

Shutesbury Conservation Commission
PO Box 276
Shutesbury, MA 01072

Notice of Intent (NOI) Instructions

Please contact us with any questions at concom@shutesbury.org or at 413-259-3793

This letter includes instructions for completing a Notice of Intent (NOI). The Shutesbury Conservation Commission and Land Use Clerk (contact info below) are here to answer questions and provide assistance. All Notices of Intent are reviewed concurrently under the Wetlands Protection Act (MGL Chapter 131 §40) and the Shutesbury General Wetlands Protection Bylaw, but Applicants are only required to submit one application per the requirements below. **The Commission requires all application materials, except for the Abutter Notifications and Legal Notice documentation, to be submitted by noon, ten (10) business days before the Public Hearing date.**

To file an NOI, you will need to follow these steps:

- Carefully review these *Instructions* as well as the Pre-Filing Frequently Asked Questions (FAQ) handout available at shutesbury.org/wetlands-permits_applications for important details that Applicants should be aware of.
- Be sure to review all of the Conservation Commission requirements as well as the WPA Form 3 Instructions. The Commission requires additional materials and an additional fee in addition to the state requirements. ***Two (2) hard copies of your entire application (with all attachments) as well as one digital version, consolidated into a single pdf document, are required.*** Digital files can be either emailed to concom@shutesbury.org or delivered on a flash drive.
- Contact the Shutesbury Board of Assessors at 413-259-3790 (assessor@shutesbury.org) to obtain a Certified List of 100-foot abutters from your project area. **A current list (not older than 30 days) must be included in your NOI application.** There is a small fee for this service. The Certified List must be included in your application.
- Complete WPA Form 3 and all accompanying documents. They must be submitted both to the Conservation Commission (address above and digitally by email) and to MassDEP--either through MassDEP's online permitting portal at <https://www.mass.gov/how-to/wpa-form-3-wetlands-notice-of-intent> or by sending the application by USPS Certified Mail or hand-delivery to: Massachusetts Department of Environmental Protection, Western Region Office, Wetlands Division, 436 Dwight Street, 4th Floor, Springfield, MA 01103. If the application is revised or updated, the revised materials must also be submitted to MassDEP via email to WERO_NOI@mass.gov. The MassDEP online permitting portal is preferred. The completed WPA Form 3 can be downloaded after it is submitted so that you can send it to the Conservation Commission along with the other attachments.
- Provide to the Commission proof of submission of all materials to MassDEP, including updated plans, either by sending to the Commission the email confirmation of the online submittal or the Certified Mail Receipt card.
- A signed *Site Access Authorization Form* must be submitted to the Commission with the application.

Fees: NOI Applicants must pay WPA NOI fees both to the state and also to the Town of Shutesbury. Download the MassDEP Fee Transmittal Form and Instructions to determine the WPA fee for your project. A portion of this fee is sent to the Commission and the remainder to MassDEP per their instructions. A separate fee is required under the Town of Shutesbury General Wetland Protection Bylaw. Refer to the **NOI Fee List** in this packet for information about the fee required under the town Bylaw. All fees must be paid in full upon application submission per instruction below. **See instructions below.**

Once the NOI is received by the Commission, the Commission will give you the date and time for the Public Hearing. Public Hearings are being conducted virtually on Zoom at present. The Commission meets in the evening on the 2nd and 4th Thursdays of the month from March through November. It meets the 2nd Thursday of the month from December through February.

Legal Notice: Once the date and time of the Public Hearing is confirmed, the Commission's Land Use Clerk will arrange for a Legal Notice to be published in the Greenfield Recorder, a local newspaper. You will be notified once the arrangements have been made, so that you can pay the publisher directly. Once you have paid for the Notice, you must provide proof of payment to the Commission by email. Arrangements for the Legal Notice typically need be made about 10 days in advance of the hearing date to allow sufficient time for processing. The Legal Notice must appear one time in a local newspaper at least **five (5) days** before your Hearing.

Abutter Notifications: All 100-foot abutters, based upon a Certified Abutter List, must be formally given notice of the project and Public Hearing information **at least seven (7) days** before the Public Hearing, either by *US Postal Service Certified Mail with Return Receipts* or by hand delivery with a signed Affidavit of Service (see below). *Certificates of Mailing are not accepted.* You must use the exact language provided in the Abutter Notification Template available on the Commission website and provide the Commission with a copy of the Notification as used.

If your property is located within the Town of Amherst Watershed, an Abutter Notification must also be sent to Water Department, Town Hall, 4 Boltwood Avenue, Amherst, MA 01002.

Obtain MassDEP File Number. MassDEP will review your application, offer comments, and issue a file number before your Public Hearing. The Public Hearing cannot open without the MassDEP File Number. You will be notified of this directly by MassDEP via the email address used with your application.

Prior to the Public Hearing, the Commission must conduct a site visit to review the project. The Commission will contact you to arrange the site visit. You must ensure that the project area is staked, and the delineated wetlands are flagged for Commission review.

