

WESTON CONSERVATION COMMISSION

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Checklist for Filing a Notice of Intent During Covid-19 Emergency

Towns have faced numerous challenges resulting from the coronavirus COVID-19 outbreak. City and town halls are closed to the public, there is limited staffing of public offices, and there are social distancing advisories, all resulting in significant concerns as to how Land Use Boards and Commissions can proceed during this unprecedented time.

On April 3, 2020 Governor Baker signed, a new law giving some reprieve to Land Use boards regarding applications, hearings and permits. The Weston Conservation Commission will try to process wetland applications during this time. However, **you must email the Conservation Administrator at Conservation@westonMA.Gov, before trying to apply.** Please be aware of the following new requirements which are necessary for the Commission to begin review of your Notice of Intent (NOI) under the MA Wetlands Protection Act (WPA).

Important forms to be submitted as part of the NOI application process can be found on the Town's Website: <http://www.weston.org/562/Obtaining-a-Wetlands-Permit>

Step 1: Certified List of Abutters

Obtain a certified list of abutters within **100 feet** of the town by filing out the top half of the "Request for Certified Abutters List" Here: www.weston.org/DocumentCenter/View/980/ and submitting your request to Salgado.k@WestonMA.Gov (it may take up to 5 business days to receive your certified abutters list).

Step 2: Fill out Permit Application

Download and complete the **Notice of Intent (NOI) form** from the Massachusetts Department of Environmental Protection (DEP) website: <https://www.mass.gov/lists/wetlands-permitting-forms>. It is recommended that you hire a wetland scientist, consultant, engineer, and/or land surveyor to assist you with preparing the permit application. If work is proposed within Weston's 25-Foot No Disturb Zone (NDZ), Please review the NDZ Policy (found on our website).

Step 3: Submit your Permit Application and Plan to the Weston Conservation Commission

Due to Covid-19, the following Submission requirements are necessary:

- Full Electronic submission to the Conservation Department: conservation@westonMA.Gov
- Hard copy of the wetland application shall be mailed to the Conservation Department.

The Following must be submitted in order for an application to be considered complete:

- (A) One copy of the NOI Application and Fee Transmittal Form
- (B) Detailed project description including:
 - Existing & Proposed Conditions
 - Evidence that the work will contribute to the protection of the interests of the Act
- (C) Wetland Delineation Information
- (D) USGS map of the area
- (E) NDZ Waiver form (if applicable)
- (F) Stormwater Information (if applicable)
- (G) One copy of the plan set. Plan should include:
 - All Wetland Resource Areas within 100' of the parcel
 - Buffer Zone Lines: 25' No Disturb Zone and 100' Buffer Zone

Please

- No plastic covers
- Avoid GBC bindings
- Staples and double-sided submissions are OK

- Weston's Wetland and Flood Plain Protection District (if it applies)
- Existing Conditions and Proposed Work
 - Buildings & structures
 - Pavement
 - Edge of lawn / landscaping
 - Stormwater structures
 - 2-foot contours or smaller
 - Limit of work
 - Erosion Controls

(H) Legal Ad Bill Acknowledgement Form – Please fill out the bottom half of the form here: <https://www.weston.org/DocumentCenter/View/975/Legal-Bill-Acknowledgement-Form> The applicant or the representative is responsible for paying the Legal Notice advertising fee. **Please note, the Conservation Office will prepare and submit your legal advertisement; the newspaper will bill you directly for the cost.

Step 4: Physically & electronically Submit your Application to Department of Environmental Protection

- (A) One copy of the entire submission (described above), along with photocopy of the checks submitted to the Town and the State to: DEP-NE Regional Office, 205B Lowell St., Wilmington, MA 01887 AND Email it to NERO_NOI@mass.gov w/ the subject line Weston-NOI-[address]-[applicants name]
- (B) State Fee (state check, Fee transmittal Form, and Photocopy of Town Check) to: DEP, Box 4062, Boston, MA 02211

Step 5: You will be given a Hearing Date/Time

By submitting a **complete** NOI application (see items listed in Step 3), The Commission will try its best to schedule a virtual public hearing. Incomplete NOI applications will not be accepted by the Conservation Office.

Step 6: Notify Abutters

Once you have been informed of the date and time for the hearing, you shall notify abutters in accordance with the provisions of 310 CMR 10.05(4)(a). Please contact the Conservation Administrator for a copy of the “Covid-19 Notification to Abutters Form” and **be sure to include the exact time and date of the hearing and Zoom Meeting information on this form.** The Applicant must email copies of the certified mail slips or certificate of mailing receipts for all abutters at one week prior to your hearing.

Step 7: Stake the Property One Week in Advance of Hearing

The WCC requires that all new structures, additions, erosion control barriers, septic systems, and stormwater systems within the Buffer Zone for which a Notice of Intent has been filed, must be staked one week prior to the hearing. The stakes must be labeled (Please contact the Conservation Dept. for specific instructions). A plan demarcating the stakes in the field shall be submitted to the Conservation Commission at the time of staking.

Step 8: Conservation Commission will Conduct a Site Visit

The Commission, their agent, or a third party reviewer will perform a site visit to confirm the existing conditions and resource area delineation. The applicant will be notified about the date & time of the visit.

Step 9: Virtually Attend the Public Hearing

The applicant or the representative must be present at the virtual public hearing. Please contact the Agent about your plan for presenting at this virtual meeting. The Agent can allow the applicant to be a co-host so that you can share your screen and show the plan and photos. It is important to color up the plan so that the wetland, limit of work, buffer zone can be easily seen on the screen.

Step 10: Receive an Order of Conditions and Read it

If you have any questions, contact the Conservation Commission. Whether a permit is issued or denied, any abutter, the applicant, or a 10-citizen group has 10 business days to appeal to the state Department of Environmental Protection on the grounds that the Commission failed to properly enforce the law. Please be aware that the Governor's emergency Order allows DEP to appeal a particular decision up to 45 days after the Emergency Order is lifted. Applicants who wish to proceed on a project, for which no appeal was received within the 10-day appeal, may request a letter from MassDEP indicating whether the Department plans to intervene by requesting a Superseding Order or Determination. An applicant wishing to request such a letter should contact alicia.geilen@mass.gov.

Step 11: Record Permit at Registry of Deeds

The Registry may be closed during Covid-19 and therefore you may need to mail in your OOC for recording.