



City Of Attleboro Conservation Commission

GOVERNMENT CENTER, 77 PARK STREET
ATTLEBORO, MASSACHUSETTS 02703
(508) 223-2222 FAX 222-3046

GENERAL INSTRUCTIONS AND CHECKLIST FOR COMPLETING NOTICE OF INTENT AND LOCAL WETLANDS PERMIT APPLICATION

The Massachusetts Wetlands Protection Act, M.G.L. Ch131 §40 (hereafter, “Act”) and the City of Attleboro Wetlands Protection Ordinance, Chapter 18 of the Revised Ordinances of the City of Attleboro (hereafter, “Ordinance”), were enacted to provide protection of wetland resources of the Commonwealth. Under these laws, no alteration, as defined in the statutes, is allowed in or within one hundred (100') feet of a wetland or two hundred (200') feet of a perennial river or stream without the review and approval of the Conservation Commission. In the case of the Ordinance, there may be additional jurisdiction over isolated wetlands and vernal pools. The Ordinance also provides for a “no disturbance” area within 25 feet of all protected wetland resources in Attleboro.

If activities are proposed within a wetland resource area protected under the Ordinance, including lands within twenty-five (25) feet, you must also file a Local Wetlands Permit Application, in addition to a Notice of Intent.

The following must be completed and submitted with every Notice of Intent or Local Wetlands Permit Application. Please check each box indicating that the requirement has been met and sign the statement on Page 3.

Filing Requirements

- ❑ **Ten (10) complete copies of the Massachusetts Department of Environmental Protection (DEP) WPA Form 3 – Notice of Intent (revised 5/2014).**
The NOI application must be completed in accordance with DEP instructions and include all supporting documentation. One copy must include the original signatures of the applicant, property owner, and representative (if any).
- ❑ **Ten (10) complete copies of the Conservation Commission’s Local Wetlands Permit Application, if work is proposed within a wetland resource area or its twenty-five (25') foot “no disturbance” zone. One copy must include the original signatures of the applicant and property owner.**
 - ❑ This must include a written alternatives analysis per §4.10 of the City of Attleboro Wetland Protection Rules and Regulations.

- **Ten (10) copies of site plan(s)** describing the proposed work.
 Plans must be clearly drawn at a scale of no less than 1"=40' and depicting sufficient details to clearly describe the proposed project. Plans should include at a minimum: soil types, hydrologic flow, property lines; existing and proposed grades with at least two (2') foot contours; the boundary of wetland resources denoted with consecutively numbered flags; the boundary of the one hundred (100') foot buffer zone; the boundary of the twenty-five (25') foot "no disturb" zone; all proposed structures within the buffer zone; offset distances from proposed structures and the limit of work from resource areas; and the Assessor's plat and lot number, street number, and subdivision lot number, where applicable. All plans shall be highlighted with transparent marker pen as follows: wetland boundary in blue; one hundred (100') foot buffer zone in yellow; 25 foot "no disturb" zone in green; and 100-year floodplain in orange. The Conservation Commission may require that plans be stamped by a Professional Engineer or Registered Land Surveyor. If a septic system is proposed in an area subject to Conservation Commission jurisdiction, plans must show compliance with Title 5 of the Massachusetts Sanitary Code. All plans must be folded and attached or included in each NOI application. **Rolled plans will not be accepted.**
- **Two (2) copies of supporting calculations**, and other documentation necessary to completely describe the proposed work and mitigation measures, including where appropriate:

