

MEDFIELD

WETLANDS

BYLAW

ARTICLE IX

MEDFIELD WETLANDS BYLAW

SECTION 1. Purpose

The purpose of this Bylaw is to protect the wetlands of the Town of Medfield by controlling activities deemed to have a significant effect upon wetland values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion control, storm damage prevention, water pollution control, wildlife habitat, recreation, and aesthetics (collectively, the "interests protected by this Bylaw").

SECTION 2. Application

No person shall remove fill, dredge, build upon or alter the following resource areas: any freshwater wetland, bordering vegetated wetland, certifiable vernal pools, marsh, wet meadow, bog or swamp; any bank, beach, lake, river, pond, stream or any land under said waters; any land subject to flooding or inundation by groundwater, surface water or storm flowage; or any riverfront area; or any fifty(50) foot buffer zone without receiving a permit issued pursuant to the Bylaw. Any proposed work which falls within one hundred (100) feet of any freshwater wetland, bordering vegetated wetland, vernal pool, marsh, wet meadow, bog or swamp; any bank, beach, lake, river, pond, stream or any land under said waters, within one hundred (100) feet of any land subject to flooding or inundation, or within one hundred (100) feet of the one hundred (100) year storm line must be permitted by the Conservation Commission. (ATM 4/26/99)

The application for a permit shall be a written application and shall include plans that fully describe such removal, filling, dredging, altering, and building and its effect on the environment. No such activity shall commence until after receiving and complying with the permit issued pursuant to this Bylaw.

Such application may be identical in form to a notice of intent filed pursuant to Chapter 131, Section 40 of the General Laws, shall be sent by certified mail to the Medfield Conservation Commission (the "Commission") and shall be accompanied by a filing fee payable to the Town of Medfield. The amount of the filing fee shall be set by the Commission and published in its rules and regulations. No filing fee is required when the Town of Medfield files an application for a permit. The application may be filed before other permits, variances and approvals required by the Zoning By-law, the Subdivision Control Law or any other bylaw or regulation have been obtained. Copies of the application shall be sent at the same time, by certified mail, to the Board of Selectmen, the Planning Board and the Board of Health.

Pursuant to G.L, Ch. 44, Section 53G and regulations promulgated by the Commission, the Commission may impose reasonable fees upon applicants for the purpose of securing outside consultants including engineers, wetlands scientists, wildlife biologists or other experts in order to aid in the review of proposed projects. Such funds shall be deposited

with the town treasurer, who shall create an account specifically for this purpose. Additional consultant fees may be requested where the requisite review is more expensive than originally calculated or where new information requires additional consultant services.

Only costs relating to consultant work done in connection with a project for which a consultant fee has been collected shall be paid from this account, and expenditures may be made at the sole discretion of the Commission.

Any consultant hired under this provision shall be selected by, and report exclusively to, the Commission. The Commission shall provide applicants with written notice of the selection of a consultant, identifying the consultant, the amount of the fee to be charged to the applicant and a request for payment of that fee. Notice shall be deemed to have been given on the date it is mailed or delivered. The applicant may withdraw the application or request within five (5) business days of the date notice is given without incurring any costs or expenses.

The entire fee must be received before the initiation of consulting services. Failure by the applicant to pay the requested consultant fee within ten (10) business days of the request for payment shall be cause for the Commission to declare the application administratively incomplete and deny the permit without prejudice, except in the case of an appeal. The Commission shall inform the applicant and Massachusetts Department of Environmental Protection of such a decision in writing.

The applicant may appeal the selection of an outside consultant to the Board of Selectmen, who may disqualify the consultant only on the grounds that the consultant has a conflict of interest or is not properly qualified. The minimum qualifications shall consist of either an educational degree or three or more years of practice in the field at issue, or a related field. The applicant shall make such an appeal in writing, and must be received within ten (10) business days of the date that request for consultant fees was made by the Commission. Such appeal shall extend the applicable time limits for action upon the application.

Upon written request of any person, the Commission shall, within twenty-one days, make a written determination as to whether this Bylaw is applicable to any land or work thereon. When the person requesting a determination is other than the owner, notice of the determination shall be sent to the owner as well as to the requesting person.

