



OFFICE OF THE  
CONSERVATION COMMISSION  
TOWN HALL, 511 MAIN STREET  
DUNSTABLE, MA 01827-1313  
(978) 649-4514 FAX (978) 649-8893  
<mailto:concom@dunstable-ma.gov>

# **Town of Dunstable**

## **Conservation** **Commission**

### **Fees & Procedures**



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1. **Abbreviated Notice of Resource Area Delineation (ANRAD)**  
requesting review of resource area boundaries or of work eligible for "simplified review"

**Fees:** Application fee to the state and town – fee set by DEP and depends on the project (linear footage).

Applicant shall pay for the legal notice for the public hearing.

Applicant shall pay the cost of sending notice regarding the public hearing to abutters and owner of property (if not applicant) by certified mail.

If the Commission determines that an outside consultant is needed, the applicant shall pay reasonable fees for their employment.

**Procedure:** Applicant must first obtain an abutter's list from the Assessor's Department (Town Hall downstairs or by calling 978-649-4514 x227). Please give them 10 days notice. The applicant must send notification of the filing (affidavit) to the abutters (and owner of property, if not applicant), **by certified mail, return receipt**, at the same time that the ANRAD is filed with the DEP and Commission.

File ANRAD form (WPA Form 4A) on-line with DEP at:  
<https://edep.dep.mass.gov/DEPLogin.aspx> and then print it out. Two copies of the completed ANRAD including supporting plans and documents, the town's portion of the application fee and affidavit/green certified mail receipts must be sent by either certified mail or hand delivery to the Conservation Commission office. **Please make sure that applicant/representative, as well as the owner of the property have signed the ANRAD.**

See the Form 4A instructions for information on which DEP office you need to forward the state portion of the wetland fee. Filing shall also be sent by certified mail or hand delivery (by applicant) to the **Planning Board, Board of Appeals and Board of Health**, all located at the Town Hall.

The date of the hearing will be set by the Conservation Secretary. Once the hearing date is chosen, the Conservation Secretary will place a legal notice in the newspaper and inform the applicant of the cost. A check made out to the newspaper company shall be mailed/brought to the Conservation Commission office before the public hearing (or brought the night of the hearing, however, forgetting the check the night of the hearing could hold up the process). The cost of the ad is set by the newspaper and dependent upon the length of the notice.



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DEP will issue a file number for the project. The hearing can not be closed until that number is received.

If the Commission determines that an outside consultant is needed, the applicant shall pay reasonable fees for their employment.

Applicant and/or representative must attend hearing in order to present project as well as answer questions. Please bring the abutter green cards to the hearing to turn in to the Conservation Commission.

Once an Order of Resource Area Delineation (ORAD) is issued, it should be recorded at the Registry of Deeds. Please call the office (978-649-4514 x230) or e-mail [CMann@dunstable-ma.gov](mailto:CMann@dunstable-ma.gov) with the book and page of the filing. If this is not done, an Enforcement Order may be issued by the Conservation Commission.

2. **Certificate of Compliance (COC)** – to remove the encumbrance placed on the title to your property when an Order of Conditions is issued and filed at the Registry of Deeds.

**Fees:** None, except when you file the COC at the Registry of Deeds

**Procedure:** Applicant must fill in WPA Form 8A (Request for Certificate of Compliance) which can be found under "Wetlands Protection Act Permits" on the DEP website – <http://www.mass.gov/dep/water/approvals/wwforms.htm> For projects completed according to plans stamped by an engineer or other registered professional, the request must include written indication (usually a letter) from such a professional that the work was completed "substantially in compliance" with the OOC and explain any deviations (if any) (310 CMR 10.05(9)(d)). An "as-built", when applicable must be provided.

No notice to abutters is required.

The applicant may want to attend the meeting in order to answer any questions the Commission may have.

