



# Hanover Conservation Commission

## RULES AND REGULATIONS FOR TOWN OF HANOVER WETLANDS PROTECTION BY-LAW 6-14

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## **I. INTRODUCTION**

These rules and regulations are promulgated<sup>1</sup> by the Hanover Conservation Commission pursuant to the authority granted under Section 7 of the Hanover Wetlands Protection By-Law #6-14. They are referenced to specific sections within the aforementioned By-Law; in some instances references to authority granted under regulations for Massachusetts General Law Chapter 131, Section 40 (MGL c.131§ 40, *The Wetlands Protection Act*, referred to in this document as the WPA or the Act) are given in parentheses. The purpose of these rules and regulations is to complement the local By-Law by establishing standard criteria, definitions and procedures by which the Hanover Conservation Commission can carry out its responsibilities (unless otherwise indicated in these rules and regulations or in By-Law #6-14, definition of terms shall be identical to those definitions given in the Regulations of the WPA, 310 CMR 10.00). In most cases, requirements already clearly given in the By-Law will not be repeated in these rules and regulations. These rules and regulations shall take effect on October 1, 1993 (with latest revision in effect 1/17/07), and shall apply to all applications and requests filed on or after that date.

## **II. APPLICABILITY**

- A. ALL APPLICATIONS SUBMITTED TO CONSERVATION COMMISSION SHALL BE GOVERNED BY THESE RULES AND REGULATIONS. In instances where these rules and regulations are more stringent than WPA Regulations 310 CMR 10.00, these local rules and regulations shall prevail [see 310 CMR 10.01(2)]. Significant differences between these regulations and 310 CMR 10.00 are indicated by a delta sign ( $\Delta$ ).
- B. ANY ACTIVITY DEFINED UNDER HANOVER WETLANDS RULES AND REGULATIONS Section V.A & B. PROPOSED OR UNDERTAKEN is subject to regulation under the By-Law and requires the filing of a **Notice of Intent** (NOI).
- C. ANY ACTIVITY PROPOSED OR UNDERTAKEN OUTSIDE THE AREAS SPECIFIED IN HANOVER WETLANDS RULES AND REGULATIONS Section V.A. shall not be subject to regulation under the By-Law unless, in the judgment of the Conservation Commission, said activity will result or has resulted in removing, filling or altering an area specified in HANOVER WETLANDS RULES AND REGULATIONS, Section V.A.

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<sup>1</sup> promulgate: to declare officially

### **III. GENERAL PROVISIONS**

#### **A. BURDEN OF PROOF AND GOING FORWARD (Section 11 of By-Law #6-14)**

1. The applicant shall have the burden of proving by clear and convincing evidence that the proposed work, as described in the NOI and presented at a Public Hearing, will protect the interests of the By-Law. Failure to meet the Burden of Proof shall be cause for the Commission to issue a denial on the proposal.
2. The applicant shall have the burden of going forward with credible source in support of all matters asserted by the applicant in accordance with his/her burden of proof.

#### **B. FOR GROUNDWATER PROTECTION, THE STRICTEST STATUTES IN EXISTENCE SHALL BE IN EFFECT.**

Applicants shall refer to and apply the latest copy of Zoning By-Law for the Town of Hanover, Section III- DISTRICTS Par. A through B 2.d; Section VI- USE REGULATIONS A. Floodplain, Wetland and Watershed Protection District VI.A. through VI. A.6.e; VI.G. 7 Wetlands Setbacks (see #1. below); VI.H.1 Water Resource District through VI.H.7.C. In addition to all other rules and regulations specifically governing activity in the Aquifer and Well Protection Districts the following shall be adhered to throughout the Town of Hanover.

1. **Septic Systems:** The Hanover Conservation Commission will endeavor with these regulations to support the Hanover Board of Health and to ensure maximum protection of the interests outlined under the local wetland By-Law. The presumptions of significance adopted by the State Wetlands Regulations 310 CMR 10.03(3) correspond to public health standards more than environmental protection and are not adopted in these local wetlands regulations. As related to septic-derived contaminants, the regulations are meant to complement local health regulations although authorized and administered separately.
  - a. **Any new septic system shall be placed at least 100 feet from wetland resource areas.**
  - b. **When upgrading, replacing or repairing existing septic systems, (or replacing a cesspool), leaching facilities shall be placed as far as possible and no closer than 50 feet from the wetland resource.** (No dwelling or structure may be enlarged unless these standards can be met.)

III.B.2. **Use of hazardous, toxic, flammable fluids** and compounds such as but not limited to petroleum products, paints, chemicals, dyes, inks, detergents, fertilizers, herbicides or any other potential pollutant shall be as follows:

- a. No storage either above or under ground shall be within 100' of any wetland resource.
- b. All floor drains, shall be discharged to a tight collection tank and taken away by a licensed waste hauler. Floor drains shall not discharge to a septic system, storm drain, dry well, or other surface or subsurface discharge point.
- c. New commercial, retail, or industrial buildings in which materials on the Massachusetts Substance List will be used or stored shall have areas designed and built to contain any spills and to ensure no discharge of spilled substances. Materials used in cleaning up spills will be handled and disposed of in the same manner as the substances themselves.

3. **Discharge from car washes, dry cleaners, beauty shops, printing shops, establishments, auto service stations etc.** shall not be allowed to enter a wetland resource including groundwater.

- a. All catch-basins within 100 feet of a wetland resource shall have a gas trap (specs.)
- b. Fluids containing any pollutants will not be discharged into wetland resource, the 100 foot buffer of a resource, or into outside catch basins or drains or in any manner which could permit entrance into groundwater or other wetland resource by accident or deliberate vandalism.
- c. Water used to clean containers, air-conditioning systems, equipment, vehicles, swimming pools and buildings (where a spill has occurred) shall be treated as hazardous material and cleaned up and disposed of as such and removed from the site by a licensed hauler. All such work shall be done within a building designed to capture and separate all waste discharging into a waste container which will be subsequently disposed of by a licensed professional hazardous waste firm.

4. **Pesticides, Herbicides, and Fertilizers**

A warning about limiting the use of pesticides, herbicides, and fertilizers shall be placed on the plan for each house lot within the Aquifer Protection District filing with the Commission.

### **III.B.5. Aquifer Protection District (APD)**

In order to protect groundwater and surface water in the APD, no existing non-conforming building, lot, or use of same shall be made even more non-conforming.

- a. Buildings, Structures, and Parking areas on any lot not meeting minimum size standards for APD Zoning By-Law for the Town of Hanover, VI.H. 1- H.7.c inclusive and required by Title 5 shall not be enlarged unless the capacity, location, and design of the existing septic disposal system meets all local and State requirements at the time of application.
- b. No existing septic system within the APD shall be enlarged on any lot not meeting Hanover APD and Title 5 minimum size requirements at the time of application unless entirely new concepts have been developed which adequately protect the environment in the judgment of the Commission.
- c. Repair or upgrading of an existing system, without increasing the building's size or intensifying its use, to allow continuing existing permitted use will be presumed to improve protection of groundwater and is allowed with filing a Request for Determination.
- d. On lots which meet APD size, any change to existing parking areas, stormwater drainage systems, building size or shape or any changes therein to enable more intensive or extensive use of the foregoing within the APD shall require a site plan be submitted for the entire site, and the project shall meet current design standards of 310 CMR, this By-Law and its Regulations and all other applicable Federal, State, and Town of Hanover Zoning and Health By-Laws and Regulations governing change of use and development of land and buildings.
- e. All rainwater which falls on paved areas or other impervious materials shall be channeled or otherwise directed before allowed to recharge the groundwater through oil and grease traps and sediment traps satisfactory to the Board of Public Works.

### **6. Notations On Site, Subdivision, And Septic System Plans**

- a. To prevent damage from ignorance of the law on the part of owners, contractors, workers etc., each plan submitted for wetlands filings in Hanover shall include specific notations about preventative measures contained in Section B.
- b. The notations shall conclude with the following: ***"These measures are ongoing and run with the land. They do not expire with issuance of a Certificate of Compliance."***

#### **IV. PURPOSE**

Section I of By-Law #6-14 establishes the "*wetlands interests*" that are protected by By-Law and these Rules and Regulations. These wetlands values include the following:

- public and private water supply
- groundwater
- erosion and sedimentation control Δ
- storm damage control
- water pollution control
- rare and endangered species habitat
- fisheries
- wildlife habitat
- recreation (Δ)
- aesthetics (Δ)
- agriculture (Δ)
- shellfish habitat

(Δ) Values not included in WPA MGL c.131, § 40. *The Commission may, from time to time, identify additional wetland values subject to protection by By-Law #6-14.*

#### **V. JURISDICTION**

##### **A. AREAS Subject to Protection (By-Law #6-14 Section 2):**

1. Areas within 100 feet of any freshwater wetland, swamp, estuary, lake, pond, bank, marsh, wet meadow, vernal pool, stream, storm water storage area or land subject to flooding whether bordering or isolated.
2. Any land under any of the above waters.
3. Area within 100 feet of any land subject to flooding or inundation by groundwater, surface water or tidal action.
4. The Riverfront Area which is defined as the area of land between a river or perennial stream's annual high water line and a parallel line measured horizontally and extending 200 feet.

