

Permit Filing Procedures

Form 1 Request for Determination of Applicability

Dudley Conservation Commission
71 West Main Street, Suite 8, Dudley, MA 01571 508-949-8011
Office Hours: Mondays & Tuesdays 11:30 AM - 4:30 PM

Form 1 - Request for Determination of Applicability

The Form 1 authorizes the Conservation Commission or their agent to access your property to perform a site evaluation. The site evaluation determines the existence of any BVWs (Bordering Vegetated Wetlands) or Resource Areas; or if proposed work might be in the buffer zone of BVWs (100 feet from a BVW or Resource Area, or 200 feet from a river/stream/brook).

RESPONSIBILITIES OF THE APPLICANT

NOTE: no bindings or plastic covers. Fold plans to fit in a letter-sized file folder.

1. Complete and submit 1 copy of the DEP Form 1 Request for Determination of Applicability to the Dudley Conservation Commission with 1 set of project plans and any required documentation. All required documentation and forms must be received by the Dudley Conservation Commission at least two (2) weeks prior to the Conservation meeting date. This allows adequate time for the site evaluation. Failure to submit completed application, including applicable fees, within two weeks will result in postponement of your Public Meeting. Site evaluations will not be performed until all forms and fees are submitted.
2. **FEES:** (Can be combined in one check made payable to TOWN OF DUDLEY)
 - a. The Dudley Conservation Filing Fee is \$50.00 for existing single family dwelling projects, and \$100 for all other projects.
 - b. The Wetland Consultant Fee is \$200.00 per lot, per application.
3. Request to be placed on an upcoming meeting's agenda. Conservation meetings are generally held every three weeks. The applicant or representative is required to attend this meeting. Failure to appear at the meeting without prior notification may null and void the application and the process repeated including all fees.
4. Submit 1 copy of Form 1 to the DEP Central Regional office: DEP, 8 New Bond Street, Worcester, MA 01606.
5. The applicant is responsible to publish a **Public Meeting** Notice at least 7 days prior to the posted meeting date in one (1) local newspaper, either the Worcester Telegram or the Webster Times. Contact the papers to determine their cutoff dates. Bring the published paper or tear sheet with you to the meeting to verify publication. If the legal notice was not published, your application will not be acted upon. Abutters do not have to be notified of Public Meetings.

RESPONSIBILITIES OF THE DUDLEY CONSERVATION COMMISSION

1. Upon completion of all required documents and fees, a site evaluation will be performed. You do not have to be present for the site evaluation; however, if you would like to meet with the wetland consultant, please inform the office that you wish to be present.
2. The wetland consultant, upon completion of the site evaluation, will issue a recommendation report to the Conservation Commissioners.
3. At the Public Meeting, the Commissioners will review the recommendation and:
 - a. either continue the Public Meeting if more information is needed, or
 - b. determine if the project is or is not within the jurisdiction of the Wetlands Protection Act.
4. After the Commissioners have made a decision, a Form 2 Determination of Applicability will be mailed to the applicant
 - a. **A negative determination** means that the applicant **MAY** proceed with the work as proposed, subject to any conditions, but no further action is required under the Wetlands Protection Act

- b. A **positive determination** means that the applicant **MAY NOT** proceed until they obtain an Order of Conditions by filing a separate Notice of Intent application.

Use the sample below to post the Legal Public Meeting Notice in a local newspaper 7 days prior to the meeting date. It is the responsibility of the applicant to pay for and post the Legal Notice.

DUDLEY CONSERVATION COMMISSION Notice of Public Meeting

A Public Meeting will be held at the Dudley Municipal Complex,
71 West Main Street in Dudley, MA at 6:15 PM on Wednesday,

_____ to consider a **Request for Determination of
Date**

Applicability of _____ for the property located at:
Name of Applicant

_____.
Property Location

This is a Public Meeting under the requirements of G.L. Ch. 131
§40, as amended. Plans are available in the Conservation office on
Mondays and Tuesdays from 11:30-4:30 PM. For information, call 508-
949-8011.