

TOWN OF WINTHROP

CONSERVATION COMMISSION

Mary A. Kelley, Chairperson
Stephen Machcinski
Brian Corbett
Norman P. Hyett
David J. Girard
Scott F. Bocchio
Kristine E. Dow
J. Calvin Farrand, Alternate
Marsha C. Allen, Secretary



TOWN HALL
WINTHROP, MA 02152-3156
Telephone (617) 539-5821
Fax (617) 846-5458
E-mail: conservation@town.winthrop.ma.us
Web: www.town.winthrop.ma.us

TO: ALL APPLICANTS
RE: APPLICATIONS AND UPDATED SUBMITTAL REQUIREMENTS
DATE: JUNE 17, 2010

The following must be submitted with application at least three (3) weeks prior to scheduled hearing date:

- A. **Locus map** (USGS map)-a copy may be obtained on our web page under Boards & Committees through the Town web site.
- B. **Project plan(s)**
- C. **Copy - Certified Plot Plan**
- D. **Copy - Deed**
- E. **Copy of Notification Letter To Abutters (sample attached or obtain on our web page):** include notification date and names/address of abutters. FYI: letter to abutters may be hand delivered or sent by USPS Certified Mail.
NOTE: Not a requirement for the Request for Determination of Applicability application.
- F. **Fees:** (Notice of Intent/Abbreviated Notice of Intent only) - list of fees in application instructions) - please follow instructions carefully for submittal of the fee and form ("NOI Wetland Fee Transmittal Form") included with application.

Fees: (Request for Determination of Applicability only) - \$25.00 (as per Special Town Meeting November 14, 2005). Check made out to the Town of Winthrop.
- G. **LEGAL NOTICE FEE:** A check for \$50.00 made out to the Winthrop Sun Transcript to be submitted with all applications.
- H. **Stormwater Management form** – if required.
NOTE: Not a requirement for a Request for Determination of Applicability application.
- I. **The WCC request that 10 additional copies of the application including all attachments, be submitted.**

Before submitting application to DEP/WCC, please check to make sure the application is completed and that all required information is attached. **PLEASE NOTE:** The Winthrop Conservation Commission will not accept an incomplete application.

WPA Form 4 – Abbreviated Notice of Intent

Massachusetts Wetlands Protection Act (M.G.L. Chapter 131, Section 40)

Instructions for Completing Application WPA Form 4 – Abbreviated Notice of Intent

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

Introduction

The Abbreviated Notice of Intent (WPA Form 4) simplifies filing requirements for projects which are likely to result in limited impacts to wetland resource areas. The form may be used when:

- the proposed work is within the Buffer Zone as defined in 310 CMR 10.04 (if the filing of a Notice of Intent is required) or within Land Subject to Flooding, as defined in 310 CMR 10.57(2), or within the Riverfront Area, as defined in 310 CMR 10.58; and
- the proposed work will disturb less than 1,000 square feet of surface area within the Buffer Zone and/or Land Subject to Flooding or less than 1,000 square feet of Riverfront Area, provided the work conforms to the requirements of 310 CMR 10.58(4)(c)2.a. pertaining to analysis of alternatives; and
- neither a Department of Army permit nor a Chapter 91 Waterways license from the Department is required.

Background

To protect the Commonwealth's wetland resources, the Massachusetts Wetlands Protection Act (General Law c. 131, §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 Abbreviated 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 issuing authority (Conservation Commission or the Department of Environmental Protection). The submittal of a complete and accurate description of the site and project will minimize requests for additional information by the issuing authority which 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 at <http://www.mass.gov/dep/water/laws/regulati.htm#wl>. 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 Attachment A for locations). Regulations also are available for sale from the State House Bookstore (617.727.2834) and State House Bookstore West (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 professional 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.

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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.

Completing Form 4

Leave the box entitled "DEP File Number" blank. The DEP File Number for this project will be issued to the Conservation Commission. Once issued, all subsequent correspondence on the project should reference the DEP File Number.

Section A: General Information

Item 5. Project Location. Include a street address (if one exists) and, if known, the Assessors map or plat number, the parcel number, and the lot number. The map or plat, parcel, and lot numbers must be included if the lot subject to the Abbreviated Notice of Intent does not contain a residence, school, or commercial or industrial establishment, or if the lot is being subdivided.

