

## Uxbridge Conservation Commission Frequently Asked Questions

### All about the Conservation Commission

**Q. What does the Conservation Commission do?**

A. *The Uxbridge Conservation Commission addresses wetland permit applications (under the state Wetlands Protection Act), and protects and manages open space in Uxbridge. Please contact us if you are planning to do work in or near wetlands, if you see alterations near wetlands and don't see a MassDEP 312-XXX sign, if you have questions about natural resources, if you would like to use Conservation Land for a group event, or if you would like to organize a "friends of" group to help in the maintenance of Conservation Land.*

**Q. How many Conservation Commission members are there?**

A. *There can be up to 7 appointed members – this may vary depending on reappointments or resignations.*

**Q. How do Conservation Commissioners keep up with new regulations and changes?**

A. *Commission members are provided with access to all pertinent laws and regulations. Commissioners are also all members of MACC (the Massachusetts Association of Conservation Commissions) and are able to attend the annual meetings to learn about new regulations and techniques supported by MassDEP. There are also many workshops sponsored by MassDEP for Commissioners, developers, engineers and other interested parties.*

**Q. How can I become a Conservation Commissioner?**

A. *Conservation Commissioners are appointed by the Town Manager as vacancies become available. If you are interested in becoming a Conservation Commissioner, please fill out a Talent Bank form and submit the form to the Town Manager's office.*

### All about the Conservation Commission Meetings

**Q. When does the Conservation Commission meet and where?**

A. *The Uxbridge Conservation Commission meets on the 1<sup>st</sup> & 3<sup>rd</sup> Mondays at 6:30 pm at the Uxbridge Town Hall in the Board of Selectmen's meeting room. Official schedules are always posted on the Town web site.*

**Q. Can anyone attend a Conservation Commission meeting?**

A. *Yes, all Conservation Commission meetings are open to the public.*

**Q. Are all Conservation Commission meeting minutes available to the public?**

A. *Yes, all Conservation Commission meeting minutes are available to the public either on this website or through the Conservation Commission office.*

**Q. How do I find out about a public hearing that the Conservation Commission is holding?**

A. *All public hearings are posted in the Worcester Telegram & Gazette seven (7) days prior to the hearing date & are posted on the bulletin board in the Uxbridge Town Hall two (2) days prior to the hearing. If you are a legal abutter to any project, you will be mailed a copy of the hearing notice by the applicant or the applicant's engineering firm.*

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**Q. How can I be placed on the Conservation Commission's agenda?**

- A. *Submit a written request outlining the matter that you wish to discuss with 9 copies of all substantiating material. The Conservation Commission must receive the request by 5:00 PM the Wednesday before the Conservation Commission meeting.*

**All about the Conservation Commission (Wetland) Permits**

**Q. When should you consult the Commission about a wetlands permit?**

- A. *If you believe you are within 100 feet of a wetland or 200 feet of any river, stream, creek or vernal pool, or just want to make sure (when in doubt, contact the Conservation Commission office for assistance) or:*
- ❖ *When you plan to build a structure, or add an addition, a pool or accessory building.*
  - ❖ *When you plan to do any landscaping, grading, or drainage work.*
  - ❖ *When you plan to cut or change vegetation.*
  - ❖ *When you plan to pave what is now a gravel driveway or install a new driveway.*
  - ❖ *When you plan to install or repair a septic system.*

**Q. Does the Town of Uxbridge have a Wetlands Setback or a No-Disturbance Area policy?**

- A. *Yes, since disturbance within 25' of a wetland resource area will likely have an adverse impact on the wetland, it is not allowed. See the Uxbridge Wetlands Setback Policy on the Conservation Commission website.*

**Q. My neighbor's house is within 50 feet of a wetland. Why did the town permit it?**

- A. *Many Uxbridge structures pre-date passage of the Wetlands Protection Act (1972) and Uxbridge's Wetlands Setback Policy (2001). These structures may not comply with today's rules but are "grandfathered". However, any prospective additions or landscaping activities undertaken on grandfathered structures are subject to current law and by-laws must be approved in advance.*

