



Grafton Conservation Commission

Summary of Instructions Notice of Intent and Application for Permit

When should I file a Notice of Intent and Application for Permit?

- Whenever you propose to do *any* work within a wetland (swamp, marsh, bank, water body, land subject to flooding, river, stream, brook, etc.)
 - Whenever you propose to do *any* work within 100 feet of a wetland
 - Whenever you propose to do *any* work within 200 feet of a River or perennial stream
- File well *before* starting any work – the permit process takes time.

How will the request be processed?

1. The application must be complete before the Commission can take any action. If the application is incomplete and/or the proper fee is not submitted, the process is put on hold until the application is complete and the proper fee is submitted. If the application lacks sufficient detail for Commission to evaluate wetlands impacts, the project may be denied.
2. A public hearing will be scheduled at a regular Commission meeting. It **must** be advertised at least five business days prior to the date of the hearing. It is generally advertised in *The Grafton News* which is published weekly.
3. The Commission or its Agent will visit the site prior to the hearing.
4. The Commission may require the services of an expert consultant to review the application, plans, engineering calculations, field conditions, etc. When the services of a consultant are required the cost of this review is charged to you.
5. If, during the hearing process, additional information is deemed necessary for the Commission to make a decision, then the hearing may be continued to a later date. If the Commission determines that all pertinent information has been submitted, then the hearing will be closed.
6. Within 21 days of the close of the hearing, the Commission will act to either issue an Order of Conditions (OOC) and a Bylaw Permit or, under certain circumstances, to deny the project as proposed. The Order of Conditions and Permit are generally sent to you by certified mail, but you can arrange to pick them up at the Commission office.

30 Providence Road, Grafton, MA 01519 • Tel: 508-839-5335 ext. 138 • Fax: 508-839-4602
e-mail: conservation@town.grafton.ma.us

What will it cost me?

1. The state and town fees, both of which depend on the nature and extent of the work.
2. The fee charged by the assessor's office for a certified list of abutters.
3. The cost of advertising the hearing in the newspaper.
4. Professional services engaged by you to design the project, mark the wetland boundaries, and meet design and performance standards specified by law.
5. Professional consulting costs incurred by the Commission. You can keep these costs to a minimum with a project designed to have no wetlands impacts and prepared by a professional with thorough knowledge of the town and state wetlands laws.

When can work proceed?

1. Work may not start until the 10-day appeal period (see below) has elapsed.
2. Several requirements spelled out in the OOC and Permit, including recording of the OOC and Permit at the Registry of Deeds, must be satisfied before work can begin.

What if I disagree with the Commission's decision?

1. You may appeal the decision that was made under the Town Bylaw to Superior Court; the appeal must be filed within 10 days of the date on which the decision was issued.
2. You may also appeal the decision that was made under the state law by requesting DEP to issue a Superseding Order of Conditions. This must be done within 10 days of the date issued, and it carries a fee.

What to Submit – Notice of Intent and Application for Permit

Be sure to read the Town and State rules and regulations and all instructions, including a detailed list of information that must be submitted with the application. This summary does not give you all the details.

What forms do I submit?

1. **Notice of Intent (NOI)** -- you must submit either
 - the standard Notice of Intent (Form 3)* or
 - the Abbreviated Notice of Intent (Form 4)* which can only be used for projects with minor impact on the buffer zone and no impact on wetlands: the General Instructions (Form GI) tell you the criteria the project must meet in order to be eligible for the abbreviated notice.
2. **Natural Heritage and Endangered Species Program notification.** – If any portion of your project is within an area designated on the latest (2006) Estimated Habitat Map (posted in the Conservation Commission office), you must submit a copy of the Notice of Intent and plans to the Natural Heritage and Endangered Species Program (NHESP). **You are required to include proof of this mailing with your Notice of Intent submittal.** Include in your NOI submittal a photocopy of map with site outlined even if the subject property is not within an area designated on the latest Estimated Habitat Map. This will show that you have checked the Map and that the property is not within a designated area.

3. Notice of Intent Fee Transmittal Form*

You must submit the state's share of the fee directly to DEP using the Notice of Intent Fee Transmittal Form. A copy of the form must be included with the application submitted to the Commission and DEP.

4. Application for Permit

You must submit the town's Application for Permit (Form A). This form is used for all projects, regardless of which Notice of Intent form is used.

