

APPENDIX A

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# City of Westfield Conservation Commission

59 Court Street Westfield, MA 01085

Phone: 413-572-6281

## SCHEDULE OF FILING FEES UNDER LOCAL ORDINANCE

<b>Request for Determination of Applicability</b> .....	\$50.00
<b>Notice of Intent*</b>	
<i>Category 1</i> .....	\$55.00
<i>Category 2</i> .....	\$250.00
<i>Category 3</i> .....	\$525.00
<i>Category 4</i> .....	\$725.00
<i>Category 5 (per linear foot)**</i> .....	\$2.00
<i>Category 6 (per linear foot)**</i> .....	\$2.00
<b>Amended Final Order or LWP</b> .....	\$250.00
<b>Extension of Final Order or LWP</b> .....	\$100.00
<b>Reissue Lost Document (<i>per document</i>)</b> .....	\$50.00

\*Fee is per each activity as reference in Application Fee Form

\*\*Fee not to exceed \$1,000.00

**Category 1** (Fee for each activity is **\$55**):

- 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 single family house;
- b. parking lot;
- c. beach nourishment;
- d. coastal limited projects;
- 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 **\$525**)

- a. site preparation (for development) beyond Notice of Intent scope;
- b. each building (for development) including site;
- c. road construction not crossing or driveway;
- d. hazardous cleanup;
- e. water supply development.

**Category 4** (Fee for each activity is **\$725**):

- a. each crossing for development or commercial road;
- b. dam, sluiceway, tidegate (safety) work;
- c. landfills operation/closures;
- d. sand and gravel operations;
- e. railroad line construction;
- f. bridge;
- g. hazardous waste alterations to resource areas;
- h. dredging;
- i. package treatment plant and discharge;
- j. airport tree clearing;
- k. 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 \$1,000):

- a. work on docks, piers, revetments, dikes, etc. (coastal or inland).

**Category 6** (Fee is **\$2 per linear foot for each resource area**): **For each resource area delineation, the fee shall not** exceed \$100 for activities associated with a single-family house or \$1,000 for all other activities).

APPENDIX B

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# City of Westfield Conservation Commission

59 Court Street Westfield, MA 01085

Phone: 413-572-6281

## General Instructions and Checklist for Completing Request for Determination of Applicability

The Massachusetts Wetlands Protection Act, M.G.L. Ch131 §40 (hereafter “Act”) and the City of Westfield Wetlands Protection Ordinance, Chapter 13, Article V, Division II off the Ordinances of the City of Westfield (hereafter “Ordinance”) were enacted to provide protection of wetland resources of the Commonwealth. Under these laws, no alteration, as defined within the law, is allowed upon or within 100 feet of a wetland and 200 feet of a perennial river or stream without the review and approval of the Conservation Commission. In the case of the Ordinance, there may be additional jurisdiction over isolated wetlands, seasonal wetlands, intermittent streams, and buffer zones. The Ordinance also provides for a “no disturbance” area within 50 feet of all protected resource areas in Westfield.

Any person desiring to know if a proposed activity or an area is subject to protection under the Act, or the Ordinance may file a Request for Determination of Applicability (hereafter “RDA”). In order to facilitate review of the proposal, please submit the following information with the RDA application.

### Filing Requirements

- TWO (2) hard copies and ONE (1) digital copy of the *MassDEP WPA Form 1: Request for Determination of Applicability* shall be delivered to the Conservation Department, Suite 300 of Westfield City Hall located at 59 Court Street, Westfield, MA 01085.

This form may be used for filings under the Act and the Ordinance. The RDA application must be completed in accordance with DEP instructions and include all necessary supporting documentation. One copy must include the original signatures of the applicant and representative (if any). Each application should include the following under section C: Project Description

- A locus map consisting of an 8 ½” x 11” portion of the United States Geological Survey (USGS) topographic quadrangle map clearly identifying the locations of the proposed work.
- An 8 ½” x 11” portion of the Federal Emergency Management Agency, Flood Insurance Rate Map clearly identifying the location of the proposed work.
- TWO (2) hard copies and ONE (1) digital copy of the site plan describing the proposed work. Plans must be clearly drawn and depict sufficient details to clearly describe the proposed project and/or resource area in question. Plans should, at a minimum, include the following items where applicable:

