

TOWN OF SUTTON



SUTTON CONSERVATION COMMISSION RULES & REGULATIONS

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A. Guidelines for Applicants

- I. AN APPLICATION SHALL BE COMPLETE WHEN ALL OF THE INFORMATION BELOW HAS BEEN SUBMITTED TO THE SUTTON CONSERVATION COMMISSION:**
 1. (2) Copies of the Notice of Intent or Request for Determination or other permit application filed and all plans and supporting documents.
 2. (2) Copies of the Filing Fee Calculation Worksheet and the Notice of Intent Fee Transmittal Form.
 3. (2) Copies of the check made payable to the Commonwealth of Massachusetts (amount determined by #2 above).
 4. A check and a copy of the check payable to the Town of Sutton as determined by # 2 above.
 5. A check and a copy of the check payable to the Town of Sutton for any fees under the local bylaw section.
 6. A check and a copy of the check payable to the Town of Sutton for the *Holden Landmark* (parent company of Millbury Sutton Chronicle) in the amount of \$40.00 for the cost of printing notice of a public hearing.
- II.** Information that is contained in the following regulations may be required in order to properly qualify any proposed activity or work:
 - A. Guidelines for applicants
 - b. Comprehensive checklist
 - c. RDA / NOI filing fact sheet
- III.** Following the public hearing, the commission will vote to issue an order of conditions or not. An affirmative, majority vote will permit and regulate any/all jurisdictional activities and/or any/all work activities. Attached to the order of conditions will be the standard special conditions form for pre-, during and post-construction procedures. The commission may rule to include in its approval of the order instructions other than those in the special conditions regulation.
- IV.** Once all work is complete, the commission must be notified to inspect the site. The applicant's professional engineer (PE) must submit a wet-stamped 'as built' plan and if all activity and/or work has been performed according to the plan approved by the commission, a certificate of compliance will be issued.

NOTE: All submission forms shall be those as are used by the Mass DEP. If you have any questions, please consult with your professional engineer and/or wetlands scientist or call the Conservation Commission Office.

Types of Filings

THE SUTTON CONSERVATION COMMISSION SHALL USE THOSE FORMS AVAILABLE THROUGH THE MASSACHUSETTS DEP FORMS AND APPENDICES. WHERE, IN THE INTERPRETATION OF/OR CONFLICT WITH, THE SUTTON WETLANDS AND RIVERFRONT DISTRICT ADMINISTRATION BYLAW (THE "BYLAW") EXCEEDS MASSACHUSETTS GENERAL LAW, THE BYLAW SHALL TAKE PRECEDENCE AND PREVAIL.

Request for Determination of Applicability/Department of Environmental Protection Form WPA

Form #1: This filing is to be used by applicants who wish to ask the Conservation Commission if a Notice of Intent is required. This application must be accompanied by a package including all information below and the appropriate filing and/or advertising fee. The Commission will then make a determination to either require a full Notice of Intent filing or to issue a Negative Determination with instructions to the applicant.

Notice of Intent/Department of Environmental Protection form WPA Form #4: This filing is used for any project that has known jurisdictional areas pursuant to M.G.L. and The Sutton Wetlands and Riverfront District Administration Bylaw. This application must be accompanied by a package including all information below and the appropriate filing fee.

1. Completed Form including all accurate information pertaining to any activity under the jurisdiction of the Conservation Commission.
2. A scaled plan (1" = 20') with a wet stamp and seal from a licensed Professional Engineer (PE) showing the entire property lot lines for individual lots or subdivisions, any surrounding wetlands, locus, and compass. The plan should include the following: (The applicant may be requested to provide additional plans to larger scale in order to see the entire property on one plan.)
 - a) The delineation of the wetlands with transect lines performed in areas of concern and low gradient areas. Wetland flags are to be numbered and surveyed. Plan should reflect identification of all federal, state and local jurisdictional areas. This data is to be provided by a professional wetland scientist as per the Town of Sutton local Bylaw. The plan must be stamped and signed by a licensed professional engineer. The plan must also be signed and dated by the wetland professional who performed the work.
 - b) The existing and proposed topography of the entire site.
 - c) The 100-foot buffer zone line, the 200-foot river buffer zone line, the 200-foot great pond (i.e. any pond greater than 10 acres) buffer zone, all streams marked as perennial or intermittent.
 - d) Time schedule for any existing and proposed demolition and/or construction of house, septic, well, driveway, limit of lawn, and landscaping grading contours.
 - e) Clear plan title and date of plan. Last recording date of the property with name of registry and book and page number.
 - f) Any storm water management system specifications and any proposed drainage. Include soils profile and volume of groundwater and water table levels under any retention and detention basins and/or any excavation.
 - g) Areas of proposed fill scaled, with supporting calculations.
 - h) Any proposed replication areas scaled and with planting and material stockpile plans attached as needed.
 - i) Any and all existing and proposed removal of trees greater than 5" in diameter in the 100-foot buffer zone and the 200-foot river front buffer zone, and the 200-foot great pond buffer zone.
 - j) Schedule of the placement and details of proposed erosion controls for/during/and after construction.
 - k) A locus plan detailed street map with street number indicated, showing actual location of site under consideration and with a North arrow.