The Commission will schedule a site visit (which the applicant is entitled to attend) to find that all conditions have been met (310 CMR 10.05(9)(a))  
Once a COC is issued (Form 8B), the applicant must file it at the Registry of



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Deeds in order to remove the encumbrance (Order of Conditions) placed on the title of the property. Please notify the office of the date your COC was filed at the Registry along with the book and page numbers (978-649-4514 x230 or [CMann@dunstable-ma.gov](mailto:CMann@dunstable-ma.gov))

3. **Notice of Intent (NOI) or Abbreviated Notice of Intent (ANOI)**– filed when you want to alter a wetland resource area or buffer zone.

**Fees:** Application fee to the state and town – fee set by DEP and depends on the project (linear footage).

Dunstable Wetlands Bylaw Hearing fee (must be separate check from above):  
for a single-family residential property not involving the subdivision  
of land or the construction of more than one residential unit thereon

....**\$25.00**

or

Wetlands Bylaw Hearing for subdivision of land to produce two or more  
Residential building lots, or for commercial and for Industrial real  
Estate....**\$100.00**

Applicant shall pay for the legal notice for the public hearing.

Applicant shall pay the cost of sending notice regarding the public hearing to abutters and owner of property (if not applicant) by certified mail requested.

If the Commission determines that an outside consultant is needed, the applicant shall pay reasonable fees for their employment.

Applicant must file their Order of Conditions (OOC) at the Registry of Deeds – There is a cost associated with that.

**Procedure:** Applicant must obtain an abutter's list from the Assessor's Department (Town Hall downstairs or by calling 978-649-4514 x227). Please give them 10 days notice. The applicant must send notification of the NOI filing to the abutters (and owner of property, if not applicant), by **certified mail return receipt** at the same time the NOI is filed with the Conservation Commission. As part of the filing to the Commission, the applicant may either



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submit an "affidavit of notification to abutters" or the white certified mail receipts. The night of the hearing the green cards must be turned in to the Conservation Commission.

NOI form (WPA-Form 3) must be filed on-line with DEP at: <https://edep.dep.mass.gov/DEPLogin.aspx> and then printed and filed with the Conservation Commission office (hand delivered or certified mail). Original filing must include: NOI form, specifications, plans, affidavit/white certified mail receipts of notice to abutters and fees. One additional copy of the NOI form, specifications and plans must also be provided at the same time. Please make sure that if the applicant is not the owner of the property, you provide written permission from the owner. Filing should also be sent by certified mail or hand delivery (by applicant), to the **Planning Board, Board of Appeals** and **Board of Health**, all located at the Dunstable Town Hall.

If NOI is sent to the Natural Heritage Endangered Species Program (NHESP), make a copy of the certified mail slip and provide it with the filing.

The date of the hearing will be set by the Conservation Secretary. Once the hearing date is chosen, the Conservation Secretary will place a legal notice in the newspaper and inform the applicant of the cost. A check made out to the newspaper company shall be mailed/brought to the Conservation Commission office before the public meeting (or brought the night of the hearing; however, forgetting the check could delay the hearing). The cost of the ad is set by the newspaper and dependent upon the length of the notice.

Applicant and/or representative must attend the hearing in order to present particulars of project as well as answer any questions. Don't forget the green cards (notification to abutters) to turn in to the Conservation Commission.

If an Order of Conditions (OOC) is issued, the applicant must file it at the Registry of Deeds. Please notify the office of the date your OOC was filed at the Registry along with the book and page numbers (978-649-4514 x230) or [CMann@dunstable-ma.gov](mailto:CMann@dunstable-ma.gov). Note: Recording must be done prior to the start of work and the Conservation Commission office notified of the book & page or an Enforcement Order may be issued.



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4. **Request for Determination of Applicability (RDA)** – asking whether the law or certain work applies to a particular area of land

**Fees:** none, except applicant shall pay the cost of the legal notice for the public meeting.

**Procedure:** Applicant shall file two copies of WPA-Form 1, with supporting information, to the Conservation Commission office (this shall be done by certified mail or hand delivery). Form can be found under “Wetlands Protection Act Permits” at:

<http://www.mass.gov/dep/water/approvals/wwforms.htm>

If the applicant is not the owner of the property, written permission from the owner must be provided. You must send a copy of the application to: DEP (for DEP office, see: <http://www.mass.gov/dep/about/region/findyour.htm>) and the owner of the property. Please provide certification that both have been notified. All above must be provided at the time of the filing.

