

Wetlands Protection Review

Streams, bodies of water, land under water, floodplains, and lands bordering vegetated wetlands are regulated under the Massachusetts Wetlands Protection Act. In Dracut, certain other isolated or perched wetlands are also regulated under a local Wetlands Protection Bylaw. Construction or other development in or near any of these areas requires a permit from the Conservation Commission. Application forms and information on current filing fees for wetlands protection review are available from the Conservation Department. The Commission recommends that wetland review take place early in the development process so that the applicant is clear about the limits or work before beginning design work.

Request for Determination of Applicability

Applicants proposing work on any property containing possible wetlands as described above must file a one-page "Request for Determination of Applicability" with the Conservation Commission. The Commission will visit the site to determine if there are wetlands on the property and if the proposed work will have an impact on the wetlands. A decision will be made at a regularly scheduled Commission meeting within 21 days of receiving the request.

In the event of a negative determination, indicating that there are no wetlands present or that there will be no impact on wetlands resulting from the proposed work, the applicant may proceed with construction, assuming other relevant permits have been obtained.

A positive determination by the Commission, however, indicates the existence of wetlands or the likelihood that work on the property will impact a wetland. In this event, the Commission may either authorize construction under certain stipulated conditions or ask the applicant to file a "Notice of Intent" to commence work and await a second review before any work begins.

Notice of Intent

Within 21 days of receiving a "Notice of Intent" from an applicant, the Conservation Commission will revisit the site and hold a public hearing. The applicant must pay a filing fee for this review as well as the cost of publishing a hearing notice in the newspaper, and must obtain a list of abutters from the Town Assessor's office. The published notice must appear at least 14 days before the hearing.

By majority vote, the Commission will issue a decision on the project, known as an "Order of Conditions," within 21 days after the public hearing is closed.

Appeal

Both "Determinations" and "Orders of Conditions" may be appealed to the Massachusetts Department of Environmental Protection within 10 days of their issuance.

Submission Requirements and Fees

Fees and other requirements depend on a variety of elements of the proposal, including the size of the area under consideration. The Conservation Department should be consulted to discuss specific cases. Pertinent Forms with instructions, including fee requirements, are available at:

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

**FOR FURTHER INFORMATION, CALL THE CONSERVATION DEPARTMENT,
(978) 458-**

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