Rockport Wetlands By-law and MA Wetlands Protection Act Application Guidelines for Abbreviated Notice of Resource Area Delineation (ANRAD's)

The following submission guidelines are intended to assist applicants and their consultants by providing the information necessary to address the concerns of the Rockport Wetlands Protection By-law and the MA Wetlands Protection Act Regulations. The Rockport Wetlands Protection By-law and Regulations may be downloaded at *www.Rockportma.gov* ; the MA Wetlands Protection Act Regulations (310 CMR 10.00) may be downloaded at the MA DEP website at *http://www.mass.gov/eea/agencies/massdep/water/regulations/310-cmr-10-00-wetlands-protection-act-regulations.html*

1) **Review the Rockport Wetlands By-law Regulations and the MA Wetlands Protection Act Regulations with special attention to pertinent resource areas.**

2) **It is strongly recommended that you schedule an appointment to review your application materials before the filing deadline.** Our Conservation Agent is available to assist applicants during the permitting process. Please contact the Conservation Office at (978) 546-5005.

3) **Submit at least two (2) copies of a complete application, and seven (7) copies of the plan(s) and narrative report to the Rockport Conservation Commission two weeks before a regularly scheduled hearing (see details in paragraph 4) below). Send one (1) complete copy, simultaneously via <u>certified mail</u> to the:**

MA Department of Environmental Protection (DEP)
Northeast Region - Wetlands & Waterways
205B Lowell Street
Wilmington, MA 01887

We recommend you keep one copy of the complete application for your own records, for a total of eleven (11) copies.

A complete application includes:

a. **The WPA Form 4A - *<u>Abbreviated Notice of Resource Area Delineation</u>*** (One original signed copy for the file.)

b. **Fees:** Each application reviewed under the MA Wetlands Protection Act and the local Rockport Wetlands By-law requires the submission of four (4) checks for three (3) separate fees. Please provide a copy of these four checks with the application.

   State Fees: The state fees are divided between the State and local government. **See BRP WPA Form 4A Instructions to Section E: Fees and the Appendix B Wetland Transmittal Form attachment to calculate your state application fee.**

i. ***The Town's share of the state wetland filing fee***, in the form of a check or money order made payable to *The Town of Rockport,* shall be submitted to the Conservation Commission along with a copy of the Wetland Fee Transmittal Form (pages 1 and 2).

ii. ***The State's share of the state wetland filing fee,*** in the form of a check or money order made payable to the *Commonwealth of Massachusetts,* shall be sent **via certified mail** along with a copy of the Wetland Fee Transmittal Form (pages 1 and 2) to the following address:

Department of Environmental Protection
Box #4062
Boston, MA 02211

The local filing fee calculation worksheet with an enclosed check for the appropriate amount. Make check payable to: *The Town of Rockport.* Please include the applicants name and address on the check.

Legal Ad Fee: There is a fee for placing a legal ad in the Gloucester Daily Times. Our Conservation Agent will create the legal ad and submit it to the paper. **Please contact our Agent @ 978-546-5005 for the most current fee amount.** Make check payable to: *Gloucester Daily Times* and submit to the Rockport Conservation Commission with the application. *Please include the applicants name and address on the check.

c. An 8 ½" x 11" section of a **USGS quadrangle sheet or locus map** sufficient to show the location of the area (you may use the locus map found on our website).

d. **Notification to Abutters and Affidavit of Service forms**. The applicant shall submit a copy the Notification to Abutters of an abutters list of the most recent applicable tax list of the assessors. The notice to abutters shall have enclosed a copy of the permit application or request, with plans, or shall state where copies may be examined and obtained by abutters. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. When a person requesting a determination is other than the owner, the request, the notice of the hearing, and the determination itself, shall be sent by the Commission to the owner as well as to the person making the request.

