

CHECK LIST FOR REQUEST FOR DETERMINATION OF APPLICABILITY

TO BE SUBMITTED TO THE HARWICH CONSERVATION DEPARTMENT AND DEP:

<u>Two copies of the completed</u>		<u>A total of 10 copies of the plans and narrative –</u>
<u>application</u>	AND	<u>FOLDED</u>

A complete application includes the following:

- A. Pages 1 – 4 of WPA Form 1 – Request for Determination of Applicability – include all pertinent information. Please remember to sign the application or have your representative sign it.
- B. A project narrative, photos or any other pertinent information that may be helpful for the Commissioners.
- C. A copy of an 8 ½ x 11” section of the USGS Quadrangle Map of the area identifying the locus. This map is available in the Conservation Office if needed.
- D. A copy of an 8 ½ x 11” section of the Town Assessor’s Map showing the location of the property. These maps are available in the Town Hall Offices or at:

<https://www.harwich-ma.gov/assessing/pages/assessors-maps-1-119-colored-digitized>

- E. A completed copy of the Affidavit of Service.
- F. A completed copy of the “Notification to Abutters” form you are sending to abutters.

Note: These letters must be sent by Certified Mail at the time the Request for Determination of Applicability is filed and is at the expense of the applicant. It is the applicant’s responsibility to return copies of the white slips once they have been post-marked at the office or the slips themselves. This can be done prior to the hearing, or the night of the hearing. Failure to produce proof of the abutter notification will result in an automatic continuance of your hearing.

- G. A list of the abutters – abutters are any property that is within 100-feet of the boundary of the property where the work is being proposed. Include the abutter’s names and addresses. You can obtain an Abutter’s List at the Assessor’s Office on the first floor. The cost is \$50 for the first 25 abutters.
- H. Confirmation of Mailing Receipt or Email Submission to DEP.

TO BE SUBMITTED TO THE DEP REGIONAL OFFICE:

One copy of the completed application (as listed in items A through C above) AND one copy of the plan(s)  
Mailed to:

DEP – SERO  
20 Riverside Drive  
Lakeville, MA 02347

OR Emailed to:

SERO\_NOI@mass.gov

PLANS:

- ❖ Should be of adequate size, scale, and detail to completely and accurately describe the site, resource area boundaries, and proposed work
- ❖ Maximum Sheet Size: 24" x 36"
- ❖ If more than one sheet is required to describe the 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 smaller than 1" = 50'
- ❖ Title Block: should be included on all plans located in 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 any revised plans
- ❖ You may submit two sets of full size plans and 10 sets of reduced size plans.

ADDITIONAL INFORMATION:

- ❖ A copy of the application and the plan(s) must be sent to the property owner, if different from the applicant.

PROJECTS WHICH FALL WITHIN THE RIVERFRONT

- ❖ Please speak with the Conservation Administrator regarding any specific questions concerning projects which fall in the Riverfront Area.

**A TOWN FILING FEE OF \$85.00 MUST ACCOMPANY YOUR APPLICATION**

**PLEASE MAKE CHECKS PAYABLE TO "TOWN OF HARWICH"**



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**

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**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.mass.gov/dep](http://www.mass.gov/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.



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## Instructions and Supporting Materials

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**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.



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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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**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)).

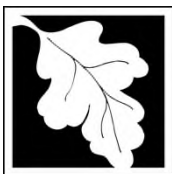
**3a. Riverfront Area Scope of Alternatives.** Complete this section *only* if 1e. under Section B is checked. In 3a, check one box that best describes the project. The classifications listed in 3a and the scope of alternatives which projects in each classification must analyze are explained in 310 CMR 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 <https://www.mass.gov/service-details/massdep-regional-offices-by-community> 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.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

Harwich  
City/Town

# 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 Harwich 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:

Harwich

Name of Municipality

- ☐ e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).



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**C. Project Description**

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

Street Address

Harwich

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

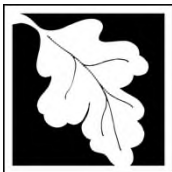
Date

Title

Date

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





**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands

Harwich

City/Town

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**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).

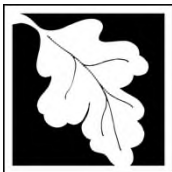
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3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- ☐ 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.)

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## 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:

\_\_\_\_\_  
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



**TOWN OF HARWICH  
ASSESSORS OFFICE  
732 MAIN STREET  
HARWICH, MASSACHUSETTS 02645**

**\*\* Please email all Abutters Requests to [assessing@town.harwich.ma.us](mailto:assessing@town.harwich.ma.us)**

**OFFICE OF  
BOARD OF ASSESSORS  
Tel: 508-430-7503  
Fax: 508-430-7086**

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**ABUTTERS REQUEST FORM**

**Board Requesting Action:**

**Date Submitted:**

**Applicant's Name:**

**Assessors Map(s) & Parcel(s):**

**Property Location:**

**Owner(s):**

**Contact Person:**

**E-mail Address:**

**Telephone #:**

**Type of Petition:**

**Assessors Approval By:**

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**INVOICE**

*This cover sheet is also your invoice.*

	<u>Amount</u>	<u>Date Paid</u>	<u>Ck #</u>
Up to 25 Abutters	\$50.00	_____	_____
Additional Abutters _____ @ \$2.00 ea	_____	_____	_____
<b>TOTAL</b>	_____		

**Make checks payable to: Town of Harwich**

## NOTIFICATION TO ABUTTERS

### Under the Town of Harwich Wetlands Protection Bylaw

In accordance with the first paragraph of section 5 of the Town of Harwich Wetlands Protection Bylaw you are hereby notified of the following:

A. The name of the applicant is \_\_\_\_\_ and the address is \_\_\_\_\_

B. The applicant has filed a **Request for Determination of Applicability** with the Harwich Conservation Commission and is seeking permission to perform work in an area subject to protection under the Wetland Protection Act (MGL Chapter 131, Section 40).

The activity is \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C. The date of the hearing is \_\_\_\_\_ at 6:30 p.m.

D. Copies of the Request for Determination of Applicability and the plan may be examined at the Harwich Town Hall during business hours. For more information call 508-430-7538.

You may also contact the firm or representative that provide you with this notice.

Firm name \_\_\_\_\_ phone # \_\_\_\_\_

Notice of the public hearing, including date, time and place will be published at least five days in advance in the Cape Cod Chronicle.

Notice of the public hearing, including date, time and place will be posted at Harwich Town Hall at least 48 hours in advance.

You may also contact the nearest Department of Environmental Protection Regional Office for more information about this application or the Wetlands Protection Act.

Southeast Regional Office: 508-946-2800

**AFFIDAVIT OF SERVICE**

**Under the Town of Harwich Wetlands Protection Bylaw**

**(To be submitted to the Conservation Department when filing a Request for Determination of Applicability)**

I, \_\_\_\_\_ hereby certify  
Name of Person Making the Affidavit

that on \_\_\_\_\_ I gave notification to abutters in compliance with the Town of  
Date  
Harwich Wetland Protection Regulations, Section 5 (5.1) in connection with the following matter;

A Request for Determination of Applicability was filed under the Massachusetts Wetland Protection Act and the Town of Harwich Wetlands Protection Bylaw for/by:

\_\_\_\_\_  
Name of Applicant

With the Town of Harwich Conservation Commission on \_\_\_\_\_ for the property  
Date

Located at: \_\_\_\_\_  
Address of Land Where Work is Being Proposed

**The form of the notification and a list of the abutters to whom it was given and their addresses are attached to this Affidavit of Service.**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date