



**Massachusetts Department of Environmental Protection**  
 Bureau of Water Resources - Wetlands  
**WPA Form 2 – Determination of Applicability**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Belmont  
 Municipality

**A. General Information**

**Important:**  
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



From:

Belmont Conservation Commission  
 Conservation Commission

To: Applicant

Patrice Garvin, Town Administrator  
 Name  
 455 Concord Avenue, 2cd Floor  
 Mailing Address  
 Belmont MA 02478  
 City/Town State Zip Code  
 617 993 2610  
 Phone Number  
 pgarvin@belmont-ma.gov  
 Email Address

Property Owner (if different from applicant):

Name  
 Mailing Address  
 City/Town State Zip Code  
 Phone Number  
 Email Address (if known)

1. Project Location:

726R Pleasant Street; 440,450 and 460 Concord Avenue  
 Street Address  
 42.39593  
 Latitude (Decimal Degrees Format with 5 digits after decimal e.g. XX.XXXXX)  
 31  
 Assessors Map/Plat Number

City/Town  
 -71.17771  
 Longitude (Decimal Degrees Format with 5 digits after decimal e.g. -XX.XXXXX)  
 2-A; 1-7; 1-1; 1-B  
 Parcel/Lot Number

2. Date Request Filed:

December 17, 2025

[How to find Latitude and Longitude](#)

[and how to convert to decimal degrees](#)

**B. Determination**

Pursuant to the authority of M.G.L. c. 131, § 40, the Conservation Commission considered your Request for Determination of Applicability, with its supporting documentation, and made the following Determination.

Project Description (if applicable):

Construction of a Community Path along the MBTA Commuter Rail Line Corridor between Clark Street, Pleasant Street and Brighton Street

Title and Date (or Revised Date if applicable) of Final Plans and Other Documents:

Belmont Community Path- Phase 1	25-12-17
Title	Date
_____	_____
Title	Date
_____	_____
Title	Date
_____	_____



**B. Determination (cont.)**

The following Determination(s) is/are applicable to the proposed site and/or project relative to the Wetlands Protection Act and regulations:

**Positive Determination**

Note: No work within the jurisdiction of the Wetlands Protection Act may proceed until a final Order of Conditions (issued following submittal of a Notice of Intent or Abbreviated Notice of Intent) has been received from the issuing authority (i.e., Conservation Commission or the Department of Environmental Protection).

- 1. The area described on the referenced plan(s) is an area subject to jurisdiction under the Act. Removing, filling, dredging, or altering of the area requires the filing of a Notice of Intent.
- 2a. The boundary delineations of the following resource areas described on the referenced plan(s) are confirmed as accurate. Therefore, the resource area boundaries confirmed in this Determination are binding as to all decisions rendered pursuant to the Wetlands Protection Act and its regulations regarding such boundaries for as long as this Determination is valid.
- 2b. The boundaries of Wetlands Resource Area(s) and Buffer Zone(s) listed below are not confirmed by this Determination, regardless of whether such boundaries are contained on the plans attached to this Determination or to the Request for Determination.

- 3. The work described on referenced plan(s) and document(s) is within an area subject to jurisdiction under the Act and will remove, fill, dredge, or alter that area. Therefore, said work requires the filing of a Notice of Intent.
- 4. The work described on referenced plan(s) and document(s) is within the Buffer Zone and will alter an Area subject to jurisdiction under the Act. Therefore, said work requires the filing of a Notice of Intent
- 5. The area and/or work described on referenced plan(s) and document(s) is subject to review and approval by:

\_\_\_\_\_  
Name of Municipality

Pursuant to the following municipal wetland ordinance or bylaw:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Ordinance or Bylaw Citation



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Belmont  
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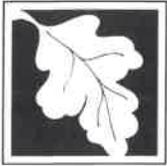
**B. Determination (cont.)**

6. The following area and/or work, if any, is subject to a municipal ordinance or bylaw but not subject to the Massachusetts Wetlands Protection Act:
7. If a Notice of Intent is filed for the work in the Riverfront Area described on referenced plan(s) and document(s), which includes all or part of the work described in the Request, the applicant must consider the following alternatives. (Refer to the wetland regulations at 10.58(4)(c) 2. for more information about the scope of alternatives requirements):
- Alternatives limited to the lot on which the project is located.
  - Alternatives limited to the lot on which the project is located, the subdivided lots, and any adjacent lots formerly or presently owned by the same owner.
  - Alternatives limited to the original parcel on which the project is located, the subdivided parcels, any adjacent parcels, and any other land which can reasonably be obtained within the municipality.
  - Alternatives extend to any sites which can reasonably be obtained within the appropriate region of the state.

