

REGULATIONS OF THE LUDLOW CONSERVATION COMMISSION

PURPOSE: The purpose of these regulations is to clarify and define the 1998 Ludlow Conservation Commission Bylaw (hereinafter referred to as the “Bylaw”) administered by the Ludlow Conservation Commission (hereinafter “Commission”).

These regulations are intended to minimize post-application re-design and minimize delay in the permitting process by providing applicants and their consultants with a list of information that the Commission will need in order to properly review a proposed project.

REGULATIONS

These regulations supplement regulations and requirements for permit applications under the MA Wetlands Protection Act, (Chapter 131, Section 40 of the Massachusetts General Laws) and amendments thereto, Wetlands Protection Act Regulations 310 CMR 10.00, and the Town of Ludlow Conservation Commission Bylaw (Chapter XV of the Town of Ludlow Bylaws).

WHO SHOULD SUBMIT

Any property owner intending to remove, fill, dredge, alter or build upon or within 100 feet of any wetland as defined in the Wetlands Protection Act, including an isolated wetland (Ludlow Conservation Commission Bylaw requirement), within 100 feet of land subject to flooding or inundation or within 100 feet of the 100 year flood line, or within 200 feet of any river or perennial stream, all as defined in M.G.L. Chapter 131, Section 40., **In accordance with 310 CMR 10.05 (4) (a), if a person files a Notice of Intent on a property other than their own, they must submit written permission of the property owner** (except for work proposed on Great Ponds or Commonwealth tidelands).

WHEN TO SUBMIT

Application with all required documentation must be received by the Commission two (2) weeks prior to a scheduled hearing. Conservation Commission hearings are held on the first and third Wednesdays of each month.

WHAT TO SUBMIT TO THE COMMISSION

1. The original and one copy of the Notice of Intent, Request for Determination of Applicability, or any other application for permit. The state forms are available on the D.E.P. web site at www.state.ma.us/dep or in the Conservation Commission Office. The Commission reserves the right to request that copies of the filing, including plans, be mailed to each of the Commissioners at their homes **at least one week prior to the scheduled hearing** to facilitate review.
2. **Plans** – (2 copies - with a scale not more than 1” = 50’) that shall contain the following information:
 - a. All wetland resource areas and their 100 foot buffer zones, clearly defined and legibly labeled
 - b. Town of Ludlow 25 foot “no disturb” boundary (including permanent monumentation placed at every turn in a wetland line but no further apart than 40 feet)
 - c. 200 foot riverfront area, flood zone, bordering vegetated wetlands, isolated wetlands, and any other areas within the jurisdiction of the Massachusetts

Wetlands Protection Act, Rivers Protection Act, Flood Plain Regulations and Town of Ludlow Conservation Commission Bylaws.

- d. **Plans must include an approved (by Ludlow Conservation) wetland/resource delineation of the entire parcel on which the project will take place, either prior to or as part of application for work on said parcel. When filing a Notice of Intent application, the Commission also requires a recordable plan, either a sheet 8 ½ by 14 inches (maximum), if legible, to be used as a photo exhibit or a Mylar that conforms to the Registry of Deeds Specifications. For a subdivision consisting of five (5) lots or more, a Mylar will be required unless an exemption is granted by the Conservation Commission.**
- e. In order for the Commission to approve a wetland delineation, an Appendix G form (from the manual Delineating Bordering Vegetated Wetlands Under the Massachusetts Wetlands Protection Act) shall be required. Appendix G must be provided and signed by the individual who performed the delineation.
- f. Existing and proposed grades for the entire area of proposed work/disturbance.

The above requirements are minimum requirements and the Commission reserves the right to request any additional information it deems necessary to the review of the project. All of the requirements (a through f) must be clearly depicted on the plan and legibly labeled.

3. Applicants submitting wetland delineations to the Commission for approval on parcels five (5) acres or greater, must also provide a Digital CAD File according to the standards and format listed on a separate sheet available in the Conservation Commission Office and Engineering Department.

