



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

Natick \_\_\_\_\_  
City/Town

**WPA Form 1- Request for Determination of Applicability**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**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.



1. Applicant:

MA Department of Conservation and Recreation

Mr. Tom Flannery

251 Causeway Street, Suite 800

Mailing Address

Boston

City/Town

(617) 626-4975

Phone Number

tom.flannery@state.ma.us

E-Mail Address

MA

State

02114

Zip Code

Fax Number (if applicable)

2. Representative (if any):

Firm

Contact Name

E-Mail Address

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

**B. Determinations**

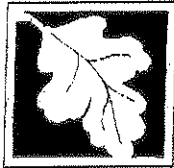
1. I request the Natick make the following determination(s). Check any that apply:  
Conservation Commission

- a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance or bylaw** of:

Natick Wetlands Protection By-Law

Name of Municipality

- e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).



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### C. Project Description

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

North Pond of Lake Cochituate (North Pond)  
Street Address

Natick  
City/Town

Assessors Map/Plat Number

Parcel/Lot Number

- b. Area Description (use additional paper, if necessary):

No work is proposed within Natick waters or within 200' of Natick waters (see Exemption description). Work is proposed within the majority of North Pond's shoreline littoral zone, extending to approximately 200' from shore in the Towns of Framingham and Wayland (see attached map Fig. 1 that indicates proposed areas of treatment and exclusion in North Pond).

This RDA is being submitted primarily for informational purposes. There is a very slight chance (given the flow regime) that some herbicides applied to abutting waters will drift into Natick waters and adversely effects milfoil growing in Natick waters.

- c. Plan and/or Map Reference(s):

Figure 1: Triclopyr and Diquat Treatment Areas- North Pond of Lake Cochituate - Framingham, Natick, Wayland, MA

4/17/09  
Date

Title

Date

Title

Date

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

Background: North Pond (Framingham, Natick and Wayland) has experienced the rapid proliferation of non-indigenous aquatic vegetation, dominated by Eurasian Milfoil (*Myriophyllum spicatum*). The growth has inundated the entire shoreline littoral zone, extending out to approximately 150-200 feet from shore around the entire lake perimeter. DCR has attempted various management strategies since the plant was first documented in Lake Cochituate including hand-pulling, benthic matting, fragment barriers, and water circulators, with very little success. As DCR's efforts with alternative techniques have been exhausted, the Department desires to conduct a management program utilizing US EPA registered and state-approved herbicides to manage milfoil in North Pond. Orders of Conditions have been issued from the Towns of Framingham and Wayland, allowing the use of Triclopyr and Diquat. At this time, we are not proposing any application of herbicide to Natick waters or within 200' of the Town boundaries, as depicted on Figure 1.

Work Description: No work is proposed within Natick waters or within 200' of Natick waters (see Exemption description). Work is proposed within the majority of North Pond's shoreline littoral zone, extending to approximately 200' from shore in the Towns of Framingham and Wayland (see attached map Fig. 1)



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**C. Project Description (cont.)**

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

The exemption would be based on the fact that no work is proposed in the Town of Natick. Abutting waters are proposed for treatment, therefore, this RDA is provided to allow review and comment by the Natick Conservation Commission. Based on the facts that we have proposed a 200' buffer from the Natick Town boundaries in which no application of herbicides will take place, and the fact that there is substantial water flow from south to north in this system, a negative determination of applicability would likely be appropriate.

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- Single family house on a lot recorded on or before 8/1/96
- Single family house on a lot recorded after 8/1/96
- Expansion of an existing structure on a lot recorded after 8/1/96
- Project, other than a single family house or public project, where the applicant owned the lot before 8/7/96
- New agriculture or aquaculture project
- Public project where funds were appropriated prior to 8/7/96
- Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- Residential subdivision; institutional, industrial, or commercial project
- Municipal project
- District, county, state, or federal government project
- Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)



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**D. Signatures and Submittal Requirements**

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

Commonwealth of Massachusetts - Department of Conservation and Recreation

Name

251 Causeway Street, Suite 800

Mailing Address

Boston

City/Town

MA

State

02114

Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

Signature of Applicant

4/21/09







Date

Signature of Representative (If any)

Date



**Legend**

-  Moderate to Dense Growth - 57 acres Triclopyr, 2ppm
-  Trace to Sparse Growth - 7 acres Triclopyr, 1.5ppm
-  Moderate to Dense Growth - 5 acres Diquat
-  Trace to Sparse Growth - 13 acres Diquat
-  Natick - NO TREATMENT with 200 ft. buffer
-  Town Boundaries

**Triclopyr & Diquat Treatment Areas**  
**North Pond**  
**of Lake Cochituate**  
**Framingham, Natick, Wayland, MA**

**FIGURE 1**  
 April 17, 2009

USGS Quadrangle  
 7.5-minute topog

North Basin Area - 195 acres

Scale 1:10,000

0 300 600 900 Feet

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