

BEDFORD CONSERVATION COMMISSION

Re: **NOTICE OF INTENT AND ABBREVIATED NOTICE OF INTENT**

The following information is a brief introduction to the requirements of state and local wetlands laws.

The Conservation Commission administers the *Massachusetts Wetlands Protection Act* and the *Town of Bedford Wetlands Protection Bylaw*. These statutes both require the Commission to conduct pre-construction review for projects within wetland resource areas and the upland area adjacent to and extending 100 feet horizontally from wetland resource areas, known as the "100-foot buffer zone". The *Massachusetts Rivers Protection Act* also requires Commission review of certain projects within 200 feet of perennial streams.

A *Notice of Intent* or *Abbreviated Notice of Intent* is required for review of a major wetland or buffer zone project. Examples of such projects include new house construction, additions and garages, extensive ground alteration, and work within wetlands, the 100-year floodplain, or the Riverfront Area. An *Abbreviated Notice of Intent* may be submitted for work that involves less than 1,000 square feet of alteration within the 100-year floodplain or 100-foot buffer zone.

Within 21 days of the receipt of a *Notice of Intent*, the Commission will review the application, schedule a site visit and hold a public hearing at a Commission meeting. The public hearing process may require continuation to additional meetings. Within 21 days of the close of the public hearing, the Commission will make its decision and issue an *Order of Conditions* governing the project; the *Order of Conditions* is valid for three years.

This filing application package includes an application checklist, meeting and filing guidelines, the *Notice of Intent* form and instructions, billing authorization form from *Gatehouse Media – New England* for the required legal notice, forms and instructions for filing fees and abutter notification, excerpts from the regulations to the Bylaw, and examples of a project plan, project description, and Bylaw compliance narrative. At your request, the Conservation Office will provide a color print of a 40-scale Town GIS wetland and floodplain map for your property. (\$1.00). Wetland boundaries shown on the Town wetland maps are approximate and subject to field verification. More detailed explanations of wetland and floodplain boundaries are also available.

Please read the attached filing information and compile a basic file of your proposed submittal. If you require further assistance, it will be helpful if you have given your project and these guidelines some preliminary consideration.

**NOTICE OF INTENT and ABBREVIATED NOTICE OF INTENT:
FILING GUIDELINES**

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The attached Instructions for Completing Application contain the State requirements for this application. In addition, the Town of Bedford Wetlands Protection Bylaw Regulations include a detailed Checklist for Notice of Intent.

Filing Fees Both the State law and Bylaw require filing fees; the separate fee schedules and instructions for payment of these fees are attached.

Abutter Notification Required by State law and Bylaw; instructions attached.

Gatehouse Media – New England Authorization Sheet By law you are required to pay for the legal notice for the public hearing, which will be published in *The Bedford Minuteman* the Thursday prior to the meeting. *Gatehouse Media – New England* must receive prior authorization from the person or agency responsible for payment. The Conservation Office will arrange publication of the notice and transmittal of your authorization.

Wetland Boundaries The Town of Bedford GIS Wetland Maps provide approximate locations of streams, ponds, and boundaries to most wetlands. However, these maps were created from aerial surveys, with ground checking at selected locations. Some wetlands are not shown on these maps; many wetland boundaries have never received ground review. Therefore, the maps are used as guidelines, and are subject to field verification. A site visit will be required during the application process to review the wetland boundary. The Commission may require a professional delineation and location of the wetland boundary on a survey plan. More information on wetland boundary delineations is available from the Conservation Office.

100-Year Floodplain (1% Annual Chance Flood) If your proposed project is located near or within the 100-year floodplain, please request a copy of the narrative on floodplain boundaries. The Commission will require specific documentation of the 100-year floodplain boundary with respect to your project.

Riverfront Area Projects proposed within the Riverfront Area must meet additional standards. Please request a copy of the Riverfront Regulations and example of a recent Riverfront Area project.

Further information on wetland resource areas and wetlands laws may be found at the Town of Bedford web site at www.town.bedford.ma.us. Click on the Conservation Commission link.

The *Notice of Intent* and *Abbreviated Notice of Intent* Forms may be found at the Massachusetts Department of Environmental Protection web site. Click on **Permits and Forms, then under **Forms**, click on **Wetlands and Waterways**. Click on **Wetlands Permits**, and finally, search for the NOI forms under **Wetlands Protection Act Permits**. Forms are also available electronically from the Conservation Office.**

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Project Plan This is one of the most important parts of the application. Please see the Bylaw plan requirements in the Checklist for Notice of Intent. A copy of a recent submittal to the Commission is attached as an example. Please note that several resource area and buffer zone boundaries may be required, as listed below. The scale of the plan must be chosen to show these areas clearly.

- Bank of stream (perennial or intermittent); Bank of pond
- Bordering Vegetated Wetland boundary
- 100-foot buffer zone boundary to Bordering Vegetated Wetland boundary
- 25-foot buffer strip boundary (Bylaw requirement)
- 25-foot yard setback, or 50-foot buffer zone boundary (Bylaw requirement)
- 100-year floodplain boundary (Bordering Land Subject to Flooding)
- 100-foot buffer zone to 100-year floodplain boundary (Bylaw requirement)
- 100-foot boundary to Bank of perennial stream
(Inner Riparian Zone of Riverfront Regulations)
- 200-foot boundary to Bank of perennial stream
(Outer Riparian Zone of Riverfront Regulations)

Topographic information must also be shown on the plan. The Town Wetland Maps include contour lines at intervals of two (vertical) feet. The Bylaw requires one-foot contour intervals, both existing and proposed.

Please consult with the Conservation Office and Code Enforcement Office to determine if a plot plan or surveyed wetlands plan is on file for your property, and if such a plan may be used to develop your project plan.

At minimum, the project plan is a scaled diagram of your property and proposed project, developed in accordance with the Bylaw Checklist and showing the following features:

- Wetland resource area boundaries
- Buffer zone boundaries
- Flood plain elevations and boundaries
- Topography
- Footprint of structures
- Grading
- Limit of work or alteration
- Erosion and sedimentation control measures
- Distances from wetlands to limit of work
- Distances from wetlands to structures

When work is proposed within or near the 100-year floodplain, the Commission will require surveyed elevations and location of the floodplain on the plan.

In most cases, the plan to accompany a *Notice of Intent* or *Abbreviated Notice of Intent* must be prepared by a professional engineer or land surveyor.

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Performance Standards Both State and Bylaw regulations set specific performance standards for work within various wetland resource area types; the Bylaw sets additional standards for work within the 100-foot buffer zone. The Applicant is responsible for reviewing the performance standards and designing a project that ensures compliance with these standards. Copies of excerpts from the State regulations, 310 CMR 10.00 et seq., may be obtained from the Conservation Office. Excerpts from the Bylaw regulations are attached.

The Bylaw requires calculation of the percentage of buffer zone on your lot covered by present and proposed impervious surfaces. Impervious surfaces include buildings, swimming pools, paved or concrete patios and paved driveways, and decks constructed over impervious surfaces. The ratio of the total square feet of impervious surface to the total square feet of buffer zone may not exceed 25%. Please see the example included in the application package.

Please note the Bylaw limitations on alterations to the 25-foot buffer strip, and the 25-foot yard setback (50-foot buffer).

The Application must include a project narrative that describes the project, the construction process, and compliance with Bylaw performance standards.

Some projects may require professional assistance for location of wetland boundaries, plan preparation and compliance narratives. The Commission maintains a list of consultants who have recently performed wetlands, engineering or surveying services related to wetlands applications within the Town of Bedford.

Elizabeth Bagdonas
Conservation Administrator
(781) 275-6211

Administration:RDANOI.doc 9/27/11



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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/dep/water/laws/regulati.htm>. Regulations are available for viewing at public libraries and county law libraries across the state, as well as at the Department's Regional Service Centers (see <http://www.mass.gov/dep/about/region/findyour.htm> for locations of regional offices and the communities they serve). Regulations also are available for sale from the State House Bookstore in Boston (617-727-2834) and State House Bookstore West in Springfield (413-784-1378).

Requirements for Professional Services

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

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



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Completing WPA Form 3

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

Instructions to Section A: General Information

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

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

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

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

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

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

Instructions to Section B: Buffer Zone and Resource Area Impacts

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

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

Item 2. The **boundaries of inland resource areas** in Items 2a through f can be determined by reference to the wetlands regulations, subsection (2), “Definitions, Critical Characteristics, and Boundaries,” for each resource area covered under 310 CMR 10.54 - 10.58. The Riverfront Area, listed in Item 1f, also can be a coastal resource area. The width of the Riverfront Area is described in 310 CMR 10.58(2)(a)3, and the methods for determining the Mean Annual High-Water Line (which is the inner boundary) are found in 310 CMR 10.58(2)(a)2 and 10.58(2)(c).

Item 3. The **boundaries of coastal resource areas** (in Items 3a-k) can be determined by reference to 310 CMR 10.25 – 10.35, and to the definitions found in 310 CMR 10.04 and 10.23, and M.G.L. c. 131, § 40. Land Subject to Coastal Storm Flowage is defined in the Wetlands Protection Act (M.G.L. c. 131, § 40); there are no performance standards pertaining to this resource area.



