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**CITY OF TAUNTON CONSERVATION ORDINANCE
REGULATIONS**

As Approved September 8, 2003 and amended 11/22/2004 and 1/23/2006

I GENERAL PROVISIONS

A. Authority

These Regulations are promulgated under the authority of the Home Rule Amendment Article LXXXIX (89), of the amendments of the Constitution of Massachusetts, 1966 as amended from time to time, and in accordance with the Taunton Conservation Ordinance (The Ordinance) and shall be effective upon fulfillment of all legal requirements for their effectiveness.

B. Purpose

The purpose of this ordinance is to protect the wetlands, water resources, and adjoining land areas in the City of Taunton (the "City") by controlling activities deemed by the Taunton Conservation Commission (Commission) likely to have a significant or cumulative effect upon resource area values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention including coastal storm flowage, water quality, water pollution control, fisheries, shellfish, wildlife habitat, rare species habitat including rare plant species, agriculture, aquaculture, and recreation values, deemed important to the community (collectively, the "resource area values protected by this ordinance"). This ordinance is intended to utilize the Home Rule authority of this municipality to protect additional resource areas, for additional values, with additional standards and procedures stricter than those of the Wetlands Protection Act (G.L. Ch. 131 §40) and Regulations thereunder (310 CMR 10.00)(the "Act") The Taunton Conservation Commission is empowered to protect the wetlands including specific interests following and to enforce and remediate damages to said wetlands.

The City of Taunton's location within the Taunton River Watershed requires this ordinance to protect four specific concerns. These concerns, as they relate to the eight interests listed in the Act, are as follows. In keeping with protection of public, private and groundwater supplies, the Commission shall have concern with jurisdictional resources that are in Aquifer Protection Zones, as listed in the Zoning Ordinance. In keeping with flood control and storm damage prevention, the Commission shall have concern with jurisdictional resources that are in flood plain districts, including those listed in the Zoning Ordinance. In keeping with prevention of pollution, the Commission shall have concern with both point and nonpoint discharges, including all conservation structures connected to jurisdictional resources. In keeping with protection of land containing shellfish, fisheries, and wildlife habitat, the Commission shall have concern with jurisdictional resources found to contain commercially important shellfish, anadromous and catadromous fish runs, and vernal pool species. The Commission's concern with the above shall be defined as minimizing impact on said resources.

C. Jurisdiction

The jurisdiction of this Ordinance and these Regulations promulgated here under include all areas currently covered by the Act. It provides for additional protection to areas covered by the Act and expands jurisdiction to some areas that are not currently protected by the Act. The additional areas subject to protection under the Ordinance include but are not limited: to Aquifer Protection Zones as listed in the Zoning Ordinance, jurisdictional resources in flood plain districts, point and non-point discharges, conservation structures, jurisdictional resources found to contain commercially important shellfish, anadromous and catadromous fish runs, vernal pools, vernal pool breeding species, wildlife corridors and Isolated Lands Subject to Flooding. These regulations also create a new area called a Wetland Protection Zone in which building activity may be severely curtailed or denied completely. Such areas are presumed to be significant to the interests of the Ordinance.. In addition, certain land may not meet the definition of a bordering vegetated wetland under the Act but still provide identified, important wetland functions and values. Such areas are regulated by the Ordinance since these areas protect the public interests identified in the Ordinance. See Definitions Section for more detail.(Section II “Jurisdictional ISLF”)

Where a conflict exists between a term or provision of these regulations and the terms and provisions of the Act and the City of Taunton Regulations are more stringent and/or offer greater protection to the resource areas identified, the terms or provisions of the local ordinance and/or local regulations shall control.

D. Fee Schedule

1. Permit fees are payable at the time of application to the "City of Taunton".
2. The following required filing fees shall be in addition to the required filing fees contained in the Wetlands Protection Act Chapter 131 Section 40 and its associated regulations;
 - Request for Determination:**
 - a. Projects less than 2 acres: \$75.00
 - b. Projects more than 2 acres: \$75.00 plus \$10 for each additional acre (residential not to exceed \$150.00)
 - Notice of Intent/ Abbreviated Notice of intent**
 - a. Ten percent (10%) of the total filing fee that is calculated for the project under the State Wetlands Act and its associated regulations
 - Abbreviated Notice of Resource Area Delineation**
 - a. Ten percent (10%) of the filing fee that is calculated for the project under the State Wetlands Act and its associated regulations (including Riverfront Area adjustment when applicable) In addition to this fee, the following fees shall also apply;
 - b. \$1.00 per linear foot for Vernal Pools, Critical Breeding Habitat, Wildlife Corridor, Top of Bank, Mean Annual High Water, and/ or Isolated Land Subject

to Flooding. However, the maximum fee under this item (b) for a residential one to 3 unit site shall not exceed \$150.00 or \$300.00 for a multi unit (greater than 3 units) site or commercial site

Stormwater Management Filing (for areas otherwise outside of Conservation Commission Jurisdiction)

a. \$50 per disturbed acre

Certificate of Compliance

a. Projects less than 5 acres and/or single family \$50.00

b. Projects more than 5 acres \$50.00 plus \$15.00 per acre over five acres

Amendments

a. Five (5%) percent of original filing fee (including the fee calculated for the project under the State Wetlands Act and its associated regulations and any additional fees imposed by the above requirements)

