When should I contact the Commission? Contact the Commission as soon as you start planning the NOI, so that the Commission can be prepared for the submittal. This allows us to coordinate with you to ensure your project proceeds in a timely manner. A completed NOI must be submitted at least two (2) weeks before a regularly scheduled Conservation Commission meeting so that there is enough time for plan review and a pre-Hearing site visit.

When will the Public Hearing be scheduled? State law requires the scheduling of the Public Hearing within 21 days of receiving the completed NOI application. If some unforeseen problem arises that makes it impossible to hold the Public Hearing within that time and the applicant agrees, a waiver of this requirement can be granted.

What happens if my application is missing something? The Land Use Clerk can help you ensure that your application is complete. If the Commission finds the application is incomplete at the time of the Public Hearing, approval will be delayed until everything has been submitted. Make sure all forms are dated and contain correct names, addresses, and phone numbers, in addition to the proper project address.

What role does the Massachusetts Department of Environmental Protection (MassDEP) play in my application? All NOIs are submitted to both the Commission and MassDEP. DEP will review your application and provide comments. They may require changes to the plans. Upon receipt of the application, DEP will issue a file number for your project. No permits can be issued without the DEP file number.

How can I submit my Notice of Intent to ensure the DEP regional office has received it? NOIs should be mailed to the relevant MassDEP Regional Office in accordance with the procedures described in the WPA Regulations. MassDEP also requires documents to be emailed to the Western Regional Office @ WERO_NOI@mass.gov. Any updated plans or additional materials required in the Public Hearing should be also emailed to DEP. It is a good idea to copy the Commission on emails to DEP. Be sure to include your DEP file number in the subject line.

What happens at the Public Hearing? The purpose of a Public Hearing is to allow the Commission to gather information it needs to review a permit application and to allow the public opportunity for comments. The applicant and/or their representative will be given an opportunity to present their project. For virtual meetings, site plans will often be shared on-screen. The Commission will ask questions, and public comments will be accepted. If more information is needed, the Commission may ask the applicant to consent to a Continuation of the Public Hearing to another date. When the Commission has received all the information it needs, it will vote to close the Public Hearing. After the Hearing is closed, no new information can be accepted. The Commissioners will discuss the project and vote on whether to approve or deny the permit application. If the permit is approved, the Commission will issue an Order of Conditions that allows the project to go forward and outlines specific conditions for the project.
What happens if I am asked to submit additional information at the Public Hearing? If the Commission or DEP require additional information before a final decision can be made about your project, the Commission will ask you to agree to a Continuation of the Public Hearing to another meeting date. You have the right to refuse to agree to a Continuation, but you run the risk that your application will be denied. For the Commission to have sufficient time to review materials, the Commission policy is that applicants must submit materials no later than 12:00 pm on the date that is seven (7) days before the meeting date for the Continued Public Hearing. All supplemental materials must comply with the mandatory required number of copies, including an additional complete set that must be submitted to the DEP-Western Regional Office (WERO) on or before the date of submittal to the Commission.

Do I have to have plans prepared and stamped by a professional? Not necessarily. The Commission may require that supporting plans and calculations be prepared and stamped by a registered professional engineer (PE), registered landscape architect, registered land surveyor, environmental scientist, geologist, or hydrologist if the Commission determined that the complexity of the proposed work warrants the relevant specialized expertise. The Commission can waive these requirements, especially if there is no large or deep excavation and no mitigation requirement.

What fees am I responsible for paying? For all NOIs, you must pay a fee to the state and to the Town which is calculated using the WPA Fee Transmittal Form and instructions. The WPA fee and WPA Fee Transmittal Form should be sent to: MassDEP, Box 4062, Boston, MA 02211. A copy of the Transmittal Form and state check should be submitted to the Commission in your NOI application. For the Town’s portion, checks made out to the Town of Shutesbury should have the following written into the memo line of the check: WPA NOI Fee and the project address. A separate fee to the Town is required under the local Shutesbury General Wetlands Protection Bylaw. The amount of this fee is determined by the type of project. Contact the Commission for instructions. Checks for the Bylaw fee should be made out to the Town of Shutesbury and have the following in the memo line: Bylaw NOI fee and project address. All fees must be paid at the time of application submission.

