



Town of Tyngsborough Conservation Commission

25 Bryants Lane,
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300 x 115
Fax: (978) 649-2301

To: Applicants
From: Tyngsborough Conservation Commission
Topic: Filing a **Request for a Major Amendment to an Order of Conditions** with the Commission

When filing with the Commission please refer to the attached Instructions and Filing Checklist. Please be advised that any proposed changes undertaken on property located on the most recent Estimated Habitat Map of State-Listed Rare Wildlife published by the Natural Heritage and Endangered Species Program may need to be submitted to that agency and reviewed again, if it was required in their original letter of approval.

Please provide an electronic copy of the complete filing and mail the filing materials to the Department of Environmental Protection (DEP) at:

MassDEP – Northeast Regional Office
205B Lowell Street
Wilmington, MA 01887

The Conservation Commission will advertise the hearing in the LOWELL SUN at your expense. Please contact our office if you have any further questions.

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**AMENDED ORDER OF CONDITIONS
INSTRUCTIONS & FILING CHECKLIST**

The Conservation Commission considers an Amendment to be necessary when a proposed change to a permitted project is deemed of sufficient magnitude to require the imposition of additional conditions to ensure adequate protection of wetland resource areas and/or the interests covered under the Massachusetts Wetlands Protection Act and the Tyngsborough Wetlands Protection Bylaw. A public hearing, abutter notifications, and legal advertisement are required for an Amended Order of Conditions.

The following materials are required for the submittal of a Request for a Major Amendment to an Order of Conditions:

- _____ Electronic copy of complete filing.
- _____ Two (2) copies of a letter requesting an Amended Order of Conditions, citing the DEP file #, the applicant's name and address, and a detailed narrative fully explaining the changes being requested to the previously issued Order of Conditions, their impact on the Wetland Resource Areas or any Buffer Zone, and how the proposed changes will meet the general performance standards set forth in the State Wetlands Regulations 310 CMR 10.00 and the Town of Tyngsborough Wetlands Protection Bylaw.
- _____ **One** full size copy, and Eight (8) reduced size (11 x 17) copies of the plans showing the proposed changes, existing conditions as well as proposed amendments to the previously approved work including any proposed structures, modifications to structures, grading, paving, drainage or water control structures, vegetation removal, and plantings. Temporary construction-related activities and site modifications including limit of work, erosion control, work access, and stockpiling should also be shown on the plans.
- _____ **One** copy of the Certified List of Abutters: The abutters list is available from the Assessor's Office.
- _____ Notification to Abutters (see attached form): Prior to submission, please contact the Conservation Commission at 978-649-2300 ext. 115, or pberman@tyngsboroughma.gov to schedule a hearing.
- _____ Affidavit of Service (see attached form): Mail your abutter notices by Certificate of Mailing and submit the Affidavit of Service along with a copy of the Certificate of Mailing receipts from the Post Office (you may submit these at or before the hearing).
- _____ Consent to Use of Electronic Signatures form (see attached)
- _____ \$200 Filing Fee
- _____ \$250 Legal Notice Fee



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NOTIFICATION TO ABUTTERS

In accordance with the Massachusetts General Laws Chapter 131 Section 40, and the Town of Tyngsborough Wetland Protection Bylaw, and Tyngsborough Stormwater Bylaw and its associated regulations, you are hereby notified of the following:

The below named applicant has filed a **Request for an Amendment to an existing Order of Conditions** with the Tyngsborough Conservation Commission.

DEP Number: _____ Order of Conditions Date of Issue: _____

Name of Applicant: _____

Property Owner, if different from applicant: _____

Project Address: _____

Description of proposed amendment: _____

Date of hearing: _____ Time of hearing: 7:00pm

Place of Hearing: Town Hall Community Room - 25 Bryants Ln. Tyngsborough, MA

Complete text, plans and public hearing information relative to the proposed project may be examined on the Town of Tyngsborough website: <https://tyngsboroughma.gov/departments/inspectional-services/conservation/>, by email (pberman@tyngsboroughma.gov), or in the Conservation Commission office during regular business hours at Tyngsborough Town Hall, 25 Bryants Ln. Tyngsborough, MA

The agenda will be posted 48 hours in advance of the hearing on the Tyngsborough Town Calendar <https://www.tyngsboroughma.gov/calendar/>, and at the Tyngsborough Town Hall, 25 Bryants Ln. Notice of the public hearing including date, time, and place will be published at least five days in advance in the Lowell Sun.



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AFFIDAVIT OF SERVICE

In accordance with the Massachusetts General Laws Chapter (MGL) 131 Section 40, Town of Tyngsborough Wetland Protection Bylaw, the Town of Tyngsborough Stormwater Management Bylaw and Regulations, the following *affidavit* is to be submitted to the Department of Environmental Protection (DEP) and the Tyngsborough Conservation Commission (TCC) when filing for a wetlands permit.