e. **Abutters list** verified and stamped by the Rockport Assessor's Office for all abutters and abutters to the abutters within 300 feet of the property line of the parcel or parcels of land where the proposed activity is to take place, and copies of "Receipt for Certified Mail", or copies of "Return Receipt Cards" or a copy of the stamped abutters list with hand-gathered signatures as proof of abutter notification. **When applying for an abutters list from the Assessors' Office, please be aware of the form you are using for application (WPA and By-law, or By-law Only) as the abutters list will be different.**

f. **A Site Plan** to the scale of 1" = 20' delineating all wetland resource areas (both state and local), property boundaries and existing topographic features and

elevations of the project site. Existing contours of the site and existing contours within 50 feet around its perimeter shall be shown. The contour interval shall be one foot except in those areas that exceed 20% grade where five foot intervals shall be acceptable. Spot elevations shall be included in areas with grades of 2% or less. Elevations shall be based on Mean Sea Level Datum of 1929 (NGVD) with a permanent bench mark for all projects.

g. The delineated boundary of the resource area(s) with flag numbers and elevations on site and including those extending off the project site (where applicable).
h. Location(s) of transects and soil samples. All relevant delineation data sheets (a minimum of 2 for every 100ft of wetland boundary delineated). The name of the wetland scientist and date of delineation.
i. The location of soil sample sites and vegetation plot sites shall be staked or flagged in the field.
j. The wetland scientist's narrative report of the delineation together with the field data sheets in accordance with 310 CMR 10.55 (DEP Bordering Vegetated Wetland Delineation Form).

4) The Rockport Conservation Commission (RCC) encourages electronic submittal of applications. All portions of applications may be electronically submitted to the RCC Office including:

- Site Plan(s)
- WPA forms
- Locus map
- Affidavit of service
- Notification to abutters
- Signed list of abutters
- Narrative report
- Photos

Electronic filing will also require the following paperwork:

a. Narrative report (7 copies);
b. Site Plan(s) (7 copies, may reduce size but no smaller than 11"x 17"); and
c. One (1) paper **original** and one (1) paper **copy** of the entire submission, including large scale 36"x 24" plan(s) (where applicable).

The Conservation Agent will prepare a file for viewing the material at the meeting. A laptop computer, projector and screen are available for this purpose. The electronic presentation should be submitted in a protected format (such as pdf or CAD). Electronic submission will greatly reduce the amount of paper used when filing requests and make the material easier to display for the public viewing during presentations to the RCC.

5) The Commission will arrange for the publishing of a legal notice in a local newspaper and at Town Hall. **Please note that the newspaper will not print the legal advertisement until the fee is prepaid (see 3b above).**

6) Once the Conservation Office receives the copies of a complete application, a public hearing will be scheduled. **The Commission requires that a complete application packet be submitted a minimum of 2 weeks before a regularly scheduled, public hearing.** Please check in with the Conservation Office for upcoming deadlines.

7) **The applicant or a designated representative is required to attend the scheduled public hearing and give a brief presentation on the delineation to the Commission members and the public.** Most often the first hearing is followed-up with a site visit by the Commission on the following Saturday morning. Hearings continue until the Commission members are satisfied that all necessary information to vote on the proposal has been presented.

8) **The Commission will then vote on the ANRAD application at a public hearing.** The Order of Resource Area Delineation issued by the Commission will either be mailed to the applicant via certified mail within 21 days of the vote or the applicant may arrange to pick it up at Town Hall.

Instructions for Completing Application
Form 4A - Abbreviated Notice of Resource Area Delineation (ANRAD)

Please read these instructions before completing the Abbreviated Notice of Resource Area Delineation application form (WPA Form 4A) for more information on certain items that are not self-explanatory.

Introduction
The Abbreviated Notice of Resource Area Delineation, WPA Form 4A, (ANRAD) provides a procedure for an applicant to confirm the delineation of a Bordering Vegetated Wetlands (BVW). If an ANRAD is filed for a BVW delineation, confirmation of other resource areas may also be requested provided the other resource area boundaries are identified on the plans which accompany the BVW boundary delineation.

The filing of an Abbreviated Notice of Resource Area Delineation is optional. However, any work within an area subject to the jurisdiction of the Wetlands Protection Act may not proceed until either a Negative Determination of Applicability or a final Order of Conditions has been issued by the Conservation Commission or the Department of Environmental Protection. If an applicant is uncertain as to whether the Wetlands Protection Act applies to a particular area of land or to specific work planned on a particular area of land, he or she may file a Request for Determination of Applicability, RDA, (WPA Form 1) instead of WPA Form 4A. Also, an applicant may file a Notice of Intent, NOI, (WPA Form 3) or, in limited circumstances, an Abbreviated Notice of Intent (WPA Form 4) and, as part of that permitting process, seek confirmation from the Conservation Commission of delineated wetland resource area boundaries.

