

CITY OF WORCESTER CONSERVATION COMMISSION



c/o Division of Planning & Regulatory Services
City Hall, 455 Main Street, Room 404, Worcester, MA 01608
Office 508-799-1400 x260 – Fax 508-799-1406

Submission Requirements for Notice of Intent:

1) Submit one original and 11 copies of the following documents, collated:

- A. Application Form (available as a fillable pdf form here: <http://www.worcesterma.gov/e-services/document-center/planning-regulatory>).
- An application with original signatures by all petitioners and all owners (i.e. all owners on the deed must sign). **Note:** If property is owned by a corporate entity a party authorized to execute documents as listed on the Secretary of State's corporate listing must sign the application (or provide the minutes of a Board meeting, authorizing an alternate party to sign).
 - Identify the delineation method for Bordering Vegetated Wetlands and other resource area boundaries (MassDEP BVW Field Data Form) and attach documentation of the methodology. The plans should bear the name and stamp of the wetland scientist who performed the delineation. **Note:** generally not applicable for NOIs filed only under the City's local Ordinance.
 - Stormwater Report (for all but small residential project for 1 or 2 units) – Note: only 2 copies are required.
 - Abutters' list and map (obtained from City Hall, Room 209; see guidance on abutter notification here: <http://www.worcesterma.gov/e-services/document-center/planning-regulatory>).
 - A copy of the notice mailed to the abutters. **Note:** Proof of abutter notification, such as a certificate of mailing or certified mail cards, has to be provided prior to the hearing.
 - A NOI Fee Transmittal form (available as a fillable pdf form here: <http://www.worcesterma.gov/e-services/document-center/planning-regulatory>)
 - Any other documentation required by the application.
- B. A Plan of Land (see page 2 regarding information to be provided). **Note: Please demarcate the 15-ft, 30-ft, 50-ft and 100-ft buffers for jurisdictional wetlands, 25-ft for Riverfront area and a 100-ft buffer for a storm drains/catch basins, as applicable.**



2) Fee(s):

Provide appropriate fee(s) according to the most updated local and/or state Fee Schedules, as applicable (<http://www.worcesterma.gov/e-services/document-center/planning-regulatory>). Please make checks payable to the City of Worcester.

How to Submit:

Mail or submit in person by the Application Filing Deadline date (available here: <http://www.worcesterma.gov/e-services/document-center/planning-regulatory>) between 8:30 a.m. - 2 p.m. to the City of Worcester Division of Planning & Regulatory Services, City Hall, 455 Main Street, Room 404, Worcester, MA 01608.

If filing under Wetlands Protection Act, certify-mail a copy of the submitted documents to the MassDEP Central Regional Office, 8 New Bond Street, Worcester, MA 01606 at the same time or prior to filing with the City.

Plans: Engineering Information to be provided with the Notice of Intent applications

(Source: Worcester Wetlands Protection Regulations,
approved by the Worcester Conservation Commission on July 2, 1990, as amended.)

- 5.1 General - Plans shall describe the proposed activity and its effect on the environment. All plans, drawings, sketches, and calculations shall be dated and signed by the person responsible for their preparation. Plans and drawings involving the practice of surveying or engineering shall be stamped and signed by a professional surveyor or engineer if required by the Commission. Plans shall be consistent with those submitted to other City boards and departments.
- 5.2 Plan Requirements For A Request For Determination of Applicability - Unless otherwise authorized by the Commission, plans submitted for a Request For Determination of Applicability shall include the following information at a minimum:
- (a) A Project locus map copied from a U.S. Geological Survey quadrangle sheet or a City of Worcester map showing the location of the proposed activity.
 - (b) Names and locations of adjacent roadways.
 - (c) Property lines with distances.
 - (d) On all drawings the title designating the project location, the name of the person preparing the drawings, the date, and any revision dates.
 - (e) Delineation of all known wetland resource areas and the Buffer Zone for Bordering Vegetated Wetland **(Conservation Commission's clarification - showing 15-ft, 30-ft, 50-ft and 100-ft buffers for jurisdictional wetlands &/or a 100-ft buffer for a storm drains/catch basins, etc. Please note that the Riverfront Area in the City is 25-ft.)**
 - (f) Location of all present and proposed structures and paved areas.

