



Town of Sturbridge

Conservation Commission

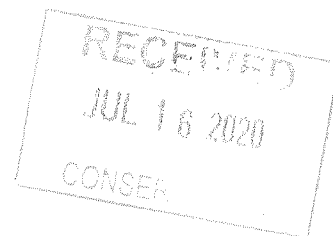
Your Packet for Submitting a REQUEST FOR DETERMINATION OF APPLICABILITY (RDA)

Enclosed in this packet are the forms needed for submitting a Request for Determination of Applicability (RDA) to the Town of Sturbridge Conservation Commission. It contains the following documents and forms needing completion:

- Local Instructions for Filing a Request for Determination of Applicability (RDA):
This is your overview document, providing basic guidance on submitting this form.
- Mass DEP WPA Form 1: Request for Determination of Applicability
INSTRUCTIONS (4pp) and APPLICATION FORM (4pp)
Requests for Determination of Applicability are used for small projects outside wetland areas where the applicant requests that the Commission determine if the Wetlands Protection Act is applicable to the proposed work activity. Simple projects with proper protective measures, such as hay bales, are typically dispositioned using an RDA. It can also be used to request a ruling from the Commission as to whether a particular site might contain protectable wetlands or other resource areas.
- Sturbridge Conservation Commission Affidavit of Service:
This document is your witness that abutters have been notified according to regulations.
- Town of Sturbridge Proof of Paid Taxes:
This document must be signed by the Sturbridge Finance Director and submitted to SCC
- Worksheet of State and Local Filing Fee
This document details required fees for local and state filing and must be submitted with your payments
- Town of Sturbridge Notification to Abutters
Use this blank document to provide necessary information to abutters

Please contact me if you have any questions (508)-347-2506
or via email at rgendreau@town.sturbridge.ma.us.

Rebecca Gendreau
Conservation Agent





STURBRIDGE CONSERVATION COMMISSION

Sturbridge Town Hall
308 Main Street
Sturbridge, MA 01566
508-347-2506

INSTRUCTIONS FOR FILING A REQUEST FOR DETERMINATION OF APPLICABILITY (RDA)

RDA filings should be delivered either via hand or certified mail to the Conservation Office.

RDA filings need to be submitted THREE weeks prior to desired hearing date. All filings will be reviewed for completeness prior to scheduling a first hearing date and time. If a submittal and/or project plans are not acceptable to the Conservation Agent, additional information and/or plan revisions may be necessary prior to scheduling a first hearing.

1. File two (2) copies of the RDA application—WPA Form 1. The RDA application should be filed under the MA Wetland Protection Act M.G.L. c. 131, §40 AND under the Town of Sturbridge Wetland Bylaws. A copy of the correct WPA Form 1 can be obtained from the Conservation Office during office hours.
2. File two (2) copies of all plans and supporting documents including but not limited to: filing fee information, abutter notification information, local Tax Form, sketch/plan and a Topographical Locus Map with Natural Heritage Data (If the RDA is to review wetland resource areas on property, a surveyed plan is required). If the property is within an area of mapped habitat by Natural Heritage, NOI is automatically required for proposed work.
3. File one (1) copy of the complete RDA with the Department of Environmental Protection—Central Region.

DEP Central Region Office
Attn: Wetlands & Waterways
8 New Bond Street
Worcester, MA 01606

4. The Local Filing fee is \$25.00 for a RDA. There is an additional fee for the wetland delineation (see local fee calculation form)
5. Notify all abutters within 200-feet of the subject property.
Notification to abutters must be conducted as follows.
 - The applicant will obtain a certified abutters list from the Sturbridge Assessor's Office as part of the RDA Application. The certified abutters list shall include all abutters within 200-feet of the subject property as required under the Town of Sturbridge Wetland Bylaws and Regulations.
 - The applicant will prepare a mailing to each person listed on the abutters list, using the correct notification form, which can be obtained from the Sturbridge Conservation Commission Office during office hours. Abutters must receive these notifications at least 7 days prior to the first public hearing.

- Proof of delivery of these notifications is required. USPS Certificates of Mailing are accepted: this method is less expensive than certified mail and does not require the collection of returned "green receipt cards". Notification letters may also be hand delivered with a sign-off sheet including signatures and dates. **Proof of notifications must be submitted to the Conservation Commission prior to the hearing.** Please see the Post Office for additional information on Certificates of Mailing.
 - An Affidavit of Service for Abutter Notification must also be handed in to the Conservation Agent on or prior to the first public hearing. The Affidavit can be obtained from the Conservation Office during Office hours.
7. The Applicant is responsible for submitting the Public Notice Advertisement to the Southbridge News to be in the paper at least 5 days prior to the first public hearing. Following the submittal of a complete RDA Application package, the Conservation Agent will draft a Legal Advertisement Form to be given to the Applicant (or Applicant's Representative). The Applicant is responsible for placing the legal advertisement in the Southbridge News and is responsible for the cost of the advertisement. At the first public hearing, the Applicant must submit to the Conservation Agent a copy of the "tear sheet" of the public notice with the date the notice was run.

PLEASE NOTE: Applicants should keep one complete copy of all materials and documents. Applicants should also be familiar with the Town of Sturbridge Wetland Bylaw and Regulations in addition to the Wetlands Protection Act and Regulations.



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.



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

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.