##### **B. ACTIVITIES Subject to Regulation (By-Law #6-14 Section 2)**

- removal of material
- dredging
- alteration- *for complete definition of this term, see Section 8 of the By-Law #6-14*
- filling
- building

## V.C. WETLAND SETBACK Regulations

### 1. Purpose of this Regulation

Scientific research and the Commission's experience in reviewing a wide variety of projects demonstrate that activities within the wetlands Buffer Zone have a high likelihood of resulting in some alteration of that area, either immediately as a consequence of construction, or over a longer period of time as a consequence of daily operations of the completed project.

These alterations include, but are not limited to:

- disturbance of natural vegetation along the wetlands boundary,
- run-off of pollutants,
- placement of fill material and other substances within the wetland,
- stockpiling or dumping of materials or debris which migrate over time into the wetlands, and
- disturbance of wildlife habitat, such as nesting sites and corridors which are important to wetland species.

Accordingly, the intent of this regulation is to enable the Commission to fully review and evaluate activities within the Buffer Zone to determine whether any alteration of the neighboring resource area will occur and whether any resulting alteration is in compliance with other applicable performance standards.

### 2. Definition and Critical Characteristics

#### a. Definition

**The Buffer Zone** is that area of land extending 100 feet horizontally outward from the boundary of any freshwater wetland, revering wetland, marsh, wet meadow, bog, swamp or kettle hole; and any bank, lake, river, pond, stream, estuary or vernal pool; any land under said waters; or any land subject to flooding or inundation by groundwater, surface water, or tidal action.

Where the surface water or ground water from the Buffer Zone do not drain toward the resource area, the topography and soils characteristics may help to control the surface and groundwater regime in the resource area.

Where the Buffer Zone includes areas of undisturbed natural vegetation, these areas may be important for maintaining the wildlife habitat values of the resource area. Buffer Zones are important for wetland wildlife as foraging sites, wildlife corridors, hibernation sites, breeding and nesting sites, and also protect wetland wildlife from noise and other disturbances.

#### V.C.3. Presumption

Based on experience to date with projects in the Buffer Zone, the Commission shall presume that work in the categories below, within the tabulated distances from a resource area, will result in alteration of the resource area. This presumption is rebuttable and may be overcome upon a clear showing that the



nature of the proposed work, special design measures, constructions controls, or site conditions will prevent alteration of the resource area. Depending on site conditions and project characteristics, the Commission may also find that work at greater distances from the resource area will alter the resource area. For the purposes of the table below: “Work” means filling, excavation, grading, operation of motorized Construction equipment, and storage or stockpiling of earth or construction materials; and building means a structure requiring a building permit.

TYPE OF PROJECT	LIMIT OF WORK	LIMIT OF BUILDING
Residential lot <sup>1</sup>	25 ft.	35 ft.
Subdivision lot <sup>2</sup>	35 ft.	
Commercial/Industrial	35 ft.	50 ft.
Driveways and utilities	25 ft. <sup>3</sup>	
Other roads	25 ft. <sup>3</sup>	
Vernal Pools	50 ft.	75 ft.

The following activities within the Buffer Zone are presumed not to alter a resource area:

- a. Discharge of subsurface drainage from a single residential lot or residential building.
  - b. Discharge of roof and driveway runoff from a total impervious area of less than 4000 square feet (per project) meeting the above Separation distances.
  - c. Mowing or cutting vegetation within 25 feet of the resource area provided that soil is not exposed to erosion and that sod cover or natural litter layer is maintained.
  - d. Landscape plantings, provided that areas disturbed are mulched immediately and there is no change in grade.
- V.C 3.e. Construction or installation of fences or structures not requiring a building permit.
- f. Percolation tests or soil borings carried out to gather information for submittal with an Application for a Permit.

This presumption is rebuttable and may be overcome when the nature of the work or site conditions will result in an alteration of the resource area unless

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<sup>1</sup> and subdivision lots for which an Order of Conditions was issued prior to December 16, 1998

<sup>2</sup> with lot preparation done in conjunction with road construction

<sup>3</sup> except for permitted crossings

special preventive measures are taken. As with any work in the Buffer Zone, the activities below still require (as a minimum) filing of a Request for Determination of Applicability (RDA) application in order for the Conservation Commission to determine if these presumptions apply.

4. General Performance Standards - **One of the following must apply:**

- 1) Any work within the Buffer Zone shall not result in alteration of any resource area, or
- 2) if work within the Buffer Zone which alters a resource area is permitted by the Commission, the alteration of the resource shall comply with the applicable performance requirements for the altered resource area and any other conditions the Commission may require to enforce those performance standards.

## **VI. EXCEPTIONS**

The only exceptions allowed under these Rules and Regulations are the two given in Section 3 of By-Law #6-14. All other "exceptions" and "limited projects" listed in WPA Regulations 310 CMR 10.53 (3) shall require applications and permits as indicated in the By-Law #6-14 and these rules and regulations.

## **VII. PERMIT APPLICATIONS AND REQUESTS FOR DETERMINATION**

### **A. REQUEST FOR DETERMINATION OF APPLICABILITY (RDA)**

#### **1. For Activity in a BUFFER ZONE (Δ)**

(Δ) *One will note that the "buffer zone" as defined in 310 CMR 10.02 (2)(b) does not exist in this By-Law; instead these areas are included as resource areas and are subject to protection and regulation.*

#### **2. For determining if an area is subject to protection under By-Law #6-14**

At the same time a person requests review under WPA, MGL c.131, § 40, the applicant must file for the same request under the local By-Law for which there shall be a fee as designated on the most current By-Law Fee Schedule in effect at the time of the application submission. In cases where it is determined that the area is subject to the Act, prior to any work taking place at the site, the applicant shall follow the usual filing procedure for any activity under the Commission's jurisdiction.

### **VII.B. APPLICATION FOR NOTICE OF INTENT- Residential:**

Proposed work for a new or for alteration to an existing single family home, including but not limited to addition, appurtenant (accessory) structure, septic system repair, paving, landscaping, or swimming pool shall do the following:

*NOTE: If the applicant contends that there will be no effect on wetland interests, he must demonstrate why there will be no effect.*

1. Submit three (3) copies of the plan meeting requirements listed in Section VII.E. of these Regulations.
2. Submit three (3) copies of the application (NOI or RDA) with a written description of proposed activity, its impact on wetland values (Section IV), and methods for preventing wetland alteration. One-word answers are unacceptable.
3. Submit three (3) copies of application and plans for new single family dwelling final septic system project with septic system approved by Hanover Board of Health meeting current Town of Hanover Rules & Regulations for Septic systems, otherwise the latest plan for updating septic which shall meet at least Title 5 requirements.
4. A certified Abutters List obtained from the Town of Hanover Assessor's Office shall be submitted as part of the application packet. (An abutter is any property owner within 100 feet of the property lines upon which the proposed work is to take place, whether across a street, water body, diagonal or in an adjoining municipality). A copy of the public hearing notice provided by the Conservation Office shall be mailed by Certified Mail with Return Receipt **OR Certificate of Mailing** to each abutter on the certified abutters list. Submission of the white/green receipts from certified mail, or the white *certificate of mailing slips* stamped by a US Post Office for certificate of mailing, serves as evidence that abutters have been notified of the upcoming hearing. Said evidence must be submitted at least five (5) days prior to the scheduled hearing. Alternatively, the applicant may collect original signatures of abutters on the abutters list demonstrating they have been notified and have received a copy of the public hearing notice by hand. If this alternative is used, the abutters list with original signatures shall be submitted at least (5) days prior to the scheduled hearing.
5. Submit checks to the Town of Hanover for:
  - a. Check for Guaranteed Deposit Account for submission review by consultants (Minimum \$500 or one percent (1%) of projected total project cost, whichever is greater).
  - b. Check for applicable By-Law Fees (as per the most current By-Law Fee Schedule in effect at the time of submission).

**These checks are in addition to those required under MGL 131, 40.**

**VII.C. APPLICATION FOR NOTICE OF INTENT- Residential or Commercial Subdivision:**

**NOTE: Applications for subdivisions shall be reviewed for the roadway(s), any and all utilities, stormwater management systems and components and/or other**

**subdivision infrastructure components that fall under the jurisdiction of the Conservation Commission. ALL INDIVIDUAL LOTS REQUIRE A SEPARATE FILING WITH THE COMMISSION if any of the work for said lot falls within the jurisdiction of the Commission.**

1. Submit three (3) copies of the Definitive Subdivision Plans as required by the Hanover Planning Board supplemented with plans showing pre-construction and post-construction drainage areas, plans and construction details for the entire stormwater management devices i.e. detention basins, swales, leaching structures etc. and wetland filling and replication, of proposed activity and its impact on those interests listed in Section IV.

SEE SECTION VII.F. GUIDELINES FOR DETENTION/INFILTRATION BASINS for detailed submission requirements.

2. Submit three (3) copies of the drainage calculations with hydrographs.
3. Submit three (3) copies of the application (Notice of Intent - NOI) with a written description of proposed activity and its impact on all resource areas.
4. Submit photos of existing site keyed to site and labeled with date, address and direction of view, if required.
5. Submit checks to the Town Of Hanover for the following:
  - a. Check for Guaranteed Deposit Account for submission review by consultants (Minimum \$500 or one percent (1%) of projected total project cost, whichever is greater).
  - b. Check for applicable By-Law Fees (as per the most current By-Law Fee Schedule in effect at the time of submission).

