

TOWN OF CHATHAM CONSERVATION COMMISSION

Filing Requirements for
Notice of Intent (NOI) Application

**Date of Receipt of
Paper/Digital Copies**

(office use only)

Date of Scheduled Hearing

(office use only)

The Massachusetts Wetlands Protection Act and the regulations (310 CMR §10.00) recognize eight important public values or functions provided by wetlands, water bodies and areas subject to protection. The premise of the Massachusetts Wetlands Protection Act is that wetlands provide important functions that benefit the general public and therefore need to be protected. The protected interests of the Act 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 Massachusetts Department of Environmental Protection.

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. WPA Form 3 and directions can be downloaded from the Department of Environmental Protection website.

If you do not have experience filling out Notice of Intent (NOI) applications, the Conservation Agent 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 following 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. 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 Commission will request a continuance until the required information is received (See also Section titled: "Application Completeness")

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Please provide the information below:

Project Address: _____
Name of Applicant: _____
Applicant's Address: _____
Applicant's Email Address: _____
Applicant's Phone #: _____
Name of Property Owner
(If different from Applicant): _____

If applicable:

Name of Applicant's Representative: _____
Representative's Email Address: _____
Representative's Phone Number: _____

Please identify if the project is being filed under the State and/or Local Regulations:

- Massachusetts Wetlands Protection Act (MGL Chapter 131, section 40)
- Chatham Wetlands Protection Bylaw (Chapter 272)

NOTICE OF INTENT (NOI) CHECKLIST:

In the following pages, please place a checkmark next to each item that is included in your Notice of Intent (NOI) Application. The NOI Checklist can be filled out on paper or on a fillable pdf. If you have any questions about how to fill out the form, please contact the Conservation Division and staff can assist you in the process.

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ADMINISTRATIVE MATERIALS:

Please provide the following Administrative Materials and check the box stating that the materials are included or not applicable to the project. If the material is not applicable to the project, please describe why in the project narrative. In the Table below, if the NA check box in grayed out, the item is required. If needed, the underlined items are web links for more information.

Included	NA	Administrative Items
<input type="checkbox"/>		WPA Form 3 for Notice of Intent or WPA Form 4 for an Abbreviated Notice of Intent with signatures of the applicant/s, and/or property owner/s and representative filing the application.
<input type="checkbox"/>		MA Department of Environmental Protection NOI Fee Transmittal Form with copies of the checks.
<input type="checkbox"/>		<u>Town of Chatham Local Filing Fee</u> (Section 1.09 of General Provisions). Checks should be made out to the Town of Chatham. Please include a copy of the Check for the Local Filing Fee.
<input type="checkbox"/>		Original Site Access Authorization Form signed by the property owner(s).
<input type="checkbox"/>		Certified Abutters List within 100 feet of the boundaries of the parcel where the work is proposed. This must be requested from the Town Assessor.
<input type="checkbox"/>		Assessors Map showing the abutting parcels and project locus.
<input type="checkbox"/>		Abutter notification letter – if needed, use the form letter provided.
<input type="checkbox"/>		Copies of date stamped mailing receipts as proof of mailing to Abutters and to the Department of Environmental Protection. Note: Submission of green cards is no longer required. Copies of the Receipts must be submitted one week prior to the first hearing date.
<input type="checkbox"/>		8½ X 11” copy of the United States Geological Survey (USGS) quadrangle showing project locus.
<input type="checkbox"/>	<input type="checkbox"/>	8½ X 11” copy of the Federal Emergency Management Agency (FEMA) 2014 <u>Flood Insurance Rate Map</u>
<input type="checkbox"/>	<input type="checkbox"/>	Copy of filing sent to <u>Natural Heritage and Endangered Species Program (NHESP)</u> under the Massachusetts Endangered Species Act. Copy of filing must be submitted one week prior to first hearing date.
<input type="checkbox"/>	<input type="checkbox"/>	Date-stamped mailing receipt as proof of mailing to Natural Heritage and Endangered Species Program (NHESP) and/or Massachusetts Department of Marine Fisheries (DMF). Mailing receipt must be submitted one week prior to the first hearing date.

