



TOWN OF WEBSTER
350 Main Street, Webster, MA 01570
(508) 949-3800 x4008
www.webster-ma.gov
conservation@webster-ma.gov

CONSERVATION COMMISSION

Notice of Intent (NOI) Packet

Packet for filing of applications under the Wetland Protection Act, MGL Ch. 131, sec 40, and the Town of Webster

Enclosed in this packet are the forms needed and required for submitting a Notice of Intent to the Town of Webster Conservation Commission. An incomplete packet is an incomplete application. Please fill out all of the contents of this NOI packet and submit checks with packet as instructed in the packet.

Contents:

- Review Checklist
- Application Process Signature Form
- Site Visit Access Form
- Affidavit of Service
- Notification to Abutters
- Plan Requirements
- Steps for Filing a NOI
- Fee Schedule for Town of Webster
- Photo Copy Check Policy
- WPA Form 3 NOI Instructions from MassDEP
- WPA Form 3 NOI Application
- WPA Form 3 NOI Wetland Fee Transmittal Form

Please contact our office with any questions with regard to an NOI filing or process.

Thank you!

Webster Conservation Commission



NOTICE OF INTENT APPLICATION REVIEW CHECKLIST

Webster Conservation Commission Required Application Contents

Project Site: _____

Applicant: _____ Date: _____

Phone: _____ Email: _____

Representative: _____ Date: _____

Phone: _____ Email: _____

READ PACKET CAREFULLY

Check items included.

- Completed WPA Form 3 — Notice of Intent *signed by the property owner and representative.*
- A copy of a completed Wetland Fee Transmittal Form from eDEP online.
- Provide checks for applicable fees

DO NOT INCLUDE CHECK COPY IN ELECTRONIC FORMAT SENT TO THE COMMISSION.

- Signed copy of the Application Process Signature Form.
- Signed Copy Site Visit Access Form.
- Certified Abutters List, obtained from the Assessor's Office.
- Notification to Abutters Form
- Completed & signed Affidavit of Service form certifying that abutters have been notified.
- Stormwater Permit Application Checklist (If applicable).
- A wetlands delineation report (If applicable).
- A United States Geographical Survey (USGS) topographic map of the area clearly indicating the project/property location. The lot should be outlined or have an arrow pointing to it.
- Copy of Assessor's map indicating a location of the project.
- Complete project narrative and a construction sequence/phasing listing all proposed work in the order in which it will occur.
- Scaled plans showing the location of work in relation to the wetlands, as explained in DEP WPA Form 3 "Notice of Intent Instructions."
- FEMA Flood map.
- NHESP Habitat Map (if necessary).

One complete paper set and one digital set of all materials (except copies of checks) shall be submitted.

Additional information may be requested: e.g. DEP Wetland Delineation Field Forms, after initial review.

Any revisions must be submitted NO LESS THAN 5 (FIVE) DAYS to the hearing date. Revisions submitted less than FIVE days prior may not be accepted or may lead to a continuance. Per Webster Conservation Commission Submittal Policy.



APPLICATION PROCESS SIGNATURE FORM

There are three different applications that can be submitted to undertake work in a jurisdictional area: a Notice of Intent (NOI), a Request for a Determination of Applicability (RDA) and Abbreviated Notice of Resource Area Delineation (ANRAD). All three applications have different criterial for submission and approval and they are governed by both state law and local law. Another mechanism for approval is the administrative approval and is governed by the local commissions agent/staff to determine if a project fits under this process only.

When potential applicant requests advise from the Conservation Agent on which application to file, the opinion of the Agent is based on information given by the potential applicant and any other information available to the Agents, e.g. the town's GIS system. The Agent has no legal right to go onto private property at any time until after an application is filed, or permission of the property owner is given.

It is important that all applicants understand that after an applicant is filed, additional information may come to light e.g. via a field inspection or application review, that may impact the scope of the submitted application and the approval process. In addition, the Agent is not the final approval authority on any application, that authority rests with the Commission. Therefore, it is the applicant who has the ultimate responsibility to decide which application to file.

