov](mailto:conservation@spencerma.gov).



# SPENCER MASSACHUSETTS

## APPLICATION PROCESS SIGNATURE FORM

There are three different application that can be submitted to undertake work in a jurisdictional area: a Notice of Intent (NOI), a Request for a Determination of Applicability (RDA) and an Administrative Approval. All three application have different criterial for submission and approval and the NOI & RDA are governed by both state law and the local by-law, whereas the administrative approval is governed by the local by-law only.

When potential applicant requests advise from the Conservation Agent on which application to file, the opinion of the Agent is based on information given by the potential applicant and any other information available to the Agents, e.g. the town's GIS system. The Agent has no legal right to go onto private property at any time until after and application is filed, or permission of the property owner is given.

It is important that all applicants understand that after an applicant is filed, additional information may come to light e.g. via a field inspection or application review, that may impact the scope of the submitted application and the approval process. In addition, the Agent is not the final approval authority on RDA's and NOI's, that authority rests with the Commission. Therefore, it is the applicant who has the ultimate responsibility to decide which application to file.

Considering the above, please sign below indicating an understanding of the policy and submit it with the application.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date



# SPENCER MASSACHUSETTS

## SITE VISIT ACCESS

“The conservation commission, its members and agents, and the Department employees may enter upon privately owned land for the purpose of performing their duties under M.G.L. c. 131, § 40, and 310 CMR 10.00.” 310 CMR 10.08(1).

Prior to the approval of the project at \_\_\_\_\_ (street address), the Spencer Conservation Commission aims to schedule an in-person site visit and complete an inspection report. The Commission will contact the applicant or representative to schedule the initial visit and may request the presence of the applicant(s) or a representative.

Throughout the duration of the project, the Spencer Conservation Commission may conduct additional inspections to: ensure that the project is being executed within the parameters of the Order of Conditions (if applicable), inspect erosion control, inspect the site for disturbances caused by extreme weather conditions, or if there is a suspicion of a violation of the Wetlands Protection Act, 310 CMR.

A copy of any and all inspection reports completed by the agent, or its members can be requested, if one is not provided, for no cost.

- I grant the Spencer Conservation Commission permission to enter the property for the purpose of performing their duties if I (the applicant) am not present or unavailable, until a Certificate of Compliance has been issued.
  
- I DO NOT grant the Spencer Conservation Commission permission to enter the property for the purpose of performing their duties if I (the applicant) am not present or unavailable.

Please note that if the Commission is unable to fulfill their responsibilities and inspect the property to the best of their ability, the application may be denied and/or a Certificate of Compliance may not be issued upon completion.

\_\_\_\_\_  
*Applicant/Representative Name*

\_\_\_\_\_  
*Applicant/Representative Signature*

\_\_\_\_\_  
*Date*

# NOTIFICATION TO ABUTTERS

Massachusetts General Laws, Chapter 131, Section 40, Wetlands Protection Act  
Spencer General Bylaws, Article 7, Wetlands Protection



You are hereby notified of the following:

A. The name of the **Applicant** is \_\_\_\_\_.

B. The Applicant has filed a Notice of Intent with the Spencer Conservation Commission for the seeking permission to remove, fill, dredge or alter an Area Subject to Protection (Wetland Resource Area and/or Buffer Zone) Under the Massachusetts Wetlands Protection Act (General Laws Chapter 131, Section 40).

C. The **address** of the lot where the activity is proposed: \_\_\_\_\_.

D. The **proposed activity** is: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

E. A **Public Hearing** regarding this Notice of Intent will be held on:

Wednesday, \_\_\_\_\_ at \_\_\_\_\_ PM at  
Memorial Town Hall (157 Main Street, Spencer, MA 01562).

The exact room where this hearing will be held will be posted in the building.

F. Copies of the Notice of Intent may be examined at Office of Development & Inspectional Services at Memorial Town Hall between the hours of 7:30am & 4:30pm Monday, Tuesday, and Wednesday and 7:30am & 12:00pm on Thursday. For more information, call: (508)885-7500 x180.

G. Copies of the Notice of Intent may be obtained from either The Applicant, or the Applicant's representative \_\_\_\_\_, by calling this telephone number: \_\_\_\_\_ between the hours of \_\_\_\_\_.

**Abutters: The Spencer Conservation Commission has produced an "Abutters Guide to the Conservation Commission Permitting Process". This can be viewed from <https://www.spencerma.gov/conservation-commission/pages/abutters-guide-conservation-commission-permitting-process>**

Note: Public Hearing Notice, including its date, time, and place, will be published at least 5 days in advance in the New Leader (at the applicant's expense).

