



WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by DEP:
DEP File Number
Document Transaction Number
City/Town

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Note:
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

A. General Information

1. Project Location (**Note:** electronic filers will click on button for GIS locator):

_____	_____	_____
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:		
_____	_____	_____
d. Latitude	e. Longitude	
_____	_____	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

_____	_____	_____
a. First Name	b. Last Name	c. Company

d. Mailing Address		
_____	_____	_____
e. City/Town	f. State	g. Zip Code
_____	_____	_____
h. Phone Number	i. Fax Number	j. Email address

3. Property owner (if different from applicant): Check if more than one owner

_____	_____	_____
a. First Name	b. Last Name	c. Company

d. Mailing Address		
_____	_____	_____
e. City/Town	f. State	g. Zip Code
_____	_____	_____
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

a. Firm		
_____	_____	
b. Contact Person First Name	c. Contact Person Last Name	

d. Mailing Address		
_____	_____	_____
e. City/Town	f. State	g. Zip Code
_____	_____	_____
h. Phone Number	i. Fax Number	j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

_____	_____	_____
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid

6. General Project Description:



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A. General Information (continued)

7. Project Type Checklist:

- | | |
|---|---|
| a. <input type="checkbox"/> Single Family Home | b. <input type="checkbox"/> Residential Subdivision |
| c. <input type="checkbox"/> Limited Project Driveway Crossing | d. <input type="checkbox"/> Commercial/Industrial |
| e. <input type="checkbox"/> Dock/Pier | f. <input type="checkbox"/> Utilities |
| g. <input type="checkbox"/> Coastal Engineering Structure | h. <input type="checkbox"/> Agriculture – cranberries, forestry |
| i. <input type="checkbox"/> Transportation | j. <input type="checkbox"/> Other |

8. Property recorded at the Registry of Deeds for:

_____	_____
a. County	b. Page Number
_____	_____
c. Book	d. Certificate # (if registered land)

9. Has work been performed on the property under an Order of Resource Area Delineation involving Simplified Review within 3 years of the date of this application?

- a. Yes b. No

If yes, no Notice of Intent or Request for Determination of Applicability may be filed for work within the 50-foot-wide area in the Buffer Zone along the resource area during the three-year term of an Order of Resource Area Delineation, or any Extended Order, or until the applicant receives a Certificate of Compliance, whichever is later.

10. Buffer Zone Only - Is the project located only in the Buffer Zone of a bordering vegetated wetland, inland bank, or coastal resource area?

- a. Yes - answer 11 below, then skip to Section C.
b. No - skip to Section B.

11. Buffer Zone Setback – For projects that involve work only in the buffer zone, select the applicable adjacent resource area (check one):

- a. BVW b. inland bank c. coastal resource area

The distance between the closest project disturbance and the associated resource area is:

d. linear feet



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B. Resource Area Effects

1. Inland Resource Areas

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users: Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

Table with 3 columns: Resource Area, Size of Proposed Alteration, Proposed Replacement (if any). Rows include Bank, Bordering Vegetated Wetland, Land Under Waterbodies and Waterways, Bordering Land Subject to Flooding, Isolated Land Subject to Flooding, and Riverfront area.

For projects impacted by the riverfront area and a buffer zone of another resource area, add 50% to the total fee.

1. Width of Riverfront Area (check one):

- 25 ft. - Designated Densely Developed Areas only
100 ft. - New agricultural projects only
200 ft. - All other projects

2. Total area of Riverfront Area on the site of the proposed project:

Square Feet

3. Proposed alteration of the Riverfront Area:

a. Total Square Feet b. Square Feet within 100 ft. c. Square Feet between 100 ft. and 200 ft.

4. Has an alternatives analysis been done and is it attached to this NOI? Yes No

5. Was the lot where the activity is proposed created prior to August 1, 1996? Yes No



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B. Resource Area Effects

2. Coastal Resource Areas:

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. Square feet _____ 2. Cubic yards dredged _____	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. Square feet _____	2. Cubic yards beach nourishment _____
e. <input type="checkbox"/> Coastal Dunes	1. Square feet _____	2. Cubic yards dune nourishment _____
f. <input type="checkbox"/> Coastal Banks	1. Linear feet _____	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. Square feet _____	
h. <input type="checkbox"/> Salt Marshes	1. Square feet _____	2. Sq ft restoration, rehab., or creation _____
i. <input type="checkbox"/> Land Under Salt Ponds	1. Square feet _____ 2. Cubic yards dredged _____	
j. <input type="checkbox"/> Land Containing Shellfish	1. Square feet _____	2. Square feet restoration, rehab. _____
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	1. Cubic yards dredged _____	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	1. Square feet _____	

3. Limited Project:

Is any portion of the proposed activity eligible to be treated as a limited project subject to 310 CMR 10.24 or 310 CMR 10.53?

a. Yes No If yes, describe which limited project applies to this project:

b. Limited Project



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Online Users:
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For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