- l) See Comprehensive Checklist for Reviewing Public Information for other information that the Conservation Commission may require in association with any Public Hearing.
3. If required, a separate plan to scale for the replication area must be submitted with specific species identified and spacing of species within the proposed replication area as well as soils profiles, and materials stockpiles, and ground water levels in the wetland adjacent to the proposed replication area. A wetland scientist must develop this information and provide a 2-year schedule for regular nourishing and watering.
4. Wetland field data reports provided by the wetland scientist which detail specific site information and transect lines in any sensitive areas. Details of all jurisdictional areas and any possible vernal pools whether certified or not.
5. Clear and enlarged USGS map, in color, showing the site and the surrounding area. A one-page copy of the assessor's maps showing all the adjacent lots.
6. If applicable, proof of filing with Natural Heritage and Endangered Species, Department of Fisheries and Wildlife, and provide a clear and enlarged, in color, Natural Heritage map with the site identified and accompanying information detailing the specific interest for the area.
7. If applicable a wild life habitat study should be submitted.
8. All supporting documentation required under the Massachusetts Storm Water Management Policy and Standards.
9. All documents required under the Clean Water Act and 401 Water Quality Certification.
10. All documents filed with the US Army Corps of Engineers.
11. All copies of documents filed in conjunction with the Massachusetts Environmental Policy Act (MEPA) process.
12. All documents related to the FEMA flood plain map, if any portions of the site is in a flood plain.

The above guidelines are to assist applicants in the filing process. Additional requirements may be requested as deemed necessary by the Sutton Conservation Commission.

- Also Refer to:
1. Sutton Conservation Commission Order Of Conditions – Special Conditions.
 2. Sutton Conservation Commission Comprehensive Checklist for Reviewing Public Hearing Information.
 3. Sutton Conservation Commission RFDA/NOI Filing Fact Sheet.

All filings must be accompanied by a plan wet stamped, and sealed by a licensed Professional Engineer.

B. Comprehensive Checklist for Reviewing Public Hearing Information

Project name _____ Applicant Name _____

Reviewing Commissioner(s) Name _____ Date of Review _____

Notice of Intent and Supplemental Information

- _____ All appropriate permits obtained or applied for
- _____ Work completion schedule
- _____ USGS topographic map
- _____ FEMA flood plain map

Base map(s)—existing site conditions

- _____ North arrow
- _____ scale
- _____ key or legend
- _____ property identification
- _____ abutters identified and notified
- _____ datum base
- _____ contours
- _____ contour interval
- _____ drainage divides/watershed clearly defined
- _____ benchmarks
- _____ location of roadways, cart paths, stonewalls
- _____ location of site in watershed
- _____ location of existing water bodies
- _____ location of 100 and 200 foot buffers for all resource areas with lines in color
- _____ location of 10-year and 100-year flood elevations for existing water bodies
- _____ location and boundaries of resource areas
- _____ location of high water mark for rivers and streams
- _____ method of determining high water mark
- _____ perennial or intermittent stream designation
- _____ surveyors stamp
- _____ engineers stamp and date
- _____ rights-of-way and easements
- _____ utilities (above- and below-ground)
- _____ septic systems, cesspools, active or abandoned wells
- _____ wells
- _____ all structures shown
- _____ aquifers

Soils map and report

- _____ SCS soils map
- _____ hydrologic classification of soils
- _____ location of soil probes, test pits, and borings
- _____ soil logs, soil profiles, depth of soil horizons
- _____ thickness of wetland soils
- _____ depth to water table (with dates of measurement)
- _____ contours of water table
- _____ areas of ledge

Final site plans (should show all proposed changes)

- _____ final site plan reviewed
- _____ final site plan approved
- _____ proposed cut or dredge areas
- _____ proposed fill
- _____ proposed contours (include all grading)
- _____ proposed retention/detention areas
- _____ existing impervious areas
- _____ proposed impervious areas
- _____ proposed stream channelization, culverts, or piping with sizes and invert, outvert elevations
- _____ changes in drainage areas clearly identified
- _____ site drainage plan before
- _____ site drainage plan after
- _____ location and elevation of proposed structures
- _____ location of proposed wells
- _____ landscaping details
- _____ proposed resource area impediments
- _____ proposed title 5 compliance
- _____ stamped and dated by registered P.E.
- _____ expansion areas and pipe locations and sizes shown
- _____ cross-section of stream alterations
- _____ stream banks to be riprapped
- _____ engineers and/or registered Surveyor's stamp and date
- _____ proposed blasting area clearly identified
- _____ limits of work shown

Vegetation/land use map

- _____ forest
- _____ cultivated land
- _____ pasture
- _____ lawns
- _____ impervious areas
- _____ wetlands
- _____ perennial river/stream
- _____ intermittent river/stream
- _____ BVW
- _____ Pond
- _____ lake
- _____ vernal pool
- _____ other resource area
- _____ gravel pits

