



TOWN OF WEBSTER
350 Main Street, Webster, MA 01570
(508) 949-3800 x4008
www.webster-ma.gov
conservation@webster-ma.gov

CONSERVATION COMMISSION

Request for Determination of Applicability (RDA) Packet

Packet for filing of applications under the Wetland Protection Act, MGL Ch. 131, sec 40, and the Town of Webster

Enclosed in this packet are the forms needed and required for submitting a Request for Determination of Applicability (RDA) to the Town of Webster Conservation Commission. An incomplete packet is an incomplete application. Please fill out all of the contents of this RDA packet and submit check with packet as instructed in the packet.

Contents:

- Review Checklist
- Application Process Signature Form
- Site Visit Access Form
- Plan Requirements
- Steps for Filing an RDA
- Fee Schedule for Town of Webster
- Photo Copy Check Policy
- WPA Form 1 RDA Instructions from MassDEP
- WPA Form 1 RDA Application

Please contact our office with any questions with regard to an RDA filing or process.

Thank you!

Webster Conservation Commission



RDA APPLICATION REVIEW CHECKLIST

Webster Conservation Commission Required Application Contents

Project Site: _____

Applicant: _____ Date: _____

Phone: _____ Email: _____

Representative: _____ Date: _____

Phone: _____ Email: _____

READ PACKET CAREFULLY

Check items included.

- Completed WPA Form 1 – RDA. Complete with transmittal form from the eDEP online submittal portal.
- Submit check for proper filing fee at the time of drop off.
DO NOT INCLUDE CHECK IN ELECTRONIC FORMAT.
- Signed copy of Application Process Signature Form.
- Signed Site Visit Access Form.
- Project plan proposal with all required items on the plan
- A project narrative with visual representation of the proposed project (including dimensions when applicable)
- FEMA Flood map. – (If Applicable)
- NHESP Habitat Map (If applicable)

One complete paper set and one digital set of all materials (except copies of checks) shall be submitted.

Additional information may be requested: e.g. DEP Wetland Delineation Field Forms, after initial review.

Any revisions and material must be submitted NO LESS THAN 5 (FIVE) DAYS to the hearing date. Revisions submitted less than FIVE days prior may not be accepted or may lead to a continuance. Per Webster Conservation Commission Submittal Policy.



APPLICATION PROCESS SIGNATURE FORM

There are three different applications that can be submitted to undertake work in a jurisdictional area: a Notice of Intent (NOI), a Request for a Determination of Applicability (RDA) and Abbreviated Notice of Resource Area Delineation. All three applications have different criterial for submission and approval and the NOI & RDA are governed by both state law and the local by-law. Another mechanism for approval is the administrative approval and is governed by the local commissions agent/staff to determine if a project fits under this process only.

When potential applicant requests advise from the Conservation Agent on which application to file, the opinion of the Agent is based on information given by the potential applicant and any other information available to the Agents, e.g. the town's GIS system. The Agent has no legal right to go onto private property at any time until after an application is filed, or permission of the property owner is given.

It is important that all applicants understand that after an application is filed, additional information may come to light e.g. via a field inspection or application review, that may impact the scope of the submitted application and the approval process. In addition, the Agent is not the final approval authority on RDA's and NOI's, that authority rests with the Commission. Therefore, it is the applicant who has the ultimate responsibility to decide which application to file.

Considering the above, please sign below indicating an understanding of the policy and submit it with the application.

Project Address: _____

Applicant/Owner: _____

Applicant Contact: _____

Applicant Signature: _____

Representative: _____

Representative Contact: _____

Representative Signature: _____



SITE VISIT ACCESS FORM

Conservation Commission's staff agent may enter upon privately owned land for the purpose of performing their duties under M.G.L. c. 131, § 40, and 310 CMR 10.00." 310 CMR 10.08(1).

Prior to the approval of the project at _____ (street address), the Webster Conservation Commission must schedule an in-person site visit and complete an inspection report. The Commission Staff Agent will contact the applicant or representative to schedule the initial visit and may request the presence of the applicant(s) or a representative.

Throughout the duration of the project, the Webster Conservation Commission may conduct additional inspections to: ensure that the project is being executed within the parameters of the Order of Conditions (if applicable), inspect erosion control, inspect the site for disturbances caused by extreme weather conditions, or if there is a suspicion of a violation of the Wetlands Protection Act, 310 CMR.