The provision of this section shall not apply to work performed for normal maintenance or improvement of land in agricultural use nor to work performed in the course of maintaining, repairing or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, telephone, telegraph and other telecommunications services.

SECTION 3. Hearing

The Commission shall hold a public hearing on the application within twenty-one days of its receipt. Notice of the time and place of the hearing shall be given by the Commission at the expense of the applicant, not less than five days prior to the hearing, by publication in a newspaper of general circulation in Medfield and by mailing a notice to the applicant, the Board of Health, Board of Selectmen, Planning Board and to such other persons as the Commission may by regulation determine.

SECTION 3.1. Permit and Conditions

If, after the public hearing, the Commission determines that the area which is the subject of the application is significant to the interests protected by this Bylaw, the Commission shall within twenty-one days of such hearing, issue or deny a permit for the work requested. If it issues a permit after making such determination, the Commission shall impose such conditions as it determines are necessary or desirable for protection of those interests, and all work shall be done in accordance with those conditions. If the Commission determines that the area which is the subject of the application is not significant to the interests protected by this Bylaw, or that the proposed activity does not require the impositions of conditions, it shall issue a permit without conditions within twenty-one days of the public hearing. Permits shall expire one year from the date of issuance, unless renewed prior to expiration, and all work shall be completed prior to expiration. Copies of the permit shall be sent to the Board of Selectmen, the Planning Board and the Board of Health. A copy shall also be sent to the Registry of Deeds to be recorded with the deed.

SECTION 3.2. Relationship to Chapter 131, Section 40

The Commission shall not impose additional or more stringent conditions pursuant to Chapter 131, Section 40 of the General Laws than it imposes pursuant to this Bylaw, nor shall it require a notice of intention pursuant to Section 40 to provide materials or data in addition to those required pursuant to this Bylaw.

SECTION 4. Emergency Projects

This Bylaw shall not apply to any emergency project as defined in Chapter 131, Section 40 of the General Laws.

SECTION 5. Pre-Acquisition Violation

Any person who purchases, inherits or otherwise acquires real estate upon which work has been done in violation of the provisions of this Bylaw or in violation of any permit issued pursuant to this Bylaw shall forthwith comply with any such order or restore such land to its condition prior to any such violation; provided, however, that no action, civil or criminal, shall be brought

against such person unless commenced within three years following the date of acquisition of the real estate by such person.

SECTION 6. Regulations

After due notice and public hearing, the Commission may promulgate rules and regulations to effectuate the purposes of this Bylaw. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of the Bylaw. Changes in the rules and regulations may be made at any time, after due notice and a public hearing on the changes.

SECTION 7. Burden of Proof

The applicant shall have the burden of showing by a preponderance of credible evidence that the work proposed in the application will not harm the interests protected by this Bylaw. Failure to provide adequate evidence to the Commission supporting a determination that the proposed work will not harm the interests protected by this Bylaw shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions, or, in the Commission's discretion, to continue the hearing to another date to enable the applicant or others to present additional evidence.

SECTION 8. Definitions

The following definitions shall apply in the interpretation and implementation of this Bylaw.

SECTION 8.1 The term "person" shall include any individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to town bylaws, administrative agencies, public or quasi-public corporations or bodies, the Town of Medfield, and any other legal entity, its legal representatives, agents or assigns.

SECTION 8.2 The term "alter" shall include, without limitation, the following actions when undertaken in areas subject to the Bylaw:

- (a) Removal, excavation or dredging of soil, sand, gravel or aggregate material of any kind;
- (b) Changing drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns and flood retention characteristics;
- (c) Drainage or other disturbance of water level or water table;
- (d) Dumping, discharging or filling with any material which may degrade water quality;
- (e) Driving of piles, erection of buildings or structures of any kind;
- (f) Placing of obstructions whether or not they interfere with the flow of water;
- (g) Destruction of plant life, including cutting of trees;
- (h) Changing of water temperature, or biochemical characteristics of water which confines the water.

SECTION 8.3 The term "Banks" shall mean that part of land adjoining any body of water which confines the water.

