

# NOTICE OF INTENT

*Under 310 CMR 10.00*

*MA Wetlands Protection Act Regulations*

**Hingham Gas  
19 & 27 Whiting Street  
Hingham, MA**

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*CHA Project Number: 060903*

***Revised September 10, 2020***

***Submitted To:***  
*Hingham Conservation Commission  
210 Central Street,  
Hingham, Massachusetts 02043*

***Applicant:***  
*Merhej & Sons Realty, LLC  
87 Derby Street  
Hingham, MA 02043*

***Prepared by:***



*141 Longwater Drive, Suite 104  
Norwell, Massachusetts 02061  
Phone: (781) 982-5400*



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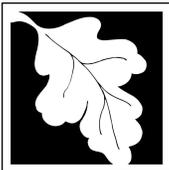


**SECTION I**  
**NOTICE OF INTENT (NOI) FORM**  
**WPA FORM 3**

**HINGHAM POLCY ON RECEIPT OF INFORMATION**

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**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:

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MassDEP File Number

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Document Transaction Number

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Hingham

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City/Town

**Important:**  
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Note:  
 Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

**A. General Information**

1. Project Location (**Note:** electronic filers will click on button to locate project site):

<u>19 &amp; 27 Whiting Street</u>	<u>Hingham</u>	<u>02043</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:		
<u>42.18220</u>	<u>70.91179</u>	
d. Latitude	e. Longitude	
<u>187</u>	<u>10</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>Jenny</u>	<u>Merhej</u>	
a. First Name	b. Last Name	
<u>Merhej &amp; Sons Realty, LLC</u>		
c. Organization		
<u>87 Derby Street</u>		
d. Street Address		
<u>Hingham</u>	<u>MA</u>	<u>02043</u>
e. City/Town	f. State	g. Zip Code
<u></u>	<u>nabny3@gmail.com</u>	
h. Phone Number	i. Fax Number	j. Email Address

3. Property owner (required if different from applicant):  Check if more than one owner

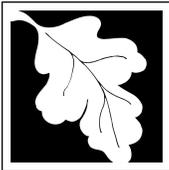
<u></u>	<u></u>	
a. First Name	b. Last Name	
<u></u>		
c. Organization		
<u></u>		
d. Street Address		
<u></u>	<u></u>	<u></u>
e. City/Town	f. State	g. Zip Code
<u></u>	<u></u>	<u></u>
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

<u>Donald</u>	<u>Rose</u>	
a. First Name	b. Last Name	
<u>CHA Consulting</u>		
c. Company		
<u>141 Longwater Drive, Suite 104</u>		
d. Street Address		
<u>Norwell</u>	<u>MA</u>	<u>02061</u>
e. City/Town	f. State	g. Zip Code
<u>(781) 982-5400</u>	<u>kkillen@chacompanies.com</u>	
h. Phone Number	i. Fax Number	j. Email address

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

<u>\$1,050.00</u>	<u>\$512.50</u>	<u>\$537.50</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



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**A. General Information (continued)**

6. General Project Description:

New retail building to support existing gas station, removal of existing kiosk

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7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- |                                                                       |                                                           |
|-----------------------------------------------------------------------|-----------------------------------------------------------|
| 1. <input type="checkbox"/> Single Family Home                        | 2. <input type="checkbox"/> Residential Subdivision       |
| 3. <input checked="" type="checkbox"/> Commercial/Industrial          | 4. <input type="checkbox"/> Dock/Pier                     |
| 5. <input type="checkbox"/> Utilities                                 | 6. <input type="checkbox"/> Coastal engineering Structure |
| 7. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) | 8. <input type="checkbox"/> Transportation                |
| 9. <input type="checkbox"/> Other                                     |                                                           |

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration 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. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

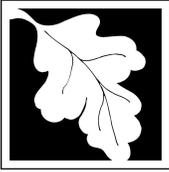
8. Property recorded at the Registry of Deeds for:

Plymouth	
a. County	b. Certificate # (if registered land)
51314	199
c. Book	d. Page Number

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

- Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



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**B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)**

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet	2. square feet
	3. cubic yards dredged	

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet	2. square feet
	3. cubic feet of flood storage lost	4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet	
	2. cubic feet of flood storage lost	3. cubic feet replaced
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available) - <b>specify coastal or inland</b>	

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:

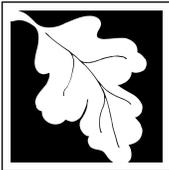
a. total square feet	b. square feet within 100 ft.	c. square feet between 100 ft. and 200 ft.
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5. Has an alternatives analysis been done and is it attached to this NOI?  Yes  No

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)

**Note:** for coastal riverfront areas, please complete **Section B.2.f.** above.



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**B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)**

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:  
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	_____	
	1. square feet	
	_____	
	2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	_____	_____
	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	_____	_____
	1. square feet	2. cubic yards dune nourishment

	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	_____	
	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	_____	
	1. square feet	
h. <input type="checkbox"/> Salt Marshes	_____	_____
	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	_____	
	1. square feet	
	_____	
	2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	_____	
	1. square feet	
k. <input type="checkbox"/> 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. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	_____	
	1. square feet	

4.  Restoration/Enhancement  
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 enter the additional amount here.

\_\_\_\_\_

a. square feet of BVW

\_\_\_\_\_

b. square feet of Salt Marsh

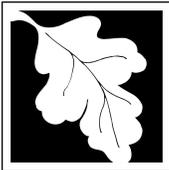
5.  Project Involves Stream Crossings

\_\_\_\_\_

a. number of new stream crossings

\_\_\_\_\_

b. number of replacement stream crossings



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**C. Other Applicable Standards and Requirements**

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

**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 and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to [http://maps.massgis.state.ma.us/PRI\\_EST\\_HAB/viewer.htm](http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm).