**Q. What is a RDA (Request for Determination of Applicability)?**

- A. *This is an application form obtainable from the MassDEP website and the Town website, which lists the proposed work and asks the Commission to determine if the Wetlands Protection Act is applicable. The Commission holds a site inspection and a public meeting, then makes a decision, issuing a Determination of Applicability form to the applicant. If the determination is negative, then the project may go ahead without further involvement by the Commission. If the determination is positive, then a further filing (a Notice of Intent to do work) may be needed.*

**Q. What is a NOI (Notice of Intent)?**

- A. *This is a permit application form obtainable from the MassDEP website, the Town website, or the engineer who may be preparing your plans and helping you file the request. Two (2) hard copies and 1 electronic copy must be submitted to the Commission and one (1) copy must be sent to MassDEP. MassDEP will issue a file number and the Commission will schedule a public hearing on the project. The Commission issues its decision (an Order of Conditions), approving, conditioning, or denying the project. The town website has a detailed set of instructions to help complete the process.*

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**Q. Do I need to hire an engineer if I want to submit a permit application?**

A. *No, but for more complicated projects, in order for the Commission to make an accurate and fair determination of the proposal it is best to have a licensed engineer draw up the plans for the project. Most licensed engineers are very familiar with the guidelines given in the Act and regulations established under the Act. They can give you accurate advice on what can and cannot be done and produce a plan for the local and state review process.*

**Q. What is the deadline for Conservation Commission permit application submissions?**

A. *Applications for new projects are required to be submitted 14 days in advance of the next Conservation Commission meeting.*

**Q. How can I find out what the fees are for an application to the Commission?**

A. *See fee sheet on the Conservation Commission website.*

**Q. Do I need to notify abutters to my land when I apply for a permit?**

A. *Yes. If you are submitting a Notice of Intent, you need to call the assessor's office and request a certified list of all abutters within 100 feet of your property line. You need to send a letter to all abutters, including those across a traveled way or railroad bed. The letter shall state what work is to be done and where a copy of the plans may be examined. The letter needs to be sent certified mail return receipt requested, or mailing receipt.*

**Q. Will there be a legal ad put in the paper advertising all public hearings?**

A. *Yes. All Notices of Intent and Requests for Determination of Applicability must be advertised in the local paper at the expense of the applicant.*

**Q. How does a public hearing work?**

A. *The Applicant or their engineer will present the project to the Conservation Commission at the public hearing. The Commission will ask any questions that they may have. The Commission will then open up the hearing for comments from the abutters of the property and the public. If there are still questions or issues that the Commission needs answers to it is possible that the public hearing will be continued to another time.*

**Q. How long does it take to get a Conservation/wetlands permit?**

A. *An applicant's clock starts ticking the moment a complete application is time stamped at the Town Clerk's office. The Commission then has 21 days to review the application and hold a public hearing. The Commission may decide that it needs additional information in order to make an informed decision. If this is the case, the hearing may be continued. After the hearing is closed, the Commission has 21 days to issue a permit. In general, the Conservation Commission tries to issue permits soon after the hearing, however, a permit cannot be issued until MassDEP has reviewed the file and issued a MassDEP state filing number.*

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**Q. If the Commission approves and issues an Order of Conditions, how long is it good for?**

A. *A permit is good for three (3) years from the date of issuance. Any permit may be renewed once for an additional one-year period.*

**Q. What are those Department of Environmental Protection file number signs?**

A. *Any site where work is being done under a wetland permit must display a sign bearing the words "MassDEP File Number 312-XXX" so passers-by can reference the file number when speaking with the Conservation Commission or MassDEP.*

**Q. My project was approved at the Conservation Commission's public hearing. When can I start work?**

A. *If you filed a RDA, you must wait until you receive your Determination of Applicability in the mail and about ten (10) business day appeal period has lapsed before you can begin work.*