I, _____ (your name), hereby certify under the pains and penalties of perjury that on _____ (date), I gave notification to abutters in compliance with the second paragraph of MGL Chapter 131 Section 40, Tyngsborough Wetland Protection Bylaw, and the Tyngsborough Stormwater Management Bylaw and Regulations in connection with the following matter:

Circle appropriate filing:

- ANRAD
- Notice of Intent
- Request for Amendment to Order of Conditions
- Wetlands Request for Determination of Applicability
- Stormwater Request for Determination of Applicability
- Stormwater Management Permit

The above circled documents were filed under the Massachusetts Wetland Protection Act, the Town of Tyngsborough Wetland Protection Bylaw, and the Town of Tyngsborough Stormwater Management Bylaw

by _____ (your name) with

the Tyngsborough Conservation Commission on _____ (date) for the property

located at _____ (property address).

The Notification to Abutters Form, and a list of the abutters to whom it was given and their addresses, are attached to this Affidavit of Service.

Signature

Date



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CONSENT TO USE OF ELECTRONIC SIGNATURES

I, the undersigned, as an applicant with the following matter currently before the Tyngsborough Conservation Commission (the "Commission"):

do hereby consent to the use of electronic signatures by members of the Commission to the fullest extent permitted by law on any and all documents related to my aforesaid application, including but not limited to any notice, order, decision, finding, ruling or approval issued pursuant to any law of the Commonwealth or local bylaw, regulation or policy.

I recognize and understand the Commission's right to use electronic signatures under the Uniform Electronic Transactions Act as codified under G.L. c. 110G, §§ 1-18. I have no objection to the Commission using electronic signatures to endorse documents as above-described.

By signing below, I further agree and understand that the use of electronic signatures by the Commission is the legally-binding equivalent to the use of handwritten signatures; that the use of electronic signatures by the members of the Commission shall have the same validity and meaning as their handwritten signatures; and that the legality and validity of electronic signatures is in no way connected to or contingent upon any Registry of Deeds acceptance, or not, of documents with electronic signatures.

Signed this _____ day of _____, 20____.

Signed: _____

Print Name: _____



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FEE SCHEDULE

Updated November 24, 2021 | Effective December 24, 2021

Under the Tyngsborough Wetlands Protection By-Law, the following fees are in addition to those fees required by the Wetland Protection Act 310 CMR 10.03(7). Permit fees are calculated by the applicant based on the fee schedule below, and are payable at the time of application and are non-refundable. The calculated fees are subject to review by the Conservation Director and acceptance by the Conservation Commission. The Commission shall have the right to change the Fee Schedule shown below. Any changes to the Fee Schedule will be posted on the Town website and at Town Hall at least thirty (30) days prior to them becoming effective.

WORK ON SINGLE FAMILY LOTS: \$200.00

PROPOSED SUBDIVISIONS

1. Roadways & Utilities: \$300+ \$2.00/foot of roadway sideline within 100-foot buffer zone of resources under the jurisdiction of the Conservation Commission.
2. Individual Subdivision Lots: \$200/lot for lots within 100-foot buffer zone of resources under the jurisdiction of the Conservation Commission.

MULTI-FAMILY DWELLING UNITS: \$300 + \$100/dwelling unit if all or part of which lies within 100-foot buffer zone of resources under the jurisdiction of the Conservation Commission.

COMMERCIAL & INDUSTRIAL SITES: \$500 + \$0.50/square foot of resource area disturbed under the jurisdiction of the Conservation Commission. (Does not include buffer zone)

REQUESTS FOR DETERMINATION OF APPLICABILITY: \$50.00

PERMIT EXTENSION REQUESTS: \$50.00

AGENT SITE VISIT: No charge

AGENT DETERMINATIONS: \$25.00

AMENDMENTS TO ORDERS OF CONDITIONS: \$200

AFTER THE FACT APPLICATIONS: All fees associated with after the fact applications without an Enforcement Order will be increased by 50%.

ENFORCEMENT ORDER: All fees associated with applications filed in conjunction with an Enforcement Order will be doubled. The following fees apply to lift an existing Enforcement Order.

1. First Offense: \$150.00
2. Second Offense: \$300.00

STORMWATER MANAGEMENT PERMIT: \$0.0030 per square foot of the disturbed portion of the parcel. \$500 minimum.

CERTIFICATE OF COMPLIANCE: No fee for permits that are not expired. \$100 for expired permits issued more than 3 years ago to 10 years ago. \$300 for expired permits issued more than 10 years ago.