



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands

WPA Form 2 – 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.



From:

Westwood
 Conservation Commission

To: Applicant

Cathleen Power
 Name

45 Pine Lane
 Mailing Address

Westwood MA 02090
 City/Town State Zip Code

Property Owner (if different from applicant):

Name

Mailing Address

City/Town State Zip Code

1. Title and Date (or Revised Date if applicable) of Final Plans and Other Documents:

sketch plan

Title Date

Title Date

Title Date

2. Date Request Filed:

10/3/17

B. Determination

Pursuant to the authority of M.G.L. c. 131, § 40, the Conservation Commission considered your Request for Determination of Applicability, with its supporting documentation, and made the following Determination.

Project Description (if applicable):

Remove 1 tree and expand existing driveway.

Project Location:

45 Pine Lane
 Street Address

16
 Assessors Map/Plat Number

Westwood
 City/Town

222
 Parcel/Lot Number



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B. Determination (cont.)

The following Determination(s) is/are applicable to the proposed site and/or project relative to the Wetlands Protection Act and regulations:

Positive Determination

Note: No work within the jurisdiction of the Wetlands Protection Act may proceed until a final Order of Conditions (issued following submittal of a Notice of Intent or Abbreviated Notice of Intent) has been received from the issuing authority (i.e., Conservation Commission or the Department of Environmental Protection).

1. The area described on the referenced plan(s) is an area subject to protection under the Act. Removing, filling, dredging, or altering of the area requires the filing of a Notice of Intent.
- 2a. The boundary delineations of the following resource areas described on the referenced plan(s) are confirmed as accurate. Therefore, the resource area boundaries confirmed in this Determination are binding as to all decisions rendered pursuant to the Wetlands Protection Act and its regulations regarding such boundaries for as long as this Determination is valid.

- 2b. The boundaries of resource areas listed below are not confirmed by this Determination, regardless of whether such boundaries are contained on the plans attached to this Determination or to the Request for Determination.

3. The work described on referenced plan(s) and document(s) is within an area subject to protection under the Act and will remove, fill, dredge, or alter that area. Therefore, said work requires the filing of a Notice of Intent.
4. The work described on referenced plan(s) and document(s) is within the Buffer Zone and will alter an Area subject to protection under the Act. Therefore, said work requires the filing of a Notice of Intent.
5. The area and/or work described on referenced plan(s) and document(s) is subject to review and approval by:

Name of Municipality

Pursuant to the following municipal wetland ordinance or bylaw:

Name

Ordinance or Bylaw Citation



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B. Determination (cont.)

6. The following area and/or work, if any, is subject to a municipal ordinance or bylaw but not subject to the Massachusetts Wetlands Protection Act:

7. If a Notice of Intent is filed for the work in the Riverfront Area described on referenced plan(s) and document(s), which includes all or part of the work described in the Request, the applicant must consider the following alternatives. (Refer to the wetland regulations at 10.58(4)c. for more information about the scope of alternatives requirements):

- Alternatives limited to the lot on which the project is located.
- Alternatives limited to the lot on which the project is located, the subdivided lots, and any adjacent lots formerly or presently owned by the same owner.
- Alternatives limited to the original parcel on which the project is located, the subdivided parcels, any adjacent parcels, and any other land which can reasonably be obtained within the municipality.
- Alternatives extend to any sites which can reasonably be obtained within the appropriate region of the state.

Negative Determination

Note: No further action under the Wetlands Protection Act is required by the applicant. However, if the Department is requested to issue a Superseding Determination of Applicability, work may not proceed on this project unless the Department fails to act on such request within 35 days of the date the request is post-marked for certified mail or hand delivered to the Department. Work may then proceed at the owner's risk only upon notice to the Department and to the Conservation Commission. Requirements for requests for Superseding Determinations are listed at the end of this document.

1. The area described in the Request is not an area subject to protection under the Act or the Buffer Zone.
2. The work described in the Request is within an area subject to protection under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent.
3. The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions (if any).
All impervious surfaces must be kept clean throughout the duration of the project. Silt sacks must be installed in the two catch basins in the road in front of the property. The conservation agent must be on site when sacks are removed.
4. The work described in the Request is not within an Area subject to protection under the Act (including the Buffer Zone). Therefore, said work does not require the filing of a Notice of Intent, unless and until said work alters an Area subject to protection under the Act.

45 Pine Lane



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B. Determination (cont.)

- 5. The area described in the Request is subject to protection under the Act. Since the work described therein meets the requirements for the following exemption, as specified in the Act and the regulations, no Notice of Intent is required:

Exempt Activity (site applicable statutory/regulatory provisions)

- 6. The area and/or work described in the Request is not subject to review and approval by:

Name of Municipality

Pursuant to a municipal wetlands ordinance or bylaw.

Name

Ordinance or Bylaw Citation

C. Authorization

This Determination is issued to the applicant and delivered as follows:

- by hand delivery on
- by certified mail, return receipt requested on

Date

Date

This Determination is valid for **three years** from the date of issuance (except Determinations for Vegetation Management Plans which are valid for the duration of the Plan). This Determination does not relieve the applicant from complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.

This Determination must be signed by a majority of the Conservation Commission. A copy must be sent to the appropriate DEP Regional Office (see Attachment) and the property owner (if different from the applicant).

