

Wilmington Department of Planning & Conservation

Room 6, Town Hall, 121 Glen Road, Wilmington, MA 01887

Ryan Hale, Conservation Agent: rhale@wilmingtonma.gov; 978-658-8238

In addition to name and address, please be sure to provide an email address and/or phone number so we can contact you.

If you are being represented by a professional or other person, fill out this section. If not, leave this section blank.

Check which Determination(s) you are requesting:

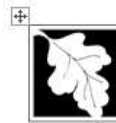
a. Request for a Determination as to whether the proposed work area is in wetland resource areas or the 100-foot buffer zone. This can often be determined by consulting the Conservation Agent.

b. Request for confirmation of wetland resource area boundaries, although DEP does not recommend this application for confirmation. See the Conservation Agent before requesting this Determination.

c. Most common. Request for a Determination as to whether the proposed work requires a Notice of Intent (permit application), or can proceed as proposed (subject to any conditions the Conservation Commission imposes).

d. Do not check. Wilmington does not have a wetlands ordinance or bylaw.

e. If your project is in Riverfront Area, this is a request to determine the area(s) under consideration for practicable alternatives (ex, alternatives for consideration are limited to the lot on which the project is located, subdivided lots, and any adjacent lots formerly or presently owned by the same owner). Contact the Conservation Agent before requesting this determination.



**Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands**

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

Wilmington

City/Town

A. General Information

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 _____ 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).

Wilmington



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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

City/Town

Map and parcel can be found on the Wilmington GIS website (<https://www.mapsonline.net/wilmingtonma/index.html>) or Town Assessor's website (<http://gis.vgsi.com/wilmingtonma/>)

Describe existing conditions at the project area and adjacent areas, including but not limited to (as applicable):

- wetland resource areas and the 100-foot buffer zone
- topography, drainage, and vegetation
- locations, types, and dimensions of existing structures and other relevant site features (ex, driveways, landscaped areas, etc.)
- locations and dimensions of subsurface septic systems, stormwater infiltration measures, and other infrastructure

Provide a plan and/or map that is to scale, shows wetland resource areas, the 100-foot buffer zone (if applicable), and depicts the items described in 1.b above and 2.a below. Sketches may be acceptable but need to be to scale (confirm with the Conservation Agent). Provide a location map if needed.

Describe the proposed project, including but not limited to (as applicable):

- locations, types, and dimensions of proposed structures and other relevant site features
- sequence of construction, and methods and materials
- area and boundaries of limit of work
- erosion controls and soil stabilization measures
- changes in topography, drainage, or vegetation
- measures to avoid and minimize impacts to wetland resource areas

***Note: If you are requesting review of proposed tree and vegetation removal, please refer to the Conservation Commission's Tree and Vegetation Removal Policy:**
https://www.wilmingtonma.gov/sites/wilmingtonma/files/uploads/final_tree_and_veg_removal_policy_approved_2019.09.04.pdf

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):

Typical Examples of Plan and/or Map References

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

Engineered/surveyed plans	Proposed Subsurface Sewage System	Most recent revised date
Sketch on aerial photo	Google Earth aerial image dated 4/2018, project sketched by applicant	Date sketch created
Sketch on plot plan	Plot Plan of 121 Glen Road, project sketched by applicant	Plot plan and sketch dates

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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

Wilmington

City/Town

Request to determine/confirm any exemptions that may apply to all or a portion of the project. These include but are not limited to utility exemptions, minor activities, and grandfathered activities in the Riverfront Area. Contact the Conservation Agent to identify potential exemptions.

For this Section, see Section B.1.e. above. If your proposed project is not in Riverfront Area, this Section does not apply, and may not apply even if you're in Riverfront Area.

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.)

Don't forget to send or deliver one (1) copy of the complete RDA to the property owner, if different from the applicant, and one (1) copy to the DEP Regional Office in Wilmington at the same time you submit to the Department of Planning & Conservation: DEP Wetlands and Waterways, 205B Lowell Street, Wilmington, MA 01887

Submittal Requirements:

- A complete RDA is this completed form and all supporting documentation as applicable (plans, maps, figures, wetland delineation reports, etc.).
- One (1) original (with original signature) and eight (8) copies (with copied signatures) of the complete RDA must be submitted to the Department of Planning & Conservation, Room 6, Town Hall, 121 Glen Road. Include a check for \$50 made out to the Town Crier for the required legal ad. The Department will place the ad.
- RDA forms, instructions, submission deadlines, and meeting dates can be found here: <https://www.wilmingtonma.gov/planning-conservation/pages/applications-forms-conservation>. If your RDA is complete, we'll get you on the next available agenda to present your project to the Conservation Commission.
- Reminder: A copy of the complete RDA must also be sent, delivered, or filed online to the DEP Regional Office in Wilmington (address above) when it is submitted to the Department.

What to Expect at the Conservation Commission Meeting:

- The Conservation Commission Chairperson will call you up to present no earlier than your scheduled agenda time (please state your name and address when called up). Visual aids can be helpful but are not required.
- The Commission may ask you questions and/or take comments from the public. Once they have all necessary information, they will make the requested Determination.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 1- Request for Determination of Applicability

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

Wilmington
City/Town

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.

Original signature required

Signature of Applicant _____ Date _____

Original signature required (if applicable)

Signature of Representative (if any) _____ Date _____

Determinations:

- Positive Determination: The work is subject to the Wetlands Protection Act and requires a Notice of Intent (permit application).
- Negative Determination: The work is not subject to the Wetlands Protection Act and does not require further review.
- The Commission may impose conditions on the work to protect wetland resource areas (ex, erosion controls, tree replacement).
- Work cannot begin until after the 10-business day appeal period following issuance of the Determination.