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Notice of Intent Application Checklist

Revised January 2024

Purpose: The purpose of this checklist is to ensure that Notice of Intent (NOI) applications are complete and contain the information and data necessary for Conservation Commissions and the Massachusetts Department of Environmental Protection (MassDEP) to process applications in an efficient manner. This checklist also enables Massachusetts Department of Transportation Highway Division (MassDOT) staff to efficiently review the quality and completeness of applications.

Instructions: The party responsible for preparing the NOI for MassDOT review shall complete and sign this checklist. This checklist should be included with draft permit application(s) submitted to MassDOT for review and comment prior to filing. The checklist should not be included in the application submittal to the Conservation Commission and MassDEP.

NOTE: If a checklist item is not addressed or otherwise determined to be not applicable by the consultant based on project specific considerations, a brief written summary explaining why shall be provided below.

In addition, please note the following:

- ☐ On municipal designed projects along municipal roadways where MassDOT will be constructing the project, the municipality will ordinarily be identified as the applicant on the NOI form.
- ☐ On MassDOT designed projects along state numbered routes and within the state highway layout (State Highway Layout or Right of Way), MassDOT will ordinarily be identified as the applicant on the NOI form.
- ☐ MassDOT is not subject to abutter notification requirements. However, when the municipality is identified as the applicant, they are required to notify abutters under the Wetlands Protection Act (WPA) and may be required to adhere to more stringent local bylaw or ordinance abutter notification requirements as prescribed by the local Conservation Commission.

COVER LETTER

- ☐ If MassDOT is identified as the applicant, include the following statement regarding the agency's exemption from certain local wetland bylaw and ordinance requirements, abutter notification requirements and third party peer review payment obligations: *"As an agency of the Commonwealth providing essential government functions, MassDOT is exempt from certain municipal requirements including but not limited to wetland bylaws, ordinances and policies, and for paying peer review fees. Additionally, MassDOT is not required to notify abutters per the WPA Regulations at 310 CMR 10.05(4)."*
- ☐ When a section of the project is being permitted under the MassDOT bridge exemption, include the following statement: *"In accordance with the Massachusetts Transportation Bond Bill of 2014, the*

proposed work described herein that is associated with bridge repair and replacement is exempt from review under the Massachusetts Wetlands Protection Act (M.G.L. c. 131 §40) and its implementing regulations (310 CMR 10.00)."

☐ If the project or a portion of the project qualifies as a limited project, explain how the work meets the limited project designation and provide the applicable citation from the WPA for coastal limited projects described under 310 CMR 10.24(7) and/or inland limited projects described under 310 CMR 10.53(3).

☐ Include a concise paragraph of permanent and temporary impacts to resource areas and any mitigation area proposed and ensure that it is consistent with what is described in the NOI and depicted on the permit drawings. If any work is exempt, briefly describe what work is exempt (bridge exempt, minor exempt activity, etc.) and what work is the subject of the filing.

WPA FORM 3

☐ When MassDOT is the applicant:

- For linear projects, list the applicant as:
Erica Larner
Massachusetts Department of Transportation – Highway Division
10 Park Plaza, Room 7360, Boston, MA 02116
erica.n.larner@dot.state.ma.us; 857-268-1729
- For bridge projects, list the applicant as:
Courtney Walker
Massachusetts Department of Transportation – Highway Division
10 Park Plaza, Room 7360, Boston, MA 02116
courtney.l.walker@dot.state.ma.us; 857-262-0757
- List the property owner as:
Massachusetts Department of Transportation – Highway Division
10 Park Plaza, Boston, MA 02116

☐ If Registry of Deeds recording information (book and page) does not exist for roadway projects, indicate "N/A – roadway" on the WPA form.

