

## **Spencer Conservation Commission Frequently Asked Questions**

### **What are wetlands?**

A wetland is a place where water is at or near the surface of the ground a significant part of the year. The types of protected wetlands are: lakes, ponds, rivers & perennial streams, intermittent streams, vegetated wetlands and their banks (referred to as “Bank”); also riverfront area, vernal pools, and land subject to flooding. Vegetated wetlands include wet meadows, bogs, marshes and swamps. When mentioning the regulation of the whole group they are the “protected resource areas”.

### **What kind of work needs a wetlands permit?**

There are two kinds of permits. An application called a “Notice of Intent” is needed for any activity that removes, fills, dredges, or alters, directly or indirectly, any of the listed types of wetland. This means any work that will be done in or on one of the protected resource areas. Work near some kinds of protected resource which the Conservation Commission determines *very probably* will cause alteration *of the resource itself* also requires a Notice of Intent application.

A shorter, less complicated application called a “Request for Determination of Applicability” (RDA) is needed for work within 100 feet or less of a lake, pond, river or perennial stream, intermittent stream, bank, vegetated wetland, or vernal pool. This 100 foot wide strip is called the “buffer zone.” The RDA formally the Conservation Commission whether work close to a protected resource area is regulated by the wetland laws. An RDA also may be filed to ask whether a particular work area is in a protected resource area, whether it is regulated by both the state and Spencer wetlands laws, or to clarify the scope of a Notice of Intent for work in Riverfront Area.

### **Who must apply for a permit?**

A Notice of Intent must be submitted by the landowner or his designated representative. The landowner must sign the NOI.

A Request for Determination can be submitted by the landowner, a single abutter, or a group of 10 citizens. IF someone other than the owner files, a copy of the RDA must be sent to the property owner at the time of filing.

### **When must the application be made?**

Application must be made and a permit received before the work or activity starts.

### **How long does it take to get a permit?**

The minimum time from the time a Notice of Intent is filed to the time work may start is 52 days. For a RDA the minimum time is 31 days. If the application doesn’t contain enough information for the Conservation Commission to fully understand the project, the time will be longer.

### **What does application cost?**

The Fee depends on the type of project. The Spencer Fee Sheet is available by clicking “Fees” on the Conservation Commission web page, and the Massachusetts fees are in the DEP instructions for filing on the DEP website. Both fee sheets are included in the Spencer application packages with the instructions for application

In most situations *both* State and local fees must be paid. Applications are simultaneous, covering both laws with one set of forms. In a few situations only one of the wetlands laws applies and then only the fee associated with that law is paid.

### **What goes into the application called, “Request for Determination of Applicability.**

In general the information needed on the form or attached to it is:

1. What kind of Determination the Commission is being asked to make, i.e. whether a specific area is a protected resources, or whether the proposed project work is of a regulated type.
2. A drawing showing the site, the possible resource areas, and the spaces the work will effect. For complicated projects a Plan prepared by a professional may be required. For simpler projects, a sketch may be enough.
3. A short written description of the project.

When in doubt, *First* read the application package and *then* if still mystified, ask the Wetland-Soil Specialist.

### **What’s the “Wetland-Soil Specialist (W-SS)?”**

The W-SS is hired help for the Conservation Commission and has a background in natural science, wetland science, & technical soil evaluation. The W-SS works 19.5 hours per week in the Office of Development and Inspectional Services (ODIS).

### **What goes into the application called, “Notice of Intent.”**

Please refer to the application package available at the Office of Development and Inspectional Services. *Read it.* Then ask the W-SS any remaining questions.

### **Do I need an Engineer?**

How do I get the wetland boundary marked (flagged) and who does that?

What’s the process after an application is submitted?

What’s in a Determination?

What’s in an Order of Conditions?

When can I start work?

### **When and how can I talk to the Commissioners?**

Contact the Commission’s staff at 508-885-7500 x 180 and ask to be given time on the Agenda of a meeting of the Commission. The Commission must only make & discuss decisions as a group at an open public meeting. If you wish to talk informally with the Commission you can do it directly at a meeting or by speaking with the Wetland-Soil Specialist.

**How Do I report a violation of wetlands law?**

Come to or call the Office of Development and Inspectional Services. Speak with the part-time Wetlands-Soil Specialist if he/she is in the office. If not speak with a Clerk. In all cases the complaint will be entered in the complaint log and will be investigated. Please give your name & phone number, especially if you want to know the result. The office does take and follow up on anonymous complaints but they may be given less priority.

**Why hasn't something been done about....?**

The Commissioners are all unpaid volunteers and generally have full time jobs elsewhere. The Commission's staff person is part-time. The Commission can only act formally in an open, posted, public meeting. The required process takes time.

**What about Emergencies?**

This is an exception to the Open Meeting rules. A single Commissioner, or staff person can give an Emergency Certification for work in wetlands IF the work is needed to protect *public* health and safety. Work may not be done in wetlands without a permit or and Emergency Certification from the Commission. An Emergency permit is temporary and only good for 30 days. The Commission, as a whole, must ratify an Emergency Certification at their next open public meeting.

**How long does a permit last?**

Three (3) years from the date it was issued.

**What if it's not finished? Can my permit be extended?**

Determinations cannot. An Order of Conditions can be extended by the Commission IF the request for extension is made in writing at least 30 days before the Order is due to expire.

**What does the Commission do other than regulate wetlands?**

The Commission is legally responsible for protection of all the natural resources in the Town of Spencer, especially protection of open space. The Commission or its staff:

- Cooperates with the Parks & Recreation Commission in the open space planning process and writing the town's Open Space Plan.
- Helps maintain Depot Trail
- Inspects the gravel operations annually
- Assists the Highway Department to comply the EPA storm water permit requirements. (See the Stormwater links).
- Cooperates with the Massachusetts Natural Heritage Program to protect rare species in Spencer.
- Monitors forest cutting permits issued by Massachusetts Dept. of Conservation & Recreation (DCR).

- Cooperates with the DCR Lakes and Ponds Program to educate about management and protection of Spencer lakes & ponds.
- Monitors state and utility construction & maintenance projects for environmental impacts.

*Note: This question isn't frequently asked but probably should be.*