- Property Lines
  - Existing and proposed grades with at least two-foot contours
  - The wetland boundary
  - The boundary of the 100ft Buffer Zone
  - The boundary of the 50ft Wetland Protection Zone
  - The limit of work
  - All proposed structures within the Buffer Zone and/or Resource Area
  - Offset distances from the proposed structures and the limit of work from the Resource Area
- When seeking a determination under the Local Wetlands Protection Ordinance, a filing fee of **FIFTY (\$50.00) DOLLARS** is required. Please make the check payable to the City of Westfield.
  - When seeking a determination under the Local Wetlands Protection Ordinance, an RDA application shall be accompanied by a list of abutters within 100ft of the project locus. Certified mail receipts, USPS certified mail logbook page(s), or an affidavit signed under pains and perjury that all abutters within 100ft of the project locus have been notified.
  - When seeking a determination under the Local Wetlands Protection Ordinance, an RDA application shall be accompanied by certified mail receipts, or an affidavit signed under pains and perjury that all abutters within 100ft of the project locus have been notified.
  - When seeking a determination under the Act, a complete RDA application shall be submitted to the Conservation Department (original & one copy), the Western DEP Regional Office (one copy), and the property owner, if different from the applicant, in accordance with the filing instructions contained within the RDA. The applicant or their representative may use eDEP for online filing purposes.

### **Public Hearing Schedule and Filing Deadline**

The RDA must be submitted to the Commission no less than 10 business days prior to a scheduled meeting. Once a complete RDA application is filed, the Commission will schedule a hearing and issue a decision within 21 days of receipt. Generally, the Commission meets on the second and fourth Tuesday of the month. Applicants who desire guidance prior to applying should consult with the Conservation Agent or Professional Consultant for further assistance. An application is considered complete when the above Filing Requirements are submitted.

### **Site Visits**

Conservation Commission members and/or the Conservation Agent will typically conduct a site visit to view the site as part of the information gathering process. Site visits are conducted after the initial public meeting in order to have background information readily available. On occasion, the Commission may request additional site visits after hearing additional information at the public meeting. In these instances, the Commission will request the applicant's permission to continue the public meeting to the next regularly scheduled meeting date in order to provide

time for a site visit. A date and time for the site visit will be coordinated between the Conservation Agent and the applicant and/or representative. To prepare for a site visit, the applicant and/or their representative should complete the following items in the field where applicable:

- Mark the boundary line of the resource area
- Mark the 100ft Buffer Zone
- Mark the 50ft Wetland Protection Zone
- Mark the corners of proposed structures and/or alterations

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APPENDIX C

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# City of Westfield Conservation Commission

59 Court Street Westfield, MA 01085

Phone: 413-572-6281

## General Instructions and Checklist for Completing Local Wetland Permit Application

The City of Westfield Wetlands Protection Ordinance, Chapter 13, Article V, Division II off the Ordinances of the City of Westfield (hereafter “Ordinance”) was enacted to provide additional protection of wetland resources not otherwise protected by the state Wetland Protection Act. Under these laws, no alteration, as defined within the law, is allowed upon or within 100 feet of an isolated wetland, 100 feet of potential or certified vernal pools and associated habitat, or with 200 feet of an intermittent stream, in addition to those regulations under the Act, without prior review and approval of the Conservation Commission. The Ordinance also provides for a “no disturbance” area within 50 feet of all protected resource areas in Westfield.

Any person desiring to alter an Area Subject to Protection Under the Ordinance ONLY must file for a Local Wetland Permit Application (hereafter, “LWPA”). In order to facilitate review of the proposal, please submit the following information with the LWPA.

