

Notice of Intent - Filing Checklist

When to File a Notice of Intent (NOI)

The Massachusetts Department of Environmental Protection (MassDEP) explains that to protect the Commonwealth's wetland resources, the Massachusetts Wetlands Protection Act (WPA) prohibits the removal, dredging, filling, or altering of wetlands without a permit. To obtain a permit (called an Order of Conditions), you must submit an application (called a Notice of Intent or NOI) to the local Conservation Commission and MassDEP. The Notice of Intent application provides the Conservation Commission and MassDEP with a complete and accurate description of the site and proposed work seeking a permit. Thus, if you have a project that will occur in any part within lands under the jurisdiction of the Wetlands Protection Act, you will need to file a Notice of Intent with the Bernardston Conservation Commission in order to remain in compliance with Massachusetts State Law. Further guidance by MassDEP can be found at: <https://www.mass.gov/how-to/wpa-form-3-wetlands-notice-of-intent>

If you are about to begin a project and would like assistance in determining if it is appropriate for you to file a NOI, please contact the Conservation Agent at concom@townofbernardston.org , or by phone at 978-483-8963.

The Town of Bernardston also has available a free GIS mapping tool in which applicants may enter their project location and utilize remotely analyzed projections of where wetlands likely are. ***Please note that this is not an official delineation of wetlands and so the true extent of the wetlands on your property may be greater or less than what is shown.*** A wetland scientist would need to assess your property in person to tell you exactly where the wetlands are, and a formal wetland delineation is required for a NOI to be considered.

GIS Mapping Tool: http://maps.massgis.state.ma.us/map_ol/bernardston.php

Required Materials for a Complete NOI Application

The following documents are considered the minimum submittal requirements for a complete application to the Conservation Commission. The Commission reserves the right to request additional information before issuing a decision based on site and/or project specifics.

- **Completed MassDEP Wetlands Protection Act Form 3: Notice of Intent.**
 - Blank forms can be found on the MassDEP website at: <https://www.mass.gov/how-to/wpa-form-3-wetlands-notice-of-intent> or by request from the Conservation Agent. *Applicants are encouraged to utilize the eDEP Online Filing System as an alternative to physical forms:* <https://edep.dep.mass.gov/edep/DEPlogin.aspx>
- **Stormwater Checklist and Report (and supporting calculations), if applicable.**
 - Be sure to indicate Stormwater Standards applicability on MassDEP Form 3 and utilize the Stormwater Handbook found here: <https://www.mass.gov/guides/massachusetts-stormwater-handbook-and-stormwater-standards>
- **Town portion of WPA filing fee and proof of payment of State portion of WPA filing fee.**

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- Utilize the NOI Wetland Fee Transmittal Form to calculate the required fee payment to Bernardston and MassDEP. All scanned copies of checks included in an application should redact account and routing numbers for the applicant's protection. Checks to the Conservation Commission should be made out to the Town of Bernardston. Payment to the State should be sent by USPS Certified Mail/Return Receipt to the address below.

MassDEP
Box 4062
Boston, MA 02211

- **Professional Engineer Stamped Site Plan(s) at a scale no smaller than 1"=40' showing existing and proposed features (with dimensions) relative to jurisdictional wetland resource areas (e.g. wetlands, streams, Riverfront Area) and the 100-foot Buffer Zone.**
 - Overall project layout plans, if appropriate due to the size of the project, may be submitted at other scales.
- **USGS Site Locus Map.**
 - This gives the Conservation Commission greater context of where the work will be taking place within Bernardston.
- **Narrative description of existing conditions and proposed activities.**
 - As support to your site plan, the description should highlight any details not immediately apparent in the visual plans as well as provide greater context for long term construction plans.
- **Narrative description of wetland resource area delineation methodology.**
 - The delineation must be completed by a wetland scientist with proper credentials.
- **Proof of legal ad within The Recorder at least five business day prior to intended meeting appearance.**
 - It is the Applicant's responsibility to coordinate publication of the legal ad with The Recorder in Greenfield, MA. A guide and sample legal ad is available through the Conservation Agent and the Conservation Commission webpage at: <http://townofbernardston.org/index.php/8-uncategorised/7-conservation-commission>
- **MassDEP Delineation Data Forms for upland-wetland transects at each Bordering Vegetated Wetland (BVW) referenced in the NOI and/or plans.**
 - Data Forms can be found at the following link:
<https://www.mass.gov/doc/bordering-vegetated-wetland-delineation-field-data-form/download>
- **Scheduled site visit with the Commission prior to intended meeting appearance.**
 - Coordinate with the Conservation Agent to assign a date and time. The visit may be scheduled the day of the intended meeting.
- **List of Abutters within 100 feet of the subject parcel(s) with notification to property owners.**

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- Lists can be obtained at the City Assessors Office and Certified Mail return receipts will need to be submitted to the Conservation Commission by the public hearing date.
 - **Photographs of scope of work.**
 - Photos may also be taken by the Conservation Agent/Commission at the aforementioned site visit.
 - **Proof of submittal to MassDEP and the property owner (if different from applicant).**
 - A copy of the application must be submitted to MassDEP via email or at the address provided below.
- By Mail: Applications should be sent as USPS Certified Mail/Return Receipt or hand-delivered.

Massachusetts Department of Environmental Protection
436 Dwight Street
Springfield, MA 01103

By Email: The subject line should read as follows: "BERNARDSTON - NOI - Street Address - Applicant Name". Note: the maximum file size MassDEP can receive is 15MB. For emailed submissions that exceed 15MB (e.g. NOIs), please break them into more than one email, with each email having the same subject line shown above, with 1, 2, 3...etc. at the end. The Western Region email is: WERO_NOI@mass.gov.

In the event that the Applicant is not the property owner of the land for which the application pertains, the Applicant must demonstrate that a complete copy of the application has been provided to the property owner(s). Copies should be sent as USPS Certified Mail/Return Receipt or hand-delivered.

The **original and three (3) copies as well as 1 digital copy by email** of a complete application must be submitted to the Commission. Applicants may submit the application materials electronically (i.e. pdf) to the Commission, by mail, or hand delivery to the Planning Department. At a minimum, the original and three (3) complete copies with full-size plans or sketches must be provided for the Commission's review and files.

Contact the Conservation Agent at concom@townofbernardston.org or 978-483-8963 to confirm these details. If submitting by mail, NOI Applications and accompanying documentation should be sent as USPS Certified Mail/Return Receipt or hand-delivered to the address provided below.

Bernardston Conservation Commission
Town of Bernardston
P.O. Box 504
Bernardston, MA 01337

Note:

1. A filing fee based on the activity or activities proposed is due to the Commission or MassDEP when filing a NOI. The fee is due at the time of application. An application submitted to the Commission without payment of fees will not be considered complete or included on a meeting agenda until payment is made.

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2. In the event that a wetland boundary is delineated on an adjacent parcel, the Applicant must obtain written permission from the landowner(s) to present that wetland line on project documents.
3. It is the responsibility of the applicant to determine and complete any additional review required by all other agencies/boards with jurisdiction over the activity proposed. For example, review by the Planning Board, Board of Health, U.S Army Corps of Engineers, etc.
4. The Commission recommends that Applicants inquire regarding other recent permit applications that may have been approved on land that affects the subject parcel and/or proposed project area. Previously approved and valid wetland delineations are legally binding.

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