No notice to abutters is required.

The date of the public meeting will be set by the Conservation Secretary. Once the meeting date is set, the Conservation Secretary will place the legal notice in a newspaper and will send an invoice to the applicant. A check made out to the newspaper company shall be mailed/brought to the Conservation Commission office before the public meeting (or brought the night of the meeting, however, forgetting the check the night of the hearing could hold up the process). The cost of the ad is set by the newspaper and dependent upon the length of the notice.

Applicant and/or representative should attend meeting to present project, as well as answer any questions.

If approved, work should not begin during the ten day appeal period following the issuance (mail date) of the DOA by the Commission.



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5. **Extensions** – When an applicant wants to extend an OOC past the 3 year limit.  
(M.G.L. c131, §40) (310 CMR 10.00)

**Fees:** none, except when you file the extension at the Registry of Deeds.

**Procedure:** An Order of Conditions (OOC) is typically issued for three years. When an applicant would like to extend an OOC; they must do so on WPA Form 7. Form can be found under “Wetlands Protection Act Permits” at: <http://www.mass.gov/dep/water/approvals/wwforms.htm>

**The applicant shall request an extension at least 30 days before an OOC is due to expire.**

Request does not need to be published in the newspaper (like original OOC) and decision is made at a public meeting.

Site visit is done to evaluate the status of the project and compliance with the Order of Conditions.

The applicant and/or representative may attend the meeting to answer any questions the Commission has regarding the reason(s) for extension.

Once issued, the applicant must file the extension at the Registry of Deeds and notify the office of the book and page numbers (978-649-4514 x230 or [CMann@dunstable-ma.gov](mailto:CMann@dunstable-ma.gov))

6. **Enforcement** – When the Conservation Commission, the Department or the Office of Law Enforcement of the Executive Office of Environmental Affairs determines that an activity is in violation of (M.G.L. c131, §40) (310 CMR 10.00) or a Final Order.

Enforcement Orders may be issued under 310 CMR 10.08 for violations of the Wetlands Protection Act. Violations include::

- a) Alteration of an area subject to protection under the bylaw without having filed for and having in effect at the time of the activity a valid Order of Conditions regulating the activity undertaken. The penalty shall be three hundred (\$300.00) dollars.
- b) Failure to comply with an order or orders as set forth in any Order of Conditions in effect to regulate the activity thereby permitted within an



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area subject to projection under the bylaw within the time period specified within such orders. The penalty shall be two hundred (\$200.00) dollars.

- c) Failure to comply with any one or more of the terms of any enforcement Order or Orders duly issued by the Dunstable Conservation Commission within the time limits specified in such Orders. The penalty shall be fifty (\$50.00) dollars.
  - d) Failure to maintain in proper working order or condition appropriate to their intended function, structures, improvements or facilities which were required or permitted as part of activities regulated under an Order of Conditions issued to protect an area subject to regulation under the Bylaw and significant to the interests to be protected under this bylaw. The penalty shall be fifty (\$50.00) dollars.
7. **Emergency Projects** – For the protection of the health or safety of the citizens of the Commonwealth and ordered to be performed by an agency of the Commonwealth or the Town. The Conservation Commission must act within 24 hrs. of receipt of Certificate of an emergency project. (M.G.L. c131, §40) (310 CMR 10.00)

Form WPA Emergency Certification Form must be filled out. You will find this on the DEP website: <http://www.mass.gov/dep/water/approvals/wwforms.htm>

8. **Site Visits** – Site visits are not public meetings, therefore, no decisions can be made. No quorum or public notice is required for a site visit.

The Conservation Commission decides if a site visit is necessary. All resource area boundaries, road cuts, proposed roads, driveways and crossings, replication areas, retention and detention basins, septic systems, and building locations should be flagged on the site and mapped onto the site plan prior to the visit.