

CONSERVATION COMMISSION RULES & REGULATIONS

ADOPTED APRIL 4, 1996
AMENDED MAY 15, 2003

SECTION 1. AUTHORITY

- a.) The rules and regulations contained herein have been adopted by the Dedham Conservation Commission (herein referred to as the Commission) in accordance with Section 9 of the Town of Dedham General Wetlands Protection Bylaw.
- b.) Nothing in these rules and regulations is intended to replace or conflict with the requirements of the Town of Dedham General Wetlands Protection Bylaw or the Town of Dedham Floodplain Zoning Bylaw.

SECTION 2. DEFINITIONS

- a.) The definitions contained herein apply to the Town of Dedham General Wetlands Protection Bylaw and the regulations adopted thereunder. Terms not defined in this section shall be construed according to their customary and usual meaning unless the context indicates a special or technical meaning.

1. ABUTTER

- A. For the purpose of the Dedham General Wetlands Protection Bylaw and these Rules and Regulations, an abutter is any property owner whose property is located within 100 feet of the property upon which work is being proposed. This includes property owners across water bodies such as rivers, lakes and ponds, even if the distance across the water body is greater than 100 feet.

2. AQUACULTURE

- A. Land in aquacultural use means land presently and primarily used in the growing of aquatic organisms under controlled conditions, including one (1) or more of the following uses: raising, breeding or producing a specified type of aquatic animal or vegetable life.
- B. Normal maintenance or improvement of land in aquacultural use means the following activities, when done in connection with the production of aquatic organisms as defined above: draining, flooding, heating, cooling, removing, filling, grading, compacting, raking, tilling, fertilizing, seeding, harvesting, filtering, rafting, culverting or applying chemicals in conformance with all state and federal laws; provided, however, that such activities are clearly intended to improve and maintain land in aquacultural use and that best available measures are utilized to ensure that there will be no adverse effect on wetlands outside the area in aquacultural use, and further provided that removing, filling, dredging or altering of a marsh is not to be considered normal maintenance or improvement of land in aquacultural use.

3. BANK

- A. The portion of the land surface which normally abuts and confines a water body. It occurs between a water body and a bordering vegetated wetland and adjacent

floodplain or, in the absence of these, it occurs between a water body and an upland.

- B. A "bank" may be partially or totally vegetated or it may be composed of exposed soil, gravel or stone.
- C. The upper boundary of a "bank" is the first observable break in the slope or the mean annual flood level, whichever is lower. The lower boundary of a "bank" is the mean annual low flow level.

4. **BEST MANAGEMENT PRACTICES (BMPs)**

- A. Structural, non-structural and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce point source and non-point source pollution, in order to promote stormwater quality and protection of the environment.
- B. Best Management Practices are activities or equipment whose purpose is the maintenance of stormwater quality and the protection of the environment. Please see the applicable section of The Town of Dedham Engineering Design Standards as well as the Town of Dedham Conservation Commission Rules and Regulations for a more detailed description and explanation of BMPs

5. **BOG**

- A. See "freshwater wetland" definition.

6. **BROOK**

- A. A body of running water (see "stream").

7. **BUFFER ZONE**

- A. The uplands area bordering a resource area as defined under the Massachusetts Wetlands Protection Act and/or Dedham Wetlands Protection Bylaw.
- B. For rivers and perennial streams, including: the Charles River, Neponset River, Mother Brook, Wigwam Brook, East Brook, Lowder Brook and Little Wigwam Brook, the Buffer Zone regulated by the Commission is 200 feet from the annual high water of these waterways.
- C. For all other resource areas, the Buffer Zone regulated by the Commission is 100 feet from the edge of the resource area.

8. **CONVEYANCE**

- A. Any structure or device, including pipes, drains, culverts, curb breaks, paved swales and man-made swales of all types designed or utilized to move or direct stormwater runoff or existing water flow.
- B. Any impervious surface where surface/sheet flow is utilized to remove rainfall. An example of this would be a parking lot which drains directly onto a vegetated surface without any curbing or drainage system to intercept the flow.

9. **DREDGE**

- A. Any cleaning, deepening, widening or excavating, either temporarily or permanently, of any area subject to the bylaw.

10. **EROSION CONTROL**

- A. The prevention or reduction of the movement of soil particles or rock fragments by water, wind, ice, snow and/or gravity.

11. **FEMA FLOODLINE**

- A. The boundaries specified by the Federal Emergency Management Agency, as located on Flood Insurance Rate Maps for the Town of Dedham dated August 13, 1982 (The maps are available for inspection at the Conservation office.)

12. **FILL**

- A. The placing of any material that raises, either temporarily or permanently, the elevation of any area subject to the bylaw.

13. **FISHERIES**

- A. See "protection of fisheries."

14. **FLOOD CONTROL**

- A. The prevention or reduction of flooding and flood damage.

15. **FLOODING**

- A. A local and temporary inundation or a rise in the surface of a body of water, such that it covers land not usually under water.

16. **FRESHWATER WETLAND**

- A. The term "freshwater wetlands," as used in these rules and regulations, shall mean wet meadows, marshes, swamps, bogs, areas where groundwater, flowing or standing surface water or ice provides a significant part of the supporting substrate for plant community for at least five (5) months of the year; emergent and submergent plant communities in inland waters; and that portion of any bank which touches any inland waters.

17. **GROUNDWATER**

- A. All water beneath any land surface including water in the soil and bedrock beneath the bottom surface of water bodies.

18. **HOODED CATCH BASIN**

- A. A catch basin which is fitted with an inverted elbow over its outlet pipe or similar structure which is designed to retain oils and other floatables within the catch basin sump and prevent them from flowing into the drainage system.

19. **LAKE**

- A. A body of water with a surface area of ten (10) or more acres, either artificial or natural.

20. **LAND UNDER WATER**

- A. Land below a brook, river, stream, pond or lake.

21. **MARSH**

- A. See "freshwater wetland" definition.

22. **NOTICE OF INTENT**

- A. A type of project application form submitted to the Commission. This form, along with all other forms, is available from the Conservation Office or may be downloaded from the Massachusetts Department of Environmental Protection web site (<http://www.state.ma.us/dep/>).

23. **POND**

- A. Any open body of fresh water, either naturally occurring or man-made by impoundment or excavation, with a surface area observed or recorded within the last ten (10) years of at least ten thousand (10,000) square feet, and which is never without standing water due to natural causes, except during periods of extended drought.
- B. Basins or lagoons which are part of wastewater treatment plants shall not be considered "ponds." nor shall swimming pools or other impervious man-made retention basins.

24. **PROTECTION OF FISHERIES**

- A. Protection of the capacity of an area subject to the bylaw to prevent or reduce contamination or damage to fish and serve as their habitat and nutrient source, including all species of freshwater finfish and shellfish.

25. **PROTECTION OF LAND CONTAINING SHELLFISH**

- A. Protection of the capacity of an area subject to the bylaw to prevent or reduce contamination or damage to shellfish and serve as their habitat and nutrient source.

26. **REDEVELOPMENT**

- A. Maintenance and improvement of existing roadways, including widening less than a single lane, adding shoulders, and correcting substandard intersections and drainage, and repaving.
- B. Development, rehabilitation, expansion, and phased projects on previously developed sites, provided the redevelopment results in no net increase in impervious area.

27. **RESOURCE AREA**

- A. Any area protected under the Massachusetts Wetlands Protection Act, Massachusetts Rivers Act, or Section 3 of the Dedham General Wetlands Protection Bylaw.

