



Town of Tyngsborough Conservation Commission

25 Bryants Lane,
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300 x 151
Fax: (978) 649-2301

To: Applicants
From: Tyngsborough Conservation Commission
Topic: Filing a **Request for Determination of Applicability** with the Commission

When filing with the Commission please read the instructions carefully and note the following:

1. Please return 2 copies of a completed Request for Determination of Applicability filing package to the Tyngsborough Conservation Commission. Please see the attached **WPA Form 1 Request for Determination of Applicability Application Filing Checklist**.
2. An original abutters list from the Assessor's Office with proof of notification to all listed abutters stating the date and time of the hearing (see the attached Notification to Abutters form). Prior to sending the Notification to Abutters, please contact the Conservation Commission at 978-649-2300 ext. 151, or pberman@tyngsboroughma.gov to schedule a hearing.
3. You are responsible for mailing the "Notification to Abutters" form by Certificate of Mailing. Please return the Affidavit of Service form (see attached) accompanied by copies of the Post Office receipts.
4. In addition, mail 1 **copy** of all paperwork to the Department of Environmental Protection (DEP) at:

MassDEP – NERO
Northeast Regional Office
150 Presidential Way
Woburn, MA 01801

5. Please include the following checks:

\$50.00 made payable to the Town of Tyngsborough, for the By-Law Filing Fee.
\$250 made payable to the Town of Tyngsborough to cover the cost of the Legal Notice.
6. The Conservation Commission will advertise the hearing in the LOWELL SUN.

Please contact our office if you have any further questions.

Tyngsborough Conservation Commission



Town of Tyngsborough Conservation Commission

25 Bryants Lane,
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300 Ext. 151

WPA Form 1 Request for Determination of Applicability APPLICATION FILING CHECKLIST

- ___ **Completed WPA Form 1 Application**
- ___ **Certified List of Abutters:** Available from the Assessor's Office.
- ___ **Notification to Abutters**
- ___ **Affidavit of Service:** This is submitted after you've sent out the Abutter Notifications.
- ___ **Consent to Use of Electronic Signatures form**
- ___ **Detailed Project Narrative**
- ___ **Project Plans:** 2 full size copies, and 7 reduced size (11 x 17) copies of the project plans depicting the proposed work.
- ___ **Application Filing Fee (\$50)**
(Check made payable to the Town of Tyngsborough)
- ___ **Legal Notice Payment (\$250)**
(Check made payable to the Town of Tyngsborough)
- ___ **Electronic copy of complete filing (email or flash drive)**



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](#)



WPA Form 1- Request for Determination of Applicability

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

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.)



WPA Form 1- Request for Determination of Applicability

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

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



Town of Tyngsborough Conservation Commission

25 Bryants Lane,
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300 ext. 151
Fax: (978) 649-2301

NOTIFICATION TO ABUTTERS

In accordance with the Massachusetts General Laws Chapter 131 Section 40, and the Town of Tyngsborough Wetland Protection Bylaw, and the Tyngsborough Stormwater Bylaw and its associated regulations, you are hereby notified of the following:

The below named applicant has filed a **CIRCLE ONE OR MORE: [Notice of Intent; Request for Determination of Applicability; Stormwater Management Permit]** application with the Tyngsborough Conservation Commission. The applicant is seeking permission to remove, fill, dredge, or alter an Area Subject to Protection or work within 100 feet of an Area Subject to Protection under the Wetland Protection Act and the Town of Tyngsborough Wetland Protection Bylaw or within 200 feet of an Area Subject to Protection under the Rivers Act.

Name of Applicant: _____

Address: _____

Name of Property Owner (if different): _____

Address: _____

Address where the activity is proposed: _____

Description of proposed work: _____

Public hearing information and complete text and plans relative to the proposed project may be examined on the Town of Tyngsborough website:

<https://www.tyngsboroughma.gov/departments/inspectional-services/conservation/>, by email (pberman@tyngsboroughma.gov), or in the Conservation Commission office during regular business hours.

