

Town of Northbridge

WETLAND PROTECTION BYLAW

RULES AND REGULATIONS

Table of Contents

Article I.	General Provisions.....	2
Section 1.01	Authority, Jurisdiction and Purpose.....	2
Article II.	Exemptions and Exceptions.....	2
(a)	Single-family Home Lots.....	2
(b)	Waivers and Variances.....	2
Article III.	Permit Applications and Requests.....	2
Section 3.01	Time Periods.....	2
Section 3.02	Fees.....	2
(a)	General.....	2
(b)	Fee Definition and Schedule.....	2
(c)	Fees for Advertising the Public Hearing.....	3
Section 3.03	Request for Determination of Applicability (RDA).....	3
Section 3.04	Notices of Intent (NOI).....	4
Section 3.05	Request for Extension to an Order of Conditions (OOC).....	5
Article IV.	Permits, Determinations and Conditions.....	6
Section 4.01	Performance Standards, Conditions and Restrictions.....	6
(a)	Pre-construction Requirements.....	6
(b)	Wetland Setback Policy.....	6
(c)	Resource Flagging and Marking.....	7
(d)	Ground Water Recharge.....	7
(e)	Erosion Control and Prevention.....	7
(f)	Storage of Fill.....	8
(g)	Construction Debris.....	8
(h)	Wetlands Replacement and Resource Area Restoration.....	8
(i)	Post Construction Requirements.....	9
Article V.	Definitions.....	9
Article VI.	Compliance and Release.....	11
Section 6.01	Certificates of Compliance (COC).....	11

Article I. General Provisions

Section 1.01 Authority, Jurisdiction and Purpose

These regulations, promulgated in accordance with the 2008 Northbridge Wetlands Protection Bylaw (hereafter called the 'Bylaw'), having been voted by the Northbridge Conservation Commission on March 11, 2009 and having been filed with the Northbridge Town Clerk are effective as of March 13, 2009.

Article II. Exemptions and Exceptions

(a) Single-family Home Lots

In accordance with §7-703 D of the Bylaw, applications and permits required by the Bylaw are not required for single-family home lots in existence prior to the effective date of the Bylaw. Therefore, any single-family home lot duly recorded with the Worcester County Register of Deeds on or before September 10, 2008 is exempt from the Bylaw. Lots created through subdivision after September 10, 2008 are subject to the provision of the Bylaw and these Regulations. This exemption in no way removes any requirement for applications and permits required by the Massachusetts Wetland Protection Act.

(b) *Waivers and Variances*

Upon an appeal or a petition, with respect to a finding or decision on a submission, the Commission may grant a variance from the terms of the Wetland Bylaw and these Regulations where the Commission specifically find that, owing to circumstances relating to the soil conditions, shape or topography of land and especially affecting such land but not affecting, generally, the wetland interests protected by the Bylaw, a literal enforcement of the provisions of the Bylaw would involve substantial hardship, financial or otherwise, to the appellant or petitioner, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Bylaw. In authorizing such variance, the Commission may impose limitations of time, locus and conditions of work such as, but not limited to those specified in §7-707 of the Bylaw and Article V of this Regulation.

Article III. Permit Applications and Requests

Section 3.01 *Time Periods*

In order to insure adequate and proper review by the Commission, staff and the public, all permit applications and related documentation -- including forms, narrative descriptions, plans, maps, tables, charts, reports, etc. -- must be submitted to the Conservation Commission no later than fourteen (14) days prior to the scheduled public hearing, or its continuation. Documentation submitted by the Applicant thirteen (13) days or less before the public hearing may be excluded from said hearing or held for discussion at a subsequently scheduled hearing if, in the opinion of the Commission, the Commission, staff or public will not have adequate or sufficient time to properly consider said material.

Section 3.02 *Fees*

(a) *General*

Section 7-704 of the Bylaw provides for two types of payments by applicants. Though both are called "fees," one is the filing fee payable at the time of submitting an application and the other is the "consultant" fee, paid in special cases when needed. In both cases, these fees are deposited into the Wetland Protection Revolver Account. The fees are set forth as follows:

(b) *Fee Definition and Schedule*

(1) Filing Fee – payable with application

Permit fees are payable at the time of application and are non-refundable. Fees shall be calculated by the Commission or its agent using the schedule below. These fees are in addition to and separate from those fees required by the Commonwealth of Massachusetts Department of Environmental Protection. Town of Northbridge projects are exempt from this fee.

