

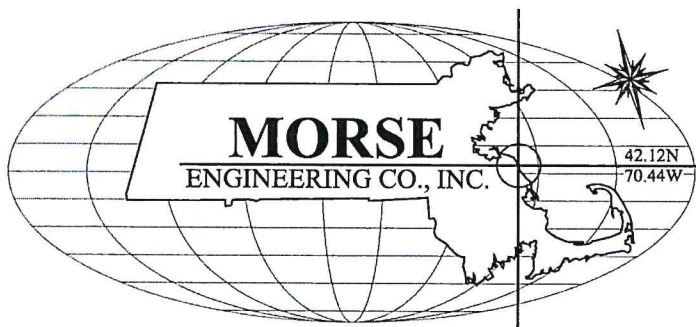
Request for Determination of Applicability
Proposed Septic System
Massachusetts Wetlands Protection Act
M.G.L. c. 131, §40 &
Town of Hingham Wetlands Protection Bylaw (Article XXII)

Project
10 Spring Street
Hingham, MA 02043
Assessor's Parcel: 81-103

Applicant/Owner
Linda G. Lucas
10 Spring Street
Hingham, MA 02043

Date: July 15, 2024

Prepared by:



*Registered Professional Engineers,
Project Managers & Environmental Consultants*

10 New Driftway, P.O. Box 92
Scituate, MA 02066
Tel. 781.545.0895
jgarfield@morsecoinc.com

www.MorseCoInc.com

TABLE OF CONTENTS

	<u>Page</u>
Project Narrative.....	3
WPA Form 1 – Request for Determination of Applicability.....	4-7
Figure 1: USGS Map.....	8
Figure 2: FEMA Flood Map.....	9
Figure 3: NHESP Map.....	10

APPENDIX A

- Town of Hingham Conservation Commission RDA Checklist
- 310 CMR 10.03 - Presumption Concerning Title 5

APPENDIX B

- Town of Hingham Wetlands Protection Bylaw Fee Schedule
- Copy of Filling Check
- Hingham Wetland Regulations Appendix C: Policy on Receipt of Information

PROJECT NARRATIVE

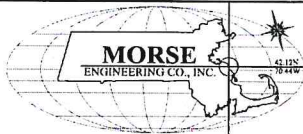
DATE: July 15, 2024
TO: Hingham Conservation Commission
FROM: Paul G. Gunn, P.E.
PROJECT: 10 Spring Street, Hingham, MA

Conservation Commission,

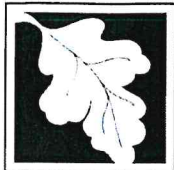
This project is described as the upgrade of an existing failing septic system serving 10 Spring Street in Hingham, MA. The subject resource area is a Bordering Vegetated Wetland (BVW) which was delineated by South River Environmental on June 19, 2024. The existing site includes a single-family dwelling with an associated paved driveway and a mixture of lawn and wooded areas.

There is no proposed work within the 50-foot buffer to the vegetated wetland resource areas. The proposed work is a septic system upgrade plan to replace an existing failing septic system that currently serves the building. The proposed system includes a new 1,500 gal. septic tank and (3) 2' x 17' stone leaching trenches. All proposed work is outside of 50-foot buffer to the resource area with the tanks at a setback distance of 68.1 feet and the leaching field at a distance of 69.8 feet. This work, as the repair of an existing system, does not require the filing of a Notice of Intent per 310 CMR 10.03(3), and is confined to previously disturbed areas. No tree removal or clearing is associated with the proposed septic installation, and an erosion control barrier is proposed to mitigate sedimentation and erosion into the wetland resource areas.

Please do not hesitate to contact us if you have any questions or comments.