 - An 8.5" x 11" portion of the United States Geological Survey (USGS) topographic quadrangle map clearly identifying the location of proposed work.
 - An 8.5"x11" portion of the Federal Emergency Management Agency, Flood Insurance Rate Map clearly identifying the location of proposed work.
 - Quantitative documentation (i.e., DEP Field Data Forms) to support the delineation of a vegetated wetland, with certification from the wetland biologist responsible for the work, stating the basis for the delineation, the date on which it was performed, and stating that the delineation as shown on the plans appears to be correct.
 - A wetlands replication plan detailing the methods of construction for any wetland replication area proposed as mitigation for wetland alterations. The plan should be prepared by a competent professional with experience in the design and construction of wetland replication areas.
 - A wildlife habitat assessment, where alteration to a wetland resource area or naturally-vegetated "no disturbance" zone are proposed.
 - WPA Appendix C – *Stormwater Management Form* including appropriate calculations for projects which require conformance with DEP's Stormwater Management Policy prepared by a competent professional. The Commission may require that calculations and plans be stamped by a Professional Engineer.
- **Two (2) copies of WPA Appendix B – *Wetland Fee Transmittal Form* including the appropriate filing fee, and two (2) copies of the payment checks submitted to DEP and the Conservation Commission** (make Commission's check payable to the City of Attleboro). If you are filing a ***Local Wetlands Permit Application***, a filing fee of ONE HUNDRED FIFTY (\$150.00) DOLLARS is also required.
- The Conservation Commission shall prepare and submit the legal advertisement to The Sun Chronicle. The applicant is responsible to pay The Sun Chronicle directly for the legal advertisement. The Sun Chronicle will bill the applicant directly for the cost of the legal advertisement. The legal advertisement must appear in The Sun Chronicle not less than five (5) business days prior to the date of the public hearing in order for the Conservation Commission to hold the public hearing.

- ❑ **Two (2) copies of the Conservation Commission’s *Certified List of Abutters* signed by an authorized representative of the City Assessor’s Office.** Lists that are older than six months from the date of issuance are invalid and a new list must be applied for with the Assessor’s Office. Evidence that all required abutters have been notified must be provided. Notification should be made by using the Conservation Commission’s revised *Notification to Abutters* form. Certified mail receipts or receipts of hand delivery must be delivered to the Commission prior to opening the public hearing.
- ❑ **If applicable, evidence that a copy of the NOI was delivered to the Massachusetts Natural Heritage and Endangered Species Program (NHESP)** in accordance with NOI instructions.
- ❑ **Two (2) copies of the NOI, filing fee, and supporting documents, including site plans must be delivered to the DEP Southeast Regional Office** in accordance with filing instructions contained within the NOI.

I attest, to the best of my knowledge, all items required above are included as part of this Notice of Intent/Local Wetland Permit filing.

SIGNATURE: _____

DATE: _____

PRINTED NAME: _____

TITLE: _____

The Conservation Commission may choose, at its discretion, to waive some of the above requirements for projects likely to result in minimal or no impact. However, the Commission reserves the right to require additional information during the course of the public hearing. Applicants who wish guidance prior to filing an application may consult with the Conservation Agent.

Public Hearing Schedule and Filing Deadline: The NOI must be submitted to the Commission no later than fourteen (14) days prior to a scheduled meeting. Once a complete NOI application is filed, the Conservation Commission will schedule a hearing within twenty-one (21) days of its receipt. Generally, the Commission meets every first and third Wednesday of the month. You may call the Conservation Commission office to confirm the schedule.

Supplemental information must be submitted within five (5) days of the public hearing to be considered. Failure to submit supplemental information within this timeframe may be grounds for the Commission to continue a public hearing.

Site Visits: The Conservation Commission typically conducts a site visit as part of the information-gathering process. Site visits are typically conducted prior to regularly scheduled meetings (daylight permitting) or on Saturday mornings. The date and time for the site visit will be determined at the public hearing and efforts will be made to assure that the site visit is compatible with the applicant’s schedule and will not result in unnecessary delays in the application process.



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/dep/water/laws/regulati.htm>. 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/dep/about/region/findyour.htm> 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/dep/water/laws/policies.htm#wetlguid>).

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://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/priority_habitat/online_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.



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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.

Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
100 Hartwell Street, Suite 230
West Boylston, MA 01583
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/dep/water/approvals/wwforms.htm#appendix>), 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/dep/about/region/findyour.htm>).

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



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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/dep/water/laws/policies.htm#storm>.

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/dep/water/approvals/dwsforms.htm#uic>.

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/dep/about/region/findyour.htm>) 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
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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		



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: _____		
_____	_____	_____
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



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

Provided by MassDEP:

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A. General Information (continued)

6. General Project Description:

7a. Project Type Checklist:

- | | |
|---|---|
| 1. <input type="checkbox"/> Single Family Home | 2. <input type="checkbox"/> Residential Subdivision |
| 3. <input type="checkbox"/> Limited Project Driveway Crossing | 4. <input type="checkbox"/> Commercial/Industrial |
| 5. <input type="checkbox"/> Dock/Pier | 6. <input type="checkbox"/> Utilities |
| 7. <input type="checkbox"/> Coastal Engineering Structure | 8. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) |
| 9. <input type="checkbox"/> Transportation | 10. <input type="checkbox"/> Other |

7b. Is any portion of the proposed activity eligible to be treated as a 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:

2. Limited Project

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)

- 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.

