

APPLICATION CHECKLIST - REQUEST FOR DETERMINATION OF APPLICABILITY (RDA)

This checklist must be completed, signed and submitted to the Andover Conservation Department with any Request for Determination of Applicability. Only one copy of this checklist is required to be submitted to the Andover Conservation Department with the application. All required information and notifications must be included in order for the application to be considered complete.

Submit two (2) paper hard copies and one electronic copy (via email at the email address below) of the entire application (via hand delivery or mailing) to the Andover Conservation Department at 36 Bartlet Street, Andover, MA 01810. The Andover Conservation Department's email is: Cdpconservation@andoverma.us. The Andover Conservation Department's phone number is: (978) 623 8630.

Submit one (1) paper hard copy of the entire application by certified mail or hand delivery to the Massachusetts Department of Environmental Protection (MassDEP):

MassDEP Northeast Regional Office
150 Presidential Way
Woburn, MA 01801

DOCUMENTS

1. _____ Request for Determination of Applicability application (WPA Form 1) fully filled out and signed. Particular emphasis is placed on the importance of these two items:
 - A. _____ A thorough written narrative of the proposed project, including a description of any excavation, proposed structures and erosion/sedimentation controls.
 - B. _____ A clear description of the location of the proposed work.

Note: WPA Form 1 may be filled out by hand OR electronically (then printed out and signed) through a fillable PDF form available on the MassDEP website here:

[MassDEP WPA Form 1 - Fillable PDF - Request for Determination of Applicability](#)

2. _____ Map or Site Plan – An 8.5"x11" Andover GIS wetlands map, engineered plan, or plot plan. A link to the Andover GIS mapping website is here: [Andover GIS Viewer](#)
An example map/site plan is provided on the Andover Conservation Permits and Applications webpage and is also included with this application packet.

The Map/Site Plan should clearly show the following:

- A) Location of the wetland resource area.
- B) Location and full extent of the proposed work, including the distance between the proposed work and the wetland resource area.
- C) A clear note providing the date when structure(s) on the property were constructed.
- D) Existing conditions (structures, tree line, limit of existing lawn, driveway, property lines, fences, pools).
- E) If known, clearly show boundaries of all resource areas including the 100 foot, 50 foot and 25 foot buffer zones as defined in the Wetlands Protection Act and the Andover Wetlands Protection Bylaw.
- F) Details of the proposed project, including - but not limited to - locations of all proposed structures, grading, trees to be removed, changes to edge of lawn, plantings (including trees) and the proposed tree line. Show the distance between the limit of the proposed work and the nearest edge of the wetland resource area. Show any erosion/sedimentation controls clearly.

*****At a minimum, submitted plans shall clearly and accurately show the present conditions and proposed scope of work and depict the location of wetlands. Applications that do not clearly describe the proposed scope of work and that do not provide a sufficient site plan will not be accepted.*****

3. ____ Waivers/Permissions.
 - A. ____ Waiver for 21 day hearing period.
 - B. ____ Request for Exemption, i.e. engineered plans, tree line, contours etc.
 - C. ____ Permission to Access Site

4. ____ Abutter Notification. **Abutter Notification is only required for projects subject to review under the Andover Wetlands Protection Bylaw (the Bylaw). Please refer to the Bylaw Fact Sheet for more information. If the project is work being done on a house or residence constructed prior to January 1, 1999 the Bylaw generally does not apply.** The Bylaw Fact Sheet is here: [Bylaw Fact Sheet](#)
 - A. Contact Andover Conservation Staff via email at cdpconservation@andoverma.us to obtain an abutter's list of abutters within 100 feet of the property. Note: this is only applicable for projects subject to the Bylaw.
 - B. Abutter Notification Form to be sent via certified mail or certificate of mailing not less than 7 calendar days prior to the public hearing. The form shall clearly state the date, time, and location of the hearing. If the hearing is to be held virtually, the place to locate the link for the hearing shall be provided as well.
 - C. A copy of the completed Abutter Notification Form must be emailed to Conservation staff at CDPConservation@andoverma.gov for review and approval prior to mailing. This review may take up to 2 days so please allow sufficient time prior to the mailing deadline.
 - D. Proof of mailing of the completed Abutter Notification Form to be forwarded to Conservation Staff prior to the hearing date.