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 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. For projects in the Riverfront Area, the project purpose should be described in Section B, Item 3g.

Section B: Site and Activities Subject to Regulation

To determine the size and location of any impacts which a proposed project may have on each wetland resource area, first determine the resource area boundaries (even if the project is entirely in the Buffer Zone). 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. This section of the application requires information about the resource areas on the site and how the proposed project meets the performance standards for the specific resource area involved.

Item 1a. Buffer Zone. The boundary of the Buffer Zone is determined by measuring 100 feet horizontally from those areas specified under Section B, Item 1a. Buffer Zone may border two inland resource areas: Bank and Bordering Vegetated Wetland (BVW), the boundaries of which can be determined by reference to the wetland regulations, subsection (2), "Definitions, Critical Characteristics, and Boundaries" under 310 CMR 10.54 and 10.55, respectively. The boundaries of coastal resource areas that have Buffer Zones can be determined by reference to 310 CMR 10.27 – 10.32, and to the definitions found in 310 CMR 10.04 and 10.23.

Item 1b. Method to Determine BVW Boundary. If the Conservation Commission or the Department has issued a Final Order of Resource Area Delineation that confirms the BVW boundary delineation, submit the Order with the Abbreviated Notice of Intent. Otherwise, use one of the methods indicated in Item 1b 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 wetland 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 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.

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Item 2. Land Subject to Flooding. The boundaries of Inland Land Subject to Flooding are explained in 310 CMR 10.57(2). Performance standards for work in this resource area are found at 310 CMR 10.57(4).

Item 3. Riverfront Area. The boundaries of the Riverfront Area can be determined by reference to 310 CMR 10.58(2). The width of the Riverfront Area (Item 3b) is described in Section 10.58(2)(a)3 of the wetland regulations and the methods for determining the Mean Annual High-Water Line (Item 3c), which is the inner boundary of this resource area, are found in Sections 10.58(2)(a)2, and 10.58(2)(c). The project purposes for Riverfront Area projects (Item 3g) are explained in 310 CMR 10.58(4)(c)1 and 2. Performance standards (Item 3i) are found at 310 CMR 10.58(4), including standards for consideration of alternative project design or location.

Item 4. Stormwater Management. According to DEP's Stormwater Policy (revised March 1997), certain projects require stormwater management measures. To determine if a project requires stormwater management, consult the policy which is included in the Department publications: *Stormwater Management Volume One: Stormwater Policy Handbook* (March 1997) and *Stormwater Management Volume Two: Stormwater Technical Handbook* (March 1997). 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 DEP's web site at <http://www.mass.gov/dep/water/laws/policies.htm#storm>.

If stormwater management is required, applicants are encouraged to complete the Stormwater Management Form and submit it with the Abbreviated Notice of Intent to provide stormwater management information for Conservation Commission review consistent with the wetland regulations, 310 CMR 10.05(6)(b). The Department encourages engineers to use the form to certify that the project conforms with the Stormwater Policy and meets acceptable engineering standards.

Item 5. Sites Subject to Special Protection

5a. Rare Wetland Wildlife Habitat. Except for Designated Port Areas, no work may be permitted in any resource area subject to the Act which would have adverse effects on the habitat of rare, "state-listed" vertebrate or invertebrate animal species. The applicant must contact the Conservation Commission to see if the proposed work (including work in the Buffer Zone) is within estimated habitat as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetlands Wildlife (if any) published by the Natural Heritage and Endangered Species Program. If the proposed work is located within such an area, the applicant must send the Natural Heritage Program (Natural Heritage and Endangered Species Program, Division of Fisheries and Wildlife, Route 135, North Drive, Westborough, MA 01581 508.792.7270) a copy of the Abbreviated 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 Abbreviated 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 Abbreviated Notice of Intent.

