

Wetland Permitting Procedure

So you are applying for a wetland permit, what happens now?

This is a brief outline of the wetland permitting procedure. The Conservation Commission typically meets on the 2nd and 4th Monday of each month, except May, October and December due to Town Meeting schedules and holidays. All applications are due 2 weeks prior to the regularly scheduled meeting. Items with this symbol * are not required for a Request for Determination of Applicability.

1. **Submit all required application materials to the Norton Conservation Commission.** *Refer to the individual permit filing checklists and our Policies on our webpage to create a “complete” application. Only complete applications will be accepted.*
2. ***Notify abutters prior to or the same day as you submit your application to the Conservation Commission.** Applicants shall notify abutters in accordance with the provisions of 310 CMR 10.05(4)(a).
 - Applicants must use the Certified List prepared by the Assessor’s Office.
 - Applicants must use the Town’s “Notification to Abutters” Form to send to abutters.
 - The Applicant must present either the certified mail or certificate of mailing receipts post marked by the post office for all abutters in the application package and the signed green cards at the public hearing.
3. **A Public hearing will be scheduled by the Conservation Agent** once you submit a complete application.
4. **The Applicant will be billed for a legal advertisement.** Applicants will get a copy of the ad and the bill in regular mail or via email.
 - Applicants bring the check payable to “the Sun Chronicle” to the Conservation Office prior to the public hearing date or at the public hearing.
 - DO NOT mail the check directly to the Sun Chronicle. It must be submitted to the Conservation Office.
5. **The Conservation Agent will perform a site visit** prior to the public hearing to confirm existing conditions and proposed work. Most often a letter will be sent prior to the hearing if there are any issues with the application or the site.

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6. **Attend the public hearing/meeting.** The applicant or representative is expected to attend and briefly present the project and provide proof of abutter notification. It is important for the owner to attend this hearing to avoid any complications, delays or misinformation about your project. If additional information or revised plans are requested, the hearing may be continued.
 - All requested information must be submitted a week (or more depending on the project and information requested) prior to the next scheduled hearing so the Agent and Commission have time to review before a continued hearing.
7. At the public hearing, the Conservation Commission will **issue its decision** to either:
 - Issue a Determination of Applicability (a negative determination means you may proceed without further permitting, a positive determination mean you must file a Notice of Intent application),
 - Close the public hearing and may issue an Order of Conditions (OOC) approving or denying the project, or
 - Continue the public hearing to allow more time for additional information to be provided.
8. Typically at the next regularly scheduled meeting, the Conservation Commission will review the draft Order of Conditions (wetland permit) and it will be issued (mailed or picked up by the applicant). When you receive the OOC, **READ the decision.** Contact the Conservation Office if you have any questions.
9. **Wait the 10-Day appeal period.** A decision of the Conservation Commission can be appealed to MassDEP by any abutter, applicant, or 10-citizen group within 10 business days of the decision.

Did You Know....

- Wetlands reduce flooding, provide wildlife habitat, recharge aquifers, and cleanse water supplies. Wetlands function best in a natural state. Don't "clean them up;" wildlife thrives in areas with brush piles, standing dead trees, rotting logs and other "untidy" things.
 - Wetlands can be wet, wooded and/or meadow-like.
 - Wetlands on public & private property are regulated.
 - Many activities in or near wetlands require a permit.
 - Cutting trees or shrubs
 - Dumping yard waste, dirt, etc.
 - Grading, excavating, filling, or redoing lawns
 - Building structures
 - Changing drainage
- Owners are responsible for all activities on their properties. Before hiring workers, call the Conservation Office to determine if a permit is needed.

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10. ***Record the OOC** at the Registry of Deeds. Provide proof of recording to the Conservation Office.

11. **Install MassDEP file number (250-XXX) sign and sediment controls.**

12. ***Attend a pre-construction meeting.** Contact the Conservation office to schedule a site visit.
 - Applicant, owner and contractor must attend this meeting.
 - Everyone must bring a copy of the Order of Conditions with them.

13. **Execute the project.** The project must be completed within 3 years, unless an extension of the permit is issued; extensions must be requested least 30 days prior to the expiration of the permit. We cannot extend an expired permit.

14. ***Request a Certificate of Compliance (COC).** Once the project is completed and all conditions are complied with, request a Certificate of Compliance from the Conservation Office by submitting the minimum required documents:
 - MassDEP Form 8a;
 - A letter from the engineer stating that everything is in compliance with the approved plans and OOC; and
 - An as-built plan.
 - See the OOC for any other requirements. The Conservation Agent will perform a site visit to ensure compliance.
 - All disturbed areas must be permanently stabilized.
 - Make sure the visual barrier is installed, if required.



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15. *The Conservation Commission will issue a decision within 21 days of receiving the written request. If a Partial Certificate is requested, the Commission is not obligated to issue said Partial Certificate and may, if so determined to protect the Public Interest, require the posting of a CASH "Performance Bond" in accordance with the standard operating procedures of the Town Treasurer. The performance bond shall cover the cost to perform the unfinished work (i.e. to stabilize the site, complete the As-Built Plans and record all documents). SEE "PROCEDURE FOR POSTING CASH "PERFORMANCE BOND" WITH NORTON CONSERVATION COMMISSION".
16. *In accordance with the town's Conservation Land and Administrative Review Fee Schedule By-law, if the Conservation Commission denies a Request for a Certificate of Compliance, a fee may be assessed for subsequent site visits or project review needed to issue the second or subsequent Request for a Certificate of Compliance.
 - The fee will be at the expense of the applicant.
 - The subsequent Request for a Certificate of Compliance will not be placed on the agenda unless the fee has been paid.
17. ***Record the Certificate of Compliance (COC)** at the Registry of Deeds to remove the lien from the title. Provide proof of recording to the Conservation office.

If you ever have any questions about this process, please feel free to contact the Conservation Office!

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