

Groton Conservation Commission
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GROTON CONSERVATION COMMISSION WETLANDS KIT

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The Groton Conservation Commission is a Selectmen-appointed body of volunteers who have been enabled by the Commonwealth of Massachusetts to administer the Wetlands Protection Act (WPA), MGL Ch. 131, §40; and its Regulations, 310 CMR 10.00. In addition Groton has a Wetlands Protection Bylaw, passed at town meeting in April, 2001 and revised in 2014, that protects additional wetland resource areas and interests and imposes additional standards and procedures stricter than those of the WPA. There are seven volunteer Commissioners, all of whom reside in Groton. The Commission conducts regularly scheduled meetings every second and fourth Tuesday of the month for the purpose of:

- assisting applicants with the process/forms for filing for a wetlands permit under the Massachusetts Wetlands Protection Act, MGL Ch. 131, §40 and the Groton Wetlands Protection Bylaw;
- conducting public meetings or hearings as required for a Request for a Determination of Applicability, Abbreviated Notice of Resource Area Delineation, Notice of Intent, or Abbreviated Notice of Intent;
- work sessions to manage town-owned conservation areas;
- planning sessions to address conservation concerns;
- informational meetings with interested citizens; and
- enforcement of the public interests as set forth in the Massachusetts Wetlands Protection Act, MGL, Ch. 131, §40 (Public Water Supply, Private Water Supply, Groundwater Supply, Land Containing Shellfish, Fisheries, Storm Damage Prevention, Prevention of Pollution, Protection of Wildlife Habitat, and Flood Control) and §215 of the Groton Town Code, the Groton Wetlands Protection Bylaw.

In response to filings, the Commission regularly conducts site visits on the Saturday morning preceding hearings/meetings to review wetland delineations and current conditions in the field.

TOWN OF GROTON FORM OF INTENT INSTRUCTIONS

As of February 18, 2009, the Town of Groton is requiring that all applicants submit the attached “Form of Intent” prior to applying for any permits. The information provided on the form will enable Town Hall staff to assist you in the permitting process. Please fill out the form completely with as much information as possible about your proposed project.

Applicant/Owner Contact Information

The first section includes all the contact information about the applicant and the property owner. The Town must know how to contact you as quickly as possible. If the applicant and owner are the same, please write “same” under Landowner.

Project Location

Please provide correct building number and street address location. Building numbers are assigned by the Building Inspector for new construction and the Fire Chief for existing structures.

Please provide accurate Assessors Map, Parcel and Unit numbers. This information is available on the Town’s GIS web site at: <https://grotonma.mapgeo.io>

Information on Zoning Districts, Water Resource Protection Districts (WRPD), Historic Districts (HDC), wetlands and 100-year floodplain is also available on the GIS web site. There is a kiosk at the Building Department counter for your use. Town Hall staff will assist you in obtaining the correct information to fill out this section of the form.

Project Information

Please name your project whatever you would like to call it. If there is a subdivision or site plan name, please include this information.

Please check off the appropriate category of use that applies to your project. This is a very general category. More specific information should be provided in the explanation of the proposed project. Please include the type of use such as residential, retail, professional office, restaurant, bank, etc. You must indicate if you plan to serve food or beverages at your facility.

Determination Letter

The Town will respond with a list of permits your project will require based upon the information provided in the Form of Intent.

If you have any questions, please contact Town Planner Takashi Tada or Land Use Assistant Robin Eibye at the Planning Board office at 978 448-1105 or e-mail planning@townofgroton.org.



**TOWN OF GROTON
LAND USE DEPARTMENTS**

FORM OF INTENT

FOR OFFICE USE ONLY

Date FOI received _____
Date FOI scanned _____
Application, plans & documents
available at : _____

The information provided on the form will enable Town Hall staff to assist you in the permitting process. Please fill out the form completely with as much information as possible about your proposed project. The form will be distributed to Town Departments for comments. The comments will be forwarded to you.