**These checks are in addition to those required under MGL 131,40.**

6. Botanical classification of wetland and evaluation of wildlife habitat to be altered, also Environmental Impact Report (EIR), if required.

**VII.C.7. Submit a detailed work sequence with procedure for excavating, re-grading, replanting and monitoring the wetlands, replication and the wildlife habitat.**

If required, the proposed wetland mitigation program shall be observed and supervised by a qualified Wetland Scientist. The Applicant shall submit for

Commission approval the name, address and qualifications of the Wetlands Scientist to be employed by the Applicant.

If required, a Mitigation Area Monitoring Report shall be submitted to the Commission annually by the Applicant for a minimum period of four years or until issuance of a Certificate of Compliance. Each report shall include a description of the methods used in the analysis, an observed species list, relative abundance of each species, percent cover of wetland and upland species determined by quantitative analysis methods, the viability of the plantings, photographs taken on at least a biannual basis, identified problems and proposed remedial measures, if any, to ensure proper establishment of the mitigation areas. If remedial measures are recommended, the Applicant's Wetland Scientist shall develop a corrective plan of action that shall be submitted to the Commission for approval, and implemented by the Applicant under the supervision of the Wetland Scientist.

8. A certified Abutters List obtained from the Town of Hanover Assessor's Office shall be submitted as part of the application packet. (An abutter is any property owner within 100 feet of the property lines upon which the proposed work is to take place, whether across a street, water body, diagonal or in an adjoining municipality). A copy of the public hearing notice provided by the Conservation Office shall be mailed by Certified Mail with Return Receipt **OR Certificate of Mailing** to each abutter on the certified abutters list. Submission of the white/green receipts from certified mail, or the white *certificate of mailing slips* stamped by a US Post Office for certificate of mailing, serves as evidence that abutters have been notified of the upcoming hearing. Said evidence must be submitted at least five (5) days prior to the scheduled hearing. Alternatively, the applicant may collect original signatures of abutters on the abutters list demonstrating they have been notified and have received a copy of the public hearing notice by hand. If this alternative is used, the abutters list with original signatures shall be submitted at least (5) days prior to the scheduled hearing.
9. A draft Homeowner's Association Agreement/Policy or maintenance agreement for future maintenance of stormwater detention area, if required must be submitted.
10. Drafts of deeds to any parcels of land or any conservation restrictions to be transferred to the Town of Hanover, if required shall be submitted.
11. Evidence to other Town Boards as is necessary i.e. Planning Board, Board of Health, Board of Public Works, Building Department, Board of Appeals and Selectmen.

**VII.D. APPLICATION FOR NEW COMMERCIAL, RETAIL AND INDUSTRIAL SITE DEVELOPMENT** or alterations to existing structure, paving, access, septic, drainage patterns or structures, landscaping, and grading.

Requirements are the same as Section C for residential or commercial subdivisions.

**E. PLAN REQUIREMENTS**

OTHER THAN FOR REFERENCE PURPOSES, ANY PLAN SUBMITTED TO THE COMMISSION FOR APPROVAL WITH AN APPLICATION OF ANY KIND SHALL HAVE A PRINTED PLAN DATE THAT DOES NOT EXCEED THREE YEARS PRIOR TO THE APPLICATION SUBMISSION DATE. LIKEWISE, WETLAND AND RESOURCE AREA LINES ARE SUBJECT TO THE SAME EXPIRATION DEADLINE OF THREE YEARS.

UNLESS EXEMPTED IN WRITING BY THE COMMISSION OR ITS AGENT, EACH REQUEST FOR DETERMINATION OR NOTICE OF INTENT SHALL BE ACCOMPANIED BY PLANS CONTAINING THE FOLLOWING INFORMATION AS APPLICABLE TO THE TYPE OF PROJECT.

#### 1. PLANS FOR SINGLE FAMILY DWELLINGS:

Plans for a NEW single family dwelling shall meet the requirements of Title 5 (septic systems) and the Regulations of the Hanover Board of Health with a plan stamped and signed by a professional land surveyor and a professional engineer registered in the Commonwealth to be supplemented as appropriate by items listed below.

Plans for an ADDITION, APPURTENANT (ACCESSORY) STRUCTURE, INGROUND POOL, RE-GRADING & IMPERVIOUS SURFACE, need not be engineered but shall approximate requirements and include the following information:

**On the plan DEPICT AND LABEL with details listed in a. through f. as described below:**

- a. Scale: 1 inch equals 20 feet or greater
- b. Contour lines at intervals no greater than 2 feet
  - Existing (in black) \_\_\_\_\_
  - Proposed (in black) \_\_\_\_\_
  - **Wetland line** (in blue) \_\_\_\_\_  
(include the *name* of the person and/or firm responsible for the delineation and the *date* it was performed)
  - **Limit of work line** and/or **erosion control line** (in red) \_\_\_\_\_
  - **100 foot buffer zone boundary line** (in green)
  - 35 foot no structure setback (in black)
  - 25 foot no disturb setback (in black)
  - **FEMA Flood Zone line** (in orange)
  - **Proposed wetlands fill area** (shaded in green)
  - **Compensatory and/or replicated area** (shaded in yellow)

VII.E.1.c. Man-made features such as but not limited to: Street & Number, Assessor Plan & Lot Number; Builder Lot No., Property lines and their distance from structures etc. Existing and proposed structures above & below ground including but not limited to - pools, driveways, wells, storage

tanks, stone walls, septic system, drainage ditches arrow showing direction of flow; rights-of-way and easements; Aquifer or Well Protection District, 100-year floodplain or any change of zoning district; and buffers.

- d. Existing and proposed natural features such as but not limited to: red-maple swamp, wet meadow, wooded area, specimen trees, pond, brook arrow showing flow direction, ledge, and stone outcroppings on lot or abutting lot as pertinent to project.
- e. Temporary or permanent location of excavated soils and erosion barrier.
- f. TITLE BLOCK shall contain:
  - Name of property owner(s) for each lot to be reviewed
  - Complete address including Street Number (obtain from Assessor's Office if unknown)
  - Assessor Reference including Map (Plan) Number and Lot (Parcel) Number.
  - Builder's Lot Number
  - Plan Date  
(IF AN EXISTING ENGINEERED PLAN IS BEING REUSED, PLAN MUST BE UPDATED WITH CURRENT DATE & INFORMATION, NEW TITLE ETC. & DELETING OBSOLETE INFORMATION IF NECESSARY)

**VII.E.2. PLANS FOR SUBDIVISIONS - ROADWAYS, INFRASTRUCTURE AND STORMWATER MANAGEMENT COMPONENTS ONLY**

**NOTE: A separate filing is required for development of each individual lot.**

Only Definitive Subdivision Plans meeting the Hanover Planning Board's most recent requirements shall be submitted to be supplemented as appropriate by items listed below.

Detention Basins shall be designed according to Section VII.F. of these Regulations.

**On the Plan DEPICT AND LABEL with details listed in a. through m. as described below:**

- a. Scale: 1 in. = 40 feet or greater
  - b. Contour lines at intervals no greater than 2 feet\*
    - Existing shown in dashed lines (black) \_\_\_\_\_
    - Proposed shown as follows: (in black) \_\_\_\_\_
    - **Wetlands line with numbered flags** (in blue) \_\_\_\_\_  
(include the **name** of the person and the firm responsible for the delineation and the **date** it was performed)
    - **Limit of work line** and/or **erosion control line** (in red) \_ \_ \_ \_ \_
    - **100 foot buffer zone line** (in green)
    - 35 foot no structure setback (in black)
    - 25 foot no disturb setback (in black)
    - **FEMA Flood Zone line** (in orange)
    - **Proposed wetlands fill area** (shaded in green)
    - **Compensatory and/or replicated area** (shaded in yellow)
  - c. 100-year Floodplain, Well or Aquifer Protection District (noting any land set aside to meet lot size therein), or other zoning districts, any land to be donated to the Conservation Commission - on the lot or abutting lots, as well as all buffers for this project.
  - d. Existing natural features including but not limited to: grades\*, streams (including intermittent), ponds, isolated land subject to flooding, vernal pools even if not registered, swamps, wet meadows, specimen trees or tree line of wooded areas, notable ledge or rock outbreaks of the lot in question and abutting lots. (The latter shall be sufficiently detailed in the opinion of the Commission as to enable them to make reasoned judgments as to the impact of off-site features to the proposal and/or to prevent inadvertent alteration off-site.)
- VII.E.2.e. Existing man-made features - above and below ground - including but not limited to buildings, foundations, fences, stone walls, wells, utilities, junk cars or other noticeable dumping, storage tanks, septic systems etc.

\*Elevations and contours surrounding critical areas such as brook crossings, locations of detention basins, wetlands etc. shall be determined



from field survey done no more than one year prior to filing with the Commission.

