

REQUEST FOR DETERMINATION OF APPLICABILITY
Massachusetts Wetlands Protection Act, G.L. c 131, § 40

A Request for Determination of Applicability (Form 1) must be filed for any work occurring within 100' of a wetland. The wetlands in the Town of Acton have been delineated on the Town Atlas (scale 1"=1200') which is available at the Conservation or the Engineering Offices, Town Hall, 472 Main Street, Acton, Massachusetts.

The following Guidelines were established (July 1984) to simplify filing procedures:

1. The Commission is required by law to hold the hearing within 21 days of receipt of the application, and render a decision within 21 days of the closing of that hearing. Please contact the office prior to filing for meeting schedule dates 978-264-9631. Conservation meetings are generally held on the first and third Wednesdays of each month; therefore, applications must be filed by noon, 14 days prior to the meeting to allow for publication of the meeting notice.
2. All applications to the Town of Acton (four hard copies and one electronic) shall include:
 - a. A Request for a Determination of Applicability (Form 1), Massachusetts.
 - b. Map or plot plan which shall include:
 - location of existing structures
 - proposed work (structures and grading)
 - wetlands boundaries
 - flood plain boundaries
 - 100' buffer zone boundaries, and the 50' natural vegetative and 75' no-build setbacks
 - existing and proposed topography where necessary
 - c. A check or bank money order for \$ 45 payable to the Town of Acton; for local application fee.
3. The applicant shall notify the Town Clerks Office, and the owner of the property.
4. The applicant shall send one copy of the Request for Determination of Applicability (Form 1), and one copy of the plan to the D.E.P. Central Regional Office**.
5. Abutters shall be notified, at the applicant's expense, only if construction will disturb more than 1,000 sq. ft. and/or will occur within twenty (20) feet of the wetland. Abutters are owners of land sharing a common boundary or corner with the site of the proposed activity in any direction, including land directly across a street, way, creek, river, stream, brook, or canal AND within 100' of property boundary line (as noted under the Wetlands Protection Act).
6. A newspaper advertisement of the date, time and place of the determination meeting shall be placed by the Commission at the applicant's expense.

**Department of Environmental Protection
Central Regional Office
627 Main Street
Worcester, MA 01608

FILING INFORMATION FOR

NOTICE OF INTENT

Massachusetts Wetlands Protection Act, G.L. c 131, s 40
and
Town of Acton Wetlands Protection Bylaw, Chapter F

ABBREVIATED NOTICE OF INTENT (FORM 4)

Massachusetts Wetlands Protection Act, G.L. c 131, § 40

A NOTICE OF INTENT (state and local) must be filed for any work located in any of the wetlands resource areas listed below and as defined in the Rules and Regulations promulgated by the Department of Environmental Engineering (Effective November 1, 1987):

- a. Any bank, any creek
any freshwater wetland, any river
any marsh, bordering any stream
or any swamp on any pond
or any lake
and associated buffer zone.
- b. Land under any of the water bodies listed above;
- c. Bordering land subject to flooding (HUD Flood Hazard Areas);
- d. Isolated land subject to flooding;
- e. Vernal pool.

AN ABBREVIATED NOTICE OF INTENT (FORM 4) are provided to simplify filing requirements for projects which are likely to result in limited impacts on the resource areas defined above.

These forms may be used when:

- a. The proposed work is within the Buffer Zone (if the filing of a Notice of Intent is required) or is within Land Subject to Flooding, as defined in Part III, Section 10.57(2) of the Regulations; and
- b. The proposed work will alter less than 1000 square feet of the surface area within the Buffer Zone or Land Subject to Flooding; and
- c. Neither a Department of the Army permit nor a Division of Waterways license is required.

The wetlands defined above have been delineated for the Town of Acton on the Town Atlas (scale 1"=1200') which is available at the Conservation and Engineering Offices, Town Hall, 472 Main Street, Acton, Massachusetts.

The following Guidelines were established (December 1984) to simplify filing procedures:

- 1. The Conservation Commission must hold a hearing within 21 days of receipt of the application. Please contact the office prior to filing for meeting schedule dates. Conservation meetings are generally held on the first and third Wednesdays of each month; therefore, applications must be filed by noon, 14 days prior to the meeting to allow for publication of the meeting notice and review of the Notice.

FORM 3 Instructions continued

2. All applications to the Town of Acton (four hard copies and one electronic) shall include:
 - a. Notice of Intent (Form 3)
OR
 - b. Abbreviated Notice of Intent (Form 4)
 - c. A map or plot plan which shall include:
 - Location of existing structures
 - Proposed work (structures or grading)
 - Wetlands boundaries
 - 100' buffer zone boundaries, and the 50' natural vegetative and 75' no-build setbacks
 - Flood plain boundaries
 - Erosion control measures to be used during and after construction
 - Existing and proposed topography where necessary
3. All structures within the buffer zone shall be staked for identification by the Commission on a site inspection prior to the hearing.
4. The applicant shall notify the Town Clerk and the owner of the property.
5. The applicant shall send one copy of the Notice of Intent (Form 3) or Abbreviated Notice of Intent (Form 4) and two copies of the plans to the D.E.P. Central Regional Office¹.
6. All abutters shall be notified by certified mail, or have signed documentation that abutters have been notified. Applicants must attain a Certified Abutters List from the Assessors Office (978-264-9622 or assessors@acton-ma.gov). Abutters are owners of land sharing a common boundary or corner with the site of the proposed activity in any direction, including land located directly across a street, way, creek, river stream, brook, or canal AND within 100' of property boundary line (as noted under the Wetlands Protection Act). Notification to abutters shall include the:
 - Location of project
 - Date, time and place of hearing (call Conservation Office for date & time prior to filing 978-264-9631)
 - Type of project
7. A newspaper advertisement stating date, time, and place of the hearing shall be placed by the Commission at the applicant's expense.
8. A filing fee as determined in 801 CMR 4.02 (310), 50 percent of the fee in excess of \$25 made payable to the Commonwealth of Massachusetts and sent to the D.E.P. lock box², and the remainder of the fee (along with an additional local filing fee) made payable to the Town of Acton, due at time of submission. The local filing is 20% of the State fee, as defined in the Town of Acton Bylaw Rules and Regulations.

¹ Department of Environmental Protection
Central Regional Office
627 Main Street
Worcester, MA 01608

² D.E.P (lock box re: fees)
PO Box 4062
Boston, MA 02211