5. ____ Fees.
 - A. A legal ad fee in the amount of \$145.00 made payable to the Town of Andover via check is to be included with the Application. The Town of Andover does not charge this fee – the Lawrence Eagle-Tribune does – and public notification in a newspaper is a requirement under the Wetlands Protection Act and the Andover Wetlands Protection Bylaw. Andover Conservation staff coordinate publishing of the legal add with Eagle Tribune staff. **Fees are due and payable at the time of application. The application will be deemed deficient and the application will not be accepted if the payment is not included.**
 - B. If you elect to have Conservation Staff record an approved Determination of Applicability permit at the Essex North Registry of Deeds on your behalf, also include a check for \$105.00 made payable to the “Commonwealth of Massachusetts” with your application. More information on this process is available in the last section of this set of instructions under the heading “After the Andover Conservation Commission Meeting.” Review this section of the instructions before submitting your application.
 - C. Bylaw Fee. If the project is subject to the Andover Wetlands Protection Bylaw, an additional fee in the amount of \$250.00 made payable to the Town of Andover is also required upon filing of an application. Please see the Bylaw Fact Sheet about the applicability of the Andover Wetlands Protection Bylaw available here: [Bylaw Fact Sheet](#)
If the Bylaw isn't applicable for your project, then this \$250.00 fee is not required.

6. ____ A copy of the current property deed if available.

7. Acknowledgement that you (the applicant or the applicant’s representative) have read the following documents:
- A. The Wetland Permitting Applicant’s Guide (provided by the Town of Andover Conservation Department); and
 - B. The Instructions and Supporting Materials for Requests for Determination of Applicability (provided by the Massachusetts Department of Environmental Protection).

Applications which are incomplete will not be accepted/“stamped in” or placed on a Conservation Commission Meeting Agenda until the application is complete.

AFTER THE ANDOVER CONSERVATION COMMISSION MEETING

If your permit is approved through a vote of the Andover Conservation Commission at a meeting, the Conservation Commissioners will need to physically sign the original Determination of Applicability permit. After the Conservation Commission signatures are obtained, the next step is for the Determination of Applicability permit to be recorded at the Essex North Registry of Deeds in Lawrence. There are two options whereby this process can be completed.

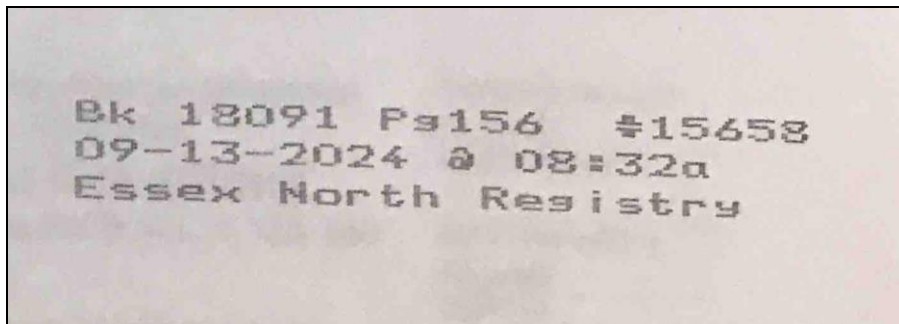
Option 1: Applicants Complete the Recording Process at the Registry.

If applicants prefer to record the Determination of Applicability permit themselves, the permit will be mailed, from the Andover Conservation office via Certified Mail - to the applicant. This original, hard copy Determination of Applicability permit can then be recorded at the Northern Essex District Registry of Deeds (the Registry), which is located at 1 Union Street, Suite #402, in Lawrence, Massachusetts. The cost of recording the Determination of Applicability is \$105.00, which will be charged at the time of recording.

The Registry’s website is here: <https://massrods.com/essexnorth/>
As of March 2025 the Registry’s recording hours are as follows: Monday through Friday, 8 AM to 4 PM.

Importantly, the proof of recording information from the Registry must be provided to Conservation Staff prior to any work beginning on the project.

The proof of recording information consists of the Registry’s stamp in the upper right hand corner of the Determination permit document. The Registry’s stamp looks like this:



Once you have recorded the Determination permit at the Registry, scan or take a photo of the front page of the Determination permit document with this Registry stamp on it. Email this scanned copy or picture to CDPConservation@andoverma.us and/or to Lynn Viselli – lynn.viselli@andoverma.us - and Ben Meade - Benjamin.meade@andoverma.us.

Please keep in mind that Conservation Staff cannot sign off on your building permit until proof of recording information for the Determination of Applicability is provided to our office.

Option 2. Conservation Staff Complete the Recording Process at the Registry.

To assist applicants, as an additional service Andover Conservation Staff are able to record the original Determination of Applicability permit at the Essex North District Registry of Deeds on your behalf. If you elect to have Conservation Staff record the Determination of Applicability permit, please include a check made payable to the “Commonwealth of Massachusetts” in the amount of \$105.00 and include this check with your Request for Determination of Applicability application.

