

**MARSHFIELD CONSERVATION COMMISSION
WETLANDS PROTECTION REGULATIONS**

Revised 4/16/08

Effective Date 5/1/08

I. Authority

These regulations are promulgated by the Town of Marshfield Conservation Commission pursuant to the authority granted to it under Section IV (3) of the Town of Marshfield Wetlands Protection By-Law, Town of Marshfield General By-law, Article 37 (hereinafter referred to as the By-Law). These regulations shall complement the By-Law by setting forth controls in addition to those already promulgated by the Department of Environmental Protection (DEP) under M.G.L. c. 131, §40. After a public hearing, these regulations may be amended from time to time by majority vote of the Town of Marshfield Conservation Commission.

II. Purpose

- A. These regulations provide definitions, procedures and standards for work within those areas subject to protection under the By-Law. Any project subject to regulation shall comply with all applicable regulations.
- B. The By-Law sets forth a public review and decision-making process by which activities affecting areas subject to protection under the By-Law are to be regulated in order to contribute to the protection of the following interests:
- | | |
|-------------------------|---------------------------------|
| - public water supply | - fish |
| - private water supply | - shellfish |
| - ground water | - wildlife |
| - flood control | - wildlife habitats |
| - erosion control | - fish habitats |
| - sedimentation control | - shellfish habitats |
| - recreation | - prevention of water pollution |
| - public safety | - prevention of storm damage |
| - aquaculture | - agriculture |
- C. These regulations seek to control those activities within the jurisdiction of the Marshfield Conservation Commission, as set forth under the By-Law, and prevent any activities from having adverse impact upon any of the interests protected by the By-Law.

- D. These regulations will define and clarify the process by establishing standard definitions and uniform procedures by which the Marshfield Conservation Commission may carry out its responsibilities under the By-Law.
- E. These regulations are intended solely for use in administering the By-Law; nothing contained herein should be construed as pre-empting or precluding other protections afforded to wetlands or other natural resource areas by other Marshfield town boards, regulations or By-Laws.

III. Jurisdiction

A. Areas Subject to Protection The following areas are subject to protection under the By-Law:

- (i) Any:
 - Bank;
 - Freshwater wetland;
 - Coastal wetland;
 - Beach;
 - Dune;
 - Flat;
 - Marsh;
 - Wet Meadow;
 - Bog;
 - Swamp;
 - Lands adjoining the Ocean or any:
 - Estuary;
 - Creek;
 - River;
 - Stream;
 - Pond;
 - Lake;
 - Or any land under said waters;
 - Or any land subject to:
 - Tidal action;
 - Coastal storm flowage;
 - Or Flooding.
- (ii) Land at or below elevation eleven (11.0) feet above mean sea level.

B. Activities Subject to Regulation

(i) Any activity proposed or undertaken within 100 feet (Buffer Zone) of an area specified in Paragraph III (A) (i) of these regulations or within an area specified in Paragraph III (A) (ii) of these regulations which will remove, fill, dredge, or alter that area is subject to regulation under the By-Law and will require a Notice of Intent and approval of the Conservation Commission.

(ii) Any activity proposed or undertaken which is not set forth in Paragraph III(B)(i), but which in the opinion of the Marshfield Conservation Commission will alter an area subject to the By-Law, will require the filing of a Notice of Intent.

IV. Procedures

- A. Any person who proposes to commence an activity subject to regulation under the By-Law shall submit a Notice of Intent (Exhibit 1 attached hereto), as most recently amended.
- B. The Notice of Intent shall be filed in accordance with the submittal requirements set forth in the general instructions for completing a Notice of Intent (Exhibit 2 attached hereto) as most recently amended.
- C. The applicant must also submit a list of abutters, with names and mailing addresses, along with evidence that this list has been reviewed and verified by the Marshfield Board of Assessors.
- D. Failure to provide any of the information required in completing a Notice of Intent shall be deemed an incomplete filing and, as such, the application will be deemed to not have been received by this Commission until such filing is complete.
- E. A new Notice of Intent for a project that was denied may not be filed (and will be rejected if filed) for a period of 2 years from the date of denial, unless substantial changes have been made to the plan and those changes are responsive to and attempt to resolve those issues causing the Commission to previously deny the project. The Commission shall solely determine whether or not the changes are substantial and address the issues for denial and shall solely determine whether to accept or reject the Notice of Intent.

