



TOWN OF BREWSTER  
NATURAL RESOURCES DEPARTMENT  
1657 MAIN STREET  
BREWSTER, MA 02631  
PHONE: (508) 896-4546  
FAX: (508) 896-8089  
[CONSERVATION@BREWSTER-MA.GOV](mailto:CONSERVATION@BREWSTER-MA.GOV)

OFFICE OF  
CONSERVATION COMMISSION

## **Brewster Wetlands Protection By-law NOTICE OF INTENT (NOI)**

The state form, "Notice of Intent", is available online at:

<http://www.mass.gov/eea/agencies/massdep/service/approvals/wpa-form-3.html>

If you would like a print copy of the form, please telephone the Conservation Commission at (508) 896-4546.

Brewster Wetlands Protection By-law Section - Please complete each applicable form in this package along with the above referenced state form application. Submit all completed forms, materials, plans, and a check, made payable to the Town of Brewster, to the Conservation Department so that your filing, under the MA Wetlands Protection Act and the Brewster Wetlands Protection By-law, will be complete.

Contents: Brewster Wetlands Protection By-law Notice of Intent Application

1. Policy for Plans used for Wetlands Permitting
2. Notice of Intent Consultant File Review policy
3. Notice of Intent Filing Checklist
4. Brewster Wetlands Protection By-law Notice of Intent Addendum
5. Variance Justification Narrative Form (a reference guide)
6. Appendix A, Massachusetts Historical Commission Project Notification Form
7. Brewster Wetlands Protection By-law Notice to Abutters
8. Filing Fees and Fee Transmittal Form
9. Site Access Authorization Form



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## **Policy for Plans used for Wetlands Permitting**

**Adopted 11/26/02, Amended 7/6/11**

**Plans shall be submitted at a scale of 1 inch equals 20 feet, unless prior approval is given by the Conservation Commission and/or the Conservation Administrator. Plans shall provide a proper and clear identification of resources and any details necessary to adequately describe the proposed activity.**

**The Following plans shall be submitted with the proper certifications as listed below:**

### **Construction Documents:**

Engineering Design	Professional Engineer (PE)
Site Plans including all new home construction	PE and Professional Land Surveyor (PLS)
Plot Plans with no engineering	PLS
Subsurface Sewer Design over 2000 gpd	PE
Subsurface Sewer Design under 2000 gpd	PE or Registered Sanitarian
Docks, Stairways, or retaining walls over 3 feet in height	PE
Landscape / Planting Plans	Conservation Commission Discretion



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## Notice of Intent File Review

For applicants filing Notices of Intent and Abbreviated Notices of Resource Area Delineation, the Conservation Commission shall determine an appropriate consultant fee, if necessary, to be deposited in an account that the Conservation Administrator may draw upon to hire outside experts to assist in project review. The fee amount shall be determined by the Commission and shall be dependent on the nature of the project, proximity to resource areas, and extent of the work to be completed.

The services provided for this consultant fee include the following:

- Review of application and plan;
- Site inspections;
- Resource Area identification; confirmation of delineation or analysis as to why the delineation cannot be confirmed;
- Evaluation of submitted materials and whether additional information or documentation is necessary; contact with applicant and/or his representative regarding these deficiencies or additional materials;
- Determination of resource area values applicable to the project;
- Recommendation as to whether the proposed project meets the performance standards and requirements under MGL c 131, s 40 and the Brewster Wetlands Protection By-law and Regulations;
- Identification of possible questions or issues the Commission may wish to explore;

The consultant fee is used to offset the cost of review and all mileage and materials necessary.

Should a large or complex project require additional expenditure, the consultant shall send written notification to the Commission explaining the reasons additional fees are necessary.



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## Notice of Intent Filing Checklist

Before you submit your Notice of Intent to the Conservation Commission and other applicable agencies, please complete and sign this checklist, showing that you understand and have completed all of the forms and procedures required for a Notice of Intent filing. The Conservation Commission will not open the hearing if the filing is not complete.