Since you are receiving this notice, you may have wetland resource areas or wetland buffers on your property. Therefore, construction, cutting, clearing, or grading may require a permit. For clarification or for more information, call the Conservation office (508)885-7500 x180 or visit our web site. [www.spencerma.gov](http://www.spencerma.gov)

You also may contact the Department of Environmental Protection (DEP) for more information about this application or the Wetlands Protection Act (508)792-7620.



## AFFIDAVIT OF SERVICE

Massachusetts General Laws, Chapter 131, Section 40, Wetlands Protection Act  
Spencer General Bylaws, Article 7, Wetlands Protection

I, \_\_\_\_\_, hereby certify under  
the pains and penalties of perjury that on \_\_\_\_/\_\_\_\_/\_\_\_\_ I gave  
notification to abutters in compliance with 310 CMR 10.05(4)(a) and  
Spencer General Bylaws, Article 7, in connection with the following matter.

A Notice of Intent filed under the Massachusetts Wetlands Protection Act  
by \_\_\_\_\_ (applicant) with  
Spencer Conservation Commission filed on \_\_\_\_/\_\_\_\_/\_\_\_\_ for the  
property located at \_\_\_\_\_.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

***\*\*Submit Affidavit of Service to the Massachusetts Department of Environmental Protection and the Conservation Commission with the Notice of Intent.***



# SPENCER MASSACHUSETTS

## SPENCER STORMWATER PERMIT APPLICATION CHECKLIST

Date: \_\_\_\_\_

Name of applicant(s): \_\_\_\_\_ Tel #: \_\_\_\_\_

Address of Applicant(s): \_\_\_\_\_

Type of Permit\* \_\_\_\_\_

Location of property: \_\_\_\_\_ Map/Parcel#: \_\_\_\_\_

Name(s) of Property Owner(s): \_\_\_\_\_ Tel #: \_\_\_\_\_

Address(es) of Property Owner(s): \_\_\_\_\_

Is proposed Land Conversion Activity \*\* Equal or Greater than 1 acre? Yes \_\_\_\_\_ No \_\_\_\_\_

**If Yes, Stormwater Permit Required. If No, Answer Questions 1-3 below:**

1. Is proposed work located within 100 feet of any existing or proposed inlet to any storm drain, catch basin, or other storm drain system component discharging to any lake, pond, river, stream or wetland? Yes \_\_\_\_\_ No \_\_\_\_\_

2. Does project occur on or result in a slope of 15% or greater? Yes \_\_\_\_\_ No \_\_\_\_\_

3. Does proposed Land Conversion Activity\*\* disturb greater than 10,000 square feet in area? Yes \_\_\_\_\_ No \_\_\_\_\_

**If Yes to 2 or more of the above, Stormwater Permit Required.**

**If Yes to less than 2 of the above, No Stormwater Permit Required.**

Is project located in the Aquifer Protection District? Yes \_\_\_\_\_ No \_\_\_\_\_

Will this project relocate/reconfigure/repave an existing driveway or build a new driveway? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes to above, please list: Driveway Permit No. \_\_\_\_\_ Date Approved: \_\_\_\_\_

Other approvals/permits required: \_\_\_\_\_

\* This form must be completed for all projects that disturb soil or vegetation.

\*\*Definition of Land Conversion Activity: Any new Development, Redevelopment, Clearing\*\*\*, or Disturbance of Land\*\*\*\*.

\*\*\* Definition of Clearing: Any activity that removes or disturbs the vegetative surface cover.

\*\*\*\* Definition of Disturbance of Land: Any action, including clearing, that causes a change in the position, location, or arrangement of soil, sand, rock, gravel or similar earth material.

Planning Board  
Zoning Board of Appeals  
Conservation Commission  
Board of Health

Town Planner  
Inspector of Buildings  
Health Agent  
Wetland/Soil Specialist

# TOWN OF SPENCER

Office of Development & Inspectional Services



Memorial Town Hall  
157 Main Street  
Spencer, MA 01562

Tel: 508-885-7500 ext. 180  
Fax: 508-885-7519

## Application for Stormwater Permit

Name of Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

Daytime Phone: \_\_\_\_\_ Evening Phone: \_\_\_\_\_ Other Phone: \_\_\_\_\_

Email Address: \_\_\_\_\_

Name of Owner (s): \_\_\_\_\_ Address: \_\_\_\_\_

TAX COLLECTOR SIGNATURE (confirms taxes, liens, etc have been paid): \_\_\_\_\_ DATE \_\_\_\_\_

Applicable Zoning Bylaw Section: \_\_\_\_\_

(See Zoning Bylaw for appropriate section numbers)

Are you filing under the 1985 Zoning Bylaw?  Yes  No If yes, attach an explanation of why and by what zoning freeze mechanism.