10 New Driftway, Suite 303
P.O. Box 92
Scituate, MA 02066
Tel. (781) 545-0895



Massachusetts Department of Environmental Protection
Bureau of Water Resources - Wetlands

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

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



A. General Information

1. Applicant:	
Linda G.	Lucas
First Name	Last Name
10 Spring Street	
Address	
Hingham	MA
City/Town	State
617-842-1983	02043
Phone Number	Zip Code
LLucas7792@gmail.com	
Email Address	
2. Property Owner (if different from Applicant):	
First Name	
Last Name	
Address	
City/Town	
State	
Zip Code	
Phone Number	
Email Address (if known)	
3. Representative (if any)	
Paul G.	Gunn, P.E.
First Name	Last Name
Morse Engineering Co. Inc.	
Company Name	
P.O. Box 92	
Address	
Scituate	MA
City/Town	State
781-545-0895	02066
Phone Number	Zip Code
Pgunn@Morsecoinc.com	
Email Address (if known)	

B. Project Description

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

10 Spring Street	Hingham
Street Address	City/Town
42.23428	-70.87648
Latitude (Decimal Degrees Format with 5 digits after decimal e.g. XX.XXXXX)	Longitude (Decimal Degrees Format with 5 digits after decimal e.g. -XX.XXXXX)
81	103
Assessors' Map Number	Assessors' Lot/Parcel Number

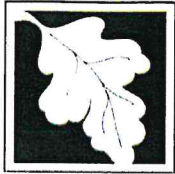
- b. Area Description (use additional paper, if necessary):

- c. Plan and/or Map Reference(s): (use additional paper if necessary)

Septic System Design Plan	7/11/2024
Title	Date
Title	Date

[How to find Latitude
and Longitude](#)

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



Massachusetts Department of Environmental Protection
Bureau of Water Resources - Wetlands

WPA Form 1- Request for Determination of Applicability Hingham

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

Municipality

B. Project Description (cont.)

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

The proposed work is a septic system repair plan to replace an existing failing septic system that currently serves the building. The proposed system includes a 1,500 gal. septic tank and (3) 2' x 17' Stone Leaching Trenches. The system is proposed outside of the 50-foot buffer to the resource area, with the tanks as at a setback distance of 68.1 feet and the leaching field at a distance of 69.8 feet.

- 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).

310 CMR10.03(3) - Presumption Concerning 310 CMR 15.000: The State Environmental Code, Title 5 (see attached document).

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.)



Massachusetts Department of Environmental Protection
Bureau of Water Resources - Wetlands

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

C. Determinations

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

- ☐ a. whether the **area** depicted on plan(s) and/or map(s) referenced above 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 above are accurately delineated.
- ☒ c. whether the **Activities** depicted on plan(s) referenced above is subject to the Wetlands Protection Act and its regulations.
- ☒ d. whether the area and/or Activities depicted on plan(s) referenced above is subject to the jurisdiction of any **municipal wetlands' ordinance or bylaw** of:

Hingham
Name of Municipality

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

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.

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.

X Ferdinand C Lucas
Signature of Applicant

7-17-2024
Date

[Signature]
Signature of Representative (if any)

7/17/24
Date



SCALE: 1" = 1,000'

