



CONSERVATION COMMISSION REGULATIONS

Pursuant to the
Seekonk General Wetlands Protection By-Law

Adopted: December 13, 1999

Amended:

December 10, 2012

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SECTION 1

1.1 INTRODUCTION

These regulations are promulgated by the Seekonk Conservation Commission pursuant to the authority granted to it under the Town of Seekonk General ByLaws, Category 41, Wetlands Protection Bylaw. These regulations are intended to effectuate the purposes of the aforementioned General Wetlands Protection Bylaw (The Bylaw).

1.2 PURPOSE

The Bylaw establishes a public review and decision-making process to protect wetland resource areas and abutting land areas by controlling activities deemed likely to have a significant or cumulative impact upon wetland resource values, including, but not limited to, the following:

- Public or private water supply
- Groundwater
- Flood control
- Erosion and sedimentation control
- Storm damage prevention
- Water quality
- Water pollution prevention
- Fisheries
- Shellfish
- Wildlife Habitat
- Rare species habitat, including rare plant species
- Aesthetics
- Agricultural and aquacultural values
- Recreational values

(Collectively, the “resource area values protected by this bylaw”).

1.3 STATEMENT OF JURISDICTION

1.3.1 Areas Subject to Jurisdiction of The Bylaw are:

- Any freshwater wetland
- Coastal wetland
- Marsh
- Wet meadow
- Bog
- Swamp
- Vernal pool
- Bank
- Reservoir
- Lake
- Pond of any size
- River
- Stream
- Estuary
- Any land under said waters

- Land subject to flooding or inundation by groundwater, surface water, tidal action, or coastal storm flowage or flooding
- Lands abutting any of the aforesaid resource areas.

Said resources shall be protected whether or not they border surface waters.

1.3.2 Jurisdiction Outside of Resource Areas

Activities outside of resource areas and buffer zones are not regulated unless and until an activity actually alters a resource area. Any person who requests the Commission to regulate activity taking place outside a resource area has the burden of demonstrating to the satisfaction of the Commission that the activity has altered a resource area. The presentation of such information shall be made in writing, sent to the Commission, with a copy sent to the owner of the land and the project proponent, if the project proponent is not the owner. If the Commission determines, after a vote of at least a majority at a meeting held pursuant to the Massachusetts Open Meeting Laws, that an activity outside a resource areas has altered a resource area, the Commission shall require that the project proponent and the owner of the land file a Notice of Intent detailing said activity.

1.4 GENERAL PROVISIONS

1.4.1 Burden of Proof

Any proponent who files a Notice of Intent or Request for a Determination of Applicability to perform any activity within a protected resource area or buffer zone has the burden of proving by a preponderance of the credible evidence that:

- a) the affected area and/or the proposed activity will not have significant, unacceptable, or cumulative effect upon any of the wetland values of the Bylaw;
- b) the activity will contribute to the protection of the wetland values of the Bylaw by complying with the performance standards established for each resource area, (see Section 2.2); or
- c) neither the affected area nor the proposed activity is within the jurisdiction of the bylaw.

1.4.2 Minimum Requirements for Application

In order for an application to be deemed complete, the proponent must provide the material listed in Appendices B or C as appropriate. The Commission reserves the right to require any additional information deemed necessary in order to evaluate the impacts of the proposed activity on the resource area.

1.4.3 Performance Guarantee

The Commission may require as a condition in the Order of Conditions that the proponent post a proper bond, a deposit of money, negotiable securities, or other security sufficient in the opinion of the Commission to secure the protection of the resource areas affected by the project. The amount of the performance guarantee shall be proposed by the proponent and shall reflect the total cost for the town to engage private contractors to complete the activity, including any additional consultation fees, and shall be subject to approval by the Commission. The Commission may require that a time be specified within which the activity shall be completed. In the event the activity is not completed as approved, the Commission, at its option, may require an additional amount or security to cover the cost of restoring the damaged resource areas to their original condition. Upon failure of the proponent to complete the activity in accordance with the Order of Conditions, the Commission, at its option, shall be entitled to enforce such bond or to apply such deposit of money or securities for the benefit of the town to the extent necessary to complete the activity to protect the resource areas without delay. The penal sum of any such bond, or the amount of any deposit held under this decision, may, from time to time, be reduced, by the Commission and the obligations of the parties thereto released by the Commission in whole or in part.

