

V. FILING FEES, PLAN REQUIREMENTS, AND WORK CONDITIONS

Unless otherwise specified herein the procedures for filing a Notice of Intent under the State Act shall apply.

A. Filing Fees

1. Preamble

- a. Any person filing a wetland permit pursuant to the Bylaw shall, at the same time, pay a filing fee in accordance with the Filing Fee Schedule.
- b. Municipal projects are exempt from fees.

2. Permit Fee Schedules

- a. Request for Determination
 - i. \$50 for the first five acres or less
 - ii. \$5 for each additional acre or part
- b. Abbreviated Notice of Resource Area Delineation
\$2 per linear foot of determined bordering vegetated wetland:
 - i. up to a maximum of 100 feet (\$200) for a single-family lot;
 - ii. up to a maximum of 1,000 feet (\$2,000) for a commercial subdivision or industrial development, or a subdivision with more than four lots.
- c. Notice of Intent
Where proposed work falls under the jurisdiction of the Town of Amherst Wetland Protection Bylaw, only the town's portion of the state filing fee shall be submitted.
- d. Amended Order of Conditions - \$100
- e. Extension of Order of Conditions - \$50
- f. Certificate of Compliance - \$50
- g. Emergency Certification - \$75
- h. Re-issue Order of Conditions or Certificate of Compliance - \$50

B. Plan Requirements for Requests for Determination

Any person filing a Request for Determination shall adhere to the plan and wetland delineation requirements specified for the state WPA Form 1 and its instructions.

~~Any person filing a Notice of Intent shall adhere to the plan and wetland delineation requirements specified for the state WPA Form 3 and its instructions.~~

C. Plan Requirements for Notices of Intent

Any person filing a Notice of Intent shall adhere to the plan and wetland delineation requirements specified for the state WPA Form 3 and its instructions.

~~Any person filing a Request for Determination shall adhere to the plan and wetland delineation requirements specified for the state WPA Form 1 and its instructions.~~

1. Plans shall detail existing, and proposed site conditions.
2. Plans shall include all proposed activity, and delineated resource areas on site.
3. Plans shall include all natural features being impacted by proposed activities, such as large trees (diameter and species), historic features, wildlife habitat, and recreational areas.
4. The applicant may submit, or be required to submit, any further information which will assist in the review and which is deemed necessary to determine the proposed effect on the interests protected by the bylaw.
5. The applicant must submit (2) complete hard copies, and (1) electronic version of all appropriate application materials, and plans, along with a check for the full amount of application fees.
6. General Submission Requirements
 - a. State WPA Form 3 and other application materials in accordance with the submittal requirements set forth in the General Instructions for Completing Notice of Intent.
 - b. The names and addresses of the record owner(s), the applicant(s), and all abutters, as determined by a Certified Abutters List from the Tax Assessor, no more than 30-days old.
 - c. Methods to be used to stabilize and maintain any embankments facing any wetland must be provided.
 - d. The Commission at its discretion may require an elevation and/or slope analysis to assess the potential impacts of work on slopes within a given site, or slopes downstream of a given site. Sites where proposed work may impact a slope above a resource area off site/on site may (at the discretion of the Commission) require additional analysis or mitigation to prevent impacts to downstream resource areas.
 - e. A siltation and erosion control plan to be implemented during and after the work.
7. Detailed Plan Requirements
 - a. The Commission may require at its discretion that plans be drawn at an appropriate scale to clearly see site conditions (determined on a case-by-case basis) with the title designating the name of the project location(s), the name(s) of the person(s) preparing the drawings, and the date prepared, including all revision dates. Drawings shall be stamped and signed by a registered professional engineer, architect, landscape architect or registered land surveyor of the Commonwealth of Massachusetts. Pencil notations will not be accepted.
 - b. Drawings must include numbered flags for all resource area delineations on site which have been field identified by a competent professional wetland scientist.
 - c. All resource areas must be included on the submitted plans including isolated and seasonal resource area features, whether natural or man-made.
 - d. Comments conveying personal opinions on the quality or degraded nature of resource areas cannot be included on any plans (ex. Statements such as “Degraded/Low Quality Wetland”).
 - e. Drawings must depict all proposed alterations in resource areas and landscape changes in buffer zones, with clear explanations of the alterations in text or footnotes, this includes details on trees proposed for removal, and grading changes to the site.