U.S. GEOLOGICAL SURVEY
7.5 X 15 MINUTE SERIES

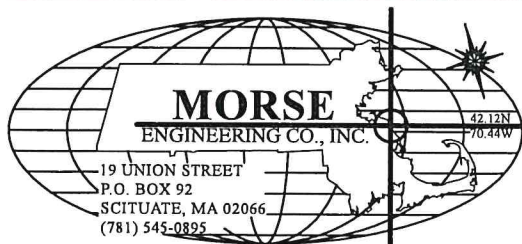
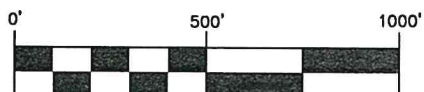
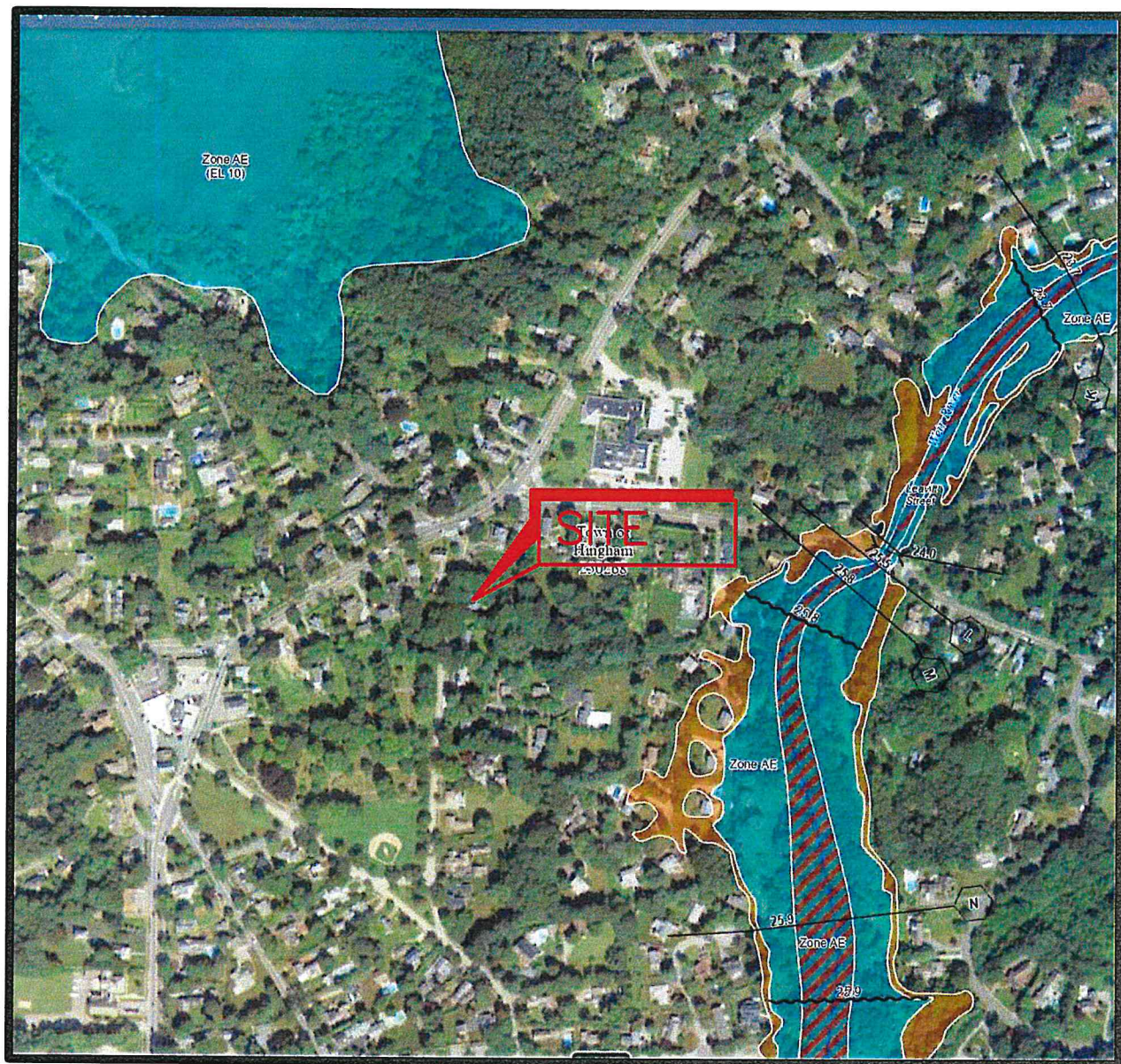


FIGURE — 1

USGS LOCUS MAP
10 SPRING STREET
HINGHAM, MASSACHUSETTS



SCALE: 1" = 500'

