

Permit Filing Procedures Form 3

Dudley Conservation Commission

71 West Main Street, Suite 8, Dudley, MA 01571 508-949-8011

Office Hours: Mondays & Tuesdays 11:30-4:30 PM

www.dudleyma.gov, Email: conservation@dudleyma.gov

Form 3 - Notice of Intent

RESPONSIBILITIES OF THE APPLICANT

No GBC bindings or plastic covers. Fold plans to fit a letter-sized folder.

IMPORTANT: submit the filing to the DEP office as soon as possible to allow time for their review. If they have not issued a DEP File Number by the Public Hearing date, the Public Hearing CANNOT be closed and voted on.

1. Determine the State Filing Fees, using “**310 CMR Categories and Associated Fees**” Listing
2. The Dudley Conservation Filing Fees are: \$50.00 for an existing single family dwelling project, \$100.00 for all other projects. Make check payable to the Town of Dudley. The Dudley Conservation Filing Fee can be combined with the Wetland Consultant Fee in one check.
3. The Wetland Consultant Fee is \$200.00 per lot, per application. Make check payable to the Town of Dudley. The Wetland Consultant Fee can be combined with the Dudley Conservation Filing Fee in one check.
4. Complete and submit the Notice of Intent, fees, plans and all accompanying documentation, to the Conservation Commission at least two (2) weeks prior to the Public Hearing date to allow sufficient time for the site evaluation and review. Scheduled meeting dates are published on the Conservation website at www.dudleyma.gov, click Departments, then Conservation, then Meeting Information. They are also listed on bulletin boards outside the Conservation office, the Town Clerk’s office and in the Meetings Binder in the Police Department lobby. If all required components are not submitted, your application will be considered administratively incomplete. Incomplete submittals will **not** be scheduled for a site evaluation or a Public Hearing.
5. If the project is located in a Wetland Resource Area or Buffer Zone within an Estimated Habitat, the applicant must file an application with the Natural Heritage and Endangered Species Program (NHESP) on the same date the Notice of Intent was filed with the Dudley Conservation Commission. Submit a copy of the Notice of Intent with the NHESP application.
6. Obtain a Certified Abutters List from the Dudley Board of Assessors. The Dudley Board of Assessors requires five (5) days to prepare a Certified Abutters List. Contact the Board of Assessors for the Certified Abutters List fee.
7. Complete and mail the “Notification to Abutters” Form by either: Certified Mail, Certificate of Mailing or in person to the abutters listed on the Certified Abutters List at least (7) seven business days prior to meeting date. Retain Certified Mail green cards or Certificate of Mailing documentation to submit at the Public Hearing. If delivering in person, have each abutter sign the “Evidence of Notification” Form.
8. Complete and submit no later than two weeks prior to the scheduled meeting:
 - a. One copy of the Form 3 Notice of Intent
 - b. One copy of the Wetland Transmittal Fee Form
 - c. Two copies of the Stormwater Management Form (for subdivisions only)
 - d. Two copies of the proposed project plans and supporting documentation
 - e. One copy of the Dudley Board of Assessors’ Certified Abutter’s List
 - f. Checks for the Filing Fees and Site Evaluation Fee.
9. Confirm with the Conservation office that your Public Hearing is scheduled. The applicant or representative is required to attend the Public Hearing. Failure to appear without prior approved notification will null and void the application and the application process is repeated including all applicable fees.
10. It is the responsibility of the applicant to pay for and publish a **Public Hearing** Legal Notice in one (1) local paper (Legal Notice sample attached): the Webster Times or the Worcester Telegram & Gazette. Contact the paper to

determine the Public Notice cutoff date. The Public Hearing must be published at least seven (7) calendar days prior to the Public Hearing date.