1.4.4 Filing Fees

Filing fees are payable at the time of submission of Request for Determination or **Notices of Intent. Checks or money orders should be payable to “Town of Seekonk”, with the exception of the recording fee.**

1.4.4.1 Determination of Applicability

The filing fee for a Request for Determination of Applicability shall be as shown in APPENDIX D: FILING FEES FOR REQUESTS FOR DETERMINATION.

1.4.4.2 Notice of Intent

In addition to any fees mandated by state law, the proponent shall pay to the Town of Seekonk the local filing fee, which shall be as set forth in APPENDIX E: FILING FEES FOR NOTICES OF INTENT.

1.4.4.3 Refunds

All filing fees are non-refundable, except when a proponent who has filed a Notice of Intent withdraws the Notice prior to the opening of the public hearing.

1.4.5 CONSULTANT FEES

1.4.5.1 Statement of Interest

The consultant fee may only be invoked with respect to compliance with the ByLaw; it may not be used to determine compliance with the Massachusetts Wetlands Protection Act. The Commission must strive to limit the amount and scope of the consultant’s work.

The applicant has the burden of proof (1) that the proposed activity will not have a significant, unacceptable or cumulative effect upon any of the wetland values of the ByLaw, and (2) that the activity will comply with the performance standards established for each resource area. It is the applicant’s responsibility to familiarize itself with the requirements of the ByLaw and these regulations and to file a complete application. However, the applicant shall be allowed the opportunity to furnish additional information in the course of the public hearing, including information deemed necessary by the Commission to evaluate the impacts of the proposed activity on resource areas.

The consultant fee shall be invoked only on a case-by-case basis, and not as a rule. Even if the Commission decides that the services of an independent consultant are necessary, the Commission has the discretion not to pass on to the applicant any or all of those costs.

1.4.5.2 Exemption from Consultant Fee

The following projects are exempt from a consultant fee:

- (a) Projects with a total project cost of \$100,000.
- (b) Projects relating to an existing single-family dwelling in which the applicant is the homeowner.
- (c) Projects in which the applicant is a Seekonk town board or department, or public agency including but not limited to the Seekonk Water District and Seekonk Housing Authority.
- (d) Other public entities, at the sole discretion of the Conservation Commission.
- (e) Public entities exempted from local fees under Federal or Stare law.

1.4.5.3 Amount of the Consultant Fee; Payment; Refund

The amount of the consultant fee shall be determined as follows, at the Commission's discretion:

the cost of the services as estimated by the Commission at the Public Meeting or Hearing; or

the cost of the services as estimated by the independent consultant.

The Commission may require that the consultant fee be paid prior to the Commission's engaging the independent consultant.

The Commission may require a consultant fee for a Request for Determination of Applicability (1) which is filed for the purpose of delineating resource areas or (2) which requires, in the estimation of the Commission, that extensive delineation or data gathering be performed in order for the Commission to reach a Determination.

Failure by the applicant to pay the consultant fee associated with a Notice of Intent or Request for Determination of Applicability shall render the application incomplete and may be cause for the Commission to deny all or a part of the project.

The applicant will not be responsible for payment of the consultant fee if the applicant is withdrawn provided that the Commission has not incurred costs associated with engaging the consultant.

Final calculation of the consultant fee shall be the actual cost of the consultant(s) engaged by the Commission. Any excess amount attributable to a specific project shall be reimbursed to the applicant or the applicant's successor in interest as soon as possible.

1.4.5.4 Review of Consultant's Work Product

The written report generated by the independent consultant shall be made available to the applicant or the applicant's representative upon receipt of the report by the Commission. The

Commission shall agree to a request by the applicant to continue the hearing for purposes of reviewing and responding to the consultant's report.

