

## RDA Application Instructions



### CHELMSFORD CONSERVATION COMMISSION

## Request for Determination of Applicability Application Instructions

Requests for Determination of Applicability (RDA) are primarily used for activities occurring only in the Buffer Zone to a Wetland Resource Area that do not require significant conditions. The construction of a shed within forty (40) feet of the edge of a wetland is an example of work that would require the filing an RDA application. Work proposed within a Wetland Resource Area or new construction/site disturbance within a previously undisturbed area of the Buffer Zone will require the filing of a Notice of Intent (see Notice of Intent Application Instructions).

The following activities within the Buffer Zone **do not** require filing with the Conservation Commission:

- Unpaved pedestrian walkways for private use;
- Fencing, provided it will not constitute a barrier to wildlife movement;
- Stonewalls;
- Stacks of cordwood;
- Plantings of native species of trees, shrubs, or groundcover, but excluding turf lawns;
- The conversion of impervious to vegetated surfaces, provided erosion and sedimentation controls are implemented during construction; and
- Activities that are temporary in nature, have negligible impacts, and are necessary for planning and design purposes (e.g., installation of monitoring wells, exploratory borings, sediment sampling and surveying).

The following activities, if occurring **more than fifty (50) feet** from the edge of a Resource Area, do not require filing with the Conservation Commission:

- Vista pruning; and
- The conversion of lawn to uses accessory to residential structures such as decks, sheds, patios, and pools, provided erosion and sedimentation controls are implemented during construction.

All other work proposed within one hundred (100) feet of a Wetland Resource Area requires filing an RDA or NOI application.

#### Step 1

Download the application form (WPA Form 1) and the Instructions for Completing Application WPA Form 1 from the Massachusetts Department of Environmental Protection (DEP) website: <http://www.mass.gov/dep/water/approvals/wpaform1.pdf>. Printed copies may be obtained from the Conservation Office at the Town Offices. Please **read the instructions** first.

#### Step 2

Using the instructions, **complete WPA Form 1**. If you have questions, please call the Conservation Office. Note that there is a section for a "Representative (if any)." You may wish to obtain professional assistance from a consultant, engineer, or land surveyor to assist you with preparing a plan.

**Applications must include a plan.**

Use the included checklist to ensure that the plan(s) have at least the minimum required information.

#### Step 3

Plan your submission date based on the meeting schedule. The Conservation Commission generally meets every 1<sup>st</sup> and 3<sup>rd</sup> Tuesday of the month. **Applications are due by 2:00 pm on Thursday**, 20 days in advance of the Commission's meeting (See the Legal Notice & Hearing Timeline form).

Example: If the Commission meets on Tuesday, September 18, 2012, the submission deadline is Thursday, August 30, 2012.

# RDA Application Instructions

## Step 4

Submit the following materials to the Conservation Commission:

- Two (2) copies of the RDA application:
  - Signed WPA Form 1
  - Attachments (if any)
- Nine (9) Copies of the plan [if larger than 11" x 17" submit two (2) full-size copies and seven (7) 11" x 17" copies]
- Signed and completed Legal Notice & Hearing Timeline Form
- Local Filing Fee Calculation Form
- Application fee payable to the Town of Chelmsford
- Electronic PDF files of both the application and the plan (email to: [aleflore@townofchelmsford.us](mailto:aleflore@townofchelmsford.us) or provided on Compact Disc)

Submit the following materials to the DEP Northeast Regional Office:

- One (1) copy of the RDA application:
    - Signed WPA Form 1
    - Attachments (if any)
  - One (1) copy of the plan
- DEP Northeast Regional Office  
205B Lowell Street  
Wilmington, Massachusetts 01887

## Step 5

By submitting a **complete** RDA application, you will be scheduled to attend the next available Conservation Commission public meeting. **The applicant or the representative must be present at the scheduled public meeting.**

## Step 6

The Conservation Commission or their agent will likely be required to perform a site visit to confirm existing conditions prior to the public meeting. You will be contacted to arrange a time for the site visit.

## Step 7

The applicant or the representative is responsible for paying the Legal Notice advertising fee (Approximately \$40 to the Chelmsford Independent) and will be billed directly by the newspaper.

## Step 8

The applicant is responsible for complying with the Determination of Applicability issued by the Conservation Commission.

- **Positive determination** means that the applicant may not proceed until they obtain an Order of Conditions by filing a separate Notice of Intent application.
- **Negative determination** means that the applicant may proceed with the work as proposed, subject to any conditions, but no further action under the Wetlands Protection Act is required.

## Plan Checklist

The following should be included on the submitted plan:

- Title
- Date
- Existing Conditions
  - Buildings & Structures
  - Pavement
  - Edge of Lawn
- Wetlands on or within 200 feet of the property
- Proposed Conditions
  - Buildings & Structures
  - Pavement
  - Limits of proposed work
- Distance between proposed work and closest Wetland Resource Area

**Plans that do not depict wetland resource boundaries and approximate distances from proposed work will not be accepted.**



# CHELMSFORD CONSERVATION COMMISSION

## Legal Notice & Hearing Timeline

The Chelmsford Conservation Commission will prepare and submit a Legal Notice to be published in the **Chelmsford Independent** at least five (5) business days prior to the public meeting or hearing.