28. **SEDIMENTATION**

- A. A process of depositing material which has been suspended in water.

29. **SFD**

- A Abbreviation for "single family dwelling". For the purpose of these regulations, a SFD is a single house lot/dwelling not associated with a new subdivision project.

30. **STREAM**

- A. Any body of running water, including brooks, continuous or intermittent, flowing omnidirectionally in a defined channel on the surface of the ground. For the purpose of these Rules and Regulations, this also includes such bodies which do not originate from a wetland or other habitat area protected under the Massachusetts Wetlands Protection Act.

31. **SWAMP**

- A. The term "swamp," as used in this definition, shall mean areas where groundwater is at or near the surface of the ground for a significant part of the growing season or where runoff water from surface drainage frequently collects above the existing ground level.

32. **VERNAL POOL**

- A. A vernal pool is a pond which usually dries out on an annual basis, and thus does not support a fish population. Vernal pools are important breeding habitats for species of reptiles and invertebrates, including several species of salamanders, frogs and dragon flies.

33. **WET MEADOW**

- A. See "freshwater wetland" definition.

34. **WILDLIFE HABITAT**

- A. Those areas subject to the bylaw which, due to their plant community composition and structure, hydrologic regime or other characteristics, provide important food, shelter, migratory or over-wintering areas or breeding areas for wildlife.

SECTION 3. BEST MANAGEMENT PRACTICES (BMPs)

- a.) Purpose. The Commission requires Best Management Practices for all projects in order to improve the water quality of the various streams, rivers, and water bodies located within the Town limits and downstream thereof.
- b.) Of great concern to the Town of Dedham is the potential contamination of groundwater supplies. Presently most of the Town's drinking water is produced by wells located within the Town limits.
- c.) As part of its review process, the Commission will assess the potential impact the proposed activity may have upon public or private water supply, groundwater, flood control, erosion control, storm damage, water pollution, wildlife habitat, fisheries, shellfish, recreation and aquaculture.

- d.) Stormwater mitigation measures shall be required as part of any project approved by the Commission. A full list of acceptable BMP mitigation measures is provided in the Town of Dedham Drainage and Stormwater Design Standards.
- e.) The standards set forth in the Dedham Stormwater Management ByLaw Rules and Regulations pertaining to stormwater management and the prevention of pollution are hereby incorporated in these Rules and Regulations by reference and are applicable to any project filed under the Dedham Wetlands Protection ByLaw.

SECTION 4. MEETINGS

- a.) Meetings will usually be held at the Dedham Town Hall located on 26 Bryant Street. However, from time to time, it may be necessary for the Commission to meet at one of the other public buildings within the Town.
- b.) All scheduled meetings, at which public hearings will occur, shall have their agenda posted in the Dedham Town Hall and the Dedham Public Library. Information about meetings can be obtained at the Commission Office or the Town Clerk's Office at Town Hall during regular business hours.
- c.) In addition to meetings at Town Hall, the Commission may schedule site visits for the purpose of observing conditions first hand. The time of such visits will be announced at the time of the public hearing. Such site visits shall be open to the public at the property owner's discretion.

SECTION 5. FILING DEADLINES

- a.) All items that require public hearings before the Commission must be filed with the Conservation Office a minimum of ten (10) business days prior to the date of the meeting. This is to allow for adequate time for advertising and abutter notification as well as review of the filing.
- b.) All supplemental information associated with an application before the Commission must be submitted to the Conservation Office a minimum of seven (7) business days prior to the meeting date. Information submitted after this deadline will not be considered at the public hearing unless the applicant requests a continuation of the public hearing to allow sufficient time for this information to be reviewed.

SECTION 6. PUBLIC NOTICE

- a.) Prior to the start of a public hearing, all abutters shall be notified in accordance with the Massachusetts Wetlands Protection Act and the Town of Dedham Wetlands Protection Bylaw.
- b.) The applicant shall notify all abutters in accordance with the Abutter Notification Guidelines published by the Massachusetts Department of Environmental Protection, April 1994. In addition, the Commission will require the applicant to notify abutters to abutters in cases where the abutters to abutters are located within 300 feet of the project site. Notification of abutters to abutters may be waived by the Commission in cases where it feels that this requirement may place an undue hardship on an applicant. The applicant shall submit the return receipts from the certified letters to the Commission as proof of notification.
- c.) The Commission will place a legal notification of the public hearing in the local daily newspaper. The applicant shall be billed directly for the cost of the legal notice.

- d.) Re-notification of abutters and re-advertisement in the newspaper will not be required for cases where a public hearing is opened and continued to a later meeting date. Re-notification will also not be required in cases where a meeting is postponed due to a lack of a voting quorum or inclement weather.

SECTION 7. PUBLIC HEARINGS

- a.) Public hearings shall be held on the date shown on the posted agenda and legal notice placed in the local newspaper.
- b.) The public hearing may include a presentation by the applicant and or his representative, the Conservation Officer's report on the project review, questions and comments from the Commissioners and the public.
- c.) The Commission may request additional information or schedule a site meeting prior to closing a public hearing. The Commission may request an applicant to grant a continuance of the public hearing to a later meeting date. Reasons for continuances include providing additional plans, calculations, or other data requested by the Commission or to allow the Commission to schedule a site visit. Failure to provide adequate information to the Commission may result in the denial of an application. Any requested information shall be submitted to the Commission Office a minimum of 7 business days prior to the continued hearing date.

SECTION 8. VOTING QUORUM

- a.) A minimum of four eligible members of the Commission is required as a quorum in order to open a meeting or public hearing of the Commission. Any Commissioner may sign an Order of Conditions or a Determination of Applicability, even if he/she had not voted in favor of the application.
- b.) An application must receive affirmative votes by a majority of the Commission members present. A minimum of four Commissioners must sign an Order of Conditions or Determination of Applicability in order for the document to be valid.
- c.) In cases where a public hearing occurs over the course of several meetings, members need not be present for the entire public hearing in order to vote on a given application.
- d.) In cases where there is a tie vote, the application is not approved.

SECTION 9. COMMISSION MEMBERS AND OFFICERS

- a.) The Commission consists of seven voting members who are appointed by the Board of Selectmen to serve 3 year terms.
- b.) Each year, the Commission will elect from their ranks members to fill the following positions: Chairman, Vice-Chairman, and Clerk.
- c.) The Chairman is responsible for calling a meeting to order. The Chairman is also responsible for addressing the scheduled agenda items in a timely manner and for maintaining order at the public meetings.
- d.) The Vice-Chairman is responsible for assuming and administering the responsibilities of the Chairman at times when the Chairman is not present.

- e.) The Clerk is responsible for overseeing the keeping of minutes of public meetings as well as correspondence to and from the Commission. In the event that both the Chairman and Vice-Chairman are absent from a meeting, the Clerk shall assume the duties and responsibilities of the Chairman.