SECTION 2

2.1 INTRODUCTION

Section Two applies to all activity which will alter any freshwater wetland, marsh, wet meadow, bog or vernal pool, any bank, land under any watercourse or waterbody, land subject to flooding, or an area within 100 feet in a horizontal straight line of any of the foregoing, and to the riverfront zone. Part Two is intended to establish criteria for the uniform and coordinated administration of the Bylaw. It is intended to ensure that any proposed alteration of a resource area is performed in such a manner that the interests of the Bylaw are protected.

If the Commission determines that a resource area is significant to any of the wetland values identified in the Bylaw for which no presumption is stated in the preamble to the applicable section, the Commission shall impose such conditions as are necessary to protect the wetland values.

2.2 PERFORMANCE STANDARDS

2.2.1.1 Activities in Resource Areas

With respect to any proposed activity within a resource area as defined in Section 1.3.1,

a) in order to control flooding, preserve water quality, and prevent erosion, the activity shall meet the requirements of the Stormwater Management Policy set forth by the Massachusetts Dept. of Environmental Management, as it may be amended from time to time [exclusive of the Buffer Zone];

b) in order to protect the hydrology of resource areas, the activity shall not appreciably decrease the amount of water that would normally discharge into the wetland resource area(s) in question [exclusive of the Buffer Zone]; the stormwater management system shall be designed to maximize filtration prior to discharge, and to maintain, to the extent practicable, flows and watershed lines; and

c) in order to preserve water quality, all unvegetated drainage outfall structures (including outfall pipes, and riprap or velocity dissipators) shall be set back at least 50 feet horizontally from the edge of the wetland resource area; the Commission may require an additional setback (not to exceed a total setback of 100 feet horizontally from the wetland resource area) due to conditions affecting water quality, including but not limited to slope, soil infiltration rates, vegetative cover, and the effectiveness of the proposed stormwater Best Management Practices in preventing erosion and channelization within the Buffer Zone and in promoting infiltration, sheetflow runoff, and removal of sediments, nutrients and other pollutants.

2.2.1.2 Rare and Endangered Species

When a wildlife or plant species listed as rare, threatened, endangered or of special concern by the Massachusetts Natural Heritage Program is known to inhabit or occur in a protected resource area, no activity shall occur in the resource area that will destroy or displace said species or will alter either permanently or temporarily, said species' habitat, niche, or food source. The Commission shall presume that any activity in a resource area where any listed species is known to inhabit or occur will adversely affect the species unless the contrary is proven by a preponderance of the credible evidence presented to the Commission by the proponent.

2.2.2 Specific Standards

2.2.2.1 Buffer Zone

Where an activity is proposed within the Buffer Zone, the Commission shall presume that the activity has a high likelihood of altering any resource area adjacent to the Buffer Zone unless the proponent proves by a preponderance of the credible evidence that either:

a) The Buffer Zone does not play a role in the protection of any of the wetland values of the Bylaw;
or

b) the activity shall occur in such a manner that any potential adverse environmental impacts on any of the wetland values are avoided.

Notwithstanding any of the above, the placement of impervious surface in the Buffer Zone is limited to the greater of:

a) 25% of the Buffer Zone; or

b) the percentage of the Buffer zone covered by previously-placed impervious surface due to activity allowed at the time it was placed.

2.2.2.2 Buffer Strip

Where an activity is proposed within the Buffer Zone to a wetland, vernal pool, bank or beach, or isolated land subject to flooding, the Commission shall require that a continuous Buffer Strip (at least 25 feet wide) of undisturbed, natural vegetation be maintained between the proposed activity and the resource areas(s). In the course of reviewing proposed activities within the buffer zone, the Commission may require that a buffer strip be created where none currently exists, where, in the judgment of the Commission, damage has occurred due to previous activities.

In designing a project to meet this performance standard, the applicant shall take into account not only proposed construction activity, but also realistic future use of the site. As an example, in the case of construction of a single-family residence, it shall be presumed that such future use includes a yard, and that the yard shall extend at least 25 feet horizontally from the structure, exclusive of any portion of the Buffer Strip. Typically, the Commission shall expect new structures sited at least 50 feet from wetland resource area(s), and that a Buffer Strip significantly greater than 25 feet will be provided where slopes exceed 25%.