11. Keep all original forms for your records
12. Mail the following to the DEP, P O Box 4062, Boston, MA 02211 (this is a drop box for the state filing fee only, do not mail any forms to this address.)
 - a. A check for the State's portion of the fee indicated on the Wetland Transmittal Fee Form
13. Mail copies of the following to the DEP, 8 New Bond Street, Worcester, MA 01606 (do this as quickly as possible. If a DEP File Number is not issued by the meeting date and time, the Commissioners CANNOT close the Public Hearing and it will be continued to the next meeting date.)
 - a. Two (2) copies of the Notice of Intent
 - b. Two (2) copies of the Wetlands Transmittal Form pages 1 & 2
 - c. Two (2) copies of the Stormwater Management Form (for Subdivisions)
 - d. One (1) copy of the proposed project plans
 - e. One (1) copy of the Certified Abutters' List
 - f. Photocopy of the checks for the state and for the town

RESPONSIBILITIES OF THE DEP

- The Worcester DEP will issue a DEP file number to you. This is your reference number and will refer to all work regarding the application. The DEP number must be prominently posted on at least a 2' X 2' sign at the project site. Assignment of a DEP number DOES NOT mean the project was approved.

RESPONSIBILITIES OF THE DUDLEY CONSERVATION COMMISSION

1. Upon complete submittal of all required documentation:
 - a. A site evaluation will be performed by the Wetland Consultant retained by the Commission
 - b. The Wetland Consultant will make a recommendation to the Commissioners
 - c. The Commissioners will review the application, proposed project plans and the recommendation of the Wetland Consultant
 - d. If the Commissioners require more information, they may ask that the Public Hearing be continued to the next posted meeting date
 - e. If the Conservation Commission approves the proposed project, an Order of Conditions will be mailed to the applicant, unless otherwise noted, by Certified Mail.
 - i. Orders are valid for three years.
 - ii. One, two or three years extensions may be requested in writing by the applicant prior to the expiration date of the Order. The request must be received in time to hold a meeting prior to the expiration date of the Order. The fee to extend an existing Order of Conditions is \$100.00.
 - iii. Expired Orders cannot be extended. A new application and all associated filings, fees, etc., must be submitted. It is YOUR responsibility to request an extension.
 - iv. A fee of \$50.00 is assessed for issuing duplicate Order of Conditions with original signatures.

NOTE: No work can begin until:

- DEP issues the number
- The Commissioners approve the proposed project
- The Order of Conditions is recorded at the Registry of Deeds
- 14 business-day waiting period has passed

RESPONSIBILITIES OF THE APPLICANT AFTER APPROVAL

1. Record the original signed Order of Conditions at the Registry of Deeds in Worcester, within 15 days of receipt. No work can begin on the proposed site until the Order is recorded. Failure to record the Order of Conditions on the deed **WITHIN 15 DAYS** of receipt will render the Order of Conditions null and void. All forms, fees and processes must then be repeated, including the Public Hearing.

2. Submit a copy of the receipt of recording to the Dudley Conservation Commission. The receipt from the Registry displays the recording of the Deed's new Book and Page Number.

TOWN OF DUDLEY, MASSACHUSETTS

Checklist for Filing a Notice of Intent

THIS CHECKLIST IS DESIGNED TO ASSIST YOU IN THE COMPLETION OF THE FILING PROCESS AND DOES NOT COVER ALL PROJECTS. PLEASE CONFIRM WITH THE CONSERVATION OFFICE THAT YOUR FILING IS COMPLETE.

