

RULES AND REGULATIONS FOR THE ADMINISTRATION  
of the  
WOBURN WETLANDS ORDINANCE

Woburn Conservation Commission  
City of Woburn, Massachusetts

ADOPTED: November 21, 1985  
LAST AMENDED: February 28, 2019  
EFFECTIVE: April 1, 2019

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**SECTION I General Provisions**

A. Authority

These Regulations are promulgated by the Woburn Conservation Commission (“Commission”) pursuant to the authority granted to it under the Woburn Wetlands Ordinance (“Ordinance”). The Ordinance and these Regulations are adopted under Home Rule.

B. Purpose

These regulations are promulgated to create a uniformity of process and to clarify and define the provisions of the Ordinance administered by the Commission. The Regulations shall complement the Ordinance and provide additional detail on its implementation.

C. FEE SCHEDULE

a. **NOTICE OF INTENT:**

Minor Projects (house addition, swimming pool, e.g.) \$100.00

Single Family Dwelling \$400.00

Subdivisions (road and utilities only) \$400.00 plus \$2.00 per foot of roadway sideline within a jurisdictional area (including the 150-foot buffer zone)

Multiple-dwelling Structures \$400.00 plus \$100.00 per unit, all or part of which lies within a wetland, land subject to flooding, riverfront and/or the 150 foot buffer zone

Commercial & Industrial Projects \$600.00 plus \$0.50 per square foot of bordering vegetated wetland, bank, land under waterbody, land subject to flooding and riverfront area disturbed and \$0.02 per square foot of the 150 foot buffer zone which is disturbed

b. **EXTENSION PERMITS**

All projects \$50.00

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c. **REQUEST FOR DETERMINATION**

Single residential lot under 20,000 square feet	\$50.00
Residential lot(s) of 20,000 square feet or larger	\$100.00
Commercial or industrial site	\$100.00

d. **ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION**

Single residential lot under 20,000 square feet	\$50.00
Residential lot(s) with total area 20,000 square feet or larger	\$100.00
Commercial or industrial site	\$100.00

e. **REAPPLICATION for project previously denied within the past three years**

The original fee or \$1,000 (whichever is less)

D. Waiver

Strict compliance with these rules and regulations may be waived when, in the judgment of the Commission, such action is in the public interest and is consistent with the intent and purpose of the Ordinance. Any request for a waiver must be submitted to the Commission in writing. The request shall clearly state the section of the regulations for which the waiver is sought, and the reason or reasons for which it is being sought. The Commission shall act on the request within thirty (30) days of the date of receipt, and will provide to the applicant its decision directly during a public meeting; or if the petitioner is not present at the public meeting; the Commission's decision will be provided in writing to the applicant.

**SECTION II Definitions**

The following definitions shall apply in the interpretation and implementation of this ordinance:

1. The term "adjoining land areas" means that area of land extending 150 feet horizontally outward from the boundary of any land specified in 310 CMR 10.02 (1)(a)
2. The term "alter" shall include, without limitation, the following actions when undertaken in areas subject to this ordinance:

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- (a) The removal, excavation or dredging of soil, sand, gravel or aggregate materials of any kind;
  - (b) The changing of pre-existing drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns or flood retention characteristics;
  - (c) The changing of onsite drainage or other disturbance of water level or water table;
  - (d) Any dumping, discharging or filling with any material which may degrade water quality;
  - (e) The placing of fill or removal of material which could alter elevation;
  - (f) The driving of piles, razing and/or construction of buildings or structures of any kind;
  - (g) The placing of obstructions or objects in water which impede natural flow;
  - (h) The destruction or relocation of plant life, including cutting and removal of trees;
  - (i) Actions or activities resulting in the changing water temperature, biochemical oxygen demand or other physical or chemical characteristics of the water;
  - (j) Any activities, changes or work which pollute or cause displacement of any body of water or groundwater;
  - (k) Any activities that decrease the capacity of wetlands to respond to the impacts of climate change.
3. The definitions given in 310 CMR 10.04 for the following terms shall apply to this ordinance:
- dredge, fill, flood control, freshwater wetlands, lake, land subject to flooding, marsh, meadow, pond, private water supply, public water supply, river, stream
4. The term “inundation by groundwater” means having groundwater at or near the surface of the ground at least six months of the year.
5. The term “water pollution” means contamination of surface or groundwater.