- I grant the Webster Conservation Commission permission to enter the property for the purpose of performing their duties if I (the applicant) am not present or unavailable, until a Certificate of Compliance has been issued.
- I DO NOT grant the Webster Conservation Commission permission to enter the property for the purpose of performing their duties if I (the applicant) am not present or unavailable.

Please note that if the Commission is unable to fulfill their responsibilities and inspect the property to the best of their ability, the application may be denied and/or a Certificate of Compliance may not be issued upon completion.

Applicant/Representative Name

Date

Applicant/Representative Signature

Date



Webster Conservation Commission Plan Requirements

Plans with sufficient information are required in order for the Conservation Commission to properly review proposed projects. To prevent delays in issuing permits, all plans submitted must adhere to the following:

Plan requirements:

1. Title block with applicant's name, project address, map-block-lot, scale and date. *Plans shall not be smaller than 1" = 20'. Resource areas impacted and replication areas shall be shown at 1" = 10'.
2. Engineered plans shall be stamped and signed by a Professional Engineer.
3. The plans shall be dated, and revision dates shall be included when applicable.
4. Locus map shall be readable and useable for locating the site and north arrow.
5. Multiple sheets may be used to show all required information in a readable and useable format.
6. The plans shall list the name of the Wetland Specialist and date of wetland delineation.
7. Additional information may be required based on the proposed project.

The plans shall clearly show:

8. The entire parcel with lot lines shown.
9. Scale and North arrow.
10. Resource areas and wetland flag numbers on the subject parcel
11. The following zones shall be shown on the plans:
 - a. 25' Buffer Zone
 - b. 50' Buffer Zone
 - c. 100' Buffer Zone
 - d. 100' Riverfront Area (if applicable)
 - e. 200' Riverfront Area (if applicable)
12. Existing and proposed structures. Proposed structures are to be marked in the field.
13. Existing septic system, stormwater, and drainage infrastructure.
14. Existing and proposed grades shall be labeled and shown topographically.
15. The closest disturbance to the wetland with the exact distance listed. For septic systems, show the closest distance to the fill, grading, and leach field trench lines.
16. Sediment and erosion control type and location. Limits of work.
17. All trees proposed to be removed within the resource area and buffer zone shall be shown on the plans and flagged in the field.
18. Existing and proposed utilities including water, sewer, electric and utility pole locations and utility pole numbers.
19. For new structures, the square footage of contiguous upland, definition for Lot Size or Lot Area, Impervious Calculations
20. Include 55-gallon spill kit, Porta Potty, and stock piles

If you have any questions regarding deviation from the above, please contact the Conservation Department at (508) 949-3800 x4008



Webster Conservation Commission Filing a Request for Determination of Applicability (RDA)

NOTE: Often it is recommended that you hire a wetland scientist, landscape planner or engineer to assist you with preparing the permit application. Applications must generally include a plan certified by a registered professional engineer or land surveyor.

Step 1: Fill out the Permit Application

- Use eDEP online portal to **complete WPA Form 1 (RDA)** -<https://www.mass.gov/doc/wpa-form-1-request-for-determination-of-applicability-fillable-pdf/download> available for download.
- Be sure to print entire application with transmittal form.

Step 2: Submit the Following Application Materials to the Webster Conservation Department

- Plan your submission date based on the hearing schedule. The Conservation Commission generally meets on Mondays, generally on the second and fourth week of the month — please contact Conservation Agent or Clerk for dates and information: <https://www.webster-ma.gov/DocumentCenter/View/14355/Conservation-Commission-Meeting-Schedule---2024?bidId=>

*Applications are **due by 4:00pm on Tuesday, 21 days in advance** of the next Commission meeting. Application materials may be hand delivered or mailed: **Webster Conservation Commission, 350 Main Street, Webster, MA 01570** for Commission's Agent review.

