**General Guidelines for Filing Wetland Permit Applications**

These guidelines should be consulted if you think that your project might be subject to the Massachusetts Wetlands Protection Act or the Foxborough Wetlands Protection Bylaw (Ch. 267)

**What Would Trigger the Need for a Filing Under the State or Town Wetlands Protection Laws?**

• When a proposed activity will alter (remove, fill, dredge, or drain; to make it easier, think “shovel to soil”) any land ***within 100 feet of*** ***a bordering vegetated wetland, potential vernal pool, marsh, bog, swamp, pond, lake, floodplain or isolated land subject to flooding.***

• When an activity will alter any land ***within 200 feet of any river or stream***.

• When a ***septic system installation or repair*** will occur within 150 feet of a wetland, stream, or pond.

• When any activity will alter any land ***within 100 feet of a vernal pool***.

If you are unsure whether any of the above apply to your proposed project, please contact Foxborough’s Conservation Office, either by phone (508-543-1251) or by email (jpierce@foxboroughma.gov), and ask for the conservation staff’s assistance; they will be happy to help you.

**Are any Other Resource Areas Protected by Foxborough’s Wetlands Protection Bylaw?**

Yes. During the 1980 Annual Town Meeting, Foxborough residents voted to adopt the Town's Wetlands Protection Bylaw (at that time, referred to as Article IX). This Bylaw, which has been revised several times since that time, was initially created to protect additional resource areas that were not covered/protected by the State’s Wetlands Protection Act, particularly the following (Bylaw excerpts):

25 Foot No Activity Zone:

“No activity other than the maintenance of an already existing structure which will result in the building within or upon, removing, filling, or altering of land within 25 feet of a bordering vegetated wetland or an inland bank will be permitted by the Conservation Commission.”

100 Foot No Activity Zone for Vernal Pools and Rare Species Habitat:

*“No activity* associated with the construction of

new subdivisions (including roadways, drainage or utility systems or individual homes) or

individual homes or

commercial/industrial projects

shall be performed within 100 feet of

any certified vernal pool or

any isolated wetland which is identified by the Commonwealth of Massachusetts as the habitat of a state listed species.” *(in other words, located within NHESP Priority or Estimated Habitat)*

**How Do I Determine Whether I Need to File a Wetland Application?**

If you think that your proposed project might be located within 100 feet of a wetland or vernal pool, or within 200 feet of any river or stream, you could file a Request for Determination of Applicability, or simply contact the conservation staff who will be happy to answer any questions you may have.

**If the State or Town Wetland Protection Law Applies, What Next?**

For small projects, you could file a Request for Determination (see instructions on this web page). Once received, the Commission has 21 days to determine (during a public meeting) whether you need to file a Notice of Intent (NOIs are needed for large or complex projects). A Negative Determination is good; it means you don’t need to file a NOI.

**What if I Need to File a Notice of Intent?**

If you receive a Positive Determination from the Commission, you will need to file a Notice of Intent (NOI) application package (forms and instructions are on the Commission’s website). Within 21 days of filing your application, the Conservation Commission must open a hearing for your project’s review during a pre-scheduled meeting (please see “Hearing Dates and Application Deadlines” for details).

After the Commission has finished their review of your proposed project, the hearing will be closed and within 21 days from that, they will issue an Order of Conditions (OoC). An OoC is a three year wetland permit that specifies how you must proceed with your project in order to comply with wetlands laws.

***Please remember*** that before you can begin your project, you must record your OoC at the Norfolk Registry of Deeds and submit proof of this recording to the Commission. You will also need to post a sign with your DEP project number in front of your project site.

**After I Receive an Order of Conditions, How Long Do I Have to Finish My Approved Project?**

An OoC is a three year permit, but if your project isn’t completed within that time, you can request a three year extension by filing a Request for OoC Extension (downloadable from this site) with the Commission.

***Please remember*** that you ***must*** submit this request to the Commission ***before*** your OoC’s expiration date, therefore, it is advised that you file your request at least one month before your OoC expires.

**My Project is Finished, Now What?**

You will need to remember that your OoC, which has been filed at the Registry of Deeds against your deed, is an “encumbrance” upon your deed. This means that if you plan to sell or refinance your property, you will need to remove this encumbrance beforehand (bank requirement). To do this, you will need to submit a Request for a Certificate of Compliance to the Commission; this also closes your DEP project file. Your Request must include an as-built plan of your project and an engineer’s letter stating that your project was built in compliance with your OoC.

You should plan to file your Request several weeks before you will need it, since Certificates of Compliance are only issued by the Conservation Commission during their public meetings.

**When Should You Consult the Commission?**

When you believe your proposed project might be within 100 feet of a wetland or vernal pool, or 200 feet of any river, stream or creek *(when in doubt, the Conservation Manager will be happy to help you with any questions you may have).*

***OR*** *(if you live near any areas that are wet or that flood from time to time):*

1. When you plan to do any *new* landscaping, dig a hole, or fill an area.
2. When you plan to cut a bush or tree, plant a bush or tree or change any vegetation in your yard.
3. When you plan to put an addition on your house, add a pool or side buildings.
4. When you plan to pave the area that is now a gravel driveway.
5. When you plan to install a new driveway.
6. When you plan to install or repair a septic system.
7. When you plan to alter a stream, stream bed or adjoining area.
8. When you plan to do anything about that nasty puddle of water in your yard.
9. When you plan to move a wall or install one.
10. Before you buy a house.

***OR:***

1. When you’re wondering what that *“NO WORK BEYOND THIS POINT”* sign means.
2. When you’re wondering what that “*DEP #157-(three numbers)”* sign means.
3. When you would like to use any Foxborough conservation property for any event.
4. When you would like to help the Commission maintain the Town’s many conservation areas by becoming a member of the Friends of Foxboro Conservation.

***OR:***

1. When a woman, who just got out of a green Subaru, is looking at that nice hole you just dug and shaking her head!