Location of Property: \_\_\_\_\_ Zoning District: \_\_\_\_\_

Spencer Assessor's Tax Map Number: \_\_\_\_\_ Parcel Number(s): \_\_\_\_\_

Deed Reference - Worcester Registry of Deeds Book: \_\_\_\_\_ Page: \_\_\_\_\_

Brief description of the application

Check here if additional pages attached to provide more detailed information.

Applicant's signature: \_\_\_\_\_

Owner's signature (s): \_\_\_\_\_  
*Note: All affected owners must sign the application*

Date: \_\_\_\_\_

Town Clerk's Date Stamp:

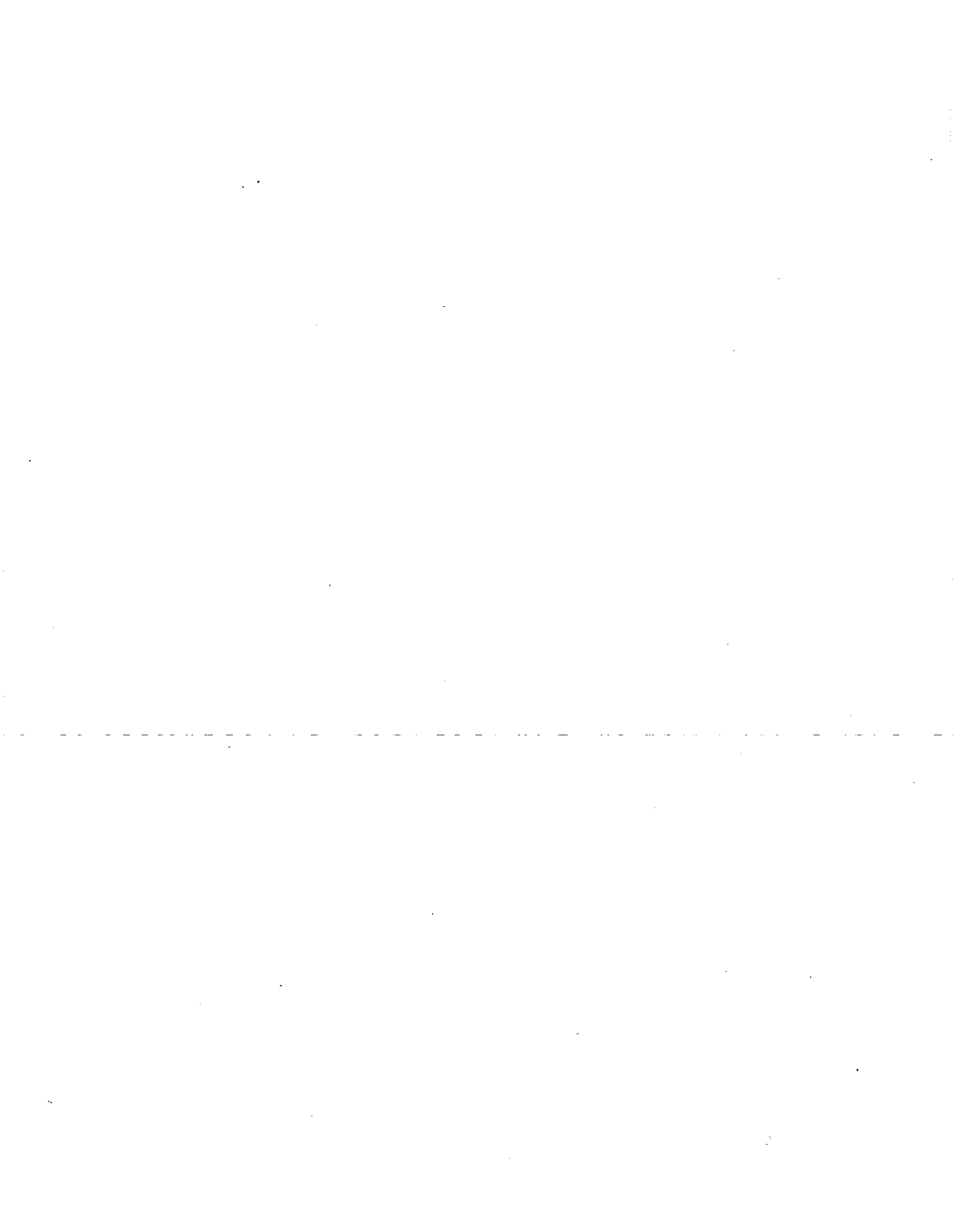
Official Use Only:  
Fee: \$ \_\_\_\_\_ Date Paid: \_\_\_\_\_ Check #: \_\_\_\_\_

Planning Board  
Date(s) of Public Hearing (s): \_\_\_\_\_

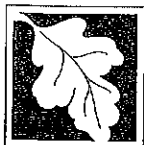
Checked by:

Date:

- 1) The Conservation Commission may establish fees for Stormwater Permits under its jurisdiction.
- 2) Single-family homes, 2 family homes, and driveways not otherwise requiring Conservation Commission or Planning Board review (Section 5.B.1): \$150 (Submitted to Department of Utilities & Facilities)
- 3) Other minor projects not otherwise requiring Conservation Commission or Planning Board review (Section 5.B.2): \$100







## 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: <https://www.mass.gov/regulations/310-CMR-1000-wetlands-protection-act-regulations>. 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 <https://www.mass.gov/service-details/massdep-regional-offices-by-community> 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.