- Complete Form 3 Notice of Intent and determine Filing Fee using Attachments A & B
- Complete Wetland Transmittal Fee Form
- Obtain Certified Abutters List from Dudley Board of Assessors
- Mail check to the State: DEP P O Box 4062, Boston, MA 02211
 - State's portion of the DEP Filing Fee (From attachment B)
- Mail documentation to the Regional DEP Office: DEP 8 Bond Street, Worcester, MA 01606
 - **This needs to be done immediately, as the Regional Application Review Process may take longer than the Local Review Process. The Conservation Commissioners cannot close the Public Hearing until a DEP File Number is issued. There are no exceptions.**
 - 2 copies of the Form 3 – Notice of Intent
 - 2 copies of the Wetlands Transmittal Fee Form
 - 2 copies of the proposed project plan
 - 1 copy of the Certified Abutters' List
 - Photocopy of the checks for the DEP Filing Fees for the State and Town
- Submit to the Dudley Conservation Commission no later than 2 weeks prior to meeting date:
 - request to be placed on an upcoming meeting agenda
 - 1 copy of the Form 3 - Notice of Intent
 - 1 copy of the proposed plan
 - 1 copy of Board of Assessor's Certified Abutters List
 - 2 copies of Stormwater Management Report (for subdivisions only)
 - Town's Application Filing Fee: \$50.00 for existing SFD projects, \$100.00 for all other
 - Town's portion of DEP Filing Fee (from Attachment B)
 - Wetland Consultant's Site Evaluation Fee of \$200.00
- Publish Public Hearing in local newspaper no later than 7 calendar days prior to meeting date
- Mail Certified Abutters Letters to abutters no later than 7 calendar days prior to meeting date
- Public Hearing Meeting:
 - You are required to attend the Public Hearing, or have a representative attend for you. If you or a representative cannot attend the Hearing, you must submit a written request, (NO LATER THAN 1 day prior to the meeting date) to continue the Public Hearing to the next scheduled meeting date. If no request is received, the Public Hearing will be closed with no action taken. The Permitting process will have to be started again, including all applicable fees.
 - Submit Certified Mail returned green cards OR copy of Certificate of Mailing
 - Actual Public Hearing Notice as published in the newspaper
 - Bring extra copies of proposed plans

Town of Dudley Conservation Filing Fees, WPA 310 CMR State Regulated Fees and Categories

Town of Dudley Conservation Filing Fees

Form 1-Request for a Determination of Applicability for existing single family dwelling projects, \$50.00, all others \$100.00.

Form 3-Notice of Intent for existing single family dwelling projects, \$50.00, all other projects \$100.00 (plus DEP Category Fees)

Form 8A – Request for a Certificate of Compliance \$50.00

Duplicate Order of Conditions with original signatures - \$50.00

Wetland Consultant's Site Inspection Fee - \$200.00

THE CATEGORIES AND FEES LISTED BELOW ARE FOR FORM 3 NOTICE OF INTENT FILING

DEP State Regulated Fees and Categories

1) Category 1 - \$110

- a) Any work on a single family residential lot including a house addition, deck, garage, garden, pool, shed, or driveway. Activities excluded from Category 1 include driveways reviewable under 310 CMR 10.53 (3)(e) (See Category 2f); construction of an unattached single family house; and construction of a dock, pier, or other coastal engineering structure.
- b) Site preparation of each single family house lot, including removal of vegetation, excavation and grading, where actual construction of the house is not proposed under the Notice of Intent.
- c) Control of nuisance vegetation by removal, herbicide treatment or other means, from a resource area, on each single family lot, as allowable under 310 CMR 10.53(4).
- d) Resource improvement allowed under 310 CMR 10.53(4), other than removal of aquatic nuisance vegetation, as allowed under 310 10.53(4).
- e) Construction, repair, replacement or upgrading of a subsurface septic system or any part of such a system.
- f) Activities associated with installation of a monitoring well, other than construction of an access roadway thereto.
- g) New agriculture, including forestry on land in forest use (310 CMR 10.53 (3)® and (s)), and aqua cultural projects.

