



TOWN OF ARLINGTON
MASSACHUSETTS
CONSERVATION COMMISSION

SUBMITTING A NOTICE OF INTENT (NOI)

NOI applications are for projects directly impacting wetlands, also known as resource areas. The filing outlines wetlands protection measures to be taken before, during, and after construction. This guide is an aid to completing the NOI process. Please consult the legal resources listed at the end of this document.

The NOI process determines whether and how your proposed project will be able to proceed. There are five steps to the process.

1. Meet with the Conservation Agent
2. Prepare the application
3. Submit the application
4. Present the project at a public hearing
5. Receive and file the Order of Conditions paperwork

MEET WITH THE CONSERVATION AGENT

Contact the Conservation Agent by phone at (781) 316-3012 or by email at concomm@town.arlington.ma.us to request a meeting. A short phone call is usually all that is needed. If your project includes adding over 350 square feet of impervious surface, you will need to consult with the Engineering Division about compliance with the Arlington Stormwater Management Bylaw.

A [schedule of upcoming hearings has been provided in Appendix A](#) for your scheduling purposes.

PREPARE THE APPLICATION

The following list is required for filing an NOI. Please use the links below to find the forms and information you need. Please check off each item as you have completed it and submit the checklist with your final application.

- [Wetlands Protection Act Form 3](#)
- Plan of the proposed work showing, at minimum, all the applicable following details:
 - o Property boundaries, easements, rights-of-way, etc.
 - o Boundaries of 25-ft, 50-ft, and 100-ft from all resource areas
 - o Boundaries of the 100-ft Wetlands Buffer Zone and Adjacent Upland Resource Area
 - o Boundaries of the 200-ft Riverfront Area Buffer Zone
 - o Base flood elevation or floodplain boundaries
 - o Soil characteristics
 - o Existing and proposed topography, structures, and other physical features
 - o Erosion controls

- [Topographic map of the site](#) (Click Layers >> Elevation)
- [FEMA floodplain map of the site](#)
- Certified list of abutters requested from [the Arlington Assessor's Office](#)
- [Bylaw Filing Fees and Transmittal Form](#)
- Bylaw filing fee made payable to the Town of Arlington
- [State Filing Fee Calculation Worksheet](#)
- State filing fee checks: one made payable to the Commonwealth of Massachusetts, the other to the Town of Arlington
- [Completed abutter notification form letter](#)
 - The Conservation Agent will provide you with the date of your hearing.
- [Signed Affidavit of Service](#)
- Project narrative describing in detail the proposed work, its location, and wetland resource area impacts. The narrative should address all the applicable following details:
 - Status of the [Estimated Habitat of Rare Wildlife and/or Priority Habitats of Rare Species](#)
 - Stormwater and drainage reports, including how designs conform to the [Arlington Engineering Division's Stormwater Management Standards](#) and the [Department of Environmental Protection's Stormwater Management Standards](#)
 - NOAA Atlas 14+ shall be used for analysis of the 10-, 50-, and 100-year storms.
 - Include a table showing total impermeable surface and total permeable surface before and after construction.
 - Conformance with US Army Corps of Engineers permit requirements.

Additional details may be required by the Conservation Commission, Department of Environmental Protection, or both.

- 401 Water Quality Certification
- Chapter 91 License

SUBMIT THE APPLICATION

The NOI packet needs to be submitted two weeks prior to the preferred date of the hearing. When you are ready to submit, please deliver the following to Town Hall:

- *For the Conservation Agent*
 - One electronic copy of the full filing
 - One printed copy of the full filing
- *For the Conservation Commission*
 - One printed copy of the full filing packaged with postage for shipping within Arlington
 - Three full size copies of all submitted plans, each packaged with postage for shipping within Arlington
- *For the Massachusetts Department of Environmental Protection*
 - One printed copy of the full filing packaged with valid postage to Wilmington (01887)

PRESENT THE PROJECT AT A PUBLIC HEARING

Once you have submitted the NOI, you will present it to the Conservation Commission at a public hearing. Conservation Commission meetings take place on the first and third Thursdays of the month at 7 PM. You will present the project as described in your application. For Notices of Intent, more than one hearing are often required.

