

HINGHAM WETLANDS REGULATIONS
APPENDIX A
Filing Fees

An application filed with the Hingham Conservation Commission on or after February 14, 1992 pursuant to the Town of Hingham's Wetlands Protection Bylaw (Article 22) shall be accompanied by a filing fee as detailed in the attached Bylaw Fee Schedule (as adopted by the Commission on -----). Filing fees are collected in addition to the fees required by the Massachusetts Wetlands Protection Act M.G.L. Ch.131 §40 and Implementing Regulations, 310 CMR 10.00.

All fees collected shall be expended solely by the Conservation Commission for performance of its duties under the Wetlands Protection Bylaw. Filing fees are non-refundable.

No fee shall be assessed for municipal, county, state or federal projects.

Notice of Intent Categories:

The fee for proposed work that involves more than one activity shall be determined by adding the fees for each proposed activity based on the categories defined below:

Category 1

- a) work on single family lot: addition, garage, sports court, pool, deck, patio, etc.
- b) site preparation including removal of vegetation, excavation and grading, where actual construction of the house is not proposed
- c) control nuisance vegetation by mechanical or chemical removal on a single-family lot
- d) resource improvement (restoration or enhancement of habitat) other than removal of aquatic nuisance vegetation
- e) construction, repair, or upgrading of septic system separate from house
- f) monitoring well activities not including access roadway

Category 2

- a) construction of single family house
- b) parking lot of any size
- c) beach nourishment project
- d) coastal limited projects
- e) inland limited projects minus roadway crossings
- f) new agricultural or aquaculture projects
- g) crossing for driveway to single family house reviewed as a limited project
- h) point source discharge
- i) any other activity not in Category 1, 3, 4, or 5

Category 3

- a) site preparation for any development (actual construction not proposed)
- b) construction of each building for development (other than single family) including site work
- c) construction of road or driveway not associated with a single family and not limited project
- d) activities associated with hazardous waste cleanup (except as noted in category 4)

Category 4

- a) construction of each crossing for a limited project-access roadway or driveway associated with a commercial, industrial, or residential development other than single family home
- b) construction, modification, or repair of a flood control structure such as a dam, sluiceway, tide gate, etc.
- c) creation or expansion of a public or private landfill
- d) creation or expansion of a public or private sand and/or gravel operation
- e) construction of railroad lines including ballast area, placement of track, signals and switches and other related structures
- f) control of nuisance vegetation, other than on a single family lot, by mechanical or chemical removal
- g) bridge construction
- h) raising or lowering of surface water levels for flood control or any other purpose
- i) alteration to a resource area to divert water for hazardous waste cleanup or for non- exempt mosquito control projects
- j) dredging operations
- k) Package treatment plant construction or discharge of effluent

Category 5

- a) construction, reconstruction, or repair of docks, piers, revetments, dikes, or other engineering structures on coastal or inland resource areas, including the placement of rip rap or other material

BYLAW FEE SCHEDULE

Application Type	Fee	Notes
Administrative Review	\$50.00	
Request for Determination of Applicability	\$100.00	Not to include resource area boundary delineations (see below)
Notice of Intent:		
<i>Category 1</i>	\$200.00	
<i>Category 2</i>	\$500.00	
<i>Category 3</i>	\$1,000.00	
<i>Category 4</i>	\$1500.00	
<i>Category 5</i>	\$10.00/linear foot	Not less than \$300.00
Abbreviated Notice of Resource Area Delineation	\$5.00/linear foot	Not to exceed \$300.00 for single family lot or \$10,000.00 for all other delineations.
Extension of OOC or ORAD	\$100.00	Residential
	\$300.00	Commercial/Industrial
Request for Certificate of Compliance	\$150.00 within 5 years of issuance of OOC \$300.00 beyond 5 years \$500.00 beyond 10 years	Residential
	\$500.00 within 5 years \$1000.00 beyond 5 years \$1500.00 beyond 10 years	Commercial/Industrial/Subdivision
Request for Minor Plan Change	\$50.00 for 2 nd request & subsequent requests (\$0 for initial)	Residential
	\$250.00	Commercial/Industrial
Request for Amended Order of Conditions	Same as original filing fee	
Restoration Plan review for Enforcement Order	\$200.00	Upon submittal of Restoration Plan

The Bylaw fee and the Town's share of the state WPA fee should be submitted on separate checks, payable to the Town of Hingham.