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Category Activities and Fees

Category 1 (Fee for each activity is \$110):

- a.) work on single family lot; addition, pool, etc.;
- b.) site work without a house;
- c.) control vegetation;
- d.) resource improvement;
- e.) work on septic system separate from house;
- f.) monitoring well activities minus roadway;
- g.) new agricultural or aquaculture projects.

Category 2 (Fee for each activity is \$500)

- a.) construction of single family house;
- b.) parking lot;
- c.) beach nourishment;
- d.) electric generating facility activities;
- e.) inland limited projects minus road crossings and agriculture;
- f.) each crossing for driveway to single family house;
- g.) each project source (storm drain) discharge;
- h.) control vegetation in development;
- i.) water level variations;
- j.) any other activity not in Category 1, 3, 4, 5 or 6;
- k.) water supply exploration.

Category 3 (Fee for each activity is \$1,050)

- a.) site preparation (for development) beyond Notice of Intent scope;
- b.) each building (for development) including site;
- c.) road construction not crossing or driveway;
- d.) hazardous cleanup;
- e.) water supply development.

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

- a.) each crossing for development or commercial road;
- b.) dam, sluiceway, tidegate (safety) work;
- c.) landfills operation/closures;
- d.) sand and gravel operations;
- e.) railroad line construction;
- f.) bridge;
- g.) hazardous waste alterations to resource areas;
- h.) dredging;
- i.) package treatment plant and discharge;
- j.) airport tree clearing;
- k.) oil and/or hazardous material release response actions.

Category 5 (Fee is \$4 per linear foot; total fee not less than \$100 or more than \$2,000):

- a.) work on docks, piers, revetments, dikes, etc. (coastal or inland).

Category 6 (Fee is \$2 per linear foot for each resource area): For each resource area delineation, the fee shall not exceed \$200 for activities associated with a single family house or \$2,000 for all other activities).



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

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

- **Performance standards for inland resource areas**, including the Riverfront Area (which can be either inland or coastal) are described in the Wetland regulations, subsection 3: "General Performance Standards" for each resource area covered under 310 CMR 10.54 - 58. Among other performance standards, an **alternatives analysis** is required for all projects involving bordering vegetated wetlands as well as those in the Riverfront Areas. Detailed requirements for the evaluation of alternatives to proposed work in Riverfront Areas and bordering vegetated wetlands are described at 310 CMR 10.58(4) and 310 CMR 10.55(4), respectively.
- **Performance standards for coastal resource areas** (excluding Riverfront Area) are described in various subsections within 310 CMR 10.25 – 10.35.
- **Limited Projects** are categories of activities specified in the regulations at 310 CMR 10.24(7) and 10.53(3) – (6), which can proceed at the discretion of the issuing authority without fully meeting the resource area performance standards. **Performance standards for limited projects** are described in the regulations at 310 CMR 10.24(7) and 10.53(3)-(6). An **alternatives analysis** performance standard is required for most limited projects.

Instructions to Section C. Other Applicable Standards and Requirements

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

The most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife is published by the Natural Heritage and Endangered Species Program (NHESP). See: http://www.mass.gov/dfwele/dfw/nhESP/regulatory_review/priority_habitat/online_viewer.htm or the *Massachusetts Natural Heritage Atlas*.

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



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

Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
Route 135, North Drive
Westborough, MA 01581
508.792.7270

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

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

Item 3. Areas of Critical Environmental Concern. If the project is proposed in one of the communities listed in the last page of these Instructions (also listed at the Department's web site: <http://www.mass.gov/dep/water/approvals/wwforms.htm#appendix>), the project may be located in an Area of Critical Environmental Concern (ACEC). To confirm whether the project location is in an ACEC, contact the Conservation Commission or the MA Department of Conservation & Recreation (formerly the Department of Environmental Management) ACEC Program at:

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

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

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

Item 6. Stormwater Management. According to MassDEP's Stormwater Regulations (January 2008), certain projects require stormwater management measures. To determine if a project requires stormwater management, consult the Wetland Regulations at 310 CMR 10.05(6) and the Department publications: *Massachusetts Stormwater Management Handbook: Volumes 1, 2, 3*. These documents are available for purchase from the



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State House Bookstore (617/727-2834) and State House Bookstore West (413/784-1378) and also may be obtained from MassDEP's web site: <http://www.mass.gov/dep/water/laws/policies.htm#storm>.

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

Instructions to Section D: Additional Information

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

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

Sheet Size

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

Scale

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

Title Block

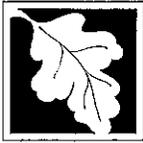
- Included on all plans
- Located at the lower right hand corner, oriented to be read from the bottom when bound at the left margin
- Include original date plus additional space to reference the title and dates of revised plans.

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

Instructions to Section E: Fees

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

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



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adding the amounts for each proposed activity. The city/town share of the fee is the first \$25, plus half of the remaining total fee. The state share is half the total fee in excess of \$25.

Complete pages 1 and 2 of the NOI Wetland Fee Transmittal Form (attached to the NOI) and send them, along with a check for the state share of the filing fee, payable to *the Commonwealth of Massachusetts*, to MassDEP, Box 4062, Boston, MA 02211. Review of the Notice of Intent cannot begin until the fee is received.

Include check number and payor name information on the Notice of Intent to expedite fee payment confirmation.

No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

In addition, a notice of the application must be placed in a local newspaper, and published at least five days prior to the hearing, at the applicant's expense. Contact the Conservation Commission for the municipality where the project is located regarding the procedure for public newspaper notice.

Instructions for Completing the NOI Wetland Fee Transmittal Form

The wetland filing fee should be calculated using the following steps based on a hypothetical project involving two driveway crossings through a Riverfront Area and Bordering Vegetated Wetland and six single family houses in Riverfront Area only.

Step 1/Type of Activity: Review plans and narrative to identify each activity in wetland resource areas and their applicable Buffer Zones. Example: driveway crossing and construction of a single family house.

Step 2/Number of Activities: Determine the number of each activity associated with the project. Example: driveway crossings and 6 single family homes.

Step 3/Individual Activity Fee: List the fee amount for each category of activity (see Category Activities and Fee, below) Example: Driveway crossing is a Category 2(f.) activity and is \$500 each. Construction of a single family house is a Category 2(a.) activity and is \$500 each.

Step 4/Subtotal Activity Fee: Determine the subtotal fee for each type of activity by multiplying the fee for the activity (Step 3) by the number of activities (Step 2). If the activity is within the Riverfront Area as well as another resource area or its Buffer Zone, add 50% to total fee (e.g., multiply the fee by 1.5). If the activity is located in a Riverfront Area only, apply the fee amount for the category without the additional 50%. Example: 2 (driveway crossings in BVW) x \$500 x 1.5 (for riverfront area) = \$1,500; 6 (single family homes) x \$500 = \$3,000.

Step 5/Total Project Fee: Add all the subtotals identified in Step 4 to determine the total fee. Example: \$1,500 + \$3,000 = \$4,500.

Step 6/Fee Payments: The state share of the fee is 50% of any filing fee in excess of \$25 (i.e., the state share can be determined by dividing the total fee in half and subtracting \$12.50); the remaining portion of the fee shall be made to the city or town (i.e., the City/Town share can be determined by dividing the total fee in half and adding \$12.50). Example: City/Town share: \$2,262.50; state share: \$2,237.50.



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Instructions to Section F: Signatures and Submittal Requirements

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

Mail transmittal forms and MassDEP payments, payable to:

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



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TOWNS WITH ACECs WITHIN THEIR BOUNDARIES

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

THE CONSERVATION OFFICE WILL NOT ACCEPT YOUR APPLICATION FOR SCHEDULING WITHOUT THE FOLLOWING MATERIALS. WITHOUT THESE MATERIALS, YOUR APPLICATION MAY BE RETURNED TO YOU WITH THIS SHEET, INDICATING THE MISSING ITEMS.

NOTICE OF INTENT

- Completed application form** – the form currently approved by the Bedford Conservation Commission includes application under the Town of Bedford Wetlands Protection Bylaw
- Scaled **plan or sketch** showing all applicable resource areas, buffer zone boundaries, and extent of the 25-foot yard setback
- Narrative of complete project and work description**
- Narrative of compliance with Bylaw performance standards, including calculation of impervious surface** showing a less than 25% lot coverage within the 100-foot buffer zone, and **buffer compensation area** for structures proposed within the 25-foot yard setback (50-foot buffer)
- Beacon Authorization Sheet**
- 11 Copies of Application including form, plan and narratives**
- Photographs of project area in relation to wetlands (one color copy included with each copy of the application)**
- USGS Locus Map**
- Filing Fees** under the Massachusetts Wetlands Protection act and the Town of Bedford Wetlands Protection Bylaw
- Filing Fee Transmittal Sheet** and supporting information
- Abutter Notification Form, Affidavit of Service, and List of Abutters**

OTHER INFORMATION MAY BE REQUIRED. PLEASE CONSULT THE INSTRUCTIONS AND CHECKLISTS IN THE APPLICATION PACKAGE AVAILABLE FROM THE CODE ENFORCEMENT OFFICE

PLEASE SIGN AND DATE BELOW - YOUR SIGNATURE VERIFIES THAT YOU HAVE PROVIDED ALL OF THE ITEMS REQUIRED FOR YOUR APPLICATION

SIGNATURE _____ Date _____

CALCULATING IMPERVIOUS SURFACE WITHIN THE 100-FOOT BUFFER ZONE

1. Scale the 100-foot buffer zone boundary on the plan/map.
2. Calculate the area of the 100-foot buffer zone on the plan/map in square feet.
3. Measure the existing areas of impervious surface on the property:
House, garage, shed, pool, driveway, walkway, step, wall
Decks underlain by pervious surface are not considered impervious
Non-cemented brick or paver walkways are not considered impervious
Measure the proposed new areas of impervious surface on the property
4. Add these areas together and calculate the total impervious surface.
It is preferable to separate the existing and proposed calculations.
5. Divide the Total Impervious Surface by the
Total Area of Buffer Zone
6. **This figure is the Percentage of Impervious Surface within the 100-foot Buffer Zone.**

In accordance with the Regulations to the Town of Bedford Wetlands Protection Bylaw, this percentage may not exceed 25 percent (25%).