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	



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

Resource Area, Size of Proposed Alteration, Proposed Replacement (if any)
d. Bordering Land Subject to Flooding
e. Isolated Land Subject to Flooding
f. Riverfront Area
2. Width of Riverfront Area (check one):
3. Total area of Riverfront Area on the site of the proposed project:
4. Proposed alteration of the Riverfront Area:
5. Has an alternatives analysis been done and is it attached to this NOI?
6. Was the lot where the activity is proposed created prior to August 1, 1996?

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

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



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

	<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	

	2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	_____	
	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. <input type="checkbox"/> 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. <input type="checkbox"/> Project Involves Stream Crossings		
	_____	_____
	a. number of new stream crossings	b. number of replacement stream crossings

C. Other Applicable Standards and Requirements

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://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/priority_habitat/online_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
100 Hartwell Street, Suite 230
West Boylston, MA 01583**

b. Date of map _____



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

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.1.d, 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).*

1. 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
3. 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
 - (c) MESA filing fee (fee information available at: http://www.mass.gov/dfwele/dfw/nhesp/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

d. 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/nhesp/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

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <http://www.mass.gov/dfwele/dfw/nhesp/nhesp.htm>, regulatory review tab). 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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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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

3. Separate MESA review completed. Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.
2. 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 or hand delivery of NOI to either:
- | | |
|---|--|
| South Shore - Cohasset to Rhode Island, and the Cape & Islands: | North Shore - Hull to New Hampshire: |
| Division of Marine Fisheries - Southeast Marine Fisheries Station
Attn: Environmental Reviewer
1213 Purchase Street – 3rd Floor
New Bedford, MA 02740-6694 | Division of Marine Fisheries - North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930 |

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.

3. 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
4. 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
5. 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
6. 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:
- Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
 - A portion of the site constitutes redevelopment
 - Proprietary BMPs are included in the Stormwater Management System.
- b. No. Check why the project is exempt:
- Single-family house

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



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

- 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

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.
- 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.



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

Provided by MassDEP:

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E. Fees

- 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

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.)



Checklist for Stormwater Report

A. Introduction

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



A Stormwater Report must be submitted with the Notice of Intent permit application to document compliance with the Stormwater Management Standards. The following checklist is NOT a substitute for the Stormwater Report (which should provide more substantive and detailed information) but is offered here as a tool to help the applicant organize their Stormwater Management documentation for their Report and for the reviewer to assess this information in a consistent format. As noted in the Checklist, the Stormwater Report must contain the engineering computations and supporting information set forth in Volume 3 of the [Massachusetts Stormwater Handbook](#). The Stormwater Report must be prepared and certified by a Registered Professional Engineer (RPE) licensed in the Commonwealth.

The Stormwater Report must include:

- The Stormwater Checklist completed and stamped by a Registered Professional Engineer (see page 2) that certifies that the Stormwater Report contains all required submittals.¹ This Checklist is to be used as the cover for the completed Stormwater Report.
- Applicant/Project Name
- Project Address
- Name of Firm and Registered Professional Engineer that prepared the Report
- Long-Term Pollution Prevention Plan required by Standards 4-6
- Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan required by Standard 8²
- Operation and Maintenance Plan required by Standard 9

In addition to all plans and supporting information, the Stormwater Report must include a brief narrative describing stormwater management practices, including environmentally sensitive site design and LID techniques, along with a diagram depicting runoff through the proposed BMP treatment train. Plans are required to show existing and proposed conditions, identify all wetland resource areas, NRCS soil types, critical areas, Land Uses with Higher Potential Pollutant Loads (LUHPPL), and any areas on the site where infiltration rate is greater than 2.4 inches per hour. The Plans shall identify the drainage areas for both existing and proposed conditions at a scale that enables verification of supporting calculations.

As noted in the Checklist, the Stormwater Management Report shall document compliance with each of the Stormwater Management Standards as provided in the Massachusetts Stormwater Handbook. The soils evaluation and calculations shall be done using the methodologies set forth in Volume 3 of the Massachusetts Stormwater Handbook.

