

8/13/26

Notice of Intent

55 Whiton Avenue, Hingham, MA 02043

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WPA Form 3A



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 3 - Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
MassDEP File #:
eDEP Transaction #:2040579
City/Town:HINGHAM

A.General Information

1. Project Location:

a. Street Address	55 WHITON AVENUE	c. Zip Code	02043
b. City/Town	HINGHAM	e. Longitude	70.90070W
d. Latitude	42.26122N	g.Parcel/Lot #	6A
f. Map/Plat #	17		

2. Applicant:

☒ Individual ☐ Organization

a. First Name	CHRISTOPHER	b.Last Name	MCDOWELL
c. Organization			
d. Mailing Address	60 LINCOLN STREET		
e. City/Town	HINGHAM	f. State	MA
g. Zip Code	02043	j. Email	chris@skyboxdevelopment.co
h. Phone Number	781-733-3429	i. Fax	

3.Property Owner:

☐ more than one owner

a. First Name		b. Last Name	
c. Organization	55 WHITON AVENUE LLC		
d. Mailing Address	55 WHITON AVENUE		
e. City/Town	HINGHAM	f.State	MA
g. Zip Code	02043	j.Email	chris@skyboxdevelopment.co
h. Phone Number	781-733-3429	i. Fax	

4.Representative:

a. First Name	XANDER	b. Last Name	ORAM
c. Organization	MERRILL ENGINEERS AND LAND SURVEYORS		
d. Mailing Address	427 COLUMBIA ROAD		
e. City/Town	HANOVER	f. State	MA
g. Zip Code	02339	j.Email	xoram@merrillinc.com
h.Phone Number	781-826-9200	i.Fax	

5.Total WPA Fee Paid (Automatically inserted from NOI Wetland Fee Transmittal Form):

a.Total Fee Paid	610.00	b.State Fee Paid	292.50	c.City/Town Fee Paid	317.50
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6.General Project Description:

NEW SINGLE FAMILY HOME AND ASSOCIATED STRUCTURES. REMOVAL AND REPLACE INVASIVE SPECIES WITH NATIVE SPECIES IN COASTAL BANK, LAND SUBJECT TO COASTAL STORM FLOWAGE, AND BUFFER ZONES TO SALT MARSH.

7a.Project Type:

- | | |
|---|--|
| 1. ☒ Single Family Home | 2. ☐ Residential Subdivision |
| 3. ☐ Limited Project Driveway Crossing | 4. ☐ Commercial/Industrial |
| 5. ☐ Dock/Pier | 6. ☐ Utilities |
| 7. ☐ Coastal Engineering Structure | 8. ☐ Agriculture (eg., cranberries, forestry) |
| 9. ☐ Transportation | 10. ☐ Other |



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7b. Is any portion of the proposed activity eligible to be treated as a limited project subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. ☐ Yes ☒ No

If yes, describe which limited project applies to this project:

2. Limited Project

8. Property recorded at the Registry of Deeds for:

a. County:

PLYMOUTH

b. Certificate:

c. Book:

60144

d. Page:

37

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

1. Buffer Zone & Resource Area Impacts (temporary & permanent):

☐ This is a Buffer Zone only project - Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.

2. Inland Resource Areas: (See 310 CMR 10.54 - 10.58, if not applicable, go to Section B.3. Coastal Resource Areas)

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
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a. ☐ Bank

1. linear feet

2. linear feet

b. ☐ Bordering Vegetated Wetland

1. square feet

2. square feet

c. ☐ Land under Waterbodies and Waterways

1. Square feet

2. square feet

3. cubic yards dredged

d. ☐ Bordering Land Subject to Flooding

1. square feet

2. square feet

3. cubic feet of flood storage lost

4. cubic feet replaced

e. ☐ Isolated Land Subject to Flooding

1. square feet

2. cubic feet of flood storage lost

3. cubic feet replaced

f. ☐ Riverfront Area

1. Name of Waterway (if any)

2. Width of Riverfront Area (check one)

☐ 25 ft. - Designated Densely Developed Areas only

☐ 100 ft. - New agricultural projects only

☐ 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project

square feet

4. Proposed Alteration of the Riverfront Area:

a. total square feet

b. square feet within 100 ft.

c. square feet between 100 ft.
and 200 ft.

**Massachusetts Department of Environmental
Protection**

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5. Has an alternatives analysis been done and is it attached to this NOI?

☐ Yes ☐ No

6. Was the lot where the activity is proposed created prior to August 1, 1996?

☐ Yes ☐ No

3.Coastal Resource Areas: (See 310 CMR 10.25 - 10.35)

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. ☐ Designated Port Areas	Indicate size under	Land under the ocean below,
b. ☐ Land Under the Ocean	1. square feet	
	2. cubic yards dredged	
c. ☐ Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes, below	
d. ☐ Coastal Beaches	1. square feet	2. cubic yards beach nourishment
e. ☐ Coastal Dunes	1. square feet	2. cubic yards dune nourishment
f. ☒ Coastal Banks	150	
	1. linear feet	
g. ☐ Rocky Intertidal Shores	1. square feet	
h. ☐ Salt Marshes	1. square feet	2. sq ft restoration, rehab, crea.
i. ☐ Land Under Salt Ponds	1. square feet	
	2. cubic yards dredged	
j. ☐ Land Containing Shellfish	1. square feet	
k. ☐ Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	1. cubic yards dredged	
l. ☒ Land Subject to Coastal Storm Flowage	3500	
	1. square feet	

4. Restoration/Enhancement

☐ Restoration/Replacement

If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please entered the additional amount here.

a. square feet of BVW

b. square feet of Salt Marsh

5. Projects Involves Stream Crossings

☐ Project Involves Streams Crossings



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If the project involves Stream Crossings, please enter the number of new stream crossings/number of replacement stream crossings.

a. number of new stream crossings

b. number of replacement stream crossings

C. Other Applicable Standards and Requirements

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage of Endangered Species program (NHESP)?

a. ☐ Yes ☒ No

If yes, include proof of mailing or hand delivery of NOI to:

Natural Heritage and Endangered Species

Program

Division of Fisheries and Wildlife

1 Rabbit Hill Road

Westborough, MA 01581

b. Date of map:FROM MAP VIEWER

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18)....

c. Submit Supplemental Information for Endangered Species Review * (Check boxes as they apply)

1. ☐ Percentage/acreage of property to be altered:

(a) within Wetland Resource Area

percentage/acreage

(b) outside Resource Area

percentage/acreage

2. ☐ Assessor's Map or right-of-way plan of site

3. ☐ Project plans for entire project site, including wetland resource areas and areas outside of wetland jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **

a. ☐ Project description (including description of impacts outside of wetland resource area & buffer zone)

b. ☐ Photographs representative of the site

c. ☐ MESA filing fee (fee information available at: <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/mass-endangered-species-act-mesa/mesa-fee-schedule.html>)

Make check payable to "Natural Heritage & Endangered Species Fund" and **mail to NHESP** at above address

*Projects altering **10 or more acres** of land, also submit:*

d. ☐ Vegetation cover type map of site

e. ☐ Project plans showing Priority & Estimated Habitat boundaries

d. OR Check One of the following

1. ☐ Project is exempt from MESA review. Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, <http://www.mass.gov/eea/agencies/dfg/dfw/laws-regulations/cmr/321-cmr-1000-massachusetts-endangered-species-act.html#10.14>; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2. ☐ Separate MESA review ongoing.

a. NHESP Tracking Number

b. Date submitted to NHESP



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Provided by MassDEP:
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3. ☐ Separate MESA review completed.

Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review...

2. For coastal projects only, is any portion of the proposed project located below the mean high waterline or in a fish run?

a. ☐ Not applicable - project is in inland resource area only

b. ☐ Yes ☒ No

If yes, include proof of mailing or hand delivery of NOI to either:

South Shore - Cohasset to Rhode Island, and the Cape & Islands:

North Shore - Hull to New Hampshire:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
836 S. Rodney French Blvd
New Bedford, MA 02744

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930

If yes, it may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office.

For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional office.

3. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?

a. ☐ Yes ☒ No

If yes, provide name of ACEC (see instructions to WPA Form 3 or DEP Website for ACEC locations). **Note:** electronic filers click on Website.

b. ACEC Name

4. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?

a. ☐ Yes ☒ No

5. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L.c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L.c. 130, § 105)?

a. ☐ Yes ☒ No

6. Is this project subject to provisions of the MassDEP Stormwater Management Standards?

a. ☐ Yes, Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:

1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook

☐ Vol.2, Chapter 3)

2. ☐ A portion of the site constitutes redevelopment

3. ☐ Proprietary BMPs are included in the Stormwater Management System

b. ☒ No, Explain why the project is exempt:

1. ☒ Single Family Home

2. ☐ Emergency Road Repair



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3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department by regular mail delivery.

1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.
3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s). Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.
4. List the titles and dates for all plans and other materials submitted with this NOI.

a. Plan Title:	b. Plan Prepared By:	c. Plan Signed/Stamped By:	c. Revised Final Date:	e. Scale:
55 WHITON AVENUE - SITE PLAN	MERRILL ENGINEERS AND LAND SURVEYORS PATRICIA VAN BUSKIRK	BRENDAN SULLIVAN	8/13/26	20 SCALE
55 WHITON AVENUE - LANDSCAPE PLAN	LANDSCAPE ARCHITECTURE	PATRICIA VAN BUSKIRK	8/12/26	10 SCALE

5. If there is more than one property owner, please attach a list of these property owners not listed on this form.
6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
8. Attach NOI Wetland Fee Transmittal Form.
9. Attach Stormwater Report, if needed.