The Conservation Commission requires **one (1) complete electronic copy and ten (10) complete paper copies of the Notice of Intent and attached plan(s)** for each filing. Include each item of the application, with pages numbered consecutively and in the order designated on this checklist. Staple these pages together, and attach the plan(s) with a paper clip. Collectively, each item of the application and the plan(s) represent one complete copy. In addition, the Conservation Commission members require a copy of the plan(s) and a copy of the narrative/variance request rather than full copies of the Notice of Intent.

Unless a digital application was submitted to the Massachusetts Department of Environmental Protection, one complete paper copy of the NOI should be sent by US Certified, Return Receipt Mail, to the DEP Southeast Regional Office, 20 Riverside Drive, Lakeville, MA, 02347. Submit the Certified Receipt Postal Service Form 3800 to the Conservation Commission.

### Components of the Application

- ☐ 1. Contact the Brewster Assessors' Office to provide to you a certified abutter's list and a photocopy of the appropriate section of the Town of Brewster Assessors' Map, showing the property of your project and all abutting properties required for a legal wetland filing under the Brewster Wetlands By-law. This list will provide the names of all direct abutters to the property (first abutters), all that abut the first abutters (second abutters) if they are within 300 feet of the lot lines of the property, and lot(s) directly across the street from your lot. The street is the first abutter and lots directly across, second abutters.  
  
If abutters are in another town, obtain a certified list of these abutters from the assessors' office in that town, and submit it and the appropriate assessors' map in the application also.
- ☐ 2. Notify all abutters on the list of your proposed project on the "Notice to Abutters" form letter, by certified, return receipt mail before or on the day of filing, and submit the Certified Mail Receipts (Form 3800) as part of the filing. Submit the Certified Mail Receipt of the application sent to the DEP and, if applicable, the MA Division of Fisheries and Wildlife's Natural Heritage & Endangered Species Program. Submit the US Postal Service Form 3811 at the hearing.
- ☐ 3. Complete and include all applicable sections of the Notice of Intent (WPA Form 3).

- ☐ 4. Include MA Department of Environmental Protection (DEP) State Appendix G. Field Data Form(s) for bordering vegetated wetlands and other indicators of wetland hydrology. Submit one form for each area tested; one form for the wetland area and one for upland.
- ☐ 5. Include a photocopy of an 8" by 10" section of the appropriate United States Geological Survey (USGS) Quadrangle Map clearly showing the location of the project.
- ☐ 6. If applicable, send copies of the Notice of Intent application and supporting documents by return receipt mail to the Massachusetts Natural Heritage and Endangered Species Program, the US Army Corps of Engineers, etc. Submit these certified mail receipts (Form 3800) to the Conservation Department.
- ☐ 7. Calculate the DEP fee on the DEP Wetland Fee Transmittal Form and include it with the application. Send the form with a check or money order for the state share, to the DEP Lock Box. Include a copy of the fee transmittal form and the check in the filing.
- ☐ 8. Include a clear, comprehensive narrative, describing all aspects of the project.
- ☐ 9. Include the Brewster Wetlands Protection By-law Notice of Intent Addendum.
- ☐ 10. If applicable to this filing, include a variance request with alternatives analysis.
- ☐ 11. If applicable to this filing, include a copy of the "Appendix A MA Historical Commission" (MHC) form; the original of which shall be sent to MHC by certified, return receipt mail, and the Form 3800 to the Conservation Department with the other return receipts. At this time, the Brewster Conservation Commission requires this notification only in cases in which the lot is undisturbed by an existing structure.
- ☐ 12. Calculate the town filing fee on the Brewster WP By-law Transmittal Form, and add the advertising fee, processing & mailing fee, and the town portion of the state fee in the area provided. Include this with the application.
- ☐ 13. Include one check or money order for the total amount designated on the Brewster WP By-law Transmittal Form.
- ☐ 14. Include a copy of the "Notice to Abutters" form letter
- ☐ 15. Include a professional site plan, scale, 1" = 20", clearly showing:
  - In color, the wetland line (green), fifty foot buffer zone (red) and one hundred-foot buffer zone (dark blue) delineations,
  - wetland flags numbered to correspond with each Field Data Form,
  - topography (minimum 2 foot), contour line and spot elevation,
  - the insignia of the applicable professional(s) who designed the plan, in compliance with the Brewster Conservation Commission Policy for Plans for Wetlands Permitting of 3/8/05.