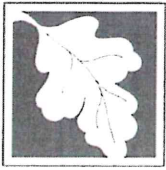
Conservation Staff are pleased to provide this additional service for applicants. It will likely save applicants time and the effort of an additional logistical step in the wetland permit application process. Conservation Staff are familiar with the Registry’s processes, are able to make regularly scheduled appointments there, and are glad to help with this part of the process for applicants.

A copy of the recorded Determination of Applicability permit will then be emailed to the applicant and the original hard copy will be mailed to the applicant.

By choosing this second option, the timeframe for recording the Determination of Applicability permit and signing off on the building permit can be shortened from from a few weeks to about a week’s time.

Signature of Applicant or Applicant’s Representative

Date



Massachusetts Department of Environmental Protection
Bureau of Water Resources - Wetlands

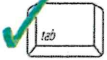
WPA Form 1- Request for Determination of Applicability

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):

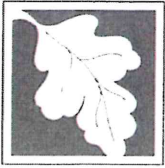
c. Plan and/or Map Reference(s): (use additional paper if necessary)

Title _____ Date _____

Title _____ Date _____

[How to find Latitude and Longitude](#)

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



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 _____

B. Project Description (cont.)

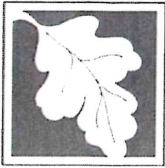
2. a. Activity/Work Description (use additional paper and/or provide plan(s) of Activity, if necessary):

- 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.)



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 _____

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)

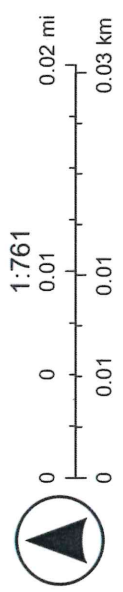
Date

Example Map Showing Example Proposed Project, Town of Andover



1/24/2025, 1:14:20 PM

- Parcels
- Wetland
- Pond
- Easement





TOWN OF ANDOVER

Conservation Department
Town Offices
36 Bartlet Street
Andover, MA 01810
(978) 623-8311
www.andoverma.gov

PERMISSION TO ACCESS SITE

Property Owner

Name: _____

Address: _____

Phone: _____

Email: _____

Property Location:

(Street Address)

Andover's Assessor's Map No. _____ Lot No. _____

I hereby give my permission to the Andover Conservation Commission, its agents and members or their designees, to access the site named above as needed to perform their duties.

Signature of Property Owner: _____

Date: _____



Town of Andover
 Town Offices, Conservation Division
 36 Bartlet Street
 Andover, MA 01810
 (978) 623-8630
 www.conservation@andoverma.gov

WAIVER

"Please complete this form and return with your RDA Application."

Date:

I, _____ hereby waive the twenty-one day time period for a public
Name of Applicant or Representative
 hearing / meeting following receipt of my filing of;

- Notice of Intent
- Request for Determination of Applicability
- Other _____

by the Andover Conservation Commission under Massachusetts General Laws, Ch. 131, sec. 40, and/or under Andover General Bylaws, Article XIV.

The request was submitted on: _____ for work at: _____
Date Received in Conservation Dept. Location / Address of where work will be done

Please be advised that you will be notified of the meeting date, once this application has been assigned to a Conservation Meeting Agenda.

I am the: Applicant
 Applicant's Representative
 Property Owner

 (Signature)

 (Date)

REQUEST FOR EXEMPTION

(Attach a copy of this form to each of the ~~9~~² sets submitted)

To be used by applicants proposing work on a single family home when you are not submitting engineered plans. You must submit the following completed and signed document.

DATE: _____

TO: Andover Conservation Commission

FROM: _____

SUBJECT: Exemption from RDA Requirements

I would like to request an exemption from the following submission requirements in reference to:

Address: _____

Engineered Plan
Contours
Tree Line
Other:

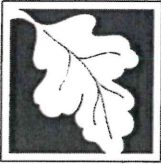
Sincerely,

Name (signature)

Address:

Telephone:

Email Address:



Instructions for Completing WPA Form 1 – Request for Determination of Applicability

Please read these instructions before completing the Request for Determination of Applicability (WPA Form 1) for more information on certain items that are not self-explanatory.

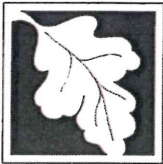
Purpose of the Request for Determination of Applicability

The Request for Determination of Applicability (RDA or Request) is a process that provides applicants with the *option* of obtaining a determination on the applicability of the Wetlands Protection Act (WPA or the Act) and its regulations to a proposed site and/or activity. Before filing this form to confirm the boundary delineation of a resource area, the applicant should discuss other delineation review options with the Conservation Commission. The Commission may require the submission of WPA Form 3 (Notice of Intent), WPA Form 4 (Abbreviated Notice of Intent), or WPA Form 4A (Abbreviated Notice of Resource Area Delineation).

