

## APPENDIX A

### **PREPARATION and FILING INSTRUCTIONS**

#### **Request for Determination of Applicability (RDA)**

Notify the Lexington Conservation Office when you intend to file a Request for Determination of Applicability (hereafter **RDA**) under the Massachusetts Wetland Protection Act (hereafter **ACT**) or the Town of Lexington Code for Wetland Protection (hereafter **CODE**) for a pre-filing consultation and hearing date.

#### **RDA FILED WHEN:**

- a review of the wetland boundary is needed to determine conservation jurisdiction for proposed projects on sites with wetlands and 100-foot buffer zone as well as to approve with conditions if determination made that project is minor based on wetland boundary review, or
- minor projects as defined in the Lexington Code are proposed within the 100-foot Buffer Zone or the 200-foot Riverfront Area. The Conservation Administrator will assist you in determining the correct filing format. (Filed concurrently under the ACT and the CODE using the same form obtained from the Lexington Conservation Office.), or
- to show compliance with the Lexington CODE Rule **Section 5. Performance Standards (2) Increase in Runoff and/or (6) Pre-development Conditions** if the project is more than 100 feet from a wetlands or more than 200-feet from the Mean Annual High Water Line.)

#### **FILING AND PUBLIC HEARING PROCEDURES**

- A. Forms to File:** See Appendix A-1 for checklist of the material to file. All Requests for Determination of Applicability are submitted online via Lexington's permitting system, ViewPoint Cloud: <https://lexingtonma.viewpointcloud.com/> A ViewPoint ID is required to submit an application.
- B. Additional Material:** After review by Town staff, additional material may be requested prior to the public meeting through the portal and the Applicant can respond and/or comment through the portal. Additional information may also be requested by the Commissioners as a result of the presentation at the public meeting. Omission of information at any stage may require that the public meeting be continued pending receipt of the information.
- C. Public Meeting:** A public meeting is held for each filing where the information is presented to the Commission and the public by the applicant and/or representative/s. The plans for the meeting presentation should be colored so pertinent features are clearly visible to the Commission and the public. Notice of this meeting is given as follows:

1. Notification to Abutters - The Applicant is required to mail notices to abutters

within 100 feet of the property (See APPENDIX A-3). A Certified Abutters list can be requested as a separation application through ViewPoint Cloud and found in the General Applications section.

2. Legal Notice - The Commission shall place the legal notice in a local newspaper at the expense of the applicant. Applicant shall sign and submit the Legal Notice Charge Authorization (See APPENDIX A-4) with the filing.

**D. Schedule Planning:**

1. Public Meeting - The Commission meetings are held on various Mondays throughout the year. The public meeting schedule is available on the Town of Lexington Conservation Commission website. The RDA must be filed 19 or 20 days before the meeting at which the project is scheduled to be presented.
2. Site Visit - The Commission visits the site during the scheduled site visit date (refer to the Conservation Commission calendar for the site visit date).

- E. Filing Fees:** See Appendix A-2 for the fee schedule for the CODE. No fee is required under the ACT.

**RESPONSIBILITY OF THE APPLICANT**

- A. Preparation of Material:** See Appendix A-1 for checklist.

**B. Site Work Prior to Filing and the Public Hearing**

- a. Flagged stakes shall be installed at the project site for the Commission's site visit to mark the following locations:
  - 1) the wetland boundary with the flags numbered corresponding to the numbers shown on the plan; and
  - 2) if building construction such as a minor addition is permitted under this filing, the corners of the proposed addition; location of the drainage systems; and delineation of roadways nearest the protected resource areas, with the specific location noted on the flags.

**THE DECISION**

The Commission shall make a decision on the RDA based on the material filed, the site visit and information presented at the meeting. If more information is needed, the meeting may be continued in compliance with applicable Town and State laws. The decision is issued under one of the following categories:

- A. Positive Determination: an applicant is required to file a Notice of Intent to provide more detailed information.
- B. Negative Determination: the work will be permitted with or without conditions.

## APPENDIX A-1

### **CHECKLIST INFORMATION TO BE FILED ELECTRONICALLY**

#### **I. Required Form and Supporting Information**

- A. MA DEP WPA Form 1 - Request for Determination of Applicability
- B. Lexington Topographic Map, scale 1"=200' with bar scale
- C. Narrative - to provide detail to clarify the proposal (at the applicant's discretion)

#### **II. Plan/s (Required Format and Information)**

- A. Base Plan
  - 1. Surveyed topographical plan, stamped by an engineer or land surveyor registered in Massachusetts based on NAVD 88 datum, showing applicable delineated protected resource areas, including wetlands, base flood elevation, bank, riverfront area, and associated buffer zones.
- B. Format and Information
  - 1. Scale - no smaller than 1" = 50' with bar scale
  - 2. Sheet File Format – in PDF and **in correct orientation**. One plan should be in black and white/minimal colors and one plan must be shaded with color to present to the Commission.
  - 3. Title Block - located in the right-hand corner or on the right side, shall incorporate name and address of the project; name of the property owner or applicant; name, address and imprint of the professional consultant responsible for the preparation of each sheet; date; and sheet title and number.
  - 4. Other (if applicable)  
north arrow, graphic scale, a legend defining signs and symbols used on the plan and not otherwise explained; revision date chart; location of groundwater borings and the soil profile resulting from borings.
  - 5. Plan Graphics (if applicable)  
existing conditions screened or lighter with topographic contours shown as dashed lines; proposed conditions clearly differentiated from the existing conditions by use of heavier or bold lines with topographic contour changes shown in solid lines. The contour lines must correspond to known elevations on existing benchmarks and datum (NAVD 88) and to the existing and proposed

grades of streets.

