



## TOWN OF ARLINGTON

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### ARLINGTON CONSERVATION COMMISSION

## Request for Determination of Applicability (RDA) Submittal Checklist

This checklist is intended as an aid only, to assist in the process of submitting a Request for Determination and to help avoid delays. Please consult MGL Chapter 131, Section 40, the Wetlands Protection Act and its accompanying Regulations, 310 CMR 10.00, available through the state website, [www.mass.gov](http://www.mass.gov). Also, please consult Arlington's Wetlands Bylaw, Title V-Article 8, and the Arlington Wetlands Protection Regulations, available at [www.arlingtonma.gov/conservation](http://www.arlingtonma.gov/conservation).

If you are filing an RDA, you do not need to file with MassDEP and abutters may be notified using regular first class mail.

Please follow the steps below:

### **Prior to submittal of a Request for Determination:**

The goal of an RDA is to prove that work proposed does not require a wetlands permit because: (a) the project is not located in an area of Conservation Commission jurisdiction, (b) the work will not alter the resource area protected by the Conservation Commission's jurisdiction even though the project is located in a Conservation jurisdiction, or (c) although the location of proposed work falls under Conservation jurisdiction the work is exempt (the Wetlands Protection Act cites specific exempt projects).

1. It is strongly recommended that the applicant meet with the Conservation Agent to review the proposed work, research existing site information, and to become familiar with the wetlands regulations. Contact the Agent at the Town Hall Annex, 1<sup>st</sup> floor Planning and Community Development office, by phone at (781) 316-3012, or by email at [concomm@town.arlington.ma.us](mailto:concomm@town.arlington.ma.us).
2. After meeting with the Agent, submit a request for a Certified Abutters List with the Assessor's Office on the first floor of Town Hall. Please allow multiple days for processing. Please do not mail Abutters Notifications until the Agent has given you a hearing date and time.
3. RDA's must be received 2 full weeks (10 business days) prior to the hearing you intend to appear at.

### **Request for Determination submittal shall include 9 copies of the following:**

1. WPA Form 1-found here: <https://www.mass.gov/how-to/wpa-form-1-request-for-determination-of-applicability>;
2. Project Narrative, to include a description of: the project site, the proposed activity, any supporting data and calculations such as soils test data, drainage calculations, wetlands boundaries, proposed earth moving, impervious cover area, etc. Please refer to specific sections of the WPA and the Arlington Regulations that state why your project is not subject to these regulations or why they do not apply. Within the narrative, make sure

to explicitly address how this work supports Climate Change Resilience standards in Section 31 of the Arlington Wetlands Protection Regulations;

- a. Example language to satisfy non-applicability (see final page)
3. Development plans (depending on scale of project, they must be stamped by a certified engineer or land surveyor) to include (when applicable):
  - Property boundaries, easements, rights-of-way, etc.;
  - Boundaries within 25-feet of any Natural Vegetation (this is an area of no disturbance under the WPA)
  - Boundaries of the 100-foot Wetlands Buffer Zone
  - Boundaries of 25-ft, 50-ft, 75-ft, and 100-ft from the resource area
  - Boundaries of the 200-foot Riverfront Area Buffer Zone;
  - Base Flood Elevation or floodplain boundaries;
  - Existing and proposed topography, structures, and other physical features (walls, paths, trees, wells, drainage and utility lines, etc.);
  - Erosion Controls (silt fence and compost wattle)-only applicable in a Riverfront Area or Wetlands Buffer Zone;
  - Utility lines (e.g. water, sewer, etc.)
4. A Topographic map of Arlington with project site clearly marked, search property here: <https://viewer.nationalmap.gov/advanced-viewer/>;
5. A FEMA floodplain map, download "Dynamic Map" here: <https://msc.fema.gov/portal/home>;
6. Site photos, clearly showing where the project will occur and its relation to any resource areas;
7. An electronic copy of all documents submitted
8. Pages 2-4 of the RDA Filing Documents, also emailed to you. This includes:
  - Bylaw Filing Fees and Transmittal Form (Category, R1)
  - Abutter Notification Model (revised with information given by the Agent during pre-filing meeting or over the phone/email). Revise this model document based on project specific information (remove "Model").
  - Affidavit of Service
  - Legal Notice Charge Authorization Form (the Agent will prepare the Legal Notice and you will be billed directly by the Arlington Advocate based on their cost-per-word fees)
9. A check payable to "Town of Arlington" for filing fees in the amount of \$150.00

#### **RDA Packet Submittal (after the full packet has been reviewed and approved)**

1. Please submit 9 paper copies of the packet, as well as an electronic copy of the packet (email or USB) to the Conservation Agent. In addition to the packets, provide the Agent with 8 appropriately-sized envelopes with valid regular mail postage so that the Agent can mail the Commissioners a hard copy of the packet. The Agent will keep the remaining copy for the Commission's files.

#### **Public Meeting**

1. A public meeting will be scheduled within 2 weeks of receipt of a complete submittal. Commission meetings are held every first and third Thursday of the month in the Town Hall Annex, 2<sup>nd</sup> floor conference room beginning at 7:30 pm, and may continue until 11:00 pm.

2. At the meeting, the Applicant will formally present the proposed work. The Commission, the Agent, and the general public may comment upon the proposal and ask questions.

### **Determination of Applicability**

1. A Determination of Applicability will be issued by the Commission after the public meeting has been closed (most determinations are made within one hearing, but this is not guaranteed). The Commission will vote on the wording of the Determination during a public meeting and will issue the Determination within 21 days of the receipt of the Request. The Determination may be appealed within 10 days of issuance.

### **Example Regulatory Language to Justify Filing a Request for Determination of Applicability**

#### **200-Foot Riverfront Area**

M.G.L c. 131, Section 40, 310 CMR, 10.02, 10.58 and Arlington Regulations, Title 5 Article 8 have jurisdiction over Riverfront Area. These regulations generally align on the following definition: *the area of land between a river's mean annual high-water line measured horizontally outward from the river and a parallel line located 200 feet away*. Also, 310 CMR 10.02(2)(e) stipulate that *minor activities including decks are not otherwise subject to regulation under M.G.L. c. 131, section 40 provided that they comply with 310 CMR 10.02(2)(b)*.

- Since the proposed work is to convert a portion of an existing lawn to a deck structure, it should be considered minor per 310 CMR 10.02(2)(e). Furthermore, as the work does not fall within the 200 foot riverfront boundary, it may not be subject to the requirements set forth in MGL c. 131, Section 40, CMR 310 and Arlington regulations Title 5 Article 8.

#### **Climate Change Resilience**

Regarding Arlington Regulations for Wetlands Protection (Section 23 D and E) discussion of floodplains and climate change resilience, see sample language for narrative below:

*Section 23 D (1) Flood damage due to filling which causes lateral displacement of water that would otherwise be confined within said area;*

- There will be no filling associated with proposed deck.

*Section 23 D (2) Adverse effect on public and private water supply or groundwater supply, where said area is underlain by pervious material.*

- The existing area is permeable and will continue to be permeable with proposed design. The proposed project is located in an area which does not impact public and private water supply or ground water supply.

*With regards to climate change resilience, stormwater surface runoff mitigation and reduction of impervious surfaces.*

- No surface permeability will be modified.

*With regards to climate change resilience, vegetation planting plans to improve resiliency.*

- We are proposing planting native vegetation to mitigate flooding and contribute to water infiltration.

*With regards to climate change resilience, protection of proposed structures to minimize damage from potential climate change impacts.*

- Materials of construction have been selected for durability and natural resistance to weather thus eliminating the need for application of protective coatings that could leach into ground water.