

**FILING INSTRUCTIONS FOR NOTICES OF INTENT  
UNDER FOXBOROUGH'S WETLANDS PROTECTION BYLAW, CHAPTER 267**

*The procedures described below are designed to help the applicant and the Conservation Commission through the review process as quickly and efficiently as possible. Close adherence to the procedures is advised. The following procedures apply to all filings under the Town Bylaw (unless otherwise stated).*

Within 100 feet horizontally outward from the edge of a resource area, or 200 feet horizontally outward from a river or perennial stream, any activity proposed or undertaken, which, in the judgment of the Commission, alters an area subject to protection under the Bylaw, is subject to regulation under the Bylaw and requires the filing of a Notice of Intent (NOI). If the applicant is in any doubt as to whether an activity is subject to regulation, a Request for a Determination of Applicability (RFD) should be filed.

**APPLICATION FORMS AND SUBMISSION DEADLINES**

**1. NOI Filing Deadline:**

All documentation (including plans, maps, tables, charts, reports, etc.) to be considered as part of an applicant's wetland permit filing must be submitted to the Commission by the application deadline, as posted on the Conservation Department bulletin board in Town Hall and on the Commission's website.

**2. Continued Hearing Submissions:**

***All document and plan revisions must be received by the Conservation Department at least four business days before a scheduled (continued) hearing date.***

Four days is the minimum time needed to allow the Conservation Commission and Conservation Manager to properly review and analyze new submissions. Documents that are not submitted at least four business days before the date of a continued hearing may be excluded from consideration during that hearing and held for discussion during a future Conservation Commission meeting.

**NOTICE OF INTENT FILINGS**

The role of the Commission is that of a reviewing agency. It is the applicant's responsibility to provide all of the information required for review in the Notice of Intent (NOI). It is in the applicant's interest to submit as complete and accurate description of the project as possible to ensure that requests for additional information do not result in unnecessary delays. In instances where the applicant is not the owner, the Commission may require proof of the owner's knowledge of the filing.

**1. Notice of Intent Form**

Filings under Foxborough's Wetlands Protection Bylaw and the State Wetlands Protection Act should be submitted on a single NOI form. Application forms and associated documents can be downloaded from the Commission's website: <https://www.foxboroughma.gov/departments/conservation>

**2. Procedure for Notice of Intent**

In addition to information already required by MassDEP, the information listed on the NOI Checklist is required with each NOI filing under Chapter 267. The Checklist should be completed and submitted with the NOI application package.

Omission of information deemed pertinent by the Commission will be grounds for not opening an advertised public hearing, or continuing a public hearing, or denying the permit.

**3. Plans; Resource Area Delineations**

All plans submitted to the Commission for a wetlands permit under the Bylaw must show all resource areas, both on the proposed project site property and within 100 feet of the property boundaries (200 feet in the case of streams), *regardless of whether or not the proposed work is expected to occur within the jurisdictional areas associated with the resource.*

In those instances where the project is part of a subdivision, a plan must be submitted to the Commission showing all wetland resources located within the subdivision boundaries and within 100 feet of those boundaries (200 feet in the case of streams).

Failure to provide this information, or providing erroneous or false information, shall be grounds for denying, suspending, or revoking the permit.

## **NOI Filing Instructions, Foxborough Wetlands Protection Bylaw, Chapter 267**

### **4. Natural Heritage & Endangered Species Program Filing**

A filing under the Massachusetts Endangered Species Act (MESA) may be required for some projects. Due to the scale of the Estimated Habitat of Rare Wildlife map and the inaccuracies inherent in on-line mapping, if a proposed project is located within or up to 1/8 mile outside of the boundary of the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP), a filing with NHESP shall be required by the Conservation Commission. To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to [http://maps.massgis.state.ma.us/PRI\\_EST\\_HAB/viewer.htm](http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm).

If mapped, the applicant must file with the NHESP before the proposed project's Notice of Intent hearing is scheduled. Opening a hearing may be contingent upon written response from NHESP.

### **5. Notice of Intent Submission Requirements**

#### **For the Conservation Commission**

Submit one (1) original and seven (7) copies of the completed Notice of Intent (Form 3), including all supporting plans and documents (with one Stormwater Report, if applicable), one copy of the NOI Wetlands Fee Transmittal Form (included on the downloadable NOI form), and two (2) filing fee payment checks (one for the Town's portion of the State fee and one for Bylaw fee, made payable to the Town of Foxborough), by certified mail or hand delivery to Conservation Commission, 40 South Street, Foxborough, MA 02035.

#### **For MassDEP**

Submit one (1) copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a copy of the state's portion of the state fee payment by certified mail or hand delivery to MassDEP, Southeast Regional Office, 20 Riverside Drive, Lakeville, MA 02347, unless otherwise required by MassDEP.