# SANDWICH CONSERVATION COMMISSION
## MEETING NOTICE
### 2020

<table>
<thead>
<tr>
<th>Submission Deadline No Later Than 12:00 PM</th>
<th>Sandwich Enterprise Issue</th>
<th>Meeting Dates Begin at 7:00 PM</th>
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<td>December 26, 2019</td>
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**SUBMISSION DEADLINE IS 12:00 P.M.**

**ONLY 5 NEW HEARINGS WILL BE SCHEDULED FOR EACH MEETING**

Revised Plans and/or Information for NEW Hearings or as requested by the Conservation Commission for Continued Hearings, MUST be turned into the Commission Office no later than 12:00 PM on the Friday prior to the public or continued hearing date, this includes any and all information for Informal or Miscellaneous requests made by a Property Owner or Representative to come before the Commission. Failure to comply may cause the Board to delay its decision until the next available public hearing date to allow for a suitable review of the information submitted.

Each deadline is set and published to allow sufficient lead-time to process applications and advertise hearings in the Sandwich Enterprise. All meetings will be held at 7:00 PM at the Sand Hill School Community Center located at 16 Dewey Avenue, Sandwich, MA

UNLESS OTHERWISE POSTED ON AGENDAS
Sandwich Conservation Commission Bylaw Fee Schedule

TYPE

Notice of Intent (NOI) & Amendments to NOI

ALL PROJECTS (includes environmental review fee and permit fee)
Category 1 (deck, small alteration/landscaping project (<500 SF)) $450
Category 2 (single lot, single family house, garage, septic, pool, landscaping, freshwater docks (>500 SF)) $500
Category 3 (commercial, cottage colony) $550
Category 4 (coastal projects (docks, revetments, coir projects, dune nourishment)) $600
Category 5 (subdivisions (roads, utilities, drainage)) $650
Complex NOI (add $150 to fee)
Abbreviated NOI (subtract $75 from fee)
Amendment to an Order of Conditions: Requires a current valid Order of Conditions $235

Request for Determination of Applicability (RDA)

ALL PROJECTS (includes environmental review fee and application fee)
Wetlands delineation, percolation tests, septic $235
Construction approval including a Wetlands Delineation and/or Perc Tests, Gas lines $250
Legal Ad – check payable to Falmouth Publishing $12
Abutters List must be acquired from the Assessor’s office (fee applicable) for both NOI’s and RDA’s. 508-888-0157
Administrative Review of Minor Projects $110

After the Fact Filing Fees: Except for emergency applications or requests, the fees for after-the-fact filings shall be DOUBLE those that would normally be assessed.

Certificate of Compliance:
Application and 1st inspection COC $75
2nd inspection $50
3rd and each subsequent inspections $100

Request for Extension for Order of Conditions: Requires a valid Order of Conditions $75
Request for Emergency Certification Permit: $235
Restoration Order: Orders are issued to correct un-permitted alterations of a resource area or buffer zone. $200

Duplicate Documents:
Duplicate Original Order of Conditions $50
Duplicate Original Certificate of Compliance $50
Duplicate Original Extension (for an Order of Conditions) $50

DEP Wetland Bylaw Fee:
When a NOI is filed for a project that will be reviewed strictly under the Sandwich Wetlands Bylaw, the same filing fee schedule established for NOI’s under the Wetlands Protection Act (WPA) will be applied. Filings combined with the WPA will not be charged a separate Bylaw application fee. A local bylaw permit fee will be assessed, upon receipt of the permit.

Where to File DEP Portion: Dept. of Environmental Protection, Box 4062, Boston, MA 02211.
Where to File Town of Sandwich Portion: File local portion of the state filing fee with the NOI at the time of submission.
## Town of Sandwich NOI/RDA Fee Transmittal Form

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<td>(RDA includes Environmental Review &amp; App Fee)</td>
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<td>Legal Ad Fee – Check payable to Falmouth Publishing</td>
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<tr>
<td>WPA Fee – Check payable to Town of Sandwich</td>
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FILING INSTRUCTIONS
FOR
REQUEST FOR DETERMINATION OF APPLICABILITY (RDA)
TOWN OF SANDWICH WETLANDS PROTECTION BYLAW
Town of Sandwich Bylaws, Chapter 7

PREFACE

These guidelines are promulgated pursuant to the Sandwich Wetlands Bylaw, Chapter 7 of the Town of Sandwich Bylaws, and are intended to establish criteria and standards for the uniform submission of (filings and) information to the Commission.

