



Town of Chatham
Department of
Health and Environment



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(508) 945-5165

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Conservation
(508) 945-5164

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Location: 1455 Main Street, WEST CHATHAM

Mailing Address: 549 Main Street CHATHAM, MA 02633

April 6, 2010

To: Engineers, Land Surveyors, Attorneys, Consultants, Interested Parties

From: Kristin Andres, Conservation Agent

RE: Chatham Wetlands Protection Applications
FILING REQUIREMENTS for Notice of Intent / Abbreviated NOIs

Attached please find the filing requirements for Notice of Intent and Abbreviated Notice of Intent applications submitted to the Chatham Conservation Commission.

The checklist, though lengthy, entails the information customarily sought by the Conservation Commission and is being implemented in an effort to expedite the hearing process. The intent is for the Commission to receive the supporting information at the time of application so as to minimize the need to continue hearings.

310 CMR Procedures 10.05 (5) states that the 21 days to hear an application begins when the Commission is *in receipt of the minimal submittal requirements set forth in the General Instructions for Completing Notice of Intent (Form 3)*, which is:

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.

As of the filing deadline of **April 20, 2010**, the checklist must accompany all NOI applications in order for the application to be accepted. If the appropriate documentation is not submitted at the time of application or if the fee amount is not correct, the hearing will not be scheduled.

If you have any questions about information that is required for a particular project, please do not hesitate to contact the conservation office prior to filing an application.

Also, *prior* to filing a Request to Amend an Order of Conditions please contact the conservation office to verify that the request qualifies under DEP's policy 85-4.



Town of Chatham
Conservation Commission

FILING REQUIREMENTS

for Notice of Intent or Abbreviated Notice of Intent applications

General Information

The accepted premise of wetlands protection laws in Massachusetts is that both coastal and inland wetlands and wetland resource areas provide important functions that benefit the general public and therefore need to be protected. The public benefits of wetlands include:

- Protection of public and private water supplies
- Protection of groundwater and water quality
- Providing flood control
- Prevention of storm damage
- Prevention of pollution
- Protection of fisheries
- Protection of shellfish & shellfish habitat
- Protection of wildlife & wildlife habitat

Therefore, any activity that would constitute filling, excavation, building upon, or other alteration of the land, water or vegetation of a wetland resource area or the adjacent upland extending 100 feet from a wetland resource area is prohibited without a permit from the Conservation Commission and MA DEP.

Most applicants will have to file a Notice of Intent under both the MA Wetlands Protection Act (MGL Ch 131, s.40) and the Chatham Wetlands Protection Bylaw (CH 272). In Chatham, one application form will serve as filing under both statutes. The form – WPA3 and directions can be downloaded from the state's website at

<http://www.mass.gov/dep/water/approvals/wwforms.htm#wetlands>

If you do not have experience filling out Notice of Intent (NOI) applications, the form and application process may present considerable difficulty. The conservation staff can provide assistance in the process, but often it is best for an applicant to seek professional services from an engineer or environmental / wetlands consultant who has experience in wetlands permitting.

The NOI checklist is considered part of the application and must be provided as evidence that the application is substantially complete in accordance with the requirements of the Chatham Wetlands Protection Regulations (citation). If the application is deemed incomplete by the Agent or Commission a hearing will not be scheduled. If the hearing has already been scheduled, the application will not be heard and will be continued until the required information is received. Deficiencies or inaccuracies in the application or document submittal will constitute incompleteness and completed or corrected copies shall be provided for the record.

Deadline for filing is 12:00 noon, fifteen (15) days prior to a regularly scheduled meeting, which are customarily held the first and third Wednesdays of the month. The conservation office is open Monday through Friday, 8am-4pm, (508)945.5164. If by hand delivery- 1455 Main St, Chatham; if by USPS mail to 549 Main St, Chatham 02633.



Town of Chatham
Conservation Commission

CHECKLIST

Notice of Intent / Abbreviated Notice of Intent

I certify that the following documentation has been provided to the Chatham Conservation Commission and the required tasks have been completed as **checked or marked NA (if not applicable to the project)**.