Extensions- \$25.00 per request

Letters of Ongoing Compliance - \$25.00 per request

All fees collected under this section shall be payable to the City of Taunton. 50% of the additional fees collected under this section shall be credited to the Wetlands Filing Fees Account as designated under the Wetland Protection Act. Control and use of these fees will remain with the Commission alone to be used in a manner consistent with those outlined in the Wetlands Protection Act. The remaining 50% of the additional fees collected under this section shall be allocated to the City of Taunton General Fund from which the Office of Planning and Conservation is funded

E. Quorum of the Commission

A quorum consists of a majority of the Commission members who are serving in office at the time a vote is taken by the Commission. A majority vote of a quorum of the Commission shall constitute the decision of the Commission.

The members have such powers as are vested in them by any law or regulation, custom and practice.

F. Committees/ Officers

There shall be such committees as the Commission may decide are necessary for the efficient execution of its duties. The Commission shall by majority vote, on an annual basis at the first meeting of the calendar year, elect a Chair and Vice Chair. A vacancy in said positions shall be filled by majority vote of the Commission for the remainder of said calendar year. The Chair shall have the authority to set the agendas to the extent that the scheduling of items does not conflict with statutory timeframes to act, and set meeting dates on behalf of the Commission. In the absence of the Chair the vice chair shall be authorized to act as chair. In the absence of both the Chair and Vice Chair, the senior most member shall preside

G. Consultants/ Consultant Deposit

The Commission may appoint consultants to act as representatives the Commission as

allowed in the Act. Said Consultants shall not have the right to vote, nor to represent themselves as official members of the Commission, but shall participate in meetings and activities of the Commission as the Chair or, in the absence of the Chair, the Acting Chair may designate upon the advice and consent of the Commission.

(1) Upon receipt of a Notice of Intent, Abbreviated Notice of Intent, Abbreviated Notice of Resource Area Delineation, Request for Determination, Stormwater Management Filing or any other filing with the Commission or at any time during the hearing process, the Commission is authorized to require an applicant to deposit a sum of money sufficient to pay for the reasonable costs and expenses borne by the Commission for specific expert engineering and other consultant services deemed necessary by the Commission to come to a final decision on the application. This sum is called the consultant deposit. The specific consultant services may include, but are not limited to, performing or verifying the accuracy of a resource area survey and delineation, analysis of resource area functions and characteristics, including wildlife habitat evaluations, hydrogeologic and drainage analysis and environmental or land use law.

(2) The Commission may require the payment of the consultant deposit at any point in its deliberations prior to a final decision. The applicant shall pay the deposit which shall be put into a separate revolving fund which may be drawn upon by the Commission for specific consultant services approved by the Commission at one of its public meetings.

(3) The exercise of discretion by the Commission in making its determination to require the payment of a consultant deposit shall be based upon its reasonable finding that additional information acquirable only through outside consultants and/or due to staffing capabilities and/or availability would be necessary for the making of an objective decision. Further, consultant deposit may be required to retain consultants to monitor construction, replication and/or maintenance of approved work.

(4) The Commission shall return any unused portion of the consultant deposit to the applicant. Any applicant aggrieved by the imposition of, or size of, the consultant deposit, or any act related thereto, may appeal according to the provisions of the Massachusetts General Laws.

(5) The initial deposit for consultant costs required to reimburse the Commission for reasonable costs and expenses shall be according to the following schedule:

a. Abbreviated Notice of Resource Area Delineation*

- The estimated cost of review plus 10%

b. Notice of Intent/ Abbreviated Notice of Intent Initial Deposit

Project Cost(see#6) deposit Under \$100,000 - \$500.00 or

Commission vote of a lessor amount

\$100,000 to \$500,000 - \$2,500

\$500,001 to \$1,000,000 - \$4,000

\$1,000,001 to \$1,500,000 - \$5,500

\$1,500,001 to \$2,000,000 - \$7,000

NOTE: Each additional \$500,000 project cost increment (over \$2,000,000) shall be charged at an additional \$1,500 maximum fee per increment with a maximum initial deposit of \$10,000.00.

c. Continuing Monitoring for Maintenance/ Compliance/ Covenant

- The estimated cost plus 10%

(6)The project cost means the estimated, entire cost of the project including, but not limited to, building construction, site preparation, landscaping and all site improvements. The consultant deposit shall be paid pro rata for that portion of the project cost applicable to those activities within jurisdictional areas. The project shall not be segmented to avoid being subject to the consultant deposit. The applicant shall submit estimated project costs at the Commission's request, but the lack of such estimated project costs shall not avoid the payment of the consultant deposit.

7 Waiver. The Commission may waive the filing fee, consultant deposit and costs and expenses for an application filed by a government agency.

H. Commission Meeting Rules of Order

All Commission meetings will follow specific rules of order as specified in “Democratic Rules of Order, Seventh Edition”, pages 15 through 34 by Fred and Peg Francis with the following special conditions; the Chair may vote and participate in all discussions (p16) and all minutes shall be submitted for approval by the end of the next up-coming “off-week” of the Commission.