To ensure that the Stormwater Report is complete, applicants are required to fill in the Stormwater Report Checklist by checking the box to indicate that the specified information has been included in the Stormwater Report. If any of the information specified in the checklist has not been submitted, the applicant must provide an explanation. The completed Stormwater Report Checklist and Certification must be submitted with the Stormwater Report.

¹ The Stormwater Report may also include the Illicit Discharge Compliance Statement required by Standard 10. If not included in the Stormwater Report, the Illicit Discharge Compliance Statement must be submitted prior to the discharge of stormwater runoff to the post-construction best management practices.

² For some complex projects, it may not be possible to include the Construction Period Erosion and Sedimentation Control Plan in the Stormwater Report. In that event, the issuing authority has the discretion to issue an Order of Conditions that approves the project and includes a condition requiring the proponent to submit the Construction Period Erosion and Sedimentation Control Plan before commencing any land disturbance activity on the site.



Checklist for Stormwater Report

B. Stormwater Checklist and Certification

The following checklist is intended to serve as a guide for applicants as to the elements that ordinarily need to be addressed in a complete Stormwater Report. The checklist is also intended to provide conservation commissions and other reviewing authorities with a summary of the components necessary for a comprehensive Stormwater Report that addresses the ten Stormwater Standards.

Note: Because stormwater requirements vary from project to project, it is possible that a complete Stormwater Report may not include information on some of the subjects specified in the Checklist. If it is determined that a specific item does not apply to the project under review, please note that the item is not applicable (N.A.) and provide the reasons for that determination.

A complete checklist must include the Certification set forth below signed by the Registered Professional Engineer who prepared the Stormwater Report.

Registered Professional Engineer's Certification

I have reviewed the Stormwater Report, including the soil evaluation, computations, Long-term Pollution Prevention Plan, the Construction Period Erosion and Sedimentation Control Plan (if included), the Long-term Post-Construction Operation and Maintenance Plan, the Illicit Discharge Compliance Statement (if included) and the plans showing the stormwater management system, and have determined that they have been prepared in accordance with the requirements of the Stormwater Management Standards as further elaborated by the Massachusetts Stormwater Handbook. I have also determined that the information presented in the Stormwater Checklist is accurate and that the information presented in the Stormwater Report accurately reflects conditions at the site as of the date of this permit application.

Registered Professional Engineer Block and Signature

Signature and Date

Checklist

Project Type: Is the application for new development, redevelopment, or a mix of new and redevelopment?

- New development
- Redevelopment
- Mix of New Development and Redevelopment



Checklist for Stormwater Report

Checklist (continued)

LID Measures: Stormwater Standards require LID measures to be considered. Document what environmentally sensitive design and LID Techniques were considered during the planning and design of the project:

- No disturbance to any Wetland Resource Areas
- Site Design Practices (e.g. clustered development, reduced frontage setbacks)
- Reduced Impervious Area (Redevelopment Only)
- Minimizing disturbance to existing trees and shrubs
- LID Site Design Credit Requested:
 - Credit 1
 - Credit 2
 - Credit 3
- Use of "country drainage" versus curb and gutter conveyance and pipe
- Bioretention Cells (includes Rain Gardens)
- Constructed Stormwater Wetlands (includes Gravel Wetlands designs)
- Treebox Filter
- Water Quality Swale
- Grass Channel
- Green Roof
- Other (describe): _____

Standard 1: No New Untreated Discharges

- No new untreated discharges
- Outlets have been designed so there is no erosion or scour to wetlands and waters of the Commonwealth
- Supporting calculations specified in Volume 3 of the Massachusetts Stormwater Handbook included.



Checklist for Stormwater Report

Checklist (continued)

Standard 2: Peak Rate Attenuation

- Standard 2 waiver requested because the project is located in land subject to coastal storm flowage and stormwater discharge is to a wetland subject to coastal flooding.
- Evaluation provided to determine whether off-site flooding increases during the 100-year 24-hour storm.
- Calculations provided to show that post-development peak discharge rates do not exceed pre-development rates for the 2-year and 10-year 24-hour storms. If evaluation shows that off-site flooding increases during the 100-year 24-hour storm, calculations are also provided to show that post-development peak discharge rates do not exceed pre-development rates for the 100-year 24-hour storm.