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<input type="checkbox"/>	<input type="checkbox"/>	Copy of <u>Environmental Notification Form</u> (ENF) application with comments from <u>Massachusetts Environmental Policy Act (MEPA) Office</u> and a copy of the Secretary's decision
<input type="checkbox"/>	<input type="checkbox"/>	Copy of recorded <u>Chapter 91 license</u> and license plans.
<input type="checkbox"/>	<input type="checkbox"/>	Description of the filing status with the Zoning Board of Appeals or if applicable, a copy of the Zoning Board of Appeals decision
<input type="checkbox"/>	<input type="checkbox"/>	Drainage calculations and <u>Department of Environmental Protection Stormwater checklist</u>

PROJECT NARRATIVE:

Please provide the following items and check the box stating that the materials are included or not applicable (NA) to the project. If the material is not applicable to the project, please describe why in the project narrative. In the Table below, if the NA check box in grayed out, the item is required.

Included	NA	Project Narrative Items
<input type="checkbox"/>		A clear and comprehensive description of the existing property
<input type="checkbox"/>		A clear and comprehensive description of the proposed project. If application, include a detailed description of the proposed mitigation.
<input type="checkbox"/>		A list of all Resource Areas and a brief description of how these areas were delineated
<input type="checkbox"/>		Comprehensive discussion of how the proposed project will meet the Performance Standards of the Resource Areas pertaining to both the relevant <u>State</u> and <u>Local</u> wetlands statutes.
<input type="checkbox"/>		Written Statement that the Resource Areas identified in the State NOI Application (WPA Form 3) are consistent with the Resource Areas identified in the Performance Standards in the Local NOI Application. If not consistent, state the reason why they are not consistent.
<input type="checkbox"/>		A work/construction protocol including site access, method of erosion control, general description of machinery to be used on site, anticipated start date, planned measures to protect impacted and nearby Resource Areas, etc.
<input type="checkbox"/>		A list of the required permits from local Boards/Commissions (i.e. Chatham Planning Board, Chatham Zoning Board of Appeals)
<input type="checkbox"/>		A copy of the decisions or, if applicable, hearing dates for local Boards/Commissions (i.e.) Planning Board, Zoning Board of Appeals, etc.

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<input type="checkbox"/>		Area Calculation Table. This table is provided at the end of this packet and must be filled out in Project Narrative exactly as provided.
<input type="checkbox"/>	<input type="checkbox"/>	A list of permits in hand or permits required by other Federal or State Agencies (i.e. Chapter 91 license, Water Quality Certification, Massachusetts Environmental Policy (MEPA) Office Review, U.S. Army Corps of Engineers, Massachusetts Endangered Species Act determination)
<input type="checkbox"/>	<input type="checkbox"/>	<u>Variance Request</u> with a detailed Alternatives Analysis, if work is within a Resource Area, riverfront area or within the 50 foot No Disturb Zone to the Resource Area or if planned work will not fully comply with all applicable Performance Standards.

SITE PLAN:

Please provide the following items on the site plan and check the box stating that the materials are included or not applicable (NA) to the project. If the material is not applicable to the project, please describe why in the project narrative. In the Table below, if the NA check box in grayed out, the item is required.

Included	NA	Site Plan Items
<input type="checkbox"/>		Site Plan in NAVD 88 datum and plans must be to scale (no reduced copies)
<input type="checkbox"/>		Property Owner and the Address of the Subject Property
<input type="checkbox"/>		Assessors Map and Parcel Number of property
<input type="checkbox"/>		All property lines and easements pertinent to the project
<input type="checkbox"/>		Locus map
<input type="checkbox"/>		Size of the Plan shall be no smaller than 11 x 17 inches and no larger than 36 x 24 inches
<input type="checkbox"/>		Stamp and signature of MA registered professional
<input type="checkbox"/>		Show and label all Resource Areas on site, delineated within the last three years, and delineations of the 50 and 100 foot boundaries from resource area(s)
<input type="checkbox"/>	<input type="checkbox"/>	Mean High Water (MHW) and Mean Low Water (MLW), identified within the last three years, with a statement in the narrative detailing how the elevations were determined.
<input type="checkbox"/>	<input type="checkbox"/>	If <u>Bordering Vegetated Wetland (BVW)</u> or vegetated wetland are on site, provide field wetland delineation forms within the last three years, including soil descriptions and comments on wetland hydrology

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<input type="checkbox"/>		Existing buildings and other property features such as dwelling, hardscape, stairways, decks, fire pits, pools, hot tubs, and flagpoles
<input type="checkbox"/>		Existing grades on site
<input type="checkbox"/>		Location of Proposed Project such as construction of dwelling, additions to the dwelling, hardscape, stairways, decks, fire pits, pools, hot tubs, coastal stabilization structures and mitigation areas
<input type="checkbox"/>		Proposed grades on site
<input type="checkbox"/>		Limit of work and locations of erosion control
<input type="checkbox"/>	<input type="checkbox"/>	If applicable, distance of the proposed project components from property lines (i.e. setbacks)
<input type="checkbox"/>	<input type="checkbox"/>	In the case of docks/piers, catwalks or other water dependent structures provide cross-section of dock, depth profile, plank spacing, use of synthetic decking, square footage calculations and seasonal storage location.

