

CHATHAM CONSERVATION COMMISSION  
Procedure for filing a  
Request for Determination of Applicability (RDA)

## WHAT TO FILE

### APPLICATION

The Request for Determination of Applicability (RDA) form may be downloaded from the state website at:

<http://www.state.ma.us/dep/brp/ww/wwforms.htm>

### APPLICATION MATERIALS

You will need a TOTAL of:

- 3 (three) copies of the RDA form
- 15 (fifteen) copies of a plan of the property showing, *at a minimum*, the resource and the proposed work and any supporting documentation
- 1 (one) signed Site Access Authorization Form

### \$\$ FEES \$\$

Payment to the Town of Chatham for \$35 (the filing fee under the local bylaw) and a second check made out to the Town of Chatham for **\$20** to cover advertising. Amounts may be combined on one check.

## WHERE TO FILE

Submit 2 (two) applications and 14 (fourteen) plans to the office of the Conservation Commission at the **Conservation Office, 1455 Main Street, West Chatham.**

Send one (1) copy of the RDA form, plus one (1) copy of the site plan to:

**DEP Southeast Region  
20 Riverside Drive  
Lakeville, MA 02347**

September 2011

## WHEN TO FILE

Deadline for being included on an upcoming agenda requires that the application be received in the conservation office **by 12:00 NOON, Tuesday, fifteen (15) days prior to a regularly scheduled meeting.**

The Conservation Commission holds hearings on the first and third Wednesday of each month to hold hearings under both the *Wetlands Protection Act* (MGL Chapter 131, s. 40) and the *Chatham Wetlands Protection Bylaw* (Chapter 272). The meetings are held at the Town Offices, Selectmen's Meeting Room, 549 Main Street and begin at 7:00 p.m., unless otherwise noted.

## OTHER REQUIREMENTS

### Abutter Notification

The applicant must notify abutters to the property of the scheduled hearing date by certified mail, return receipt. An abutter is defined as any property owner within 100 feet of the subject property, including properties across roads, rivers, ponds, etc. The list must be obtained directly from the Town Assessor's Office. The Assessors require 10 days advance notice, so please plan ahead - (508)945-5103. **The green cards must be submitted to the Conservation Commission prior to the hearing as proof of abutter notification.** (You may bring them the night of the meeting.)

The Town will place the advertisement of the RDA public hearing in a local newspaper the week prior to the scheduled hearing. Generally, the legal ad will appear in the *Cape Cod Chronicle*, however due to holidays, at times it will be necessary to place the ad in the *Cape Cod Chronicle* or *Cape Cod Times*.

### Field Staking / Marking

The **Commission and its staff will visit the site** prior to the hearing for information gathering. A Site Access Authorization form must be completed and included with the application. The proposed work area should be marked and/or staked for facilitating the viewing at least 10 days prior to the hearing.

## HEARING PROCEDURE

The applicant or his representative must make a presentation to the Conservation Commission at the scheduled hearing, explaining the project. Hearings will be conducted in the following manner:

- ◆ Chairman opens the hearing on the RDA
- ◆ Applicant or his representative identifies him/herself for the record and presents the project
- ◆ Commission members or staff then direct questions to the applicant or representative
- ◆ Chairman reads all correspondence received
- ◆ Chairman invites anyone present in the audience to speak
- ◆ Applicant or his representative may address any comments or questions from the correspondence or audience
- ◆ Commission members or staff direct final questions to anyone present

If all questions are answered, the Commission will make a decision on the RDA at the close of discussion. If the Commission needs additional information, the hearing may be continued with the consent of the applicant.

- A **Negative Determination** means that the Commission feels that the project as proposed will not have any impact on the resource area.
- A **Positive Determination** means the applicant cannot proceed, but must file a Notice of Intent application for the project.

A written decision will be mailed within 21 days of the filing of the RDA with the Conservation Commission. There is a 10 business day appeal period, however the applicant may proceed at their own risk before the appeal period is up.

If you have any questions, please contact the Conservation Office at (508) 945-5164 or at the Town Annex, 261 George Ryder Rd. Office hours are Monday through Thursday, 7:00AM – 4:00PM and Friday, 7am-12:30pm.

ABUTTER NOTIFICATION LETTER

Date: \_\_\_\_\_

Subject: Upcoming Chatham Conservation Commission Public Hearing

Dear Property Owner:

As an abutter within 100ft of a proposed project, please be advised that a *Request for Determination of Applicability* application has been filed with the Chatham Conservation Commission. A public hearing will be held by the Conservation Commission to review the proposal. Below is the pertinent information regarding this application.

APPLICANT: \_\_\_\_\_

PROJECT ADDRESS  
or LOCATION: \_\_\_\_\_

Assessors Map \_\_\_\_\_ Parcel \_\_\_\_\_

PROJECT DESCRIPTION: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

APPLICANT'S REPRESENTATIVE: \_\_\_\_\_

Phone: \_\_\_\_\_

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

PUBLIC HEARING: Town Annex  
261 George Ryder Road  
(lower level)

Date: \_\_\_\_\_

Time: Meeting starts at 7pm

The applications and plans are available for review at the Conservation Office, Town Annex, 261 George Ryder Rd, Monday thru Thursday, 7am – 4pm and Friday, 7am-12:30pm. (508)945-5164.



TOWN OF CHATHAM  
Conservation Commission

## SITE ACCESS AUTHORIZATION

Date: \_\_\_\_\_

Project: \_\_\_\_\_

Location: \_\_\_\_\_

Property Owner: \_\_\_\_\_

I (We) hereby authorize the individual members of the Chatham Conservation Commission and its agents to enter upon the referenced property for the purpose of gathering information regarding the application filed with the Commission pursuant to the Wetlands Protection Act (MGL Ch 131, s. 40) and/or the Chatham Wetlands Protection Bylaw (Chapter 37).

Additionally, if an Order of Conditions is issued for the project, I (we) grant permission for Commission members and the Commission's agents to enter the above referenced property for the purpose of inspecting for compliance with the Order of Conditions. This site access authorization is valid until a Certificate of Compliance is issued by the Conservation Commission.

Authorized Signature: \_\_\_\_\_ Date \_\_\_\_\_

Please Print \_\_\_\_\_

(If other than owner, please state whether tenant, agent or other)

Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Cell: \_\_\_\_\_ Fax: \_\_\_\_\_

September 2011