



TOWN OF CONCORD
DIVISION OF NATURAL RESOURCES
141 KEYES ROAD, CONCORD, MA 01742
TEL: (978) 318-3285 FAX: (978) 318-3291

NOTICE OF INTENT
Ecological Restoration Limited Project
Submission Checklist

Ecological Restoration Projects are those with a primary purpose to restore or otherwise improve the natural capacity of a Resource Area(s), as determined by the issuing authority, to protect and sustain the interests identified in the Wetlands Protection Act (M.G.L. c. 131, § 40), when such interests have been degraded or destroyed by anthropogenic influences. Applicants intending to file a project as an Ecological Restoration Project should schedule time with Natural Resources staff in advance of filing to be sure that this is the appropriate category under which to file.

PLEASE NOTE: Only the most recent NOI form will be accepted (September 30, 2015). **Fax or electronic copies are not acceptable. Submissions must be double-sided and collated. Please do not submit applications with plastic or acetate covers or pocket plan holders.** GBC binders are acceptable. Please see the *Minimum Plan and Submission Requirements Policy* for additional information.

ACTIONS REQUIRED BEFORE SUBMITTING A NOTICE OF INTENT FOR AN ECOLOGICAL RESTORATION PROJECT (A list of all eligibility criteria can be found in 310CMR 10.12)

- 1) At least 14 days prior to filing a Notice of Intent for an Ecological Restoration Project, the applicant shall submit written notification of the proposed filing for publication in the Environmental Monitor. At a minimum, the written notification shall contain a brief description of the proposed project, the anticipated date of submission of the Notice of Intent, the name and address of the commission that will review the Notice of Intent and shall state where copies of the Notice of Intent may be examined or obtained and where information on the date, time, and location of the public hearing may be obtained. **Proof that notice was published in the Environmental Monitor must be provided.**
- 2) If the project will impact an area proposed within Estimated Habitat which is indicated on the most recent *Estimated Habitat Map of State-listed Rare Wetlands Wildlife* published by the Natural Heritage and Endangered Species Program (NHESP), the applicant shall obtain a written preliminary determination from NHESP as to whether the rare species identified on the aforementioned map are likely to continue to be located on or near the project and, if so, whether the Resource Area to be altered by the proposed project is in fact part of the habitat of the rare species. If the Program issues a preliminary determination that the Resource Area that would be altered by the proposed project is in fact within the habitat of a rare species, the preliminary determination shall identify the rare species whose habitat would be altered and recommend any changes or conditions that are necessary to ensure that the project will have no short or long term adverse effect on the habitat of the local population of the rare species or the project will be carried out in accordance with a habitat management plan that has been approved in writing by the NHESP and submitted with the Notice of Intent. **The determination from NHESP shall be submitted with the Notice of Intent Application.**

- 3) If the project involves silt-generating, in-water work that will impact a non-tidal perennial river or stream, the in-water work shall either occur between May 1st and August 30th or the applicant shall obtain a determination from the Division of Fisheries and Wildlife (DFW) as to whether the proposed work requires a time of year (TOY) restriction, and if so, the written determination shall specify the recommended TOY restriction and any other recommended conditions on the proposed work. **The determination from DFW shall be submitted with the Notice of Intent Application.**
- 4) If the Ecological Restoration Project involves dredging of 100 cubic yards or more in a Resource Area or dredging of any amount in an Outstanding Resource Water, the applicant shall obtain a Water Quality Certification pursuant to 314 CMR 9.00: *401 Water Quality Certification for Discharge of Dredged or Fill Material, Dredging, and Dredged Material Disposal in Waters of the United States Within the Commonwealth* prior to submitting a Notice of Intent. **The Water Quality Certification shall be submitted with the Notice of Intent Application.**

TIMELINE

- A complete application package must be submitted by close of business at least **two weeks in advance** of a scheduled meeting. Meetings are generally the first and third Wednesday of each month. Incomplete or uncollated packages may be returned and/or cause delay of your project.
- Supplemental information for continued hearings must be submitted **by 4:30 pm (12:00 pm from July 4 through Labor Day) at least 8 days in advance of the next scheduled Commission meeting.** This typically means that revisions will be due on the Friday a week and a half prior to the scheduled Wednesday meeting of the Commission.
- If no action is taken by an Application on a filing for six months, or four consecutive meetings, the Commission may require that the Applicant renotify abutters and republish the legal notice (see the *Continuance Policy*).

