

Needham Conservation Commission

Information for Applicants

Are you planning work (landscaping, cutting trees or brush, demolition, or construction) within a wetland or floodplain; within 100 feet of a wetland or stream (the Buffer Zone); or within 200 feet of the Charles River or other perennial stream?

These are Resource Areas protected under both the Massachusetts Wetlands Protection Act and Regulations (see www.state.ma.us/dep) and the Needham Wetlands Bylaw (Article 6) and regulations. Both sets of regulations are administered by the Needham Conservation Commission (781-455-7550).

Types of Applications

- **Request for Determination of Applicability:** a request that the Conservation Commission determine if the work proposed requires a permit (some minor activities, such as small alterations of the buffer zone more than 50 feet from a wetland may not require a permit) or that the Commission determine if the work is within a Resource Area.
- **Abbreviated Notice of Resource Area Delineation:** an application to request that the Commission formally review and approve the delineation of Resource Areas at a site.
- **Notice of Intent:** an application to request that the Commission approve work within the buffer zone or another Resource Area.

Applicant's Responsibility

It is the applicant's responsibility to prepare and file a complete and correct application that accurately describes the site and the work proposed. The applicant must also demonstrate, through the plans and information submitted to the Commission, that the work proposed meets the Performance Standards established under the Wetlands Protection Act and the Needham Bylaw. **The Bylaw Regulations provide more protection for wetlands than do the State Regulations. Under the Needham Bylaw, projects that alter a wetland or the land within 25 feet of a wetland are not permitted.**

A project that does not meet these performance standards may only be permitted if the Commission grants a waiver from strict compliance with the regulations (for example, any work actually within a wetland requires a waiver). The application must show that (a) strict compliance would result in a severe financial hardship, (b) the action serves a substantial public interest, or (c) the Resource Area does not protect the public interests.

Permit Application Filing Process

1. Complete the DEP (Department of Environmental Protection) Notice of Intent or Request for Determination of Applicability Forms.
2. Complete the Needham Application Form and Checklist.
3. Obtain a Certified List of Abutters within 300 feet of the property, and an Assessor's map showing these abutters (contact the Conservation Office to initiate this process).
4. Prepare a complete filing package containing this information and all plans and text required by the Needham Checklist and DEP regulations.
5. Determine the State and Town bylaw filing fees.
6. Although not required, it is strongly suggested that applicants discuss with the Commission Agent and review the application for completeness, before moving on to Steps 7 and 8.
7. Send 1 copy of the entire application package to DEP Northeast Regional Office (by certified mail). **Note: The State portion of the filing fee required by the Wetlands Protection Act is sent to a lock box in Boston as indicated on the WPA Forms.**
8. Send 2 copies of the entire package to the Conservation Commission (by mail) and an electronic pdf packet to conservation@needhamma.gov.
9. Send a copy of the hearing notice to each of the Board of Selectmen, the Planning Board, the Board of Health, and the Building Inspector (by mail).

10. Send notification to all abutters (by certified mail or certificate of mailing).
11. Provide the Commission with an affidavit of service documenting that all copies of the application and/or notification letters were sent as required (scan Certified Mailing Receipt Slips and email to conservation@needhamma.gov)

When an Application is received and is determined to be complete:

1. DEP issues a File Number.
2. The Conservation Commission schedules a Public Hearing.
3. The Conservation Commission posts a public notice in the Needham Times (at the expense of the applicant), at least 1 week before the hearing.

What Happens Next?

1. The Commission opens the Public Hearing (within 21 days of receiving a complete application) and takes testimony from the Applicant and any interested parties.
2. The Commission may continue the hearing and request additional information, revisions to plans, etc.
3. If an applicant submits revised plans or additional information, 2 hard copies and an electronic pdf are required and must be submitted 1 week before the hearing.
4. The Commission closes the Public Hearing when all information needed to evaluate the application has been received.
5. The Commission issues an Order of Conditions within 21 days of closing the hearing **IF** the Commission can make the finding that the work meets the regulatory performance standards and can be conditioned to protect the interests of the Wetland Protection Act.

Can I start work right away?

1. **No.** There is a 10-day appeal period after the Commission issues its decision (any individual abutter or 10 residents of Needham may appeal the Commission's decision).
2. Work cannot start until the Order is recorded at the Registry of Deeds and documentation is provided to the Commission.
3. Work cannot start until any pre-construction Conditions have been met.

What happens when the work is completed?

1. The Order is valid for 3 years. You must complete work within this period.
2. When the work is complete, you must file a Request for a Certificate of Compliance with the Commission. This requires a statement by a Registered Engineer or Professional Land Surveyor that the work has been done correctly, and may also require a surveyed "as-built" plan to be submitted.
3. The Commission will determine if the work has been done in accordance with the Permit and, if it has, will issue a Certificate of Compliance that must be recorded at the Registry.