## BRP WPA Form 3 - Notice of Intent Instructions and Supporting Materials

### 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.



## BRP WPA Form 3 - Notice of Intent Instructions and Supporting Materials

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: <https://www.mass.gov/files/documents/2016/08/xf/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](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.



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

---

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 (Bourne to Rhode Island, and the Cape & Islands): Division of Marine Fisheries - Southeast Marine Fisheries Station, Attn: Environmental Reviewer, 836 South Rodney French Blvd., New Bedford, MA 02744 or North Shore (Plymouth 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: <https://www.mass.gov/files/documents/2016/08/xo/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 <https://www.mass.gov/service-details/massdep-regional-offices-by-community>).

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: <https://www.mass.gov/guides/massachusetts-stormwater-handbook-and-stormwater-standards>.



## BRP WPA Form 3 - Notice of Intent Instructions and Supporting Materials

---

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 <https://www.mass.gov/service-details/underground-injection-control-uic-application-forms>.

### 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



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

---

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.



## **BRP WPA Form 3 - Notice of Intent Instructions and Supporting Materials**

---

### **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.) coastal limited projects;
- 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.

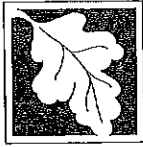
**Category 4** (Fee for each activity is **\$1,450**):

- 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).**



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

---

**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 <https://www.mass.gov/service-details/massdep-regional-offices-by-community>) 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

Provided by MassDEP:

## WPA Form 3 – Notice of Intent

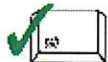
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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:

d. Latitude

e. 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



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

### WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number

City/Town

#### A. General Information (continued)

6. General Project Description:

\_\_\_\_\_

\_\_\_\_\_

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

- 1.  Single Family Home
- 2.  Residential Subdivision
- 3.  Commercial/Industrial
- 4.  Dock/Pier
- 5.  Utilities
- 6.  Coastal engineering Structure
- 7.  Agriculture (e.g., cranberries, forestry)
- 8.  Transportation
- 9.  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:

_____	_____
a. County	b. Certificate # (if registered land)
_____	_____
c. Book	d. Page Number

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

- 1.  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.
- 2.  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.



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**

Provided by MassDEP:

**WPA Form 3 – Notice of Intent**

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

MassDEP File Number \_\_\_\_\_

Document Transaction Number \_\_\_\_\_

City/Town \_\_\_\_\_

**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.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
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 _____	

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
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) - <b>specify coastal or inland</b> _____	

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. \_\_\_\_\_

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.



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**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 \_\_\_\_\_

**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.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet _____ 2. cubic yards dredged _____	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet _____	2. cubic yards beach nourishment _____
e. <input type="checkbox"/> Coastal Dunes	1. square feet _____	2. cubic yards dune nourishment _____

	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	1. linear feet _____	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet _____	
h. <input type="checkbox"/> Salt Marshes	1. square feet _____	2. sq ft restoration, rehab., creation _____
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet _____	

j. <input type="checkbox"/> Land Containing Shellfish	2. cubic yards dredged _____ 1. square feet _____	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	1. cubic yards dredged _____	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	1. square feet _____	

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 \_\_\_\_\_



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

**WPA Form 3 – Notice of Intent**

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

MassDEP File Number \_\_\_\_\_

Document Transaction Number \_\_\_\_\_

City/Town \_\_\_\_\_

**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](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.



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

**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

**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](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](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  
836 South Rodney French Blvd.  
New Bedford, MA 02744  
Email: [DMF.EnvReview-South@state.ma.us](mailto: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](mailto: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.



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

**WPA Form 3 – Notice of Intent**

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

MassDEP File Number \_\_\_\_\_

Document Transaction Number \_\_\_\_\_

City/Town \_\_\_\_\_

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

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

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.

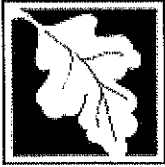
**D. Additional Information**

- 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.



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

**WPA Form 3 – Notice of Intent**

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

MassDEP File Number

Document Transaction Number

City/Town

**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





Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

## WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number

City/Town

### 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:

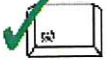
If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

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.



**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).



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

**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.)