RECEIVE AND FILE THE ORDER OF CONDITIONS PAPERWORK

After the public hearing is closed, the Conservation Agent will issue an Order of Conditions specifying how the project shall proceed. Please note that permits may still be required from other departments. Please file the Order of Conditions with the deed for your property.

ENDURING CONDITIONS

Please note that projects approved by the Arlington Conservation Commission often include conditions on how the land is used before, during, and after the project.

LEGAL RESOURCES

This document is only an aid to assist filling out Request for Determination paperwork. Please consult the following laws and regulations to gain a full understanding of the permitting process and requirements.

- [Wetlands Protection Act](#) (MGL Chapter 131, Section 40) and its accompanying [Regulations](#) (310 CMR 10.00)
- [Arlington's Wetlands Bylaw](#) (Title V-Article 8) and the [Arlington Wetlands Protection Regulations](#)

APPENDIX A: ADDITIONAL NOI FILING DOCUMENTS

BYLAW FILING FEES AND TRANSMITTAL FORM

Rules:

1. Fees are payable at the time of filing the application and are non-refundable.
2. Fees shall be calculated per schedule below.
3. Town, County, State, and Federal Projects are exempt from fees.
4. These fees are in addition to the fees paid under M.G.L. Ch. 131, s.40 (ACT).
5. A legal notice charge of \$150 is assessed on all applications for the cost of filing the public notice.

Fee Schedule (ACC approved 1/8/15):

\$	No./Area	Category
		(R1) RDA - \$150 local fee, no state fee
		(N1) Minor Project - \$200 (house addition, tennis court, swimming pool, utility work, work in/on/or affecting any body of water, wetland or floodplain).
		(N2) Single Family Dwelling - \$600
		(N3) Multiple Dwelling Structures - \$600 + \$100 per unit all or part of which lies within 100 feet of wetlands or within land subject to flooding.
		(N4) Commercial, Industrial, and Institutional Projects - \$800 + 50¢/s.f. wetland disturbed; 2¢/s.f. land subject to flooding or buffer zone disturbed.
		(N5) Subdivisions - \$600 + \$4/l.f. feet of roadway sideline within 100 ft. of wetlands or within land subject to flooding.
		(N6) Other Fees - copies, printouts; per public records law
		(N7) Minor Project Change - \$50
		(N8) Work on Docks, Piers, Revetments, Dikes, etc - \$4 per linear foot
		(N9) Resource Boundary Delineation (ANRAD) - \$1 per linear foot
		(N10) Certificate of Compliance (COC or PCOC) - No charge if before expiration of Order, \$200 if after that date.
		(N11) Amendments - \$300 or 50% of original local filing fee, whichever is less.
		(N12) Extensions -
		a. Single family dwelling or minor project - \$100.
		b. Other - \$150.
		(N13) Consultant Fee -per estimate from consultant
<i>Subtotal</i>		
	+ \$150	Legal Notice Charge
	TOTAL	

Note: The Notice of Intent Fee Transmittal Form is still required. [Details for calculating the NOI fee are included below.](#)

STATE FILING FEE CALCULATION WORKSHEET

This worksheet will help you determine the cost of the filing fee charged under the Wetlands Protection Act. This is separate from and additional to the fees charged under the local bylaw. There are two steps to the worksheet.

1. Determine fees based on the number and type of proposed activities
2. Calculate payment and submit checks with your NOI application

STEP 1: DETERMINE TYPES OF ACTIVITIES

A list of common activities in Arlington is found below. If your project involves other activities, please contact the Conservation Agent now at 781-316-3012 or concomm@town.arlington.ma.us.

