



City Of Attleboro Conservation Commission

GOVERNMENT CENTER, 77 PARK STREET
ATTLEBORO, MASSACHUSETTS 02703
(508) 223-2222 FAX 222-3046

GENERAL INSTRUCTIONS AND CHECKLIST FOR COMPLETING REQUEST FOR DETERMINATION OF APPLICABILITY

The Massachusetts Wetlands Protection Act, M.G.L. Ch131 §40 (hereafter “Act”) and the City of Attleboro Wetlands Protection Ordinance, Chapter 18 of the Revised Ordinances of the City of Attleboro (hereafter, “Ordinance”) were enacted to provide protection of wetland resources of the Commonwealth. Under these laws, no alteration, as defined in the laws, is allowed in or within 100 feet of a wetland or 200 feet of a perennial river or stream without the review and approval of the Conservation Commission. In the case of the Ordinance, there may be additional jurisdiction over isolated wetlands and vernal pools. The Ordinance also provides for a “no disturbance” area within twenty-five (25) feet of all protected wetland resources in Attleboro.

Any person desiring to know if a proposed activity or an area is subject to protection under the Act or the Ordinance may file a Request for Determination of Applicability (hereafter, “RDA”). In order to facilitate review of your proposal, please be sure that the following items are included in your RDA application.

Filing Requirements

- ❑ **Ten (10) complete copies of the Massachusetts Department of Environmental Protection (DEP) WPA Form 1 – Request for Determination of Applicability.**
This form may be used for filings under both the Act and the Ordinance. The RDA application must be completed in accordance with DEP instructions and include all necessary supporting documentation. One copy must include the original signatures of the applicant and representative (if any).
- ❑ **Nine (9) copies of a locus map consisting of an 8½” x 11” portion of the United States Geological Survey (USGS) topographic quadrangle map** clearly identifying the locations of proposed work.
- ❑ **Nine (9) copies of an 8½” x 11” portion of the Federal Emergency Management Agency, Flood Insurance Rate Map** clearly identifying the location of proposed work.
- ❑ **Ten (10) copies of a site plan** describing the proposed work. Plans must be clearly drawn and depicting sufficient details to clearly describe the proposed project and/or resource area in question. Plans should, at a minimum, include the following items, where applicable: property lines; existing and proposed grades with at least two foot contours; the boundary of wetland resource areas; the boundary of the 100 foot buffer zone; the boundary of the 25 foot “no disturb” zone; all proposed structures within the buffer zone; offset distances from proposed structures and the limit of work from resource areas; and the Assessor’s plat and lot number, street number, and subdivision lot number. All plans shall be highlighted with transparent marker pen as follows: wetland boundary in blue; 100 foot buffer zone in yellow; 25 foot “no disturb” zone in green; and 100 year floodplain in orange. If a septic system is proposed in an area subject to Commission jurisdiction, the Commission may require plans showing compliance with Title 5 of the Massachusetts Sanitary Code.

- ❑ The Conservation Commission shall prepare and submit the legal advertisement to The Sun Chronicle. The applicant is responsible to pay The Sun Chronicle directly for the legal advertisement. The Sun Chronicle will bill the applicant directly for the cost of the legal advertisement. The legal advertisement must appear in The Sun Chronicle not less than five (5) business days prior to the date of the public hearing in order for the Conservation Commission to hold the public hearing.
- ❑ **There is no filing fee for a determination under the Wetlands Protection Act.** However, if you are requesting a determination under the Local Wetlands Protection Ordinance, a filing fee of **TWENTY-FIVE (\$25.00) DOLLARS** is required. Make check payable to the City of Attleboro.
- ❑ **If you are requesting a determination under the Ordinance, two (2) copies of the Conservation Commission's *Certified List of Abutters* signed by an authorized representative of the City Assessor's Office.** Lists that are older than six months from the date of issuance are invalid and a new list must be applied for with the Assessor's Office.
- ❑ **If you are requesting a determination under the Ordinance, one set of mailing labels with the typed or neatly printed names and addresses of all abutters.** Labels are typically included with the signed *Certified List of Abutters* provided by the Assessor's Office.
- ❑ **Two (2) copies of the RDA and supporting documents, including site plans must be delivered to the DEP Southeast Regional Office** in accordance with filing instructions contained within the RDA, if filing under the Act.

Note: Anyone desiring to confirm the precise boundaries of Bordering Vegetated Wetlands (BVW) or other wetland resource areas protected under the Act should file WPA Form 4A – *Abbreviated Notice of Resource Area Delineation* (ANRAD).