Permit applications will not be considered complete unless all local and state fees are paid at the time of application submittal. The Conservation Commission shall notify, in writing, the applicant when the correct filing fee has not been paid to the town and the filing is therefore incomplete. Said notification shall specify the correct fee amount. The fee will be based on the project design as proposed at the time of filing and based on any changes or amendments made during the public hearing process which increase the size of the project. Rebates will not be given for projects which decrease in size during the public hearing, due to an applicant's failure to consider alternatives and reasonable use prior to the initial filing.

At the time of a permit application, the applicant shall pay a filing fee according to the following schedule:

- a) Request for Determination of Applicability (RDA)

< 3 acres	\$100
3+ acres	\$150
- b) Notice of Intent (NOI)

The Notice of Intent filing fee shall be 50% of that total fee which is applied under the State NOI filing fees as of October 8, 2004. This fee shall be in addition to that fee for the State filing.

For example, a proposed project which comes under Category 2 of the State fee schedule (\$500 State filing fee) shall be assessed a fee under the Town Bylaw of \$250, payable to the Town of Northbridge (i.e. State Fee x 0.50).

c) Abbreviated Notice of Resource Area Delineation (ANRAD)

The ANRAD filing fee shall be 50% of that total fee which is applied under the State ANRAD filing fees as of October 8, 2004. This fee shall be in addition to that fee for the State filing.

d) Request for Extension to Order of Condition \$100

(2) Consultant Fee

Upon receipt of a Notice of Intent, Abbreviated Notice of Resource Area Delineation, or Request for Determination of Applicability, or at any point in its deliberations, the Commission may deem it necessary to obtain expert engineering or other outside consultant services in order to reach a final decision on the application. The specific consultant services may include, but are not limited to, Resource Area survey and delineation, analysis of Resource Area values (including Wildlife Habitat evaluations), hydrogeologic and drainage analysis, and/or environmental or land use law.

In such instances the Commission shall notify the Applicant of this need and shall provide the opportunity for the application to be amended or withdrawn. Should an Applicant choose to proceed, the Commission shall require the Applicant to pay the reasonable costs and expenses for these consulting services. This fee is called the consultant fee. The exercise of discretion by the Commission in making its determination to require the payment of a consultant fee shall be based upon its reasonable finding that additional information acquirable only through outside consultants would be necessary for the making of an objective decision.

The Commission may require the payment of the consultant fee at any point in its deliberations prior to a final decision.

(c) Fees for Advertising the Public Hearing

The applicant is responsible for the cost of legal advertisement of the public hearing. The advertisement will be placed by the Conservation office and the fee shall be paid by the applicant prior to the issuance of a decision by the Commission.

Section 3.03 Request for Determination Of Applicability (RDA)

A Request for Determination Of Applicability (RDA) shall include sufficient information to enable the Commission to find and view the area and to determine whether the proposed Work will Alter resource areas protected by the Bylaw. The information shall be submitted using Form 1 of the Wetland Protection Act, M.G.L. Chapter 131, §40 (WPA or the Act) and shall include, at a minimum:

- (1) Such Plans as are needed to locate and inspect the area and to determine whether the proposed Work may Significantly Alter an Area Subject To Protection. These Plans shall show:
 - a) All Wetlands that are within 100 feet of the edge of Activity;
 - b) Riverfront Areas including inner and outer riparian zones
 - c) Wetland Protection Setbacks (See §5.03 (B) (2))
 - d) The 100 foot Buffer Zone;
 - e) Erosion and sedimentation control/prevention devices and method of maintenance;
 - f) The edge of disturbance, if different from the erosion control/prevention devices.
 - g) Location of stockpiled materials, if any.

- (2) If all data required by the Commission and/or its agent are not received, the filing shall not be considered complete, a public meeting shall not be scheduled and the Applicant shall be notified.

At the public meeting, the Commission will make a "positive" or a "negative" determination:

Positively: that the area or Activity is subject to the jurisdiction of the Bylaw and requires the filing of a Notice of Intent; or

Negatively: that the area or Activity is not subject to the jurisdiction of the Bylaw, or that the interests protected by the Bylaw are fully protected by the project as proposed.

Section 3.04 Notices Of Intent (NOI)

Written application shall be filed with the Commission to perform Activities regulated by the Bylaw affecting Resource Areas protected under the Bylaw. The Applicant shall provide the Commission with two copies of the filing (WPA Form 3), and provide the Department of Environmental Protection with one copy. The application shall include such information and Plans as are deemed necessary by the Commission to describe proposed Activities and their effects on Areas Subject to Protection. No Activities shall commence without receiving, recording and complying with an Order of Conditions issued pursuant to the Bylaw, and receiving a file number from the Massachusetts Department of Environmental Protection.