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E. Fees

1. Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

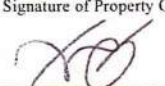
Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

11883	8/12/26
2. Municipal Check Number	3. Check date
Online Payment	
4. State Check Number	5. Check date
6. Payer name on check: First Name	7. Payer name on check: Last Name

F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

	8/10/26
1. Signature of Applicant	2. Date
55 Whiton Avenue LLC	8/10/26
3. Signature of Property Owner (if different)	4. Date
	8/12/26
5. Signature of Representative (if any)	6. Date

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a copy of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

If the applicant has checked the "yes" box in Section C, Items 1-3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



Project Narrative

Project Narrative

Notice of Intent – Proposed Single Family Home
55 Whiton Avenue
Hingham, MA 02043

Introduction

The project proponent, Sky Box Development, is requesting permission from the Hingham Conservation Commission to raze the existing single-family dwelling and construct a new single-family dwelling, garage, associated paved driveway, patio, walkways, retaining walls, and stormwater management improvements at 55 Whiton Avenue. The project also includes a Vegetation Management Plan to remove invasive and non-native vegetation and restore approximately 4,600 SF of area consisting of Coastal Bank, Land Subject to Coastal Storm Flowage, and Buffer Zone areas with native vegetation. The site contains Coastal Bank, Salt Marsh, Land Subject to Coastal Storm Flowage, Land Containing Shellfish, and Rocky Intertidal Shore. However, no work is proposed within Land Containing Shellfish or Rocky Intertidal Shore for this project. The previously approved dock is being addressed separately and is not included as part of the work proposed under this Notice of Intent. The property and surrounding resource areas are depicted on the accompanying Site Plan.

Existing Conditions

The subject property is located at 55 Whiton Avenue, Hingham, MA. The total lot area is approximately 0.59 acres or 25,700 SF according to the Hingham Assessor's Department, although the property technically extends to Mean Low Water. The lot abuts Hingham Bay to the north, Paige Street to the south, Whiton Avenue to the west, and an abutting property to the east. The lot is developed with a single-family dwelling, a paved driveway, hardscaping and landscaping. The topography of the lot slopes from south to north towards Hingham Bay.

A majority of the site is located within 100 feet of the Coastal Bank and Salt Marsh resource areas. A smaller portion of the site is located within Land Subject to Coastal Storm Flowage (F.I.R.M Zone VE) based on FEMA Flood Map, community panel No. 25023C0019J dated July 17, 2012, and is also within a Special Flood Hazard Area (by graphic plotting only).

The existing site contains a substantial amount of previously altered areas associated with the existing residential development. The existing Coastal Bank Buffer Zones include the existing dwelling, paved driveway, walkways, and other developed surfaces. The existing Salt Marsh Buffer Zone similarly contains portions of the existing dwelling, paved driveway, and walkways. The proposed project has been designed to maintain the existing residential use of the property while pulling development farther away from the resource areas as well as incorporating stormwater management and resource-area restoration measures.

Proposed Conditions

The owner proposes to raze the existing single-family dwelling and construct a new single-family dwelling with an attached garage, driveway, deck, patio, walkways, retaining walls, and associated site improvements. The proposed redevelopment has been designed to maintain the established residential use of the property while

minimizing impacts to the Coastal Bank, Salt Marsh, Land Subject to Coastal Storm Flowage, and associated Buffer Zones.

The proposed project has been designed to increase the separation between the principal structure and the Coastal Bank. The existing dwelling foundation is located approximately 7.7 feet from the Coastal Bank at its closest point, while the proposed dwelling foundation will be located approximately 26 feet from the Coastal Bank at its closest point. This represents an increase of approximately 18.3 feet in the separation between the dwelling foundation and the Coastal Bank. The closest point of proposed impervious area (impervious patio) will be approximately 19.4 feet from the Coastal Bank. Although the proposed redevelopment remains within portions of the 50-Foot Buffer Zones due to the constrained nature of the property, the principal structure is being moved substantially farther landward from the Coastal Bank. In addition, all paved driveway access has been moved outside of the 50 foot buffer and into the 50-100 foot buffer exclusively.

The proposed impervious coverage has also been designed to minimize impacts within the Buffer Zones to the Coastal Bank and Salt Marsh. As shown on the Impervious Coverage Summary, within the 0–50 foot Buffer Zone to the Coastal Bank, existing impervious coverage totals approximately 2,180 SF, while proposed impervious coverage totals approximately 2,170 SF, representing a net reduction of approximately 10 SF. Existing building coverage within this area totals approximately 1,683 SF and will decrease to approximately 1,674 SF, a reduction of approximately 9 SF. Existing paved driveway coverage totals approximately 437 SF and will be completely removed from the 50-Foot Buffer Zone. Existing walkway coverage totals approximately 60 SF and will decrease to approximately 16 SF. The proposed project does introduce approximately 480 SF of patio coverage within this area; however, the removal and reduction of existing building, driveway, and walkway coverage result in an overall reduction of approximately 10 SF of impervious coverage within the 0–50-foot Coastal Bank Buffer Zone.

Within the 50–100-foot Buffer Zone to the Coastal Bank, impervious coverage will be increased by approximately 2,231 SF. This increase is primarily associated with the proposed building and driveway. Building coverage increases from approximately 1,270 SF to approximately 1,882 SF, an increase of approximately 612 SF. Paved driveway coverage increases from 0 SF to approximately 1,351 SF. Walkway coverage increase from approximately 236 SF to approximately 298 SF, an increase of approximately 62 SF. Approximately 206 SF of retaining wall coverage is also proposed within this portion of the Buffer Zone.

When the entire 0–100 foot Coastal Bank Buffer Zone is considered, existing impervious coverage totals approximately 3,686 SF, compared to approximately 5,832 SF proposed, representing a net increase of approximately 2,231 SF. Importantly, the majority of this increase occurs within the more landward 50–100 foot portion of the Buffer Zone, while impervious coverage within the 0–50 foot portion is actually reduced by approximately 10 SF.

Within the 0–50 foot Buffer Zone to the Salt Marsh, the existing dwelling clips this zone slightly, resulting in an existing impervious coverage total of approximately 1 SF.

No impervious coverage is proposed within 50 feet of the Salt Marsh, resulting in a net reduction of approximately 1 SF.

Within the 50–100 foot Buffer Zone to the Salt Marsh, existing impervious coverage totals approximately 2,883 SF, compared to approximately 2,818 SF proposed, resulting in a net reduction of approximately 65 SF. Building coverage decreases from approximately 2,410 SF to approximately 2,338 SF, a reduction of approximately 72 SF. Existing paved driveway coverage of approximately 413 SF is completely eliminated from this portion of the Buffer Zone. Existing walkway coverage of approximately 60 SF is also eliminated. The proposed project does introduce approximately 480 SF of patio coverage within this area. These changes result in an overall reduction of approximately 65 SF of impervious coverage within the 50–100 foot Buffer Zone to the Salt Marsh.

When the entire 0–100 foot Salt Marsh Buffer Zone is considered, existing impervious coverage totals approximately 2,884 SF, compared to approximately 2,818 SF proposed, resulting in a net reduction of approximately 66 SF.

Two trees are proposed for removal within 50 feet of the Coastal Bank and Six trees are proposed for removal within the 50-100 feet of the Coastal Bank. These removed trees will be mitigated, as shown on the Landscape Plan included in this application.

No impervious area or yard grading is proposed within Land Subject to Coastal Storm Flowage. Work within Land Subject to Coastal Storm Flowage and the Coastal Bank itself is limited to the Vegetation Management Plan accompanying this project proposal, as described below.

In addition to minimizing impervious coverage within the 50-foot Buffer Zones, the project includes a substantial Vegetation Management Plan encompassing approximately 4,600 SF. Existing invasive vegetation will be removed and replaced with native plant species. Approximately 1,425 SF of the restoration area is located within the Buffer Zones to the Coastal Bank and Salt Marsh, with the remaining approximately 3,175 SF located directly within the Coastal Bank itself. The restoration area is shown on the Site Plan, and more details can be found in the Vegetation Management Plan Document by ECR included within this Notice of Intent Application. The proposed Vegetation Management Plan will provide a substantial improvement to the existing condition of the site by removing invasive vegetation and establishing native species immediately adjacent to and within the Coastal Bank.

Stormwater management is incorporated into the proposed design which will reduce peak flows and volumes running off the site compared to existing conditions. Two subsurface infiltration systems are proposed. Subsurface Infiltration System #1 is designed to treat and infiltrate runoff from the paved driveway and the gray-shaded portion of the proposed dwelling. Subsurface Infiltration System #2 is designed to treat and infiltrate runoff from a proposed yard drain and the gray-shaded portion of the proposed dwelling.

In conclusion, the proposed redevelopment has been designed to move the principal structure substantially farther from the Coastal Bank, eliminate impervious coverage

within the 0–50 foot Salt Marsh Buffer Zone, reduce impervious coverage within the 0–50 foot Coastal Bank Buffer Zone, reduce overall impervious coverage within the 0–100 foot Salt Marsh Buffer Zone, avoid all new impervious coverage within the Land Subject to Coastal Storm Flowage, provide substantial native vegetation restoration / mitigation, and incorporate stormwater infiltration and erosion control measures. These measures have been incorporated to avoid, minimize, and mitigate potential impacts to the Resource Areas while allowing for the redevelopment of the existing residential property.