Standard 3: Recharge

- Soil Analysis provided.
- Required Recharge Volume calculation provided.
- Required Recharge volume reduced through use of the LID site Design Credits.
- Sizing the infiltration, BMPs is based on the following method: Check the method used.
 - Static
 - Simple Dynamic
 - Dynamic Field¹
- Runoff from all impervious areas at the site discharging to the infiltration BMP.
- Runoff from all impervious areas at the site is *not* discharging to the infiltration BMP and calculations are provided showing that the drainage area contributing runoff to the infiltration BMPs is sufficient to generate the required recharge volume.
- Recharge BMPs have been sized to infiltrate the Required Recharge Volume.
- Recharge BMPs have been sized to infiltrate the Required Recharge Volume *only* to the maximum extent practicable for the following reason:
 - Site is comprised solely of C and D soils and/or bedrock at the land surface
 - M.G.L. c. 21E sites pursuant to 310 CMR 40.0000
 - Solid Waste Landfill pursuant to 310 CMR 19.000
 - Project is otherwise subject to Stormwater Management Standards only to the maximum extent practicable.
- Calculations showing that the infiltration BMPs will drain in 72 hours are provided.
- Property includes a M.G.L. c. 21E site or a solid waste landfill and a mounding analysis is included.

¹ 80% TSS removal is required prior to discharge to infiltration BMP if Dynamic Field method is used.



Checklist for Stormwater Report

Checklist (continued)

Standard 3: Recharge (continued)

- The infiltration BMP is used to attenuate peak flows during storms greater than or equal to the 10-year 24-hour storm and separation to seasonal high groundwater is less than 4 feet and a mounding analysis is provided.
- Documentation is provided showing that infiltration BMPs do not adversely impact nearby wetland resource areas.

Standard 4: Water Quality

The Long-Term Pollution Prevention Plan typically includes the following:

- Good housekeeping practices;
 - Provisions for storing materials and waste products inside or under cover;
 - Vehicle washing controls;
 - Requirements for routine inspections and maintenance of stormwater BMPs;
 - Spill prevention and response plans;
 - Provisions for maintenance of lawns, gardens, and other landscaped areas;
 - Requirements for storage and use of fertilizers, herbicides, and pesticides;
 - Pet waste management provisions;
 - Provisions for operation and management of septic systems;
 - Provisions for solid waste management;
 - Snow disposal and plowing plans relative to Wetland Resource Areas;
 - Winter Road Salt and/or Sand Use and Storage restrictions;
 - Street sweeping schedules;
 - Provisions for prevention of illicit discharges to the stormwater management system;
 - Documentation that Stormwater BMPs are designed to provide for shutdown and containment in the event of a spill or discharges to or near critical areas or from LUHPPL;
 - Training for staff or personnel involved with implementing Long-Term Pollution Prevention Plan;
 - List of Emergency contacts for implementing Long-Term Pollution Prevention Plan.
- A Long-Term Pollution Prevention Plan is attached to Stormwater Report and is included as an attachment to the Wetlands Notice of Intent.
 - Treatment BMPs subject to the 44% TSS removal pretreatment requirement and the one inch rule for calculating the water quality volume are included, and discharge:
 - is within the Zone II or Interim Wellhead Protection Area
 - is near or to other critical areas
 - is within soils with a rapid infiltration rate (greater than 2.4 inches per hour)
 - involves runoff from land uses with higher potential pollutant loads.
 - The Required Water Quality Volume is reduced through use of the LID site Design Credits.
 - Calculations documenting that the treatment train meets the 80% TSS removal requirement and, if applicable, the 44% TSS removal pretreatment requirement, are provided.



Checklist for Stormwater Report

Checklist (continued)

Standard 4: Water Quality (continued)

- The BMP is sized (and calculations provided) based on:
 - The ½" or 1" Water Quality Volume or
 - The equivalent flow rate associated with the Water Quality Volume and documentation is provided showing that the BMP treats the required water quality volume.
- The applicant proposes to use proprietary BMPs, and documentation supporting use of proprietary BMP and proposed TSS removal rate is provided. This documentation may be in the form of the propriety BMP checklist found in Volume 2, Chapter 4 of the Massachusetts Stormwater Handbook and submitting copies of the TARP Report, STEP Report, and/or other third party studies verifying performance of the proprietary BMPs.
- A TMDL exists that indicates a need to reduce pollutants other than TSS and documentation showing that the BMPs selected are consistent with the TMDL is provided.