When partial encroachment of proposed structures into the 25-foot “yard” setback is unavoidable, the applicant may mitigate the encroachment by increasing the Buffer Strip area by an amount equal to or greater than the encroachment into the “yard”. The following guidelines are offered: (1) The encroachment should not exceed 10% of the total recommended “yard” setback for the lot; and (2) The encroachment should not exceed one quarter of the recommended width of the total setback from the resource area.

It is the applicant’s responsibility to demonstrate to the Commission’s satisfaction that realistic future use of the site is not likely to result in intrusion into, or alteration of, the Buffer Strip. The Commission may require the applicant to submit a use plan and narrative as part of that demonstration. At the Commission’s request, the applicant shall demonstrate to the Commission’s satisfaction that work or activities proposed at the edge of the Buffer Strip are necessary and that reasonable alternatives, including reducing the scale and scope of the project or adjusting other setbacks, do not exist.

2.2.2.3 Bank

Where a proponent proposes altering a bank, the Commission shall presume that the bank is significant to all the wetland values of the Bylaw. This presumption is rebuttable, and may be overcome upon the proponent proving by a preponderance of the credible evidence that the bank does not play a role in the protection of any of the wetland values. When the presumption is not overcome, activities affecting a bank shall comply with the performance standards identified in 310 CMR 10.54 (4)(a)1-5, and any amendments thereof.

2.2.2.4 Wetland

Where a proponent proposes altering a wetland, the Commission shall presume that the wetland is significant to all the wetland values of the Bylaw. This presumption is rebuttable, and can be overcome

upon the applicant proving by a preponderance of the credible evidence that the wetland does not play a role in the protection of any of the wetland values. In the event the presumption is not overcome, no activity may alter a wetland area, except that, the Commission, at its discretion, may issue an Order of Conditions permitting any activity to alter a wetland when all of the following conditions are met:

- a) the area to be altered is less than 5,000 square feet;
- b) the proponent has provided the Commission with an evaluation of the reasonableness of any previously or currently available alternatives;
- c) every reasonable effort has been made to minimize the amount of wetland altered;
- d) the replicated wetland shall be created in a non-wetland area located within the bounds of the proposed project on at least a one-to-one basis, shall comply with the performance standards identified in 310 CMR 10.55 (4)(b) and any amendments thereof and shall protect the wetland values of the Bylaw;
- e) provisions are made for monitoring replicated wetland areas for a period of not less than 2 years. The project proponent shall present to the Commission for its approval a monitoring proposal and annual reporting system lasting for the term specified by the Commission. The Commission may require a performance bond. The performance bond shall be the sum of the amount necessary to: 1) Pay for replication of the area in the event that the original replication has failed in the opinion of the Commission and such experts as they may consult so to achieve at least 50 % re-vegetation of the native wetland plant species and to pay for the costs incurred by the Commission to monitor the replication for the term specified by the Commission. The amount of the performance bond shall be proposed by the proponent, reviewed by the Commission, and if found to be appropriate by the Commission, shall be approved by the Commission;
- f) upon the successful completion of the project, but prior to the issuance of a Certificate of Compliance under the Town of Seekonk's Wetlands Protection Bylaw, at the proponent's expense, a registered land surveyor shall indicate the replicated wetland(s) on, and deliver certified, stamped copies of the "as-built plan" to the Seekonk Conservation Commission.

2.2.2.5 Land under waterbodies and watercourses

Where a proposed activity will alter land under a waterbody or water course, the Commission shall presume that said land is significant to all the wetland values of the Bylaw. This presumption is rebuttable, and can be overcome by the proponent proving by a preponderance of the credible evidence that said land does not play a role in the protection of any of the wetland values. In the event that the presumption is not overcome any activity within land under a waterbody or watercourse shall:

- a) comply with the performance standards identified in 310 CMR 10.56(4) and any amendments thereof; and
- b) not affect the groundwater infiltration or discharge rates.