SECTION 10. REQUESTS FOR DETERMINATION AND DETERMINATIONS OF APPLICABILITY

- a.) The Commission will require any person wishing the Commission to determine whether a property or proposed project will come under the jurisdiction of the Commission to file a Request for Determination of Applicability.
- b.) Any person who feels that a proposed project falls within the jurisdiction of the Commission may file a Notice of Intent without first filing a Request for Determination.
- c.) The Commission can issue a Negative Determination of Applicability with special conditions attached. This can be done for projects which will involve work within the 100 foot Buffer Zone to a Resource Area where the Commission feels that the project poses only a minimum potential of adversely impacting the bordering Resource Area. Such special conditions may include items such as requiring the placement of erosion control barriers or regulating the stockpiling of materials.
- d.) The Commission will require the use of the Notice of Resource Area Delineation or Abbreviated Notice of Resource Area Delineation application form in lieu of the Request For Determination of Applicability form for any application whose main purpose is to determine the location of resource areas or to determine if a parcel is buildable.
- e.) The standard used by the Commission in determining whether an activity presents a significant potential to impact a Resource Area may include one (1) or more of the following:
 - 1. Any actual or potential contamination to public, private or ground water supply, including aquifers or recharge areas.
 - 2. Any reduction of the flood storage capacity of a freshwater wetland, river, stream or creek.
 - 3. Any alteration of a river, stream or creek that results in any increase in the volume or velocity of water which may cause flooding or storm damage.
 - 4. Any actions which shall remove, fill, dredge or alter any area subject to the bylaw.
 - 5. Any alteration which will impact the ability of an area subject to the jurisdiction of the Commission to remove contaminants from stormwater runoff.
- f.) Any project found to have a potential to impact a Resource Area, will receive a Positive Determination of Applicability. This will require the filing of a Notice of Intent with the Commission as the next step in the permitting process.

SECTION 11. NOTICES OF INTENT AND ORDERS OF CONDITIONS

- a.) Any person wishing to perform work which will impact a Resource Area protected under the Massachusetts Wetlands Protection Act, Massachusetts Rivers Act and the Dedham General Wetlands Protection Bylaw shall file a Notice of Intent.
- b.) Any person who is unsure whether a proposed project will impact a Resource Area may first file a Request for Determination of Applicability with the Commission.

- c.) Any applicant wishing to propose work within the Riparian Area of a River, may request an Informal Meeting prior to the filing of a Notice of Intent.
- d.) The Commission will issue an Order of Conditions which contains Special Conditions which will regulate the activities proposed under the Notice of Intent. The purpose of these Special Conditions is to ensure that the proposed project will not have a negative impact on any Resource Areas in the vicinity of the proposed project.
- e.) If the Commission determines that the project cannot be conditioned so that it will not have a negative impact on a Resource Area, the Commission will issue a Denial Order of Conditions which denies part or all of the project.

SECTION 12. NOTICE OF RESOURCE AREA DELINEATION AND ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION

- a.) The Commission need not act upon Abbreviated Notice of Resource Area Delineation and Notice of Resource Area Delineation applications when in the opinion of the Commission, seasonal soil and vegetation conditions do not permit the accurate delineation of the Resource Area.

<u>TABLE 1 – CONDITIONS WHICH MAY PREVENT ACCURATE DELINEATION OF RESOURCE AREAS</u>	
1.	Snow Cover
2.	Frozen Ground (Frost)
3.	Saturated Ground Conditions (Spring Thaw)
4.	Lack of visible vegetation indicators (during non-growing season)

SECTION 13. FILING REQUIREMENTS FOR NOTICES OF INTENT, NOTICES OF RESOURCE AREA DELINEATION AND REQUESTS FOR DETERMINATION OF APPLICABILITY

- a.) A filing shall not be considered complete until the specified number of copies have been submitted as listed on Table 2 below:
- b.) Mailing Copies to Commission Members. The applicant shall be responsible for all costs incurred by the Commission for delivery of the application packages to Commission members.

<u>TABLE 2 – FILING REQUIREMENTS</u>		
	<u>Item</u>	<u>Number of Copies</u>
1.	All Applications and associated documents	10 (original + 9 copies)
2.	Oversize (larger than 11"x17") Plans	8
3.	Drainage Calculations	3

- c.) Computer Data. The applicant's Engineer shall furnish the Commission with copies of any software data files as required elsewhere in these Rules and Regulations. A list of acceptable software media which may be utilized is posted in the Dedham Conservation Office.

SECTION 14. PLANS

- a.) The plan requirements and specifications contained in this section shall apply to following types of applications:
1. Notice of Intent.
 2. Notice of Resource Area Delineation.
 3. Abbreviated Notice of Resource Area Delineation.
- b.) Size. All plans shall be a minimum size of 8.5 by 11 inches to a maximum size of 24 by 36 inches. All plans must be submitted folded to such a size that they will fit in a standard (8.5 by 11 inches) letter size file.
- c.) Scale. All plans shall be drawn at a scale of one inch equals forty feet (1"=40') or larger. For large projects which involve work in a Wetland Resource Area or Buffer Zone in only an isolated area, a smaller scale may be used, provided that a detail plan of the work in the Wetland Resource Area or Buffer Zone at a scale of one inch equals twenty feet (1"=20') or larger is included.
- d.) Professional Certification. All site plans shall be stamped by either a Professional Land Surveyor and/or Professional Engineer (Civil or Environmental disciplines) licensed by the Commonwealth of Massachusetts.
- e.) The following information is required for all plans which accompany the filing of a Notice of Intent:
1. Title Block: All plans shall include a title block which lists the name of the project, owner's name and address, applicant's name and address, engineer's name, address, telephone number, plan date, revision date(s), and plan scale, including a graphical scale representation.
 2. Resource Area Information: All plans shall show the limit of the resource area as delineated in the field by the applicant's wetland consultant. This delineation shall indicate any flags or other markers set in the field to locate the resource area. Additionally, the edge of any water body or waterway shall be shown along with the date on which it was located. The limit of the 100 foot Buffer Zone, Inner and Outer Riparian Areas shall also be delineated on all plans. Where applicable, the limits of any Wetlands Restriction Areas or areas designated as floodplain on the FEMA/FIRM map shall be shown on the plans.
 3. Topography: Existing and proposed contours at 2 foot vertical increments shall be shown on all plans. All topographic information shall be referenced to the 1988 U.S.G.S. North America Vertical Datum (N.A.V.D.) . All topography shall be labeled in such a manner as to clearly indicate the contour elevation and to differentiate between existing and proposed contour lines. Reference benchmarks shall be noted on the plan with location and elevation.
 4. Structures & Utilities: All existing and proposed structures shall be shown and appropriately labeled on the site plan. All utilities, including utility poles, which are located within the area of the proposed work shall be located and shown. Existing and proposed drainage structures and pipes shall be labeled to indicate invert, size, and slope.