Requests may, at the Conservation Commission's discretion, be combined with the Request for Determination of Applicability filed in accordance with MGL 131 s.40, and 310 CMR 10.00. The application and supporting data shall be filed in accordance with the bylaw regulations, by Certified U.S. Mail, return receipt requested or by receipted hand delivery to the Department of Natural Resources (DNR) office. The filing may be rejected by the Commission or DNR staff for failure to meet the minimum submission standards or for failure to file adequate supporting data. The applicant or their representative shall be notified by phone or in writing of the rejection within five (5) working days of the decision date.

To ensure proper review, the Conservation Commission strongly encourages the proponents of a project to arrange an initial consultation with the Natural Resources Department, well in advance of the submission to discuss the project details and draft plans regarding compliance with the Commission’s regulations. Applications that have been filed without the benefit of the initial consultation may result in a continuance to afford the Commission the opportunity to consult with the Natural Resources Department staff. The Commission reserves the right to exercise its discretion to reject or deny applications that are severely deficient.

AUTHORITY: Work, within wetland resource area(s) and its protective buffer zone(s), in Sandwich is administered under the Wetlands Protection Act (Chapter 131 s. 40) and the Sandwich Wetland Bylaw (Town of Sandwich Bylaws, Chapter 7). One form, normally, may be used to satisfy the filing of an application under each authority. Filings made strictly under the Sandwich Wetlands Bylaw must use Town of Sandwich Forms.

REVIEW: “No person shall remove, fill, dredge or alter” a wetland resource area(s) or within one hundred (100) feet of any wetland resource area(s) without first receiving permission from the Conservation Commission in the form of a Determination of Applicability. (Determinations are generally reserved for simple projects with few or no impacts and those not actually within resource areas. Large and/or complex projects and those within Resource Areas likely will require the filing of a Notice of Intent.)

RDA Filing Instructions 7.9.2020
WHEN TO FILE: As soon as the appropriate application and supporting data are completed and ready for submission. Contact the Department of Natural Resources Office to determine if a pre-application review with the DNR staff is warranted for your project. Other requests for permits or approvals, (e.g. Board of Health), should be filed simultaneously with the Request for Determination of Applicability.

WHERE TO FILE APPLICATIONS: Department of Natural Resources, 16 Jan Sebastian Drive, Sandwich, MA 02563 and the Wetlands Section, Southeast Regional Office of the Department of Environmental Protection (SERO-DEP), 20 Riverside Drive, Lakeville, MA 02347. Hand deliver with receipt or deliver via Certified U.S. Mail, return receipt requested. If a project lies within an Estimated Habitat for rare species the Massachusetts Natural Heritage and Endangered Species Program must receive a copy of the filing and supporting data by Certified U.S. Mail. To provide a more efficient processing of a filing, applications must be submitted directly to the DNR secretary between the hours of 8:30 AM - 4:00 PM.

PUBLIC HEARING: A public hearing is held for each filing.

NOTICE TO PUBLIC: A legal advertisement is published in the Sandwich Enterprise, contracted by the Town for those services. The Legal Ad for the newspaper will be prepared by the DNR secretary and e-mailed to the newspaper. The Applicant or his/her representative will be responsible for paying the publishing fee of $12.00 along with other fees at the time of filing. Please make the check payable to Falmouth Publishing. Under the Town of Sandwich Wetland Bylaw regulations and, abutters within one hundred (100) feet of the property lines of the subject parcel must be notified by Certified U.S. Mail or hand delivery at the time of filing within twenty four (24) hours. The notification must include a summary of the work proposed. The notice shall be sent via certified mail, return receipt requested as part of this abutters notification. (See #5 Abutters Notification – pg. 4.)

NOTICE OF SERVICE: The notice of service (certified mail) white/green proof of mailing receipts should be emailed to the DNR office at hhawkins@sandwichmass.org once the mailing has been done. However, they will be accepted no later than at the first hearing. These shall include all receipts of service to the owner, all abutters, the Southeast Regional Office of the Department of Environmental Protection (SERO-DEP) and if applicable the Natural Heritage Program.

