Rockport Wetlands By-law and MA Wetlands Protection Act
Application Guidelines for a Notice of Intent (NOI)
(Revised 11/18/15)

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 CMR10.00) 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 and the MA Wetlands Protection Act Regulations with special attention to applicable wetland resource areas.**

2) **Please keep in mind when designing your project that the Commission has adopted setback requirements of a 25' No-Disturb Zone and a 50' No-Build Zone from the wetland resource area delineation line(s). NOTE: If, however, work is to take place within either of these "Zones", include a written REQUEST FOR A WAIVER of the setback requirements and an alternatives analysis (why work cannot be done outside of the Zone(s)).**

3) **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.

4) **Submit two (2) copies of a complete application and seven (7) copies of the plan and project narrative to the Rockport Conservation Commission two weeks before a regularly scheduled hearing (see details below). Send one (1) complete copy, simultaneously via certified mail to the:**

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

*Depending on the location of your project you may also be required to send (1) copy of your application packet simultaneously via certified mail to the Natural Heritage and Endangered Species Program and/or the MA Division of Marine Fisheries.

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 letter
- If within a Riverfront Area, an alternatives analysis
- Blasting report
- Photos

Electronic filing will also require the following paperwork:

a. Narrative (9 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.

A complete application includes:

a. **The WPA Form 3 - Notice of Intent.**

b. **Fees: Fees are calculated by the type and number of activities. Applications reviewed under the MA Wetlands Protection Act and the local Rockport Wetlands By-law (most applications) are subject to both state and local filing fees; applications reviewed under the local By-law only are subject to local filing 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 3 Instructions to Section F: 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

Local Fees: The local fee is submitted to the local Conservation Commission. **Complete the attached local filing fee calculation worksheet and submit with a check for the appropriate amount to the Conservation Commission.** 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. **A narrative cover letter** providing details of the project and the proposed works location relative to the boundaries of each wetland resource area within 100 feet. The letter should include for example details about the construction sequence, construction materials, equipment to be used, stockpiling areas, plans to mitigate for run-off, placement of erosion and sediment controls, the limit of work area, plantings, etc.

d. **If your Project is within a Riverfront Area, you are required to follow the protocol established in 310 CMR 10.58 including the submission of a written Alternatives Analysis.**

e. **A Plan**

i. An engineer stamped site plan, to the scale of 1 " = 20', delineating wetland resource areas including all 100 foot buffer zones and proposed activities/structures within these areas. The location of transects, soil samples and vegetation plot sites shall be staked or flagged in the field and flags shall be represented on the Plan. The wetland scientist's report of the delineation together with the field data sheets in accordance with 310 CMR 10.55 (DEP Bordering Vegetated Wetland Delineation Form) shall be submitted with the application.

ii. Existing and proposed contours of the site and existing contours within 50' around its perimeter shall be shown. The contour interval shall be one foot except in those areas that exceed 20% grade. 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 benchmark for all projects; assumed datum may be used for small renovation type projects not within the 100-year FEMA flood zones.

iii. All structures shown on the Plan shall be labeled in feet and the property boundaries shall be clearly marked.

iv. Profile drawings shall be provided for all proposed drainage systems, including retention/detention basins, and for sewer systems if located within the buffer or resource area. Profiles shall be at horizontal scale of 1" = 20' and a vertical scale of 1" = 4'.

v. Existing and proposed locations of all drainage structures, including foundation and roof drains, with rim and invert elevations; and profiles of all proposed drain lines and culverts.

vi. Highest and lowest elevations for cellars, foundations, septic systems, leaching galleries and groundwater recharge systems.

vii. Location of water retention areas, swales and French drains with elevations for the bottom, inlet and outlet, spillway and 100-year flood level.

viii. Observed and estimated maximum ground water elevations shall be obtained at the location of each proposed retention/detention basin, storm water infiltration structure, and proposed wetland replication area(s). The dates at which the observations were made for detention ponds or retention ponds and the locations of observation pits or wells shall be indicated on the plans.

ix. The location of all easements, including but not limited to, underground utilities, drainage or trail easements on the site.

x. A runoff plan and calculations showing the pre- and post- development runoff conditions for comparative purposes. Runoff calculations shall be prepared for the 1, 10, and 100-year storm frequencies for all activities that impact wetland resource areas and land subject to flooding. Drainage calculations shall be prepared by utilizing the NRCS TR55 or TR20 Method, or other method approved by the Commission. The Rational Method may be used for watersheds under five (5 acres).

xi. Location and detail of all proposed erosion and sedimentation controls.

xii. In the event of a proposed alteration of a water course, cross-section showing slope, bank and stabilization treatment shall be shown at specified intervals along the affected water course.