5. Notice to Abutters

You must notify all abutters within 300 feet of the property upon which the project is to be undertaken (with some exceptions for certain large or linear parcels). Submit a request to the Assessor's Office for a certified abutter list. There is a fee for the list. The Notice to Abutters (Form B) must be hand delivered or sent to each abutter by certified mail as specified in the Rules and Regulations. You must furnish the Commission with proof that all abutters have been notified. *You should send the notice to the abutters at least two weeks before the scheduled hearing date, to give them time to make plans to attend the hearing.* It is best to send the notice to the abutters at the same time you submit the application to the Commission.

What else must I include?

1. Plans that clearly show the area where work is to be performed, and the location of all wetlands within 100 feet of the work and all Rivers and perennial streams within 200 feet of the work. See *1988 Rules and Regulations for the Administration of the Town of Grafton Local Wetlands ByLaw of 1987 and as amended through 2005* for a more complete description of information to be included with plans.
2. A description of the proposed work, including all measures to prevent erosion that might affect the wetlands and all measures to mitigate any potential adverse effects on the wetlands.
3. A state filing fee and a local filing fee, both based upon the nature and extent of the work.
4. An electronic copy of NOI, CAD drawings, and other submitted materials (which may be scanned and copied to disc) is required for all subdivisions, developments, commercial projects and initial filings on individual house-lots within subdivisions/developments.

Where should I send the application?

1. The state share of the state filing fee must be sent to the DEP Lock Box, accompanied by the NOI Wetland Fee Transmittal Form*.
2. The original and 2 copies of the complete application and plans must be submitted to the Conservation Commission.
3. A copy of the NOI and plans must be sent to DEP.
4. A copy of the Application for Permit and a notification letter (Form J) is to be sent to each town department listed in the Rules and Regulations.
5. A copy of the NOI and plans must be sent to the Army Corps of Engineers, if the project may fall under their jurisdiction, i.e. if work is proposed within any bank, bordering vegetated wetland, or land under a water body or waterway.

<p>* For downloadable forms to file under the Wetlands Protection Act go to the DEP website at: http://mass.gov/dep/water/approvals/wwforms.htm</p>

Notice of Intent/Application for Permit Checklist

Documents to be Submitted to:

1. The Department of Environmental Protection (DEP) (one copy)

- Copy of Notice of Intent (DEP Form 3) or Abbreviated Notice of Intent (DEP Form 4)
- Copy of the NOI Wetland Fee Transmittal Form
- Copy of the check sent to the DEP lock box
- Evidence of mailing (certified mail receipt) to the Natural Heritage and Endangered Species Program (NHESP), if the site is within an area marked on the most recent Estimated Habitat Map
- Copy of NHESP Estimated Habitat Map showing location of project and site outlined in red
- 8-1/2 x 11 copy of USGS quad section showing location of project and site outlined in red
- Copy of FEMA Map showing location of project and site outlined in red
- Plans and supporting materials describing the existing conditions on the site and the proposed activity (including all applicable information listed below)
- Any supporting documents or materials required by DEP

2. The Natural Heritage and Endangered Species Program (one copy)

- ALL of the documents submitted to DEP (listed above) if work is proposed within an area marked on the most recent Estimated Habitat Map

3. The Army Corps of Engineers (one copy)

- ALL of the documents submitted to DEP (listed above), if work is proposed within any bank, bordering vegetated wetland, or land under a water body or waterway

4. The Grafton Conservation Commission (original and 2 copies)

- All of the documents submitted to DEP (listed above)
- Check for the town's share of the Notice of Intent fee, payable to "Town of Grafton"
- Application for Permit (Grafton Conservation Commission Form A)
- Check for the wetlands bylaw permit fee, payable to "Town of Grafton"
- Statement of how the wetlands bylaw permit fee was calculated
- 8-1/2 x 11 section of Grafton assessor's map *with site outlined in red*
- All deeds, title certificates, and latest tax bill(s) for the property
- Certified Assessor's list of all abutters within 300 feet of the site
- Copy of the notice sent to abutters
- Proof that abutters were notified (certified mail return receipts **or** affidavit of person who hand delivered notices)

Information to be included in Plans and Supporting Documents

Format for Drawings

- ___ All drawings must show the name of the project, location, name of person(s) preparing the drawings, and date prepared (including latest revision date)
- ___ Plans should be stamped and signed by a Registered Professional Engineer (showing his/her engineering discipline) or Registered Land Surveyor. Plans depicting proposed drainage systems must be stamped and signed by a Registered Professional Civil Engineer.
- ___ Index sheet, if more than two drawing sheets
- ___ Drawing sheets must be no larger than **24" x 36"**
- ___ Drawing scale of **1" = not more than 50'**

