

## Spencer Conservation Commission Filing a Request for Determination of Applicability (RDA)

### Step 1: Fill out the Permit Application

Use eDEP to **complete WPA Form 1 (RDA)** - [edep.dep.mass.gov/](http://edep.dep.mass.gov/) available for download. The same forms may be used to file under the Spencer Wetlands Protection Bylaw.

### Step 2: Submit the Following Application Materials to the Spencer Conservation Department

Plan your submission date based on the hearing schedule. The Conservation Commission generally meets on Wednesdays, on the second and fourth week of the month – please contact the Conservation Department for exact dates or visit [www.spencer.ma.gov/conservation-commission](http://www.spencer.ma.gov/conservation-commission). Applications are due by 4:00pm on Wednesday, 21 days in advance of the Commission’s meeting. Application materials may be hand delivered or mailed: **Spencer Conservation Commission, 157 Main Street, Spencer, MA 01562.**

#### *Please*

#### **(A) RDA Application - two (2) copies double-sided**

- Signed WPA Form 3 (RDA)
- Check to “Town of Spencer” for Bylaw Filing Fee
- Check to “Town of Spencer” for Legal Notice Fee

- No plastic covers or TOC
- No page dividers or bindings
- Staples are OK
- Print materials double-sided
- **Fold plans**

#### **(B) Project Narrative and Image of Project Plan - two (2) copies**

- A brief explanation of the proposed project must be provided. Please be as specific as possible to explain the work that will be done and the reason for the project.
- A visual representation of the project must be provided to show the project area in relation to the pond, intermittent stream, or wetland. This does not need to be professionally prepared.
- If erosion controls are being used, they must be shown.

### Step 3: Email the Electronic Submission to [conservation@spencerma.gov](mailto:conservation@spencerma.gov)

- Entire RDA Application – DO NOT INCLUDE CHECKS
- Image of project plan

### Step 4: Submit your Application to the Department of Environmental Protection

- One copy of the entire submission (described above) along with photocopy of the checks submitted to the Town and the State to:

Mass DEP Central Regional Office - Worcester, 8 New Bond Street, Worcester, MA 01606.

### Step 5: You will be Given a Hearing Date and Time

By submitting a **complete** RDA application, you will be scheduled to attend the next available public hearing. Incomplete applications will not be accepted by the Conservation Office. **The applicant or their representative must be present at the scheduled public hearing.**

**Step 6: Conservation Commission will Conduct a Site Visit**

The Commission and their staff will perform a site visit to confirm the existing conditions and resource area delineation. The applicant will be notified about the date and time of the site visit.

**Step 7: Attend a Public Hearing**

When application is presented to the Commission, a Power Point presentation may be used. Please notify the Clerk or Conservation Agent prior to the hearing if you intend to utilize the audio and visual connection.

**Step 8: Receive Decision from the Conservation Commission**

An RDA determines if a project is subject to the Wetlands Regulations or will not have a negative impact to the wetland. After reviewing the information, visiting the site, and conducting a public meeting, the Conservation Commission issues either a “Negative” or “Positive” Determination of Applicability (DOA). Given a negative determination, the project may go forward; given a positive determination, the applicant must submit a Notice of Intent (NOI).

**Pre and Post Construction Reminders**

- ANY AND ALL deviations from the approved plan must be approved by the Conservation Department prior to said changes being executed.
- Request a Certificate of Compliance from the Conservation Commission and record it at the Worcester Registry of Deeds.



# SPENCER MASSACHUSETTS

## RDA APPLICATION REVIEW CHECKLIST

Spencer Conservation Commission Required Application Contents

Updated 1/10/2022

Site Address: \_\_\_\_\_ DEP #: NA  
Applicant Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Representative Name: \_\_\_\_\_ Phone: \_\_\_\_\_

**Check items included. Circle missing items.**

- Completed WPA Form 1 – RDA
- A photocopy of the checks used to pay fees: 2 separate checks, including bylaw fee.  
**DO NOT INCLUDE CHECK IN ELECTRONIC FORMAT.**
- A signed copy of the Application Process Signature Form.
- Signed Site Visit Access form.
- A project narrative and with visual representation of proposed project.