### FILING REQUIREMENTS

Submit a **complete application** at least 10 business days before the desired hearing date. Applications shall be hand delivered or sent via certified mail to the following locations:

- To Westfield Conservation Commission: 59 Court Street, Westfield MA 01085
  - Complete application – see checklist below – 1 original with wet signatures, 1 hardcopy, and 1 digital (.PDF) copy
  - Site Plans – 2 full size prints, 1 digital (.PDF) copy (all plans must be legible and stamped by an engineer if any component of the project requires engineering)
  - Ordinance filing fee made out to The City of Westfield

### CHECKLIST

A **complete LWPA** must include the following, in addition to the requirements listed in the LWP form and instructions:

- Local Wetland Permit Application
- Detailed project description including the wetland resource area(s) present and evidence that work meets all performance standards
- A locus map consisting of an 8 ½” x 11” portion of the United States Geological Survey (USGS) topographic quadrangle map clearly identifying the locations of the proposed work.

- An 8 ½” x 11” portion of the Federal Emergency Management Agency, Flood Insurance Rate Map clearly identifying the location of the proposed work, if applicable.
- MassDEP BVW Field Data Forms and methodology
- Calculation of the proposed disturbance, divided into permanent and temporary disturbances
- Stormwater Report (if applicable)
- TWO (2) full sized (24” x 36”) and ONE (1) digital copy of the site plan describing the proposed work. Plans should, at a minimum, include the following items where applicable:
  - Title Block shall be on all sheets, in the bottom right-hand corner
  - Property Lines
  - Existing and proposed grades with at least two-foot contours
  - The wetland boundary
  - The boundary of the 100ft Buffer Zone
  - The boundary of the 50ft Wetland Protection Zone
  - The limit of work
  - All proposed structures within the Buffer Zone and/or Resource Area
  - Assessor’s plat and lot number and street address
- A list of abutters within **100 feet** of the project site
- Certified mail receipts, USPS certified mail logbook page(s), or an affidavit signed under pains and perjury that all abutters within 100ft of the project locus have been notified.

## Start to End: Filing a Local Wetland Permit

### Step 1: List of Abutters

Obtain a list of abutters within **100 feet** of the project site by filing out the [“Request for Abutters List”](#) and submitting the form to the Westfield Assessor’s Office **OR** by using the [Westfield GIS](#) to generate the list. *\*Note: The Westfield GIS is not always up to date and the property owners should be verified\**

### Step 2: Fill out Permit Application

Download and complete the Local Wetland Permit application from the City of Westfield Conservation Department website. It is recommended that you hire a wetland scientist, consultant, engineer, and/or land surveyor to assist you with preparing the permit application, however it is not required. Incomplete LWP applications will not be accepted by the Conservation Office. Specific instructions on information to include in the application can be found in the LWP instructions.

### Step 3: Submit both physical and digital copies of a complete application by noon, 10 business days before the desired hearing date by hand delivery or certified mail:

- a. To Westfield Conservation Commission: 59 Court Street, Westfield MA 01085
  - Complete application – see checklist – 1 original with wet signatures, 1 hardcopy, and 1 digital (.PDF) copy
  - Site Plans – 2 full size prints, 1 digital (.PDF) copy (all plans must be legible and stamped by an engineer if any component of the project requires engineering)
  - Ordinance filing fee made out to The City of Westfield

### Step 4: You will be given a Hearing Date/Time

By submitting a **complete** LWP application (see items listed in Step 3). The Conservation Agent will assign the proposal to the desired hearing date and place a legal ad in the Westfield News.

### Step 5: Notify Abutters

Once you have been informed of the date and time for the hearing, you shall notify abutters in accordance with the provisions of the Rules and Regulations of the Ordinance. The Applicant or their representative must email copies of the certified mail slips or certificate of mailing receipts for all abutters at least one week prior to your hearing.

### Step 6: Attend the Public Hearing

The applicant and/or representative is expected to briefly present the project and answer any question on the potential impact to wetlands which the Commission or public may have. At the end of the hearing the Commission will either:

- (A) Issue a Local Wetland Permit approving the project or;
- (B) Deny the Local Wetland permit application for specified reasons or;
- (C) Approve a continuation to an agreed upon date and time by the applicant to allow time for a site visit and additional requested information to be provided.

**Step 7: Stake the Property**

The WCC requires that all new structures, additions, limit of work, septic systems, and stormwater systems within the Buffer Zone for which a LWP has been filed, must be staked out prior to a site visit. The stakes must be labeled in order to identify the work. A plan demarcating the stakes in the field may be submitted to the Conservation Commission to use as reference for review.

