

# **General Guidelines for Filing Wetland Permit Applications**

## **What triggers a filing under the State Wetlands Protection Act or the Town Wetlands Bylaw?**

- When a proposed activity will remove, fill, dredge, drain or alter any land within 100 feet of a bordering vegetated wetland (BVW), marsh, bog, swamp, pond, lake, floodplain or isolated land subject to flooding.
- When an activity will remove, fill, dredge, drain or alter land within 200 feet of any river or stream.
- Septic system installation or repair if within 150 feet of a wetland, stream, pond or lake.
- Any of the above activities within 100 feet of a vernal pool.

How can you determine whether a filing under the State or Town wetlands protection laws is necessary? If you are unsure that the above activities apply, contact the Foxborough Conservation Office by phone (508-543-1251) or by email (jpierce@town.foxborough.ma.us) and ask the Commission's staff for guidance.

## **What Additional Resource Areas Does Foxborough's Wetlands Bylaw (Article IX) Protect?**

Foxborough's residents voted to adopt the Town's Wetlands Protection Bylaw at the May 1980 Annual Town Meeting. The Bylaw was created to protect additional resources areas that were not being protected by the State Wetlands Protection Act, including the following (Bylaw excerpts):

### **25 Foot No Disturbance Zone:**

No activity other than the maintenance of an already existing structure which will result in the building within or upon, removing, filling, or altering of land within 25 feet of a bordering vegetated wetland or an inland bank will be permitted by the Conservation Commission.

### **100 Foot No Disturbance Zone for Vernal Pools:**

No activity associated with the construction of  
new subdivisions  
individual homes, or  
commercial/industrial projects

shall be performed within 100 feet of any certified Vernal Pool or any isolated wetland which is identified by the Commonwealth of Massachusetts as the habitat of a state listed species.

## **How do I find out whether I will need to file a wetland application for my proposed project?**

If you think that your proposed project might be within 100 feet of a wetland or vernal pool, or 200 feet of any river or stream, you can either file a Request for Determination of Applicability or contact the Conservation Manager, who will be happy to consult with you and answer any questions you may have.

## **If the State or Town Wetland Laws Apply, What Next?**

You can file a Request for Determination for small projects. Once such a request has been submitted, the Commission will let you know within 21 days whether you will need to file a Notice of Intent (a more in depth type of filing for larger, more complex projects).

## **What if I Need to File a Notice of Intent?**

If you need to file a Notice of Intent application with the Conservation Commission, a public notification is required as well as application fees under the Act and the Bylaw. You will also be charged for the cost of a public hearing notice in a local newspaper.

Your project will be heard at a scheduled meeting by the Conservation Commission. After the hearing is closed, the Conservation Commission will issue an Order of Conditions (wetland permit), detailing how you will need to proceed with your project in order to comply with the wetland laws. Your Order of Conditions will need to be recorded at the Registry of Deeds before work can commence. Proof of recording must be received by the Conservation Commission before your approved project may begin.

## **After I have an Order of Conditions, how much time do I have to finish the work?**

Under the town Bylaw, you have one year. If your project is not completed by that time you can file a request for Extension Permit for another year. The request must be presented to the Commission, noting reasons for the extension and it needs to be submitted before the original Order expires.

## **The work is completed, now what?**

You will need to apply for a Certificate of Compliance which is required to clear your title at the Registry of Deeds and close your file. You must file a Request for Certificate of Compliance form with the Commission and include an as-built plan and a letter from an engineer that states that your project is in compliance with your Order of Conditions. Certificates of Compliance are issued during public meetings.

*The above guidelines should be consulted if you think that a project may be subject to the Massachusetts Wetlands Protection Act or Foxborough's Wetlands and Groundwater Protection Bylaw (Article IX)*

## **When Should You Consult the Commission?**

When you believe your proposed project might be within 100 feet of a wetland or vernal pool, or 200 feet of any river, stream, creek (when in doubt, the Conservation Manager will be happy to consult with you and answer any questions you may have).

*OR... if you live near any areas that are wet or that flood occasionally...*

1. When you plan to do any new landscaping, dig a hole, or fill a hole.
2. When you plan to cut a bush or tree, plant a bush or tree or change any vegetation in your yard.
3. When you plan to put an addition on your house, add a pool or side buildings.
4. When you plan to pave what is now a gravel driveway.
5. When you plan to install a new driveway.
6. When you plan to install or repair a septic system.
7. When you plan to alter a stream or stream bed.
8. When you plan to do anything about that nasty puddle of water in your yard.
9. When you plan to move a wall or install one.
10. Before you buy a house.

*OR:*

11. When you're wondering what that **NO WORK BEYOND THIS POINT** sign means.
12. When you're wondering what **DEP** followed by a lot of numbers on a sign means.
13. When you plan to use Conservation Land for any event.
14. When you would like to organize a "friends of" group to help in the maintenance or preservation of Conservation Land.
15. When a woman from a blue town pick up truck is standing in the street, *looking at that nice hole you just dug and shaking her head.*