C. Bordering Vegetated Wetland Delineation Methodology

Check all methods used to delineate the Bordering Vegetated Wetland (BVW) boundary:

1. Final Order of Resource Area Delineation issued by Conservation Commission or DEP (attached)
2. DEP BVW Field Data Form (attached)
3. Final Determination of Applicability issued by Conservation Commission or DEP (attached)
4. Other Methods for Determining the BVW Boundary (attach documentation):
 - a. 50% or more wetland indicator plants
 - b. Saturated/inundated conditions exist
 - c. Groundwater indicators
 - d. Direct observation
 - e. Hydric soil indicators
 - f. Credible evidence of conditions prior to disturbance
5. Other resource areas delineated: _____

D. Other Applicable Standards and Requirements

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to <http://www.mass.gov/dfwele/dfw/nhosp/nhregmap.htm>.
 - a. Yes No If yes, include proof of mailing or hand delivery of NOI to:

Natural Heritage and Endangered Species Program
 Division of Fisheries and Wildlife
 Route 135, North Drive
 Westborough, MA 01581

b. Date of map _____

If yes, the project is subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section D.1.A, and include requested materials with this Notice of Intent (NOI); OR complete Section D.1.B, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

A. Submit Supplemental Information for Endangered Species Review *

- Percentage/acreage of property to be altered:
- (1) within wetland Resource Area _____
percentage/acreage
- (2) outside Resource Area _____
percentage/acreage
- Assessor's Map or right-of-way plan of site



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D. Other Applicable Standards and Requirements (cont.)

- Project plans for entire project site, including wetland Resource Areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **
- Project description (including description of impacts outside of wetland Resource Area & Buffer Zone)
- Photographs representative of the site
- MESA filing fee (fee information available at: <http://www.mass.gov/dfwele/dfw/nhesp/nhenvmesa.htm>)
Make check payable to "Natural Heritage & Endangered Species Fund" and **mail to NHESP** at above address

Projects altering **10 or more acres** of land, also submit:

- Vegetation cover type map of site
- Project plans showing Priority & Estimated Habitat boundaries

B. OR Check One of the Following

- Project is exempt from MESA review. Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, <http://www.mass.gov/dfwele/dfw/nhesp/nhenvexemptions.htm>)
- Separate MESA review ongoing.

NHESP Tracking Number

Date submitted to NHESP

- Separate MESA review completed.
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see www.nhosp.org regulatory review tab). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.

2. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

- a. Yes No If yes, include proof of mailing or hand delivery of NOI to either:

South Shore - Cohasset to Rhode Island, and the Cape & Islands:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
838 South Rodney French Blvd.
New Bedford, MA 02744

North Shore - Hull to New Hampshire:

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930

- b. Not applicable – project is in inland resource area only



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Online Users:
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D. Other Applicable Standards and Requirements (cont.)

3. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
- a. Yes No If yes, provide name of ACEC (see instructions to WPA Form 3 or DEP Website for ACEC locations). **Note:** electronic filers click on Website.
- _____
- b. ACEC
4. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
- a. Yes No
5. Is any activity within any Resource Area or Buffer Zone exempt from performance standards of the wetlands regulations, 310 CMR 10.00.
- a. Yes No If yes, describe which exemption applies to this project:
- _____
- b. Exemption
6. Is this project subject to the DEP Stormwater Policy? a. Yes No
- If yes, stormwater management measures are required. Applicants should complete the Stormwater Management Form and submit it with this form.
- b. If no, explain why the project is exempt:
- _____
- _____

E. Additional Information

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.
3. Other material identifying and explaining the determination of resource area boundaries shown on plans (e.g., a DEP BVW Field Data Form).
4. List the titles and dates for all plans and other materials submitted with this NOI.
5. If there is more than one property owner, please attach a list of these property owners not listed on this form.
6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.



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E. Additional Information (cont.)

- 8. Attach NOI Wetland Fee Transmittal Form
- 9. Attach Stormwater Management Form, if needed.

F. Fees

The fees for work proposed under each Notice of Intent must be calculated and submitted to the Conservation Commission and the Department (see Instructions and NOI Wetland Fee Transmittal Form).

No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

1. Municipal Check Number	2. Check date
3. State Check Number	4. Check date
5. Payor name on check: First Name	6. Payor name on check: Last Name

G. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

Signature of Applicant	Date
Signature of Property Owner (if different)	Date
Signature of Representative (if any)	Date

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents; two copies of pages 1 and 2 of the NOI Wetland Fee Transmittal Form; and the city/town fee payment must be sent to the Conservation Commission by certified mail or hand delivery.

For DEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents; one copy of pages 1 and 2 of the NOI Wetland Fee Transmittal Form; and a copy of the state fee payment must be sent to the DEP Regional Office (see Instructions) by certified mail or hand delivery. (E-filers may submit these electronically.)



