

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 **ten (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 **WPA RDA Form 1** and Instructions are on DEP's website: <https://www.mass.gov/how-to/wpa-form-1-request-for-determination-of-applicability>. All RDAs will be reviewed under the Wetlands Protection Act and the Shutesbury Wetlands Protection Bylaw. Be sure to check off d. for the Bylaw under Part C. Determinations on Page 3 of the RDA form.
- SUBMIT RDA TO CONSERVATION COMMISSION** One signed hard copy and one digital copy (pdf format) of the RDA Form 1 (with site plans/attachments) along with a **\$75 Town RDA Bylaw fee** (for 1st 3 acres)(check made out to Town of Shutesbury), must be 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 or the RDA form (with site plans/attachments) is submitted to MassDEP by online submission, 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. **Be aware that you will be required to upload Form 1 and all attachments onto the eDEP Permitting Platform before submitting the application. If using the DEP eDEP application portal, you must still submit your RDA separately to the Conservation Commission.**
- Submit proof of MassDEP submission to the Conservation Commission before your Public Meeting.**
- Contact the **Board of Assessors** at 259-3790 to obtain a Certified List of 100-foot abutters. Certified Lists must be less than 30 days old. There is a small fee for this request.
- PUBLIC MEETING DATE** The Commission will inform you of a time and date for your Public Meeting.
- ABUTTER NOTIFICATIONS** Once the Public Meeting date is scheduled, you must send out Notifications by mail to all 100-foot Abutters using the Conservation Commission's *Template for Abutter Notifications* available on the Commission homepage and by request. **Mailed Notifications must be sent USPS Certified Mail Return Receipt.** Please note that this requirement is different from the MassDEP requirements. You must use the exact language in the *Template* with your project information added. Prior to the opening of the Public Meeting, you must submit to the Commission of the Notification as sent as well as receipts demonstrating the mailings were sent. **Abutter Notifications must be sent at least seven (7) days before the Public Meeting.**

- 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 and the Public Meeting date has been confirmed, the Land Use Clerk will provide the local newspaper with the necessary text for the Legal Notice. You will be notified and required to pay the publisher directly for the Legal Notice ad as provided by the Commission. Once you have paid for the Notice, you must provide proof of payment to the Commission by email. The Legal Notice must appear one time in a local newspaper at least five (5) days before your Public Meeting.
- SITE VISIT:** The Conservation Commission must conduct a site visit to review the project before the Public Meeting Date. Complete the attached **Site Access Authorization Form** and submit it with your application. Contact the Commission to schedule the visit as early on as possible to ensure it is completed. **Please note that the Commission has a policy of not approving applications if weather conditions such as snow cover in the winter make it impossible to verify wetland boundaries.**
- PUBLIC MEETING** The Public Meeting will be held via Zoom. The Shutesbury Town Calendar website will list the Zoom link to the meeting at least 48 hours before the meeting. You should plan to attend this meeting and be prepared to explain your project. Many landowners choose to bring consultants, contractors, or other knowledgeable professionals to answer questions.
- OBTAIN PERMIT** Following the conclusion of the Public Meeting, the Commission will issue a Determination of Applicability (DOA), which is the permit. The DOA is valid for three (3) years. It will be sent you via Certified Mail Return Receipt and by electronic email. There will be conditions in the permit that you will be required to be familiar with and follow.

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, including requiring a professional wetland delineation and engineer-stamped plan, 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. Accurate wetland boundary identification is the applicant's responsibility and, in some cases, may require a survey by a professional wetland scientist. 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). The Commission may request a drawn-to-scale site plan with 2-foot contours for complex projects. **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.** The accompanying narrative is a letter or written document which includes the following information:
 - Description of the project, including details not immediately apparent on the site plan(s). This may include dimensions of project, location of work, nature of changes to be made to the site, construction sequences, vegetation removal, types/locations of erosion and sedimentation control measures, method of disposing of spoils/debris; and replanting and seeding plans.
 - Description of the protected Resource Areas on the site, including the minimum distance between the limit of work and the boundary of the Resource Areas.
 - Consideration of Reasonable Options: discussion of other alternatives considered and the rationale for the proposed approach. When describing the alternatives, an applicant can take into account factors such as costs, existing technology, logistics, and proposed use.
 - Description of how the proposed work overcomes potential adverse impacts to Resource Areas, including the 100-foot Buffer Zone (Adjacent Upland Resource Area or AURA). This description should explain how the project meets the Performance Standards of the MA Wetlands Protection Act and Regulations as well as the Shutesbury General Wetlands Protection Bylaw and Regulations.
- **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.
4. Identification of wetland boundaries is the Applicant's responsibility but is subject to the Commission's review. In some instances, Applicants may need to have their property surveyed by a wetland scientist. **The Commission reserves the right to deny an application if it is unable to review site conditions due to winter snow cover.** Consult with the Commission if you have questions.
5. The Commission may also require preparation and submission of supporting materials by other professionals including but not limited to, wetland scientist, registered landscape architect, environmental scientist, geologist or hydrologist when in the Commission's judgment the complexity of the proposed work and/or the wetland values of the Resource Areas warrant the relevant specialized expertise. Submission of requested materials does not imply approval of the project.



Town of Shutesbury, Massachusetts 01072

**TOWN OF SHUTESBURY
Conservation Commission**

SITE ACCESS AUTHORIZATION

Date: _____

Project: _____

Location: _____

Property Owner: _____

I (We) hereby authorize the individual members of the Shutesbury Conservation Commission and its agents to enter upon the referenced property for the purpose of gathering information regarding the application filed with the Commission pursuant to the Wetlands Protection Act (MGL Ch 131, s. 40) and/or the Shutesbury General Wetlands Protection Bylaw.

Additionally, if an Order of Condition or other Permit is issued for the project, I (we) grant permission for Commission members and the Commission's agents to enter the above referenced property for the purpose of inspecting for compliance with the Order or Permit. This site access authorization is valid until a Certificate of Compliance is issued by the Conservation Commission or the Permit has expired.

Authorized Signature: _____ **Date** _____

Please Print _____

(If other than owner, please state whether tenant, agent or other)

Mailing Address: _____

Phone: _____ **Email:** _____

Cell: _____ **Fax:** _____

AFFIDAVIT OF SERVICE

Under the Massachusetts Wetlands Protection Act and the Shutesbury General Wetlands Protection Bylaw:

I, (*name*) _____, hereby certify under pains and penalties of perjury that on (*date*) _____, I gave notification to Abutters within 100 feet of the proposed project in compliance with the Massachusetts Wetland Protection Act (Massachusetts General Laws Chapter 131, Section 40) and the Shutesbury General Wetlands Protection Bylaw in connection with the following matter:

A Notice of Intent (permit application) or Request for Determination of Applicability or Abbreviated Notice of Resource Area Delineation filed under the Act and Bylaw by (*name*) _____ with the Shutesbury Conservation Commission on (*date*) _____ for the property located at (*address*) _____

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

Name Date

(This affidavit is to be submitted to the Massachusetts Department of Environmental Protection and the Shutesbury Conservation Commission with the Notice of Intent.)