Attend the Public Hearing. Following the closing of the Public Hearing, you will receive an Order of Conditions via Certified Mail, or you can arrange to pick it up in person.

Record the Permit (Order of Conditions) at the Franklin County Registry of Deeds at 43 Hope Street, Greenfield, MA. Telephone: 413-772-0239 and submit proof of recording to the Commission within 30 days of the issuance of the permit. No work on the project may commence until the Order is recorded and proof provided to the Commission.

Please contact the Commission with any questions: 413-259-3792 or concom@shutesbury.org

Carey Marshall, Land Use Clerk

Office Hours: Tuesdays and Thursdays 10am – 1 pm

Enclosures:

NOI Frequently Asked Questions

Template for Abutter Notification

Affidavit of Service (for hand delivery of Abutter Notifications)

Site Access Authorization Form

Requirements for NOI Submission:

- **Two (2) hard copies** and **1 full digital copy** (consolidated into a single PDF document, submitted either by email to concom@shutesbury.org or via flashdrive) of the following documents for the Conservation Commission:
 - WPA Form 3 (must be completed in its entirety and signed by landowner)
 - WPA Fee Transmittal Form and a copy of check/payment that was sent to the state.
 - Signed Site Access Authorization Form
 - Project Locus Map: A map showing the location of the project site, preferably a copy of the USGS map or a Town GIS Map, with the site circled. Alternatively, a Google map or Assessors Map can be used. An online GIS Map with property lines and wetlands is available at <https://www.mainstreetmaps.com/ma/shutesbury/public.asp>.
 - A current copy of the 100-foot Certified Abutter List.
 - Proof of Notification to Abutters, including a copy of the *Abutter Notification Template* and proof of mailing by USPS Certified Mail (return receipt requested) or hand delivery with signed *Affidavit of Service*. The certified mail cards or copies of them must be submitted to the Conservation Commission prior to the Public Hearing.
 - Proof of submission to MassDEP (eDEP receipt or USPS Certified Mail Receipt)
 - Proof of having paid for the mandatory Legal Notice.
 - For projects in Estimated/Priority Habitat, proof of submission to the Massachusetts Natural Heritage and Endangered Species Program (NHESP) (<https://www.mass.gov/orgs/masswildlifef-natural-heritage-endangered-species-program>). The Commission requires a 30-day comment period by NHESP before issuing an Order of Conditions.
 - **Project Narrative:** A written description of the proposed work. See requirements below.

- **Plans.** See plan requirements below.
- Stormwater Report (if applicable)
- The Commission may also require preparation and submission of supporting materials by other professionals including but not limited to, wetland scientist, registered landscape architect, environmental scientist, geologist or hydrologist when in the Commission's judgment the complexity of the proposed work and/or the wetland values of the Resource Areas warrant the relevant specialized expertise. Submission of requested materials does not imply approval of the project.
- **Plan Requirements: Based upon the size and complexity of the project, the Commission may waive some plan requirements upon receiving a written request from the Applicant.**
 - Full-sized (24" x 36") site plans, drawn to scale (1" = 40'), including: North directional arrow, flood zones, easements, property boundaries, existing and proposed 2-foot contours, location of existing and proposed structures, locus of proposed work and/or activity, limit of work, location of erosion controls, locations of stockpiled or excavated materials, and all Resource Area boundaries, including the 100-foot Buffer Zone (also known as the Adjacent Upland Resource Area or *AURA*). Site plans must have a title block designating the project location, name(s) of the person(s) preparing the drawings, and date prepared, including all revision dates. **If a site plan is provided with an aerial imagery base layer, the Commission requires a second map with topographical contours. Plan must show the shortest distance between any proposed activity and any wetlands.**
 - Protected Resource Areas should be delineated on site plans with numbered flags and correct labels.
 - Plans shall be signed and stamped by a registered professional engineer, land surveyor, or landscape architect as appropriate. On a case-by-case basis, the Commission may waive this requirement upon receipt of a written request from the Applicant.
 - Applicants are responsible for ensuring plans are sufficiently detailed to assist the Commission in its decision making.
- **Narrative Requirements:** A Narrative is a written project description that must accompany the application. Narratives should contain:
 - Description of all delineated Resource Areas protected by the Wetlands Protection Act and the Shutesbury General Wetlands Protection Bylaw, including method of delineation. If a professional wetland delineation was obtained, the Wetlands Delineation Report with supporting wetland data sheets should be submitted.
 - Description of all proposed work and alterations, including a construction sequence and vegetation removals, if relevant. The Narrative must include:
 - square feet calculations detailing changes of pervious to impervious surface area, expressed both as a percentage of overall area and as net change in square footage;
 - changes to slope, stormwater flow, or flood storage capacity; and

