

Town of North Attleborough

CONSERVATION COMMISSION

43 South Washington Street, North Attleborough, MA 02760 | P (508) 699-0125 | www.nattleboro.com/conservation-commission

Clayton Hutchinson, Chair
Linsie Dillon, Vice-Chair
Patricia Wash, Secretary

Deborah Cato
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Shannon Palmer, Conservation Administrator

CONSERVATION COMMISSION POLICIES

1. 25 foot No Disturbance Zone (NDZ) (2008):

The Conservation Commission strongly encourages all project proponents to provide a “25-foot No Disturbance Zone” adjacent to the wetland boundary to provide a buffer from development, protect the wetland resource area from inadvertent encroachment, and further protect the interests of the Wetlands Protection Act. The 25-foot buffer is a minimum requirement and if feasible, a wider NDZ should be proposed. The NDZ shall be left in its natural state in perpetuity and shall not be altered by cutting, dumping, clearing, or grubbing. Exceptions to this policy will be considered by the Commission on a case-by-case basis if the applicant demonstrates the requirement cannot be met and proposes other mitigation to benefit the wetland resource area (e.g., tree or shrub planting, removal of debris, increased NDZ in other portion of property where feasible).

The applicant shall demarcate the No Disturbance Zone with permanent markers (provided by the Conservation Commission) stating “Wetland Resource Buffer Area. No Dumping, Cutting, or Disturbance Allowed”. The markers shall be placed on 4x4 wooden posts or existing trees as feasible and shall be maintained by property owner. Split rail fence may also be required by the Commission if deemed necessary, based on site conditions.

Updated 9.14.21

2. Precipitation Frequencies (2021):

Applicants submitting a Notice of Intent should utilize the National Oceanic and Atmospheric Administration (NOAA) Atlas 14 for stormwater management calculations and for determining extent of Isolated Land Subject to Flooding (ILSF) https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html

Currently, the Wetlands Protection Act Regulations and MA Stormwater Handbook reference precipitation frequency statistics based on Technical Paper 40 (TP 40), published by the Weather Bureau in 1961. However, DEP is preparing to update the

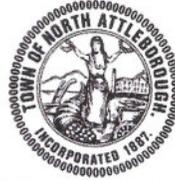
regulations pertaining to precipitation intensity and frequency by adopting the NOAA Atlas-14 Precipitation-Frequency Atlas of the United States Volume 10 Version 3: Northeastern States in order to address stormwater management issues and broader climate resiliency implications. Additionally, the Commission's recently adopted Stormwater Management and Land Disturbance Regulations require projects to be designed using the 24-hour rainfall data taken from the NOAA Atlas 14 (or most current data from NOAA) and type III storm.

Adopted 8.24.21

3. Meeting agenda and Submittal Deadlines (2012):

Due to changes in the Open Meeting Law, effective July 1, 2010, and the associated new public notice requirements, the Conservation Commission's public meeting agenda will close on the **Thursday at noon** before a regularly scheduled public meeting, with no exceptions. In addition, any documents, plans, or requests (i.e. Request for Extension, Certificate of Compliance, etc.) to be submitted for a public meeting or for a hearing item must be received by the Commission **no later than 4pm on the Wednesday preceding the meeting**. These new policies are effective as of October 23, 2012. (Please note that they do not apply to new applications which must meet the regulations set forth under the Wetlands Protection Act Regulations, 310 CMR 10.05.) Any questions regarding the Commission's requirements or the changes to the Open Meeting Law please should be directed to the Conservation Administrator.

4. Rules for Hiring Outside Consultants (2012) adopted by Commission pursuant to M.G.L. Chapter 44, Section 53G, see attached.



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**Rules for Hiring Outside Consultants
Under M.G.L. Ch. 44 §53G**

Purpose. As provided by G.L. Ch. 44 §53G, the North Attleborough Conservation Commission may impose reasonable fees for the employment of outside consultants, engaged by the Conservation Commission, for specific expert services. Such services shall be deemed necessary by the Commission to come to a final decision on an application submitted to the Conservation Commission pursuant to the requirements of: the Wetlands Protection Act (M.G.L. Ch. 131 §40), the Conservation Commission Act (M.G.L. Ch. 40 §8C), or any other state or municipal statute, bylaw or regulation, as they may be amended or enacted from time to time. The Conservation Commission may also impose fees for other consultant services, related to application review, or permit conditioning or monitoring, under any of the above-referenced laws or regulations.

Special Account. Funds received pursuant to these rules shall be deposited with the town treasurer who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Conservation Commission without further appropriation as provided in M.G.L. Ch. 44 §53G. Expenditures from this account shall be made only in connection with a specific project or projects for which a consultant fee has been collected from the applicant. Expenditures of accrued interest may also be made for these purposes.

Consultant Services. Specific consultant services may include but are not limited to resource area survey and delineation, analysis of resource area values, hydrogeologic and drainage analysis, impacts on municipal conservation lands, and environmental or land use law. Services may also include on-site monitoring during construction, or other services related to the project deemed necessary by the Commission. The consultant shall be chosen by, and report only to, the Commission and/or its administrator.

Notice. The Conservation Commission shall give written notice to the applicant of the selection of an outside consultant. Such notice shall state the identity of the consultant, the amount of the fee to be charged to the applicant, and a request for payment of said fee in its entirety. Such notice shall be deemed to have been given on the date it is mailed or delivered. No such costs or

expenses shall be incurred by the applicant if the application or request is withdrawn within five days of the date notice is given.

Payment of Fee. The fee must be received prior to the initiation of consulting services. The Commission may request additional consultant fees if necessary review requires a larger expenditure than originally anticipated or new information requires additional consultant services. Failure by the applicant to pay the consultant fee specified by the Commission within ten (10) business days of the request for payment, or refusal of payment, shall be cause for the Commission to deny the application based on lack of sufficient information to evaluate whether the project meets applicable performance standards in 310 CMR 10.00. An appeal stops the clock on the above deadline; the countdown resumes on the first business day after the appeal is either denied or upheld. A denial for lack of information may be based solely on the lack of the third party consultant review identified as necessary by the Commission. The Commission shall specify in its denial the nature of the information lacking which its chosen consultant would provide, e.g. the questions it needs answered.

Appeals. The applicant may appeal the selection of the outside consultant to the North Attleborough Board of Selectmen, who may only disqualify the outside consultant selected on the grounds that the consultant has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist of both an educational degree and three or more years of practice in the field at issue or a related field. Such an appeal must be in writing and received by the Board of Selectmen and a copy received by the Conservation Commission, so as to be received within ten (10) days of the date consultant fees were requested by the Conservation Commission. The required time limits for action upon the application shall be extended by the duration of the administrative appeal.

Return of Unspent Fees. When the Commission's review of a project is completed and an Order of Conditions issued, any balance in the special account attributable to that project shall be returned within 30 days. The excess amount, including interest, shall be repaid to the applicant or the applicant's successor in interest. For the purpose of this regulation, any person or entity claiming to be an applicant's successor in interest shall provide the Commission with appropriate documentation. A final report of said account shall be made available to the applicant or applicant's successor in interest.