

# CHATHAM CONSERVATION COMMISSION

261 GEORGE RYDER ROAD : CHATHAM, MA 02633

508-945-5164

## Checklist for Filing a Notice of Intent under the Chatham Wetlands Protection Bylaw & Chatham Wetlands Protection Regulations

*It is recommended that you hire a wetland scientist, landscape planner 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: Certified List of Abutters

Obtain a certified list of abutters within **100 feet** of the property from the Chatham Assessors Office by submitting the [Request for Certified Abutters List](#) to [ccook@chatham-ma.gov](mailto:ccook@chatham-ma.gov) with a \$3 check payable to the Town of Chatham.

### Step 2: Fill out the Permit Application

Download and complete the **Notice of Intent (NOI) (Form 3)** from the MA [Department of Environmental Protection \(DEP\) website](#). Please review Chatham's Wetland Protection Bylaw and Regulations prior to filing.

### Step 3: Submit the Following Application Materials to the Chatham Conservation Department

Plan your submission date based on the hearing schedule. The Conservation Commission generally meets on Wednesdays, on the second and fourth weeks of the month – please refer to the [Hearing Schedule](#). Applications are due by noon on the date listed on the [Hearing Schedule](#).

#### (A) NOI Application - ***eight (8) copies double-sided***

- Signed DEP WPA Form 3 (NOI)
- Chatham's Wetlands Protection Bylaw Application (located at the end of this checklist)
- DEP NOI Wetland Fee Transmittal Form and Check
- Chatham Wetland Bylaw Fee
- Copy of certified abutters list
- Original Site Access Authorization Form signed by the property owner(s).
- 8 ½ X 11" copy of the United States Geological Survey (USGS) quadrangle showing project locus.
- 8 ½ X 11" copy of the Federal Emergency Management Agency (FEMA) 2014 [Flood Insurance Rate Map](#)
- Copy of filing sent to [Natural Heritage and Endangered Species Program \(NHESP\)](#) under the Massachusetts Endangered Species Act. Copy of filing must be submitted one week prior to first hearing date. (if applicable)
- Date-stamped mailing receipt as proof of mailing to NHESP and/or Massachusetts Department of Marine Fisheries (DMF). Mailing receipt must be submitted one week prior to the first hearing date. (if applicable)

#### ***Please***

- No plastic covers or TOC
- No page dividers or bindings
- Staples are OK
- Print materials double-sided
- **Fold plans**

- Copy of the Environmental Notification Form (ENF) application with comments from Massachusetts Environmental Policy Act (MEPA) Office and a copy of the Secretary's decision. (if applicable)
- Copy of recorded Chapter 91 license and license plans. (if applicable)
- Proof of filing with the Zoning Board of Appeals (if applicable)
- DEP BVW Delineation field data forms

**(B) Project Narrative –eight (8) copies double-sided**

- Owner info, address, parcel id and date
- A clear and comprehensive description of the existing property.
- A clear and comprehensive description of the proposed project and proposed mitigation.
- Comprehensive discussion of how the proposed project will meet the Performance Standards of the Resource Areas pertaining to both the relevant State and Local wetlands statutes.
- 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.
- 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.
- Area Calculation Table. This table is provided at the end of this packet and must be filled out in Project Narrative exactly as provided.
- List of permits for all existing structures in Conservation Jurisdiction. If not permitted add them to the coverage table as separate coverage to be mitigated for.
- 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).
- Variance Request with a detailed Alternatives Analysis, if work is within a Resource Area, Riverfront Area or within the 50' No Disturb Zone to the Resource Area or if planned work will not fully comply with all applicable Performance Standards.
- If trees are to be removed- Inventory of trees listing the size and species

**(C) Plan Set - eight (8) copies full size**

- Title block with applicant's name, project address, map-block-lot, locus map, scale and date
- Site Plan in NAVD 88 datum and plans must be to scale (no reduced copies)
- Size of the Plan shall be no smaller than 11 X 17" and no larger than 36 X 24"
- Stamp and signature of MA registered professional
- Wetland/Stream Boundaries; 50' Buffer & 100' Buffer; 100' Inner Riverfront Area and 200' Outer Riverfront Area
- Locus Map
- Coverage Table from the Chatham Wetlands Protection Bylaw Application.
- Mitigation/Landscape Plan (if applicable)
  - 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') zone are 2 for 1, and for alterations to the Adjacent Upland Resource Area (outer AURA, 50-100') are 1 for 1).

- 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 Conservation Division Office or Website.
- Fill out the Area Calculation Table provided in this packet and place it on the landscape plan.
- Number and location of trees to be removed, replaced, transplanted or planted.
- 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
  - Mean High Water (MHW) and Mean Low Water (MLW), identified within the last 3 years, with a statement in the narrative detailing how the elevations were determined.
  - If Bordering Vegetated Wetland (BVW) or vegetated wetland are on site, provide field wetland delineation forms within the last 3 years, including soil descriptions and comments on wetland hydrology.
  - Existing buildings and other property features such as dwelling, hardscape, stairways, decks, fire pits, pools, hot tubs, and flagpoles.
  - Location of Proposed Project such as construction of dwelling, additions to the dwelling, hardscape, stairways, decks, fir pits, pools, hot tubs, coastal stabilization structures and mitigation areas.
  - If applicable, distance of the proposed project components from property lines (i.e. setbacks).
  - In the case of docks/piers, catwalks or other water dependent structures provide cross-section of structure, depth profile, plank spacing, use of synthetic decking, square footage calculations and seasonal storage location.
  - Septic system, stormwater and drainage infrastructure
  - Limit of work, erosion controls and topsoil stockpile area
  - Stormwater Management Report and Information (if applicable)

**(D) Email the Electronic Submission to: [conservation@chatham-ma.gov](mailto:conservation@chatham-ma.gov) – this material will be uploaded for public viewing**

- Entire NOI Application
- Project Narrative (separate document from the application)
- Variance Request & Alternatives Analysis (separate document from the application & project narrative)
- Plan Set as full-size format
- DO NOT include copies of checks & abutter lists which contain sensitive information

**Step 4: Submit your Application to the Department of Environmental Protection**

- One copy of the entire submission (except for the Bylaw application & fee) along w/ photocopy of the checks submitted to Chatham & the State (DEP SE Regional Office, 20 Riverside Drive, Lakeville, MA 02347).