Considering the above, please sign below indicating an understanding of the policy and submit it with the application.

Project Location/Site _____

Applicant's Name _____

Applicants Signature _____ Date _____

Applicants Contact _____

Representatives Name _____

Representatives Signature _____ Date _____

Representatives Contact _____



SITE VISIT ACCESS

Conservation Commission's staff agent may enter upon privately owned land for the purpose of performing their duties under M.G.L. c. 131, § 40, and 310 CMR 10.00." 310 CMR 10.08(1).

Prior to the approval of the project at _____ (street address), the Webster Conservation Commission must schedule an in-person site visit and complete an inspection report. The Commission Staff Agent will contact the applicant or representative to schedule the initial visit and may request the presence of the applicant(s) or a representative.

Throughout the duration of the project, the Webster Conservation Commission may conduct additional inspections to: ensure that the project is being executed within the parameters of the Order of Conditions (if applicable), inspect erosion control, inspect the site for disturbances caused by extreme weather conditions, or if there is a suspicion of a violation of the Wetlands Protection Act, 310 CMR.

- I grant the Webster Conservation Commission permission to enter the property for the purpose of performing their duties if I (the applicant) am not present or unavailable, until a Certificate of Compliance has been issued.
- I DO NOT grant the Webster Conservation Commission permission to enter the property for the purpose of performing their duties if I (the applicant) am not present or unavailable.

Please note that if the Commission is unable to fulfill their responsibilities and inspect the property to the best of their ability, the application may be denied and/or a Certificate of Compliance may not be issued upon completion.

Applicant/Representative Name

Date

Applicant/Representative Signature

Date

AFFIDAVIT OF SERVICE

UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT AND TOWN OF WEBSTER WETLAND PROTECTION BYLAW

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

I, _____, hereby certify under the pains and penalties of perjury that on _____, I gave notification to abutters within 100 feet of the proposed project in compliance with the second paragraph of the Massachusetts General Laws, Chapter 131, Section 40 and the DEP Guide to Abutter Notification, dated April 8, 1994, in connection with the following matter:

A Notice of Intent (NOI) application filed under the Massachusetts Wetlands Protection Act and The Town of Webster Wetland Protection Bylaw
by _____, with the Webster
Conservation Commission on _____ for a
property located at,
_____.

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

Signature

Date

Notification to Abutters

In accordance with the second paragraph of Massachusetts General Laws, Chapter 131, § 40, you are hereby notified of the following permit application for work within a wetland resource area and/or within the 100-foot buffer zone to a resource area:

- A. The name of the applicant is: _____
- B. The address of the lot(s) where the activity is proposed is: _____
- C. The nature of the activity proposed includes:

- D. The applicant has filed the following in accordance with the Wetlands Protection Act (MGL c. 131, § 40).
 - Notice of Intent seeking permission to conduct work within a wetland, water body or resource area
 - Abbreviated Notice of Resource Area Delineation seeking to confirm the wetland resource area boundaries.
 - Request to amend an existing Order of Conditions for DEP File # _____ - _____
 - Request for Determination of Applicability seeking to conduct minimal work in the buffer zone

The Public Hearing for this application will be held

at the Webster Town Hall, 350 Main Street, Board of Selectmen's Room, 2nd Floor on:

Date: _____

Time of Hearing: _____

E. Copies of the Notice of Intent may be examined at the Webster Town Hall, Conservation Commission Office, 350 Main Street, Monday - Thursday from 8:00 a.m. to 4:00 p.m. For more information, call the Webster Conservation Commission Office at (508) 949-3800, Extension 4008.

PLEASE NOTE: Copies of the application and related materials including agendas can be found here in the Webster online meeting materials center: <https://www.webster-ma.gov/1027/Meeting-Materials>

F. Copies of the Notice of Intent may be obtained from either the applicant or the applicant's representative by contacting this telephone number _____ between the hours of _____ and _____ on the following days of the week: _____

G. Information regarding the date, time, and place of the public hearing may be obtained from the Conservation Commission Office, Webster Town Hall, 350 Main Street, Webster, Massachusetts (508) 949-3800, Extension 4008. Webster agenda center: <https://www.webster-ma.gov/AgendaCenter>

H. Notice of the public hearing, including date, time, and place, will be published at least five business days in advance in The Worcester Telegram and Gazette Newspaper.

