

Shutesbury Conservation Commission
PO Box 276
Shutesbury, MA 01072

Request for Determination of Applicability [RDA] Instructions

Please contact us with any questions: 413-259-3792 or concom@shutesbury.org

- ☐ **DEADLINES:** A complete RDA application must be submitted to the Commission at least 5 business days, but preferably 10 business days, before the planned Public Meeting date. Please contact the Conservation Commission at concom@shutesbury.org as far in advance as possible to confirm that your submission is complete, to obtain a Public Meeting date/time, and to schedule a site visit by the Commission. Please confirm with the Commission in advance the assigned Public Meeting time before sending out the Abutter Notifications and publishing the Legal Notice.
- ☐ **COMPLETE RDA FORM** The **RDA Form 1** and Instructions are on DEP's website: <https://www.mass.gov/how-to/wpa-form-1-request-for-determination-of-applicability>.
- ☐ **SUBMIT RDA TO CONSERVATION COMMISSION** One signed copy of the RDA form (with site plans/attachments) along with a **\$25 Town RDA Bylaw fee** (check made out to Town of Shutesbury), is submitted to the Conservation Commission (address above). In the memo line of the check, write your *street address* and "*RDA Bylaw Fee*".
- ☐ **SUBMIT RDA TO MASSDEP** One signed copy of the RDA form (with site plans/attachments) is submitted to MassDEP by hand-delivery or USPS Certified Mail/Return Receipt: Department of Environmental Protection, Western Region Office — Wetlands Division, 436 Dwight Street 4th Floor, Springfield, MA 01103. Alternatively, you can submit a digital copy to WERO_NOI@mass.gov. **Submit proof of this DEP submission to the Conservation Commission before your Public Meeting.**
- ☐ **PUBLIC MEETING DATE** The Commission will inform you of a time and date for your Public Meeting. Once this is done, you must send out **ABUTTER NOTICES** and publish a **LEGAL NOTICE**. Legal notices must be at least 5 days before the Public Meeting date.
- ☐ **ABUTTER NOTICES** Contact the **Board of Assessors** at 259-3790 to obtain a list of 100-foot abutters. Notify your abutters by **USPS Certified Mail/Return Receipt** using the ***Template for Abutter Notification*** (attached). Proof of notices must be provided to the Conservation Commission.

NOTE: If you've been informed that your property is located within the Town of Amherst Watershed, send an abutter notification to: Town of Amherst, Department of Public Works, 586 South Pleasant Street, Amherst, MA 01002.

- ☐ **LEGAL NOTICE** Once you've submitted your RDA to the Conservation Commission, you will be given a **site visit date** and a **Public Meeting date**. You must publish a **legal notice**,

informing the public of the hearing, to appear one time in a local daily newspaper **at least five business days before your hearing**, using the ***Template for Public Legal Notice*** (attached).

Required Documents:

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. The following documents are required:

- **Completed MassDEP Wetlands Protection Act (WPA) Form 1: Request for Determination of Applicability.** Note that any RDA submission in Shutesbury is seeking a determination under both the Wetlands Protection Act (WPA) and the Shutesbury General Wetlands Protection Bylaw. Form 1 should include a request for review under both statutes.
- **Site Plan or sketch showing existing and proposed features (with dimensions) relative to jurisdictional wetland Resources Areas (e.g., wetlands, streams, Riverfront Area) and the 100-foot Buffer Zone.** Note that the 100-foot Buffer Zone is a protected Resource Area under the Shutesbury Wetlands Protection Bylaw. The greater the level of detail, the more efficiently and effectively the Conservation Commission will be able to make its determination. Plans should be of adequate size, scale, and detail to describe the site, Resource Area boundaries, distance from Project Area from Protected Resource Areas, locations of erosion controls, locations of materials stockpiles, and distance of project completely and accurately to the Protected Wetland Resource Area(s). Existing topography is preferred but not required. **The site plan must include a Title, Scale, and Creation/Revision Date.**
- **USGS Site Locus Map or similar map.** Locus map with topographical contours gives the Conservation Commission greater context of where the work will be taking place.
- **Narrative description of existing conditions and proposed activities.** As support to your site plan, the description should highlight any details not immediately apparent on the site plan(s). Depending on the nature of the project, the narrative may include dimensions of project, distance from protected Resource Areas, stages/phases of project, nature of ground disturbance (if any), any proposed changes to slope grades or stormwater runoff patterns, types/locations of erosion controls, locations for stockpiling of materials or spoils/debris, and type of grass seed or plantings to be used.
- **IN ADDITION TO A HARD COPY OF ALL DOCUMENTS, A DIGITAL FILE IN PDF FORMAT MUST ALSO BE SUBMITTED TO CONCOM@SHUTESBURY.ORG OR ON A FLASHDRIVE. HARD COPIES CAN BE MAILED, HAND-DELIVERED TO THE TOWN HALL DROP BOX LABELED TO THE COMMISSION'S ATTENTION, OR HAND-DELIVERED TO THE**

CONSERVATION COMMISSION OFFICE ON TUESDAYS AND THURSDAYS BETWEEN 10 AND 1.

NOTES:

- 1.** 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.
- 2.** The Conservation 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.
- 3.** The Shutesbury General Wetlands Bylaw expands the Conservation Commission's jurisdiction to include protection of the 100-foot Buffer Zone adjacent to wetlands Resource Areas and protection of any Isolated Wetlands that are more than 1,000 square feet in area. The Bylaw has no exemptions for Minor Activities.