Who submits the NOI application if I am using a professional? Either you or your consultant/contractor can complete the application. The WPA Form 3, however, should list the landowner, applicant, and representative if these are different people. Any consultant, contractor, or other representative must have full and complete knowledge and be duly authorized by the applicant to represent them.

Are there any other expenses I should be aware of? For large or complex projects, the Commission has the statutory right to require the hiring of a third-party consultant to assist the Commission at the applicant’s expense. This is typically not required for small-to-medium sized projects. Under some circumstances, the Commission could require an applicant to have the project area professionally delineated by a wetland scientist.

What site visits are required? When you apply for an NOI, you are giving consent for the Commission to conduct site visits to review your project and verify compliance with an Order of
Conditions. Upon receiving the application, the Commission will typically arrange with you to conduct a site visit with at least two Commissioners prior to the Public Hearing. The applicant or their representative should plan to be present for that visit. Flagging or stakes on the site should identify the boundaries of the project footprint and the boundaries of any wetland resource area in the vicinity of the proposed work area. Depending on the nature of the project, additional visits may be required either before or after a decision is reached about the application.

**How long is the Order of Conditions (i.e., permit) good for?** If approved, the Order requires the work to be completed within three (3) years of the date of the Order. In some instances, the Commission may agree to extend the Order upon request.

**What do I have to do after the Order of Conditions is issued?** Once your permit is approved, you will be issued an Order of Conditions. You must record this Order with the Franklin County Register of Deeds. Make sure you read the Order carefully and understand all requirements that you are responsible for. The Commission may conduct a site visit to verify that the permit is being followed appropriately. Once your project is completed, contact the Commission to request a Certificate of Compliance. The Certificate will enable you to remove the Order of Conditions that has been attached to the house deed.

**I received an Order of Conditions but wish to do more work or make changes than what I received a permit for. What do I do?** The Commission understands that plans can change, however, please contact the Commission, and discuss the change/s. Depending on the amount and/or nature of the additional work, it may be required that the Order of Conditions be amended. The Commission will help with the process.

**How do I amend my permit (Order of Conditions)?** Any change/s to the project should be submitted in writing along with plans that document the additional work to the Conservation Department. The plan documents should also be submitted to MassDEP under the original NOI file number. The Commission will give you a Public Hearing date. The request for an Amended Order of Conditions will require new abutters’ notifications and a Legal Notice in a local newspaper. The Commission will visit the site, hold a Public Hearing, and will vote to approve or deny the request to amend the Order of Conditions.

**How do I close out my wetlands permit/apply for a Certificate of Compliance (COC)?** Applicant’s may request a Certificate of Compliance (COC) once all work outlined in the project’s Order of Conditions has been completed and all exposed areas are permanently stabilized. The applicant must submit a WPA Form 8A Request for Certificate of Compliance. If the approved plan was created by a professional, then the COC must be accompanied by a current As-Built Plan that is stamped and signed by a Professional Civil Engineer (P.E) or a Registered Land Surveyor (R.L.S). A written statement from a P.E. or R.L.S certifying that the work was completed as shown on the plan(s) must also be submitted as part of the packet. Upon receipt of a complete packet, Commission will perform a final site inspection to determine compliance. After the inspection, the Request will be placed on the next scheduled meeting. Once approved by the Conservation Commission, the COC must be recorded at the Franklin County Registry of Deeds to remove the encumbrance on the property title.
**What are the Town Bylaw Fees?** Under the local Bylaw, NOI fees are as follows:

- Projects that are not residential construction and affect less than 5,000 square feet of area: $25.00
- For each additional 1,000 square feet or portion thereof: $5.00
- Single family dwelling or one building lot: $50.00
- Each additional dwelling unit or building lot: $50.00