Public Hearing Schedule and Filing Deadline: The RDA must be submitted to the Commission no later than fourteen (14) days prior to a scheduled meeting. Once a complete RDA application is filed, the Conservation Commission will schedule a hearing and issue a decision within twenty-one (21) days of its receipt. Generally, the Commission meets every first and third Wednesday of the month. You may call the Conservation Commission office to confirm the schedule. Applicants who desire guidance prior to submitting an application should consult with the Conservation Agent for further assistance.

Site Visits

Conservation Commission members and/or the Conservation Agent will typically conduct a site visit to view the site as part of the information gathering process. Site visits are conducted prior to the public hearing in order to adhere to the twenty-one (21) day limit for the Commission to issue a decision. On occasion, the Conservation Commission may wish to conduct an additional site visit after hearing testimony at the public hearing. In these instances, the Commission will request the applicant's permission to continue the public hearing to the next regularly scheduled meeting date in order to provide time for the site visit, as well as complete a request for an extension of time, if necessary. A date and time for the site visit will be determined at the public hearing and efforts will be made to assure that the site visit is compatible with the applicant's schedule.



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

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.state.ma.us/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.



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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 <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html> 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.



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).



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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):



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C. Project Description (cont.)

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

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

- Single family house on a lot recorded on or before 8/1/96
- Single family house on a lot recorded after 8/1/96
- Expansion of an existing structure on a lot recorded after 8/1/96
- Project, other than a single family house or public project, where the applicant owned the lot before 8/7/96
- New agriculture or aquaculture project
- Public project where funds were appropriated prior to 8/7/96
- Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- Residential subdivision; institutional, industrial, or commercial project
- Municipal project
- District, county, state, or federal government project
- Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

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



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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

CERTIFIED LIST OF ABUTTERS

ATTLEBORO CONSERVATION COMMISSION

City Assessor, or designee's, initials: _____ Date: _____

Type of Application: ___ **Filing under Ma. Wetlands Protection Act/Stormwater Management Ordinance**
(check all that apply) (notify all properties within 100 feet of property line**)
 ___ **Filing under City of Attleboro Wetland Protection Ordinance**
 (notify all direct abutters and abutters to them within 300 feet of property line**)

Name of Applicant: _____

Phone Number: _____

Property Owner: _____

Property Owner Signature: _____

Property Address: _____

Assessor's Plat/Map: _____ Lot(s): _____

PLEASE PRINT OR WRITE NEATLY PLAT NUMBER AND LOT NUMBER IN EACH BOX (use additional sheet if necessary)

****Including abutters located directly opposite on any public or private street or way, in another municipality or across a body of water.**

NOTIFICATION TO ABUTTERS
UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT
AND
THE CITY OF ATTLEBORO WETLANDS PROTECTION ORDINANCE

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, and/or Section 18-1.6 of the Revised Ordinances of the City of Attleboro, you are hereby notified that the Attleboro Conservation Commission will hold a public hearing relative to the following. The applicant has filed a Notice of Intent and/or Local Wetlands Permit Application with the Attleboro 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) and/or the Wetlands Protection Ordinance (Chapter 18 of the Revised Ordinances of the City of Attleboro) and/or the Buffer Zone. Application materials and plans are on file with the Department of Planning and Development, Government Center, 77 Park Street, Attleboro, Massachusetts 02703 and are available for public review between the hours of 8:30 a.m. to 4:30 p.m. during regular business days.

- A. The name of the applicant is: _____
- B. This application is being filed under (check all that apply):
 ___ The Massachusetts Wetlands Protection Act
 ___ The City of Attleboro Wetlands Protection Ordinance
- C. The address/location of the site where the activity is proposed is: _____

- D. Description of the proposed work: _____

- E. Copies of the Notice of Intent may be obtained from either (check one) the applicant ___ or the applicant's representative ___, by calling this telephone number: () _____ between the hours of ___ and ___ on the following days of the week: _____
- F. Information regarding the date, time, and place of the public hearing may be obtained from the Attleboro Conservation Commission by calling (508) 223-2222 between the hours of 8:30 a.m. and 4:30 p.m. during regular business days.

Notice of the public hearing, including its date, time, and place, will be published at least five (5) days in advance in the Sun Chronicle newspaper.

Notice of the public hearing, including its date, time, and place, will be posted with the City Clerk's Office at Attleboro City Hall at least forty-eight (48) hours in advance.

You may also contact the Attleboro Conservation Commission at (508) 223-2222 or the Department of Environmental Protection (DEP) Southeast Regional Office at (508) 946-2700 for more information about this application.