I. Contact the Webster Conservation Commission (508) 949-3800, Extension 4008 or the Department of Environmental Protection (DEP) Central Regional Office (508) 792-7650 for more information about this application or the Wetlands Protection Act.

Members of the public with particular interest in any specific item on this agenda item should make plans for in-person attendance accordingly. Please note that meetings can also be watched online via the Town's YouTube Channel video broadcast, however, there is no public participation through this option.



Webster Conservation Commission Plan Requirements

Plans with sufficient information are required in order for the Conservation Commission to properly review proposed projects. To prevent delays in issuing permits, all plans submitted must adhere to the following:

Plan requirements:

1. Title block with applicant's name, project address, map-block-lot, scale and date. *Plans shall not be smaller than 1" = 20'. Resource areas impacted and replication areas shall be shown at 1" = 10'.
2. Engineered plans shall be stamped and signed by a Professional Engineer.
3. The plans shall be dated, and revision dates shall be included when applicable.
4. Locus map shall be readable and useable for locating the site and north arrow.
5. Multiple sheets may be used to show all required information in a readable and useable format.
6. The plans shall list the name of the Wetland Specialist and date of wetland delineation.
7. Additional information may be required based on the proposed project.

The plans shall clearly show:

8. The entire parcel with lot lines shown.
9. Scale and North arrow.
10. Resource areas and wetland flag numbers on the subject parcel
11. The following zones shall be shown on the plans:
 - a. 25' Buffer Zone
 - b. 50' Buffer Zone
 - c. 100' Buffer Zone
 - d. 100' Riverfront Area (if applicable)
 - e. 200' Riverfront Area (if applicable)
12. Existing and proposed structures. Proposed structures are to be marked in the field.
13. Existing septic system, stormwater, and drainage infrastructure.
14. Existing and proposed grades shall be labeled and shown topographically.
15. The closest disturbance to the wetland with the exact distance listed. For septic systems, show the closest distance to the fill, grading, and leach field trench lines.
16. Sediment and erosion control type and location. Limits of work.
17. All trees proposed to be removed within the resource area and buffer zone shall be shown on the plans and flagged in the field.
18. Existing and proposed utilities including water, sewer, electric and utility pole locations and utility pole numbers.
19. For new structures, the square footage of contiguous upland, definition for Lot Size or Lot Area, Impervious Calculations
20. Include 55-gallon spill kit, Porta Potty, and stock piles

If you have any questions regarding deviation from the above, please contact the Conservation Department at (508) 949-3800 x4008



Webster Conservation Commission Filing a Notice of Intent (NOI)

It is recommended that you hire a wetland scientist, landscape planner/architect or engineer to assist you with preparing the permit application. Applications must generally include a plan certified by a registered professional engineer or land surveyor.

Step 1: Fill out the Permit Application

- Use eDEP to complete WPA Form 3 (NOI) <https://www.mass.gov/doc/wpa-form-3-notice-of-intent-0/download> available for download.

Step 2: Certified List of Abutters

- Obtain a certified list of abutters within **100 feet** of the property from the Webster Assessors Office - no older than 30 days..
- A copy of the Notification to Abutters form must be filled out.
- A completed & signed Affidavit of Service form certifying that abutters have been notified will be required.