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

MASSGIS 2020  
 b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); *OR* complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

c. Submit Supplemental Information for Endangered Species Review\*

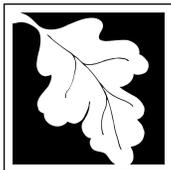
- 1.  Percentage/acreage of property to be altered:
  - (a) within wetland Resource Area \_\_\_\_\_ percentage/acreage
  - (b) outside Resource Area \_\_\_\_\_ percentage/acreage

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

- 2.  Project plans for entire project site, including wetland resource areas and areas outside of wetlands 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

\* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/>). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

\*\* MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



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### C. Other Applicable Standards and Requirements (cont'd)

- (c)  MESA filing fee (fee information available at [http://www.mass.gov/dfwele/dfw/nhosp/regulatory\\_review/mesa/mesa\\_fee\\_schedule.htm](http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/mesa/mesa_fee_schedule.htm)). Make check payable to "Commonwealth of Massachusetts - NHESP" 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
- (f) 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/dfwele/dfw/nhosp/regulatory\\_review/mesa/mesa\\_exemptions.htm](http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/mesa/mesa_exemptions.htm); 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 # \_\_\_\_\_ b. Date submitted to NHESP \_\_\_\_\_
  3.  Separate MESA review completed.  
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.
3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?
- a.  Not applicable – project is in inland resource area only      b.  Yes     No

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

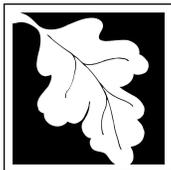
South Shore - Cohasset to Rhode Island border, and the Cape & Islands:

Division of Marine Fisheries -  
Southeast Marine Fisheries Station  
Attn: Environmental Reviewer  
836 South Rodney French Blvd.  
New Bedford, MA 02744  
Email: [DMF.EnvReview-South@state.ma.us](mailto:DMF.EnvReview-South@state.ma.us)

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -  
North Shore Office  
Attn: Environmental Reviewer  
30 Emerson Avenue  
Gloucester, MA 01930  
Email: [DMF.EnvReview-North@state.ma.us](mailto:DMF.EnvReview-North@state.ma.us)

Also if yes, the project 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.



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**C. Other Applicable Standards and Requirements (cont'd)**

4. 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 MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
- b. ACEC
5. 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
6. 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
7. 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. Check why the project is exempt:
1.  Single-family house
  2.  Emergency road repair
  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**

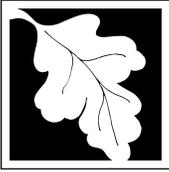
- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

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.

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.

**Online Users:**  
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.



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## D. Additional Information (cont'd)

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.

Hingham Gas, 19 & 27 Whiting Street

a. Plan Title

CHA Consulting, Inc.

b. Prepared By

5/1/2020

d. Final Revision Date

Kelly Killeen, P.E.

c. Signed and Stamped by

As shown on plans

e. Scale

f. Additional Plan or Document Title

g. Date

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.

## 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:

2141182

2. Municipal Check Number

April 28, 2020

3. Check date

2141180

4. State Check Number

April 28, 2020

5. Check date

Merhej and Sons Realty LLC

6. Payor name on check: First Name

7. Payor name on check: Last Name



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### 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.

1. Signature of Applicant

2. Date

4/28/20

3. Signature of Property Owner (if different)

4. Date

4/28/2020

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.

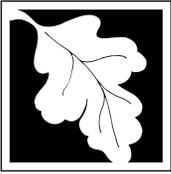
#### For MassDEP:

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 any part of Section C, Item 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.



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**NOI Wetland Fee Transmittal Form**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**Important:** When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



**A. Applicant Information**

1. Location of Project:

19 & 27 Whiting Street

a. Street Address

Hingham

b. City/Town

c. Check number

d. Fee amount

2. Applicant Mailing Address:

Jenny

a. First Name

Merhej

b. Last Name

Merhej & Sons Realty, LLC

c. Organization

87 Derby Street

d. Mailing Address

Hingham

e. City/Town

MA

f. State

02043

g. Zip Code

h. Phone Number

i. Fax Number

nabny2@gmail.com

j. Email Address

3. Property Owner (if different):

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email Address

**B. Fees**

Fee should be calculated using the following process & worksheet. **Please see Instructions before filling out worksheet.**

**Step 1/Type of Activity:** Describe each type of activity that will occur in wetland resource area and buffer zone.

**Step 2/Number of Activities:** Identify the number of each type of activity.

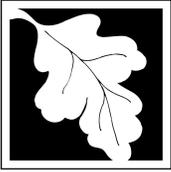
**Step 3/Individual Activity Fee:** Identify each activity fee from the six project categories listed in the instructions.