The agenda will be posted in Town Hall at 25 Bryants Lane at least 48 hours in advance of the hearing and on the Tyngsborough Town Calendar <https://www.tyngsboroughma.gov/calendar/>. Notice of the public hearing including date, time, and place will be published at least five days in advance in the Lowell Sun.

Date of Hearing: _____

Time of Hearing: _____ 7:00pm _____

Place of Hearing: Tyngsborough Town Hall Community Room, 25 Bryants Ln.



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AFFIDAVIT OF SERVICE

In accordance with the Massachusetts General Laws Chapter (MGL) 131 Section 40, Town of Tyngsborough Wetland Protection Bylaw, the Town of Tyngsborough Stormwater Management Bylaw and Regulations, the following *affidavit* is to be submitted to the Department of Environmental Protection (DEP) and the Tyngsborough Conservation Commission (TCC) when filing for a wetlands permit.

I, _____ (your name), hereby certify under the pains and penalties of perjury that on _____ (date), I gave notification to abutters in compliance with the second paragraph of MGL Chapter 131 Section 40, Tyngsborough Wetland Protection Bylaw, and the Tyngsborough Stormwater Management Bylaw and Regulations in connection with the following matter:

Circle appropriate filing:

- ANRAD
- Notice of Intent
- Request for Amendment to Order of Conditions
- Wetlands Request for Determination of Applicability
- Stormwater Request for Determination of Applicability
- Stormwater Management Permit

The above circled documents were filed under the Massachusetts Wetland Protection Act, the Town of Tyngsborough Wetland Protection Bylaw, and the Town of Tyngsborough Stormwater Management Bylaw

by _____ (your name) with

the Tyngsborough Conservation Commission on _____ (date) for the property

located at _____ (property address).

The Notification to Abutters Form, and a list of the abutters to whom it was given and their addresses, are attached to this Affidavit of Service.

Signature

Date



Town of Tyngsborough Conservation Commission

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Fax: (978) 649-2301

CONSENT TO USE OF ELECTRONIC SIGNATURES

I, the undersigned, as an applicant with the following matter currently before the Tyngsborough Conservation Commission (the "Commission"):

do hereby consent to the use of electronic signatures by members of the Commission to the fullest extent permitted by law on any and all documents related to my aforesaid application, including but not limited to any notice, order, decision, finding, ruling or approval issued pursuant to any law of the Commonwealth or local bylaw, regulation or policy.

I recognize and understand the Commission's right to use electronic signatures under the Uniform Electronic Transactions Act as codified under G.L. c. 110G, §§ 1-18. I have no objection to the Commission using electronic signatures to endorse documents as above-described.

By signing below, I further agree and understand that the use of electronic signatures by the Commission is the legally-binding equivalent to the use of handwritten signatures; that the use of electronic signatures by the members of the Commission shall have the same validity and meaning as their handwritten signatures; and that the legality and validity of electronic signatures is in no way connected to or contingent upon any Registry of Deeds acceptance, or not, of documents with electronic signatures.

Signed this _____ day of _____, 20____.

Signed: _____

Print Name: _____



Town of Tyngsborough Conservation Commission

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FEE SCHEDULE

Updated November 24, 2021 | Effective December 24, 2021

Under the Tyngsborough Wetlands Protection By-Law, the following fees are in addition to those fees required by the Wetland Protection Act 310 CMR 10.03(7). Permit fees are calculated by the applicant based on the fee schedule below, and are payable at the time of application and are non-refundable. The calculated fees are subject to review by the Conservation Director and acceptance by the Conservation Commission. The Commission shall have the right to change the Fee Schedule shown below. Any changes to the Fee Schedule will be posted on the Town website and at Town Hall at least thirty (30) days prior to them becoming effective.

WORK ON SINGLE FAMILY LOTS: \$200.00

PROPOSED SUBDIVISIONS

1. Roadways & Utilities: \$300+ \$2.00/foot of roadway sideline within 100-foot buffer zone of resources under the jurisdiction of the Conservation Commission.
2. Individual Subdivision Lots: \$200/lot for lots within 100-foot buffer zone of resources under the jurisdiction of the Conservation Commission.

