



**Note: Prior to any RDA submission a consultation with our Conservation Agent is highly recommended**

**REQUEST FOR DETERMINATION OF APPLICABILITY (RDA)**  
**FILING INSTRUCTIONS**

All Paper and Digital Submissions must be received by the submission deadline, as shown the ‘Sandwich Conservation Commission Meeting Notice’ (attached).

If mailed, must be postmarked by the Submission Deadline.

Refer to “Notes for RDA Submission Requirements” below for details

**TWO (2) PAPER SUBMISSION PACKETS TO INCLUDE THE FOLLOWING:**

1. **Project Description Letter** (Consultant’s/Applicant’s Report)
2. **WPA Form 1 –Request for Determination of Applicability (RDA)** (attached along with “WPA Form 1 – Request for Determination of Applicability Instructions and Supporting Materials” to assist you.)
  - a. One (1) of the two must include original signatures
  - b. “Town of Sandwich Wetland Bylaws, Chapter 7”, must be included under the form heading of page 1
3. **Fee Schedule** (attached)
  - a. Please **do not include copies** of checks/money orders
4. **Color Pre-Construction Photos**
5. **Locus Map**
6. **Wetland (Vegetation) Delineation** with field report and data sheets (applicable only if certified delineation is required by Conservation Commission)
7. **Appendix G** (if applicable)
8. **Representative Designation Form** (attached)
9. **Proof of Abutters Notification**
  - a. **Certified Abutters List** obtained from the Assessing Office (application attached)
  - b. **Notice mailed** (certified) to abutters (sample attached)
  - c. **Copies of all certified (white/green) slips obtained from the Post Office**
    - i. Copies must be emailed to the Administrative Assistant at [conservation@sandwichmass.org](mailto:conservation@sandwichmass.org) prior to the meeting.
      1. **Please note:** If the certified slips are not received prior to or at meeting, the Conservation Commission may open/discuss the project, but will need to continue to the next available meeting.
10. **Proof of STATE submissions** (if applicable)
  - a. Copy of certified mailing (white/green) slip obtained from the Post Office
  - b. See note #10 below for other State submission requirements (if applicable)
11. **Applicable plans**
  - a. Wet/Original stamped, dated and signed
  - b. Legible
  - c. Scaled (1”=20’ )
  - d. Folded to show information block
  - e. Separate site plans to show existing/proposed conditions
    - i. Do not overlay existing/proposed

**DIGITAL SUBMISSION**

All above information scanned and emailed to the Administrative Assistant, at [conservation@sandwichmass.org](mailto:conservation@sandwichmass.org)

**Please do not include copies checks/money orders.**

## **NOTES FOR 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](http://www.mass.gov).

1. **PROJECT DESCRIPTION LETTER**
  - a. Consultant's/Applicant's Report clearly describing proposed project.
2. **WPA FORM 1 –REQUEST FOR DETERMINATION OF APPLICABILITY (RDA)** (attached)
  - a. Refer to WPA Form 1 – Request for Determination of Applicability Instructions and Supporting Materials (attached) for assistance
3. **FEE SCHEDULE** (attached)
  - a. Please **do not include copies** of checks/money orders
4. **PRE-CONSTRUCTION PHOTOS**
  - a. Color photos depicting all area(s) affected by proposed work.
    - i. **Note:** If work is not started within 6 months of submission updated photos may be required.
5. **LOCUS MAP**
  - a. Map must clearly delineate the location of the proposed work site to include the nearest major street(s)
6. **WETLAND (VEGETATION) DELINEATION** (applicable only if certified delineation is required by Conservation Commission)
  - a. 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. 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 (MGL 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
7. **APPENDIX G** (if applicable)
  - a. A detailed report and an appropriate number of Appendix G (MGL 310 CMR§10.55) forms (to be determined by the Conservation Commission) shall be submitted for each flagged station describing the particulars of the delineation methodology
8. **REPRESENTATIVE DESIGNATION FORM** (attached)
  - a. To clarify the authority of the representative (i.e. engineer, attorney or other consultant), the Commission will require with applicants who are not representing themselves, a Representative Designation Form (attached) 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 Order of Conditions (permit). 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

**9. ABUTTERS NOTIFICATION**

- a. Request for Certified Abutters List submitted to the Assessing Department (application attached)
  - i. Certified Abutters List obtained from Assessing Department
  - ii. Proof of Certified mailing (white/green slips obtained from the Post Office) shall accompany the submission
    - 1. Copies must be emailed to the Conservation Administrative Assistant at [conservation@sandwichmass.org](mailto:conservation@sandwichmass.org)
      - a. **Please note:** Failure to comply with proof of proper owner or abutter notification shall cause the hearing to be continued to a specific date after proof of proper notification has taken place.