FLOOD INSURANCE RATE MAP (F.I.R.M.)
 PANEL NO: 25023C 0082K
 EFFECTIVE DATE: JULY 3, 2024

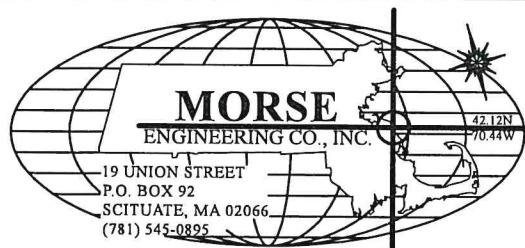
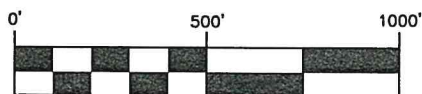


FIGURE — 2

FEMA FLOOD MAP
10 SPRING STREET
HINGHAM, MASSACHUSETTS



SCALE: 1" = 500'

NATURAL HERITAGE & ENDANGERED SPECIES ATLAS
MASS GIS

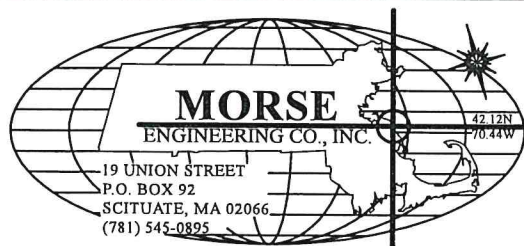


FIGURE — 3

NHESP MAP
10 SPRING STREET
HINGHAM, MASSACHUSETTS

APPENDIX A

- Town of Hingham Conservation Commission RDA Checklist
- 310 CMR 10.03 – Presumption Concerning Title 5



TOWN OF HINGHAM CONSERVATION COMMISSION

APPLICATION CHECKLIST REQUEST FOR DETERMINATION OF APPLICABILITY (RDA)

The following instructions and submittal requirements should be used when submitting a Request for Determination of Applicability (RDA) to the Conservation Commission under the MA Wetlands Protection Act and Hingham Wetlands Protection By-Law. Please also refer to the DEP [Instructions for Completing WPA Form 1- Request for Determination of Applicability](#). Submit one (1) copy of the following to the Conservation Office by hand delivery or certified mail and one electronic copy of the complete application to conservation@hingham-ma.gov

- ☒ WPA Form 1- *Request for Determination*: [WPA Form 1 Department of Environmental Protection](#)
- ☒ A check payable to the Town of Hingham for the [Town of Hingham Wetlands Protection Bylaw fee](#)
 - *\$50 base fee for ancillary work on an existing single family house and all other requests for the first acre of land, \$40 for each additional acre of land*
 - *Please redact bank account information from photocopies*
 - *Note, a public legal notice is prepared and submitted by staff and the newspaper will invoice the applicant*
- ☒ Narrative describing the area, proposed activity, the on-site wetland resources (per the [Resource Area Delineation Policy](#)), existing/proposed impervious surface calculations and proposed mitigation (per the [Buffer Zone Mitigation Policy](#)), tree removal/replacement request (per the [Tree Removal and Replacement Policy](#)), and stormwater management, as applicable.
- ☒ Project plan of adequate size, scale, and detail to describe the site, resource areas, and proposed work including the following information:
 - *All wetland resource area boundaries including the 50 and 100 foot Buffer Zone*
 - *FEMA Floodplain boundaries, as applicable*
 - *Location of existing and proposed structures*
 - *Proposed mitigation areas, as applicable*
 - *Limit of work/erosion and sediment control line*
 - *Stockpile locations and other Stormwater BMPs as applicable*
 - *Trees of 6 inches or greater DBH in the buffer zone*

**Please note the Commission may require supporting plans or materials be prepared by professionals including, but not limited, to a registered professional engineer, landscape architect, land surveyor, etc.*
- ☒ Proof of mailing the RDA to the MA Department of Environmental Protection (DEP), Southeast Regional Office at 20 Riverside Drive, Lakeville MA, 02347 (certified mail receipt from the post office) or proof of electronic filing (eDEP Transaction Number)
- ☒ The Conservation Commission's [Policy on Receipt of Information](#)
- ☐ Optional - [Voluntary Waiver of Deadlines](#)

310 CMR: DEPARTMENT OF ENVIRONMENTAL PROTECTION

10.03: continued

3. that proposed work within the buffer zone will contribute to the protection of the interests identified in M.G.L. c. 131, § 40, except that proposed work which lies both within the riverfront area and within all or a portion of the buffer zone to another resource area shall comply with the performance standards for riverfront areas at 310 CMR 10.58. For minor activities as specified in 310 CMR 10.02(2)b.1. within the riverfront area or the buffer zone to another resource area, the Department has determined that additional conditions are not necessary to contribute to the protection of the interests identified in M.G.L. c. 131, § 40.