Description of Existing Site and Conditions (include all that apply to your site)

- ___ Property boundaries showing metes and bounds and abutters
- ___ All zoning district boundaries, including floodplain and water supply protection overlays
- ___ Existing contours at two-foot intervals based on National Geodetic Vertical Datum
- ___ All existing natural and man-made features, including tree/shrub lines, rock outcrops, stone walls, fence lines, cart roads, foot paths, overhead and underground utilities, and drainage structures
- ___ Location of all surface and subsurface water supplies, wells, and septic systems on the property and on the abutting properties
- ___ All wetlands resource areas (including water courses, water bodies, intermittent streams, springs, open and closed channels, storm drains, kettleholes, vernal pools, isolated areas subject to flooding, and vegetated wetlands) contained on the site or within 100 feet of the site, and rivers and perennial streams on the site or within 200 feet of the site, and with boundaries identified by a wetland scientist and locations determined from a survey performed by a Registered Land Surveyor or Registered Professional Civil Engineer
- ___ Boundaries of the 100-foot buffer zone for each wetland resource area
- ___ **Boundaries of the 25-foot no-disturb zone for each wetland resource area**
- ___ Boundaries of the 100-foot and 200-foot Riverfront Areas
- ___ Elevations of all natural and man-made drainage structures, waterways, water bodies and wetlands
- ___ 100-year flood elevations and boundaries of all natural and man-made waterways, water bodies and wetlands
- ___ Hydraulic calculations showing full-flow capacity and velocity of all water courses, open and closed channels, and storm drains flowing into, on and out of the property
- ___ Soil boundaries as determined from mapping by the USDA Soil Conservation Service
- ___ Soil characteristics in representative portions of the site, including depth of peat, muck, and organic matter in wetland areas
- ___ Maximum groundwater elevations with calendar dates of measurements, samplings, and percolation tests where applicable

Description of Proposed Activity

All proposed man-made features including roads, driveways, parking areas, structures, buildings, and overhead and underground utilities

Subsurface sewage disposal systems, with plans showing compliance with Title V

Proposed grading and changes in elevation shown with two-foot contours and spot grades

All surface and subsurface drainage structures, including location, cross-section, slope, and surface treatment of all drainage channels and inverts, slope, pipe materials, catch basins, manholes and end treatment of all storm drains discharging within 100 feet of any wetland or waterway or within 200 feet of any River or perennial stream

Location and detail of all temporary erosion control devices, diversions, terraces, silt fences, haybale barriers, and sedimentation basins

Supplemental Documentation (include all that apply to your project)

Engineering calculations to fully support the design of compensatory flood storage areas, detailing existing and proposed incremental flood storage volumes up to the 100-year flood elevation

Engineering data to describe alteration and replication of resource areas, with calculations showing that the capacity and stability of existing and altered waterways is not impaired by the proposed work

Wildlife habitat study and design of compensating wetland/wildlife habitat, where alterations will exceed the thresholds described in 310 CMR 10.00 or where the alteration of vernal pool habitat or the habitat of a rare species is proposed

Hydrologic analysis to support the design of the storm water management system for new point source discharges within 100 feet of a resource area, prepared by a Registered Professional Civil Engineer

Limit of clearing for all areas that will be altered within 100 feet of a resource area

Planting plans, specifications, and construction schedules for all area that will be altered within 100 feet of a resource area

Erosion control plan, describing all methods to control erosion and siltation on site, temporarily and permanently, showing location of any fill material that will be stored on site

Completed DEP Stormwater Management Form

Copy of NPDES Stormwater Pollution Prevention Plan

Copies of completed DEP Field Data Forms used for delineating bordering vegetated wetlands in representative areas of site



Grafton Conservation Commission

APPLICATION FOR PERMIT GRAFTON WETLANDS BYLAW

PART A

1. Notice is hereby given in accordance with the provisions of the Grafton Wetlands Protection Bylaw that the proposed activity described herein is within the jurisdiction of the Town of Grafton and is located at: _____

as shown on Assessor's Map _____ Parcel _____ and is in deed of _____ recorded at the Worcester District Registry of Deeds

of _____, Book _____ Page _____

Certificate # _____ (Registered Land)

2. The land on which the work is proposed is owned by:

Name	Address	Telephone No.
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3. The applicant submitting this application is:

Name	Address	Telephone No.
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4. Plans describing and defining the work, included herewith and made a part hereof, are titled and dated as follows: _____

5. Copies of this complete application (Parts A and B), with Form J as a cover sheet addressed to each of the following boards, are enclosed with this package:

Conservation Commission (Original and 2 copies)
Board of Selectmen
Planning Board, Town of Grafton
Board of Health, Town of Grafton
Town Engineer, Town of Grafton
Inspector of Buildings, Town of Grafton
Board of Water Commissioners
Board of Sewer Commissioners

6. The abutters to the property on which the work is proposed have been notified about the filing of this application, on the form specified in the regulations, and in accordance with Section 5 of the Bylaw. A certified list of abutters, affidavit of service and completed notification to abutters form are attached hereto.