- Send original check for state fee and copy Chatham's portion of WPA fee and Wetlands Fee Transmittal Form to DEP, Box 4062, Boston, MA 02211

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

By submitting a **complete** NOI application (see items listed in Step 3), you will be scheduled to attend the next available public hearing which will be held in person and via virtual means (Teams meeting). 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**

Once you have been informed of the date and time for the hearing, you shall notify all abutters listed on your Certified Abutters List (within 100ft of the property). Please Wait to Notify Abutters until you are given Chatham's specific "Notification to Abutters Form" (which will include a weblink where abutters can view the electronic filing) and **be sure to include the exact time and date of the hearing on this form.** These letters must be sent via Certified Mail or Certificate of Mailing at least two weeks prior to your hearing. The Applicant must email copies of the certified mail slips or certificate of mailing receipts for all abutters at least one week prior to your hearing.

### **Step 7: Stake the Property One Week in Advance of the Hearing**

The Chatham Conservation Commission requires that all new structures, additions, erosion control barriers, septic systems and stormwater systems within the Buffer Zone for which a Notice of Intent has been filed must be staked one week prior to the hearing. The stakes must be labeled. A plan demarcating the stakes in the field shall be submitted to the Conservation Department at the time of staking.

### **Step 8: The Conservation Commission will Conduct a Site Visit**

The Commission and their staff will perform a site visit (as a group or individually) to confirm the existing conditions and resource area delineation.

### **Step 9: Attend the Public Hearing**

The applicant or the representative must be present virtually or in-person at the public meeting. Please contact the Conservation Department about your plan for presenting at this meeting. The Conservation Department can allow the applicant to share your screen and show the plan and photos. It is preferred to color code the plan so that the edge of resource area/wetland (Blue), limit of work (Red), buffer zone (Purple) can be easily seen on the screen. At the end of the hearing for this project, the project will be continued to a date certain for requested revisions or to review the Order of Conditions.

### **Step 10: Submit Revised Materials – eight (8) copies**

The applicant or the representative must submit any revised materials (digital & hard copies) by 11am the Friday prior to the next scheduled hearing for the project.

### **Step 11: Receive an Order of Conditions (OOC) and READ IT**

A draft copy of the Order of Conditions will be emailed to the Representatives the Monday prior to the hearing after 12pm. If you have any questions, email them to [ckeon@chatham-ma.gov](mailto:ckeon@chatham-ma.gov). Those questions will be addressed during the hearing that the Commission reviews the Order. Whether a permit is issued or denied, any abutter, the applicant, or a 10-citizen group may follow separate provisions for appealing the decision under the Wetlands Protection Act and/or the Chatham Wetlands Protection Bylaw.

### **Step 12: Record Order of Conditions at Barnstable County Registry of Deeds**

*Send information of the recording back to the Conservation Department. Keep a copy of your permit on-site.*

**Step 13: Schedule a Pre-Construction Site Visit**

Call or email to schedule a pre-construction site visit. Prior to this site visit the project site should be staked, a copy of the recorded Order of Conditions and approved plans must be available on site, a sign with the Mass DEP File Number posted on property & all appropriate erosion control methods in place.

**Other Permits to keep in mind:**

- Relevant Building, Zoning, and Board of Health Permits (please contact the appropriate departments for more information) These permits must be applied for prior to submitting your application to the Conservation Department.

**Please provide the information below:**

**1. General Information**

a. Project Address: \_\_\_\_\_ Year lot was created \_\_\_\_\_

Parcel Map\_Block\_Lot \_\_\_\_\_

b. Applicant's Name: \_\_\_\_\_

c. Applicant's Mailing Address: \_\_\_\_\_

**2. What is the Chatham's Bylaw Fee for this NOI Submission?(add \$20 for Advertising) \_\_\_\_\_**

**3. What is the City/Town share of the Massachusetts DEP NOI Wetland Fee?(see WPA Form 3 – Notice of Intent) \_\_\_\_\_**

**4. Wetland/Upland Buffer Zone Resource Area(s) Impacted**

\_\_\_\_\_  
\_\_\_\_\_

a. Is Wetland Resource Area Impact (temporarily or permanent) proposed? \_\_\_\_\_

If yes, please fill out Wetland Resource Area Impacts in the DEP NOI form.

b. Is this an Adjacent Upland Resource Area Only Project? \_\_\_\_\_.

If yes, what is the closest distance b/w proposed work and Wetland Edge (in feet) \_\_\_\_\_

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

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Representative's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant's Name (Printed)

\_\_\_\_\_  
Representative's Name (Printed)

\_\_\_\_\_  
Applicant's Email Address

\_\_\_\_\_  
Representative's Email Address

\_\_\_\_\_  
Applicant's Phone #

\_\_\_\_\_  
Representative's Phone #