Compliance with Regulations for Work Within Land Subject to Coastal Storm Flowage, Section 19.1(d), Hingham Wetland Regulations

1. *A proposed project shall not cause any adverse effect or cumulative adverse effect on the wetland values of LSCSF.*

Proposed work within Land Subject to Coastal Storm Flowage is limited to Vegetation Management, which will improve the area substantially. No adverse effects are anticipated from this proposed work.

2. *When LSCSF is significant to protection of wildlife habitat, a proposed activity shall not impair the capacity of LSCSF to provide important wildlife habitat functions.*

The vegetation management, as proposed, will benefit the capacity of LSCSF to provide important wildlife habitat functions.

3. *When LSCSF is significant to pollution prevention, a proposed activity shall not cause ground, surface, or salt water pollution triggered by coastal storm flowage or flooding. For those areas within 100 feet of another Resource Area, activities shall minimize adverse effects to maintain the capability to remove suspended solids and other contaminants from runoff before it enters the resource area*

Vegetation Management will not result in pollution and will benefit the resource area as well as buffer zones to other nearby resource areas (Salt Marsh).

4. *For activities proposed in VE-zones and AE-zones, at a minimum, the historic rate of relative sea level rise in Massachusetts of 1 foot per 100 years shall be incorporated into the project design and construction. The Commission may also take credible evidence of projected sea level rise, such as the Intergovernmental Panel on Climate Change into consideration.*

The proposed vegetation management will not be impacted by sea level rise.

5. *The following activities proposed within VE-zones and/or AE-zones are likely to have an adverse effect on the protected values and are therefore prohibited:*
 1. *New construction or placement of new structures, including buildings, sheds, garages, and retaining walls...*

None of these activities are proposed within LSCSF as part of this project.

-
6. *Notwithstanding the above, the Commission may permit the following activities in VE- and AE-zones provided that the applicant demonstrates to the satisfaction of the Commission that best available measures are utilized to avoid or minimize adverse effects on all wetland values of all Resource Areas...*

Not Applicable.

7. *Notwithstanding the above provisions, no project may be permitted which will have any adverse effect on specific habitat of rare vertebrate or invertebrate and rare plant species, as identified by procedures established under 310 CMR 10.59.*

No rare vertebrate, invertebrate or rare plant species have been identified on the site.

8. *Refer to HWR 23.0 et seq. for additional project-specific performance standards.*

Not Applicable.

9. *The Commission may impose such additional requirements as are necessary to protect the wetland values protected under the Bylaw.*

The project is presented to the Commission for their review.

Compliance with Performance Standards for Work in the Buffer Zone, Section 22.0(d), Hingham Wetland Regulations

1. *The intent of the Conservation Commission is to move all structures and activities as far away as possible from any Resource Area, in order to protect the wetland values of Resource Areas.*

The proposed project has been designed to move the principal structure farther away from the Coastal Bank. The existing dwelling foundation is located approximately 7.7 feet from the Coastal Bank at its closest point, whereas the proposed dwelling foundation will be approximately 26 feet from the Coastal Bank at its closest point. This represents an approximately 18.3-foot increase in separation between the dwelling foundation and the Coastal Bank.

The closest point of proposed impervious area, including the proposed deck, will be approximately 19.4 feet from the Coastal Bank. Therefore, although the proposed redevelopment remains within the Buffer Zone due to the constrained nature of the existing residential lot, the proposed building itself is being moved substantially landward from the Coastal Bank.

The proposed project also reduces impervious coverage within the 0–50 foot Coastal Bank Buffer Zone from approximately 2,180 SF to approximately 2,170 SF. The increase in impervious coverage is primarily within the more landward 50–100 foot portion of the Buffer Zone. The project therefore represents an effort to concentrate development away from the Coastal Bank and Salt Marsh while minimizing the amount of development immediately adjacent to the Resource Area.

-
2. *Except as otherwise specified, Resource Area buffers shall be retained and maintained in a naturally vegetated condition. Where buffer disturbance has occurred during construction, revegetation with native vegetation may be required.*

The proposed project includes a comprehensive Vegetation Management Plan that exceeds simple post-construction revegetation. Approximately 4,600 SF of existing invasive vegetation will be removed and replaced with native species. Approximately 1,425 SF of this work occurs within the Buffer Zones to the Coastal Bank and Salt Marsh, while the remainder occurs within the Coastal Bank itself and Land Subject to Coastal Storm Flowage. See the attached Vegetation Management Plan by ECR for more information.

The Hingham Buffer Zone Mitigation Policy specifically recognizes removal of invasive plants and replacement with native vegetation as appropriate mitigation and restoration measures. It also states that mitigation locations closest to the Resource Area should be prioritized where feasible. Therefore, we believe that this Vegetation Management Plan will be adequate mitigation for the proposed work.

3. *The Commission may require that already-altered buffer zone be restored in order to protect or improve Resource Area values. Restoration means planting native vegetation, grading, correcting site drainage, removing debris, or other measures which will improve, restore and protect the wetland values of the Resource Area.*

Portions of the buffer zones containing invasive species will be restored as well as the entire Coastal Bank area itself.

4. *Notwithstanding the above provisions, no project may be permitted which will have any adverse effect on specified habitat of rare vertebrate or invertebrate and rare plant species, as identified by procedures established under 310 CMR 10.37 for Coastal Resource Areas or 310 CMR 10.59 for Inland Resource Areas.*

No ACECs and no NHESP Estimated & Priority Habitats are identified onsite, according to MassMapper and the Wetland Delineation Report.

5. *The Commission may impose such additional requirements as are necessary to protect the wetland values protected under the Bylaw.*

The project is presented to the Commission for their review.

Compliance With Performance Standards for Work in a Coastal Bank (§18.1(d)(2) Hingham Wetland Regulations)

- a. *Proposed work shall not cause any adverse effect or cumulative adverse effect on the wetland values of the Coastal Bank.*

The proposed project has been designed to minimize impacts to the Coastal Bank while substantially improving the existing condition of the bank through the proposed Vegetation Management Plan as noted above.

- b. *All projects shall be restricted to activities as determined by the Commission to have no adverse effect on bank height, stability, bank vegetation and wildlife habitat.*

The Vegetation Management will have no adverse effect on these aspects of the Coastal Bank.

- c. *The Commission may allow projects to approach the top of such a Vertical Buffer Coastal Bank, which meet all other performance standards for the Coastal Bank, or condition such projects so that they meet all performance standards.*

We believe this project will fall in line with other previously approved structures along the same bank.

- d. *Notwithstanding the above, elevated walkways designed not to affect bank vegetation and bank stability may be permitted to allow for pedestrian passage over a bank, provided that the stability of the bank and wildlife habitat are not adversely affected. Public access must not be limited or impaired in any way.*

Not applicable.

- e. *Refer to HWR 23.0 et seq. for additional project-specific performance standards.*

Not applicable.

- f. *The Commission may impose such additional requirements as are necessary to protect the wetland values protected under the Bylaw.*

This project is presented to the Commission for their review.



Environmental Consulting & Restoration, LLC



WETLAND DELINEATION MEMO

TO: Merrill Engineers & Land Surveyors, Inc.
FROM: Cameron Larson, Wetland Scientist
DATE: September 25, 2025
RE: 55 Whiton Avenue, Hingham

Per your request, Environmental Consulting & Restoration, LLC (ECR) performed a review of the existing conditions at the property located at 55 Whiton Avenue in Hingham (the site) on September 11, 2025. The purpose of the review was to identify wetland resource areas on and near the site. The site is located to the east of Whiton Avenue and north of Paige Street, along the southern shore of Hingham Harbor. The site consists of a single-family home with a paved driveway, maintained lawn, landscaped areas, a stone revetment along the shoreline and an existing stairway to access the beach. Wetland resource areas are located within the northern portion of the site, associated with Hingham Harbo.

ECR confirmed the presence of a Salt Marsh located along the toe of the existing revetment. The marsh is dominated by *Spartina alterniflora* and appears to be underwater during typical high tides. The marsh is somewhat fragmented along the section of shoreline abutting the site. ECR did not place any flags in the field to mark the limit of the Salt Marsh, because the flags would have been underwater during high tide. The extent of the marsh is defined by the limit of the *Spartina spp.*, which is very well defined in the field. The limit of the *Spartina spp.* should be located by survey to show the extent of the marsh and the limit of its associated buffer zone.

Also note, the site contains Land Subject to Coastal Storm Flowage and a Coastal Bank. Both the limit of the flood zone and the top of the Coastal Bank should be determined by elevation survey. The presence or absence of a Coastal Bank should be determined in accordance with DEP Policy 92-1 by examining the extent of the flood zone and the slope of the landform. The bottom of the Bank follows the toe of the stone revetment. From the toe of the revetment to mean low water, there exists a rocky intertidal shore.

As a result of ECR's wetland delineation at the site, ECR confirms the site contains the following wetland resource areas and areas of Conservation Commission jurisdiction:

- Salt Marsh
- Coastal Bank
- Rocky Intertidal Shore
- 100-foot Buffer Zone
- Land Subject to Coastal Storm Flowage (FEMA flood zone VE)

Also, a review of the MassMapper database reveals the following:

1. The site is not located within Estimated/Priority Habitat for Rare Species according to the Massachusetts Natural Heritage & Endangered Species Program (MaNHESP).
2. The site does not contain Certified Vernal Pools according to the MaNHESP.
3. The site does not contain a USGS mapped stream.
4. The site is not located within an Area of Critical Environmental Concern.