#	Activity	Category	Cost	Fee
	Work on single family lot; addition, pool, etc.	Category 1	\$110 per	
	Site work without a house			
	Vegetation control			
	Resource area improvement			
	Construction of single-family house	Category 2	\$500 per	
	Parking lot			
	Vegetation control with development			
	Any activity not in Category 1, 3, 4, 5, or 6			
	Each proposed building, including the site	Category 3	\$1,050 per	
	Hazardous material(s) cleanup			
	Bridge	Category 4	\$1,450 per	
	Hazardous waste action alterations to resource areas			
	Dredging			
	Oil and/or hazardous material release response actions			
	Work on docks, piers, revetments, dikes, etc.	Category 5	\$4 per linear foot*	
	Resource area delineation	Category 6	\$2 per linear foot per resource area**	
			<i>Subtotal</i>	
		<input type="checkbox"/> Activity in Riverfront Area		X 1.5
			TOTAL	
	* Total fee not less than \$100 or more than \$2,000			
	** Total fee not more than \$200 for activities associated with a single-family house or \$2,000 for all other activities			

STEP 2: CALCULATE PAYMENT

Enter the total fee from Step 1		
Divide by two		
Add \$12.50 to one half		Make out a check for this amount payable to the Town of Arlington
Subtract \$12.50 from one half		Make out a check for this amount payable to the Commonwealth of Massachusetts

Enter the above details on the Notice of Intent Fee Transmittal Form.

Provide three checks with your submission: the bylaw filing fee, the Town of Arlington NOI filing fee, and the Commonwealth of Massachusetts NOI filing fee.

ABUTTER NOTIFICATION

Notification to Abutters Under the Massachusetts Wetlands Protection Act and Arlington Wetlands Protection Bylaw

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, and the Arlington Wetlands Protection Bylaw, you are hereby notified of the following:

The Conservation Commission will hold a virtual public meeting using Zoom, on Date at 7:00 PM in accordance with the provisions of the Mass. Wetlands Protection Act (M.G.L. Ch. 131, s. 40, as amended), the Town of Arlington Bylaws Article 8, Bylaw for Wetland Protection, and in accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20 relating to the COVID-19 emergency, for a Notice of Intent from Applicant Name, for Project Description at Project Address or Location within 100 feet of a wetland, on Assessor's Property Map/s # , Lot/s # . Please refer to the Commission's online meeting agenda for specific Zoom meeting access information.

A copy of the application and accompanying plans are available by request by contacting the Arlington Conservation at 781-316-3012 or concomm@town.arlington.ma.us. For more information, call the applicant (Phone Number), the Arlington Conservation Commission (781-316-3012), or the DEP Northeast Regional Office (978-694-3200).

NOTE: Notice of the Public Hearing will be published at least five (5) business days in advance in *The Arlington Advocate* and will also be posted at least 48 hours in advance in the Arlington Town Hall.

AFFIDAVIT OF SERVICE

I, Applicant Name, being duly sworn, do hereby state as follows: on Date, I mailed a "Notification to Abutters" in compliance with the second paragraph of Massachusetts General Laws, Chapter 131, s.40, the DEP Guide to Abutter Notification dated April 8, 1994, and the Arlington Wetlands Protection Bylaw, Title V, Article 8 of the Town of Arlington Bylaws in connection with the following matter:

Project Description

Project Address or Location

The form of the notification, and a list of the abutters to whom it was provided and their addresses, are attached to this Affidavit of Service.

Signed under the pains and penalties of perjury, this Day of Month, Year.