☐ For projects located within Estimated and/or Priority Habitats, complete the section of the NOI form entitled "Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review." To request a species list or for more information regarding Streamlined Massachusetts Endangered Species Act (MESA) review, contact David Paulson (david.j.paulson@dot.state.ma.us) or Julia Hoozeboom (julia.a.hoozeboom@dot.state.ma.us) from the MassDOT Wildlife & Endangered Species Unit. Note that MassDOT is not required to pay a separate MESA filing fee to the Natural Heritage and Endangered Species Program (NHESP) as part of this review. A copy of the "Streamlined

Massachusetts Endangered Species Act/Wetlands Protection Act Review” should be submitted to Timothy McGuire (timothy.mcguire2@mass.gov) at NHESP. Copy David Paulson and Julia Hoogeboom on any correspondence with NHESP.

☐ Confirm that plan titles and revision dates on the form match the plan set that is being submitted to the Conservation Commission.

☐ Confirm that resource area impacts stated on the WPA Form 3 are consistent with the impacts stated and shown within the NOI narrative and accompanying plans. Review to ensure that all relevant resource areas have been noted.

FILING FEE

☐ MassDOT is subject to filing fees under the Wetlands Protection Act (WPA) (both state and local portions). MassDOT is not subject to filing fees required under local bylaws or ordinances.

☐ When the municipality is identified as the applicant, they are not subject to filing fees under the WPA (both state and local portions). The municipality may be subject to filing fees required under local bylaws or ordinances.

APPLICATION NARRATIVE

The application narrative should include the following information:

1. Introduction

☐ Describe the proposed project and include a clear and concise purpose and need statement.

☐ If the municipality is identified as the applicant, include reference to compliance with local bylaw requirements, if applicable.

☐ List wetland resource areas proposed to be altered and whether proposed impacts are permanent or temporary.

☐ Clarify what work is exempt and what work is the subject of this filing.

☐ List other permits (e.g., Section 401 Water Quality Certification, Chapter 91, Massachusetts Environmental Protection Act, MESA, Section 404 Authorization, etc.) required to construct the project.

2. Existing Conditions

☐ Describe the existing site conditions, including but not limited to roadway infrastructure, drainage, general vegetation cover types and land uses, and resource areas. Note that the wetland resource area delineation should be conducted within three years of the filing. Include

a reference to the consulting firm that conducted the delineation and the date when the delineation was performed.

☐ For each wetland system, list the flag numbers, describe the location, and dominant plant species. For streams, include the direction of flow, generally describe the substrate and bank conditions, approximate depth of water, note whether it is intermittent or perennial, and provide representative channel bankfull width measurements, if applicable. Representative channel bankfull widths should be generated by reviewing bankfull regional curves from [StreamStats](#), and by taking field measurements from a reference reach (see [River and Floodplain Cross Section Assessment guidance](#) from the [MassDOT Rivers & Roads Training Program](#)).

☐ Include a wetland resource area delineation report or narrative within the NOI, with supporting MassDEP Bordering Vegetated Wetland (BVW) data form(s) or U.S. Army Corps of Engineers (USACE) wetland determination form(s). If the project is anticipated to require a USACE filing, use the USACE wetland determination form.

☐ Indicate if the project site is located within the Zone A 100-year floodplain (Bordering Land Subject to Flooding or BLSF) or floodway (for waterbody crossings) or velocity zone(s) (for coastal environs). Reference current Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) panel and year including the base flood elevation (if known) delineating the limits of the floodplain.

☐ Indicate if the project site is located within NHESP Priority or Estimated Habitats or within the vicinity of certified or potential vernal pools.

☐ Indicate if the project is located within an Outstanding Resource Water (ORW), Area of Critical Environmental Concern (ACEC), Zone II Wellhead Protection Area, coldwater fishery, or Massachusetts Coastal Zone.

3. Proposed Conditions

☐ Describe the proposed project, including final site conditions, and if any tree clearing will be required.

☐ Provide span length of proposed bridges/culverts, if applicable.

☐ Describe anticipated dewatering measures, construction access, and construction methods or sequencing which will likely be necessary to complete the proposed work.