FILING FEES: The Request for Determination of Applicability filing fees are set by regulations adopted under the authority of the Sandwich Wetlands Bylaw, and adopted by the Board of Selectmen. The applicable fees may be found on the most recent Fee Schedules. Please note: A $12.00 check payable to Falmouth Publishing for the Legal Ad must be included along with other fees at the time of filing.
RDA SUBMISSION REQUIREMENTS

REQUEST FOR DETERMINATION OF APPLICABILITY (RDA)

The Request for Determination of Applicability (RDA) is the name of the application used by the Conservation Commission to review and endorse delineations of resource area(s) defined under the Wetland Protection Act and the Sandwich Wetlands Bylaw. The Conservation Commission may use the RDA to review some activities such as test holes for septic installations and some minor activities in the furthest reaches of the buffer zone. The Sandwich Conservation Commission would advise the use of an ANRAD (Abbreviated Notice of Resource Delineation) filing for resource area delineations, if no building project is proposed. All forms must have an effective date of no earlier than April 01, 1994 and the "Town of Sandwich Wetlands Bylaw, Chapter 7" inscribed under the form heading or they will not be accepted. The filing forms are available at the Natural Resources Department and online at www.mass.gov.

In the case of a confirmation of the edge of a resource area, the edge of the resource area(s) shall be identified (flagged) in the field by a professional (see qualifications). A detailed field report and an appropriate number of Appendix G (310CMR10.55) forms (to be determined by the Conservation Commission) shall be submitted for each flagged station describing the particulars of the delineation details. Two (2) original sets of plans stamped/signed and site plan(s) locating the line(s) shall accompany the Request. The RDA shall contain sufficient information as to enable the Conservation Commission to find and view the area(s), to determine the limits of the resource area(s), if applicable and/or the proposed site alterations to the resource area(s) and/or its buffer zone(s). The Conservation Commission will determine through this process, if a more detailed review through a Notice of Intent (NOI) will be required.

1. **RDA APPLICATIONS:** ONE (1) stapled original signed application and ONE (1) copy of the application and TWO (2) original sized/stamped sets of plans and supporting data (e.g. sketch plan, certified plot plan or survey plan showing setback distances to the edge of the resource area(s) etc.) are to be filed with the Town of Sandwich Department of Natural Resources prior to the pre-established submission deadlines by receipted hand delivery or by Certified U.S. Mail, return receipt requested.

2. **COMMISSIONERS MATERIAL:** All Commissioners material must be submitted to the Department of Natural Resources office by email at the time of submission. Email application and plans to naturalresources@sandwichmass.org.

3. **RDA APPLICATIONS (DEP):** Contact the Department of Environmental Protection for their filing requirements.

4. **PRE-CONSTRUCT PHOTOS:** Colored photos depicting all area(s) affected by proposed work must be submitted at time of filing.
5. **PLANS:** All Formal plans submitted must be stamped, signed and dated by the appropriate discipline(s) (Professional Engineer, Professional Land Surveyor, Landscape Architect, Structural Engineer, Sanitarian (for septic design only), etc.) as per Massachusetts General Laws (MGL) Ch. 112 s. 81D-81T; Ch. 13 s.45-47; Ch.7 s.38A; Ch. 143 s.93-100; 250 CMR and 780 CMR. **TWO (2) original stamped/size of plans (site, re-vegetation, house, foundation) to be submitted along with the applications.** At its discretion, the Conservation Commission may accept less formal plans in place of engineered plans depending on the circumstances and complexity of the project and its proximity to the edge of the resource area(s). The request to utilize less formal plans shall be made to the Conservation Commission or the Natural Resources Department, in writing, prior to filing.

**Site plans** shall identify all resource area(s), critical habitat, distance(s) from alteration(s) to resource area(s), distance(s) to structure(s), proposed and existing, from resource area(s), other structures or facilities such as wells, storage tanks, drainage structures, significant resource(s)(trees), ACEC's, vernal pools and all lands subject to DEM Wetland restrictions. Site plans shall use linear topographic contours (elevations), show profile of all grades (existing and proposed), spot grades will be accepted in certain cases and edges of flood zones. Each site plan must have a graphic scale (1"=20'), and be based on North Atlantic Vertical Datum of 1988. All plans shall be prepared per MGL and the appropriate CMR and shall contain all information as specified in 250 CMR 6.01 - 6.03.

**Vegetation Plans** shall include existing and proposed vegetation/landscape features, proper erosion controls. Proposed vegetation should include a list of preferred species.

**House Plans** showing size and design of structures, floor plans (existing and proposed), type of foundation to be utilized and locations of other facilities such as oil or propane storage tanks. In VE and AE zones, the foundation plans must be prepared, stamped, signed and dated by a Massachusetts structural engineer.