Example: The property contains 10,000 square feet of buffer zone.
The existing impervious surfaces add up to 1,500 square feet.
The proposed additional impervious surface is 500 square feet.

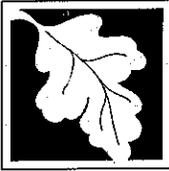
The existing impervious surface within the 100-foot buffer zone is 1,500 square feet.

$$\frac{1,500}{10,000} = .15 \text{ or } 15\%$$

The existing and proposed impervious surfaces within the 100 foot buffer zone total 2,000 square feet.

$$\frac{2,000}{10,000} = .20 \text{ or } 20\%$$

The final percentage is below the Bylaw limitation of 25%.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 - Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
and Town of Bedford Wetlands Protection Bylaw

Provided by MassDEP:
MassDEP File Number
Document Transaction Number
BEDFORD
City/Town

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



Note:
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

_____	<u>Bedford</u>	<u>01730</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:	_____	_____
	d. Latitude	e. Longitude
_____	_____	_____
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

_____	_____	
a. First Name	b. Last Name	

c. Organization		

d. Street Address		
_____	_____	_____
e. City/Town	f. State	g. Zip Code
_____	_____	_____
h. Phone Number	i. Fax Number	j. Email Address

3. Property owner (required if different from applicant): Check if more than one owner

_____	_____	
a. First Name	b. Last Name	

c. Organization		

d. Street Address		
_____	_____	_____
e. City/Town	f. State	g. Zip Code
_____	_____	_____
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

_____	_____	
a. First Name	b. Last Name	

c. Company		

d. Street Address		
_____	_____	_____
e. City/Town	f. State	g. Zip Code
_____	_____	_____
h. Phone Number	i. Fax Number	j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

_____	_____	_____
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



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BEDFORD
City/Town

A. General Information (continued)

6. General Project Description:

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

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

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. Yes No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR 10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

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

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

- Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



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Provided by MassDEP:
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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet _____	2. linear feet _____
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet _____	2. square feet _____
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet _____	2. square feet _____
	3. cubic yards dredged _____	

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet _____	2. square feet _____
	3. cubic feet of flood storage lost _____	4. cubic feet replaced _____
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet _____	
	2. cubic feet of flood storage lost _____	3. cubic feet replaced _____
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available) _____	

2. Width of Riverfront Area (check one):

- 25 ft. - Designated Densely Developed Areas only
- 100 ft. - New agricultural projects only
- 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: _____ square feet

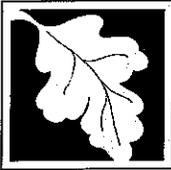
4. Proposed alteration of the Riverfront Area:

a. total square feet _____	b. square feet within 100 ft. _____	c. square feet between 100 ft. and 200 ft. _____
----------------------------	-------------------------------------	--

5. Has an alternatives analysis been done and is it attached to this NOI? Yes No

6. Was the lot where the activity is proposed created prior to August 1, 1996? Yes No

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



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

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

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

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	_____	
	1. square feet	

	2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	_____	_____
	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	_____	_____
	1. square feet	2. cubic yards dune nourishment
	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	_____	
	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	_____	
	1. square feet	
h. <input type="checkbox"/> Salt Marshes	_____	_____
	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	_____	
	1. square feet	

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

	1. cubic yards dredged	

	1. square feet	
4. <input type="checkbox"/> Restoration/Enhancement	If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.	
	_____	_____
	a. square feet of BVW	b. square feet of Salt Marsh
5. <input type="checkbox"/> Project Involves Stream Crossings		
	_____	_____
	a. number of new stream crossings	b. number of replacement stream crossings



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C. Other Applicable Standards and Requirements

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Notice of Intent – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

- Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/priority_habitat/online_viewer.htm.

a. Yes No **If yes, include proof of mailing or hand delivery of NOI to:**

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

b. Date of map _____

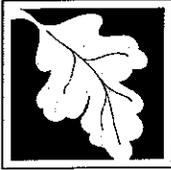
If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.C, and include requested materials with this Notice of Intent (NOI); OR complete Section C.1.d, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

1c. Submit Supplemental Information for Endangered Species Review*

- Percentage/acreage of property to be altered:
 - (a) within wetland Resource Area _____ percentage/acreage
 - (b) outside Resource Area _____ percentage/acreage
 - Assessor's Map or right-of-way plan of site
- Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **
 - (a) Project description (including description of impacts outside of wetland resource area & buffer zone)
 - (b) Photographs representative of the site

* Some projects not in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <http://www.mass.gov/dfwele/dfw/nhesp/nhesp.htm>, regulatory review tab). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



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

- (c) MESA filing fee (fee information available at http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/mesa/mesa_fee_schedule.htm).
Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

Projects altering 10 or more acres of land, also submit:

- (d) Vegetation cover type map of site
- (e) Project plans showing Priority & Estimated Habitat boundaries
- (f) OR Check One of the Following

- 1. Project is exempt from MESA review.
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/mesa/mesa_exemptions.htm; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)
- 2. Separate MESA review ongoing. a. NHESP Tracking # _____ b. Date submitted to NHESP _____
- 3. Separate MESA review completed.
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

a. Not applicable – project is in inland resource area only

b. Yes No If yes, include proof of mailing or hand delivery of NOI to either:

South Shore - Cohasset to Rhode Island, and the Cape & Islands:

North Shore - Hull to New Hampshire:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
1213 Purchase Street – 3rd Floor
New Bedford, MA 02740-6694

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.



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and Town of Bedford Wetlands Protection Bylaw

Provided by MassDEP
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City/Town

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

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

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
- a. Yes No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
- b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
- a. Yes No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
- a. Yes No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
- a. Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
 2. A portion of the site constitutes redevelopment
 3. Proprietary BMPs are included in the Stormwater Management System.
- b. No. Check why the project is exempt:
1. Single-family house
 2. Emergency road repair
 3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.



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D. Additional Information (cont'd)

- 3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.
- 4. List the titles and dates for all plans and other materials submitted with this NOI.

a. Plan Title	
b. Prepared By	c. Signed and Stamped by
d. Final Revision Date	e. Scale
f. Additional Plan or Document Title	g. Date

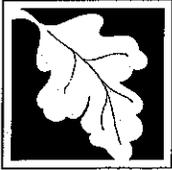
- 5. If there is more than one property owner, please attach a list of these property owners not listed on this form.
- 6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
- 7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
- 8. Attach NOI Wetland Fee Transmittal Form
- 9. Attach Stormwater Report, if needed.

E. Fees

- 1. Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

2. Municipal Check Number	3. Check date
4. State Check Number	5. Check date
6. Payor name on check: First Name	7. Payor name on check: Last Name



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

1. Signature of Applicant

2. Date

3. Signature of Property Owner (if different)

4. Date

5. Signature of Representative (if any)

6. Date

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

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

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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



A. Applicant Information

1. Location of Project:

a. Street Address _____ b. City/Town _____
 c. Check number _____ d. Fee amount _____

2. Applicant Mailing Address:

a. First Name _____ b. Last Name _____
 c. Organization _____
 d. Mailing Address _____
 e. City/Town _____ f. State _____ g. Zip Code _____
 h. Phone Number _____ i. Fax Number _____ j. Email Address _____

3. Property Owner (if different):

a. First Name _____ b. Last Name _____
 c. Organization _____
 d. Mailing Address _____
 e. City/Town _____ f. State _____ g. Zip Code _____
 h. Phone Number _____ i. Fax Number _____ j. Email Address _____

B. Fees

Fee should be calculated using the following process & worksheet. **Please see instructions before filling out worksheet.**

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filling fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).

LEGAL NOTICE AUTHORIZATION FORM

GATEHOUSE MEDIA NEW ENGLAND
Community Newspaper Company
254 Second Avenue, Needham, MA 02494-2811

Date: _____

I hereby acknowledge that the application I am submitting to the:

TOWN OF BEDFORD - BEDFORD CONSERVATION COMMISSION

****The section below is to be filled out by the BEDFORD CONSERVATION COMMISSION STAFF:***

The application requires a legal notice of public hearing. Said hearing is to be held on _____ . Legal Notices are currently submitted to the BEDFORD MINUTEMAN for publication on the following date: _____ .

