

## Hull Conservation Commission Frequently Asked Questions

### THE CONSERVATION COMMISSION

**Q. What does the Conservation Commission do?**

A. Approximately 80% of the land in Hull falls under the prevue of the [Massachusetts Wetlands Protection Act](#). (MGL c. 131, s.40). The Conservation Commission reviews and issues wetland permits in compliance with this Act and protects and manages open space in Hull.

**Q. How many Conservation Commission members are there?**

A. The Commission consists of seven members appointed by the Board of Selectmen.

**Q. When does the Conservation Commission meet and where?**

A. The Hull Conservation Commission meets on the second and fourth Tuesdays at 7:30pm at Hull Town Hall on the second floor, unless otherwise posted. Official schedules are always posted on the Town web site and the bulletin board located outside of the Town Clerk's office.

**Q. Can anyone attend a Conservation Commission meeting?**

A. Yes, all Conservation Commission meetings are open to the public.

**Q. Are Conservation Commission meeting minutes available to the public?**

A. Yes, Conservation Commission meeting minutes are available to the public either on the website or through the Conservation Commission office, but copying fees may apply.

**Q. How do I find out about a public hearing that the Conservation Commission is holding?**

A. All public hearings are published in the *Hull Times* twelve (12) days prior to the hearing date & are posted on the bulletin board in the Hull Town Hall two (2) days prior to the hearing. Meeting agendas are also posted on the website (Public Meetings Calendar and on the Conservation Department webpage). If you are a legal abutter to a property that has filed a Notice of Intent (see below for more information), you will be mailed a copy of the public hearing notice by the applicant or the applicant's representative.

**Q. How do Conservation Commissioners learn about and keep current with new regulations?**

A. Hull Commission members have access to all pertinent laws and regulations and are also members of the [Massachusetts Association of Conservation Commissions](#) (MACC ) which provides environmental education and training at its Annual Environmental Conference and various workshops offered frequently across the state and via webinar.

**Q. Could I become a Conservation Commissioner?**

A. The Commission welcomes new members, and if you are interested in becoming one, please submit a letter of interest to the Town Clerk. As vacancies become available, you will be contacted by the Board of Selectmen.

**Q. What are those Department of Environmental Protection file number signs?**

A. Any site where work is being done under a wetland permit must display a sign bearing the words "MA-DEP File Number 35-XXXX" so passers-by can reference the file number when speaking with the Conservation Commission or MA-DEP.

### Conservation Commission Wetland Permits

#### THE PERMIT PROCESS

**Q. When are you required to obtain a wetlands permit?**

A. Navigating any permit process can be both confusing and intimidating. You may not be sure if you are in

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a resource area, have questions about the process, or just need help understanding what information the Commission will need to evaluate the project's likely effect on wetlands values.

The Conservation Department staff is always ready to guide you through the process. Your best first step is to contact the Department staff if you plan to:

- a) Build a structure, addition, accessory building, pool, patio, or fence
- b) Do grading, drainage work, or larger-scale landscaping.
- c) Pave a gravel driveway or install a new driveway.

Within 100 feet of any of the resource areas covered by the Wetlands Protection Act which includes

- a) all land in flood zones,
- b) all land on, or within 100 feet of coastal banks, beaches, dunes, salt marshes, and ponds
- c) land under the ocean and shellfish habitat
- d) land on, or within 200 feet of the riverfront.

If you are required to have your project considered by the Commission one of two types of applications are used in Massachusetts: a **Request for Determination of Applicability (RDA)** or a **Notice of Intent (NOI)**

### **Q. What is a Request for Determination of Applicability (RDA) ?**

A. In an RDA the applicant describes the proposed work to determine if the Wetlands Protection Act is applicable. This permit is useful for small projects in buffer areas which appear to have no wetland impact. There is no filing fee, but the applicant must pay for a public hearing notice published in the *Hull Times*, and the applicant or the representative must be present at the hearing. The Commission conducts a site-visit, holds a public hearing, and makes a determination. A negative means that the applicant may proceed with the work as proposed, subject to any conditions, but no further action under the Wetlands Protection Act is required. If the determination is positive, then a Notice of Intent is needed.

### **Q. What is a Notice of Intent (NOI) ?**

A. Depending on the complexity of the project, an applicant may want to consider hiring a representative to assist with filing the NOI and/or during the hearing process. A complete application includes all plans, the NOI form, NOI fee transmittal form, an abutters list obtained from the Assessor's Department, and the filing fee. The fee for a NOI depends on the project; please see the fee page located on the Conservation Department webpage for further information.

One (1) hard copy of the plans must be submitted to the Conservation Department and one (1) copy must be sent to the MassDEP Regional Office. The NOI fee transmittal form and state fee must be sent to DEP's main office. It is suggested that the applicant set up a time to review the filing with the Conservation Department prior to submitting your application to DEP in order to ensure that it is a complete filing. DEP will issue a file number and the Commission will conduct a site-visit, hold a public hearing, and make a determination. The Commission may issue its decision (an Order of Conditions), approving, conditioning, or denying the project at the close of the hearing.

### **Q. Do I need to hire an engineer if I want to submit a permit application?**

A. Not necessarily. For more complicated projects it is advisable to have a licensed engineer familiar with the Wetlands Protection Act's regulations and guidelines provide the plans for the project's local and state review process. The engineer may also provide assistance, or represent the applicant, at the public hearing.