☐ Describe what equipment is anticipated to be used during construction and to access the work zone (e.g., is a temporary access way or road required during construction).

☐ Describe where staging and laydown is anticipated to occur.

- ☐ Identify proposed stockpile locations on the site plans, if applicable, and describe stockpile management techniques (e.g., sediment controls, stabilization measures, access, etc.).
- ☐ If dewatering will be necessary, generally describe the Best Management Practices (BMPs) that may be employed by the site contractor and that the means and methods would be determined by the site contractor at the time of construction based on site specific conditions.
- ☐ Describe temporary cofferdams if they will be required. Note that dewatering is considered temporary impact to Land Under Water (LUW).

4. Wetland Impacts

- ☐ Describe the proposed activities in jurisdictional areas and in which wetland resource areas or buffer zones they will occur. Quantify proposed impacts to each resource area.
- ☐ Provide a table indicating permanent and temporary impacts proposed within each resource area.
- ☐ Identify impact avoidance and minimization measures to resource areas (i.e., use of steeper slopes, retaining, walls, narrower roadway, relocation of project features, etc.), including the area and volume of dredging if applicable.
- ☐ Indicate whether any of the thresholds requiring a Wildlife Habitat Evaluation were exceeded for the affected resource areas (see 310 CMR 10.60(1)(a)) and specifically, 310 CMR 10.54(4)(a)5, 10.56(4)(a)4, 10.57(4)(a)3, and 10.58(4)(d)1), and reference the report attachment in the NOI.

5. Mitigation

- ☐ Describe if vegetation management will be required (e.g., re-vegetation, invasive plant control, wetland mitigation, wetland restoration, stormwater BMP re-vegetation, compost and seeding over modified rockfill, etc).
- ☐ Indicate whether compensatory flood storage or wetland replication/restoration is required. If permanent BVW fill is proposed, provide a wetland replacement area at a minimum 1:1 ratio or greater if the applicant is subject to more stringent local bylaw requirements. If BVW impacts are temporary, then the resource area should be improved or restored to its pre-existing conditions.
 - ☐ If applicable, describe wetland replacement area location, size of replacement areas, planned wetland cover type, and general construction information. Include proposed planting quantities, species, size, and spacing.

- ☐ If applicable, identify compensatory flood storage volume requirements on an incremental foot by foot basis, as per 310 CMR 10.57. Include table showing cuts/fills/compensatory storage volumes at each incremental elevation of the floodplain being impacted.
- ☐ Describe the proposed erosion and sedimentation controls to be implemented during construction. Note that MassDOT typically uses compost filter tubes as the preferred BMP (depending on the steepness of the slope, this might be supplemented with silt fence). Means and methods of sediment and erosion control are determined by the contractor.
- ☐ List any other proposed mitigation measures such as in situ restoration, removal of fill, trash and debris, invasive species management, etc., as applicable.

6. Stormwater

- ☐ Summarize existing and proposed stormwater management and compliance with the MassDEP Stormwater Standards.
- ☐ Provide an alternatives analysis of stormwater control measures and low impact development techniques evaluated, including the location and type of measures and techniques evaluated, and the reason for their acceptance or rejection.
- ☐ For redevelopment projects, describe how the project improves existing conditions beyond meeting the Stormwater Standards to the maximum extent practicable.
- ☐ The MassDOT Stormwater Management Report should be included as an attachment to the permit application. The template can be found on the [MassDOT Stormwater Management Unit](#) webpage. Note that coldwater fisheries are critical areas for the purposes of stormwater standards.

7. Alternatives Analyses

- ☐ Determine if the project is new development or redevelopment under the WPA regulations 310 CMR 10.58. If there are impacts to undeveloped Riverfront Area, include an alternatives analysis that is consistent with the requirements of 310 CMR 10.58(4), notwithstanding limited project criteria. Describe alternatives that were considered, including a no-action alternative.
- ☐ For each alternative evaluated, describe and quantify how resource area impacts would be affected. A no-build alternative should be included to establish baseline conditions.
- ☐ For redevelopment, demonstrate how proposed conditions will be an improvement over existing conditions.

