

TOWN OF UPTON
Conservation Commission

Phone: (508) 529-6286

Notice of Intent (NOI) WPA Form 3
Applicant Instructions

PRELIMINARY WORK

- Hire a wetland scientist to flag the wetlands, streams, ponds, etc
- Professional plans will most likely be required. Hire a surveyor/engineer/landscape architect to create a plot plan showing:
 - Existing conditions (house, driveway, yard, trees, grading, topographic lines)
 - Existing wetlands, 100-foot Buffer Zone, Riverfront Area, etc., 30 ft. no disturb setback and 50 ft. no build setback
 - Proposed work (grading, construction, tree clearing, limit of work)
 - Erosion controls, typically compost filter sock or straw wattles and silt fence, *no haybales* Include tracmat if needed
 - Location of stock pile
 - Any proposed stormwater management
 - Plans must be stamped by a registered engineer
- Fill out a wetland application WPA form 3 (Notice of Intent). This may be done by you or your engineer/wetland scientist

APPLICATION AND SUBMITTAL REQUIREMENTS

- Completed WPA Form 3 (2 copies) – must provide 2 copies to both the Conservation Commission and MassDEP along with the plans. Mail to:

Mass DEP
Central Regional Office
8 New Bond St.
Worcester, MA 01606
- MassDEP will issue a file number when it receives an NOI
- Detailed Plans for the Commission -
 - 2 full size copies
- Completed NOI Wetland Fee Transmittal Form - Submit one copy with payment to Town of Upton and mail one copy with payment to state. Mail to:

Department of Environmental Protection
Box 4062
Boston MA, 02211
- Electronic copies of the plans and NOI must be submitted to the Town concomm@uptonma.gov and also to the state per COVID regs CERO_NOI@mass.gov

- Administrative Fee various see website (payable to the Town of Upton)
- **Notification of Abutters**
 - Abutters within 300 ft. of the property line must be notified
 - Obtain a certified list from the Assessor
 - Mail notification using a Certified Certificate of Mailing or receipt of mailings must be provided on or before the Public Hearing – Applicant is responsible for mailing. Copy of Abutter Notification form and Affidavit of service to be included in filing.
- The Public Hearing Notice will be prepared and submitted by the clerk - notice must be printed in the legal section at least 5 business days before the day of the Public Hearing Date.
- Proof that application has been sent to the Natural Heritage and Endangered Species Program (NHESP) – if project is proposed within the estimated habitat of a rare wetlands wildlife species.

Site Visit – The Agent will be visiting your site to review the filing.

Public Hearing

- At the hearing, the Conservation Commission will determine how the project will affect the resource area(s). They may ask questions about your project. A hearing may be continued to another date if additional information is needed.
- Green cards (postal return receipt cards) or proof of abutter notification should be submitted.
- The Commission will issue a decision based on information presented to them.
- Once a decision is made the Order of Conditions will be drafted, The Commission office will call you when the Order is ready.

After Approval Prior to Construction

- The order can be picked up at the Conservation Office (preferred method) or you may arrange for the Order to be mailed to you via certified mail with return receipt.
- You must have your Order of Conditions recorded at the Registry of Deeds in Worcester before you can start any work.
- Proof of recording must be presented to the Commission.
- Before starting work contact the Conservation Commission office for erosion controls inspection.

After Completion

- Once the project is Complete submit a Request for Certificate of Compliance for final approval and if applicable, refund of the peer review deposit.
- An Order of Conditions is valid for 3 years. If the project will take longer than 3 years, you may file for an extension by submitting a letter requesting an extension and appropriate fee before the permit expires. The Commission may grant an Extension at it's discretion.