

Form 4A - Abbreviated Notice of Resource Area Delineation

Massachusetts Wetlands Protection Act (M.G.L. Chapter 131, Section 40)

Instructions for Completing Application

Form 4A - Abbreviated Notice of Resource Area Delineation

Please read these instructions before completing the Abbreviated Notice of Resource Area Delineation application form (WPA Form 4A) for more information on certain items that are not self-explanatory.

Introduction

The Abbreviated Notice of Resource Area Delineation (WPA Form 4A) provides a procedure for an applicant to confirm the precise boundaries of Bordering Vegetated Wetlands (BVW). The applicant also may use WPA Form 4A to seek confirmation of the boundaries of other resource areas which have been delineated, if the other resource area boundaries are identified on the plans which accompany the BVW boundary delineation.

The filing of an Abbreviated Notice of Resource Area Delineation is optional. However, any work within an area subject to the jurisdiction of the Wetlands Protection Act may not proceed until either a Negative Determination of Applicability or a final Order of Conditions has been issued by the Conservation Commission or the Department of Environmental Protection. If an applicant is uncertain as to whether the Wetlands Protection Act applies to a particular area of land or to specific work planned on a particular area of land, he or she may file a Request for Determination of Applicability (WPA Form 1) instead of WPA Form 4A. Also, an applicant may file a Notice of Intent (WPA Form 3) or, in limited circumstances, an Abbreviated Notice of Intent (WPA Form 4) and, as part of that permitting process, seek confirmation from the Conservation Commission of delineated wetland resource area boundaries.

The applicant is responsible for providing the information required for the review of this application to the issuing authority (Conservation Commission or the Department of Environmental Protection). The submittal of a complete and accurate description of the site and project will minimize requests for additional information by the issuing authority which may result in an unnecessary delay in the issuance of an Order of Resource Area Delineation.

The issuing authority also may require that supporting materials be prepared by other

professionals including, but not limited to a registered landscape architect, registered land surveyor, environmental scientist, geologist, or hydrologist when the complexity of the proposed work warrants specialized expertise.

To complete this form, the applicant should refer to the Wetlands Protection Act regulations (310 CMR 10.00) which can be obtained from the Department's web site at www.state.ma.us/dep. Regulations are available for viewing at public libraries and county law libraries across the state, as well as at the Department's Regional Service Centers (see Appendix A for locations). Regulations also are available for sale from the State House Bookstore (617.727.2834) and State House Bookstore West (413.784.1378).

Completing WPA Form 4A

Section A: General Information

Item 4. Project Location. Include a street address (if one exists) and, if known, the Assessors map or plat number, the parcel number, and the lot number. If the lot subject to the Abbreviated Notice of Resource Area Delineation does not contain a structure with a numbered street address or the lot is being subdivided, the map or plat, parcel, and lot numbers must be included.

Section B: Area Delineated

Item 1. Bordering Vegetated Wetlands (BVW). Indicate the length of the delineated BVW boundary.

Item 2. Method of Determination. Use one of the methods indicated in Item 2 to determine the boundaries of BVW. On the form, check all the methods that are used to determine the boundary. These methods are discussed in the wetlands regulations at 310 CMR 10.55(2)(c). When undertaking BVW delineations, whether by vegetation alone or by vegetation and other indicators of wetland hydrology, applicants are encouraged to use the Department's BVW Handbook: *Delineating Bordering Vegetated Wetlands Under the Massachusetts Wetlands Protection Act* (1995). This document is available for purchase from the State House Bookstore (617.727.2834) and State

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House Bookstore West (413.784.1378). The Department encourages applicants to complete the BVW Field Data Form contained in the handbook and submit it with the Abbreviated Notice of Resource Area Delineation. If detailed vegetative assessments are not required for a particular site, the reasons should be noted on the Field Data Form.

Item 3. Other Resource Areas. Applicants may use WPA Form 4A to confirm the boundaries of other resource areas when delineated in addition to the BVW. To determine boundaries of other wetland resource areas (including the Riverfront Area), consult the wetland regulations, subsection (2), "Definitions, Critical Characteristics, and Boundaries" for each resource area covered under 310 CMR 10.54 - 10.58.

Section C: Additional Information

All listed information must be provided along with the Abbreviated Notice of Resource Area Delineation.

Plans should be of adequate size, scale, and detail to completely and accurately describe the site and the resource area boundaries. The following guidelines are provided to encourage uniformity.

Sheet Size:

- Maximum 24" x 36"
- If more than one sheet is required to describe the proposed site and/or proposed work, provide an additional sheet indexing all other sheets and showing a general composite of all work proposed within the Buffer Zone and areas subject to protection under the Act

Scale:

- Not more than 1" = 50'
- If plans are displayed, include graphical scales

Title Block:

- Included on all plans
- Located at the lower right hand corner, oriented to be read from the bottom when bound at the left margin
- Include original date plus additional space to reference the title and dates of revised plans

Section D: Fees

There is an application fee for the Abbreviated Notice of Resource Area Delineation. The filing fee equals \$1 per linear foot of delineated Bordering Vegetated Wetland, with a maximum of \$100 for a single family house and a maximum of \$1,000 for any other activity.

There is no additional fee for delineations of other resource areas. The city/town share of the fee is the first \$25 plus half of the remaining total fee. The state share is half the total fee in excess of \$25.

Complete pages 1 and 2 of Appendix B: Wetland Fee Transmittal Form and send them, along with a check for the state share of the filing fee, payable to the *Commonwealth of Massachusetts*, to DEP, Box 4062, Boston, MA 02211. Review of the Abbreviated Notice of Resource Area Delineation cannot begin until the fee is received.

No fee shall be assessed for projects of the federal government, the Department of Environmental Protection, or cities and towns of the Commonwealth.

In addition, a notice of the application must be placed in a local newspaper, and published at least five days prior to the hearing, at the applicant's expense. Please contact your Conservation Commission regarding the procedure for public newspaper notice.

Section E: Signatures/Submittal Requirements

The property owner (if different from the applicant) and the applicant's representative (if any) must sign the Abbreviated Notice of Resource Area Delineation.

Two copies of the completed Abbreviated Notice of Resource Area Delineation (WPA Form 4A), including supporting plans and documents; two copies of pages 1 and 2 of Appendix B; and the city/town fee payment must be sent to the Conservation Commission by certified mail or hand delivery.

Two copies of the completed Abbreviated Notice of Resource Area Delineation (WPA Form 4A), including supporting plans and documents; two copies of pages 1 and 2 of Appendix B; and a *copy* of the state fee check must be sent to the appropriate DEP Regional Office (see Appendix A) by certified mail or hand delivery. The Department copies must be sent at the same time as the application submission to the Conservation Commission. Failure by the applicant to send copies in a timely manner may result in dismissal of the Abbreviated Notice of Resource Area Delineation.