5b. Areas of Critical Environmental Concern. If the project is proposed in one of the communities listed on 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

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

5c. 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 Abbreviated 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. Exemptions. Exemptions are allowed under the Wetlands Protection Act for certain mosquito control, commercial cranberry bogs, agricultural, and aquacultural projects and for projects authorized by Special Act prior to 1/1/73. These exemptions are defined, in part, in 310 CMR 10.03(6) and in the definitions of agriculture and aquaculture in 310 CMR 10.04. In addition, there are exemptions for certain stormwater management projects (310 CMR 10.02(3)); specific minor activities in Buffer Zone (310 CMR 10.02(2)(b)); and certain other projects in the Riverfront Area (310 CMR 10.58(6)(b)).

Section C: Additional Information

All listed information must be provided along with the Abbreviated Notice of Intent.

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 generalized 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

The wetland filing fee should be calculated using the following steps. The examples listed for each step are based on a project that involves 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

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\$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;

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- 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**; but not to exceed \$200 for activities associated with a single family house or \$2,000 for all other activities)

- a.) boundary delineations for Bordering Vegetated Wetlands.

Examples of How to Calculate Wetland Filing Fees

Example 1: New single family house with associated work located within Riverfront Area (RA) only:

There is one Category 2 activity (2.a., single family home construction and associated work).

Fee for home and associated work (RA):	= \$500
Total Fee:	\$500
Fee due City/Town:	\$262.50 (\$500/2 + \$12.50)
Fee due State:	\$237.50 (\$500/2 - \$12.50)

Example 2 : Construction of 10 single family homes within a subdivision, eight of the homes are within a Riverfront Area (RA), and a portion of each of the two remaining homes are within Bordering Vegetated Wetland (BVW) and RA. There will be 4 stormwater discharges located within BVW's Buffer Zone. There also is one limited project access roadway reviewable under 310 CMR 10.53(3)(e) located in BVW and RA.

There are ten Category 2 projects (2(a.), 10 homes each involving work in a wetland resource area) and one Category 4 project 4(a.), limited project for access to residential subdivision). The fee for review of the stormwater discharges is included in Category 2(a.).

Fee for single family homes:

8 in RA (\$500 for each of the 8 homes)	= \$4,000
2 in BVW: \$1,000 x 1.5 (RA)	= \$1,500
Fee for limited project access: \$1,450 (BVW) x 1.5 (RA)	= \$2,175
Total Fee:	\$7,675
Fee due City/Town:	\$3,850 (\$7,675/2 + 12.50)
Fee due State:	\$3,825 (\$7,675/2 - \$12.50)

Example 3: Construction of a parking lot and three storm drain outlets within Bordering Land Subject to Flooding (BLSF), and within the Riverfront Area (RA). A septic system will be constructed within a Buffer Zone of a BVW that is also within RA.

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There is one Category 1 activity (i.e. septic system in Buffer Zone) and four category 2 activities (2.b. parking lot and (2.g., three storm drain outlets):

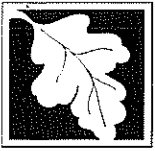
Fee for parking lot: \$500 (BLSF) x 1.5 (RA)	\$ 750
Fee for storm drain: \$1,500 (3 storm drains in BLSF) x 1.5 (RA)	= \$2,250
Fee for septic system: \$110 (Buffer Zone) x 1.5 (RA)	= \$ 165
Total Fee:	\$3,165
Fee due City/Town:	\$1,595 (\$3,165/2 + \$12.50)
Fee due State:	\$1,570 (\$3,165/2 - \$12.50)

Mail transmittal forms and DEP payments, payable to:

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

Section E: Signatures and Submittal Requirements

Submittal Requirements. Follow the filing instructions on the form. The Abbreviated Notice of Intent must be sent to the appropriate DEP Regional Office (see <http://www.mass.gov/dep/about/region/findyour.htm>). For additional filing requirements, see instructions to Section B, Item 5: Sites Subject to Special Protection. The original and copies must be sent simultaneously. Failure by the applicant to send the copies in a timely manner may result in dismissal of the Abbreviated Notice of Intent.