**10. STATE RESPONSIBILITIES (if Applicable)**

- a. **DEPARTMENT OF ENVIRONMENTAL PROTECTIONS (DEP)** (if applicable)
  - i. Proof of Certified mailing (white/green slips obtained from the Post Office) shall accompany the submission to the Town
    - 1. Copies can be emailed to the Conservation Administrative Assistant
      - a. **Please note:** Failure to comply with proof of applicable proper State Agency(s) notification shall cause the hearing to be continued to a specific date after proof of proper notification has taken place.
- b. **NATURAL HERITAGE PROGRAM (NHESP)** (if applicable)
  - i. If the project lies within an Estimated Habitat for State Listed Rare Wetlands Plants and/or Wildlife as identified on the most current 'Priority Habitats and Estimated Habits' map
    - 1. Visit <https://www.mass.gov/orgs/masswildlifes-natural-heritage-endangered-species-program>
  - ii. One (1) copy of the application, plan(s) and locus map shall be delivered by U.S. Certified Mail (return receipt requested) or receipted hand delivery, to the Natural Heritage Program. Appropriate fee shall be provided as required by NHESP.
    - 1. Proof of Certified mailing (white/green slips obtained from the Post Office) shall accompany the submission to the Town
      - a. Copies can be emailed to the Conservation Administrative Assistant
        - i. **Please note:** Failure to comply with proof of applicable proper State Agency(s) notification shall cause the hearing to be continued to a specific date after proof of proper notification has taken place.
- c. Refer to WPA Form 1 – Request for Determination of Applicability Instructions and Supporting Materials (attached) for assistance
  - i. If further clarification is required you will need to contact the appropriate State Department

## 11. PLANS

- a. All plans submitted must be legible and original/wet stamped, signed and dated by the appropriate discipline(s). i.e. Professional Engineer, Professional Land Surveyor, Structural Engineer, Landscape Architect, Sanitarian (for septic design only), etc. per (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)
  - i. Upon written request from applicant, the Conservation Commission, at its discretion, 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)
    1. **Site plans** shall identify: existing and proposed conditions (not overlaid), all resource area(s), critical habitat, distance(s) from alteration(s) including distance(s) to building(s), proposed and existing, other structures or facilities such as wells, storage tanks, drainage structures, and areas of regrading and/or re-landscaping to resource areas, significant trees, ACEC's, vernal pools, Estimated Habitats; and all lands subject to DEM Wetland restrictions. Site plans shall show topographical survey, contours, not spot elevations, show profile of all grades (existing and proposed) 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. The plans(s) must label 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.
    2. **Landscape Plans** shall include existing and proposed vegetation/landscape features, proper erosion controls, in addition to significant trees, buffer zones and topographic information.
    3. **House Design Plans** shall show size and design of structures, floor plans (existing and proposed), calculations of existing and proposed coverage and floor area, 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.

### SUBMITTING UPDATED INFORMATION

Any revised information to be submitted **post** initial submission/continued hearing, to include revised plans, must be delivered/post marked to 16 Jan Sebastian Drive, Sandwich, MA AND emailed to the Administrative Assistant at [conservation@sandwichmass.org](mailto:conservation@sandwichmass.org) **no later than 12:00 Noon the Friday prior** to the project's meeting date. Information presented after this deadline **may result in a meeting continuation**, to be scheduled for the next available hearing date to allow adequate time for proper Commission Member/Staff review.