6. **ABUTTERS NOTIFICATION:** A certified list of owner(s) of record and all abutters within 100 feet of the subject property must be obtained, for a fee, from the Assessing Department at the Town Offices Building located at 16 Jan Sebastian Drive, Sandwich. The Assessing Department has up to ten (10) working days (per MGL) to produce this certified list. A copy of the Sandwich Assessor's Map on which the subject lot(s) and said abutter lots are shown, shall be submitted with the filing as well as an 8x11 copy of all abutters white certified slips received at Post Office when mailing abutters notification. Abutting lots shall be highlighted with the owners names written on the copy filed with the Commission. Failure to comply with proper owner or abutter notification shall cause the hearing to be continued to a specific date after proper notification has taken place.

7. **APPENDIX G:** A detailed report and an appropriate number of Appendix G (310CMR10.55) forms (to be determined by the Commission) shall be submitted for each flagged station describing the particulars of the delineation methodology. This shall be included with the RDA or ANRAD. The plans(s) must show (labels) of all resource area(s) (seasonal, perennial, natural, man-made), vernal pools, critical habitat, and the edge of the one hundred (100) foot jurisdictional buffer zone and the edge of the fifty (50) foot (no alteration setback) buffer area. If
a bordering vegetated wetland (BVW) or other resource area is present it shall be keyed on the site plan to the field flags at no greater than fifty (50) foot intervals. The delineation flags shall be carried a minimum of fifty (50) feet, (two (2) flags), onto adjacent properties. The edge of Salt Marsh shall be delineated by vegetation and surveyed elevation of the highest tide. When present, land subject to flooding or coastal storm flowage; the high hazard velocity zone (V zone) and the one hundred (100) year (A,AE, AO zone) still water flood boundary as it extends on the lot, shall be shown and labeled on the plan.

8. **LOCUS MAP:** A locus map is required, clearly delineating the location of the project or work site and the nearest major street(s) shall be attached to each application.

9. **WETLAND (VEGETATION) DELINEATION:** Shall be completed by an individual who holds a minimum of a Master's degree in wetland or wildlife biology, botany and has three (3) years of field experience or equivalent acceptable to the Commission. Society of Wetlands Scientist (SWS) certification or seven (7) years of professional experience as a practicing wetland scientist may be substituted for the educational requirement. The individual shall present the Conservation Commission with a resume of past experience, for the Commission's review. Bordering Vegetated Wetland (BVW) delineations shall follow the DEP regulations 310 CMR 10.55. Coastal Bank delineations shall follow the DEP Coastal bank Policy. Coastal dune delineations shall follow the criteria established by DEP’s regulations.

10. **NATURAL HERITAGE PROGRAM:** If the project lies within an Estimated Habitat for State Listed Rare Wetlands Plants and/or Wildlife as identified by the wall map in the Conservation Commission office (i.e., the current MNHESP Estimated Habitat Maps), 1 copy of the application, plan(s) and locus map shall be delivered by U.S. Certified Mail (return receipt requested) or received hand delivery, to the Natural Heritage Program. The notice of service shall accompany the application abutter notification white slips.

11. **UPDATED INFORMATION:** Any Additional updated information to be submitted after initial filing, including all revised plans, must be delivered to the Natural Resources Office no later than 12:00 Noon the Friday prior to the next hearing. Information presented after 12:00 Noon the Friday prior to the next meeting or at the hearing may result in a continuation, to be scheduled for the next available hearing date to allow adequate time for the Commission and staff to review the new, updated information.

12. **REPRESENTATION:** To clarify the authority of the representative (i.e., engineer or consultant), the Commission will require applicants who are not representing themselves, to submit with the RDA, a form authorizing an individual or firm to act as the sole agent for the applicant at all reviews, submissions, hearings, appeals and identify the party who will receive the Determination. The Conservation Commission will not review or approve work on or access onto or over public lands or the land of another private or public entity, other than the applicant, without written notarized evidence of authorization for the applicant to conduct such work or enter onto their lands.
REPRESENTATIVE DESIGNATION

Date: __________________________

I __________________________, hereby designate __________________________

(Applicant) (Representative)

as my/our representative for all information, on-site reviews, public hearings, and correspondence with the Commission relative to the Request for Determination of Applicability application for work proposed at __________________________,

(Project Address)

submitted __________________________. Please keep the representative informed of __________________________ (Date)

the status of any changes in procedures specifically affecting my/our application(s). I will raise any questions regarding this project through my/our representative.