- f. All proposed below-ground alterations and structures, including but not limited to, utility lines, water mains, stormwater drainage system and structures, storage tanks. and wells.
- g. All proposed above-ground alterations and structures including but not limited to as roadways, stormwater runoff facilities, i.e., detention basins, swales either grassed or stone-lined with the locations of tests pits for soil and groundwater conditions done in compliance with VII 2. b & c; bridges, brook-crossings; filling and re-grading; wetland, floodplain or wildlife habitat; replication areas and easements and rights-of-ways.
- h. Location and type of temporary and permanent erosion control devices and measures.
- i. Amount and location of wetlands, floodplain, and/or wildlife habitat to be altered. (study/report)
- j. Dimensioned details (plan & profile) of all drainage structures, pipes, rip-rap, concrete, or grassed swales, overflow spillways, earthen dikes etc.
- k. If wetland replication is proposed wetlands replication plan(s) shall be required. Said plan(s) shall include but not be limited to existing contours, existing resource boundaries, proposed grading, proposed plantings and proposed stock-piling areas.
- l. NOTES: In addition to notes typical to subdivision plans, specific notes will be added to the sheet containing the detention basin or leaching facilities for stormwater drainage and/or showing replication areas. These notes shall include but not be limited to the procedures and sequence for replicating each altered resource area; adequate inspection and monitoring breaks; amounts, depths, and types of soils, fertilizers, peat moss or other soil enhancers; species, number and location of trees, shrubs, seed, groundcover plants and/or seeds; mulches; and erosion control measures both temporary and permanent. Specific instructions for installing, planting, or applying the foregoing. Also post-construction monitoring of each replication area by Applicant for a minimum period of four years or until it meets the applicable performance standards of WPA Regulations 310 CMR 10.55 through 10.60. **(These are a minimum standard; stricter requirements may be put in the Order of Conditions issued by the Commission.)**

VII.E.2. m. TITLE BLOCK shall contain:

- Name and address of property owner(s) for each Assessor's Lot/Parcel involved
- Name and address of Applicant

- Complete location address including Street Number (obtain from Assessor's Office if unknown)
- Assessor Reference including Map (Plan) Number and Lot (Parcel) Number for each Assessor's Lot involved in project
- Builder's Lot Number(s)
- Plan Date

### 3. SITE PLANS - OTHER THAN FOR A SINGLE FAMILY HOUSE

Plans for sites other than for a single family dwelling shall meet the most recent submission requirements for the Hanover Planning Board and the Hanover Board of Health. Design of detention basins shall be according to VII.F, of these Regulations and other Hanover By-Laws.

Requirements are the same as VII.C.Section 2, PLANS FOR SUBDIVISIONS.

## F. GUIDELINES FOR DETENTION/INFILTRATION BASINS

### 1. Purpose

- a. Control rate and volume of stormwater runoff.
- b. Provide groundwater recharge.
- c. Improve quality of stormwater.

### 2. Why the need for basins?

- a. Impervious surfaces associated with land development (i.e. roads, parking areas and building roofs) replace natural ground cover, thus reducing groundwater recharge. Replacement of natural ground cover with impervious surfaces increases the rate and volume of stormwater runoff. RESULT: Potential flooding downgradient from development site.
- b. Land development generates pollution.
  - 1) Motor vehicle "droppings" (oil and gasoline).
  - 2) Lawn fertilizer chemicals.
  - 3) Sediment deposition from soil erosion.
  - 4) Sand and salt from winter roadway treatment.
  - 5) Domestic animal feces.

VII.F.2. c. Land development destroys natural vegetation (including trees). With vegetation no longer available to control build-up of pollutants (i.e. nitrate, phosphorus, carbon, suspended soils and heavy metals) stormwater transports sediments and pollutants to nearest water course. RESULT: deterioration of wetlands and pond-water quality.

- 1) Sediment destroys wetlands vegetation.

- 2) Nitrate, phosphorus and carbon encourage weed growth in ponds.
  - 3) Oil scum chokes off oxygen which impairs aquatic life.
  - d. Proper basin design addresses the need to prevent increase in the rate and volume of runoff, to maintain groundwater recharge and to remove stormwater runoff pollutants. DEP Stormwater Management Policy provides design guidelines.
3. Types of Basins:
- a. Infiltration:

Provides storage for stormwater to recharge groundwater by infiltration. Should be designed to retain all stormwater runoff. Infiltration basins require pervious underlying soil.
  - b. Detention:
    - 1) Provides storage for retardation of stormwater to prevent rate of post-development runoff from exceeding pre-development rate.
    - 2) Although part of the stormwater entering a detention basin infiltrates into the ground, this type of basin is designed to release all water to a down-gradient water course or wetland. Proper design of detention basin outlet control works is of the essence.
  - c. Both infiltration and detention basins should incorporate:
    - 1) Emergency overflow spillways to handle:
      - a) Unanticipated stormwater runoff.
      - b) Need for alternative flow release with plugged outlet control (detention basins).
    - 2) Flowage easements as required.
    - 3) Inflow energy dissipaters.
4. Removal of Stormwater Pollutants:
- a. Both infiltration and detention basins required pretreatment of stormwater runoff.
    - 1) Remove floatable solids (oil and grease scum).
    - 2) Remove pollutant-adsorbing suspended solids (sand and silt).

VII.F.4. b. Pretreatment usually includes the first two and third or fourth of the following:

- 1) Catchbasins Sumps
- 2) Hooded Catchbasin Outlets
- 3) Oil/Grit Separator Tank(s)

- 4) Sediment Forebay (Silt Trap) at head of basin- sides and bottom must be constructed of low permeability soil to retard infiltration.
- c. Basin treatment for removal of pollutant includes:
  - 1) Partial absorption of nutrients (nitrate, phosphorus, carbon and metals) by basin vegetation. (Basin must be vegetated.)
  - 2) Additional removal of nutrients by soil particles between basin bottom and groundwater. (Infiltration basin bottom must be at least two feet above maximum groundwater.)
5. Detention Basin Design:
  - a. Maximize inlet-outlet distance (for detention).
  - b. Low flow channel from inlet to outlet.
  - c. Trash rack for outlet.
  - d. Refinement of detention basin design includes a dry-wet basin combination to replace dry basin only.
    - 1) Dry (upper) basin provides storage capacity for stormwater retardation.
    - 2) Wet (lower) basin is planted to simulate wetlands, thus increasing vegetative capacity to absorb nutrients.
6. General Design Considerations:
  - a. In addition to control of stormwater runoff, basin aesthetics are important.
  - b. Maximum basin side slope: 3 on 1.
  - c. Avoid box configuration.
  - d. Serpentine shape with flat side slopes will convey “natural” appearance vs. “swimming pool”. Basins should be designed to improve visual impact of land development vs. being an “eyesore”.
  - e. Proper basin design requires thorough investigation of soil and groundwater conditions by test pitting and percolation testing.
7. Maintenance:
  - a. Forebay silt traps - remove coarse sediment (sand).
  - b. Basin - remove fine sediment (silt).
  - c. Control vegetation.
  - d. Identify responsible party.

## VII. G. FEES (SEE APPENDIX A FOR CURRENT BY-LAW FEE SCHEDULE)

Except as exempted in Section 4 of the Town of Hanover By-Law #6-14, all applications and documents requiring the submission of fees must be accompanied by the appropriate fees paid in full. The fee amounts shall be as per the most current By-Law Fee Schedule in effect at the time of the submission.

## H. GUARANTEED DEPOSIT ACCOUNTS

### 1. AUTHORIZATION

Chapter 304 of the Acts of 1985 authorizes the Hanover Conservation Commission to require the Applicant to pay the costs and expenses of any expert consultant deemed necessary by the Commission to review the application or request.

### 2. AMOUNT OF DEPOSIT

To establish the Guaranteed Deposit Account, applicants required to submit such funds shall deposit with the Treasurer of the Town an amount of funds equal to one percent (1%) of the estimated cost (see *a.* and *b.* below) of the project, with a maximum of ten thousand dollars (\$10,000.00) per application.

#### a. Estimated cost for site plans.

For site plans, the "estimated cost" shall mean the estimated cost of the *entire project including building construction.*

#### b. Estimated cost for subdivisions.

For subdivisions "estimated cost" shall mean the estimated cost of *land preparation, grading, placement of utilities, and construction of roads and drainage systems.*

### 3. MAINTENANCE & USE OF FUND

#### a. Billing of applicant.

A copy of each invoice received from a consultant shall be mailed via *First Class Mail* to the Applicant or his/her designee. Accompanying the invoice copy will be an Account Statement showing the most recent transactions, the current balance and the actions, if any, that need be taken by the Applicant. The Applicant has 10 days from the date of mailing (date on the Statement) to question the Consultant's invoice. If no contact is made at the end of 10 days, the invoice will be process for through the Guaranteed Deposit Account.

#### b. Delay of payment for applicant review of bill.

In the case of a dispute of charges, the invoice shall be reviewed and considered by the Conservation Commission at the next regularly scheduled meeting. The decision of the Commission is final and shall prevail.

#### VII.H.3. c. Payment from the Fund.

The Conservation Commission shall direct the Treasurer to expend such funds to pay for all reasonable design review by its consulting engineer, and/or by other professional persons required to assist the Conservation Commission in determining the adequacy of the submitted plan(s) with

regard to MGL Chapter 131, §40 and the Town of Hanover Wetland Protection By-Law #6-14.

d. Reimbursement to fund.

The balance of this account shall at no time be less than one-half the initial deposit; upon notice from the Commission by first-class mail, the applicant shall deposit with Town Treasurer such additional funds as are required to restore the account to the amount of the initial deposit. However, no applicant will be required to make a total deposit exceeding ten thousand dollars (\$10,000) per application.

e. Return of remaining funds

Within 21 days of issuance of a Certificate of Compliance, all remaining funds shall be returned to the applicant.