All site plans; original and revised, shall show the wetland and buffer zones in color.
- ☐ 16. Include elevation drawings of the proposed structure(s) on paper of 8 1/2" x 11" or 11" x 17".

- ☐ 17. If the lot is an undeveloped, secluded, or otherwise unidentifiable area, identify the lot on the plan by the number of the nearest telephone pole or the nearest road intersection. If there is no pole on the lot, describe the lot's proximity to the nearest; for example, "the lot is twelve feet east of telephone pole no.167".
- ☐ 18. Fold each plan separately, right side out with title visible, and attach it to each copy of the application.
- ☐ 19. Include signed Site Access Authorization Form. Conservation Commissioners and Department staff will inspect the site.
- ☐ 20. Properly stake and flag the project site to identify all required portions of the project, prior to the day of filing.
- Clearly stake all boundaries and limits of work.
  - Clearly identify all stakes and flags in the field, showing the one hundred foot and 50 foot buffer zones and all wetland areas.
  - Designate each wetland type on the flag as "BVW" (bordering vegetated wetland), "TOB" (top of bank), "LSF" (land subject to flooding), etc.

Unless a holiday interferes, the filing deadline for all applications is noon on the Thursday at least ten (10) business days before the hearing. The hearing must be advertised in a local newspaper (at this time, the Cape Codder Newspaper) no less than five business days before a hearing. When a holiday interferes with the Friday production, the newspaper will notify the town of its earlier deadline.

Additional information or revised plans for continued hearings must be submitted no later than Monday at 4:00 PM, eight (8) days prior to the hearing. Submit ten (10) copies, paper clip documents to the folded plan.

Anyone proposing a structure within 50 feet of a wetland resource area shall contact the Brewster Zoning Agent before the Conservation Commission will open your hearing.

I, \_\_\_\_\_, confirm that this application is complete  
Environmental consultant/engineer/surveyor

# **Brewster Conservation Commission**

## **Notice of Intent Addendum**

Brewster Wetlands Protection By-law Chapter 172

**Within 100 feet of the following - check all applicable resource areas:**

### **Coastal Wetlands**

- ☐ Coastal Bank
- ☐ Coastal Dune
- ☐ Coastal Beach
- ☐ Coastal Marsh
- ☐ Flat
- ☐ Ocean
- ☐ Estuary
- ☐ Land Subject to Flooding or Inundation by Tidal Action
- ☐ Land Subject to Flooding by Coastal Storm Flowage

### **Inland Wetlands**

- ☐ Inland Bank
- ☐ Meadow
- ☐ Marsh
- ☐ Bog
- ☐ Swamp
- ☐ Lake
- ☐ Pond
- ☐ River
- ☐ Stream
- ☐ Land Under Said Waters
- ☐ Land Subject to Flooding or Inundation by Groundwater or Surface Water

Are you proposing an activity on land within 50 feet of any resource area protected under the Town of Brewster Wetlands Protection By-law?

☐ Yes

☐ No

If your answer to the above is yes, are you requesting a variance pursuant to Part 5 of the regulations promulgated pursuant to the Brewster Wetlands Protection By-law?

☐ Yes

☐ No

If so, please describe on a separate sheet in complete detail using the Brewster Wetlands Protection By-law Variance Justification form, the reasons for the variance, and the facts upon which the Commission should find that there has been a clear and convincing showing that the proposed work and its natural and consequential effects will not have any adverse effect upon any of the interests specified in the By-law and listed on the variance justification form.

Is the lot to be altered by the proposed work currently unaltered (without a structure), **and** located on the Brewster Archaeological Sensitivity Map (available for view in the Conservation Department) with respect to historic or prehistoric (archaeological) interests?

