

## **PROCEDURES FOR FILING CONSERVATION RELATED PROJECTS**

**Adopted by a vote of the Truro Conservation Commission on: January 2, 2007. Amendments Adopted at January 3, 2012 Public Hearing**

### **Areas Subject to Truro Conservation Commission Jurisdiction**

1. Any bank the ocean,  
any freshwater wetland, any estuary,  
any coastal wetland, any creek  
any beach, bordering any river  
any dune, on any stream  
any flat, any pond  
any marsh, any lake  
any swamp
2. Land under any of the water bodies listed above.
3. Land subject to tidal action
4. Land subject to coastal storm flowage.
5. Riverfront area, extending 200 ft from the mean annual high water mark.
6. Activities within 100 feet of any area listed above, known as the

### **Buffer Zone.**

7. Isolated Land subject to flooding and Vernal Pools.

### **REQUEST FOR DETERMINATION OF APPLICABILITY:**

**To be used for minor projects or when the Commission's jurisdiction is in doubt.**

a. 9 copies of WPA Form 1 Request for Determination of Applicability must be submitted to the Truro Conservation Commission and 1 copy to the DEP Southeast Regional Office via certified mail. Every application must include the following:

1. An accurate and detailed description of the site and project. The site must be identified by street name and number, and the number shall be posted at the property in conformity with Truro By-laws 1-6-1. The site and entire proposed project, should be described in narrative form. If needed, attach additional sheets for a more complete description of the site and project; a map or plan may also be used as part of the description. List the titles of all attached plans\* and maps, identified by the most recent revision date of each such plan or map, on the application.

2. An 8.5" x 11" section of the U.S. Geologic Survey (USGS) quadrangle or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Note: USGS Maps are available at the Truro Conservation Commission at Town Hall.

**NOTICES OF INTENT:**

1. 9 copies of WPA Form 3 Notice of Intent with plans must be submitted to the Truro Conservation Commission and 1 copy of the Notice of Intent with plans must be sent to the DEP Southeast Regional Office VIA CERTIFIED MAIL:

MassDEP Southeast Region  
20 Riverside Drive  
Lakeville, MA 02347

In addition, all wetlands applications must include a filing to the Natural Heritage and Endangered Species Program via certified mail to:

**Natural Heritage and Endangered Species Program**  
**MA Division of Marine Fisheries**  
**North Drive, Route 135**  
**Westborough, MA 01581**

**All applications involving coastal projects, (e.g. below mean high water mark) must include a filing to the MA Division of Marine Fisheries via certified mail to :**

**SOUTH SHORE**  
(Cohasset to RI, Cape & Islands)  
MA Division of Marine Fisheries  
Attn: Environmental Reviewer  
838 South Rodney French Blvd.  
New Bedford, MA 02744

Every Notice of Intent application must include:

1. **Project Location.** The map or plot, parcel, and lot numbers must be included if the lot subject to the NOI does not contain a residence, school, or commercial or industrial establishment, or if the lot is being subdivided. The site must be identified by street name and number, and the number shall be posted at the property in conformity with Truro By-laws 1-6-1.

2. **Property Owner.** If there is more than one property owner, a list of additional property owners should be attached to the Notice of Intent. In the case of multiple

property owners, all owners must indicate assent to the proposed project. Where; where properties are held in condominium or cooperative ownership, the assent of the Condominium or Cooperative Board of Trustees, as evidenced by a record of vote or other written approval by such Board must be obtained and submitted to the Commission. Where an agent presents the application on behalf of a property owner, the owner(s) of record must indicate their assent to the agent's application, including assents of multiple owners and condominium association board's. Where an agent acts in a fiduciary capacity, such as guardian, trustee, administrator or executor, written evidence of appointment shall be included.

3. Total Wetlands Protection Act Fee Paid. See Transmittal Fee Form. Remember to send the fee and form to the DEP Boston office, not the Lakeville Office.

4. Project Description. Provide a complete and detailed description of the project. The application must describe and show on accompanying maps and plans, both existing and proposed site conditions, including temporary construction impacts, replication areas, and/or other mitigation measures. Attach maps, plans, and other documents identifying all proposed activities and their location relative to the boundaries of each wetland resource area and Buffer Zone (if applicable). ***\*All Plans submitted to the Commission must be of adequate size, scale, and detail to completely and accurately describe the site, resource area boundaries, and proposed work.***

5. Notice to abutters. Applicant shall provide notification to all abutters of the application and the date, time and place of hearing by certified mail, return receipt requested. Abutters include any property owner within 100 feet of the property lines of the land where the work is proposed. (Note: lists of abutters can be obtained from the Town of Truro Assessors Office. The Notification letter must describe the project in detail, and must state where copies of the Notice of Intent can be obtained or examined, as well as the date, time and place of hearing.

6. All costs of notification, including certified mail and receipts, as well as all costs of duplication of such plans and other documents as may be necessary to the determination of the Commission are the responsibility of the applicant.

7. CERTIFIED MAIL RECEIPTS (return "green cards") MUST BE PRESENTED TO THE COMMISSION OR ITS AGENT PRIOR TO THE START OF THE PUBLIC HEARING.

### **ORDERS OF CONDITIONS**

1. The Order of Condition (OOC) will be issued within 21 days of the closing of the public hearing and is valid for a stated period of time not to exceed three

years. A request for extension shall be made in writing to the Commission at least 30 days prior to the expiration of the Order. The Commission may extend an Order for one or more periods of up to three years each.

2. Once the OOC is issued, there is a 10 (business) day appeal period. Under no circumstances shall work commence during this appeal period. After the 10 day appeal period, the applicant shall record the OOC at the Barnstable Registry of Deeds. Proof of recording of the Order of Condition must be submitted to the office of the Truro Conservation Commission

3. The party preparing and filing the Notice of Intent with the Commission must give written notice to the Commission 48 hours in advance that work is to commence.

4. It is the obligation of the applicant before the Commission to ensure that all architects, contractors, sub-contractors and anyone else participating in any part of the work subject to the Order of Conditions are aware of the requirements and terms of the Order of Conditions prior to the commencement of any work on the Project.

#### **ADVERTISEMENT**

The hearing on a Notice of Intent must be advertised in a newspaper of general circulation in the Town of Truro at least 5 days prior to the meeting at which the hearing will be held.

**FAILURE TO COMPLY WITH THE REQUIREMENTS OF THESE FILING PROCEDURES MAY RESULT IN DELAY OF HEARING OR DENIAL OF THE REQUESTED PROJECT**