Standard 5: Land Uses With Higher Potential Pollutant Loads (LUHPPLs)

- The NPDES Multi-Sector General Permit covers the land use and the Stormwater Pollution Prevention Plan (SWPPP) has been included with the Stormwater Report.
- The NPDES Multi-Sector General Permit covers the land use and the SWPPP will be submitted **prior to** the discharge of stormwater to the post-construction stormwater BMPs.
- The NPDES Multi-Sector General Permit does **not** cover the land use.
- LUHPPLs are located at the site and industry specific source control and pollution prevention measures have been proposed to reduce or eliminate the exposure of LUHPPLs to rain, snow, snow melt and runoff, and been included in the long term Pollution Prevention Plan.
- All exposure has been eliminated.
- All exposure has **not** been eliminated and all BMPs selected are on MassDEP LUHPPL list.
- The LUHPPL has the potential to generate runoff with moderate to higher concentrations of oil and grease (e.g. all parking lots with >1000 vehicle trips per day) and the treatment train includes an oil grit separator, a filtering bioretention area, a sand filter or equivalent.

Standard 6: Critical Areas

- The discharge is near or to a critical area and the treatment train includes only BMPs that MassDEP has approved for stormwater discharges to or near that particular class of critical area.
- Critical areas and BMPs are identified in the Stormwater Report.



Checklist for Stormwater Report

Checklist (continued)

Standard 7: Redevelopments and Other Projects Subject to the Standards only to the maximum extent practicable

- The project is subject to the Stormwater Management Standards only to the maximum Extent Practicable as a:
 - Limited Project
 - Small Residential Projects: 5-9 single family houses or 5-9 units in a multi-family development provided there is no discharge that may potentially affect a critical area.
 - Small Residential Projects: 2-4 single family houses or 2-4 units in a multi-family development with a discharge to a critical area
 - Marina and/or boatyard provided the hull painting, service and maintenance areas are protected from exposure to rain, snow, snow melt and runoff
 - Bike Path and/or Foot Path
 - Redevelopment Project
 - Redevelopment portion of mix of new and redevelopment.
- Certain standards are not fully met (Standard No. 1, 8, 9, and 10 must always be fully met) and an explanation of why these standards are not met is contained in the Stormwater Report.
- The project involves redevelopment and a description of all measures that have been taken to improve existing conditions is provided in the Stormwater Report. The redevelopment checklist found in Volume 2 Chapter 3 of the Massachusetts Stormwater Handbook may be used to document that the proposed stormwater management system (a) complies with Standards 2, 3 and the pretreatment and structural BMP requirements of Standards 4-6 to the maximum extent practicable and (b) improves existing conditions.

Standard 8: Construction Period Pollution Prevention and Erosion and Sedimentation Control

A Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan must include the following information:

- Narrative;
 - Construction Period Operation and Maintenance Plan;
 - Names of Persons or Entity Responsible for Plan Compliance;
 - Construction Period Pollution Prevention Measures;
 - Erosion and Sedimentation Control Plan Drawings;
 - Detail drawings and specifications for erosion control BMPs, including sizing calculations;
 - Vegetation Planning;
 - Site Development Plan;
 - Construction Sequencing Plan;
 - Sequencing of Erosion and Sedimentation Controls;
 - Operation and Maintenance of Erosion and Sedimentation Controls;
 - Inspection Schedule;
 - Maintenance Schedule;
 - Inspection and Maintenance Log Form.
- A Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan containing the information set forth above has been included in the Stormwater Report.



Checklist for Stormwater Report

Checklist (continued)

Standard 8: Construction Period Pollution Prevention and Erosion and Sedimentation Control (continued)

- The project is highly complex and information is included in the Stormwater Report that explains why it is not possible to submit the Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan with the application. A Construction Period Pollution Prevention and Erosion and Sedimentation Control has **not** been included in the Stormwater Report but will be submitted **before** land disturbance begins.
- The project is **not** covered by a NPDES Construction General Permit.
- The project is covered by a NPDES Construction General Permit and a copy of the SWPPP is in the Stormwater Report.
- The project is covered by a NPDES Construction General Permit but no SWPPP been submitted. The SWPPP will be submitted BEFORE land disturbance begins.