Applicant _____ Landowner _____
Address _____ Address _____
Telephone _____ Telephone _____
Cell phone _____ Cell phone _____
Fax number _____ Fax number _____
E-mail _____ E-mail _____

Type of applicant:

- owner tenant
- contractor architect/engineer/attorney

Type of owner:

- Individual Corporation Condominium
- Institutional/Non-profit State/Municipal

PROJECT LOCATION:

Street address: _____
Assessors Map _____ Parcel _____ Building _____ Unit _____
Zoning District _____ WRPD _____ HDC _____

PROJECT INFORMATION:

Brief description of proposed project: _____
Subdivision name: _____ Subdivision Lot Number: _____

Use category (please check all that apply):

- single-family two-family multifamily comprehensive permit (40B) mixed-use agricultural
- TCOD business manufacturing/industrial educational/institutional municipal use sign

Gross square feet per floor _____ Number of floors _____
Number of dwelling units _____ Number of parking spaces _____

Does your site contain wetlands or 100-year floodplain? yes no do not know

Is your site served by: public water **or** private well ; public sewer **or** on-site sewage disposal system

Please print a complete explanation of your proposed project:

Signature: _____

Date: _____

The list of permits which may be required and concerns expressed by the various departments as set forth above are intended as a guide to the applicant, and should not be construed as a comprehensive list of required permits, or of concerns which may arise during the permitting process. The various provisions of the Groton Code, the General Laws, and the Massachusetts Code of Regulations which are applicable to this project should be consulted for a complete list of permits and submission requirements.

INSTRUCTION FOR APPLICATIONS
UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT, MGL CH.131, §40
And
GROTON WETLANDS PROTECTION BYLAW

A series of nine (9) forms are used to administer the state Wetlands Protection Act and the Groton Wetlands Protection Bylaw. Current forms are available in the Commission office or may be downloaded from <https://www.mass.gov/lists/wetlands-permitting-forms-massdep>. Be sure the form number is preceded by WPA. All filings should be received at least 15 days prior to the next Commission meeting in order to allow sufficient time for advertising. The general public most frequently uses WPA Form 1 (Request for Determination of Applicability), WPA Form 3 (Notice of Intent), WPA Form 4 (Abbreviated Notice of Intent), or WPA Form 4A (Abbreviated Notice of Resource Area Delineation). Eight of the forms and their uses are outlined below:

WPA Form 1: REQUEST FOR DETERMINATION OF APPLICABILITY (RDA)

This form is filed by a landowner before starting a project if there is uncertainty as to whether or not wetlands exist at or near the project site. A Request for Determination of Applicability can also be filed by any concerned citizen of Groton who wishes to know if wetlands exist within 100 feet of a site proposed for development. Minor projects within the 100-foot Buffer Zone are also considered under this filing category. Under the state statute, the Commission has 21 days in which to issue a Determination of Applicability (WPA Form 2) in response. This period may be extended if the Commission requests additional information.

To File the RDA: Prepare **four (4) paper copies and one (1) electronic (PDF) copy** of WPA Form 1 and site-specific plans:

A. **Two (2) paper copies** of complete package (form w/ plans attached, ready for mailing) to be sent by certified mail or hand delivered to the Groton Conservation Commission, Town Hall, 173 Main Street, Groton, MA 01450 together with:

Check for Legal Notice advertising fee of \$53.00 (includes administrative fee), payable to Town of Groton

B. **One (1) paper copy** to be sent to:

Department of Environmental Protection (DEP)
Central Region
8 New Bond Street
Worcester, MA 01606

C. **One (1) complete electronic (PDF) copy** emailed or delivered with concurrently as part of the submitted paper copies (see section A above).

Please email electronic submissions to: conservation@townofgroton.org

****There is no fee for filing a Request for a Determination of Applicability****

D. **One (1) paper copy** to be retained for the applicant's record.

WPA Form 2: DETERMINATION OF APPLICABILITY (DOA)

This is an official written determination by the Conservation Commission responding to Form 1 (Request for Determination of Applicability). A positive finding means that the applicant must file a Notice of Intent; a

negative finding means that no further action under the Wetlands Protection Act is necessary. On occasion the Commission will attach Special Conditions under which the work is to be carried out.

WPA Form 3: NOTICE OF INTENT (NOI)

This form is filed by an applicant who proposes to do work within 100 feet of a wetland or 200 feet of perennial streams or other Resource Area protected by the Massachusetts Wetland Protection Act or the Groton Wetlands Protection Bylaw.