### **SECTION III Determination of Applicability**

#### **A. General**

Any person, who desires a Determination as to whether this Ordinance applies to an area or to work to be performed in an area, shall submit a written request to the Commission.

#### **B. Filing Procedure**

An original Request for a Determination using the most recently dated “Application for Permit/Determination” form, and seven additional copies shall be sent by certified mail, or shall be hand delivered to the Commission office, in accordance with the filing procedures outlined in the most recent “Checklist for RDA” available from the Commission office. The petitioner shall, at the time of filing, notify all immediate abutters within 100 feet of the property according to an abutters list certified by the City Assessor. The applicant shall submit with the filing, the certified list of abutters to whom a notice of the request has been sent, as required Section 5 of the Ordinance. The notice to abutters shall be sent on “the most recently dated “Notice to Abutters” form available from the Commission office. Notice to abutters shall be sent or delivered, at the time of filing, not less than 14 days prior to the date scheduled for the public hearing. This notification shall be done by hand delivery, certified mail return receipt requested, or by certificates of mailing. The petitioner shall provide copies of signed and dated receipts or certificate of mailing receipts, as proof of notification to abutters, no later than three business days prior to the date of the Public Meeting. Failure to meet these deadlines may result in the Commission delaying the opening of the public hearing to the next available meeting date.

#### **C. Notice to Other Departments**

A copy of the Request for Determination and accompanying plan(s) shall be provided at the time of filing to the Planning Board, Board of Health, the Clerk of the City Council, Building Commissioner and City Engineer, and a cover memo, the most recently dated “Notice to Departments” form shall be affixed to each copy submitted.

#### **D. Public Hearing**

The Commission shall hold a public hearing on the Request for Determination and shall issue a written determination within twenty-one (21) days of the close of the public hearing. Prior to making a determination, the Commission may require the submittal of additional data deemed pertinent to the determination.

E. Appeal

The decision of the Commission may be appealed according to the provisions of the Massachusetts General Laws.

**SECTION IV Application for Permit**

A. General

Any person who desires review of an application for permit shall file with the Commission plans and specifications as required under MGL Chapter 131 S. 40, and the related Regulations under 310 CMR 10.0, and as further defined below.

B. Filing Procedure

An original plus seven (7) copies of the Application for Determination / Permit form and eight (8) collated sets of accompanying plans and appurtenant data, along with the appropriate filing fee, payable to the City of Woburn, shall be sent by certified mail, or hand delivered, to the Commission office, in accordance with the procedures as described in the Check list for filing a Notice of Intent, available from the Commission office. The petitioner shall provide, as part of the application, a certified list of abutters to whom notice has been sent, in accordance with the provisions of Section 5 of the Ordinance. The notice to abutters shall be sent on the most recently dated "Notice to Abutters Form" available from the Commission office. Notice to abutters shall be sent or delivered not less than 14 days prior to the date of the scheduled hearing. This notification shall be done by hand delivery, certified mail return receipt requested, or by certificates of mailing. The petitioner shall provide copies of signed and dated receipts or certificate of mailing receipts, as proof of notification to abutters, no later than three business days prior to the date of the Public Meeting. Failure to meet these deadlines may result in the Commission delaying the opening of the public hearing to the next available meeting date.

C. Incomplete Application

An application must include, at a minimum, properly executed Application for a Determination / Permit form and the items required under Section 5 of these Rules and Regulations, unless a waiver is granted by the Commission, pursuant to Section I. (Part D.) of these Rules and Regulations. If the Commission determines that an application is incomplete or improper, it shall notify the applicant within twenty-one (21) days of the date of receipt.