**Step 4/Subtotal Activity Fee:** Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

**Step 5/Total Project Fee:** Determine the total project fee by adding the subtotal amounts from Step 4.

**Step 6/Fee Payments:** To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**NOI Wetland Fee Transmittal Form**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**B. Fees** (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Category 3b	1	\$1,050	\$1,050
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**Step 5/Total Project Fee:** \_\_\_\_\_

**Step 6/Fee Payments:**

Total Project Fee:	<u>\$1,050.00</u>
State share of filing Fee:	<u>\$512.50</u>
City/Town share of filing Fee:	<u>\$537.50</u>
	a. Total Fee from Step 5
	b. 1/2 Total Fee <b>less</b> \$12.50
	c. 1/2 Total Fee <b>plus</b> \$12.50

**C. Submittal Requirements**

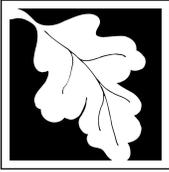
- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection  
 Box 4062  
 Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

**To MassDEP Regional Office** (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)





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 Number

Document Transaction Number

Hingham  
City/Town

**D. Additional Information (cont'd)**

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.

Hingham Gas, 19 & 27 Whiting Street

a. Plan Title

CHA Consulting, Inc.

b. Prepared By

5/1/2020

d. Final Revision Date

Kelly Killeen, P.E.

c. Signed and Stamped by

As shown on plans

e. Scale

f. Additional Plan or Document Title

g. Date

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.

**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:

8720845

2. Municipal Check Number

May 8, 2020

3. Check date

8720843

4. State Check Number

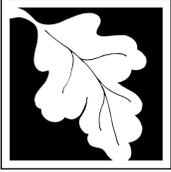
May 8, 2020

5. Check date

Merhej and Sons Realty LLC

6. Payor name on check: First Name

7. Payor name on check: Last Name



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**NOI Wetland Fee Transmittal Form**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**Important:** When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



**A. Applicant Information**

1. Location of Project:

19 & 27 Whiting Street  
 a. Street Address  
 Hingham  
 b. City/Town  
 \_\_\_\_\_  
 c. Check number  
 \_\_\_\_\_  
 d. Fee amount

2. Applicant Mailing Address:

Jenny  
 a. First Name  
 Merhej  
 b. Last Name  
 Merhej & Sons Realty, LLC  
 c. Organization  
 87 Derby Street  
 d. Mailing Address  
 Hingham  
 e. City/Town  
 MA  
 f. State  
 02043  
 g. Zip Code  
 \_\_\_\_\_  
 h. Phone Number  
 \_\_\_\_\_  
 i. Fax Number  
 nabny2@gmail.com  
 j. Email Address

3. Property Owner (if different):

\_\_\_\_\_  
 a. First Name  
 \_\_\_\_\_  
 b. Last Name  
 \_\_\_\_\_  
 c. Organization  
 \_\_\_\_\_  
 d. Mailing Address  
 \_\_\_\_\_  
 e. City/Town  
 \_\_\_\_\_  
 f. State  
 \_\_\_\_\_  
 g. Zip Code  
 \_\_\_\_\_  
 h. Phone Number  
 \_\_\_\_\_  
 i. Fax Number  
 \_\_\_\_\_  
 j. Email Address

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).

**B. Fees**

Fee should be calculated using the following process & worksheet. **Please see Instructions before filling out worksheet.**

**Step 1/Type of Activity:** Describe each type of activity that will occur in wetland resource area and buffer zone.

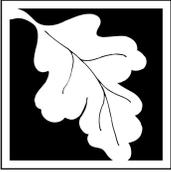
**Step 2/Number of Activities:** Identify the number of each type of activity.

**Step 3/Individual Activity Fee:** Identify each activity fee from the six project categories listed in the instructions.

**Step 4/Subtotal Activity Fee:** Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

**Step 5/Total Project Fee:** Determine the total project fee by adding the subtotal amounts from Step 4.

**Step 6/Fee Payments:** To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**NOI Wetland Fee Transmittal Form**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**B. Fees** (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Category 1b	1	\$110	\$110
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**Step 5/Total Project Fee:** \_\_\_\_\_

**Step 6/Fee Payments:**

Total Project Fee:	<u>\$110.00</u>
	a. Total Fee from Step 5
State share of filing Fee:	<u>\$42.50</u>
	b. 1/2 Total Fee <b>less</b> \$12.50
City/Town share of filing Fee:	<u>\$67.50</u>
	c. 1/2 Total Fee <b>plus</b> \$12.50

**C. Submittal Requirements**

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection  
 Box 4062  
 Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

**To MassDEP Regional Office** (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)



**Appendix C  
Hingham Conservation Commission  
POLICY ON RECEIPT OF INFORMATION**

1. All filings/applications must be complete and in the Commission office no less than by Monday noon two weeks prior to the requested meeting to facilitate the placement of the legal ad and to allow timely review by Town departments and the Conservation Commission in advance of the hearing. The Conservation staff will review applications/filings for administrative completeness at the time of submittal, when time permits, and *may reject* incomplete applications. Incomplete applications may not be scheduled for the requested date. If the office is closed on Monday due to a holiday, then the information is due on the prior Thursday before noon.

2. Due to the increasing number of public filings and the complexity of projects under review, the Hingham Conservation Commission may request the applicant to voluntarily waive the mandated twenty-one (21) day hearing and decision deadlines in order that each project receive a fair and thorough review by signing a Voluntary Waiver of 21-Day Deadline form.

3. Requests for additional information; may be made by the Commission members or their agent. Such requests, if not made at the public hearing, will be communicated to the applicant or their representative listed on the filing as promptly as possible.

4. Additional information, submitted to fulfill the request(s) in #3 above, must be received by the Commission in advance of the continued hearing in order to allow review by department staff. This additional information must be in hand by the Monday noon (a minimum of 7 days) prior to the meeting and stamped in by the Conservation Office. If the office is closed on Monday due to a holiday, then the information is due on the prior Thursday before noon.