Hydrologic information

Rational Method for stormwater runoff from roadways and paved areas

- _____ are assumptions met? (**provide text**)
- _____ accurate delineation of drainage basins
- _____ accurate calculation of drainage basin area
- _____ soils and land use information before and after
- _____ C factors for different storm probabilities
- _____ time of concentration before and after
- _____ overland flows and stream velocities used for time of concentration calculation
- _____ charts used in determining infiltration
- _____ appropriate storm intensity calculations
- _____ chart used for determining (I) rainfall intensity
- _____ modifications for post-project conditions
- _____ peak flows

SCS TR-55 or TR-20 method for determining site runoff

- _____ accurate delineation of drainage basins
- _____ accurate calculation of basin area
- _____ soils maps
- _____ vegetation/land use maps
- _____ area of each soils-vegetation type
- _____ correction for ponding
- _____ correction for connected impervious area
- _____ correction for channel modification
- _____ correction for antecedent moisture conditions
- _____ proper curve number (CN) for each soil-cover type
- _____ proper composite curve number
- _____ appropriate 24-hour storm values
- _____ flow paths for time of concentration calculations
- _____ time of concentration
- _____ sheet flow no more than 50 feet segments
- _____ appropriate roughness coefficients
- _____ shallow concentrated flow length, slope, and velocity
- _____ correct channel flow
- _____ correct composite (Tc) time coefficient calculation
- _____ runoff depth and volume
- _____ method of determining peak flow rate
- _____ if Graphical Method used, are assumptions met? (**provide text**)
- _____ pre- and post-project calculations

Detention/retention areas

- _____ derivation of time of concentration by overland flow
- _____ area draining into retention/detention basin
- _____ inflow/outflow hydrograph
- _____ information for different storm probabilities, 1, 2, 5, 10, 25, 50, 100, year storms
- _____ is flood storage capacity adequate? (**provide text**)
- _____ include both conveyance system--storm drains, catch basins, etc.--and detention/ retention basins, forebays, swales
- _____ length of time before sediment load will significantly reduce the basin capacity
- _____ if detention/retention is to be provided by an existing wetland, area to be flooded and depth and duration of flooding
- _____ ability of soils to support weight of structure
- _____ overflow structure for extreme storm events
- _____ details of groundwater recharge wicks
- _____ Backwater analysis
- _____ Flow velocities in pipes, channels, and discharge points
- _____ velocity dissipater calculations
- _____ operations and maintenance plan

Information on water quality (concentrations and loadings)

pre-project	post-project	
_____	_____	sediment
_____	_____	increase in sediment load
		_____ how much
		_____ timing
_____	_____	nutrients (phosphate, nitrogen compounds)
_____	_____	increase in nutrient load
		_____ how much
		_____ timing
_____	_____	road salt
_____	_____	petroleum products and byproducts
_____	_____	floating materials
_____	_____	coliform bacteria and other microbes
_____	_____	oxygen-demanding substances
_____	_____	heat
_____	_____	heavy metals
_____	_____	toxic materials
_____	_____	iron compounds
_____	_____	herbicides
_____	_____	algaeicides
_____	_____	pesticides
_____	_____	fertilizer
_____	_____	water quality monitoring schedule and procedures (provide text)

Alternatives Analysis

- _____ Assessment of alternative locations, routes, construction
- _____ measures, and project designs that would avoid
- _____ wetland resource area alterations
- _____ Information on engineering and design
- _____ measures to minimize wetland alterations
- _____ that are unavoidable

Mitigation: Wetlands replication plans

Existing wetlands	Proposed wetlands	
_____	_____	wetland delineation by qualified Wetland Scientist
_____	_____	area calculations in square feet
_____	_____	location in relation to bordering waterbody
_____	_____	if vernal pool, in relation to migration routes and surrounding habitat
		(replacement vernal pools must be in close proximity to original)
_____	_____	elevations relative to known datum
_____	_____	cross-sections as needed to understand surface and subsurface hydrology, topography,
		soils types and horizons
_____	_____	test pits or soil borings logs (information should be on cross-sections, above)
_____	_____	soil chemistry as appropriate
_____	_____	seasonal high groundwater elevations
_____	_____	seasonal low groundwater elevations
_____	_____	perched groundwater conditions
_____	_____	surface water flow patterns, timing, and rates
_____	_____	water quality
_____	_____	wetland plant species
_____	_____	plant community structure
_____	_____	wetland plant distributions
_____	_____	soil excavation and stockpiling procedure
_____	_____	re-vegetation procedure
_____	_____	construction schedule and sequence
_____	_____	post-construction monitoring procedures

Where appropriate, have the effects on wetland resource area characteristics contributing to each statutory interest been addressed?