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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G. Signatures and Submittal Requirements (cont.)

Other:

If the applicant has checked the “yes” box in any part of Section D, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



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NOI Wetland Fee Transmittal Form
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B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee

Step 5/Total Project Fee: _____

Step 6/Fee Payments:

Total Project Fee:	_____	a. Total fee from Step 5
State share of filing fee:	_____	b. 1/2 total fee less \$12.50
City/Town share of filing fee:	_____	c. 1/2 total fee plus \$12.50

C. Submittal Requirements

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
 Box 4062
 Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.
- c.) **To DEP Regional Office** (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
Stormwater Management Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. Property Information

Important:
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Note:
 This November 2000 version of the Stormwater Management Form supersedes earlier versions including those contained in DEP's Stormwater Handbooks.

1. The proposed project is:
 - a. New development Yes No
 - b. Redevelopment Yes No
 - c. Combination Yes No (If yes, distinguish redevelopment components from new development components on plans).

2. Stormwater runoff to be treated for water quality is based on the following calculations:
 - a. 1 inch of runoff x total impervious area of post-development site for discharge to **critical areas** (Outstanding Resource Waters, recharge areas of public water supplies, shellfish growing areas, swimming beaches, cold water fisheries).
 - b. 0.5 inches of runoff x total impervious area of post-development site for other resource areas.

B. Stormwater Management Standards

DEP's Stormwater Management Policy (March 1997) includes nine standards that are listed on the following pages. Check the appropriate boxes for each standard and provide documentation and additional information when applicable.

Standard #1: Untreated stormwater

- a. The project is designed so that new stormwater point discharges do not discharge untreated stormwater into, or cause erosion to, wetlands and waters.

Standard #2: Post-development peak discharges rates

- a. Not applicable – project site contains waters subject to tidal action.

Post-development peak discharge does not exceed pre-development rates on the site at the point of discharge or downgradient property boundary for the 2-yr, 10-yr, and 100-yr, 24-hr storm.

- b. Without stormwater controls
- c. With stormwater controls designed for the 2-yr, and 10-yr storm, 24-hr storm.
- d. The project as designed will not increase off-site flooding impacts from the 100-yr, 24-hr storm.



B. Stormwater Management Standards (cont.)

c. If the project is redevelopment, explain how much TSS will be removed and briefly explain why 80% removal cannot be achieved.

Standard #5: Higher potential pollutant loads

See Stormwater Policy Handbook Vol. I, page I-23, for land uses of high pollutant loading (see Instructions).

Does the project site contain land uses with higher potential pollutant loads

a. Yes No b. If yes, describe land uses:

c. Identify the BMPs selected to treat stormwater runoff. If infiltration measures are proposed, describe the pretreatment. (Note: If the area of higher potential pollutant loading is upgradient of a critical area, infiltration is not allowed.)

Standard #6: Protection of critical areas

See Stormwater Policy Handbook Vol. I, page I -25, for critical areas (see Instructions).

Will the project discharge to or affect a critical area?

a. Yes No b. If yes, describe areas:

c. Identify the BMPs selected for stormwater discharges in these areas and describe how BMPs meet restrictions listed on pages I-27 and I-28 of the Stormwater Policy Handbook – Vol. I:



B. Stormwater Management Standards (cont.)

Note: components of redevelopment projects which plan to develop previously undeveloped areas do not fall under the scope of Standard 7.

Standard #7: Redevelopment projects

Is the proposed activity a redevelopment project?

- a. Yes No

b. If yes, the following stormwater management standards have been met:

c. The following stormwater standards have not been met for the following reasons:

- d. The proposed project will reduce the annual pollutant load on the site with new or improved stormwater control.

Standard #8: Erosion/sediment control

- a. Erosion and sediment controls are incorporated into the project design to prevent erosion, control sediments, and stabilize exposed soils during construction or land disturbance.

Standard #9: Operation/maintenance plan

- a. An operation and maintenance plan for the post-development stormwater controls have been developed. The plan includes ownership of the stormwater BMPs, parties responsible for operation and maintenance, schedule for inspection and maintenance, routine and long-term maintenance responsibilities, and provision for appropriate access and maintenance easements extending from a public right-of-way to the stormwater controls.

b. Plan/Title

c. Date

d. Plan/Title

e. Date



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C. Submittal Requirements

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

DEP recommends that applicants submit this form, as well as, supporting documentation and plans, with the Notice of Intent to provide stormwater management information for Commission review consistent with the wetland regulations (310 CMR 10.05 (6)(b)) and DEP's Stormwater Management Policy (March 1997). If a particular stormwater management standard cannot be met, information should be provided to demonstrate how equivalent water quality and water quantity protection will be provided. DEP encourages engineers to use this form to certify that the project meets the stormwater management standards as well as acceptable engineering standards. For more information, consult the Stormwater Management Policy.

D. Signatures

Applicant Name

Date

Signature

Representative (if any)

Date

Signature