

Shutesbury Conservation Commission

Rules and Regulations for ANRADs Shutesbury General Wetlands Protection Bylaw (adopted 10/5/2023)

Applicants wishing to have wetlands delineations approved by the Commission, pursuant to 310 CMR 10.05 (4)(b)(2), shall use the most current MassDEP guidelines and forms for ANRADs. Applicants are advised that the Commission has broader jurisdiction under the Bylaw than the WPA, and shall therefore review ANRADs concurrently under the WPA, the Bylaw, and these Bylaw Regulations. ANRAD applications shall identify all Resource Areas, including Resource Areas protected by the Bylaw alone.

If an Applicant wishes to obtain an ORAD, they must file an ANRAD prior to filing an NOI. Alternatively, the boundary of a Resource Area may be determined through the filing of the NOI.

General Requirements

1. The Commission will accept, as the application filed under the Bylaw, MassDEP ANRAD Form 4A as filed under the WPA. Forms can be obtained at the Commission's office or online at the Commission's and MassDEP's websites. ANRADs may be submitted electronically to MassDEP through the MassDEP online permitting platform, but seven (7) separate hard copies and one electronic copy of the ANRAD (in pdf format) must be submitted separately to the Commission.
2. The names and addresses of the record owner(s), the Applicant(s), and all 100-foot Abutters, as determined by the most recent local tax list certified by the Shutesbury Assessor's Office, unless the Applicant shall have more recent knowledge of such Abutters.
3. Proof of Legal Notice (submitted by the Commission at the Applicant's expense) per the procedures established for Notices of Intent.
4. Proof of Abutter Notifications (using the Commission's approved Notification Template available upon request) per procedures established for Notices of Intent, including an Affidavit of Service. **Abutter Notifications, using the approved Template, must be sent USPS Certified Mail Return Receipt Requested. Certified Mail receipts are due upon the opening of the Public Hearing.**
5. Proof of submission of the Application to MassDEP, including proof of payment of fee to MassDEP.
6. A MassDEP File Number must be provided before the opening of the Public Hearing.
7. Payment to the Town of Shutesbury in accordance with the fee schedules established by MassDEP and by the Shutesbury Bylaw Fee Schedule available at shutesbury.org/concom or upon request. Separate checks should be made out to the *Town of Shutesbury*. Memo fields for each check should list the Parcel ID and whether the fee is for the WPA or the Bylaw.
8. An eight-and-one-half-inch-by-eleven-inch (8 ½" x 11") reproduction of the USGS quadrangle sheet showing the project locus.
9. **Site Maps Requirements:**
 - a. ANRAD submissions should include site maps including maps showing USGS topography, known wetland delineations, water features, and pertinent site features (e.g., roads, culverts, bridges, other alterations).
 - b. A locus map with topography and known wetlands and water features should be included that shows the parcel within the context of surrounding topography and the boundaries of abutting parcels.

- c. Maps must illustrate the project location and all Protected Resource Area boundaries, including the AURA and Riverfront Area.
 - d. Maps must show locations of Certified or suspected Vernal Pools and Intermittent Streams as defined by the Shutesbury Bylaw Regulations must be documented.
 - e. Maps must show the locations and boundaries of Isolated Vegetated Wetlands greater than 500 square feet in area.
 - f. Comments conveying personal opinions on the quality or degraded nature of Resource Areas cannot be included on any plans (e.g., statements such as “Degraded/Low Quality Wetland”).
 - g. For perennial streams protected by the Bylaw, maps must show the Mean Annual High Water (or Bankfull) Line, and both the 100-foot inner Riverfront Area line and the 200-foot Riverfront Area boundary.
 - h. Any notes on plans misidentifying Resource Areas with incorrect labels will not be accepted.
 - i. Land subject to flooding should be delineated with supporting calculations.
 - j. Map details should conform with the requirements for Notice of Intent submissions, including sheet size, scale, title block, original date, and revision dates. Site maps are required to show topography with 2-foot contour intervals. Maps shall be drawn to scale.
10. The Applicant shall ensure clear, consecutively numbered wetlands flagging in the field. If wetland delineations change during the Public Hearing, the Commission may require that flags be refreshed before the close of the Public Hearing or upon submitting any Notice of Intent.

11. Required Narrative:

- a. Description of site characteristics, including hydrology, federal and state mapped Resource Areas, and mapped soils
- b. Description of method of wetland delineation
- c. Description of delineated Resource Areas
- d. Site photographs
- e. USACE Wetland Determination Data Forms for all wetland data plots. Should wetland delineations change after the initial ANRAD application, new Data Forms shall be provided to the Commission for any new data plots before the closing of the Public Hearing.
- f. The Commission may require that supporting materials be prepared by other professionals including, but not limited to a professional wetland scientist, registered landscape architect, registered land surveyor, environmental scientist, geologist, hydrogeologist, or hydrologist when the complexity of the filing warrants specialized expertise.

12. Timeframes for Submission of Materials

To be considered as part of an application by the Applicant, all documentation – including narratives, plans, maps, tables, charts, reports, and other relevant data – must be submitted to the Commission no later than 12 p.m., ten (10) business days prior to the scheduled Public Hearing, or its continuation. This is the minimum time needed to allow the Commission and staff to properly review, analyze, and check the information provided. Documentation submitted with fewer than the minimum required days for review may be excluded from consideration at the scheduled hearing and held for discussion at a subsequently scheduled meeting.

13. Peer Review: The Commission reserves the right to obtain an independent Third Party Review at the Applicant’s expense, based on its authority under MGL Ch. 44, § 53G.

Applicants are encouraged to contact the Shutesbury Conservation Commission at concom@shutesbury.org for additional guidance and information. Once the ANRAD Application is received, the Commission shall give the Applicant the date and time of the Public Hearing.