The Determination of Applicability shall be sent to:

Name: __________________________

Address: __________________________

Telephone Number: __________________________

Signature of Applicant: __________________________

Signature of Property Owner: __________________________

PLEASE PRINT OR TYPE
WAIVER REQUEST

Commissioner:

I/We hereby waive the benefit of the time requirements set forth in Chapter 7 of the Town of Sandwich Wetlands Bylaw, which requires a Public Hearing must be held within twenty-one (21) days after the submission of the Notice of Intent or Request for Determination of Applicability.

Under this waiver the Public Hearing shall be held within forth (40) days of the filing of a complete Notice of Intent or Request for Determination of Applicability.

_________________________________  ________________________________________
Date  Applicant/Representative

Applicant’s Name__________________________________________________________

Address___________________________________________________________________

Town__________________________ State__________________________

Telephone: (    ) _______________________________________________________

Project Location: _______________________________________________________

Assessor’s Map___________ Parcel/Lot No._______________________________

Project type (Description)________________________________________________

____________________________________________________

Applicant’s Signature: ___________________________________________
NOTIFICATION TO ABUTTERS UNDER THE
MASSACHUSETTS WETLANDS PROTECTION ACT

Sandwich Conservation Commission Meetings will be held via Zoom Video Conference until further Notice.

Public comment will ONLY be accepted via email at publiccomment@sandwichmass.org.

Comments must be received prior to and/or during this application’s public session.
Once the Commission has closed the application ‘to take under advisement’ or ‘to continue’, public comment will no longer be accepted.

If this application is continued comments will be accepted following the above protocol.

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, you are hereby notified of the following.

A. The name(s) of the applicant is ____________________________________________

B. The applicant has filed either a Notice of Intent, a Request for Determination of Applicability or an Amendment to an existing Order of Conditions with the Sandwich Conservation Commission, seeking permission to remove, fill, dredge or alter an Area Subject to Protection under the Wetlands Protection Act (General Laws Chapter 131, Section 40).

C. The address of the lot where the activity is proposed is _____________________________

D. Project Description [to be taken from Section A6 on DEP Form 3 Notice of Intent] __________________________________________________________

E. Copies of the Notice of Intent may be examined at the Department of Natural Resources at 16 Jan Sebastian Drive, Sandwich, MA 02563. Between the hours of 8:30 AM and 4:00 PM, Monday – Friday. For more information, call: (508) 833-8054.

F. Copies of the Notice of Intent may be obtained from the Department of Natural Resources, please email hhawkins@sandwichmass.org.

G. Information regarding the date, time, and place of the public hearing may be obtained from the Department of Natural Resources, by calling this telephone number 508-833-8054.

Note: Notice of the public hearing, including its date, time and place, will be published at least five (5) days in advance in the Sandwich Enterprise Newspaper.

Note: Notice of the public hearing including its date, time and place will be posted in the City or Town Hall not less than (48) forty eight hours in advance.

Note: You may also contact your local Conservation Commission at 508-833-8054 or the nearest Department of Environmental Protection Regional Office for more information about this application or the Wetlands Protection Act.

To contact DEP, call:

Central Region: 508-792-7650
Southeast Region: 508-946-2800

Northeast Region: 617-935-2160
Western Region: 413-784-1100
LIST OF ABUTTERS
REQUEST FOR CERTIFICATION

NOTE: PLEASE ALLOW TEN BUSINESS DAYS FOR A LIST TO BE CERTIFIED BY ASSESSORS, PER MGL 66, S.10. LISTS ARE CERTIFIED ON A ‘FIRST COME, FIRST SERVE’ BASIS, PLEASE PLAN YOUR TIME FRAME ACCORDINGLY.

DATE OF REQUEST __________________ PERSON REQUESTING CERTIFICATION ___________________

CONTACT PHONE NUMBER AND/OR EMAIL: __________________________________________________________

SIGNATURE: ________________________________________________________________________________

NAME OF PROPERTY OWNER/APPLICANT: ___________________________________________________________

STREET LOCATION OF PROPERTY: ________________________________________________________________

MAP NUMBER: ________ PARCEL NUMBER: ________

NUMBER OF ABUTTERS ON LIST ________ (INCLUDES OWNER)

THE APPLICATION IS FOR:

______ Board of Appeals (Variance, Special Permit, Comprehensive Permit)

______ Planning Board (Special Permit)

______ Planning Board (Definitive Plan)

______ Selectmen (Road Taking)

______ Selectmen (Utility/Pole Location)

______ Selectmen (Gasoline/Oil Storage Tank)

______ Selectmen (Liquor License)

___ X___ Conservation Commission (Notice of Intent/Request for Determination of Applicability)

______ Historic District (Certificate of Appropriateness/Demolition or Removal)

______ Board of Health (Site Assignment)

______ Other (specify)

Certified Abutters’ List Must Be Paid In Advance.