☐ Yes

☐ No

If both apply, have you completed and mailed by certified mail or hand delivery the attached 950 CMR State Appendix A form from the Massachusetts Historical Commission, so that the Commission shall have received the Appendix A response prior to the filing of the Notice of Intent?

☐ Yes

☐ No



# **Brewster Wetland Protection Regulations**

## **PART V. VARIANCES \***

### **5.01 Variances**

The Conservation Commission may, in its discretion, grant variances for the operation of one or more of these regulations pursuant to this Section. Such variances are intended to be granted only in rare and unusual cases, and shall be granted only in accordance with the provisions of this section.

A variance may be granted only for the following reasons and upon the following conditions:

- a) 1) mitigating measures are proposed that will allow the project to be conditioned so that it contributes to the protection of the resource values identified in the Wetlands Bylaw; and
- 2) the Conservation Commission finds no reasonable alternative for such a project within the proposed site; and
- 3) there will be no adverse impact from the proposed project; or
- b) that the project is necessary to accommodate an overriding public interest or that it is necessary to avoid a decision that so restricts the use of property that it constitutes an unconstitutional taking without compensation.

### **Provisions:**

Any project proponent seeking a variance must demonstrate that the project results in no adverse impacts to interests defined under the Brewster Wetlands Bylaw and that no feasible alternatives exist. To demonstrate there are no feasible alternatives and that the proposed project will result in no adverse impact to wetland resources, an alternatives analysis must be submitted as part of the variance request. The purpose of the alternatives analysis is to locate activities so that impacts to resources are minimized or avoided. Therefore, the alternatives analysis should focus on the assessment of impacts from alternatives considered.

### **Guidelines**

The scope of alternatives to be considered will be commensurate with the type and size of the proposed project.

The Alternatives Analysis must include the following:

1. a brief clear description of the project including the type, size and proposed use of projects, and project objective
2. a summary of alternatives to the proposed Project
3. a summary of potential environmental benefits of the Project
4. a summary of potential environmental impacts of the Project
5. a list of any mitigation measures for the Project
6. a timetable, approximate cost, and the methods and timing of construction of the Project

## Alternatives to the Project:

Alternatives should be considered in terms of the proposed use and objectives of the Project. The analysis of alternatives should highlight potential differences of environmental impacts. This includes both short-term and long-term impacts as well as cumulative impacts.

The following are examples of the scope of alternatives for various projects.

1. Single family house project – The scope of alternatives will be limited to the lot for which work is proposed.
2. Residential Subdivisions – The scope of alternatives will be limited to the original parcel and the subdivided parcels, and adjacent parcels, and any other land that can be reasonably obtained.
3. Commercial Development – The scope of alternatives are lots that can accommodate the project purpose, appropriately zoned, available for sale, within the town at the time of application, or if no such lot exists, a lot located in the market area that meets all other specifications.

*(\*This Variance Section was Amended on 3/4/03.)*

### Brewster Wetlands Protection By-law Only Notice of Intent Variance Justification

Criteria A (3) requires that there will be no adverse impact from the proposed project. Therefore, applicants shall demonstrate that.

The proposed project (describe) involves work upon or within 50 feet of the following, as contained in Section 172-2 of the By-law: (List and address the effect the project will have on each resource area which is applicable to your project. Also indicate which resource area(s) are not applicable to your project.)

- Any beach dune bank or flat;
- Any fresh water wetland coastal wetland marsh, meadow, bog or swamp;
- Any lake, pond, river, stream, estuary or the ocean;
- Any land under said waters;
- Any land subject to flooding or inundation by groundwater or surface water; or
- Upon any land subject to flooding or inundation by tidal action or coastal storm flowage.

(Representative) believes that the proposed work will have no adverse effect on the following interests in accordance with the presumptions of significance set forth in the regulations for each area subject to protection under the Brewster Wetlands Protection By-law: (Address each interest applicable to this project. Any interest not applicable to your project shall be so indicated.)