Signature of Applicant or Authorized Representative

Date

- Two (2) **complete** copies of the NOI (WPA3) or the Abbreviated NOI (WPA4) with signatures of the applicant(s), property owner(s) & representative filing the application with supporting documentation including plans, fee transmittal form with copies of the checks
- One (1) original Site Access Authorization form – signed by the property owner(s) – in lieu of actual form, a letter of permission to enter onto the property is acceptable
- One (1) copy of the **Assessor certified** list of abutters within 100 feet of the parcel(s)'s boundaries where the work is being proposed
- One (1) copy of the Assessors map showing the abutters parcels and project locus
- One (1) copy of the abutter notification – you may use the form letter provided
- Receipts or photocopy of receipts verifying mailing to abutters at the time of filing
[NOTE: submission of green cards is no longer required]
- One (1) copy of an 8½ “ by 11” copy of the USGS quadrangle showing project locus
- Date-stamped mailing receipt as proof of mailing to MA DFW NHESP and/or MA DMF
- Copy of filing sent to NHESP under MESA
- Copy of ENF application; copy of MEPA comments to date; copy of Secretary's decision
- Copy of recorded Chapter 91 license and license plans
- Copy of zoning officer's determination
- Drainage calculations & DEP stormwater check list unless project is exempt
- Project will be clearly staked/marked in the field at least 10 days before the hearing date – including limit of work; edge of resource area; 50ft and 100 ft delineations from edge of resource area; identification of the project (e.g.) building corners, retaining walls, etc.; property boundaries

- **Ten (10) collated packets** (bound without the use of plastic binding or covers) - containing at a MINIMUM a copy of the checklist; site plans / landscape plans (no reduced copies); and the following informational materials listed below, including other pertinent supporting documentation the Commissioners should consider as part of the record:
 - Written directions to the site; entrance to property is marked with a visible flag or sign
 - Alternatives Analysis (if work is within a resource area / riverfront or within the 50 foot No Disturb Zone)
 - 2009 Flood map with locus
 - If BVW or vegetated wetland on site, field wetland delineation forms within the last three years, including soil descriptions and comments on wetland hydrology
 - **Project narrative** includes:
 - A list of all resource areas and detailed description of the project;
 - How the project will meet all performance standards of the resource areas pertaining to both the state and local wetlands statutes;
 - A work protocol (including access, method of erosion control, etc);
 - A list of the required local permits (e.g.) Planning Board review, special permit from Zoning Board of Appeals, etc. and copy of decision or hearing date if known
 - A list of other permits in hand or permits required (e.g.) Chapter 91, Water Quality Cert, MEPA review, Army Corps, MESA determination, etc.
 - Copy of existing Chapter 91 license plans
 - Photos of existing conditions - (required for view pruning projects - see view pruning guidelines)
 - **Plans – plan requirements:**
 - Locus map
 - To a scale of 10:1 up to 40:1 (feet : inches)
 - Engineered site plan in NAVD88 datum: Chapter 91 license plan in MLW datum
 - Paper size - NO LARGER than 24" x 18"
 - Plans are to scale - NO REDUCED copies unless approved by the Agent

or; illegible copies will not be accepted

 - All property lines pertinent to the project and easements
 - Show and label all the delineation of the wetland resource areas (delineated within the last three years) that affect the parcel and label the 50 ft and 100 ft delineation (the Adjacent Upland Resource Area) from the most landward wetland resource area; **Pleasant Bay ACEC (100 ft from the 10 ft contour NGVD29 and 100 ft from the edge of delineated wetlands for any wetland that is hydrologically connected to Pleasant Bay);** NOTE: All wetlands, regardless of size (all wetlands are regulated under the local bylaw)
 - 100 year coastal Flood Zone locations according to the most recent maps provided by FEMA (FIRMS), noting map referenced
 - Existing buildings and other property features such as hardscape, stairways & flagpoles with proposed changes overlaid
 - Limit of work & erosion control locations
 - Distance of the project components from property lines
 - Location of all project proposals, including mitigation areas
 - Existing grades; proposed grades

- Show MHW & MLW, with a statement in the narrative detailing how the elevations were determined
- **Stamped & signed by MA registered professional**
- In the case of docks/piers, catwalks or other water dependent structures: cross section of dock, depth profile, seasonal storage location, plank spacing

- Provide square footage calculations

Within Resource Area or 50 ft No Disturb Zone	Impervious Coverage		Pervious Coverage		Total
	sq. ft	%	sq. ft	%	sq. ft.
Current					
Proposed					
Net Increase/Decrease					

Within 50 ft – 100 ft Adjacent Upland Resource Area	Impervious Coverage		Pervious Coverage		Total
	sq. ft	%	sq. ft	%	sq. ft.
Current					
Proposed					
Net Increase/Decrease					

- Mitigation proposed; square footage of native plantings if applicable
- Include list identifying additional plans & documents submitted**

******NOTE: Requests to Amend existing Orders of Conditions** must first be reviewed by the Agent / Commission *prior* to a formal filing and notification of abutters. If time is a factor, the applicant may simply file a new Notice of Intent or Abbreviated Notice of Intent.