Conservation Commission's clarification: Proposed erosion and sediment controls, if applicable.

- 5.3 Plan Requirements for a Notice of Intent - Unless otherwise authorized by the Commission, plans submitted for a Notice of Intent shall include the following information at a minimum:
- (a) A project locus map copied from a U.S. Geological Survey quadrangle sheet or City of Worcester map showing the location of the proposed project.
 - (b). Names and locations of adjacent roadways.
 - (c) Property lines including distances.
 - (d) On all drawings the title designating the project location, the name of the person preparing the drawings, the date prepared and any revision dates.
 - (e) Delineation of all known wetland resource areas and the Buffer Zone for Bordering Vegetated Wetland **(Conservation Commission's clarification - showing 15-ft, 30-ft, 50-ft and 100-ft buffers for jurisdictional wetlands &/or a 100-ft buffer for a storm drains/catch basins, etc.)**.
 - (f) Location of all present and proposed structures and paved areas.
 - (g) Existing and proposed contours of the entire site and affected adjacent areas. Generally, two (2) foot contours should be shown. Contours should refer to the National Geodetic Vertical Datum of 1927 and any amendments thereof.
 - (h) Location of existing and proposed stormwater management facilities and associated engineering data.
 - (i) Location of proposed wetland areas to be filled and associated replication areas. Cross sections showing slopes, bank and bottom treatment of each wetland resource to be altered. Locations of cross sections must be specified.
 - (j) Locations and elevations of cellars or floors and subsurface sewage disposal systems, including leaching facilities and reserve leaching areas.
 - (k) Soil characteristics of the site.
 - (l) Erosion and sediment control plans.
 - (m) Layout and site plans shall be drawn at commonly acceptable scales, preferably one (1) inch = forty (40) feet with detail and profile drawings drawn to appropriate scales.
 - (n) For plans involving construction of areas in excess of one acre, methods for stabilizing cleared areas of the site during extended shutdown due to weather, economic conditions or any other cause should be provided.
 - (o) The sequence of construction for proposed erosion and sediment controls, clearing and grubbing, excavation, installation of improvements, grading, and stabilization.
 - (p) For projects requiring hydraulic/hydrologic calculations, plans showing subcatchment areas, cover, soil types, drainage paths and design points with labeling which corresponds to the calculations should be provided. Analysis of the 1 (or 2), 10, 25, and 100 year frequency storms for pre-development and post-development conditions should be provided as appropriate, including a concise summary of peak rates of flow at design points as well as flood elevations and duration.
- 5.4 Other Information - The requirements stated above are not definitive or exclusive. Some may be omitted in a particular case and an applicant may be required to submit additional information deemed necessary to determine compliance with the Ordinance. Applicants and their consultants are encouraged to contact Conservation Commission staff to ascertain information requirements for specific projects.

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Abutter Notification Requirement Guidance Document

The following Conservation Commission filing types require abutter notification by the applicant:

- **Notice of Intent – under Wetlands Protection Act and/or Wetlands Protection Ordinance**
- **Request for an Amended Order of Conditions**
- **Abbreviated Notice of Intent**
- **Abbreviated Notice of Resource Area Delineation**

Notices must be sent **Certify Mail** (a Certificate of Mailing is accepted as a more affordable alternative) and postmarked minimum of 7 calendar days prior to the scheduled hearing. A copy of the notice should be submitted to the Conservation Commission office prior to or at the first hearing.

The Conservation Commission office will submit a legal ad for the project to the Worcester Telegram & Gazette which will be published 7 calendar days prior to the hearing.