A. *If you filed a NOI, seven **(7) things must happen before you can begin work:***

1. *Record the Order of Conditions and plans with the Worcester County Registry of Deeds and forward proof of recording to the Uxbridge Conservation Commission.*
2. *Place a sign displaying the DEP number at the entryway of the project.*
3. *Your ten (10)-business day appeal period (from the date of issuance of the Order of Conditions) must have lapsed without an appeal.*
4. *Forward in writing the name(s) and telephone number(s) of erosion control monitor(s), field engineers, wetland scientist and/or other responsible parties for work on the site, to the Conservation office.*
5. *Ensure that all contractors working on the project have reviewed and understand the enclosed Order of Conditions. Keep a copy of the approved plans and Order of Conditions on the project site for ready access and review by all contractors.*
6. *Contact this office prior to the start of work. The Commission may elect to perform a site visit to inspect erosion controls and to discuss other matters of construction.*
7. *Return a signed Certificate of Understanding. This ensures that the owners of the property are aware of the restrictions and conditions for the project during and after construction.*

**Q. Does the Conservation Commission office need to sign off on my Building Permit?**

A. *Yes, the Conservation office will have to sign off on your building application if you are doing any ground work.*

**A Glossary of Wetland Terms**

**Q. There are so many wetland terms. Please explain them.**

A. ***Buffer zone:*** *The upland out to a distance of 100 feet (horizontally) that adjoin the following: any bordering vegetated wetlands, marshes, wet meadows, bogs, swamps, lakes, ponds, beaches, many intermittent streams, and banks.*

A. ***Intermittent stream:*** *A body of running water, including brooks and creeks, which move in a definite channeled direction that may cease to flow from time to time throughout the year.*

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- A. **Perennial stream:** *A stream or river (channel) that has continuous flow year round during years of normal rainfall. As stream-flow decreases in dry weather, visible flow above the stream bed may not be readily evident, especially in streams with coarse substrate (gravel and rocks), where water is flowing beneath and between these particles.*
- A. **Pond (inland):** *Any open body of fresh water, either naturally occurring or man-made, with a surface area observed or recorded within the last ten years of at least 10,000 square feet, and which is never without standing water due to natural causes, except during periods of extended drought.*
- A. **River:** *Natural flowing body of water that empties to any ocean, lake or other river and which flows throughout the year.*
- A. **Riverfront area:** *Land adjoining perennial rivers, streams, brooks and creeks out to distance of 200 feet.*
- A. **Stream:** *Any open body of running water moving in a channel in the ground, including intermittent streams and headwaters of streams above the point where there are wetlands adjoining them.*
- A. **Swamp:** *An area where groundwater is at or near the surface of the ground for a significant part of the growing season or where runoff water from surface drainage frequently collects above the soil surface, and where a significant part of the vegetational community is wetland dependent.*
- A. **Vernal Pool:** *A temporary pond that doesn't support breeding fish populations. There are approximately 550 species of vertebrates and invertebrates that utilize vernal pools' unique habitat. Vernal pools are becoming increasingly rare, due to habitat destruction through land development. Vernal pools are a protected resource in Uxbridge, regardless of whether they have, or have not, been officially certified through the MNHESP.*
- A. **Wetland or Wetland Resource Area:** *Area that is presumed important in the state Wetlands Protection Act, including, in Uxbridge, banks, freshwater wetland, beach, marsh or swamp that borders on any creek, stream, river, pond or lake; lands under water bodies; land subject to flooding; and Riverfront Area.*

### **Q. Are there any Endangered Species in Uxbridge?**

- A. *Yes, there are a few. Please see links on the Conservation Commission webpage, including the Massachusetts Natural Heritage & Endangered Species Program (NHESP) website at <https://www.mass.gov/orgs/masswildlifes-natural-heritage-endangered-species-program>.*

### **Q. What should I do if I find an Endangered Species?**

- A. *It is against the law to capture or "take" an endangered species, so if you happen to come across one of those "critters", run and grab your camera to document the creature that you have found. Documenting endangered species in Uxbridge, is critical in protecting the animals and their habitats.*