5. Trees: All existing trees greater than 6" caliper diameter at a height of 5 feet above the existing ground located within 25 feet of the proposed work area shall be shown on the site plan. This requirement shall only apply to areas within the Resource Areas protected under the Dedham Wetlands Protection Bylaw, 100 foot Buffer Zone to such Resource areas, and the 200 foot Riparian Area as defined under the Massachusetts Rivers Protection Act.
 6. Tree Canopy: Limit(s) of area(s) of tree canopy shall be shown on the site plan. Both the existing and proposed tree canopy limits shall be shown and clearly labeled on the plan.
 7. GIS/CAD Files: For all projects, the applicant's engineer shall provide the Commission with electronic copies of all plans. Plans shall meet the requirements set forth by the Town GIS System Manager and any GIS Bylaw or regulations which may be adopted. This requirement may be exempted for projects associated with a SFD.
- f.) Landscape / Vegetation Plans. All site plans for multi-family residential, commercial, and industrial projects shall include a landscape plan which shall show landscaped areas and proposed plantings, indicating location and type of all proposed vegetation. Additionally, any project which proposes the alteration of a resource area or work within the Inner Riparian Area shall include a landscape plan as outlined in this section.
- g.) As-Built Plans. It has been the Commission's ongoing policy to require as-built plans for most projects which receive Order of Conditions. As-built plans require the following items:
1. Certification: All as-built plans shall contain a statement certifying that the work performed has been done in conformance with the Order of Conditions issued by the Commission. This certification shall be accompanied by the signature and stamp of a Professional Engineer (Environmental or Civil disciplines) or a Registered Land Surveyor licensed by the Commonwealth of Massachusetts. A further certification shall state that the information contained on the as-built plan has been obtained through an actual field survey of the project.
 2. Limit of Work: As-built plans shall delineate the limits of grading, clearing, and construction performed by the project. The as-built plan shall contain the total area in square feet of Resource Area and or Buffer Zone which have be altered by the work.
 3. Topography: As-built plans shall show the finished grades of the project. Benchmark references shall be provided as outlined in section d.3 above.
 4. Structures and Utilities: All structures and utilities constructed or altered as part of the project shall be shown on the as-built plan. Details such as floor and sill elevations for structures and inverts, pipe sizes, materials and slopes shall be included for all drainage and sewer utilities constructed.
 5. Electronic data files of all As-Built plans shall be required. These data files shall meet the requirements set forth by the GIS System Manager and any GIS Bylaw and regulations which may be adopted.
- h.) Wetland Replication/Restoration Plans: All wetland replication and restoration plans shall meet the following requirements in addition to the requirements outlined in Sections 14 a-e above.
1. Scale: All wetland replication and restoration plans shall be at a scale of at least 1"=20'.

2. Topography: Wetland replication and restoration plans shall conform to Section 14.d.3 above with the additional requirement that proposed contours at one (1) foot vertical increments be shown for the area of wetlands replication and restoration. Also, proposed spot grades shall be shown at critical locations (such as where a wetland replication area meets an existing wetland) as would be required to properly perform the proposed work.
 3. Cross-sections: Cross-sections, showing existing and proposed landscape profiles and underlying soil and groundwater information shall be included as part of any wetland replication/restoration plan. The location of the cross-section profiles shall be indicated on the plan view.
 4. Wetlands Scientist/Consultant: Wetland replication and restoration plans shall be prepared under the direction and guidance of a qualified wetlands consultant employed by the applicant and who is acceptable to the Commission.
- i.) The Plan requirements contained in this section are in addition to the General Plan Requirements contained in Section 3 of the Town of Dedham Drainage & Stormwater Design Standards as adopted March 1,2002.

SECTION 15. CONSERVATION OFFICER AND ENGINEERING CONSULTANT REVIEW FEES

- a.) In addition to the filing fee, the Commission is authorized to require an applicant to pay reasonable costs and expenses borne by the Commission for specific expert engineering and consultant services deemed necessary by the Commission to review any application. Payment may be required at any point in the deliberations prior to a final decision.
- b.) Any application filed with the Commission must be accompanied by a completed **ENGINEERING CONSULTANT FEE ACKNOWLEDGEMENT** form. This is to acknowledge that the applicant is aware that the application may be subject to Conservation Officer Assistance as well as Engineering and Consultant Review fees as outlined in this section of the Conservation Commission Rules and Regulations.
- c.) Examples of the types of items for which the Commission requires an Engineering Consultant Review Fee when an application proposes any of the activities listed in Table 3A below:

TABLE 3A – EXAMPLES OF PROJECTS AND ACTIVITIES SUBJECT TO ENGINEERING CONSULTANT REVIEW FEE (\$115.00 per hour)	
	<u>Activity</u>
1.	Alteration of a bank or waterway.
2.	Alteration of a resource area and/or construction of a resource replication/restoration area.
3.	Alteration of 500 or more square feet of land within the resource area buffer zone.
4.	Alteration of land under a water body.
5.	Discharge of any pollutants into or contributing to resource areas protected by this bylaw. This includes stormwater runoff from paved roadway or parking lot surfaces.
6.	The construction of a drainage system, including a detention or retention basin or a stormwater management system. This includes the modification of such existing systems.
7.	Construction of new streets, roadways and parking lots within a resource area or buffer zone.

8.	Major reconstruction of existing roadways and parking lots within a resource area or buffer zone.
9.	The delineation, verification or determination of more than 125 feet of resource area boundary under a Notice of Resource Area Delineation.
10.	The construction of any new stormwater discharges in an area subject to jurisdiction under the Dedham Wetlands Protection Bylaw, including buffer zones and public ways and property.
11.	Any project requiring stormwater/drainage calculations, including the sizing of dry wells.

- d.) The services for which a fee may be utilized include, but are not limited to, wetland survey and delineation, hydrologic and drainage analysis, wildlife evaluation, stormwater quality analysis, and analysis of legal issues. This fee shall be calculated at a rate of \$ 115.00 per hour (or at such other rate as the Commission may determine).
- e.) Also, the Commission is authorized to require an applicant to pay reasonable costs and expenses for certain activities which utilize the services of the Conservation Officer as outlined in this section. This includes such activities as inquiries concerning potential projects as well as site inspections not associated with a pending permit application. Examples of items for which a fee may be required are included in Table 3B below:

TABLE 3B – EXAMPLE OF ACTIVITIES SUBJECT TO CONSERVATION OFFICER CONSULTANT FEE (\$30.00 per hour)	
	<u>Activity</u>
1.	Pre-filing meeting with Conservation Officer.
2.	Pre-filing site inspections requested by applicant or their agent.
3.	Pre-construction meeting requested by applicant or their agent.
4.	Additional Site Inspections beyond the normal 3 inspections (pre-construction, stormwater system construction, final project inspection) as well as more than 2 hours total inspection time.

- f.) The Commission may require any applicant to pay an additional fee of \$ 30.00 per hour for review, inspection and monitoring services for any project filing which requires an excess of two (2) hours of review, inspection, and monitoring time by the Conservation Officer. This includes Notices of Intent and Requests for Determination and is not limited to those projects which meet the criteria of Section d.) above.
- g.) Wetlands delineation and the verification of wetlands lines are subject to an additional fee of \$75.00 per hour for the time spent by the Commission's consultant in the review of such items.
- h.) Subject to applicable law, any unused portion of any fees collected shall be returned by the Commission to the applicant within forty-five calendar days of a written request by the applicant, unless the Commission decides in a public meeting that other action is necessary.
- i.) The Engineering and Consultant Review fees collected under this section, shall be deposited in the revolving account authorized under Chapter 398 of the Acts of 1996. The Commission shall include a full accounting of the revolving account as part of its annual report to the Town.

SECTION 16. BUFFER ZONE REGULATIONS

- a.) The purpose of the following regulations is to minimize any impact which any proposed work may have on the Resource Areas protected by the Town of Dedham General Wetlands Protection Bylaw. The Commission presumes that the 100 foot Buffer Zone is relevant and important to the protection of any Resource Area protected by this Bylaw. Protection will be accomplished, in part, through the control and regulation of proposed work which will occur within the 100 foot Buffer Zone bordering a Resource Area. Figure 1 below shows the location of the 100 foot Buffer Zone with respect to wetlands and flood areas.