It is recommended that the following information is included in the notice to abutters:

- 1) The applicant's name;
- 2) The project's address;
- 3) Type of the City of Worcester Conservation Commission filing (NOI, ANRAD, etc.) and the reason for Commission's review;
- 4) Description of the proposal;
- 5) Date, time and place of the public hearing (can be obtained from the Division of Planning & Regulatory Services at the time of filing; the notice can be sent prior to a set hearing date);
- 6) Please add the following statements:
 - *This application may be viewed 8:30am-2:00pm at the Division of Planning & Regulatory Services, City Hall, 455 Main Street, Room 404, Worcester, MA. Contact phone number - 508-799-1400 x260.*
 - *Notice of the public hearing, including its date, time and place, will be published at least 7 calendar days prior to the hearing in the Worcester Telegram & Gazette.*
 - *Agenda for the public hearing, including its date, time, and place, will be posted on the City website (<http://www.worcesterma.gov/city-clerk/agendas-minutes/boards-commissions>) not less than 48 hrs prior to the hearing.*

Source of the Notification Requirements:

1) City of Worcester Wetlands Protection Ordinance – Section 5(a)

“Section 5: Notice and Hearings

(a) Any person filing a Notice of Intent or a Request for Determination of Applicability with the Commission at the same time shall provide notice thereof in accordance with the Wetlands Protection Act, G. L. Ch. 131, Sec. 40.”

2) 310 CMR 10.05 (4) (Code of Massachusetts Regulations) as last amended.

Per October, 2014 revision:

“...Concurrent with the filing of the Notice of Intent, the applicant shall provide notification to all Abutters. Notwithstanding the foregoing, the requirement to provide Abutter notification is subject to the following limits. An applicant is required to provide notification to an Abutter whose Lot is separated from the Project Locus by a public or private street or body of water only if the Abutter's Lot is within 100 feet from the property line of the Project Locus.

An applicant who proposes work solely within Land under Water Bodies or Waterways, or solely within a Lot with an area greater than 50 acres, is required to provide notification only to Abutters whose Lot is within one hundred feet from the Project Site. An applicant proposing a Linear-shaped Project greater than 1,000 feet in length is required to provide notification only to Abutters whose Lot is within 1,000 feet from the Project Site.

Abutter notification is not required for projects proposed by the Massachusetts Department of Transportation Highway Division pursuant to St. 1993, c. 472 as approved on January 13, 1994.

The applicant shall provide notification at the mailing addresses shown on the most recent applicable tax list from the municipal assessor. Notification shall be at the applicant's expense. The notification shall state where within the municipality copies of the Notice of Intent may be examined or obtained and where information on the date, time, and location of the public hearing may be obtained.

To ensure compatibility with local procedures, applicants must comply with any rules of the local conservation commission pertaining to the location for examining or obtaining the Notice of Intent and information about the hearing.

The applicant shall provide written notification to all Abutters required to be notified by hand delivery or certified mail, return receipt requested, or by certificates of mailing. Mailing at least seven days prior to the public hearing shall constitute timely notice. The applicant shall present either the certified mail receipts or certificate of mailing receipts for all Abutters at the beginning of the public hearing. The presentation of the receipts for all abutters required to be notified as identified on the tax list shall constitute compliance with Abutter notification requirements.

The conservation commission shall determine whether the applicant has complied with Abutter notification requirements. The Department will dismiss Requests for Action based on allegations of failure to comply with Abutter notification requirements, absent a clear showing by an Abutter seeking Department action that the applicant failed to notify the Abutter. An applicant submitting a Notice of Intent for a project that is also subject to 310 CMR 9.00: Waterways and/or 314 CMR 9.00: 401 Water Quality Certification for Discharge of Dredged or Fill Material, Dredging, and Dredged Material Disposal in Waters of the United States Within the Commonwealth may provide joint public notice by appending to the public notice required by 310 CMR 9.13: Public Notice and Participation Requirements and/or 314 CMR 9.05: Submission of an Application, as applicable, notification that a Notice of Intent is pending before the issuing authority, provided the notification complies with 310 CMR 10.05(4). An applicant may provide a joint public notice, even if the Notice of Intent is not a Combined Application...”