**Town of Sandwich**  
The Oldest Town on Cape Cod



**Sandwich Conservation Commission**

16 Jan Sebastian Drive  
Sandwich, MA 02563  
Phone: 508-8833-8054  
Fax: 508-833-0018

<b>NOTICE OF INTENT (NOI)</b>	<b>DESCRIPTION</b>	<b>ENVIRONMENTAL REVIEW FEE</b>
Category 1	Decks, Small Alterations, Landscaping (<500 SF)	\$400.00
Category 2	Single Lot, Single Family Home, Garage, Septic, Pool, Landscaping, Freshwater Docks (>500 SF)	\$450.00
Category 3	Commercial, Cottage Colony	\$500.00
Category 4	Coastal - Docks, Revetments, Coir Projects, Dune Nourishment	\$550.00
Category 5	Subdivisions, Roads, Utilities, Drainage	\$650.00
Environmental Review & Application Fees (one check) payable to the Town of Sandwich		<b>APPLICATION FEE</b> \$50.00
Use the NOI Wetland Fee Transmittal Form to calculate appropriate Town/City share of filing fee <i>portion payable to the Commonwealth of Massachusetts</i>		<b>WETLAND PROTECTION ACT FEE</b> State Mail to Department of Environmental Protection, Box 4062, Boston, MA 02211
Check payable to the Town of Sandwich		\$ Formula
Check payable to Falmouth Publishing		<b>LEGAL AD FEE</b> \$30.00
<b>NOTICE OF INTENT SANDWICH BYLAW CHAPTER 7 (ONLY)</b>	<b>DESCRIPTION</b>	<b>ENVIRONMENTAL REVIEW FEE</b>
Category 1	Decks, Small Alterations, Landscaping (<500 SF)	\$400.00
Category 2	Single Lot, Single Family Home, Garage, Septic, Pool, Landscaping, Freshwater Docks (>500 SF)	\$450.00
Category 3	Commercial, Cottage Colony	\$500.00
Category 4	Coastal - Docks, Revetments, Coir Projects, Dune Nourishment	\$550.00
Category 5	Subdivisions, Roads, Utilities, Drainage	\$650.00
Environmental Review & Application Fees (one check) payable to the Town of Sandwich		<b>APPLICATION FEE</b> \$50.00
Use the NOI Wetland Fee Transmittal Form to calculate appropriate Town/City share of filing fee <i>portion not required under the NOI Bylaw Only filing</i>		<b>WETLAND PROTECTION ACT FEE</b> State
Check payable to the Town of Sandwich		\$ Formula
Check Payable to Falmouth Publishing		<b>LEGAL AD FEE</b> \$30.00
<b>AMENDMENT TO EXISTING NOI</b>	<b>DESCRIPTION</b>	<b>ENVIRONMENTAL REVIEW FEE</b>
	Active Order of Conditions Required	\$200.00
Environmental Review & Application Fees (one check) payable to the Town of Sandwich		<b>APPLICATION FEE</b> \$50.00
Check payable to Falmouth Publishing		<b>LEGAL AD FEE</b> \$30.00
<b>REQUEST FOR DETERMINATION OF APPLICABILITY (RDA)</b>	<b>DESCRIPTION</b>	<b>ENVIRONMENTAL REVIEW FEE</b>
	Construction approval to include Wetlands Delineation, Gas Lines, Percolation Tests, Septic	\$200.00
Environmental Review & Application Fees (one check) payable to the Town of Sandwich		<b>APPLICATION FEE</b> \$35.00
Check payable to Falmouth Publishing		<b>LEGAL AD FEE</b> \$30.00
<b>ADMINISTRATIVE REVIEW (AP)</b>	<b>DESCRIPTION</b>	<b>APPLICATION FEE (Check payable to the Town of Sandwich)</b>
	Minor Projects i.e. roof, siding, replacment windows/doors, decks, trenches, etc. (staff approval required for AP use)	\$75.00
<b>REQUEST FOR EXTENSION FOR ORDER OF CONDITIONS</b>	<b>DESCRIPTION</b>	<b>APPLICATION FEE (Check payable to the Town of Sandwich)</b>
	Active Order of Conditions required	\$75.00
<b>CERTIFICATE OF COMPLIANCE (COC) FOR ORDER OF CONDITIONS</b>	<b>DESCRIPTION</b>	<b>APPLICATION FEE (Check payable to the Town of Sandwich)</b>
	WPA Form 8A required - includes one on-site inspection	\$75.00
	Written request required - Second on-site Inspection, if applicable	\$50.00
	Written request required - Third and Each Subsequent on-site Inspection, if applicable	\$100.00