Step 3: Submit the Following Application Materials to the Webster Conservation Department – for review

Plan your submission date based on the hearing schedule. The Conservation Commission generally, meets on Mondays twice a month.— please contact the Conservation Department for exact dates or visit <https://www.webster.ma.gov/DocumentCenter/View/14355/Conservation-Commission-Meeting-Schedule---2024?bidId=>

* Applications are **due by 4:00pm on Tuesday, 21 days in advance of the Commission's meeting.** Application materials may be hand delivered or mailed: Webster Conservation Commission, 350 Main Street, Webster, MA 01570. **Only complete packets will be stamped in for processing at the local level. The Agent will discuss your packet with you once it is received.**

(A) NOI Application - one (1) copy double-sided

- Signed WPA Form 3 (NOI)
- NOI Wetland Fee Transmittal Form from eDEP with:
Two checks:
1 Check to "Town of Webster" for Local Filing Fee of \$105
1 Check to "Town of Webster" for City/Town Share Filing Fee
- Copy of certified abutters list
- Priority & Estimated Habitat Map (if applicable) – from Natural Heritage
- DEP BVW Delineation field data forms

(B) Project Narrative - one (1) copy double-sided

- Include owner and representative info, address, parcel id and date
- Resource area description & delineation details
- Summary of existing & proposed conditions with closest point of disturbance to Bordering Vegetated Wetland (BVW)
- How have you avoided, minimized, or mitigated impact to wetlands and BVW.
- Construction sequencing, phasing & staging plan
- Complete the included Notice of Intent Application Review Checklist



(C) Plan Set @ 1"=10' or 1"=20' - one (1) copy full size

- Title block with applicant's name, project address, map-block-lot, scale and date;
- Wetland Boundaries, 25' No Disturb, 50' Buffer, & 100' Buffer,
- Any Perennial Streams or River include: 100' Riverfront Area, and 200' Riverfront Area
- Lakefront properties need to show the Mean Annual High Water Mark (MAHWM)
- Existing Conditions and Proposed Work
 - Parcel lines, easements, structures, pavement, edge of lawn, canopy tree line
 - Topography and grading if relevant to the proposed project
 - Septic system, well head, stormwater and drainage infrastructure
 - Spill kit, Porta potty, stock piles
 - Limit of work, erosion controls and topsoil stockpile area
 - Replanting Plan – if required due to vegetation disturbance

(D) Wetlands Delineation Reporting

- Where applicable a delineation must be conducted by a certified wetland scientist with name and qualification included in report.
- Include what date the wetlands were delineated, documentation on methodology on which the wetlands were delineated, a description of the vegetation, and soils and hydrology in the wetlands (including a list of plant species).
- Brief narrative on findings must be supplied.

(E) Email the Electronic Submission to conservation@webster-ma.gov

- Entire NOI Application Packet — DO NOT INCLUDE CHECK COPIES.
- Project Narrative (separate document from the application)
- 1 Plan Set as full-size and 11x17 in .pdf format

**Step 4: Submit Application to the Department of Environmental Protection –
*prior to commission department submission***

(A) (For NOI/RDA filings) Submit filing via eDEP online portal.

NOTE: Once reviewed for completion, approved by the Commission Agent for completeness, your NOI filing will be approved for a hearing and you will be notified.

Step 5: You will be Given a Hearing Date and Time

By submitting a **complete** RDA or NOI application (see items listed in Step 3), you will be scheduled to attend the next available public hearing once the agent has reviewed and accepted the packet. Incomplete applications will not be accepted by the Conservation Office. **The applicant or their representative must be present at the scheduled public hearing.**

Step 6: Notify Abutters – It's Your Responsibility and must submit proof of mailings or green cards

The applicant is required to notify abutters within 100 feet of the property lines as certified by the Town Assessors, in accordance with the provisions of 310 CMR 10.05(4)(a). List must **be no older than 30 days** from the filing date. Please use "Notification to Abutters Form" and **be sure to include the exact time and date of the hearing on this form**. The applicant must present either the certified mail or certificate of mailing receipts for all abutters at the beginning of the public hearing.



Step 7: Conservation Commission's Agent will Conduct a Site Visit

The Commission's Staff Agent will perform a site visit to confirm the existing conditions and resource area delineation. The purpose is to take photos and understand project site. The applicant/ representative will set-up the date and time of the site visit.

Step 8: Attend a Public Hearing and Bring Certificates of Mailing

When application is presented to the Commission. Please notify the Clerk or Conservation Agent prior to the hearing if you intend to utilize a visual connection. Otherwise, the commission will review documents during the hearing for information regarding the project.

