



## 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](mailto: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](#)



February 26, 2025

Ms. Shannon Palmer, Conservation Officer  
Conservation Department  
210 Central Street  
Hingham, MA 02043

**Subject: Request for Determination of Applicability (RDA) – Septic System Replacement**  
**Property Address: 9 Palmers Lane, Hingham**

Dear Ms. Palmer,

As previously discussed, I am submitting this Request for Determination of Applicability (RDA) for the proposed replacement of a failed septic system at the above-referenced property. The existing system, serving a three-bedroom single-family home, is in need of replacement and will be upgraded in compliance with Massachusetts Title 5 regulations (310 CMR 15.000) with no increase in flow.

The existing failed septic system is located within the 50-100 ft buffer zone of a Bordering Vegetated Wetland (BVW), as shown on the attached site plans. Given its location, we are seeking confirmation on whether this work qualifies as an exempt minor activity under the Wetlands Protection Act (WPA) or if additional permitting is required. Due to the current system's failure, the replacement is both necessary and beneficial to prevent potential environmental hazards. Below is a summary of the project Scope of Work:

### **Project Details & Environmental Considerations**

- **Scope of Work:** Replace the existing failed septic system with a new Title 5-compliant system while maintaining current flow levels.
- **Work Area:** The new system will be installed in an existing maintained lawn within the 50-100 ft buffer. No tree or vegetation removal is required.
- **Erosion Controls:** To protect adjacent resource areas, a compost filter sock will be installed at the work perimeter.
- **Buffer Zone Compliance:**
  - No septic components will be located **within the 50-ft buffer** to the BVW.
  - Minor grading will occur within the **25-50 ft buffer zone**, but the **25-ft no-touch zone will remain undisturbed**.
- **Site Restoration:** The lawn area will be restored in-kind, and no increase in impervious surfaces will result from the project.

A review of Hingham Wetland Regulations Section 7.13(4) suggests that this project may qualify for Administrative Review and Decisions. Additionally, relocating the septic system outside the 100-ft buffer would require significant pumping and earthmoving, making it both cost-prohibitive and more environmentally disruptive. Therefore, the requested waivers are essential to facilitate this upgrade while improving environmental conditions.

**Attached Documents for Review:**

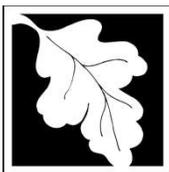
1. **Stamped site plan** prepared by a Massachusetts-licensed civil engineer.
2. **Any additional supporting materials** as required.

Please let me know if a site visit is necessary, and I will be happy to coordinate. I appreciate your time in reviewing this request and look forward to your guidance on the appropriate permitting process. Thank you for your consideration. Please feel free to contact me at [hdani@chasolutions.com](mailto:hdani@chasolutions.com) or (781) 982-5436 with any questions.

Sincerely,  
**CHA Consulting, Inc.**



Hazem Dani, PE  
Project Engineer



**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

**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:

Neal O'Driscoll  
First Name Last Name

9 Palmers Lane  
Address

Hingham MA 02043  
City/Town State Zip Code

nodriscoll@Chasolutions.com  
Email Address

Phone Number \_\_\_\_\_

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)

Hazem Dani  
First Name Last Name

\_\_\_\_\_  
Company Name

CHA Consulting  
Address

Norwell MA 02061  
City/Town State Zip Code

781-982-5436 hdani@chasolutions.com  
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):

9 Palmers Lane Hingham  
Street Address City/Town

42.18950 -70.87775  
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)

180 121  
Assessors' Map Number Assessors' Lot/Parcel Number

[How to find Latitude and Longitude](#)

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

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

Single-family home failed Septic System Replacement

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

Septic System Repair - for Single-Family Home #9 Palmers Lane, Hingham 02/25/2025  
Title Date

\_\_\_\_\_  
Title Date



**Massachusetts Department of Environmental Protection**

Bureau of Water Resources - Wetlands

**WPA Form 1- Request for Determination of Applicability**

Hingham  
Municipality

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

**B. Project Description (cont.)**

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

Replacement of a failed septic system that is located in the 50-100 ft buffer to a Boardarig Vegtated wetland with a new Title 5 compliant system the provides a greater level of envirnemntal protection over the existing conditions. The new septic system installrtion is located in a maintianed lawn area with no vegetation or tree removal required.

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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 CMR 10.02(2)(a)(2) The project proposes to replace the existing failed septic system located in the 50-100 ft buffer with a new title 5 compliant system in the existing maintained lawn area.

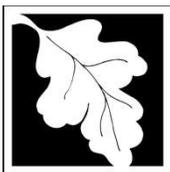
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3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- 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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# WPA Form 1- Request for Determination of Applicability

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

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.

*Neal J. O'Discoll*  
Signature of Applicant

02/26/2025

Date

*[Signature]*

Signature of Representative (if any)

02/26/2025

Date

# 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

02/27/2025

\_\_\_\_\_  
Date

**9 Palmers Lane, Hingham, MA**

**Calculated Filing Fee Statement**

The Massachusetts Department of Environmental Protection does not require a filing fee for a Request for Determination. (RDA). The Town of Hingham Conservation Commission requires a \$50.00 filing fee for a RDA.

Town of Hingham Conservation Commission Filing Fee: \$50.00

**Total project fee: \$50.00**