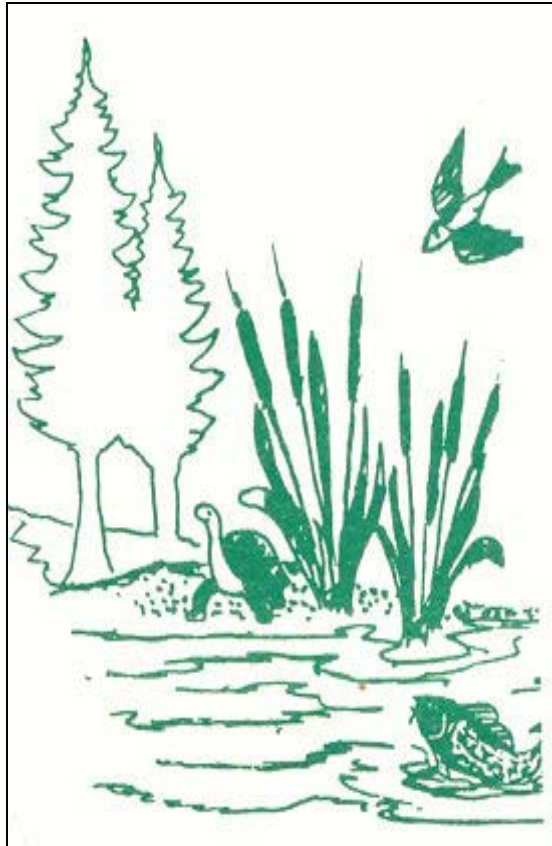


A Simplified Guide to Filing with the Conservation Department



When do I have to file with the Conservation Department?

- ✓ **Any** proposed work within 200 feet of a river or perennial stream
- ✓ **Any** proposed work within 100 feet of a pond, intermittent stream, wetland or coastal bank

No Disturb Buffers Zones

With any project that meets the criteria as discussed above, there are no disturb buffer zones that must be upheld. No disturb buffer zones are areas where there is no disturbance allowed within a specified amount of feet from the wetland line. There is a 25 foot no disturb buffer zone along any wetland, pond or coastal bank. There is a no disturb buffer zone of 100 feet for vernal pools, rivers and perennial streams.

How and Where to File

The extent of your proposed work determines the type of filing you would need to submit to the Conservation Office for review by the Conservation Commission. The filing fees vary with each type of filing. Filing requirements also vary between filings. The Conservation Office can supply you with all forms needed to complete any filing. Once your filing is complete, it is submitted to the Conservation Office. The filing is reviewed to ensure completeness and you are then issued a date and time for a Public Hearing with the Conservation Commission.



Types of Filings

Request for Determination of Applicability (RDA)

An RDA allows an applicant the option of seeking a determination on the applicability of the Wetlands Protection Act (the Act) to a proposed site or activity. The Commission may require the submission of WPA Form 4A (Abbreviated Notice of Resource Area Delineation) or WPA Form 3 (Notice of Intent).

Notice of Intent (NOI)

The Massachusetts Wetlands Protection Act (General Law Chapter 131, Section 40) and the Town of Kingston Wetlands Protection By-Law prohibits the removal, dredging, filling, or altering within 100 feet of wetlands and 200 feet of perennial streams without permits. To obtain these two permits (Order of Conditions), you must submit an application to the Conservation Commission and the Department of Environmental Protection. The Notice of Intent application provides the Conservation Commission and the Department with a complete and accurate description of the site and proposed work.

Abbreviated Notice of Resource Area Delineation (ANRAD)

The filing of an Abbreviated Notice of Resource Area Delineation is optional. The ANRAD provides a procedure for an applicant to confirm the delineation of Bordering Vegetated Wetlands (BVW). If an ANRAD is filed for a BVW delineation, confirmation of other resource areas may also be requested provided the other resource area boundaries are identified on the plans which accompany the BVW boundary delineation.

How do I know what to file or if I really need to submit a filing?

When in doubt, always contact the Conservation Office. If needed, the Conservation Agent can perform a site visit to determine whether a filing is needed and recommend what filing would best suit your situation. We are here to help you and the environment by ensuring that any conservation issues are addressed prior to the commencement of your proposed project.

Definitions

Buffer Zone - A border area that acts as a barrier separating or surrounding an area designated for special protection.

Coastal Bank - the seaward face or side of any elevated landform, other than a coastal dune, which lies at the landward edge of a coastal beach, land subject to tidal action, or other wetland.

Intermittent Stream – a well-defined stream channel that contains water for only part of the year, typically during winter and spring when the aquatic bed is below the water table

Perennial Stream – a well-defined channel that contains water year round during a year of normal rainfall with the aquatic bed located below the water table for most of the year

Vernal Pool – temporary wetlands that fill with water sometime between fall and spring and are usually dry by late summer. Vernal pools are essential for the life cycle of many invertebrates and amphibians.

Wetland - those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.