WPA Form 4: ABBREVIATED NOTICE OF INTENT is supplied to use in lieu of Form 3 for projects which are likely to result in limited impacts on Resource Areas. Form 4 may be used when:

1. The proposed work is within the Buffer Zone or is within Land Subject to Flooding, as defined in part III, Section 10.57 (2) of the DEP regulations; and,
2. the proposed work will alter less than 1000 square feet of surface area within the Buffer Zone or Land Subject to Flooding; and
3. neither a Department of Army permit nor a Division of Waterways license is required.

WPA Form 4A: ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION provides a procedure for an applicant to confirm the precise boundaries of Bordering Vegetated Wetlands (BVW) or other resource areas.

To File Form 3, Form 4, or Form 4A: Prepare five (5) copies of Form 3, Form 4, or Form 4A as applicable. The Commission has 21 days in which to schedule a hearing upon receipt of Form 3, 4 or 4A. Once the hearing is closed, the Commission has another 21 days in which to issue the Order of Conditions. There is a 10 day appeal period before work can commence. In general, the minimum filing process takes 52 days. The full package should be submitted at least 15 days prior to the Commission's next meeting.

A. Two (2) complete sets (ready for mailing) of the following sent certified mail or hand delivered to:

Groton Conservation Commission
Town Hall, 173 Main Street
Groton, MA 01450

1. Form 3, 4, or 4A, together with required plans (See Checklist for plans on Pg. 8) ;
2. *Copy of Pages 1 and 2 of the Wetland Fee Transmittal Form (included with the NOI form);
3. *Copy of the DEP Filing Fee Check (see NOI Section F);
4. *Copy of the List of Abutters from the Groton Board of Assessors;
5. *Related town permits, if available;
6. Any other information submitted in connection with permit applications, including drainage calculations, wildlife studies, stormwater management plans, or operation and maintenance plans. (Please confer with the Commission Assistant to determine number of copies necessary.)

Please Note: All plans must indicate placement and numbering of flags to delineate the wetlands and correspond to the flags in the field to be observed during the site walk. All areas of construction and corners of proposed buildings must also be marked on site to correspond with submitted plans. All measurements relating to the wetlands and setbacks must be indicated on the plans. The limit of disturbance and erosion control line must be shown on the plan. Any changes in elevation must be noted and the amount of buffer zone to be disturbed must be calculated.

The filing must be accompanied by two checks:

a) Legal Notice publication fee (\$53 payable to Town of Groton – includes administrative fee) and b) Check for Filing fee as determined by the scope of the proposed activity or project. Also see Page 5 for additional Bylaw fees to be submitted to the Town of Groton. *A six percent (6%) administrative fee will be added to Bylaw permit fees over \$25.*

The applicant is required to notify all abutters within 300 feet of the proposed project by hand delivery, Certified Mail, (return receipt requested), or by Certificates of Mailing. Return certified receipts or Certificates of Mailing must be submitted to the Commission at the time of the public hearing. It is recommended that the applicant

submit a "Request for Certified Abutters List" to the Groton Assessors' office well before preparing the NOI. Before any work commences on the project, the applicant must record the original Order at the Middlesex South Registry of Deeds in Cambridge. The address and phone number of the Registry is: 208 Cambridge St., Cambridge, MA 02141, 617-494-4500.

B. One (1) complete set of the following sent Certified Mail to:

DEP Central Region
8 New Bond Street
Worcester, MA 01606

1. Form 3, 4, or 4A, together with required plans;
2. Copy of pages 1 and 2 of the Wetland Fee Transmittal Form (Appendix B);
3. Copy of the DEP Filing Fee Check (see Section D);
4. Copy of the List of Abutters from the Groton Board of Assessors;
5. Copy of the Town of Groton Filing Fee Check;
6. Any other information submitted in connection with permit applications. (See above.)

C. One (1) complete set of the above for the applicant's records.

D. One (1) complete electronic (PDF) copy emailed or delivered concurrently as part of the submitted paper copies (see section A above).

Please email electronic submissions to: conservation@townofgroton.org

E. Send Pages 1 and 2 of the Wetland Fee Transmittal Form with a Check or money order for the State's portion, payable to the Commonwealth of Massachusetts to:

Department of Environmental Protection
PO BOX 4062
BOSTON, MA 02211

WPA Form 4B: ORDER OF RESOURCE AREA DELINEATION (ORAD)

The Commission issues this form to confirm the applicant's delineation of a wetland resource area.