V. Fees

A. Effective Date.

In accordance with the Town of Marshfield Wetlands Protection By-Law, as amended, the following regulations with respect to the payment of fees shall be effective as to those Notices of Intent and all other matters filed with the Conservation Commission as of May 1, 2008. The Conservation Commission establishes these fee regulations to defray costs incurred by the Commission with respect to specific applications and hearings held under the Wetlands Protection By-Law.

B. Rules.

- (1) Fees are payable at the time of application and are non-refundable.
- (2) Fees shall be calculated by the Conservation Commission per the schedule established below in subparagraph C.
- (3) Any Notice of Intent fee received as a result of the Commission issuing an Enforcement Order for a violation of the Wetlands Protection By-Law shall be doubled.

C. Filing Fees.

Filing fee for a Notice of Intent under the Marshfield Wetlands Protection By-Law shall be equal to and in addition to the fee required by 310 CMR 10.02 (7), set forth as follows:

WETLAND FEE CATEGORY SUMMARY

CATEGORY 1 : [\$110]

- a) Work on Single Family Lot: addition, pool, etc.
- b) Site work w/o house
- c) Control vegetation single-family house (SFH): removal, herbicide, etc.
- d) Resource improvement
- e) Work on septic system separate from house
- f) Monitoring well activities minus roadway

CATEGORY 2 : [\$500]

- a) Construction of single family house (SFH)
- b) Parking lot
- c) Beach nourishment
- d) Electric Generating Facility activities
- e) Inland Limited Projects minus road crossings
- f) New agricultural or aquacultural projects
- g) Each crossing for driveway to SFH
- h) Any point source discharge

CATEGORY 3 : [\$1050]

- a) Site preparation (for development) beyond NOI scope
- b) Each building (for development) including site
- c) Road construction not crossing or driveway
- d) Hazardous clean up

CATEGORY 4 : [\$1450]

- a) Each crossing for development or commercial road
- b) Dam, sluiceway, tide-gate work
- c) Landfill
- d) Sand & gravel operation
- e) Railroad line construction
- f) Control vegetation in development (SFH)
- g) Bridge (SFH)
- h) Water level variation
- i) Hazardous waste alterations to resource area
- j) Dredging
- k) Package treatment plant & discharge

CATEGORY 5 : [\$4/LINEAR FOOT] [min \$50, max \$1,000]

- a) Docks, piers, revetments, dikes, etc. (coastal or inland)

CATEGORY 6 : [\$2/LINEAR FOOT] [max \$200 for SFH, max \$2,000 for any other]

- a) Delineation of wetland resources

D. Cost of Publication in the Local Newspaper.

Check shall be made payable to the designated newspaper in an amount required by said newspaper, and delivered to the Commission.

E. Cost of Notice to Abutters.

Cost of delivering notice of hearings by certified mail to abutters shall be paid for by applicant.

F. Other Fees

- | | |
|--|--|
| (1) Extension of Order of Conditions | \$50.00 |
| (2) Amending Order of Conditions | \$50.00 |
| (3) Certificate of Compliance | \$50.00 |
| (4) Wetland Delineation by
Conservation Administrator | \$60.00 per half day
\$120.00 per day |
| (5) Request for Determination of
Applicability | \$50.00 |
| (6) Request for Copy of Order of
Conditions | \$10.00 |
| (7) Request for Deviation | \$50.00 |
| (8) The applicant shall pay for the cost and expense of expert
consultants to review the application or to gather additional
information as deemed necessary by the Commission.
Such consultants shall work for and represent the interests
of the Commission. | |

Upon receipt of a permit application or RFD, or at any point in its deliberations, the Commission may deem it necessary to obtain expert engineering or other outside consultant services in order to reach a final decision on the application. The specific consultant services may include but are not limited to resource area survey and delineation, analysis of resource area values, including wildlife habitat evaluations, hydrogeologic and drainage analysis, and environmental or land use law.