- public water supply
- private water supply
- ground water and ground water quality
- water quality in the numerous ponds of the town
- flood control

- erosion and sedimentation control
- storm damage prevention
- prevention of water pollution
- fisheries
- shellfish
- wildlife and wildlife habitat
- aesthetics
- historic values

Additionally, (representative) has considered the following factors (if applicable to the project):

- the existence of alternative areas on the site for the project;
- The cumulative impact of the allowance of a variance upon the interests protected in the By-law;
- The topography of the site, together with soil conditions;
- The vegetation or lack thereof existing on the site, including species type and number
- Construction methods proposed by the applicant.

Therefore, (representative) believes (applicant) has shown clearly and convincingly that the proposed work and its natural and consequential effects will have no adverse effect upon any of the interests specified in the By-law, and meets the variance provisions for Part II, Coastal Wetlands and/or Part III, Inland Wetlands of the Regulations of the Town of Brewster Wetlands Protection Bylaw.

**950 CMR: OFFICE OF THE SECRETARY OF THE COMMONWEALTH**

**APPENDIX A**

**MASSACHUSETTS HISTORICAL COMMISSION**

**220 MORRISSEY BOULEVARD**

**BOSTON, MASS. 02125**

**617-727-8470, FAX: 617-727-5128**

**PROJECT NOTIFICATION FORM**

**Project Name:** \_\_\_\_\_

**Location / Address:** \_\_\_\_\_

**City / Town:** \_\_\_\_\_

**Project Proponent:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**City/Town/Zip/Telephone:** \_\_\_\_\_

**Agency license or funding for the project (list all licenses, permits, approvals, grants or other entitlements being sought from state and federal agencies).**

**Agency Name**

**Type of License or funding (specify)**

**Project Description (narrative):**

**Does the project include demolition? If so, specify nature of demolition and describe the building(s) which are proposed for demolition.**

**Does the project include rehabilitation of any existing buildings? If so, specify nature of rehabilitation and describe the building(s) which are proposed for rehabilitation.**

**Does the project include new construction? If so, describe (attach plans and elevations if necessary).**

**950 CMR: OFFICE OF THE SECRETARY OF THE COMMONWEALTH**

**APPENDIX A (continued)**

To the best of your knowledge are any historic or archaeological properties known to exist within the project's area of potential impact? If so, specify.

What is the total acreage of the project area?

Woodland\_\_\_\_\_ acres  
Wetland\_\_\_\_\_ acres  
Floodplain\_\_\_\_\_ acres  
Open Space\_\_\_\_\_ acres  
Developed\_\_\_\_\_ acres

Productive Resources:  
Agriculture\_\_\_\_\_ acres  
Forestry\_\_\_\_\_ acres  
Mining/Extraction\_\_\_\_\_ acres  
Total Project Acreage\_\_\_\_\_ acres

What is the acreage of the proposed new construction? \_\_\_\_\_ acres

What is the present land use of the project area?

Please attach a copy of the section of the USGS quadrangle map which clearly marks the project location.

This Project Notification Form has been submitted to the MHC in compliance with 950 CMR 71.00.

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Signature of Person Submitting this form: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/Town/Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

**REGULATORY AUTHORITY**

**950 CMR 71.00: M.G.L. c. 9, §§ 26.27C as amended by St 1998, c. 254.**

**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands  
Massachusetts Wetlands Protection Act (M.G.L. C.131 S. 40)

**Brewster Conservation Commission**  
Brewster Wetlands Protection By-law Chapter 172

**Notice to Abutters**

Date: \_\_\_\_\_

To: Abutters of property located at: \_\_\_\_\_

Assessors' Map\_\_\_\_\_, Parcel\_\_\_\_\_, Formerly Map\_\_\_\_\_, Parcel\_\_\_\_\_

From: \_\_\_\_\_, Applicant

Owner of Property: \_\_\_\_\_

In accordance with the requirements of G.L. c. 131, §40, Massachusetts Wetlands Protection Act and Section 5, the Town of Brewster Wetlands Protection By-law, this is notification to you that a filing has been submitted to the Brewster Conservation Commission on behalf of the applicant for a proposed project at the above captioned location.

