

# Guide to Permitting under the Wetlands Protection Act and the Town of Hingham Wetlands Bylaw – Appendix B

(5/09/2013)

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## Getting Started

1. Consult with the Conservation Office to determine if your project requires review by the Conservation Commission. We recommend meeting with staff well before you plan to start work. Staff will visit the project location after an application is filed, however pre-application site visits can be scheduled upon request.

## Filing an Application

1. Determine which application you will file based on your conversation with staff.
2. Gather the information noted on our application checklist. You can view the application checklists at: <http://www.hingham-ma.gov/conservation>
3. Make sure your application is complete and on the most current form available from the Massachusetts Department of Environmental Protection. You can download current forms here: <http://www.mass.gov/eea/agencies/massdep/water/approvals/wetlands-and-waterways-forms.html#4>
4. Submit two copies of your completed, signed application to the Conservation Office at least two weeks before your desired hearing date. Earlier submissions are always welcome. Meeting dates and submission deadlines are available here: <http://www.hingham-ma.gov/conservation>
5. Send a complete copy of your application via certified return receipt mail to:  
MA Department of Environmental Protection South East Regional Office  
Wetland and Waterways  
20 Riverside Drive  
Lakeville, MA 02347
6. Send your State fee and transmittal form from the application form to:  
Commonwealth of Massachusetts  
Department of Environmental Protection  
Box 4062  
Boston, MA 02211
7. Staff will inform you within five (5) business days if there are any materials missing from your application.

## Paying Fees

1. Fees are calculated by categories based on the type of work that you propose. Separate fees are required by the MA Wetlands Protection Act and The Town of Hingham Wetlands Bylaw.
2. Fees are required when you submit your application and are payable by check or money order.
3. You will need to write three separate checks. Two checks will be submitted to the Town with your application. The third will be sent to the Department of Environmental Protection. The following checks are required:
  - a. A check made payable to the Town of Hingham for the Town's Wetland Bylaw Fee.
  - b. A check made payable to the Town of Hingham for the Town portion of the State Wetlands Protection Act Fees.
  - c. A check made payable to the MA Department of Environmental Protection for the State's portion of the State Wetlands Protection Act Fees. This check should be sent to the DEP. A copy of this check should be submitted with your application to the Town.

4. Information on calculating State fees is available at: <http://www.mass.gov/eea/agencies/massdep/water/approvals/wetlands-and-waterways-forms.html#4>  
Click on the specific application you are using.
5. Information on calculating the Town's Wetland Bylaw Fee is available at: <http://www.hingham-ma.gov/conservation>

### **Sending Abutter Notifications**

1. As the applicant, you are responsible for sending notice to abutters to your project.
2. Abutters are the property owners of record within 100 feet of the property where your project is located, excluding roads and water bodies. 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, excluding roads and water bodies.
3. You can request a list of abutter addresses from the Conservation Office when you file your application. Staff will issue a list within five business days.
4. The Conservation Office provides a form to use when sending abutter notifications. You can download the form here: <http://www.hingham-ma.gov/conservation>
5. You are required to send abutter notifications and provide proof of mailing using one of the following methods:
  - a. Hand delivery
  - b. Certified mail, return receipt requested
  - c. Certificate of mailing
6. Abutter notifications are required to be sent at least seven (7) business days before the public hearing. Legal holidays, Saturdays and Sundays do not count toward the seven business days.
7. An affidavit of abutter notification and proof of mailing shall be provided to the Conservation Commission prior to or at the public hearing.

### **Legal Notice**

1. Certain applications require that a legal notice be published in a local newspaper at least five (5) business days before the public hearing. The Conservation Office staff will publish this notice on your behalf in the Patriot Ledger. You will be required to pay the Patriot Ledger directly for the legal notice.

### **The Public Hearing**

1. If your project requires a public hearing, you or your representative are required to attend the Conservation Commission meeting.
2. The meeting agenda will be posted at Town Hall and on the Town Events Calendar at <http://www.hingham-ma.gov> two business days before the public hearing. The Commission does not assign individual times to each hearing.
3. You should be prepared to make a brief presentation to the Commission at the meeting and to answer questions about your project.
4. If you cannot attend the scheduled public hearing, you may request a continuance. You are required to follow the Commission's continuance request policy.
5. During the meeting, the Chairperson will ask for public comments. You may be asked to answer questions or address comments that are made during this time.
6. After all presentations have been made and members of the public have made their comments, the Commission will discuss the project and may issue an approval or a denial. If the

Commission requires additional information to be able to make a decision, you may request that the public hearing be continued to a future meeting.

### **Continuing the Public Hearing**

1. The Commission has adopted a policy to provide adequate public notice in the event that an applicant requests a continuance for an advertised hearing. If you need to request a continuance, please adhere to the following requirements:
  - a. In order to be published on the meeting agenda, requests for continuances shall be made in writing and be submitted by close of business (7:00PM) the Tuesday prior to the meeting. If a request for continuance is published on the agenda, the Commission may vote to continue the hearing without opening the hearing for public comment.
  - b. Requests for continuances that are submitted after the agenda is posted at Town Hall and on the Town website shall be made in writing and will be forwarded to the Conservation Commission for review. The Commission will decide at the scheduled meeting whether to grant the continuance. The Commission may receive public comment even if the applicant is not present at the meeting.
  - c. An applicant may make a verbal request for a continuance during the public meeting.
  - d. All requests for continuances shall include a reason for the request and the date of the regular Commission meeting to which the project will be continued.
  - e. No project may be continued more than three times without the submittal of updated project information for the Commission to review.
  - f. New information must be submitted to the Commission at least one (1) week before the next scheduled hearing. If the new information will be subject to a peer review, it must be submitted to the Commission at least two (2) weeks before the next scheduled hearing.

### **Project Approvals**

1. If the Commission votes to approve your project, you will receive a letter explaining next steps. Be sure to follow the instructions in the letter. If you filed a Notice of Intent, you are required to record the Order of Conditions at the Plymouth Registry of Deeds.

### **Project Denials**

1. If the Commission votes to deny your project, you may appeal the decision in accordance with the Wetlands Protection Act, the State Wetlands Regulations and the Town of Hingham Wetlands Bylaw and Regulations.

### **Completing Work**

1. If you receive an Order of Conditions, you are required to submit a Request for a Certificate of Compliance when the work is complete. You must submit this request to the Conservation Office at least thirty (30) days before the expiration date on your Order of Conditions. Staff will review the request and the Conservation Commission will vote to issue or deny the Certificate of Compliance at regular meeting. If you receive a Certificate of Compliance, you are required to record it at the Plymouth Registry of Deeds.
2. If you need more time to complete your project, you can submit an extension permit to the Conservation Office at least thirty (30) days before the expiration date on your Order of Conditions. Staff will review the request and the Conservation Commission will vote to issue or deny the Certificate of Compliance at regular meeting.

**Recording Documents**

1. You are required to record your Order of Conditions and subsequent Certificate of Compliance with the Plymouth Registry of Deeds.
2. You are required to submit proof of recording to the Conservation Office. Proof of recording will be accepted on the following forms:
  - a. Page 12 of 12 of your Order of Conditions, signed by staff from the Registry of Deeds.
  - b. Page 3 of 3 of your Certificate of Compliance, signed by staff from the Registry of Deeds.
3. Make a copy of your Order of Conditions or Certificate of Compliance before you go to the Registry of Deeds. The Registry will keep the original document copies for several weeks to record them.