In such instances the Commission shall notify the applicant of this need and the estimated costs and provide the opportunity for the application to be amended or withdrawn. Should an applicant choose to proceed the Commission shall require the applicant to pay the reasonable costs and expenses borne by the Commission for these consulting services as listed below. This fee is called the consultant fee.

The exercise of discretion by the Commission in making its determination to require the payment of a consultant fee shall be based upon its reasonable finding that additional information acquirable only through outside consultants would be necessary for the making of an objective decision.

Consultants must meet the minimum qualifications of:

An educational degree in or related to the field at issue

Or

Three or more years of practice in the field at issue or a related field

An applicant may appeal the choice of the consultant selected by the Commission to the Board of Selectmen.

Such an administrative appeal is limited to claims:

1. That the consultant has a conflict of interest.
2. That the consultant does not possess the minimum required qualifications.

The time required for action by the Commission on the application for a permit or approval is extended pending the appeal. The selection by the Commission stands unless the Board of Selectmen decides otherwise within one month following the filing of the appeal.

The Commission may require the payment of the consultant fee at any point in its deliberations prior to a final decision. The applicant shall pay the fee to be put into Special Revolving Fund Consultant Services account of the Commission, which may be drawn upon by the Commission for specific consultant services approved by the Commission at one of its public meetings.

The Commission shall return any unused portion of the consultant fee, along with any interest accrued during the time the funds were deposited in Special Revolving Fund Consultant Services account, to the applicant.

The estimated required consultant fee charged to reimburse the Commission for reasonable costs and expenses shall be according to the following schedule:

<u>Project Cost</u>	<u>Estimated Deposit Fee *</u>
<u>UP to \$100,000</u>	<u>\$1,200</u>
<u>\$100,001 - \$500,000</u>	<u>\$2,500</u>
<u>\$500,001 - \$1,000,000</u>	<u>\$5,000</u>
<u>\$1,000,001 - \$1,500,000</u>	<u>\$7,500</u>
<u>\$1,500,001 - \$2,000,000</u>	<u>\$10,000</u>

Each additional \$500,000 project cost increment (over \$2,000,000) shall be charged at an additional \$2,500 estimated required fee per increment.

The project cost means the estimated, entire cost of the project including, but not limited to, building construction, site preparation, landscaping, roadway and drainage construction, utilities, and all site improvements. The consultant fee shall be paid pro rata for that portion of the project cost applicable to those activities affecting all resource areas protected by this bylaw. The project shall not be segmented to avoid being subject to the consultant fee. The applicant shall submit estimated project costs at the Commission's request, but the lack of such estimated project costs shall not avoid the payment of the consultant fee.

* The amount is an estimate only. Applicant is responsible for all overages.

VI. Public Hearing.

- A. The Conservation Commission shall hold a public hearing within twenty-one (21) days of receipt of a complete Notice of Intent by the Commission. The hearing may be continued in accordance with the regulations set forth in 310 CMR 10.05 (5) (b).
- B. The public hearing shall be conducted as follows:
 - (i) A public hearing officer shall call the meeting to order and shall read the notice as published.
 - (ii) Applicant shall make presentation.
 - (iii) The Commissioners shall question the applicant.
 - (iv) Questions from other town boards shall be addressed to the applicant through the hearing officer.
 - (v) Questions from the public to the applicant shall be addressed through the hearing officer.
 - (vi) The hearing shall then be continued or closed by vote of the Commission.

VII. Order of Conditions

- A. Within twenty-one (21) days of closing the public hearing, the Commission shall either (i) determine the proposed activity is not significant to any of the interests identified by the By-Law, or (ii) make a determination that the proposed activity is significant to one or more of the interests identified by the By-Law and shall issue an Order of Conditions for the protection of said interests.
- B. The Order of Conditions shall impose such conditions as are necessary to protect one or more of the interests identified by the By-Law. If the Commission finds that the proposed activity cannot be regulated so as to protect the interests identified in the By-Law, then the order may prohibit the proposed activity.
- C. If the Commission finds that the information submitted by the applicant is not sufficient to describe the site, the work or the effect of the work on the interests identified in the By-Law, it may issue an Order of Conditions prohibiting the work. The order shall specify the information lacking and why it was necessary.
- D. The Order of Conditions shall be valid for three (3) years from the date of its issuance. The Order may be extended by majority vote of the Commission.