WPA Form 5: ORDER OF CONDITIONS (OOC)

Before any work commences on the project, the applicant must record the original Order of Conditions at the Middlesex Registry of Deeds in Cambridge. The address and phone number of the Registry is: 208 Cambridge St., Cambridge, MA 02141, 617-494-4500. The Order is a contract between the Commission and the applicant that includes an official list of findings and conditions, imposed in response to Form 3 (Notice of Intent) or Form 4 (Abbreviated Notice of Intent).

WPA Form 6: NOTIFICATION OF NON-SIGNIFICANCE

This is an official response to the Form 3 (Notice of Intent) or Form 4 (Abbreviated Notice of Intent) which states that the work proposed is not significant impairment to the Resource Areas protected under the Wetlands Protection Act.

WPA Form 7: EXTENSION PERMIT

This is an official document that extends the Order of Conditions for periods up to 3 years, at the discretion of the Groton Conservation Commission. This must be recorded at the Registry of Deeds.

WPA Form 8A and 8B: REQUEST FOR CERTIFICATE OF COMPLIANCE and CERTIFICATE OF COMPLIANCE (COC)

8A is the appropriate form to request a Certificate, and 8B (Certificate of Compliance) is the form on which the Commission responds. This is an official document issued by the Commission, certifying that the proposed work under the Order of Conditions has been satisfactorily completed. If only a portion of the proposed work has been

completed, a Partial Certificate of Compliance may be issued at the Commission's discretion. Also, there may be continuing conditions that are in perpetuity. *This form, with original signatures, must be recorded by the applicant at the South Middlesex Registry of Deeds to clear the title.*

Under the Regulations for the Groton Wetlands Protections Bylaw of the Groton Town Code, the following additional fees must be submitted with your NOI filing:

§344-15.F.(1) Bylaw Permit fees.

- a. Bylaw permit fees are payable at the time of application and are non-refundable.
- b. Bylaw permit fees shall be calculated by the Conservation Commission according to the schedule below. *A six percent (6%) administrative fee will be added to Bylaw permit fees over \$25 (checks made out to the Town of Groton).*
- c. Failure to comply with an Enforcement Order shall result in a fee of 1.5 times the customary fee for the Notice of Intent.
- d. Permit fees are in addition to those required by the Wetlands Protection Act, G.L. Ch. 131, §40, and Regulations, 310 CMR 10.00.
- e. Town, county, state, and federal projects are exempt from the filing fee.
- f. The fee for an application for a modification of a permit will be the excess of the fee for the modified project as calculated below over the fee paid for the original permit. There is a minimum fee of \$25 for modifications which may, in the case of minor projects, be waived at the discretion of the Commission.
- g. Agricultural projects are exempt from filing fees.

Schedule of Permit Fees

(a) Single minor project - e.g., house addition, tennis court, swimming pool, or other accessory residential activity.	\$25 per project
(b) Extensions Residential structure or minor project Commercial, subdivision	No Charge \$250
(c) New Residential Structure	\$125
(d) Subdivision - road and utilities only	\$500
(e) Drainage, detention/retention basins	\$500
(f) Multiple Dwelling Structure	\$500
(g) Commercial, industrial and institutional projects Major (new construction or addition of more than 1,000 sq. ft. of floor area)	\$500
(h) Wetland crossings	\$75 driveway/\$500 roadway
(i) Application filed after Enforcement Order	1.5 x the above fees
(j) Request for Determination of Applicability	No charge
(k) Remediation of a contaminated site or enhancement of a degraded resource (excluding violations)	No charge

§344-15.F.(2)(a) Single minor projects.

For the purposes of fee determination, work to remove debris and hazardous materials from wetlands, and wetland restoration projects, and similar projects for improving the natural capacity of a wetland resource to protect or enhance wetland values shall be considered a single minor project.

