

BROCKTON CONSERVATION COMMISSION

FILING INFORMATION & REGULATIONS

April 2024

COMMISSION POLICIES

- ❖ At its first regular meeting held in the month of March each year, the Commission shall elect, by a majority vote from among its members, a Chair, a Vice-Chair, and such other necessary positions. Each such officer shall serve for a period of one (1) year beginning with the first meeting in April through the organizational meeting of the Commission in March of the following year. A vacancy occurring in any of the positions recited above shall be filled at the next regular meeting of the Board by a majority vote of the members present.
- ❖ In the absence or temporary incapacity of the Chair, the Vice-Chair shall preside. In the absence of the Chair and Vice-Chair, a temporary presiding officer shall be elected by the majority of members in attendance. Such temporary officer shall serve only for that meeting.
- ❖ The Commission recognizes the 25-foot Buffer Zone to Bordering Vegetated Wetlands and Banks as vital to the protection of these Wetland Resource Areas under the Massachusetts Wetlands Protection Act. The Commission therefore enforces a **“no-touch” policy for the 25-foot Buffer Zone.**
- ❖ The Commission, via the Brockton Planning Department, has contracted with up to three consultants to provide technical consulting services in the areas of engineering and stormwater management. The consulting review is for the benefit of the Commission members, it is not designed to help the applicant “redesign the project”.
- ❖ All information, documentation and revisions are to be received prior to the close of any public hearing. Public hearings will **not** be closed “pending receipt of a revised plan or additional information”.
- ❖ If a project does not meet the required regulations it will be denied unless the applicant requests a continuance date to address redesign issues.
- ❖ In order to provide the Commission adequate opportunity to review materials, all additional or revised information is to be received by the Commission Office **ten (10)** days prior to the meeting date. Information delivered after that time **may** result in a continuation of the hearing. Information is not to be sent directly to the Commissioners by the applicant unless authorized by the Planning Department.

- ❖ Any design submitted must provide documentation supporting compliance with the MassDEP Stormwater Management Standards to the extent required and practicable for the project.
 - Please see the current [Massachusetts Stormwater Handbook Vol. 1 Ch. 1](#) (February 2008) for the Stormwater Management Standards.
 - Please see [Hydrology Handbook for Conservation Commissioners](#) (March 2002) for specific submittal requirements and site plan data.

Revolving Fund for Hiring Outside Consultants

The Conservation Commission shall use a special revolving fund for fees charged to applicants for permits or approvals for the specific purpose of hiring expert consultants to assist in reviewing the applications. The fees paid by the applicant are deposited into a separate project account, which may be spent without appropriation by the Commission to cover the professional services it needs to review the particular application. The accounts remain open until the project is completed. The unspent balance is refunded to the applicant at the end of the review process (Pursuant to G.L. Ch. 44, §53G, Employment of Outside Consultants and Bureau of Accounts Informational Guideline Release No. 91-101, Special Funds for Hiring Outside Consultants [February 1991]).

❖ Consultant Fees and Selection

- Fees

Applicants for permits and approvals from the Conservation Commission, Zoning Board of Appeal (or other special permit granting authorities designated by zoning by-laws or ordinances), Planning Board or Board of Health may be charged reasonable fees by the board for the specific purpose of defraying the cost of hiring outside consultants as needed to perform its legal duties in reviewing the applications. The fees to be paid by applicants for particular permits and approvals must be established by rules and regulations of the commission or board (Pursuant to G.L. Ch. 40 §8C; 40A §§9 and 12; Ch. 40B §21; Ch. 41 §81Q; Ch. 111 §31).
- Selection

A commission or board charging fees for hiring consultants must establish rules for choosing the consultants in order to use the special project funds. The selection must also be consistent with any applicable charter, by-law, ordinance or statutory provisions, e.g., the Uniform Procurement Act, G.L. Ch. 30B. The rules must set qualifications for the consultants. At a minimum those qualifications must include: (a) an educational degree in or related to the field at issue or (b) three or more years of practice in the field at issue or a related field.