LANDSCAPE PLAN (if applicable to the project):

Please provide the following items on a separate landscape plan and check the box stating that the materials are included or not applicable (NA) to the project. If the material is not applicable to the project, please describe why in the project narrative. In the Table below, if the NA check box in grayed out, the item is required.

Included	NA	Landscape Plan Items
<input type="checkbox"/>		Area(s) of proposed native plantings with total square feet identified on the plan (Note: The minimum mitigation (planting of native plants) for alterations to the resource area or the No Disturb Zone (0-50 feet) zone are 2 for 1, and for alterations to the Adjacent Upland Resource Area (outer AURA, 50-100 feet) are 1 for 1.)
<input type="checkbox"/>		Each plant iconized to correspond with a planting list on the plan. The list should include the species, the container size, the spacing, and any other applicable information. A list of native trees and shrubs for coastal environments can be obtained from the <u>Cape Cod Cooperative Extension</u>
<input type="checkbox"/>		Fill out the Area Calculation Table provided in this packet and place it on the landscape plan
<input type="checkbox"/>	<input type="checkbox"/>	Number and location of trees to be removed, replaced, transplanted or planted

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AREA CALCULATIONS TABLE (in Square feet)

Below is the Table to include in the Project Narrative and if applicable, the Landscape Plan. If the table is not applicable (NA) to the project, please write “NA” in the open cells of the table.

Within 50 ft from the Resource Area (No Disturb Zone)	Existing (sq. ft.)	Proposed (sq. ft.)	Net Change (sq. ft.)	Proposed Mitigation (sq. ft.)
Area of structures (dwelling, sheds, decks, etc.)				
Area of hardscape, pools, walkways, driveway, etc.				
Within 50ft – 100ft of the Resource Area (the outer AURA)	Existing (sq. ft.)	Proposed (sq. ft.)	Net Change (sq. ft.)	Proposed Mitigation (sq. ft.)
Area of structures (dwelling, sheds, decks, etc.)				
Area of hardscape, pools, walkways, driveway, etc.				
Total Areas				

PAPER AND DIGITAL FILING:

Compile all of the materials listed the 5 sections above into a complete packet and submit the following:

<input type="checkbox"/>	<u>Paper</u> copies of the complete application with corresponding plans for each current Commission Member, the Conservation Agent, the File, and two extra copies. All copies must be submitted to the Conservation Division in the Town Hall Annex, 261 George Ryder Rd, Chatham, MA 02633.
<input type="checkbox"/>	One <u>digital</u> copy of the complete application with corresponding plans. <u>Note:</u> it is the Applicant/Representative’s responsibility to ensure that the digital copy is a duplicate

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	of the paper copies of the Application. Please email the complete digital copy to the Conservation Agent (charper@chatham-ma.gov) and Conservation Commission Secretary (mfougere@chatham-ma.gov).
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APPLICATION COMPLETENESS:

At the time the Application is received via email and in person, the Conservation Agent will review the application for completeness using the items listed in the above NOI Checklist. Incomplete applications will not be accepted. If the Agent determines that the Application is incomplete, the Conservation Commission will continue the hearing to a date certain.

Prior to a scheduled hearing, if the Commission determines that supplemental materials and/or information are needed, the materials must be received by the Conservation Agent and Conservation Secretary within 7 calendar days prior to the next scheduled hearing to give the Commission members and Agent time to review the materials and/or visit the site with the new information.

ON-SITE PREPARATIONS:

The project must be clearly staked or marked in the field at least 10 business days before the hearing date. Please designate a flag color for the areas listed above and, in your Application, include a color legend for the flags so that the Commissioners understand the flagging system in the field. If the project is not staked and the flagging legend is not included in the Application, the Application will be considered incomplete.

Please mark the following areas with colored tape and labelled stakes:

- Edge of resource area
- 50 foot and 100 foot delineations from edge of resource area(s)
- Limit of work
- Proposed project areas (i.e.) building corners, retaining walls, etc.
- Property boundaries
- Prominent stake at entrance to the property with the name of the Applicant on the stake.
- Any trees or branches over 2 inches in diameter must be flagged with tape.

CERTIFICATION:

I certify that the required documentation referred to above has been provided to the Chatham Conservation Commission and the required tasks have been completed as checked above or marked not applicable (N/A).

Signature of Applicant or Authorized Representative Date