****The section below is to be filled out by the APPLICANT:***

I hereby AUTHORIZE that the required legal notice be billed directly to me by, GateHouse Media New England, d/b/a/, Community Newspaper Company, Inc.

Printed Name: _____

Signature: _____

Address: _____

City: _____, State: _____, Zipcode: _____

Phone: (_____) _____

Abutter Notification – Notices of Intent

The Applicant must notify all abutters within 100 feet of the project site property boundaries.

The notification is in the form of the enclosed document “Notification to Abutters Under the Massachusetts Wetlands Protection Act”.

Copies of the completed notification form must be sent to all abutters via certified mail on the same date the Notice of Intent is filed.

The Notice of Intent must include the notification form and the enclosed document “Affadavit of Service”.

A list of abutters may be obtained at the Assessor’s office. Mailing labels are also available. The list of abutters does not need to be formally certified by the Assessors.

The notification form may be filled out to indicate that the Conservation Office in the Code Enforcement Department may be contacted for information regarding the application. The address is Town Hall - 10 Mudge Way, Bedford, MA 01730; the telephone number is (781) 285-6211. The office hours are 8:00 am to 4:00 pm, Monday through Friday. The notice of the public hearing will be published in *The Bedford Minuteman*.

Notification to Applicants Under the
Massachusetts Wetlands Protection Act

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, you are hereby notified of the following.

- A. The name of the applicant is _____
- B. The applicant has filed a Notice of Intent with the Conservation Commission for the municipality of BEDFORD, MASSACHUSETTS seeking permission to remove, fill, dredge or alter an Area Subject to Protection Under the Wetlands Protection Act (General Laws Chapter 131, Section 40).
- C. The address of the lot where the activity is proposed is _____
- D. Copies of the Notice of Intent may be examined at _____
Code Enforcement/Conservation Office, Town Hall, 10 Mudge Way, Bedford, MA
between the hours of 8 am and 4 pm on the following days of the week:
Monday through Friday
For more information, call: (781) 275 - 6211
Check One: This is the applicant , representative , or other (specify):
Conservation Commission
- E. Copies of the Notice of Intent may be obtained from either (check one) the applicant , or the applicant's representative , by calling this telephone number (_____) _____ between the hours of _____ and _____ on the following days of the week: _____
- F. Information regarding the date, time, and place of the public hearing may be obtained from Conservation Office
by calling this telephone number (781) 275 - 6211 between the hours of 8 am and 4 pm on the following days of the week:
Monday through Friday
Check One: This is the applicant , representative , or other (specify): _____

NOTE: Notice of the public hearing, including its date, time, and place, will be published at least five (5) days in advance in the Bedford Minuteman
(name of newspaper)

NOTE: Notice of the public hearing, including its date, time, and place, will be posted in the City or Town Hall not less than forty-eight (48) hours in advance.

NOTE: You also may contact your local Conservation Commission or the nearest Department of Environmental Protection Regional Office for more information about this application or the Wetlands Protection Act. To contact DEP, call:

Central Region: 508-792-7650

Northeast Region: 617-935-2160

Southeast Region: 508-946-2800

Western Region: 413-784-1100

AFFIDAVIT OF SERVICE

Under the Massachusetts Wetlands Protection Act

(To be submitted to the Massachusetts Department of
Environmental Protection and the Conservation Commission
when filing a Notice of Intent)

I, _____ (Name of person making this affidavit) hereby
certify under the pains and penalties of perjury that on _____ (Date) I gave
notification to abutters in compliance with the second paragraph of Massachusetts
General Law Chapter 131, Section 49, and the DEP Guide to Abutter Notification dated
April 8 1994, in connection with the following matter:

A Notice of Intent filed under the Massachusetts Wetlands Protection
Act by _____ (Name of applicant)
with the Bedford Conservation Commission on _____ (Date)
for property located at _____

(Address of land where work is proposed).

The form of the notification, and a list of the abutters to whom it
was given and their addresses, are attached to this Affidavit of Service.

Signed

Date

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Ninety-three

AN ACT PROVIDING FOR WETLANDS PROTECTION BY REQUIRING CERTAIN NOTICES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 49 of chapter 131 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting after the first paragraph the following paragraph:-

Any person filing a notice of intention with a conservation commission shall at the same time give written notification thereof, by delivery in hand or certified mail, return receipt requested, to all abutters within one-hundred feet of the property line of the land where the activity is proposed, at the mailing addresses shown on the most recent applicable tax list of the assessors, including, but not limited to, owners of land directly opposite said proposed activity on any public or private street or way, and in another municipality or across a body of water. Said notification shall be at the applicant's expense, and shall state where copies of the notice of intention may be examined and obtained and where information regarding the date, time and place of the public hearing may be obtained. Proof of such notification, with a copy of the notice mailed or delivered, shall be filed with the conservation commission.

SECTION 2. The notification required by section one of this act shall not apply to projects of the department of highways.

House of Representatives, January 3, 1994.

Passed to be enacted,

Charles F. Johnson, Speaker.

In Senate, January 4, 1994.

Passed to be enacted,

William W. Dodge, President.

EM- 4/13/94



Commonwealth of Massachusetts
Executive Office of Environmental Affairs

Department of Environmental Protection

William F. Weld
Governor

Trudy Coxé
Secretary, EOE

Thomas B. Powers
Acting Commissioner

April 8, 1994

The recent amendment - known as the Menard Bill - to the Wetlands Protection Act, requiring applicants to give notification to abutters when filing a Notice of Intent, presents some difficult issues. The Department of Environmental Protection (DEP) has consulted with the Massachusetts Association of Conservation Commissions (MACC) and seeks to work with all interested parties to resolve these issues with an eye toward the following interests:

- furthering the goal of the legislation, namely, to ensure that abutters to sites where wetlands alterations are proposed receive notification of the filing of the Notice of Intent;
- protecting Conservation Commissions - especially those in small towns, that might not have regular office hours or paid staff - from excessive workload; and
- avoiding excessive burdens on applicants, particularly in terms of delay, expense, and difficulty in achieving compliance.

The text of the statute is set out below. The Questions and Answers that follow examine some of the potential problems raised by the statute and reflect DEP's current thinking on how to deal with these problems. The real-world experiences of applicants, consultants, abutters, and Conservation Commissions over the next few months will help DEP to create a final regulation that successfully balances the interests named above.

Chapter 472 of the Acts of 1993

Section 1. Section 40 of Chapter 131 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting after the first paragraph the following paragraph:

Any person filing a notice of intention with a conservation commission shall at the same time give written notification thereof, by delivery in hand or certified mail, return receipt requested, to all abutters within one-hundred feet of the property line of the land where the activity is proposed, at the mailing addresses shown on the most recent applicable tax list of the assessors, including, but not limited to, owners of land directly opposite said proposed activity on any public or private street or way, and in

another municipality or across a body of water. Said notification shall be at the applicant's expense, and shall state where copies of the notice of intention may be examined and obtained and where information regarding the date, time and place of the public hearing may be obtained. Proof of such notification, with a copy of the notice mailed or delivered, shall be filed with the conservation commission.

Section 2. The notification required by section one of this act shall not apply to projects of the department of highways.

Questions and Answers

Note: To avoid repetition of the phrase "the land where the activity is proposed," we will use the word "locus" to be synonymous with that phrase. Also, "Notice of Intent" - which refers to either a full Notice of Intent (Form 3) or an Abbreviated Notice of Intent (Form 4) - sometimes will be abbreviated as "NOI."

1. What is the meaning of "all abutters within one-hundred feet"?

At first glance, this phrase may be confusing because abutters to the locus - by definition - are within zero feet of the locus. That is because to "abut" means "to touch." A closer reading, however, shows that "abutters" is defined in the statute to include more than just the owners of properties that touch the locus; it also includes owners of properties separated from the locus by "any public or private street or way...or across a body of water."

Accordingly, the qualification about one-hundred feet relates to those "abutters" who are separated from "the land where the activity is proposed" by a street, way, or body of water. If the separation is one-hundred feet or less, notification is required. If the separation exceeds one-hundred feet, no notification is required.

2. Is the one-hundred feet measurement made from the property line or from the limit of the proposed activity?

All measurements are made from the property line of the locus. For example, an activity is proposed on a large property, with the farthest limits of the work set to take place two hundred feet from the nearest property that touches the locus. Each owner of property that touches the locus must receive notification by virtue of being an abutter (except see Question #3 for a clarification). The list of abutters also includes owners whose land is separated from the locus by a street, way, or body of water, where the separation is not greater than one-hundred feet. Even though the total distance from the edge of the proposed work to an abutter separated by a street, way, or body of water might total (in this example) 300 feet, still notification must be given because the abutting land is less than one-hundred feet from the property line of the locus.

