

## **Frequently Asked Questions**

### **What is the Conservation Commission?**

The Conservation Commission consists of seven volunteer members, appointed by the Board of Selectmen.

### **What does the Commission do?**

The Commission is the permitting authority specifically charged with the promotion and development of Dunstable's natural resources, and the protection of wetland resource areas. The primary activity of the Commission is the administration of the Wetlands Protection Act (MGL 131, §40) and the Town of Dunstable's General Wetlands Bylaw. The Commission also engages in planning, helping to acquire and manage open space, and encouraging and monitoring Conservation and Agricultural Preservation Restrictions.

### **What is the definition of "wetlands"?**

The MA Wetlands Protection Act and Regulations and local Wetlands Bylaw include a number of different types of wetlands, and wetland-related areas called "Resource Areas". These include rivers and streams ("perennial" if they run year round, and "intermittent" if they dry up seasonally); lakes and ponds; the vegetated wet areas bordering rivers, streams, lakes or ponds ("bordering vegetated wetlands"); the 100-year floodplain along rivers and streams; and isolated areas that flood seasonally, such as vernal pools. The first 200 feet from the edge of a perennial stream are regulated as "riverfront area". The first 100 feet from a vegetated wetland or stream bank are regulated as "buffer zone".

### **Why are wetlands protected?**

Protecting wetlands is important for maintaining a healthy environment. Wetlands act as nature's "water purification system", they protect surface and groundwater, prevent storm damage, provide flood control, erosion control, water pollution and they provide habitat to fisheries, shell fish, and wildlife.

### **When do I need to file with the Conservation Commission?**

Any activity that is located within 100 feet of a wetland, 200 feet from a river/stream or is within an area subject to flooding, a permit from the Conservation Commission is required.

### **What constitutes work in or near wetlands?**

No person shall remove, fill, dredge, alter or build upon or within 100 feet of any bank, fresh water wetland, beach, flat march, meadow, bog, swamp or lands bordering on any creek, river, stream, pond or lake or any land under said waters or any land subject to flooding or inundation, or within 100 feet of the 100-year storm flow line... (see DEP website and/or Town Bylaw to view in entirety).

### **How do I know if I have wetlands on my property?**

Dunstable does not have wetland maps and since many wetlands are not always obvious, you should consult with a wetland consultant to determine whether your project falls within the Commission's jurisdiction and whether your project will require a filing. This consultant will look at vegetation, soils and hydrology to determine wetland boundaries.

### **What is a "Wetland Consultant"?**

A registered land surveyor, licensed engineer, or wetland scientist.

7/20/2017

### **What is the difference between a Request for Determination of Applicability and a Notice of Intent?**

A Request for Determination of Applicability is a form filed when you are not sure if your project is subject to the Wetlands Protection Act and/or within the jurisdiction of the local Conservation Commission. A Notice of Intent is filed when you are planning a project that you know is subject to the Wetlands Protection Act and/or the local Conservation Commission.

### **What is the cost of filing a Request for Determination of Applicability?**

There isn't a cost for filing an RFD, however, you are responsible for paying for the legal advertisement in the newspaper. The Commission will place the notice and forward an invoice to you for payment.

### **What is the cost of filing a Notice of Intent?**

The permit fees (to the Town and State) are determined by the project. The Town also has a Wetlands Bylaw Hearing fee of \$25.00 or \$100.00. The applicant is responsible for paying for the legal advertisement in the newspaper. The Commission will place the notice and forward an invoice to you for payment.

### **What are the Stormwater Management Standards?**

MA DEP issued this policy to establish clear and consistent guidelines for stormwater management across the state. The standards of this policy, enforced by the Conservation Commission, are intended to prevent untreated discharges to wetlands and waters; preserve hydrologic conditions that closely resemble pre-development conditions; reduce or prevent flooding by managing the peak discharge and volumes of runoff; minimize erosion and sedimentation; reduce suspended solids and other pollutants to improve water quality; and provide increased protection of sensitive natural resources. Please consult the following link for more information: <http://www.mass.gov/dep/water/laws/policies.htm#storm> .

### **Do I need to notify my neighbors if I am filing Conservation paperwork?**

You do not need to notify abutters for a Request for Determination of Applicability; however, you do for a Notice of Intent. Please call the Assessors office for a certified abutters list before filing your Notice of Intent. Abutters must be notified at least one week in advance of your hearing date by certified mail, return receipt requested. Please bring the receipts with you to the hearing.

### **Do I have to appear before the Commission for a Request for Determination of Applicability or Notice of Intent?**

Yes. The applicant and/or a representative should attend to explain the project and answer questions.

### **Who can attend Conservation Commission meetings?**

Conservation Commission meetings are open to the public unless they are "Executive Sessions".

### **What will happen at the Conservation Commission hearing/meeting?**

The applicant/representative will explain the project to Commission members and answer any questions that they may have, abutters may have or members of the public may have regarding the project.