- E. The Order of Conditions shall be voted and approved by a majority of a quorum of the Conservation Commission and shall be signed by a majority of the Commission.
- F. The Order of Conditions shall be recorded in the Plymouth County Registry of Deeds or Registry District of the Land Court, where appropriate, prior to the commencement of any of the proposed activity regulated by the Order of Conditions. No work shall commence until proof of recording is provided to the Commission.

VIII. Certificate of Compliance

- A. Upon completion of the activity described in the Notice of Intent in accordance with the Order of Conditions, the applicant or his or her successor in interest shall request the Commission, in writing, that a Certificate of Compliance be issued stating that the work has been satisfactorily completed in compliance with all conditions set forth in the Order of Conditions. Unless exempted by the Commission, said request shall be accompanied by an as-built plan, certified by a professional engineer or surveyor who is registered in the Commonwealth, certifying that the work conforms to the plans, or specifying how the completed work differs from that shown on the submitted plans.
- B. In all other respects, the procedure for granting a Certificate of Compliance shall be identical to those procedures set forth in 310 CMR 10.05 (9).

IX. Appeals

Any person aggrieved by the Commission's issuing an Order of Conditions or a Certificate of Compliance, may file any appeal in accordance with Massachusetts General Laws. Presently, the party aggrieved may file a complaint in the Plymouth County Superior Court within sixty (60) days of the date of said Order of Conditions or Certificate of Compliance in accordance with M.G.L. c. 249, §4.

X. Performance Standards

- A. There shall be no habitable space in any structure wherein the top of any floor elevation of the habitable space is below eleven (11') feet above Mean Sea Level (M.S.L.), or below the flood surge height as determined by the most recent FEMA flood insurance maps. No utilities for any structure shall be placed below eleven (11') above M.S.L., or below the flood surge height as determined by the most recent FEMA flood insurance maps, whichever is higher.
- B. A set-back zone shall be created so that no disturbance or alteration shall occur within fifty feet (50') and no building or structure shall be placed within seventy-five feet (75') of any area set forth in Paragraph III (A) (i) for any new construction or development. No activity, including but not limited to landscaping, mowing, or removal of vegetation, is allowed in the no disturbance zone.
 - (i) A set-back zone shall be created so that no disturbance or alteration shall occur within twenty-five feet (25') of any area set forth in Paragraph III (A) (i) for existing lots with existing buildings.
 - (ii) The following activities shall be exempt from the set-back zone of any area set forth in Paragraph III (A) (i):
 - a. Work related to the public water supply or municipal sewer systems;
 - b. Structures related to stormwater management such as swales, retention and detention basins, drainage pipes and headwalls;
 - c. Work related to maintaining, repairing or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, or telephone service, provided that the written notice has been given to the Conservation Commission prior to commencement of work;
 - d. Public Open Space nature trails, observation platforms, boardwalks, or footbridges;
 - e. Seawalls, bulkheads, revetments;