Standard 9: Operation and Maintenance Plan

- The Post Construction Operation and Maintenance Plan is included in the Stormwater Report and includes the following information:
 - Name of the stormwater management system owners;
 - Party responsible for operation and maintenance;
 - Schedule for implementation of routine and non-routine maintenance tasks;
 - Plan showing the location of all stormwater BMPs maintenance access areas;
 - Description and delineation of public safety features;
 - Estimated operation and maintenance budget; and
 - Operation and Maintenance Log Form.
- The responsible party is **not** the owner of the parcel where the BMP is located and the Stormwater Report includes the following submissions:
 - A copy of the legal instrument (deed, homeowner's association, utility trust or other legal entity) that establishes the terms of and legal responsibility for the operation and maintenance of the project site stormwater BMPs;
 - A plan and easement deed that allows site access for the legal entity to operate and maintain BMP functions.

Standard 10: Prohibition of Illicit Discharges

- The Long-Term Pollution Prevention Plan includes measures to prevent illicit discharges;
- An Illicit Discharge Compliance Statement is attached;
- NO Illicit Discharge Compliance Statement is attached but will be submitted **prior to** the discharge of any stormwater to post-construction BMPs.

CERTIFIED LIST OF ABUTTERS

ATTLEBORO CONSERVATION COMMISSION

City Assessor, or designee's, initials: _____ Date: _____

Type of Application: ___ **Filing under Ma. Wetlands Protection Act/Stormwater Management Ordinance**
(check all that apply) (notify all properties within 100 feet of property line**)
 ___ **Filing under City of Attleboro Wetland Protection Ordinance**
 (notify all direct abutters and abutters to them within 300 feet of property line**)

Name of Applicant: _____

Phone Number: _____

Property Owner: _____

Property Owner Signature: _____

Property Address: _____

Assessor's Plat/Map: _____ Lot(s): _____

PLEASE PRINT OR WRITE NEATLY PLAT NUMBER AND LOT NUMBER IN EACH BOX (use additional sheet if necessary)

****Including abutters located directly opposite on any public or private street or way, in another municipality or across a body of water.**
Revised 4/12

NOTIFICATION TO ABUTTERS
UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT
AND
THE CITY OF ATTLEBORO WETLANDS PROTECTION ORDINANCE

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, and/or Section 18-1.6 of the Revised Ordinances of the City of Attleboro, you are hereby notified that the Attleboro Conservation Commission will hold a public hearing relative to the following. The applicant has filed a Notice of Intent and/or Local Wetlands Permit Application with the Attleboro Conservation Commission seeking permission to remove, fill, dredge, or alter an Area Subject to Protection under the Wetlands Protection Act (General Laws Chapter 131, Section 40) and/or the Wetlands Protection Ordinance (Chapter 18 of the Revised Ordinances of the City of Attleboro) and/or the Buffer Zone. Application materials and plans are on file with the Department of Planning and Development, Government Center, 77 Park Street, Attleboro, Massachusetts 02703 and are available for public review between the hours of 8:30 a.m. to 4:30 p.m. during regular business days.

- A. The name of the applicant is: _____
- B. This application is being filed under (check all that apply):
 ___ The Massachusetts Wetlands Protection Act
 ___ The City of Attleboro Wetlands Protection Ordinance
- C. The address/location of the site where the activity is proposed is: _____

- D. Description of the proposed work: _____

- E. Copies of the Notice of Intent may be obtained from either (check one) the applicant ___ or the applicant's representative ___, by calling this telephone number: () _____ between the hours of ___ and ___ on the following days of the week: _____
- F. Information regarding the date, time, and place of the public hearing may be obtained from the Attleboro Conservation Commission by calling (508) 223-2222 between the hours of 8:30 a.m. and 4:30 p.m. during regular business days.

Notice of the public hearing, including its date, time, and place, will be published at least five (5) days in advance in the Sun Chronicle newspaper.

Notice of the public hearing, including its date, time, and place, will be posted with the City Clerk's Office at Attleboro City Hall at least forty-eight (48) hours in advance.

You may also contact the Attleboro Conservation Commission at (508) 223-2222 or the Department of Environmental Protection (DEP) Southeast Regional Office at (508) 946-2700 for more information about this application.