**Notification to Abutters under the Massachusetts Wetlands Protection Act
and the Town of Groton Wetlands Protection Bylaw**

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, you are hereby notified of the following:

A. The name of the applicant is: _____

B. The name of the owner is: _____

C. The applicant has filed a (check one) Notice of Intent , an Abbreviated Notice of Intent , Request for an Amendment to an Order of Conditions , or an Abbreviated Notice of Resource Area Delineation with the Groton Conservation Commission

seeking confirmation of resource area delineation
 seeking permission to remove, fill, dredge or alter an Area Subject to Protection under the Wetlands Protection Act (Massachusetts General Law Chapter 131, Section 40) and Ch. 215 of the Town Code.

D. The address of the lot where the resource area is located or activity is proposed is:
Street: _____
Assessors Map/Block/Lot: _____

E. Copies of the Notice of Intent, Abbreviated Notice of Intent, Request for Amendment, or Abbreviated Notice of Resource Area Delineation may be examined at the Conservation Commission Office, Town Hall, 173 Main Street, Groton, MA, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Thursday and 8:00 a.m. and 1:00 p.m. on Friday. Please schedule an appointment by calling (978) 448-1106.

F. Copies of the Notice of Intent may be obtained (fees may be charged) from either (check one) the applicant owner , or the applicant's representative , between the hours of _____ and _____ on the following days of the week _____

G. Information regarding the date, time, and place of the hearing may be obtained from the Groton Conservation Commission by calling 978-448-1106 between the hours of 8:00 a.m. and 4:00 p.m., Monday through Thursday, and 8:00 a.m. and 1:00 p.m. on Friday.

Note: Notice of the public hearing, including its date, time, and place, will be published at least five (5) business days prior to the hearing date in either the *Groton Herald*, the *Lowell Sun*, or the *Groton Landmark* newspapers.

Note: Notice of the meeting of the Conservation Commission, including its date, time and place will be posted at the Groton Town Hall no fewer than forty-eight (48) hours in advance of the meeting.

Note: You also may contact the Department of Environmental Protection Central Region Office for more information about this application or the Wetlands Protection Act at (508) 792-7650.

Note: To preserve your appeal rights you must submit comments/concerns in writing.
Please include a brief description of the project here:

Standards for Notice of Intent Submittals

- Sheet Size: Maximum 30 inches by 42 inches.
- Scale: as needed to show all necessary details, but at a ratio no greater than 1:480 (e.g. 1" = 40').
- Title Block: Located at lower right hand corner with:
 - Name of owner of record, applicant, RPLS/RPE (if involved).
 - Lot number, street number, street, Tax Assessor's Map, Block and Parcel/Lot numbers.
 - Original date.
 - Revision area for dates and nature of revisions.
 - Scale.
- North arrow
- Locus map.
- Nearest utility pole number, if applicable.
- Reference benchmark (vertical datum used).
- Legend depicting all natural resources and significant site features.
- All resource areas.
- Wetland boundaries indicated by numbered points corresponding to flags placed in the field with elevation flags.
- Buffer zone boundary lines:
 - 50' and 100' to Bordering Vegetated Wetlands.
 - 50' and 100' to Vernal Pools.
 - 50' and 100' to Isolated Wetlands.
 - 50' and 100' to Ponds and Lakes.
 - 50' and 100' to Banks.
 - 50' and 100' to intermittent Creeks and Streams.
- Resource areas within 100' of proposed work, or in the case of a perennial river or a river, stream, or creek with designated Riverfront Area, within 200', regardless of property boundaries.
- Existing improvements, e.g. buildings, stone walls, trails.
- All existing topography and proposed contours at a contour interval no greater than two feet.
- Cross-sections.

- All proposed or completed alterations.
- Location of well and septic system with reserve area.
- Erosion/sedimentation control measures.
- Replication areas.
- All discharge points and culverts.
- Property boundaries, rights-of-way, easements, restrictions.
- Conservancy district, if applicable (show as cross-hatched area, including all adjacent Bordering Vegetated Wetlands).
- Applicable no disturb zone.
- Pre- and post-development overstory tree canopy line within buffer zone.
- Record the person(s) and firm that delineated the resource areas.
- Placement of aboveground and underground utilities.
- Stamp and signature of a Registered Professional Land Surveyor or a Registered Professional Engineer. In circumstances where the Commission determines that no survey is required, the stamp and signature of a Registered Sanitarian may be acceptable.
- Limit of disturbance.