#### 4. OTHER REQUIRED DEPOSITS

The Conservation Commission may require similar deposits for other classes of filings if the submitted plan(s) require design review by its consulting engineer or other professional persons (i.e. for supervision and/or monitoring of replication). If a deposit is required for a Request for Determination, all remaining funds shall be returned to the Applicant in like manner.

#### 5. ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION

An Abbreviated Notice of Resource Area Delineation (ANRAD) is an application for verification of resource area delineation, identification, and other preliminary wetland flagging to determine accurate boundaries, and therefore their associated buffer zones. Requirements for the application process include submission of three (3) sets of the following:

- a) the completed Town and State (combination) ANRAD application available at the Conservation Office or on the Town of Hanover website: [conservation@Hanover-ma.gov](mailto:conservation@Hanover-ma.gov)
- b) certified Abutters List obtained from the Town of Hanover Assessor's Office shall be submitted as part of the application packet. (An abutter is any property owner within 100 feet of the property lines upon which the proposed work is to take place, whether across a street, water body, diagonal or in an adjoining municipality). A copy of the public hearing notice provided by the Conservation Office shall be mailed by Certified Mail with Return Receipt **OR Certificate of Mailing** to each abutter on the certified abutters list. Submission of the white/green receipts from certified mail, or the white *certificate of mailing slips* stamped by a US Post Office for certificate of mailing, serves as evidence that abutters have been notified of the upcoming hearing. Said evidence must be submitted at least five (5) days prior to the scheduled hearing. Alternatively, the applicant may collect original signatures of abutters on the abutters list demonstrating they have been notified and have received a copy of the public hearing notice by hand. If this alternative is

used, the abutters list with original signatures shall be submitted at least (5) days prior to the scheduled hearing.

- b) a detailed plan as per the most current version of the ANRAD Plans Checklist in effect at the time of the application with all resource areas shown on the plan regardless of the number of resource areas requested for delineation. Although all resource areas must be shown, only those so noted within the application shall be approved by the Commission and permitted. Plan shall include at least:
  - **Existing elevations shown in dashed lines** (black) \_\_\_\_\_
  - **All existing resource area boundaries with numbered wetland flags** (in blue)
  - Name and company/firm of individual that flagged wetland lines
  - Date of wetland delineation
  - Notation of any resource areas that are not to be included for ANRAD review
  - TITLE BLOCK shall contain:
    - Name and address of property owner(s) for each Assessor's Lot/Parcel involved
    - Name and address of Applicant
    - Complete location address including Street Number (obtain from Assessor's Office if unknown)<sup>2</sup>
    - Assessor Reference including Map (Plan) Number and Lot (Parcel) Number for each Assessor's Lot involved in project
    - Plan Date
- c) a completed and signed ANRAD Plan checklist
- d) a copy of the check for payment of State fees and a check for payment of By-Law fees as per the most current State and By-Law Fee Schedules in effect at the time of the application.
- e) a check to establish a Guaranteed Deposit Account, amount contingent upon the number of wetland flags and complexity of the project as determined by the Conservation Staff. Upon establishment of the Guaranteed Deposit Account, the applicant shall forward a complete application packet including the all plans to the appropriate Wetland Consultant for review.”

6. ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION WITH SIMPLIFIED REVIEW:

Abbreviated Notice of Resource Area Delineation with Simplified Review (ANRAD w/SR) is an application similar to the ANRAD but includes activities that meet the ten (10) criteria below. To submit an ANRAD w/ SR the project must have the following characteristics:

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<sup>2</sup> Do not use “off” in location address- use “between #x and #y or actual parcel address number

- a) No work of any kind will occur within any wetland resource areas including Riverfront Area and Bordering Land Subject to Flooding.
- b) The inner 0- to 50- foot wide area from the delineated wetland boundary will not be disturbed by any work associated with this project, including placement of any stormwater management components.
- c) The buffer zone where the work is proposed does not border an Outstanding Resource Water (e.g., certified vernal pool, public water supply reservoir or tributary), as defined in 314 CMR 4.00 or border coastal resource areas at 310 CMR 10.25- 10.35.
- d) The buffer zone is not adjacent to wetland resources with estimated wildlife habitat (which is identified on the most recent Estimated Habitat Map of State-listed Rare Wetlands Wildlife).
- e) If the project is subject to the Massachusetts Stormwater Policy, all work will be conducted in conformance with an approved Stormwater Management Plan.
- f) Erosion and Sedimentation controls will be provided at the 50-foot buffer zone line or limit of work (whichever is a greater distance from the resource area) and be sufficient to protect resource areas during construction.
- g) The buffer zone does not contain an existing slope greater than an average of 15% at its steepest gradient across the 100-foot width of the buffer zone from the edge of the resource area to the outer edge of the buffer zone.
- h) Following completion of the project, the amount of new impervious surface, in combination with existing impervious surfaces, will not exceed 40% of the buffer zone between 50- and 100-feet from a delineated boundary.
- i) If work that is authorized under Simplified Review is commenced, then no work is allowed, and no additional NOI or RDA may be filed, for any work within the 0- to 50-foot buffer zone during the term of an ORAD associated with this application (three years and/or the length of any and all Extension Permits issued for the project). If work authorized under Simplified Review is **not** commenced, then future NOI's or RDA's may be filed for work within the 0- to 50-foot portion of the buffer zone.
- j) **The project is:** a. ☐ **is** b. ☐ **is not** subject to the Massachusetts Stormwater Policy.

If the project **is** subject to the Stormwater Policy, **one of the following must apply:**



1. a Stormwater Management Form (and supporting information) accompanies the application;
  2. no work contemplated; a Stormwater Management Form (and supporting information) will be provided to the Conservation Commission for review and concurrence prior to the commencement of any work on the site;
  3. a Stormwater Management Form is being submitted for a previously issued Order of Resource Area Delineation (ORAD) for delineation only- submit copy of previously issued ORAD
- k. If all 10 criteria listed above are not applicable to the project, submission of a Request for Determination of Applicability or a Notice of Intent may be necessary. See Sections VII.A. and VII. B. for instructions. If the 10 criteria above are met, continue with the ANRAD application process by following the instructions in Section VII.5. above.”
- l. Plans to follow ANRAD specifications as in Section VII B.5. above with addition of the following (if appropriate to the project):
- **Limit of work line** and/or **erosion control line** (in red) \_ \_
  - **100 foot buffer zone line** (in green)
  - **50 foot buffer zone line** (in black)
  - **35 foot no structure setback** (in black)
  - **25 foot no disturb setback** (in black)
  - **FEMA Flood Zone line** (in orange)
  - **Proposed wetlands fill area** (shaded in green)
  - **Compensatory and/or replicated area** (shaded in yellow)

## **VIII. PUBLIC NOTICE AND HEARINGS** (Section 5 of By-Law #6-14)

### **A. SCHEDULING A PUBLIC HEARING**

1. Upon submission of an application, and after preliminary review, a copy of the public hearing notice listing the date and time of the hearing, as well as the description of the project, shall be provided to the Applicant and his/her Representative(s) by the Conservation Staff. As stated above, the public hearing notice shall be used to notify abutters. (See Section VII.B.4. for abutter notification process).
- VIII.A. 2. Application packets shall be submitted no later than two weeks (14 calendar days) prior to a regularly scheduled hearing to allow for public hearing notification preparation and publication deadlines. (If an approved Holiday falls within the submission week, add one (1) day to the submission time frame).
3. Within two (2) business days of receipt of the application, the Applicant shall be notified concerning accuracy, omissions, and/or errors within the

application packet. Should the application be found to be INCOMPLETE or INACCURATE the applicant will be so notified and the 21-day period for scheduling the hearing will not begin until the filing is accepted as complete.

4. Should an incomplete submission cause rescheduling, the Applicant shall re-notify all abutters of the changed time and date at his/her own expense.
5. Application to the North River Commission is required when work is proposed within the 300 foot North River Corridor.

#### B. DISTRIBUTION OF HEARING NOTICE.

1. As well as providing the public hearing notice to the Applicant for use in the abutter notification process, the public hearing notice shall be sent to a local newspaper to meet the deadline for publication. The public hearing notice shall be published in the Legal Ads section of the newspaper at least five (5) days prior to the scheduled public hearing.
2. APPLICANTS WILL BE BILLED DIRECTLY BY THE NEWSPAPER FOR PUBLICATION OF THE PUBLIC HEARING NOTICE.
3. In addition to the notification required by Section 5 of By-Law #6-14, the Commission will give notice of the public hearing to the Applicant, the Property Owner (if different from the Applicant), and the Applicant's Representative(s).
4. If the public hearing is continued to an undetermined date at the request of the applicant, the applicant shall be responsible for the cost of re-advertising the legal notice.

#### C. PUBLIC HEARING FORMAT.

Public hearings shall have the following format:

1. A record of the meeting is taken by the Conservation Staff and minutes are later typed for the Commission's permanent record. A copy will be made available within ten (10) days of receipt of a written request accompanied by a check to the Town of Hanover at the most current rate for such a service in effect at the time of the request.
2. Hearing Officer calls hearing to order, reads public notice, and introduces Commission, Agent, and consultants.
3. Applicant introduces himself and agents and submits certified mail receipts or signed abutters list.

#### VIII.C. 4. Applicant or his/her representative may present the project.

- a. A copy of the plan - highlighted for visual clarity may be prepared by the applicant and made clearly visible to the audience.
5. Commissioners, their consultants or agents question applicant.