2.2.2.6 Land Subject to Flooding (bordering and isolated)

Where a proposed activity will alter land subject to flooding, the Commission shall presume that the land is significant to all the wetland values of the Bylaw. This presumption is rebuttable, and can be overcome by the proponent's proving by a preponderance of the credible evidence that the land does not play a role in the protection of any of the wetland values. In the event that the presumption is not overcome, any activity within land subject to flooding shall:

- a) comply with the performance standards identified in 310 CMR 10.57(4)(a-b) and any amendments thereof; and

- b) not alter the ability of the land to provide breeding habitat, escape cover, or food for wildlife; and
- c) neither decrease the flood storage capacity, nor increase or decrease the groundwater infiltration rate of the land.

2.3 LIMITED PROJECTS

Notwithstanding the provisions of 2.2.2, the Commission may issue an Order of Conditions, which will protect the wetland values identified in the Bylaw permitting the following limited projects:

2.3.1 Public Utilities

The installation and/or construction of underground and overhead utilities such as distribution, transmission, communication, sewer, water, or natural gas lines.

2.3.2 Access

The construction of a new roadway or driveway of minimum practical width acceptable under any other Town bylaw or regulation, provided there exists no alternative reasonable use of the land and no possible reasonable alternative means of access from a public way to an upland area. The Commission shall require that the proponent minimize all potential impacts to the resource areas impacted by the project.

2.3.3 Construction of Waterbodies

If a proponent proposes to excavate wildlife impoundments, farm ponds, or ponds for fire protection, the Commission may require that, before excavation, the proponent furnish impact statements detailing the impacts on the ecosystem and certifying in writing that the pond will function as designed and have no negative effect on hydrologically connected resource areas. The proponent shall consult with the Commission to determine the appropriate certified professional(s) necessary to prepare the impact statement for the project.

Pond construction shall not result in the placement of fill or other material upon the wetland, except as may be necessary for impoundment, bank stabilization, and access.

2.4 VARIANCE

The Conservation Commission may waive the application of any regulations contained herein when it receives a written request for a variance from the proponent, and

a) it determines that a variance is necessary to accommodate an overriding community regional, state or national public interest. The proponent shall have the burden of demonstrating that there is no reasonable alternative design of the project that would minimize alteration of protected resource areas and that the activity serves an overriding public interest,

or

b) in the case of an unimproved lot existing prior to the effective date of the particular regulation or bylaw provision in question, the proponent proves by a preponderance of the credible evidence that a regulation contained herein or a provision of the Town of Seekonk General Wetland ByLaw will deprive the proponent of any economic use of the proponent's property as a whole, including any present or former property of the proponent which previously incorporate the subject lot. The proponent shall have the burden of proving that there is no reasonable alternative design of the project or use of the lot that would result in any economic use while still complying with these regulations and the Town of Seekonk General Wetland Protection By-Law.

2.5 ATTACHMENTS

Attached to and incorporated herein are Appendices A through F.

2.6 SEVERABILITY

The invalidity of any part or provision of these regulations shall not invalidate any other parts or provisions thereof, nor shall it invalidate any permit or determination, which has previously been issued.

2.7 ADMINISTRATION

The Commission may, without holding a public hearing, make administrative changes to any Forms, Filing Instructions or guidance documents attached hereto and may add additional forms, providing such changes and additions are consistent with these regulations and the By-Law.

2.8 AMENDMENTS

Any amendments to these Regulations shall require that the Commission hold a duly advertised and posted Public Hearing.

3.2.9 ADOPTION AND DATE OF EFFECT

Pursuant to a notice duly filed at the Town Clerk's office and published in the Pawtucket Times, a public hearing was held on December 27, 1999, to discuss these regulations. Subsequently, these regulations were adopted by a vote of the Conservation Commission, Town of Seekonk, under the authority of the General Laws of the Commonwealth and any amendments thereof and the Town of Seekonk General Wetlands Protection Bylaw and any amendments thereto to become effective when filed with the Town Clerk on May 9, 2000 .

