



# Town of Barnstable Conservation Commission

230 South Street  
Hyannis Massachusetts 02601

Office: 508-862-4093

E-mail: [conservation@town.barnstable.ma.us](mailto:conservation@town.barnstable.ma.us)

## CHAPTER 707 Regulation Governing Minimum Submission Requirements for a Notice of Intent Application

The Barnstable Conservation Commission has adopted the following requirements in order to obtain more consistently complete submission documents necessary for a thorough and efficient review of all Notice of Intent (NOI) applications. Failure to complete any of the items in this checklist may result in your application being denied.

Applicant or applicant's agent should check each box denoting that the task has been completed or in certain instances, like field staking, denoting that the task will be completed. The following submission checklist covers the requirements of Chapter 237, Wetlands Protection, of the Part I General Ordinances of the Code of the Town of Barnstable. This checklist shall be submitted to the Barnstable Conservation Division with the NOI application.

### 1. Requirements

- a. The applicant understands, unless they've instructed otherwise, they are applying both under the Massachusetts Wetlands Protection Act M.G.L. c.131, §40 and Chapter 237 of the Town of Barnstable General Ordinances.
- b. Attach a written narrative to the NOI application (WPA Form 3), available at: [www.mass.gov/eea/agencies/massdep/service/approvals/wpa-form-3.html](http://www.mass.gov/eea/agencies/massdep/service/approvals/wpa-form-3.html) describing any project impacts and proposed mitigation as they relate to the following:
  - 1) Any of the interests of Chapter 237 of the General Ordinances and the MassDEP Wetlands Protection Act M.G.L. 131, §40.
  - 2) The performance standards contained in the MassDEP Wetlands Protection Regulations (310 CMR 10.00)
  - 3) Chapter 704: Regulation Governing Activity in the 100-ft. Buffer Zone.
  - 4) Chapter 703: Private Docks and Piers.
  - 5) Any other applicable regulations (310 CMR 10.00 or as promulgated under Chapter 237 of the General Ordinances).
- c. Enclose proper payment to cover the fee for Chapter 237 filings. Consult current Fee Schedule at [www.townofbarnstable.us/Conservation](http://www.townofbarnstable.us/Conservation)
- d. Please indicate who is to record the Order of Conditions (check one):  

\_\_\_\_\_ Applicant                      \_\_\_\_\_ Agent

### 2. Abutter Notification (See Abutter Notification Regulation, Chapter 706)

- a. Contact the Conservation Division office at (508) 862-4093 regarding the docketing process, or see current schedule of Conservation Hearings and submission deadlines at: [www.townofbarnstable.us/Conservation/](http://www.townofbarnstable.us/Conservation/)
- b. Provide a copy of the list of abutters within a 100 ft radius of the project parcel.
- c. Provide a copy of the Assessor's Map indicating the parcel of the project site and showing the 100 ft radius of the project parcel.
- d. Provide a copy of the abutter notification letter. Use the form letter provided in our Abutter Notification Regulation (Chapter 706), available on the Conservation Division website.
- e. Email copies of the green return receipts, from the certified mailings to the abutters, as proof of notification . If any mailings are returned, email a copy of the entire envelope, indicating by postal service stamp the reason for return. You will retain the receipts afterwards, not the Conservation Division.
- f. I further certify under the penalties of perjury that all abutters were notified of the Notice of Intent Application, pursuant to the requirements of Chapter 237 of the General Ordinances of the Code of the Town of Barnstable. Notice must be made in writing by certified mail to all abutters within 100 ft of the property line of the project location.

\_\_\_\_\_  
Signature of Applicant or Representative

\_\_\_\_\_  
Date

3. **Field Staking:**

- a. On or before Tuesday, @ 8:30 a.m., one week prior to the scheduled public hearing, have your project staked by a professional engineer or registered land surveyor showing all outside corners of all proposed structures and the continuous proposed "limit of work" line.
- b. Have a wetland scientist or other qualified professional flag all wetland resource areas on or within 100 ft of the work area. Make sure that the flags are sequentially numbered.
- c. Provide a project identification stake with bright painted top and applicant name and address, easily visible from the street approaching the site.

4. **Legal Advertisement Fees:**

- a. Conservation will submit the legal ad for publication in a local newspaper. The applicant or his/her agent is responsible for payment, by check (payable to the Town of Barnstable), at the hearing or by mail. The cost of the legal ad will be pre-calculated and posted on the hearing agenda prior to the hearing.

5. **Minimum Documentation for a Complete Application:**

- a. Provide a completely filled-out (in all parts) NOI application as locally adopted for the Town of Barnstable, including MassDEP Vegetated Wetland Field Data Form. Indicate Assessor's map and parcel of the project, as well as the street or road address, and pertinent village (i.e., Hyannis, Centerville, Barnstable, etc).
- b. Provide two (2) original project plans, stamped in blue or red ink (wet stamp). Plans must be signed and dated by a Massachusetts licensed, professional engineer, land surveyor, architect or landscape architect (as applicable), and shall be drawn at a readable scale (1" = 20' preferred). For multi-acre sites, a second site plan, drawn at larger scale showing the entire site, should also be provided.

