



# FOXBOROUGH CONSERVATION COMMISSION

## Request for Determination of Applicability (RFD) Application Instructions

**Request for Determination of Applicability (“RFD”)** applications are used primarily for minor projects that are proposed within 100 feet of a wetland or 200 feet of a stream (*except “exempt minor activities” described below*). For example, the construction of a shed within 100 feet of a wetland requires an RFD.

### **Minor Activities** [310 CMR 10.02(2)(b)2]

**The following minor activities are exempt**, so do not require an RFD (*but please contact the Conservation Manager before starting your project to double check*):

- **Unpaved walkways**, less than 30” wide, for private use;
- **Fencing**, provided it will not create a barrier to wildlife movement;
- **Stonewalls**;
- **Stacks of cordwood**;
- Hand-dug **planting of native plants** (trees, shrubs, or groundcover, but not turf lawns);
- **Converting impervious** (i.e. pavement, cement, etc.) areas **to vegetated** surfaces, as long as silt fencing is installed along the limit of work before/during construction;
- **Temporary planning and design activities** with negligible impacts (i.e., monitoring wells, perc tests for septic systems, etc.), as long as wetland areas are not crossed to access the site;
- **Underground utility installation** (e.g., electric, gas, water) **in existing roads and driveways**, as long as all work is within the road/driveway and trenches are closed at the end of workday;

**If all of your work will be more than 50 feet away** from the edge of a wetland or stream (including staging, stockpiling, etc.) and silt fencing is installed along the edge of work (except for vista pruning), **the following minor activities are also exempt**:

- **Vista pruning** to create a view (i.e. pruning lower *[only]* tree limbs, or trimming existing shrubs *[leaving bushes at least 2 feet tall]*); and
- **Converting home lawn areas to** accessory uses (such as **decks, sheds, patios, pools, bulkhead replacement** and **ramps** installed to comply with accessibility requirements);
- **Converting the above** (decks, sheds, etc.) **to lawn** is also allowed. (Lawn mowing is exempt).

### **Step 1** - Please read these instructions first.

Copies of the RFD Application Forms (State WPA Form 1, modified to include Foxborough Wetlands Protection Bylaw info) may be downloaded from the Commission’s website or paper copies can be picked up at the Conservation Office, Town Hall.

### **Step 2** - Complete **WPA Form 1** (RFD application); if you have questions, please call the Conservation Office. **Applications must include a plan**, but the plan doesn’t need to be formal; it can be hand-drawn. You don’t need to have professional assistance (i.e. consultant, engineer, etc.) unless you chose to do so.

**Please use the RFD Plan Checklist**, below, to ensure that your plan includes the minimum required information that the Conservation Commission will need to review your project.

### **Step 3** - Before submitting your application, please refer to the Commission’s **Meeting Dates and Application Submission Deadlines**, posted on the Commission’s website and at Town Hall.

In general, the Commission meets every other Monday at 7:00 PM. Applications are due two weeks before meetings to allow the Commission to meet the Wetlands Protection Act’s (WPA) time requirements and *The Foxboro Reporter’s* deadline (*for the Commission to post a legal notice in the newspaper, per state requirements*).

**Step 4** - Submit the following materials by the application deadline to:

**Foxborough Conservation Commission, 40 South Street, Foxborough, MA 02035:**

- RFD (WPA Form 1): 1 original form (signed) and 7 copies, with attachments (if any)
- Plan: 8 copies
- Filing fee: \$ 75 (for single family house projects)  
\$200 (for all other projects)

Please make checks payable to "Town of Foxborough"

**DEP Southeast Regional Office, 20 Riverside Drive, Lakeville, MA 02347:**

- RFD: 1 signed copy with attachments (if any)
  - Plan: 1 copy
- No filing fee is required for State RFDs

**Step 5** - After you submit your **complete RFD** application, the Conservation Office Staff will:

- add your proposed project to the Conservation Commission's next meeting agenda,
- compose and submit a legal notice to *The Foxboro Reporter* for your project,
- inform you of the *Reporter's* billed amount (see Step 7), and
- send you a copy of the legal notice to notify you of your meeting date and time.

You and/or your representative should plan to attend the meeting to describe your proposed project to the Commission and answer any questions they may have about your project.

**Step 6** - After receiving your RFD notice, the Conservation Manager and the Commissioners will visit your property to review your proposed plan, but you do not need to be home when they visit.

**Step 7** - You or your representative will be responsible for paying *The Foxboro Reporter's* advertising fee (around \$50-\$60) for the posting of your legal notice.

**Step 8** - A Determination of Applicability (Negative or Positive), which is a three year permit, will be issued by the Conservation Commission.

- Negative Determination (good) - *means that you may proceed* with your proposed project, subject to any conditions that are included in the Determination, and no further action under the Wetlands Protection Act or Foxborough Wetlands Protection Bylaw is required.
- Positive Determination - *means that you may not proceed* with your proposed project until you have filed a Notice of Intent application and obtained an Order of Conditions (wetlands permit) from the Conservation Commission.

### **RFD Plan Checklist**

The following information should be included on your submitted plan, which can be a hand-drawn on (1) an assessor's map, (2) a modified survey plan or (3) a downloaded aerial photo (see MassGIS Oliver, which is a good resource). A formal engineered plan is not required.

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| <input type="checkbox"/> <b>Title</b> (address), date and locus map   | <input type="checkbox"/> <b>Proposed Conditions</b> <ul style="list-style-type: none"><li>- new buildings, structures</li><li>- new pavement/impervious areas</li><li>- location of silt fencing/erosion controls along limit of proposed work area</li></ul> |
| <input type="checkbox"/> <b>Existing Conditions</b> <ul style="list-style-type: none"><li>- buildings, structures</li><li>- edge of lawn and/or tree line</li></ul>       | <input type="checkbox"/> <b>Closest distance</b> , in feet, between your proposed project's limit of work area and the closest wetland area   |
| <input type="checkbox"/> <b>Approximate boundaries of:</b> <ul style="list-style-type: none"><li>- wetlands, and</li><li>- the Bylaw's 25 foot No Activity Zone</li></ul> |   |
| <input type="checkbox"/> <b>Location of stockpiles</b> , if any   |   |

**Please Note:** Plans that do not depict approximate wetland boundaries and minimum distance from proposed work may not be accepted.