FIGURE 1 - TYPICAL CROSS-SECTION THROUGH A RESOURCE AREA SHOWING BUFFER ZONES

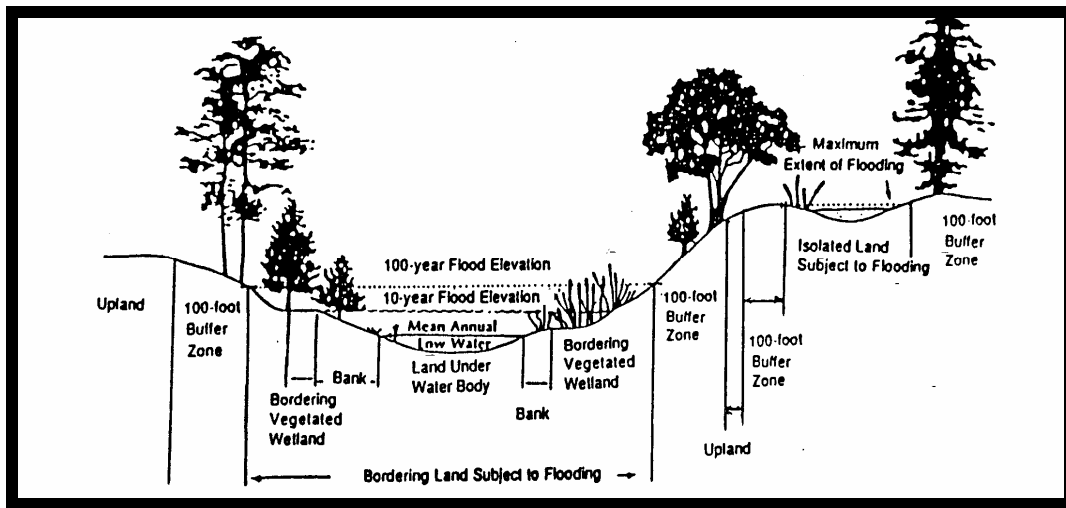
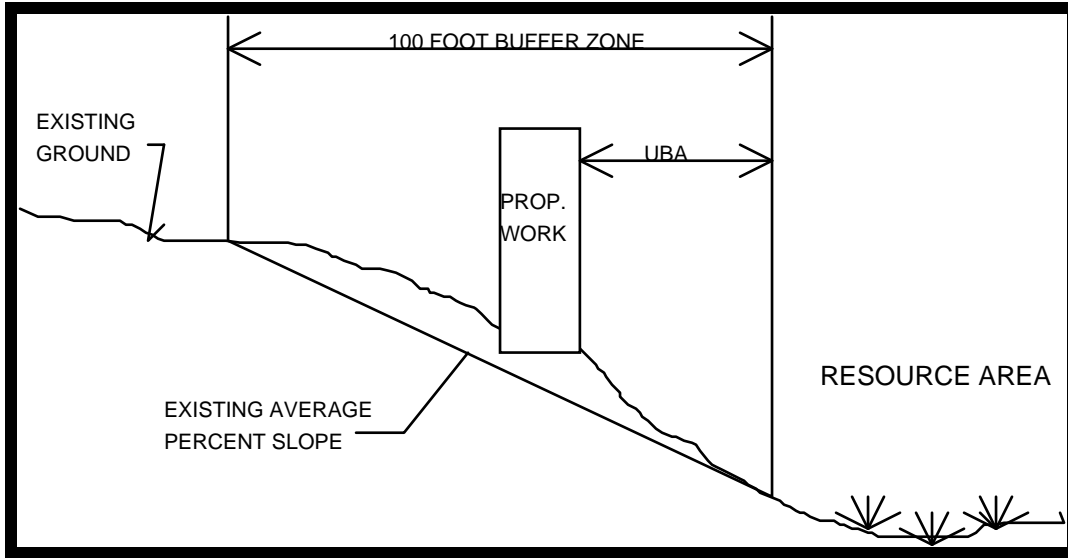


FIGURE 2 - ILLUSTRATION OF SLOPE DIMENSION UTILIZED IN CALCULATION OF UNDISTURBED BUFFER AREA



b.) The following activities shall maintain a minimum depth of Undisturbed Buffer Area from the delineated edge of the adjacent Resource Area based upon the following formula:

$$\text{Undisturbed Buffer Area (UBA)} = \text{Slope} \times \text{Usage Factor}$$

where the Undisturbed Buffer Area (UBA) value is the required minimum depth of the Undisturbed Buffer from the edge of the Resource Area. The Slope value is the average slope across the 100 foot buffer zone, expressed in terms of percent (%), and the Usage Factor is taken from the table below. This is illustrated in Figure 2 above. The greater of the value calculated using this formula or the value stated in the Table 3 contained in Section 16.c of these Rules and Regulations shall be utilized for calculating the minimum Undisturbed Buffer Area.

- c.) The values on Table 4 below will be utilized for calculating the required minimum Natural Buffer depth from the edge of the Resource Area.
1. The UBA line shall be established by calculating the UBA every 25 feet along the resource area at right angles to the resource area delineation line.
 2. Additionally, the UBA shall be delineated using any points which protrude into the project site.
 3. The UBA information shall be submitted in tabular form as shown in Figure 3. below.
 4. The Commission reserves the right to revise the UBA delineation should the Commission feel that utilizing different points for calculation of the UBA will result in a more restrictive UBA delineation.

TABLE 4 - VALUES TO BE UTILIZED IN CALCULATION OF UBA		
<u>USAGE</u>	<u>USAGE FACTOR*</u>	<u>MIN. UBA</u>
Agriculture (commercial farming)	4	20'

Single Family Dwelling (SFD) and accessories	6	30'
Commercial / Retail / Industrial / Institutional / Multi-Unit Residential Building / New Subdivisions	8	40'
Paved Parking Lots and Access Ways	10	50'
Gasoline Stations, Automotive Maintenance & Petroleum Storage Facilities	15	75'
* Usage Factors and Minimum UBA shall be increased by 50 percent for areas which contain USDA NRCS Hydrologic Group "D" soils.		

d.) Exceptions.

1. For lots which have been previously developed, the existing limit of development will serve as the depth of the Undisturbed Buffer Area where the distance between the Resource Area and existing man-made structure(s) is less than that which would be calculated in sections 16.b and 16.c above. This exception shall only apply if the new use of the site is similar to the previous use or if the site use is being changed to single family residences. The criteria for determining if a new use is similar is that criteria outlined in the Town of Dedham Zoning Bylaw.
2. The man-made structures which would qualify to delineate an existing limit of development include such items as buildings, paved parking areas, retaining walls not associated with a discharge pipe. Existing drainage structures such as culverts and discharge trenches, landscaped areas, utility poles, and wells will not be utilized to determine the existing limit of development.

FIGURE 3 - SAMPLE UBA CALCULATION TABLE

<u>SUMMARY OF UBA CALCULATIONS</u>						
Station	Elev. 100' from Resource Area	Elev. @ Resource Area	Slope %	UBA (X10)	UBA (X8) Pavement	UBA (X8) Building
0+00	112.0	109.0	3.0	50		Min.
0+25	113.0	105.5	7.5	75		60
0+50	113.0	105.0	8.0	80		64

3. Wetland or Flood Plain Replication/Restoration areas and associated grading and landscaping may be located within the Undisturbed Buffer Area subject to the restrictions in Section e.) below.

e.) No work shall be conducted within the Undisturbed Buffer Area with the exception of removal of debris or other maintenance / restoration work as instructed or approved by the Commission. Such exceptions may be granted for planting and landscaping within this area.

