

**INSTRUCTIONS FOR FILING A
REQUEST FOR DETERMINATION OF APPLICABILITY
WITH THE WAREHAM CONSERVATION COMMISSION**

Note: In accordance with Division VI, Article I of the Wareham Wetlands Protective By-Law, Requests for Determination of Applicability (RDA) require public hearings and notifications to abutters.

1. Complete the form: Carefully fill out the RDA form (WPA Form 1) and affix proper signatures. Forms are available on the Wareham Conservation Commission web page <https://www.wareham.ma.us/conservation-department/pages/applications-and-instructions-0>. Instructions for this Commonwealth-created form can be found at <https://www.mass.gov/doc/instructions-wpa-form-1-request-for-determination-of-applicability/download>
2. Prepare plans: The Commission requires drawings/plans that show all building corners, septic and leaching field corners, walls, and fences.
3. Download and mark maps: Locus maps are available on-line at: <https://wareham.maps.arcgis.com/home/index.html>. Click on "General Map Viewer" link and enter the address. Mark the area in which the proposed construction activity will take place on all copies of the map.
4. Stake the property: The Commission will make a site visit prior to the hearing. Stakes must mark all proposed building corners, septic and leaching field corners, walls, and fences along their entire length.
5. Submit-On-Line Form: Complete the on-line form here: <https://www.wareham.ma.us/conservation-department>
6. Submit the printed RDA Form and attachments: Submit the original RDA plus one (1) copy, along with the original plus one (1) copy of pertinent plans and Locus Maps to the Wareham Conservation Commission - Memorial Town Hall, 54 Marion Road, Wareham, MA 02571.
7. Pay: A check in the amount of \$75.00, payable to the Town of Wareham, must accompany the RDA.
8. Notification to Abutters: This *is the applicant's responsibility*. The Notification to Abutters forms are available at the office of the Conservation Commission, or on-line at <https://www.wareham.ma.us/conservation-department/pages/applications-and-instructions-0>
 - a. Fill out an **Abutters List Request Form** (available in the Wareham Assessor's Office or on-line <https://www.wareham.ma.us/assessors-department>) and bring to the Assessor's Office (Town Hall, first floor).
 - b. The Assessor's Office will provide your abutters list via email if you provide an email address. Otherwise you'll be notified when to pick it up in the Assessor's Office (7-10 days).
 - c. Applicant must notify abutters immediately following submittal of the RDA, but no later than 1 week prior to meeting.
 - d. Fill out and copy the Notification to Abutters Form and deliver to abutters in one of the following ways:
 - i. Hand delivery (signature adjacent to name on abutters list is required)

- ii. Certified mail, return receipt
 - iii. Certificate of mailing (less expensive)
 - e. A copy of the abutters list and proof of notification to all abutters must be provided to the Commission prior to or at the public hearing (original signatures (i), certified mail receipts (ii), or certificate of mailing receipts(iii))
9. Legal Notice: The Wareham Conservation Office will submit the necessary legal notice; the applicant must provide a \$75 check made out to *The Wareham Week* to the Conservation Office with the application.
10. Notification to the State: One (1) copy of the Request for Determination and one (1) copy of the plans **MUST BE SENT VIA CERTIFIED MAIL TO: DEPT. OF ENVIRONMENTAL PROTECTION (DEP), SOUTHEAST REGIONAL OFFICE, 20 RIVERSIDE DR., LAKEVILLE, MA 02347, Phone 508-946-2700.**
- a. A copy of the certified mail receipt must be provided to the Commission at or before the hearing.
11. Hearing:
- a. The Commission holds hearings the first and third Wednesday of every month, starting at 6:00 p.m. The Commission will try to schedule your public hearing for the next available date once your completed RDA and payment is received. The hearing schedule and deadlines are available here:
<https://www.wareham.ma.us/conservation-department/pages/meeting-schedule-and-deadline-dates>
 - b. Attend the hearing (virtual or in-person). **Wareham Multi-Service Center, 48 Marion Road, Wareham, MA, Room 320.**
12. Determinations:
- a. Upon receiving a Negative Determination, only the work outlined in the RDA may be done. Any other work that affects a wetland resource area may result in Commission-issued fines.
 - b. Upon receiving a Positive Determination, you must file a Notice of Intent (See separate instructions).
13. Appeals: After the Commission issues a Determination, there is a 10-day appeal period to the State Department of Environmental Protection. The project cannot start until any appeal file is resolved.

Questions? Call the Conservation Office at 508-291-3100 ext 6505. Office hours are Monday and Wednesday 8 am to 3 pm and Tuesday and Thursday 8 am to 5 pm. The Conservation Administrator is Josh Faherty.