Signed by a majority of the Conservation Commission,

APPENDIX A

DEFINITIONS

Applicant – any person who files a Request for Determination or a Notice of Intent

Buffer Zone – that area of land extending 100 feet outward from the boundary of any resource protected under the Seekonk Wetland Protection By-law and having a designated buffer zone under the ByLaw.

Bylaw – the Town of Seekonk Conservation Commission Wetlands Protection Bylaw.

Conditions – those requirements set forth in a written Order of Conditions issued by the Commission for the purpose of permitting, regulating, or prohibiting any activity.

Detention Pond, Retention Pond – an open surface reservoir, which may or may not have a permanent pool of water, sited to collect runoff from a drainage area in order to control peak discharges and discharge rates. For the purposes of this Bylaw, a retention pond shall be considered the same as a detention pond.

APPENDIX B

**CHECKLIST FOR REQUEST FOR DETERMINATION OF APPLICABILITY
SEEKONK GENERAL WETLANDS PROTECTION BYLAW
(ALL MATERIALS TO BE SUBMITTED IN DUPLICATE)**

1. ___ Name and street address of the applicant, and the applicant's representative, if any;
2. ___ Assessor's Plat No. and Lot No. of the proposed project site;
3. ___ Street address of the proposed project, if address has been assigned;
4. ___ Telephone numbers (daytime and evening) where applicant and any representative may be reached;
5. ___ Locus map;
6. ___ Description of proposed work, including dimensions of built structures, if applicable.
7. ___ Site plan, drawn to scale (no smaller than 1"=80 ft.), showing:
 - ___ 7.1 north arrow __ magnetic or __ true;
 - ___ 7.2 buildings, existing and proposed;
 - ___ 7.3 topography at one-foot intervals (existing and proposed, if grading is necessary),
 - ___ 7.4 resource areas as defined in MGL Ch. 131. s. 40 and associated regulations, and in Town of Seekonk General Wetland Protection Bylaw and regulations, and any amendments to the above;
 - ___ 7.5 delineated wetland line and flags accurately located;
 - ___ 7.6 100-foot buffer;
 - ___ 7.7 200-foot riverfront area, if applicable;
 - ___ 7.8 estimated habitat of rare wetland species and vernal pools, as shown on the most recent Natural Heritage Program map or otherwise documented by the Town of Seekonk Conservation Commission;
 - ___ 7.9 Location and description of erosion and sedimentation controls, if applicable;
 - ___ 7.10 Limit of work;
 - ___ 7.11 Provisions for handling drainage/runoff, if applicable;
 - ___ 7.12 Location of trees greater than 10" DBH in the area of activity under the jurisdiction of the Conservation Commission;
 - ___ 7.13 Any photos or other information which may be helpful to the Commission.
8. ___ Proposed construction staking on site to locate corners of buildings, structures, leach fields, driveway/curb cuts, property line etc.. Stakes and/or flagging should be labeled in the field.

In addition to the above, the Commission may require the following:

- ___ 1. Copies of the approved septic disposal plan; Check with Board of Health for septic approval.
- ___ 2. Plans prepared by a Registered Professional Engineer or Registered Professional Land Surveyor;
- ___ 3. Drainage calculations;
- ___ 4. Any other information which the Commission deems necessary to reach a determination.

January, 2000

**APPENDIX C. CHECKLIST FOR NOTICE OF INTENT
SEEKONK GENERAL WETLANDS PROTECTION BYLAW
(ALL MATERIALS TO BE SUBMITTED IN DUPLICATE)**

