



TOWN OF HAMILTON Conservation Commission

GUIDELINES AND INSTRUCTIONS FOR APPLICANTS IN THE TOWN OF HAMILTON

The Commission uses the Massachusetts Department of Environmental Protection (DEP) wetlands applications. Wetlands Protection Act forms, and instructions, can be found at the link below at "Permits and Forms". These are MS "Word" docs and you can fill them out on your computer if you wish.

<http://www.mass.gov/eea/agencies/massdep/water/watersheds/wetlands-protection.html>

REQUEST FOR DETERMINATION WPA FORM 1

WPA Form 1- Request for Determination (also referred to as an "RDA") can be used for smaller projects. A smaller project is one where (1) all the work is no closer than 75 feet from the edge of wetlands, or (2) no more than 400 square feet of ground surface is disturbed in an area that is between 50-100 feet away from wetlands.

(Please note the delineation of the wetland line is the applicant's responsibility. Call 978-468-5583 or email the Commission Coordinator jhankin@hamiltonma.gov for more information on wetlands delineations.)

A scaled sketch plan of the work area, with the setbacks to wetlands from the work area clearly and accurately shown, will be a required part of the RDA application.

There is no state fee for filing an RDA, but the Hamilton Conservation Commission will collect a local fee, pursuant to the Town Conservation Bylaw, of \$125.00 payable to "Town of Hamilton". The fee is due at time of filing. No action will be taken on any RDA without the filing fee.

There is no abutter notification requirement for an RDA; however Applicants must pay the cost of publication of a legal notice as required by the Wetlands Protection Act and Conservation Bylaw.

NOTICE OF INTENT WPA FORM 3

Applicants for all other projects must use the *WPA Form 3- Notice of Intent* (also known as an "NOI").

The NOI form is complex and the Commission encourages applicants to consult experts to assist them in the preparation of the required plans and application materials. A link to a list of consultants is here:

http://hamiltonma.virtualltownhall.net/Pages/HamiltonMA_conservation/consultslist.pdf

The list is provided as a convenience; applicants are free to retain the services of any competent wetlands consultant. Consultants who wish to be added to the list please contact the Commission Coordinator: jhankin@hamiltonma.gov .

NOI Filing Fees must be paid at time of filing. The method for determining state fees is shown in the NOI instructions. The appendix to the Commission's regulations lists the total local fee that must be added to add to the state fee. The regulations are here, [the Appendix is on the last two pages.](#)

http://hamiltonma.virtualltownhall.net/Pages/HamiltonMA_Conservation/wetlandsregulations.pdf.

NOI applicants are required to notify all abutters within 300 feet of the property where the work will take place. Obtain a certified list of abutters within 300 feet of the parcel where the work is proposed to take place from the Hamilton Board of Assessors.

The abutter notice must be by certified mail, return receipt requested, or by certificate of mailing. The form of the abutter notice is described in the NOI instructions.

NOI applicants must pay the cost of publication of a legal notice as required by the Wetlands Protection Act and Conservation Bylaw.

SCHEDULING OF MEETINGS, SITE WALKS, RECORDING PERMITS

Typically, the Commission acts on completed NOI's and RDA's within 2-6 weeks of filing.

A site walk by the full Commission is required for some applications. Those applications not needing a full Commission walk will be inspected by the Coordinator. Applicants will be notified by mail or email of site walk dates and times.

All permits are issued by the Coordinator as soon as possible, and within the statutorily required time period, which is 21 days from the date of the Commission vote to issue the permit. Some, but not all, of the Commission's permits must be recorded at the Registry of Deeds in Salem, MA <http://www.salemdeeds.com>. Failure to record a permit is a violation of the terms of the permit, and may result in sanctions under state and local law.

CERTIFICATES OF COMPLIANCE

A Certificate of Compliance is required for some projects. Certificates require a final inspection and vote by the Commission. Contact the Coordinator for more details on Certificates of Compliance jhankin@hamiltonma.gov.