

 Town of Holliston

Commonwealth of Massachusetts

Conservation Commission

**Request for Determination of Applicability (RDA) Preparation and Filing Instructions**

A Request for Determination of Applicability is one of the most common applications for work within areas subject to the jurisdiction of the Conservation Commission, regulated under the Wetlands Protection Act (MGL c. 131 s. 40) and the Holliston Wetlands Protection Bylaw (Article XXXI). This application is reviewed during a public meeting by the Conservation Commission to consider applicability of the Wetlands Protection Act and Holliston Wetlands Protection Bylaw to the project, with a resulting decision referred to as a Determination of Applicability.

The same forms are used for filing a Request for Determination of Applicability under the Act and the Bylaw. The Request for Determination of Applicability form is available at: <http://www.mass.gov/legis/laws/mgl/131-40.htm>.

The text of the Wetlands Protection Act is available at: <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXIX/Chapter131/Section40>

The Massachusetts Wetlands Protection Act Regulations are available at: <http://www.mass.gov/regulations/310-CMR-1000-wetlands-protection-act-regulations>.

The text of the Holliston Wetlands Protection Bylaw is available at: https://www.townofholliston.us/conservation-commission/pages/holliston-wetland-protection-bylaw-article-xxxi

If you have questions or concerns, need assistance, or do not know if your project will require the filing of a Request for Determination of Applicability please contact the Holliston Conservation Commission at (508) 429-0607 or conservation@holliston.k12.ma.us

Applicants must, at a minimum, provide **two (2)** copies of the following materials:

* Wetlands Protection Act Form 1 (Request for Determination of Applicability)
* Project narrative, to include the following:
	+ Description of project site
	+ Description of proposed activity(s)
	+ Jurisdictional resource areas onsite
* Development plans. Depending on scale and scope of the project, these must be stamped by a certified engineer or land surveyor, to include the following:
	+ Property boundaries
	+ Resource area delineation
	+ Boundaries of the 50-ft No Disturbance Zone and 100-ft Buffer Zone
	+ Boundaries of the 200-ft Riverfront Area
	+ Base Flood Elevation or floodplain boundaries
	+ Existing and proposed topography, structures, and any other physical features (walls, paths, trees, wells, drainage, utility lines, etc.)
	+ Erosion controls
* A topographic map of Holliston with the project site clearly marked, search property here:

<https://viewer.nationalmap.gov/advanced-viewer/> or

<https://ngmdb.usgs.gove/topoview/viewer/#4/40.01/-100.06>

* A FEMA floodplain map, download “Dynamic Map” here:

<https://msc.fema.govportal/home>

* Bylaw filing fee:
	+ Residential: $100
	+ Commercial/industrial/other: $150
	+ Bylaw fees payable to “Town of Holliston”
* Abutter Notification
* Certified Abutter List, available from the Holliston Assessor’s Department
* Affidavit of Service

Upon receipt of the Request for Determination of Applicability, a public meeting will be scheduled within twenty-one (21) days. Prior to this meeting, the Conservation Commission shall place a notice in *Metrowest Daily News* or another largely circulated newspaper in Holliston, advertising the time, date, location, and nature of the public meeting.

A copy of the current Estimated Habitats of Rare Wetlands Wildlife & Certified Vernal Pools map is available for review at the following: <http://maps.massgis.state.ma.us/map_ol/oliver.php> (turn on layers Priority Habitat for Rare Species and Estimated Habitat for Rare Species and zoom in to your property). If your project is located within these areas, a copy of the Request for Determination of Applicability package must be sent to:

Natural Heritage and Endangered Species Program

Massachusetts Division of Fisheries and Wildlife

1 Rabbit Hill Road

Westborough, MA 01581

During the scheduled public hearing, the Commission shall make a decision on the Request for Determination of Applicability based on the information and materials filed, site visits, and information presented during the hearing. If more information or revisions to the plans are needed, the meeting may be continued in compliance with applicable State and Town laws. If the applicant fails to provide the requested information, the Commission may issue a denial based on these grounds. The decision shall be issued within 21 days of the closing of the public meeting.

Prior to the commencement of any approved work, the Order of Conditions (decision) **must** be recorded at the Registry of Deeds. From the date of issuance, there is a ten (10) business day appeal period before work can begin.