### **What happens after the public hearing?**

The Commission has 21 days within which to issue a decision after the hearing is closed. The secretary then prepares all the forms, sends the originals to the applicant, with copies to DEP for its files. After a

7/20/2017

ten-day appeal period is fulfilled, a positive Determination or Order of Conditions allows the applicant to begin his/her project.

**You mentioned “appeal period”, what is that?**

Any decision made by the Conservation Commission related to permitting under the Wetlands Protection Act may be appealed to the DEP within ten business days. However, only the following persons may appeal a permit: the applicant, the owner (if not applicant), any person aggrieved by an RDA Determination or an NOI Order of Conditions, any owner of land abutting the land on which the work is to be done or any ten residents of the town where the land is located.

**If the Commission approves and issues an Order of Conditions, how long is it good for?**

An OOC permit is good for three years from the date of issuance, unless stated otherwise. You may request, in writing, to renew the permit 3 months before it is due to run out.

**What do I do with my Order of Conditions?**

An Order of Conditions must be filed at the North Middlesex Registry of Deeds located in Lowell. There is a fee for this which is paid by the applicant/owner.

**What do I do with the Department of Environmental Protection file number?**

Any site where work is being done which is subject to this section shall display a sign, of not less than 2 square feet or more than 3 square feet bearing the words “Massachusetts Department of Environmental Protection File Number ....”

**The Work is Completed, Now What?**

For a Determination of Applicability, nothing. For an Order of Conditions, you will need to file a Request for a Certificate of Compliance (COC). A COC (issued by the Conservation Commission) is required to clear your title at the Registry of Deeds. An as-built plan and a letter from your engineer, stating that your project was completed in compliance with your Order of Conditions, will need to be filed with your request for a COC. The Commission will review your request and, as appropriate, issue your Certificate of Compliance during a public meeting. In order to release the lien on your property, you must file this COC at the Registry of Deeds in Lowell. There is a fee which is paid by the applicant.

**What happens if I do not file with the Conservation Commission?**

The Conservation Commission and the state do not look kindly on people who disregard the wetland regulations. Whoever violates any provision of the Act may be fined/punished by the Town or State.

**I received a “Notice of Violation” or “Enforcement Order”. What do I do?**

Cease all activity that caused the Commission to generate the notice/order. Follow the instructions that were sent to you. If you have any questions, please contact the office at 978-649-4514 x230. The Commission is dedicated to helping people and will work with you to bring you back into compliance.

**You have a 60 foot “no build” stipulation in your Town Bylaw, but my neighbor’s house is easily within 60 feet of a wetland. Why did the town permit this?**

Some Dunstable structures pre-date passage of the Wetlands Protection Act (1972) and Dunstable’s General Wetlands By-Law (1985). These structures may not comply with today’s rules but are grandfathered. However, any prospective additions or landscaping activities undertaken on grandfathered structures are subject to current law and by-laws and must be approved in advance.

7/20/2017

### **Can you hunt on Conservation property?**

Dunstable has a "discharge of firearms" bylaw. One must have written permission of the landowner in order to discharge a firearm. As a matter of practice, the Conservation Commission does not give permission. Bow hunting and fishing are permitted unless we have posted otherwise.

### **Does the Town have an Open Space Plan?**

Yes

### **Are there any regulations I should know about associated with your Conservation properties?**

Yes, please check our "Rules and Regulations for Conservation Properties"

### **Conservation property abuts land owned by another organization, do the same rules apply?**

For Town owned land, please call the Board of Selectmen's office (978-649-4514 x224)

For Dunstable Rural Land Trust owned land, please check their website (under "Helpful Links").

For State owned land, please check their website (under "Helpful Links").

### **Are there any Endangered Species in Dunstable?**

Yes, there are quite a few, actually. Go to the Massachusetts Natural Heritage Endangered Species website for a current list.

### **What should I do if I find an Endangered Species?**

It is actually against the law to capture or "take" an endangered species, so if you happen to come across one of these "critters", run and grab your camera to document the creature that you have found. Documenting endangered species in Dunstable is critical in protecting the animals and their habitats. Go to the Massachusetts Natural Heritage Endangered Species website to document your find.

### **What is a vernal pool and why is it special?**

Vernal pools are isolated wetlands that typically fill with water due to rising groundwater and rainfall. The water remains ponded throughout the spring and may dry up in the summer months. Vernal pools are unique wildlife habitats, which have become an increasingly rare type of wetland in Massachusetts. Due to their sensitivity, vernal pools and the surrounding areas are protected under the MA Wetlands Protection Act and provide critical habitat for amphibians and invertebrate animals. These creatures rely on vernal pools for their breeding, feeding, and shelter.

### **What do I do if I see someone breaking environmental laws or abusing public lands?**

Do not attempt to deal with any violators yourself, as some violators may engage you in a confrontation. Do call the Conservation Office at 978-649-4514 x230 or the Dunstable Police Department at 978-649-7445 to report what you have seen. Jot down important information such as motor vehicle license plate, time, date, description of the violator (s) or any information that would be helpful in the apprehension of these lawbreakers.