

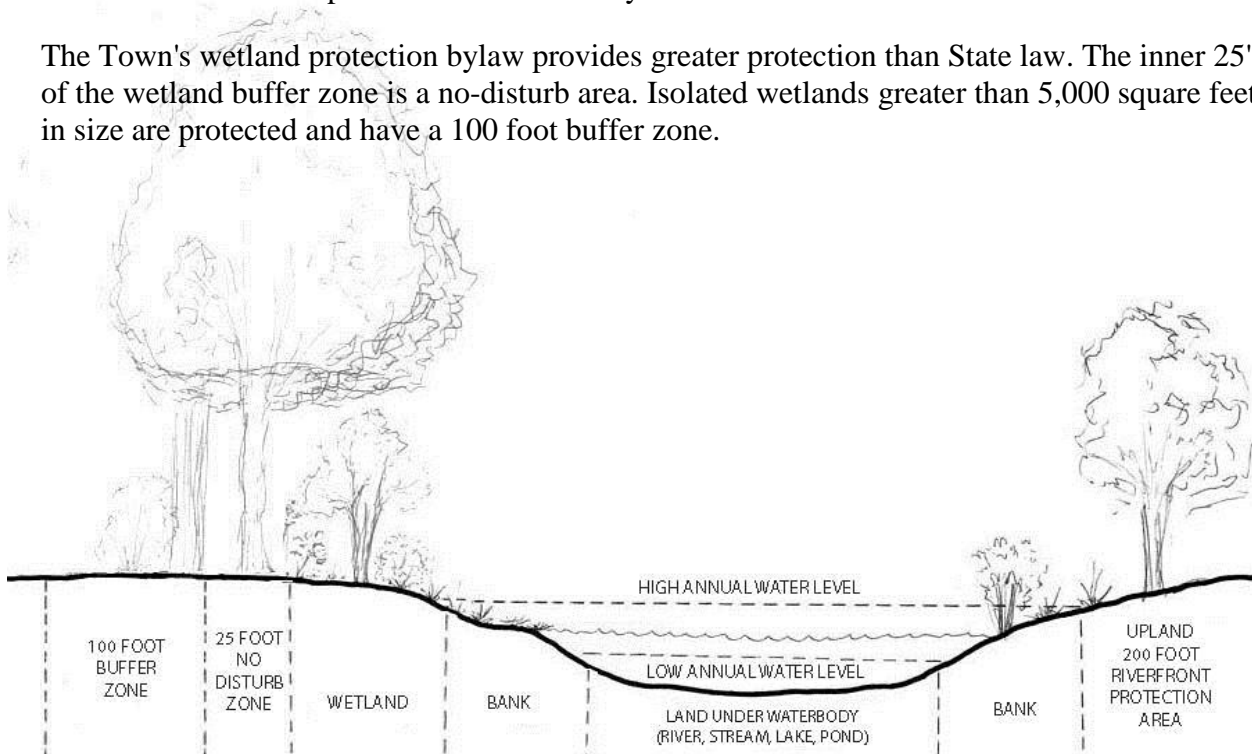
Permitting work in or near Wetlands *With the Rochester Conservation Commission*

Activities that will remove, fill, dredge, or alter ponds, wetlands or buffer zone, are prohibited without first obtaining a permit from the Conservation Commission. Regulated activities include, but are not limited to:

- Building Construction
- Vegetation Removal
- Grading or Excavation
- Depositing Yard Waste
- Septic System Installation
- Discharging Stormwater

Regulated resource areas include wetlands and ponds, and their associated buffer zone, which extends 100' beyond these protected areas. In addition, riverfront is a regulated resource area that extends 200' out from perennial streams of any size.

The Town's wetland protection bylaw provides greater protection than State law. The inner 25' of the wetland buffer zone is a no-disturb area. Isolated wetlands greater than 5,000 square feet in size are protected and have a 100 foot buffer zone.



Following is a brief outline of the typical process, timeline for filing and brief descriptions of frequently used permit applications. Each project is unique and we welcome you to visit us in the Conservation Office to discuss the details of your project.

Typical process:

- Visit the Conservation Office to review maps & discuss the project.
- Determine with Conservation Staff if your project will occur within a resource area.
- Work with a professional to complete the required application.
- Contact the Conservation Office to arrange a site visit.
- Attend public hearing(s) to review your plan with the Conservation Commission.

- Receive approval/denial from Conservation Commission.
- Record Order of Conditions prior to commencement of work.
- Proceed with work, complying with Conditions of the permit.
- Upon completion of work, submit a Request for Certificate of Compliance.
- You are ultimately responsible for what happens on your property.

Typical timeline:

- Submit appropriate permit application to Conservation Office.
- Allow a minimum of 14 days for staff to publish required legal ad in The Wanderer.
- Con Com will hold a public hearing within 21 days of receiving the application.
- Con Com will issue a decision within 21 days from the close of the public hearing.
 - There is a 10 day appeal period from the date of issuance of the order for the applicant, abutter, or a ten person resident group. Documentation to demonstrate previous participation is required.

Frequently Used Permit Applications: (forms and instructions can be found on the Conservation Commission website)

Request for Determination of Applicability (RDA): used for small projects typically located outside wetlands, where the applicant requests the Conservation Commission to determine if the Massachusetts Wetlands Protection Act or the Town Wetlands Protection Bylaw is applicable to the proposed work activity. This submission shall be made on the form (WPA Form 1) according to instructions required by State regulation 310 CMR 10.05 (3)(a)(b). A public meeting on requests under both Town and State regulations shall be held at the same time. The Conservation Commission will issue a positive or negative Determination of Applicability. A positive determination means the applicant must submit a Notice of Intent and a negative determination means the applicant may proceed with work following conditions placed by the Commission.

Notice of Intent (NOI): typically used to permit large projects such as house construction, major additions, or a new septic system that involve significant excavation and/or alteration of existing grades, soils and vegetation within a jurisdictional wetland area. The Notice shall be submitted on the form (WPA Form 3) according to instructions required by State regulation 310 CMR 10.05(4). A public hearing under both Town and State regulations shall be held at the same time. The Conservation Commission will approve or deny the project through the issuance of an Order of Conditions (OOC) that regulates how the project shall be conducted in order to protect resource areas. The OOC must be recorded at the Registry of Deeds prior to commencement of work. A Certificate of Compliance (COC) is the document an applicant or property owner receives from the Conservation Commission once all the work permitted under an OOC has been satisfactorily completed. When the OOC specifies, the applicant must also submit an As-Built plan and an engineer's certification that the work was completed in compliance with the OOC.

Abbreviated Notice of Resource Area Delineation (ANRAD): allows an applicant to confirm the delineation of a Bordering Vegetated Wetland (BVW) or other wetland resource areas. This is helpful in understanding resource area boundaries for future site planning. Other applications may be more suitable for your specific project and can be found on the DEP website.

For more information contact: Merilee Kelly at 508-763-5421 x 206 or mkelly@townofrochester.com