Step 9: Receive Order of Conditions (OOC) and REVIEW IT.

If you have any questions, contact the Conservation Department. Whether a permit is issued or denied understand: any abutter, the applicant, or a 10-citizen group may follow separate provisions for appealing the decision under the Wetlands Protection Act.

Step 11: Record Order of Conditions at Worcester Registry of Deeds within 10 days of receipt.

THE ORDER OF CONDITIONS IS NOT VALID UNTIL RECORDED.

Worcester County Registry of Deeds, 90 Front Street, Worcester, MA 01608

Step 12: Proof of recording must be brought back to the commission office for official file.

Permit lasts for 3 years.



TOWN OF WEBSTER
350 Main Street, Webster, MA 01570
www.webster-ma.gov
conservation@webster-ma.gov | 508.949.3800 x4008

Conservation Commission

Fee Schedule

All fees can be combined into one check or money order made payable to the "Town of Webster". No cash or credit or debit card payments accepted.

All fees are due at the time of submission. Any application submitted without all required fees will be deemed incomplete and will not be processed until all amounts have been received.

All fees are non-refundable.

Permit	Fee
Administrative Approval ¹	\$40
Request for Determination of Applicability (RDA) – MassDEP WPA Form 1	\$105
Notice of Intent (NOI) – MassDEP WPA Form 3	\$105 + Fees Required by the State ² + Peer Review Fees (if applicable) ³
Request for Amendment to Order of Conditions	\$105
Abbreviated Notice of Resource Area Delineation (ANRAD) – MassDEP Form WPA4A	\$105
Request for Certificate of Compliance (COC) -	\$50
Request for Extension of Order of Conditions	\$50
Enforcement Order (EO) / Violation – Working without a Permit	Fines Assessed by the Building Department starting at \$800. + Fees Required by the State ² + Peer Review Fees (if applicable) ³
Emergency Certification	\$50

1. Administrative Approval – certain minor/small-scale projects. To be determined at the discretion of the Conservation Agent.
2. Fees Required by the State – determined by MassDEP at the time of application. For more information, please contact MassDEP.
3. Peer Review Fees (if applicable) - required for major projects and in cases where major violations occur when working without a permit.



Applicants be advised, electronic submission is recommended in addition to One (1) hard copy of all documents, EXCEPT photocopies of checks.

**D O NOT INCLUDE PHOTOCOPIES OF
CHECKS IN ELECTRONIC SUBMISSIONS.**

**IF AN ELECTORNIC COPY IS SUBMITTED WITH A COPY OF CHECKS, THE
ELECTRONIC COPY WILL NOT BE ACCEPTED AND APPLICANTS WILL BE ASKED
TO RESUBMIT.**

Electronic submissions should be sent to conservation@webster-ma.gov

NOTE:
NOI MassDEP
Instructions for Filling
Out NOI Form 3 can be
found at MassDEP
Wetland Forms online –
Form 3 NOI Instructions.

NOI Application Next.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection – Wetlands & Waterways
BRP WPA Form 3 - Notice of Intent
Instructions and Supporting Materials

Instructions for Completing Application
WPA Form 3 – Notice of Intent

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

Purpose of the Notice of Intent (NOI)

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

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

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

To complete this form, the applicant should refer to the wetlands regulations (310 CMR 10.00), which can be obtained from the Department's web site: <https://www.mass.gov/regulations/310-CMR-1000-wetlands-protection-act-regulations>. 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 <https://www.mass.gov/service-details/massdep-regional-offices-by-community> for locations of regional offices and the communities they serve). Regulations also are available for sale from the State House Bookstore in Boston (617-727-2834) and State House Bookstore West in Springfield (413-784-1378).

Requirements for Professional Services

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

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection – Wetlands & Waterways
BRP WPA Form 3 - Notice of Intent
Instructions and Supporting Materials

Completing WPA Form 3

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

Instructions to Section A: General Information

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

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

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

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

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

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

Instructions to Section B: Buffer Zone and Resource Area Impacts

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

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

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



Massachusetts Department of Environmental Protection

Bureau of Resource Protection – Wetlands & Waterways

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

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: <https://www.mass.gov/files/documents/2016/08/xf/replicat.pdf>).