FORMS

- Two copies of completed **Application Form** (WPA Form 3A) signed by the Applicant and Property Owner.
- Two copies of completed Appendix A: Ecological Restoration Limited Project Checklist.
- Two copies of completed, NOI Wetland Fee Transmittal Form Pages 1 & 2.

NARRATIVE SEVEN (7) double-sided copies of a narrative including:

- Description of the project's ecological restoration goals including a description of the project's compliance with the WPA performance standards. If work is located in the Riverfront Area, you must provide an alternatives analysis.
- Description of wetland resource areas, date delineated, and name of wetland scientist that conducted the delineation.
- Description of work within regulated resource areas and buffer zone, and any impacts to these areas.

- Description of the project's compliance with the Town's Wetlands Bylaw and 50-foot No New Build Policy.
- Provide a written waiver request in accordance with Section 7.7 of the Concord Wetlands Bylaw for any work within 25 feet of wetlands.
- Square footage of work proposed by type (i.e. disturbance, structures, impervious surface, etc.) within each zone (25-foot No Disturb Zone, 50-foot No Build Zone, 100-foot Buffer Zone, inner riparian, outer riparian, and 200-foot Riverfront Area)
- Proposed mitigation for unavoidable project impacts.

MAPS

Two copies of the following maps, **all with the site clearly identified.**

- USGS
- FEMA
- NHESP

ADDITIONAL MATERIALS

- A plan for invasive species prevention and control.
- If the project involves the construction, repair, replacement or expansion of infrastructure, an Operation and Maintenance Plan shall be submitted to ensure that the infrastructure will continue to function as designed.
- If the Ecological Restoration Project includes work on a stream crossing, baseline photo-points that capture longitudinal views of the crossing inlet, the crossing outlet, and the upstream and downstream channel beds during low flow conditions shall be provided. The latitude and longitude coordinates of the photopoints shall be included in the baseline data.
- If the project is subject to the MassDEP Stormwater Management Standards, a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) shall be submitted.

FEES

- Check to the Town of Concord for WPA filing fee.
- Please note a legal notice will be billed by the Concord Journal directly to the Applicant. The Applicant is responsible for the cost of the legal notice in accordance with the State Wetlands Protection Act [310 CMR 10.05(5)(a)] and Concord Wetlands Bylaw. If the Concord Journal is unable to reach the Applicant for payment, the legal notice may not be published and the hearing will be delayed. It is therefore critical for the Applicant to provide a proper person and daytime telephone number with the NOI application.

ABUTTERS LIST

- The original and one copy of the certified abutters list within 100 feet of the property. This must be obtained from the Assessor's Office, accompanied by a stamped, signed cover letter from the Assessors, and be obtained within one month of the filing date.
- Two copies of the completed Abutter Notification form, available online (http://concordma.gov/pages/ConcordMA_NaturalResources/Abutter_Notific_Form.pdf)

- Two copies of the evidence of abutter notification. Notification can be either by hand or via certificate of mailing or certified mail. Date stamped certification from the Post Office, return receipts, or signatures of hand delivered mail, must be submitted **before the hearing** (scanned copies are acceptable). If any mailings are returned, bring the entire envelope to the hearing indicating by postal service stamp the reason for return.

PROJECT PLANS

Show proposed structures or modifications to existing structures, paving, drainage, or water control structures, and erosion controls. Be sure to include resource delineation, Riverfront Area and/or Buffer Zones, and existing and proposed topography. **Please see Minimum Plan Requirements Policy.**

- Two full size copies including graphic scale (not more than 1 inch = 50 feet and title block.
- Five reduced size copies (11x17) including graphic scale. *Plan must be legible at reduced scale or full sized plans will be required.*
- Plan revisions shall be clearly noted and dated on the plans.

ELECTRONIC SUBMISSION

All documentation, including any revised information, must be submitted to the Division on USB flash media (*i.e.*, thumb drive), DVD, or CD.

DEP MAILINGS

- Send original check for state fee and a copy of the NOI Wetland Fee Transmittal Form Pages 1 & 2 to:

Department of Environmental Protection
Box 4062
Boston, MA 02211

- Send one complete copy of the Notice of Intent packet, including all relevant information, plans, maps, forms, and a copy of the check for state and town fee payments to:

DEP-NERO, Wetlands Division
205B Lowell Street
Wilmington, MA 01887