Any project that is within the Riverfront Area in addition to another Resource Area or Buffer Zone, multiply the fee per activity by 1.5

FILINGS FEES FOR AFTER THE FACT APPLICATIONS ARE DOUBLE THE FEE LISTED, NO EXCEPTIONS

NOTICE OF INTENT FEE CALCULATION WORKSHEET

Submit with the Application and Fee

Category/ Type of Activity	Number of Activities	Fee per Activity	Multiplier	Subtotal Activity Fee
1-		\$200		
2-		\$500		
3-		\$1000		
4-		\$1500		
5-		\$10/LF		
			TOTAL FEE	

HINGHAM WETLAND REGULATIONS
APPENDIX B
Guide to Permitting under the
State and Local Wetlands Regulations

Getting Started

Before starting work, consult with the Conservation Office to determine if your proposed project requires a permit application be filed with the Conservation Commission. Staff will review the proposal and determine if the work, or portions of the work, are within the jurisdiction of the Conservation Commission. Staff may also recommend the wetland resource areas in the vicinity of your project be delineated by a Professional Wetland Scientist in advance of filing a permit to better evaluate the site conditions and provide guidance on the permit process. Staff will visit the project site after an application is filed. The Commission reviews projects under both the State Wetlands Protection Act (WPA), MGL Ch.131 §40, and the local Wetlands Protection Bylaw (Article 22). The local Bylaw is generally stricter than the WPA, has additional standards for work near resource areas, and protects more resource areas than the WPA such as isolated wetlands. In some cases, only an application under the Bylaw is required.

Filing an Application

1. Staff will provide a recommendation on which permit application to file based on the extent of work proposed and proximity to wetland resource areas. Smaller projects such as sheds, decks, or tree removal may qualify for a simple Administrative Permit done by Conservation staff or a Request for Determination of Applicability (RDA). Larger project such as single family homes, commercial projects, or subdivisions, will generally require a Notice of Intent (NOI). If a NOI is necessary, professionally prepared plans (Registered Professional Engineer or Licensed Land Surveyor) will be required.
2. To confirm a wetland boundary prior to filing an application, an Abbreviated Notice of Resource Area Delineation (ANRAD) is recommended. Alternatively, a Request for Determination (RDA) may be filed however applicants should first consult with staff on the appropriate process.
3. The Commission currently uses the [state wetland forms](#) for most applications and these are to be used for filings under the WPA and Bylaw. All required information for submittal of a complete application is noted on the applicable application checklist which can be found at [Wetlands Permitting | Hingham, MA](#)
4. Submit the completed, signed application and all associated documents and plans to the Conservation Office in accordance with the permit checklist. The original application must be signed by the property owner. Applications must be submitted in person (hand delivery) or by certified mail in order to be accepted. Meeting dates and submission deadlines are available at [Conservation Commission Meeting Schedule](#)
5. A copy of the application must also be sent to the MA Department of Environmental Protection (DEP) at the same time as filing with the Conservation Commission. For NOI applications, DEP will issue a file number upon review of the application and receipt of the state filing fee. This file number will be utilized by the Commission and the Commission cannot close a hearing or issue a permit without the DEP number.
6. Staff will inform you within five (5) business days if there are any materials missing from your application. The item will not be advertised or posted on an agenda until a complete application including filing fees is received by the Conservation office.
7. Once a complete application is received, the item will be posted on the next available Conservation Commission agenda. If the Commission is not able to schedule the meeting or hearing within the required statutory timeframes due to the pre-established meeting calendar, staff may request a waiver be signed by the applicant.

Paying Fees

1. Fees are required for each permit application in accordance with the Commission's Bylaw Fee Schedule and

are calculated based on the category of work and number of activities proposed. Separate fees are required under the WPA and the local Bylaw.

2. When filing an application, the following checks will be required:
 - ✓ A check made payable to the Town of Hingham for the town's Wetland Bylaw Fee.
 - ✓ A check made payable to the Town of Hingham for the town portion of the state Wetlands Protection Act fees.
 - ✓ A check made payable to the MA Department of Environmental Protection for the state's portion of the Wetlands Protection Act fees to be sent to DEP (with copy included in the application to the Town). Send the state fee and NOI transmittal form to:
Commonwealth of Massachusetts
Department of Environmental Protection
Box 4062
Boston, MA 02211

Abutter Notification

1. If filing a Notice of Intent (NOI) or Abbreviated Notice of Resource Area Delineation (ANRAD) the applicant is responsible for providing notification to all Abutters. Abutters are the property owners of record within 100 feet of the property where your project is located, including if separated by a public or private street or body of water. Under the Bylaw, if your project is on a coastal property, abutters are the property owners of record within 300 feet of the property where your project is located.
2. Notification must be made at the mailing addresses shown on the most recent applicable tax list from the municipal assessor. The notification form must state where within the municipality copies of the application may be examined or obtained and where information on the date, time, and location of the public hearing may be obtained.
3. To obtain an abutters list, submit a [Request for Certified Abutters List](#) to the Conservation office which will be sent to the Assessor's Office for certification.
4. Abutter notification [on form provided by the Conservation Department](#) must be sent by hand delivery, certified mail- return receipt requested, or certificate of mailing at least seven (7) business days before the public hearing. Legal holidays, and Saturdays and Sundays do not count toward the seven business days.
5. An [Affidavit of Service](#) for abutter notification must be submitted with the application and proof of mailing (e.g. certified mail receipts) shall be provided to the Conservation Commission prior to or at the public hearing. If abutters are not properly notified in accordance with the WPA Regulations or local Wetland Regulations, the hearing will not be opened.