The Project includes the following:

The proposed work will occur within \_\_\_\_\_ feet of:

- ☐ Inland Wetlands
- ☐ Coastal Wetlands
  
- ☐ The project will occur within an Inland Wetland.
- ☐ The project will occur within a Coastal Wetland.

The information and plans for the project may be reviewed between 8:30 AM and 4:00 PM, Monday through Thursday, at the Conservation Department, Brewster Town Offices, 1657 Main Street. Electronic copies may be requested as an alternative.

A public hearing will be held Tuesday, \_\_\_\_\_, 20\_\_\_\_\_.  
Until further notice, due to the Covid pandemic, meetings will be held by remote participation. Hearings begin at 6:00 PM. The hearing notice will be publicized in the Cape Codder Newspaper no less than five (5) days prior to the hearing. If you have any questions, please call the Brewster Conservation Department at 896-4546, between the hours of 8:30 AM and 4:00 PM.

Sincerely,

\_\_\_\_\_  
Representative for Applicant

# **Code of the Town of Brewster Wetlands Protection Chapter 172 Brewster Wetlands Protection By-law Fee Schedule**

## ***Category Activities and Fees***

### **Variance Fees:**

- a) New structure or expanded structure within 50 feet of wetland resources: \$500
- b) New stairs or docks within 50 feet of wetland resources: \$250
- c) Maintenance or rebuilding of existing structure, stairs, or docks within 50 feet of wetland resources, no expansion within 50 feet of wetland resources: \$200
- d) Work without structure (landscaping, vista pruning, habitat improvement/restoration, invasive plant removal, etc.) within 50 feet of wetland resources: \$200
- e) Beach nourishment and/or Sand Drift Fence: \$100

### **Category 1 (Fee for each activity is \$100)**

- a) work on a single family lot: pool, etc.
- b) site work without a house;
- c) control of vegetation;
- d) beach nourishment and/or sand drift fence
- e) resource improvement;
- f) work on a septic system separate from house;
- g) monitoring well activities minus roadway;
- h) new agricultural or aquacultural projects.

### **Category 2 (Fee for each activity is \$250.00):**

- a) construction of single family house (SFH);
- b) addition to a single family dwelling
- c) parking lot
- d) electric generating facility activities;
- e) inland limited projects minus road crossings and agriculture
- f) each (stream) crossing for driveway to SFH;
- g) each point source (storm drain) discharge;
- h) control vegetation in a development;
- i) water level variation;
- j) any other activity not in Categories 1 through 12;
- k) water supply exploration.

### **Category 3 (Fee for each activity is \$750):**

- a) site preparation (for development other than a single family dwelling) beyond NOI scope;
- b) each building (for development other than a single family dwelling) including site;
- c) road construction; not crossing or driveway;
- d) hazardous cleanup;
- e) water supply development.

### **Category 4 (Fee for each activity is \$750):**

- a) each (stream) crossing for development other than a single family dwelling or commercial road;
- b) dam, sluiceway, tidegate (safety) work;
- c) landfills operation/closures;
- d) sand and gravel operation;
- e) railroad line construction;
- f) bridge;
- g) hazardous waste alterations to resource area;
- h) dredging;

- i) package treatment plant & discharge;
- j) airport tree clearing;
- k) oil and/or hazardous material release response actions.

#### **Category 5**

- a) (Fee for each activity is \$500) work on inland docks, piers, revetments, dikes, etc.
- b) (Fee for each activity is \$750) work on coastal docks, piers, coastal revetments, seawalls, etc.