- Appeal
The rules must provide the applicant paying the fee with an administrative appeal of the selected consultant. The appeal is to the city council and is limited to claims that the consultant has a conflict of interest or does not possess the minimum required qualifications. The time required for action by the commission or board on the application for a permit or approval is extended pending the appeal. The selection by the commission or board stands unless the city council decides otherwise within one month following the filing of the appeal. An administrative appeal does not preclude judicial review, if otherwise permitted by law, on the matter.

❖ **Expenditure of Fees**

- Allowable Use
The commission or board may spend the fees without appropriation to engage outside consultants to assist in carrying out its legal responsibilities with respect to that particular project. The fees may not be used to pay for the services of municipal employees. For example, the Planning Board may use the fees to hire an expert consultant to do a traffic study needed for a proposed project; the fees could not be used to defray the cost of a city employee who conducts the study.
- Consultant Bills
The commission or board must use the same process used for payment of other departmental expenses to obtain payment of all bills being charged to the revolving fund.

❖ **Refund of Unspent Fees**

- Account Report
The commission or board must notify the accounting officer when each project is completed and all bills have been submitted for payment. The accounting officer must prepare a final report of the account activities for the applicant.
- Refund Payment
Any balance remaining in the project account must be refunded to the applicant.

PROJECT SPECIFICATIONS

The following is typical of the information the applicant will be expected to provide either in the text of the application or in the plans.

1. The names of all abutters are to be shown on the plan, including those across any public way.
2. The description of any alteration to Flood Storage capacity on the site. (Including calculations and water shed maps.)
3. Runoff plan and calculations using the TR 55 method and based on the 10 year, 50 year, and 100 year flood frequency event periods. Calculations shall show existing and proposed runoff conditions for comparative purposes.
4. The soil characteristics in representative parts of property, including depth of peat and muck in wetlands. **Test pit results must be provided in any areas where stormwater recharge is proposed.**
5. A cross-section of all wetlands, showing slopes, bank and bottom treatments.
6. The existing and proposed water storage capacity of the property, including calculations and data on which the capacity is based. If filling is proposed, determine the effect of loss of storage on downstream channels and culverts.
7. If stormwater management operations/maintenance plans are required under the MassDEP Stormwater Management Standards, then they must be included in the text of the application (i.e. in a Stormwater Report) even if they are also shown on a plan submitted.

PLAN REQUIREMENTS FOR REQUEST FOR DETERMINATION OF APPLICABILITY, RESOURCE DELINEATIONS, AND NOTICE OF INTENT

1. An 8.5 x 11 inch color reproduction of the U.S.G.S. quadrangle sheet showing the project locus.
2. The names of all abutters are shown on the plan, including those across any public and private way.
3. Maximum and minimum ground water elevations.
4. Soil characteristics in representative positions of the site.
5. The methods to be used to stabilize and maintain any embankments facing any wetland, or show slope on plans of less than or equal to 3:1.

6. The methods to control erosion during and after construction shall be shown.
7. All plans must include a delineation of all wetlands, both permanent and seasonal, natural and man-made, and should be clearly delineated as indicated below, regardless of whether or not the applicant believes the work is subject to M.G.L. Ch. 131, s. 40. If a resource area is on an abutting parcel it is also to be identified on the plans as indicated below.
 - a. Open or flowing water (LUWW): **Light Blue**
 - b. Marsh or swamp (BVW): **Light blue with swamp symbols** superimposed
 - c. All meadows, flats, and other land subject to flooding (BLSF and ILSF): Outline with a **dashed blue line**.
8. All plans must include a delineation of all alterations proposed in or adjacent to wetlands and floodplains as indicated below:
 - a. Areas to be **dredged**: Outlined with **red**
 - b. Areas to be **filled**: Outlined with **green**
 - c. Areas to be **altered** in any way, other than dredging or filling: Outlined in **bold black**. All alterations should be clearly explained in text or footnotes.
9. All drawings should delineate the 100-ft, 50-ft, and 25-ft Buffer Zones for BVW, BLSF, ILSF, and Bank. Drawings should delineate 25-ft Riverfront Areas.
10. The calendar dates of measurements, samplings, contours and so forth should appear with such data. The datum shall be stated in both NGVD and Brockton City base. The contour interval shall be no greater than two feet.
11. The existing and final contours and contour interval used, including pond bottom and stream invert contours.
12. The locations and elevations of sills.
13. The locations, sizes, and slopes of existing and proposed culverts and pipes shall be shown.
14. The location and elevation of benchmark used for survey.
15. The location of all existing trees, stone walls, fences, buildings, historic sites, rock ridges, and outcroppings.
16. The invert elevations on catch basins.

