OFFICE OF THE
CONSERVATION COMMISSION
TOWN HALL, 511 MAIN STREET
DUNSTABLE, MA 01827-1313
(978) 649-4514 FAX (978) 649-8893
mailto:concom@dunstable-ma.gov

Town of Dunstable

Conservation Commission

Fees & Procedures

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1. Abbreviated Notice of Resource Area Delineation (ANRAD)

requesting review of resource area boundaries or of work eligible for "simplified review"
https://www.mass.gov/how-to/wpa-form-4a-abbreviated-notice-of-resource-area-delineation

Fees: Application fee to the state and town – fee set by DEP and depends on the project (linear footage).

Applicants shall pay for the legal notice for the public hearing.

Applicants, at their expense, shall send notice regarding the public hearing to abutters and owner of property (if not applicant) by certified mail-return receipt.

If the Commission determines that an outside consultant is needed, the applicant shall pay reasonable fees for their employment.

Applicants shall pay for filing at the North Middlesex Registry of Deeds.

Procedure: Applicant must first obtain an abutter's list from the Assessor's Department (Town Hall downstairs or by calling 978-649-4514 x250). Please give them 10 days' notice. The applicant must send notification of the filing (affidavit) to the abutters (and owner of property, if not applicant), **by certified mail, return receipt**, at the same time that the ANRAD is filed with the DEP and Conservation Commission.

File ANRAD form (WPA Form 4A) on-line with DEP at: https://edep.dep.mass.gov/edep and then print it out. Two copies of the completed ANRAD including supporting plans and documents, the town's portion of the application fee and affidavit/white certified mail receipts must be sent by either certified mail or hand delivery to the Conservation Commission office. **Please make sure that applicant/representative, as well as the owner of the property have signed the ANRAD**.

See the Form 4A instructions for information on which DEP office you need to forward the state portion of the wetland fee. Filings shall also be sent by certified mail or hand delivery (by applicant) to the **Planning Board**, **Board of Appeals** and **Board of Health,** all located at the Town Hall.

The Administrative Assistant will set the date of the hearing. Once the hearing date is chosen, she will place a legal notice in the newspaper and inform the applicant of the cost. A check made out to the newspaper company shall be mailed/brought to the Conservation Commission office before the public hearing (or brought the night of the hearing, however, forgetting the check the night of the hearing could hold up the process). The cost of the ad is set by the newspaper and dependent upon the length of the notice.

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DEP will issue a file number for the project. The hearing cannot be closed until that number is received.

If the Commission determines that an outside consultant is needed, the applicant shall pay reasonable fees for their employment.

Applicants and/or representative must attend hearing in order to present the project as well as answer questions. Please bring the abutter green cards to the hearing to turn in to the Conservation Commission.

Once an Order of Resource Area Delineation (ORAD) is issued, it should be recorded at the North Middlesex Registry of Deeds in Lowell. Please call the office (978-649-4514 x230) or e-mail CRock@dunstable-ma.gov with the book and page of the filing. If this is not done, the Conservation Commission may issue an Enforcement Order. It will also hold up your project (no building permit).

2. **Certificate of Compliance (COC)** – to remove the encumbrance placed on the title to your property when an Order of Conditions is issued and filed at the Registry of Deeds.
https://www.mass.gov/lists/wetlands-permitting-forms#certifcate-of-compliance

Fees: None, except when you file the COC at the Registry of Deeds

Procedure: Applicant must fill in WPA Form 8A (Request for Certificate of Compliance) which can be found under "Wetlands Protection Act Permits" on the DEP website – http://www.mass.gov/lists/wetlands-permitting-forms For projects completed according to plans stamped by an engineer or other registered professional, the request must include written indication (usually a letter) from such a professional that the work was completed "substantially in compliance" with the OOC and explain any deviations (if any) (310 CMR 10.05(9)(d)). An "as built", when applicable must be provided.

No notice to abutters is required.

The applicant may want to attend the meeting in order to answer any questions the Commission may have.