FILING FEES

BASIC FILING FEE CATEGORIES

Wetlands Protection Fund – State Law

Total Fee* -\$25.00 ÷ 2 = State Share + \$25.00 = Town Share
By Category

1

\$ 110.00 \$ 85.00 \$ 42.50 \$ 67.50

2

\$ 500.00 \$ 475.00 \$ 237.50 \$ 262.50

3

\$1,050.00 \$1,025.00 \$ 512.50 \$ 537.50

4

\$1,450.00 \$1,425.00 \$ 712.50 \$ 737.50

5

\$4.00 per linear foot

6

\$2.00 per linear foot, with a maximum of 200 for a single-family house project and a
Maximum of \$2,000 for any other activity

***Riverfront Area: Total Fee x 1.5 before dividing**

Document: Wetlands/BasicFilingFeeCategories

10.03: continued

(c) Any application of herbicides for management of rights of way within a riverfront area not subject to 310 CMR 10.03 (6)(a) or (b), provided the area is outside any other resource area and qualifies under the provisions of 310 CMR 10.58(6)(a), shall be accorded an exemption of such work under M.G.L. c. 131, § 40, provided that the application of herbicides is performed in accordance with such plans as are required by the Department of Food and Agriculture pursuant to 333 CMR 11.00: *Rights of Way Management*.

(7) Fees.

(a) General Fee Provisions.

1. Notices of Intent. All Notices of Intent filed pursuant to 310 CMR 10.00 shall be accompanied by a filing fee, the amount of which shall be determined by 310 CMR 4.00 and a brief statement indicating how the applicant calculated the fee. 50% of any filing fee in excess of \$25.00 shall be made payable, by check or money order, to the Commonwealth of Massachusetts and shall be sent to the DEP Lock Box accompanied by the Notice of Intent Fee Transmittal Form. The remainder of said fee shall be made payable, by check or money order, to the city or town in which the work is proposed.

2. Requests for Action by the Department. Any person who files a Request for a Superseding Determination of Applicability (310 CMR 10.05(3)(c)), a Request for Superseding Order of Conditions or superseding Order of Resource Area Delineation (310 CMR 10.05(7)(a)), a Request for Adjudicatory Hearing (310 CMR 10.05(7)(j)), a Request to Intervene in any Adjudicatory Hearing (310 CMR 1.01(9)(a)), or a Request for a Variance, (310 CMR 10.05(10)), (see also 310 CMR 10.03(7)(e)), shall simultaneously submit a filing fee, in the amount specified by 310 CMR 4.00. All such fees shall be paid by check or money order payable to the Commonwealth of Massachusetts and shall be sent to the DEP Lock Box, accompanied by the Request for Departmental Action Fee Transmittal Form. A copy of the Request for Departmental Action Fee Transmittal Form and a copy of the check shall accompany the request for Departmental action.

(b) Specific Provisions for Notice of Intent Fees. In accordance with General Instructions for Completing a Notice of Intent and Abbreviated Notice of Intent, the minimum submittal requirements shall include payment of the filing fee specified in 310 CMR 10.03(7)(c). A conservation commission shall notify, in writing, the appropriate Department Regional Office and the applicant when the correct filing fee has not been paid to the city or town and the filing is therefore incomplete. Said notification shall specify the correct fee amount. The Department shall also notify, in writing, the applicant and the conservation commission when the fee due to the Department has not been paid to the Department and the filing is therefore incomplete. Said notification shall specify the fee due to the Department. The fee will be based on the initial project design as proposed in the Notice of Intent.

1. Disputes over Notice of Intent Filing Fees. Whenever the conservation commission or the Department determines that an inadequate fee has been paid, the time period for the conservation commission or the Department to act shall be stayed until the balance of the fee is paid.

a. Where, in the opinion of the conservation commission or the Department, less than the full filing fee has been included with the Notice of Intent, the Notice shall be deemed complete (assuming all other minimum submittal requirements have been met), and the stay shall be lifted, upon payment of the additional fee specified by the Department or the conservation commission. If the applicant has disputed all or a part of the balance of the fee, after issuance of a Final Order which resolves the fee dispute, in favor of the applicant any disputed funds paid by the applicant in excess of the filing fee as determined in the Final Order shall be paid to the applicant by the Commonwealth and the city or town.

b. In lieu of paying any disputed amount of the filing fee, the applicant may file a Request for Determination of Applicability under 310 CMR 10.05(3)(a), with sufficient information to enable the conservation commission to determine the extent of the area, or the type and extent of the activity, subject to protection under M.G.L. c. 131, § 40.

10.03: continued

When a Request For Determination of Applicability is filed by an Applicant to resolve a dispute over the filing fee, all proceedings under the Notice of Intent shall be stayed until all appeal periods for the Determination have elapsed or, if the Determination is appealed until all proceedings before the Department have been completed.

A Final Determination of Applicability as to the area, or the type and extent of the activity, subject to protection under M.G.L. c. 131, § 40 shall be binding on all parties and shall be used in calculating the fee.

(c) Activities Subject to Notice of Intent Fees. The following activity descriptions are intended to include all activities subject to filing of a Notice of Intent under M.G.L. c. 131 § 40. The fees imposed by 310 CMR 10.03 are applicable only to those activities subject to jurisdiction under M.G.L. c. 131, § 40. The fee for work proposed under a single Notice of Intent that involves more than one activity noted below, shall be determined by adding the fees for each of the proposed activities. When the work involves activities within the riverfront area as well as another resource area or the buffer zone, the fee shall be determined by adding an additional 50% of the fee calculated for activities in another resource area(s) or the buffer zone to another resource area for each of the proposed activities within the riverfront area. When the work involves activities within the riverfront area but no other resource area, the fee shall be determined by adding the fees for each of the proposed activities within the riverfront area.

1. Category 1.

- a. Any work on a single family residential lot including a house addition, deck, garage, garden, pool, shed, or driveway. Activities excluded from Category 1 include driveways reviewable under 310 CMR 10.53(3)(e) (See Category 2f); construction of an unattached single family house; and construction of a dock, pier, or other coastal engineering structure.
- b. Site preparation of each single family house lot, including removal of vegetation, excavation and grading, where actual construction of the house is not proposed under the Notice of Intent.
- c. Control of nuisance vegetation by removal, herbicide treatment or other means, from a resource area, on each single family lot, as allowable under 310 CMR 10.53(4).
- d. Resource improvement allowed under 310 CMR 10.53(4), other than removal of aquatic nuisance vegetation, as allowed under 310 10.53(4).
- e. Construction, repair, replacement or upgrading of a subsurface septic system or any part of such a system.
- f. Activities associated with installation of a monitoring well, other than construction of an access roadway thereto.
- g. New agriculture, including forestry on land in forest use (310 CMR 10.53(3)(r) and (s)), and aquacultural projects.

2. Category 2:

- a. Construction of each single family house (including single family houses in a subdivision), any part of which is in a buffer zone or resource area. Any activities associated with the construction of said house(s), including associated site preparation and construction of retention/detention basins, utilities, septic systems, roadways and driveways other than those roadways or driveways reviewable under 310 CMR 10.53(3)(e)(See Category 2f), shall not be subject to additional fees if all said activities are reviewed under a single Notice of Intent. (For apartment/condominium type buildings see Category 3.)
- b. Parking lot of any size.
- c. The placement of sand for purposes of beach nourishment.
- d. Any projects reviewable under 310 CMR 10.24(7)(a) through (c).
- e. Any activities reviewable under 310 CMR 10.53(3)(d) and 310 CMR 10.53(3)(f) through (l), except for those subject to 310 CMR 10.03(7)(c)4.b. Where more than one activity is proposed within an identical footprint (e.g., construction of a sewer within the footprint of a new roadway), only one fee shall be payable.
- f. Construction of each crossing for a driveway associated with an unattached single family house, reviewable under 310 CMR 10.53(3)(e).
- g. Any point source discharge.

10.03: continued

- h. Control of nuisance vegetation, other than on a single family lot, by removal, herbicide treatment or other means, reviewable under 310 CMR 10.53(4).
 - i. Raising or lowering of surface water levels for flood control or any other purpose.
 - j. Any other activity not described in Categories 1, 3, 4, 5, or 6 (e.g., the determination of whether a stream is perennial or intermittent).
 - k. The exploration for (but not development, construction, expansion, maintenance, operation or replacement of) public water supply wells or wellfields derived from groundwater, reviewable under 310 CMR 10.53(3)(o).
3. Category 3:
- a. Site preparation, for any development other than an unattached single family house(s), including the removal of vegetation, excavation and grading, where actual construction is not proposed in the Notice of Intent.
 - b. Construction of each building for any commercial, industrial, institutional, or apartment/condominium/townhouse-type development, any part of which is in a buffer zone or resource area. Any activities associated with the construction of said building, including associated site preparation and construction of retention/detention basins, septic systems, parking lots, utilities, point source discharges, package sewage treatment plants, and roadways and driveways other than those roadways or driveways reviewable under 310 CMR 10.53(3)(e), shall not be subject to additional fees if all said activities are reviewed under a single Notice of Intent.
 - c. Construction of each roadway or driveway, not reviewable under 310 CMR 10.53(3)(e), and not associated with construction of an unattached single family house.
 - d. Any activity associated with the clean up of hazardous waste, except as otherwise noted in Category 4, including excavation, destruction of vegetation, change in subsurface hydrology, placement of collection wells or other structures for collection and treatment of contaminated soil and/or water.
 - e. The development, construction, expansion, maintenance, operation, or replacement of (but not exploration for) public water supply wells or wellfields derived from groundwater, reviewable under 310 CMR 10.53(3)(o).
4. Category 4:
- a. Construction of each crossing for a limited project access roadway or driveway reviewable under 310 CMR 10.53(3)(e) associated with a commercial, industrial, or institutional development or with any residential construction (other than a roadway or driveway associated with construction of an unattached single family house).
 - b. Construction, modification, or repair of a flood control structure such as a dam, reservoir, tidegate, sluiceway, or appurtenant works.
 - c. Creation, operation, maintenance or expansion of a public or private landfill.
 - d. Creation, operation, maintenance or expansion of a public or private sand and/or gravel operation including but not limited to excavation, filling, and stockpiling.
 - e. Construction of new railroad lines or extensions of existing lines, including ballast area, placement of track, signals and switches and other related structures.
 - f. Construction, reconstruction, expansion, or maintenance of any bridge, except to gain access to a single family house lot.
 - g. Any alteration of a resource area(s) to divert water for the clean up of a hazardous waste site, for non-exempt mosquito control projects, or for any other purpose not expressly identified elsewhere in this fee schedule.
 - h. Any activities, including the construction of structures, associated with a dredging operation conducted on land under a waterbody, waterway, or the ocean. If the dredging is directly associated with the construction of a new dock, pier or other structure identified in Category 5, only the Category 5 fee shall apply.
 - i. Construction of, or the discharge from, a package sewage treatment plant.
 - j. Airport vegetation removal projects reviewable under 310 CMR 10.24(7)(c)5. and 10.53(3)(n).
 - k. Landfill closure projects reviewable under 310 CMR 10.24(7)(c)4. and 10.53(3)(p).
 - l. Any activities, including the construction of structures, associated with the assessment, monitoring, containment, mitigation, and remediation of, or other response to, a release or threat of release of oil and/or hazardous material reviewable under 310 CMR 10.24(7)(c)6. or 310 CMR 10.53(3)(q).