7. Description of the proposed project (attach additional sheets as needed):

9. Amount of estimated town Bylaw Permit application fee enclosed
\$ _____

Note: Permit fees are calculated by the Commission per the published fee schedule. Estimated fees, subject to confirmation by the Commission, are payable upon submission of this application. In addition to a permit application fee, I understand that I am responsible to pay publication costs for legal notices and additional fees for independent consultants engaged by the Commission.

10. I understand that notification of this application, and the public hearing which will be held by the Conservation Commission, will be published in The Grafton News, or other newspaper having a location/circulation in Town, at my expense.

11. If the owner of the land is other than the applicant, I understand that the owner must either sign this application in the space provided or provide written authorization for the applicant to seek a permit.

12. WAIVER of HEARING DEADLINE

I understand that occasionally, the hearing schedule of the Conservation Commission precludes holding a hearing precisely within 21 days.

IF THE NEXT REGULAR MEETING OF THE CONSERVATION COMMISSION IS NOT SCHEDULED WITHIN 21 DAYS OF THE DATE OF MY FILING OF A COMPLETE APPLICATION OR IF A HEARING CANNOT BE SCHEDULED, I WAIVE THE 21-DAY REQUIREMENT AND AGREE TO A LATER DATE FOR A HEARING PURSUANT THE GRAFTON WETLANDS PROTECTION BYLAW AND A HEARING PURSUANT TO MGL CH. 131 §40, PROVIDED THAT THE HEARING IS HELD NOT LATER THAN 45 DAYS FROM THE DATE OF FILING A COMPLETE APPLICATION.

PART B

Part B of this application consists of the completed Notice of Intent which may be required pursuant to MGL Chapter 131, §40, as amended, and a completed Application for a Dept. of Army Permit, if applicable.

It is the applicant's responsibility to secure all other permits that may be required.

Owner's signature _____ Date _____

Owner's signature _____ Date _____

Applicant's signature (if different from owner) _____ Date _____

(Written authorization from owner must be attached if not signed above by owner.)

BOARD OF ASSESSORS
REQUEST FOR ABUTTERS LIST

Date of Request: _____ Date List Needed: _____

Name of Person Requesting List: _____

Phone # _____

Name of Property Owner: _____

Street Address of Property: _____

Map: _____ Block: _____ Lot: _____

Reason for List: _____

Hearing before Zone Board of Appeals: Yes No

Hearing before Planning Board: Yes No

Hearing before Conservation Commission: Yes No

Other: _____

REASON FOR HEARING

Variance: Scenic Road Title 5

Special Permit: Sub-division

Other: _____

RADIUS FOR ABUTTERS: (Check one)

Immediate: 100 Ft: 200 Ft: 300 Ft:

Two Sets of Labels will be provided if needed: Yes No

(Planning Board requires 2 sets of Labels)

Office use only

Date List Prepared: _____ Address Labels Prepared: _____

Fee Charged: \$ _____ Amt Paid: _____ Date: _____

Check: # _____ Cash: \$ _____ Money Order: _____

AFFIDAVIT OF SERVICE

Under the Massachusetts Wetlands Protection Act
and the Town of Grafton Wetlands Protection Bylaw

(To be submitted to the Grafton Conservation Commission when filing a Notice of Intent
or Abbreviated Notice of Resource Area Delineation)

I, _____ (person making Affidavit), hereby certify
under the pains and penalties of perjury that on _____ (date) I gave notification to
abutters in compliance with Article 25, Section 5B of the Grafton Bylaws dated 5/10/89 in
connection with the following matter:

A Notice of Intent or Abbreviated Notice of Resource Area Delineation filed under the
Massachusetts Wetlands Protection Act and the Town of Grafton Bylaws by
_____ (name of applicant) with the Grafton
Conservation Commission on _____ (date) for property located at
_____ (address of proposed
work).