(a) The Commission may accept as the application and plans under the Bylaw the Notice of Intent and plans filed under the Act. The filing shall at a minimum include two copies of the following:

- (1) Form 3 of the Act;
- (2) Such Plans and specifications required of an Applicant under the Act and as specified in the regulations of the Act;
 - a) Limit of construction line shall be shown on plan.
 - b) Area (square footage) of all proposed disturbance within any jurisdictional area shall be called out on design plan.
 - c) The location and details of foundation and storm water management measures.
- (3) A list of Abutters from the most recent tax list of the Town and certified by the Town Assessors;
- (4) A detailed sequence of construction;
- (5) A detailed plan of Wetland replacement or restoration if the project proposes a Wetland Alteration;

(b) In order to clarify the review process for the Commission and/or its agent, all Wetlands within 100 feet of the edge of Activity shall be marked with numbered flagging tape, which will correspond to the edge of Wetlands numerically indicated on the Plans.

- (1) The Commission may, at its discretion during review, request additional information be provided. This information may include, but is not limited to;
 - a) Field location (flagging) and indication on the design plan of all trees 6" or greater diameter at breast height (DBH) that are proposed to be cut or felled in the resource area and buffer zone.

(c) When a Person filing an application is other than the owner, the applicant shall send a copy of the application and the notice of the hearing to the current owner. A copy of the findings themselves shall be sent by the Commission to the owner. The Applicant shall supply the Commission with the name and current address of the owner.

(d) Any Person filing a Notice of Intent under the Bylaw shall also notify, by certified mail or certificate of mailing, all Abutters of the filing of such Notice of Intent. Such Notice shall clearly identify the land on which the Work is to be done and describe the general nature of the Work. Notice shall include the date, place, and time of said public hearing, and where Plans may be reviewed. A list of Persons so notified and proof of such notification shall be filed with the Commission prior to the opening of the public hearing. If proof of said notification is not presented to the Commission, the public hearing shall not be opened. Said notification of Abutters should be sent not less than ten (10) days prior to the scheduled hearing. For example, when a hearing is scheduled for a regular Wednesday meeting, said notification shall be sent by Monday of the week before the meeting, at the latest.

(e) Upon approval of the final plan by the Conservation Commission, the applicant will provide a copy of the final plan in pdf format to the Commission before the release of the Orders of Conditions.

Section 3.05 Request for Extension to an Order of Conditions (OOC)

(a) The Commission may extend an Order of Conditions once for a period of up to three years.

Written requests for an Extension shall be made not less than thirty days prior to the expiration of said Order of Conditions.

(b) The Commission may deny a request for Extension under the following circumstances:

- (1) where no Work has begun on the project, except where such failure is due to unavoidable delay, such as appeals in obtaining other necessary permits;
- (2) where new information, not available at the time of original permanent filing, has become available and indicates the Order of Conditions is insufficient to protect the Areas Subject to Protection;
- (3) where incomplete Work is causing damage to the Areas Subject to Protection;
- (4) where Work has been done in violation of the Order of Conditions;
- (5) where an Extension has previously been granted for said project.

(c) Said Extension (WPA Form 7) shall be recorded in the Worcester County Registry of Deeds. The applicant shall forward to the Conservation Commission proof of the recording within ten (10) days of issuance.

Article IV. Permits, Determinations and Conditions

Section 4.01 Performance Standards, Conditions and Restrictions

(a) Pre-construction Requirements

- (1) Prior to commencement of site alteration, the petitioner shall provide to the Commission receipted proof that the permit has been recorded in the chain of title of the subject property at the Worcester County Registry of Deeds.
- (2) Prior to commencement of site alteration permitted under a Notice of Intent, the petitioner shall display at the entrance of the site a sign, at least 2' x 2' and no larger than 3' x 3', giving the Wetlands Permit file number assigned to the project as follows: Northbridge Wetlands Permit No. ____
- (3) The sign shall be displayed at all times and shall not be removed until a Final Release has been issued by the Commission. The sign, in appropriate cases, may be the same sign as that required by an Order of Conditions, provided that the words: "Northbridge Wetlands Permit No. ____" are displayed.