SECTION 8.4 Vernal Pool

The term "vernal pool" shall include, in addition to scientific definitions found in the regulations under the Wetlands Protection Act, any confined basin or depression not occurring in existing lawns, gardens, landscaped areas or driveways which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, contains at least 200 cubic feet of water at some time during most years, is free of adult predatory fish populations, and which actually provides essential breeding and rearing habitat functions for amphibian, reptile or other vernal pool community species, regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife. The boundary of the resource area for vernal pools shall be 100 feet outward from the mean annual high-water line defining the depression, but shall not include existing lawns, gardens, landscaped or developed areas.

SECTION 8.5

(a) The term "land in agricultural use" shall mean any qualifying wetland within a farm which is qualified or eligible to be qualified under the Farmland Assessment Act, Massachusetts General Laws, Chapter 61A Sections 1-5.

(b) The term "qualifying wetland" shall mean only inland fresh water areas which are seasonally flooded basins or flats or inland fresh meadows.

(c) The term "normal maintenance or improvement" of land in agricultural use shall mean only:

1. Tilling practices customarily employed in the raising of crops;
2. Pasturing of animals including such fences and protective structures as may be required;
3. Use of fertilizers, pesticides, herbicides, and similar materials subject to state and federal regulations covering their use;
4. Constructing, grading, or restoring of field ditches, subsurface drains, grass waterways, culverts, access roads, and similar practices to improve drainage, prevent erosion, provide more effective use of rainfall, and improve equipment operation and efficiency, in order to improve conditions for the growing of crops.

(d) "Improvement" of land in agricultural use may also include more extensive practices such as the building of pond, dams, structures for water control water and sediment basins, and related activities, but only where a plan for such activity approved by the Conservation District of the Soil Conservation Service is furnished to the Commission prior to the commencement of work.

All such activity shall subsequently be carried out in accord with said plan. In the event that the work is not carried out in accordance with the required plan, the Commission may place a stop order on said work and have recourse to such measures as if the plan

were a permit.

SECTION 8.6 The Commission may adopt additional definitions not inconsistent with this Section 8 in its regulations promulgated pursuant to Section 6 of this By-law.

SECTION 9. Security

The Commission may require, as a permit condition, that the performance and observance of other conditions be secured by one or both of the following methods:

- (a) By a proper bond, deposit of money or negotiable securities under a written third-party escrow arrangement, or other undertaking of financial responsibility sufficient in the opinion of the Commission, said security to be released in whole or in part upon issuance of a Certificate of Compliance for work performed pursuant to the permit.
- (b) By a conservation restriction, easement or other covenant running with the land, executed and properly recorded (or registered, in the case of registered land).

SECTION 10. Enforcement

The Commission, its agents, officers and employees may enter upon privately owned land for the purpose of performing their duties under this Bylaw.

Any person who violated any provision of this Bylaw or any condition of a permit issued pursuant to it shall be punished by the maximum allowable fine. Each day or portion thereof during which a violation continues shall constitute a separate offense. This Bylaw may be enforced by a Town police officer or Conservation Agent as one having police powers to enforce this bylaw or do or act anything in relation thereto. Upon request of the Commission, the Board of Selectmen shall take such legal action as they deem necessary and proper to enforce this Bylaw and permits issued pursuant to it.

Fines – up to \$300 per offense

(Medfield Police Officer or Conservation Agent) (ATM 4-26-94) (ATM 4/30/2007)

RULES

AND

REGULATIONS

MEDFIELD WETLANDS BYLAW

RULES AND REGULATIONS: ARTICLE IX, SECTION 6

(Passed: October 12, 1995; Amended: February 18, 2010)

REQUIREMENTS FOR PLANS

1. Purpose

This regulation is intended to ensure that all plans that the Medfield Wetlands Bylaw (Bylaw) requires to be submitted with the Notice of Intent provides information that the Commission deems necessary to determine whether a proposed project can be conducted without harming the interests of the Bylaw, the Massachusetts Wetlands Protection Act, Mass. Gen. Laws ch.131, sec. 40 (MA WPA), or the Wetlands Protection Act Regulations of the Department of Environmental Protection (DEP wetlands regulations) seek to protect.

