This letter includes instructions for completing a Notice of Intent (NOI). The Shutesbury Conservation Commission and Land Use Clerk (contact info below) are here to answer questions and provide assistance. Notices of Intent are reviewed under the Wetlands Protection Act (MGL Chapter 131 §40) and the Shutesbury General Wetlands Protection Bylaw, but applicants are only required to submit one application per the requirements below. **The Commission requires all application materials, except for the Abutter Notifications and Legal Notice documentation, to be submitted by noon, ten (10) business days before the Public Hearing date.**

To file an NOI, you will need to follow these steps:

- Go to [https://shutesbury.org/wetlands-permit_applications](https://shutesbury.org/wetlands-permit_applications). Click on “WPA Form 3 (NOI)” and “Instructions.” Review the instructions carefully. Download MassDEP’s WPA Form 3, follow the DEP instructions to complete the form, using the DEP Fee Transmittal Form to determine the fee appropriate to your project, and print out the completed form. Alternatively, NOIs can also be submitted electronically through the MassDEP’s Online Filing System ([https://www.mass.gov/edep-online-filing-for-massdep-environmental-permits-reports](https://www.mass.gov/edep-online-filing-for-massdep-environmental-permits-reports)). All applications shall be reviewed under both the Wetlands Protection Act and the Shutesbury General Wetlands Protection Bylaw.

- Carefully review the Pre-Filing Frequently Asked Questions (FAQ) handout attached below for important details that applicants should be aware of.

- WPA Form 3 and all accompanying documents are submitted both to the Conservation Commission (address above) and to MassDEP either through its online permitting portal at [https://www.mass.gov/how-to/wpa-form-3-wetlands-notice-of-intent](https://www.mass.gov/how-to/wpa-form-3-wetlands-notice-of-intent) or by sending the application by USPS Certified Mail or hand-delivery to: Massachusetts Department of Environmental Protection, Western Region Office, Wetlands Division, 436 Dwight Street, 4th Floor, Springfield, MA 01103.

- A signed *Site Access Authorization Form* must be submitted to the Commission with the application.

- Contact the Shutesbury Board of Assessors at 413-259-3790 ([assessor@shutesbury.org](mailto:assessor@shutesbury.org)) to obtain a Certified List of 100-foot abutters from your project area. A current list (not older than 30 days) must be included in your NOI application.

- Fees: NOI applicants must pay WPA NOI fees both to the state and also to the Town of Shutesbury. A separate fee is required under the Town of Shutesbury General Wetland Protection Bylaw. Refer to the **NOI Frequently Asked Questions** handout for information about the fee required under the town Bylaw. All fees must be paid in full upon application submission per instruction below. See instructions below.
Once the NOI is received by the Commission, either the Land Use Clerk or Commission Chair will give you the dates for a site visit and the Public Hearing. Public Hearings are being conducted virtually at present.

You must publish a legal notice to inform the public of the Hearing. It must appear one time in a local newspaper at least five (5) business days before your Hearing, using the attached “Template for Public Legal Notice.”

All 100-foot abutters, based upon a Certified Abutter List, must be formally given notice of the project and Public Hearing information at least seven (7) days before the Public Hearing, either by US Postal Service Certified Mail with Return Receipts or by hand delivery with a signed Affidavit of Service (see below).

If you have been informed that your property is located within the Town of Amherst Watershed, an abutter notification must also be sent to Water Department, Town Hall, 4 Boltwood Avenue, Amherst, MA 01002.

Prior to the Public Hearing, the Commission must conduct a site visit to review the project. The Commission will contact you to arrange the site visit. Prior to the site visit, you must ensure that the project area is staked, and the delineated wetlands are flagged for Commission review.

Virtually attend the Public Hearing. Following the closing of the Public Hearing, you will receive an Order of Conditions. You have 10 business days to appeal any decision.

Record the Permit (Order of Conditions) at the Franklin County Registry of Deeds at 43 Hope Street, Greenfield, MA. Telephone: 413-772-0239, and submit proof of recording to the Commission within 30 days of the issuance of the permit.

Please contact the Commission with any questions: 413-259-3792 or concom@shutesbury.org

Thank you,

Carey Marshall, Land Use Clerk
Office Hours: Tuesdays and Thursdays 10am – 1 pm

Enclosures:

NOI Frequently Asked Questions
Template for Abutter Notification
Affidavit of Service (for hand delivery of abutter notifications)
Template for Public Legal Notice
Site Access Authorization Form
Requirements for NOI Submission:

- **Two (2) hard copies and 1 digital copy** of the following documents for the Conservation Commission:
  
  o WPA Form 3
  
  o WPA Fee Transmittal Form and a copy of check/payment that was sent to the state.
  
  o Signed Site Access Authorization Form
  
  o Project Locus Map: A map showing the location of the project site, preferably a copy of the USGS map or a Town GIS Map, with the site circled. Alternatively, a Google map or Assessors Map can be used. An online GIS Map with property lines and wetlands is available at [https://www.mainstreetmaps.com/ma/shutesbury/public.asp](https://www.mainstreetmaps.com/ma/shutesbury/public.asp).
  
  o A current copy of the 100-foot Certified Abutter List.
  