(b) Wetlands Setback Policy

 (1) Basis of Policy

The Conservation Commission's experience in reviewing a wide variety of projects demonstrates that alteration or construction activities in the buffer zone close to the resource, consistently result in destructive effects on the wetlands themselves. These include, but are not limited to, disturbance of natural vegetation along the wetlands boundary, run-off of pollutants, fill materials, and other substances into the wetlands, stockpiling or dumping of materials or debris which migrate over time into the wetlands, encroachment by home owners into remaining buffer and disturbance of wildlife habitat, such a nesting sites and corridors which are important to wetland species. The Conservation Commission has also noted a tendency on the part of many project proponents to design the project so that it goes to the absolute limit of the wetland boundary. Particularly given the difficulty which often arises in defining that boundary, in most instances it is vital to protect an adjacent section of the buffer zone and prevent the inevitable destructive impacts on the wetlands which goes to the boundary.

In order to protect and preserve the public interests and values of the wetlands and waterways of the Town of Northbridge, activities in Wetland and Buffer Zone Resource Areas should be avoided to the full extent practicable. Where activity in the buffer zone is unavoidable, the following minimum distances (setbacks) from the edge of Wetlands or Vernal Pools apply to all activity. No activity shall be allowed within these setbacks except as provided below. These setbacks are the minimum and may be extended further if deemed necessary for the protection of the interests of the Bylaw by the Commission.

(2) Wetland Setbacks for New Activities

Required minimum setbacks from the edge of the wetland or vernal pool and the stated structure or activity shall be as follows:

- a) Crossings and structures necessary for upland access where reasonable alternative access is

unavailable –	0 feet
b) Wetland-dependent structures (drain outfalls and weirs) –	15 feet
c) Undisturbed natural vegetation except surrounding vernal pools –	35 feet
d) Undisturbed natural vegetation to the mean high water line for vernal pools –	85 feet
e) The edge of driveways, roadways, and structures except vernal pools (i.e. no-build) –	50 feet
f) The edge of driveways, roadways, and structures for vernal pools (i.e. no-build) –	100 feet
g) Underground storage of gasoline, oil or other fuels and hazardous materials –	100 feet

Applicants wishing to rebut the presumption set forth in this policy shall provide the Conservation Commission with the following information, together with any additional relevant information which the Conservation Commission may require:

- o A cross-sectional profile of elevation change in any area of the buffer zone of a wetland which would be disturbed by the proposed activity.
- o A list of all vascular plant species occurring in the buffer zone and adjacent wetland areas including data on relative abundance of each species.
- o A wildlife habitat evaluation of the buffer zone and adjacent wetlands including data on observed wildlife utilization of such area, such as breeding bird use, occurrence of fish, reptiles, amphibians and mammals.
- o A description of the nature of any public or ecological benefits which may arise from the proposed activities.
- o Photographs of the area to be disturbed.

(3) Wetland Setbacks For Existing Structures

Work associated with pre-existing structures or activities not presently in compliance with § 4.03 (b) (2) may not increase the degree of "non-conformance" of those structures or activities. No new activity shall be commenced and no new structure shall be located closer to the edge of a Wetland Resource Area than existing non-conforming like Activities or structures, but the Commission may permit new like Activity or structures as close to the Wetland Resource Area as the existing like Activity or structure if it finds such Activity or structure will not affect the interests provided for in the Bylaw more adversely than the existing Activity or structure.

(c) Resource Flagging and Marking

All Notice of Intent design plans submitted to the Conservation Commission shall note all numbered flags used to delineate the resource in the field. These plans should also show all locations used to test for hydric soils. At least two such locations, one upland and one wetland, shall be located for every three hundred feet (300') of linear bordering vegetative wetland. These locations shall be marked in the field for future observations by the conservation commission members.

(d) Ground Water Recharge

All new construction (residential, commercial and industrial) shall provide a means to infiltrate water discharged from all roof drains. Infiltration chambers or equivalent devices are acceptable for this purpose. Should the applicant provide the Commission with evidence that soil characteristics in the vicinity of the proposed alterations are not conducive to infiltration, the Commission will explore alternative designs with the applicant.

Related regulations: Northbridge Bylaw Chapter 173 (Zoning), Article XIII Aquifer Protection Districts

(e) Erosion Control and Prevention

All permitted activities shall comply with Northbridge Bylaw Chapter 173 (Zoning), §18.2 Erosion control, and the following standards.

(1) Grading

Any cut or fill slope within thirty-five feet (35') of a Bordering Vegetated Wetland (BVW) or of a perennial or intermittent stream, shall be designed at no greater than a three foot horizontal to one foot vertical slope (3:1). In no case will a slope be allowed with a gradient steeper than two feet horizontal to one foot vertical (2:1) within the one-hundred foot (100') buffer zone of the resource.

