



**REQUEST FOR DETERMINATION OF
APPLICABILITY**



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Massachusetts Department of Environmental Protection
Bureau of Water Resources - Wetlands

WPA Form 1- Request for Determination of Applicability

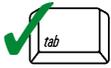
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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.



1. Applicant:

First Name _____ Last Name _____

Address _____

City/Town _____ State _____ Zip Code _____

Phone Number _____ 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)

First Name _____ Last Name _____

Company Name _____

Address _____

City/Town _____ State _____ Zip Code _____

Phone Number _____ 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):

Street Address _____ City/Town _____

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) _____

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)

Title _____ Date September 16th, 2024

Title _____ Date _____

[How to find Latitude and Longitude](#)

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



Massachusetts Department of Environmental Protection

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Municipality

B. Project Description (cont.)

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

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).

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

C. Determinations

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

- 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.

[Signature]
Signature of Applicant

[Signature]
Signature of Representative (if any)

1.20.25
Date

1.22.25
Date

REQUEST FOR DETERMINATION OF APPLICABILITY
119 DOWNER AVENUE
HINGHAM, MA
REVISED 1-22-25

AREA DESCRIPTION

The lot is developed as a single-family residential lot in Residence District A. It has a lot area of approximately 13,715 SF and consists of a single-family dwelling with decks, a shed, gravel driveways, and landscape features.

The lot is partially within 100 feet of an offsite Coastal bank / Salt Marsh. Limit of Salt marsh was flagged by Environmental Consulting and Restoration on September 10th, 2024 and Coastal Bank was delineated by Merrill Engineers and Land Surveyors on October 16th, 2024. The Coastal Bank exceeds the Salt Marsh by 10-15 feet. Within the 100-foot buffer on site there is currently a portion of the existing dwelling, the shed, and a gravel driveway.

PROJECT DESCRIPTION

a. Activity/Work Description:

The applicant proposes to raze the existing dwelling and construct a new one. The new dwelling and patio will clip the 100-foot buffer to coastal bank, but the rest of the previously disturbed area within this buffer will be converted to lawn. The dwelling was previously proposed farther from the resource area but has now been shifted northeast per requests from the Planning Board to avoid ledge removal on site. Impervious within the 100-foot buffer to Coastal Bank will be reduced from 880 SF to 212 SF. 5 oak trees are proposed to be planted within the 100-foot buffer as mitigation for trees removed per Planning Board Requirements. Minor yard grading and a portion of a subsurface infiltration system are proposed as well. All stockpiling will be stored outside of the 100-foot buffer zone.

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):

Massachusetts Wetlands Protection Act Section 10.02(2)b.2 allows for minor modifications within a buffer zone at the discretion of the issuing authority and therefore are not subject to regulation under the Massachusetts Wetland Bylaw. The work proposed within the buffer zone will improve the site by placing lawn in areas previously consisting of structures, other impervious surfaces, and gravel driveway. In addition, 5 oak trees are proposed in the 100-foot buffer which will vegetate the area. Abutting properties and structures are located in between the area of work and resource areas.

Site photos are provided:



Environmental Consulting & Restoration, LLC



WETLAND DELINEATION MEMO

TO: Merrill Engineers & Land Surveyors
FROM: Brad Holmes
DATE: October 4, 2024
RE: 121 Downer Avenue, Hingham

Per your request, Environmental Consulting & Restoration, LLC (ECR) performed a review of the existing conditions at the property located at 121 Downer Avenue in Hingham (the site) on September 10, 2024. The purpose of the review was to identify wetland resource areas on and near the site. The site is located to the southeast of Downer Avenue along the shore of Walton's Cover, which is part of Hingham Harbor. The site consists of a single-family home with a paved driveway, detached garage, maintained lawn, landscaped areas, etc. The weather on September 10th was sunny, clear and warm (approximately 75 degrees) with light wind and dry site conditions.

Wetland resource areas were delineated through the northern portion of the site to the rear of the existing home. ECR placed Salt Marsh (SM) flags (pink/black striped ribbons) #SM1 to #SM10 to include the upper limit of the Salt Marsh system located along the northern portion of the site. The Salt Marsh was delineated in accordance with the definition established by the Massachusetts Department of Environmental Protection (DEP) regulations found at 310 CMR 10.32 pertaining to Salt Marsh. The delineation was performed by analyzing the extent of the highest high tide line characterized by plants that are well adapted to or prefer living in saline soils. The Salt Marsh is dominated by cord grasses (*Spartina spp.*) with Hightide Bush (*Iva frutescens*), Seaside Goldenrod (*Solidago sempervirens*), etc.

Also note, the site contains Land Subject to Coastal Storm Flowage and may contain a Coastal Bank. Both the limit of the flood zone and presence or absence of a Coastal Bank should be determined by topographic survey. The presence or absence of a Coastal Bank should be determined in accordance with DEP Policy 92-1 by examining the extent of the flood zone and the slope of the landform.

As a result of ECR's wetland delineation at the site, ECR is able to confirm that the site contains the following wetland resource areas and areas of Conservation Commission jurisdiction:

- Salt Marsh & 100-foot Buffer Zone
- Land Subject to Coastal Storm Flowage (FEMA flood zone AE)

Also review of the MassMapper wetlands database reveals the following:

1. The site is not located within Estimated/Priority Habitat for Rare Species according to the Massachusetts Natural Heritage & Endangered Species Program (MaNHESP).
2. The site does not contain Certified Vernal Pools according to the MaNHESP.
3. The site does not contain a U.S.G.S. mapped stream.
4. The site is not located within an Area of Critical Environmental Concern.

Upon review of this wetland delineation memo, please contact me at (617) 529 – 3792 or Brad@ecrwetlands.com with any questions or requests for additional information.



Photo 1. – Shed and corner of dwelling within 100-foot buffer



Photo 2. – Existing dwelling (back left corner and shed within 100-foot buffer)



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](#)

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), in accordance with the Commission's Meeting Schedule and Deadlines to facilitate the placement of the legal advertisement and to allow timely review by the Conservation Officer. 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 (hard copy and electronic copy) a minimum of 7 days prior to the meeting date, on Monday by 4PM. If the office is closed on Monday due to a holiday, the information is due on the preceding Thursday by 4PM. *Revisions submitted after the established deadline may not receive a timely 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

1-21-25

Date