APPLICATION REQUIREMENTS

Request for Determination of Applicability (RDA)

The Request for Determination of Applicability Form and associated documentation must be filed with the Commission Office by noon of the deadline date. (See posted schedule of filing deadlines).

As part of the filing, the applicant must submit:

- Electronic PDF copies of all required materials via email to conservation@cobma.us
- The completed application ([WPA Form 1 - Request for Determination of Applicability](#))
- A written narrative of the project to accompany plans
- Maps and plans that describe both existing and proposed site conditions, including temporary construction impacts, relative to the boundaries of each wetland resource area
 - Plans, at minimum, must include: color-coding, wetland flag locations for BVW/Banks, 100-ft, 50-ft, and 25-ft Buffer Zones, 25-ft Riverfront Areas, FEMA Flood Zones designations, and limits of work, clearing, and/or fill.
- The 21-Day Timeline Waiver Form (attached below)
- Fees
 - Commission staff will place the legal ad in the Enterprise. The invoice will be forwarded to the applicant/representative. The applicant/representative is responsible for arranging payment prior to the running of the ad.
 - Consultant fees: applications may be reviewed by the Commission's consultant at the discretion of the Commission.

Following receipt of a complete application, a public hearing will be scheduled for an upcoming meeting of the Conservation Commission.

- The meeting may be continued to a date certain, upon written permission of the applicant.
- Please see the list of filing deadlines for upcoming meetings.

Abbreviated Notice of Resource Area Delineation (ANRAD)

The Request for Abbreviated Notice of Resource Area Delineation Form and associated documentation must be filed with the Commission Office by noon of the deadline date. (See posted schedule of filing deadlines).

As part of the filing, the applicant must submit:

- Electronic PDF copies of all required materials via email to conservation@cobma.us
- The completed application ([WPA Form 4A - Abbreviated Notice of Resource Area Delineation](#))
- Plans depicting the delineated resource areas
 - All plans should be of adequate size, scale, and detail to completely and accurately describe the site and the resource area boundaries. See *Instructions for Completing Application Form 4A – Abbreviated Notice of resource Area Delineation (ANRAD)* for additional guidance.
 - Plans, at minimum, must include: color-coding, wetland flag locations for BVW/Banks, 100-ft, 50-ft, and 25-ft Buffer Zones, 25-ft Riverfront Areas, and FEMA Flood Zones designations.
- The City portion of the calculated ANRAD Filing Fee to the City of Brockton Planning Department
 - One portion of the total Filing Fee is sent to the City of Brockton while the other is sent to the Commonwealth of Massachusetts. See ANRAD Instructions and Wetland Fee Transmittal Form for details on how to calculate and divide the ANRAD Filing Fee.
- A Certified Abutter's List (instructions and example letter attached below)
 - Abutters must be notified of intent and the date of the public hearing by mail with Certificate of Mailing/Certified Mail Receipt.
 - The public hearing cannot be opened until abutter notification is complete and verified.
- An **original** green Municipal Lien Certificate from the City of Brockton showing all taxes and fees are paid to date
- The 21-Day Timeline Waiver Form (attached below)

- Additional Fees
 - Commission staff will place the legal ad in the Enterprise. The invoice will be forwarded to the applicant/representative. The applicant/representative is responsible for arranging payment prior to the running of the ad.
 - Consultant fees: applications may be reviewed by the Commission's consultant at the discretion of the Commission.

Following receipt of a complete application, a public hearing will be scheduled for an upcoming meeting of the Conservation Commission.

- The meeting may be continued to a date certain, upon written permission of the applicant.
- Please see the list of filing deadlines for upcoming meetings.

Notice of Intent (NOI)

The Notice of Intent Form and associated documentation must be filed with the Commission Office by noon of the deadline date. (See posted schedule of filing deadlines).