Groundwater Supply

- _____ quantity
- _____ quality
- _____ level
- _____ gradient
- _____ recharge
- _____ discharge

Prevention of Pollution

- _____ living filter complex
- _____ water flow patterns and residence time
- _____ increased pollutant loads
- _____ release of dissolved and suspended materials

Drinking Water Supply--Public and Private

- _____ quantity/availability
- _____ quality

Fisheries

- _____ fish
- _____ food organisms
- _____ prevention of contamination
- _____ spawning areas
- _____ habitat

Flood Control

- _____ retention
- _____ detention
- _____ bank storage and interflow
- _____ barrier protection
- _____ erosion

Land Containing Shellfish

- _____ shellfish beds
- _____ water quality
- _____ sediment
- _____ water circulation food

Storm Damage Prevention

- _____ detention
- _____ dissipation
- _____ stabilization
- _____ infiltration

Wildlife Habitat

- _____ plant community composition
- _____ plant community structure (heights, ages, dispersion)
- _____ hydrologic regime
- _____ soil composition
- _____ soil structure
- _____ topography
- _____ water quality
- _____ vernal pool habitat
- _____ rare species habitat

Site Visit Information

- _____ commissioners staff present
- _____ applicant present
- _____ agent present
- _____ engineer/ specialist present
- _____ abutters
- _____ resource type identified
- _____ bank
- _____ land under waterbody
- _____ land subject to flooding
- _____ vernal pool
- _____ BVW
- _____ Riverfront area
- _____ perennial stream
- _____ intermittent stream
- _____ water body
- _____ limited project
- _____ resource boundaries identified
- _____ observations

_____ potential solutions: _____

_____ actions required: _____

_____ unresolved issues: _____

_____ additional information to be provided date due by whom

C. RDA/NOI Filing Fact Sheet

REQUEST FOR DETERMINATION OF APPLICABILITY = RDA
OR
NOTICE OF INTENT = NOI

For Commission Use Only:

DEP #: _____
RDA filed Date: _____
NOI filed Date: _____
New Business: _____

CONTACT INFORMATION:

Proposed Site information:

Address: _____
Assessor's Map location: _____

Applicant's Representative Information

Company Name: _____
Engineer Name: _____
Address: _____
Phone: _____ Fax _____
Email Address: _____
Mobile Phone: _____

Wetland's Scientist Information

Company Name: _____
Wetland Scientist Name: _____
Address: _____
Phone: _____ Fax _____
Email Address: _____
Mobile Phone: _____

Applicant Information:

Name: _____
Address: _____
Phone: _____ Fax _____
Email Address: _____

Land Owner Information:

Name: _____
Address: _____
Phone: _____ Fax _____
Email Address: _____

Filing Materials/Information

	RDA COMPLETED WPA Form1	2 Copies only
	NOI COMPLETED WPA Form3	2 Copies Only

In order for proposed project to be placed on a Conservation Commission meeting agenda the Site Plan(s) must contain, at minimum, two copies to include the following information:

	<p>BYLAW SECTION 12-5 Applications for permits:</p> <p>B.1. A narrative which gives detail and fully describes the project.</p> <p>B.2. An avoidance and minimization statement which included all alternatives, with mitigation if avoidance is not possible.</p> <p>2 COPIES OF PLAN (1" = 20' SCALE)</p> <ul style="list-style-type: none"> • Signed and wet stamped by professional engineer or land surveyor as the case may be required • All new and existing stone walls to be indicated on plans • Clear plan title with date of plan
	<p>LOCUS</p> <ul style="list-style-type: none"> • Must be in color from area gis map, clearly showing street's in surrounding area
	<p>WETLANDS DELINEATION</p> <ul style="list-style-type: none"> • DEP delineation Data form • Wetland flags must be numbered
	<p>100' BUFFER ZONE **Note: highlighted in RED</p> <p>200' RIVER BUFFER ZONE **Note: highlighted in YELLOW</p> <p>200' GREAT POND **Note: highlighted in BLUE</p>
	<p>STREAMS MARKED</p> <ul style="list-style-type: none"> • Perennial • Intermittent
	<p>EROSION CONTROL</p> <ul style="list-style-type: none"> • Proposed Method & construction <u>detail as per Conservation Regulations</u> • Proposed Placement(s) of control(s)
	<p>REPLICATION</p> <ul style="list-style-type: none"> • All areas of proposed reclamation including stockpiles
	<p>VEGETATION IDENTIFICATION:</p> <ul style="list-style-type: none"> • Proposed extent of lawn **Note: highlighted in GREEN • Plan of all proposed tree removal **Note: highlighted in ORANGE
	<p>SITE INFORMATION</p> <ul style="list-style-type: none"> • Last recording date of property • Name of registry • Book and page number
	<p>WETLANDS FEE (CALCULATED BY WETLAND PE)</p>
	<p>ADVERTISING FEE: \$40.00</p>
	<p>BYLAW FEE: \$25.00</p>
	<p>CONSULTANT FEE: Calculate by using Consultant Schedule</p>