*Revisions arriving after these deadlines may not receive a review,  
thereby resulting in a continuance to the next available meeting.*

***If it is a PEER REVIEW, REVISIONS ARE DUE IN 2 WEEKS BEFORE THE MEETING.***

5. The Conservation Commission sometimes votes to retain an expert to assist in reviewing projects at any procedural stage (permit review, compliance review, monitoring, enforcement, and corrective action, etc.) where it feels independent and/or expert advice and review is needed. The decision of whom to hire and at what terms belongs solely to the Commission and it will be voted on as to who is responsible for the consultant's expenses, the Commission or the applicant.

6. All documents must have a date submitted and if there has been a revision, it must be noted on all pages in a header or footer. All plans need to be stamped, signed and dated. If a binder is submitted, the front cover and spine must have information dealing with the filing/application, dates, and revision dates noted. All plans and documents must be date stamped in by the Conservation Office. If this information is not present, the documents are considered incomplete and may not receive a review, thereby resulting in a continuance to the next available meeting.

7. Please note that all information and revisions submitted to the Conservation Commission for a project subject to the jurisdiction of the Mass. Wetlands Protection Act must also be sent to the DEP - Southeast Regional Office in Lakeville, MA as of 5/1/06.

The Hingham Conservation Commission is committed to a thorough and timely review of each project and will make every effort to ensure that the hearing process is completed with due diligence. We seek the cooperation of applicants and their professional consultants in achieving our goal. The Conservation staff may make exceptions to the timelines outlined above. Please sign and include with your filing. Thank you.

\_\_\_\_\_  
Applicant or Applicant's Representative Signature

4/28/20  
\_\_\_\_\_  
Date



**SECTION II**  
**EXECUTIVE SUMMARY**

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## **1. INTRODUCTION**

On behalf of the Applicant, Merhej & Sons Realty, LLC (Merhej), CHA Consulting Inc. (CHA) is pleased to submit this Notice of Intent under the Wetlands Protection Act (WPA) 310 CMR 10.00 and the General Bylaws of the Town of Hingham, Article 22, Wetlands Protection Bylaw. The site, consisting of two parcels, 19 and 27 Whiting Street, Hingham, to be combined, is approximately 1.68+/- acres located off Whiting Street in Hingham, Massachusetts (See Section III, Figures 1 & 2, and the Site Plans for additional information).

The Applicant proposes to develop a new retail building in support of and adjacent to the existing gas station to replace the aging kiosk located currently on the property at 19 Whiting Street in Hingham, MA. The proposed project includes demolition of the existing single-family home and all appurtenances including the driveway, shed, and landscaping. The proposed 3,531 square foot commercial building (footprint) will be served a new parking lot, Title 5 septic system, drainage collection and treatment system including deep sump catch basins, oil/water separators, two underground detention/recharge systems with isolator rows, and upgraded utilities including water, electric and gas. Approximately 2,500 sq. ft. of the building will be utilized as the commercial space. The building will have 1,000 square feet of accessory storage with one 500 square feet area in support of the retail, and the second area at a slightly lower elevation utilized for maintenance equipment (ladders, snow plows, snow blower, etc.) The storage areas are complementary to the use and accessible by employees only. There is a 24-foot, two-way driveway for access to the maintenance area which has an exterior roll-up garage door.

The site is bounded by Whiting Street to the South and by commercial development on the east and west. The site is located in the Business B zoning district with a portion of the 27 Whiting St parcel designated Residence B. The parcels are located in the Hingham Aquifer Protection District and Accord Pond Watershed. Wetland areas exist on the site. The site is not located within a habitat area designated by the Natural Heritage and Endangered Species Program (NHESP).

## **2. EXISTING CONDITIONS**

The locus consists of two parcels, 19 Whiting St containing approximately 0.41 acres and 27 Whiting St containing approximately 1.27 acres. The 19 Whiting St. parcel is the site of the existing Hingham Gas station which has two gas pump islands and an approximately 220 sq. ft. kiosk. The 27 Whiting St parcel is an existing single-family home in a commercial zoned area which contains the wetland resources. The 100-foot buffer to BVW from the wetlands located on the 27 Whiting St. clips a very small portion of the 19 Whiting Street parcel. The parcels will be combined during the permitting process with the Town of Hingham. The two parcels are located on the North side of Whiting Street amongst commercial zoned parcels (See Section III, Figures 1 & 2 and Section VII, Site Photographs).

The topography is variable with elevations ranging from 149 at the east side of the 19 Whiting St. lot to 129 in the wetland on the 27 Whiting St. lot.

Mixed deciduous-coniferous upland forests and swamps (See Section 3.1) dominate portions of the property and adjacent areas along with the residential communities and commercial businesses. Upland forests are comprised of white pine (*Pinus strobus*), Northern red oak (*Quercus rubra*), white oak (*Quercus alba*), white ash (*Fraxinus americana*), black oak (*Quercus velutina*) and red maple (*Acer rubrum*). Subordinate and incidental species include black cherry (*Prunus serotina*), American beech (*Fagus grandifolia*) and sweet birch (*Betula lenta*). The understory is variable due to differences in the density of overstory tree canopy and needle/litter layers and may be relatively sparse or multi-layered. Shrub layers may include overstory tree seedlings and saplings, common greenbrier (*Smilax rotundifolia*), American witch-hazel (*Hamamelis virginiana*), multiflora rose (*Rosa multiflora*), European buckthorn (*Rhamnus frangula*) and gray birch (*Betula populifolia*) with vines such as Oriental bittersweet (*Celastrus orbiculatus*), poison ivy (*Toxicodendron radicans*) and fox grape (*Vitis labrusca*). The herbaceous component may include Kentucky bluegrass (*Poa pratensis*), red fescue (*Festuca rubra*), goldenrod (*Solidago* spp.), path/Pennsylvania sedge (*Carex pensylvanica*), English ivy (*Hedera helix*) and haircap moss (*Polytrichum* spp.) and/or may be dominated by leaf litter from overstory trees.