(A) RDA Application - one (1) copies double-sided

- **Signed WPA Form 1 (RDA)**
- **RDA Wetland Fee Transmittal Form from eDEP online portal**
- **1 Check to "Town of Webster" for Filing Fee of \$105**

(B) Project Narrative (Short) - one (1) copy double-sided

- Project Narrative
- Include owner info, address, parcel id and date
- Resource area description and delineation details (if applicable)
- Summary of existing & proposed conditions with closest point of disturbance to Bordering Vegetated Wetland (BVW)
- How does the project avoid, minimize, and mitigate impact to adjacent wetlands/resource area (BVW)?
- Construction sequencing/phasing plan & staging plan
- Complete and include the **Application Review Checklist**



(C) Plan Set- one (1) copy full size (see plan requirements page)

- Title block with applicant's name, project address, map-block-lot, scale and date
- Wetland Boundaries, 25' No Disturb, 50' Buffer, & 100' Buffer,
- Streams, 100' Riverfront Area, and 200' Riverfront Area
- Existing Conditions and Proposed Work
 - Parcel lines, easements, structures, pavement, edge of lawn, canopy tree line
 - Topography and grading if relevant to the proposed project
 - Septic system, stormwater and drainage infrastructure
 - Limit of work, erosion controls and topsoil stockpile area

(D) Wetlands Delineation Report (if applicable)

- Must be conducted by a certified wetland scientist with name and qualification included in report.
- Include what date the wetlands were delineated, documentation on methodology on which the wetlands were delineated, a description of the vegetation, and soils and hydrology in the wetlands (including a list of plant species).

(E) Email the Electronic Submission to conservation@webster-ma.gov

- Entire RDA Application — DO NOT INCLUDE CHECKS
- Project Narrative (separate document from the application)
- 1 Plan Set as full-size and 11x17 in .pdf format

Step 4: Submit Application to the Department of Environmental Protection

(A) RDA filings MUST Submit filing via eDEP online portal. - before submission to conservation office.

Step 5: You will be Given a Meeting Date and Time

By submitting a **complete** RDA application (see items listed in Step 2), you will be scheduled to attend the next available Conservation Commission meeting once the agent has reviewed and accepted the packet. Incomplete applications will not be accepted by the Conservation Office. **The applicant or their representative must be present at the scheduled public meeting once approved.** *All submitted applications must have the transmittal form from eDEP online Portal.



Step 6: Conservation Commission's Agent will Conduct a Site Visit

The Commission and/or their staff will perform a site visit to confirm the existing conditions and resource area delineation. The applicant will be notified about the date and time of the site visit.

Step 7: Attend a Public Meeting

When application is presented to the Commission, please notify the Clerk or Conservation Agent prior to the hearing if you intend to utilize a visual connection.

Step 8: Receive Determination of Applicability (DOA) and REVIEW IT

If you have any questions, contact the Conservation Department. Whether a permit is issued or denied, any abutter, the applicant, or a 10-citizen group may follow separate provisions for appealing the decision under the Wetlands Protection Act.

Permit Lasts for 3 years from date of issuance.

Pre and Post Construction Reminders

- ANY AND ALL deviations from the approved plan must be approved by the Conservation Department prior to said changes being executed. This may require an amendment to the Order of Conditions.
- Contact the Conservation Department to schedule a pre-construction site visit. The Webster Conservation Commission requires that all new structures, additions, erosion control barriers, septic systems, and stormwater systems within the Buffer Zone for which a RDA has been filed, must be staked prior to pre-construction site visit with the Commissions
- Complete the work within 3 years or request an extension 30 days prior to expiration of the permit.



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Conservation Commission

Fee Schedule

All fees can be combined into one check or money order made payable to the "Town of Webster". No cash or credit or debit card payments accepted.

All fees are due at the time of submission. Any application submitted without all required fees will be deemed incomplete and will not be processed until all amounts have been received.

All fees are non-refundable.

Permit	Fee
Administrative Approval ¹	\$40
Request for Determination of Applicability (RDA) – MassDEP WPA Form 1	\$105
Notice of Intent (NOI) – MassDEP WPA Form 3	\$105 + Fees Required by the State ² + Peer Review Fees (if applicable) ³
Request for Amendment to Order of Conditions	\$105
Abbreviated Notice of Resource Area Delineation (ANRAD) – MassDEP Form WPA4A	\$105
Request for Certificate of Compliance (COC) -	\$50
Request for Extension of Order of Conditions	\$50
Enforcement Order (EO) / Violation – Working without a Permit	Fines Assessed by the Building Department starting at \$800. + Fees Required by the State ² + Peer Review Fees (if applicable) ³
Emergency Certification	\$50

1. Administrative Approval – certain minor/small-scale projects. To be determined at the discretion of the Conservation Agent.
2. Fees Required by the State – determined by MassDEP at the time of application. For more information, please contact MassDEP.
3. Peer Review Fees (if applicable) - required for major projects and in cases where major violations occur when working without a permit.