New Wetlands Program Fees Effective October 8, 2004

310 CMR 4.10 Regulation page 144.3
(Replaces Fees Deleted from 801 CMR 4.02)

4.10(8)

(n) (BRPWW18) Permits for Wetlands

1. Category: Notice of Intent and Abbreviated Notice of Intent.
2. Description: Notice of Intent and Abbreviated Notice of Intent pursuant to M.G.L.c.131§40 and 310 CMR 10.05(4). The designation of the Department's file number shall not imply that the plans and supporting documents have been judged adequate for the issuance of an Order, but only that copies of the minimum submittal requirements contained in the general instructions have been filed.
3. Schedule for timely action: for projects for which Notices of Intent or Abbreviated Notices of Intent are filed and fees received on or after October 8, 2004,
 - a. Within 21 days of receipt of a Notice of Intent or Abbreviated Notice of Intent and payment of the permit application fee, the Department shall complete an administrative completeness review.
 - b. The permit applicant may remedy identified deficiencies within 21 days of the Department's statement identifying deficiencies, if any.
 - c. Within 21 days of the Department's receipt of materials from the applicant in response to the Department's statement identifying deficiencies, the Department shall complete a final review resulting in a decision to issue or deny a file number.
4. Permit application fee: The fee, created pursuant to M.G.L.c.131§40, is for work proposed under a single Notice of Intent. When the application involves more than one activity the fee shall be determined by adding the fees for each proposed activity, except that when work involves activities within the riverfront area as well as another resource area, the fee shall be determined by adding an additional 50% to the fee calculated for activities in another resource area(s) or the buffer zone to another resource area for each of the proposed activities within the riverfront area
 - a. Category 1: \$110
 - b. Category 2: \$500
 - c. Category 3: \$1050
 - d. Category 4: \$1450
 - e. Category 5: \$4 per linear foot
 - f. Category 6: \$2 per linear foot with a maximum of \$200 for a single-family house project and a maximum of \$2000 for any other activity.

(o) (BRPWW19) Permits for Wetlands

1. Category: Superseding Determination of Applicability
2. Description: Superseding Determination of Applicability pursuant to 310 CMR 10.05(3)(c).
3. Schedule: for projects for which Requests for Superseding Determination of Applicability are filed and fees received on or after October 8, 2004,

- a. Within 70 days of receipt of Request for Superseding Determination of Applicability and payment of the application fee, the Department shall complete technical review.
 - b. The permit applicant may remedy identified deficiencies within 70 days of the Department's statement identifying deficiencies, if any.
 - c. Within 40 days of the Department's receipt of materials from the applicant in response to the Department's statement identifying deficiencies, the Department shall complete a supplemental review.
4. Permit Application Fee: \$100

(p) (BRPWW20) Permits for Wetlands

1. Category: Superseding Order of Conditions
2. Description: Superseding Order of Conditions pursuant to 310 CMR 10.05(7).
3. Schedule: for projects for which Requests for Superseding Order of Conditions are filed and fees received on or after October 8, 2004,
 - a. Within 70 days of receipt of Request for Superseding Order of Conditions and payment of the application fee, the Department shall complete technical review.
 - b. The permit applicant may remedy identified deficiencies within 70 days of the Department's statement identifying deficiencies, if any.
 - c. Within 40 days of the Department's receipt of materials from the applicant in response to the Department's statement identifying deficiencies, the Depart shall complete a supplemental review.
4. Permit Application Fee:
 - a. Superseding Order of Conditions for individual single-family homes with associated structures: \$100
 - b. All Other Superseding Order of Conditions: \$ 200

(q) (BRPWW21) Permits for Wetlands

1. Category: Superseding Order of Resource Area Delineation
2. Description: Superseding Order of Resource Area Delineation pursuant to 310 CMR 10.05(7).
3. Schedule: for projects for which Requests for Superseding Order of Resource Area Delineation are filed and fees received on or after October 8, 2004,
 - a. Within 70 days of receipt of Request for Superseding Determination of Applicability and payment of the application fee, the Department shall complete technical review.
 - b. The permit applicant may remedy identified deficiencies within 70 days of the Department's statement identifying deficiencies, if any.
 - c. Within 40 days of the Department's receipt of materials from the applicant in response to the Department's statement identifying deficiencies, the Depart shall complete a supplemental review.

(4) Permit Application Fee: \$100

(r) (BRPWW22) Permits for Wetlands

1. Category: Request for Variance
2. Description: Variance pursuant to 310 CMR 10.05(10).
3. Schedule: for projects for which Requests for Variance are filed and fees received on or after October 8, 2004,

- a. Within 70 days of receipt of Request for Variance and payment of the application fee, the Department shall complete technical review.
- b. The permit applicant may remedy identified deficiencies within 70 days of the Department's statement identifying deficiencies, if any.
- c. Within 40 days of the Department's receipt of materials from the applicant in response to the Department's statement identifying deficiencies, the Depart shall complete a supplemental review.

4. Permit Application Fee: \$8,000

(s) (BRPWW23) Permits for Wetlands

1. Category: Request for Variance with a claim of unconstitutional taking of property.
2. Description: Variance with a claim of unconstitutional taking of property pursuant to 310 CMR 10.05(10).
3. Schedule: for projects for which Requests for Variance are filed and fees received on or after October 8, 2004,
 - a. Within 70 days of receipt of Request for Variance and payment of the application fee, the Department shall complete technical review.
 - b. The permit applicant may remedy identified deficiencies within 70 days of the Department's statement identifying deficiencies, if any.
 - c. Within 40 days of the Department's receipt of materials from the applicant in response to the Department's statement identifying deficiencies, the Depart shall complete a supplemental review.

(4) Permit Application Fee: \$200

Rev. E

10/18/95

information deemed necessary in order to evaluate the impacts of the proposed activity on the resource area.

1.4.3 Performance Guarantee

The Commission may require as a condition in the Order of Conditions that the proponent post a proper bond, a deposit of money, negotiable securities, or other security sufficient to secure the protection of the resource areas affected by the project as approved by the Commission. The amount of the performance guarantee shall be proposed by the proponent and shall reflect the total cost for the town to engage private contractors to complete the activity, including any additional consultation fees, and shall be subject to approval by the Commission. The Commission may require that a time be specified within which the activity shall be completed. In the event the activity is not completed as approved, the Commission, at its option, may require an additional amount or security to cover the cost of restoring the damaged resource areas to their original condition. Upon failure of the proponent to complete the activity in accordance with the Order of Conditions, the Commission, at its option, shall be entitled to enforce such bond or to apply such deposit of money or securities for the benefit of the Town to the extent necessary to complete the activity to protect the resource area without delay. The penal sum of any such bond, or the amount of any deposit held under this section, may, from time to time, be reduced by the Commission and the obligations of the parties thereto released by the Commission in whole or in part.

1.4.4 Filing Fees for Notice of Intent

1.4.4.1 Notice of Intent

In addition to any fees mandated by state law, the proponent shall pay to the Town of Bedford the local filing fee which shall be the sum of the fee for proposed alteration in the Buffer Zone, plus the filing fee for the proposed alteration of all other resource areas as set forth in the following fee schedule:

BUFFER ZONE

<u>Area of alteration (square feet)</u>	<u>Fee</u>
0.0 - 1000	\$25.00
1001 - 2000	\$50.00
2001 - 3000	\$75.00
3001 - 4000	\$100.00
4001 - 5000	\$125.00
5001 or more	\$0.03 per s.f.