1. ____ Name and street address of the applicant, and the applicant's representative, if any;
2. ____ Assessor's Plat No. and Lot No. of the proposed project site;
3. ____ Street address of the proposed project, if address has been assigned;
4. ____ Telephone numbers (daytime and evening) where applicant and any representative may be reached;
5. ____ Locus map;
6. ____ Description of proposed work, including dimensions of built structures, if applicable.
7. ____ Site plan, drawn to scale (no smaller than 1"=80 ft.), showing:
 - ____ 7.1 north arrow __ magnetic or __ true;
 - ____ 7.2 buildings, existing and proposed;
 - ____ 7.3 topography at one-foot intervals (existing and proposed, if grading is necessary),
 - ____ 7.4 resource areas as defined in MGL Ch. 131. s. 40 and associated regulations, and in Town of Seekonk General Wetland Protection Bylaw and regulations, and any amendments to the above;
 - ____ 7.5 delineated wetland line and flags accurately located;
 - ____ 7.6 100-foot buffer;
 - ____ 7.7 200-foot riverfront area, if applicable;
 - ____ 7.8 estimated habitat of rare wetland species and vernal pools, as shown on the most recent Natural Heritage Program map or otherwise documented by the Town of Seekonk Conservation Commission;
 - ____ 7.9 Location and description of erosion and sedimentation controls, if applicable;
 - ____ 7.10 Limit of work;
 - ____ 7.11 Provisions for handling drainage/runoff, if applicable;
 - ____ 7.12 Location of trees greater than 10" DBH in the area of activity under the jurisdiction of the Conservation Commission;
 - ____ 7.13 Any photos or other information which may be helpful to the Commission.
 - ____ 7.14 Professional engineer's and/or Registered Professional Land Surveyor's stamp and date;
 - ____ 7.15 Location of any proposed replication/restoration areas, including transition slope and proposed post-construction 25-foot buffer to these areas;
 - ____ 7.16 Location of soil borings, test pits;
 - ____ 7.17 Storm drainage system;
 - ____ 7.18 Any photos or other information which may be helpful to the Commission.
8. ____ Proposed construction staking on site to locate corners of buildings, structures, leach fields, driveway/curb cuts, property line etc. Stakes and/or flagging should be labeled in the field.

APPENDIX D: FORMS

**(STATE FORMS AVAILABLE ON MADEP WEBSITE AND LOCAL FORMS AVAILABLE
UPON REQUEST)**

APPENDIX E: LOCAL WETLAND FILING FEE CALCULATION FORM AND FEE SCHEDULE

For Notices of Intent, Abbreviated Notices of Intent, Abbreviated Notices of Resource Area Delineation, and Request for Determinations

Seekonk General Wetland Protection Bylaw

A. Applicant Information

1. Applicant:

Name

2. Property Owner (if different)

Name

3. Project Location:

Street Address

Assessors Plat and Lot

B. Fee Calculations

The filing fee under the Seekonk General Wetland Protection Bylaw should be calculated using the six-step process and categories in **Section D** and entered into the following worksheet.

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
--------------------------------	------------------------------------	---------------------------------------	-------------------------------------

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Step 5/Total Project Fee under Local Bylaw _____

C. Submittal Requirements

a.) **To the Seekonk Conservation Commission:** Submit page 1 of this form with a check or money order payable to Town of Seekonk.

D. Calculating Wetland Filing Fees

The filing fee under the Seekonk Bylaw should be calculated using the following six-step process:

Step 1/Type of Activity: Review plans and narrative to identify each activity in wetland resource areas, buffer zones and riverfront areas.

Step 2/Number of Activities: Determine the number of each activity associated with the project.

Example: two houses and one driveway crossing in a wetland buffer zone = three activities in Category 2 and one activity in Category 6.

Example: two buildings and three storm drain discharges in a wetland buffer zone and a Riverfront Area = two activities in Category 3, three activities in Category 2, and two activities in Category 6.

Example: one parking lot with associated wetland replication = one Category 2, one Category 6, and one Category 10.

Step 3/Individual Activity Fee: List the fee amount for each category of activity. Example: single family house construction is Category 2 (a.) and the fee is \$200 each. A driveway crossing is Category 2(f) and the fee is \$250 each.

Step 4/Subtotal Activity Fee: Determine the subtotal fee for each activity by multiplying the number of activities (identified in Step 2) by the fee for the activity (identified in Step 3).

Step 5/Total Project Fee: Add all the subtotals identified in Step 4 to determine the total fee.

Step 6/Fee Payments: Submit a check for the total amount made payable to “**Town of Seekonk**” as part of your filing with the Conservation Commission. You may combine the fee calculated here for the local bylaw with the town’s share of the state fee and write one check to the Town. You do not need to submit the Seekonk Bylaw forms to the State.