2. Plans

Each plan must show the outline “footprint” of the foundation of any proposed house or other structure using a foundation, including, inground swimming pools; all proposed and existing driveways and parking lots; the location and type of all proposed utilities; the limit of each wetland, area subject to flooding, and every other resource area defined by this Bylaw, MA WPA, DEP wetlands regulations or regulations under this Bylaw; topographical contours in two-foot intervals; the limit of the 100-foot buffer zone described by the Bylaw, MA WPA, and DEP wetlands regulations; the 50-foot, no-disturb resource area required by the Bylaw; the limit of proposed work activity and ground disturbance; the location and type of proposed erosion and sedimentation controls; the limit of any proposed lawn or other landscaping; the limit of the Watershed and Aquifer Protection Districts, if applicable; the limit of the FEMA floodplain or the 100- year floodplain, if applicable; large boulders and outcroppings of ledge; all existing and proposed structures, features, and outbuildings, including barns, sheds, stables, and paddocks; porches, decks, patios and stone walls; drainage systems, including sumps, French drains, and dry wells; and any other outdoor amenities, including without limitation, gardens, sprinkler systems, pools, whirlpools, Jacuzzi, and tennis courts; and any other proposed structure, feature, and amenity the construction or operation of which could affect the interests of the Bylaw, Act, DEP wetlands regulations, or these Bylaw regulations.

All plans shall also show the following distances in feet: the distance between the foundation and the nearest part of each resource area; the distance between the proposed limit of work and the nearest part of each resource area; and the distance between the proposed limit of a lawn or other landscaping and the nearest part of each resource area.

All plans shall use 1 inch = 20 feet or 1 inch = 40 feet scale for the proposed plan. Proposed re-graded contours shall be clearly indicated by solid lines showing the new grades at two-foot intervals.

Each plan shall be legibly stamped, signed and dated by a registered professional engineer or registered land surveyor. Each plan shall note the name, address, telephone number, firm and certification or other professional designation or qualifications of the person who delineated the wetlands, and the date he or she performed the delineation.

3. Changes in Plans

An applicant who changes any aspect of the plans submitted with the Notice of Intent, including without limitation the size and location of the foundation, the amount or location of proposed disturbance of ground or clearing on the site, the extent of the proposed regrading or filling, or the addition of a porch, deck or outdoor amenity, shall notify the Commission in writing and shall cease work on the project until receiving a decision from the Commission. If the Commission deems the change significant, the applicant shall submit a new or Amended Notice of Intent, at the discretion of the Commission, with any necessary documentation, and obtain a new or amended Order. Any error in the plans or information submitted by the applicant shall be considered a change, and the applicant shall follow the procedures described above.

This regulation shall apply, without limitation, to any change in a plan required by the Board of Health, the Planning Board, the Zoning Board of Appeals, the Water and Sewerage Board, or any other town Board; by any state or federal agency; or by any law or regulation.

4. Interim As-Built Plan of Foundation

For project involving the construction of a house or other structure having a foundation, including inground swimming pools, once the foundation has been laid but before framing begins, the applicant shall submit to the Commission an interim as-built plan, on a 1inch = 20 feet or 1 inch = 40 feet. The interim as-built plan shall use the same scale as the approved plan of record for the proposed project. All interim as-built foundation plans shall be stamped, dated and signed by a professional engineer or a professional land surveyor, showing in a solid line, the location and dimensions of the foundation as built; in a broken line, the location and dimensions of the foundations as shown on the plan approved by the Commission as set forth in the Order of Conditions; the limits of all the resource areas, including the 50-foot no-disturb area; the edge of the 100-foot buffer zone bordering each resource area (except riverfront area); the limits of any floodplain; the distance in feet between the foundation and the nearest part of each resource area; the location and type of erosion and sedimentation controls; the limits of disturbed area; and contours in two-foot intervals.

The applicant shall submit with the interim foundation plan a letter stamped, dated and signed by a professional engineer or a professional land surveyor stating whether the foundation as constructed differs from the foundation as shown on the plan approved by the Commission as set forth in the Order of Conditions and if so, how it differs, whether in location, dimension, shape, distance to the nearest resource area, or otherwise, from the Notice of Intent, all plans, or all other documents, records, correspondence, and representations of the applicant as presented to

and approved by the Commission. The letter shall also explain the reason for each change from the approved plan.

