

## Filing for a Wetlands Permit with the Boston Conservation Commission

The Boston Conservation Commission administers the Massachusetts Wetlands Protection Act, General Law Chapter 131, Section 40, (the Act) and the Boston Local Wetlands Ordinance (the Ordinance) for the protection of wetland resource areas within the City of Boston. The Commission determines wetland boundaries, reviews projects proposed in or near wetlands and defined buffer areas, and places conditions on development projects that affect wetlands. Some of the wetland resources protected under the Act and Ordinance include ponds, streams, rivers, marshes, floodplains and Boston Harbor. The Commission also has jurisdiction over any proposed project within isolated wetlands, vernal pools, 100-feet of a wetland, or in a floodplain and in some instances up to 200-feet within certain Riverfront Areas. To obtain a permit (Order of Conditions), a project proponent must submit an application (Notice of Intent) to the Commission and the Department of Environmental Protection (the Department). The Notice of Intent provides the Commission and the Department with a complete and accurate description of the:

- **Site:** including the type and boundaries of resource areas, which must be indicated on plans and specifications as required under the Act, and
- **Proposed work:** including all effects upon resource areas and measures and designs proposed to meet the performance standards described in the Wetlands Protection Act Regulations, 310 Code of Massachusetts Regulations (CMR) 10.00, (the Regulations) and the Local Wetlands Ordinance specific to each applicable resource area.

The applicant is responsible for providing all information required for the Commission's review of the Notice of Intent. Applicants are urged to retain the services of a qualified, experienced professional consultant when filing a Notice of Intent. Submission of incomplete or inadequate information may result in delays in the review process and/or continuations of the public hearing. Additionally, failure to provide adequate and complete documentation describing the impact of the project on resource areas may result in the issuance of a denial, prohibiting the work.



To minimize the use of non-recyclable materials ***please do not include vinyl or plastic binders, bindings, folders or covers with the filing.*** Staples and binder clips are good choices.

## **Notice of Intent (NOI):**

To complete a Notice of Intent, the applicant should refer to the wetlands regulations (310 CMR 10.00), which may be viewed at:

<http://www.mass.gov/eea/agencies/massdep/water/regulations/310-cmr-10-00-wetlands-protection-act-regulations.html>

Please utilize the eDEP online filing service for NOIs whenever possible:

<http://www.mass.gov/dep/service/compliance/edeponlf.htm>

*\*\*You will still need to provide paper copies to the Commission until further notice as described below.\*\**

If for some reason you cannot use the eDEP service, the Notice of Intent Form (WPA Form 3) may be obtained at: <http://www.mass.gov/eea/agencies/massdep/water/approvals/wetlands-and-waterways-forms.html#4>

Please submit to the Commission:

- Two copies (a signed original and 1 copy) of a completed Notice of Intent (WPA Form 3)
- Two copies (a signed original and 1 copy) of a completed Boston Notice of Intent (Local Form)
- Two copies of plans (reduced to 11" X 17") in their final form with engineer's stamp affixed supporting calculations and other documentation necessary to completely describe the proposed work and mitigating measures. Plans must include existing conditions, the proposed project, erosion controls and mitigation measures, grading and spot elevations and all wetland resource areas and associated buffer zones. Some projects may require both an aerial view of the plans along with a profile view of plans depending on the scope of work.
- Two copies of an 8 ½" x 11" section of the [USGS quadrangle map](#) of the area, containing sufficient information for the Conservation Commission and the Department to locate the site of the work.
- (If applicable) Two copies the Federal Emergency Management Agency Flood Insurance Rate Map for the project site. FEMA Flood Maps: <https://msc.fema.gov/portal>.
- Two copies of the determination regarding the Natural Heritage and Endangered Species Program: Review Section C. Other Applicable Standards and Requirements of the Notice of Intent, page 4 of 8, pertaining to wildlife habitat. The Conservation Commission and the [Natural Heritage & Endangered Species Program](#) have the maps necessary to make this determination.
- (If applicable) Two hard copies of a Stormwater Report to document compliance with the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q), including associated drainage calculations for rooftops, parking lots, driveways, etc., for the required design storm events.
- (If applicable) A narrative detailing best management practices for stormwater management as set forth in the Stormwater Management Standards of the Massachusetts Department of Environmental Protection and any separate standards and guidelines prepared by the City and the Boston Water and Sewer Commission.