(b) Any person who requests the issuing authority to regulate work taking place outside an Area Subject to Protection under M.G.L. c. 131, § 40 and outside the Buffer Zone has the burden of demonstrating to the satisfaction of the issuing authority that the work has in fact altered an Area Subject to Protection under M.G.L. c. 131, § 40.

(2) Burden of Going Forward. The burden of going forward means having to produce at least some credible evidence from a competent source in support of the position taken. This burden shall be upon the person contesting the Department's position when the Department has been requested to hold an adjudicatory hearing. In the event that under the provisions of 310 CMR 10.03 two or more persons have the burden of going forward, said burden may be placed on all or any number of them, in the discretion of the hearing officer.

* (3) Presumption Concerning 310 CMR 15.000: The State Environmental Code, Title 5: Standard Requirements for the Siting, Construction, Inspection, Upgrade and Expansion of On-site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage. A subsurface sewage disposal system that is to be constructed in compliance with the requirements of 310 CMR 15.000: *The State Environmental Code, Title 5: Standard Requirements for the Siting, Construction, Inspection, Upgrade and Expansion of On-site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage*, or more stringent local board of health requirements, shall be presumed to protect the eight interests identified in M.G.L. c. 131, § 40, but only if none of the components of said system is located within the following resource areas:

① (a) Coastal.

1. coastal bank;
2. coastal beach;
3. coastal dune;
4. salt marsh.

↳ (b) Inland.

- | | | |
|----------------|-----------|---------|
| 1. wet meadows | | creek; |
| 2. marsh | bordering | river; |
| 3. swamp | on any | stream; |
| 4. bog | | pond; |
| | | lake. |

② and only if the soil absorption system of said system is set back at least 50 feet horizontally from the boundary of said areas, as required by 310 CMR 15.211: Minimum Setback Distances, or a greater distance as may be required by more stringent local ordinance, by-law or regulation.

③ To protect wildlife habitat within riverfront areas, the soil absorption system shall not be located within 100 feet of the mean annual high-water line unless there is no alternative location on the lot which conforms to 310 CMR 15.000: The State Environmental Code, Title 5: Standard Requirements for the Siting, Construction, Inspection, Upgrade and Expansion of On-site

310 CMR: DEPARTMENT OF ENVIRONMENTAL PROTECTION

Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage without requiring a variance as determined by the local Board of Health, with less adverse effects on resource areas.

- ④ This presumption, however, shall apply only to impacts of the discharge from a sewage disposal system, and not to the impacts from construction of that system, such as erosion and siltation from the excavation, placement of fill, or removal of vegetation. Impacts from
- ⑤ construction shall be minimized by the placement of erosion and sedimentation controls during excavation, limiting the placement of fill, confining the removal of vegetation to that necessary for the footprint of the system, and taking other measures deemed necessary by the issuing authority.

inf.

310 CMR: DEPARTMENT OF ENVIRONMENTAL PROTECTION

10.58: continued

 (6) Notwithstanding the Provisions of 310 CMR 10.58(1) through (5), Certain Activities or Areas Are Grandfathered or Exempted from Requirements for the Riverfront Area:

(a) Any excavation, structure, road, clearing, driveway, landscaping, utility line, rail line, airport owned by a political subdivision, marine cargo terminal owned by a political subdivision, bridge over two miles long, septic system, or parking lot within the riverfront area in existence on August 7, 1996. Maintenance of such structures or areas is allowed (including any activity which maintains a structure, roads (limited to repairs, resurfacing, repaving, but not enlargement), clearing, landscaping, *etc.* in its existing condition) without the filing of a Notice of Intent for work within the riverfront area, but not when such work is within other resource areas or their buffer zones except as provided in 310 CMR 10.58(6)(b). Changes in existing conditions which will remove, fill, dredge or alter the riverfront area are subject to 310 CMR 10.58, except that the replacement within the same footprint of structures destroyed by fire or other casualty is not subject to 310 CMR 10.58.