ALL OTHER RESOURCE AREAS

<u>Area of alteration (square feet)</u>	<u>Fee</u>
0 - 100	\$25.00
101 - 200	\$50.00
201 - 300	\$75.00
301 - 400	\$100.00
401 - 500	\$125.00
501 or more	\$0.30 per s.f.

2.2.1.2 Rare and Endangered Species

When a wildlife or plant species listed as rare, threatened, endangered or of special concern by the Massachusetts Natural Heritage Program is known to inhabit or occur in a protected resource area, no activity shall occur in the resource area that will destroy or displace said species or will alter either permanently or temporarily, said species' habitat, niche, or food source. The Commission shall presume that any activity in a resource area where any listed species is known to inhabit or occur will adversely affect the species unless the contrary is proven by a preponderance of the credible evidence presented to the Commission by the proponent.

2.2.2 Specific Standards

2.2.2.1 Buffer Zone

Where an activity is proposed within the Buffer Zone, the Commission shall presume that the activity has a high likelihood of altering any resource area adjacent to the Buffer Zone unless the proponent proves by a preponderance of the credible evidence that either:

- a) the Buffer Zone does not play a role in the protection of any of the wetland values of the Bylaw; or
- b) the activity shall occur in such a manner that any potential adverse environmental impacts on any of the wetland values are avoided.

Notwithstanding any of the above, the placement of impervious surface in the Buffer Zone is limited to the greater of:

- a) 25% of the Buffer Zone; or
- b) the percentage of the Buffer Zone covered by previously placed impervious surface due to activity allowed at the time it was performed.

2.2.2.2 Buffer Strip

Where an activity is proposed within the Buffer Zone to a wetland, vernal pool, bank or beach, or isolated land subject to flooding, the Commission shall require that a continuous Buffer Strip (at least 25 feet wide) of undisturbed, natural vegetation be maintained between the proposed activity and the resource area(s). The Commission may require that a buffer strip be created where none currently exists, due to previous activities.

In designing a project to meet this performance standard, the applicant shall take into account not only proposed construction activity, but also realistic future use of the site. As an example, in the case of construction of a single-family residence, it shall be presumed that such future use includes a yard, and that the yard shall extend at least 25 feet horizontally from the structure, exclusive of any portion of the Buffer Strip. Typically, the Commission shall expect new structures to be sited at least 50 feet from wetland resource area(s), and that a Buffer Strip significantly greater than 25 feet will be provided where slopes exceed 25%.

When partial encroachment of proposed structures into the 25-foot "yard" setback is unavoidable, the applicant may mitigate the encroachment by increasing the Buffer Strip area by an amount equal to or greater than the encroachment into the "yard". The following guidelines are offered: (1) The encroachment should not exceed 10% of the total recommended "yard" setback for the lot; and (2) The encroachment should not exceed one quarter of the recommended width of the total setback from the resource area.

It is the applicant's burden to demonstrate to the Commission's satisfaction that realistic future use of the site is not likely to result in intrusion into, or alteration of, the Buffer Strip. The Commission may require the applicant to submit a use plan and narrative as part of that demonstration. At the Commission's request, the applicant shall demonstrate to the Commission's satisfaction that work or activities proposed at the edge of the Buffer Strip are necessary and that reasonable alternatives, including reducing the scale and scope of the project or adjusting other setbacks, do not exist.

2.2.2.3 Bank

Where a proponent proposes altering a bank, the Commission shall presume that the bank is significant to all the wetland values of the Bylaw. This presumption is rebuttable, and may be overcome upon the proponent proving by a preponderance of the credible evidence that the bank does not play a role in the protection of any of the wetland values. When the presumption is not overcome, activities affecting a bank shall comply with the performance standards identified in 310 Code of Massachusetts Regulations (CMR) 10.54 (4)(a) 1-5, and any amendments thereof.

2.2.2.4 Wetland

Where a proponent proposes altering a wetland, the Commission shall presume that the wetland is significant to all the wetland values of the Bylaw. This presumption is rebuttable, and can be overcome upon the applicant proving by a preponderance of the credible evidence that the wetland does not play a role in the protection of any of the wetland values. In the event the presumption is not overcome, no activity may alter a wetland area, except that, the Commission, at its discretion, may issue an Order of Conditions permitting any activity to alter a wetland when all of the following conditions are met:

- a) the area to be altered is less than 5000 square feet;
- b) the proponent has provided the Commission with an evaluation of the reasonableness of any previously or currently available alternatives.
- c) every reasonable effort has been made to minimize the amount of wetland altered;
- d) the replicated wetland shall be created in a non-wetland area located within the bounds of the proposed project on at least a one-to-one basis, shall comply with the performance standards identified in 310 CMR 10.55(4)(b) and any amendments thereof and shall protect the wetland values of the Bylaw;

- e) provisions are made for monitoring and bonding replicated wetland areas for a period of not less than 5 years. The project proponent shall present to the Commission for its approval a monitoring proposal with an annual reporting system lasting for the term specified by the Commission. The performance bond shall be the sum of the amount necessary to: 1) Pay for replication of the area in the event that the original replication has failed in the opinion of the Commission and such experts as they may consult so as to achieve at least 75% re-vegetation of the native wetland plant species and 2) Pay for the costs incurred by the Commission to monitor the re-replication for the term specified by the Commission. The amount of the performance bond shall be proposed by the proponent, reviewed by the Commission, and if found to be appropriate by the Commission, shall be approved by the Commission.
- f) provisions are made upon the successful completion of the project, but prior to the issuance of a Certificate Of Compliance under the Town of Bedford's Wetlands Protection Bylaw, at the proponent's expense, for a registered land surveyor to modify the master set of the town's wetland maps to indicate the replicated wetland(s), and to deliver certified, stamped copies of the modified map(s) to the Bedford Conservation Commission, Planning Board, Building Inspector, Department of Public Works, Board of Assessors, and Town Clerk.

2.2.2.5 Land under waterbodies and watercourse.

Where a proposed activity will alter land under a waterbody or watercourse, the Commission shall presume that said land is significant to all the wetland values of the Bylaw. This presumption is rebuttable, and can be overcome by the proponent proving by a preponderance of the credible evidence that said land does not play a role in the protection of any of the wetland values. In the event that the presumption is not overcome, any activity within land under a waterbody or watercourse shall:

- a) comply with the performance standards identified in 310 CMR 10.56(4) and any amendments thereof; and
- b) not affect the groundwater infiltration or discharge rates.

2.2.2.6 Land Subject to Flooding (bordering and isolated)

Where a proposed activity will alter land subject to flooding, the Commission shall presume that the land is significant to all the wetland values of the Bylaw. This presumption is rebuttable, and can be overcome by the proponent proving by a preponderance of the credible evidence that the land does not play a role in the protection of any of the wetland values. In the event that the presumption is not overcome, any activity within land subject to flooding shall:

- a) comply with the performance standards identified in 310 CMR 10.57(4) (a-b) and any amendments thereof; and
- b) not alter the ability of the land to provide breeding habitat, escape cover, or food for wildlife; and
- c) neither decrease the flood storage capacity, nor increase or decrease the groundwater infiltration rate of the land.

Notwithstanding the foregoing, permanent alterations of any sort may not occur within any area two vertical feet or more below the contour of the 100 year floodplain, or within the 10 year floodplain according to the most recently adopted flood insurance rate map.

2.2.2.7 Detention Ponds, Retention Ponds and other Flood/Discharge Control Measures

Any facilities constructed for flood and/or discharge control from or on the site shall be mapped onto the master set of the town's wetland maps, and copies of the modified map(s) shall be delivered to the Bedford Conservation Commission, Planning Board, Building Inspector, Department of Public Works, Board of Assessors, and Town Clerk. The work shall be performed, certified, and stamped by a registered land surveyor at the proponent's expense. Further, the Commission shall require that the proponent submit a maintenance plan for the flood and discharge control measures which shall:

- a) insure the continuing function of the facilities as originally designed, and
- b) identify the source of funds and the party responsible for implementing the maintenance plan.

2.3 LIMITED PROJECTS

Notwithstanding the provisions of 2.2.2, the Commission may issue an Order of Conditions which will protect the wetland values identified in the Bylaw permitting the following limited projects:

2.3.1 Public Utilities

The installation and/or construction of underground and overhead public utilities such as distribution, transmission, communication, sewer, water, or natural gas lines.

2.3.2 Access

The construction of a new roadway or driveway of minimum practical width acceptable to the Planning Board, Building Inspector, Department of Public Works, Fire Department, and Police Department; provided there exists no alternative reasonable use of the land and no possible reasonable alternative means of access from a public way to an upland area. The Commission shall require that the proponent minimize all potential impacts to the resource areas impacted by the project.

2.3.3 Construction of Waterbodies

If a proponent proposes an activity which results in the excavation of wildlife impoundments, farm ponds or ponds for fire protection, the proponent must furnish the following information for the Commission's consideration prior to the excavation. In the case of wildlife impoundments, a wildlife/fisheries biologist or an ecologist must detail what impacts (both positive and negative) the pond will have on the existing ecosystem, and a hydrologist must certify in writing that the pond will function as designed and not have any effect on hydrologically connected resource areas. In the case of a farm pond(s) or pond(s) for fire protection, the proponent must certify a need for the pond(s). In either case:

- a) ponding areas shall not be created in conjunction with any other project which impacts any other resource area under the jurisdiction of the Bylaw.
- b) pond construction shall not result in the placement of fill or other material upon the wetland except as may be necessary for impoundment, bank stabilization, and access.