- (If applicable) Two hard copies of the Checklist for Stormwater Report
- Details of the stormwater management system, including: catch basins, oil separating tanks, detention basins, outfalls, sewer connections, etc.
- Any photographs related to the project representing the wetland resource areas.
- Two copies of a detailed project narrative describing the following: an overview of the entire project, the work proposed within wetland resource areas and/or buffer zones; how the performance standards specific to the wetland resource areas will be met (listing out each performance standard); a consideration of the effect that projected sea level rise, changes in storm intensity and frequency, and other consequences of climate change may have on the resource areas and proposed activities; construction equipment and material involved; and measures to protect wetland resource areas and mitigate impacts. The applicant shall also include narrative on how they plan to integrate climate change and adaptation planning considerations into their project to promote climate resilience to protect and promote Resource Area Values and functions into the future.
- Two copies of an Abutters List, Affidavit of Service and Abutter Notification, filed concurrently with the Notice of Intent. All abutters within 300' of the project property line must be notified including those in a neighboring municipality. In such an instance, a copy of the filing must also be sent to the local Conservation Commission of the neighboring municipality. EXCEPTION: When work is in land under water bodies and waterways or on a tract of land greater than 50 acres, written notification must only be given to abutters within 300 feet of the "project site."
- Two copies of the BPDA Climate Resiliency Checklist (for new buildings). This can be completed online at <http://www.bostonplans.org/planning/planning-initiatives/article-37-green-building-guidelines>. Please print the pdf that you will receive via email after completion and include it in your submission.
- **Electronic copies.** Documents may be submitted via email, or via an email link to downloadable documents.

**All property owners must be signatories to the Notice.** Notices must be received two weeks prior to the scheduled hearing date by the Conservation Commission at Boston City Hall/Room 709 Boston, MA 02201 by the close of business. Commission staff will formulate and place the public notice in The Herald. The representative indicated on the NOI application will be billed by The Herald for advertisement of the public notice.

## **Request for Determination of Applicability (RDA):**

Project proponents who wish to have the Commission determine if their project is subject to the Wetlands Protection Act, or confirm the delineation of a wetland resource area, may file a Request for a Determination of Applicability with the Commission. More information is available at DEP's website: <http://www.mass.gov/eea/agencies/massdep/service/approvals/wpa-form-1.html>

Please submit to the Commission:

- Two copies (1 original and 1 copy) of the RDA and any other pertinent information
- Two copies of plans (reduced to 11" X 17") in their final form with engineer's stamp affixed supporting calculations and other documentation necessary to completely describe the proposed work and mitigating measures. Plans must include existing conditions, the proposed project, erosion controls and mitigation measures, grading and spot elevations and all wetland resource areas and associated buffer zones.
- Two copies of an Abutters List, Affidavit of Service and Abutter Notification, filed concurrently with the Request for Determination of Applicability. All abutters within 300' of the project property line must be notified including those in a neighboring municipality. In such an instance, a copy of the filing must also be sent to the local Conservation Commission of the neighboring municipality. EXCEPTION: When work is in land under water bodies and waterways or on a tract of land greater than 50 acres, written notification must only be given to abutters within 300 feet of the "project site."
- Two copies of a detailed project narrative describing the following: an overview of the entire project, the work proposed within wetland resource areas and/or buffer zones; how the performance standards specific to the wetland resource areas will be met (listing out each performance standard); a consideration of the effect that project sea level rise, changes in storm intensity and frequency, and other consequences of climate change may have on the resource areas and proposed activities; construction equipment and material involved; and measures to protect wetland resource areas and mitigate impacts. The applicant shall also include narrative on how they plan to integrate climate change and adaptation planning considerations into their project to promote climate resilience to protect and promote Resource Area Values and functions into the future.
- (If applicable) Two hard copies of a Stormwater Report to document compliance with the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q), including associated drainage calculations for rooftops, parking lots, driveways, etc., for the required design storm events.
- (If applicable) A narrative detailing best management practices for stormwater management as set forth in the Stormwater Management Standards of the Massachusetts Department of Environmental Protection and any separate standards and guidelines prepared by the City and the Boston Water and Sewer Commission.
- (If applicable) Two hard copies of the Checklist for Stormwater Report

- Details of the stormwater management system, including: catch basins, oil separating tanks, detention basins, outfalls, sewer connections, etc.
- Electronic copies. Documents may be submitted via email, or via an email link to downloadable documents.
- **No fee is required**

Requests must be received two weeks prior to the scheduled hearing date by the Conservation Commission at Boston City Hall/Room 709 Boston, MA 02201 by the close of business. Commission staff will formulate and place the public notice in The Herald. The representative indicated on the NOI application will be billed by The Herald for advertisement of the public notice.