The Wetlands Protection Act [M.G.L. c. 131 § 40] and Regulations [310 CMR 10.00] require that a public meeting or hearing be held within 21 days after the filing of an Application (Request for Determination of Applicability, Abbreviated Notice of Resource Area Delineation, Notice of Intent) or that a Determination of Applicability be issued within 21 days of the filing.

The Chelmsford Independent is a Thursday publication that is printed weekly and requires Legal Notices be submitted one week in advance of publication. Therefore, applications must be received 19 days in advance of the Commission's regularly scheduled Tuesday meetings. Due to advertising in a weekly paper, if an applicant files after the submission deadline, they will be scheduled for the next available public meeting or hearing no sooner than 30 days after filing.

It is for these reasons that the Commission requests that the applicant or representative waive the benefit of the above 21 day requirements.

The alternative to this waiver is for the applicant or representative to utilize the Lowell Sun, a daily published paper of general circulation. The cost of a Legal Notice in the Lowell Sun is approximately \$150.00.

The cost of a Legal Notice in the Chelmsford Independent is approximately \$40.00.

The following billing information to be provided to the Newspaper:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone (Home)

\_\_\_\_\_  
Phone (Cell)

\_\_\_\_\_  
Phone (Other)

\_\_\_\_\_  
Email

I hereby authorize that the required Legal Notice be billed directly to the person above and that by signing this form, I acknowledge the following: that the Legal Notice will be published in the **Chelmsford Independent**; that I waive the mandated twenty-one (21) day decision/hearing deadline should I be filing after the submission deadline and the public meeting or hearing will be scheduled within 30 days; and that I am aware of and electing not to use the Lowell Sun as an alternative to waiving the mandated twenty-one (21) day decision/hearing deadline.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Updated October 2009



# CHELMSFORD CONSERVATION COMMISSION

## Local Filing Fee Calculation Form

The Chelmsford Wetlands Bylaw [Chapter 187] and the Chelmsford Wetlands Bylaw Regulations [Section 7.1] require a filing fee according to the following schedule.

APPLICATION TYPE:	QUANTITY:	FILING FEE:	TOTAL:
<b>Request for Determination of Applicability (RDA):</b>			
Commercial, industrial, non-profit, and water district entity:	_____ x	\$100.00	_____
Residential Subdivision (2 or more lots):	_____ x	\$100.00	_____
General Residential or Single Family house:	_____ x	\$50.00	_____
<b>Abbreviated Notice of Resource Area Delineation (ANRAD):</b>			
Single Family house	_____ x	Half the total Act fee	_____
All other Activities	_____ x	Half the total Act fee	_____
<b>Notice of Intent (NOI):</b>			
Activity Fee Category 1	_____ x	\$55.00	_____
Activity Fee Category 2	_____ x	\$250.00	_____
Activity Fee Category 3	_____ x	\$525.00	_____
Activity Fee Category 4	_____ x	\$725.00	_____
Activity Fee Category 5	_____ x	\$75.00	_____
*per each activity proposed within Wetland Resource Areas and Buffer Zone			
<b>Application Filed After Enforcement Order:</b>	_____ x	Double the total municipal fee	_____
<b>Amended Order of Conditions Application:</b>	_____ x	75% of initial municipal fee	_____
<b>Request for Certificate of Compliance (RCOC):</b>			
Commercial, industrial, non-profit, and water district entity:	_____ x	\$150.00	_____
Residential Subdivision:	_____ x	\$100.00	_____
General Residential or Single Family house:	_____ x	\$50.00	_____
If Order of Conditions has Expired:	_____ x	Add an additional \$50.00	_____
<b>Request for an Extension Permit (REP):</b>	_____ x	\$75.00	_____
<b>Request for True Attest Copy:</b> Order of Conditions, Certificate of Compliance, Amended Order of Conditions, Extension Permits, or other documents:	_____ x	\$25.00 each	_____
<b>Research:</b> Obtaining specific applications, plans, or permits from file or researching other information:	_____ x	\$25.00 per hour of staff time	_____
<b>Request for Partial Certificate of Compliance:</b>			
Commercial, industrial, non-profit, and water district entity:	_____ x	\$125.00	_____
Residential Subdivision:	_____ x	\$75.00	_____
General Residential or Single Family house:	_____ x	\$25.00	_____
<b>Local Filing Fee</b> (Sum of filing fees above):			_____
<b>Town Share</b> of state filing fee (from DEP form):			_____
<i>Note: State filling fee only applies to ANRADS and NOIs,</i>			
<b>Total Payable to Town of Chelmsford:</b> (Local Filing Fee + Town Share):			\$ _____

Updated April 2010



# WPA Form 1- Request for Determination of Applicability

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

## A. General Information

**Important:**

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



1. Applicant:

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

2. Representative (if any):

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

## B. Determinations

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

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

\_\_\_\_\_  
Name of Municipality

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

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



# WPA Form 1- Request for Determination of Applicability

City/Town \_\_\_\_\_

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

## C. Project Description

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

Street Address \_\_\_\_\_ City/Town \_\_\_\_\_

Assessors Map/Plat Number \_\_\_\_\_ Parcel/Lot Number \_\_\_\_\_

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

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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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**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands

City/Town \_\_\_\_\_

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

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

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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).

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

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

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

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## WPA Form 1- Request for Determination of Applicability

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

### 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