(2) Barriers

Proposed location of the erosion controls shall be shown on the Plan submitted in the Wetland filing furnished by the Applicant for Commission review and approval. Erosion control devices shall be installed prior to the commencement of Activities on the site. The Commission requires the installation of silt fence in combination with weed-free straw bales. The commission may require or entertain the use of alternative erosion controls where appropriate.

(f) Storage of Fill

If any Fill is to be stored on site, it shall be stored outside of the resource area (including the buffer zone). It shall be surrounded by sufficient controls to prevent erosion of material into the resource area. The location of said Fill shall appear on any Plans submitted to the Commission pursuant to a filing. If the Commission determines that the proposed location of Fill threatens the Areas Subject to Protection it may require the Applicant to store said Fill in a different location or to remove it completely from the site.

(g) Construction Debris

There shall be no disposal or burial of construction debris (i.e. scrap lumber, metals, concrete, asphalt, piping, logs, stumps, etc.) within one hundred (100) feet of a Wetland or in the riverfront area unless approved by the Commission under the filing. Illegal disposal of said debris shall result in a stop work order, fine, required removal of said debris, or all of the above. The Commission may allow the creation of a spoils area, which would be required to be designated on the project PLANS, if it is proven that it will not harm Areas Subject to Protection. Compliance with these regulations shall not excuse the applicant from complying with any other pertinent federal, state or local regulation.

(h) Wetlands Replacement and Resource Area Restoration

Wetlands that are proposed to be Altered will, in all instances, require, at a minimum, 2 square feet replacement for each 1 square foot altered – a 2:1 replication standard. Wetlands replacement will be hydrologically connected to the wetlands proposed to be altered.

Projects involving Wetlands Filling and/or permanent Alterations shall meet the requirements of 310 CMR, 10:60 (3) and 10.55 (4) and the following Requirements of the Commission:

- (1) The proposed Replacement area design must be submitted to the Commission for approval as part of the submittal. Said design shall include:
 - a) A cross-section with indication of Groundwater level, soil profile and thickness of organic soil in the existing and proposed Wetlands;
 - b) Plant species detail, including species found in the area to be Altered, and number, types and locations of species to be introduced into the Replacement area;
 - c) Detail of stabilization Plans for Replacement area Banks;
 - d) Wildlife Habitat diversity plan;
 - e) An alternatives analysis.
- (2) The Replacement area must be shown to sufficiently duplicate the functions of the Wetland proposed to be Altered;
- (3) The Replacement area shall be constructed, to the extent possible, immediately after Alteration of the existing Wetland and during the same growing season;
- (4) The proposed Replacement area must be clearly flagged for Commission site inspection before the filing shall be considered complete, and said flagging shall be numerically coded and correspondingly shown on the Plans.
- (5) If, after two growing seasons, the Commission determines that the Replacement area has not satisfactorily developed into a Wetland the Applicant or owner may be required to submit new Plans to successfully Replace said Wetland. No Certificate of Compliance shall be issued until the Commission has determined that a satisfactory Replacement area has been completed at the end of the three year period.

Other resource areas (e.g. buffer zone) specified in the Order of Conditions that require restoration or replanting will comply with the following Requirements of the Commission:

- (6) A detailed replanting plan shall be included on the approved plans.
- (7) Trees 6" or greater (DBH) which were cut or felled in the resource area and buffer zone and designated for replacement in the Order, shall be replaced in kind with plantings of 2.5 inch caliper nursery stock or greater.

(i) Post Construction Requirements

- (1) If specified in the Order of Conditions, applicants shall provide, prior to issuance of a Certificate of Compliance, as-built plans signed and stamped by a professional engineer or land surveyor. The as-built plan shall include detail conditions (building and driveway location, grading, underground utility locations, outlet pipes with elevations, etc.) and all changes from the original plans with an explanation for these changes.
- (2) Applicant shall be responsible for installation of permanent, concrete bounds embedded no less than 2 feet below grade along the proposed limit of disturbance as approved. Spacing shall be determined at the time of permitting in consultation with the Conservation Commission.
- (3) Any application of fertilizer on any lawn, landscaping, garden, orchard or field within 100 feet of any resource area or 200 feet of river front area shall use 20-0-10 or other reasonable slow release zero phosphate fertilizer.

Article V. Definitions

The following definitions shall apply in the interpretation and implementation of this chapter.