xiii. The location of any wells or sources of potable water on the site or within 300 feet of any property line. A list of pesticides, herbicides, non-aqueous dust controls, or other chemical products to be applied to areas covered by

the Notice of Intent. If the chemical products have MSDS sheets, copies shall be supplied.

xiv. Typical and actual cross sections shall be provided for proposed wetlands driveway crossings, retention/detention basins, proposed drainage ditches or swales, and for proposed alterations to existing watercourses. Cross sections shall be drawn at a horizontal and vertical scale of 1 " = 4' and shall show existing and proposed slopes, banks, fill material, and surface treatment. Cross section intervals shall not exceed 50'.

xv. General soil characteristics of the area as provided by the U. S. Natural Resource Conservation Service (NRCS) and by hand dug soil observation pits at specified sites shall be required if there is a dispute as to an existing or former wetland line or in enforcement cases when there is an attempt to determine the former wetland line.

f. **Blasting Report:** If blasting will be occurring within 50' of any wetland resource area you are required to submit a blasting analysis report from a licensed professional so that the Commission can evaluate any potential impacts to resource areas.

g. **Notification of Abutters** - The applicant shall submit a copy of an abutters list of the most recent applicable tax list of the assessors. This list must be verified and stamped by the Rockport Assessor's Office at the same time as submitting the application. **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.** The applicant shall subsequently submit copies of "Receipt for Certified Mail", "Return Receipt Cards" or other acceptable proof of abutter notification (check with the post office for most cost-effective means for proof of mailing) before the hearing may open. Abutters shall include owners of land directly opposite on any public or private street or way, and abutters and abutters to the abutters within 300 feet (and all properties within 100 feet) of the property line of the applicant, including any in another municipality or across a body of water. 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. **Please contact our Agent @ 987-546-5005 for use of other forms of proof of abutter notification.**

h. Indicate on a **locus or USGS map** of Rockport, the general location of the project work (you may use the locus map found on our website).

i. **Stormwater Management** - Stormwater control designs shall conform to the Department of Environmental Protection's Stormwater Management Policy dated March 1997, or as amended. These standards apply to industrial, commercial,

institutional, residential subdivision, and roadway projects, including site preparation, construction, redevelopment, and on-going operation. **Standards <u>do not</u> apply to:**

i. Single-family house projects;
ii. Small Residential Subdivisions (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; or
iii. Emergency repairs to roads or their drainage systems.

5) 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.

6) 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 4b above).**

7) **The applicant or a designated representative is <u>required</u> to attend the scheduled public hearing(s) and to give a presentation on the proposed project**. Most often the first hearing is followed-up with a site visit by the Commission. Hearings continue until the Commission is satisfied that all information necessary to make a decision on the permit application has been presented and then the hearing will be closed.

8) **The Commission will vote on a draft Order of Conditions (the permit) at a public meeting within 21 days after the hearing is closed**. The Order of Conditions will be issued to the applicant via certified mail or the applicant may arrange to pick it up at Town Hall. **After the ten (10) business day state appeal period has past, the applicant must record the Order of Conditions at the Registry of Deeds in Salem, MA. Once all pre-construction conditions have been met the applicant may begin the permitted work, provided all other necessary permits have been obtained.**

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

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

Instructions for Completing Application WPA Form 3 – Notice of Intent

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

Purpose of the Notice of Intent (NOI)

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

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

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

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

Requirements for Professional Services

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

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

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

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

Completing WPA Form 3

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

Instructions to Section A: General Information

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

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

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

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

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

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

Instructions to Section B: Buffer Zone and Resource Area Impacts

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

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

Item 2. The ***boundaries of inland resource areas*** in Items 2a through f can be determined by reference to the wetlands regulations, subsection (2), "Definitions, Critical Characteristics, and Boundaries," for each resource area covered under 310 CMR 10.54 - 10.58. The Riverfront Area, listed in Item1f, 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.

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

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

- ***Performance standards for inland resource areas***, including the Riverfront Area (which can be either inland or coastal) are described in the Wetland regulations, subsection 3: "General Performance Standards" for each resource area covered under 310 CMR 10.54 - 58. Among other performance standards, an ***alternatives analysis*** **is** required for all projects involving bordering vegetated wetlands as well as those in the Riverfront Areas. Detailed requirements for the evaluation of alternatives to proposed work in Riverfront Areas and bordering vegetated wetlands are described at 310 CMR 10.58(4) and 310 CMR 10.55(4), respectively.

- ***Performance standards for coastal resource areas*** (excluding Riverfront Area) are described in various subsections within 310 CMR 10.25 – 10.35.

