

Guide to Permitting with the Town of Orange Conservation Commission under the Wetlands Protection Act (8/24/2023)

Getting Started

1. Consult with the Conservation Office to determine if your project requires review by the Conservation Commission. We recommend meeting with staff well before you plan to start work. Staff will visit the project location after an application is filed, however pre-application site visits can be scheduled upon request.

Filing an Application

1. Apply for all Conservation Commission permits online at mygovernmentonline.org.
 - a. Sign into mygovernmentonline.org or create a new account.
 - b. Under the tab "Permits and Licensing" choose "Apply Online"
 - c. After you've selected Orange as your jurisdiction, choose "Conservation Commission" under project type.
 - d. Click on "Get Started on a New Application."
 - e. Select your Application Type based on your conversation with conservation staff.
 - f. State forms will need to be uploaded to the system once you have entered basic information about your project.
2. Instructions for completing the forms are available on the Conservation Commission website and by visiting <http://www.mass.gov/eea/agencies/massdep/water/approvals/wetlands-and-waterwaysforms.html#4>.
3. If you have any issues submitting your application, call the Conservation Agent at 978-544-1105 ext. 6 to make an appointment to come to the Conservation Office at 62 Cheney St for in-person assistance at the kiosk.
4. Submit your project by the end of the month to be included on the following month's agenda. The Commission meets once a month on the third Thursday at 6:00 PM. All meetings are held online via Zoom. Meeting agendas and zoom links can be found here: <http://www.mytowngovernment.org/01364>.
5. Send a complete copy of your application via certified return receipt mail to:
MassDEP Western Regional Office - Springfield
Wetland and Waterways
436 Dwight St
Springfield, MA 01103
6. For Notices of Intent, send your State fee and transmittal form from the application form to:
Commonwealth of Massachusetts
Department of Environmental Protection
Box 4062
Boston, MA 02211
7. Staff will inform you within five (5) business days if there are any materials missing from your application.

Paying Fees

1. You will receive an invoice for your fees once your application is accepted by the Town. An administrative fee of \$200 is due with all applications. You will be invoiced separately for the cost of posting a legal notice in the Athol Daily News. Fees can be paid by card through mygovernmentonline.org or by sending a check or money order to:
Orange Conservation Commission
6 Prospect St
Orange, MA
01364
2. If you filed a Notice of Intent you will also need to pay the State and Town Wetlands Protection Act Fees. You will need to make three separate payments. Two payments will be submitted to the Town with your application. The third will be sent to the Department of Environmental Protection.
3. The following payments are required:
 - a. The \$200 administrative fee
 - b. A payment to the Town of Orange for the Town portion of the State Wetlands Protection Act Fees.
 - c. A payment to the Town of Orange for the Town portion for the posting of the legal notice.
 - d. A check made payable to the MA Department of Environmental Protection for the State's portion of the State Wetlands Protection Act Fees. This check should be sent to the DEP. A copy of this check should be submitted with your application to the Town.
4. Information on calculating State fees is available at:
<http://www.mass.gov/eea/agencies/massdep/water/approvals/wetlands-and-waterwaysforms.html#4>. Click on the specific application you are using.

Sending Abutter Notifications

1. If you filed a Notice of Intent, you are responsible for sending notice to abutters to your project.
2. Abutters are the property owners of record within 100 feet of the property where your project is located, excluding roads and water bodies. If your project is on a coastal property, abutters are the property owners of record within 300 feet of the property where your project is located, excluding roads and water bodies.
3. You can request a list of abutter addresses on mygovernmentonline.org by selecting "Building Department" under Project Type, and choosing "Abutter List" as the Application Type.
4. You are required to send abutter notifications and provide proof of mailing using one of the following methods:
 - a. Hand delivery
 - b. Certified mail, return receipt requested
 - c. Certificate of mailing.
5. Abutter notifications are required to be sent at least seven (7) business days before the public hearing. Legal holidays, Saturdays and Sundays do not count toward the seven business days.

6. An affidavit of abutter notification and proof of mailing shall be provided to the Conservation Commission prior to or at the public hearing.

Legal Notice

1. Certain applications require that a legal notice be published in a local newspaper at least five (5) business days before the public hearing. The Conservation Office staff will publish this notice on your behalf in the Athol Daily News. The application fee covers the cost of the legal ad.

The Public Hearing

1. If your project requires a public hearing, you or your representative are required to attend the Conservation Commission meeting. All meetings are held remotely via Zoom.
2. The meeting agenda and zoom link will be posted on mytowngovernment.org/01364 two business days before the public hearing. The Commission does not assign individual times to each hearing.
3. You should be prepared to make a brief presentation to the Commission at the meeting and to answer questions about your project.
4. If you cannot attend the scheduled public hearing, you may request a continuance. You are required to follow the Commission's continuance request policy.
5. During the meeting, the Chairperson will ask for public comments. You may be asked to answer questions or address comments that are made during this time.
6. After all presentations have been made and members of the public have made their comments, the Commission will discuss the project and may issue an approval or a denial. If the Commission requires additional information to be able to make a decision, you may request that the public hearing be continued to a future meeting.

Project Approvals

1. If the Commission votes to approve your project, you will receive a letter explaining next steps. Be sure to follow the instructions in the letter. If you filed a Notice of Intent, you are required to record the Order of Conditions at the Franklin County Registry of Deeds.

Project Denials

1. If the Commission votes to deny your project, you may appeal the decision in accordance with the Wetlands Protection Act and the State Wetlands Regulations.

Completing Work

1. If you receive an Order of Conditions, you are required to submit a Request for a Certificate of Compliance when the work is complete. You must submit this request to the Conservation Office at least thirty (30) days before the expiration date on your Order of Conditions. Staff will review the request and the Conservation Commission will vote to issue or deny the Certificate of Compliance at a regular meeting. If you receive a Certificate of Compliance, you are required to record it at the Franklin County Registry of Deeds.

2. If you need more time to complete your project, you can submit an extension permit to the Conservation Office at least thirty (30) days before the expiration date on your Order of Conditions. Staff will review the request and the Conservation Commission will vote to issue or deny the Certificate of Compliance at a regular meeting.

Recording Documents

1. You are required to record your Order of Conditions and subsequent Certificate of Compliance with the Franklin County Registry of Deeds.
2. You are required to submit proof of recording to the Conservation Office. Proof of recording will be accepted on the following forms:
 - a. Page 12 of 12 of your Order of Conditions, signed by staff from the Registry of Deeds.
 - b. Page 3 of 3 of your Certificate of Compliance, signed by staff from the Registry of Deeds.
3. Make a copy of your Order of Conditions or Certificate of Compliance before you go to the Registry of Deeds. The Registry will keep the original document copies for several weeks to record them.