Category Activities and Fees

Request for Determination Application (Fee is \$200)

Category 1 (Fee for each activity is **\$200**):

- a.) work on single family lot; addition, pool, etc.;
- b.) site work without a house;
- c.) control vegetation;
- d.) resource improvement;
- e.) work on septic system separate from house;
- f.) monitoring well activities minus roadway;
- g.) new agricultural or aquaculture projects.

Category 2 (Fee for each activity is **\$250**)

- a.) construction of each single family house
- b.) each parking lot;
- c.) beach nourishment;
- d.) electric generating facility activities;
- e.) inland limited projects minus road crossings and agriculture;
- f.) each crossing for driveway to single family house;
- g.) each project source (storm drain) discharge;
- h.) control vegetation in development;
- i.) water level variations;
- j.) any other activity not in Category 1, 3, 4, 5 or 6;
- k.) water supply exploration.

Category 3 (Fee for each activity is **\$400**)

- a.) site preparation (for development) beyond Notice of Intent scope;
- b.) each building;
- c.) road construction;
- d.) hazardous cleanup;
- e.) water supply development.

Category 4 (Fee for each activity is **\$1000**)

- a.) each crossing for development or commercial road;
- b.) dam, sluiceway, tidegate (safety) work;
- c.) landfills operations/closure;
- d.) sand and gravel operations;
- e.) railroad line construction;
- f.) hazardous waste alterations to resource areas;
- g.) dredging;
- h.) package treatment plant and discharge;
- i.) airport tree clearing;
- j.) oil and/or hazardous material release response actions.

Category 5 (Fee is **\$2 per linear foot**; total fee not less than \$50 or more than \$1000):

- a.) work on docks, piers, revetment, dikes, placing of rip-rap, etc.

Category 6 (Fee is **\$2.00** per linear foot, but not to exceed **\$200** for activities associated with one single-family house, and not to exceed **\$2000** for all activities other than those associated with one single-family house).

- a.) Review of boundary delineations for Wetland Resource Areas including, but not limited to: Bordering Vegetated Wetlands, Isolated Lands Subject to Flooding, Bordering Lands Subject to Flooding and Salt Marshes.
- b.) Review of the Mean Annual High Water Line for Riverfront Areas.

Category 7 (Fee is **\$100 for activities in Category 1, \$200 for all other categories**)

- a.) Amendment to Order of Conditions. The fee for amending is based on the activity which is being amended or added to the Order of Conditions. Example: Adding a pool to an Order for constructing a single-family house is \$100; changing the house or its location is \$200.

Category 8 (Fee is **\$50** for all categories).

- a.) Extension of Order of Conditions

Category 9

- a.) Certificate of Compliance (Fee is **\$35.00**)
- b.) Enforcement Order (the fee for recording an enforcement order shall be the cost required by the Bristol County Registry of Deeds)

Category 10 (Fee is **\$1.00** per square foot, but not to exceed **\$200** for activities associated with one single-family house, and not to exceed **\$1000** for all activities other than those associated with one single-family house).

- a.) Review of wetland replication areas.

Examples of How to Calculate Wetland Filing Fees

Example: Notice of Intent for a new single family house with associated work located in a wetland buffer zone, requiring one driveway crossing and requiring review of 20 feet of the wetland boundary:

There are two Category 2 activities (2.a. single family home construction and associated work and 2.f. driveway crossing of a resource area) and one Category 6 activity (6.a. review of wetland boundary):

Fee for home and associated work:	\$250
Fee for driveway crossing:	\$250
Fee for boundary review (20 X \$2.00)	<u>\$ 40</u>
Total fee:	\$540

Example: Abbreviated Notice of Resource Area Delineation requesting review of 60 feet of a wetland boundary and 80 feet of the Mean Annual High Water Line for a Riverfront Area.

There are two Category 6 activities (6.a. review of wetland boundary and 6.b. review of Mean Annual High Water Line):

Fee for boundary review (60 X \$2.00)	\$120
Fee for MAHWL review (80 X \$2.00)	<u>\$160</u>
Total fee:	\$280