2) Category 2 - \$500

- a) Construction of each single family house (including single family houses in a subdivision), any part of which is in a buffer zone or resource area. Any activities with the construction of said house(s), including associated site preparation and construction of retention/detention basins, utilities, septic systems, roadways and driveways other than those roadways or driveways reviewable under 310 CMR 10.53(3)(e)(See Category 2f), shall not be subject to additional fees if all said activities are reviewed under a single Notice of Intent. (For apartment/condominium type buildings, see Category 3.)
- b) Parking lot of any size.
- c) The placement of sand for purposes of beach nourishment.
- d) Any projects reviewable under 310 CMR 10.24(7) (a) through (c).
- e) Any activities reviewable under 310 CMR 10.53 (3)(d) and 310 CMR 10.53(3)(f) through (l), except for those subject to 310 CMR 10.03(7)(C)4.b. Where more than one activity is proposed within an identical footprint (e.g., construction of a sewer within the footprint of a new roadway), only one fee shall be payable.
- f) Construction of each crossing for a driveway associated with an unattached single family house, reviewable under 310 CMR 10.53(3) (e).
- g) Any point source discharge.
- h) Control of nuisance vegetation, other than on a single family lot, by removal, herbicide treatment or other means, reviewable under 310 CMR 10.53(4).
- i) Raising or lowering of surface water levels for flood control or any other purpose.
- j) Any other activity not described in Categories 1, 3, 4, or 5.
- k) The exploration for (but not development, construction expansion, maintenance, operation or replacement of) public water supply wells or wellfields derived from groundwater, reviewable under 310 CMR 10.53(3) (o).

3) Category 3 - \$1,050

- a) Site preparation, for any development other than an unattached single family house(s), including the removal of vegetation, excavation and grading, where actual construction is not proposed in the Notice of Intent.
- b) Construction of each building for any commercial, industrial, institutional, or apartment/condominium/townhouse-type development, any part of which is in a buffer zone or resource area. Any activities associated with the construction of said building, including associated site preparation and construction of retention/detention basins, septic systems, parking lots, utilities, point source discharges, package sewage treatment plants, and roadways and driveways other than those roadways or driveways reviewable under 310 CMR 10.53(3) (e), shall not be subject to additional fees if all said activities are reviewed under a single Notice of Intent.
- c) Construction of each roadway or driveway, not reviewable under 310 CMR 10.53(3) (e), and not associated with construction of an unattached single family house.

- d) Any activity associated with the cleanup of hazardous waste, except as otherwise noted in placement of collection wells or other structures for collection and treatment of contaminated soil and/or water.
- e) The development, construction, expansion, maintenance, operation, or replacement of (but not exploration for) public water supply wells or wellfields derived from groundwater, reviewable under 310 CMR 10.53(3) (o).

4) Category 4 - \$1,450

- a) Construction of each crossing for a limited project access roadway or driveway reviewable under 310 CMR 10.53(3) (e) associated with a commercial, industrial, or institutional development or with any residential construction (other than a roadway or driveway associated with construction of an unattached single family house).
- b) Construction, modification, or repair of a flood control structure such as a dam, reservoir, tidegate, sluiceway, or appurtenant works.
- c) Creation, operation, maintenance or expansion of a public or private landfill.
- d) Creation, operation, maintenance or expansion of a public or private sand and/or gravel operation including but not limited to excavation, filling, and stockpiling.
- e) Construction of new railroad lines or extensions of existing lines, including ballast area, placement of track, signals and switches and other related structures.
- f) Construction, reconstruction, expansion, or maintenance of any bridge, except to gain access to a single family house lot.
- g) Any alteration of a resource are(s) to divert water for the cleanup of a hazardous waste site, for non-exempt mosquito control project, or for any other purpose not expressly identified elsewhere in this fee schedule.
- h) Any activities, including the construction of structures, associated with a dredging operation conducted on land under a waterbody, waterway, or the ocean. If the dredging is directly associated with the construction of a new dock, pier or other structure identified in Category 5, only the Category 5 fee shall apply.
- i) Construction of, or the discharge from, a package sewer treatment plant.
- j) Airport vegetation removal projects reviewable under 310 CMR 10.24(7) (c) 5. and 10.53(3)(n).
- k) Landfill closure projects reviewable under 310 CMR 10.24(7)(c) 4. and 10.53(3)(p).
- l) Any activities, including the construction of structures, associated with the assessment, monitoring, containment, mitigation, and remediation of, or other response to, a release or threat of release of oil and/or hazardous material reviewable under 310 CMR 10.24(7) (c)6, or 310 CMR 10.53 (3)(q).