Massachusetts Department of Environmental Protection

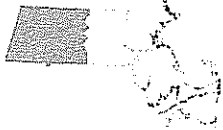
Addresses and Phone Numbers

MassDEP Boston
 One Winter Street
 Boston, MA 02108
 Phone: 617-292-5500
 Fax: 617-556-1049
 TDD: 617-574-6868

William X. Wall Experiment Station
 37 Shattuck Street
 Lawrence, MA 01843
 Fax: 978-688-0352
Division of Environmental Analysis Phone: 978-682-5237
Air Quality Surveillance Phone: 978-975-1138

Office of Watershed Management
 627 Main Street
 Worcester, MA 01608
 Phone: 508-792-7470
 Fax: 508-839-3469

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



Adams Agawam Alford Amherst Ashfield Athol Becket Belchertown Barnardston Blandford Brimfield Buckland Charlemont Cheshire Chester Chesterfield Chicopee Clarksburg	Colrain Conway Cummington Dalton Deerfield Easthampton East Longmeadow Egremont Erving Florida Gill Goshen Granby Granville Great Barrington Greenfield Hadley Hampden	Hancock Hatfield Hardwick Hawley Heath Hinsdale Holland Holyoke Huntington Lanesborough Lee Lenox Leverett Leyden Longmeadow Ludlow Middlefield Monroe	Montague Monterey Montgomery Monson Mount Washington New Ashford New Marlborough New Salem North Adams Northampton Northfield Orange Olis Palmer Pelham Peru Petersham Pittsfield	Plainfield Richmond Rowe Royalston Russell Sandisfield Savoy Sheffield Shelburne Shutesbury Southampton South Hadley Southwick Springfield Stockbridge Sunderland Tolland Tyringham	Wales Ware Warren Warwick Washington Wendell Westfield Westhampton West Springfield West Stockbridge Whately Wilbraham Williamsburg Williamstown Windsor Worthington
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MassDEP Central Region
 627 Main Street
 Worcester, MA 01608
 Phone: 508-792-7650
 Fax: 508-792-7621
 TDD: 508-767-2788



Acton Ashburnham Ashby Auburn Ayer Barre Beltingham Berlin Blackstone Bolton Boxborough Boylston Brookfield	Charlton Clinton Douglas Dudley Dunstable East Brookfield Fitchburg Franklin Gardner Grafton Groton Harvard Holden	Hopedale Hopkinton Hubbardston Hudson Holliston Lancaster Leicester Leominster Littleton Lunenburg Marlborough Maynard Medfield	Medway Mendon Millford Milbury Millis Millville New Braintree Norfolk Northborough Northbridge North Brookfield Oakham Oxford	Paxton Pepperell Phillipston Princeton Rutland Shirley Shrewsbury Southborough Southbridge Spencer Sterling Stow Sturbridge	Sutton Templeton Townsend Upton Uxbridge Webster Westborough West Boylston West Brookfield Westminster Winchendon Worcester
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MassDEP Southeast Region
 20 Riverside Drive
 Lakeville, MA 02347
 Phone: 508-946-2700
 Fax: 508-947-6557
 TDD: 508-946-2795



Abington Acushnet Aquinnah Attleboro Avon Barnstable Berkley Bourne Braintree Brewster Bridgewater Brockton Canton Carver	Chatham Chilmark Cohasset Dartmouth Dennis Dighton Duxbury Eastham East Bridgewater Easton Edgartown Fairhaven Fall River Falmouth	Foxborough Freetown Gosnold Halifax Hanover Hanson Harwich Hingham Holbrook Hull Kingson Lakeville Mansfield Marion	Marshfield Mashpee Mattapoisett Middleborough Nantucket New Bedford North Attleborough Norton Norwell Norwood Oak Bluffs Orleans Pembroke Plainville	Plymouth Plympton Provincetown Randolph Raynham Rehoboth Rochester Rockland Sandwich Scituate Seekonk Sharon Somerset Stoughton	Swansea Taunton Tisbury Truro Walpole Wareham Wellfleet West Bridgewater Westport West Tisbury Weymouth Whitman Wrentham Yarmouth
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MassDEP Northeast Region
 205B Lowell Street
 Wilmington, MA 01887
 Phone: 978-694-3200
 Fax: 978-694-3499