The applicant shall not proceed with the framing or with any other work beyond installing the foundation until it has received the written authorization of the Commission or the Conservation Officer. In its discretion, the Commission may choose to review the interim foundation plan and letter at a meeting and may require the applicant to attend the meeting. The Commission shall respond in writing within ten business days of receipt of the interim as-built plan and letter. Email may be used by the Commission for authorization to proceed with work.

5. Interim As-Built Plan of Detention Basin, Retention Basin, In-Ground Swimming Pools, etc.

For projects involving construction of a detention basin or retention basin, the applicant shall furnish the Commission with an interim as-built plan and letter comparable to those described in item 4 in relation to the foundation of homes and shall obtain the written authorization of the Commission before the applicant connects the street drainage system to the basin. Email may be used by the Commission for authorization to proceed with work.

For projects involving construction of an in-ground swimming pool, the applicant shall furnish the Commission with an interim as-built plan and letter comparable to those described in item 4 in relation to the foundation of homes and shall obtain the written authorization of the Commission before the applicant proceeds with other amenities of the pool including without limitation patios, cabanas, fencing and landscaping. Email may be used by the Commission for authorization to proceed with work.

For projects involving work other than the construction of a building or a detention or retention basin or an in-ground swimming pool, including without limitation other aspects of the infrastructure of a subdivision, the Commission may require a comparable plan and letter certifying compliance with the approved plan at one or more preliminary or intermediate stages of work, as the Commission deems appropriate.

6. Clearing of Contiguous Land

To allow the Commission to assess the adequacy of the proposed erosion and sedimentation controls, the applicant shall show on a plan submitted with the Notice of Intent: the existing vegetation and proposed clearing area, regrading, filling, or other disturbance of the land immediately adjacent to the proposed project. In particular, the applicant shall show the limit of the proposed clearing, regrading, filling and other disturbance of the land contiguous to the proposed project; the topographical contours in two-foot intervals of the entire area proposed to be cleared, regarded, filled, or otherwise disturbed; the dimensions, in feet, of the area proposed to be cleared, regarded, filled, or otherwise disturbed; the volume in cubic yards of the proposed fill; and the distance, in feet, between the farthest reach of the clearing, regrading, filling, and other disturbance and the edge of each resource area described in the Notice of Intent.

An applicant who proposes regrading or clearing a contiguous area of one (1) acre or more, provided any part of the area proposed to be re-graded or cleared is within a resource area or the 100-foot buffer zone defined by the Bylaw, the MA WPA, or the DEP wetlands regulations, must submit a separate plan specifying erosion control measures, including without limitation temporary detention basins, swales and lines of erosion and sedimentation controls, that will be installed before the proposed regrading or clearing begins. The plan must be approved by the Commission before the proposed work begins, and the approved controls shall remain in place until the Commission has determined that the disturbed areas have been adequately stabilized.

50-FOOT UNDISTURBED RESOURCE AREA

(also known as the 50-foot no-disturb area, the 50-foot buffer and the 50-foot no-disturb buffer zone)

1. Purpose

a. The Importance of Protecting Medfield's Ground and Surface Water Supplies

Ground water feeding town wells is the only source of Medfield's water supply. The town wells lie in either of Medfield's two watersheds, the Charles River Watershed and the Neponset River Watershed. Because all streams in town lie in one of these watersheds, all are hydrologically linked, directly or indirectly, to a town wellfield.

The Charles and its floodplain protect Medfield's groundwater and, hence, its public and private water supply, by providing storage for flood waters, preventing pollution, preventing damage from storms, providing wildlife habitat, providing and protecting fisheries, and providing recreation (including canoeing, fishing, and hunting) for Medfield and many other towns through which the Charles flows. The Army Corps of Engineers has designated the Charles River Basin in Medfield as a Natural Storage Basin to prevent flooding downstream. Despite its extensive floodplain, in some springs the Charles has flooded its banks and topped Route 109 at the border between Medfield and Millis. The Neponset River Watershed has a similar importance for Medfield and other towns in the watershed.