#### **Category 6 Installation or Repair of Public Utilities \$300**

#### ***Other Permits or Requests***

#### **Category 7 Request for Determination: \$75**

**Category 8 Abbreviated Notice of Resource Area Delineation - Boundary delineation for Bordering Vegetated Wetlands - Fee is \$1 per linear foot, but not to exceed \$100 for activities associated with a single family home or \$1,000 for all other activities.**

#### **Category 9 Amended Order of Conditions: \$150**

#### **Category 10 Extension Permit: \$100**

#### **Category 11 Certificate of Compliance (submit two copies of the state form): \$100**

#### **Category 12 Administrative Review Project: \$30**

- In addition to the listed fees, an amount of \$15 is assessed to cover the cost of advertising the hearing in a local newspaper.
- The Applicant may file a Request for Determination for Water Quality Improvements; there will be no additional fee for these variance requests.

#### **Please Note**

- Each fee for work that commenced prior to obtaining a permit from the Conservation Commission (after-the-fact) is double the assessed fee (activity fee and variance fee).
- \$75.00/hour is assessed for office or on-site consultation in excess of 1/2 hour, and for permit over-site and/or environmental monitoring.

#### **Policy for Permitting Water Quality Improvement Projects**

The Brewster Conservation Commission encourages projects designed to improve the water quality of ponds and other wetlands in Brewster. When projects are limited in scope to solely providing water quality improvements and involve no expansion of existing development, the Commission will consider a Request for Determination of Applicability (RDA) combined with a variance request, where applicable. If a project shows clear evidence that it should improve water quality, and is therefore deemed by the Conservation Commission to be a Water Quality Improvement Project, any fee for a variance request would be waived (this would need to be reflected in the fee schedule under the by-law). Examples of projects that would qualify as Water Quality Improvement Projects would be small-scale aeration, circulation, or de-stratification proposals for water bodies, small-scale stormwater treatment proposals, or bank stabilization projects.



- **Fee for processing and mailing wetland permits (Notice of Intent, Request for Determination of Applicability, and Abbreviated Notice of Resource Area Delineation)** Processing and Mailing fee: \$20.00. This includes the original by certified mail, and one copy plus information letter and site inspection form, to the owner of record.\*

Many properties have multiple owners. The Conservation Commission assesses a charge of \$.05 per page plus cost of mailing for extra copies or for copies to second owners, etc., in addition to the \$20.00 mailing fee.

*\* Massachusetts 310 CMR Department of Environmental Protection 10.05 (3). (e) The Order shall be mailed by certified mail (return receipt requested) or hand delivered to the applicant or his agent or attorney...”,*

*\*WPA Form 5 Order of Conditions Massachusetts Wetlands Protection ACT M.G.L.c. 131,§40 “A copy also must be mailed or hand delivered at the same time to the ....property owner, if different from applicant”.*

The Conservation Commission shall review all fee revisions one year from the effective date of approval to determine if further changes are necessary.

**Code of the Town of Brewster  
Wetlands Protection Chapter 172  
Brewster Wetlands Protection By-law  
Wetlands Fee Transmittal Form (SAMPLE)**

**Fee Categories**

The fee must be calculated using the following process and worksheet and included in the Notice of Intent or Abbreviated Notice of Resource Area Delineation Application:

**Step 1/Type of Activity:** Describe each type of activity (from the Category of Activities and Fees) which will occur in a wetland resource area and buffer zone. If a variance is requested, add "w/var." - for example: Cat. 1a): work on a single family lot: addition w/var.

**Step 2/Number of Activities:** Identify the number of each type of activity.

**Step 3/Individual Activity Fee:** Identify the fee associated with each type of activity using the categories of projects and fees listed. Add applicable variance fee for each activity requiring a variance.

**Step 4/Subtotal Activity Fee:** Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount.

**Step 5/Total Project Fee:** Determine the total BWP By-law fee for the project by adding the subtotal amounts identified in Step 4.

**Step 6/Advertising Fee:** Add \$15 for advertising.

**Step 7/Processing and Mailing Fee:** Add \$20 for processing and mailing

**Step 8/Town Portion of State Fee:** Amount calculated in Massachusetts NOI Wetland Fee Transmittal Form, WPA Form 3.

**Step 9/Total Paid to the Town of Brewster:** Total of By-law fee, consultant fee, advertising fee, processing & mailing fee, and town portion of state fee. Make checks payable to the Town of Brewster.