1. No trees over 12 inches in caliper at a height 3 feet above the existing ground shall be cut within the UBA for the construction of drainage or stormwater management facilities located within the UBA. No proposed grading within the UBA shall have an adverse impact on such trees.

2. With the exception of a discharge structure/channel, no grading associated with a stormwater management or drainage basin shall be located with 20 feet of the resource area which the UBA borders.

SECTION 17. VERNAL POOLS

- a.) The purpose of the following regulations contained within this section is to help ensure adequate protection to Vernal Pools. Vernal Pools have been identified as being vital breeding habitats for several species of Fairy Shrimp, Wood Frogs, and various varieties of Mole Salamanders. Preservation of Vernal Pools is vital to the survival of these species.
- b.) The Dedham General Wetlands Protection Bylaw presumes that all seasonal ponds are Vernal Pools, unless evidence is presented to the Commission to show that they do not function as a breeding ground for any of the State designated vernal pool species.
- c.) A vernal pool does not have to be certified by the Massachusetts Heritage & Endangered Species Program in order to qualify as a vernal pool under the Dedham General Wetlands Protection Bylaw.
- d.) The setback distances contained in Table 5 below shall be required from all documented and presumed Vernal Pools. These setbacks are based on the requirement to maintain a natural undisturbed area around Vernal Pools to prevent disturbance of breeding habitats.

TABLE 5 – REQUIRED VERNAL POOL SETBACK DISTANCES	
<u>Activity</u>	<u>Setback distance</u>
Edge of Clearing/Landscaping	50'
Edge of man-made structures (including pavement & buildings)	75'

- e.) A Vernal Pool may be documented using the procedure outlined by the Commonwealth of Massachusetts Natural Heritage and Endangered Species Program. Copies of the necessary forms and maps may be obtained from the Conservation Office.

SECTION 18. DRAINAGE DESIGN AND CALCULATIONS

- a.) Projects Requiring Calculations. Any project which involves the use of underground drainage structures or will involve the alteration of more than 5000 square feet of area which drains towards a Resource Area shall require drainage calculations prepared by a licensed Professional Engineer. Also, any multi-family residential (other than 2 family duplex on a single lot), commercial, or industrial project involving the construction of an access road or parking lot shall require drainage calculations prepared and stamped by a Professional Engineer licensed in the Commonwealth of Massachusetts in the Civil, Environmental, or Hydrogeologic disciplines.
- b.) Methodology. Drainage calculations shall be prepared in accordance with the guidelines set forth in the Town of Dedham Drainage & Stormwater Design Standards.
- c.) Zero Runoff Volume Increase. Projects which discharge runoff directly into areas designated as 100 Year Floodplain Districts by FEMA shall be required to demonstrate a zero increase in stormwater runoff volume for the 100 year frequency storm. This may be accomplished through

stormwater retention or by increasing the floodplain storage volume by a volume equal to that of the additional stormwater runoff.

SECTION 19. STORMWATER MANAGEMENT

- a.) The Stormwater Management design standards contained in the Dedham Stormwater Management Bylaw and regulations adopted thereunder shall apply to all projects reviewed by the Commission.
- b.) Erosion and sedimentation controls shall be required as part of any proposed construction or earthwork activities. An erosion and sedimentation control plan shall be required as part of any Notice of Intent filed with the Commission.

SECTION 20. ALTERNATIVES ANALYSIS

- a.) For any project that includes proposed work within the 200 foot Riparian Area established by the Massachusetts Rivers Act, the Commission requires an applicant to perform an Alternatives Analysis for the proposed project as outlined in 310 CMR 10.58(4)(c). The scope of the required Alternatives Analysis will depend upon whether the affected legal lot was laid out and recorded prior to August 1, 1996 and whether the applicant has owned the affected lot for the period from and after August 1, 1996, all as more fully set forth below.
- b.) LOTS RECORDED AFTER AUGUST 1, 1996 (whether or not the land from which the lot was derived has been owned by the applicant from and after August 1, 1996): An applicant proposing a project that includes work within the 200 foot Riparian Area on a lot or lots which were not laid out and recorded prior to August 1, 1996 shall perform an Alternatives Analysis that includes at a minimum the following items:
 - 1. Alternative building footprint(s), including surrounding properties if owned by the same applicant or formerly owned by the same applicant after August 1, 1996.
 - 2. Alternative parking layouts, including the feasibility of use of off-site parking, a parking garage and/or parking under the proposed building.
 - 3. Alternative landscaping and grading plans for work proposed within the Riparian Area.
 - 4. Available alternative sites within the Town of Dedham which are zoned to allow the proposed project use.
 - 5. For retail projects, economic viability from a sales point of view may be considered as part of the alternatives analysis when considering alternative locations within the community or service area of the proposed business use, even if the service area extends beyond the borders of the Town of Dedham.
 - 6. The Commission may request the applicant to seek a variance from the Parking Requirements of the Dedham Planning Board if a reduction in the number of parking spaces or Zoning Setback Requirements will result in a decrease of the amount of Riparian Area disturbed and will not significantly impact operation of the proposed facility. The Commission will support any such variance for the purpose of reducing disturbance in the Riparian Area.
- c.) LOTS RECORDED BEFORE AUGUST 1, 1996 BUT NOT OWNED BY THE APPLICANT FROM AND AFTER AUGUST 1, 1996: An applicant proposing a project that includes work within the 200 foot Riparian Area on a lot or lots which were laid out and recorded prior to August 1, 1996 but which lot or lots have not been owned by the applicant for the entire period from and after

August 1, 1996 shall perform an Alternatives Analysis that includes at a minimum the following items:

1. Alternative building footprint(s), including change to the size and location of any proposed building or addition to an existing building.
2. Alternative parking layouts, including the feasibility of use of off-site parking, a parking garage and/or parking under the proposed building.
3. Alternative landscaping and grading plans for work proposed within the Riparian Area.
4. Available alternative sites within the Town of Dedham which are zoned to allow the proposed project use. For retail projects, economic viability from a sales point of view may be considered as part of the alternatives analysis when considering alternative locations.
5. The Commission may request the applicant to seek a variance from the Parking Requirements of the Dedham Planning Board if a reduction in the number of parking spaces or Zoning Setback Requirements will result in a decrease of the amount of Riparian Area disturbed and will not significantly impact operation of the proposed facility. The Commission will support any such variance for the purpose of reducing disturbance in the Riparian Area.

d.) LOTS RECORDED BEFORE AUGUST 1, 1996 AND OWNED BY THE APPLICANT FROM AND AFTER AUGUST 1, 1996: An applicant proposing a project that includes work within the 200 foot Riparian Area on a lot or lots which were laid out and recorded prior to August 1, 1996 and which lot or lots have been owned by the applicant for the entire period from and after August 1, 1996 shall perform an Alternatives Analysis that includes at a minimum the following items:

1. Alternative building footprint(s). This includes new structures as well as additions to existing structures.
2. Alternative driveway layouts, including the feasibility of using a garage under the proposed dwelling in lieu of an attached garage.
3. Alternative landscaping and grading plans for work proposed within the Riparian Area.
4. The Commission may request the applicant to seek a variance from the Zoning Setback Requirements of the Dedham Zoning Bylaw if a reduction in the required setbacks will result in a decrease of the amount of Riparian Area disturbed and will not significantly impact safety or aesthetics of the proposed lot development. The Commission will support any such variance for the purpose of reducing work in the Riparian Area.
5. Alternative analyses for lots existing prior to August 1, 1996 shall generally be limited to the lot on which the work is proposed as well as any adjoining lots which may be in the same ownership.

