

## Notice of Intent (NOI) Filing Instructions, Checklist, and Outline of Complete NOI Permitting Process

- It is highly recommended that you obtain the services of a professional wetland scientist, consultant, engineer, and/or land surveyor to assist you with preparing the Notice of Intent filing.
- Notice of Intent filings require submittal of a plan certified by a registered professional engineer or land surveyor.
- Incomplete filings may be rejected by the Amesbury Conservation Commission.
- To learn more about resource areas and buffer zones protected and regulated under the state's Wetlands Protection Act and the performance standards work in these areas are held to refer to [M.G.L. Chapter 131 Section 40 \(the "Act"\)](#) and [310 CMR 10.00](#), the Regulations promulgated under the Act.
- To learn more about the resource areas and buffer zones protected and regulated under the City of Amesbury's local Wetland Ordinance and Regulations promulgated thereunder please refer to the [Amesbury Conservation Commission's Wetland Regulation and Permits](#) webpage.
- If you have any questions or require any additional information, please contact Becky Frey by phone at 978-388-8110 EXT 502 or by email at [freyr@amesburyma.gov](mailto:freyr@amesburyma.gov)

### Complete WPA Form 3 and Prepare Associated Documents

1. Download and complete the Notice of Intent - WPA Form 3 from the Massachusetts Department of Environmental Protection (MA DEP) website: <https://www.mass.gov/how-to/wpa-form-3-wetlands-notice-of-intent>. Alternatively, there are instructions at the above link to file the WPA Form 3 electronically with the state.
  - Ensure that all instructions are followed when completing the form.
  - Ensure that all required agencies are notified as required per the WPA Form 3 and associated instructions.
2. Prepare and/or obtain the following items that are required to be submitted as part of your NOI filing:
  - a.  USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and MA DEP to locate the site.
  - b.  Plans identifying the location of proposed activities (including creation of a Bordering Vegetated Wetland (BVW) replication area or other mitigating measure) relative to the boundaries of each affected resource area.
    - Plans must be certified by a registered professional engineer or land surveyor.
    - Plans should be of adequate size, scale, and detail to completely and accurately describe the site, resource area boundaries, and proposed work. The following guidelines are provided to encourage uniformity:

*Sheet Size*

      - Maximum 24" x 36"
      - If more than one sheet is required to describe the proposed work, provide an additional sheet indexing all other sheets and showing a general composite of all work proposed within the Buffer Zone and areas subject to protection under the Act.

### *Scale*

- Not more than 1" = 50'
- All plans should display graphical scales.

### *Title Block*

- Included on all plans
  - Located at the lower right-hand corner, oriented to be read from the bottom when bound at the left margin
  - Include original date plus additional space to reference the title and dates of revised plans.
- c.  Identify the method for BVW and other resource area boundary delineations (MA DEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.
- d.  Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
- e.  Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
- f.  Attach NOI Wetland Fee Transmittal Form
- g.  Attach Stormwater Report, if needed.
- h.  Attach the certified list of abutters within 300' of the property (additional information can be found in the next section of this document).
- i.  Attach a copy of the letter sent to the abutters (additional information can be found in the next section of this document).
- j.  In addition to the state filing fees, the Amesbury Conservation Commission requires additional filing fees paid to the city when submitting a Notice of Intent. Please refer to the [local fee schedule](#) to determine the local filing fee paid to the city.
- k.  The applicant should also be prepared to pay a fee to the Newburyport Daily News to publish notice of the NOI filing and public hearing (see Number 10 below for more information).

### ***Send Notification to Abutters within 300' of the Property***

3. Concurrent with the filing of the NOI, the applicant is required to notify abutters in accordance with the provisions of 310 CMR 10.00 and the Amesbury Wetlands Ordinance:
- a.  The applicant must obtain a certified list of abutters within 300 feet of the subject property from the [Amesbury Assessor's Office](#).
- b.  The applicant must notify the abutters in writing of the NOI filing at least 7 days before the date of the scheduled public hearing. A template for the notification to abutters can be found at the MA DEP website in section 3 at the following link <https://www.amesburyma.gov/162/Conservation-Commission>
- The applicant must present either the certified mail receipts or certificate of mailing for all abutters at the beginning of the public hearing.