Amesbury Andover Arlington Ashland Bedford Belmont Beverly Billerica Boston Boxford Brookline Burlington Cambridge Carlisle	Chelmsford Chelsea Concord Danvers Dedham Dover Dracut Essex Everett Framingham Georgetown Gloucester Groveland Hamilton	Haverhill Ipswich Lawrence Lexington Lincoln Lowell Lynn Lynnfield Malden Manchester-By-The-Sea Marblehead Medford Melrose Memrac	Methuen Middleton Milton Nahant Natick Needham Newbury Newburyport Newton North Andover North Reading Peabody Quincy Reading	Revere Rockport Rowley Salem Salisbury Saugus Sherborn Somerville Stoneham Sudbury Swampscott Tewksbury Topshfield Tyngsborough	Wakefield Waltham Watertown Wayland Wellesley Wenham Westford West Newbury Weston Westwood Wilmington Winchester Winthrop Woburn
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Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

Areas of Critical Environmental Concern

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

A. Guidance

Projects proposed in the communities listed below may be located in Areas of Critical Environmental Concern (ACECs). 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

B. Towns with ACECs within their Boundaries

<u>Town</u>	<u>ACEC Name</u>	<u>Town</u>	<u>ACEC Name</u>
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		
	Bourne Back River	Newbury	Parker River/Essex Bay
Braintree	Cranberry Brook Watershed	Norton	Hockomock Swamp
Brewster	Pleasant Bay, Inner Cape Cod Bay		Canoe River Aquifer
Bridgewater	Hockomock Swamp	Norwood	Fowl Meadow and Ponkapoag Bog
Canton	Fowl Meadow and Ponkapoag Bog	Orleans	Inner Cape Cod Bay, Pleasant Bay
Chatham	Pleasant Bay	Pepperell	Petapawag and Squannassit
Cohasset	Weir River	Peru	Hinsdale Flats Watershed
Dalton	Hinsdale Flats Watershed	Plymouth	Herring River Watershed, Ellisville Harbor
Dedham	Fowl Meadow and Ponkapoag Bog		
Dunstable	Petapawag	Quincy	Neponset River Estuary
Eastham	Inner Cape Cod Bay	Randolph	Fowl Meadow and Ponkapoag Bog
	Wellfleet Harbor	Raynham	Hockomock Swamp
Easton	Canoe River Aquifer	Revere	Rumney Marshes
	Hockomock Swamp	Rowley	Parker River/Essex Bay
Egremont	Karner Brook Watershed	Sandwich	Sandy Neck/Barnstable Harbor
Essex	Parker River/Essex Bay	Saugus	Rumney Marshes, Golden Hills
Falmouth	Waquoit Bay	Sharon	Canoe River Aquifer
Foxborough	Canoe River Aquifer		Fowl Meadow and Ponkapoag Bog
Gloucester	Parker River/Essex Bay	Sheffield	Schenob Brook
Grafton	Miscoe-Warren-Whitehall Watersheds	Shirley	Squannassit
Groton	Petapawag and Squannassit	Stockbridge	Kampoosa Bog Drainage Basin
Harvard	Central Nashua River Valley	Taunton	Hockomock Swamp, Canoe River Aquifer
	Squannassit	Townsend	Squannassit
Harwich	Pleasant Bay	Truro	Wellfleet Harbor
Hingham	Weir River, Weymouth Back River	Tyngsborough	Petapawag
Hinsdale	Hinsdale Flats Watershed	Upton	Miscoe-Warren-Whitehall Watersheds
Holbrook	Cranberry Brook Watershed	Wakefield	Golden Hills
Hopkinton	Westborough Cedar Swamp	Washington	Hinsdale Flats Watershed
	Miscoe-Warren-Whitehall Watersheds	Wellfleet	Wellfleet Harbor
Hull	Weir River	W Bridgewater	Hockomock Swamp
Ipswich	Parker River/Essex Bay	Westborough	Westborough Cedar Swamp
Lancaster	Central Nashua River Valley	Westwood	Fowl Meadow and Ponkapoag Bog
	Squannassit	Weymouth	Weymouth Back River
Lee	Kampoosa Bog Drainage Basin	Winthrop	Rumney Marshes
Leominster	Central Nashua River Valley		



WPA Form 4 – Abbreviated Notice of Intent

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

Provided by DEP _____

Town _____

A. General Information

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.