**Calculating wetland Notice of Intent Filing Fees (Example)**

1/Type of Activity	2/Number of Activities	3/Individual Fee	4/Subtotal
Construction of single family dwelling	<u>1</u>	<u>\$250.00</u>	<u>\$250.00</u>
Variance	<u>1</u>	<u>\$500.00</u>	<u>\$500.00</u>

Step 5/Total BWP By-law Project Fee:	<u>\$750.00</u>
Step 6/Advertising Fee:	<u>\$15.00</u>
Step 7/Processing & Mailing Fee:	<u>\$20.00</u>
Step 8/Town Portion of State Fee:	<u>\$137.50</u>
Step 9/Total Paid to the Town of Brewster	<u>\$922.50</u>

**Code of the Town of Brewster  
Wetlands Protection Chapter 172  
Brewster Wetlands Protection By-law  
Wetlands Fee Transmittal Form**

**Fee Categories**

The fee must be calculated using the following process and worksheet and included in the Notice of Intent or Abbreviated Notice of Resource Area Delineation Application:

**Step 1/Type of Activity:** Describe each type of activity (from the Category of Activities and Fees) which will occur in a wetland resource area and buffer zone. If a variance is requested, add "w/var." - for example: Cat. 1a): work on a single family lot: addition w/var.

**Step 2/Number of Activities:** Identify the number of each type of activity.

**Step 3/Individual Activity Fee:** Identify the fee associated with each type of activity using the categories of projects and fees listed. Add applicable variance fee for each activity requiring a variance.

**Step 4/Subtotal Activity Fee:** Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount.

**Step 5/Total Project Fee:** Determine the total BWP By-law fee for the project by adding the subtotal amounts identified in Step 4.

**Step 6/Advertising Fee:** Add \$15 for advertising

**Step 7/Processing and Mailing Fee:** Add \$20 for processing and mailing

**Step 8/Town Portion of State Fee:** Amount calculated in Massachusetts NOI Wetland Fee Transmittal Form, WPA Form 3.

**Step 9/Total Paid to the Town of Brewster:** Total of By-law fee, consultant fee, advertising fee, processing & mailing fee, and town portion of state fee. Make checks payable to the Town of Brewster.

<b>Step 1 Type of Activity</b>	<b>Step 2 Number of Activities</b>	<b>Step 3 Individual Activity Fee</b>	<b>Step 4 Subtotal</b>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**Step 5/ Total BWP By-Law Project Fee**

**Step 6/Advertising Fee:** \$ \_\_\_\_\_

**Step 7/Processing & Mailing Fee:** \$ \_\_\_\_\_

**Step 8/Town Portion of State Fee:** \$ \_\_\_\_\_

**Step 9/Total Paid to the Town of Brewster:** \$ \_\_\_\_\_

***Submit only this page of the Fee Schedule with the Notice of Intent.***



**TOWN OF BREWSTER**  
**CONSERVATION COMMISSION**

**SITE ACCESS AUTHORIZATION FORM**

Date: \_\_\_\_\_

Project: \_\_\_\_\_

Location: \_\_\_\_\_

Property Owner: \_\_\_\_\_

**I (we) hereby authorize the individual members of the Brewster Conservation Commission and its agents to enter upon the referenced property for the purpose of gathering information regarding the application filed with the Commission pursuant to the Wetlands Protection Act (M.G.L. Ch 131, s. 40) and/or the Brewster Wetlands Protection Bylaw (Chapter 172).**

**Additionally, if an Order of Conditions is issued for the project, I (we) grant permission for Commission members and the Commission's agents to enter the above referenced property for the purpose of inspecting for compliance with the Order of Conditions. This site access authorization is valid until a Certificate of Compliance is issued by the Conservation Commission.**

Authorized Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Please Print Name: \_\_\_\_\_

If other than owner, please state whether tenant, agent, or other:

Mailing Address: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Cell: \_\_\_\_\_ Fax: \_\_\_\_\_