

## **TOWN OF LONGMEADOW Conservation Commission**

### **REGULATIONS FOR TOWN OF LONGMEADOW GENERAL WETLANDS BYLAW (Ch. 700, Sec. 2-701)**

Attached is a set of Regulations that are intended to minimize post-application redesign, maximize efficiency in project review and minimize delay in the permitting process by providing applicants and their consultants with lists of information that address the concerns of the Town of Longmeadow General Wetlands Bylaw.

The Longmeadow Conservation Commission recognizes the fact that environmental review is necessarily a site-specific process. The attached information is, therefore, intended to be taken in the broadest sense. The Commission intends that consultants have maximum flexibility in design and freedom to employ innovative techniques to minimize adverse environmental impacts of various projects. Pre-application conferences and site visits, especially for large, complex or unusual projects are encouraged.

*Revised June 26<sup>th</sup>, 2019*

## **REGULATIONS:**

These regulations are intended to supplement regulations and requirements for wetlands filings made under the Mass. Wetlands Protection Act, Chapter 131, Section 40 of the Massachusetts General Laws (MGL c.131, sec. 40) and amendments thereto, in the Town of Longmeadow. All filings made under the Wetlands Protection Act (MGL c.40, sec. 131) are also subject to the Town's local General Wetlands Bylaw (Chap. 700, Sec. 2-701 passed by two-thirds vote in Town Meeting, May 1985, and approved by the Attorney General in August 1985. Some projects located in or near isolated wetlands may be subject only to the constraints of the Town Bylaw. Where any of the environmental effects are judged negligible in the opinion of the conservation Commission and do not constitute part of a cumulative pattern of activities, detailed data may not be required.

## **WHO SHOULD SUBMIT:**

Any person or persons intending to remove, fill, dredge, alter or build upon or within 200 feet of a perennial stream, brook or river or within 100 feet of any intermittent stream, brook, creek or within 100 feet of any bank, fresh water wetland, beach, flat, marsh, wet meadow, bog, swamp, pond or lake, or upon or within 100 feet of any land under said waters or upon or within 100 feet of any land subject to flooding or inundation, or within 100 feet of the 100-year flood line.

## **WHAT TO SUBMIT:**

- A. The applicant should submit a single application for a Permit/Notice of Intent. The state form shall suffice as a submission pursuant to the Mass. Wetlands Protection Act and the Longmeadow General Wetlands Bylaw.
- B. Plans, maps and data required by the Conservation Commission are hereinafter specified.
- C. Only the Notice of Intent application is subject to a town and state filing fee. The town filing fee is a fixed \$25.00/application. The state imposed fee (of which the town receives a portion) is based upon the scope of work proposed. Please contact the Commission if assistance is required to determine the state filing fee. Refer to the Notice of Intent fee Transmittal Form for instructions on where to send the State's portion of filing fee.

## **WHEN TO SUBMIT:**

At least thirty-one (31) days before any work whatsoever is scheduled to begin on land under jurisdiction of this Bylaw. This time frame includes the 10-day appeal period.

## **HOW TO SUBMIT:**

By Certified Mail or hand delivery to

- A. Longmeadow Conservation Commission  
20 Williams Street  
Longmeadow, MA 01106

Include one original and 7 copies of items listed above in "What to Submit" and a check for the town filing fee combined with the town's share of the state imposed filing fee made payable to the Town of Longmeadow. No fee is required for Town, County, State or Federal projects.

- B. Massachusetts Department of Environmental Protection  
436 Dwight Street  
Springfield, MA 01103

Include 2 copies of items listed in “What to Submit”.

Upon request by the Conservation Commission, additional copies of the application without supporting documents will be delivered by the applicant to the Planning Board, Board of Selectmen, Board of Health, Building Commissioner, Water & Sewer Superintendent.

## **REQUEST FOR DETERMINATION OF APPLICABILITY**

Any person who desires a Determination as to whether this Bylaw applies to an area, or work to be performed on said area, shall submit a written request to the Longmeadow Conservation Commission. A written Determination of Applicability shall be valid when signed by a majority of the Conservation Commission and shall be rendered within 21 days after the date of receipt of all necessary materials.