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

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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Bureau of Resource Protection – Wetlands Program

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Massachusetts Wetlands Protection Act (M.G.L. Chapter 131, Section 40)
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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/> 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:

Stephen Santangelo		ssantangelo23@gmail.com	
Name	_____	E-Mail Address	
38 Draper Woods Rd			
Mailing Address			
Fiskdale	_____	MA	01518
City/Town	_____	State	Zip Code
860-212-8597	_____	_____	
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
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):

<u>12 Tantasqua Shore Dr</u>	<u>Sturbridge</u>
Street Address	City/Town
<u>1</u>	<u>12</u>
Assessors Map/Plat Number	Parcel/Lot Number

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

Single family home

c. Plan and/or Map Reference(s):

<u>Site Plan</u>	_____
Title	Date
<u>Foudnation Plan</u>	_____
Title	Date
_____	_____
Title	Date

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

The home is supported with Cinderblocks, some of which are failing. The scope of work includes elevating the home, removing the cinderblocks, and replacing with a poured concrete foundation. The process will increasing the height of the house by 3ft.

The resultant crawspace will have a gravel floor. All work proposed is within the existing footprint. Any heavy equipment required to remain on location will staged on the property, just off the street.

Following completion of the foundation, the yard will be regraded to create a positive pitch away from the foundation.

An erosion control barrier is to be installed before the commencement of any construction. Any excavated material will be removed from the site. The erosion control barrier will remain in place until any disrupted soil is stabilized.

Further, there are 2 dead/failing (hemlock) trees on the back corner of the property (lakeside) which I am seeking permission to remove.



WPA Form 1- Request for Determination of Applicability
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

C. Project Description (cont.)

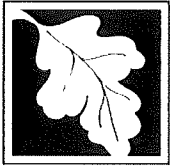
b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

The purpose of this process is to elevate the home. All proposed construction work is within the existing footprint. Any yard work (regrading and planting) is within an existing and established lawn.

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

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:

Stephen Santangelo
 Name
38 Draper Woods Rd
 Mailing Address
Fiskdale
 City/Town
MA 01518
 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 16 July 2020
 Date

Signature of Representative (if any) _____ Date _____



Town of Sturbridge

Conservation Commission

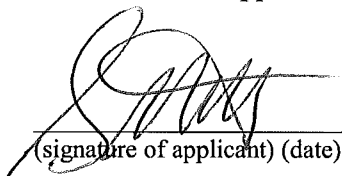
STURBRIDGE CONSERVATION COMMISSION AFFIDAVIT OF SERVICE

Under the Massachusetts Wetlands Protection Act and the Town of Sturbridge Wetland Bylaws I, Stephen Santangelo, hereby certify under the pains and penalties of perjury that on (date) _____, I gave notification to abutters in compliance with the second paragraph of the Massachusetts General Laws Chapter 131, § 40, and the DEP Guide to Abutter Notification as well as the Town of Sturbridge Wetland Bylaws, in connection with the following matter:

- A Notice of Intent OR
- A Request for Determination OR
- An Abbreviated Notice of Resource Area Delineation

was filed under the Massachusetts Wetlands Protection Act and the Town of Sturbridge Bylaws, by Stephen Santangelo with the Sturbridge Conservation Commission on (date) 16-July-2020 for the property located at _____.

The form of the Notification and a list of abutters to whom it was given and their addresses are included in the application file.


(signature of applicant) (date)

16-July-2020

Stephen Santangelo
(name of applicant-printed or typed)

F:\Home\CONSERVATION\Forms\Affidavit of Service.doc



Town of Sturbridge

Barbara A. Barry, Finance Director

Department/Board/Committee: _____

Please verify outstanding tax/fee status for the following property owner:

Property Owner: _____

Property Location: _____

- The license/permit may be released.
- The license/permit may not be released.

Finance Director

Date



Town of Sturbridge

Conservation Commission

Filing Fee Worksheet

Under M.G.L. c 131, § 40 and the Town of Sturbridge Wetland Bylaw

Applicant Stephen Santangelo

Applicant Representative Self

Project location 12 Tantasqu Shore Dr.

TOTAL STATE FEE REQUIRED FOR PROJECT

(Only subject to NOI and ANRAD filings—See Wetland Fee Transmittal Form):

State Fee Category(s) _____

Total State Fee for project (include Riverfront Area adjustment if applicable) _____

State share of State Fee _____

Local share of State Fee _____

TOTAL ADDITIONAL LOCAL FEE REQUIRED FOR PROJECT*:

(See Sturbridge Wetland Bylaw Regulations Section 4.17)

- Standard NOI Fee = \$50.00 _____ (check if applicable)
- Standard RDA Fee = \$25.00 _____ (check if applicable)
- Standard ANRAD Fee = \$00.10 per foot for resource area delineation _____ (check if applicable).
feet _____ x \$00.10 = \$ _____
- Standard DELINEATION Fee = \$00.10 per foot for resource area delineation _____ (for all projects).
feet _____ x \$00.10 = \$ _____
(for all projects that do not include an approved wetland delineation boundary by the Commission within 3 years prior to application submittal)
- REPLICATION Monitoring Fee = \$200.00 _____ (check if applicable)
(for all projects that include wetland alteration and wetland replication)

CUMULATIVE TOTAL FEES:

Total State Fee: n/a

Total Town Share of State Fee: \$25.00

Total Local Fee: \$25.00

***Please Note:**

For each NOI and ANRAD filing, please submit two (2) checks to the Town of Sturbridge, one for the town's portion of the state fee and one for the local fee(s). RDA filings only have a Local Fee at this time.

The advertising fee is not included in the calculation. The Applicant will pay the Southbridge News directly.