- closest distance of limit of work to adjacent wetlands.
- Description and location of erosion control and sedimentation methods to be used.
- Information about plant replacement and/or reseeding plan, if relevant. See the Commission's Tree Removal Policy for information about replacement plantings for tree removals.
- **Consideration of Reasonable Options (required):** The Commission requires information that describes the Applicant's efforts to avoid, minimize, or mitigate adverse effects on protected Resource Areas, including but not limited to Riverfront Area and the 100-foot Buffer Zone or AURA. Such information should include what Reasonable Options were considered and why the proposed approach is both reasonable and sufficiently protective of the Resource Areas and the Values/Interests that they protect. For more information about this requirement, please contact the Commission.
- Projects within the 200-foot Riverfront Area of a perennial stream must comply with the WPA Riverfront Area Regulations located at 310 CMR 10.00. If applicable, applications must include square footage calculation of existing (if constructed after 10/6/1997) & proposed Riverfront Area alteration and square footage calculation of proposed alteration as a percentage of total Riverfront Area on the lot. Calculations should be broken down by total site, 100-foot Inner Riparian, and 100-Foot Outer Riparian areas.
- **Fee Instructions:**
 - **State WPA Fees:** Complete pages 1 and 2 of the DEP 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.
 - **Town WPA Fees:** Make a check out to *Town of Shutesbury* for the town's portion of the WPA fee. Write the *project address* and *WPA NOI Fee* in the memo space. NOI instructions require fees for each category of work. Follow the WPA Fee Transmittal Form Instructions for calculation of these fees.
 - **Town Bylaw NOI Fees:** The fee schedule is attached. Write the *project address* and *Bylaw NOI Fee* in the memo space.

Shutesbury Wetlands Protection Bylaw Application Fees

(adopted 10/5/23)

APPLICATION	FEE	DETAILS
AAR(e.g., tree removals, buoys, small water-dependent structures; small sheds, small decks; small accessory structures to residential buildings)	\$25.00	
RDA*	\$75.00 \$5.00	for the first 3 acres or less; for each additional acre or part
NOI* See Appendix A for description of fee categories. Fees are for each activity in application.		
NOI Category 1	\$100.00	
NOI Category 2	\$100.00	
NOI Category 3	\$200.00	Per activity
NOI Category 4	\$400.00	Per activity
NOI Category 5	\$500.00	
Amended OOC	\$100.00 or 50% of the original Bylaw filing fee, whichever is less	
Extension of OOC	\$50.00 \$300.00	Residential Other
Re-Issue OOC	\$50.00	
COC	\$50.00 \$200.00	--if requested within 5 years of issuance date --if requested more than 5 years from issuance date
Duplicate attested COC	\$50.00	
Emergency Certification	\$75.00	Per certification Fee waived for municipal projects
ANRAD	\$2.00 per linear foot	--not less than \$100.00 --not more than \$200.00 for activities associated with a single-family lot --not more than \$2,000.00 for all other activities
53G Consultant Fee	Per estimate from consultant and subject to Commission approval	

Appendix A – Notice of Intent Fee Categories

Category 1 (Fee for each activity is \$100):

- a.) work on single family lot; addition, pool, etc.;
- b.) site work without a house;
- c.) control vegetation;
- d.) Resource Area 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 \$100)

- 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 \$200.00)

- 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 \$400.00):

- 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 for each activity is \$500.00):

- a.) work on permanent docks, piers, revetments, dikes, etc.



Town of Shutesbury, Massachusetts 01072

**TOWN OF SHUTESBURY
Conservation Commission**

SITE ACCESS AUTHORIZATION

Date: _____

Project: _____

Location: _____

Property Owner: _____

I (We) hereby authorize the individual members of the Shutesbury Conservation Commission and its agents to enter upon the referenced property for the purpose of gathering information regarding the application filed with the Commission pursuant to the Wetlands Protection Act (MGL Ch 131, s. 40) and/or the Shutesbury General Wetlands Protection Bylaw.

Additionally, if an Order of Condition or other Permit is issued for the project, I (we) grant permission for Commission members and the Commission's agents to enter the above referenced property for the purpose of inspecting for compliance with the Order or Permit. This site access authorization is valid until a Certificate of Compliance is issued by the Conservation Commission or the Permit has expired.

Authorized Signature: _____ **Date** _____

Please Print _____

(If other than owner, please state whether tenant, agent or other)

Mailing Address: _____

Phone: _____ **Email:** _____

Cell: _____ **Fax:** _____

AFFIDAVIT OF SERVICE

Notice of Intent

Under the Massachusetts Wetlands Protection Act and the Shutesbury General Wetlands Protection Bylaw

I, (*name*) _____, hereby certify under pains and penalties of perjury that on (*date*) _____, I gave notification to abutters within 100 feet of the proposed project in compliance with the Massachusetts Wetland Protection Act (Massachusetts General Laws Chapter 131, Section 40) and the Shutesbury General Wetlands Protection Bylaw in connection with the following matter:

A Notice of Intent (permit application) or Request for Determination of Applicability or Abbreviated Notice of Resource Area Delineation filed under the Act and Bylaw by (*name*) _____ with the Shutesbury Conservation Commission on (*date*) _____ for the property located at (*address*) _____

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

Name

Date

(This affidavit is to be submitted to the Massachusetts Department of Environmental Protection and the Shutesbury Conservation Commission with the Notice of Intent.)