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**Q. What is the deadline for Conservation Commission permit application submissions?**

A. Applications for new projects are required to be submitted a minimum of 12 days in advance of the next Conservation Commission meeting.

**Q. Do I need to notify abutters to my land when I apply for a permit?**

A. When submitting a Notice of Intent or amending an Order of Conditions, a certified list of all abutters within 100 feet of the property line must be obtained from the Assessor's Department. A public hearing notice will be provided by the Conservation Department to the applicant. The applicant is then responsible for mailing the notice to those on the abutters list. The letter needs to be sent via certified mail return receipt requested, or certificate of mailing. If filing a Request for Determination of Applicability no notice to abutters is necessary.

**Q. Will there be a legal ad put in the paper advertising all public hearings?**

A. Yes. All Notices of Intent, Requests for Determination of Applicability and Requests to Amend Orders of Conditions must be advertised in the local paper at the expense of the applicant. This notice will state what work is proposed, where a copy of the plans may be examined, and the time, date and location of your hearing. The Conservation Department will place the ad and the applicant will be billed by the *Hull Times*.

**Q. How does a public hearing work?**

A. The Applicant and/or their engineer present the project to the Conservation Commission at the scheduled public hearing. The Commission asks questions that they may have then the hearing is open for comments from the abutters and the public. If there are questions or issues still remaining to be resolved the public hearing will likely be continued.

**Q. How long does it take to get a Conservation/wetlands permit?**

A. The clock starts ticking the moment a complete application is received by the Conservation Department. The Commission then has 21 days to review the application and hold a public hearing. The Commission may decide that it needs additional information in order to make an informed decision. If this is the case, the hearing may be continued. After the hearing is closed, the Commission has 21 days to issue a permit. In general, the Conservation Department tries to issue permits soon after the hearing, however, a permit cannot be issued until MA-DEP has reviewed the file and issued a MA-DEP state filing number.

**Q. My project was approved at the Conservation Commission's public hearing. When can I start work?**

If an RDA was filed the applicant must wait until the Determination of Applicability is received through and the ten (10) business day appeal period (from the date of issuance) has lapsed.

If an NOI was filed **five (5) things must happen before work can commence**

1. A ten (10) business day appeal period (from the date of issuance of the Order of Conditions) must have lapsed without an appeal.
2. The Order of Conditions must be recorded with the Plymouth County Registry of Deeds and proof of recording forwarded to the Hull Conservation Commission.
3. A sign displaying your MA-DEP file number must be placed at the entryway of the project.
4. Contact the Conservation Department prior to the start of work. The Conservation Administrator will set up an on-site site visit with the head contractor to inspect erosion controls and to discuss other matters of construction.
5. It is vital that all contractors working on the project have reviewed and understand the Order of

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Conditions. Keep a copy of the approved plans and Order of Conditions on the project site for ready access and review by all contractors. If it is discovered that you and/or your contractors are violating the Order of Conditions, the Conservation Department may issue a cease and desist.

**Q. If the Commission approves and issues an Order of Conditions, how long is it good for?**

A. A permit is good for three (3) years from the date of issuance. Any open permit may be renewed for an additional one-year period. An extension must be requested *at least* one month prior to when the Order of Conditions expires.

**Q. I received an Order of Conditions for the Commission, but wish to do more work or make changes than what I received a permit for. What do I do?**

A. The Conservation Commission understands that plans can change, however, please contact the Conservation Department and discuss the change/s. Depending on the amount and/or nature of the additional work, it may be required that the Order of Conditions be amended. The Conservation Department will help with the process.

**Q. How do I amend my permit (Order of Conditions)?**

A. Any change/s to the project should be submitted in writing along with plans that document the additional work to the Conservation Department. The project will appear on the agenda. At the expense of the applicant an ad will be placed in the *Hull Times*, and abutters must be notified of the project change/s via certified or certificate of mailing. The Commission will visit the site, hold a public hearing, and will vote to approve or deny the request to amend the Order of Conditions.

**Q. I finished work on my project. What do I have to do now?**

A. In order to close out a permit, a Certificate of Compliance must be requested. It is a simple two page form that should be submitted to the Conservation Department. If there was *any* deviation from the Plan of Record (the plan/s that was approved by the Commission when they issued your Order of Conditions), an as-built plan must be included. The Commission conducts a site-visit, and discusses any issues at the next public meeting. If there are issues with the request, the applicant will be notified and then may need to come before the Commission; if there are none, the applicant need not be present and the Commission will vote to approve the request.

**Q. Does the Conservation Commission office need to sign off on my Building Permit?**

A. Yes, the Conservation office signs off on all building applications.

**Q. My neighbor's house is within 50 feet of a resource area. Why did the town permit it?**

A. Many Hull structures pre-date the passage of the Wetlands Protection Act (1972). These structures may not comply with today's rules but are "grandfathered". However, any prospective additions or landscaping activities undertaken on grandfathered structures are subject to current law and by-laws and must be approved in advance. Maintenance work may be done on pre-existing structures, but it is recommended to check with the Conservation Department prior to starting work.

**If you were unable to find an answer to a question you have please contact the Conservation Department at (781) 925-8102 and staff members would be more than happy to assist you.**