Upon review of this wetland delineation memo, please contact me at (508) 648-3957 or cameron@ecrwetlands.com with any questions or requests for additional information.

November 26, 2025

Vegetation Management Plan

55 Whitton Avenue, Hingham

Prepared By:
ENVIRONMENTAL CONSULTING & RESTORATION, LLC
PO BOX 4012
PLYMOUTH, MA 02361



Introduction

Environmental Consulting & Restoration, LLC (ECR) is pleased to provide this Vegetation Management Plan to accompany the Notice of Intent application prepared by Merrill Engineers & Land Surveyors, Inc. for the proposed project located at 55 Whitton Avenue in Hingham (the site). The goal of the Vegetation Management Plan is to restore and enhance the Coastal Bank at the site with a native plant community to improve stability and wildlife habitat. The plan has been designed to remove non-native invasive plant species, install new native plantings, and manage the area to improve the overall capacity of the resource areas that protect the interest of the MA Wetland Protection Act (MA WPA) and the Town of Hingham Wetland Bylaw (the Town Bylaw).

Vegetation Management Activities

Vegetation management is proposed on the Coastal Bank and buffer zone at the site. The site is located along the shores of Hingham Harbor, just west of Crow Point. The Coastal Bank is located to the rear of the existing home along the northern property limit. The bottom half of the bank is armored by a stone revetment that extends approximately halfway up the bank. The upper half of the bank is vegetated – dominated by non-native invasive plant species. Most abundant are the dense thickets of Porcelain Berry (*Amur peppervine*) that is smothering almost all of the other vegetation. Currently, there is an old, partially dilapidated stairway that provides access from the rear yard to the harbor. Management activities are focused on the Coastal Bank and buffer zone to include the hand removal and selective herbicide treatment of non-native invasive plant species. Following removal, areas will be restored with native species and followed-up with monitoring/maintenance of the site.

The Coastal Bank and buffer zone at the site consists almost exclusively of non-native invasive plants that include Porcelain Berry (*Ampelopsis brevipedunculata*), Autumn Olive (*Elaeagnus umbellata*), Morrow's Honeysuckle (*Lonicera morrowii*), and Multiflora Rose (*Rosa multiflora*). Please note, the Massachusetts Invasive Plant Advisory Group (MIPAG) lists Porcelain Berry as "likely invasive", nevertheless as clearing observed at the site the Porcelain Berry is having significant negative effects on the native species at the site. The limited amount of native vegetation within the management area includes Black Cherry (*Prunus serotina*), River Birch (*Betula nigra*), Virginia Creeper (*Parthenocissus quinquefolia*), Goldenrod, (*Solidago spp.*), and others. The Porcelain Berry vine is far and away the most prevalent and destructive plant at the site. These invasive plants have significantly degraded the wetland resource areas at the site. The Massachusetts Invasive Plant Advisory Group defines invasive plants as "non-native species that have spread into native or minimally managed plant systems in Massachusetts, causing economic or environmental harm by developing self-sustaining populations and becoming dominant and/or disruptive to those systems".

The invasives are proposed to be treated and removed from the site utilizing the "cut & paint" method. The targeted plants will be flagged in the field by the overseeing botanist, flush cut at the base of their stem, and then removed from the site. Regarding the larger non-native invasive plants, only plants with a stem less than 3" in diameter will be treated and removed to avoid potential disturbance caused by the removal of large mature trees. Due to the slope of the Bank, ECR does not recommend the hand removal of root balls to avoid any adverse impacts to the stability of the Bank. Upon cutting, the stems will be painted with herbicide to prevent stump sprouting and ultimately kill off the remaining root mass. The herbicide product proposed for use will be chosen by the licensed herbicide applicator to include coordination of the product details with the Conservation Agent prior to application. ECR anticipates an herbicide product such as Triclopyr would be used for the proposed treatment, but this will be confirmed by the licensed herbicide applicator. Though labor intensive, the cut & paint technique prevents herbicide exposure to non-target plants.

Following the treatment and removal of the non-native invasive species within the management area, the restoration area should be enhanced with new native plantings. Please note, the project also includes the relocation of the existing stairway for a new pier. The existing stairs are proposed to be removed in their entirety – the footprint of the existing stairs will be included in the restoration planting efforts at the site. Once the stairs and the invasives have been removed, the management area shall be inspected by the overseeing wetland specialist to determine the quantity of native plants that will be required to fully revegetate the Bank. The new plant stock will consist of only native plant species appropriate for the coastal environment. Any exposed soils within the management area will be hand seeded with a native seed mix appropriate for the site (see the seed mix profile on the attached plan). The plant list provided below includes native species appropriate for the site.

List of Native Species:

<u>Common Name</u>	<u>Scientific Name</u>	<u>Size</u>
Bayberry	<i>Morella pensylvanica</i>	Shrub (1.5-2 feet)
Beach Plum	<i>Morella carolinensis</i>	Shrub (1.5-2 feet)
Black Chokeberry	<i>Aronia melanocarpa</i>	Shrub (1.5-2 feet)
Common Juniper	<i>Juniperus communis</i>	Shrub (1.5-2 feet)
Sweet Pepperbush	<i>Clethra alnifolia</i>	Shrub (1.5-2 feet)
Witch Hazel	<i>Hamamelis virginiana</i>	Shrub (1.5-2 feet)
Shadbush	<i>Amelanchier canadensis</i>	Shrub (1.5-2 feet)
Eastern Red Cedar	<i>Juniperus virginiana</i>	Sapling (4-5 feet)
Black Cherry	<i>Prunus serotina</i>	Sapling (4-5 feet)
White Oak	<i>Quercus alba</i>	Sapling (4-5 feet)
Red Oak	<i>Quercus rubra</i>	Sapling (4-5 feet)
Seaside Goldenrod	<i>Solidago odora</i>	Perennial (1 gal. min.)
Eastern Showy Aster	<i>Eurybia spectabilis</i>	Perennial (1 gal. min.)
Little Bluestem	<i>Schizachyrium scoparium</i>	Grass (1 gal. min.)
Switchgrass	<i>Panicum virgatum</i>	Grass (1 gal. min.)

Any substitutions shall be approved by the Hingham Conservation Agent.

The proposed vegetation management plan has been designed to be implemented over time. A practical approach to managing invasives will likely be a phased approach that implements the management protocols within smaller specified areas over time. The tasks below have been laid out for a three-year period to be completed in the specified treatment areas. Successful treatment will be based on achieving approximately 80% control after year one, 95% control after year two, and 99% control after year three.

Year One

- Overseeing scientists should flag all non-native invasive plants to be treated and removed.
- Mechanically cut the flagged woody invasive species. Hand cutting should be utilized where necessary to avoid impacts to the wetland resource areas.
- Treat cut woody invasive species as proposed.
- Remove cut material and dispose of at an appropriate offsite facility.
- In the Fall, complete native plantings at the discretion of the overseeing specialist.
- Submit annual report.

Year Two

- Monitoring and additional treatment, as necessary.
- Perform an additional round of non-native invasive plant removals following the approved methodology.
- In the Fall, complete native plantings at the discretion of the overseeing specialist.
- Submit annual report.

Year Three

- Monitoring and additional treatment, as necessary.
- In the Fall, replace dead plant stock, if necessary.
- Submit annual report.

Summary

The proposed vegetation management plan has been designed to provide an overall improvement to the site and the associated wetland resource areas. As the site exists today, the Coastal Bank and buffer zone have been degraded by non-native invasive species. If left unmanaged, non-native invasive plants can cause tremendous harm to the native environment. Successful non-native invasive plant management requires a long-term commitment and will need to be ongoing to protect the investment in the management program. The site will need to be watched carefully by scouting for new patches and individual plants even after the three years of treatment. Options for managing these pests after the initial three years usually consist of hand pulling new growth, spot herbicide wiping, and/or cutting. Monitoring and reporting on the success of this management plan will be at the direction of the Conservation Commission.

Upon review of this Vegetation Management Proposal, please contact me at (617) 529 – 3792 or brad@ecrwetlands.com with any questions or requests for additional information.

Attachments:

- 1.) Site Photographs
- 2.) Proposed Vegetation Management Plan



Photograph #1 – View northwest along the top of the Coastal Bank.



Photograph #2 – View up close of the Porcelain Berry – a non-native invasive vine found at the site.



Photograph #3 – View of the extensive impact of Porcelain Berry at the site.



Photograph #4 – View of an Autumn Olive shrub growing about halfway down the bank near the top of the revetment.

Attachment 1 - Photograph Pages



Photograph #5 – View looking up the bank near the top of the revetment.