(b) Certain minor activities as identified in 310 CMR 10.02(2)(b)1.

 (c) On-site sewage disposal systems in existence on August 7, 1996 and the repair or upgrade of existing systems in compliance with 310 CMR 15.000: *The State Environmental Code, Title 5: Standard Requirements for the Siting, Construction, Inspection, Upgrade and Expansion of On-site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage.* New construction of a system under 310 CMR 15.000 must comply with 310 CMR 10.58, subject to the presumption for the siting of systems in 310 CMR 10.03.

(d) The expansion of structures, airports, and marine cargo terminals, provided they are owned by a political subdivision and the expansion activity was physically begun on or before November 1, 1996.

(e) Projects for which a draft environmental impact report was prepared and submitted pursuant to M.G.L. c. 30, § 62B, on or before November 1, 1996, or as extended by the Department for just cause but no later than December 31, 1996.

(f) Projects for which a building permit conforming to local requirements was filed on or before October 1, 1996 and granted on or before April 1, 1997, or as extended by the conservation commission for just cause by no more than 60 days.

(g) The road and infrastructure shown on a definitive subdivision plan approved or endorsed under M.G.L. c. 41, § 81U, on or before August 1, 1996. Activities on the subdivided lots are subject to 310 CMR 10.58 unless they received a building permit under 310 CMR 10.58(6)(f).

(h) Construction, expansion, repair, restoration, alteration, replacement, operation and maintenance of public or private local or regional wastewater treatment plants and their related structures, conveyance systems, and facilities, including utility lines.

(i) Structures and activities subject to a M.G.L. c. 91 waterways license or permit, or authorized prior to 1973 by a special act, are exempt, provided the structure or activity is subject to jurisdiction and obtains a license, permit, or authorization under 310 CMR 9.00: *Waterways*.

(j) Activities within riverfront areas subject to a protective order under M.G.L. c. 21, § 17B, the Scenic Rivers Act.

(k) Activities within an Historic Mill Complex.

10.59: Estimated Habitats of Rare Wildlife (for Inland Wetlands)

If a project is within estimated habitat which is indicated on the most recent Estimated Habitat Map of State-listed Rare Wetlands Wildlife (if any) published by the Natural Heritage and Endangered Species Program (hereinafter referred to as the Program), a fully completed copy of the Notice of Intent (including all plans, reports, and other materials required under 310 CMR

APPENDIX B

- Town of Hingham Wetlands Protection Bylaw Fee Schedule
- Copy of Filing Check
- Hingham Wetland Regulations Appendix C: Policy on Receipt of Information

TOWN OF HINGHAM
WETLANDS PROTECTION BY-LAW FEE SCHEDULE
Effective February 10, 2017



ADMINISTRATIVE REVIEWS	\$ 30.00	
REQUESTS FOR DETERMINATION OF APPLICABILITY*	\$ 50.00	For ancillary work on an existing single family house and all other requests for the first acre of land.
	\$ 40.00	For each additional acre of land.
NOTICES OF INTENT*		
Category 1	\$ 100.00	
Category 2	\$ 250.00	
Category 3	\$ 525.00	Commercial
	\$ 1,000.00	Subdivision (+ \$25.00 per house lot)
Category 4	\$ 725.00	
Category 5	\$3.00/foot	Not less than \$100.00.
EXTENSIONS	\$ 100.00	Residential
	\$ 300.00	Commercial/Subdivision
CERTIFICATES OF COMPLIANCE	\$ 50.00	Residential
	\$ 100.00	Commercial/Subdivision
BOUNDARY DELINEATIONS	\$ 3.00/foot	Not less than \$100.00 and not more than \$200.00 for activities associated with a single family house or \$2,000.00 for all other activities.
REQUESTS FOR AMENDMENTS TO ORDERS OF CONDITIONS	\$ 25.00	Residential
	\$ 200.00	Commercial/Subdivision

NOTE: These Bylaw fees are in addition to the fees pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40). The Bylaw fee and the Town's share of the WPA fee should be submitted on separate checks, payable to the **Town of Hingham**.

