

Conservation Commission

Frequently Asked Questions

How do I know if I have to come before the Commission?

Any activity that is located within 100 ft. of coastal or inland wetlands, within 200 ft. of a perennial river and/or stream or is within an area subject to flooding (Zone A or Zone V) requires an application for review and approval by the Commission.

What if I am not sure if my land is in one of the above areas?

Since many wetlands are not always obvious, you are encouraged to consult with the Conservation Agent, who will help you determine whether your project falls within the Commission's jurisdiction and whether your project will require a filing. Additional assistance may be necessary from a wetlands biologist to determine if your project is located in or within 100 feet of wetlands.

What is the cost of filing a Request for Determination of Applicability?

There is a \$25 Application fee for a Request for Determination of Applicability.

What do I have to do for a Request for Determination of Applicability?

A completed form with all its attachments must be submitted to the Conservation Commission at least two week prior to the Conservation Commission meeting. Applicants also must send a copy of the form and attachments to the Northeast Regional office of the DEP and the property owner if different from the applicant. The original and all the copies must be sent simultaneously. Applicants will need to attend a Conservation Commission meeting. The applicant will need to pay for the cost of a legal advertisement to be placed in the Salem News at least a week before the project is presented to the Commission. The Conservation Agent will develop the legal advertisement and submit it to the Salem News for print.

What is the difference between a Request for Determination of Applicability and a Notice of Intent?

A Request for Determination of Applicability is a form filed when you are not sure if your project is subject to the Wetlands Protection Act and/or within the jurisdiction of the local Conservation Commission. A Notice of Intent is filed when you are planning a project that you know is subject to the Wetlands Protection Act and/or the local Conservation Commission.

Do I need to hire an Engineer or Wetland Scientist?

In order for the Commission to make an accurate and fair determination of the proposal, it is best to have a registered land surveyor, licensed engineer, or wetland scientist draw up the plans for the project. Most of them are very familiar with the guidelines given in the Act and regulations established under the Act. They can give you advice on what can and cannot be done and produce a plan for the local and state review process.

Do I need to notify abutters to my land?

Yes, for a Notice of Intent, but not for a Request for Determination of Applicability. For a Notice of Intent, abutters located within 100 feet or within a reasonable distance across a

water body from your property will need to be notified of your proposed project at least one week in advance of the Conservation Commission hearing for your project. You will need to contact the Conservation Agent for the list of abutters. Upon your request the agent will work with the assessor's office to compile a certified list of all abutters, which will be mailed to you. You will need to send a letter to all abutters, which shall state what work is to be done and where a copy of the plans may be examined. A template is available from the Conservation Agent. The letter needs to be sent certified mail, return receipt requested, which is provided by the Post Office.

I filled out the Notice of Intent, now what?

You need to send the following:

- See instructions included with the Notice of Intent. The DEP has specific instructions for filing with the state.
- City of Salem Conservation Commission – 1 original and 7 copies of all application materials, including plans. For the purpose of recycling, the Commission prefers that pages are held together by a binder clip and not bound with any plastic materials or covers. Double-sided pages, where possible, are preferred.

You will need to attend a Conservation Commission meeting. The meetings are held the second and fourth Thursday of each month (the Commission does not meet in August). The Commission's annual schedule is available on its website.

Why do I need to send so many copies?

The Salem Conservation Commission has 7 members and one Conservation Agent. Each member receives a copy of the plans before the meeting so they have time to review the project. The administrator needs the original application and a copy of the plans for the project file.

Do I have to appear before the Commission?

Yes. The project proponent or a representative is required to attend the hearing before the Commission.

Who is responsible for placing an ad in the newspaper?

The Conservation Agent will place a legal advertisement in the Salem News for both Requests for Determination of Applicability and Notices of Intent, stating when the meeting will be. The ad shall be placed at least a week prior to the meeting. The applicant is responsible for the cost of the ad and the Salem News requires submittal of a deposit prior to running the ad. The Salem News Deposit Form is available on the Conservation Commission website.

What will happen at the Conservation Commission meeting?

The applicant will outline the terms of the project to the Commission and answer any questions that the Commission members may have. You may also have to answer any questions abutters and other members of the public may have regarding your project.

If you are requesting a Determination of Applicability, the Commission will either issue a negative or positive determination. A negative determination means that the state and local

wetlands protection regulations do not apply and you can proceed with your plans. A positive determination means that the state and/or local laws do apply and you will have to file a Notice of Intent.

If you are filing a Notice of Intent, the Commission will approve the project and issue an order of conditions, deny the project, or request modifications of the plans or submittal of additional information before making a decision.

If the Commission approves and issues an Order of Conditions, how long is it good for?

A permit is good for three years from the date of issuance. Any permit may be renewed once for an additional one-year period.

When and where are Conservation Commission Meetings held?

Commission meetings are generally held on the second and fourth Thursday of every month at 6:00 PM. In case of bad weather or holidays, you should call the Conservation Agent at 978-619-5685. The meetings are held in the third floor conference room in the City Hall Annex at 120 Washington Street in Salem.

What happens if I do not file?

The Conservation Commission and the state do not look kindly on people who disregard the wetlands regulations. Whoever violates any provision of the Act may be punished by a fine up to \$200 per day, per violation.

What do I do with the Department of Environmental Protection file number?

Any site where work is being done under an order of conditions must display a sign, of not less than two square feet or more than 3 square feet bearing the words "Massachusetts Department of Environmental Protection File Number 64-..."

Can anyone attend the Conservation Meetings?

Yes. The meetings are always open to the public.

Where can I get a copy of the applications I need?

Applications are available from the Massachusetts Department of Environmental Protection Website at <http://mass.gov/dep/water/approvals/wwforms.htm> or at the Department of Planning and Community Development, City Hall Annex, 120 Washington Street, 3rd floor, Salem.

Who can answer questions not addressed in this FAQ?

Please contact the Conservation Agent and 978-619-5685 or tdevine@salem.com.

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