## **SECTION 1 GENERAL INSTRUCTIONS**

- A. No application will be accepted as complete unless and until all information requested is clearly and properly submitted.
- B. If the Commission determines that an Application for Permit/Notice of Intent is incomplete or improper, it shall notify the applicant within 21 days of the date of receipt.  
The Commission, at its discretion may:
- a. Return the entire filing, in which case all required time periods for processing this submitted Application/Notice of Intent will no longer apply. Or,
  - b. Require that additional information or materials be submitted by or before the date of the scheduled Public Hearing.
- C. Filings to the Longmeadow Conservation Commission and the Department of Environmental Protection must be submitted at the same time, and the except for the check and number of copies, must be identical.
- D. No work whatsoever may take place on any land under jurisdiction of this Bylaw until all the following are fulfilled:
- a. At least twenty-one days have elapsed since the Application for Permit/Notice of Intent was properly filed.
  - b. The appeal period of ten business days has elapsed since the Permit/Order of Conditions was issued.
  - c. Applicant has recorded final Permit/Order of Conditions in the Registry of Deeds for Hampden County in Springfield and has furnished the Conservation Commission with a copy of this Order showing book and page.

## SECTION 2 GENERAL PROVISIONS

- A. The filing procedures and application under the Town of Longmeadow General Wetlands Bylaw shall be identical in form to a Notice of Intent filed pursuant to Chapter 131, Section 40 of the Massachusetts General Laws. In addition, the Conservation Commission requires that the applicant pay for the services of any consultant hired by the Commission in connection with the Application.
- B. The Conservation Commission shall hear any oral presentation under the Town of Longmeadow General Wetlands Bylaw at the same Public Hearing required to be held under the provisions of Chapter 131, Section 40 of the Massachusetts General Laws. Definitions, time frames and procedures, insofar as applicable, set forth in said Chapter and Section and in the Regulations promulgated by the Dept. of Environmental Protection on April 1, 1983, and subsequent revisions, are accepted as part of these general provisions.
- C. Any hearing held under Ch. 700, Sec. 2-701 may be continued for a reasonable time in order to allow the applicant sufficient time to produce information which the Conservation Commission deems necessary to make a decision on the impact of the project. AS an alternative to continuance, or after failure or refusal by the applicant to produce additional information as requested, the Commission may deny the project.
- D. For all projects, including construction of any sort, a written statement describing construction, methodology, including type of machinery to be used, access way to the project site, proposed time tables, etc. is required.
- E. Any proposal for which the applicant claims economic hardship shall be accompanied by data sufficient to support such claim.
- F. Projects proposing disruption of 5,000 square feet or more of any area subject to this Bylaw may be required to replace not only the function of the area to be disturbed, also its physical properties, characteristics and vegetative cover. Inability to do so where required may be cause for denial.
- G. Plans, drawings, sketches and calculations shall be stamped, signed and dated by the person(s) responsible for the preparation. Plans, drawings involving the practice of surveying or engineering shall be stamped, signed and dated by the appropriate professional who shall be registered in the Commonwealth of Massachusetts.
- H. The Longmeadow General Wetlands Bylaw requires consideration of recreation, wildlife, erosion issues and threatened and endangered species. A discussion of the effect of the project on these interests must be provided.
- I. A wetland shall be defined as a biological community that, as a result of its topography, soil condition, surface or groundwater characteristics and plant life, provides increased values to the aquatic system of the Town.

- J. All work shall be done in such a manner as to prevent eutrophication, sedimentation, erosion or any other significant negative impact on wetlands or public and private water supplies.
- K. Projects involving the application of herbicides, de-icers, dust controllers or fertilizers shall supply trade name, components, application rates and frequencies. In order to protect wildlife and water supplies, the Commission may regulate the above procedures in accordance with label requirements and current EPA or other official recommendations. The Commission may also require substitution of other substances or procedures.

### **SECTION 3 INFORMATION TO BE SHOWN ON PLANS**

The following items are set out as minimum standard and are not intended to be a complete and final presentation as to what a plan should show. The applicant may submit, or be required to submit to the Conservation Commission, any further information which will assist in the review and which is deemed necessary to determine the proposed effect on the interests protected by this Bylaw.

#### **A. General Impacts:**

1. U.S.G.S. quadrangle map indicating the site within the region, i.e. a locus map.
2. Plan view and cross-section drawings at an appropriate scale showing existing and proposed conditions and including the following when applicable (preparation by a registered civil engineer or landscape architect recommended):
  - 2.1 Property boundaries.
  - 2.2 Total watershed area in which the site is located.
  - 2.3 Sub-watersheds of the site.
  - 2.4 Adjacent impacted sites.
  - 2.5 Elevation above sea-level and benchmark used to establish data.
  - 2.6 Contours of the existing site in two-foot intervals (contours beyond site boundaries may be required where necessary to assess impacts).
  - 2.7 Contours of the proposed site topography in two-foot intervals.
  - 2.8 All statutory wetlands (by botanical criteria) and land subject to flooding according to the 100-year flood elevations.
  - 2.9 Location of all surface water, temporary or permanent.
  - 2.10 Areas where vegetation will be altered.
  - 2.11 Location of all existing watercourses and any proposed alterations, including location of temporary erosion control.
  - 2.12 Elevations of inverts, slopes and capacities of all drainage ditches, culverts or water conductors that will be constructed or impacted by the project.
  - 2.13 Location and elevation of lowest habitable floor of all structures.
  - 2.14 Location of existing and proposed wells on the site, and all domestic well within 100 feet of the site.
  - 2.15 Location and elevation of all septic systems on the site and within 100 feet of the site.

