



WPA Form 1- Request for Determination of Applicability

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

A. General Information

Important:

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. Applicant:

James and Jill Bernhard
Name
34 Robbins Road
Mailing Address
Acton
City/Town
978-502-2465
Phone Number
jimbernhard@gmail.com
E-Mail Address
MA
State
01720
Zip Code
Fax Number (if applicable)

2. Representative (if any):

Meisner Brem Corp.
Firm
Jeffrey Brem
Contact Name
142 Littleton Road
Mailing Address
Westford
City/Town
978-692-1313
Phone Number
jabrem@meisnerbrem.com
E-Mail Address
MA
State
01886
Zip Code
Fax Number (if applicable)

B. Determinations

1. I request the Acton Conservation Commission make the following determination(s). Check any that apply:

- a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance** or **bylaw** of:

Acton
Name of Municipality

- e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).



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C. Project Description

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

<u>34 Robbins Street</u>	<u>Acton</u>
Street Address	City/Town
<u>H2</u>	<u>48</u>
Assessors Map/Plat Number	Parcel/Lot Number

b. Area Description (use additional paper, if necessary):

34 Robbins Street, Acton, MA - Area in front of house between front door and existing gravel driveway.

c. Plan and/or Map Reference(s):

<u>Notice of Intent - Proposed Walkway Reconstruction</u>	<u>10-22-2015</u>
Title	Date
<u> </u>	<u> </u>
Title	Date
<u> </u>	<u> </u>
Title	Date

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

Reconstruct walkway to dwelling from existing gravel driveway to side door including flagstone steps and grading of slope to the south to match existing grade. Work is between 63 feet to 90 feet from bordering vegetated wetland and is protected from erosion by distance, existing house, existing lawn areas, and proposed silt fence to be installed pursuant to a separate Enforcement Order as amended on 10-21-2015. This work is considered as emergency to access the house safely. Recently a family member had a tragic accident requiring hospitalization and continuing care.



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C. Project Description (cont.)

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

Public Safety

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- Single family house on a lot recorded on or before 8/1/96
- Single family house on a lot recorded after 8/1/96
- Expansion of an existing structure on a lot recorded after 8/1/96
- Project, other than a single family house or public project, where the applicant owned the lot before 8/7/96
- New agriculture or aquaculture project
- Public project where funds were appropriated prior to 8/7/96
- Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- Residential subdivision; institutional, industrial, or commercial project
- Municipal project
- District, county, state, or federal government project
- Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)

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D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

James Bernhard	_____
Name	
34 Robbins Street	_____
Mailing Address	
Acton	_____
City/Town	
MA	_____
State	
	01720
	Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

_____ Signature of Applicant	_____ Date
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_____ Signature of Representative (if any)	_____ Date
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