

HOLLAND CONSERVATION COMMISSION APPLICATION PROCESS

Undertaking any work in the Resource area or Buffer Zone (100ft from any Lake or Pond, or other resource area and/or 200ft from any perennial Stream or Brook) one must make an application to and receive approval from the Holland Conservation Commission (HCC).

The Commission meets on the 2nd and 4th Tuesdays starting at 6:30 PM in the Town Hall.

There are two types of permits: a Request for Determination (RDA) and a Notice of Intent (NOI). Both permits require public hearings and/or meetings.

Filing a Request for Determination (RDA) Form WPA 1

The RDA application process:

- The RDA application is the vehicle whereby an applicant is in essence asking the Commission if an NOI is required for the contemplated work. It is usually used when the work is not in a resource area and does not involve significant land alteration or impact;
- A complete application package is submitted to the Commission (two paper copies.) The application form is a state form (WPA form 1) and outlines what is required;
- Complete a Request for Determination (RDA) send it to the Conservation Commission (Conservation@hollandma.org) or Town Board Clerk (email: boardclerk@hollandma.org) within 10 days prior to your expected Public Meeting. One must be put on the agenda and a legal notice must be placed prior and there is a fee of \$60 for the legal notice paid to Town of Holland. (Request for Determination Form and Instructions)
- When a complete application is received, it will be stamped in and this date stamp begins all of the time periods outlined in the statutes and regulations;
- The legal advertisement fee of \$60 must be submitted with the application and at this time there is no permit fee;
- The Conservation Department will place the legal add for the meeting, but the timing of the advertisement is governed by the state regulations as well as the newspaper timing requirements and this may or may not impact the HCC agenda where the application is placed. The statute mandates that the meeting must be opened within 21 calendar days of receipt of a complete application;
- No abutter notifications are required for an RDA;
- The Conservation Agent reviews the application, conducts a site inspection and generates a review of the project and the application. The Commissioners themselves may also visit the site;

- When the Commission is satisfied that all necessary information has been received, it will vote to close the hearing and then vote on the RDA which does not need to be recorded in the land records.

The Holland Conservation Commission will issue a positive or negative determination.

- If a negative determination, you can begin and complete the work once the HCC paperwork is signed. (Form WPA 2.)
- If a positive determination, you must follow the steps to complete a Notice of Intent (NOI).
- Please feel free to first check with the Conservation Agent to see if an RDA should not be submitted and you need to "go directly to" an NOI application.

Filing a Notice of Intent (NOI): FORM WPA3

The NOI application process

- A complete application package (two paper copies) is submitted to the Commission and one copy to the DEP Western Regional Office in Springfield. The application form is a state form (WPA form 3) and dictates the information that is required. (Note that there are very specific mapping and plan requirements for the permit.);
- When a complete application is received, it will be stamped in and this date stamp begins all of the time periods outlined in the statutes and regulations;
- The appropriate fees, including the legal advertising fee of \$60, must be submitted with the Complete the Notice of Intent (NOI) and filed with the Conservation Office in the Town Hall. (Notice of Intent Form and Instructions)
- Once you have completed and submitted the NOI to the Department of Environmental Protection (DEP). The DEP sends you a DEP File number when the application is considered complete. You can file your NOI on eDEP ... website: <https://edep.dep.ma.gov>. (This is the fastest way)
- Once the application is submitted, it will be reviewed for completeness and a site visit will be conducted by the Conservation Agent, the Commission Members or both. The application MUST be signed by the property owner, or the property owner must give the applicant written permission to apply. Any deficiencies in the application must be addressed/submitted at least two business days before the scheduled public hearing to allow the public to view said changes and the have the Agent/Members review the changes.
- Prior to the application being submitted, contact the Conservation Agent or Commission Chair (Town of Holland Conservation Commission) to schedule a public hearing date and time. Once the date is set, the HCC can place a public advertisement in the local newspaper. Please note the advertisement must be placed in the newspaper 10 working days prior to your public hearing and there is a fee of \$60 which must be submitted with the application.

Contact the Town of Holland Assessors Office (Town of Holland Assessors office 413-245-7109 X106) and request a certified list of abutters within 100' of the property lines when the project is being undertaken. There are also forms outside of the Assessor's Office.

- Send one copy of the Complete application to the DEP Western Regional Office, via certified mail, or via e-mail to:

- - 436 Dwight Street
 - Springfield, MA 01103
 - Attention Wetlands Permitting

- Send the required application fee, with the Wetlands Fee Transmittal Form to DEP at: (NOTE: DO NOT send the complete application to this address, only the fee transmittal form and the check payable to the state.)

- - DEP
 - P.O. Box 4062
 - Boston, MA 02211

- A letter to the abutters (see a sample attached), must be mailed to each of the abutters and a proof of mailing or certified mail receipt for each letter sent is given to HCC at the time of your hearing or before. Submit a copy of the abutter notification and the Affidavit of Service (copy attached) to the Commission office prior to the hearing.
- Come to the public hearing and present the project. Please make sure you have a copy of the NOI, updated pictures, and plan. If you do not attend, the hearing will be continued.
- Once the NOI is approved and the HCC has completed and signed the Order of Conditions (OOC) Form WPA 5, it will be hand delivered or mailed via certified mail to the applicant and submitted to DEP.
- Bear in mind that there is a 10-business day appeal period after the order is issued. During the appeal period, any person with legal standing or any 10 people from the municipality, acting as a group, may appeal the HCC decision to DEP in Springfield. If there is an appeal, everything is put on hold until the appeal is adjudicated. Note that if the appeal is from the local by-law, the appeal is to superior court.
- The applicant must record the OOC with the Hampden County Registry of Deeds (Located at: 50 State St, Springfield, MA 01103, or 59 Court Street Westfield, MA 01085) No work is to begin until after the OOC is recorded and evidence of this recording is submitted to the Commission.
- Once the project is complete, the applicant must submit a request for Certificate of Compliance. Form WPA 8a, The HCC will complete a site visit to make sure

that the project is completed according to the approved NOI. If the plans approved with the Order of Conditions were prepared by a licensed professional, such as a civil engineer, the state regulations require that said professional submit a written certification with the request for a release from conditions stating that the project was completed according to the approved plan and/or note any deviations. The Commission will then vote to issue a Certificate of Compliance, Form WPA 8b, which will need to be registered with the Hampden County Registry of Deeds and Recording Confirmation, page 3 of 3, returned to HCC.

Please contact the Holland Conservation Commission at any time with any questions.

Email: conservation@hollandma.org

Phone: (413) 245-7108 x114

Holland Conservation Commission

Resources:

Request for Determination Form and Instructions-

<http://www.mass.gov/eea/agencies/massdep/service/approvals/wpa-form-1.html>

Notice of Intent Form and Instructions-

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

Holland Conservation Commission-

<http://town.holland.ma.us/conservation-commission>

Holland Assessors Office- <http://town.holland.ma.us/assessors>