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

To complete this form, the applicant should refer to the Wetlands Protection Act regulations (310 CMR 10.00) which can be obtained from the Department's web site at **www.mass.gov/dep**. 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. Regulations also are available for sale from the State House Bookstore (617.727.2834) and State House Bookstore West (413.784.1378).

Completing WPA Form 4A

Section A: General Information
Item 1. Project Location. Include a street address (if one exists), the latitude and longitude of the site and, if known, the Assessors map or plat number, the parcel number, and the lot number. If the lot subject to the Abbreviated Notice of Resource Area Delineation does not contain a structure with a numbered street address or the lot is being subdivided, the map or plat, parcel, and lot numbers must be included.

Section B: Area(s) Delineated
Item 1. Bordering Vegetated Wetlands (BVW). Indicate the length of the delineated BVW boundary.

Item 2. Method of Determination. Use one of the methods indicated in Item 2 to determine the boundaries of BVW. On the form, check all the methods that are used to determine the boundary. These methods are discussed in the wetlands regulations at 310 CMR 10.55(2)(c). When undertaking BVW delineations, whether by vegetation alone or by vegetation and other indicators of wetland hydrology, applicants are encouraged to use the Department's BVW Handbook: *Delineating Bordering Vegetated Wetlands Under the Massachusetts Wetlands Protection Act* (1995). This document is available on the web at: http://www.mass.gov/eea/docs/dep/water/laws/a-thru-h/bvwmanua.pdf or for purchase from the State

House Bookstore (617.727.2834) and State House Bookstore West (413.784.1378). The Department encourages applicants to complete the BVW Field Data Form contained in the handbook and submit it with the Abbreviated Notice of Resource Area Delineation. If detailed vegetative assessments are not required for a particular site, the reasons should be noted on the Field Data Form.

Item 3. Other Resource Areas. Applicants may use WPA Form 4A to confirm the boundaries of other resource areas when delineated in addition to the BVW. To determine boundaries of other wetland resource areas (including the Riverfront Area), consult the wetland regulations, subsection (2), "Definitions, Critical Characteristics, and Boundaries" for each resource area covered under 310 CMR 10.54 - 10.58.

Section C: Additional Information
All listed information must be provided along with the Abbreviated Notice of Resource Area Delineation application. ANRAD applications seeking to delineate a wetland resource area boundary are required to include Resource Area Delineation Plans. Such plans should include an appropriate scale to depict all resource area boundaries for which boundary confirmation is being sought.

Plans specifications: All plans should be of adequate size, scale, and detail to completely and accurately describe the site and the resource area boundaries. 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 site and/or 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 displayed, include 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

Section D: Fees

There is an application fee for the Abbreviated Notice of Resource Area Delineation. The delineation fee for each resource area equals $2 per linear foot. The maximum fee for activities with a single family house is $200 and the maximum fee for any other activity is $2,000. 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 ANRAD Wetland Fee Transmittal Form 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 Abbreviated Notice of Resource Area Delineation cannot begin until the fee is received.

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. Please contact your Conservation Commission regarding the procedure for public newspaper notice.

Section E: Signatures and Certification Requirements

The property owner (if different from the applicant) and the applicant's representative (if any) must sign the Abbreviated Notice of Resource Area Delineation. A signature serves to certify that accompanying plans, documents, and supporting data are true and complete.

Two copies of the completed Abbreviated Notice of Resource Area Delineation (WPA Form 4A), including supporting plans and documents; two copies of the ANRAD Wetland Fee Transmittal Form; and the city/town fee payment must be sent to the Conservation Commission by certified mail or hand delivery.