- ❖ A Notice of Intent for a subdivision development should include roads, utilities, grading, and stormwater features; individual lots within jurisdictional areas shall file separate applications. Stormwater calculations for the subdivision road should include all anticipated impervious cover, individual lot development, and be clearly identified in the Stormwater Report. Following the issuance of a Certificate of Compliance for the subdivision, or a Partial Certificate of Compliance with the submittal of an agreed upon surety, individual lots can file a Notice of Intent for development after receiving either a unique Parcel ID or street address. If an individual lot in a subdivision exceeds the approved stormwater feature design assumptions for the subdivision, the individual lot must include stormwater features to compensate for any additional runoff.
- ❖ All lot divisions must be completed prior to filing a Notice of Intent. All Notice of Intent filings require a unique identifier – either a unique Parcel ID or unique street address. A Notice of Intent filing for a site that does not have a unique Parcel ID or street address will not be accepted.

As part of the filing, the applicant must submit:

- Electronic PDF copies of all required materials via email to conservation@cobma.us
- The completed application ([WPA Form 3 - Notice of Intent](#))
- A written narrative of the project to accompany plans
- Maps and plans that describe both existing and proposed site conditions, including temporary construction impacts, relative to the boundaries of each wetland resource area
 - See *Instructions for Completing Application WPA Form 3 – Notice of Intent* for additional guidance
 - Plans, at minimum, must include: color-coding, wetland flag locations for BVW/Banks, 100-ft, 50-ft, and 25-ft Buffer Zones, 25-ft Riverfront Areas, FEMA Flood Zones designations, and limits of work, clearing, and/or fill.
- The City portion of the calculated NOI Filing Fee to the [City of Brockton Planning Department](#)

- One portion of the total Filing Fee is sent to the City of Brockton while the other is sent to the Commonwealth of Massachusetts. See NOI Instructions and Wetland Fee Transmittal Form for details on how to calculate and divide the NOI Filing Fee.
- A Certified Abutter's List (instructions and example letter attached below)
 - Abutters must be notified of intent and the date of the public hearing by mail with Certificate of Mailing/Certified Mail Receipt.
 - The public hearing cannot be opened until abutter notification is complete and verified.
- An **original** green Municipal Lien Certificate from the City of Brockton showing all taxes and fees are paid to date
- The 21-Day Timeline Waiver Form (attached below)
- A Stormwater Report unless exempt because project is:
 - Single family house.
 - Emergency road repair.
 - Small Residential subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project).
- Additional Fees
 - Commission staff will place the legal ad in the Enterprise. The invoice will be forwarded to the applicant/representative. The applicant/representative is responsible for arranging payment prior to the running of the ad.
 - Consultant fees: applications may be reviewed by the Commission's consultant at the discretion of the Commission.

Following receipt of a complete application, a public hearing will be scheduled for an upcoming meeting of the Conservation Commission.

- The meeting may be continued to a date certain, upon written permission of the applicant.
- Please see the list of filing deadlines for upcoming meetings.

Request for Certificate of Compliance

The Request for a Certificate of Compliance and associated documentation must be filed with the Commission Office by noon of the deadline date. (See posted schedule of filing deadlines).

As part of the filing, the applicant must submit:

- Electronic PDF copies of all required materials via email to conservation@cobma.us
- The completed application (WPA Form 8a – Request for Certificate of Compliance)
- A written affidavit from a Professional Land Surveyor or Professional Engineer certifying compliance with the Order of Conditions and the referenced plans and documents
 - The affidavit shall state **ANY AND ALL** deviations from the Order of Conditions and include an explanation as to the reason for the deviation.
- An As-Built Plan
 - Plans, at minimum, must include: color-coding, wetland flag locations for BVW/Banks, 100-ft, 50-ft, and 25-ft Buffer Zones, 25-ft Riverfront Areas, FEMA Flood Zones designations, and limits of work, clearing, and/or fill.
- The 21-Day Timeline Waiver Form (attached below)
- Fees
 - Consultant fees: requests may be reviewed by the Commission's consultant at the discretion of the Commission.

Following receipt of a complete application, a public hearing will be scheduled for an upcoming meeting of the Conservation Commission.