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The Commission may, at its discretion:

1. Return the entire application, in which case all required time periods for processing the application will become invalid.
2. Require that additional information or materials be submitted within a specified period of time, which shall be no later than one week prior to the date of the scheduled public hearing.
3. Continue the public hearing, at the applicant's expense and consent, to a date and time certain to be determined by the Commission.

D. Notice to City Departments

At the time of filing the application with the Commission, the petitioner shall submit one complete copy of the application and all accompanying data to each office of the following departments: Planning Board; Board of Health; Building Department; City Council (c/o the City Clerk); and the City Engineer.

The most recently dated "Notice to City Departments" form shall be affixed to each submittal listed above, as a cover memo.

E. Peer Review

To properly administer the Commonwealth of Massachusetts Wetlands Protection Act (G.L. C.131, §40), as well as the Ordinance (Title VII), the Woburn Conservation Commission shall require the services of an outside consultant to provide Peer Review of Notices of Intent (NOI), Abbreviated Notices of Resource Area Delineation (ANRAD), and Requests for a Determination of Applicability (RDA) for the following categories:

1. Commercial and/or Industrial projects for which a NOI has been filed;
2. Confirmation of the boundaries of wetland delineation(s) on commercial and/or industrial sites);
3. Residential, Industrial, or Commercial Subdivision roadways;
4. Residential subdivisions, housing development and redevelopment of two or more houses or units that have a stormwater discharge that may potentially affect a critical area;
5. Residential subdivisions creating five or more parcels;

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6. Multifamily housing development and redevelopment with five or more units;
7. Confirmation of the boundaries of wetland delineation(s) with an outside boundary greater than 100 linear feet.

Applicants will be expected to consent to a continuation of the Public Hearing to allow sufficient time for the Commission to receive and fully review the comments and recommendations of the Peer Review. The Commission will not close the Public Hearing for the NOI / RDA until the Peer Review is completed to the satisfaction of the Commission.

F. Rules for Hiring Outside Consultants - M.G.L. c. 44, §53G

1. Purpose. As provided by M.G.L. Ch. 44 §53G, the Commission may impose reasonable fees for the employment of outside consultants, engaged by the Commission, for specific expert services. Such services shall be deemed necessary by the Commission to come to a final decision on an application submitted to the Commission pursuant to the requirements of: the Wetlands Protection Act (M.G.L. Ch. 131 §40), the Woburn Wetlands Ordinance (Title VII), Conservation Commission Act (M.G.L. Ch. 40 §8C), or any other statute, ordinance or regulation, as they may be amended or enacted from time to time. The Commission may also impose fees for other consultant services, related to application review, or permit conditioning or monitoring, under any of the above-referenced laws or regulations.

2. Special Account. Each consultant review fee shall be deposited in a special account established by the City Auditor pursuant to M.G.L. c.44, §53G. Expenditures from this special account, including accrued interest, may be made at the discretion of the Commission without further appropriation as provided in M.G.L c. 44, Sec. 53G. Expenditures from this account shall be made only in connection with the review of a specific project or projects for which a consultant fee has been collected from the applicant.

3. Scope of Consultant Services. Specific consultant services may include but are not limited to resource area survey and delineation, analysis of resource area values, hydrogeologic and drainage analysis, impacts on municipal conservation lands, and environmental or land use law. Services may also include on-site monitoring during construction, or other services related to the project deemed necessary by the Commission. The consultant shall be chosen by, and report only to, the Commission and/or its administrator. The Commission will make every effort to retain consultants who have sound professional standards.

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4. Notice. The Commission shall give written notice to the applicant of the selection of an outside consultant. Such notice shall state the identity of the consultant, the amount of the fee to be charged to the applicant, and a request for the payment of the fee in its entirety. Such notice shall be deemed to have been given on the date it was mailed (via first class mail) or hand delivered. No such costs or expenses shall be incurred by the applicant if the application or request is withdrawn within five days of the date notice is given.
  