Except as otherwise provided in the Wetland Protection Bylaw and this regulation of the Conservation Commission, the definitions of terms and procedures shall be as set forth in the Wetlands Protection Act (G.L. Ch. 131 §40) and Regulations (310 CMR 10.00).

The term "AGRICULTURE" shall refer to the definition provided by G.L. Ch. 128 §1A.

The term "ALTER" shall include, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this chapter:

- (1) Removal, excavation, or dredging of soil, sand, gravel, or aggregate materials of any kind
- (2) Changing of preexisting drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristics
- (3) Drainage or other disturbance of water level or water table
- (4) Dumping, discharging, or filling with any material which may degrade water quality
- (5) Placing of fill, or removal of material, which would alter elevation
- (6) Driving of piles or erection, expansion or repair of buildings, or structures of any kind
- (7) Placing of obstructions or objects in water
- (8) Destruction of plant life, including cutting or trimming of trees and shrubs
- (9) Changing temperature, biochemical oxygen demand or other physical, biological or chemical characteristics of any waters
- (10) Any activities, changes, or work which may cause or tend to contribute to pollution of any body of water or groundwater
- (11) Incremental activities which have, or may have, a cumulative adverse impact on the resource areas protected by this chapter

The term "BANK" shall include the land area which normally abuts and confines a water body; the lower boundary being the mean annual low flow level, and the upper boundary being the first observable break in the slope or the mean annual flood level, whichever is higher.

The term "BUFFER ZONE" shall mean that area of land extending 100 feet horizontally outward from the boundary of any freshwater wetland, marsh, wet meadow, bog, swamp, vernal pool, spring, bank, beach, reservoir, lake, pond, land under a water body and intermittent stream, brook and creek.

The term "BYLAW" shall mean the Town of Northbridge Wetland Protection Bylaw, Chapter 7-700.

The term "LAKE" shall mean any open body of fresh water with a surface area of 10 acres or more, and shall include great ponds.

The term "PERSON" shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to town bylaws, administrative agency, public or quasi-public corporation or body, the Town of Northbridge and any other legal entity, its legal representatives, agents, or assigns.

The term "POND" shall follow the definition of 310 CMR 10.04 except that the size threshold of 10,000 square feet shall not apply.

The term "QUORUM" shall mean a simple majority of the sitting members of the Conservation Commission.

The term "RARE SPECIES" shall include, without limitation, all vertebrate and invertebrate animals and all plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife, regardless whether the site in which they occur has been previously identified by the Division.

The term "RESOURCE AREA" shall mean all of the following areas defined in §7-702 of the Bylaw: freshwater wetlands, marshes, wet meadows, bogs, swamps, vernal pools, springs, banks, beaches, reservoirs, lakes, ponds of any size, lands under water bodies, intermittent streams, brooks and creeks and their associated buffer zones; perennial rivers, streams, brooks and creeks and their associated riverfront areas; and lands subject to flooding or inundation by groundwater or surface water.

The term "RIVERFRONT AREA" shall mean that area of land extending 200 feet horizontally outward from the boundary of any perennial river, stream, brook and creek.

The term "VERNAL POOL" shall include, in addition to scientific definitions found in the Regulations under the Wetlands Protection Act, any confined basin or depression not occurring in existing lawns, gardens, landscaped areas or driveways which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, contains at least 200 cubic feet of water at some time during most years, is free of adult predatory fish populations, and provides essential breeding and rearing habitat functions for amphibian, reptile or other vernal pool community species, regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife. The boundary of the resource area for vernal pools shall be the mean annual high-water line defining the depression.

Article VI. Compliance and Release

Section 6.01 Certificates of Compliance (COC)

- (a) A request for a Certificate of Compliance shall be made in writing to the Commission using the WPA Form 8A.**
- (b) Before issuing the Certificate of Compliance, a site inspection shall be made by the Commission and/or its agent. The Applicant shall be notified prior to the inspection and may be present at the inspection if that is desired.**
- (c) If the Commission determines, after review and inspection, that the Work has not been done in compliance with the Order, it shall refuse to issue said Certificate of Compliance and specify the reasons for denial in writing to the Applicant.**
- (d) If the Certificate of Compliance does not apply to all Work regulated by the Order of Conditions, it shall state to what portions of the Work it applies.**
- (e) The Certificate of Compliance (WPA Form 8B), if issued, shall be recorded by the Applicant in the Worcester County Registry of Deeds. Applicants shall provide the Conservation Commission with proof of the recording within ten (10) days of issuance.**