Applicants be advised, electronic submission is recommended in addition to One (1) hard copies of all documents, EXCEPT photocopies of checks.

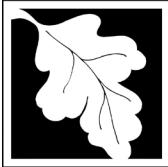
DO NOT INCLUDE PHOTOCOPIES OF CHECKS IN ELECTRONIC SUBMISSIONS.

IF AN ELECTRONIC COPY IS SUBMITTED WITH A COPY OF CHECKS, THE ELECTRONIC COPY WILL NOT BE ACCEPTED AND APPLICANTS WILL BE ASKED TO RESUBMIT.

Electronic submissions should be sent to conservation@webster-ma.gov

RDA Form 1 Instructions & Application next.

Don't forget to complete online at MassDEP online portal.



Massachusetts Department of Environmental Protection

Bureau of Water Resources – Wetlands Program

WPA Form 1 - Request for Determination of Applicability

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

Instructions for Completing 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 (RDA or Request) is a process that provides applicants with the *option* of obtaining a determination on the applicability of the Wetlands Protection Act (WPA or the Act) and its regulations to a proposed site and/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 3 (Notice of Intent), WPA Form 4 (Abbreviated Notice of Intent), or WPA Form 4A (Abbreviated Notice of Resource Area Delineation).

The applicant is responsible for submitting a complete and accurate description of the site and project to the Conservation Commission. This 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 (DOA).

The Conservation Commission 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 Protection Act Regulations (310 CMR 10.00) at [MassDEP's website](#). Copies of the 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. Official copies of the wetland regulations are available for sale from the State House Bookstore (617.727.2834) and State House Bookstore West (413.784.1378).



Massachusetts Department of Environmental Protection

Bureau of Water Resources – Wetlands Program

WPA Form 1 - Request for Determination of Applicability

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

Submit a Completed WPA Form 1 – Request for Determination of Applicability

For Conservation Commission:

Submit one (1) copy of the completed Request for Determination of Applicability, with all attachments, to the local Conservation Commission.

For MassDEP:

Submit one (1) copy of the completed Request for Determination of Applicability, with all attachments, to the appropriate MassDEP Regional Office. The RDA and supporting documents may be mailed to the MassDEP regional office at the same time that the RDA is filed with the Local Conservation Commission.

Submitting a copy of the RDA to MassDEP can be accomplished electronically using the eDEP RDA Submittal Platform or by mailing the RDA to the appropriate MassDEP regional office. Both methods of submitting the RDA fulfill the regulatory requirement to 'mail' a copy of the RDA to the MassDEP regional office. Separate instructions are provided below for each submittal method.

Submit RDA Electronically – eDEP Submittal Platform Option

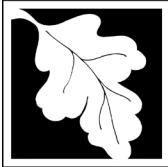
An eDEP Submittal Platform option is now available for applicants to electronically attach and submit a completed copy of the RDA to MassDEP. Using the Submittal Platform fulfills the applicant's requirement to mail a copy of the RDA to the MassDEP Regional Office. It also eliminates the cost of mailing the form and provides a dated email receipt as proof of submittal. Applicants are encouraged to use this option to electronically submit RDAs to MassDEP.

A link to the instructions for uploading an RDA using the RDA Submittal Platform can be found on the eDEP Wetlands Forms page in your [My eDEP](#) account. These step-by-step instructions will walk you through the process to successfully submit the RDA, including how to attach the hard copies for submitting to MassDEP.

When submitting electronically, filling in the Latitude and Longitude fields on the WPA Form 1 – Request for Determination of Applicability is not required as this will be accomplished after the form is submitted.

Submit RDA by Mail Option

A copy of the RDA and supporting documents may also be mailed to the MassDEP regional office when the RDA is filed with the Local Conservation Commission. Find the appropriate MassDEP regional office on the web at <https://www.mass.gov/service-details/massdep-regional-offices-by-community>.



Massachusetts Department of Environmental Protection

Bureau of Water Resources – Wetlands Program

WPA Form 1 - Request for Determination of Applicability

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

Completing WPA Form 1 Section B: Project Description

In this section, the applicant must describe the area and proposed activities (if any). The type of information required depends, in part, on the type of determination requested in Section C. In all cases, the applicant should describe the site based on the wetland jurisdictional areas and their boundaries under the Wetlands Protection Act and regulations.