5. Payment of Fee. The fee must be received prior to the initiation of consulting services. The Commission may request additional consultant fees if necessary review requires a larger expenditure than originally anticipated or new information requires additional consultant services. Failure by the applicant to pay the consultant fee specified by the Commission within ten (10) business days of the request for payment, or refusal of payment, shall be cause for the Commission to deny the application based on lack of sufficient information to evaluate whether the project meets the applicable performance standards in 310 CMR 10.00 or the Woburn Wetlands Ordinance or its regulations (except in the case of an appeal). An appeal stops the clock on the above deadline; the countdown resumes on the first business day after the appeal is either denied or upheld. A denial for lack of information may be based solely on the lack of the third party consultant review identified as necessary by the Commission. The Commission shall specify in its denial the nature of the information lacking which its chosen consultant would provide, e.g. the questions it needs answered. No additional review or action shall be taken on the permit request until the applicant has paid the requested fee.
  
6. Appeal. The applicant may appeal the selection of the outside consultant to the City Council who may disqualify the outside consultant selected only on the grounds that the consultant has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist of either an educational degree in the field the service is requested or three or more years of practice in the field at issue or a related field. Such an appeal must be in writing and received by the City Council and a copy received by the Commission, so as to be received within ten (10) business days of the date consultant fees were requested by the Commission. The required time limits for action upon the application shall be extended by the duration of the administrative appeal. In the event no decision is made by the City Council within one month following the filing of the appeal, the selection made by the Commission shall stand.
  
7. Return of Unspent Fees. Excess consultant review fees in the Special Account, including any accumulated interest, shall be returned to the applicant, or the applicant's documented successor in interest, within thirty (30) days of the conclusion of the review process as determined by the Commission. For the purpose of this regulation, any person or entity claiming to be an applicant's successor in interest shall provide the Commission with appropriate documentation.

A final report of the Special Account shall be made available to the applicant or applicant's successor in interest.

## **SECTION V Plans and Documentation**

Plans shall adequately describe the proposed activity and its effect on wetlands and related water resources and adjoining land areas. The following items are set out as a minimum standard, and are not intended to be a complete and final presentation as to what a plan should show. The applicant may submit, or be required to submit to the Commission, additional information which will assist in the review process and which is deemed necessary to determine the possible impact to the interests protected by the Ordinance. All applications shall include original signed single-sided documents and supporting information plus seven (7) copies (which may be double-sided).

### **A. General**

The applicant, upon submission of the application, shall provide the following:

1. A site plan (or plans) which shall show the proposed work, all wetlands on or within 150 feet of the site and mitigating measures to control erosion and protect the wetlands. This site plan shall be in accordance with the provisions described herein (see Section C. Site Plan).
2. An 8 ½" x 11" photocopy of the U.S.G.S. quad sheet, showing the location of the proposed activity and the outline of the area in which the activity is located.
3. An 8 ½ x 11" section of the City of Woburn property map on which the site of the proposed activity is outlined in red, with wetlands, elevation contours, and the most recently available limits of land subject to flooding (or local floodplain as determined by the City Engineer) shown.
4. An 8 ½ x 11" copy of the most recently available FEMA floodplain map with the location of the proposed project site indicated on the map.
5. An 8 ½ x 11" copy of the most recent aerial photo of the property available from the City Engineer's office.

### **B. Technical Data**

The technical data shall be in narrative form with calculations submitted as necessary to adequately describe and fully substantiate the design proposed. The technical data shall include:

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1. A complete description of any alterations to the 100-year flood storage capacity (bordering and/or isolated land subject to flooding) on the site. If a change of flood storage capacity is proposed resulting in a loss of flood storage, the applicant shall be required to demonstrate that compensatory storage will be provided at a greater volume than the volume of lost flood storage at each elevation of flood storage lost on site. [Local and FEMA floodplain information is available from the City Engineering Department. The local floodplain may be adjusted based on hydraulic computations performed by a Massachusetts Registered Professional Engineer, with the review and written concurrence of the City Engineer];
2. Maximum groundwater elevations. The calendar dates of measurement shall be included;
3. Soil characteristics in representative portions of the site, including depth of peat, muck and organic matter in wetland areas. The data shall be provided in standard soil log format;
4. A stormwater management plan for all, except as expressly provided in the Massachusetts Stormwater Management Handbook, industrial, commercial, institutional, office, residential and transportation projects which are subject to the jurisdiction of the Commission. The plan shall include supporting information and computations to clearly demonstrate compliance with the Massachusetts Stormwater Management Standards as defined and specified in the Massachusetts Stormwater Handbook.