**Negative Determination**

Note: No further action under the Wetlands Protection Act is required by the applicant. However, if the Department is requested to issue a Superseding Determination of Applicability, work may not proceed on this project unless the Department fails to act on such request within 35 days of the date the request is post-marked for certified mail or hand delivered to the Department. Work may then proceed at the owner's risk only upon notice to the Department and to the Conservation Commission. Requirements for requests for Superseding Determinations are listed at the end of this document.

1. The area described in the Request is not an area subject to jurisdiction under the Act or the Buffer Zone.
2. The work described in the Request is within an area subject to jurisdiction under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent.
3. The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to jurisdiction under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions (if any).
4. The work described in the Request is not within an Area subject to jurisdiction under the Act (including the Buffer Zone). Therefore, said work does not require the filing of a Notice of Intent, unless and until said work alters an Area subject to jurisdiction under the Act.



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**B. Determination (cont.)**

5. The area described in the Request is subject to jurisdiction under the Act. Since the work described therein meets the requirements for the following exemption, as specified in the Act and the regulations, no Notice of Intent is required:

Exempt Activity (site applicable statutory/regulatory provisions)

6. The area and/or work described in the Request is not subject to additional review and approval by:

Name of Municipality

Pursuant to a municipal wetlands' ordinance or bylaw.

Name

Ordinance or Bylaw Citation

**C. Authorization**

This Determination is issued to the applicant and delivered as follows:

- By hand delivery on  By certified mail, return receipt request on

2.11.26

Date

Date

Certified Mail Number

A copy of this Determination has been sent on the same date, considered the date of issuance, to the appropriate DEP Regional Office and the property owner (if not the applicant) in the manner as follows:

**DEP**

- By [eDEP DOA Submittal Platform](#) (Attach this form and supporting documents)

- By USPS mail  By hand delivery

2.11.26

Date

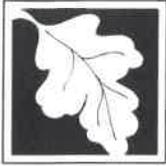
Date

**Property Owner (if not applicant)**

- By mail  By hand delivery

Date

Date



**Massachusetts Department of Environmental Protection**  
 Bureau of Water Resources - Wetlands  
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**C. Authorization (cont.)**

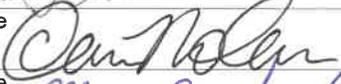
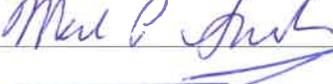
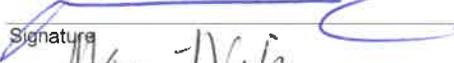
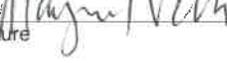
This Determination is valid for **three years** from the date of issuance (except Determinations for Vegetation Management Plans which are valid for the duration of the Plan). This Determination does not relieve the applicant from complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.

This Determination must be signed by a majority of the Conservation Commission. As noted above, a copy must be sent to the appropriate DEP Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>) and the property owner (if different from the applicant) on the same date that the Applicant is issued this Determination.

Belmont Conservation Commission

Issuing Authority

Signatures:

Signature   
 Signature   
 Signature   
 Signature   
 Signature   
 Signature \_\_\_\_\_

Printed Name PRASSEDE VELIC  
 Printed Name Angus Abercrombie  
 Printed Name Dan Nolan  
 Printed Name MARJORIE P SMITH  
 Printed Name Marianne Lynch  
 Printed Name Margaret Velic  
 Printed Name \_\_\_\_\_

**D. Appeals**

The applicant, owner, any person aggrieved by this Determination, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate Department of Environmental Protection Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>) to issue a Superseding Determination of Applicability. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form (see Request for Departmental Action Fee Transmittal Form) as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Determination. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant if he/she is not the appellant. The request shall state clearly and concisely the objections to the Determination which is being appealed. To the extent that the Determination is based on a municipal ordinance or bylaw and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.