Name

ARLINGTON CONSERVATION COMMISSION FILING DEADLINES FOR 2024

Meeting Date	Application Deadline	Supplemental Information Deadline ¹	Legal Notices Published	Agenda Published
<i>Thursdays, 7:00pm</i>	<i>Wednesdays, 12pm</i>		<i>Thursdays</i>	<i>Tuesdays</i>
January 4, 2024	12/20/2023	12/27/2023	12/28/2023	1/2/2024
January 18, 2024	1/3/2024	1/10/2024	1/11/2024	1/16/2024
February 1, 2024	1/17/2024	1/24/2024	1/25/2024	1/30/2024
February 15, 2024	1/31/2024	2/7/2024	2/8/2024	2/13/2024
March 7, 2024	2/21/2024	2/28/2024	2/29/2024	3/5/2024
March 21, 2024	3/6/2024	3/13/2024	3/14/2024	3/19/2024
April 4, 2024	3/20/2024	3/27/2024	3/28/2024	4/2/2024
April 18, 2024	4/3/2024	4/10/2024	4/11/2024	4/16/2024
May 2, 2024	4/17/2024	4/24/2024	4/25/2024	4/30/2024
May 16, 2024	5/1/2024	5/8/2024	5/9/2024	5/14/2024
June 6, 2024	5/22/2024	5/29/2024	5/30/2024	6/4/2024
June 20, 2024	6/5/2024	6/12/2024	6/13/2024	6/18/2024
July 11, 2024	6/26/2024	7/3/2024	7/4/2024	7/9/2024
July 25, 2024	7/10/2024	7/17/2024	7/18/2024	7/23/2024
August 1, 2024	7/17/2024	7/24/2024	7/25/2024	7/30/2024
August 15, 2024	7/31/2024	8/7/2024	8/8/2024	8/13/2024
September 5, 2024	8/21/2024	8/28/2024	8/29/2024	9/3/2024
September 19, 2024	9/4/2024	9/11/2024	9/12/2024	9/17/2024
October 3, 2024	9/18/2024	9/25/2024	9/26/2024	10/1/2024
October 17, 2024	10/2/2024	10/9/2024	10/10/2024	10/15/2024
November 7, 2024	10/23/2024	10/30/2024	10/31/2024	11/5/2024
November 21, 2024	11/6/2024	11/13/2024	11/14/2024	11/19/2024
December 5, 2024	11/20/2024	11/27/2024	11/28/2024	12/3/2024
December 19, 2024	12/4/2024	12/11/2024	12/12/2024	12/17/2024

¹ Supplemental information deadlines are for hearings continued from the previous meeting.

APPENDIX B: SAMPLE CONDITIONS

The following conditions may be applied to your permit as a continuing condition that survives the expiration of the permit. This is not a full list of the conditions that will apply in your case. This list contains conditions that are commonly applied by the Arlington Conservation Commission to protect wetland resource areas.

- All plantings shall be as specified in the planting plan and installed and maintained according to the standards of the American Association of Nurserymen (AAN).
- Any planting areas provided as mitigation shall be maintained in perpetuity.
- Any invasive species management plans implemented through this project shall be ongoing.
- There shall be no dumping of woody vegetation, leaves, grass clippings, brush, or other debris into a wetland resource area or associated buffer zones.
- To avoid adding excess nutrient runoff, the Applicant shall only treat existing lawn area with no phosphorous, low nitrogen, slow-release fertilizer and it shall be applied at the lowest rate necessary. Any application of phosphorus-containing fertilizers for new lawn must be first reviewed and approved by the Conservation Agent. Except for the establishment of vegetation in the first growing season, the Application of lawn fertilizer cannot occur in the summer, or before or after storm events. Lawn fertilizer shall at most be applied twice a year.
- No pesticides or rodenticides shall be used to treat pest management issues.
- Only the herbicides and herbicide treatment methods stated within the NOI are approved to treat invasive plants. No other herbicides or treatment methods are approved.
- Pervious surfaces shown on the project plans shall be maintained and not be replaced by impervious surfaces.
- Installed hardscaped permeable surfaces shall be maintained in perpetuity. The Applicant shall provide evidence of this maintenance at the request of the Conservation Agent.
- Deicing chemicals containing sodium, potassium, and calcium chloride are prohibited from use in the wetland resource area and the associated 100-foot buffer. An alternative deicing product such as magnesium chloride (MgCl) may be used as recommended in the Winter Parking Lot and Sidewalk Maintenance Manual published by the Minnesota Pollution Control Agency, <https://www.pca.state.mn.us/sites/default/files/p-tr1-10.pdf>.