### ***Submit the Complete NOI filing - WPA Form 3, Additional Required Documents, and Checks***

4. Submit a complete filing to the [Amesbury Conservation Commission](#):
- a.  2 hard copies of the completed and signed WPA Form 3.
- b.  2 hard copies of all required additional documents as listed in number 2 of this document.
- c.  The application will also need to be filed in, [Opengov](#), Amesbury's online permitting system

- d.  A check in the appropriate amount as determined by the local fee schedule made payable to the City of Amesbury.- OpenGov will calculate a fee, but please verify with Becky Frey that it is correct before paying it.
- e.  A check for the City’s share of the state fees, as determined by the NOI Wetland Fee Transmittal Form, made payable to the City of Amesbury. - OpenGov will calculate a fee, but please verify with the Becky Frey that it is correct before paying it.
  - i. Hard copies of the complete filing and checks as outlined above can be mailed or hand delivered in person to the Conservation Office:  
 City of Amesbury, MA  
 Conservation Commission  
 39 South Hunt Rd.  
 Amesbury, MA 01913
  - ii. Digital copies must be submitted via email to [conservation@amesburyma.gov](mailto:conservation@amesburyma.gov)

**5. Submit to the Massachusetts Department of Environmental Protection, Northeast Regional Office (at the same time submission is made to the city):**

- a.  1 hard copy of WPA Form 3, all additional documents as listed in number 2 of this document, and copies of the checks submitted to the state and to the city.
  - i. Hard copies of the complete filing as outlined above can be mailed to:  
 Department of Environmental Protection NERO – Wetlands Division  
 150 Presidential Way  
 Woburn, MA 01801
  - ii. Please note, no original checks should be sent with the filing that is sent to the Massachusetts Department of Environmental Protection, Northeast Regional Office at the address above. Please see number 6 below for where to send the state’s checks.

**6. Submit to the Massachusetts Department of Environmental Protection (at the same time submission is made to the city and regional DEP office):**

- a.  1 copy of the NOI Wetland Fee Transmittal Form and a check for the state’s share of the filing fee as determined by the Wetland Fee Transmittal Form, made payable to the Commonwealth of Massachusetts.
  - i. Hard copies of the NOI Wetland Fee Transmittal Form and checks should be mailed to:  
 Department of Environmental Protection  
 Box 4062  
 Boston, MA 02211

**7. Submit to the property owner, if different than the applicant (at the same time submission is made to the city, regional DEP office, and state DEP mailbox):**

- a.  1 hard copy of WPA Form 3 and all additional required documents.
- b.  Submission to the property owner must be done by certified mail or hand delivery.

***Next Steps – Scheduling a Public Hearing and Publishing Legal Notice of the Filing & Hearing***

- 8. The Conservation Agent will review the filing submission for completeness. Any errors or missing documents will be brought to the attention of the applicant and/or their representative and will likely need to be addressed before the Agent can add a public hearing to the Commission’s agenda.
  - The following are examples that could cause the Agent to deem a submission as incomplete:

- Failure to complete all required and applicable sections of WPA Form 3;
  - Failure to submit required plans and documents
  - Submission of plans that do not meet the requirements set in section 1 of this document;
  - Failure to pay the local filing fee and/or the city's share of the state's filing fees.
  - This is not a complete list of reasons that may result in an incomplete submission.
9. When the Conservation Agent has received a complete filing, a public hearing for an upcoming Conservation Commission meeting will be scheduled. If you are planning a timeline for your project, please keep the following in mind:
- The Conservation Commission generally meets the 1<sup>st</sup> Monday of each month;
  - Due to holidays, meetings are occasionally rescheduled;
  - Please refer to the meeting schedule on the Conservation Commission website as it includes meeting dates and submission deadline dates for each meeting;
  - A public hearing will not be closed and a permit will not be issued until the MA DEP has issued a DEP File Number for the project.
    - Incomplete filings to the MA DEP and/or failure to submit checks in the correct amount to the appropriate address can cause delays to the issuance of a DEP File Number.
10. Legal Notice of the NOI filing and public hearing will be placed in the Newburyport Daily News by the Applicant at the applicant's expense.
- A Legal Notice is required to be published in the Newburyport Daily News at least five business days prior to the hearing.
  - The Applicant will prepare the Legal Notice, submit it to the Newburyport Daily News, and the Newburyport Daily News will send a proof for review and contact the applicant or their representative for payment;
  - Please note that the Newburyport Daily News will not publish the Legal Notice until they receive payment.
  - A public hearing can't be held until proper Legal Notice is advertised.