## **Request for an Amendment to the Order of Conditions:**

Project proponents who wish to have the Commission amend the Order of Conditions that was issued for their project, may file a Request for an Amended Order of Conditions with the Commission.

Please submit to the Commission:

- Two copies (1 original and 1 copy) of the amendment request, detailing the items that need to be amended and any other pertinent information
- Two copies of the issued and recorded Order of Conditions.
- Two copies of plans (reduced to 11" X 17") in their final form with engineer's stamp affixed supporting calculations and other documentation necessary to completely describe the proposed work and mitigating measures. Plans must include existing conditions, the proposed project, erosion controls and mitigation measures, grading and spot elevations and all wetland resource areas and associated buffer zones.
- Two copies of a detailed project narrative describing the following: an overview of the entire project, the work proposed within wetland resource areas and/or buffer zones; how the performance standards specific to the wetland resource areas will be met (listing out each performance standard); a consideration of the effect that project sea level rise, changes in storm intensity and frequency, and other consequences of climate change may have on the resource areas and proposed activities; construction equipment and material involved; and measures to protect wetland resource areas and mitigate impacts. The applicant shall also include narrative on how they plan to integrate climate change and adaptation planning considerations into their project to promote climate resilience to protect and promote Resource Area Values and functions into the future.
- Two copies of an Abutters List, Affidavit of Service and Abutter Notification, filed concurrently with the Notice of Intent. All abutters within 300' of the project property line must be notified including those in a neighboring municipality. In such an instance, a copy of the filing must also be sent to the local Conservation Commission of the neighboring municipality. EXCEPTION: When work is in land under water bodies and waterways or on a tract of land greater than 50 acres, written notification must only be given to abutters within 300 feet of the "project site."
- Electronic copies. Documents may be submitted via email, or via an email link to downloadable documents.
- **No fee is required**

Requests must be received two weeks prior to the scheduled hearing date by the Conservation Commission at Boston City Hall/Room 709 Boston, MA 02201 by the close of business. Commission staff will formulate and place the public notice in The Herald. The representative indicated on the NOI application will be billed by The Herald for advertisement of the public notice.

### **Request for an Extension to the Order of Conditions:**

Project proponents who need additional time to complete the work permitted under an Order of Conditions, may request a time extension by filing a Request for an Extension with the Commission **at least 21 days** the Order of Conditions expires.

Please submit to the Commission:

- Two copies (1 original and 1 copy) of a completed extension request (WPA Form 7)
- Two copies of a detailed project narrative describing the work that has been completed and reason for the request.
- Two copies of an Abutters List, Affidavit of Service and Abutter Notification, filed concurrently with the Notice of Intent. All abutters within 300' of the project property line must be notified including those in a neighboring municipality. In such an instance, a copy of the filing must also be sent to the local Conservation Commission of the neighboring municipality. EXCEPTION: When work is in land under water bodies and waterways or on a tract of land greater than 50 acres, written notification must only be given to abutters within 300 feet of the "project site."
- Electronic copies. Documents may be submitted via email, or via an email link to downloadable documents.
- **No fee is required**

Requests must be received two weeks prior to the scheduled hearing date by the Conservation Commission at Boston City Hall/Room 709 Boston, MA 02201 by the close of business.

**Request for a Certificate of Compliance (COC):**

Project proponents who have completed the work permitted under an Order of Conditions, may lift the obligation placed on the property by filing a Request for a Certificate of Compliance with the Commission.

