



TOWN OF SWAMPSCOTT

CONSERVATION COMMISSION

ELIHU THOMSON ADMINISTRATION BUILDING
22 MONUMENT AVENUE, SWAMPSCOTT, MA 01907

APPLICATION GUIDELINES FOR A NOTICE OF INTENT (NOI)

The following submission guidelines are intended to assist applicants and their consultants by providing the information necessary to address the concerns of the MA Wetlands Protection Act Regulations.

REFERENCE MATERIAL

- Swampscott Conservation Commission :
<http://www.swampscottma.gov/conservation-commission>
- Mass Wetlands Protection Act Regulations (MassDEP) :
<http://www.mass.gov/eea/agencies/massdep/water/regulations/>

NOTES

1. RESEARCH – Review the MA Wetlands Protection Act Regulations with special attention to pertinent resource areas.
2. PRE-REVIEW – It's strongly recommended that you schedule an appointment to review your application materials before the filing deadline. Please contact the Planning Department at (781) 596-8829 to gain assistance during the permitting process.
3. APPLICATION – Create a total of five (5)* copies of the application:
 - ☐ Submit three (3) copies of the complete application to the Swampscott Conservation Commission. After your paper submission is recorded with the Town Clerk, send an electronic copy to the Town Planner.
 - ☐ Send one (1) copy, simultaneously, via certified mail to the:
MassDEP Northeast Regional Office
205B Lowell St
Wilmington, MA 01887
 - ☐ Retain one (1) copy of the complete application for your own records

** Depending on the location of your project, you may also be required to send one (1) copy of your application packet simultaneously via certified mail to the Natural Heritage and Endangered Species Program and/or the MA Division of Marine Fisheries.*
4. MEETING SCHEDULED – Once the Planning Department receives three (3) copies of a complete application, a public hearing will be scheduled. The Commission requires that a complete application be submitted a minimum of two (2) weeks before a regularly scheduled public meeting. Please check in with the Planning Department for upcoming deadlines.

5. **LEGAL NOTICE** – The applicant is responsible to have a legal notice published in the local newspaper (Lynn Daily Item) at least five (5) business days in advance of the scheduled meeting. Use the template legal notice to ensure all details are properly included; you can review this with the Town Planner prior to submitting it to the Daily Item. The legal notice must run once only. Notices must be submitted to the Daily Item at least two (2) days in advance of the scheduled publishing day. Please note that the applicant is responsible for the legal advertisement fees and is required to send (by certified mail or hand delivery) a copy of the legal notice as shown in the newspaper to the attention of the Town Planner in advance of the public meeting.
6. **ABUTTER NOTICE** – The applicant is required to mail a copy of the legal notice to abutters within 100 feet of the property line of the project property. Abutters shall include owners of land directly opposite on any public or private street or way, and abutters to the abutters within the 100 feet, including any in another municipality or across a body of water. The abutters list can be attained from the Assessors' Office.

The applicant is required to provide to the Conservation Commission before the opening of a hearing the following items:

- ☐ a copy of the abutters list;
- ☐ copies of "Receipt for Certified Mail," "Return Receipt Cards" or other acceptable proof of abutter notification mailing;
- ☐ affidavit of the person providing such notice.

7. **PUBLIC HEARING** – The applicant or a designated representative is required to attend the scheduled public hearing(s) and give a presentation on the proposed project to the Commission members and the public. Most often the first hearing is followed up with a site visit by the Commission. Meetings continue until the Commission members are satisfied that all information necessary to make a decision on the permit application has been presented, and then the hearing will be closed.
8. **DECISION** – The Commission will vote on a draft Order of Conditions (the permit) at a public meeting within 21 days after the hearing is closed. The Order of Conditions will be issued to the applicant via certified mail or the applicant may arrange to pick it up at Town Hall.

After the ten-(10)-business-day appeal period has passed, the applicant must record the Order of Conditions at the Registry of Deeds and submit the recording proof to the Conservation Commission (form will be provided to applicant with the Order). Once all pre-construction conditions have been met, the applicant may begin permitted work, provided all other necessary permits have been obtained.

9. **CERTIFICATE OF COMPLIANCE** - Once the construction of the project is finished, the applicant must make a request (WPA Form 8A) to the Conservation Commission for a Certificate of Compliance (COC), along with certification that the work is in compliance with the Order of Conditions issued. For projects completed according to plans stamped by an engineer or other registered professional, the request must contain written indication that the work was completed substantially in compliance and explain any deviations.

Following a site visit by Commission members, the Commission may issue a COC if it feels that all general and special conditions have been met. If the COC is issued, the applicant must ensure that the COC is

recorded in the Registry of Deeds or the Land Court. Record confirmation must be submitted to the Conservation Commission (form will be provided to applicant with the COC).