**Step 8: Conservation Commission will Conduct a Site Visit**

The Commission and/or the Agent will perform a site visit after the application is introduced into the public record (after the first hearing) to confirm the existing conditions and resource area delineation. They will review the stake locations for accuracy. The applicant and their representative will be notified about the date & time of the visit and are encouraged to attend.

**Step 9: Attend the second Public Hearing**

The applicant and their representative are expected to attend a second public hearing, if applicable. The new information requested will be presented. The Commission will either approve, deny or continue the hearing.

**Step 10: Receive an Order of Conditions and wait out the Appeal Period**

Whether a permit is issued or denied, any decisions made by the Commission under the local Ordinance may be appealed to Superior Court by abutters, the applicant, or a 10-citizen group within 10 business days of the decision. No work is allowed until the appeal period is over.

**Step 11: Complete all pre-construction items listed in the Order prior to beginning work.**

**Step 12: Execute the project.**

The project must be completed in 3 years, unless an extension is issued; extensions must be requested at least 30 days prior to expiration of the permit

**Step 13: Request a LWP Certificate of Compliance (LCOC).** Once a project is completed with all conditions met, request a LCOC from the Commission by submitting (1) Request for LCOC form (2) a stamped, as-built plan, (3) a letter from the engineer stating that everything is in compliance with the approved plans and LWP. The Commission will then hold a site visit to ensure compliance and will issue a LCOC if appropriate

**Step 14: Record the LCOC at the Registry of Deeds** to remove the cloud from the title. Provide proof of recording to the Conservation Office.

**Complete!**

APPENDIX D

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# City of Westfield Conservation Commission

59 Court Street Westfield, MA 01085

Phone: 413-572-6281

## General Instructions and Checklist for Completing Notice of Intent Application

The Massachusetts Wetlands Protection Act, M.G.L Ch131 §40 (hereafter “Act”) and the City of Westfield Wetlands Protection Ordinance, Chapter 13, Article V, Division II off the Ordinances of the City of Westfield (hereafter “Ordinance”) were enacted to provide protection of wetland resources of the Commonwealth. Under these laws, no alteration, as defined within the law, is allowed upon or within 100 feet of a wetland and 200 feet of a perennial river or stream without the review and approval of the Conservation Commission. In the case of the Ordinance, there may be additional jurisdiction over isolated wetlands, seasonal wetlands, intermittent streams, and buffer zones. The Ordinance also provides for a “no disturbance” area within 50 feet of all protected resource areas in Westfield.

Any person desiring to alter an Area Subject to Protection Under the Act or the Ordinance must file a Notice of Intent (hereafter, “NOI”). In order to facilitate review of the proposal, please submit the following information with the NOI application.

### Filing Requirements

Submit a **complete application** at least 10 business days before the desired hearing date. Applications shall be hand delivered or sent via certified mail to the following locations:

- To Westfield Conservation Commission:** 59 Court Street, Westfield MA 01085
  - Complete application – see checklist below – 1 original with wet signatures, 1 hardcopy, and 1 digital (.PDF) copy
  - Site Plans – 2 full size prints, 1 digital (.PDF) copy (all plans must be legible and stamped by an engineer if any component of the project requires engineering)
  - City’s portion of the filing fee made out to The City of Westfield
- To Mass DEP Western Regional Office:** 436 Dwight Street Springfield, MA 01103
  - A complete application – see checklist below– 1 paper copy to the above address or 1 digital copy submitted to [eDEP online](#).
  - Photocopy checks and Fee Transmittal Form

The State portion of the filing fee is sent standard mailing to:

- To DEP Lock Box:** Mass DEP, Box 4062, Boston, MA 02211
  - *Note: This is an unmonitored lock box. Send check standard mail.*
  - State portion of the filing fee payable to the Commonwealth of Massachusetts
  - Include original Fee Transmittal Form

## CHECKLIST

A **complete NOI application** must include the following, in addition to the requirements listed in the NOI form and instructions:

