

Sheffield Conservation Commission's

FREQUENTLY ASKED QUESTIONS

1. How do I know if my project requires a permit from the Conservation Commission?

If your proposed project would occur within an area protected under the Massachusetts Wetlands Protection Act, or what is referred to as a “buffer zone,” it may require permitting. Come to a Conservation Commission (ConCom) meeting and discuss your project if in doubt.

2. What are the protected areas?

In general, lakes, ponds, intermittent streams, riverfront areas, land subject to flooding and bordering vegetated wetland (BVW) are protected areas under the Wetlands Protection Act. These are defined under the “Frequently Used Terms” blue button.

3. How do I know if my proposed project is within a BVW or its buffer zone?

It can be complicated. Read the ConCom's Wetland's brochure and check your property boundaries using the Town maps provided at axisgis.com/SheffieldMA/. Enter your property address and under layers (to the left) turn on the ConCom layer or the DEP Wetlands layer and, under MASSGIS Data, the Areas of Critical Environmental Concern and both NHESP layers. You may also look at the maps found at the Natural & Water Resources Map blue button on the ConCom's website. If you are uncertain, speak with your architect, landscaping, or building contractor if considering a project. You may also speak with the Building Inspector, ConCom's Assistant, or come to the next ConCom meeting and discuss this with the Commission. Prior to this meeting, let the ConCom's assistant know and one or more commission members, with your written permission, will walk your site with you.

4. How would I locate a wetlands consultant?

Check with your contractor, landscape architect, or do a google search on wetlands consultants or wetlands specialist.

5. Are there other considerations related to wetlands in Sheffield?

Yes. A significant amount of Sheffield's wetlands falls within a state-designated Area of Critical Environmental Concern (ACEC). The Schenob Brook Drainage Basin ACEC is described by the Mass. Department of Conservation and Recreation, which administers the ACEC program, as “one of the most significant natural communities in Massachusetts. It encompasses 13,750 acres in the towns of Sheffield and Mt. Washington”.

6. What if my project falls within this Area of Critical Environmental Concern (ACEC)?

It means that there is an additional layer of protection, which most notably does not permit the alteration and replacement of bordering vegetated wetland, which is permitted in other areas under the Wetlands Protection Act.

7. What about vernal pools?

Vernal pools receive special protection under the Wetlands Protection Act, the 401 Water Quality Certification Program, forestry, and Title 5 (septic) regulations when certified through the Mass. Division of Fisheries and Wildlife's Natural Heritage and Endangered Species Program. Non-certified vernal pools do not have this protection. You may find further information at mass.gov/orgs/masswildlifes-natural-heritage-endangered-species-program

8. Do all projects within protected wetlands or a buffer zone require permitting?

There are some exemptions under the Wetlands Protection Act's regulations, **310 CMR 10**. They include pruning of landscaped areas, planting of trees and shrubs, and some temporary activities such as installation of monitoring wells, sediment sampling, surveying and exploratory boring. HOWEVER, If in doubt, check with the ConCom at 413.229.7000, ext. 157

9. If my project falls within a protected wetland, or its buffer zone, and is not an exempt activity, what's the next step?

The ConCom, or better yet, your contractor or a wetland consultant, can guide you as to what application process is required. For minor buffer-zone projects, or projects that won't alter a protected resource area, a Request for Determination of Applicability (RDA), *DEP Form 1*, may be submitted. (Downloadable Forms & Instructions blue button)

10. How do I determine whether my project is a "minor" buffer-zone project?

Please review Question 3. In addition, the regulations allow the ConCom limited discretion in evaluating a buffer-zone project, based upon the project itself, its proximity to the wetlands area, and your site – its topography, specifically slope, soil conditions and other factors.

11. What is required if my project isn't "minor," or if it cannot be accomplished without altering a wetland resource area?

You will need to file a Notice of Intent (NOI), *DEP Form 3*, before doing any work. (Downloadable Forms & Instructions blue button)

12. Will I be able to complete the application forms myself?

The RDA, *DEP Form 1*, is relatively simple. Professional assistance will likely be required with the NOI, *DEP Form 3*, as it is more complex, depending on the wetlands on your site and your proposed activity.

13. Will I be required to hire a professional?

Depending upon your site, and the complexity of the proposed project, you may wish to engage a professional – architect, engineer, land surveyor, sanitarian, wetland scientist or hydrologist – as appropriate to assist you. Supporting materials from a professional may be required by the ConCom, if it determines that the complexity of the project warrants specialized expertise.

