

DRACUT CONSERVATION COMMISSION

62 ARLINGTON STREET, DRACUT, MA 01826
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Process for Filing a Notice of Intent, Request for Determination of Applicability, or Abbreviated Notice of Resource Area Delineation

Conservation Commissions have the responsibility to administer the Wetlands Protection Act (G.L. Ch. 131 §40) in their community. Thus the commission serves the community in a regulatory capacity (to protect wetlands) and in a conservation capacity (for open space). The requirements of the Wetlands Protection Act are set forth in regulations promulgated by the state Department of Environmental Protection. Many Massachusetts municipalities have adopted local wetlands bylaws or ordinances that provide extra protections to wetlands resources within their borders. These local laws are administered by the local Conservation Commission.

Most projects begin with either a Request for Determination of Applicability or a Notice of Intent. The Conservation Agent can answer questions and help you decide which is more appropriate for your project. It is recommended that you consult with a wetland scientist, landscape planner or engineer to assist you with preparing a NOI permit application. Many applications will require a plan certified by a registered professional engineer or land surveyor.

A Request for Determination of Applicability allows applicants to get a determination whether the Wetlands Protection Act applies to a proposed site or activity. The Conservation Commission will review, discuss and issue either a positive or negative Determination of Applicability. A Negative Determination means that there is no wetland impact anticipated and an applicant may proceed without further permissions. A Positive Determination means there is wetland impact anticipated and the applicant needs to file a Notice of Intent.

A Notice of Intent application provides the Conservation Commission and MassDEP with a complete and accurate description of the site, including the type and boundaries of resource areas under the Wetlands Protection Act, and the proposed work, including all measures and designs proposed to meet the performance standards described in the Wetlands Protection Act Regulations, 310 CMR 10.00. If a project is within the resource area buffer or directly alters a resource it may make sense to begin with a Notice of Intent. The Conservation Commission will review, discuss and issue an Order of Conditions. The Order of Conditions may deny the project, approve the project or (most commonly) approve the project with conditions and stipulations.

There's little that MassDEP and Conservation like more acronyms:

RDA – Request for Determination of Applicability
DOA – Determination of Applicability (Determination)
NOI – Notice of Intent
OOC - Order of Conditions (Order)
ANRAD – Abbreviated Notice of Resource Area Delineation
ORAD – Order of Resource Area Delineation
BVW – Bordering Vegetated Wetland

Step 1: Fill out the appropriate MassDEP Permit Application

Form 1 (RDA) is available for download and submission, **Form 3 (NOI)** and **Form 4A (ANRAD)** can be completed online at edep.dep.mass.gov/

Step 2: Certified List of Abutters

For an NOI/ANRAD: Obtain a certified list of abutters from the Dracut Assessors Office.

Step 3: Submit the Following Application Materials to the Dracut Conservation Department

Plan your submission date based on the hearing schedule. The Conservation Commission generally meets the first and third Wednesday of each month, please contact the Conservation Department for exact dates. Complete applications are due by noon the Wednesday two weeks before the hearing, 14 days in advance of the Commission's meeting. Incomplete applications will not be added to the agenda until all necessary information has been received.

(A) RDA, NOI, ANRAD Application - one (1) copy double-sided

- o Signed WPA Form 1 (RDA) or Form 3 (NOI) or Form 4A (ANRAD)
- o Wetland Fee Transmittal Form and Check (NOI or ANRAD)
- o Copy of certified abutters list (NOI only)
- o Priority & Estimated Habitat Map (no USGS map)
- o DEP BVW Delineation field data forms

Please

- No plastic covers or TOC
- No page dividers or bindings
- Staples are OK
- Print materials double-sided
- **Fold plans**

(B) Project Narrative - two (2) copies double-sided

- o Include owner info, address, parcel id and date
- o Resource area description & delineation details
- o Executive summary of existing & proposed conditions with closest point of disturbance to BVW
- o How does the project comply with each interest of the Act and Bylaw (NOI)
- o Construction sequencing & staging plan