## **Special Conditions for Community Bike Path, in Belmont Determination of Applicability 2026**

### **A. General Conditions**

1. The term "Applicant" as used in this Determination shall refer to the owner, any successor in interest or successor in control of the property referenced in the Notice of Intent, supporting documents and this Determination of Applicability.
2. With respect to all conditions, the Conservation Commission designates the Conservation Administrator, or liaison, as consultant to the Commission, as its agent with full powers to act on its behalf in administering and enforcing this permit.
3. This document shall be included by reference in all contracts, plans and specifications dealing with the activity that is the subject of this Determination, and that are created or modified after the issuance date of this Determination, along with a statement that this Determination shall supersede any conflicting contractual arrangements, plans or specifications.
4. The applicant shall provide a copy the Determination and accompanying Special Conditions to the person or persons supervising the activity that is the subject of this permit, and will be responsible for ensuring that all persons performing the permitted activity are fully aware of the terms and conditions of this Determination.
5. If any change is made in the above-described plan(s) which may or will alter an area subject to protection under the Wetlands Protection Act, 310 CMR 10.00, the applicant shall inquire from this Commission or its agent, prior to implementing the change in the field, whether the change is significant enough to require the filing of a new application. Any errors in the plans or information submitted by the applicant shall be considered changes and the above procedures shall be followed.
6. All construction materials, earth stockpiles, landscaping materials, slurry pits, waste products, refuse, debris, stumps, slash, or excavate may only be stockpiled or collected within the limit of work line, or shall be taken off site. Stored earth materials on the path should be surrounded by a row of filter tubes (or other specified erosion control device) and covered with a tarp to prevent contact with rain water.
7. No material of any kind may be buried, placed or dispersed in areas within the jurisdiction of the Commission by activities that are the subject of this Order, except as are expressly permitted by this Order or the plans approved herein.
8. There shall be no pumping of water from wetland resource areas.
9. No fuel, oil, or other pollutants shall be stored in any resource area or the buffer zone thereto, unless specified in this Order.
10. There shall be no underground storage of fuel or other hazardous substance in areas within the jurisdiction of the Conservation Commission.
11. This Order authorizes only the activity described on the approved plan(s) and approved documents referenced in this Order. Any other or additional activity in areas within the jurisdiction of the Commission will require separate review and approval by the Commission or its agent.

### **B. Prior to Construction**

1. Prior to the commencement of any activity on this site other than the placement of erosion controls, the applicant shall arrange with the Commission or its agent to conduct a Pre-Activity Meeting between the applicant or the applicant's representative, the persons or supervisor responsible for the work, and a member of the Conservation Commission or its agent. Prior to the Pre-Activity Meeting, all erosion controls shall be installed, by survey, along the line approved by the Commission. The location and installation of erosion controls shall be inspected by the Commission or its agent during the Pre-Activity Meeting.

2. Prior to the Pre-Activity Meeting and commencement of any activity on this site, the approved erosion control shall be installed as indicated on the approved plan. Erosion controls shall be installed with minimal disturbance to vegetation. Where possible, erosion controls should go *around* trees, shrubs, and other vegetation, on the uphill side. All erosion controls shall be constructed with biodegradable products, no plastic wrapping/covers/netting to be used on this site.
3. No clearing of vegetation, including trees, or disturbance of soil shall occur prior to the Pre-Activity Meeting. Minimal disturbance of shrubs and herbaceous plants may be allowed prior to the Pre-Activity Meeting if absolutely necessary in order to place erosion controls where required.
4. If a commencement date is not agreed upon at the Pre-Activity Meeting, the applicant shall notify the Conservation Commission at least 48 hours prior to the commencement of any activity on the site. In any case, the applicant shall supply the name(s) and telephone number(s) of all person(s) responsible for compliance with this Order with a written notification of the start work date.
5. Prior to commencing any activity on the site, the applicant shall submit the following to the Conservation Commission:

A **statement** signed by the applicant, owner of the property and the person responsible for the construction of the project that such individuals understand the terms and conditions as specified in the Determination and that such persons agree to comply with the provisions of the Wetlands Protection Act, and this Determination.