- [WPA Form 3: Notice of Intent Application](#)
- Detailed project description including the wetland resource area(s) present and evidence that work meets all performance standards
- A locus map consisting of an 8 ½” x 11” portion of the United States Geological Survey (USGS) topographic quadrangle map clearly identifying the locations of the proposed work.
- An 8 ½” x 11” portion of the Federal Emergency Management Agency, Flood Insurance Rate Map clearly identifying the location of the proposed work, if applicable.
- MassDEP BVW Field Data Forms and methodology
- Calculation of the proposed disturbance, divided into permanent and temporary disturbances
- Stormwater Report (if applicable)
- TWO (2) full sized (24” x 36”) and ONE (1) digital copy of the site plan describing the proposed work. Plans should, at a minimum, include the following items where applicable:
  - Title Block shall be on all sheets, in the bottom right-hand corner
  - Property Lines
  - Existing and proposed grades with at least two-foot contours
  - The wetland boundary
  - The boundary of the 100ft Buffer Zone
  - The boundary of the 50ft Wetland Protection Zone
  - The limit of work
  - All proposed structures within the Buffer Zone and/or Resource Area
  - Assessor’s plat and lot number and street address
- A list of abutters within **100 feet** of the project site
- Certified mail receipts, copies of the USPS certified log book page(s), or an affidavit signed under pains and perjury that all abutters within 100ft of the project locus have been notified.

## Start to End: Filing a Notice of Intent

### Step 1: List of Abutters

Obtain a list of abutters within **100 feet** of the project site by filing out the [“Request for Abutters List”](#) and submitting the form to the Westfield Assessor’s Office **OR** by using the [Westfield GIS](#) to generate the list. *\*Note: The Westfield GIS is not always up to date and the property owners should be verified\**

### Step 2: Fill out Permit Application

Download and complete the [Notice of Intent \(NOI\) form](#) from the Massachusetts Department of Environmental Protection (DEP) website. It is recommended that you hire a wetland scientist, consultant, engineer, and/or land surveyor to assist you with preparing the permit application, however it is not required. Incomplete NOI applications will not be accepted by the Conservation Office. Specific instructions on information to include in the application can be found in the NOI Instructions.

### Step 3: Submit both physical and digital copies of a complete application by noon, 10 business days before the desired hearing date by hand delivery or certified mail:

- a. To Westfield Conservation Commission: 59 Court Street, Westfield MA 01085
  - Complete application – see checklist – 1 original with wet signatures, 1 hardcopy, and 1 digital (.PDF) copy
  - Site Plans – 2 full size prints, 1 digital (.PDF) copy (all plans must be legible and stamped by an engineer if any component of the project requires engineering)
  - City’s portion of the filing fee made out to The City of Westfield
- b. To Mass DEP Western Regional Office: 436 Dwight Street Springfield, MA 01103
  - A complete application – see checklist – 1 paper copy to the above address or 1 digital copy submitted to [eDEP online](#).
  - Photocopy checks and Fee Transmittal Form
- c. To DEP Lock Box: Mass DEP, Box 4062, Boston, MA 02211
  - *Note: This is an unmonitored lock box. Send check standard mail.*
  - State portion of the filing fee payable to the Commonwealth of Massachusetts
  - Fee Transmittal Form

### Step 4: You will be given a Hearing Date/Time

By submitting a **complete** NOI application (see items listed in Step 3). The Conservation Agent will assign the proposal to the desired hearing date and place a legal ad in the Westfield News.

### Step 5: Notify Abutters

Once you have been informed of the date and time for the hearing, you shall notify abutters in accordance with the provisions of 310 CMR 10.05(4)(a). The Applicant or their representative must email copies of the certified mail slips or certificate of mailing receipts for all abutters at one week prior to your hearing.

### Step 6: Attend the Public Hearing

The applicant and/or representative is expected to briefly present the project and answer any question on the potential impact to wetlands which the Commission or public may have. At the end of the hearing the Commission will either:

- (A) Issue an Order of Conditions approving or denying the project or;
- (B) Approve a continuation to an agreed upon date and time by the applicant to allow time for a site visit and additional requested information to be provided.

**Step 7: Stake the Property**

The WCC requires that all new structures, additions, limit of work, septic systems, and stormwater systems within the Buffer Zone for which a Notice of Intent has been filed, must be staked out prior to a site visit. The stakes must be labeled in order to identify the work. A plan demarcating the stakes in the field may be submitted to the Conservation Commission to use as reference for review.