**Two complete paper sets and one digital set of all materials (except copies of checks) shall be submitted. Additional information may be requested: e.g. DEP Wetland Delineation Field Forms, after initial review.**

**Any revisions must be submitted NO LESS THAN 7 (SEVEN) DAYS to the hearing date. Revisions submitted less than seven days prior may not be accepted or may lead to a continuance.**

**Applicants be advised, electronic submission is required in addition to TWO (2) hard copies of all documents, EXCEPT photocopies of checks.**

## **DO NOT INCLUDE PHOTOCOPIES OF CHECKS IN ELECTRONIC SUBMISSION.**

**IF AN ELECTRONIC COPY IS SUBMITTED WITH A COPY OF CHECKS, THE ELECTRONIC COPY WILL NOT BE ACCEPTED AND APPLICANTS WILL BE ASKED TO RESUBMIT.**

Electronic submissions should be sent to [conservation@spencerma.gov](mailto:conservation@spencerma.gov).



# SPENCER MASSACHUSETTS

## APPLICATION PROCESS SIGNATURE FORM

There are three different application that can be submitted to undertake work in a jurisdictional area: a Notice of Intent (NOI), a Request for a Determination of Applicability (RDA) and an Administrative Approval. All three application have different criterial for submission and approval and the NOI & RDA are governed by both state law and the local by-law, whereas the administrative approval is governed by the local by-law only.

When potential applicant requests advise from the Conservation Agent on which application to file, the opinion of the Agent is based on information given by the potential applicant and any other information available to the Agents, e.g. the town's GIS system. The Agent has no legal right to go onto private property at any time until after and application is filed, or permission of the property owner is given.

It is important that all applicants understand that after an applicant is filed, additional information may come to light e.g. via a field inspection or application review, that may impact the scope of the submitted application and the approval process. In addition, the Agent is not the final approval authority on RDA's and NOI's, that authority rests with the Commission. Therefore, it is the applicant who has the ultimate responsibility to decide which application to file.

Considering the above, please sign below indicating an understanding of the policy and submit it with the application.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date



# SPENCER MASSACHUSETTS

## SITE VISIT ACCESS

"The conservation commission, its members and agents, and the Department employees may enter upon privately owned land for the purpose of performing their duties under M.G.L. c. 131, § 40, and 310 CMR 10.00." 310 CMR 10.08(1).

Prior to the approval of the project at \_\_\_\_\_ (street address), the Spencer Conservation Commission aims to schedule an in-person site visit and complete an inspection report. The Commission will contact the applicant or representative to schedule the initial visit and may request the presence of the applicant(s) or a representative.

Throughout the duration of the project, the Spencer Conservation Commission may conduct additional inspections to: ensure that the project is being executed within the parameters of the Order of Conditions (if applicable), inspect erosion control, inspect the site for disturbances caused by extreme weather conditions, or if there is a suspicion of a violation of the Wetlands Protection Act, 310 CMR.

A copy of any and all inspection reports completed by the agent, or its members can be requested, if one is not provided, for no cost.

I grant the Spencer Conservation Commission permission to enter the property for the purpose of performing their duties if I (the applicant) am not present or unavailable, until a Certificate of Compliance has been issued.

I DO NOT grant the Spencer Conservation Commission permission to enter the property for the purpose of performing their duties if I (the applicant) am not present or unavailable.

Please note that if the Commission is unable to fulfill their responsibilities and inspect the property to the best of their ability, the application may be denied and/or a Certificate of Compliance may not be issued upon completion.

\_\_\_\_\_  
*Applicant/Representative Name*

\_\_\_\_\_  
*Applicant/Representative Signature*

\_\_\_\_\_  
*Date*





# 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:

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 Spencer Conservation Commission make the following determination(s). Check any that apply:

- 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):

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):

\_\_\_\_\_



## 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).

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.)





## WPA Form 1- Request for Determination of Applicability

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### 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