D. SAMPLE - Order of Conditions-Special Conditions

Applicant Name: Project Address: DEP #

Pre Construction

1. Any change of successor or successor in control of this project shall be submitted in writing to the Sutton Conservation Commission. The request shall include all changes, however minor, to the design plans cited in this order. Prior to any work commencing the conservation commission shall determine if proposed changes to the project require the filing of a new Notice of Intent or a Request for Amendment to the Order of Conditions. A pre-construction conference shall be scheduled at the regularly held Commission meetings for the board to review the project with any new parties. i. e. Change of ownership or controlling interest and/or engineer and/or general contractor.
2. Prior to the pre-construction meeting and any work commencing on the site, a sign of minimum size two (2) feet x two (2) feet shall be displayed so as to be clearly visible from the street showing D.E.P. File No. 303-
3. This order shall be recorded on the deed to all individual lots related to the project.
4. Wetlands Flagging spaced at intervals, by a qualified Wetland Scientist, no greater than 25 feet apart shall identify the boundaries of all wetland resource areas. Flagging used to identify the wetland resource area shall be of a color different from any other flags used on the site. These flags are to be clearly marked and numbered with a permanent medium exactly as they are surveyed on the plan cited in this order.
5. Erosion and control measures shall be placed at a minimum distance of five (5) feet from the delineated wetland line cited on the plan in this order. These measures will include the installation of a siltation fence entrenched six (6) inches and placed directly behind the double staked hay bales, on the upland side, five feet from the delineated wetland line on the plan cited in this order. Erosion and sedimentation controls shall be in accordance with the plan cited in this order or as deemed needed and appropriate by the Sutton Conservation Commission to control potential run-off damage. In addition to required haybales and silt fencing, applicant shall stabilize all exposed slopes or disturbed surfaces likely to contribute to erosion runoff. For shallow slopes (3:1 or flatter), and those slopes of fifty (50) feet or less, which may remain exposed for greater than one week, but less than one month, applicant shall apply hydroseeding, hay mulch, or plastic netting to keep mulch and/or straw down, or other such tackifier. For steeper slopes (3:1 or steeper), and those slopes of fifty (50) feet or more, which may remain exposed for one month or more, applicant shall apply straw blanketing tacked with plastic mesh, coir blankets or mats of coconut fiber or other such similar erosion control. These measures shall be applied to the full transverse length of the slope. Prior to the commencement of any work the construction and placement of all erosion and sedimentation control measures are to be certified in writing, to the commission, by a qualified wetland scientist or environmental engineer. A Sutton Conservation Commissioner or the commission's designated professional representative shall confirm the certification.
6. The applicant shall notify the Sutton Conservation Commission in writing of the name, address, and business and home telephone numbers for the project supervisor, or any contractor who shall be responsible for ensuring compliance with this Order. The contractor employed to execute the project shall be provided a copy of this order and thereafter-said contractor may be held jointly responsible for any violations and the penalties under law for said violations. The contractor working on a site must be given a copy of the Order Of Conditions and have it on site at all times, while work is being conducted.
7. The applicant shall submit to the Sutton Conservation Commission a schedule of major events in the project.
8. In accordance with the General Condition 8 on page 2 of the Department of Environmental Protection Order of Condition form WPA Form #5, this Order must be recorded at the Worcester Registry of Deeds prior to commencement of any work. The Sutton Conservation Commission shall be notified that The Order has been so recorded not later than 10 days from the mailing date of this order. No activity shall commence until the Order has been recorded and the 10-day appeal period has passed. Failure to comply with this condition shall be considered cause for revocation of the Order.