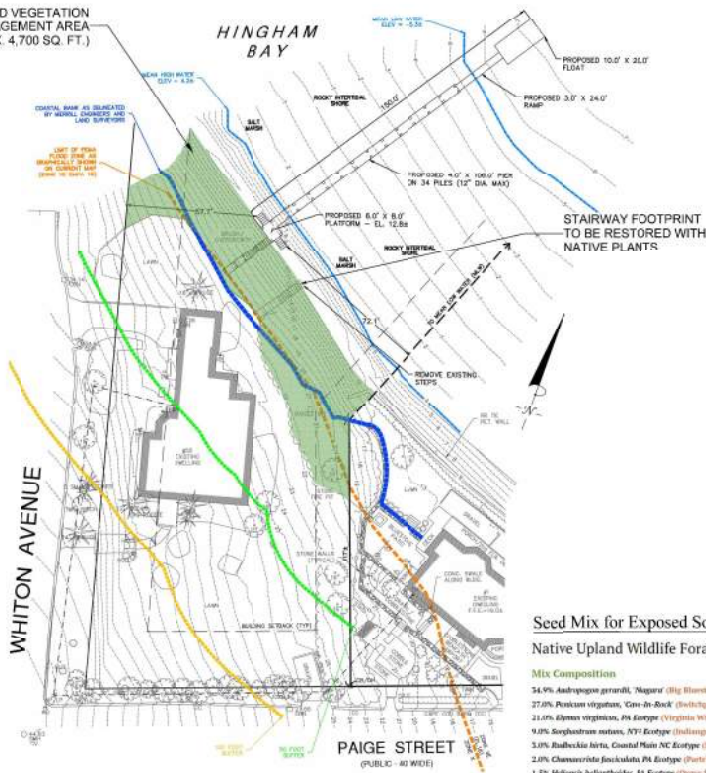


Photograph #6 – View of the existing stairway.

55 Whiton Avenue, Hingham

Date: November 26, 2025

PROPOSED VEGETATION
MANAGEMENT AREA
(APPROX. 4,700 SQ. FT.)



Native Upland Wildlife Forage & Cover Meadow Mix

Mix Composition

- 34.9% *Aspidophyes graminifolia* (Nagura) (Big Bluestem, Nagura)
27.0% *Perotis virginiana*, *Carex* *in* *Jack* (Schuchman, "Coe-In-Jack")
21.0% *Alnus virginiana*, *Pa* *Eocyte* (*virginia* *Wilder*, *Pa* *Eocyte*)
9.0% *Sorghastrum nutans*, *NY* *Eocyte* (Indiangrass, NY *Eocyte*)
5.0% *Rubus* *in* *Jack*, *Coastal* *Main* *NC* *Eocyte* (Blackberry *Soos*, *Coastal* *Main* *NC* *Eocyte*)
2.0% *Chamaecrista fasciculata* *Pa* *Eocyte* (*Portulaca* *Pa*, *Pa* *Eocyte*)
1.5% *Hesperis matronalis*, *Pa* *Eocyte* (*Orange* *Buttercup*, *Pa* *Eocyte*)
1.0% *Cornus tinctoria* (*Flora* *Eocyte*)
0.4% *Desmodium canadense*, *Pa* *Eocyte* (*Shower* *Tickler*, *Pa* *Eocyte*)
0.1% *Monarda* *in* *Jack*, *Port* *Indiantown* *Gap* *Pa* *Eocyte* (*Wild* *Bergamot*, *Port* *Indiantown* *Gap* *Pa* *Eocyte*)

Common Name	Scientific Name	Size
Bayberry	<i>Morella pensylvanica</i>	Shrub (1-5.2 feet)
Rumch Plum	<i>Morella carolinensis</i>	Shrub (1-5.2 feet)
Black Chokeberry	<i>Aronia melanocarpa</i>	Shrub (1-5.2 feet)
Common Juniper	<i>Juniperus communis</i>	Shrub (1-5.2 feet)
Sweet Pepperbush	<i>Clethra alnifolia</i>	Shrub (1-5.2 feet)
Witch Hazel	<i>Hamamelis virginiana</i>	Shrub (1-5.2 feet)
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Little Bluestem	<i>Schizachyrium scoparium</i>	Grass (1 gal. min.)
Switchgrass	<i>Panicum virgatum</i>	Grass (1 gal. min.)

Saplings to be spaced 12-15 feet on center;
Shrubs to be spaced 8-10 feet on center; and
Herbaceous plants to be spaced 2-3 feet on center.

Note: Planting details overlaid by ECR, LLC onto the site plan prepared by Merrill Engineers & Land Surveyors.



Town of Hingham Forms



TOWN OF HINGHAM CONSERVATION COMMISSION

APPLICATION CHECKLIST NOTICE OF INTENT (NOI)

The following instructions and submittal requirements should be used when submitting a Notice of Intent to the Conservation Commission under the MA Wetlands Protection Act and Hingham Wetlands Protection Bylaw. Please also refer to the DEP [Instructions for Completing WPA Form 3](#). Submit two (2) copies of the following, unless otherwise specified, to the Conservation office, and one electronic copy of the complete application to conservation@hingham-ma.gov

- ☒ WPA Form 3- Notice of Intent: [WPA Form 3: Wetlands Notice of Intent | Mass.gov](#) The application must be signed by the property owner. Submit the original and one copy to the Commission by hand delivery or certified mail.
- ☒ WPA Appendix B- *NOI Wetland Fee Transmittal Form* and two (2) separate checks for the following: [Town of Hingham Wetlands Protection Bylaw fee](#) and [State Wetlands Protection Act local filing fee](#)
 - *Payable to Town of Hingham*
 - *Please redact bank account information from photocopies*
 - *Note, a public legal notice is prepared and submitted by staff and the newspaper will invoice the applicant*
- ☒ A copy of the Certified Abutters List and the [‘Notification to Abutters Form’](#)
 - *To request a Certified Abutters List please submit [Request for Certified Abutters List](#) or contact the Conservation Office*
 - *Abutters must be notified by hand delivery, certified mail-return receipt requested, OR certificates of mailing at least 7 days prior to the hearing date*
 - *Certified mail receipts or certificate of mailing receipts shall be submitted to the Conservation Office with the application or presented to the Commission at the beginning of the public hearing*
- ☐ [‘Affidavit of Service’ Form](#) attesting abutters were notified in accordance with 310 CMR 10.05(4) and the Hingham Wetland Regulations, §7.5

To be provided when abutters are notified

- *Abutters within 100 feet of a property line where work is proposed for inland projects*
- *Abutters within 300 feet of a property line where work is proposed for coastal projects*

- ☒ Narrative describing the property location, existing conditions, methodology used for wetland delineation including DEP data forms or other delineation method, site photos, proposed work, and performance standards analysis, as applicable, for impacts to resource areas under the Wetlands Protection Act Regulations and/or Hingham Wetland Regulations. The narrative should also include: a report on the on-site wetland resource areas (per the [Resource Area Delineation Policy](#)), existing/proposed impervious and pervious surface calculations and proposed mitigation (per the [Buffer Zone Mitigation Policy](#)), tree removal/replacement requests (per the [Tree Removal and Replacement Policy](#)), and stormwater management.
- ☒ Project plan(s): two (2) copies of full size plan set and one (1) copy of reduced 11" x 17" plan(s), signed and stamped by a MA Registered Professional Engineer (PE) or other registered professional including the following information:

- All wetland resource area boundaries including the 50 and 100 foot Buffer Zone (showing sequentially numbered flags as applicable)
- FEMA Floodplain boundaries, as applicable
- A note indicating the date the wetland delineation was completed and who performed the delineation. If the wetland boundaries were previously approved by the Commission a note should be included indicating the date of approval and DEP File Number, if applicable.
- All plans shall be colored coded or highlighted with transparent marker pen as follows: freshwater or coastal wetland boundary in blue; 50 foot buffer zone in green; 100 foot buffer zone in yellow; 200 Foot Riverfront Area in pink; and Bordering Land Subject to Flooding (100 year flood plain where NFIP data available) or Land Subject to Coastal Storm Flowage in orange.
- Location of existing and proposed site amenities above and below the ground
- Topography in 2 foot contour intervals
- Limit of work/erosion and sediment control line
- Stockpile locations and other Stormwater BMPs as applicable
- Edge of lawn/tree line, and impacted trees of 6 inches or greater DBH in the buffer zone, riverfront area, and/or other resource area
- The drainage basin in which the site is located

Guidelines: sheet sizes not more than 24"x 36"; scale not more than 1"=40'; title block located at the lower right hand corner, preferably.

- N/A ☐ For projects subject to the DEP Stormwater Regulations, 310 CMR 10.05(6)(k)-(q), one copy of the Stormwater Report, Stormwater Report Checklist and the Registered Professional Engineer's Certification that the project conforms to the Stormwater Management Regulations and meets acceptable engineering standards
- ☒ Proof of mailing the complete NOI to the MA Department of Environmental Protection (DEP), Southeast Regional Office at 20 Riverside Drive, Lakeville MA, 02347 (certified mail receipt from the post office) or proof of electronic filing (eDEP Transaction Number)
- N/A ☐ Proof of mailing the complete NOI to the MA Natural Heritage & Endangered Species Program (NHESP) and the MA Division of Marine Fisheries (Gloucester), if applicable (certified mail receipt from the post office)
- N/A ☐ For projects proposing any work on a dock or pier or other work in the harbor, email copy of application and plan to the Town of Hingham Harbor Master at CorsonK@hpd.org (with email copy to conservation@hingham-ma.gov)
- ☒ The Conservation Commission's [Policy of Receipt of Information](#) signed by the applicant or applicant's representative
- ☐ Optional - [Voluntary 21 Day Waiver](#)

HINGHAM WETLAND REGULATIONS

APPENDIX C

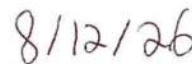
Policy on Receipt of Information (Revised March 4, 2024)

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.*
5. 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.
6. 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. Thank you.



