Massachusetts Request for Determination of Applicability Timeline

A Request for Determination of Applicability (RDA) is filed with the municipal Conservation Commission and Mass DEP.

Within **21 days** of the RDA filing

At least **5 days** Before the meeting

The meeting is advertised in the newspaper and posted at town hall (at the expense of the applicant)

The Conservation Commission holds a public meeting and issues a Determination of Applicability (positive or negative) (RDA meetings should not be continued over the course of several meetings.)

If a Determination of Applicability is not filed within 21 days

Within **70 days** of the ConCom's failing to issue a Determination

The applicant may file a lack of action appeal and request a Superceding Determination of Applicability from DEP

Within **10 days** of the issue of the Determination of Applicability

Appeals may be filed to the DEP, or DEP can intervene

Within **35 days** of the filing of an appeal

The DEP holds a site visit and issues a Superceding Determination of Applicability

Within **10 days** of the issuance of a Superceding Determination of Applicability

Appeals may be filed to the DEP by the filing of a Notice of Claim for an Adjudicatory Appeal

3 years After the issuance of a Determination of Applicability or Superceding Determination of applicability

The Determination expires. Determinations cannot be extended.

Berkshire Regional Planning Commission

Disclaimer: Developed as an informal guide for permit granting agencies with information current as of September, 2007. It has been transmitted for informational purposes only, and its content should not be construed as legal advice. Please consult legal counsel before taking any action on this information.
Please consult MGL C 131 & 30A and 310 CMR 10.00; 1.00 &4.00 for more detailed information.