Runoff characteristics shall be calculated for pre- and post- development conditions for the 2-year, 10-year, and 100-year 24 hour duration storms using one of the following hydraulic programs: HydroCAD, HydroFlow, TR-20, or TR-55. Rainfall shall be based on NOAA Atlas 14 data from the following table:

Rainfall Duration (hour)	Rainfall Frequency (year)	NOAA Atlas 14 Rainfall for Woburn, MA <sup>1</sup> (inches)
24	2	3.3
24	10	5.2
24	50	7.3
24	100	8.21

<sup>1</sup>Data based on interpolation/extrapolation from NOAA Atlas 14

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5. Hydrographs that illustrate runoff characteristics before and after the proposed activity;
6. Erosion control plans describing all methods to adequately control erosion and siltation on site during and post-construction;
7. Design information for Groundwater Recharge Systems (“GRS”). GRS shall meet the requirements for stormwater management as set forth in the Wetlands Protection Act Regulations (310 CMR 10.00). Deep test pits shall be excavated in the existing soil beneath the proposed GRS. The test pits shall be witnessed by a Massachusetts Licensed Soil Evaluator who shall make a written log of the soils and estimate the seasonal high groundwater elevation. The Licensed Soil Evaluator shall note the observed groundwater level and any presence of any water weeping from side walls. At least two test pits shall be performed for each GRS.

C. Site Plan(s)

The applicant shall submit a site plan and seven additional copies, (maximum sheet size 24”x 36”) at a scale of 1” = not more than 50’. All drawings shall include a title block in the lower right corner. The title block shall include: the drawing title, the name of the project, the location (address) of the project, the name of the preparer of the drawing, and the date the drawing was prepared (including the latest revision date). The drawings shall be stamped and signed by a duly qualified Registered Professional Engineer or Registered Land Surveyor of the Commonwealth of Massachusetts. Registered Professional Engineers shall indicate the engineering discipline in which they are certified. Plans depicting proposed drainage systems must be stamped by a Registered Professional Civil Engineer. Ground surveys shall be on the State Plane Coordinate system and furnished in an electronic copy to the City Engineering Department and in hard copies to the Conservation Commission. GPS data for traverse stations may be obtained from the City Engineering Department.

The following items shall be shown on the Site Plan:

1. Existing and proposed contours (in contrasting symbols) expressed in feet using the North American Vertical Datum of 1988 (NAVD 88) with intervals no greater than two feet, with the date of ground survey noted,
2. The delineation of all resource areas (isolated and bordering vegetated wetlands, bank, land under waterbodies and waterways, land subject to flooding, riverfront areas), water bodies, waterways, ditches, creeks, rivers, streams, and ponds, whether natural or manmade, continuously or intermittently flowing, the upland boundary of all bordering vegetated wetlands the 100-year

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flood elevation, the limits of a “No-Disturb Zone” at a distance of 25 feet from the outermost wetland boundary, any proposed or existing areas subject to a Conservation Restriction or Conservation Easement, and the limits of the 100-foot and 150-foot buffer zones;

3. Noted features shall be colored as follows: bordering vegetated wetlands shall be shown in green; water bodies shall be shown in blue; limits of flooding shall be shown in purple; limits of the inner (100-foot) and outer (200-foot) riparian zones shall be shown in orange; erosion controls shall be shown in brown; buffer zone limits shall be shown in black;