- ***Limited Projects*** are categories of activities specified in the regulations at 310 CMR 10.24(7) and 10.53(3) – (6), which can proceed at the discretion of the issuing authority without fully meeting the resource area performance standards. ***Performance standards for limited projects*** are described in the regulations at 310 CMR 10.24(7) and 10.53(3)-(6). An ***alternatives analysis*** performance standard is required for most limited projects.

Instructions to Section C. Other Applicable Standards and Requirements

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

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

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

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

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

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

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

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

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

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

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

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

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

Instructions to Section D: Additional Information

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

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

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

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

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

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

Instructions to Section E: Fees

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

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

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.

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).

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

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

Instructions to Section F: Signatures and Submittal Requirements

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

Mail transmittal forms and MassDEP payments, payable to:

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

TOWNS WITH ACECs WITHIN THEIR BOUNDARIES

Town	ACEC NAME
Ashby	Squannassit
Ayer	Petapawag and Squannassit
Barnstable	Sandy Neck/Barnstable Harbor
Bolton	Central Nashua River Valley
Boston	Rumney Marshes
	Fowl Meadow and Ponkapoag Bog
	Neponset River Estuary
Bourne	Pocasset River
	Herring River Watershed
	Bourne Back River
Braintree	Cranberry Brook Watershed
Brewster	Pleasant Bay, Inner Cape Cod Bay
Bridgewater	Hockomock Swamp
Canton	Fowl Meadow and Ponkapoag Bog
Chatham	Pleasant Bay
Cohasset	Weir River
Dalton	Hinsdale Flats Watershed
Dedham	Fowl Meadow and Ponkapoag Bog
Dunstable	Petapawag
Eastham	Inner Cape Cod Bay
	Wellfleet Harbor
Easton	Canoe River Aquifer
	Hockomock Swamp
Egremont	Karner Brook Watershed
Essex	Parker River/Essex Bay
Falmouth	Waquoit Bay
Foxborough	Canoe River Aquifer
Gloucester	Parker River/Essex Bay
Groton	Petapawag and Squannassit
Grafton	Miscoe-Warren-Whitehall Watersheds
Harvard	Central Nashua River Valley
	Squannassit
Harwich	Pleasant Bay
Hingham	Weir River, Weymouth Back River
Hinsdale	Hinsdale Flats Watershed
Holbrook	Cranberry Brook Watershed
Hopkinton	Westborough Cedar Swamp
	Miscoe-Warren-Whitehall Watersheds
Hull	Weir River
Ipswich	Parker River/Essex Bay
Lancaster	Central Nashua River Valley
	Squannassit
Lee	Kampoosa Bog Drainage Basin
Leominster	Central Nashua River Valley

Town	ACEC NAME
Lunenburg	Squannassit
Lynn	Rumney Marshes
Mansfield	Canoe River Aquifer
Mashpee	Waquoit Bay
Melrose	Golden Hills
Milton	Fowl Meadow and Ponkapoag Bog
	Neponset River Estuary
Mt Washington	Karner Brook Watershed,
	Schenob Brook
Newbury	Parker River/Essex Bay
Norton	Hockomock Swamp
	Canoe River Aquifer
Norwood	Fowl Meadow and Ponkapoag Bog
Orleans	Inner Cape Cod Bay, Pleasant Bay
Pepperell	Petapawag and Squannassit
Peru	Hinsdale Flats Watershed
Plymouth	Herring River Watershed,
	Ellisville Harbor
Quincy	Neponset River Estuary
Randolph	Fowl Meadow and Ponkapoag Bog
Raynham	Hockomock Swamp
Revere	Rumney Marshes
Rowley	Parker River/Essex Bay
Sandwich	Sandy Neck/Barnstable Harbor
Saugus	Rumney Marshes, Golden Hills
Sharon	Canoe River Aquifer
	Fowl Meadow and Ponkapoag Bog
Sheffield	Schenob Brook
Shirley	Squannassit
Stockbridge	Kampoosa Bog Drainage Basin
Taunton	Hockomock Swamp, Canoe River Aquifer
Townsend	Squannassit
Truro	Wellfleet Harbor
Tyngsborough	Petapawag
Upton	Miscoe-Warren-Whitehall Watersheds
Wakefield	Golden Hills
Washington	Hinsdale Flats Watershed
Wellfleet	Wellfleet Harbor
W Bridgewater	Hockomock Swamp
Westborough	Westborough Cedar Swamp
Westwood	Fowl Meadow and Ponkapoag Bog
Weymouth	Weymouth Back River
Winthrop	Rumney Marshes