**Step 8: Conservation Commission will Conduct a Site Visit**

The Commission and/or the Agent will perform a site visit after the application is introduced into the public record (after the first hearing) to confirm the existing conditions and resource area delineation. They will review the stake locations for accuracy. The applicant and their representative will be notified about the date & time of the visit.

**Step 9: Attend the second Public Hearing**

The applicant and their representative are expected to attend a second public hearing, if applicable. The new information requested will be presented. The Commission will either approve, deny or continue the hearing.

**Step 10: Receive an Order of Conditions and wait out the Appeal Period**

Whether a permit is issued or denied, any decisions made by the Commission can be appealed to MassDEP or Superior Court by abutters, the applicant, or a 10-citizen group within 10 business days of the decision. No work is allowed until the appeal period is over.

**Step 11: Complete all pre-construction items listed in the Order prior to beginning work.**

**Step 12: Execute the project.**

The project must be completed in 3 years, unless an extension is issued; extensions must be requested at least 30 days prior to expiration of the permit

**Step 13: Request a Certificate of Compliance (COC).** Once a project is completed with all conditions met, request a COC from the Commission by submitting (1) DEP form 8a (2) a stamped, as-built plan, (3) a letter from the engineer stating that everything is in compliance with the approved plans and OOC. The Commission will then hold a site visit to ensure compliance and will issue a COC if appropriate

**Step 14: Record the COC at the Registry of Deeds** to remove the cloud from the title. Provide proof of recording to the Conservation Office.

**Complete!**

APPENDIX E

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# City of Westfield Conservation Commission

59 Court Street Westfield, MA 01085

Phone: 413-572-6281

## General Instructions for Acquiring a List of Abutters

Abutters within **100 feet** of the project site must be notified of the proposed work. Failure to notify abutters within this area may result in delays, appeals, or denials of project proposals. Once you have been informed of the date and time for the hearing, you shall notify abutters in accordance with the provisions of the Westfield Wetlands Protection Ordinance. The Applicant or their representative must email copies of the certified mail slips or certificate of mailing receipts for all abutters at one week prior to your hearing. A template abutter notification form follows these instructions.

There are 2 methods for obtaining an abutters list.

### Method 1

Filing out the ["Request for Abutters List"](#) and submitting the form to the Westfield Assessor's Office. The Assessor's Office charges \$25.00 per parcel to generate an abutters list. The list will contain any abutters within 300' or 500' based on which option is chosen, however only abutters within 100ft must be notified.

### Method 2

Using the [Westfield GIS](#) to generate an abutters list. *\*Note: The Westfield GIS is not always up to date and the property owners should be verified. An approved list from the Assessor's Office is still required as part of the filing\**

## Notification to Abutters

### By Hand Delivery, Certified Mail (return receipt requested), or Certificates of Mailing

*This is a notification required by law. You are receiving this notification because you have been identified as the owner of land abutting another parcel of land for which certain activities are proposed. Those activities require a permit under the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40) and/or the Westfield Wetlands Protection Ordinance.*

In accordance with the second paragraph of the Massachusetts Wetlands Protection Act, 310 CMR 10.05(4)(a) of the Wetlands Regulations, and/or Westfield Wetlands Protection Ordinance you are hereby notified that:

- A. A (insert application name) was filed with the Westfield Conservation Commission on (insert date) seeking permission to remove, fill, dredge, or alter an area subject to protection under M.G.L. c. 131 §40. The following is a description of the proposed activity/activities:

(insert a brief description of the proposed project within this text box)

- B. The name of the applicant is: (insert applicant's name).
- C. The address of the land where the activity is proposed is: (insert physical address and assessors map(s) and parcel number(s) of the project site).
- D. Copies of the application may be examined or obtained at the office of the Westfield Conservation Office, located at 59 Court Street, Suite 300, Westfield, MA 01085. The regular business hours of the Office are 9am – 4pm Monday through Friday, and the Office may be reached at (413)-572-6281. Scheduling ahead of time is highly recommended.
- E. Copies of the application may be obtained from the applicant or (insert his/her/their) representative by calling (insert contact name), (insert applicant OR representative) at (insert telephone number). An administrative fee of (insert dollar value) may be applied for providing copies of the application and plans.
- F. A public hearing will be held on (insert date), at 6:30pm in room 201 of Westfield City Hall located at 59 Court Street, Westfield, MA. Notice of the public hearing will be published at least five business days in advance, in the Westfield News/The Reminder.

