



**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 \_\_\_\_\_

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

[How to find Latitude and Longitude](#)

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



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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).

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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.)



**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.

[Handwritten Signature]  
Signature of Applicant

July 3, 2025  
Date

\_\_\_\_\_  
Signature of Representative (if any)

\_\_\_\_\_  
Date

## Receipt



### Summary/Receipt

Your submission is complete. Thank you for using DEP's online reporting system. You can select "My eDEP" to see a list of your transactions.

DEP Transaction ID: 1910643  
Date and Time Submitted: 7/9/2025 11:27:02 AM  
Other Email :

### Form Name: Submittal Platform for WPA Form 1 - RDA

Project Location  
City/Town Name: HINGHAM  
Location: 34 MARTINS LANE  
Project Description: SAUNA AREA WITH HOT TUB. MINOR DRIVEWAY WORK.

Applicant Information  
Name: MICHAEL AND CATHERINE DEVLIN  
Company  
Address: 34 MARTINS LANE, HINGHAM, MA, 02043

### Ancillary Document Uploaded/Mailed

34 Martins Lane Landscape Plan  
34 Martins Lane RDA Application  
34 Martins Lane SP 7-9-25

[My eDEP](#)

**REQUEST FOR DETERMINATION OF APPLICABILITY  
34 MARTINS LANE  
HINGHAM, MA**

**AREA DESCRIPTION**

The lot is developed as a single-family residential lot in Residence District C. It has a lot area of approximately 71,002 SF and consists of a single-family dwelling with a pool / patio, gravel driveway, stone walls, and other landscape features.

The lot contains a Bordering Vegetated Wetland in the rear with associated buffer zones covering approximately half of the lot. The limit of the BVW was flagged by Environmental Consulting and Restoration on June 6<sup>th</sup>, 2024. A large portion of the existing patio / pool is located within 50 feet of the BVW, and the entire pool / patio as well as a portion of the existing dwelling are located within 100 feet of the BVW. Lawn areas are also maintained throughout the site.

**PROJECT DESCRIPTION**

a. Activity/Work Description:

The applicant proposes to construct a spa area consisting of a sauna, hot tub, and fire pit surrounded by impervious patio pavers. This spa area is proposed entirely within 100 feet of the BVW, but entirely outside the 50-foot buffer. Impervious within the 100-foot buffer to the BVW will be increased by approximately 710 SF. Minor yard grading, utility work, and a small portion of gravel drive expansion is proposed as well. All proposed work will take place over existing lawn area.

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 involve the conversion of lawn to a use accessory to a residential structure and is therefore not subject to regulation. Other developed portions of the site (i.e. pool, patio) are already located closer to the BVW than the proposed structure.

Site photos are provided:



Photo 1. – Area of proposed work.



Photo 2. – Existing Dwelling.

# ECR

Environmental Consulting & Restoration, LLC



## WETLAND DELINEATION MEMO

**TO:** Merrill Engineers & Land Surveyors  
**FROM:** Brad Holmes, Professional Wetland Scientist  
**DATE:** July 1, 2025  
**RE:** 34 Martins Lane, Hingham

Per your request, Environmental Consulting & Restoration, LLC (ECR) performed a review of the existing conditions at the property located at 34 Martins Lane in Hingham (the site) on June 6, 2025. The purpose of the review was to identify wetland resource areas on and near the site. The site is located to the west of Martins Lane and contains a single-family home with a driveway, well-maintained lawn, landscaping, inground pool, patio, etc.

Wetland resource areas are located on and near the site. ECR located the landward limit of a Bordering Vegetated Wetland (BVW) with wetland flags (pink/black striped ribbons) #A1 to #A12 within the northwest corner of the site. The vegetated wetland was delineated following the methodology established by the Massachusetts Department of Environmental Protection (DEP) regulations found at 310 CMR 10.55 pertaining to the delineation of Bordering Vegetated Wetlands (BVW). The delineation was performed by analyzing vegetation, hydrology within 12 inches of the surface, and soil conditions within 20 inches of the surface. The wetland contains hydric soils, saturated soils, and dominant wetland indicator plants.

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:

- Bordering Vegetated Wetland
- 100-foot Buffer Zone to BVW

Also, a review of the MassGIS 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 mapped Certified or Potential 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.
5. The site is not located within an area mapped as Land Subject to Flooding (FEMA Flood Zones).

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



## TOWN OF HINGHAM CONSERVATION COMMISSION

### APPLICATION CHECKLIST REQUEST FOR DETERMINATION OF APPLICABILITY (RDA)

The following checklist 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 Bylaw. Please also refer to the DEP [Instructions for Completing WPA Form 1- Request for Determination of Applicability](#). Submit one (1) hard 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, 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 features, 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 to be removed, as applicable

*\* If a professional wetland delineation has not been performed, the most current GIS DEP wetlands layer may be used [MapsOnline Site Hingham, MA SimpliCITY Mapping by PeopleGIS](#) to estimate the resource area boundaries, in coordination with Conservation staff.*

*Please note the Commission may require supporting plans or materials be prepared by professionals including, but not limited, to a registered professional engineer, land surveyor, wetland scientist, 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) 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



Date