6. Questions are received through the Chair from Town Boards; then any abutter or resident.
7. Unless it is the only hearing scheduled during the meeting, time for the above procedure shall be limited to one hour. If the Agenda has other scheduled hearings, opening of the next hearing will be delayed no more than 15 minutes.

#### D. CONTINUING A PUBLIC HEARING

- a. If the Commission determines that additional information is needed to enable them to make a reasoned decision, the Hearing is continued to a date and time agreeable to applicant.
- b. The applicant shall submit additional data to both the Commission and its consultants within 12 business days to enable adequate response to the Commission by its consultant. The Commission MAY vote to shorten the time should changes be minor.
- c. Should the applicant subsequently realize more time is needed to assemble data, within the 12-day deadline he shall write to the Commission to postpone the hearing indefinitely or to a specific time agreed to by phone with the Commission.

If this request is postmarked after the deadline, a Denial of the project for lack of information will be issued.

### **IX. PERMITS, DETERMINATIONS & CONDITIONS** (Section 6 of By-Law #6-14)

#### A. ISSUANCE OF PERMITS or ORDER OF CONDITIONS (OOC) for projects:

1. Preamble: An Order of Conditions is designed to allow the proposed construction activity while, at the same time, ensuring that valuable wetlands resources will be protected from either deliberate or accidental damage.

Compliance shall be monitored by periodic visits by the agents of the Commission or by Commission members who shall have the right to enter and inspect the premises to evaluate and ensure compliance with the conditions and performance standards stated in the Order. The Commission will hold the permit recipient to strict accountability for the conditions contained in the Order.

#### IX.A. 2. Procedures to follow after issuance of an ORDER OF CONDITIONS:

##### a. BEFORE CONSTRUCTION

- 1) Within 20 days of issuance of the Order of Conditions, submit proof of recording at the Plymouth County Registry of Deeds to the Commission after following the directions below:

**NOTE: work may not commence until proof of recording has been submitted!!**  
**Reminder:** *Make a copy for your records before you go to the Registry - they will keep the original when it is recorded. Duplicate copies from the Conservation Commission office are charged at 25 cents per page.*

- Submit the original Order of Conditions (OOC) to the Registry of Deeds in Plymouth, MA for recording in the chain of title for the property;
- submit the form at the bottom of the signature page to the Commission, and the recording receipt (for copying) including the date recorded with book and page listed.

*(It is important to report this recording information to the Commission because it is needed later as part of the completion of the Certificate of Compliance).*

2) **READ EACH OF THE CONDITIONS IN THE OOC.**

Read and become familiar with your permit/Order. You must provide copies of such permits to the construction foreman, pool contractor or landscaper to avoid their making changes without permission from the Commission. It is your responsibility as the applicant/property owner to ensure that everyone understands the permit/Order to assure compliance with the sequence, including inspections by the Commission and/or its agents. A copy of the permit/Order shall be available on site for all interested parties at all times during construction.

3) **Notify the Conservation Staff *PRIOR* to the commencement of work.**

IX.A. 2 b. DURING CONSTRUCTION

CHANGES TO THE PLAN OF RECORD FOR THIS FILING, (NO MATTER HOW SEEMINGLY MINOR OR INSIGNIFICANT) MUST BE SUBMITTED ON A REVISED PLAN THAT CLEARLY LISTS A REVISION DATE AND NOTATION OF REVISIONS.

**REVISED PLANS MUST BE SUBMITTED TO THE CONSERVATION COMMISSION PRIOR TO MAKING THE CHANGE IN THE FIELD.**

BASED ON THE SIGNIFICANCE OF THE CHANGE, THE COMMISSION MAY REQUIRE A NEW FILING OR A REOPENING OF THE PUBLIC HEARING.

**CHANGES MADE WITHOUT THE PRIOR APPROVAL OF THE COMMISSION CAN RESULT IN A STOP WORK ORDER, AND BE VIEWED AS A VIOLATION WITH A FINE.**

IX.A. 2 c. AFTER CONSTRUCTION IS COMPLETED

- 1) Request a Certificate of Compliance - The Certificate of Compliance may be requested by the applicant or his/her representative in writing using a request form provided by the Conservation Commission Staff.
  - For all Orders of Conditions issued *after October, 1993*, there is no fee for the Certificate of Compliance since the fee was included in the Notice of Intent application after that date.
  - for Orders issued *prior to October, 1993*, a check made payable to the Town of Hanover (in the amount as per the most current By-Law Fee Schedule in effect at the time of the request) must accompany the request.
  - other supporting documentation as described in the Order (i.e. an as-built plan, certification from the engineer, site photos) must also be submitted with the completed Request for Certificate of Compliance form. A site inspection will be scheduled prior to the Commission's next regularly scheduled meeting. Based on the results of the site inspection and other supporting documentation supporting compliance with the plan of record (and/or as-built plan), the Commission (at its regular meeting) will vote to sign and issue a Certificate of Compliance (COC). The presence of the applicant/property owner is not required at the meeting. The approved COC shall be mailed to the applicant making the request or may be picked up at the Conservation Office.
- NOTE:** *Late fees* equivalent to Extension Permit fees will be assessed to any applicant whose Request for Certificate of Compliance is dated more than 3 months after the expiration date of the Order of Conditions.
- 2) Record the Certificate of Compliance at the Plymouth County Registry of Deeds to clear the title from the lien which was imposed by the recording of the Order of Conditions. Submit proof of the recording to the Conservation Commission in a similar manner as Section IX.A.2 of this document.
3. **HARDSHIP BY REASON OF DENIAL:** If an applicant alleges that denial would cause hardship, said applicant must provide credible evidence of same and meet the burden of proof as defined in Section 11 of the By-Law.

#### IX.A. 4. TYPES OF ORDERS:

- a. Preamble: Orders of Conditions have been separated into the following categories:
  - Residence
  - Amended Residence
  - Site Plan
  - Subdivision
  - Municipal Site Plan
  - Municipal Roadway & Drainage

The Commission reserves the right to set up any other type including a generic order i.e., for cleaning of brooks.

- 1) Standard Conditions:  
Within each category of Orders, a standard set of conditions shall be imposed by each Order issued by the Commission. They shall be broken down, for clarification, into:
  - General
  - Prior to Construction
  - During Construction and
  - After Construction
- 2) Special Conditions:  
Additional conditions will be imposed when applicable and will be so labeled.
- 3) Ongoing conditions:  
Certain conditions will be on-going, running with the Title and will be so designated.
- 4) Structural, performance, or action Conditions:  
Conditions may be structural or require a specified standard of performance. Conditions may require submission of documents such as dated work sequence. Each Order will require action by the applicant including posting of a sign with the D.E.P. number in 3" high letters, recording the Order, installing siltation barrier, and requesting a Certificate of Compliance.
- 5) An Order of Conditions issued under the Town By-Law is good for three (3) years from the date of issuance, and must be renewed by requesting an Extension Permit. Requests for an Extension Permit must be submitted in writing thirty (30) days prior to the expiration date of the Order of Conditions and must be accompanied by a check made payable to the Town of Hanover in the amount noted in the most current By-Law Fee Schedule in effect at the time of submission of the request. A site inspection shall be conducted by the Commission and/or its Agents and resulting information will be presented at the next Commission meeting. Approval or denial shall be provided by vote of the Commission at the next available regularly scheduled meeting of the Commission.

## IX. .B. REPLICATION

To prevent wetlands loss, the Commission shall require applications to avoid wetlands alteration wherever feasible; shall minimize wetlands alteration; and where alteration is unavoidable, shall require full mitigation. The Commission may authorize or require replication of wetlands on a 2 to 1 ratio, as a form of mitigation, but only with adequate security, professional design, and monitoring to assure success, because of the high likelihood of failure of replication. The cost of the necessary monitoring shall be borne by the applicant through the Guaranteed Deposit Account.

### C. CERTIFICATE OF COMPLIANCE.

Upon completion of the activity described in the application, the applicant or successor in interest or successor in control of the applicant shall request of the Commission, in writing, that a Certificate of Compliance be issued stating that the work has been satisfactorily completed in compliance with the Order of Conditions or Permit with Conditions.

**PLEASE NOTE: All consulting fees must be paid in full prior to release of the Certificate of Compliance. Unless exempted in writing by the Commission, said request shall be accompanied by those items listed for the appropriate category of project below:**

#### 1. SINGLE FAMILY RESIDENCE.

- a. A letter from the engineer, surveyor, landscape architect, botanist - as appropriate - certifying compliance with the approved plans referenced in the Order of Conditions and setting forth what deviations, if any, exist. If such letter states work to be completed,
- b. Two as-built plans stamped by an engineer or surveyor as appropriate:
  - 1) elevations of all drainage ways pursuant to the Order.
  - 2) elevations of all filled, altered, or constructed resource areas;
  - 3) distances of all structures and alterations within buffer from wetland resource areas.
  - 4) any other elevations or distances the Commission may deem necessary to ensure compliance with the Order, i.e. septic system.
- c. A check to the Town of Hanover for the amount listed on the most current By-Law Fee Schedule in effect at the time of submission of the request.