During Construction

9. Any and all changes to this plan or deviation in construction from the plans shall be requested in writing to the Sutton Conservation Commission. At the public hearing the Sutton Conservation Commission shall determine if said change is substantial enough to require filing of a new Notice of Intent.
10. The contractor or site engineer in charge of the work on the site shall have a copy of this Order and a copy of the approved drawings and plans available on the site at all times.
11. The Sutton Conservation Commission and its agents shall have the right to enter and inspect the property at any time for compliance with the conditions of this Order, the Act and the Wetlands Regulations, 310 CMR 10.00, and the Sutton Wetlands Riverfront District Administration Bylaw, and shall have the right to request and receive any additional data or documentation that it deems necessary for that evaluation.
12. In case of emergencies, problems, or the need to discuss site conditions with the Sutton Conservation Commission, Office: (508-865-8728), or the contact person is:
Joyce Smith 508-865-5502 Daniel Moroney 508-865-3231 Robert Tefft 508-865-4182
William Wence 508-797-2444 Lauren Rothermich 774-994-1808
13. Flag lines are to be maintained at all times. A qualified professional designated by the applicant and approved by the Sutton Conservation Commission shall regularly inspect the flags. At the regular inspection flags shall be verified as in place in accordance with the plan cited in this order. Any missing flags shall be replaced.
14. Additional sedimentation and erosion control devices shall be kept on site at all times for repair and maintenance of the existing controls.
15. Failure of any sedimentation or erosion control measure or any construction related event that results in impact to a protected resource area shall be reported to the Sutton Conservation Commission immediately. A qualified wetland specialist approved by the commission shall inspect and assess the impact, recommend mitigation measures and supervise any necessary action. The result of the inspection, assessment, recommendations and actions shall be reported in writing to the Sutton Conservation Commission.
16. During all phases of construction, all disturbed or exposed areas shall be brought to finished grade and either A) permanently stabilized in accordance with the sedimentation and erosion control plan cited in this Order and NRES procedures or, B) Areas that cannot be permanently stabilized within 30 days of disturbance shall be stabilized using accepted best method practices approved by the Sutton Conservation Commission. All exposed soil shall receive a minimum of 6 inches of loam or topsoil prior to seeding and final stabilization. All exposed slopes must be stabilized by plantings, jute, mats, hydroseeding, etc.
17. No construction equipment shall be refueled or parked at any time within the buffer zone. No equipment is to enter the site except by the access route specified on the plans and no equipment is to enter or cross a wetland resource area at any time.
18. All plantings and replication areas must be provided moisture and nutrients, on a regular basis, in order to insure survival success. No trees with a caliper diameter in excess of five (5) inches shall be cut or removed until and unless a replanting plan, indicating at minimum 1:1 replacement, be filed and approved by the Commission.
19. Cement trucks shall not be washed out in any wetland resource of the Buffer Zone area on or into any drainage system. Any deposit of cement or concrete products into a Buffer Zone or wetland resource area shall be immediately removed.
20. All plantings and replication areas must be provided moisture and nutrients, on a regular basis, in order to ensure survival success.
21. All stockpiled materials shall be located outside of the wetland resource area and the 100 foot buffer zone and shall be stabilized to prevent erosion and sedimentation into the wetland resource areas.

22. SPECIAL CONDITIONS FOR MONITORING AND REPLICATION PLANS

- A) The applicant shall hire qualified professional monitor to oversee the crossing construction. Said monitor shall be on site to certify the proper procedures have been applied in the following areas:
1. Installation of erosion control measures
 2. Installation of flume pipe
 3. Installation of Box Culvert
 4. Construction of retaining wall (s)
 5. Final grading of soils
 6. Construction and planting of the replication area

A final report shall be submitted to the Sutton Conservation Commission and Natural Heritage certifying the project is in compliance with the protocol. The environmental monitor shall provide a bio or resume reflecting a proven record in the area of wetland science and be currently and actively working in that field.

- B) For the replication area, the herbaceous layer shall be purchased New England Wetland mix and healthy nursery stock.
- C) NO road salt shall be permitted of used within 50 feet of any streambed.

Post Construction

1. The applicant shall submit to the Sutton Conservation Commission a written request for a Certificate of Compliance. The request must include as- built plans signed and stamped by a licensed professional engineer. The as- built must include in detail all changes to original plans and explanations for changes performed without notifying the Sutton Conservation Commission.
2. Within 30 days of receipt of the request for the certificate of compliance the Sutton Conservation Commission will hold a site visit with a quorum of the commission present. At that visit the commission will determine the project is in compliance with this Order and issue a Certificate of Compliance or identify non-compliant areas. Any determination other than compliance will require immediate remediation by the applicant, resubmission of the request for the Certificate of Compliance including updated information and repeat of the process and time periods stated above.

E. Tree Cutting

All trees 5 inches or greater which are felled or are or to be cut in any jurisdictional area be replaced in kind with planting(s) of 2 ½ inch caliper stock or greater, unless conditions require otherwise.

F. Abutter Notification

All Applicants must notify any/all abutters within 300 feet of any property corner or line when filling any application required under MGL.

G. Fertilizers

Any application of fertilizer on any lawn, landscaping, garden, orchard, Filed or within 100 feet of any resource area or 200 feet any body of water be 20-0-10, or other reasonable slow release zero phosphate fertilizer.

H. Policy on New Docks

Permits for Docks

For a new Temporary or Removable Dock:

Applicant must file a **Request for Determination** with the Conservation Commission even if there is no bank disturbance or a **Notice of Intent** if the bank area is disturbed.

A permit is not required to remove Temporary Docks in and out of the water.

For a Permanent Dock or Permanent Bank Alteration:

Applicant must file with the Conservation Commission and must file a Chapter 91 Waterways License Application with the State. Permanent structures are subject to MGL Ch. 131 Section 40. Bank disturbance may not exceed the lesser of 5% of frontage or 25 feet.

- Docks must be located 25 feet from property lines or for properties less than 50 feet wide in a central location.
- Docks may be no further than 30 feet into the water measured from the high water mark.
- Docks may be no larger than 300 square feet.
- All applications must be accompanied by a complete plan to scale.
- All docks must have permanent reflectors on each corner.
- A Chapter 91 Waterways license is required for all anchored in-water, off shore floating, swimming docks or pontoon structures.
- There may not be more than one dock per parcel.