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

Name

Date

Notice To Abutters
GRAFTON WETLANDS PROTECTION BYLAW

DATE: _____ CERTIFIED MAIL # _____
OR
DATE OF HAND DELIVERY _____

TO: _____
ABUTTER ADDRESS TEL # (optional)

FROM: _____
Applicant Address

RE: Property identified on Grafton Assessor's Map # _____ Parcel _____

located at _____

recorded in Worcester District Deeds, Book _____ Page _____.

Proposed Work: _____

Pursuant to the requirements of the Grafton Wetlands Bylaw, I am writing to advise that I have filed with the Grafton Conservation Commission the following:

- _____ An application for a Wetlands Permit.
- _____ An Abbreviated Notice of Resource Area Delineation

The Grafton Wetlands Bylaw defines abutters as those whose property physically touches the property identified above or whose property lies within 300 feet from the property identified above.

The Grafton Conservation Commission will be holding a public hearing on my filing within 21 days or any approved extension. Notice of that public hearing will be given at least five days prior to the hearing, in The Grafton News, or other newspaper having location/circulation in Town. Plans for this project and a copy of the application are on file with the Grafton Conservation Commission, Grafton Municipal Center, 30 Providence Road, Grafton, MA 01519. If you have any questions, you may contact the Conservation Commission or me.

**REQUEST FOR WAIVER
GRAFTON WETLANDS PROTECTION BYLAW**

DEP File Number (if applicable): _____

1. The undersigned hereby requests that the Grafton Conservation Commission grant a waiver from strict compliance with the requirement listed below of the Rules and Regulations for Administration of the Grafton Wetlands Protection Bylaw, for the activity described below. (A separate form is required for each requirement requested to be waived.)

2. Applicant's name: _____
Address: _____
Telephone: _____

3. The activity is located at: _____ as shown on
Assessor's Map _____ Parcel _____ and is in deed of _____
recorded at the Worcester District Registry of Deeds Book _____ Page _____

4. The proposed activity is the following:

5. The specific requirement for which a waiver is requested is the following (refer to the specific section of the Rules and Regulations):

6. Waiver of this requirement is consistent with the intent and purpose of the Bylaw and Regulations for the following reasons (use additional paper if necessary):

Signature: _____

Date: _____

TO: _____
(Town Board)

DATE: _____

Attached please find NOI/Application for Permit
filed by: _____ regarding
(Applicant's Name)

_____ for your review. Plans are attached or are available
(Project Title or property address)

in the Conservation Office. Your formal comments (below or attached) to the Commission are requested no later than 14 days from receipt of this memo.

Comments:

cc: Board of Selectmen
Planning Board
Board of Health
Building Inspector
Town Engineer
Dept. of Sewer Commissioners
Board of Water Commissioners (Grafton or South Grafton, as applicable)

Filing Fee Worksheet

Application for Permit

Grafton Wetlands Protection Bylaw

Permit fees are payable at the time of application. Make check payable to: “**Town of Grafton Conservation Commission.**” Filing fees are additive and apply to each activity or portion of activity proposed within a jurisdictional area. Filing fees will be calculated by the applicant per the schedule below. Such fee calculation shall be subject to approval by the Commission. Filing fees are non-refundable. This fee is in addition to the state filing fee and consultant fees.

NOTE: Fees for all after-the-fact filings will be doubled.

___ Single family dwelling each	\$100.00	\$ _____
___ Multi-family dwelling each	\$100.00 each	_____
	dwelling unit	
___ Commercial and industrial buildings	\$300.00	_____
___ Roadways and infrastructure	\$300.00 +	_____
	\$500.00 for each crossing	
___ Driveway to single family residence (buffer zone only)	\$50.00	_____
___ Driveway to single family residence (with crossing)	\$100.00	_____
___ Common driveway same as single family driveway fees		_____
___ Septic System construction, upgrade or repair	\$50.00	_____
___ Residential addition, garage, deck, pool, shed	\$50.00	_____
___ Parking lot less than 25 spaces	\$100.00	_____
___ Parking lot 25 - 50 spaces	\$200.00	_____
___ Parking lot more than 50 spaces	\$500.00	_____
___ Oil or hazardous waste cleanup projects	\$100.00	_____
___ Any other activities not otherwise described -residential	\$50.00	_____
___ Any other activities not otherwise described - comm/ind	\$300.00	_____
___ Waivers (payable for each waiver requested)	\$50.00	_____
	Total fee	\$ _____

Project Address: _____