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

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

Instructions to Section C. Other Applicable Standards and Requirements

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

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

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

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection – Wetlands & Waterways
BRP WPA Form 3 - Notice of Intent
Instructions and Supporting Materials

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

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

Item 2. Coastal Projects. The **mean high water line** in coastal areas is described in the regulatory definitions at 310 CMR 10.23. The definition of **anadromous/catadromous “fish runs”** is found at 310 CMR 10.35(2). If the proposed work is located in either such area, the applicant must send the Massachusetts Division of Marine Fisheries (South Shore (Bourne to Rhode Island, and the Cape & Islands): Division of Marine Fisheries - Southeast Marine Fisheries Station, Attn: Environmental Reviewer, 836 South Rodney French Blvd., New Bedford, MA 02744 or North Shore (Plymouth 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:

<https://www.mass.gov/files/documents/2016/08/xo/aceclist.pdf> the project may be located in an Area of Critical Environmental Concern (ACEC). To confirm whether the project location is in an ACEC, contact the Conservation Commission or the MA Department of Conservation & Recreation (formerly the Department of Environmental Management) ACEC Program at:

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

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

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

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



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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 <https://www.mass.gov/service-details/underground-injection-control-uic-application-forms>.

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



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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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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.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
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 3. cubic yards dredged	2. square feet
 <u>Resource Area</u>	 <u>Size of Proposed Alteration</u>	 <u>Proposed Replacement (if any)</u>
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet	2. square feet
e. <input type="checkbox"/> Isolated Land Subject to Flooding	3. cubic feet of flood storage lost 1. square feet	4. cubic feet replaced 2. cubic feet of flood storage lost
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available) - specify coastal or inland	3. cubic feet replaced
2. Width of Riverfront Area (check one):		
<input type="checkbox"/> 25 ft. - Designated Densely Developed Areas only		
<input type="checkbox"/> 100 ft. - New agricultural projects only		
<input type="checkbox"/> 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?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
6. Was the lot where the activity is proposed created prior to August 1, 1996?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
3. <input type="checkbox"/> Coastal Resource Areas: (See 310 CMR 10.25-10.35)		

Note: for coastal riverfront areas, please complete **Section B.2.f.** above.



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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>		
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	
j. <input type="checkbox"/> Land Containing Shellfish	2. cubic yards dredged	
k. <input type="checkbox"/> Fish Runs	1. square feet	
Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above		
	1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	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 Limited Project Checklists – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. 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://maps.massgis.state.ma.us/PRI_EST_HAB/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.2.f, 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).*

c. Submit Supplemental Information for Endangered Species Review*

1. Percentage/acreage of property to be altered:

(a) within wetland Resource Area _____ percentage/acreage

(b) outside Resource Area _____ percentage/acreage

2. Assessor's Map or right-of-way plan of site

2. 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 <https://www.mass.gov/ma-endangered-species-act-mesa-regulatory-review>).

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 <https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review>).

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, <https://www.mass.gov/service-details/exemptions-from-review-for-projectsactivities-in-priority-habitat>; 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, hand delivery, or electronic delivery of NOI to either:

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

North Shore - Plymouth to New Hampshire border:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
836 South Rodney French Blvd.
New Bedford, MA 02744
Email: dmf.envreview-south@mass.gov

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: dmf.envreview-north@mass.gov

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.

c. Is this an aquaculture project? d. Yes No

If yes, include a copy of the Division of Marine Fisheries Certification Letter (M.G.L. c. 130, § 57).



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

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



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City/Town

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



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

NOI Wetland Fee Transmittal Form

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B. Fees (continued)

Step 5/Total Project Fee:

Step 6/Fee Payments:

Total Project Fee:	<hr/>
State share of filing Fee:	<hr/> a. Total Fee from Step 5
City/Town share of filing Fee:	<hr/> b. 1/2 Total Fee less \$12.50

C. Submittal Requirements

a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
Box 4062
Boston, MA 02211

b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)