This policy shall not serve to diminish the requirements of MGL or 310 CMR 9.00 but may be applied more stringently as reserved herein. The Commission may grant certain variance(s) with cause or hardship to this Regulation. This policy shall not apply to existing or and/or licensed docks before October 1, 2007. For any substantial repair with major alteration, a **Request for Determination** or **Notice of Intent** shall be filed with the Commission.

For further information, contact the office at: 508-865-8728 Email: wbien@town.sutton.ma.us

I. Fee Protocol and Applicant's Releasable Deposit Account and/or Bond Policy

Whereas, considering the powers granted the Sutton Conservation Commission ("the Commission") regarding the collection of certain fees pursuant to the Sutton Wetlands Protection Bylaw ("the Bylaw"), as amended, Section 12-5 & -6 Applications and Fees", whereby the Commission requires the payment of certain filing fees, or in lieu of same by this policy, the posting of a bond with surety, running to the Commission and sufficient as to form and surety in the opinion of the Commission's legal counsel, to secure faithful and satisfactory performance of the work required by any Order of Conditions in such sum, and upon such conditions, as the Commission may deem reasonable and necessary, the following shall apply:

Notwithstanding the above, the amount of such bond or other security, which shall become due under the Bylaw and MGL, shall not exceed the estimated cost to complete the work required or the estimated, amortized expenditure for restoration and long-term maintenance of affected lands and properties. If said work is not performed as required, any Default in fulfilling the obligations in a timely manner, as required under the Order of Conditions, shall constitute forfeiture of any such bond or other security and shall be recoverable at the suit of the Town in Superior Court. The intent of this policy is to define the terms and conditions relevant to certain pre-application standards and performance criteria and to establish the control, disbursement and relinquishment of such collateral security pursuant to the Bylaw and MGL:

1. At the time of application all basic filing fees shall be paid in full pursuant to MGL and the Bylaw.
2. Applicants shall secure and exchange for Commission consideration, under the contractual agreement (" Applicant's Releasable Deposit Account") implied by this policy; by depositing cash security or by posting a bond for any surfeit charges (those charges assessed above the required basic filing fees, e.g. fees for detention ponds or linear disturbance). Any cash security deposit shall be held in a local savings bank account, under the custody and control of the Commission, thus so pledged and assigned. The Applicant's Releasable Deposit Account contract so stipulates that any Default by Applicant or its agents may, by any enabling statute, be just cause for implementing the right of self-help to cure said Default by the Sutton Conservation Commission and/or the Town as appropriated following Notice, posted to Applicant's address of record. These surfeit charges shall be retained until such time as a Certificate of Compliance is requested and issued unconditionally, pending full and faithful performance of work permitted by any Order of Conditions. Failure to post such bond or provide satisfactory guaranty shall be cause for denial or revocation of the Order of Conditions or Certificate of Compliance.
3. At any time, or upon written request an Annual Accounting, of any such Applicant's Releasable Deposit Account shall be issued by the Commission indicating current cash balance or penal sum in the case of a bond and/or an invoice itemizing any current or extra, actual or reasonable estimated charges due and payable, including annual administrative charges, based on the Department of Revenue statutes and regulations relating to the 'Costing of Municipal Services'.

4. Final discharge of any or all bonds or relinquishment of Applicant's Releasable Deposit Account shall be conditioned upon issuance of a Certificate of Compliance. The Commission shall provide a written Statement of Release or Relinquishment of Control, or invoice and Notice for Payment Due. Any such Release or Relinquishment of Control Statement shall consider, finally, the values of lessened impacts than those impacts conditionally approved or anticipated in an/the Order of Conditions. Types of such in-Lieu-of guarantees are defined by, but not are not limited to, the following valuable milestones:
- a) of providing recorded evidence of the establishment of a Homeowners or Condo Association, whose Articles of Organization contain covenants for the continued financial support to effectuate and maintain the requirements of an approved O/M manual,
 - b) of implementing less impactful designs or redesigns arising from changes to the approved plan and made in the field,
 - c) of using more efficient technologies,
 - d) of making buffer zone enhancements including the limiting of temporary disturbances in jurisdictional areas and any Adjacent Upland Resource Areas, and
 - e) of addressing and providing for other interests regulated by the Bylaw and the MA Wetlands Protection Act and Regulations.

5. Amount of cash security or bond: _____

Entered into under seal on this day _____, 20__

Applicant

Conservation Commission

Notary:

Commonwealth of Massachusetts

County of Worcester, MA

On this the _____ day of _____, _____, before me,
Day Month Year

_____, the undersigned Notary Public,

Name of Notary Public

Personally appeared _____

Name (s) of Signer (s)

Proved to me through satisfactory evidence of identity, which was/were

_____,
Description of Evidence of Identity

to be the person (s) whose name (s) was/were signed on the preceding or attached document in my presence.