**Photographs** of the work area, particularly, the portions of the site where tree removal is required.

### **C. During Construction**

1. A copy of this Determination of Applicability, construction plans, and copies of the documents and reports cited in this filing, shall be on the site upon commencement and during any site work for contractors to view and adhere to.
2. Equipment for fuel storage and refueling operations shall be located outside all areas within the jurisdiction of the Commission unless indicated otherwise on the approved plan.
3. Dewatering activities are not anticipated in this application. Should this change, the contractor should notify the Commission immediately, and submit a plan for safe dewatering. No discharge of water is allowed directly into an area subject to jurisdiction of the Wetlands Protection Act .
4. An adequate stockpile of erosion control materials shall be on site at all times for emergency or routine replacement and shall include materials to repair or replace silt fences, straw bales, silt sock or straw wattles, erosion control blankets, stone riprap, filter berms or any other devices planned for use during construction. Again, with the exception of siltation control fabric, no plastic products are to be incorporated into the erosion and sedimentation controls.
5. Within thirty days of completion of construction on any given portion of the project, all disturbed areas in the completed portion of the site shall be permanently stabilized with vegetative cover, using sufficient top soil to assure long-term vegetative growth. If the stabilization can not be achieved with vegetative growth (due to unfavorable conditions outside of the growing season) the disturbed area shall be mulched or stabilized by other means. Continued maintenance of this area, in a manner which assures permanent stabilization and precludes any soil erosion, shall be the responsibility of the applicant.
6. All existing and proposed catch basins and oil traps on the site or on the streets adjacent to the project shall be protected by Silt Sacks to prevent sediment from entering the drainage system, where stormwater discharge from the work area could result in silt to municipal roadways. Silt Sacks shall be maintained and regularly cleaned of sediments until all areas associated with the work permitted by this Order have been permanently stabilized and the Commission and/or Staff has formally approved their removal.
7. Cement trucks shall not be washed out in any wetland resource or buffer zone area, or into any drainage system. Any deposit of cement or concrete products into a buffer zone or wetland resource area shall be immediately removed. Construction equipment shall be washed to reduce siltation on site, and all washing shall occur outside of the one hundred foot buffer zone to wetlands.

8. Erosion control devices, including silt socks, silt fences and straw bales, shall remain in place and properly functioning until all exposed soils have been stabilized with final vegetative cover and the Conservation Commission and/or its Administrator has authorized their removal.
9. Site grading and construction shall be scheduled to avoid periods of high surface water. Once begun, grading and construction shall continue in an expeditious manner to minimize the opportunity for erosion.
10. Grading shall be accomplished so that runoff shall not be directed to the property of others, except as indicated on the approved plan.
11. Tree removal is limited to that shown on the approved site plans, and is limited to the (7) seven trees described as being in conflict with the path alignment. This work area shall be stabilized with a steep slope seed mix, and/or a jute mat and seed mix.

**D. After Construction / In Perpetuity**

1. Upon completion of construction and final soil stabilization, the applicant shall submit the following to the Conservation Commission:
  - (1) A letter from a Massachusetts Registered Professional Engineer certifying compliance of the property with this Determination, and detailing any deviations that exist, and their potential effect on the project. A statement that the work is in "substantial compliance" with no detailing of the deviations shall not be accepted.
  - (3) Post-construction photographs demonstrating compliance with this Determination, including photos of established vegetation where required, ie shoulders and tree removal locations, along the path.



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**Request for Departmental Action Fee**  
**Transmittal Form**

DEP File Number: \_\_\_\_\_

Provided by DEP \_\_\_\_\_

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**A. Request Information**

1. Location of Project

a. Street Address _____	b. City/Town, Zip _____
c. Check number _____	d. Fee amount _____

2. Person or party making request (if appropriate, name the citizen group's representative):

Name \_\_\_\_\_

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

City/Town _____	State _____	Zip Code _____
Phone Number _____	Fax Number (if applicable) _____	

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

Name \_\_\_\_\_

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

City/Town _____	State _____	Zip Code _____
Phone Number _____	Fax Number (if applicable) _____	

4. DEP File Number: \_\_\_\_\_

**B. Instructions**

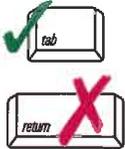
1. When the Departmental action request is for (check one):

- Superseding Order of Conditions – Fee: \$120 (single family house projects) or \$245 (all other projects)
- Superseding Determination of Applicability – Fee: \$120
- Superseding Order of Resource Area Delineation – Fee: \$120

Send this form and check or money order, payable to the *Commonwealth of Massachusetts*, to:

Department of Environmental Protection  
 Box 4062  
 Boston, MA 02211

**Important:**  
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.





**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands  
**Request for Departmental Action Fee**  
**Transmittal Form**

DEP File Number:

\_\_\_\_\_  
Provided by DEP

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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**B. Instructions (cont.)**

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>).
4. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.