4. Fees/Payments Required by the Wetlands Protection Act

- Check for the Town's portion of the state filing as explained in the fee transmittal portion of the D.E.P. form
- For a Notice of Intent filing, a check or money order for \$75 payable to Hampden County Registry of Deeds (or current fee required by the Registry of Deeds) for the recording of the Order of Conditions, and a separate check or money order equal to \$75 per page (or current fee) for the recording of the plan of work and wetland information (If a Mylar is used). This should also be made payable to Hampden County Registry of Deeds.
- A check (bring to the hearing where amount can be filled in) to cover the required legal notice. Check should be payable to Turley Publications. In rare cases, when a holiday would result in non-compliance with notice requirements, the Commission may post the legal notice in "The Register" and "The Republican" which would require two legal notice fees from the

applicant, unless the applicant requests (in writing) a delay to the next available hearing date that would meet notice deadline requirements.

5. TOWN OF LUDLOW FEES AS FOLLOWS: (These are in addition to fees/payments required by the Wetlands Protection Act)

a. Consultant Fees – when required by the Commission as specified in Chapter XV, Section 6 of the Town of Ludlow Bylaws.

b. Request for Determination of Applicability (except for approval of wetland line on a parcel or parcels 5 acres or greater, or 5 acres total for contiguous lots by the same owner or applicant) - \$50 check payable to Town of Ludlow **and** check(s) for the legal notice as required by M.G.L.Chapter 131, § 40.

Request for Determination of Applicability for approval of wetland line on parcels 5 acres or greater (or 5 acres total for contiguous lots by the same owner or applicant) – A check payable to Town of Ludlow **equal to the town portion of the amount that would be calculated in an A.N.R.A.D.** (Abbreviated Notice of Resource Area Delineation – See A.N.R.A.D. Fee Transmittal Form for calculation information) filing for approval of a wetland line **and** check(s) for the legal notice as required by M.G.L. Chapter 131, § 40.

c. Notice of Intent – Check(s) for the legal notice as required by M.G.L. Chapter 131, § 40 **and** a check payable to Town of Ludlow based on the following:

- **Single family dwelling** **\$50**
- **Residential Sub-Division** **\$75/each lot within the jurisdiction of the MA Wetlands Protection Act or Ludlow Conservation Bylaw**
- **Commercial or Industrial Project** **\$100**
- **Multi-family dwelling/condominiums** **\$100/each structure within the jurisdiction of the MA Wetlands Protection Act or Ludlow Conservation Bylaw**

d. Amended Notice of Intent **\$50/each lot or structure within the jurisdiction of the MA Wetlands Protection Act or Ludlow Conservation Bylaw**

All required fees/payments must be received by the Commission with the application except the fee for the legal notice which must be paid at the Public Hearing.

Fees described in a through d above shall be waived for Town of Ludlow projects, with the exception of the fee for advertising of the legal notice, which will be paid by department submitting the application.

OTHER PERMITS

The applicant is required to obtain or apply for all other permits, variances, and approvals required by any other applicable statute, bylaw, or regulation, and the Commission may

require copies of said applications or permits. Failure to comply may be cause for denial or revocation of permit issued by the Commission.

VERNAL POOLS

The Commission may require the certification of any vernal pool discovered on the property during or prior to the permitting process, and the protection of said vernal pool and its 100 foot perimeter as a certified vernal pool as per the definition in 310 CMR 10.04.

Closing a Public Hearing and issuing a decision: The Commission shall not close any hearing on request of the applicant unless a D.E.P. File number (if applicable) has been issued and comments have been satisfactorily addressed.

ENFORCEMENT

See Town of Ludlow Conservation Commission Bylaws, Chapter XV, Section 5.

APPEALS

Conservation Commission decisions based on the Wetlands Protection Act may be appealed to the MA Dept. of Environmental Protection within 10 working days of the issuance of the decision as per the instructions on the decision form.

Conservation Commission decisions based solely on the Ludlow Conservation Commission Bylaw and/or these regulations cannot be appealed to D.E.P. They must be appealed to Superior (Housing) Court within 10 working days of the issuance of the decision.