THANK YOU.

******************************************************************************

For Assessors Use

______ The attached list has more than three errors. Please submit a corrected list.

______ The attached list is certified to be a correct listing of abutters for the described application based on the most recent tax list.

Fee: __________________ Date Paid: __________________ Method of Payment: __________________

Employees Initials: __________________ Certified By: __________________
**Instructions for Completing Application**

**WPA Form 1 – Request for Determination of Applicability**

*Please read these instructions before completing the Request for Determination of Applicability (WPA Form 1) for more information on certain items that are not self-explanatory.*

**Purpose of the Request for Determination of Applicability**

The Request for Determination of Applicability is a process which provides applicants with the option of seeking a determination on the applicability of the Wetlands Protection Act (the Act) to a proposed site or activity. Before filing this form to confirm the boundary delineation of a resource area, the applicant should discuss other delineation review options with the Conservation Commission. The Commission may require the submission of WPA Form 4A (Abbreviated Notice of Resource Area Delineation), WPA Form 3 (Notice of Intent), or WPA Form 4 (Abbreviated Notice of Intent).

The applicant is responsible for providing the information required for the review of this application to the issuing authority (Conservation Commission or the Department of Environmental Protection). The submittal of a complete and accurate description of the site and project will minimize requests for additional information by the issuing authority which may result in an unnecessary delay in the issuance of a Determination of Applicability.

The issuing authority also may require that supporting materials (plans and calculations) be prepared by professionals including, but not limited to, a registered engineer, registered architect, registered landscape architect, registered land surveyor, registered sanitarian biologist, environmental scientist, geologist, or hydrologist when the complexity of the proposed work warrants specialized expertise.

To complete this form, the applicant should refer to the wetlands regulations (310 CMR 10.00) which can be obtained from the Department's web site at [www.mass.gov/dep](http://www.mass.gov/dep). Regulations are available for viewing at public libraries and county law libraries across the state, as well as at the Department's Regional Service Centers. Regulations also are available for sale from the State House Bookstore (617.727.2834) and State House Bookstore West (413.784.1378).

**Completing WPA Form 1**

**Section B: Determinations.** The Request for Determination of Applicability can be used for a variety of purposes. Check one or more of the boxes under the following circumstances.

1a. To determine whether the Act applies to a particular area of land. Areas subject to jurisdiction are described in the wetlands regulations at 310 CMR 10.02.

1b. To confirm the precise boundaries of any delineated wetland resource area. NOTE: before checking 1b., consult the Commission to determine whether it will provide confirmation of wetland resource area boundaries in response to the filing of WPA Form 1. If the request is filed for a determination of Bordering Vegetated Wetlands (BVW) boundary, the Commission may require applicants to file WPA Form 4A (Abbreviated Notice of Resource Area Delineation), WPA Form 3 (Notice of Intent), or WPA Form 4 (Abbreviated Notice of Intent) to obtain confirmation.

1c. To determine whether the Act applies to work which is planned within a wetland resource area or within the Buffer Zone to a resource area. Work subject to jurisdiction is described in the wetlands regulations at 310 CMR 10.02.
1d. To determine whether the city or town has a local wetlands ordinance or bylaw which applies to any particular area of land and/or to work which is planned within this area of land.

1e. To determine the scope of alternatives to be considered for work in the Riverfront Area. The scope of alternatives which must be considered for various types of projects in the Riverfront Area is contained in the wetland regulations at 310 CMR 10.58(4)(c)2.

In order for the reviewing agency to obtain a complete description of the project site, resource area boundaries must be clearly delineated. Further explanation of Boxes 1a – 1e follows.

Resource Areas: Boundaries.
For boundaries of inland resource areas (including the Riverfront Area, which may be either inland or coastal), refer to subsection (2), "Definitions, Critical Characteristics and Boundaries" for each resource area covered under 310 CMR 10.54 – 10.58.

