

Request for Determination of Applicability - Filing Checklist

When to File a Request for Determination of Applicability (RDA)

The Massachusetts Department of Environmental Protection (MassDEP) explains that “the Request for Determination of Applicability provides applicants with the option of seeking a determination whether the Wetlands Protection Act applies to a proposed site or activity”. This uncertainty usually arises when a project is relatively minor in scale and/or it is not immediately apparent whether the scope of work is at all under the jurisdiction of the Wetland Protection Act (WPA). Under such circumstances, applicants are encouraged to file an RDA in order to avoid committing any violations to the WPA and as a result **there is no filing fee due to the Conservation Commission or MassDEP when submitting an RDA**. Further guidance by MassDEP can be found at: <https://www.mass.gov/how-to/wpa-form-1-request-for-determination-of-applicability>

Common examples of instances when an applicant likely should file an RDA include (but are not limited to):

- *Tree and vegetation removal/trimming within a wetland resource area,*
- *A project where the scope of work is only partially within a wetland resource area,*
- *When a wetland delineation has been completed, but the applicant is unsure if the type of work is subject to the WPA,*
- *and many others.*

If you are about to begin a project and would like assistance in determining if it is appropriate for you to file an RDA, please contact the Conservation Agent at conservation@easthamptonma.gov, by phone at 413-529-1463, or visit the Planning Department office at 50 Payson Avenue.

The City of Easthampton also has available a free GIS mapping tool in which applicants may enter their project location and utilize remotely analyzed projections of where wetlands likely are. **Please note that this is not an official delineation of wetlands and so the true extent of the wetlands on your property may be greater or less than what is shown.** A wetland scientist would need to assess your property in person to tell you exactly where the wetlands are before any major work could be done.

GIS Mapping Tool: <https://www.axisgis.com/EasthamptonMA/>

Required Materials for a Complete RDA Application

The following documents are considered the minimum submittal requirements for a complete application to the Conservation Commission. The Commission reserves the right to request additional information before issuing a decision based on site and/or project specifics.

- **Completed MassDEP Wetlands Protection Act (WPA) Form 1: Request for Determination of Applicability.**
 - Blank forms can be found on the MassDEP website at: <https://www.mass.gov/how-to/wpa-form-1-request-for-determination-of-applicability> or by request from the Conservation Agent.

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- **Site Plan or sketch showing existing and proposed features (with dimensions) relative to jurisdictional wetland resource areas (e.g. wetlands, streams, Riverfront Area) and the 100-foot Buffer Zone.**
 - The greater the level of detail, the more efficiently and effectively the Conservation Commission will be able to make its determination.
- **USGS Site Locus Map.**
 - This gives the Conservation Commission greater context of where the work will be taking place within Easthampton.
- **Narrative description of existing conditions and proposed activities.**
 - As support to your site plan, the description should highlight any details not immediately apparent in the visual plans.
- **Proof of legal ad within the Daily Hampshire Gazette at least five business day prior to intended meeting appearance.**
 - It is the Applicant's responsibility to coordinate publication of the legal ad with the Daily Hampshire Gazette. A guide and sample legal ad is available through the City Planner's office and the Conservation Commission webpage at: <https://easthamptonma.gov/DocumentCenter/View/1002/COVID-Legal-Notice-Guidance-and-Sample-Format-PDF>
- **Scheduled site visit with the Commission prior to intended meeting appearance.**
 - Coordinate with the Conservation Agent to assign a date and time. The visit may be scheduled the day of the intended meeting.
- **Photographs of scope of work. (optional)**
 - Photos may also be taken by the Conservation Agent/Commission at the aforementioned site visit.
- **Proof of submittal to MassDEP and the property owner (if different from applicant).**
 - A copy of the application must be submitted to MassDEP at the address provided below.
By Mail: Applications should be sent as USPS Certified Mail/Return Receipt or hand-delivered.

Massachusetts Department of Environmental Protection
436 Dwight Street
Springfield, MA 01103

By Email: The subject line should read as follows: "Easthampton - RDA - Street Address - Applicant Name". Note: the maximum file size MassDEP can receive is 15MB. For emailed submissions that exceed 15MB, please break them into more than one email, with each email having the same subject line shown above, with 1, 2, 3...etc. at the end. The Western Region email is: WERO_NOI@mass.gov.

In the event that the Applicant is not the property owner of the land for which the application pertains, the Applicant must demonstrate that a complete copy

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of the application has been provided to the property owner(s). Copies should be sent as USPS Certified Mail/Return Receipt or hand-delivered.

The **original and one (1) copy** of a complete application must be submitted to the Commission. Applicants may submit the application materials electronically (i.e. pdf) to the Commission, by mail, or hand delivery to the Planning Department. At a minimum, the original and one (1) complete copy with full-size plans or sketches must be provided for the Commission's review and files.

Contact the Conservation Agent at conservation@easthamptonma.gov or 413-529-1463 to confirm these details. If submitting by mail, Request Applications and accompanying documentation should be sent as USPS Certified Mail/Return Receipt or hand-delivered to the address provided below.

Easthampton Conservation Commission
c/o Easthampton Planning Department
50 Payson Avenue
Easthampton, MA 01027

Note:

1. There are no filing fees due to the Commission or MassDEP when filing a Request.
2. In the event that a wetland boundary is delineated on an adjacent parcel, the Applicant must obtain written permission from the landowner(s) to present that wetland line on project documents.
3. The Commission recommends that Applicants inquire regarding other recent permit applications that may have been approved on land that affects the subject parcel and/or proposed project area. Previously approved and valid wetland delineations are legally binding.

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