  o Proof of notification to abutters using the *Abutter Notification Template* by USPS Certified Mail (return receipt requested) or hand delivery with signed *Affidavit of Service*. The certified mail cards or copies of them must be submitted to the Conservation Commission prior to the Public Hearing.
  
  o Proof of submission to MassDEP (eDEP receipt or USPS Certified Mail Receipt)
  
  o Proof of the mandatory Legal Notice such as a confirmation from the newspaper.
  
  o For projects in Estimated/Priority Habitat, proof of submission to the Massachusetts Natural Heritage and Endangered Species Program (NHESP) ([https://www.mass.gov/orgs/masswildlifesanaturalheritage-endangeredspeciesprogram](https://www.mass.gov/orgs/masswildlifesanaturalheritage-endangeredspeciesprogram)).
  
  o **Project Narrative:** A written description of the proposed work if there is insufficient room on the WPA Form 3. See narrative requirements below.
  
  o **Stormwater:** for commercial and subdivision projects, applicants must submit a Stormwater Report, a MassDEP Stormwater Checklist, TSS Removal Calculation Worksheet showing 80% TSS Removal, demonstration that proposed stormwater features achieve sufficient groundwater separation, and a Stormwater Operations and Maintenance Plan. Depending on the complexity of the project, the Commission may require soils testing for stormwater design.
  
  o **Plans.** See plan requirements below.

- Digital submission to the Conservation Commission: **In addition to the hard copies above, provide a digital copy of all documents (pdf format preferred).** Packet can be sent by email to concom@shutesbury.org or delivered to the Conservation Commission on a flash drive.

- **Plan Requirements**
  
  o Full-sized (24” x 36”), site plans drawn to scale (1” = 40’), showing property boundaries, topography (2-foot contours), flood zones, proposed work and/or activity, location of erosion controls, and resource area boundaries, including the 100-foot Buffer Zone (also known as the Adjacent Upland Resource Area or *AURA*), and, if relevant, the 200-foot Riverfront Area. Site plans must have a title block designating the project location, name(s) of the person(s)
preparing the drawings, and date prepared, including all revision dates. **If a site plan is provided with an aerial imagery base layer, the Commission requires a second map with topographical contours.**

- Protected Resource Areas should be delineated on site plans with numbered flags and correct labels.

- Plans shall be signed and stamped by a registered professional engineer, land surveyor, or landscape architect as appropriate. On a case-by-case basis, the Commission may waive this requirement upon receipt of a written request from the applicant.

- Applicants are responsible for ensuring plans are sufficiently detailed to assist the Commission in its decision making.

**Narrative Requirements**

- Description of proposed work, including a construction sequence if appropriate.

- Description of all proposed alterations of Resource Areas, including the 100-foot Buffer Zone or AURA.

- Description of all proposed vegetation removals in Resource Areas, including the 100-foot Buffer Zone or AURA.

- Description of delineated Resource Areas on the site.

- Description of erosion control and sedimentation methods to be used.

- Description of any alteration to slopes, stormwater flow or flood storage capacity on the site, including calculations and watershed maps, if necessary. If a change of flood storage capacity is proposed, compensatory storage in the floodplain must be indicated.

- Information about planting plan if relevant.

- Alternatives Analysis: for projects proposing alterations to Resource Areas, including the 100-foot Buffer Zone or AURA, an alternatives analysis is required, as well as a description of proposed mitigation. At a minimum, an Alternatives Analysis includes:
  - efforts to avoid, minimize or mitigate adverse effects on protected Resource Areas;
  - information showing that there is no reasonable, practicable alternative to the proposed project with less adverse effects on protected Resource Areas;

- Projects within the 200-foot Riverfront Area of a perennial stream:
  - Existing Riverfront Area alteration, calculations have been provided (calculations for the entire site, 100-foot inner riparian, and 100-foot outer riparian) (if redevelopment)
  - Proposed Riverfront Area alterations, calculations have been provided (entire site, 100-foot inner riparian, 100-foot outer riparian)
  - Proposed Riverfront Area Mitigation/Restoration calculations have been provided (entire site, 100-foot inner riparian, 100-foot outer riparian)

- Wetlands Delineation Report by a competent professional wetland scientist with supporting wetland data sheets.
The Commission may also require preparation and submission of supporting materials by other professionals including but not limited to, wetland scientist, registered landscape architect, environmental scientist, geologist or hydrologist when in the Commission’s judgment the complexity of the proposed work and/or the wetland values of the Resource Areas warrant the relevant specialized expertise. Submission of requested materials does not imply approval of the project.

- **Fee Instructions:**
  - **State WPA Fees:** Complete pages 1 and 2 of the DEP NOI Wetland Fee Transmittal Form (attached to the NOI) and send them, along with a check for the state share of the filing fee, payable to the *Commonwealth of Massachusetts*, to MassDEP, Box 4062, Boston, MA 02211. Review of the Notice of Intent cannot begin until the fee is received.
  
  - **Town WPA Fees:** Make a check out to *Town of Shutesbury* for the town’s portion of the WPA fee. Write the *project address* and *WPA NOI Fee* in the memo space. NOI instructions require fees for each category of work. Follow the WPA Fee Transmittal Form Instructions for calculation of these fees.
  
  - **Town Bylaw NOI Fees:** The fee schedule is described in the **NOI Frequently Asked Questions** handout. Write the *project address* and *Bylaw NOI Fee* in the memo space.