For boundaries of coastal resource areas, refer to the definitions in 310 CMR 10.04 and 10.24 for each resource area covered under 310 CMR 10.25 – 10.35, as well as in the text of Section 10.25 – 10.35.

The boundary of the Buffer Zone is determined by measuring 100 feet horizontally from those areas specified in 310 CMR 10.02(1)(a).

1a. Describe the site and, if possible, the boundary of any area that may be subject to protection under the Act (including the Buffer Zone).

1b. As noted earlier, 1b, should only be checked with approval of the Conservation Commission. If checked, submit:
   • plans identifying the precise boundaries of the resource area(s) delineated;
   • method used to determine the boundaries of Bordering Vegetated Wetland. Note whether the boundary was delineated based on the presence of one or more of the following:
     • 50% or more wetland indicator plants
     • Saturated/inundated conditions
     • Groundwater Indicators
     • Direct Observation
     • Hydric soil indicators
     • For disturbed sites: specific, credible evidence of conditions prior to disturbance.

Use one of the methods indicated above to determine the boundaries of Bordering Vegetated Wetlands (BVW). On the form, check all the methods that are used to determine the boundary. These methods are discussed in the wetland regulations at 310 CMR 10.55(2)(c). When undertaking BVW delineations, whether by vegetation alone or by vegetation and other indicators of wetland hydrology, applicants are encouraged to use the Department's BVW Handbook: Delineating Bordering Vegetated Wetlands Under the Massachusetts Wetlands Protection Act (1995). This document is available for purchase from the State House Bookstore (617.727.2834) and State House Bookstore West (413.784.1378). The Department encourages applicants to complete the BVW Field Data Form contained in the handbook and submit it with the Request for Determination of Applicability. If detailed vegetative assessments are not required for a particular site, the reasons should be noted on the Field Data Form.

1c. Describe the boundaries of all resource areas and Buffer Zones where work will occur or which could be impacted by the work.
1d. Describe the site, and if possible, the boundary of any area that may be subject to a municipal wetlands ordinance or bylaw. If there are areas on the site which are not subject to the Wetlands Protection Act, but which may be subject to a municipal wetlands ordinance or bylaw (if any), specifically note the boundaries of such areas. Describe all areas where work is planned if such work may be subject to a municipal wetlands ordinance or bylaw.

1e. Indicate the precise location of all work relative to the boundaries of the Riverfront Area.

Section C: Project Description. In this section, the applicant must describe the area and proposed work (if any) subject to the Request. The type of information required depends, in part, on the type of determination requested in Section B. In all cases, the applicant should describe the site based on resource areas jurisdiction and boundaries under the Wetlands Protection Act and regulations.

1a. Location. Include a street address (if one exists) and, if known, the Assessors map or plat number, the parcel number, and the lot number. The map or plat, parcel, and lot numbers must be included if the lot subject to the Request does not contain a residence, school, or commercial or industrial establishment, or if the lot is being subdivided.

1b. Area Description. The area should be described in narrative form. If needed, attach additional sheets for a more complete description of the area; a map or plan may also be used as part of the area description (see instructions for 1c for plan and map requirements).

1c. Plan and/or map reference(s). On the application form, list the titles of all attached plans and maps, as well as, the most recent revision date.

Submit an 8.5" x 11" section of the U.S. Geologic Survey (USGS) quadrangle or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site.

Plans should be of adequate size, scale, and detail to completely and accurately describe the site, resource area boundaries, and proposed work. The following guidelines are provided to encourage uniformity:

Sheet Size
- Maximum 24" x 36"
- If more than one sheet is required to describe the proposed site and/or proposed work, provide an additional sheet indexing all other sheets and showing a general composite of all work proposed within the Buffer Zone and areas subject to protection under the Act

Scale
- Not more than 1" = 50'
- If plans are displayed, include graphical scales

Title Block
- Included on all plans
- Located at the lower right-hand corner, oriented to be read from the bottom when bound at the left margin.
- Include original date plus additional space to reference the title and dates of revised plans
Massachusetts Department of Environmental Protection
Bureau of Resource Protection – Wetlands Program

WPA Form 1 Request for Determination of Applicability
Massachusetts Wetlands Protection Act (M.G.L. Chapter 131, Section 40)

Instructions and Supporting Materials

2a. Work Description. Work subject to the jurisdiction of the Wetlands Protection Act is described in 310 CMR 10.02. If the Request is for determining jurisdiction over proposed work, the applicant is asked to describe the work in detail. Proposed work can be described in narrative form. If needed, attach additional sheets for a more complete description of the work; a map or plan may also be used to describe the work (see instructions in 1c for plan and map requirements).

