



Commonwealth of Massachusetts
Department of Conservation and Recreation

Massachusetts Watershed Protection Act
M.G.L. ch. 92A ½

Watershed Protection Regulations
313 CMR 11.00

WsPA Form 1 Request For Watershed Determination of Applicability

INSTRUCTIONS

USING THIS FORM

This form is used to request an Applicability Decision under the Watershed Protection Act (WsPA) from the Division of Water Supply Protection (the Division) as to whether or not the WsPA regulations apply to your property or project.

To obtain further information, please refer to the 1) *Watershed Protection Act Guidance Document for Applicants of Advisory Rulings, Determinations of Applicability, Variances, and Exemptions of Tributaries*; 2) Watershed Protection Act, Chapter 36 of the Acts of 1992; 3) Massachusetts General Law c. 92A½; or 4) the Watershed Protection Regulations, 313 CMR 11.00. These documents are available from either office listed below or the Division's website at www.mass.gov/dcr/wspa.

FILING THIS FORM

If your property is located in **Boylston, Holden, Leominster, Paxton, Princeton, Sterling, West Boylston, or Worcester**, send your form to:

DCR, Division of Water Supply Protection
Attn: Environmental Planning
180 Beaman Street
West Boylston, MA 01583
(508) 792-7806

If your property is located in **Athol, Barre, Hardwick, Hubbardston, New Salem, Oakham, Orange, Pelham, Petersham, Phillipston, Rutland, Shutesbury, Templeton, Westminster, or Wendell**, send your form to:

DCR, Division of Water Supply Protection
Attn: Environmental Planning
485 Ware Road
Belchertown, MA 01007
(413) 213-7935

AFTER FILING

The Division will issue a written Applicability Decision within 60 days of the Date of Submission (as defined in 313 CMR 11.03). If the Division fails to issue a written Decision within that time frame then it shall be deemed that the WsPA Regulations do not apply to your property or project. The Decision is a recordable document.

If you wish to appeal the Applicability Decision, you must file a Notice of Claim for an Adjudicatory Proceeding with the Commissioner and the Division within 21 days of issuance of the decision. The Division utilizes the Commonwealth's Division of Administrative Law Appeals to adjudicate an appeal. See 801 CMR 1.00 *et seq.* for applicable procedures.



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WsPA Form 1
Request For Watershed Determination of Applicability

I. OWNER/APPLICANT/LOT IDENTIFICATION

A. Property Owner

Name:

Mailing Address:

Town:

State:

Zip:

Telephone Number:

Fax Number:

B. Applicant/Representative

Name:

Mailing Address:

Town:

State:

Zip:

Telephone Number:

Fax Number:

C. Lot Identification

Address:

Town:

County:

Town Assessor's Sheet Number:

Town Assessor's Lot Number:

Registry of Deeds Book Number:

Deed Book Page Number:

II. DESCRIPTION OF PROPOSED STRUCTURE, USE AND/OR ACTIVITY

Describe the existing lot and all proposed activities and, if applicable, any change in use, extent of expansion (e.g., number of bedrooms and square footage), land alteration, or increase in impervious area. If you are constructing a storage building or warehouse, please specify the type of material(s) and quantities that will be stored.

- Check here if you only want to know whether there is WsPA jurisdiction on the property and are NOT proposing any activity.*

III. SUPPORTING MATERIALS

You may also wish to include the following (please check those provided):

- | | |
|---|--|
| <input type="checkbox"/> Land Surveyor's Determination or Plot Plan | <input type="checkbox"/> Septic System Plan |
| <input type="checkbox"/> Town Assessor's Map | <input type="checkbox"/> Topographic Map |
| <input type="checkbox"/> Site Plan | <input type="checkbox"/> Soil Conditions Map |

Additional materials may be necessary in order for the Division to make a decision. The Division will contact you if additional information is required.

IV. CERTIFICATION

Please read the following statement and sign below.

I certify that the information provided on this form and in all attachments is correct and accurate to the best of my knowledge. I understand that the Division of Water Supply Protection, Office of Watershed Management staff may, at reasonable times, inspect my property for the purposes of confirming information given here and for determining the impact of this proposal on water quality.

In compliance with 313 CMR 11.06(1)(a), an **Applicability Decision may only be issued to a person Owning an Interest in Real Property.**

Name (printed): _____

Signature: _____ Date: _____
(Property Owner)

If you are not the property owner, please attach a statement and signature from the owner granting the applicant permission to seek this Decision on his or her behalf and sign below.

Name (printed): _____

Signature: _____ Date: _____
(Applicant)

Please note that this Applicability Decision is only related to the provisions of the Watershed Protection Act regulations (313 CMR 11.00) and does not relieve the applicant of the duty to obtain any other required state, federal, or local permits or variances. Where applicable it will still be necessary to obtain wetlands permits, Title 5 approvals, 401 water quality certifications, storm water permits (including the development of a Storm Water Pollution Prevention Plan), and any local zoning acceptances.