SECTION 21. OPERATION AND MAINTENANCE PLANS

a.) An Operation and Maintenance plan (O&M Plan) shall be required for all projects and should identify at a minimum:

1. Stormwater management system(s) owner(s)
2. The party or parties responsible for operation and maintenance

3. The types of maintenance tasks to be performed including:
 - A. Removal and disposal of sediments and other collected pollutants
 - B. Emergency maintenance procedures
- b.) Maintenance Schedule. Any project which involves the use of drainage structures, including swales and ponds, shall include a scheduled maintenance plan.
 1. Details of such a maintenance plan shall be incorporated onto the plans submitted to the Commission.
 2. Such maintenance plans shall be designed to ensure that Water Quality standards are met throughout the year.
 3. Except as otherwise approved by the Commission, the Operation and Maintenance Plan spreadsheet form, available from the Conservation Office, shall be utilized for the Maintenance Schedule.

SECTION 22. PRE-CONSTRUCTION MEETING & EROSION CONTROLS

- a.) The following steps shall be implemented to ensure erosion and sediment control during site development:
 1. Prior to the commencement of excavation or construction, the wetlands shall be flagged in such a manner as to be clearly visible to any machine operator in all areas where work is within 25 feet of the edge of Bordering Vegetated Wetland on the project site.
 2. Prior to the commencement of construction, erosion control barriers shall be staked in place as detailed on the approved plan. The erosion control barriers shall consist of siltation fence backed by haybales staked in place as detailed in the erosion control barrier detail included as part of the approved plans.
 3. Prior to commencement of additional site work, the applicant or his representative shall meet with the Commission or its agent to review the erosion control barrier installation. Site clearing work should not commence without a clear understanding of the erosion control measures to be implemented. The applicant or his representative will also review copies of the silt fence inspection log which will be filled in weekly by the applicant or his representative and returned each month to the Chairman of the Commission.
 4. Exposed soils shall be stabilized as soon as possible following establishment of final contours in the project area and following completion of the proposed planting program in those areas. Erosion control barriers shall be removed following satisfactory completion of the proposed construction work and the establishment of stabilizing vegetation in the areas of proposed work. If weather conditions require, the area shall be covered with mulch, hay, broadcast seed or hydromulch to reduce the potential for erosion. The appropriate seed mix is dependent on the season in which the work will be done. Seed mixes shall be as described in the Erosion and Sedimentation Control Guidelines published by the Commonwealth of Massachusetts, DEQE, August 1983 as it may be updated from time to time by DEP.
 5. The erosion control barriers shall be inspected weekly by the owner/applicant after each storm event. A log of checks and appropriate remedial action taken by the applicant shall be sent to the Commission by the first of each month until the project has been completed and the fencing- and haybales have been removed.

6. Additional erosion control barriers may be placed as required by site conditions in areas subject to erosion and sedimentation unanticipated by construction plans. Weekly inspection will help to identify any area alone, the erosion control barrier requiring maintenance or repair. Weekly inspection logs shall be submitted to the Conservation Office for the duration of the project construction.

SECTION 23. CONSTRUCTION STANDARDS

- a.) All projects shall be designed to meet the following design and construction standards in addition to those adopted by the Town of Dedham and contained in the Town of Dedham Engineering and Design Standards.
- b.) **DUMPSTERS:** All dumpsters located in areas subject to the Commission's jurisdiction shall meet the following standards:
 1. Dumpsters shall be located outside the 100 foot Buffer Zone to any Resource Area protected by the General Wetlands Protection Bylaw.
 2. All dumpsters shall be placed on a concrete pad. Exceptions will be made for dumpsters temporarily placed on the site during the course of a project approved by the Commission.
 3. All dumpsters shall be enclosed by a solid fence at least six (6) feet in height. Exceptions may be made for dumpsters temporarily placed on the site during the course of a project approved by the Commission.
 4. Proposed dumpster locations shall be shown as part of any site plan filed with the Commission.
- c.) **GROUNDWATER RECHARGE:** The Commission shall require groundwater recharge of all clean roof runoff from any new or expanded structure approved by the Commission under a Notice of Intent or Request for Determination of Applicability.
 1. Prior to the start of any work approved by the Commission, the applicant or the applicant's representative shall submit design plans for any proposed groundwater drywells or other subsurface recharge facility to the Commission, for its review and approval.
 2. The Commission or its agent shall inspect the excavation for the subsurface recharge system prior to placement of the drywell structure. This is to ensure that the underlying soils are clean and suitable for groundwater recharge and agree with the soil conditions assumed by the project designer.
 3. The Commission or its agent shall inspect the subsurface recharge system structure prior to backfilling to ensure that the structure has been constructed in accordance with approved plans.
 4. The Commission will entertain alternatives to drywells, such as cisterns and other water collection systems for collection of stormwater runoff water for non-domestic use.
- d.) **COMPENSATORY RESOURCE AREA CREATION:** The Commission requires a minimum 2:1 ratio of compensatory to filled/altered resource area for each and every resource area protected under the Town of Dedham General Wetlands Protection Bylaw. This includes wildlife habitat and land subject to flooding.

1. Additionally, this includes areas designated as Floodplain districts under the Town of Dedham Floodplain Zoning Bylaw. The Town of Dedham Floodplain Zoning Bylaw requires a 2:1 volumetric compensation for any floodplain areas which are filled.

SECTION 24. SNOW DISPOSAL

- a.) SNOW DISPOSAL: The following snow disposal regulations apply to non-SFD sites and projects. If it should become necessary to dispose of snow in an area subject to the jurisdiction of the Commission or as otherwise described below, a letter requesting permission to dispose of snow, accompanied by a plan showing the location of the proposed snow disposal and siltation fence shall be submitted to the Commission for its review and approval. No snow shall be disposed of prior to the issuance of an approval letter by the Commission.
 1. Snow shall not be dumped in any waterbody, including rivers, ponds, or wetlands.
 2. Snow shall not be dumped within the Zone II or Interim Wellhead Protection Area (IWPA) of a public water supply well or within 75 feet of a private well, where road salt may contaminate water supplies, vegetated wetlands, certified vernal pools, shellfish beds, mudflats, Outstanding Resource Waters, or Areas of Critical Environmental Concern.
 3. Snow shall not be dumped on DEP-designated high and medium yield aquifers where it may contaminate groundwater. A map of DEP-designated high and medium yield aquifers is on display in the Conservation Office.
 4. Snow shall not be dumped in sanitary landfills and gravel pits.
 5. Snow shall not be dumped on top of storm drain catch basins or in storm drainage swales.
 6. Snow shall not be disposed in areas where trucks may cause shoreline damage or erosion.
 7. The following steps shall be implemented to help ensure that snow disposal areas do not impact Resource Areas protected under the Town of Dedham General Wetlands Protection Bylaw.
- b.) A siltation fence or equivalent barrier shall be placed securely on the downgradient side of the snow disposal site.
 1. To filter pollutants out of the meltwater, a 50-foot vegetative buffer strip shall be maintained during the growth season between the disposal site and adjacent water bodies.
 2. Debris shall be cleared from the site prior to using the site for snow disposal.
 3. Debris shall be cleared from the site and properly disposed of at the end of the snow season and no later than May 15.