One copy of the completed Abbreviated Notice of Resource Area Delineation (WPA Form 4A), including supporting plans and documents; one copy of the ANRAD Wetland Fee Transmittal Form; and a *copy* of the state fee check must be sent to the appropriate MassDEP Regional Office by certified mail or hand delivery. The Department copies must be sent at the same time as the application submission to the Conservation Commission. Failure by the applicant to send copies in a timely manner may result in dismissal of the Abbreviated Notice of Resource Area Delineation.

Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

DEP Regional Addresses

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

Mail transmittal forms and DEP payments, payable to:

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

DEP Western Region
436 Dwight Street
Suite 402
Springfield, MA 01103
Phone: 413-784-1100
Fax: 413-784-1149

Adams
Agawam
Alford
Amherst
Ashfield
Becket
Belchertown
Bernardston
Blandford
Brimfield
Buckland
Charlemont
Cheshire
Chester
Chesterfield
Chicopee
Clarksburg
Colrain
Conway
Cummington
Dalton
Deerfield
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Holyoke
Huntington
Lanesborough
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Lenox
Leverett
Leyden
Longmeadow
Ludlow
Middlefield
Monroe
Montague
Monterey
Montgomery
Monson
Mount Washington
New Ashford
New Marlborough
New Salem
North Adams
Northampton
Northfield
Orange
Otis
Palmer
Pelham
Peru
Pittsfield
Plainfield
Richmond
Rowe
Russell
Sandisfield
Savoy
Sheffield
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Shutesbury
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Southwick
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Stockbridge
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Tyringham
Wales
Ware
Warwick
Washington
Wendell
Westfield
Westhampton
West Springfield
West Stockbridge
Whately
Wilbraham
Williamsburg
Williamstown
Windsor
Worthington

DEP Central Region
627 Main Street
Worcester, MA 01608
Phone: 508-792-7650
Fax: 508-792-7621
TDD: 508-767-2788

Acton
Ashburnham
Ashby
Athol
Auburn
Ayer
Barre
Bellingham
Berlin
Blackstone
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Boxborough
Boylston
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Clinton
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Littleton
Lunenburg
Marlborough
Maynard
Medway
Mendon
Milford
Millbury
Millville
New Braintree
Northborough
Northbridge
North Brookfield
Oakham
Oxford
Paxton
Pepperell
Petersham
Phillipston
Princeton
Royalston
Rutland
Shirley
Shrewsbury
Southborough
Southbridge
Spencer
Sterling
Stow
Sturbridge
Sutton
Templeton
Townsend
Tyngsborough
Upton
Uxbridge
Warren
Webster
Westborough
West Boylston
West Brookfield
Westford
Westminster
Winchendon
Worcester

DEP Southeast Region
20 Riverside Drive
Lakeville, MA 02347
Phone: 508-946-2700
Fax: 508-947-6557
TDD: 508-946-2795

Abington
Acushnet
Attleboro
Avon
Barnstable
Berkley
Bourne
Brewster
Bridgewater
Brockton
Carver
Chatham
Chilmark
Dartmouth
Dennis
Dighton
Duxbury
Eastham
East Bridgewater
Easton
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Fairhaven
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Foxborough
Franklin
Freetown
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Hanover
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Kingston
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Marion
Marshfield
Mashpee
Mattapoisett
Middleborough
Nantucket
New Bedford
North Attleborough
Norton
Norwell
Oak Bluffs
Orleans
Pembroke
Plainville
Plymouth
Plympton
Provincetown
Raynham
Rehoboth
Rochester
Rockland
Sandwich
Scituate
Seekonk
Sharon
Somerset
Stoughton
Swansea
Taunton
Tisbury
Truro
Wareham
Wellfleet
West Bridgewater
Westport
West Tisbury
Whitman
Wrentham
Yarmouth

DEP Northeast Region
205B Lowell Street
Wilminton, MA 01887
Phone: 978-694-3200
Fax: 978-694-3498

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Norwood
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Quincy
Randolph
Reading
Revere
Rockport
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Salisbury
Saugus
Sherborn
Somerville
Stoneham
Sudbury
Swampscott
Tewksbury
Topsfield
Wakefield
Walpole
Waltham
Watertown
Wayland
Wellesley
Wenham
West Newbury
Weston
Westwood
Weymouth
Wilmington
Winchester
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