Applicant or Applicant's Representative Signature



Date



Site Photos



Existing Dwelling from Whiton Ave



Existing Dwelling from Whiton Ave (2)



Existing Dwelling from Rear Yard



Existing Lawn Areas





FEMA Flood Map

National Flood Hazard Layer FIRMette



70°54.1' W 42° 55' N



Legend

SEE'S REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIREPANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS	WITHOUT Base Flood Elevation (BFE) With BFE or Depth from AE, AD, and VE, AP
Regulatory Floodway	

0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depths less than one foot or with drainage areas of less than one square mile Zone X	
Future Conditions 1% Annual Chance Flood Hazard Zone X	
Area with Reduced Flood Risk due to levee, See Notes Zone X	
Area with Flood Risk due to Levee Zone X	

OTHER AREAS OF FLOOD HAZARD	
Area of Minimal Flood Hazard Zone X	
Effective LOMR	
Area of Undetermined Flood Hazard Zone D	
GENERAL STRUCTURES	
Channel, Culvert, or Storm Sewer	
Levee, Dike, or Floodwall	

OTHER FEATURES	
Cross Sections with 1% Annual Chance	
Water Surface Elevation	
Coastal Terrest	
Base Flood Elevation Line (BFE)	
Limit of Study	
Jurisdiction Boundary	
Coastal Terrest Baseline	
Profile Baseline	
Hydrographic Feature	

MAP PANELS	
Digital Data Available	
He Digital Data Available	
Unmapped	

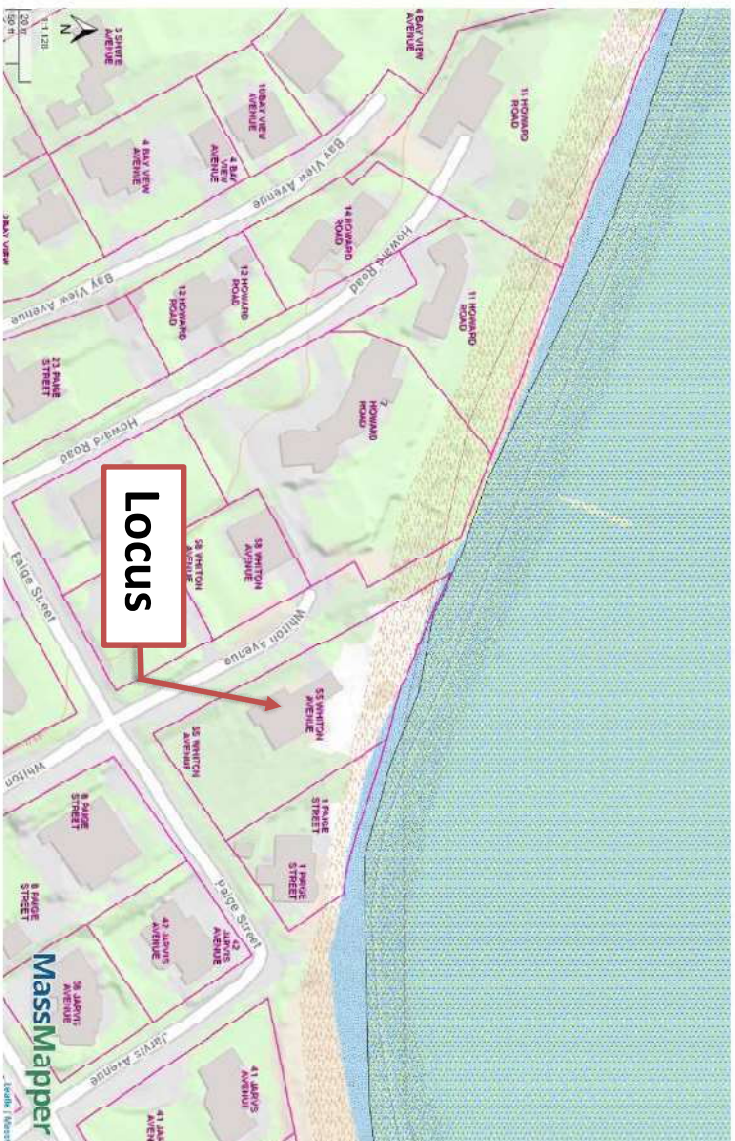
The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA standards for the use of digital data. It is not a legal document. The base map is derived from the FEMA Flood Insurance Rate Study (FIRS) and is not a legal document. The base map is derived from the FEMA Flood Insurance Rate Study (FIRS) and is not a legal document.

The flood hazard information is derived directly from the authoritative NFIP web services provided by FEMA. This map was exported on 8/29/2023 at 6:22 PM and does not reflect changes or amendments subsequent to the date and time. The NFIP and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements is not shown: basemap imagery, flood zone labels, legend, scale bar, map creation date, community details, FRM panel number, and FRM effective date. Map images by unmapper are unmapped areas cannot be used for regulatory purposes.

55 Whiton



- ```

graph TD
 ORW[Outstanding Resource Waters] --> ACECs1[ACECs]
 ORW --> PVP[Potential Vernal Pools]
 ORW --> SSA[Shellfish Suitability Areas]

 ACECs1 --> ACECs2[Areas of Critical Environmental Concern]
 ACECs1 --> ACECs3[ACECs Boundaries]
 ACECs1 --> ZII[Zone IIs]

 ACECs2 --> ACECs4[ACECs]
 ACECs2 --> WHPA[WHPAs]
 ACECs2 --> NHESP[NHESP Priority Habitats of Rare Species]

 ACECs3 --> RB[River Based]
 ACECs3 --> WB[Wetland Based]
 ACECs3 --> FFB[Floodplain Based]
 ACECs3 --> TB[Tidal Based]
 ACECs3 --> CB[Contour Based]
 ACECs3 --> PB[Political Boundary]
 ACECs3 --> PLB[Property Line Based]
 ACECs3 --> OT[Other]
 ACECs3 --> ND[Not Defined]

 ZII --> WHPA
 ZII --> NHESP

 SSA --> AO[American Oyster]
 SSA --> BS[Bay Scallop]
 SSA --> BM[Blue Mussels]
 SSA --> EO[European Oyster]
 SSA --> OQ[Ocean Quahog]
 SSA --> Q[Quahog]
 SSA --> PC[Paczar Clam]
 SSA --> SC[Sea Scallop]
 SSA --> SSC[Soft-Shell Clam]
 SSA --> SUR[Surf Clam]