REQUIRED APPLICATION MATERIALS

- ☐ MassDEP WPA Form 3: Notice of Intent
- ☐ Filing Fees: Fees are calculated by the type and number of activities. Applications reviewed under the MA Wetlands Protection Act are subject to both state and local filing fees. The state fees are calculated between the State and local government. See WPA Form 3 “Instructions to Section E: Fees” and NOI Wetland Fee Transmittal Form “Section B: Fees” to calculate your state application fee.
 - The Town’s share of the wetlands filing fee, in the form of a check or money order made payable to the “Town of Swampscott,” shall be submitted to the Conservation Commission along with a copy of the NOI Wetland Fee Transmittal Form.
 - The State’s share of the wetlands filing fee should be paid in accordance with the instructions in the NOI Wetland Fee Transmittal Form.

**Please note that photocopies of both checks must be included in the application package.*

- ☐ A narrative cover letter providing details of the project and the proposed work’s location relative to the boundaries of each wetland resource area within 100 feet. Include details about the construction sequence, construction materials, equipment to be used, stockpiling areas, plans to mitigate run-off, placement of erosion and sediment controls, the limit of work area, plantings, etc.
- ☐ Plan
 - An engineer-stamped site plan, to the scale of 1” = 20’, delineating wetland resource areas including all 100-foot buffer zones and proposed activities/structures within these areas. The location of transects, soil samples and vegetation plot sites shall be staked or flagged in the field and flags shall be represented on the Plan. The wetland scientist’s report of the delineation together with the field data sheets in accordance with 310 CMR 10.55 (DEP Bordering Vegetated Wetland Delineation Form) shall be submitted with the application.
 - Existing and proposed contours of the site and existing contours within 50 feet around its perimeter shall be shown. The contour interval shall be one foot except in those areas that exceed 20% grade. Spot elevations shall be included in areas with grades of 2% or less. Elevations shall be based on Mean Sea Level Datum of 1929 (NGVD) with a permanent benchmark for all projects; assumed datum may be used for small renovation type projects not within the 100-year FEMA flood zones.
 - All structures shown on the Plan shall be labeled in feet and the property boundaries shall be clearly marked.
 - Profile drawings shall be provided for all proposed drainage systems, including retention/detention basins, and for sewer systems if located within the buffer or resource area. Profiles shall be at horizontal scale of 1” = 20’ and a vertical scale of 1” = 4’.
 - Existing and proposed locations of all drainage structures, including foundation and roof drains, with rim and invert elevations; and profiles of all proposed drain lines and culverts.
 - Highest and lowest elevations for cellars, foundations, septic systems, leaching galleries and groundwater recharge systems.

- Location of water retention areas, swales and French drains with elevations for the bottom, inlet and outlet, spillway and 100-year flood level.
- Observed and estimated maximum ground water elevations shall be obtained at the location of each proposed retention/detention basin, storm water infiltration structure, and proposed wetland replication area(s). The dates at which the observations were made for detention or retention ponds and the locations of observation pits or wells shall be indicated on the plans.
- The location of all easements, including but not limited to, underground utilities, drainage or trail easements on the site.
- A runoff plan and calculations showing the pre- and post-development runoff conditions for comparative purposes. Runoff calculations shall be prepared for the 1, 10, and 100-year storm frequencies for all activities that impact wetland resource areas and land subject to flooding. Drainage calculations shall be prepared by utilizing the NRCS TR55 or TR20 method, or other method approved by the Commission. The Rational Method may be used for watersheds under five (5) acres.
- Location and detail of all proposed erosion and sedimentation controls.
- In the event of a proposed alteration of a water course, cross-section showing slope, bank, and stabilization treatment shall be shown at specified intervals along the affected water course.
- The location of any wells or sources of potable water on the site or within 300 feet of any property line. A list of pesticides, herbicides, non-aqueous dust controls, or other chemical products to be applied to areas covered by the Notice of Intent. If the chemical products have MSDS sheets, copies shall be supplied.
- Typical and actual cross sections shall be provided for proposed wetlands driveway crossings, retention/detention basins, proposed drainage ditches or swales, and for proposed alterations to existing watercourses. Cross sections shall be drawn at a horizontal and vertical scale of 1" = 4' and shall show existing and proposed slopes, banks, fill material, and surface treatment. Cross section intervals shall not exceed 50 feet.
- General soil characteristics of the area as provided by the US Natural Resource Conservation Services (NRCS) and by hand-dug soil observation pits at specified sites shall be required if there is a dispute as to an existing or former wetland line, or in enforcement cases when there is an attempt to determine the former wetland line.

- ☐ **Blasting Report:** If blasting will be occurring within 50 feet of any wetland resource area, you are required to submit a blasting analysis report from a licensed professional so that the Commission can evaluate any potential impacts to resource areas.
- ☐ Indicate on a locus or USGS map of Swampscott the location of the project.
- ☐ **Stormwater Management:** Stormwater control designs shall conform to the Department of Environmental Protection's Stormwater Management Policy dated March 1997, or as amended. These standards apply to industrial, commercial, institutional, residential subdivision, and roadway projects, including site preparation, construction, redevelopment, and on-going operation. Standards do not apply to:
 - Single-family house projects
 - Residential subdivisions with four or fewer lots, provided any discharge will not potentially affect a critical area; or
 - Emergency repairs to roads or their drainage systems.