- c. Provide a signed Permission to Access Property, Form PA. The form must be signed by the property Owner, or legal representative and submitted with the NOI. . Form PA is available at [www.townofbarnstable.us/Conservation/](http://www.townofbarnstable.us/Conservation/).
- d. For projects requiring mitigation plantings under Chapter 704-3, 704-4, and 704-5, mitigation planting location(s) shall clearly be shown on landscaping planting plan. The planting plan shall include:
  1. species (chosen from the Town of Barnstable Conservation Commission approved planting lists), sizes, densities and/or quantities.
  2. area calculations in 0' - 50' and 50' – 100' separately for the amount of mitigation planting required.
  3. the amount of mitigation planting proposed.
  4. a note or indication stating the area between the proposed plants will either be planted with an appropriate native seed mix or left to naturalize.
  5. a note stating mulch may only be used under the dripline of proposed plants.
  6. demarcation markers along the landward side of the mitigation planting area. The type of demarcation marker shall be selected from the list approved by the Conservation Commission.
- e. Provide detailed, written street directions to the locus (site).
- f. Provide a copy of a U.S.G.S. locus map indicating the general area of the project site.
- g. Provide a check for the Town of Barnstable portion of the required filing fee. (The portion payable to the Commonwealth, see **7. e.** below)
- h. Provide any other documentation, photographs, architectural renderings or other supporting data prepared by professionals competent in the field which may be relevant to the application.

6. **The site plan shall also show:**

- a. All existing and proposed contours at 2-ft. minimum intervals (1-ft. preferred).
- b. Clear delineation of all existing and proposed structures and features. Building structures must be accurately dimensioned (fixed location) from property lines and wetland resource areas. Plans shall provide sufficient detail to show all potential wetland impacts, mitigation, compensatory areas, engineered structures, utilities, landscaping, etc. within the area of jurisdiction. On complicated sites, existing and proposed conditions must be shown on separate sheets.
- c. Locus inset map of the site clearly showing its location relative to surrounding public streets.
- d. All wetland resource area flags by individual flag number (matched to the field) to clearly identify all resource areas on or within 100 feet of the work area. The individual who performed the flagging and date of flagging shall be identified on the plan next to the resource line.
- e. Section views showing changes in grade, cuts and fills.

7. **SUBMISSION OF THE COMPLETED APPLICATION WITH PLANS:**

- a. Email NOI application and all associated materials in PDF format to [Kimberly.Cavanaugh@town.barnstable.ma.us](mailto:Kimberly.Cavanaugh@town.barnstable.ma.us) AND [Edwin.Hoopes@town.barnstable.ma.us](mailto:Edwin.Hoopes@town.barnstable.ma.us)  
**Do not include copies of checks.**  
All attachments must be named with the hearing date (year first), **type**, name, address. *Examples* 20220301 NOI Smith 21 Main Street or 2022031 NOI Plan Smith 21 Main Street.
- c. Provide two (2) full NOI applications with folded plans (colored ink stamp) with signature/date to the Town of Barnstable Conservation Division Office for administrative use;

- d. Provide seven (7) additional collated copies of the NOI (with folded plans and all pertinent data attached) to the Barnstable Conservation Division Office for distribution to, and review by, Conservation Commission members. Any supplementary documentation for administrative and commission review should be submitted *as soon as possible* prior to the scheduled public hearing.\*
- e. Mail one (1) copy of the complete NOI with plan(s) to the Massachusetts Department of Environmental Protection (MassDEP) Southeast Regional Office, 20 Riverside Dr., Lakeville, MA 02347. Send MassDEP portion of filing fee to: MA Department of Environmental Protection, Box 4062, Boston, MA 02211. MassDEP also recommends applicants send their Notices of Intent by email to [SERO\\_NOI@mass.gov](mailto:SERO_NOI@mass.gov).
- f. For roadway construction or repair projects, provide one electronic copy of the NOI and plans to the Senior Project Manager Special Projects, c/o the Town of Barnstable Department of Public Works, 382 Falmouth Road, Hyannis, MA 02601.
- g. For coastal piers, dredging, coastal engineering structures or other coastal erosion control projects, provide two hard copies of the NOI and plans to the Shellfish Biologist, c/o Town of Barnstable Natural Resources, 1189 Phinney's Ln., Centerville, MA 02632. In addition, email a (PDF) version to:
  - 1) [shellfishNOI@town.barnstable.ma.us](mailto:shellfishNOI@town.barnstable.ma.us). (Email must be sent the same day as submission to the Conservation Division); and
  - 2) [conservationprojects@town.barnstable.ma.us](mailto:conservationprojects@town.barnstable.ma.us)
- h. Also, for coastal piers, dredging, coastal engineering structures, provide two hard copies of the NOI and plans to the Harbormaster, c/o Town of Barnstable Marine and Environmental Affairs (MEA), 1189 Phinney's Ln., Centerville, MA 02632. In addition, email a (PDF) version to:
  - 1) [harbormaster@town.barnstable.ma.us](mailto:harbormaster@town.barnstable.ma.us). (Email must be sent the same day as submission to the Conservation Division); and
  - 2) [conservationprojects@town.barnstable.ma.us](mailto:conservationprojects@town.barnstable.ma.us)

**Note:** Please title the file for your NOI project as follows: a. Submission date, b. Last name of applicant, c. Map/parcel of property, e.g., **082316-Smith-076024**.

**\*Note:** If a revised plan needs to be submitted prior to a hearing, please follow same instructions as 7. b. above (and submit to other entities as may be applicable). Plan revisions must be clearly noted and dated in the revision block. (The same individual who stamped the original plan must also stamp and sign the revised plan).

Submitted this \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ in accordance with the Town of Barnstable "Regulation Governing Minimum Submission Requirements for a Notice of Intent Application" by:

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
Owner / Applicant

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Owner's Authorized Agent

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Telephone Number

Approved: May 28, 1997  
Revised: May 12, 2015  
Revised: August 23, with minor rev. Sept. 6, 2016

Revised March 15, 2022  
Revised February 5, 2025