5) Category 5 - \$4. per linear foot

Construction, reconstruction, repair or replacement of docks, piers, revetments, dikes, or other engineering structure on coastal or inland resource areas, including the placement of rip rap or other material on coastal or inland resource areas.

6) Category 6 - \$2. per linear foot with a maximum of \$2,000

Delineation of bordering vegetated wetland.

DUDLEY CONSERVATION COMMISSION

Public Hearing Notice

A **Public Hearing** will be held at the Dudley Municipal Complex, 71

West Main Street in Dudley, MA at 6:30 PM on _____
(Date)

to consider a **Notice of Intent** of _____
(Name of applicant)

for the property located at: _____ for
(Project Location)

(Project Description)

This is a Public Hearing under the requirements of G.L. CH. 131 §40, as amended.

Plans are available at the Conservation Commission office at the Dudley Municipal

Complex on Mondays and Tuesdays from 11:30-4:30 PM. For more information,

call 508-949-8011.

Evidence of Notification Form

Abutters must be notified at least seven (7) business days prior to your hearing date.

The undersigned attest that they have received the Notification to Abutters as required by the Massachusetts Wetlands Protection Act and the Dudley Conservation Commission Bylaw for the property located at:

Proposed Project Location

Signature	Printed Name	Street Address	Date
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			

Notification to Abutters Under the Massachusetts Wetlands Protection Act

In accordance with the second paragraph of Massachusetts Wetlands Protection Act (G.L. Ch. 131, § 40), and §10.05 (4) (a) of 310 CMR 10.00, you are hereby notified of a Public Hearing on the matter described below.

A **Notice of Intent** has been filed with the Dudley Conservation Commission seeking permission to remove, fill, dredge, or alter an area subject to protection under G.L. CH. 131 §40 and the Town of Dudley Conservation Bylaw.

The name of the applicant is _____.

The address of the lot where the activity is proposed is _____.

The work proposed is _____.

The Public Hearing will be held on Thursday, _____ at 6:30 PM in the Dudley Municipal Complex, 71 West Main Street, Dudley, MA. Conservation meetings begin at 6:30 PM unless otherwise noted. Specific times for hearings are **not** assigned.

Copies of the Notice of Intent may be examined at the Dudley Conservation Commission 11:30-4:30 on Mondays and Tuesdays. For more information, call 508-949-8011.

NOTE: The Conservation office staff will not be able to discuss projects in depth over the telephone. You must personally view the file or have a representative view the file to decide for yourself if you have any interests/concerns.

Copies of the Notice of Intent and information regarding the date, time and place of the Public Hearing may be obtained from either (*check one*) the applicant [] or the applicant's representative [] by calling _____ from _____ on _____.

Information regarding the date, time, and place of the Public Hearing may also be obtained from either (*check one*) the applicant [] or the applicant's representative [] by calling _____ from _____ on _____.

Notice of the Public Hearing, including date, time, and place, will be published by the applicant at least five (5) business days in advance in a newspaper of local distribution.

Notice of the Public Hearing, including the date, time and place will be posted on the bulletin boards near the Dudley Town Clerk's office and near the Conservation office, in the Meetings binder in the Dudley Police lobby and online not less than forty-eight (48) hours prior to the meeting. (Saturdays, Sundays and Holidays do not count.) To see the agenda, go to www.dudleyma.gov, select Departments, then Conservation, then choose Meeting Information on the left sidebar.

Contact the Dudley Conservation Commission or the Department of Environmental Protection (DEP) Regional Office 508-792-7650 for more information about this application or the Wetlands Protection Act.

You are receiving this notice because your property abuts the applicant's property within 100 feet. The applicant may have wetland resource areas or wetland buffer zones within 100 feet of the proposed project. Therefore, construction, cutting, clearing or grading may require a permit called an Order of Conditions.