#### 2. SUBDIVISION or SITE PLAN.

- a. ONE SET of As-Built Plan: The as-built plan shall be certified by a professional engineer registered in the Commonwealth and/or professional surveyor registered in the Commonwealth, and supervisor of wetland or wildlife habitat replication to the plans of record or specifying how, if it does, the completed work differs from that permitted.
  - 1) Elevations of all drainage ways constructed pursuant to the Order;
  - 2) Elevations of all filled, altered or constructed resource areas;
  - IX.C.2.a. 3) Distances to all structures and alterations within 100' of a resource area;
  - 4) Invert elevations of all inlet and outlet pipes;
  - 5) Compliance regarding percentages of plant species, distribution, loam and seed specifications or other requirements for wetland replication.
  - 6) Any other items required by the Commission in its Order of Conditions.

- b. A check to the Town of Hanover for the amount listed on the most current By-Law Fee Schedule in effect at the time of submission of the request.

Note that late fees equivalent to Extension Permit fees will be assessed to any applicant whose request for a Certificate of Compliance is dated more than 3 months after the expiration date of the Order of Conditions.

#### **D. DETERMINATION OF APPLICABILITY (DOA)**

Upon completion of the public hearing for a Request for Determination, the Commission will issue a Determination within 21 days. A site inspection is required at the completion of any project approved by the Conservation Commission under a Determination of Applicability.

#### **E. EMERGENCY CERTIFICATION.**

1. Any person requesting to do an emergency project shall specify why the project is necessary for the protection of the health or safety of the citizens of the Town of Hanover and what agency or sub-agency of the Commonwealth of Massachusetts is to perform the project or has ordered it to be performed. If the project is certified to be an emergency by the Conservation Commission, the certification shall include a description of the work which is allowed and shall not include work beyond that necessary to abate the emergency. A site inspection shall be made prior to certification. The applicant shall submit a fee for the amount of the By-Law Fee Schedule current at the time of application.
2. An emergency certification shall be issued only for the protection of public health or safety.
3. At the next regular Commission meeting for which public notice can be given, the applicant shall have a public hearing for the emergency project following procedures in Sections of these Regulations but at the discretion of the Commission some requirements may be waived or the Commission may require the filing of a Notice of Intent or require remedial action on the work. In no case shall any filling, dredging, or altering commence prior to any emergency certification or extend beyond the time necessary to abate the emergency.

#### **IX. F. ENFORCEMENT ORDER**

1. Preamble. An Enforcement Order may be issued by the Agent, a Commission member, or the Commission. The purpose of enforcement is to secure prompt and continued compliance with the Hanover Wetlands Regulations and Orders of Conditions. The Commission oversees work under Superseding and Final Orders issued by DEP and can issue enforcement orders under them.



2. Ratification of an Enforcement Order. It is the policy of the Commission to issue an Enforcement Order after a vote at a regularly scheduled Commission meeting, unless the violation is of a very serious or emergency nature. If the Order is issued otherwise, it shall be ratified by the Commission at its next regularly scheduled meeting. The Order will be delivered by certified mail, return receipt or by hand and will contain specifics regarding the violation, required actions deadlines for response.
3. Recipients of an Enforcement Order. A copy of any Enforcement Order will be given to any pertinent Town board or official, to the lessee and lessor or owner of the site where the violation has been observed, the owner of the machine or company whose workers violated this By-Law if not the owner, and to DEP, Southeast Division or other State or Federal agency as appropriate.

#### G. SIGNATURES

1. All Orders of Conditions (Permits), Determinations of Applicability, Extension Permits and Certificates of Compliance issued must be signed by a majority of the Commission.
2. An Emergency Certificate or an Enforcement Order may be issued and signed by the Conservation Agent or any member of the Commission; to be binding, the document will be signed by a majority of the Commission members at the next regular meeting if not prior.

#### H. DISTRIBUTION OF PERMITS, DETERMINATIONS ETC.

For all permits issued by the Commission, the original permit and a copy shall be delivered to the Applicant either by hand delivery at the Conservation Office (preferred method) or by certified mail/return receipt. Two copies shall be retained in the Conservation Office, and the following distribution shall take place within five (5) days of the issuance date:

- Property Owner(s) (if different from the Applicant)
- Applicant's Representative(s)
- Commission's Consultant(s) (if applicable)
- DEP- SERO
- Hanover Town Clerk
- and/or any other pertinent Department within the Town

All other copies requested require payment of a copy fee as per the most current State/Town copy fee schedule in effect and as listed in the Town Clerk's Office at the time of the request.

### **X. REGULATIONS** (Section 7 of By-Law #6-14)

These Regulations are to achieve the purpose of Hanover Wetlands By-Law #6-14. After public notice and public hearing these Regulations take immediate effect. At any time after public notice and public hearing, the Conservation Commission may amend these Regulations. A legal declaration in a court of law for any portion of these Regulations shall not act to suspend or invalidate the effect of any other portion of the Regulations.

## **XI. DEFINITIONS** (Section 8 of By-Law #6-14)

For the purpose of these Regulations certain terms and words are herein defined as follows: Words used in the present tense include the future; words in the singular number include the plural and words in the plural number include the singular number; the word "shall" is mandatory and not directory; the word development includes the word construction or to build.

The term **vernal pool** shall include a confined basin depression which at least in most years hold water for a minimum of two months in the spring and/or summer and which is free of adult fish populations as well as the area within 100 feet of the mean annual boundary of such a depression, regardless of whether the site has been certified by the Massachusetts Division of Wildlife and Fisheries. Vernal pools are breeding habitat for obligate amphibian, reptile, crustacean, mollusk or insect populations. The presumption that an area may represent a vernal pool shall prevail through a minimum of one spring breeding season, for the purposes of documenting the occurrences of breeding activity or the lack of breeding activity of obligate vernal pool species.

## **XII. SECURITY**

A. DETERMINATION OF WORK TO BE SECURED: To protect wetlands of the Town of Hanover, establishment of a performance escrow account shall be required for:

1. all work within a wetland resource as defined in WPA MGL c. 131§40;
2. all work proposed within 35 feet of a wetland;
3. for any work within the 100-foot buffer should the Commission determine security is warranted because of, but not limited to slopes, vegetation, construction methods, weather, time of year, and/or complexity of design.

B. FORM OF SECURITY: For the financial protection of the Town of Hanover, the "performance bond" shall be in the form of a separate non-interest bearing account established for the Town of Hanover by the Town Treasurer.

1. The amount required will be written in the Order of Conditions or on a separate written form following issuance of the Order.

XII.B. 2. The applicant shall submit a check in the appropriate amount to establish the Performance Escrow Account in the designated amount, with a copy of the written statement designating purpose and amount of security, and a completed W9 Form for the Accounting Department.

C. METHOD FOR USING ACCOUNT:

If during inspections of the work-site, the Agent, a consultant of the Commission, or Commissioner notices that the applicant is not adhering to his dated

construction sequence and a majority of the Commission determines the applicant's inaction threatens the wetlands resource, the following action shall take place to be paid for from the security savings account by the Treasurer upon receipt of invoices from the contractor through the Commission.

The applicant shall be notified of the problem. If his response is not satisfactory to the Commission, it shall take action at the site as follows:

1. Emergency measures to protect wetland,
2. Long-term wetland protective measures,
3. Completion of all work within the area described above according to the plan of record, or
4. A combination of the above.

**D. RETURN OF ACCOUNT TO APPLICANT**

1. Upon issuance of a Certificate of Compliance, the Commission shall notify the Treasurer that he shall close the account and return the money to the applicant.
  - a. If no money has been withdrawn from the security account, the Treasurer shall supply the Commission with an invoice showing balance to be returned to the applicant. The invoice shall be signed by the Commission at its next regularly scheduled meeting and processed by the Accounting Department.
  - b. If it had been necessary for the Commission to use money from the account, the same procedure shall be used to return any amount remaining to the applicant.

**XIII. ENFORCEMENT** (Section 10 of By-Law #6-14)

- A. CRIMINAL PROSECUTION: as described in By-Law.
- B. NON-CRIMINAL DISPOSITION.

**XIV. BURDEN OF PROOF** ( as per Section 11 of By-Law #6-14)

**XV. RELATION TO MA WETLANDS PROTECTION ACT** ( as per Section 12 of By-Law #6-14)

**XVI. SEVERABILITY** (Section 13 of By-Law #6-14)

If any provision of this regulation is declared invalid by a court of competent jurisdiction, such invalidity shall not affect any remaining provisions of this regulation. Any state law or modification of an existing amended law shall automatically be brought into conformity with new or amended law and shall be deemed to be effective immediately, without recourse to a public hearing and customary procedures for amendment or repeal of such regulation.

