



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 Donald Peck Property Owner (if different from applicant):
 Name _____ Name _____

15 Whippoorwill Drive Mailing Address _____
 Mailing Address _____
Westwood MA 02090 City/Town State Zip Code
 City/Town State Zip Code

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

<u>Sketch plan</u>	n/a
Title _____	Date _____
Title _____	Date _____
Title _____	Date _____

2. Date Request Filed:

5/22/18

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):

Extend deck and construct a patio with gas grill.

Project Location:

15 Whippoorwill Drive Westwood
 Street Address City/Town
11 049
 Assessors Map/Plat Number 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:
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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).
- The patio must be constructed of pervious pavers. All impervious surfaces must be kept clean throughout the duration of the project. All debris must be disposed of off-site. A compost sock must be installed at the top of the rear slope and inspected prior to start of work.
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.



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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

June 28, 2018

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 signatures in blue ink]

6/28/18

Date



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

DEP Central Region
 627 Main Street
 Worcester, MA 01608
 Phone: 508-792-7650
 Fax: 508-792-7621
 TDD: 508-767-2788

Acton	Charlton	Hopkinton	Millbury	Rutland	Uxbridge
Ashburnham	Clinton	Hubbardston	Millville	Shirley	Warren
Ashby	Douglas	Hudson	New Braintree	Shrewsbury	Webster
Athol	Dunstable	Holliston	Northborough	Southborough	Westborough
Auburn	East Brookfield	Lancaster	Northbridge	Southbridge	West Boylston
Ayer	Fitchburg	Leicester	North Brookfield	Spencer	West Brookfield
Barre	Gardner	Leominster	Oakham	Sterling	Westford
Bellingham	Grafton	Littleton	Oxford	Stow	Westminster
Berlin	Groton	Lunenburg	Paxton	Sturbridge	Winchendon
Blackstone	Harvard	Marlborough	Pepperell	Sutton	Worcester
Bolton	Hardwick	Maynard	Petersham	Templeton	
Boxborough	Holden	Medway	Phillipston	Townsend	
Boylston	Hopedale	Mendon	Princeton	Tyngsborough	
Brookfield		Milford	Royalston	Upton	

DEP Southeast Region
 20 Riverside Drive
 Lakeville, MA 02347
 Phone: 508-946-2700
 Fax: 508-947-6557
 TDD: 508-946-2795

Abington	Dartmouth	Freetown	Mattapoisett	Provincetown	Tisbury
Acushnet	Dennis	Gay Head	Middleborough	Raynham	Truro
Attleboro	Dighton	Gosnold	Nantucket	Rehoboth	Wareham
Avon	Duxbury	Halifax	New Bedford	Rockester	Wellfleet
Barnstable	Eastham	Hanover	North Attleborough	Rockland	West Bridgewater
Berkley	East Bridgewater	Hanson	Norton	Sandwich	Westport
Bourne	Easton	Harwich	Norwell	Scituate	West Tisbury
Brewster	Edgartown	Kingston	Oak Bluffs	Seekonk	Whitman
Bridgewater	Fairhaven	Lakeville	Orleans	Sharon	Wrentham
Brockton	Fall River	Mansfield	Pembroke	Somerset	Yarmouth
Carver	Falmouth	Marion	Plainville	Stoughton	
Chatham	Foxborough	Marshfield	Plymouth	Swansea	
Chilmark	Franklin	Mashpee	Plympton	Taunton	

DEP Northeast Region
 1 Winter Street
 Boston, MA 02108
 Phone: 617-654-6500
 Fax: 617-556-1049
 TDD: 617-574-6868

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