```

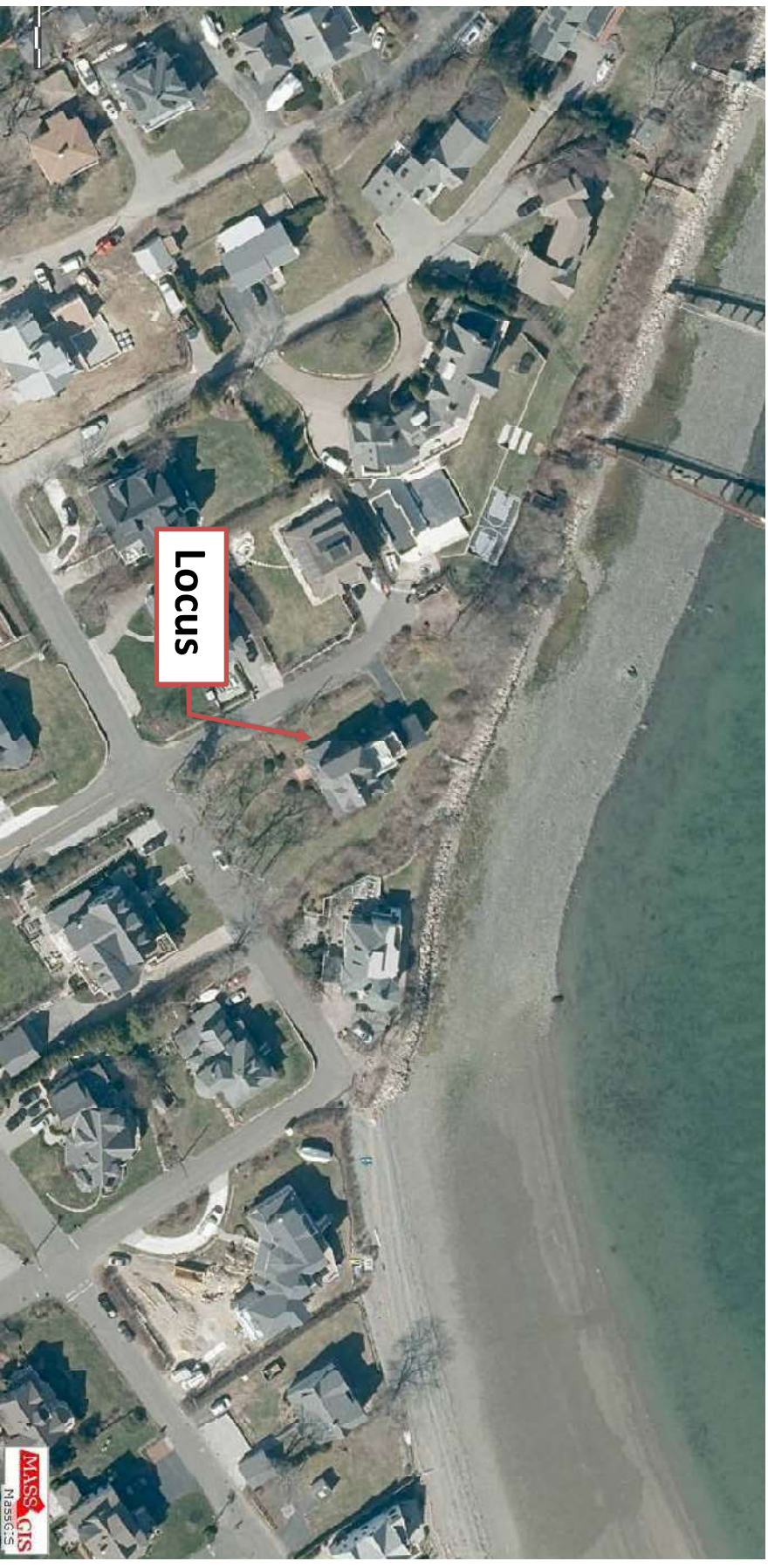
**Outstanding Resource Waters**

  - ACECs
    - Coastal National Seashore
    - Protected Shoreline
    - Puget Water Supply Watershed
    - Refined Puget Water Supply
    - Scenic/Protected River
    - Wildlife Refuge
  - Potential Vernal Pools
  - Shellfish Suitability Areas
    - AMERICAN OYSTER
    - BAY SCALLOP
    - BLUE MUSSELS
    - EUROPEAN OYSTER
    - OCEAN QUAHOG
    - QUAHOG
    - PACZAR CLAM
    - SEA SCALLOP
    - SOFT-SHELLED CLAM
    - SURF CLAM

**Areas of Critical Environmental Concern**

  - ACECs Boundaries
    - CEC: RIVER BASED
    - CEC: WETLAND BASED
    - CEC: FLOODPLAIN BASED
    - CEC: TIDAL BASED
    - CEC: CONTOUR BASED
    - CEC: POLITICAL BOUNDARY
    - CEC: PROPERTY LINE BASED
    - CEC: OTHER
    - CEC: NOT DEFINED
  - Zone IIs
    - WHPAs
    - NHESP Priority Habitats of Rare Species

# Aerial Photography





# NOI Wetland Filing Fees



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands  
**WPA Form 3 - Notice of Wetland Fee Transmittal**  
**Form**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
MassDEP File #:  
eDEP Transaction #:2040579  
City/Town:HINGHAM

**A. Applicant Information**

**1. Applicant:**

|                    |                            |              |          |
|--------------------|----------------------------|--------------|----------|
| a. First Name      | CHRISTOPHER                | b. Last Name | MCDOWELL |
| c. Organization    |                            |              |          |
| d. Mailing Address | 60 LINCOLN STREET          |              |          |
| e. City/Town       | HINGHAM                    | f. State     | MA       |
| g. Zip Code        | 02043                      |              |          |
| h. Phone Number    | 7817333429                 | i. Fax       |          |
| j. Email           | chris@skyboxdevelopment.co |              |          |

**2. Property Owner:(if different)**

|                    |                            |              |    |
|--------------------|----------------------------|--------------|----|
| a. First Name      |                            | b. Last Name |    |
| c. Organization    | 55 WHITON AVENUE LLC       |              |    |
| d. Mailing Address | 55 WHITON AVENUE           |              |    |
| e. City/Town       | HINGHAM                    | f. State     | MA |
| g. Zip Code        | 02043                      |              |    |
| h. Phone Number    | 7817333429                 | i. Fax       |    |
| j. Email           | chris@skyboxdevelopment.co |              |    |

**3. Project Location:**

|                   |                  |              |         |
|-------------------|------------------|--------------|---------|
| a. Street Address | 55 WHITON AVENUE | b. City/Town | HINGHAM |
|-------------------|------------------|--------------|---------|

Are you exempted from Fee? ☐

**Note:** Fee will be exempted if you are one of the following:

- City/Town/County/District
- Municipal Housing Authority
- Indian Tribe Housing Authority
- MBTA

State agencies are only exempt if the fee is less than \$100

**B. Fees**

| Activity Type                                        | Activity Number | Activity Fee                   | RF Multiplier             | Sub Total         |
|------------------------------------------------------|-----------------|--------------------------------|---------------------------|-------------------|
| A.) WORK ON SINGLE FAMILY LOT; ADDITION, POOL, ETC.; | 1               | 110.00                         |                           | 110.00            |
| A.) CONSTRUCTION OF SINGLE FAMILY HOUSE;             | 1               | 500.00                         |                           | 500.00            |
|                                                      |                 | City/Town share of filling fee | State share of filing fee | Total Project Fee |
|                                                      |                 | \$317.50                       | \$292.50                  | \$610.00          |

**TOWN OF HINGHAM**  
**WETLANDS PROTECTION BY-LAW FEE SCHEDULE**  
Effective February 10, 2017

|                                                        |                     |                                                                                                                                                       |
|--------------------------------------------------------|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ADMINISTRATIVE REVIEWS</b>                          | <b>\$ 30.00</b>     |                                                                                                                                                       |
| <b>REQUESTS FOR DETERMINATION OF APPLICABILITY*</b>    | <b>\$ 50.00</b>     | <b>For ancillary work on an existing single family house and all other requests for the first acre of land.</b>                                       |
|                                                        | <b>\$ 40.00</b>     | <b>For each additional acre of land.</b>                                                                                                              |
| <b>NOTICES OF INTENT*</b>                              | <b>Category 1</b>   | <b>\$ 100.00</b>                                                                                                                                      |
|                                                        | <b>Category 2</b>   | <b>\$ 250.00</b>                                                                                                                                      |
|                                                        | <b>Category 3</b>   | <b>\$ 525.00</b>                                                                                                                                      |
|                                                        |                     | <b>Commercial</b>                                                                                                                                     |
|                                                        |                     | <b>\$ 1,000.00</b>                                                                                                                                    |
|                                                        |                     | <b>Subdivision (+ \$25.00 per house lot)</b>                                                                                                          |
|                                                        | <b>Category 4</b>   | <b>\$ 725.00</b>                                                                                                                                      |
|                                                        | <b>Category 5</b>   | <b>\$3.00/foot</b>                                                                                                                                    |
|                                                        |                     | <b>Not less than \$100.00.</b>                                                                                                                        |
| <b>EXTENSIONS</b>                                      | <b>\$ 100.00</b>    | <b>Residential</b>                                                                                                                                    |
|                                                        | <b>\$ 300.00</b>    | <b>Commercial/Subdivision</b>                                                                                                                         |
| <b>CERTIFICATES OF COMPLIANCE</b>                      | <b>\$ 50.00</b>     | <b>Residential</b>                                                                                                                                    |
|                                                        | <b>\$ 100.00</b>    | <b>Commercial/Subdivision</b>                                                                                                                         |
| <b>BOUNDARY DELINEATIONS</b>                           | <b>\$ 3.00/foot</b> | <b>Not less than \$100.00 and not more than \$200.00 for activities associated with a single family house or \$2,000.00 for all other activities.</b> |
| <b>REQUESTS FOR AMENDMENTS TO ORDERS OF CONDITIONS</b> | <b>\$ 25.00</b>     | <b>Residential</b>                                                                                                                                    |
|                                                        | <b>\$ 200.00</b>    | <b>Commercial/Subdivision</b>                                                                                                                         |

**NOTE:** These Bylaw fees are in addition to the fees pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40). The Bylaw fee and the Town's share of the WPA fee should be submitted on separate checks, payable to the **Town of Hingham**.

**\*Fees for filings received after a project has commenced are double the fee listed.**

**TOWN OF HINGHAM  
CALCULATED FEE STATEMENT  
NOTICE OF INTENT FILINGS**

Activity definition: anywhere the footprint is changing or site work occurs constitutes a new activity.

| Category                 | Activity Letter(s) | Quantity    | Fee/Activity | Fee         |
|--------------------------|--------------------|-------------|--------------|-------------|
| 1                        | a                  | 1           | \$100.00     | \$100       |
| 2                        | a                  | 1           | \$250.00     | \$250       |
| 3                        |                    | Commercial  | \$525.00     |             |
|                          |                    | Subdivision | \$1,000.00   |             |
| 4                        |                    |             | \$725.00     |             |
| 5                        |                    |             | \$3.00/foot  |             |
| Circle activities below. |                    |             |              | TOTAL \$350 |

**WETLAND FEE CATEGORY SUMMARY**

**CATEGORY 1: \$100.00**

- a) Work on Single Family Lot: addition, pool, etc.
- b) Site work without house
- c) Control vegetation (SFH): removal, herbicide, etc.
- d) Resource improvement.
- e) Work on septic system separate from house.
- f) Monitoring well activities minus roadway.

**CATEGORY 2: \$250.00**

- a) Construction of Single Family House (SFH).
- b) Parking lot.
- c) Beach nourishment.
- d) Electric Generating Facility activities.
- e) Inland Limited Projects minus road crossings.
- f) New agricultural or aquacultural projects.
- g) Each crossing for driveway to SFH.
- h) Any point source discharge.

**CATEGORY 3: \$525.00/\$1,000.00**

- a) Site preparation (for development beyond NOI scope).
- b) Each building (for development) including site.
- c) Road construction not crossing or driveway.
- d) Hazardous clean up.