Provide the following information, depending on which boxes were checked under Section B:

1c. Describe the proposed work and its precise location relative to the boundaries of each wetland resource area and the Buffer Zone on the site.

1d. Describe the proposed work and its precise location relative to the boundaries of areas which may be subject to municipal wetland ordinance or bylaw.

1e. Describe the proposed work and its precise location relative to the boundaries of the Riverfront Area.

2b. Exemptions. Exemptions are allowed under the Wetlands Protection Act for certain mosquito control, commercial cranberry bogs, agricultural, and aquacultural projects and for projects authorized by Special Act prior to 1/1/73. These exemptions are defined, in part, in 310 CMR 10.03(6) and in the definitions of agriculture and aquaculture in 310 CMR 10.04. In addition, there are exemptions for certain stormwater management projects (310 CMR 10.02(3)); specific minor activities in the Buffer Zone (310 CMR 10.02(2)(b)); and certain other projects in the Riverfront Area (310 CMR 10.58(6)(b)).

3a. Riverfront Area Scope of Alternatives. Complete this section only if 1e. under Section B is checked. In 3a, check one box that best describes the project. The classifications listed in 3a and the scope of alternatives which projects in each classification must analyze are explained in 310 CMR 10.58(4)(c2).

Section D: Signatures and Submittal Requirements
A completed WPA Form 1, with all attachments, must be submitted to the Conservation Commission. Applicants also must send a copy of WPA Form 1 and all attachment to the appropriate DEP Regional Office (see https://www.mass.gov/service-details/massdep-regional-offices-by-community for locations of regional offices and the communities they serve) and to the property owner, if different from the applicant. The original and copies must be sent simultaneously. Failure by the applicant to send the copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Fees
There is no application fee for the Request for Determination of Applicability. However, a notice of the application must be placed in a local newspaper, and published at least five days prior to the hearing, at the applicant's expense. Please contact your Conservation Commission regarding the procedure for public newspaper notice.
Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 1- Request for Determination of Applicability
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. General Information

1. Applicant:

   Name
   
   E-Mail Address
   
   Mailing Address
   
   State
   
   City/Town
   
   Zip Code
   
   Phone Number
   
   Fax Number (if applicable)

2. Representative (if any):

   Firm
   
   E-Mail Address
   
   Contact Name
   
   Mailing Address
   
   State
   
   City/Town
   
   Zip Code
   
   Phone Number
   
   Fax Number (if applicable)

B. Determinations

1. I request the Conservation Commission make the following determination(s). Check any that apply:

   a. whether the area depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
   
   b. whether the boundaries of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
   
   c. whether the work depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
   
   d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any municipal wetlands ordinance or bylaw of:

      Name of Municipality

   e. whether the following scope of alternatives is adequate for work in the Riverfront Area as depicted on referenced plan(s).

________________________________________________________

________________________________________________________

________________________________________________________
C. Project Description

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

   Street Address
   City/Town

   Assessors Map/Plat Number
   Parcel/Lot Number

   b. Area Description (use additional paper, if necessary):

   __________________________________________________________
   __________________________________________________________
   __________________________________________________________
   __________________________________________________________
   __________________________________________________________
   __________________________________________________________
   __________________________________________________________
   __________________________________________________________

   c. Plan and/or Map Reference(s):

      Title
      Date

      Title
      Date

      Title
      Date

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

   __________________________________________________________
   __________________________________________________________
   __________________________________________________________
   __________________________________________________________
   __________________________________________________________
   __________________________________________________________
   __________________________________________________________
   __________________________________________________________
C. Project Description (cont.)

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

☐ Single family house on a lot recorded on or before 8/1/96

☐ Single family house on a lot recorded after 8/1/96

☐ Expansion of an existing structure on a lot recorded after 8/1/96

☐ Project, other than a single family house or public project, where the applicant owned the lot before 8/7/96

☐ New agriculture or aquaculture project

☐ Public project where funds were appropriated prior to 8/7/96

☐ Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision

☐ Residential subdivision; institutional, industrial, or commercial project

☐ Municipal project

☐ District, county, state, or federal government project

☐ Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)
D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

Name
Mailing Address
City/Town
State Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

Signature of Applicant Date

Signature of Representative (If any) Date