Notice of Intent Application Form

City of Worcester Wetlands Protection Ordinance

To be filled out if the only trigger for review is 1) proximity (100-ft or less) to any existing or proposed inlet to any storm drain, catch basin, or other storm drain system component discharging to any lake, pond, river, stream, or wetland (see City of Worcester Wetlands Protection Ordinance) &/or 2) Isolated Land Subject to Flood trigger (when stricter than the Wetlands Protection Act trigger). If other triggers are applicable – please fill out WPA NOI Form instead and indicate that it is filed both under the Wetlands Protection Act **and** the Ordinance.

A. General Information

1. Project Location:

a. Street Address

b. City/Town

c. Zip Code

f. Assessors Map/Plat Number

g. Parcel /Lot Number

2. Is any portion of the proposed project jurisdictional under the Massachusetts Wetland Protection Act M.G.L. c. 131, §40?

Yes No

If yes, please file the Wetlands Protection Act Form 3 - Notice of Intent instead of this form

3. Applicant:

a. First Name

b. Last Name

c. Company

d. Mailing Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

Check if more than one owner

4. Property owner (if different from applicant):

If there is more than one property owner, please attach a list of these property owners not listed on this form.

a. First Name

b. Last Name

c. Company

d. Mailing Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

5. Representative (if any):

a. Firm

b. Contact Person First Name

c. Contact Person Last Name

d. Mailing Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

Notice of Intent Application Form

City of Worcester Wetlands Protection Ordinance

*To be filled out if the only trigger for review is 1) proximity (100-ft or less) to any existing or proposed inlet to any storm drain, catch basin, or other storm drain system component discharging to any lake, pond, river, stream, or wetland (see City of Worcester Wetlands Protection Ordinance) &/or 2) Isolated Land Subject to Flooding trigger (when stricter than the Wetlands Protection Act trigger). If other triggers are applicable – please fill out WPA NOI Form instead and indicate that it is filed both under the Wetlands Protection Act **and** the Ordinance.*

6. Is any portion of the proposed project jurisdictional under the Massachusetts Wetland Protection Act M.G.L. c. 131, §40?

Yes No

If yes, please file the Wetlands Protection Act Form 3 - Notice of Intent instead of this form

7. Which provision of the City of Worcester Wetland Protection Ordinance is this project being filed under?

The proposed project is located within 100 feet of any existing or proposed storm drain, catch basin or storm drain component.

The proposed project includes impacts to Isolated Lands Subject to Flooding (an isolated depression or closed basin without an inlet or an outlet which at least once a year confines standing water to a volume of at least 1/8 acre-foot)

8. Describe current site conditions:

9. General Project Description:

10. List distance/s to, number and type of storm drain system components within 100-ft of the project:

11. Does this application meet the requirements of the Massachusetts Stormwater Policy?

Yes (If yes, please attach a Stormwater Management Form)

No

Not Applicable. Explain why: _____

12. Property recorded at the Registry of Deeds for:

a. County

c. Page Number

b. Book

d. Certificate # (if registered land)

13. Total Fee Paid (from the City of Worcester Statement of Fee Calculation Form to be completed and included with this application)

a. Total Fee Paid

B. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the Wetlands Protection Ordinance.

Signature of Applicant

Date

Signature of Property Owner (if different)

Date

Signature of Representative (if any)

Date

Statement of Fee Calculation
City of Worcester Wetlands Protection Ordinance & Regulations

Project:

Date:

7.2.3 Fees

Step 1/Type of Activity	Step 2/Number Of Activities	Step 3/Individual Fee	Step 4/Subtotal Activity Fee
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Step5/Total Project Fee: _____

Payments:

Make Checks Payable to the City of Worcester.

