



**CANTON CONSERVATION COMMISSION
REQUEST FOR A DETERMINATION OF APPLICABILITY
INSTRUCTIONS
MGL Ch. 131 § 40 AND
TOWN OF CANTON WETLANDS PROTECTION BY-LAW
ARTICLE XV**

Requests for Determination of Applicability (RDA) are primarily used for activities occurring only in the Buffer Zone to a Wetland Resource Area that do not require significant conditions. The construction of a shed within 40 feet of the edge of a wetland is an example of work that would require the filing of an RDA application. *Work proposed within a Wetland Resource Area or new construction/site disturbance within a previously undisturbed area of the Buffer Zone will require the filing of a Notice of Intent (see Notice of Intent Application Instructions).*

The following activities within the Buffer Zone **do not** require filing with the Conservation Commission:

- Unpaved pedestrian walkways for private use, provided there is not tree or shrub clearing;
- Fencing, provided it will not constitute a barrier to wildlife movement and is not located within the 30' No Build Zone;
- Stone walls;
- Stacks of cordwood;
- Plantings of native species of trees, shrubs, or groundcover, but excluding turf lawns;
- The conversion of impervious to vegetated surfaces, provided erosion and sedimentation controls are implemented during construction; and
- Maintaining, repairing, or replacing, but not substantially changing or enlarging an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, drainage, sanitary sewer, telephone, telegraph or other telecommunication services provided that written notice has been given to the Commission 14 days prior to the commencement of work.
- Emergency projects necessary for the protection of the health or safety of the public, provided that an Emergency Certification is issued by the Commission or its Agent for the proposed work.

All other work proposed within 100 feet of a Wetland Resource Area requires filing an RDA or NOI application.

Step 1

Download the application form (WPA Form 1) and the Instructions for Completing Application WPA Form 1 from the Massachusetts Department of Environmental Protection (DEP) website <https://www.mass.gov/lists/wetlands-permitting-forms>. Please **read the instructions** first.

Step 2

Plan your submission date based on the Conservation Commission meeting schedule submittal deadlines posted on our webpage at <https://town.canton.ma.us/548/Meeting-Schedule>. The Conservation Commission generally meets the 2nd and 4th Wed. of the month.

Step 3

Using the instructions, **complete WPA Form 1**. Note that there is a section for a “Representative (if any).” You may wish to obtain professional assistance from a consultant, engineer, or land surveyor to assist you with preparing a plan. **Applications must include a site plan.**

Site Plan Checklist

The following should be included on the submitted plan:

- Title
- Date
- Existing Conditions
 - Buildings & Structures
 - Pavement
 - Tree line
- Wetlands on or within 200 feet of the property
- Proposed Conditions
 - Buildings & Structures
 - Pavement
 - Limits of proposed work
- Distance between proposed work and closest Wetland Resource Area

Plans that do not depict wetland resource boundaries and approximate distances from proposed work will not be accepted.

Step 4

Contact the Canton Assessor’s Office and obtain a Certified Abutters List for all of the property owners within a 300 foot radius of the subject property. The applicant is responsible for notifying each abutter via Certified Mail, Return Receipt Requested, or by Certificates of Mailing. A copy of the Certified Abutters List, a copy of the notification letter, and a signed Affidavit of Service should all be submitted as part of the RDA application package. **Please note: proof of abutter notification in the form of mailing slips must be provided at the beginning of the public hearing or the hearing cannot be opened.**

Step 5

- A. Submit the following materials to the Conservation Commission:
- The original signed copy of WPA Form 1
 - Two (2) full-sized (24 x 36) copies of the site plan
 - Application fee and Wetland Fee calculation sheet (see webpage)
 - Copy of abutter notification letter and original, signed Affidavit of Service
 - Check in the amount of \$25.00 payable to “The Canton Citizen”
 - Electronic files of both the entire application and the plan (email to: rmilani@town.canton.ma.us or provide on thumb drive)

- B. Submit the following materials to the DEP Southeast Regional Office at 20 Riverside Drive, Lakeville, MA., 02347
- One (1) copy of the RDA application:
 - Signed WPA Form 1
 - Attachments (if any)
 - One (1) copy full size (24 x 36) set of site plans

Step 6

Once a **complete** RDA application has been received, the project will be scheduled for the next available Conservation Commission public meeting. **The applicant or the representative must be present at the scheduled public meeting.**

Step 7

The Conservation Commission or its Agent will perform a site visit to confirm existing conditions prior to the public meeting. The applicant will be contacted to arrange a time for the site visit.

Step 8

The applicant is responsible for complying with the Determination of Applicability issued by the Conservation Commission.

- **Positive determination** means that the applicant may not proceed until they obtain an Order of Conditions by filing a separate Notice of Intent application.
- **Negative determination** means that the applicant may proceed with the work as proposed, subject to any conditions, but no further action under the Wetlands Protection Act is required.