MULTI-FAMILY DWELLING UNITS: \$300 + \$100/dwelling unit if all or part of which lies within 100-foot buffer zone of resources under the jurisdiction of the Conservation Commission.

COMMERCIAL & INDUSTRIAL SITES: \$500 + \$0.50/square foot of resource area disturbed under the jurisdiction of the Conservation Commission. (Does not include buffer zone)

REQUESTS FOR DETERMINATION OF APPLICABILITY: \$50.00

PERMIT EXTENSION REQUESTS: \$50.00

AGENT SITE VISIT: No charge

AGENT DETERMINATIONS: \$25.00

AMENDMENTS TO ORDERS OF CONDITIONS: \$200

AFTER THE FACT APPLICATIONS: All fees associated with after the fact applications without an Enforcement Order will be increased by 50%.

ENFORCEMENT ORDER: All fees associated with applications filed in conjunction with an Enforcement Order will be doubled. The following fees apply to lift an existing Enforcement Order.

1. First Offense: \$150.00
2. Second Offense: \$300.00

STORMWATER MANAGEMENT PERMIT: \$0.0030 per square foot of the disturbed portion of the parcel. \$500 minimum.

CERTIFICATE OF COMPLIANCE: No fee for permits that are not expired. \$100 for expired permits issued more than 3 years ago to 10 years ago. \$300 for expired permits issued more than 10 years ago.



Certificate of Mailing — Firm

Name and Address of Sender	TOTAL NO. of Pieces Listed by Sender	TOTAL NO. of Pieces Received at Post Office™	Affix Stamp Here <i>Postmark with Date of Receipt.</i>		
	Postmaster, per (name of receiving employee)				

USPS® Tracking Number Firm-specific Identifier	Address (Name, Street, City, State, and ZIP Code™)	Postage	Fee	Special Handling	Parcel Airlift
1. -----					
2. -----					
3. -----					
4. -----					
5. -----					
6. -----					

Instructions for Certificate of Mailing — Firm

This service provides evidence that the mailer has presented individual items to the Postal Service™ for mailing, and is available for the following products:

- Domestic services: First-Class Mail®, First-Class Package Service®, Priority Mail®, Media Mail®, Library Mail, Bound Printed Matter, Merchandise Return Service, Parcel Return Service, and USPS Retail Ground™.
- International services: First-Class Mail International® (unregistered items), First-Class Package International Service® (unregistered items), Free Matter for the Blind, and Airmail M-bags®.

The following instructions are for the preparation and use of PS Form 3665, *Certificate of Mailing – Firm* (including USPS-approved facsimiles):

1. Complete and print all forms in ink or ball point pen.
2. Enter the name and address of the sender at the top of the form.
3. Enter a complete return address on each article.
4. Ensure the articles are properly packaged.
5. In the appropriate column, enter the applicable postage and fees.
6. Insert a firm-specific identifier or account number if desired. (This number is for the sender's use only, and the Postal Service will not use it for identification.)
7. When describing and listing three or more individual pieces but not presenting the pieces in the order shown on the sheet, consecutively number each entry line on the sheet and number each piece to show both the corresponding sheet and line number.
8. Enter the total number of articles in the proper space at the top of the form.
9. Obliterate all unused portions of the "Address" column by drawing a diagonal line through the unused portion on the form.
10. When the number of articles presented exceeds the allotted space on the form, use multiple sheets, and in the provided blank spaces in the lower left of the form, number them consecutively to show sheet number and total number of sheets (such as "Page 1 of 4," "Page 2 of 4," etc.).

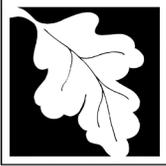
11. Present PS Form 3665 and the mailing as follows:

- When the mailing has fewer than 50 mailpieces *and* less than 50 pounds, present the form and mailing at a retail Post Office™ location.
- When the mailing has at least 50 mailpieces *or* at least 50 pounds, present the form and mailing at a business mail entry unit (BMEU) or USPS-authorized detached mail unit (DMU).