This regulation is intended to protect Medfield's groundwater supply, public and private water supplies, floodplains, and other interests protected by the Medfield Wetlands Bylaw (Bylaw), the Massachusetts Wetlands Protection Act, Mass. Gen. Laws ch. 131, sec. 40 (MA WPA), and the Wetlands Protection Act Regulations of the Department of Environmental Protection (DEP wetlands regulations) by keeping silt, nutrients, and other pollutants out of the town's streams and other wetlands, and by preserving the flood storage capacity of the Charles and other rivers and streams, their tributaries, and the wetlands and floodplains associated with them.

b. The Need for a 50-Foot Undisturbed Resource Area

Undisturbed areas adjacent to wetlands reduce harm to wetlands from adjacent development and other activities and provide essential habitat for wetlands species. The wider the buffer, the more effective it is. "Buffers larger than 50 feet are necessary to protect wetlands from an influx of

sediment and nutrients, to protect wetlands from direct human disturbance, to protect sensitive wildlife species from adverse impacts, and to protect wetlands from adverse effects of changes in quantity of water entering the wetlands.” Wetland Buffers: Use and Effectiveness, by A. J. Castelle *et al.*, Washington State Univ. Dep’t of Ecology, Pub. No. 92-10 (Olympia, Wash., Feb. 1992), p. 48. Buffers generally must be 100 feet or wider to prevent significant harm to the water quality in wetlands. *Id.* “Buffers from 50 to 150 feet are necessary to protect a wetland from direct human disturbance in the form of human encroachment (e.g. trampling, debris).” *Id.*, p. 49. See also The Role and Function of Forest Buffers in the Chesapeake Bay Basin for Nonpoint Source Management, by Forest Work Group of Nonpoint Source Subcommittee, Chesapeake Bay Program, EPA Contract No. 68-WO-0043 (E.P.A. Feb. 1993) (even a 75-foot buffer is inadequate to filter polluted runoff from residential development); and the publications cited in the bibliography entitled General References on Buffers, by Robert Bushsbaum, Massachusetts Audubon Society: North Shore, including without limitation, Vegetated Buffers in the Coastal Zone: A Summary Review and Bibliography, by A. Desbonnet *et al.*, Coastal Resources Center Tech. Rep. No. 2064 (Univ. of R.I. Graduate School of Oceanography, Narragansett, R.I., 1994) (even buffer zones 30 meters wide remove as little as 70 percent of sediments and pollutants). See also The Massachusetts Buffer Manual; Using Vegetated Buffers to Protect our Lakes and Rivers, Prepared by the Berkshire Regional Planning Commission for The Massachusetts Department of Environmental Protection; 2003 and Wetland Buffer Zones; Law – Science – Protection, Massachusetts Association Of Conservation Commissions, Third Annual Fall Conferences, October / November 1995.

2. Presumption of 50-Foot Undisturbed Area

The Commission presumes that an undisturbed forested or naturally vegetated area at least 50 feet wide between the edge of the resource area and the area the applicant proposes to disturb during the project is necessary to protect the interests of the Bylaw, the MA WPA, and the DEP wetlands regulations.

An applicant, proposing to disturb any area within such 50-foot area shall have the burden of showing that the work proposed in the application will not harm the interests protected by the Bylaw, the MA WPA, and the DEP wetlands regulations. Failure to provide adequate evidence satisfactory to the Commission supporting a determination that the proposed work within such 50-foot area will not harm the interests protected by the Bylaw, the MA WPA, and the DEP wetlands regulations shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions, including without limitation, such undisturbed area as the Commission deems appropriate, replacement of undisturbed area adjacent to the wetlands or in the Commission’s discretion, to continue the hearing to another date to enable the applicant or others to present additional evidence.

Nothing in this regulation shall prevent the Commission from prohibiting activity anywhere within the 100-foot buffer defined by the Bylaw, the MA WPA, and the DEP wetlands regulations, including without limitation the area between the edge of the 50-foot undisturbed area presumed necessary by this regulation and the 100-foot buffer.

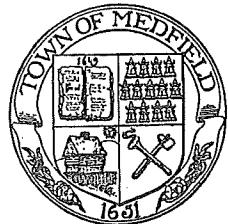
3. Requirement that Plans Show 50-Foot Undisturbed Area

All Plans submitted with the Notice of Intent under the Bylaw must show the limit of the 50-foot undisturbed area required by this regulation in addition to the limit of the 100-foot buffer defined by the Bylaw, the Act, and the DEP wetlands regulations.