6. Delineate the following: (if applicable)
  - a) Wetland boundary showing flags numbered to correspond with numbered flags installed at the site;
  - b) Mean Annual High Water boundary;
  - c) 100 year flood elevation;
  - d) proposing and existing grades marking 25, 50 and 100 foot buffers;
  - e) construction access in 100-foot inner and 200-foot outer riparian zones;
  - f) trees greater than 6" dbh;
  - g) the erosion control barrier;
  - h) the limit-of-work;
  - i) recorded easements or restrictions on or crossing the property and metes and bounds of proposed conservation restrictions noting the total restricted area;
  - j) streets abutting the project, their grades and the utilities to which connections are proposed;
  - k) abutting property owners and map and parcel id;
  - l) location of ground water borings and the soil profile resulting from borings;
  - m) dewatering
7. Details of following (if applicable):
  - a) systems/utilities (water, gas, electric, sewer) pertaining to mitigating stormwater runoff to comply with *Section 5. Performance Standard (2) Increase in Runoff* in the Code Rules and other drainage systems; and
  - b) erosion control barriers.

### **III. Drainage Calculations**

If applicable, provide drainage calculations to substantiate the size of the drainage system proposed to mitigate stormwater runoff in compliance with *Section 5. Performance Standard 5(2) and 5(6) Increase in Runoff* in the BY-LAW Rules;

## **Online Determination of Applicability Checklist**

***Important:***

All Town of Lexington application materials will be submitted online via Lexington's online permitting system.

We will only accept permit applications through our online portal. Hard copy of application materials only required upon request.

### **ITEMS**

1. WPA Form 1 - Request for Determination and Supporting Information
2. Plan/s
3. Drainage Calculations (if required)
4. Legal Notice Charge Authorization
5. List of Abutters (copy)
6. Abutters Notification Letter with proof of mailing\*
7. Code Fee Transmittal Form
8. Check or Online Payment - To "Town of Lexington"  
(CODE only - No State Fee)

\* Proof of mailing via receipt of certified mailing (either by itemized tracking number or certified mail receipt) is sufficient, return receipt not required

## APPENDIX A-2

### **REQUEST FOR DETERMINATION FILING FEES and TRANSMITTAL FORM**

#### **Rules:**

1. Fees are payable at the time of filing the application and are non-refundable.
2. Fees shall be calculated per schedule below and can be paid online with a Credit Card or with a check (submit in person or by mail).
3. Fees will be confirmed by the Conservation Office during the application review process.
4. Town, County, State, and Federal Projects are exempt from fees.

#### **Fee Schedule (\$):**

_____	Minor addition to or accessory use activity less than 500 square feet associated with an existing single family dwelling or multi-family residential dwelling-\$100, plus \$15 microfilm and scanning fee
_____	Major addition to or accessory use activity covering an area equal to or greater than 500 square feet; commercial activities- \$250, plus \$35 microfilm and scanning fee
_____	New single family or multiple family residential dwelling and/or associated stormwater management systems- \$500, plus \$75 microfilm and scanning fee
_____	Drain connection to existing storm drainage system - \$750, plus \$100 microfilm and scanning fee
_____	<b>TOTAL</b>

Fees Adopted 1/11/05

**Note:** Submit this form with the filing.

## APPENDIX A-3

### **Notification to Abutters Under the Massachusetts Wetlands Protection Act and Lexington Wetland Protection Code**

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, and Section 130-3 of the Code of the Town of Lexington, you are hereby notified of the following:

The Conservation Commission will hold a public meeting in the Parker Room, Town Office Building, 1625 Massachusetts Avenue, Lexington, on           Day of Week, Month, Day, Year          , at 7pm in accordance with the provisions of the Mass. Wetlands Protection Act (M.G.L. Ch. 131, s. 40, as amended) and the Lexington Wetland Protection Code (Ch. 130; as Amended), for a Request for Determination of Applicability from applicant, for project description at project address or location, within 100 feet of a wetland, on Assessor's Property Map/s # Lot/s #. During this meeting, the Commission will make a determination as to whether the request requires a more formal and detailed Notice of Intent filing for approval (a Positive Determination) or whether the request is in an area beyond conservation jurisdiction or in the 100-foot buffer zone and considered minor in nature and may proceed as requested (a Negative Determination.) The RDA and back up materials are available for viewing through Lexington's online permitting system, ViewPoint Cloud, Permit No. CDOA-##-#### (Go to <https://lexingtonma.viewpointcloud.com> and search by Permit #). If this hearing is not closed, it will be continued to a date requested by the applicant without further abutter notification.

For more information call the Lexington Conservation Commission at 781 698-4531.

NOTE: Notice of the Public Hearing will be published at least five (5) days in advance in the Lexington Minuteman (or The Globe, if necessary) and will be posted not less than 48 hours in advance of the public hearing in the Lexington Town Hall.

**APPENDIX A-4**

**LEGAL NOTICE CHARGE AUTHORIZATION**

DATE: \_\_\_\_\_

TO: GateHouse Media New England/Community Newspaper Company  
LEGAL NOTICE DEPARTMENT

I HEREBY AUTHORIZE GateHouse Media New England/Community Newspaper  
Company to bill me directly for the legal notice published in the Lexington Minuteman  
on \_\_\_\_\_ for a public meeting with the Lexington Conservation  
Commission on \_\_\_\_\_ for property at:

\_\_\_\_\_.

SIGNATURE: \_\_\_\_\_

Please print where to send bill:

Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City/Town: \_\_\_\_\_

State: \_\_\_\_\_ Zip Code \_\_\_\_\_

Day-time Telephone Number \_\_\_\_\_