

WESTON CONSERVATION COMMISSION

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Checklist for Filing Request for Determination of Applicability During Covid-19 Emergency

Towns have faced numerous challenges resulting from the coronavirus COVID-19 outbreak. City and town halls are closed to the public, there is limited staffing of public offices, and there are social distancing advisories, all resulting in significant concerns as to how Land Use Boards and Commissions can proceed during this unprecedented time. On April 3, 2020 Governor Baker signed, a new law giving some reprieve to Land Use boards regarding applications, hearings & permits. The Weston Conservation Commission will try to process wetland applications during this time. However, **you must email the Conservation Administrator at Conservation@westonMA.Gov, before trying to apply.** Please be aware of the following new requirements which are necessary for the Commission to begin review of your Request for Determination of Applicability (RDA) under the MA Wetlands Protection Act (WPA).

An RDA is a simplified form to fill out when you intend to conduct minor work in the Buffer Zone (at least 50 feet from the resource area; minimal or no proposed structures within the buffer zone). This checklist is not meant to be exhaustive. Please contact the Conservation Office prior to filing.

Step 1: Fill out Permit Application

Download and **complete the RDA Form** from the Massachusetts Department of Environmental Protection (DEP) website: <https://www.mass.gov/lists/wetlands-permitting-forms-massdep>. Printed copies may be obtained from the Weston Conservation Dept. In some cases, you will need to hire a wetland scientist, consultant, engineer, and/or land surveyor to assist you with preparing the permit application. With very small projects, the Conservation Department can assist landowners with filling out the form.

Step 2: Submit your Permit Application and Plan to the Weston Conservation Commission

Due to Covid-19, the following Submission requirements are necessary:

- Full Electronic submission to the Conservation Department: conservation@westonMA.Gov
- Hard copy of the wetland application shall be mailed to the Conservation Department.

The Conservation Commission generally meets every other Tuesday – please contact the Conservation Department for exact dates or visit the website at: <http://www.weston.org/447/Conservation-Commission>

The Following must be submitted in order for an application to be considered complete:

- (A) One copy of the RDA application:
 - Locus map of the area
 - Detailed project description of what is being proposed
- (B) One copy of the plan or sketch showing the following:
 - Existing Conditions and Proposed Work
 - All Wetland Resource Areas within 100' of the parcel: wetlands, ponds, streams, flood zones, Riverfront Area, etc.
 - 100' Buffer Zone & 25' No Disturb Zone
 - Weston's Wetland and Flood Plain Protection District (if it applies)
 - 2-foot contours or smaller & Parcel lines
 - Structures (i.e. Buildings, stormwater infrastructure, pavement/driveway areas)
 - Edge of lawn / landscaping
 - Limit of work
 - Erosion Controls

Please

No plastic covers
Avoid GBC bindings if you can
Staples and double-sided
submissions are OK
Please Fold plans

- (C) Legal Ad Bill Acknowledgement Form – Please fill out the bottom half of the form here: <https://www.weston.org/DocumentCenter/View/975/Legal-Bill-Acknowledgement-Form>. The applicant or the representative is responsible for paying the Legal Notice advertising fee. **Please note, the Conservation Office will prepare and submit your legal advertisement; the newspaper will bill you directly for the cost.

Step 3: Physically & electronically Submit your Application to Department of Environmental Protection

One copy of the entire submission (described above), submitted to the Town and the State to: DEP-NE Regional Office, 205B Lowell St., Wilmington, MA 01887 AND Email it to NERO_NOI@mass.gov w/ the subject line Weston-RDA-[address]-[applicant's name]

Step 4: You will be given a Public Meeting Date/Time

By submitting a **complete** RDA application (see items listed in Step 2), you will be scheduled to attend the next available public meeting. **The applicant or the representative must be present at the scheduled public meeting.**

Step 5: Conservation Commission will Conduct a Site Visit

The Commission and their agent will perform a site visit to confirm the existing conditions and resource area delineation. The applicant will be notified about the date & time of the visit.

Step 6: Virtually Attend the Public Meeting

The applicant or the representative must be present at the virtual public meeting. Please contact the Agent about your plan for presenting at this virtual meeting. The Agent can allow the applicant to be a co-host so that you can share your screen and show the plan and photos. It is important to color up the plan so that the wetland, limit of work, buffer zone can be easily seen on the screen.

Step 7: Receive a Determination of Applicability and Read it

If you have any questions, contact the Conservation Commission. Whether a permit is issued or denied, any abutter, the applicant, or a 10-citizen group has 10 business days to appeal to the state Department of Environmental Protection on the grounds that the Commission failed to properly enforce the law. Please be aware that the Governor's emergency Order allows DEP to appeal a particular decision up to 45 days after the Emergency Order is lifted. Applicants who wish to proceed on a project, for which no appeal was received within the 10-day appeal, may request a letter from MassDEP indicating whether the Department plans to intervene by requesting a Superseding Order or Determination. An applicant wishing to request such a letter should contact alicia.geilen@mass.gov.

Pre and Post Construction Reminders

- Contact Conservation Department to schedule pre-construction Site Visit.
- You have 3 years to complete the work approved
- Any changes to the approved plan must be reviewed and approved by the Commission

Other Permits to keep in mind

- Relevant Building, Zoning, and Board of Health Permits (please contact the appropriate departments for more information)
- Weston's Stormwater and Erosion Control Bylaw (please visit <http://www.weston.org/239/The-Stormwater-By-law>)