CHA's wetland scientist, James B. Hall, inspected the site and the intermittent swale/stream. The intermittent swale/stream on the site appears to have been excavated on the property is not a direct tributary to Accord Brook. The excavated portion ends at the stone wall that represents the northern property boundary. A natural swale/stream continues on for approximately 50 yards further and then enters an extensive BVW north of the property and disappears. There are natural drainage patterns within the BVW and areas of saturated soils and isolated pockets of standing water, but there was no obvious channel with flowing water north of the property connecting to Accord Brook at the time of the evaluation.

Soils within the property are classified as: Urban Land towards Whiting Street, Hinckley gravely sandy loam within the interior of the two parcels, Newfields fine sandy loam within the interior of the 27 Whiting St. parcel along the western property line, and Scarboro muck within the wetland areas. Test pits and site visits indicate permeable soils located on the south and east side of the 27 Whiting St. parcel with less permeable soils to the west and north towards the wetland resource area. Test pits indicate permeable soils located on the north side of the 19 Whiting Street parcel.

### **3. ENVIRONMENTAL RESOURCE AREAS**

Wetlands were delineated by a Professional Wetland Scientist (PWS) from CHA on January 30, 2020 according to the DEP publication *Delineating Bordering Vegetated Wetlands Under the Massachusetts Wetlands Protection Act* (1985), the U.S. Army Corps of Engineers (ACOE) *Wetlands Delineation Manual* (Environmental Laboratory 1987) and *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast* (January 2012) as well as the General Bylaws of the Town of Hingham, Article 22, Wetlands Protection Bylaw & Regulations (Hingham Wetland Bylaw). One bordering vegetated wetland (BVW) was identified on the property. There is a local 50-foot undisturbed buffer strip and local and state 100-foot Buffer Zone associated with BVW resource areas under the Hingham Wetland Bylaw and WPA.

### 3.1 Bordering Vegetated Wetland

A bordering vegetated wetland (BVW), Series A, is classified as a palustrine forested system under Cowardin et al. The BVW occupies the north-central portion of the site and is connected to an extensive wetland system located to the north that is associated with Accord Brook, situated west and north of the property (Section III, Figure 1). The south-central portion of the wetland occurs as a palustrine emergent marsh/meadow. It is saturated/inundated and connected to a drainage swale and appears have been historically modified/cleared. It abuts and includes a portion of maintained lawn at the back of the residence located to the south along Whiting St. The wetland boundary was delineated with over 30 pink and nylon survey flags numbered sequentially. The dominant forested section of the wetland is characterized by hummock/depression microtopography and it is classified as a red maple swamp with a fairly monotypic overstory of red maple. The shrub layer is robust in some areas and includes multiflora rose (*Rosa multiflora*), European buckthorn, Northern arrow-wood (*Viburnum dentatum*), silky dogwood (*Cornus amomum*) and common greenbrier. Vines such as oriental bittersweet poison ivy and fox grape are common in drier sections of the wetland. The emergent wetland component is dominated by leaf cattail (*Typha latifolia*) with subordinate species including switchgrass (*Panicum virgatum*), soft rush (*Juncus effusus*) and lurid sedge (*Carex lurida*).

### 3.2 Special Resources

According to MAGIS maps (2020), a portion of a FEMA Zone “A” is located on the northern property boundary of the 27 Whiting St parcel (See Section III, Figure 4). A Department of Environmental Protection (DEP) Wellhead Protection Area (Zone II) overlaps the entire site (Section III, Figure 5). Although Zone A & B Public Surface Water Supply/outstanding resource waters are designated for Accord Brook, the stream occurs west and north of the property and the zones are not associated with the site.

### 3.3 State and Federal Threatened and Endangered Species

A review of the 2020 Mass GIS data layer for the Massachusetts Natural Heritage Atlas (14<sup>th</sup> Edition, August 2017) under the NHESP indicates that no Estimated Habitat under the jurisdiction of the Wetlands Protection Act (310 CMR 10) or Priority Habitat under the jurisdiction of the Massachusetts Endangered Species Act (321 CMR 10) occur on the property (See Section III, Figure 3).

The USFWS New England Field Office listed the northern long-eared bat as a threatened species in Massachusetts on April 2, 2015, due to significant losses in population numbers as a result of White-nose Syndrome. The species range is identified as statewide in Massachusetts, and northern long-eared bats inhabit forested areas during the spring, summer, and fall and hibernate in mines, caves, and even structures such as barns during the winter months. According to NHESP Fact Sheets, no Northern Long-Eared bat hibernacula occur within the Town of Hingham. An Interim 4(d) Rule, published in the Federal Register on April 2, 2015, established provisions to allow certain types of construction projects within the range of northern long-eared bats where White-nose Syndrome impacts populations.