SECTION 25. MEAN ANNUAL HIGH-WATER LINE OF THE CHARLES AND NEPONSET RIVERS

- a.) The following criteria shall be used to delineate the Mean Annual High-Water Line of the Charles and Neponset Rivers as defined by the Massachusetts Rivers Protection Act and Massachusetts Wetlands Protection Act Regulations (310 C.M.R. 10.00):

1. Through most of the Town of Dedham, these rivers are bordered by extensive wetlands areas along both sides. They overflow their central channels into these wetlands areas on an annual basis during the spring.
2. For the purpose of determining the Mean Annual High-Water Line of the Charles and Neponset Rivers as defined under 310 C.M.R. 10.58(2)a.2 and delineating the associated Riparian Area, the annual high water level in the surrounding wetlands shall be used rather than the edge of the central channel which contains flow throughout the year.
3. Experience has shown that the Mean Annual High-Water Line of the Charles and Neponset Rivers generally follows the outer edge of the Bordering Vegetated Wetlands. In many places, there is a break in slope at or near the edge of Bordering Vegetated Wetlands which may be used to delineate the Mean Annual High-Water Line in many instances. In some locations there may be visible water stain lines on trees, stones or permanent structures (docks, bridge abutments) which may be used to delineate the Mean Annual High-Water Line.
4. Unless calculations are performed to determine the 1 year flood elevation for the Charles River in the vicinity of the project site, the outer edge of the Bordering Vegetated Wetlands or toe of slope at or near the edge of the Bordering Vegetated Wetlands shall delineate the Mean Annual High-Water Line of the Charles River.
5. Based on field observations, the annual 1 year flood elevation of the Neponset river is assumed to be elevation 44.0 throughout the Town of Dedham.

SECTION 26. HAZARDOUS MATERIALS CONTINGENCY PLAN

- a.) Outlines for a Hazardous Materials Contingency Emergency Response shall be provided for the following:
 1. Any project site, or project site abutting a property, which is undergoing or has undergone a Phase II site evaluation and cleanup.
 2. Any project site which is listed on the DEP Spill's Database or abutting a site which is listed in the DEP Spill's Database.
 3. Any project site which was formerly in industrial or automotive-related use.
- b.) The Outline shall contain the following information:
 1. Names, addresses, work and home telephone numbers of the following: Property Owner, Project Engineer, General Contractor, Excavation Subcontractor (if any).
 2. Name, address, and telephone number of the environmental service company to be used should soil or groundwater contamination be encountered.
 3. Location where polypropylene tarps or other acceptable impervious material on which any excavated contaminated soil may be stored.
 4. A list of the notification and action procedures which are to be followed in case contaminants are encountered.
- c.) Copies of this Outline shall be kept on site at all times and provided to all sub-contractors, the Commission and the Dedham Fire Department.

SECTION 27. SITE WALKS

- a.) The applicant is responsible for the location and demarcation of the following items on the project site prior to a scheduled site walk by the Commission:
 - 1. Boundaries of all resource areas.
 - 2. Centerline of all streets and roads.
 - 3. Corners of all proposed buildings.
 - 4. Corners of all parking areas for non-SFD projects.
 - 5. Locations of all drainage and stormwater management structures.
 - 6. Property lines.
- b.) The applicant shall inform the Conservation Office when all items have been marked out on the site.
- c.) The applicant or the applicant's technical representative shall be present for the duration of the site walk.

SECTION 28. TREE REMOVAL

- a.) No trees may be removed within the following areas without permission from the Commission:
 - 1. Any resource area protected under the Dedham General Wetlands Protection Bylaw.
 - 2. The Inner Riparian Area (100 feet) as defined under the Massachusetts Rivers Protection Act.
 - 3. The 100 foot Buffer Zone associated with any Resource Area protected under the Dedham General Wetlands Protection Bylaw.
- b.) The following procedure shall be utilized to request the removal of trees from land owned by the Town within the jurisdictional area of the Commission.
 - 1. A property owner abutting Town Conservation land may file a written request with the Commission for the removal of trees from Conservation land. Said request shall be in the form of a short letter which includes the following:
 - A. Name and address of the person making the request. Also, the name and address of the property owner if different from the person making the request.
 - B. Location of the tree(s) which are subject of the request. This should include a street address and a brief description of where the tree(s) is located on or along the property. If possible, the property owner shall mark the tree in some manner so that it may be easily identified by the Conservation Officer. Acceptable methods of marking trees are attaching flagging ribbon or marking with paint.
 - 2. Tree removal requests may be made for the following reasons.

- A. The tree has been damaged in a storm and has fallen onto the property owner's land.
 - B. The tree poses an imminent threat to structures or other real property.
3. Upon receipt of a request at the Conservation Office, the Conservation Officer shall go out to the site and make a visual inspection of the tree(s). If the Conservation Officer feels that the request is justified, the Conservation Officer will clearly mark the tree(s) to be removed. The Conservation Officer shall notify the Dedham Department of Public Works to remove the tree(s).

SECTION 29. WILDLIFE HABITAT STUDIES

- a.) The following types of projects will require the performance of a Wildlife Habitat Study:
- 1. Projects located within 200 feet of a Vernal Pool (certified or uncertified) as defined under the Massachusetts Wetlands Protection Act and Dedham Wetlands Protection Bylaw.
 - 2. Projects which have a proposed work area larger than 1.0 acre. The work area includes all areas where existing vegetation will be removed and/or replaced.
 - 3. Any project proposing alteration of Land Under Water Bodies. This includes ponds, streams, rivers, and all areas which contain water throughout the year under non-drought conditions.
 - 4. Any project proposing alteration of a Resource Area (as defined under the Massachusetts Wetlands Protection Act, U.S. Army Corps of Engineers, and the Dedham Wetlands Protection Bylaw).

- b.) The Wildlife Habitat Study shall contain at a minimum:
1. An index of the existing plant species on the project site and surrounding areas, including prevalence and dispersal of species (are all the plants of a species located in a single area or spread throughout the project site?).
 2. An index of wildlife and wildlife indicators (nests, burrows, etc.) found on the project site and surrounding areas.
 3. An estimate of the existing wildlife populations which utilize the site.
 4. A report detailing the impact the proposed project will have on the wildlife populations.
 5. A detailed plan and report on any proposed resource area restoration/replication work proposed. This plan and report should describe how the proposed work will enhance or restore wildlife habitat.

SECTION 30. WAIVERS

- a.) The Commission shall have the discretionary authority to grant waivers to any section of these Rules and Regulations.
- b.) Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that:
1. Strict application of the Rules and Regulations will result in an undue hardship.
 2. Substantially the same level of protection to the Resource Areas protected by the Town of Dedham General Wetlands Protection Bylaw will be provided without strict application of the Rules and Regulations.
- c.) All waiver requests shall be discussed and voted on at the public hearing for the project.
- d.) If in the Commission's opinion, additional time or information is required for review of a waiver request, the Commission may request to continue a hearing to a date certain announced at the meeting. In the event the applicant objects to a continuance or postponement, or fails to provide requested information, the waiver request shall be denied.

SECTION 31. SEVERABILITY

- a.) The invalidity of any section or provision of these Rules and Regulations shall not invalidate any other section or provision thereof, nor shall it invalidate any permit or determination which previously has been issued.

END OF DEDHAM CONSERVATION COMMISSION RULES AND REGULATIONS