1a. Project 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.

There are two different ways to obtain the latitude and longitude for the project site location depending on whether you are submitting the RDA to MassDEP electronically or by mail.

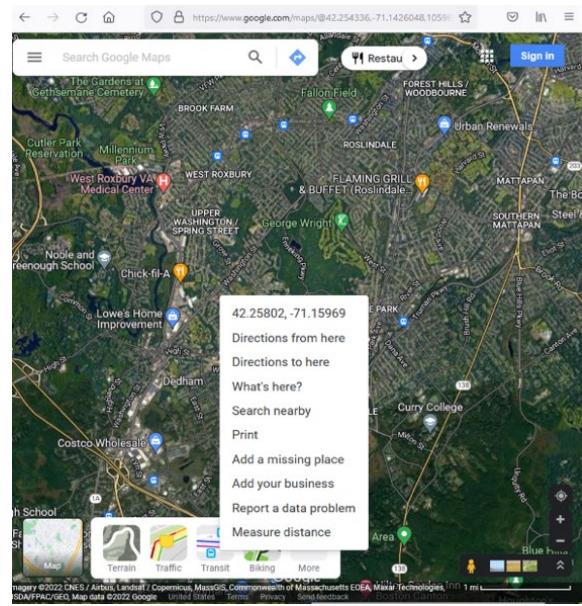
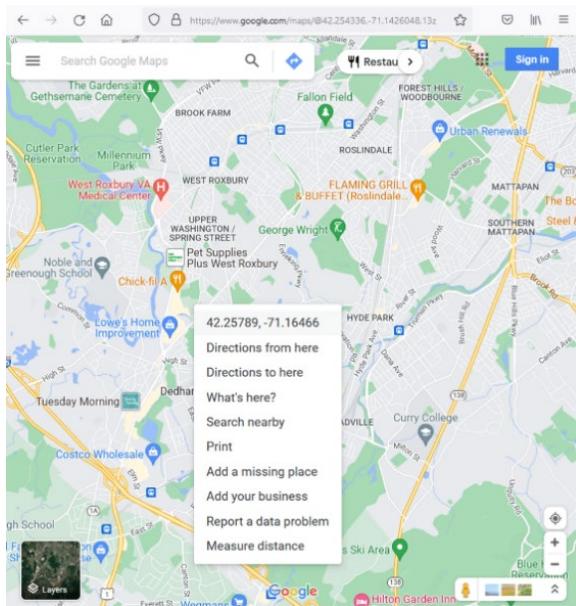
When attaching and submitting the RDA using the eDEP Platform

Do this only if you are planning to attach and submit the RDA via the eDEP platform. Leave the latitude and longitude fields BLANK on the hard copy form. When you go into the eDEP submittal platform there will be a map viewer for you to enter the latitude and longitude. Step by step instructions on how to use the Map Viewer is on the [eDEP RDA Information Page](#).

When mailing a hard copy to the MassDEP Regional Office

Do this only if you are mailing a hard copy of the RDA form to the MassDEP regional office. Use Google Maps or another mapping program to get the latitude and longitude in decimal degrees format. [A link to video instructions](#) for google maps is also on the RDA form. To find the coordinates of the project location:

1. On your computer, open Google Maps. <https://www.google.com/maps>
2. Right-click the project location or area on the map. This will open a pop-up window. You can find the latitude and longitude in decimal format at the top.
3. To copy the coordinates automatically, click on the latitude and longitude.
4. Enter the Latitude and Longitude data into the RDA to 5 places after the decimal point.
5. Save your work and continue completing the form.





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1b. Area Description. Describe the physical characteristics of the area where the activity/work will occur in narrative form (e.g., level lawn, steep vegetated slope, moderately steep paved area). 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 describe the site, resource area boundaries, and proposed work completely and accurately. 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 jurisdiction under the WPA.

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.

2a. Activity Description. Activity Subject to Regulation under the WPA is described in 310 CMR 10.02. If the Request is to determine jurisdiction over proposed activity, the applicant is asked to describe the activity in detail. Proposed activity can be described in narrative form. If needed, attach additional sheets for a more complete description of the activity; a map or plan may also be used to describe the work (see 1c. instructions above for plan and map requirements).