- 2.16 Location and date of soil borings with a cross sectional soil summary of the boring.
- 2.17 Location and date of deep test hole and ground water level determination.
- 2.18 Location of all existing and proposed right-of-way, easements and restrictions.
- 2.19 Grades indicating the amount of soil and gravel to be removed.
- 2.20 Limits of construction shown on a plan.
- 2.21 Location of all houses, roads and other structures shown on a plan.
- 2.22 All below ground alterations and structures, including utility lines, drainage structures and storage tanks.
- 2.23 A buffer of naturally occurring, undisturbed vegetation measuring 50 feet from the edge of a wetlands.
- 2.24 Location of any public water supply wells within the watershed.

#### B. Excavation or Filling:

- 1. Describe depth, type and location of material to be removed and location of its disposition.
- 2. Specify location, volume and type of material to be used for fill.
- 3. Describe methods of stabilizing fill.
- 4. Describe methods of disposal of stumps and boulders.

#### C. Public or Private Water Supply and Ground Water:

All surface watercourses, ponds, springs, wells and aquifer recharge areas are considered potential water supplies. Any proposed alterations of these resources should be accompanied by registered engineering data demonstrating that the alteration will not compromise the public interest.

#### D. Storm Damage:

Complete plans and data should be provided to show zero change in the peak rate and volume of runoff from the site. Calculations based on existing conditions and proposed conditions for the 10, 25 and 100 year storm will be necessary for:

- 1. Through-site drainage.
- 2. On-site drainage.
- 3. Changes in the flood storage characteristics.
- 4. Flood routing through detention ponds (inflow/outflow hydrograph).
- 5. Time of concentration of each watershed.

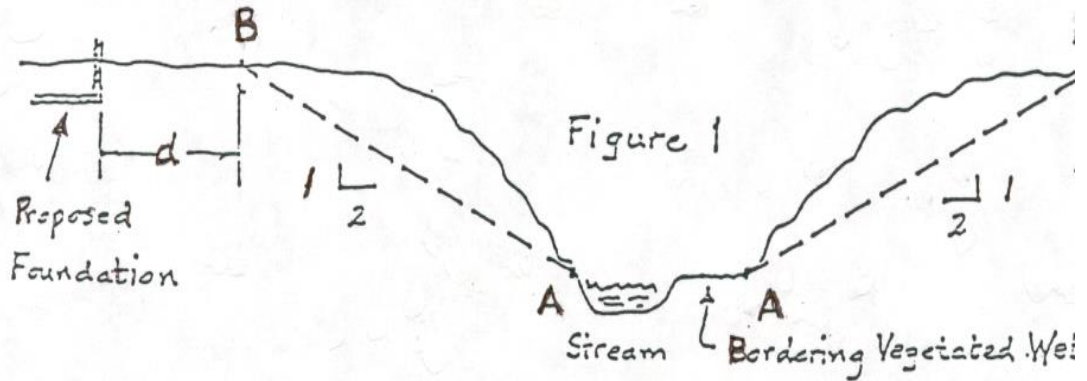
#### E. Prevention of Pollution, Siltation and Erosion:

- 1. Where on-site subsurface sewage disposal is to be used, the Conservation Commission reserves the right to specify the minimum horizontal distance from any waterway based upon site-peculiar soil conditions.
- 2. Core drilling or test pits to substantiate any localized departure from the findings of the latest NRCS Soil Maps of the Town will be necessary. Plans submitted must show location and elevation of leaching field and elevation of referenced core drillings or test pits.

- 3. Proof shall be required that 50% of each lot in the case of subdivision meet the minimum standards as stated in Title Five of the State Environmental Code governing septic systems.
- 4. Any chemicals, effluents or other substances to be discharged should be stipulated and shown not to constitute pollution to either surface or groundwater.
- 5. Methods of long-term maintenance of proposed surface drainage facilities should be specified.
- 6. An erosion control plan shall be submitted describing all methods (temporary, during construction and maintenance support after construction) to control erosion and siltation in the site.