- d. Drawings must indicate “Buffer Zones” to all applicable state and local resource areas.
- e. Riverfront Area shall be clearly identified on all plans when present on the property subject to the application.
 - i. Both the 100-foot Inner Riparian, and 100-foot Outer Riparian of the Riverfront Area shall be identified on submitted plans.
 - ii. Any notes on plans misidentifying Riverfront Area as a “Buffer Zone” or “Riverfront Buffer” will not be accepted.
 - iii. Any proposal to alter Riverfront Area shall include a table with (1) the total square footage of the Riverfront Area on the subject property, (2) Total Alteration proposed in the 100-foot Inner Riparian Area on the subject property, and (3), Total Alteration proposed in the 100-foot Outer Riparian Area on the subject property.
 - iv. Any Riverfront Area Redevelopment project shall detail on the plans in tabular form the (1) the total square footage of the Previously Altered Riverfront Area on the subject property, (2) Total Previously Altered Riverfront Area in the 100-foot Inner Riparian Area on the subject property, and (3), Total Previously Altered Riverfront Area in the 100-foot Outer Riparian Area on the subject property. A previously altered/developed Riverfront Area is an area degraded prior to August 7, 1996 by impervious surfaces from existing structures or pavement, absence of topsoil, junkyards, or abandoned dumping grounds.
- f. Drawings must include the following additional information:
 - i. Existing and final contours (with standard contour intervals) and property boundary.
 - ii. The Commission has the discretion to require a topographic survey prepared by a professional land surveyor.
 - iii. Soil characteristics in representative parts of the property must be provided, including depth of peat and soil types in wetlands. Test-boring logs must be provided as part of the application filing.
 - iv. Locations, sizes, and slopes of existing and proposed culverts and pipes and outlets.
 - v. Plans that propose directing drainage toward neighboring properties (not subject to the application) will not be accepted. All proposed drainage, discharges, and stormwater features must be captured, treated and infiltrated on the property subject to the application.
 - vi. If fill is proposed on a subject site, the effect of said fill on downstream channels, culverts, stormwater structures, intermittent and perennial streams shall be taken into consideration and quantified in the application materials. This can include compensatory flood storage, erosion control, stabilization, and/or plantings.
 - vii. The location and elevation of the benchmark used for the survey shall be provided on submitted plans.
 - viii. Invert elevations of culverts, and stormwater structure inlets and outlets shall be provided on plans.
 - ix. Locations and details of erosion control devices shall be shown on submitted plan sets.

- x. Proposed stormwater management features shall conform to design specifications and be identified on the plans according to the MA DEP Best Management Practices Volume 2 Chapter 2: Structural BMP Specifications for the Massachusetts Stormwater Handbook. For proprietary structures, manufacturer's specifications shall be submitted as part of the application materials. Any applications that contain stormwater structure labels that do not conform to the noted DEP manual shall be returned to the applicant for revision/correction.

D. Site Requirements Prior to Inspection

Before site inspections can be made by the Commission or the Commission's agent, the following conditions must be met (and please note that failure to meet these requirements may result in non-review and delay of the project):

- a. Stakes indicating the corners of proposed houses or other proposed structures within Conservation Commission jurisdiction.
- b. Stakes indicating the limit of proposed work
- c. Boundaries of all resource areas clearly delineated with numbered flags or stakes.

E. Minimal Conditions Regulating the Work

1. No activity may proceed until the applicant has received all other permits required by law, including but not limited to any permit required by Health Inspections, Planning Board, Zoning Board of Appeals, Department of Environmental Protection, and/or the Army Corps of Engineers.
2. The Commission shall receive forty-eight (48) hours advance notice, in writing, before the commencement of any activity within a resource area, or 100 foot buffer zone, including site preparation.
3. The location of siltation and erosion controls shall be per approved plan set. Changes to erosion control plan (change in location or change in erosion control best management practice) shall be approved by the Commission.
4. Erosion Controls shall remain in place and be maintained until all disturbed areas have been stabilized to the satisfaction of the Commission.
5. A copy of the Permit shall be on-site at all times during construction. All contractors and sub-contractors engaged during construction shall be provided with a copy of the Permit, and shall be prepared to produce said Permit upon request of the Commission or its agent.
6. Work shall proceed in strict accordance to referenced plan(s) in the Permit, and to information submitted in the Application.
7. All structures, facilities, and equipment as part of the project shall be continually operated and maintained to maintain compliance with the Permit. This provision applies specifically to all heavy equipment used on the project. Any leakage of oil, hydraulic fluid, gasoline, or any other pollutant must be cleaned up immediately, and the defective equipment responsible for said leaking shall be repaired immediately or taken off-site.
8. Any spraying of herbicides in jurisdictional resource areas shall require a WM4 Herbicide application. Any spraying of herbicides that may alter a jurisdictional resource area(s) shall require a WM4 Herbicide application.

9. All work shall be completed in such a manner as to prevent eutrophication or sedimentation in wetlands, water bodies, or public or private water supplies.
10. Any substantial changes made or intended to be made in the plans shall require the applicant to file a new Notice of Intent or to inquire of the Commission, in writing or by certified mail, whether the change is so substantial as to require the filing of a new Notice.
11. A Certificate of Compliance shall be requested from the Commission upon completion of the proposed work. Said request shall be accompanied by a written statement from the professional who prepared the plan certifying compliance with all plans, as well as an “as built” plan.