The USFWS currently relies on the habitat/species data for northern long-eared bats collected by the NHESP, although presence/absence data is limited for New England. On January 14, 2016,

the USFWS issued a final 4(d) rule that developed TOY tree-clearing restrictions to avoid adverse impacts to bats that may be roosting in trees that could be cleared. These include restrictions on *1) removing a northern long-eared bat known occupied maternity roost tree or any trees within 150 feet of a known occupied maternity roost tree from June 1 through July 31; or 2) removing any trees within 0.25 miles of a northern long-eared bat hibernaculum at any time of year.* There are no minimum acreage tree-clearing thresholds established with the TOY restrictions, and the USFWS may require a review of tree-clearing areas to ensure no adverse impacts to northern long-eared bats for all projects.

#### **4. PROPOSED PROPERTY DEVELOPMENT**

The Applicant proposes to develop a new retail building in support of and adjacent to the existing gas station to replace the aging kiosk located currently on the property at 19 Whiting Street in Hingham, MA. The proposed project includes demolition of the existing single-family home and all appurtenances including the driveway, shed, and landscaping. The proposed 3,531 square foot commercial building (footprint) will be served a new parking lot, Title 5 septic system, drainage collection and treatment system including deep sump catch basins, oil/water separators, two underground detention/recharge systems with isolator rows, and upgraded utilities including water, electric and gas. Approximately 2,500 sq. ft. of the building will be utilized as the commercial space. The building will have 1,000 square feet of accessory storage with one 500 square feet with one being in support of the retail, and the second area at a slightly lower elevation utilized for maintenance equipment. The storage areas are complementary to the use and accessible by employees only. There is a 24-foot, two-way driveway for access to the maintenance area which has an exterior roll-up garage door.

A closed-conveyance pipe system collects via deep sump catch basins and conveys stormwater runoff to oil/water separators prior to discharge into subsurface detention/recharge systems which use an Isolator Row as treatment. The stormwater systems attenuate peak rates of runoff. The systems provide the necessary treatment for stormwater runoff from impervious areas as required by the 2008 Massachusetts Stormwater Handbook. Refer to the attached site plans for additional information. The project is served with water provided by the Weir River Water Company (Weir River), and the wastewater will be discharged via a proposed on-site septic system. Electricity is supplied by the Hingham Municipal Lighting Plant.

The overall intent of the design to reduce/limit the impact to the buffers to the on-site wetland resource as there is no direct impact to the wetland resource. The project accomplishes this by removing the existing building, shed, and impervious parking from within the 50-foot buffer to BVW. The shed is approximately 17 feet away from the wetland resource, and the existing house is approximately 36 feet from the wetland resource. There is approximately 689 square feet of existing impervious impact within the 50-foot buffer. Note that the existing 50-foot buffer was additionally significantly impacted as it was kept as a manicured lawn. Once demolition is complete, the impervious areas will be restored to pervious area and allowed to re-establish naturally. The closest impervious impact proposed within the 100-foot buffer to BVW will be moved to greater than 65-feet from the BVW. The Resource Area Plan and NOI (Notice of Intent) provide more detail on the improvements including reduction in both proposed structure and reduced impervious surface in both the 50-foot and 100-foot buffers. The result is

that the project provides a greater buffer to the wetland resource and less detrimental impact than the exists today.

## **5. GENERAL CONSTRUCTION SEQUENCE**

### **5.1 Pre-Construction Meeting**

The Owner/ Owner's Representative will conduct an on-site meeting prior to the start of construction activity. The appropriate State & Town Departments will be invited to participate.

### **5.2 Installation of Erosion Controls**

Erosion and sedimentation controls (i.e., filter socks and inlet protection) will be installed at the limits of work and within the existing catch basins, as applicable. Tree protection will be installed around trees specified to remain within the limit of work. Structures to remain shall also be visibly flagged/protected.

### **5.3 Site Access**

Property entrance/exit locations will be maintained in a condition that will prevent the tracking or flowing of sediment onto public roadways. All materials spilled, tracked, or otherwise transported onto public road Rights-of-Way will be immediately removed. Washing vehicles accessing/exiting the property to remove sediment and unwanted contaminants such as fuels, coolants, grease, and hydraulic fluid will be performed when necessary in an area stabilized with crushed stone that drains away from roadways to an approved sediment basin or other approved containment structure.

### **5.4 Demolition**

Any existing building, utilities services, and pavement within the project area will be demolished in accordance with the Construction Plans. Those utilities effected by construction activates shall be coordinated with the utility purveyors and Dig Safe procedures taken prior to implementation of agreed upon connections/disconnections/abandonment of services. Materials that are to be removed from the site will be transported to an appropriate facility or will be disposed of elsewhere according to Federal, State, and Local guidelines. Inactive stockpiles or areas of granular material or topsoil shall be temporarily secured in order to control sediment laden runoff.

### **5.5 Site Clearing and Rough Grading**

Selective site clearing and rough grading will take place in accordance with the proposed grading, as shown on the plans. The proposed project will take place in a predeveloped area, which has been mostly cleared in the past. If suitable topsoil is found, it will be removed and stockpiled within the project limits.

### **5.6 Proposed Building Construction**

The construction of the proposed building will be conducted per the Architectural Plans. The soil around the footing foundations shall be compacted as required by the structural engineer and

under the local codes. All building waste is to be appropriately disposed of in dumpsters. While this phase commences, other site construction activities will be taking place.