F. Construction and Excavation Setbacks:

- 1. Minimum construction and excavation setbacks will be viewed on a case-by-case basis. Construction includes housing, commercial buildings, garages and similar structures. Information to be assessed should include but not be limited to: leaching, erosion, drainage, on-site ponding and general effects on wetlands. Specific attention should be given to Section 7.2 and Section 7.3 of the Longmeadow General Wetlands Bylaw as well as the “interests” protected by this Bylaw as stated in Section 1. FEMA Flood Insurance Rate Maps and Title Five Regulations should be used where applicable.
- 2. A buffer or naturally occurring vegetation measuring 50 feet from the edge of all wetlands and waterbodies must remain undisturbed.
- 3. Recent Longmeadow experience has shown that banks of dingles and surface drainage gullies are unstable, causing significant volumes of soil to deposit in stream beds or upon wetlands. Structures located closed to the top of such banks are threatened with foundation undermining, requiring costly repairs. As a result of these undesirable situation, future proposals for construction in a wetland buffer zone must comply with the setback criteria from the tops of slopes as shown in Figure 1.



A = Edge of wetland or bordering vegetated wetland.  
 B = Intersect of ground surface with a hypothetical slope no steeper than 2 feet horizontally to every 1 foot vertically from point A.  
 d = Distance of proposed foundation of any structure from point B, minimum of 20 feet.

4. Plans of proposed structures within the 100-foot buffer must include a profile of the area from point A to the proposed structure, showing the point of intersection of a hypothetical 2:1 slope from point A. Plan views should show the location of this line of intersect and the site marked with a line of stakes.
5. It will be required that all proposed plans for structures in the buffer zone and adjacent to a dingle bank provide data on one or more samples of soil core drillings made to a depth equal to the depth of any soil planned to be disturbed during the construction process at the proposed location of the foundation adjacent to the top of the bank.

#### G. Landscaping and Erosion Control:

1. Protective cover to be maintained on all embankments facing lakes, ponds, marshes and streams:
  - a. No removal of flow brush within 50 feet of a wetland; however, brush may be topped to a height of 3 feet.
  - b. No clear cutting of standing trees and surface vegetation, only selective thinning of standing trees to a spacing not to exceed 5 feet from a wetland.
  - c. Pathways and stairs to be allowed, only if constructed across slope, at less than 5% grade with switchbacks.
2. Preferred method of access down banks bordering water is elevated stairway.
3. Any area proposed for removal of vegetation where soil will be exposed for more than 10 days shall be mulched, or otherwise treated, to prevent erosion.

#### H. Drainage:

1. Calculations shall be supplied for 10, 25 and 100 year interval storms. Methodology and information sources shall be supplied. Calculations should show pre-development conditions and post—development conditions for comparative purposes.
2. Drainage shall be designed to:
  - a. Use infiltrative techniques wherever possible, including leaching catch basins, retention basins and detention basins.
  - b. Employ vegetated wetlands as receivers for drainage from porous paving.
  - c. Maximize use of permeable surfaces, including porous paving, for parking areas.
  - d. Encourage the utilization of open ditches instead of pipes wherever possible.
3. Drainage structures shall be designed to handle at least a 25-year storm.
4. Design shall show no increase in peak volume flow.
5. Design shall show no increase in downstream flooding.
6. Design shall show no increase in upstream flooding.
7. Projects within drawdown and recharge areas for public water supply wells may not decrease total recharge nor introduce constituents to surface or ground waters other than those normally found in domestic sewage nor in equilibrium concentrations which will exceed safe water drinking standards, as set by the Commonwealth of Mass. or EPA, whichever are more stringent.
8. For residential construction projects, methods or handling roof and driveway runoff shall be shown.



9. Any discharge into a wetland or buffer area shall be regulated by the Conservation Commission under this Bylaw whether or not the pipe actually intrudes into the buffer area or wetland. Design plans must be submitted to the Conservation Commission for review and approval in such instances.

#### I. Stream Relocation and Channelization:

Applicant shall provide information on:

1. Carrying capacity of stream.
2. Bottom sediment.
3. Vegetation within stream and on its banks in the area of the proposed project.
4. Water velocities at base flow, mean flow and annual flood flows.
5. Calculations to prove that velocities will be the same after relocation or channelization.
6. Erosion and sedimentation control during construction.
7. Erosion and bank stabilization control plan for post-construction.
8. Proposed time table for construction.