The applicant is responsible for submitting a complete and accurate description of the site and project to the Conservation Commission. This will minimize requests for additional information by the issuing authority which may result in an unnecessary delay in the issuance of a Determination of Applicability (DOA).

The Conservation Commission also may require that supporting materials (plans and calculations) be prepared by professionals including, but not limited to, a registered engineer, registered architect, registered landscape architect, registered land surveyor, registered sanitarian biologist, environmental scientist, geologist, or hydrologist when the complexity of the proposed work warrants specialized expertise.

To complete this form, the applicant should refer to the Wetlands Protection Act Regulations (310 CMR 10.00) at [MassDEP's website](#). Copies of the regulations are available for viewing at public libraries and county law libraries across the state, as well as at the Department's Regional Service Centers. Official copies of the wetland regulations are available for sale from the State House Bookstore (617.727.2834) and State House Bookstore West (413.784.1378).



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

WPA Form 1 - Request for Determination of Applicability

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

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

For Conservation Commission:

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

For MassDEP:

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

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

Submit RDA Electronically – eDEP Submittal Platform Option

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

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

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

Submit RDA by Mail Option

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



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

WPA Form 1 - Request for Determination of Applicability

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

Completing WPA Form 1 Section B: Project Description

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

1a. Project Location. Include a street address (if one exists) and, if known, the Assessors' map or plat number, the parcel number, and the lot number. The map or plat, parcel, and lot numbers must be included if the lot subject to the Request does not contain a residence, school, or commercial or industrial establishment, or if the lot is being subdivided.

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

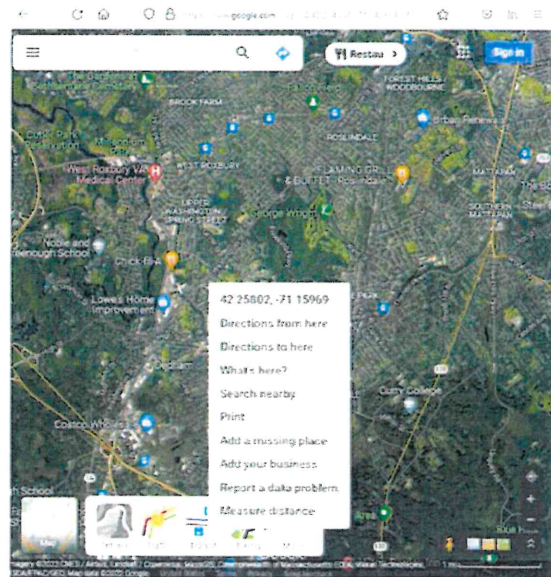
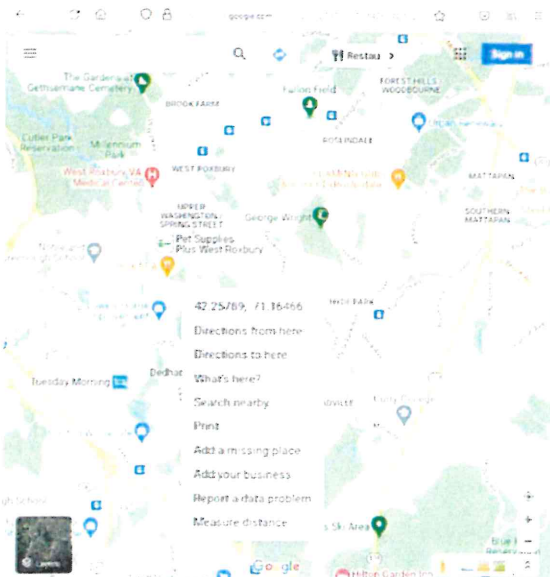
When attaching and submitting the RDA using the eDEP Platform

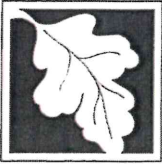
Do this **only** if you are planning to attach and submit the RDA via the eDEP platform. Leave the latitude and longitude fields **BLANK** on the **hard copy form**. When you go into the eDEP submittal platform there will be a map viewer for you to enter the latitude and longitude. Step by step instructions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

When mailing a hard copy to the MassDEP Regional Office

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

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





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

WPA Form 1 - Request for Determination of Applicability

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

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.

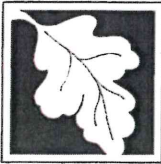
Resource Areas: Boundaries.

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

WPA Form 1 - Request for Determination of Applicability

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.