- f. Docks, piers, and associated ramps;
 - g. Repairs or improvements to existing onsite septic systems and their related structures in order to comply with current standards where there is no viable alternative. No increase in the design flow of the dwelling shall be permitted.
- C. A Vernal Pool set-back zone shall be created where no disturbance or alteration shall occur within one-hundred feet (100') of a Vernal Pool.
- D. Any proposed way or pavement within one hundred (100') feet of an area subject to protection under these regulations must be constructed with a surface approved by the Conservation Commission. Construction of any way which is built in an area subject to protection under these regulations, which constitutes a limited project as defined in the Code of Massachusetts Regulations, 10 CMR 10:53 (3), must not be constructed in a manner which (a) restricts the flow of water, or (b) restricts or endangers the movement of local wildlife. Every way in an area subject to protection must provide throughways accessible to local wildlife. The total width of said throughways shall not be less than five (5%) percent of the length of that portion of the way which passes through the area subject to protection.
- E. There shall be no removing, filling, dredging, or altering of isolated wetland subject to flooding in the Polder, which is that area identified as the Green Harbor Reclamation Area on plan entitled, "Plan Showing Boundaries of Green Harbor Reclamation District", dated February 1925, Plymouth Registry of Deeds, Plan Book 1, Page 142.
- F. Any alteration of a vegetated wetland may be allowed up to, but not to exceed 5,000 square feet; provided, however, the wetland so altered is replaced in kind by an area not less than two-hundred (200%) percent of the area so altered, and the replication is conducted in accordance with the regulations set forth in 310 CMR 10.55 (4) (b). The exception provided in 310 CMR 10.55 (4) (c) is not allowed under these By-laws. Therefore, any alteration of any bordering vegetated wetlands is subject to this provision.

- G. There shall be no destruction or removal of woody vegetation, shrubs, trees, and the like, within 100 feet of an area subject to protection, as set forth in these regulations at III (A) (i) without first obtaining the permission of the Commission.
- H. Breakaway walls (constructed in accordance with the State building code) will be required in all structures built in areas subject to flooding or coastal storm flowage, unless specifically exempted by the Commission.
- I. Any project, whether it is within 100 feet of an area subject to protection under these regulations or not, where there exists a reasonable likelihood that storm water runoff or drainage will be discharged into or adversely affect an area subject to protection will be subject to the Wetlands Protection By-Law, and the proponent must file a Notice of Intent with the Commission and take action necessary to prevent such adverse affects on the areas protected by the By-law.
- J. Where any structure is proposed within land subject to tidal action, coastal storm flowage or flooding, adequate access to and egress from said structure must be proven by applicant to be available so that individuals can leave the structure and emergency vehicles can access the structure during the entire course of a 100 year storm. Failure on the part of the proponent to meet such a burden shall be reasonable cause for the Commission to conclude that the health, welfare and safety of individuals in the community are endangered and, therefore, may deny the application.

XI. Emergencies

- A. Where activity is necessary to protect public health and safety, the Commission may certify an emergency situation and allow the activity.
- B. Any person requesting permission to do an emergency project shall specify why the project is necessary for the protection of the public health or safety and what agency of the Commonwealth or subdivision thereof is to perform the project or has ordered the project to be performed. If the project is certified to be an emergency by the Commission, the certification shall include a description of the work which is to be allowed and shall not

- include work beyond that necessary to abate the emergency. A site inspection shall be made prior to certification.
- C. An emergency certificate shall be issued only for the protection of public health or safety.
 - D. The time limitation for performance of emergency work shall not exceed thirty (30) days.

XII. Enforcement Orders

- A. When the Commission determines that an activity is in violation of the By-law, these regulations or an Order of Conditions, the Commission may issue an Enforcement Order. Violations include, but are not limited to:
 - (i) Failure to comply with an Order of Conditions, such as failure to observe a particular condition or time period specified in the Order;
 - (ii) Failure to complete work described in an Order of Conditions, when such failure causes damage to the interests identified in the By-Law; or
 - (iii) Failure to obtain a valid Order or Extension Permit prior to conducting an Activity Subject to Regulation Under the By-Law as defined in Paragraph II (C) of these regulations.
- B. An Order of Conditions shall be enforceable by the Conservation Commission. The members, officers, employees and agents of the Commission may enter upon privately owned land for the purpose of performing their duties under the By-Law and these regulations.
- C. An Enforcement Order issued by the Conservation Commission shall be signed by a majority of the Commission. In a situation requiring immediate action, an Enforcement Order may be signed by a single member or agent of the Commission, and must be ratified by a majority of the members at the next scheduled meeting of the Commission.

XIII. Severability

If any provision of any part of these regulations or the application thereof, is held to be invalid, such invalidity shall not affect any other provision of these regulations.