**Notification provided pursuant to the above requirement does not automatically confer standing to the recipient to request Departmental Action for the underlying matter. See 310 CMR 10.05(7)(a)4.**

APPENDIX F

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# City of Westfield Conservation Commission

59 Court Street Westfield, MA 01085 | Phone: 413-572-6281

## Instructions for Requesting an Amendment to a Final Order or LWP

In response to the need to sometimes deviate from the project approved under a Final Order of Conditions, MassDEP developed Wetland Program Policy 85-4: Amended Orders in September 1985, later revised March 1, 1995. Under the Westfield Wetlands Protection Ordinance, the Conservation Commission adopts the method of Policy 85-4 for Amended Orders in order to allow for a smooth permitting procedure and avoid unnecessary filings, duplications, or costs after a Final Order or Local Wetland Permit (LWP) has been issued.

Amending a Final Order or LWP is at the discretion of the Conservation Commission as there is no provision within the state wetland regulations on proceedings after a Final Order is issued. Where there are minor obvious mistakes in typographical errors (i.e. an incorrect file number, spelling, or condition applied) a simple correction may be made to the Final Order or LWP. In the case where a change is beyond paper, MassDEP has recommended the following procedure for amending an Order, which the Commission has adopted and uses for both Final Orders and LWPs for which they are the issuing authority.

### AMENDMENT PROCEDURE

1. The applicant or their representative requests for an amendment to the issuing authority. The request shall be made in writing and submitted to the Conservation Office no later than 10 business days prior to the requested public hearing date. The request should include a narrative of the proposed changes and any essential plans showing the changes. A copy of the request should also be provided to the MassDEP Western Regional Office.
2. The Conservation Agent will review the submitted materials to determine if the requested change warrants following the amendment process outlined in Policy 85-4. Changes including but not limited to typographic errors, minor changes which do not impact the Resource Area or their Buffer Zone, difference in erosion controls or methodology, may be administratively approved by the Conservation Agent.
3. If the Conservation Agent determines that the proposed changes are beyond the scope of administrative approval, the Agent will discuss the proposed changes informally with the Commission at the next regularly scheduled meeting.
4. The Conservation Commission will first decide if the requested change is great enough to warrant the filing of a new Notice of Intent or whether it is a relatively minor change that may be considered an amendment to the original Final Order of Conditions. Relatively minor changes which result in the same or decreased impact on the interest of the Act or Ordinance may be deemed appropriate for an Amendment. Changes which propose greater impact on the Resource Area or do not protect the interests of the Act or Ordinance may require the filing of a new Notice of Intent.
5. If the Commission determines that an amendment is justified, they will instruct the Agent to publish newspaper notice, at the expense of the applicant, that an amendment to the Order of Conditions will be considered at a Public Hearing. At this time, the applicant shall follow the requirements of abutter notifications, as detailed in Appendix D: Notification to Abutters, which explains the project and proposed amendments.

6. The request for amendment will then be formally discussed at the next regularly scheduled meeting of the Conservation Commission, or to a date agreed upon by the applicant and Commission. If the Commission decides to issue an amended Order of Conditions, a copy will also be submitted to MassDEP Western Regional Office.

### **Notes**

Appealing an Amended Order: Any person so aggrieved by the amendments, or any party as described in 310 CMR 10.07 or Westfield Wetlands Protection Ordinance Section 13-188 may appeal the amendment to the Final Order within 10 days of issuance. The only issues allowed to be appealed are those subject to the amendment or changes made to the Final Order.

Effective Date: The Amended Order of Conditions does not extend the effective date of the original Final Order. The Amended Order runs with the timeframe set in the original Order of Conditions or the effective date of an extended Order.

Deed Recording: Amended Orders must be recorded with the Registry of Deeds in the same manner in which the original Order was recorded.

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