APPENDIX C: CHECKLIST FOR NOTICE OF INTENT

The proponent shall submit ten (10) copies of the completed Notice of Intent form to the Conservation Commission. This submission shall include the following information:

1. Name and street address of proponent, and the proponent's representative, if any. If the proponent's mailing address is a post office box, then the proponent's street address shall also be furnished.
2. Street address of proposed project. In the event that there is no street address, the Assessor's map and lot number shall be used for identification;
3. The telephone numbers, day and evening, where the proponent and any representatives may be contacted;
4. General locus map from a USGS topographic map;
5. Plan of land showing:
 - 1) buildings and structures (existing and proposed);
 - 2) topography with maximum contour intervals of one foot (existing and proposed);
 - 3) resource areas

as defined in MGL Chapter 131, s. 40 and any amendments thereof and the Town of Bedford By-Laws and any amendments thereof with, at a minimum, delineation according to the Town of Bedford Wetlands Maps being indicated; and locations and numbers of wetland boundary flags or markers;
 - 4) North arrow;
 - 5) legend;
 - 6) property boundaries;
 - 7) location of erosion control measures;
 - 8) limits of work line;
 - 9) location of stockpile areas, including temporary storage of equipment, fill, supplies;

- 10) Professional Engineer's and/or Registered Land Surveyor's stamp and date;
 - 11) location of proposed replication and/or restoration areas, including transition slopes and proposed 25 foot post-construction buffer to these areas;
 - 12) location of any conservation lands within 100 yards of the project;
 - 13) location of soil borings, test pits;
 - 14) drainage divides (pre and post construction);
 - 15) contours of water table;
 - 16) storm drainage system;
 - 17) location of site in watershed;
 - 18) direction of groundwater flow.
6. Check(s) made payable to the Town of Bedford for the filing fee(s).
 7. List of abutters and proof that they have been notified of the hearing.

In addition to the above, the Commission may require the following information:

1. Certification of compliance with Title 5, Massachusetts Sanitary Code;
2. Soils information (U.S. Natural Resources Conservation Service soils maps, soil logs, soil classification);
3. Drainage calculations: to include pre and post construction, method used, assumptions, and worksheets;
4. Erosion control specifications and details;
5. Description of how work will comply with 310 CMR 10.00 and any amendments thereof and Town of Bedford Wetlands Protection Bylaw and any amendments thereof;
6. Work completion schedule;
7. Depth to average annual high water table;
8. Water quality analysis (pre and post construction) of surface and groundwater;

9. Analysis of wetland soils including depth, organic content, etc.;
10. Vegetation maps showing types of vegetation, impervious cover, etc.;
11. Landscaping plans;
12. Potential sources of pollution such as fertilizer, pesticides, petroleum products, heavy metals, etc.;
13. Aquifers and groundwater resources in vicinity of site;
14. Dates when all field work was conducted;
15. Headwall and riprap specifications;
16. Retaining wall cross sections;
17. Maintenance plans:
 - Detention and/or retention ponds
 - Replicated resource areas
 - Oil and grease traps
 - Conservation and pedestrian easements or rights of way
 - Culverts; and
18. Narrative for wetland replication/restoration, including baseline information, proposed soils and vegetation criteria, compliance with performance standards, construction sequence, and monitoring plan;
19. 100 scale plan of field-delineated and approved wetland boundaries;
20. Photographs of project site, to include resource areas, vegetational communities, and proposed construction staking;
21. Any other information which the Commission deems necessary to reach a determination.

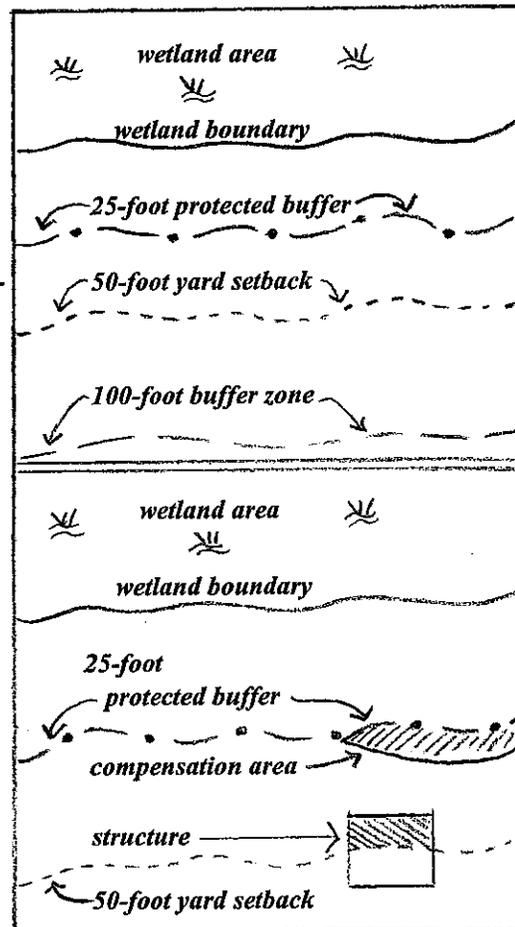
Dear Bedford Resident:

PLEASE CONSIDER THE FOLLOWING NOTES ON WETLAND BUFFER AREAS WHEN PLANNING YOUR PROJECT

The Town of Bedford Wetlands Protection Bylaw regulation requires a 25-foot protected buffer to wetlands. This 25-foot buffer is a relatively small, but very important protective area between residential use and wetlands. The buffer must be allowed to remain in a natural, vegetated state, and yard waste such as leaves, grass clippings and brush must not be disposed of there. Removal of trees or limbs must be approved in advance by the Conservation Office.

A recent Bylaw regulation requiring a 50-foot setback from wetlands for structures may have applied to your house placement, and will apply to future building on your lot. The upper half of this area (the 25 feet upgradient of the 25-foot protected buffer boundary) is viewed as a "yard area". Although normal yard use will apply to some activities such as gardening and play areas, permanent structures such as fences, pools and sheds are generally prohibited in this area.

When there is no alternative to placing a structure within the 25-foot yard setback, the Commission may consider a proposal which includes a permanent compensation area enlarging the 25-foot protected buffer.



Conservation Commission jurisdiction includes the upland areas within 100 feet of wetlands, ponds, seasonal streams and the 100-year flood plain, and within 200 feet of rivers and streams which flow year-round. When you begin to plan a future project within 100 feet of wetlands, please contact the Conservation Office for further information on State and local Bylaw regulations, and assistance in preparing your application.

**Elizabeth Bagdonas
Conservation Administrator**

**Town Hall, 10 Mudge Way
(781) 275-6211**

**EXAMPLES OF PROJECT PLANS
AND NARRATIVES**

Work Description:

1. Construct an 11' x 14' screened room attached to the rear of the existing structure. Removing windows and installing sliding glass doors for access to the screened room. The screened room will set on concrete sauna tubes approximately 16" off the ground; under the screened room will be landscape fabric that will be pervious for run-off.
2. Construct 10' x 10' storage shed that will be placed on concrete blocks approximately 6" off the ground with landscape fabric underneath to allow run-off.
3. Also erecting 6' high fence in back yard, approximately 30'+/- in length from the rear of the house on both sides and across the back approx. 68'+/-.

Bylaw Performance Standards:

- 2.2.1.2 No rare or endangered species inhabit the proposed work area.
- 2.2.2.1 The proposed work will not pose any potential adverse environmental impact on any of the wetland values.
- 2.2.2.2 This work will not increase the already established yard area, which infringes on both the 25 foot buffer strip and the 25 foot yard setback. A compensation area is proposed to enlarge the 25 foot protected buffer zone (see map).
- 2.2.2.3 Not Applicable
- 2.2.2.4 Not Applicable
- 2.2.2.5 Not Applicable
- 2.2.2.6 Not Applicable

TOTAL AREA WITHIN WETLAND BUFFER ZONE: 23,934 sq.ft.

EXISTING IMPERVIOUS AREA WITHIN WETLAND BUFFER ZONE:

House foundation	44.5' x 44' = 1,958 sq.ft.
Driveway	22 x 26 = <u>572 sq.ft.</u>
TOTAL EXISTING IMPERVIOUS AREA:	2,530 sq.ft.
Percentage of Total Area	10.57%

PROPOSED ADDITIONAL IMPERVIOUS AREA:

Screened Room	11' x 14' = 154 sq.ft.
Percentage	0.64%
Storage shed	10' x 10' = 100 sq.ft.
Percentage	0.42%

GRAND TOTAL IMPERVIOUS AREA WITHIN WETLAND BUFFER ZONE: 11.63%
2,530 sq.ft. + 154 sq.ft. + 100 sq.ft. = 2,784 sq.ft.

EXAMPLE OF PROJECT PLAN FOR NOTICE OF INTENT: NEW HOUSE CONSTRUCTION

Surveyed wetland boundary and elevations

Signed and stamped by Professional Engineer

Scale: 1" = 40'

