

## **The Conservation Commission Permitting Process: An Abutter's Guide**

### **Why am I Receiving a Notification?**

You are receiving notification because you are an abutter (as defined by law) to a proposal to conduct work in or near wetlands (called a "Notice of Intent", or NOI) that will be reviewed by the Wrentham Conservation Commission. This notification is required by law to let you know that a public hearing will be held regarding the proposed work.

The Conservation Commission has prepared this guide to explain what you can expect as an abutter to a project which falls under the Commission's jurisdiction. It is not intended as a legal guide, but rather to help you understand how to participate in hearings, get information, and best communicate any concerns you may have.

### **How Can I Learn More about What is Being Proposed?**

Applications and supporting materials are on file at the Conservation Commission office. You are welcome to review this information in person, and may request copies of any documents at a cost of 5 cents per page. These same documents, if received from the applicant early enough, are posted on the Commission's website as well, at <http://wrentham.ma.us/conservation-commission>.

To reach the Conservation Commission office, call (508) 384-5417 or email [ConCom@wrentham.ma.us](mailto:ConCom@wrentham.ma.us). The office is located on the 2nd floor of Town Hall at 79 South Street in Wrentham.

Office hours are:

Monday - Closed

Tuesday - 1:00 p.m. to 7:00 p.m.      Thursday - 8:00 a.m. to 12:00 p.m.

Wednesday - 8:00 a.m. to 12:00 p.m.      Friday - Closed

### **Public Hearing Meeting Dates:**

The Conservation Commission ordinarily meets on the second and fourth Thursdays of the month. Occasionally a hearing is postponed for various reasons. To verify that a hearing is being held on a scheduled date, call the Conservation Commission office at (508) 384-5417.

### **What Should I Expect at the Public Hearing?**

Since the Commission often hears several projects in an evening, hearings are scheduled to begin at various times. The first hearing begins at 7:15. At the beginning

of the hearing, the applicant or his representative will typically start by presenting the project and explaining the proposal. The Commission will ask questions. The public will be given an opportunity to ask questions and offer comments. Comments may also be submitted in writing or by email before the close of the hearing. At the end of the hearing, it may either be closed (if there is no more information to be received) or continued (if the Commission needs additional information).

Although continuation is usually to the next Commission meeting, hearings may be continued to a different date, depending on how long the applicant will need to gather the required information. The continuation date will be announced at the end of the hearing. There may be multiple continuations as the hearing process progresses.

### **What Issues Does the Commission Consider?**

The scope of issues that the Commission can consider in reviewing proposed projects is defined by state and local law and regulations. In presenting testimony, it is important to focus on these issues. The Commission is charged with considering the following interests of the Wetlands Protection Act:

- protection of public and private water supply
- flood control
- prevention of pollution
- protection of fisheries
- protection of ground water
- storm damage prevention
- protection of land containing shellfish
- protection of wildlife habitat

### **Presenting Testimony at Public Hearings:**

- State your name and address for the record before you speak.
- While you may have questions for the applicant, please address them to the Commission.
- Feel free to use the proposed plan on display to point out concerns you may have.
- Be polite and respectful of differing opinions; avoid personal attacks.
- Please stick to issues that are within the scope of the Commission's review (see issues above). Concerns such as traffic and noise, for example, are outside of the Commission's purview, and are more applicable to the permitting processes of other local boards.

### **How Can I Make My Concerns Known if I Cannot Attend?**

Comments may be submitted by email to [ConCom@wrentham.ma.us](mailto:ConCom@wrentham.ma.us), or in writing prior to or at the public hearing. It is best to raise concerns early in the process.

### **What Happens After the Hearing?**

After the hearing is closed, no new information will be accepted. The Commission deliberates and will issue a decision (called an “Order of Conditions”, if approved; or a “Denial”, if not) within 21 days of closing the hearing. The Commission either approves the project with conditions designed to protect the wetland interests named above, or issues a denial if conditions cannot be instituted to adequately protect those interests. Interested individuals are welcome to attend and listen to the Commission’s deliberations, but may not make or submit further comments, as the hearing is no longer open.

### **Will I Be Notified of the Decision?**

Copies of decisions are not sent to abutters. However, you may request a copy from the Conservation Commission office. The decision is also recorded at the Norfolk County Registry of Deeds. Orders are generally valid for three years, and may be extended by the Commission.

### **How Can I Appeal a Decision?**

Because Wrentham’s Conservation Commission operates under both the Massachusetts Wetlands Protection Act and the Town of Wrentham Wetlands Protection Bylaw, and most applications are made under both, appeals of the Conservation Commission’s decisions must usually be made in both of two venues: Appeals of decisions under the Massachusetts Wetlands Protection Act (normally called a Request for a Superseding Order of Conditions) must be made to the state Department of Environmental Protection (DEP) within 10 days, using forms supplied by DEP. Appeals may be made by abutters, by any 10 residents of the town, or by the Department of Environmental Protection itself. Appeals of decisions under the Town of Wrentham Wetlands Protection Bylaw must be made to Superior Court.

**IMPORTANT:** In order to be eligible to appeal DEP’s superseding orders, you must be able to show evidence of your participation in the town’s public hearing process. Typically, this means a copy of a letter from you regarding the project which was submitted to the Commission prior to the closing of the hearing, or other similar evidence.

We hope that this document has helped to provide you with a better understanding of your role as an abutter.