

Form 4A - Abbreviated Notice of Resource Area Delineation (ANRAD)

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

Instructions for Completing Application Form 4A - Abbreviated Notice of Resource Area Delineation (ANRAD)

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, (ANRAD) serves two purposes under the Wetland Protection Act. First, the ANRAD provides a procedure for an applicant to confirm the delineation of a Bordering Vegetated Wetlands (BVW). If an ANRAD is filed for a BVW delineation, confirmation of other resource areas may also be requested provided the other resource area boundaries are identified on the plans which accompany the BVW boundary delineation. The second purpose of the ANRAD is to serve as the application for Simplified Review for projects in the Buffer Zone.

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, RDA, (WPA Form 1) instead of WPA Form 4A. Also, an applicant may file a Notice of Intent, NOI, (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.

Applications for Simplified Review must certify that the project design meets all of the eligibility criteria in Section D of the ANRAD. Applicants seeking a boundary delineation, but who have yet to complete project design, may still apply for Simplified Review provided they can certify that the project, when constructed, will comply with the Section D eligibility criteria. Applicants who certify eligibility are not required to proceed to construction. If plans change and the project no longer meet certification requirements for Simplified Review, the project may be reviewed as part of a NOI or a RDA. Applicants who complete Section D, and are not subject to the Stormwater Policy, may proceed to construct their project in accordance with the eligibility criteria without further consultation with the conservation commission. If the project is subject to the Stormwater Policy, the project must meet the Section D eligibility criteria and receive concurrence from the conservation commission that their stormwater plan meets the state Stormwater Policy. Subsequent filing of stormwater plans seeking conservation commission concurrence requires an amendment to the prior ORAD.

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.mass.gov/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. Regulations also are available for sale from the State House Bookstore (617.727.2834) and State House Bookstore West (413.784.1378).

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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(s) 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 on the web at: <http://www.mass.gov/dep/brp/ww/files/bvwmanual.pdf> or for purchase from the State House Bookstore (617.727.2834) and State 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 application.

- a. ANRAD applications seeking to delineate a wetland resource area boundary, are required to include Resource Area Delineation Plans. Such plans should include an appropriate scale to depict all resource area boundaries for which boundary confirmation is being sought.
- b. ANRADs filed for Simplified Review for Buffer Zone Projects which are subject to the Stormwater Policy also are required to include delineation and project plans. All plans are required to depict all resource area boundaries for which a confirmation is being sought and include the location of all stormwater components, contour elevations sufficient to determine site slope, and percent of impervious areas in the 50-100 Buffer Zone to the resource area. Project plans are **Not** required for Simplified review projects that are not subject to the Stormwater Policy.

Plans specifications: All 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

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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: Simplified Review for Buffer Zone Projects

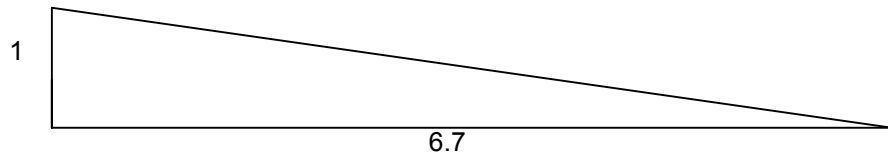
For those applicants filing for simplified review for Buffer Zone projects, applicants are required to certify (and affirmatively check) that the project complies with the following eligibility requirements:

- ☒ No work of any kind will occur within any wetland resource areas including Riverfront Area and Bordering Land Subject to Flooding
- ☒ *No disturb zone:* the 0-to-50 foot portion of the Buffer Zone adjacent to the resource area will not be subject to any further disturbance as a result of the project; all disturbance in this area is prohibited including the use of the area for: components of a stormwater management system, site access, and any other activities.
- ☒ *The work is not located adjacent to sensitive resource areas:* the Buffer Zone area in which the work is proposed is not allow to border an Outstanding Resource Water (ORW). Work in a Buffer Zone should be no closer than 100 feet to any ORW. ORW's consist or certified vernal pools, drinking water reservoirs, tributaries to surface drinking water supplies, and cold water fisheries. Similarly, the simplified review process is not available for use by projects that border coastal resource areas.
- ☒ *The site is not adjacent to the actual wetland with estimated Rare Wildlife Habitat:* the Buffer Zone of the proposed project is not allowed to contain rare wildlife habitat as designated on the most recent Estimated Habitat Maps of the Natural Heritage Program.
- ☒ *Compliance with the Stormwater Policy:* any project subject to the stormwater policy is required to be conducted in conformance with an approved Stormwater Management Plan. Stormwater plans, associated calculations and supporting documents, including erosion and sedimentation plans are required to be submitted to the commission for projects subject to the Stormwater Ploicy.
- ☒ *Erosion and Sedimentation Controls:* projects are required to demonstrate that adequate erosion controls will be in place sufficient to protect resource areas at the limit of work line or 50 feet from the resource area, whichever is the greater distance from the resource area(s) sufficient to protect the resource areas.

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Site slope limitations: the applicant is required to certify that the existing slope of the Buffer Zone containing the proposed project does not exceed an average of 15 percent at its steepest gradient across the 100-foot Buffer Zone distance as measured from the edge of the resource area to the outer edge of the Buffer Zone. A 15 percent slope corresponds to approximately 8.5 degrees and a rise/run of 1:6. The following illustration depicts an approximate 15 percent slope:



Impervious Surfaces: Impervious surfaces should be calculated to include all existing impervious surfaces that will remain following completion of the project in addition to the new impervious surfaces proposed by the project. Final impervious surfaces (existing and proposed) may not exceed 40% of the buffer zone area between 50-to-100 feet from the Resource Area. For those projects that trigger the Stormwater Management Policy, the applicant shall calculate and certify the percentage of impervious surface. The percentage of impervious areas can be calculated by a number of methods depending on the degree of accuracy required. A simple method to determine the percentage of impervious surface on a site could include the use of graph paper; to determine the percentage of impervious surfaces with more accuracy, use of a calibrated planimeter. In either case, the calculation should be able to be confirmed through an independent analysis following a straightforward methodology.

Section E: Fees

There is an application fee for the Abbreviated Notice of Resource Area Delineation. The filing fee equals \$2 per linear foot of delineated Bordering Vegetated Wetland, with a maximum of \$200 for a single family house and a maximum of \$2,000 for any other activity. The same fee schedule applies to 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 the ANRAD 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 filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

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 F: Signatures and Certification 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. If the ANRAD is filed for Buffer Zone Simplified Review (per Section D), the applicant or representative must sign the ANRAD. A signature serves to certify that accompanying plans, documents, and supporting data are true and complete and that any work associated with the proposed project meets all the eligibility criteria listed in Section D.

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

One copy of the completed Abbreviated Notice of Resource Area Delineation (WPA Form 4A), including supporting plans and documents; one copy of the ANRAD Wetland Fee Transmittal Form; and a *copy* of the state fee check must be sent to the appropriate DEP Regional Office 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.