

# BROCKTON CONSERVATION COMMISSION

## FILING INFORMATION & REGULATIONS

January 2020

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### COMMISSION POLICIES

- ❖ 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**. Similarly, the Commission also enforces a **“no-touch” policy for new development in the 50-foot Riverfront Area**.
- ❖ The Commission has contracted a third party consultant to provide technical consulting services in the areas of engineering and stormwater management. The applicant may request the Commission contract with another, qualified consultant of the Commission’s choosing for a specific project. 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.
  - o Please see the current [Massachusetts Stormwater Handbook Vol. 1 Ch. 1](#) (February 2008) for the Stormwater Management Standards.
  - o Please see [Hydrology Handbook for Conservation Commissioners](#) (March 2002) for specific submittal requirements and site plan data.

## 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 watershed 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 groundwater 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 **cut** or **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 and 50-ft buffer** as well as the **25-ft “no touch” zone** for BVW and Bank. Drawings should delineate **50-ft and 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 as NAVD 88 or 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

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

As part of a complete filing, the applicant must:

- Submit **one** collated hardcopy packet of the completed application ([WPA Form 1](#)), maps, plans, and other documents identifying proposed activities and their location relative to the boundaries of each wetland resource area and Buffer Zone (if applicable). All plans contained in said packet must be folded to fit within a 12x15 envelope for filing.
- Submit the 21-Day Timeline Waiver Form
- Submit electronic PDF copies of all materials above via email or Google Drive
- The application must contain a written narrative of the project. Describe and show on accompanying maps and plans, both existing and proposed site conditions, including temporary construction impacts.
  - **Plans, at minimum, must include:** color-coding, wetland flag locations for BVW/Banks, 100-ft and 25-ft Buffer Zones, 50-ft and 25-ft Riverfront Areas, FEMA Flood Zone designations, and limits of work, clearing, and/or fill.
- The application must include an **original** green municipal lien certificate from the City of Brockton showing all taxes and fees are paid to date.
- 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 to arrange payment prior to the running of the ad.
  - Consultant fees: applications may be reviewed by the Commission's consultant at the Commission's discretion.

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

- Please see the list of filing deadlines for upcoming meetings.
- The meeting can be postponed/extended upon written permission of the applicant.

## Abbreviated Notice of Resource Area Delineation

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 attached schedule of filing deadlines).

As part of a complete filing, the applicant must:

- Submit **one** collated hard copy packet of the completed application ([WPA Form 4A](#)), maps, plans, and other documents identifying proposed activities and their location relative to the boundaries of each wetland resource area and Buffer Zone (if applicable). All plans contained in said packet must be folded to fit within a 12x15 envelope for filing.
- Submit the 21-Day Timeline Waiver Form
- Submit electronic PDF copies of all materials above via email or Google Drive
- Notify abutters of intent and the date of the public hearing via mail with Certificate of Mailing/Certified Mail Receipt.
  - The public hearing cannot be opened until abutter notification is complete.
  - The certified abutter's list must accompany the application
- The application must include an **original** green municipal lien certificate from the City of Brockton showing all taxes and fees are paid to date.
- 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 to arrange payment prior to the running of the ad.
  - Consultant fees: applications may be reviewed by the Commission's consultant at the Commission's discretion.

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

- Please see the list of filing deadlines for upcoming meetings.
- The meeting can be postponed/extended upon written permission of the applicant.

## Notice of Intent

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

As part of a complete filing, the applicant must:

- Submit **one** collated hard copy packet of the completed application ([WPA Form 3](#)), maps, plans, and other documents identifying proposed activities and their location relative to the boundaries of each wetland resource area and Buffer Zone (if applicable). All plans contained in said packet must be folded to fit within a 12x15 envelope for filing.
- Submit the 21-Day Timeline Waiver Form
- Submit electronic PDF copies of all materials above via email or Google Drive
- The applicant must provide a written narrative of the project. Describe, and show on accompanying maps and plans, both existing and proposed site conditions, including temporary construction impacts.
  - **Plans, at minimum, must include:** color-coding, wetland flag locations for BVW/Banks, 100-ft and 25-ft Buffer Zones, 50-ft and 25-ft Riverfront Areas, FEMA Flood Zone designations, and limits of work, clearing, and/or fill.
- The application must include an **original** green municipal lien certificate from the City of Brockton showing all taxes and fees are paid to date.
- Notify abutters of intent and the date of the public hearing via mail with Certificate of Mailing/Certified Mail Receipt.
  - The public hearing cannot be opened until abutter notification is complete.
  - The certified abutter's list must accompany the application.
- 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 to arrange payment prior to the running of the ad.
  - Consultant fees: all projects subject to the MassDEP Stormwater Standards will be reviewed by the Commission's consultant. The consultant will provide a quote for review.

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

- Please see the list of filing deadlines for upcoming meetings.
- The meeting can be postponed/extended upon written permission of the applicant.

## **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 attached schedule of filing deadlines).*

As part of the filing, the applicant must:

- Submit **one** collated hard copy packet of the completed application, signed and stamped as-built plans, and a letter from a Professional Engineering certifying that work has been completed in accordance to the Order of Conditions and noting any deviations from the approved plans.
- Submit the 21-Day Timeline Waiver Form
- Submit electronic PDF copies of all materials above via email or Google Drive
- Fees
  - Consultant fees: projects subject to the MassDEP Stormwater Standards may require review by the Commission's consultant.

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

- Please see the list of filing deadlines for upcoming meetings.
- The meeting can be postponed/extended upon written permission of the applicant

## 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 with Certificate of Mailing/Certified Mail Receipt. Proof of mailing must be presented at 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 description). Copies of the (type of submission) may be examined at the Planning Department between the hours of 8:30 am – 4:30 pm Monday through Friday. Online copies are also available on the 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 nearest Department of Environmental Protection Regional Office for more information about this application at the Southeast Regional Office 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:

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Printed Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

- Owner                       Applicant                       Agent / Authorized Representative