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The Oldest Town on Cape Cod



**Sandwich Conservation  
Commission**

16 Jan Sebastian Drive  
Sandwich, MA 02563  
Phone: 508-8833-8054  
Fax: 508-833-0018

<b>DUPLICATED DOCUMENTS</b>	<b>DESCRIPTION</b>	<b>APPLICATION FEE</b> (Check payable to the Town of Sandwich)
	Duplicate Order of Conditions	\$50.00
	Duplicate Certificate of Compliance	\$50.00
	Duplicate Extension to Order of Conditions	\$50.00
<b>REQUEST FOR EMERGENCY CERTIFICATION</b>	<b>DESCRIPTION</b>	<b>APPLICATION FEE</b> (Check payable to the Town of Sandwich)
	Declaration of Emergency from different entity (agency/department)	\$235.00
<b>RESTORATION ORDER</b>	<b>DESCRIPTION</b>	<b>APPLICATION FEE</b> (Check payable to the Town of Sandwich)
	For purposes of correcting non-compliant or unpermitted work	\$200.00
<b>AFTER-THE-FACT FILINGS</b>	<b>DESCRIPTION</b>	<b>ENVIRONMENTAL REVIEW &amp; APPLICATION FEE</b>
	Except for approved Emergency Certifications	Doubled
<b>COMPLEX NOI</b>	<b>DESCRIPTION</b>	<b>ENVIRONMENTAL REVIEW FEE</b>
Category 1	Decks, Small Alterations, Landscaping (<500 SF)	\$550.00
Category 2	Single Lot, Single Family Home, Garage, Septic, Pool, Landscaping, Freshwater Docks (>500 SF)	\$600.00
Category 3	Commercial, Cottage Colony	\$650.00
Category 4	Coastal - Docks, Revetments, Coir Projects, Dune Nourishment	\$700.00
Category 5	Subdivisions, Roads, Utilities, Drainage	\$800.00
Environmental Review & Application Fees (one check) payable to the Town of Sandwich		<b>APPLICATION FEE</b> \$50.00
Use the NOI Wetland Fee Transmittal Form to calculate appropriate Town/City share of filing fee portion payable to the Commonwealth of Massachusetts		<b>WETLAND PROTECTION ACT FEE</b>
State Mail to Department of Environmental Protection, Box 4062, Boston, MA 02211		
Check payable to the Town of Sandwich		\$ Formula
		<b>LEGAL AD FEE</b>
Check payable to Falmouth Publishing		\$30.00
<b>ABBREVIATED NOI</b>	<b>DESCRIPTION</b>	<b>ENVIRONMENTAL REVIEW FEE</b>
Category 1	Decks, Small Alterations, Landscaping (<500 SF)	\$325.00
Category 2	Single Lot, Single Family Home, Garage, Septic, Pool, Landscaping, Freshwater Docks (>500 SF)	\$375.00
Category 3	Commercial, Cottage Colony	\$425.00
Category 4	Coastal - Docks, Revetments, Coir Projects, Dune Nourishment	\$475.00
Category 5	Subdivisions, Roads, Utilities, Drainage	\$575.00
Environmental Review & Application Fees (one check) payable to the Town of Sandwich		<b>APPLICATION FEE</b> \$50.00
Use the NOI Wetland Fee Transmittal Form to calculate appropriate Town/City share of filing fee portion payable to the Commonwealth of Massachusetts		<b>WETLAND PROTECTION ACT FEE</b>
State Mail to Department of Environmental Protection, Box 4062, Boston, MA 02211		
Check payable to the Town of Sandwich		\$ Formula
		<b>LEGAL AD FEE</b>
Check payable to Falmouth Publishing		\$30.00



# WPA Form 1- Request for Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

## A. General Information

**Important:**

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. Applicant:

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

2. Representative (if any):

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

## B. Determinations

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

- 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).

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



# WPA Form 1- Request for Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

## 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):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





# WPA Form 1- Request for Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

## 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).

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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.)

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# **WPA Form 1- Request for Determination of Applicability**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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## **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



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

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**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.



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**

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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.



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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



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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)(c)2.

#### **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.



## 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 (Notice of Intent/Amendment)  
application for work proposed at \_\_\_\_\_,  
(Project Address)

submitted \_\_\_\_\_. Please keep the representative informed  
(Submission Date)  
of 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.

Please complete the information below as to who is to be contacted to pick up the  
processed Order of Conditions (permit):

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_

Signature of Property Owner: \_\_\_\_\_

**PLEASE PRINT OR TYPE**



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)

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: \_\_\_\_\_



# NOTIFICATION TO ABUTTERS UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT

**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 [conservation@sandwichmass.org](mailto:conservation@sandwichmass.org).
- G. Information regarding the date, time, and place of the public hearing may be obtained from the Department of Natural Resources at 508-833-8054.

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

**Note: Notice of the public hearing including its date, time and place will be posted on the Town's website at <https://www.sandwichmass.org/agendacenter> at least (48) forty eight hours prior to meeting.**

**Note: You may also contact your local Conservation Commission office at 508-833-8054 or the nearest Department of Environmental Protection Regional Office for more information about this application or the Wetlands Protection Act: Southeast Region: 508-946-2800**