(C) Plan Set

For NOI: one (1) copy full size & seven (7) copies 11x17

For RDA: seven (7) copies 11x17

For ANRAD: one (1) copy full size & seven (7) copies 11x17

- o Title block with applicant's name, project address, map-block-lot, scale and date
- o Vernal Pools and Wetland Boundaries, 25' Buffer, 50' Buffer & 100' Buffer
- o Streams, 100' Riverfront Area and 200' Riverfront Area
- o All buffer zones on the plans shall be colored as follows: Green – Wetland line; Yellow – 25 ft. from Wetland; Red – 50 ft. from Wetland; Orange – 100 ft. from Wetland; Brown – 100 ft. and 200 ft. from Riverfront Area; Blue – streams; and Pink – Vernal Pools.
- o Existing Conditions and Proposed Work
 - Parcel lines, easements, structures, pavement, edge of lawn, canopy tree line
 - Topography and grading
 - Septic system, well, stormwater and drainage infrastructure locations
 - Limit of work, erosion controls and topsoil stockpile area

(D) Email the Electronic Submission to: estefield@dracutma.gov

- o Entire RDA, NOI, or ANRAD Application
- o Project Narrative (separate document from the application)
- o Plan Set as full-size in .pdf format

(E) Pay Local Filing Fee (effective as of 2/1/2026)

- o Local filing fee information can be found on dracutma.gov or obtained from the Conservation Agent.

- Original check for local filing fee, must be separate from local portion for State NOI filing fee. Check for local filing fee must be provided in person to the Conservation Department or mailed to 62 Arlington Street, Dracut, MA 01826 Attn: Conservation.
- Filing fees must be paid in order for the submission to be considered administratively complete.

Step 4: Submit your Application to the Department of Environmental Protection

- (A) One copy of the entire submission (described above) along with photocopy of the checks submitted to the Town and the State to: DEP Northeast Region (NERO) 150 Presidential Way, **Woburn**, MA 01801. If filled out online, these items must be uploaded to your submission and do not need to be mailed.
- (B) (For NOI and ANRAD filings only) Send original check for state fee and copy of Wetlands Fee Transmittal Form to DEP, Box 4062, Boston, MA 02211

When DEP receives all application materials they will issue a DEP number beginning with 145 -

Step 5: You will be Given a Hearing Date and Time

By submitting a **complete** RDA or NOI application (see items listed in Step 3), your public hearing will be scheduled for the next available meeting date. Incomplete applications will not be accepted by the Conservation Office. **The applicant or their representative must be present at the scheduled public hearing. The hearing will not be closed until the DEP number has been issued.**

Step 6: Notify Abutters (For NOI and ANRAD)

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). Please use Dracut's "[Abutters List Request Form \(PDF\)](#)" to request an abutters list and **be sure to include the exact time and date of the hearing on the mailing**. An [abutters notification template](#) is available through the DEP. The applicant must present either the certified mail cards receipts or certificate of mailing receipts for all abutters at the beginning of or prior to the public hearing.

The legal ad will be placed in the Lowell Sun at the applicant's expense prior to the public hearing, the fee paid by the applicant is \$150 paid to the Town of Dracut by check. This check must be separate from the filing fees above in Step 3 (E).

Step 7: Conservation Commission may Conduct a Site Visit

The Commission and/or their staff may perform a site visit to confirm the existing conditions and resource area delineation. The applicant will be notified about the date and time of the site visit.

Step 8: Attend a Public Hearing and Bring Evidence of the Abutter Mailing

Step 9: Receive a Determination of Applicability (for RDA) or Order of Conditions (OOC – for NOI) and READ IT

If you have any questions, contact the Conservation Department. Whether a permit is issued or denied, any abutter, the applicant, or a 10-citizen group may appeal the decision under the Wetlands Protection Act and/or the Dracut Wetlands Protection Bylaw.

Step 10: Record Order of Conditions at Middlesex North Registry of Deeds

Bring the original or a copy of the original Order of Conditions with the recording information on the first sheet back to the Conservation Department. Keep a copy of your permit on-site.

Pre and Post Construction Reminders

- Contact the Conservation Department to schedule a pre-construction site meeting.
- Work authorized by an Order of Conditions must be completed within 2 years. Work allowed following a Negative Determination of Applicability must be completed within 3 years. If, for good reason, the work is not completed in either situation an extension request should be filed at least 30 days prior to expiration of the permit.

- Issued ORADs are valid for 3 years after which time they must be re-delineated.
- For work done under an Order of Conditions a Certificate of Compliance application must be filed with the Conservation Commission and the resulting Certificate of Compliance recorded at the Middlesex North Registry of Deeds. Recording of this Certificate clears the property deed preventing title issues at future sale.