The Commission will schedule a site visit (which the applicant is entitled to attend) to find that all conditions have been met (310 CMR 10.05(9)(a)).
Once a COC is issued (Form 8B), the applicant must file it at the North Middlesex Registry of Deeds in Lowell in order to remove the encumbrance (Order of Conditions) placed on the title of the property. Please notify the office of the date your COC was filed at the Registry along with the book and page numbers (978-649-4514 x230 or CRock@dunstable-ma.gov)

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3. **Notice of Intent (NOI) or Abbreviated Notice of Intent (ANOI)**– filed when you want to alter a wetland resource area or buffer zone.
https://www.mass.gov/how-to/wpa-form-3-wetlands-notice-of-intent

Fees: Application fee to the state and town – fee set by DEP and depends on the project (linear footage).

Dunstable Wetlands Bylaw Hearing fee (must be separate check from above):
for a single-family residential property not involving the subdivision of land or the construction of more than one residential unit thereon ….**$25.00 or**
Wetlands Bylaw Hearing for subdivision of land to produce two or more Residential building lots, or for commercial and for Industrial real Estate….**$100.00**

Applicants shall pay for the legal notice for the public hearing.

Applicants shall pay the cost of sending notice regarding the public hearing to abutters and owner of property (if not applicant) by certified.

If the Commission determines that an outside consultant is needed, the applicant shall pay reasonable fees for their employment.

Applicant must file their Order of Conditions (OOC) at the North Middlesex Registry of Deeds – there is a cost associated with that.

Procedure: Applicant must obtain an abutter's list from the Assessor's Department (Town Hall downstairs or by calling 978-649-4514 x250). Please give them 10 days' notice. The applicant must send notification of the NOI filing to the abutters (and owner of property, if not applicant), by **certified mail return receipt** at the same time the NOI is filed with the Conservation Commission. As part of the filing to the Commission, the applicant may either submit an "affidavit of notification to abutters" or turn in the white certified mail receipts. **The night of the hearing, the green cards must be turned in to the Commission.**

NOI form (WPA-Form 3) should be filed on-line with DEP at: https://edep.dep.mass.gov/edep and then printed and filed with the Conservation Commission office (hand delivered or certified mail). Original filing must include: NOI form, specifications, plans, affidavit/white certified mail receipts of notice to abutters and fees. One additional copy of the NOI form, specifications and plans must also be provided at the same time. Please make sure that if the applicant is not the owner of the property, you provide written permission from the owner. Filing should also be sent by certified mail or hand delivery (by applicant), to the **Planning Board**, **Board of Appeals** and **Board of Health,** all located at the Dunstable Town Hall.

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If NOI is sent to the Natural Heritage Endangered Species Program (NHESP), make a copy of the certified mail slip and provide it with the filing.

The Administrative Assistant will set the date of the hearing. Once a hearing date is chosen, she will place a legal notice in the newspaper and inform the applicant of the cost. A check made out to the newspaper company shall be mailed/brought to the Conservation Commission office before the public meeting (or brought the night of the hearing; however, forgetting the check could delay the hearing). The cost of the ad is set by the newspaper and depends upon the length of the notice.

Applicants and/or representatives must attend the hearing in order to present particulars of the project as well as answer any questions. **Please do not forget the green cards (notification to abutters) to turn in to the Conservation Commission.**

If an Order of Conditions (OOC) is issued, the applicant must file it at the North Middlesex Registry of Deeds. Please notify the office of the date your OOC was filed at the Registry along with the book and page numbers (978-649-4514 x230) or CRock@dunstable-ma.gov **Note:** Recording must be made prior to the start of work (or any Building Permits are signed). You will not get a building permit signed off until you file the Order of Conditions at the Registry of Deeds.

4. **Request for Determination of Applicabiilty (RDA)** – asking whether the law or certain work applies to a particular area of land
https://www.mass.gov/how-to/wpa-form-1-request-for-determination-of-applicability

Fees: none, except applicant shall pay the cost of the legal notice for the public meeting.

Procedure: Applicant shall file two copies of WPA-Form 1, with supporting information to the Conservation office (by certified mail or hand delivery). Form can be found under "Wetlands Protection Act Permits" at: http://www.mass.gov/lists/wetlands-permitting-forms If the applicant is not the owner of the property, written permission from the owner must be provided. You must send a copy of the application to: DEP, 8 New Bond Street, Worcester, MA 01606. Please provide certification that both have been notified. All above must be provided at the time of the filing.