Signatures:

[Handwritten signature]
[Handwritten signature]
[Handwritten signature]

[Handwritten signature]

11/8/17

Date



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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D. Appeals

The applicant, owner, any person aggrieved by this Determination, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate Department of Environmental Protection Regional Office (see Attachment) to issue a Superseding Determination of Applicability. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form (see Request for Departmental Action Fee Transmittal Form) as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Determination. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant if he/she is not the appellant. The request shall state clearly and concisely the objections to the Determination which is being appealed. To the extent that the Determination is based on a municipal ordinance or bylaw and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
DEP Regional Addresses
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Mail transmittal forms and DEP payments, payable to:
 Commonwealth of Massachusetts
 Department of Environmental Protection
 Box 4062
 Boston, MA 02211

DEP Western Region
 436 Dwight Street
 Suite 402
 Springfield, MA 01103
 Phone: 413-784-1100
 Fax: 413-784-1149

Adams Agawam Alford Amherst Ashfield Becket Belcherstown Bernardston Blandford Brimfield Buckland Charlemont Cheshire Chester Chesterfield Chicopee Clarksburg	Colrain Conway Cummington Dalton Deerfield Easthampton East Longmeadow Egremont Erving Florida Gill Goshen Granby Granville Great Barrington Greenfield Hadley	Hampden Hancock Hatfield Hawley Heath Hinsdale Holland Holyoke Huntington Lanesborough Lee Lenox Leverett Leyden Longmeadow Ludlow Middlefield	Monroe Montague Monterey Montgomery Monson Mount Washington New Ashford New Marlborough New Salem North Adams Northampton Northfield Orange Otis Palmer Pelham Peru	Pittsfield Plainfield Richmond Rowe Russell Sandisfield Savoy Shelfield Shelburne Shutesbury Southampton South Hadley Southwick Springfield Stockbridge Sunderland Tolland	Tyringham Wales Ware Warwick Washington Wendell Westfield Westhampton West Springfield West Stockbridge Whately Wilbraham Williamsburg Williamstown Windsor Worthington
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DEP Central Region
 627 Main Street
 Worcester, MA 01608
 Phone: 508-792-7650
 Fax: 508-792-7621
 TDD: 508-767-2788

Acton Ashburnham Ashby Athol Auburn Ayer Barre Bellingham Berlin Blackstone Bolton Boxborough Boylston Brookfield	Charlton Clinton Douglas Dudley Dunstable East Brookfield Fitchburg Gardner Granton Groton Harvard Hardwick Holden Hopdale	Hopkinton Hubbardston Hudson Holliston Lancaster Leicester Leominster Littleton Lunenburg Marlborough Maynard Medway Mendon Milford	Millbury Milville New Braintree Northborough Northbridge North Brookfield Oakham Oxford Paxton Pepperell Petersham Phillipston Princeton Royalston	Rutland Shrley Shrewsbury Southborough Southbridge Spencer Sterling Stow Sturbridge Sutton Templeton Townsend Tyngsborough Upton	Uxbridge Warren Webster Westborough West Boylston West Brookfield Westford Westminster Winchendon Worcester
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DEP Southeast Region
 20 Riverside Drive
 Lakeville, MA 02347
 Phone: 508-946-2700
 Fax: 508-947-6557
 TDD: 508-946-2795

Abington Acushnet Attleboro Avon Barnstable Berkley Bourne Brewster Bridgewater Brockton Carver Chatham Chilmark	Dartmouth Dennis Dighton Duxbury Eastham East Bridgewater Easton Edgartown Fairhaven Fall River Falmouth Foxborough Franklin	Freetown Gay Head Gosnold Halifax Hanover Hanson Harwich Kingston Lakeville Mansfield Marion Marshfield Mashpee	Mattapoisett Middleborough Nantucket New Bedford North Attleborough Norton Norwell Oak Bluffs Orleans Pembroke Plainville Plymouth Plympton	Provincetown Raynham Rehoboth Rochester Rockland Sandwich Scituate Seekonk Sharon Somerset Stoughton Swansea Taunton	Tisbury Truro Wareham Wellfleet West Bridgewater Westport West Tisbury Whitman Wrentham Yarmouth
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DEP Northeast Region
 1 Winter Street
 Boston, MA 02108
 Phone: 617-654-6500
 Fax: 617-556-1049
 TDD: 617-574-6868

Amesbury Andover Arlington Ashland Bedford Belmont Beverly Billerica Boston Boxford Braintree Brookline Burlington Cambridge Canton Carlisle	Chelmsford Chelsea Cohasset Concord Danvers Dedham Dover Dracut Essex Everett Framingham Georgetown Gloucester Groveland Hamilton Haverhill	Hingham Holbrook Hull Ipswich Lawrence Lexington Lincoln Lowell Lynn Lynnfield Malden Manchester-By-The-Sea Marblehead Medfield Medford Melrose	Merrimac Methuen Middleton Millis Milton Nahant Natick Needham Newbury Newburyport Newton Norfolk North Andover North Reading Norwood Peabody	Quincy Randolph Reading Revere Rockport Rowley Salem Salisbury Saugus Sherborn Somerville Stoneham Sudbury Swampscott Tewksbury Topsfield	Wakefield Walpole Waltham Watertown Wayland Wellesley Wenham West Newbury Weston Westwood Weymouth Wilmington Winchester Winthrop Woburn
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