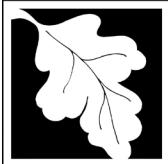
Provide the following information below for the WPA, depending on which boxes you are checking under **Section C: Determinations.**

If checking box 1c. - Describe the proposed Activities and precise location relative to the boundaries of each wetland resource area and the Buffer Zone on the site.

If checking box 1d. - Describe the proposed Activities and precise location relative to the boundaries of areas which may be subject to municipal wetland ordinance or bylaw.

If checking box 1e. - Describe the proposed Activities and 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 10.002(2)(a)2 and 10.02(2)(b) and in the definitions of agriculture and aquaculture in 310 CMR 10.04. In addition, there are



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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 C 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.

Completing WPA Form 1 Section C: Determinations

Check one or more of the boxes that apply to your Request:

1a. To determine whether the area depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction under the Wetlands Protection Act and its regulations at 310 CMR 10.02.

1b. To confirm the precise boundaries of any delineated wetland resource area. NOTE: before checking 1b., consult with the Commission to determine if they will issue a confirmation of wetland resource area boundaries in response to the filing of WPA Form 1.

1c. To determine whether the WPA applies to Activities which are planned within a resource area or within the Buffer Zone to a resource area. Activities Subject to Regulation under M.G.L. c.131, s.40, or Areas Subject to Regulation are found in 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 if the scope of alternatives to be considered is adequate for Activities 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.

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.

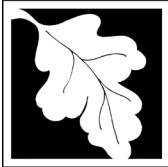
Resource Areas: Boundaries.

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 jurisdiction under the WPA (including the Buffer Zone).



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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 \(2023\)](#). 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](#) cited 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 activity.

1d. Describe the site, and if possible, the boundary of any area that may be subject to a municipal wetland 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 wetland 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 wetland ordinance or bylaw.

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

Completing WPA Form 1 Section D: Signatures and Submittal Requirements

A completed WPA Form 1, with all attachments, must be submitted to the Conservation Commission. The applicant 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.

Note that if the applicant opts to use the eDEP submittal platform the completed signed hard copy of the RDA must be uploaded onto the platform to ensure that the submittal is complete. Once the eDEP submittal is sent, the Applicant will be sent a confirmation email of the date of receipt by MassDEP.

Fees: Under the Wetlands Protection Act and at 310 CMR 10.00 there is no application fee for the Request for Determination of Applicability. However, Conservation Commissions may charge fees under their local by-laws, if applicable. Although RDA fees are not required under WPA and its regulations, a notice of the Request must be placed in a local newspaper and published at least five days prior to the public meeting, at the applicant's expense. Please contact your Conservation Commission regarding the procedure for public newspaper notice.



Massachusetts Department of Environmental Protection

Bureau of Water Resources - Wetlands

WPA Form 1 - Request for Determination of Applicability

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

Municipality _____

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:**

First Name _____ Last Name _____

Address _____

City/Town _____ State _____ Zip Code _____

Phone Number _____ Email Address _____

2. Property Owner (if different from Applicant):

First Name _____ Last Name _____

Address _____

City/Town _____ State _____ Zip Code _____

Phone Number _____ Email Address (if known) _____

3. Representative (if any)

First Name _____ Last Name _____

Company Name _____

Address _____

City/Town _____ State _____ Zip Code _____

Phone Number _____ Email Address (if known) _____

B. 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 _____

Latitude (Decimal Degrees Format with 5 digits after decimal
e.g. XX.XXXXX) _____ Longitude (Decimal Degrees Format with 5 digits after decimal e.g. -XX.XXXXX) _____

Assessors' Map Number _____ Assessors' Lot/Parcel Number _____

b. Area Description (use additional paper, if necessary):**c. Plan and/or Map Reference(s): (use additional paper if necessary)**

Title _____ Date _____

Title _____ Date _____

[How to find Latitude and Longitude](#)

[and how to convert to decimal degrees](#)



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Municipality _____

B. Project Description (cont.)

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

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.)



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Municipality _____

C. 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 above 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 above are accurately delineated.
- c. whether the **Activities** depicted on plan(s) referenced above is subject to the Wetlands Protection Act and its regulations.
- d. whether the area and/or Activities depicted on plan(s) referenced above 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 Activities in the Riverfront Area as depicted on referenced plan(s).

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.

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 _____