**CATEGORY 4: \$725.00**

- a) Each crossing for development or commercial road.
- b) Dam, sluiceway, tidegate work.
- c) Landfill.
- d) Sand and gravel operation.
- e) Railroad line construction.
- f) Control vegetation in development (SFH).
- g) Bridge (SFH).
- h) Water level variation.
- i) Hazardous waste alterations to resource area.
- j) Dredging.
- k) Package treatment plant & discharge

**CATEGORY 5: \$3.00 per linear foot (\$100.00 minimum)**

- a) Docks, piers, revetments dikes, etc. (coastal or inland)



# A butter Notification



**TOWN OF HINGHAM  
CONSERVATION COMMISSION  
210 CENTRAL STREET  
HINGHAM, MA 02043  
(781) 741-1445**

Per MA DEP Regulations, Abutters must be notified via Hand  
Delivery, Certified Mail-Return Receipt Requested or  
Certificates of Mailing.

**REQUEST FOR A CERTIFIED LIST OF ABUTTERS**

**REQUIRED BY DEPARTMENT: CONSERVATION**

**REQUESTED BY:** Xander Oram - Merrill Engineers and Land Surveyors

**EMAIL:** xoram@merrillinc.com

**TELEPHONE:** 781-887-3102

**PROPERTY LOCATION: MAP(S):** 17 **BLOCK(S):** \_\_\_\_\_ **LOT(S):** 6A

**PROPERTY ADDRESS:** 55 Whiton Avenue

**OWNER OF RECORD:** 55 Whiton Avenue LLC

**PURPOSE OF LIST:** Conservation Filing

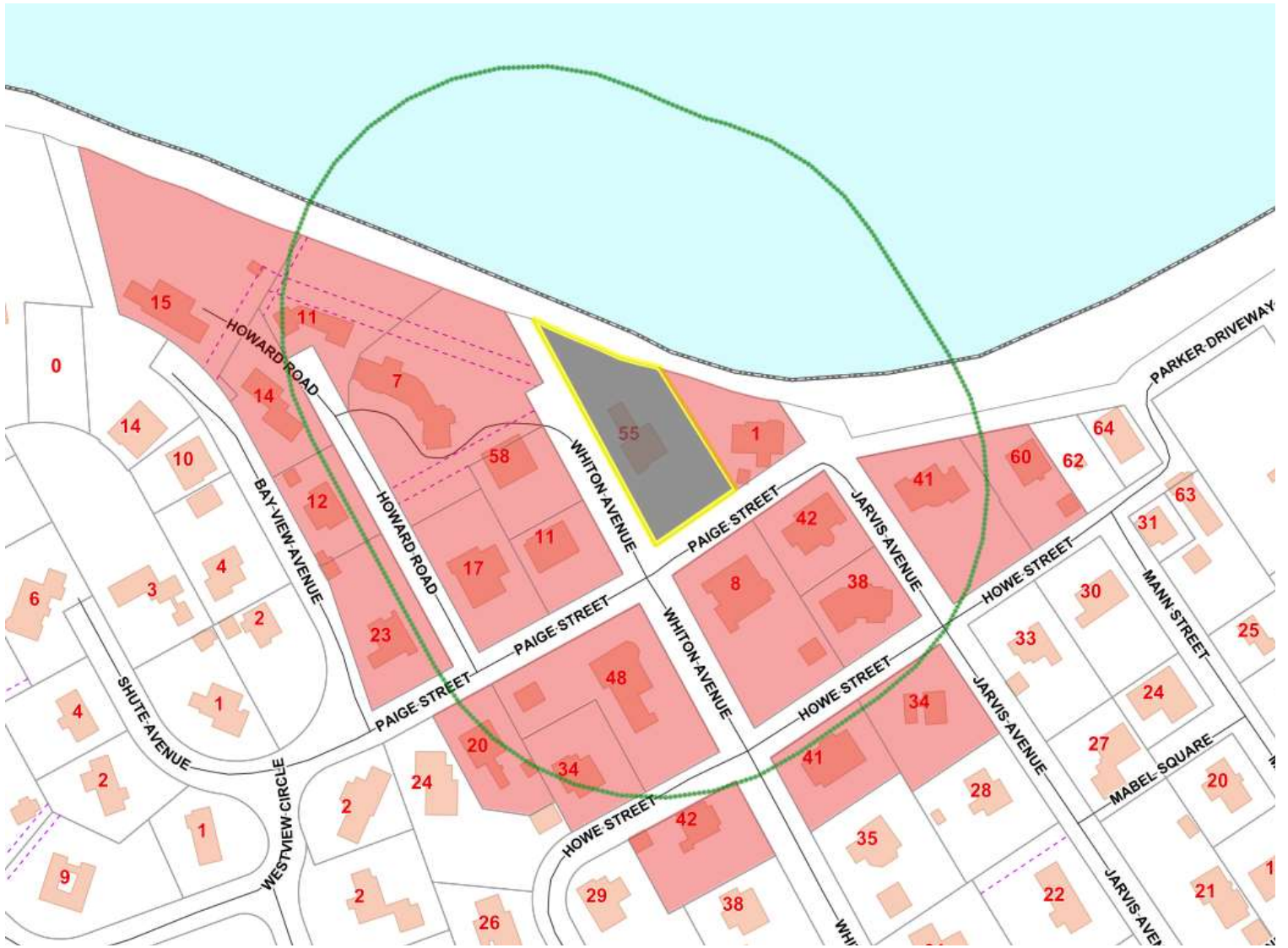
(Example: Notice of Intent, ANRAD, etc.)

**REQUIREMENT:** 100-FT. RADIUS \_\_\_\_\_ 300-FT. RADIUS (COASTAL PROJECTS) X

Submit with this request, a list of abutters created from the GIS map program: [Hingham GIS mapsonline](http://HinghamGISmapsonline)

- Select the blue tab on the left labeled “FIND”,
- Enter the street name and enter the street #. (clicking on the autopopulated choice as it appears)
- The parcel is then selected & highlighted
- At the far bottom, on the left, click on the gray tab ‘Find Abutters’
- The parcel will be automatically entered in ‘Find abutters to a single parcel section’; select the distance required.
- Press ‘Go’.
- Select the ‘envelope’ icon for printing mailing labels. Print or save the list generated and submit, with this Request form, to the Conservation office or [conservation@hingham-ma.gov](mailto:conservation@hingham-ma.gov)

For contiguous parcel selection, or other questions, contact the Conservation office for assistance.



## NOTIFICATION TO ABUTTERS

Under the MA Wetlands Protection Act and  
Hingham Wetlands Protection By-Law

In accordance with the second paragraph of the Massachusetts General Laws Chapter 131 §40, and Section 7.5 of the Hingham Wetland Regulations, you are hereby notified of the following:

Sky Box Development has filed a Notice of Intent  
*Applicant Name* *Application Type*

with the Town of Hingham Conservation Commission seeking permission to remove, fill, dredge, or alter an Area Subject to Protection under the Wetlands Protection Act, M.G.L. 131 §40, and/or the Town of Hingham Wetlands Protection By-Law [Article 22].

The address of the property where work is proposed: 55 Whiton Avenue

The proposed work includes: New single family home

Copies of the application may be examined at the Conservation Office located at Hingham Town Hall, 210 Central Street, Hingham, MA during the following business hours:

Monday, Wednesday, Thursday: 7:30AM- 4:30PM

Tuesday: 7:30AM - 7:00PM

Fridays: closed

For more information, to request copies of the application, or obtain information about the public hearing please contact the Conservation Office at (781)741-1445 or by emailing [Conservation@hingham-ma.gov](mailto:Conservation@hingham-ma.gov)

You may also request copies of the application from the ☐ applicant or ☒ applicant's representative by contacting Merrill Engineers and Land Surveyors at ( 781 ) 826 9200 between the hours of 8 AM and 4 PM on the following days: M - F.

*An Administrative fee may be applied for providing copies of the application or plans.*

Notice of the public hearing, including the date, time, and place will be published at least five (5) business days in advance of the hearing in the Patriot Ledger. Notice will also be posted on the town website at least forty-eight (48) hours in advance of the public hearing. To view the agenda, go to [Agenda Center • Hingham, MA • CivicEngage \(hingham-ma.gov\)](#)

The Department of Environmental Protection (DEP) Southeast Regional Office can also provide information about this application or the MA Wetlands Protection Act. DEP is located at 20 Riverside Drive, Lakeville, MA 02347 and can be reached by telephone at (508) 946-2700.

TBD when meeting date is confirmed.

## **AFFADAVIT OF SERVICE**

Under the MA Wetlands Protection Act and  
Hingham Wetlands Protection Bylaw

(To be submitted to the Hingham Conservation Commission and the MA Department of  
Environmental Protection when filing an application requiring abutter notification)

I, \_\_\_\_\_, hereby certify under the pains and penalties  
*Name of person making Affidavit*

of perjury that on \_\_\_\_\_ I gave notification to abutters in compliance with the  
*Date*

second paragraph of the Massachusetts General Laws Chapter 131, Section 40, and the Hingham

Wetlands Protection Bylaw and Wetland Regulations, by \_\_\_\_\_ in  
*Type of Service*

connection with the following matter:

A Notice of Intent ☐ or Abbreviated Notice of Resource Area Delineation ☐ was filed under the  
MA Wetlands Protection Act and/or Hingham Wetlands Protection Bylaw with the Hingham  
Conservation Commission on:

\_\_\_\_\_ for property located at \_\_\_\_\_  
*Date* *Property Address*

The form of the notification and a list of abutters to whom notice was given and their addresses are  
attached to this Affidavit of Service.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date