1. Applicant:

Name _____		E-Mail Address _____	
Street Address _____			
City/Town _____	State _____	Zip Code _____	
Phone Number _____	Fax Number (if applicable) _____		

2. Representative (if any):

Firm _____		E-Mail Address _____	
Contact Name _____			
Mailing Address _____			
City/Town _____	State _____	Zip Code _____	
Phone Number _____	Fax Number (if applicable) _____		

3. Property Owner (if different from applicant):

Name _____		E-Mail Address _____	
Mailing Address _____			
City/Town _____	State _____	Zip Code _____	

4. Total Fee:

_____ (from NOI Wetland Fee Transmittal Form)

5. Project Location:

Street Address _____	City/Town _____
Assessors Map/Plat Number _____	Parcel /Lot Number _____

6. General Project Description:



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

Provided by DEP _____

Town _____

A. General Information (cont.)

7. Registry of Deeds:

County _____

Book _____

Page _____

Certificate (if Registered Land) _____

B. Site and Activities Subject to Regulation

Complete any of the following sections that apply to the proposed work and project site.

1. Complete for proposed activities located, in whole or in part, in Buffer Zone.

a. Check all the following borders to the Buffer Zone:

Inland Resource Areas

- Inland Bank
- Bordering Vegetated Wetland (BVW)

Coastal Resource Areas

- Coastal Beach
- Rocky Intertidal Shore
- Salt Marsh
- Barrier Beach
- Coastal Dune
- Coastal Bank

b. Check all the methods used to delineate the Bordering Vegetated Wetland boundary:

- Final Order of Resource Area Delineation issued by Conservation Commission or DEP (attached)
- DEP BVW Field Data Form (attached)
- Final Determination of Applicability issued by Conservation Commission (attached)
- Other Method of Determining BVW boundary (attach documentation):
 - 50% or more wetland indicator plants
 - Saturated/inundated conditions exist
 - Groundwater indicators
 - Direct observation
 - Hydric soil indicators
 - Credible evidence of conditions prior to disturbance.



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B. Site and Activities Subject to Regulation (cont.)

c. Describe, with reference to supporting plans and calculations where necessary, the size, type, and location of the proposed work and mitigating measures and designs to insure that the proposed work will not alter the resource area and Buffer Zone borders. Attach additional sheets, if necessary.

2. Complete for proposed activities located, in whole or in part, in Land Subject to Flooding.

a. Resource area description:

Bordering Land Subject to Flooding:

Isolated Land Subject to Flooding:

Volume of Flood Storage Lost (cubic feet)

Volume of Flood Storage Lost (cubic feet)

Volume of Flood Storage Compensation (cubic feet)

Volume of Flood Storage Compensation (cubic feet)

b. Describe, with reference to supporting plans and calculations where necessary the size, shape, location, and type of work, mitigating measures, and designs proposed to meet the performance standards set forth in 310 CMR 10.57(4) and 10.60. Attach additional sheets, if necessary.

3. Complete for proposed activities located, in whole or in part, in the Riverfront Area.

a. Name of Waterway (if available):



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B. Site and Activities Subject to Regulation (cont.)

b. Width of Riverfront Area (check one):

25 ft. - Designated Densely Developed Areas only

100 ft. - New agricultural projects only

200 ft. - All other projects

c. Describe how the Mean Annual High-Water Line was determined:

d. Distance of proposed activity closest to the Mean Annual High-Water Line:

Feet

e. Total area of Riverfront Area on the site of the proposed project:

Square Feet

f. Proposed alteration of the Riverfront Area:

Total Square Feet

Square Feet within 100 ft.

Square Feet between 100 ft. and 200 ft.

g. Indicate project purpose:

Single family house

Commercial development

Transportation

Residential subdivision

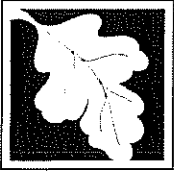
Industrial development

Other (describe):

h. Was the lot where the activity is proposed created prior to August 1, 1996?

