



CONSERVATION COMMISSION

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**ABUTTER'S RIGHTS FACT SHEET
UNDER THE WETLANDS PROTECTION ACT (state) &
THE WETLAND PROTECTION BYLAW (local)**

The purpose of this fact sheet is to provide abutters with information relative to their rights under State and Local wetland jurisdictional permitting, when the issuing authority, in this case the Conservation Commission (the Commission), has been petitioned by an applicant to issue a final Order or a Determination. Petitioned applications for requested “Orders” include a Notice of Intent (NOI) or an Abbreviate Notice of Resource Area Delineation (ANRAD) application filing. Orders take the form of an Order of Conditions (OOC’s), a permit issued following an NOI Public Hearing allowing an activity or activities to occur on land subject to the jurisdiction or regulation under the Massachusetts Wetlands Protection Act or its implementing regulations (MGL c. 131, s. 40 and 310 CMR 10.00) and/or the Dartmouth Wetland Protection Bylaw and its implementing regulations (General Town Bylaws c. 360), hereafter referred to as the Act and Bylaw respectively; or Orders of Resource Area Delineation (ORAD’s) which certify resource area boundary delineations in the field as defined in the Act or Bylaw, and as jurisdictional Lines-of-Record, and are the results of an ANRAD application. Determinations take the form of Determinations of Applicability (DoA’s), or an action where the Commission “seeks” or “relinquishes” jurisdiction on a site or a proposed activity, as the result of A Request for Determination of Applicability (RDA) filing.

Notifications

As required under the Act and Bylaw, public or abutter notifications are required for actions requested of the Commission and take two forms:

1. Legal Ad notification is made at the applicant’s expense not less than 5-day prior to any meeting requesting action on an NOI, ANRAD, or RDA, in a newspaper of general circulation in Dartmouth (currently the Chronicle).
2. In NOI and ANRAD applications requesting an “Order”, the applicant is required to provide written notification to all abutters whose property line(s) is/are at or within 100-feet of the property line of the Project Locus; regardless if it directly abuts, or is segregated by a portion of another parcel, Public or Private Street, or body of water.

These are the only legal notifications/noticing requirements under the Act and Bylaw. These should not be confused with other jurisdictional notification requirement (e.g., zoning).

Public Review of Filing Documents

Any document submitted for action by the Commission is a Public Document. These

Documents are available for public review at the Conservation office in Town Hall. Staff would request advanced notice should someone desire to review a filing.

Abutter Input and Commenting Opportunities

The Commission accepts public comment on any project requesting an “Order” during any Public Hearings are only held for NOI or ANRAD applications. Anyone who wishes to comment on such an application can do during any Public Hearing. Public comment can take several forms such as:

1. Appearing at the time and place designated on the posted agenda (currently virtual) and presenting comments either in favor or opposed to the proposed project. **ALL PUBLIC COMMENT MUST BE MADE THROUGH THE CHAIR OF THE SPECIFIC HEARING AND NOT DIRECTLY TO THE PETITIONER OR THEIR REPRESENTATIVES.**
2. If one is unable to attend the Public Hearing, the Chair will accept written comment in either letter form or via email. Any written comment either in favor or opposed shall be read into the public record.
3. Please note, that while the Commissioners and/or staff will listen to verbal comments either in favor or in opposition, either can report or advocate any verbal comments made by anyone not in attendance.

In addition, the Chair may entertain certain very specific comment(s) on RDA’s at their discretion, as the extent of jurisdiction of a particular project is only the issue being determined by the Commission under the RDA process.

Jurisdictional Complaints

Anyone who suspects another of conducting unauthorized work within a jurisdictional wetland resource or within an associated and regulated 100-ft Buffer Zone, has the right to contact the Conservation Office at Town Hall to register a complaint. Staff will investigate the matter to determine if the complaint is an actual violation of either the Act or the Bylaw, and will proceed accordingly. Staff would appreciate that complaints not be made anonymously, as complaints should be made as of record, and without knowing the complainant, cannot respond as to the finding.