XIV. Variance

- A. The Conservation Commission may, in its discretion, grant variances from the operation of one or more of these regulations pursuant to this Section. Such variances are intended to be granted only in rare and unusual cases, and shall be granted only in accordance with the provisions of this section.
- B. The applicant must request a variance in writing, filed with the Notice of Intent. The request shall set forth the reasons particular to applicant's project which meet the requirements for a variance as set forth in subparagraph C.
- C. A variance may be granted only for the following reasons and upon the following conditions:
 - (i) The Conservation Commission may grant a variance from these regulations upon a clear and convincing showing by the applicant that any proposed work, or its natural and consequential impacts and effects, will not have any adverse effect upon any of the interests protected in the By-Law. It shall be the responsibility of the applicant to provide the Conservation Commission with any and all information which the Commission may in writing request in order to enable the Commission to ascertain such adverse effects, and the failure of the applicant to furnish any information which has been so requested shall result in the denial of a request for a variance pursuant to this subsection; or
 - (ii) The Conservation Commission may grant a variance from these regulations when it is necessary to avoid so restricting the use of the property as to constitute an unconstitutional taking without compensation. It shall be the responsibility of the applicant to provide the Conservation Commission with any and all information necessary to determine if the enforcement of these regulations constitutes such an unconstitutional taking without compensation. No variance shall be granted unless

and until the Conservation Commission has received from Town Counsel a written opinion that such enforcement of these regulations shall constitute an unconstitutional taking without compensation.

XV. Effective Date

These rules and regulations were first promulgated on May 15, 1990; they have been subsequently amended on December 18, 1990, on December 17, 1991, on June 19, 2002, October 2, 2002, September 17, 2003, December 1, 2004 and May 1, 2008, and shall apply, as amended, to all applications and requests filed after that date.

XVI. Definitions

Isolated Vegetated Wetland – A Fresh water wetland not bordering on the ocean, or any: estuary; creek; river; stream; pond; or lake and having a minimum of 400 square feet of predominantly wetland vegetation.

Isolated Land Subject to Flooding – A Fresh water wetland that is a confined basin or depression which does not support a minimum of 400 square feet of predominantly wetland plant vegetation and does not function as a Vernal Pool and is not contiguous with other wetland resources. Isolated.

Structure – A combination of materials assembled at a fixed location to give support or shelter including, but not limited to, a building, bridge, driveway, trestle, tower, framework, retaining wall, tank, tunnel, stadium, reviewing stand, shed, platform, deck, fence, sign, flagpole, windmill, solar devices, tennis courts, swimming pools, paved areas or anything requiring a building permit.

Vernal Pool – A Fresh water wetland that is a confined basin or depression (not occurring in existing lawns, gardens, or driveways) which, in most years: holds water for a minimum of two months in the spring and/or summer; is free of self-sustaining populations of adult predatory fish; and functions as breeding habitat for one or more obligate or two or more facultative amphibian, reptile, crustacean, mollusk or insect populations listed by Massachusetts Division of Fisheries and Wildlife Natural Heritage and Endangered Species Program (NHESP), regardless of whether the site has been certified by the NHESP and regardless of association with other Resource Areas.

The presumption that any seasonal basin functions as a Vernal Pool shall prevail through a minimum of one spring/summer breeding season for the purpose of documenting the occurrence or lack of occurrence of breeding activity of one or more obligate or two or more facultative vernal pool species.

The Buffer Zone for Vernal Pools shall extend 100 feet from the highest extent of flooding.

Wetland plants – Any plant listed in the U.S. Fish and Wildlife Service “National List of Plant Species That Occur in Wetlands: Massachusetts 1988” and condensed by: MA Department of Environmental Protection Division of Wetlands and Waterways, April. 1995 having an indicator category of Obligate Wetland (OBL), Facultative Wetland (FACW), or Facultative (FAC).

Wetland delineation – The line connecting test plots showing the upper limit of a plant community where 50% or more of the individual plants are included in Facultative (FAC), Facultative Wetland (FACW), or Obligate Wetland (OBL) categories. Wetlands shall be delineated by qualified Wetlands Scientists using analysis of plant communities. For sites where plant communities have been altered, disturbed or modified, analysis of soils for hydric indicators may be used to augment or replace plant analysis.

