

III PERMITTING

A. Determinations of Jurisdiction

1. Determination of Applicability (Request for Determination)

I. General -Any person or persons who desire a Determination as to whether the Commission has jurisdiction over an area, or work to be performed in an area, shall submit a written request to the Commission in accordance with Section IIIA2 of these regulations.

The form for Requests for Determination shall be consistent with the Act and regulations promulgated thereunder and will also be in conformity with the Ordinance and its regulations. Details are outlined in the Taunton Conservation Commission Policy Handbook.

II. Public Meeting (RDA)

The Commission shall open a public meeting on the Request for Determination within 21 days and shall issue a written determination within thirty (30) days after receipt of the Request. Prior to making a determination, the Commission may require the submission of additional data deemed pertinent to the determination. The meeting may be continued with the permission of the applicant. The resource area must be reviewed and agreed to prior to the issuance of a determination.

2. Abbreviated Notice of Resource Area Delineation (ANRAD)

I. General – Any person or persons who desire to establish the extent of Bordering Vegetated Wetlands, land under water or waterways, Land subject to flooding, top of bank, mean annual high water, riverfront area, and/or vernal pools protected under WPA and/or Chapter 16 shall use the Abbreviated Notice of Resource Area Delineation for the confirmation of a delineated boundary of bordering vegetated wetlands or other resource area(s) on the site prior to filing a Notice of Intent for proposed work. The Commission, in its discretion, may review ANRAD filings from December 15th to March 15th only if the applicant agrees to concede jurisdiction on vernal pools and to the hiring of a consultant chosen by the Commission or its designee and paid for by the applicant to determine if resource areas can be confirmed.

II. Filing Procedures – The original with original signatures and stamp and eight copies of the ANRAD application, accompanying plans, supporting documentation, and the appropriate filing fee payable to the “City of Taunton, shall be sent by certified mail with return receipt requested to the City of Taunton Conservation Commission at 15 Summer Street, Taunton, Ma 02780, or hand delivered to the Planning and Conservation office. The applicant shall provide, as part of the application, a list of abutters (certified by the Assessor) within 100 feet of the property on which the proposed boundaries will be reviewed. The notice to abutters shall include the same description as provided in the application and the applicant shall provide copies of proof of mailing to abutters and to DEP, namely the Post Office certified mail receipts, at the time of filing. A legal notice, to be drafted by the Commission, shall included a list of all resource areas to be

identified; said notice shall be picked up and delivered to the local newspaper of record on the dates indicated by the Commission.

III. Completion of Form(s) and Supplementary Written Materials

1. Applicants shall submit WPA Form 4A for delineations of resource area protected under the Act and/or areas protected under Chapter 16. Form 4A should be filled out as directed in the instructions that accompany the application form.
2. Supporting documentation must be submitted for all delineations regardless of method used except "Direct Observation". The Commission reserves the right to request additional supporting information and to require a site visit accompanied by the applicant or designated representative to review the delineated boundaries.
3. ANRAD applications are to include all resource areas and must be made to include the entire parcel(s) unless the work proposed is for the replacement of a failed septic system or if the applicant is willing to concede jurisdiction.