4. All work proposed on site, with detail sheets showing all alterations within or within close proximity to the wetland areas on site. Detail plans with cross-sections shall be provided for any areas where flood storage is lost, for all proposed compensatory flood storage areas, and all proposed restored or replaced wetlands with a planting plan showing size, species and spacing of plantings;

5. Existing stone walls, trees (3-inch caliper or larger), rock ridges and outcroppings;

6. Location, extent and area of all existing and proposed structures, roadways, paved areas, walkways, septic systems, wells, tanks, utility and drainage easements;

7. Proposed lowest elevation of cellars or floors;

8. Existing and proposed location, rim elevation and invert elevation of all catch basins, drains, culverts and other drainage structures immediately upstream and downstream of the site, as well as those on-site;

9. Details and locations for all erosion control measures proposed during construction;

10. Proposed permanent pollution control devices on-site, such as: hooded catch basins, flow dissipaters, stormceptors, and/or vegetative buffers;

11. Cross-sections showing existing and proposed slope, elevations, bank and bottom conditions of each water course to be altered. Locations of cross-sections shall be specified;

12. Proposed location of any fill material or other materials which will be stored and/or stockpiled on site, including proposed erosion and sedimentation control measures;

13. A notation stating the location and elevation of the bench mark used for the survey and datum;
14. The “limit of work” line;
15. Proposed snow storage areas;
16. Construction details of all proposed stormwater Best Management Practices (BMPs).

### **SECTION VI Public Hearings**

Public hearings on applications filed pursuant to the ordinance may be conducted simultaneously with public hearings held pursuant to MGL Chapter 131 s.40, as amended. The Commission will not open a public hearing on a Notice of Intent Application or on An Abbreviated Notice of Resource Area Delineation until the Massachusetts Department of Environmental Protection (MA DEP) has issued a file number for the project. Further, the Commission will not open a public hearing on a Request for a Determination of Applicability, Abbreviated Notice of Resource Area Delineation or Notice of Intent, until required filing fees and proof of notification to abutters has been submitted.

### **SECTION VII Permits and Decisions**

- A. As part of a permit issued pursuant to this ordinance, the Commission shall impose such conditions as are necessary to protect the values of wetlands, related water resources and adjoining land areas under its jurisdiction.
- B. If the Commission deems that the interests stated in the Ordinance are not adequately protected under the terms of the petitioner’s proposal, the Commission may refuse to issue a permit. When the Commission votes to deny a permit, it shall issue a written decision.
- C. The Commission may require, as a condition of the permit, that certain work shall be performed within specific periods of time.
- D. Permits approved pursuant to this ordinance may be combined and released with an Order of Conditions which may be issued pursuant to MGL Chapter 131 s. 40, as amended.
- E. Copies of permits and decisions issued pursuant to this Ordinance shall be sent to the City Clerk, Building Commissioner and any City Department, Board, Public

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Official who has either submitted comments to the Commission on the proposal or who has requested a copy of the permit/decision.

- F. The Commission may issue an Extension Permit for one or more periods of up to three years provided that a written request for an extension is filed at least thirty days prior to the expiration date of the permit. The Commission may deny issuing an extension permit for projects which have not commenced or which have outstanding violations.
- G. The Commission may revoke or modify a permit issued under the Ordinance if any of the following circumstances occur:
  - a. The petitioner and/or successors fail(s) to comply with the terms of the permit;
  - b. The petitioner and/or successors fail(s) to comply with the terms of the other city permits which have been issued for the project and the issuing authority has requested, in writing, that the Commission revoke or modify the wetlands permit.

No revocation or modification shall be voted until after the Commission has conducted a public hearing on the matter.