Riverfront Area the area of land between a perennial stream's annual high-water line and a parallel line measured horizontally and at a distance of 200'.

Endangered Species Any plant or animal listed by the Massachusetts Division of Fisheries and Wildlife Natural Heritage and Endangered Species Program (NHESP) as Endangered, Threatened, or Special Concern.

EXHIBIT 1

Notice of Intent

EXHIBIT 2

EFFECTIVE 12/11/98

MARSHFIELD CONSERVATION COMMISSION NOTICE OF INTENT INSTRUCTIONS

Massachusetts Wetlands Protection Act & Marshfield Wetlands Protection
Bylaw
(MGL, Chapter 131, Section 40) (Marshfield Gen. Bylaws, Article 37)

DEFINITION: "Notice of Intent"(NOI) is the name of the application form for work in or within 100 feet of wetland, on land subject to flooding and/or tidal action and land below 11' above Mean Sea Level (MSL) elevation or 200' of a river or stream that flows throughout the year.

LAW: No person shall remove, fill, dredge or alter wetlands or land within 100 feet of wetlands or 200' of a river or stream that flows throughout the year without first filing a Notice of Intent and receiving a written approval in form of "Order of Condition".

TWO LAWS: State & Town are administered simultaneously and a single filing, provided it meets requirements of both state and town law, is sufficient for both. Both laws have own "REGULATIONS".

ADDITIONAL FILINGS INCORPORATED IN NOI FILING: 401 & Water Quality Certification and Estimated Habitat for Rare Wetland Wildlife(see FILING FOR ESTIMATED HABITAT OF RARE WETLANDS WILDLIFE INSTRUCTIONS).

WHEN TO FILE: As soon as you know you have to file and have data prepared. (All other local filings should be done at same time.)

WHERE TO FILE: Marshfield Conservation Commission, Town Hall, Marshfield, MA. 02050, Dept. of Environmental Protection (DEP), 20 Riverside Drive, Lakeville, MA. 02347 and DEP, Box 4062, Boston, MA. 02211.

HOW TO DELIVER: Hand deliver or Certified mail.

FORMS TO FILE: Form #3 (long) - Best to use - covers all projects. Form #4 (abbreviated) Applies to small buffer zone projects. If not accepted by the State, the long form will be required.

All forms available at Town Hall. Forms must have "Effective 12/11/96" date.

FILING FEES: The fees vary based on type of project. The fee amounts are briefly outlined in Calculated Fee Statement (CFS). The lowest fee is \$110 for an addition type project, \$500 for Single-family dwelling, \$1050 & \$1450 for commercial or wetland involved project and \$4 a foot for marine structure type projects. The fee is sent in two checks (one to Town & one to State). The fee is divided with the first \$50 going to the Town and the remainder divided equally between the Town and State. Town Bylaw Fee is added to Town check as 100% of state fee with \$50 min. (Fee is doubled if as result of an Enforcement Order - additional to go to Town).

WHAT TO FILE: All items on Page NOI MI-3 in "Checklist NOI Items". Send to three places: Town, State; Boston & State; Lakeville.

HEARING: A public hearing is held for every filing with a Public Notice in a newspaper and with abutters being notified by the applicant via Certified Mail.

NOTICE TO ABUTTERS: All parties who own property which abuts the property that is the subject of the Notice of Intent, or, on very large parcels, who own property within 500 feet of the proposed project, are entitled to be notified of the public hearing. Notice to abutters is the responsibility of the applicant. Such notice must: 1. Identify the applicant by name, address, street, city or town, and state; 2. Give a brief description of the proposed project including project address; 3. Identify by name, address and professional status any experts and/or agents, including attorneys, who may appear on behalf of the applicant; 4. State the date, place and time where the hearing is to be held; 5. Be mailed by first class mail, registered or certified, postage prepaid, return receipt requested, to all parties entitled to notice not later than five (5) working days prior to the scheduled hearing date. Proof of delivery of notice shall be submitted to the Conservation Commission no later than the start of the hearing.

