REQUEST FOR DETERMINATION OF APPLICABILITY
SUBMITTAL CHECKLIST
Reading Conservation Commission

This checklist is intended as an aid only, to assist in the process of submitting a Request for Determination and to help avoid delays. Please consult MGL Chapter 131, Section 40, the Wetlands Protection Act and its accompanying Regulations, 310 CMR 10.00, available through the state website, www.mass.gov. Also, please consult Reading General Bylaws, Section 7.1, and the Reading Wetlands Protection Regulations, available through the Town Clerk's office and on the town website, www.readingma.gov. It is only necessary to file one submittal under both State and Town law.

A. Prior to submittal of a Request for Determination:

1. It is strongly recommended that the applicant or representative meet with the Conservation Administrator to review the proposed work, research existing site information, and to become familiar with the wetlands regulations. Contact the Administrator at Town Hall, (781) 942-6616.

2. Submit a completed Request for Abutters List form, to be signed by the Conservation Administrator and then delivered to the Assessor's office. It might take up to 21 days for the Assessor to return the Certified List of Abutters.

B. Request for Determination submittal:

1. Submit to the Reading Conservation Commission the original plus nine copies of the following items:

    a. A completed Request for Determination of Applicability form, Form 1. See link to forms on Conservation home page, or download the form from the State website, www.mass.gov/dep.

    b. A Locus Map, showing the Town of Reading with the site location clearly marked (e.g., circled and located by a large arrow).

    c. A description of the site, the proposed activity, and supporting data and calculations such as soils test data, drainage calculations, wetlands boundaries, proposed earth moving, impervious cover area, etc. (Please refer to the wetlands regulations for requirements.)

    d. A site plan or plans no more than 2' by 3' in size, preferably prepared by an engineer, surveyor, or other licensed professional, having a title block with location, date, legend, scale (1"=20' or 1" =40'), and north arrow, that clearly shows as much of the following as needed to locate the wetlands and describe the

proposed work (please refer to the wetlands regulations for complete requirements):

- Property boundaries, easements, rights-of-way, etc.;
- Boundaries of waterways, water bodies, banks, floodplains, and wetlands within and within 100 feet of the site, including locations of field flags;
- Boundaries of the 100-foot Buffer Zone and 25-foot Zone of Natural Vegetation;
- Existing topography (in one- or two-foot intervals), structures, and other physical features (walls, paths, trees, wells, drainage and utility lines, etc.);
- Proposed topography, structures, and physical features, including temporary and permanent stormwater and erosion control features.

2. A check payable to "Town of Reading" for filing fee under Reading General Bylaws, Section 7.1. Fee for RDA is $75.00.

3. A check payable to the Daily Times Chronicle in the amount of $75.00 for publication of the legal notice of the public hearing.

4. A set of standard sized business envelopes (4.5" by 9.5") addressed to: the certified list of abutters (excluding any duplicates and the planning boards of abutting towns), the applicant, and the applicant's representatives. Envelopes should also bear standard first-class postage stamps. Please leave the return address blank. The Commission will send abutters the notice of the public meeting using these envelopes.

5. On the same day that the Request is submitted to the Commission, mail one copy of the Request for Determination of Applicability form, site plans, locus map, all attached descriptions and data to the DEP Northeast Regional Office, attn: Wetlands Program, 205B Lowell Street, Wilmington, MA 01887.

C. Prior to the Public Meeting

1. The Conservation Commission will submit the legal notice of the public meeting to the Daily Times Chronicle for publication, along with the applicant's check for the cost of the advertisement. The Commission will mail copies of the same notice to the abutters, etc. using the envelopes submitted by the applicant.

2. The Conservation Administrator and the Conservation Commission may inspect the site. The Administrator usually inspects during normal business hours Monday through Thursday. The Commission usually inspects on the Sunday morning (or Monday evening in summer) prior to the hearing. The boundaries of all resource areas should be marked on site with labeled flags. The corners of proposed structures and other important features (drainage systems, paved areas, limits of work,

etc.) should be marked with stakes or flags, preferably using different colors and labels for different features.

D. Public Meeting

1. A public meeting will normally be scheduled within 21 days of receipt of a complete submittal. (If not possible, the Commission may ask the applicant to sign a waiver of the 21-day requirement. It is rare that the Commission can not open the meeting within 21 days.) Commission meetings are generally held every other Wednesday evening.

2. At the meeting, the applicant and his or her representatives will be given the opportunity to present and discuss the proposed work. The Commission, the Administrator, and the general public may comment upon the proposal and ask questions.

C. Determination of Applicability

A Determination of Applicability will be issued by the Commission after the public meeting is closed. The Commission will vote on the wording of the Determination during a public meeting and will issue the Determination within 21 days of the receipt of the Request. The Determination may be appealed as provided by law.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

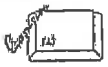
City/Town

WPA Form 1- Request for Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
and Town of Reading General Bylaw Section 7.1

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).

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
and Town of Reading General Bylaw Section 5.7

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):

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.)

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
and Town of Reading General Bylaw Section 5.7

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

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 and Town of Reading General Bylaw Section 5.7

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.

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.

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

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/dep/about/region/findyour.htm 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.

USGS section: Reading, MA
Locus Map

TOWN OF READING

REQUEST FOR CERTIFIED ABUTTERS LIST

SUBJECT PROPERTY:

Address: _____

Assessors' Map Number: _____ Lot Number: _____

APPLICANT/AGENT:

Name: _____

Address: _____

Telephone: _____ Email: _____

Board or Commission for which this request is made (check all that are applicable):

Zoning Board of Appeals:

- ☐ Variance
- ☐ Special Permit
- ☐ Appeal

Community Planning and Development Commission:

- ☐ Site Plan Review
- ☐ Special Permit
- ☐ Subdivision

Conservation Commission:

- ☐ Request for Determination
- ☐ Abbreviated Notice of Resource Area Delineation
- ☐ Notice of Intent

Applicant/Agent Signature: _____ Date: _____

The Assessors' office may require up to three weeks in order to process and approve this request.

Authorized Signature: _____ Date: _____

Department of Community Services