Please submit to the Commission:

- Two copies (1 original and 1 copy) of a completed Request for a Certificate of Compliance (WPA Form 8a)
- Two copies of the as-built plans (reduced to 11" X 17") in their final form with engineer's stamp affixed. Plans must include final conditions, grading and spot elevations and all wetland resource areas and associated buffer zones.
- Any other documents or submissions required under the Order of Conditions.
- Two copies of an Abutters List, Affidavit of Service and Abutter Notification, filed concurrently with the Notice of Intent. All abutters within 300' of the project property line must be notified including those in a neighboring municipality. In such an instance, a copy of the filing must also be sent to the local Conservation Commission of the neighboring municipality. EXCEPTION: When work is in land under water bodies and waterways or on a tract of land greater than 50 acres, written notification must only be given to abutters within 300 feet of the "project site."
- Electronic copies. Documents may be submitted via email, or via an email link to downloadable documents.
- **No fee is required**

Requests must be received two weeks prior to the scheduled hearing date by the Conservation Commission at Boston City Hall/Room 709 Boston, MA 02201 by the close of business.



## **SUBMISSION DETAILS**

### **1. Project Description**

The applicant should provide a description of the project, inclusive of construction phase activities and the final condition of the site upon project completion. The description must indicate all wetland resource areas and how the performance standards specific to those resource areas will be met. Accompanying maps and plans should indicate both existing and proposed site conditions, including temporary construction impacts, grading and spot elevations any replication areas, and/or other mitigation measures. Maps and plan must identify the proposed activities and their location relative to the boundaries of each wetland resource area and buffer zone. Technical data should be submitted to support the plans in narrative form, with calculations submitted as necessary to substantiate the designs proposed.

### **2. Abutter Notification Requirements**

Two copies of an Abutters List, Affidavit of Service and Abutter Notification, filed concurrently with the submission. All abutters within 300' of the project property line must be notified including those in a neighboring municipality. In such an instance, a copy of the filing must also be sent to the local Conservation Commission of the neighboring municipality.

***EXCEPTION:*** When work is in land under water bodies and waterways or on a tract of land greater than 50 acres, written notification must only be given to abutters within 300 feet of the "project site."

Notification must be sent by certified mail, certificates of mailing, or hand delivery, to all abutters on the most recent tax list found at the City of Boston Assessing Office. Applicants may utilize the City of Boston's Assessing website to identify abutters ([boston.gov/assessing/](https://www.boston.gov/assessing/)). The notice shall provide an explanation of the proposed work and include the date, time, and location of the public hearing. We recommend you include a link to the Public Notices' page [boston.gov/public-notices](https://www.boston.gov/public-notices) to confirm hearing date and agenda items. The applicant shall notify abutters simultaneously with the filing of a Notice of Intent with the Commission in order to provide abutters sufficient time to review the application and accompanying plans. An Affidavit of Service with a copy of the notification form and list of abutters must be included in the filing

### **3. Plan Requirements**

The following standards and design specifications are intended to provide the Commission with the minimum amount of data necessary to determine the impact of a proposed project on wetland resource areas and the ability of said resource area to provide documented functions and values. The Commission may find it necessary to request additional site-specific information to adequately determine the effect of the work on resource areas.

- a) All drawings shall be drawn with the title designating the name of the project, location and the names of the persons(s) preparing the drawings, and the date prepared, including the latest revision date. All drawings must be stamped and signed by a Registered Professional Civil Engineer or Registered Professional Land Surveyor of the Commonwealth of Massachusetts.
- b) Plans depicting proposed structures, drainage systems and/or a subsurface sewage disposal system must be stamped by a Registered Professional Civil Engineer of the Commonwealth and receive the approval of the Boston Water and Sewer Commission.

- c) Property boundaries and abutters from the most recent information on record at the Assessor's Office.
- d) All existing natural and man-made features including tree lines, rock outcrops, fence lines, foot paths, overhead and underground utilities, and drainage structures.
- e) Elevations of all natural and man-made drainage structures, waterways, and wetlands (as defined by the Wetlands Protection Act).
- f) All wetland resource areas including the 100-foot Buffer Zone, and flag numbers of all field delineated wetland resource areas.
- g) Base flood elevations of all natural and man-made waterways and water bodies as determined from the FEMA Flood Insurance Rate Maps and Flood Boundary and Floodway Maps. Where the floodplain of wetlands and water bodies have not been mapped by FEMA, hydrologic and calculations may be required, prepared by a registered professional engineer to determine the boundary of the 10 and 100-year floodplain. FEMA Flood Maps: <http://msc.fema.gov/portal>. Applicants should consider effective and pending FIRMs for planning purposes.
- h) Hydrologic calculations showing the full-flow capacity and velocity of all water courses, open and only sometimes closed channels, and storm drains flowing into, on and out of the property.
- i) A narrative detailing best management practices for stormwater management as set forth in the Stormwater Management Standards of the Massachusetts Department of Environmental Protection and any separate standards and guidelines prepared by the City and the Boston Water and Sewer Commission.
- j) Site plans shall be drawn at a scale of 1"=10', 1"=20', or 1" = 40'. **HOWEVER, plans may be reduced in size to allow for submission of 11" X 17" paper plans.** Additional plans with greater or lesser detail may also be required if such plans would provide valuable information to the Commission in its review. The Commission may request a plan at a different scale for large properties or unique circumstances.

