

An Abutter's Guide to the Conservation Commission Permitting Process

The Conservation Commission (ConCom) has prepared this guide to explain what you, as an abutter to a proposal to conduct work in or near wetlands, can expect during the project permitting process. It is not intended as a legal guide, but to help you understand how to participate in hearings, get information, and best communicate any concerns. To reach the commission, please call (781) 314-3845 or email conservation@city.waltham.ma.us.

Who Is Notified of a Wetlands Project? The MA Wetlands Protection Act (WPA) requires that, when a Notice of Intent is filed with the ConCom, all property owners within 100-feet of a proposed project are notified by mail.

How Can I Find Out More About What is Proposed? Residents are encouraged to call the ConCom office or the Applicant to ask questions. A copy of every application may be viewed at the ConCom office. Most files are available electronically upon request. Hard copies of the application can be requested (for a fee) from the Applicant or the ConCom.

Are Public Meetings Being Held in Person or Remote? While some meetings might be held in person, remote meetings allow more residents to participate, provide better access to presentations, produce superior recordings, save all participants wasted travel time, and reduce carbon emissions. Information on whether a particular meeting will be held via Zoom or in-person will always be posted on the agenda on the city website at least 48 hours prior to the meeting.

What Should I Expect at the Public Hearing? At the hearing, the Applicant will present plans and explain what is proposed. The ConCom will ask questions. Then, the ConCom Chair will offer members of the public the opportunity to comment or ask questions, as they relate to wetlands protection. After public input, the hearing will either be closed or continued to a specific date and time (if the ConCom needs additional information). You will not receive written notice of the continued hearing date. To find out the date of the continued hearing, you can call the ConCom office.

What Issues Does the Commission Consider? The scope of issues that the ConCom can consider in reviewing proposed projects is defined by the WPA. In presenting testimony (oral or written), please be aware that the commission's jurisdiction is restricted to wetlands issues.

Suggestions for Presenting Testimony at Public Hearings

- State your name and address for the record before you speak and each time you speak.
- Try to state all of your questions or concerns at once and then allow the next person to speak.
- Be polite and respectful of differing opinions - avoid personal attacks.
- While you may have questions of the Applicant, you should address them to the ConCom Chair.
- Stick to wetlands issues. For example, issues like traffic and noise are outside of the ConCom purview.
- It is fine to just say "I agree with Mr. Smith about that drainage issue" rather than restating the same concerns.

How Can I Make My Concerns Known if I Cannot Attend? Comments can be submitted in writing prior to the close of the public hearing. As with all testimony (oral and written), it is most helpful to raise concerns early in the process.

What Happens After the Hearing? After the hearing is closed, the ConCom deliberates and issues a decision (Order of Conditions) within 21 days of closing the hearing. The ConCom generally approves projects with site-specific conditions. The ConCom can deny a project if it cannot be adequately conditioned to protect wetlands.

Will I Be Notified of the Decision? Copies of decisions are not sent to abutters. You may request a copy from the ConCom office. The Applicant is required to record it at the Registry of Deeds. Permits are generally valid for 3 years and can be extended.

How Can I Appeal? Appeals of decisions under the Wetlands Protection Act (called a Request for a Superseding Order of Conditions) must be made to the Department of Environmental Protection within 10 days using forms supplied by DEP. Appeals may be made by the Applicant, a direct abutter, any group of 10 citizens, or the Department of Environmental Protection. For more information, please see: www.tinyurl.com/DEPappealprocess.