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TOWN OF SUTTON CONSERVATION COMMISSION

PERMIT PRIMER

This document contains the Order of Conditions and Special Conditions for your project (i.e. “permit”). The Conditions pertained therein must be adhered to for compliance with the Massachusetts Wetlands Protection Act (MGL c.131, §40), its Regulations (310 CMR 10.00), and the Town of Sutton Wetlands Protection Bylaw (Article 12). Non-compliance of any of the conditions stated may result in the issuance of a Cease-and-Desist Order or Enforcement Order (with fines option), and will delay work or prevent the issuance of the Certificate of Compliance for the project.

READ ALL CONDITIONS STATED IN THE ORDER AND SPECIAL ORDER OF CONDITIONS, and make sure that *all* your **CONTRACTORS READ ALL CONDITIONS** stated therein. Both the Applicant *and* the Contractor are responsible for adhering to the Conditions of the Order. Both parties may be fined for violations.

Prior to any work commencing on this project **this document must be RECORDED at the REGISTRY OF DEEDS**. Further, a **PRE-CONSTRUCTION meeting must be held**. A copy of the first page must be returned to the Town of Sutton Conservation secretary within 10 days of the date of mailing after registering the Order.

Please be aware there is a **ten (10) business day appeal period**, calculated from the day of issuance of the Order. Any work started prior to the expiration of this appeal period shall be at Applicant’s own risk.

Some of the most common but overlooked conditions of the Order are listed below:

- Prior to any work commencing on the site, a sign measuring at least two feet x two feet, with 4” letters, shall be displayed so as to be clearly visible from the street showing your **DEP File number 303-**
- All erosion control wattles must be **100% BIODEGRADABLE** and 12” in diameter, with mulch, and **NO PLASTIC MESH**. Photo-degradable *is not* biodegradable. Silt fencing may or may not be required at the discretion of the Commission. **HAY BALES ARE EXPRESSLY PROHIBITED**.
- All Applicants must have a qualified professional **INSPECT EROSION CONTROLS** to assure they were installed correctly. This person is usually from the engineering/surveying firm that created the site plan, but may be another individual. The professional must **WRITE A LETTER**

to the Conservation Commission stating that erosion controls are of the correct type, in the correct location, and installed properly. Once received, the Conservation Commission shall perform a final inspection, which can be done at the pre-construction field meeting (see below). **Work may not commence until this task is completed.**

- **EROSION CONTROLS** must be installed and in **GOOD WORKING ORDER** at **ALL TIMES**. If they are not in good working order, you will be required to repair or replace them **UNTIL** a **CERTIFICATE OF COMPLIANCE** is requested (see below).
- The Applicant must schedule a **PRE-CONSTRUCTION FIELD MEETING**, to be held with the owner, Conservation Commission, contractor or person(s) performing the work. If the pre-construction field meeting is waived by the Commission, the Applicant must still perform the work associated with erosion control installation inspection as outlined above. Applicants who are found to have started work without a pre-construction meeting and/or erosion control installation inspection will, at a minimum, be issued an immediate, verbal (to be followed by written) Cease and Desist Order.
- If work is not complete or has not commenced within the **THIRD YEAR** of the issued permit date, the Applicant must request, in writing, an Extension for the Permitted Order of Conditions, or the order shall be deemed **EXPIRED** and a new application required. As mentioned above, any erosion controls erected must be kept in good working order at all times until the Certificate of Compliance is requested.
- The Conservation Commission will, at a minimum, conduct **YEARLY ON-SITE INSPECTIONS** for all Orders that do not have a Certificate of Compliance. The Commission may have their consultant perform the inspections, at the **EXPENSE OF THE APPLICANT/OWNER**. It is in your best interest to ask for a Certificate of Compliance *as soon as work is complete* and soils are stable.
- When your project is completed you must file **WPA FORM 8A- REQUEST FOR CERTIFICATE OF COMPLIANCE** (at no cost to the applicant), along with a written letter from the engineer or surveyor stating that the project has been completed “in substantial compliance” with the Order of Conditions. An As-Built plan may be required at the discretion of the Conservation Commission. If there are any deviations in construction, the engineer and/or professional *must* explain what they are, why they occurred, and what, if anything, has been done to rectify the deviation. **See attached form.**
- To be legal for property sale/transfer, the Certificate of Compliance must be **RECORDED ON YOUR DEED**. Failure to do so will cloud your title upon future sale or transfer of the property. The Board of Health Certificate of Compliance and Building Permit As-Built plans *are not the same* as those required for Conservation Commission approval.