Failure to provide notice or proof of notice as required shall be just cause for the Commission to continue the hearing until notice or proof of notice is provided. The decision to hold or continue the hearing shall rest solely in the discretion of the Commission.

PUBLIC NOTICE: The public notice for newspaper will be prepared by Commission, given to paper and mailed by certified mail to Applicant. Then it is the duty of the Applicant to copy notice and send by certified mail with return receipt notice of hearing to all abutters on above list. At time of hearing the certified mail receipts (green cards) must be presented to Com.

DECISION: Called - "Order of Conditions" (O/C) - comes from findings of the Commission and is recorded in the Registry of Deeds before work begins. 3 years to finish, with extensions allowed. Upon completion of work you must request a Cert. of Compliance to remove lien from title in Registry.

TIME: From start to finish - 3 weeks to 2 months.

EXPENSES TO APPLICANT:

Filing NOI Fee - \$110,\$500,\$1050,\$1450,up + 100% see CFS

*Newspaper Notice - \$23.58

Abutter Notices - \$5+/- abutter (mailed by applicant)

Commission's consultants - if required.

Recording Order of Conditions in Registry of Deeds- \$75+/-

Extension - \$50

Certificate of Compliance - \$50

Recording Certificate of Compliance - \$75 +/-

THE COMMISSION'S DECISION IS ONLY ONE OF MANY REQUIRED TO WORK IN WETLANDS.

*Local newspaper (Marshfield Mariner)

Commission Member Waiver Request
Marshfield Conservation Commission
Town Hall, 870 Moraine Street
Marshfield, MA 02050

EFFECTIVE DECEMBER 1, 2004

Dear Commissioners:

The applicants and/or owners of the below referenced property hereby waive the right to require the same Commission members to be present at any and all continued hearings on this matter. This is necessary for the Commission to allow a continuance to be granted to the project.

Should a continuance be necessary, the only alternatives are for the applicant to request a continuance to a future meeting when the same Commission members are present, or to withdraw and re-file at a future time.

Applicant or Owner Signature

Date

Project location

Waiver Request

*Marshfield Conservation Commission
Town Hall
870 Moraine Street*

Effective December 1, 2004

Marshfield MA 02050

Dear Commissioners:

I hereby waive the benefit of the time requirements set forth in the By-law and in Chapter 131, Section 40 of the Massachusetts General Laws which require the Conservation Commission to hold a hearing within the time periods specified therein.

Applicant or Owner Signature

Date

Project location

**MARSHFIELD CONSERVATION COMMISSION
POLICY ON RECEIPT OF INFORMATION:**

Effective: December 1, 2004

Nine full sets of filings/applications must be complete and submitted to the Conservation Commission office by noon no later than two weeks prior to the requested public hearing to facilitate the placement of the legal ad and to allow for timely review by the Commission in advance of the hearing. The Commission staff will review applications at the time of submittal for administrative completeness and may reject incomplete applications.

All documents, including plans, must be 8-1/2 x 11" in size or folded to that dimension. Rolled plans will not be accepted. Filings containing numerous sheets of plans may be rolled at the discretion of the Commission staff.

Applicants must provide proof of abutter notification in the form of certified returned receipts (green cards) or postmarked certified mail receipts (white slips) to the Conservation office no later than the Friday prior to the hearing date.

Requests for additional information may be made by the Commission or its' Agent. Such requests, if not made at the public hearing, will be communicated in writing to the applicant or their representative listed on the application as promptly as possible. Additional information submitted to fulfill the aforementioned request(s) must be received by the Commission by 12:00 pm on the Friday prior to the next scheduled continued hearing to allow for review by the Commission and staff. Additional information submitted after this deadline may not be reviewed prior to the continued hearing, which may result in a continuance to the next available meeting.

Please note that all additional information submitted to the Conservation Commission for project subject to the jurisdiction of the Massachusetts Wetlands Protection Act must also be sent to the DEP - Southeast Regional Office in Lakeville.

The Commission is committed to a thorough and timely review of each project and will make every effort to ensure that the hearing process is completed with due diligence. We seek the cooperation of applicants and their professional consultants in achieving our goal.

Dated:_____