



TOWN OF HAMILTON Conservation Commission

GUIDELINES AND INSTRUCTIONS FOR APPLICANTS IN THE TOWN OF HAMILTON

The Commission uses DEP's wetlands applications. Scroll down the page on this link <http://www.mass.gov/dep/water/approvals/wwforms.htm> to "Wetlands Protection Act Permits" for the specific forms that you will need for Commission review of your work. These are MS "Word" docs and you can fill them out on your computer if you wish.

REQUEST FOR DETERMINATION WPA FORM 1

The Commission will accept the *WPA Form 1- Request for Determination* for smaller projects. A smaller project is one where (1) all the work will occur no closer than 75 feet from the edge of wetlands, or (2) a project that disturbs no more than 400 square feet of ground surface in an area that is between 50-100' of 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.)

Instructions are provided on the DEP website page <http://www.mass.gov/dep/water/approvals/wwforms.htm> which will help you in completing the WPA Form 1. The Commission's local regulations, at page 6, provide more information on filing Form 1, which is also known as a Request for Determination of Applicability. The local regulations are linked on the Commission's website home page. A scaled sketch plan of the work area, with the setbacks to wetlands from the work area clearly shown on it, will be required. Please note there is no state fee for filing WPA Form 1, but the Hamilton Conservation Commission will collect a local fee of \$125.00 payable to "Town of Hamilton".

There is no abutter notification requirement for WPA Form 1. Applicants must pay, however, the cost of publication of a legal notice as required by the Wetlands Protection Act and Conservation By Law. The Coordinator prepares the legal notice and transmits it to a local newspaper once a completed Form 1 is received by the Commission office. The newspaper will then bill the applicant.

NOTICE OF INTENT WPA FORM 3

Applicants for all other projects must use the *WPA Form 3- Notice of Intent*. Scroll down <http://www.mass.gov/dep/water/approvals/wwforms.htm> until you see it.

WPA Form 3 is complex and the Commission encourages applicants to consult experts to assist them in the preparation of the required plans and application materials for Form 3. A link to a list of consultants is located on the Commission's home page. The list is provided as a convenience for residents and applicants. 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 .

Filing Fees must be paid at time of filing. Local fees are added to the state fees. The method for determining state fees is shown in the Form 3 instructions located on the DEP website <http://www.mass.gov/dep/water/approvals/wwforms.htm> . Refer to the appendix in the Commission regulations for the correct local fee to add to the state for your project.

Form 3 applicants are required to notify all abutters within 300' of the property where the work will take place. Obtain a certified list of properties within 300' from the Board of Assessors. The abutter notice must be by certified mail, return receipt, or by certificate of mailing. The form of the Notice itself is described in Form 3 instruction materials. <http://www.mass.gov/dep/water/approvals/wwforms.htm>

Form 3 applicants must pay the cost of publication of a legal notice as required by the Wetlands Protection Act and Conservation By Law. The Coordinator prepares the Notice and transmits it to a local newspaper. The newspaper will then bill the applicant.

SCHEDULING OF MEETINGS, SITE WALKS, RECORDING PERMITS CERTIFICATES OF COMPLIANCE

Typically, the Commission acts on properly filed applications within 2-6 weeks of submission to the Commission office. Details of times and dates of meetings are provided to applicants well in advance. Agendas for Commission meetings are posted on-line; see the link for agendas on the Commission's homepage.

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. Full Commission site walks are usually scheduled for the first (or second) Saturday morning of each month. Coordinator inspections take place during the Coordinator's work week in arrangement with applicants and consultants. 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 itself, and may result in sanctions under state and local law.

A Certificate of Compliance will be required for some projects upon completion. Certificates require a final inspection and vote by the Commission to issue the Certificate. Recording of the Certificate at the Registry of Deeds is also necessary once the document is issued to the applicant. Failure to record a Certificate of Compliance can result in substantial chain of title problems at the Registry of Deeds. Contact the Coordinator for more details on Certificates of Compliance jhankin@hamiltonma.gov.