## **END OF REGULATIONS**



### **APPENDIX A**

#### **TOWN OF HANOVER BY-LAW FEE SCHEDULE**

***EFFECTIVE 1/18/07 (as revised by vote of the Commission on 1/17/07)***

Rules and Regulations for Hanover Wetlands Protection By-Law #6-14 - with latest revisions effective 1/17/07

APPLICATION Type:	PROJECT Type:	FEE:
Notice of Intent* (NOI)	Category 1	\$ 110.00 per activity
	(NOI) Category 2	\$ 500.00 per activity
	(NOI) Category 3	\$ 1050.00 per activity
	(NOI) Category 4	\$ 1450.00 per activity
	(NOI) Category 5	\$4.00 per linear ft
Notice of Resource Area Delineation* (ANRAD)	Category 6 also requires establishment of Guaranteed Deposit Account	\$100.00 per resource area
(ANRAD) w/ Simplified Review (ANRAD w/SR)	Category 6a also requires establishment of Guaranteed Deposit Account	\$25.00 plus \$100.00 per resource area
Request for Determination of Applicability (RDA)	Category 7	\$ 100.00 per activity
	(RDA) Category 8	\$ 150.00 per lot
	(RDA) Category 9	\$ 250.00 per activity
Other Fees applicable to Category 1 – Category 9	Category 10	Additional 50% of applicable fee Riverfront Area Activity
	Category 11	Additional 100% of applicable fee After-the-Fact filings
Certificate of Compliance (COC)	Prior to 10/3/93: Residence	\$ 50.00
(COC)	Non-residence	\$ 100.00
(COC)	Subdivision	\$ 200.00
(COC)	10/4/93 to present:	***No fee***

Rules and Regulations for Hanover Wetlands Protection By-Law #6-14 - with latest revisions effective 1/17/07

Extension Permit	<i>within the</i> first three years of issuance	\$ 50.00
	for expired permits	\$ 100.00 per expired year
Enforcement Order	<i>To recommence work</i> Residence	\$ 100.00
	New residence	\$ 200.00
	Other	\$ 500.00
Letter to Lender/Release of lot(s)		\$ 50.00
Agent Site Visit	Residential	\$ 50.00
<i>for other than application process or for additional site inspections.</i>	Non-residential	\$ 100.00
Emergency Certificate		\$ 200.00
Request to Review Revised Plan  or  Request for an Amended OOC	If app. fees were based of Category 1, 6 - 9	\$ 50.00
	If NOI fees were based on Category 2	\$ 200.00
	If NOI fees were based on Category 3 - 5	\$ 400.00
Duplicate True Attested Copies	all documents	\$ 10.00 per document

**See Explanation of Fees, next page**

## Explanation of Fees

### TOWN OF HANOVER BY-LAW FEE SCHEDULE

**EFFECTIVE 1/18/07 (as revised by vote of the Commission on 1/17/07)**

**Category 1** Fee for each activity is **\$110 per activity**

- a) Existing dwelling; accessory structure, addition, driveway, pool, etc.;
- b) Site Preparation, removal of vegetation, excavation, grading, house not proposed;
- c) Control of nuisance vegetation by removal, herbicides, etc. pursuant to 310 CMR 10.53(4)
- d) Resource Area improvement;
- e) Septic Upgrade, repair;
- f) Monitoring well activities;
- g) new agricultural or aquaculture projects.

**Category 2** Fee for each activity is **\$500.00 per activity**

- a) Construction of single family house, site prep., detention basin, driveway (projects not pursuant to 310 CMR 10.53(3)(e));
- b) parking lot;
- c) beach nourishment;
- d) electric generating facility activities, unrelated to drainage;
- e) inland limited projects except road crossings and agriculture;
- f) each crossing for driveway to single family house;
- g) any point source discharge;
- h) control vegetation in development;
- i) water level variations;
- j) any other activity not in Category 1, 3, 4, 5 or 6;
- k) water supply exploration.

**Category 3** Fee for each activity is **\$1,050.00 per activity**

- a) site preparation (for development) beyond Notice of Intent scope;
- b) each building (for development) including site;
- c) road construction not crossing or driveway;
- d) hazardous cleanup;
- e) water supply development.

**Category 4** Fee for each activity is **\$1,450.00 per activity**

- a) each crossing for development or commercial road;
- b) dam, sluiceway, tide-gate (safety) work;
- c) landfills operation/closures;
- d) sand and gravel operations;
- e) railroad line construction;
- f) bridge;
- g) hazardous waste alterations to resource areas;
- h) dredging;
- i) package treatment plant and discharge;
- j) airport tree clearing;
- k) oil and/or hazardous material release response actions.

**Category 5** Fee is **\$ 4.00 per linear foot**; (total fee not to be less than \$100.00 or greater than 2,000.00)

- a) work on docks, piers, revetments, dikes, etc. (coastal or inland).

**Category 6** Fee is **\$ 100.00 per resource area** delineated on all property types for an Abbreviated Notice of Resource Area Delineation (**ANRAD**).

**A Guaranteed Deposit Account is required (minimum amount \$500.00) for the hiring of the Commission's Wetland Consultant as established in MGL Chapter 131, Section 40 and the Town of Hanover By-Law #6-14. No site inspections by the Commission's Wetland Consultant will take place until the account is established; there are no exceptions.**

- a) each Bordering Vegetated Wetland
- b) each Isolated Wetland regardless of type and size
- c) each Riverfront Area including any FEMA Flood Zone
- d) each Vernal Pool, regardless of size
- e) each Intermittent Stream, brook, etc.
- f) each "other" area that meets State and local standards to qualify as a resource area and not listed in a. - e.

## **Explanation of Fees- continued**

### **TOWN OF HANOVER BY-LAW FEE SCHEDULE**

**EFFECTIVE 1/18/07 (as revised by vote of the Commission on 1/17/07)**

**Category 6a** Fee is **\$25.00 plus an additional \$100.00 per resource** area delineated on *all property types* for an Abbreviated Notice of Resource Area Delineation with Simplified Review (**ANRAD w/ SR**). A Guaranteed Deposit Account is required (minimum amount \$500.00) for the hiring of the Commission's Wetland Consultant as established in MGL Chapter 131, Section 40 and the Town of Hanover By-Law #6-14. No site inspections by the Commission's Consultant will take place until the account is established; there are no exceptions.

- a) each Bordering Vegetated Wetland
- b) each Isolated Wetland regardless of type and size
- c) each Riverfront Area including any FEMA Flood Zone
- d) each Vernal Pool, regardless of size
- e) each Intermittent Stream, brook, etc.
- f) each "other" area that meets State and local standards to qualify as a resource area and not listed in a. - e.

**Category 7** Fee is **\$100.00** for work >50 ft. from resource areas or temporary activities

- a). existing dwelling; accessory structure, addition, driveway, pool, etc.;
- b). site Preparation, removal of vegetation, excavation, grading, w/ **house not proposed**;
- c). control of nuisance vegetation by removal, herbicides, etc. pursuant to 310 CMR 10.53(4)
- d). resource Area improvement;
- e). septic Upgrade, repair;
- f). monitoring well activities, irrigation wells;

**Category 8** Fee is **\$150.00** for work >50 ft. from resource areas or temporary activities

- a). new single family dwelling,
- b). site preparation for new single family dwelling
- b). septic system for new residential lot
- c). landscaping in relation to new residential lot

**Category 9** Fee is **\$250.00** for work >50 ft. from resource areas or temporary activities

- a). Non-residential: addition, parking lot, earthwork,
- b). new non-residential construction and site preparation,

**Category 10** Fee is **an additional 50% of total fees** calculated - for projects having one or more resource areas as well as Riverfront Area.

*(For projects with Riverfront Area only on the site, use standard fees as listed above.)*

**Category 11** Fee is **an additional 100% (double) of total fees** calculated for applications that must be submitted due to activities not approved by the Commission with or without enforcement actions and/or fines. Such applications shall be noted with: "**After-the-Fact**"

NOTE: *Additional fees and fines may be applicable if a Restoration Order, Enforcement Order, or Enforcement Order with Cease and Desist is issued in addition to the requirement of filing an After-the-Fact application.*





## **WORKSHEET for Town of Hanover By-Law Fee Schedule**

**PLEASE USE THIS PAGE TO CALCULATE YOUR FEES  
and submit this form with the appropriate amount of fees  
with your Application**

To find you total fees due, complete the following:

NOTE: Due to the variety and complexity of projects, six lines have been provided. Residential applications may require the use of only one or two lines, where subdivisions and commercial projects may require the use of all six. If additional lines are necessary, please feel free to add them. Please call the Conservation Office at 781-826-6505 if you have any questions or need help to complete this form.

Column: A.	B.	C.	D.	E.
TYPE OF APPLICATION: ENTER WHAT APPLICATION YOU ARE FILING, RDA, NOI, ANRAD, ETC.	CATEGORY: ENTER THE CATEGORY NUMBER FOR ALL ACTIVITIES SUCH AS #1, 2, 3, ETC.	ASSOCIATED FEE(S): ENTER DOLLAR AMOUNT FOR ONE ACTIVITY, FOOT, LOT, ETC. AS LISTED IN EACH CORRESPONDING CATEGORY.	NUMBER OF ACTIVITIES, FEET, LOTS, ETC.: ENTER THE NUMBER OF ACTIVITIES: FOR EXAMPLE- 2 EACH, 100 LINEAR FEET, 6 LOTS, OR 2 RESOURCE AREAS, ETC. AS LISTED IN EACH CORRESPONDING CATEGORY.	SUBTOTAL FOR EACH LINE: MULTIPLY NUMBERS IN COLUMNS "C" AND "D" FOR EACH LINE AND ENTER THE DOLLAR AMOUNT BELOW.
1.	CAT. # _____	\$ _____		\$ _____
2.	CAT. # _____	\$ _____		\$ _____
3.	CAT. # _____	\$ _____		\$ _____
4.	CAT. # _____	\$ _____		\$ _____
5.	CAT. # _____	\$ _____		\$ _____
6.	ENTER THE SUM OF ITEMS IN COLUMN "E" AND <u>SUBMIT THIS AMOUNT IN FULL WITH YOUR APPLICATION.</u> TOTAL APPLICATION FEE:			\$ _____

Please use additional sheet if necessary.