- The meeting may be continued to a date certain, upon written permission of the applicant.
- Please see the list of filing deadlines for upcoming meetings.

Request for Extension

The Request for Extension and associated documentation must be filed with the Commission Office by noon of the deadline date. (See posted schedule of filing deadlines).

As part of the filing, the applicant must submit:

- Electronic PDF copies of all required materials via email to conservation@cobma.us
- A written request for extension at least 30 days before the Order of Conditions expiration date

Request for Amended Order of Conditions

The Request for Amended Order of Conditions and associated documentation must be filed with the Commission Office by noon of the deadline date. (See posted schedule of filing deadlines).

As part of the filing, the applicant must submit:

- Electronic PDF copies of all required materials via email to conservation@cobma.us
- A written request to Amend the Order of Conditions
- A written narrative description of what changes have been proposed
- Any pertinent plans showing the proposed changes
 - Plans should conform to Notice of Intent requirements.
- A Certified Abutter's List (instructions and example letter attached below)
 - Abutters must be notified of intent and the date of the public hearing by mail with Certificate of Mailing/Certified Mail Receipt.
 - The public hearing cannot be opened until abutter notification is complete and verified.
- Additional Fees
 - Commission staff will place the legal ad in the Enterprise. The invoice will be forwarded to the applicant/representative. The applicant/representative is responsible for arranging payment prior to the running of the ad.
 - Consultant fees: applications may be reviewed by the Commission's consultant at the discretion of the Commission.

How to Notify Abutters

- The applicant must request a certified abutters list from the Assessor's Office. All requests must be made on the attached form. After receiving the names of the abutters, the applicant is required to mail a notification via Certified / Returned Receipt mail (Certificate of Mailing or Certified Mail Receipt accepted). Proof of mailing must be presented at or before the first meeting.

Example Letter:

Notification to Abutters Under the Massachusetts Wetlands Protection Act

In accordance with Massachusetts General Laws Chapter 131 ss40, you are hereby notified that (name) has filed a (type of submission) with the Brockton Conservation Commission for (project location and description). Copies of the (type of submission) may be examined at the Brockton Planning Department between the hours of 8:30 am – 4:30 pm Monday through Friday. Online copies are also available on the Conservation Commission website:

<https://brockton.ma.us/city-departments/planning/conservation-commission/>

For more information you may call the Brockton Conservation Commission Office (Planning Department) at (508) 580-7167.

Notice of the public hearing, including its date, time, and place will be published at least five (5) days in advance in The Enterprise. Meeting agendas are also posted at least 48 hours in advance in the City Clerk's Office and on the City Calendar online:

<https://brockton.ma.us/events/>

You also may contact the Department of Environmental Protection Southeast Regional Office for more information about this application at (508) 946-2800.

Bring this to the Assessor's Office in the Basement. There will be a charge depending on the number of abutters.

TO: Board of Assessors

FROM: Brockton Conservation Commission

DATE: _____

Please furnish a list of abutters and owners of the adjoining land of the abutters not to exceed 100 feet to the property owned by

_____ and located at _____
Map # _____ Plot _____ Route _____.

Thank you.

**CITY OF BROCKTON
CONSERVATION COMMISSION**

21-DAY TIMELINE WAIVER FORM

I hereby grant an extension to the 21-day timeline from submittal date to the date of public hearing opening as stipulated in MGL Chapter 131 Section 40. This form waives the 21-day timeline to the date when the agenda may accommodate proper review of the filing. This pertains to the filing referenced below:

Filing Information

- Form 1 – Request for Determination of Applicability
- Form 3 – Notice of Intent
- Form 4 – Abbreviated Notice of Intent
- Form 4A – Abbreviated Notice of Resource Area Delineation
- Form 8A – Request for Certificate of Compliance

Applicant Information

Organization Name	Contact Person	
Street Address	Additional Address	
City/Town	State	Zip Code
Telephone Number	Fax Number	Email Address
Other Comments		

Property Information

Assessors Map	Assessors Parcel	Deed Book	Deed Page
Street Address		Additional Address	
City/Town	State	Zip Code	

Project Information

Description:

Printed Name: _____

Signature: _____ Date: _____

- Owner Applicant Agent / Authorized Representative