Signature of Notary Public

Printed Name of Notary

My Commission Expires: _____

J. Consultant Fee Schedule

DEP File no.: _____

A. APPLICANT INFORMATION

Applicant's Name

Property Owner

Project Location: Street Address

Map & Parcel

B. FEE CALCULATIONS (Please check off as applicable)

Building Permit Review

- \$250.00 flat fee per permit review

Request For Determination of Applicability

- \$300.00 flat fee per standard, basic application

Abbreviated Notice of Resource Area Delineation

- \$500.00 base fee per application, plus;
 - \$1.50 multiplied by _____ linear feet of wetland delineation = \$ _____

Notice of Intent – Category One

- Minor projects or other projects that fall under Category 1 of WPA Form 3 Fee Schedule
- (i.e. house addition, tennis court, or other accessory to residential activity, control of vegetation, work on septic system separate from house, new agricultural projects, etc.).
- \$500.00 base fee per application, plus;
- \$1.50 multiplied by _____ linear feet of wetland delineation = \$ _____
- (unless applicant has a valid Order of Resource Area Delineation)

Notice of Intent – Category Two

- Construction of single family house or other projects that generally fall under Category 2 of WPA Form 3 Fee Schedule (i.e. construction of a single family house, parking lot, inland limited projects minus road crossings and agriculture, each crossing for driveway to single family house, each project source (storm Drain) discharge, etc.)
- \$900.00 base fee per application, plus;
- \$1.50 multiplied by _____ linear feet of wetland delineation = \$ _____
- (unless applicant has a valid Order of Resource Area Delineation)
- \$1.00 multiplied by _____ square feet of permanent disturbance to BVW, ILSF, LUW and/or Riverfront Area = \$ _____
- \$1.00 multiplied by _____ linear feet of permanent disturbance to Inland
- Bank = \$ _____

☐ Notice of Intent – Categories Three through Five

- Construction of a multiple family dwelling, subdivision, or commercial and Industrial Projects or other projects that generally fall under Categories 3, 4, or 5 of WPA Form 3 Fee Schedule (i.e. site preparation for development beyond Notice of Intent scope, each building (for development) includes site, road construction not crossing or driveway, water supply development, each crossing for development of commercial road, dam, sand and gravel operations, bridge, dredging, etc.)
- \$1200.00 base fee per application, plus;
- \$1.50 multiplied by _____ linear feet of wetland delineation = \$ _____
- (unless applicant has a valid Order of Resource Area Delineation)
- \$1.00 multiplied by _____ square feet of permanent disturbance to BVW, ILSF, LUW
 - and/or Riverfront Area = \$ _____
- \$1.00 multiplied by _____ linear feet of permanent disturbance to Inland
 - Bank = \$ _____

TOTAL FEE =

\$ _____

THESE FILING FEES ARE AS DETERMINED BY APPLICANT AND ATTACHED IN THE FORM IS A CHECK MADE PAYABLE TO THE TOWN OF SUTTON. FEES SHALL BE DISPERSED PURSUANT TO MGL 53G

C. SIGNATURE OF AGREEMENT

The Conservation Consultant fees for NOI and ANRAD application are estimated and Applicant is hereby informed of these fees. Payment is required in advance of any review of work being performed by the Conservation Consultant.

If it is determined that more time and work is necessary to complete any application review, the Conservation Consultant shall provide an additional anticipated scope and fee cost structure for the work proposed. Necessary charges thereafter, and charges beyond the scope of initial review, shall be communicated in a timely manner to the Applicant. Additional review/oversight for work beyond the scope of initial review may include meetings associated with replication area construction, meetings with outside engineers and/or professionals, road/utility line work in and around Resource Areas, wildlife habitat evaluation reviews, etc. Initial review budget includes a written report, one site meeting or filed visit and two Conservation Commission hearings with Applicants, their consultants, and/or the Commission.

Any unused portions of the Conservation Consultant fees outlined herein shall be returned in a timely manner to the Applicant.

I, the Applicant, or my authorized representative or agent have read and agree to the terms outlined in this fee schedule.

Signed: _____ Date: _____

By: _____

K. Deadlines for Submitting Materials

In order to allow adequate time for the Commission and its Agent/Consultant to review and comment upon revisions to materials supporting an application; said materials must be submitted 7 Days (1 week) prior to the scheduled public meeting date. The Commission may, at its discretion, continue the public meeting or hearing should materials not be received within the prescribed 7 day time period.

L. Complete Submissions

a. Applicants may come before the Commission before submitting an RDA or NOI for initial guidance. This would be listed on the Agenda as "Pre-application, informal concept plan." There may or may not be an actual plan presented, but applicants would be urged to at least have a rough outline for their project on paper that the Commission can review.

b. If a pre-application, informal concept plan is not presented prior to an RDA or NOI, the Commission will only accept applications that are complete (e.g. fees, stormwater report, O&M plan, wetland replication plan and narrative, wildlife habitat evaluation, etc. have been completed).

The application will be initially reviewed, and if there is a missing component, the Commission will inform the applicant it is incomplete and that unless rectified, it will delay the opening of the public hearing.