### **5.7 Installation of Utilities, Storm Drainage System, and Sewage System**

The proposed storm drainage system and other utilities, as well as the installation of the sewage system and associated structures (grease trap, pump chambers, oil separator, etc.), will be installed under the site plans. Temporary sediment basins will be constructed at this time on an as-needed basis to collect stormwater runoff during construction. Stockpiles will be established in designated areas, as shown on project plans. All temporary/inactive stockpile areas will be encompassed by straw bales or other approved erosion control devices to control sediment-laden runoff as necessary and will be temporarily seeded, mulched or covered with plastic, as necessary. Material stabilization will be in accordance with the SWPPP.

### **5.8 Fine Grading, Paving, Etc.**

The fine grading and shaping will commence along with the installation of curbing to prepare for paving operations. Areas outside of the parking lot will be shaped and prepped for loam, seed, or other treatments. Paving operations will begin with the installation of both binder and finish course layers.

### **5.9 Permanent / Final Site Stabilization**

Restoration and stabilization of all exposed surfaces, curb installation, concrete sidewalk installation, and final landscaping will be performed upon completion of building construction, or at a minimum, the completion of earthwork and foundation associated with the building construction.

Disturbed areas will be landscaped, mulched, or seeded in accordance with the landscape requirements. Permanent restoration and revegetation measures serve to control erosion and sedimentation by establishing a vegetative cover. If weather conditions prevent final restoration, temporary erosion and sedimentation measures will be employed until the weather is suitable for final cleanup. A final inspection will ensure that the project site is cleared of all project debris and that erosion and sedimentation controls are functioning properly. Once the site has been stabilized, newly installed, any subsurface drainage system will be inspected for sediment deposits and cleaned if necessary.

## **6. REGULATORY COMPLIANCE/ WAIVER REQUEST**

### **6.1 Compliance with the Wetlands Protection Act Regulations**

The Wetlands Protection Act (WPA) Regulations (310 CMR 10.00) presume that Areas Subject to Protection, i.e. wetlands and water bodies and their associated 100-foot buffer zones, serve in the capacity of the protection of private or public water supplies; protection of groundwater; provision of flood control; prevention of storm damage; prevention of pollution; and/or, the protection of wildlife, fisheries and land containing shellfish. The following discussion identifies the various interests of the WPA and how the proposed property development will avoid, reduce,

and/or mitigate change/loss of the current roles of the various resource areas. The proposed project has been designed to comply with the Wetlands Protection Act Regulations to the greatest extent, practicable.

## **7. Project Summary/ Waiver Request**

### **7.1 Summary:**

In summary, the proposed project enhances the stormwater quality through the utilization of the Best Management Practices (BMPs) and adhering to the Massachusetts Stormwater Management Standards (see attached Stormwater Management Report; Appendix C of this report for additional information). The project does not impact the wildlife and their habitat by limiting the proposed work area.

### **7.2 Compliance with the Town of Hingham Wetlands Protection By-law:**

The proposed project has been designed to comply with the minimum setback requirements as defined by the Town of Hingham Wetlands Protection By-law, to the extent practicable. The proposed project will improve upon the existing conditions where there is approximately 1,285 sq. ft. of impact within the 50-foot buffer to BVW. The demolition of the existing single-family house, impervious driveway, shed and other appurtenances will remove the impervious impact within the 50-foot buffer to BVW. Once demolition is complete, the area will be restored to pervious area and allowed to re-establish naturally. The closest impervious impact within the 100-foot buffer to BVW will be moved to greater than 65-feet from the BVW. The impact will consist of the proposed building and associated parking area. The project provides greater buffer to the wetland resource than the existing conditions.

The existing septic system for 27 Whiting Street is currently located within the 100-foot buffer to wetland resource and will be removed as part of the improvement project. The proposed septic system is designed to be over 120-feet from the wetland resource area. The result in enhanced protection as Accord Brook is a public water supply. The wetland resource area located on-site is not located within the Zone A associated with Accord Brook but is considered a tributary. It should be noted that no direct waterway connection was found between the intermittent stream and Accord Brook. The requirement of Section 23.1 Septic Systems is that the septic system be located at least 175 feet horizontally from the boundary of a resource area tributary to a surface water supply. Implementation of the requirement of the 175 feet setback would not allow for any development on the 27 Whiting Street parcel. The proposed septic system for the Hingham Gas project is located approximately at the same location as the existing septic system for the existing gas station. The proposed project has provided a significant increase in protection to a public water supply by removing the septic system as far as practicable away from the resource located on the 27 Whiting St parcel and from the drainage system located in Whiting Street.

### 7.3 Waiver Request:

- Work within the BVW buffer zones:

The Applicant respectfully requests a waiver from the Hingham Wetland Protection Bylaw and Regulations, Article 22 Section 2A, to construct a portion of the proposed building and parking lot within the 100-foot BVW Buffer Zone. Also, the Applicant requests a waiver from Article 22 Section 2B to demolish the existing structures and pavement and install a portion of the proposed tree well within the 50-foot BVW Buffer Zone. The depth of buffer zone will be significantly increased with the removal of the existing structures.

The Applicant respectfully requests a waiver from the Hingham Wetland Protection Bylaw and Regulations, Article 23 Section 23.1 Septic Systems to construct a new septic system less than 175 feet from a wetland resource tributary to a surface water supply. The proposed septic system has been moved completely off of the 27 Whiting Street parcel and must also comply with the Title 5 requirement that a Leaching Field be at least 100 feet from an “Open, Surface, or Subsurface Drain which discharge to Surface Water Supplies or tributaries thereto” applicable to the drainage system within Whiting Street.