### **SECTION 4 WILDLIFE HABITAT PROTECTION**

**DEFINITION:** Wildlife Habitat means those areas subject to this section which, due to their habitat characteristics, such as plant community structure and composition and hydrologic regime or other characteristics, provide valuable or desirable feeding, breeding, migratory, overwintering and/or shelter areas for wildlife.

Wildlife means all native species of plants or animals, including invertebrates that occur regularly in Massachusetts.

1. All wetlands and floodplains, including bordering vegetated wetlands, banks, land under water bodies, vernal and animal pools, bordering and isolated wetlands which due to their habitat characteristics provide valuable or desirable feeding, shelter, migratory, overwintering or breeding areas for all species of wildlife that may use these areas are protected under this Bylaw
2. All freshwater wetlands and the 100 year floodplain are presumed to be significant to wildlife habitat. No alteration will be permitted unless authoritative documentation is presented showing no ecological degradation will occur. Such documentation must be credited by a professional wildlife biologist and approved by the Conservation Commission. The costs of biological inventories and other studies and actions required to document the impacts of alteration on wildlife habitats will be borne by the applicant.
3. Habitat replication will be considered as adequate mitigation of wetlands alteration only after documentation of complete and functional ecosystem restoration can be presented and approved as under #2 above.
4. Any removal, dredging, filling, or construction within resource areas containing wildlife habitat are subject to provisions of the Massachusetts Wetlands Protection Act (M.G.L. Chap. 131, Sec. 40).

5. There shall be no alteration of habitat where state-listed threatened or endangered species are present when it can be shown that alteration might have a negative impact on the ability of these areas to sustain these species.
6. Temporary (vernal, autumnal) pools (as determined by the Massachusetts Natural Heritage Section of the Division of Fisheries and Wildlife) located within the resource areas protected by this Bylaw shall be presumed to be significant wildlife habitat unless authoritative documentation can be presented to the contrary as under #2 above.

## **SECTION 5 AGRICULTURAL PRACTICES AFFECTING DRAINAGE**

Land in agricultural use which is qualified or eligible to be qualified under the Farmland Assessment Act, Mass. General Laws Chapter 61A, sections 1-5 and which contains seasonally flooded basins or flats or wet meadows is permitted “normal maintenance and improvement” without filing under the General Wetlands Bylaw (ch. 700, Sec. 2-701). Normal maintenance and improvement shall mean only:

- A. All tilling and harvesting practices customarily employed in the raising of crops.
- B. Use of fertilizers, pesticides, herbicides and similar materials subject to state and federal regulations covering their use.
- C. Addition of composted organic materials and soil conditioners.

Improvements of land in agricultural use such as the building of ponds, dams, structures for water control and sediment basins and related activities, require that the applicant include with the application for a Permit under this Bylaw a plan for such work approved by the Conservation District of Soil Conservation Service. All activity shall subsequently be carried out in accordance with said plan. In the event that the work is not carried out in accordance with the required plan, the Conservation Commission may lace a stop order on said work and have recourse to such measures as if the plan were an Order of Conditions.

## **SECTION 6 CONSTRUCTION WITHIN THE 100-YEAR FLOOD PLAIN; SUBJECT TO THE LONGMEADOW FLOOD PLAIN ZONING BYLAW**

Plans shall show:

- A. First floor elevation 1 foot above 100-year flood elevation and flood-proofed foundation or flood-proofed construction up to flood elevation plus flood-proofed utility, water and sewer connection and septic systems where applicable.
- B. Certification of above, either on the plan or by letter under stamp and signature of a professional engineer or architect registered in Massachusetts.
- C. 100% flood storage compensation at flood sites must meet requirements of the federal flood insurance program.
- D. Dredging, filling or alteration of navigable rivers and adjacent streams and wetlands require an Army-Corps of Engineers permit.

## **SECTION 7 VARIANCES**

The Conservation Commission may vary these regulations at its discretion after making a finding that the proposed work will not cause significant adverse impact on the interests protected by the Longmeadow, General Wetlands Bylaw (Ch. 700, Sec. 2-701).

## **SECTION 8 CERTIFICATE OF COMPLIANCE**

Upon completion of the project, the applicant shall request a Certificate of Compliance in writing from the Commission. This request shall be accompanied by an engineer's certification of the project's compliance with the Order of Conditions if the Order of Conditions included plans stamped by a registered professional engineer, architect, landscape architect or land surveyor.

If, after a site inspection, the Commission determines that the requirements of the Permit/Orders of Condition have not been met, the request for a Certificate of Compliance may be denied. This decision, along with the reasons for the denial, shall be forwarded to the applicant within 21 days of the receipt of the request.

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