14. Any other requirements?

With most applications, especially a Notice of Intent (NOI), a plan drawn not more than 1" = 50 feet scale, showing the proposed activity and its proximity to the wetland resource area(s) is to be submitted with your application. (If you are filing a RDA application; usually a plan of this scale is not required.) In most Notice of Intent (NOI) filings, the plan should depict topography (grade/contours) and all proposed activity, such as trees proposed for removal or excavation for lines to connect water and septic lines to new structures, decks, patios, and any ancillary structures. Also, you will need to provide a narrative with a clear description of the proposed activity on a separate sheet of paper, if the "project description" section of the form doesn't provide adequate space. For a complex project two plans may be required, depicting pre- and post-construction conditions. Please submit six copies of all documentation, along with a ***Permission to Access Site*** form, available on this website under Downloadable Forms and Instructions. Commission members will schedule a site prior to the hearing, provided this written consent form is on file.

15. How much does this process cost?

Currently, a check in the amount of \$150, payable to the Town of Sheffield and addressed to the attention of the Conservation Commission, is required to cover administrative costs and the cost of advertising either the required public hearing (NOI) or public meeting (RDA). In the case of a Notice of Intent, Form 3, additional fees are required, payable both to Mass DEP and to the Town of Sheffield. The instructions for Form 3 provide details to help you calculate the fee, which varies according to the size and complexity of the project.

16. Do I need to notify my neighbors about my application?

Notices of Intent (NOI) require abutters notification, by certified mail. Information on this requirement can be found in the instructions to the NOI, Form 3.

17. How long does it take to obtain approval?

That depends on several factors. An RDA generally take less time than an NOI. If the project is relatively minor and complete materials are submitted with your application, the project can generally be advertised, and the public hearing or public meeting scheduled within two Conservation meetings, depending on the Commission's schedule. A site visit is scheduled before the hearing or meeting where the application will be taken up. If all the requisite information has been filed, the Commission may be able close the hearing or meeting and render a decision at that time, particularly for an RDA application. Complex projects usually take longer, depending upon the information required and the timely filing of that information, and possible jurisdictions of other regulatory authorities, such as DEP's 401 Water Quality Certification, Army Corps of Engineers, and the Natural Heritage and Endangered Species Program, as well as any Order of Conditions issued by the Commission.

18. Where may I find more information about the Wetlands Protection Act regulations?

Wetlands Protection Act Regulations, 310 CMR 10.00: mass.gov/doc/310-cmr-1000-the-wetlands-protection-act

19. Do I also need to obtain a permit from MassDEP?

No; the Sheffield Conservation Commission is the local issuing authority for MassDEP (DEP). If you obtain a permit through the Sheffield Conservation Commission, you are obtaining a DEP permit.

You must mail a copy of your application, together with all plans and supporting materials to DEP's Western Regional Office when you or your agent submits it to the Sheffield Conservation Commission. The mailing address is: MassDEP Western Regional Office; 436 Dwight Street, Springfield, MA 01103. The Commission sends copies of all permits it issues to DEP, where it is matched with your application form.

20. May I appeal a decision made by the Sheffield Conservation Commission?

Yes, any decision made by the Sheffield ConCom related to permitting under the Wetlands Protection Act may be appealed to MassDEP within ten business days of the postmark of the decision sent to DEP by the Sheffield ConCom. However, only the following persons may appeal a decision:

1. The applicant;
2. The owner, if not the applicant;
3. Any person aggrieved by an RDA Determination or an NOI Order of Conditions;
4. Any owner of land abutting the land on which the work is to be done;
5. Any ten residents of the town where the land is located;
6. The Massachusetts Department of Environmental Protection.

21. What do I do when my project is completed?

If you submitted a Notice of Intent application, you are required to file the Sheffield Conservation Commission's Order of Conditions you received with the Registry of Deeds. Following this filing, a copy of the Registry of Deed's receipt showing that the filing took place must be submitted to the Sheffield Conservation Commission for its records on your application. When your project is completed, you must, and are responsible to, notify the Conservation Commission of such completion and request a Certificate of Compliance, using the ***Request for a Certificate of Compliance, Form 8a***. The ConCom will visit the site and, if you have complied with the Order of Conditions, it will issue a Certificate of Compliance, which you are strongly encouraged to immediately file with the Registry of Deeds and again provide documentation of such filing to the Commission. It is important to receive and file the Certificate of Compliance because the Order of Conditions is a lien against your property.