Legal Notice

Applications requiring a public meeting or hearing before the Commission must be advertised in a local newspaper at least five (5) business days before the hearing or meeting. The Conservation Office will arrange for publication of the legal notice in the Patriot Ledger and the applicant is required to pay the Patriot Ledger directly, prior to the Commission meeting.

Public Hearings and Meetings

1. The applicant or the applicant's representative is required to attend the Conservation Commission meeting for a presentation of the proposal and to answer questions. It is recommended for complex projects or projects with technical data that the Professional Engineer also be in attendance. The Commission meets on Monday evenings via Zoom unless otherwise posted.
2. The agenda will be sent to all applicants at least two business days prior to the meeting and the agenda will also be posted on the [Town of Hingham website](#) on the Meeting Calendar. Meetings start at 7PM unless

otherwise posted and the Commission does not assign individual times to each item. Information on the Zoom meeting and how to join is included on the meeting agenda.

3. If you cannot attend the scheduled public meeting, you may request a continuance by submitting a written request to the Conservation office in accordance with below.
4. All applications, plans and associated documents for agenda items are posted on the Commission's website under [Pending Applications](#) for public viewing in advance of the meeting.
5. If the Commission requires additional information to be able to make a decision on the proposed project and compliance with the state and/or local regulations, the hearing or meeting will be continued (if consented to by the applicant) to a future meeting date to allow for preparation and submittal of any supplemental documentation.
6. During public hearings, any interested members of the public will have an opportunity to address the Commission to make comments on the application or ask questions regarding the proposal. The Commission is not legally able to entertain questions or comments outside of their permitting authority.

Continuing the Public Hearing

1. To request a continuation of the hearing or meeting, the applicant must submit a written request to the Conservation Office with justification for the request and a specific meeting date to which the hearing will be continued. The request should be submitted as soon as possible, but no later than noon on the date of the scheduled meeting. The Commission will consider the request at the public meeting and take a vote to approve or deny the continuance.
2. An applicant may also make a verbal request for a continuance during the public meeting or hearing.
3. The Commission may vote to deny a request for continuance if the hearing has been continued more than three times and a good faith effort has not been made to address Staff comments or the Commission's request for additional information.

Decisions of the Commission

1. After conclusion of the public meeting or hearing on the permit application, the Commission will deliberate on the project and make a determination on whether it complies with the local and state wetland regulations. If the Commission votes to approve the proposed project, the permit will be issued by the Conservation office within the required statutory time frame along with a letter explaining the next steps. If the Commission votes to deny the proposed project based on non-compliance with the state and/or local regulations, a denial will be issued which may be appealed by the applicant or other party with standing. Because the Commission issues decisions under both the state and local wetland regulations, an appeal must be filed in accordance with the specific legal processes established under 310 CMR 10.00 and the local Bylaw.
2. The permit issued for a Notice of Intent is an Order of Conditions (OOC) and the permit issued for a Request for Determination of Applicability is a Negative Determination of Applicability. A Negative Determination is confirming that the work is not subject to any further permitting under the state or local wetland regulations. If an applicant is confirming boundaries of wetland resource areas through an ANRAD, the Commission will issue an Order of Resource Area Delineation (ORAD).

Recording Documents

1. If the Commission approves the project and issues an OOC, the applicant is responsible for recording the OOC in the chain of title of the affected property after the appeal period has lapsed. The title will only be cleared upon issuance of a Certificate of Compliance when the project is complete (see below.)
2. Proof of recording at the Plymouth County Registry of Deeds (OOC page stamped by the Registry of Deeds with Book and Page number) must be submitted to the Conservation Office (electronically or hard copy).
3. Staff recommends you make a copy of the Order of Conditions before recordation as the Registry will keep the original document for several weeks.