No notice to abutters is required.

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The Administrative Assistant will set the date of the public meeting. Once the meeting date is set, she will place the legal notice in a newspaper and will send an invoice to the applicant. A check made out to the newspaper company shall be mailed/brought to the Conservation Commission office before the public meeting (or brought the night of the meeting, however, forgetting the check the night of the meeting could hold up the process). The cost of the ad is set by the newspaper and depends upon the length of the notice.

Applicants and/or representatives should attend meeting to present project, as well as answer any questions.

If approved, work should not begin during the ten-day appeal period following the issuance (mail date) of the DOA by the Commission.

5. **Extensions** – When an applicant wants to extend an OOC past the 3-year limit. (M.G.L. c131, §40) (310 CMR 10.00)

Fees: none, except when you file the extension at the Registry of Deeds.

Procedure: Order of Conditions (OOC) are typically issued for 3 years. When an applicant would like to extend an OOC; they must do so on WPA Form 7 which can be found under "Wetlands Protection Act Permits" at: http://www.mass.gov/lists/wetlands-permitting-forms **The applicant shall request an extension at least 30 days before an OOC is due to expire.**

Request does not need to be published in the newspaper and decision is made at a public meeting.

Site visit may be done to evaluate the status of the project and compliance with the Order of Conditions.

The applicant and/or representative should attend the meeting to answer any questions the Commission has regarding the reason(s) for extension.
Once issued, the applicant must file the extension at the Registry of Deeds and notify the office of the book and page numbers (978-649-4514 x230 or CRock@dunstable-ma.gov

6. **Enforcement** – When the Conservation Commission, the Department or the Office of Law Enforcement of the Executive Office of Environmental Affairs determines that an activity is in violation of (M.G.L. c131, §40) (310 CMR 10.00) or a Final Order.

Enforcement Orders may be issued under 310 CMR 10.08 for violations of the Wetlands

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Protection Act. Violations include:

a.) failure to comply with a Final Order, Final Determination, Emergency Declaration, or Emergency Certification, such as failure to observe a particular condition or time period specified in the Order, Declaration, or Certification.
b.) failure to complete work described in a Final Order or Final Determination, Emergency Declaration, or Emergency Certification when such failure causes damage to the interests identified in M.G.L. c. 131, §40;
c.) failure to obtain a valid Final Order or Extension Permit prior to conducting an Activity Subject to Regulation under M.G.L. c. 131, §40 as defined in 310 CMR 10.02(2);
d.) making any false, inaccurate, or misleading statements in any certification filed under 310 CMR 10.00, including any certification that the requirements of 310 CMR 10.02(2)(b)2 will be met.
e.) failure to comply with any certification on project plans or eligibility under 310 CMR 10.02(2)(b)2.
f.) leaving in place unauthorized fill or otherwise fail to restore illegally altered land to its original condition, or the continuation of any other activity in violation of M.G.L. c. 131, §40.

The Conservation Commission, its members and agents, and Department employees may enter upon privately owned land for the purpose of performing its duties under M.G.L. c. 131 §40, subject to constitutional limitations.

7. **Emergency Projects** – For the protection of the health or safety of the citizens of the Commonwealth and ordered to be performed by an agency of the Commonwealth or the Town. The Conservation Commission must act within 24 hrs. of receipt of Certificate of an emergency project. (M.G.L. c131, §40) (310 CMR 10.00)

Form WPA Emergency Certification Form must be filled out. You will find this on the DEP website: http://www.mass.gov/lists/wetlands-permitting-forms

8. **Site Visits** – Site visits are not public meetings; therefore, no decisions can be made. No quorum or public notice is required for a site visit.

The Conservation Commission decides if a site visit is necessary. All resource areas boundaries, road cuts, proposed roads, driveways and crossings, replication areas, retention and detention basins, septic systems, and building locations should be flagged on the site and mapped onto the site plan prior to the visit.