**SECTION VIII Pre-Construction Requirements**

- A. Prior to commencement of site alteration, the petitioner shall provide to the Commission receipted proof that the Order has been recorded in the Chain of title of the subject property at the Middlesex County Registry of Deeds.
- B. Prior to commencement of site alteration, the petitioner shall display at the entrance of the site a sign, at least 2' x 2' and no larger than 3' x 3', giving the wetlands Ordinance file number assigned to the project as follows: "WOBURN WETLANDS PERMIT NO. \_\_\_\_\_" or "WWP # \_\_\_\_". The sign shall be displayed at all times and shall not be removed until a final release has been issued by the Commission. The sign, in appropriate cases, may be the same sign as that required by an Order of Conditions, provided that the words "WOBURN WETLANDS PERMIT NO. \_\_\_\_\_" or "WWP # \_\_\_\_" are displayed.

**SECTION IX Appeal**

Any person aggrieved by the decision of the Commission, whether or not previously a party to the proceeding, may appeal according to the Massachusetts General Laws.

This appeal shall be made within 10 days of the date of the signing and/or issuance of said decision, whichever is the later. Notice of the appeal and a copy of the

complaint shall be sent by certified mail, or hand-delivered, to the Commission, its authorized representative or assigns, and the City Solicitor so as to be received within 10 days.

The appeal shall contain any facts pertinent to the issue, a copy of the decision being appealed, bearing the date of filing thereof, the complete name and address of the party filing the appeal, the name and address of the attorney, if any, representing the person filing the appeal and the relief being sought.

If the complaint is filed by some person or persons other than the original applicant, appellant or petitioner, such original applicant, appellant and all members of the Commission shall be named as parties' defendant.

### **SECTION X Final Release**

Upon completion of the project, the applicant shall request in writing from the Commission a Final Release. The request shall be accompanied by (unless waived by the Commission) an "as built" plan and engineer's certification of the project's compliance with the permit.

If, after a site inspection, the Commission determines that the requirements of the permit have not been satisfactorily met, the request for a final release may be denied. The decision, along with the reasons for denial, shall be forwarded to the applicant within 21 days of the receipt of the request.

The Commission may specify on the Final Release, that certain conditions of the permit, such as maintenance of BMPs, control of erosion, and any imposed site restrictions, continue perpetually and do not expire with the issuance of the Final Release.

The person to whom the Final Release is issued shall forthwith record the Final Release in the Registry of Deeds in the chain of title of the affected property and shall notify the Commission, in writing, that said recording has occurred, providing the book and page numbers of recordation.

The Request for a Final Release may be combined with a Request for a Certificate of Compliance for the same project. The Final Release may also be combined with the Certificate of Compliance.

**SECTION XI Performance Guarantee**

A. Bond or Surety

The Commission may require the applicant to file a surety company performance bond or a deposit of money or negotiable securities in an amount determined by the Commission to be sufficient to cover the cost of all or any part of the site alterations specified in the Permit and/or shown on the plans approved by the Commission.

B. Covenant

The Commission may require the applicant to secure the performance and observance of conditions imposed on the project, by a conservation restriction, easement or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of the City and members of the public, whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed.

C. Reduction of Bond or Surety

The Penal Sum of any required bond, or the amount of any deposit held hereunder may, from time to time, be reduced by the Commission and the obligations of the parties thereto release by the commission in whole or in part.

D. Release of Performance Guarantee

Upon completion of site alterations required in the permit, security for the performance of which was given by bond, deposit or covenant, or upon the complete performance of the covenants with respect to the site, the applicant may request and agree on terms of release with the Commission.

If the Commission determines that said alterations have been completed in compliance with the conditions of the permit, it shall release the interest of the City in such bond and return the bond or the deposit to the person who furnished same, or release the covenant, if appropriate.

If the Commission determines that said alterations have not been completed in compliance with the permit, it shall, within 45 days of the request for a release of the performance guarantee, specify to the applicant, in writing, the details wherein said alterations fail to comply with the permit.

**SECTION XII Availability of Regulations**

Copies of the Rules & Regulations for the Administration of the Woburn Wetlands Ordinance shall be made available for purchase from the Commission.

**SECTION XIII Amendments**

These rules and regulations may be amended from time to time by a majority vote of the Commission.

Prior to taking a vote on an amendment, the Commission shall have held a public hearing on the proposed change(s).