

TOWN OF CHATHAM CONSERVATION COMMISSION  
Filing Requirements for  
Request for Determination of Applicability

**Date of Receipt of  
Paper/Digital Copies**

**Date of Scheduled Hearing**

The Massachusetts Wetlands Protection Act and the regulations (310 CMR §10.00) recognize eight important public values or functions provided by wetlands, water bodies and areas subject to protection. The premise of the Massachusetts Wetlands Protection Act is that wetlands provide important functions that benefit the general public and therefore need to be protected. The protected interests of the Act include:

- Protection of public and private water supplies
- Protection of groundwater and water quality
- Providing flood control
- Prevention of storm damage
- Prevention of pollution
- Protection of fisheries
- Protection of shellfish & shellfish habitat
- Protection of wildlife & wildlife habitat

Therefore, any activity that would constitute filling, excavation, building upon, or other alteration of the land, water or vegetation of a wetland resource area or the adjacent upland extending 100 feet from a wetland resource area is prohibited without a permit from the Conservation Commission and Massachusetts Department of Environmental Protection.

A RDA may be filed to determine whether:

- An area, and/or a proposed activity in an area, is subject to regulation under the Wetlands Protection Act,
- The boundaries of the resource area have been accurately delineated,
- The work proposed is subject to the Act,
- The scope of alternatives is adequate for work in the Riverfront Area, or
- A local bylaw or ordinance is applicable.

A RDA shall include sufficient information to enable the Conservation Commission to find and view the area and to determine whether the proposed work will alter an Area Subject to Protection. A Determination of Applicability (DOA) is the “permit” issued in response to a Request for Determination of Applicability (RDA). DOAs are “negative” if it is determined that the Wetlands Protection Act requirements for a Notice of Intent are not necessary. DOAs are “positive” if it is determined that the Wetlands Protection Act requirements for a Notice of Intent are necessary. If you do not have experience filling out a Request for Determination of Applicability (RDA), the Conservation Agent can provide assistance in the process, but often it is best for an applicant to seek professional services from an engineer or environmental / wetlands consultant who has experience in wetlands permitting.

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**Please provide the information below:**

Project Address: \_\_\_\_\_  
Name of Applicant: \_\_\_\_\_  
Applicant's Mailing Address: \_\_\_\_\_  
Applicant's Email Address: \_\_\_\_\_  
Applicant's Phone #: \_\_\_\_\_  
Name of Property Owner  
(If different from Applicant): \_\_\_\_\_

**If applicable:**

Name of Firm and Representative: \_\_\_\_\_  
Representative's Email Address: \_\_\_\_\_  
Representative's Phone Number: \_\_\_\_\_

**REQUEST FOR DETERMINATION OF APPLICABILITY (RDA) CHECKLIST:**

In the following pages, please place a checkmark next to each item that is included in your Request for Determination of Applicability (RDA). The RDA Checklist can be filled out on paper or on a fillable pdf. If you have any questions about how to fill out the form, please contact the Conservation Division and staff can assist you in the process.

Please provide the following Materials and check the box stating that the materials are included or not applicable to the project. If the material is not applicable to the project, please describe why in the project narrative. In the Table below, if the NA check box is grayed out, the item is required.

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Included	NA	Items
<input type="checkbox"/>		WPA Form 1 for Request for Determination of Applicability with signatures of the applicant/s, and/or property owner/s and representative filing the application. <u>Note:</u> MA Department of Environmental Protection published “Instructions for Completing Application: WPA Form 1”
<input type="checkbox"/>		Payment to the Town of Chatham for \$35 (the filing fee under the local bylaw) and \$20 for advertising. Amounts can be combined on one check made payable to the Town of Chatham. Include copies of check with the Application.
<input type="checkbox"/>		Site Access Authorization form signed by the property owner(s).
<input type="checkbox"/>		Certified Abutters List within 100 feet of the boundaries of the parcel where the work is proposed. This list must be requested from the Town Assessor.
<input type="checkbox"/>		Assessors map showing the abutters parcels and project locus.
<input type="checkbox"/>		Abutter notification Letter – if needed, use the form letter provided.
<input type="checkbox"/>		Copies of date stamped mailing receipts as proof of mailing to Abutters and to the Department of Environmental Protection. Note: Submission of green cards is no longer required.
<input type="checkbox"/>		A clear and comprehensive description of the proposed project.
<input type="checkbox"/>		A list of all Resource Areas and a brief description of how these areas were delineated.
<input type="checkbox"/>		A work/construction protocol including site access, method of erosion control, description of machinery to be used on site, planned start date, planned measures to protect impacted and nearby Resource Areas, etc.
<input type="checkbox"/>		Site Plan which shows the proposed project. The site plan shall have the stamp and signature of a MA registered professional. All Resource Areas on site and delineations of the 50 and 100 foot boundaries from Resource Area(s) must be delineated on the site plan. If a previous site plan is used, the plan must be legible and viable. If a site plan cannot be included in the application, please contact the Conservation Agent before the filing deadline.
<input type="checkbox"/>	<input type="checkbox"/>	If applicable, area(s) of native plantings or invasive plant removal with total square feet identified on the plan.
<input type="checkbox"/>	<input type="checkbox"/>	If applicable, the number of trees to be removed, replaced, transplanted or planted and identified on a legible, viable plan

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**PAPER AND DIGITAL FILING:**

Compile all the materials listed in a complete packet and submit the following:

<input type="checkbox"/>	<u>Paper</u> copies of the complete application with corresponding plans for each current Commission Member, the Conservation Agent, the File, and two extra copies. All copies must be submitted to the Conservation Division in the Town Hall Annex, 261 George Ryder Rd, Chatham, MA 02633.
<input type="checkbox"/>	One <u>digital</u> copy of the complete application with corresponding plans. <u>Note:</u> it is the Applicant/Representative’s responsibility to ensure that the digital copy is a duplicate of the paper copies of the Application. Please email the complete digital copy to the Conservation Agent (charper@chatham-ma.gov) and Conservation Commission Secretary (mfougere@chatham-ma.gov).

**APPLICATION COMPLETENESS:**

At the time the Application is received via email and in person, the Conservation Agent will review the application for completeness using the items listed in the above RDA Checklist. Incomplete applications will not be accepted. If the Agent determines that the Application is incomplete, the Conservation Commission will continue the hearing to a date certain.

Prior to a scheduled hearing, if the Commission determines that supplemental materials and/or information are needed, the materials must be received by the Conservation Agent and Conservation Secretary within 7 calendar days prior to the next scheduled hearing to give the Commission members and the Agent time to review the materials and/or visit the site with the new information.

**ON-SITE PREPARATIONS:**

The project must be clearly staked or marked in the field at least 10 business days before the hearing date.

Please designate a flag color for the areas listed above and, in your Application, include a color legend for the flags so that the Commission Members understand the flagging system in the field. If the flagging legend is not in the Application, the Application will be considered incomplete.

**Please mark the following areas with colored tape and labelled stakes:**

- Edge of resource area
- 50 foot and 100 foot delineations from edge of resource area(s)
- Limit of work
- Proposed project areas (i.e.) building corners, retaining walls, etc.
- Property boundaries
- Prominent stake at entrance to the property.
- Any trees or branches over 2 inches in diameter must be flagged with tape.

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**CERTIFICATION:**

I certify that the required documentation referred to above has been provided to the Chatham Conservation Commission and the required tasks have been completed as checked above or marked not applicable (N/A).

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Signature of Applicant or Authorized Representative

Date