8. Compliance with General Performance Standards for Work in Resource Areas

- ☐ If the project or a portion of the project is eligible as a limited project, explain which portions qualify and provide the applicable citation.
- ☐ Include a narrative that demonstrates compliance with the general performance standards for each resource area impacted, notwithstanding limited project activities. Include compliance with or waiver from local bylaw if the municipality is the applicant. List each performance standard for each resource area and describe how the project complies.
- ☐ If new or replacement stream crossings are proposed, discuss compliance with the Massachusetts River and Stream Crossing Standards, and whether streambed and/or bank restoration will be conducted as part of the project. Consider and reference the criteria of 310 CMR 10.53(8).
- ☐ If any of the proposed resource area impacts exceed the threshold for requiring a Wildlife Habitat Evaluation, complete a Wildlife Habitat Evaluation form (Appendix A or B as appropriate) and narrative and include as an attachment. Describe how impacts will affect the resource area's potential to provide important wildlife habitat.

ATTACHMENTS

- ☐ If the municipality is the applicant, provide an abutters list (certified by the Assessor's office along with an affidavit of service, if required by the Conservation Commission), and a copy of the abutter notification letter.
- ☐ Figures depicting the project site/limits of work, MassDEP wetlands and streams, FEMA floodplains, and NHESP habitat.
- ☐ MassDEP BVW data form(s) and USACE wetland determination data form(s), as applicable.
- ☐ Color photographs of wetland resource areas (if available) and the project limits to adequately characterize existing conditions within the buffer zone and other jurisdictional areas.
- ☐ Wetland delineation report (or narrative) including data forms and color photos can substitute for above two items.
- ☐ Stormwater Checklist / Stormwater Management Report.
- ☐ USGS StreamStats analysis, if applicable.
- ☐ Wildlife Habitat Evaluation(s), if required.

Permit Drawings

- ☐ Locus map.
- ☐ Key sheet.
- ☐ Limits of all wetland resource areas and wetland series ID to match narrative descriptions of wetlands, including the limits of the 100-foot buffer zone and Riverfront Area within project area. Include wetland flag numbers on the plans and data plot locations, as applicable.
- ☐ Limits of Isolated Lands Subject to Flooding (ILSF), the 100-year floodplain (BLSF) and the base flood elevation, if applicable. Reference FEMA panel in plan notes.
- ☐ North arrow.
- ☐ Survey datum.
- ☐ Direction of stream flow.
- ☐ Detail sheets (stormwater, sediment and erosion controls, plantings, etc.).
- ☐ Shade and label the temporary and permanent impacts as well as replication/floodplain compensatory storage areas (as applicable). Provide a table (legend) with impact numbers.
- ☐ Add the latest date (including revision dates) to all plan sheets, with sheets numbered consecutively if sheets were excerpted from larger plan set used for other filings.
- ☐ Illustrate the location of proposed cofferdams, if applicable.
- ☐ Illustrate the location of proposed sediment and erosion controls. Sediment and erosion controls should be placed at the downgradient limits of work adjacent to wetland resource areas.
- ☐ If a wetland replication area is required, provide a planting plan with proposed grades, cross section plan, and construction methodology/specifications (see [MassDOT Landscape Design and Roadside Maintenance](#) for guidance).
- ☐ Sheet size should be no larger than 24" x 36".
- ☐ Scale should not be more than 1" = 50'. If plans are reduced, display graphical scales. The plans must be scalable for agency review.

APPROVALS

Design engineer / consultant confirming completeness of checklist & application:

Signature _____

Name _____

Date _____

MassDOT Wetlands Unit reviewer confirming completeness of checklist & application:

Signature _____

Name _____

Date _____

☐ **APPROVED BY MASSDOT FOR FILING**