FEES

p

p



Approved: February 18, 2010

Medfield Conservation Commission

Town Hall · 459 Main Street · Medfield, Massachusetts 02052-2009
(508) 359-8505 Ext. 646 · Fax (508) 359-6182 · lwillitts@medfield.net

DEP # _____

Medfield Wetlands Bylaw, Article IX Rules and Regulations, Section 6 Fees Worksheet

Applicant: _____

Address: _____

Location of Project: _____

1.	<u>Preparation of Legal Notice for Public Hearing</u>	\$25.00
(Request for Determination of Applicability, Notice of Intent, Amended Order of Conditions, or Abbreviated Notice of Resource Area Delineation)		
2.	<u>Request for a Determination of Applicability</u>	@ \$150 each.....
3.	<u>Notice of Intent:</u>	
A.	Site Preparation for infrastructure of development (including roadways, detention basins, removal of vegetation, utilities, grading, etc.)	\$1050.....
B.	Single family house	@\$700 each.....
C.	Parking Lot	@\$700 each.....
D.	Limited Projects	@\$700 each.....
E.	Tennis/Play Court	@\$500 each.....
F.	Driveway crossings	@\$500 each.....
G.	Any point source discharge	@\$500 each.....
H.	Commercial, industrial, institutional or apartment/condominium/townhouse development	\$1800.....
I.	Site preparation for SFH (including removal of vegetation, excavation and grading) where the house will not be built under the Notice of Intent	\$300.....
J.	Inground swimming pool (including pool deck, cabanas, fencing and landscaping)	\$300.....

K.	Minor project to existing house/lot (including addition, deck, shed, driveway - not crossing a resource, septic system, utility work)	\$250.....
L.	Landscaping, clearing brush, tree cutting, extending lawn, scenic vista	\$200.....
M.	Any other activity not described under Items 2 & 3	\$500.....
<u>Other Activities Within a Notice of Intent:</u>		
N.	Any wetlands filling - less than 500 sf	\$1000.....
O.	Any wetlands filling - more than 500 sf	\$1500.....
P.	Work within the 50-foot resource area	\$500.....
4.	Abbreviated Notice of Resource Area Delineation Filing	\$200.....
	<u>Resource Delineation Review at \$100 per resource</u>	
1)	bordering vegetated wetlands	
2)	riverfront	
3)	isolated land subject to flooding	
4)	vernal pool habitat	
5)	bank	
6)	flood plain	
7)	inundated areas	@\$100 each.....
5.	Extension of an Order of Conditions	@\$100 each.....
6.	Amendment of an Order of Conditions	@\$200 each.....
7.	Certificate of Compliance (full or partial)	@\$200 each.....
8.	Review of Change of Plans	@\$100 each.....
9.	Informal Review of Plans	@\$100 each.....
10.	Reissue Documents	@\$50 each.....
11.	Field Inspection of violations	@\$50 each.....

TOTAL DUE FOR FILING _____

Instructions For Filing Under the Medfield Wetlands Bylaw, Article IX

1. Fees are assed per each activity of a Notice of Intent.
2. Make your check payable to the "Town of Medfield".
3. Submit fee check with your application.
4. Submit this signed worksheet with your application.
5. Fee is non-refundable.
6. The time period (21 days) by which the Commission must hold a public meeting/hearing begins once a completed application packet is received.
7. These fees under the Rules and Regulations of the Medfield Wetlands Bylaw are in addition to the fees required by the Commonwealth of Massachusetts under the Massachusetts Wetlands Protection Act.
8. Government projects are exempt from these fees.
9. In addition to these fees, the Commission may require fees for independent consultants. Consultant fees shall be paid by the applicant.

I have read and accept these rules and fees. I agree per Article IX, Section 2, of the Medfield Wetlands Bylaw to pay for the fees of any consultants the Commission requires and understand that the Commission will not issue an Order of Conditions or Certificate of Compliance until I have paid for those services. I consent that the Commission and its agent may enter the property to inspect it pursuant to the Massachusetts Wetlands Protection Act, the Department of Environmental Protection Regulations under the Act and the Medfield Wetlands Bylaw and its associated Regulations from the date of my application until the date of any final Certificate of Compliance.

Signed: _____ Date: _____
(Applicant)

Signed: _____ Date: _____
(Representative)