***Fees for filings received after a project has commenced are double the fee listed.**

MORSE ENGINEERING COMPANY, INC.

P.O. Box 92
Scituate, MA 02066

53-447/13

4707

FOR SECURITY PURPOSES, THE BORDER OF THIS DOCUMENT CONTAINS MICROPRINTING.

PAY TO THE ORDER OF

Tony Hinchman

DATE *7.12.2024*

\$ *50-*

DOLLARS

ROCKLAND TRUST
ROCKLAND, MASSACHUSETTS

MEMO:

10 Sprng Rd

Lynne H. Green

AUTHORIZED SIGNATURE

MP

SECURITY FEATURES INCLUDED



DETAILS ON BACK.

HINGHAM WETLAND REGULATIONS

APPENDIX C

Policy on Receipt of Information

(Revised March 4, 2024)

1. New applications/filings must be submitted to the Conservation office (by certified mail or hand delivery) two weeks prior to the meeting date, on Monday by noon, to facilitate the placement of the legal ad and to allow timely review by the Conservation Officer (if the office is closed on Monday due to a holiday, then the information is due on the preceding Friday by noon). Conservation staff will review the application for administrative completeness. Upon receipt of a complete application, a hearing or meeting will be scheduled in accordance with the 310 CMR 10.05(5) and the Wetland Regulations, Section 7.6.
2. If deemed necessary, based on the Commission's meeting schedule, Conservation staff may request the applicant *voluntarily* waive the 21 day statutory deadline for holding a public hearing or issuing a Determination of Applicability.
3. Requests for additional information may be made by the Commission members or their agent to clarify the scope of the project or determine compliance with the 310 CMR 10.00 and/or the Hingham Wetland Regulations. Such requests, if not made at the public hearing, will be communicated to the applicant or their representative as promptly as possible.
4. Additional information requested by the Commission or their agent in accordance with No.3, must be submitted to the Conservation office a minimum of 7 days prior to the meeting date, on Monday by noon. If the office is closed on Monday due to a holiday, the information is due on the preceding Friday by noon. *Revisions submitted after the established deadline may not receive a review, thereby resulting in a continuance to the next available meeting.*
5. The Commission may engage the peer review services of an outside consultant as provided by M.G.L. Ch. 44, § 53G, to be paid for by the applicant, for specific expert review deemed necessary to come to a final decision on a submitted application. Specific consultant services may include but are not limited to, review of a Notice of Intent, Wetland Resource Area Delineation, Stormwater/Drainage Reports, etc. The consultant shall be chosen by the Conservation Commission by vote at the public hearing, and report only to the Commission or its agent. *Requested additional information/revisions by the peer reviewer is required a minimum of two weeks prior to the hearing date.*
5. All supplemental documentation and revised plans must include a revision date and must be date stamped by the Conservation office upon receipt. If this information is not present, the documents may be considered incomplete and may not receive a timely review, thereby resulting in a continuance to the next available meeting.
6. Please note that all supplemental documentation and revised plans submitted to the Commission for a pending application, subject to the MA Wetlands Protection Act, must also be sent to the DEP Southeast Regional Office, 20 Riverside Dr., Lakeville, MA 02347

The Hingham Conservation Commission is committed to a thorough and timely review of each application and an efficient hearing process. Cooperation with this policy is appreciated to facilitate these efforts. Exceptions to this policy may be made by the Conservation staff if deemed warranted. Please sign and include with your filing. Thank you.



Applicant or Applicant's Representative Signature

7/16/24
Date