#### 4. Stormwater Management Report

The applicant must consult the Stormwater Management Standards found at 310 CMR 10.05(6)(k)-(q) of the Wetlands Regulations and in accordance with the Ordinance, which may be obtained from the Department's web site: <http://www.mass.gov/eea/docs/dep/service/regulations/310cmr10a.pdf>, to determine if a Stormwater Management Report for the project is required. The Stormwater Management Standards may be referenced at <http://www.mass.gov/eea/agencies/massdep/water/regulations/massachusetts-stormwater-handbook.html>. For projects that require a Stormwater Management Report, the applicant must also complete the Checklist for the Stormwater Report, and submit the list with the Notice of Intent. Stormwater management systems must also be reviewed and approved by the Boston Water and Sewer Commission.

\*Applicants should note that there are Total Maximum Daily Load (TMDL) limitations for the Neponset River and Charles River watersheds for certain pollutants. Based upon the TMDL, specific stormwater Best Management Practices may need to be implemented for projects in those watersheds. For more information on TMDLs visit:

<http://www.mass.gov/dep/water/resources/tmdls.htm>

## 5. Filing fees

The City of Boston Conservation Commission and the Massachusetts Department of Environmental Protection both require a fee for Notice of Intent processing (there is currently no fee for RDAs).

Please **note the Commission does not accept the municipal portion of the State Fee**, and has its own fee structure requirements as follows:

Pursuant to the City of Boston Title 14 Section 450 requires the following fees payable to the City of Boston for Notice of Intent processing:

- \$25.00 for projects with the fair cost of \$1,000.00 or less.
- \$50.00 for projects with the fair cost of more than 1,000.00 but not more than \$50,000.00.
- \$75.00 for projects with a fair cost of more than 50,000.00 but not more than \$100,000.00.
- For projects with a fair cost of more than 100,000.00 the fee shall be .075% of the fair cost provided, however, in no case shall the fee be more than \$1,500.00.

MA Department of Environmental Protection - The state fee is based on the category of the proposed activity (described in 310 CMR 10.03(7)) and the resource area to be impacted by the activity. To calculate the filing fee, follow the instructions to the NOI Wetland Fee Transmittal Form (refer to <http://www.mass.gov/eea/agencies/massdep/water/approvals/wetlands-and-waterways-forms.html#6> for the DEP's specific instructions).

**Note:** The municipal portion of the state fee is not accepted by the City of Boston.

## **COMMISSION PUBLIC HEARINGS**

Public meetings are typically held on the first and third Wednesday of each month at City Hall. During the public meeting, a public hearing is opened to review each Notice of Intent filing. After all public hearings have been closed, the Commission resumes the public meeting, during which Requests for Determination of Applicability, Requests for Certificates of Compliance, and other general business is reviewed.

Filings must be submitted a minimum of two weeks prior to each public meeting. The meeting and hearings provide an opportunity for abutters and the public to comment on proposed projects. The project proponent, their consultant and the property owner must be present. The current meeting schedule and agenda may be viewed at: Public notices for NOIs and RDA are published in the Boston Herald. Applicants (or their representatives when applicable) are billed for the publication fee.

**Note:** Make sure to check our website ([boston.gov/conservation](http://boston.gov/conservation)) for the most recent list of hearing dates and filing deadlines

## **CONTACT INFORMATION**

If you have any questions or need assistance, please contact staff at:

**Amelia Croteau**

Executive Secretary

Boston City Hall Room 709

Boston, MA 02201

617-635-3850

[cc@boston.gov](mailto:cc@boston.gov)

**Nicholas Moreno**

Assistant Conservation Agent

Boston City Hall Room 709

Boston, MA 02201

617-635-3850

[cc@boston.gov](mailto:cc@boston.gov)