Yes

No



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B. Site and Activities Subject to Regulation (cont.)

i. Describe how the project will meet all performance standards set forth in 310 CMR 10.58(4) for the Riverfront Area, including standards requiring consideration of alternative project design or location. Attach additional sheets, if necessary.

4. Is the project exempt from the DEP Stormwater Management Policy?

Yes If yes, explain why the project is exempt:

No If no, stormwater management measures are required. Applicants are encouraged to complete the Stormwater Management Form and submit it with this Abbreviated Notice of Intent.

5. a. Is any portion of the proposed project located within estimated habitat as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program?

Yes If yes, include proof of mailing or hand delivery of Abbreviated Notice of Intent to :

Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
Route 135, North Drive
Westborough, MA 01581

No

Date of Map

b. Is any portion of the proposed project in an Area of Critical Environmental Concern (ACEC)?

Yes If yes, provide name of ACEC (see the Area of Critical Concern list for ACEC locations):

No ACEC Name



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B. Site and Activities Subject to Regulation (cont.)

c. 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)?

Yes

No

6. If any activity within Land Subject to Flooding, the Riverfront Area, or Buffer Zone is exempt from performance standards in accordance with any provision of the wetlands regulations, 310 CMR 10.00, identify the appropriate exemption:

Exemption

C. Additional Information

Applicants must include the following with this Abbreviated Notice of Intent (ANOI):

- 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.
- Plans identifying the location of proposed activities relative to the boundaries of each affected resource area.
- Other material identifying and explaining the determination of resource area boundaries shown on plans (e.g., a DEP BVW Field Data Form).
- List the titles and final revision dates for all plans and other materials submitted with this ANOI.

D. Fees

The fees for work proposed under each Abbreviated Notice of Intent must be calculated and submitted to the Conservation Commission and DEP (see Instructions and NOI Wetland Fee Transmittal Form).

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:

Check Number

Check date

Payor name on check

Applicant name on check



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Provided by DEP

Town

E. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Abbreviated 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 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.

Signature of Applicant

Date

Signature of Property Owner (If different)

Date

Signature of Representative (if any)

Date

For Conservation Commission:

Two copies of the completed Abbreviated Notice of Intent (Form 4), including supporting plans and documents; two copies of pages 1 and 2 of the NOI Wetland Fee Transmittal Form; and the city/town fee payment must be sent to the Conservation Commission by certified mail or hand delivery.

For DEP:

Two copies of the completed Abbreviated Notice of Intent (Form 4), including supporting plans and documents; two copies of pages 1 and 2 of the NOI Wetland Fee Transmittal Form; and a **copy** of the state fee payment must be sent to the DEP Regional Office by certified mail or hand delivery.

Other:

If the applicant has checked the "yes" box in any part of Section B, Item 5, 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 Abbreviated Notice of Intent.



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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

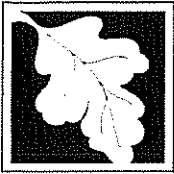
City/Town share of filling fee: _____ c. 1/2 total fee **plus** \$12.50

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 pages 1 and 2 of this form; and the city/town fee payment.
- c.) **To DEP Regional Office** (see Instructions): Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of pages 1 and 2 of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
Stormwater Management Form
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. Property Information

Important:

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



Note:

This November 2000 version of the Stormwater Management Form supersedes earlier versions including those contained in DEP's Stormwater Handbooks.

1. The proposed project is:

- a. New development Yes No
b. Redevelopment Yes No
c. Combination Yes No

(If yes, distinguish redevelopment components from new development components on plans).

2. Stormwater runoff to be treated for water quality is based on the following calculations:

- a. 1 inch of runoff x total impervious area of post-development site for discharge to **critical areas** (Outstanding Resource Waters, recharge areas of public water supplies, shellfish growing areas, swimming beaches, cold water fisheries).
b. 0.5 inches of runoff x total impervious area of post-development site for other resource areas.

B. Stormwater Management Standards

DEP's Stormwater Management Policy (March 1997) includes nine standards that are listed on the following pages. Check the appropriate boxes for each standard and provide documentation and additional information when applicable.