Starting the Project

1. Once the permit has been issued and the appeal period has passed, work may begin but not until the applicable conditions of the permit have been satisfied, including but not limited to: posting a DEP sign, installing erosion and sediment controls, and having a pre-construction meeting with Staff. Site work cannot take place on the property until staff has reviewed and approved the erosion and sediment controls which protect the resource areas during construction. Please review the permit and reach out to the Conservation Office with any questions on compliance with the permit conditions.
2. Any changes to the approved project plans must be reviewed by Conservation staff prior to implementation. Relatively minor changes can be approved administratively by staff and major changes may need to go before the Commission for review and approval. If the change is significant enough or results in any additional impacts to resource areas, an Amended Order of Conditions or new Notice of Intent may be required.
3. Most permits issued by the Commission include a condition requiring restoration or native planting areas to mitigate for impacts within the 100 foot Buffer Zone. It is strongly recommended that planting areas be installed during the first growing season after project approval to allow for the required 2 year monitoring period. Staff is available to discuss planting plans and should always be consulted prior to making any changes to the approved plant list or configuration of the planting area.
4. Orders of Conditions and Determinations of Applicability are valid for three years from the date of issuance. OOCs may be extended by the Commission but Determinations cannot. If you need an extension of the OOC to complete your project, you must submit a Request for Extension to the Conservation Office at least thirty (30) days prior to the expiration date. The Conservation Commission will consider the merits of the request and vote to issue or deny the extension permit at a regular scheduled meeting. Extension permits may be issued for up to three (3) years, at the discretion of the Commission.

Project Completion

1. Upon completion of work permitted by an OOC and satisfaction of all conditions, the applicant is required to submit a Request for a Certificate of Compliance (COC) to the Commission in accordance with the [Request for COC Checklist](#). Requests must be accompanied by a letter from the Registered Professional Engineer or other registered professional, certifying the work has been completed in substantial compliance with the approved plans. Any deviations from the plans approved by the Commission must be detailed in the letter. Staff will review the request and make a recommendation to the Conservation Commission. The Commission will vote to issue or deny the COC at regular scheduled meeting within the required statutory timeframe.
2. If you receive a Certificate of Compliance, it must be recorded at the Plymouth County Registry of Deeds to clear the title of the affected property and proof of recording must be provided to the Conservation office.

HINGHAM WETLAND REGULATIONS
APPENDIX B
Resource Area Delineation Policy

All inland and coastal wetland resource areas within the vicinity of a proposed activity shall be delineated in accordance with the following, unless waived by the Commission and/or Conservation Officer:

1. The applicant is responsible for hiring a qualified professional to delineate the Resource Areas. The Commission considers a qualified professional to be one of the following: a certified Professional Wetland Scientist; a non-certified Professional Wetland Scientist with a minimum of five (5) years of experience in the field of wetland science; or a professional who demonstrates expertise in wetland science to the satisfaction of the Commission.
2. Resource area boundaries shall be delineated in accordance with the definitions established by the Wetlands Protection Act Regulations found at 310 CMR 10.00 and the Hingham Wetland Regulations (HWR) for each applicable resource area. In instances where the local and state definitions differ, the local definition shall be applied as applicable, unless otherwise accepted by the Commission.
3. Bordering Vegetated Wetlands (BVW) shall be delineated in accordance with the Massachusetts Handbook for Delineation of Bordering Vegetated Wetlands (Mass DEP Second Edition, September 2022) and any other applicable federal delineation manual. The Commission recommends that vegetation, soils, and other indicators of hydrology always be considered when delineating BVWs, as appropriate and based on the complexity of the site.
4. Coastal Banks shall be delineated in accordance in the [Wetlands Program Policy 92-1: Coastal Banks | Mass.gov](#). The following information should be submitted with the application: the coastal bank should be delineated and mapped on a plan(s) to a scale of not greater than 1 inch = 50 feet, including a plan view and a cross section(s) of the area being delineated showing the slope profile, the linear distance used to calculate the slope profile, and the location of this linear distance. Also, the delineation description must indicate which of the five diagrams included in the program policy [Coastal Bank Figures 1-7](#) is (are) representative of the site.
5. The qualified professional shall uniquely identify the boundaries of each Resource Area in the field by affixing colored, lettered, and consecutively numbered flagging to fixed objects such as woody vegetation or survey stakes (e.g. Wetland Series A, flags #A1-A10; Inland Bank, flags #B1-B10). Flagging should be clearly visible in the field and placed at intervals no greater than 40 feet.
6. Resource Area flagging may be performed year-round however if field conditions (e.g. snow cover) or seasonal considerations (e.g. vernal pool) do not allow for an accurate boundary delineation or proper review by staff, the Commission may postpone any determination until conditions allow for a sufficient assessment of the resource areas.
7. Documentation of the methodology used to delineate the BVW boundary (e.g. BVW Field Data/Determination Form, Final Order of Resource Area Delineation or other delineation method) as well as methods used to delineate any other resource areas, shall be included with the application. A Wetland Summary Report may be accepted in lieu of BVW Data Forms with approval of the Conservation Officer and based on the complexity of the delineation.
8. Resource Area flagging must be current and delineated within three (3) years of application submission.

HINGHAM WETLAND REGULATIONS
APPENDIX C
Policy on Submittal of New Information

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.*
6. 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.
7. 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.

Applicant or Applicant's Representative Signature

Date