Privately Printed Forms: The Postal Service allows mailers to use USPS-approved privately printed or computer-generated firm sheets that are nearly identical in design elements and color to the USPS-provided PS Form 3665. See DMM 503 for details on the approval process.

The mailer must retain the original written approval granted by the Postal Service as evidence that the privately printed facsimile of PS Form 3665 has been approved by the Postal Service. The Postal Service does not retain records on the facsimile approvals. A mailer using privately prepared forms must periodically verify them against the USPS-provided version and, if necessary, make routine updates and obtain approval of the updated facsimile form.

A mailer using an approved privately printed form and wanting the form sheets postmarked by the Postal Service must present the forms with the articles to be mailed at a Post Office facility. The forms become the mailer's only receipt (the Postal service does not retain a copy).



WPA Form 1 - Request for Determination of Applicability

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.

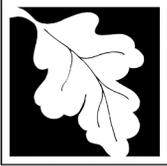
Purpose of the Request for Determination of Applicability

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>.



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.

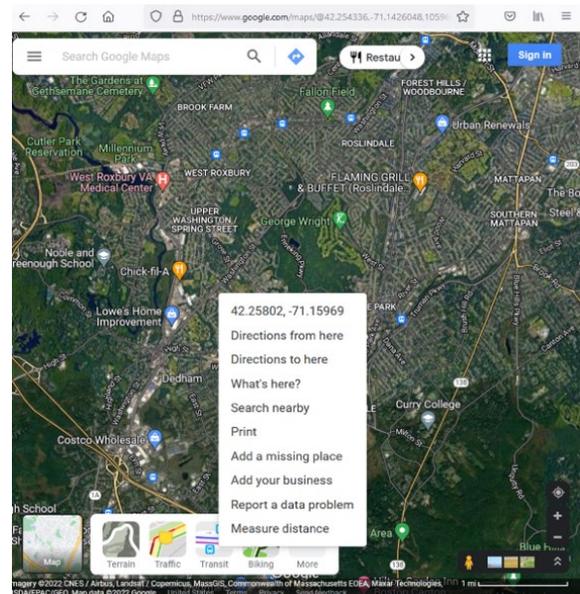
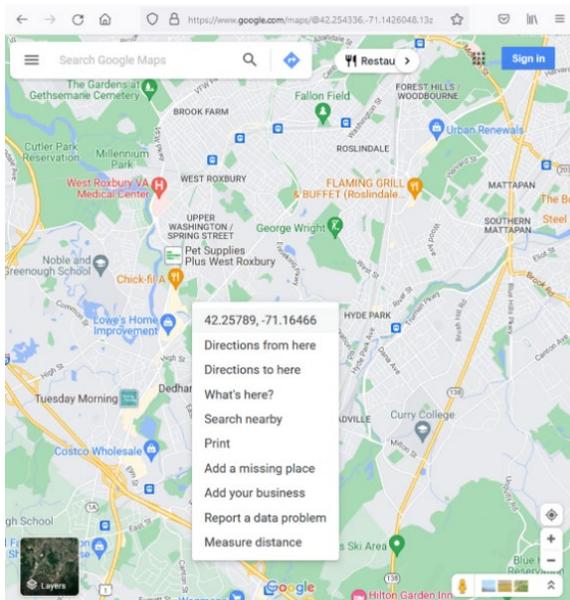
When attaching and submitting the RDA using the eDEP Platform

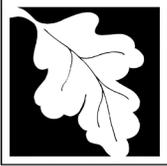
Do this **only** if you are planning to attach and submit the RDA via the eDEP platform. Leave the latitude and longitude fields **BLANK** on the **hard copy form**. When you go into the eDEP submittal platform there will be a map viewer for you to enter the latitude and longitude. Step by step instructions 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.





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

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).

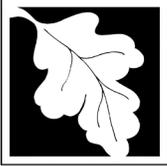
Provide the following information below for the WPA, depending on which boxes you are checking under **Section C: Determinations.**

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



Massachusetts Department of Environmental Protection
Bureau of Water Resources – Wetlands Program

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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).



Massachusetts Department of Environmental Protection
Bureau of Water Resources – Wetlands Program

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

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.