Standard #1: Untreated stormwater

- a. The project is designed so that new stormwater point discharges do not discharge untreated stormwater into, or cause erosion to, wetlands and waters.

Standard #2: Post-development peak discharge rates

- a. Not applicable – project site contains waters subject to tidal action.

Post-development peak discharge does not exceed pre-development rates on the site at the point of discharge or downgradient property boundary for the 2-yr, 10-yr, and 100-yr, 24-hr storm.

- b. Without stormwater controls
c. With stormwater controls designed for the 2-yr, and 10-yr storm, 24-hr storm.
d. The project as designed will not increase off-site flooding impacts from the 100-yr, 24-hr storm.



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

B. Stormwater Management Standards (cont.)

Standard #3: Recharge to groundwater

Amount of impervious area (sq. ft.) to be infiltrated: _____
 a. square feet

Volume to be recharged is based on:

b. The following Natural Resources Conservation Service hydrologic soils groups (e.g. A, B, C, D, or UA) or any combination of groups:

_____	_____	_____	_____
1. % of impervious area	2. Hydrologic soil group	3. % of impervious area	4. Hydrologic soil group
_____	_____	_____	_____
5. % of impervious area	6. Hydrologic soil group	7. % of impervious area	8. Hydrologic soil group

c. Site specific pre-development conditions: _____
 1. Recharge rate _____ 2. Volume _____

d. Describe how the calculations were determined:

e. List each BMP or nonstructural measure used to meet Standard #3 (e.g. dry well, infiltration trench).

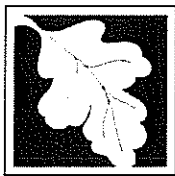
Does the annual groundwater recharge for the post-development site approximate the annual recharge from existing site conditions?

f. Yes No

Standard #4: 80% TSS Removal

a. The proposed stormwater management system will remove 80% of the post-development site's average annual Total Suspended Solids (TSS) load.

b. Identify the BMP's proposed for the project and describe how the 80% TSS removal will be achieved.



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

B. Stormwater Management Standards (cont.)

c. If the project is redevelopment, explain how much TSS will be removed and briefly explain why 80% removal cannot be achieved.

Standard #5: Higher potential pollutant loads

Does the project site contain land uses with higher potential pollutant loads

a. Yes No b. If yes, describe land uses:

c. Identify the BMPs selected to treat stormwater runoff. If infiltration measures are proposed, describe the pretreatment. (Note: If the area of higher potential pollutant loading is upgradient of a critical area, infiltration is not allowed.)

Standard #6: Protection of critical areas

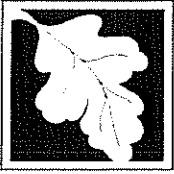
Will the project discharge to or affect a critical area?

a. Yes No b. If yes, describe areas:

c. Identify the BMPs selected for stormwater discharges in these areas and describe how BMPs meet restrictions listed on pages I-27 and I-28 of the Stormwater Policy Handbook – Vol. I:

See Stormwater Policy Handbook Vol. I, page I-23, for land uses of high pollutant loading (see Instructions).

See Stormwater Policy Handbook Vol. I, page I-25, for critical areas (see Instructions).



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

B. Stormwater Management Standards (cont.)

Note: components of redevelopment projects which plan to develop previously undeveloped areas do not fall under the scope of Standard 7.

Standard #7: Redevelopment projects

Is the proposed activity a redevelopment project?

a. Yes No

b. If yes, the following stormwater management standards have been met:

c. The following stormwater standards have not been met for the following reasons:

d. The proposed project will reduce the annual pollutant load on the site with new or improved stormwater control.

Standard #8: Erosion/sediment control

a. Erosion and sediment controls are incorporated into the project design to prevent erosion, control sediments, and stabilize exposed soils during construction or land disturbance.

Standard #9: Operation/maintenance plan

a. An operation and maintenance plan for the post-development stormwater controls have been developed. The plan includes ownership of the stormwater BMPs, parties responsible for operation and maintenance, schedule for inspection and maintenance, routine and long-term maintenance responsibilities, and provision for appropriate access and maintenance easements extending from a public right-of-way to the stormwater controls.

b. Plan/Title

c. Date

d. Plan/Title

e. Date