- Tree Removal and Replacement Policy:

*“The Commission will not allow the loss of trees six inches (6”) or greater in diameter at breast height (DBH) within their jurisdiction. At its discretion, the Commission may grant a waiver to this policy...”*

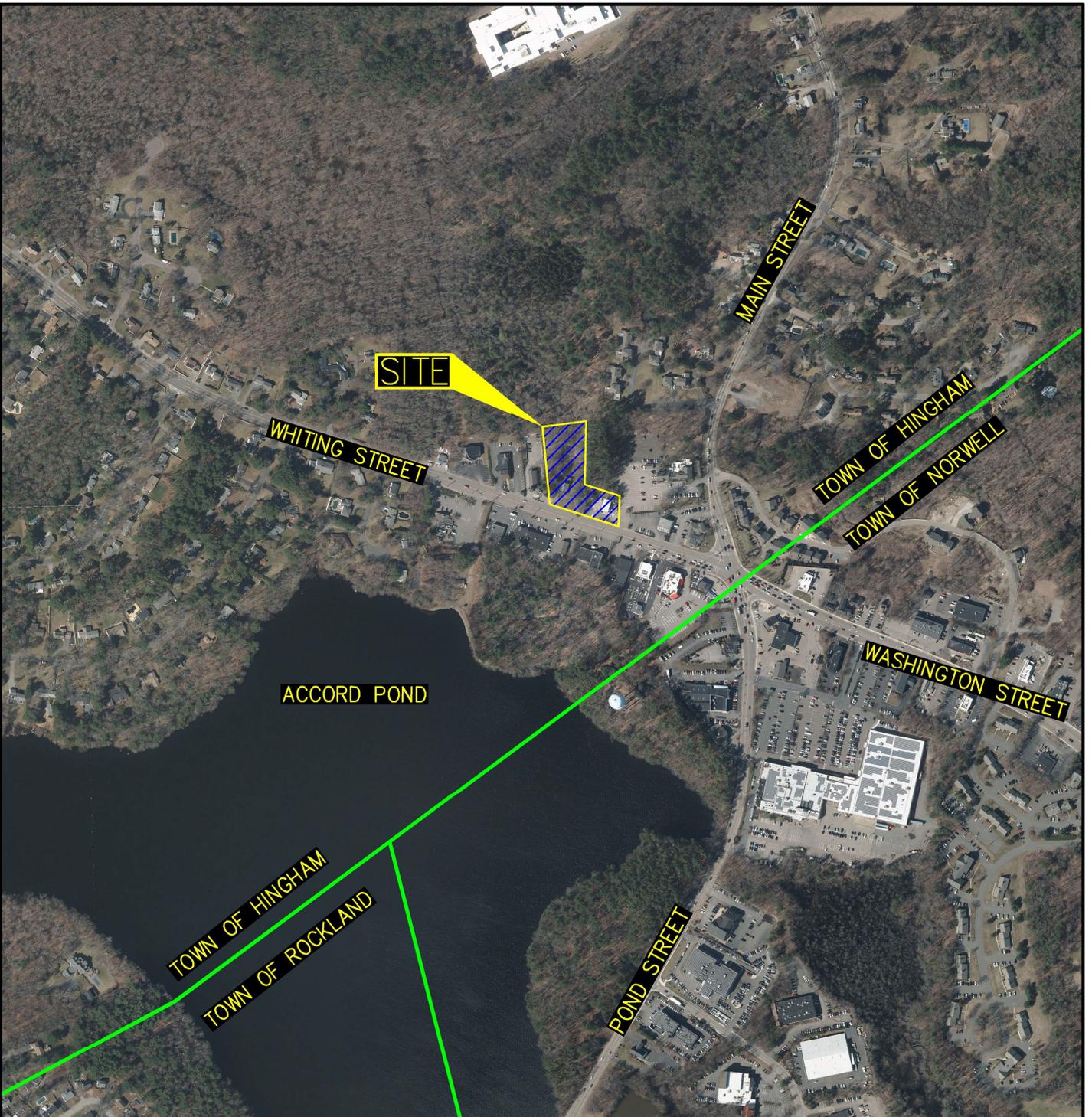
The Applicant respectfully requests a waiver from the Hingham Tree Removal and Replacement Policy. The trees proposed to be removed for the proposed project were surveyed and are presented on the Resource Area Plan. The proposed project will impact a 16” White Pine, 46” Red Maple, and a 16” Eastern Hemlock within as presented on the Site Plans. The trees proposed to be removed are located within the 100-foot buffer but outside of the 50-foot buffer and require a one to one replacement or one to multi-shrub replacement. The trees are proposed to be replaced with one White Pine, two Red Maples and two Canadian Hemlocks as presented on the Landscape Plan, Sheet C-501.

**SECTION III**  
**FIGURES**

---



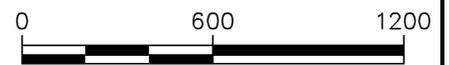
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**LEGEND:**



**APPROXIMATE PROPERTY LINE**



Scale in feet

Drawing Copyright © 2020



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Norwell, MA 02061  
781.982.5400 • www.chacompanies.com

**ORTHOPHOTO PLAN  
19 AND 27 WHITING STREET  
HINGHAM, MA 02043**

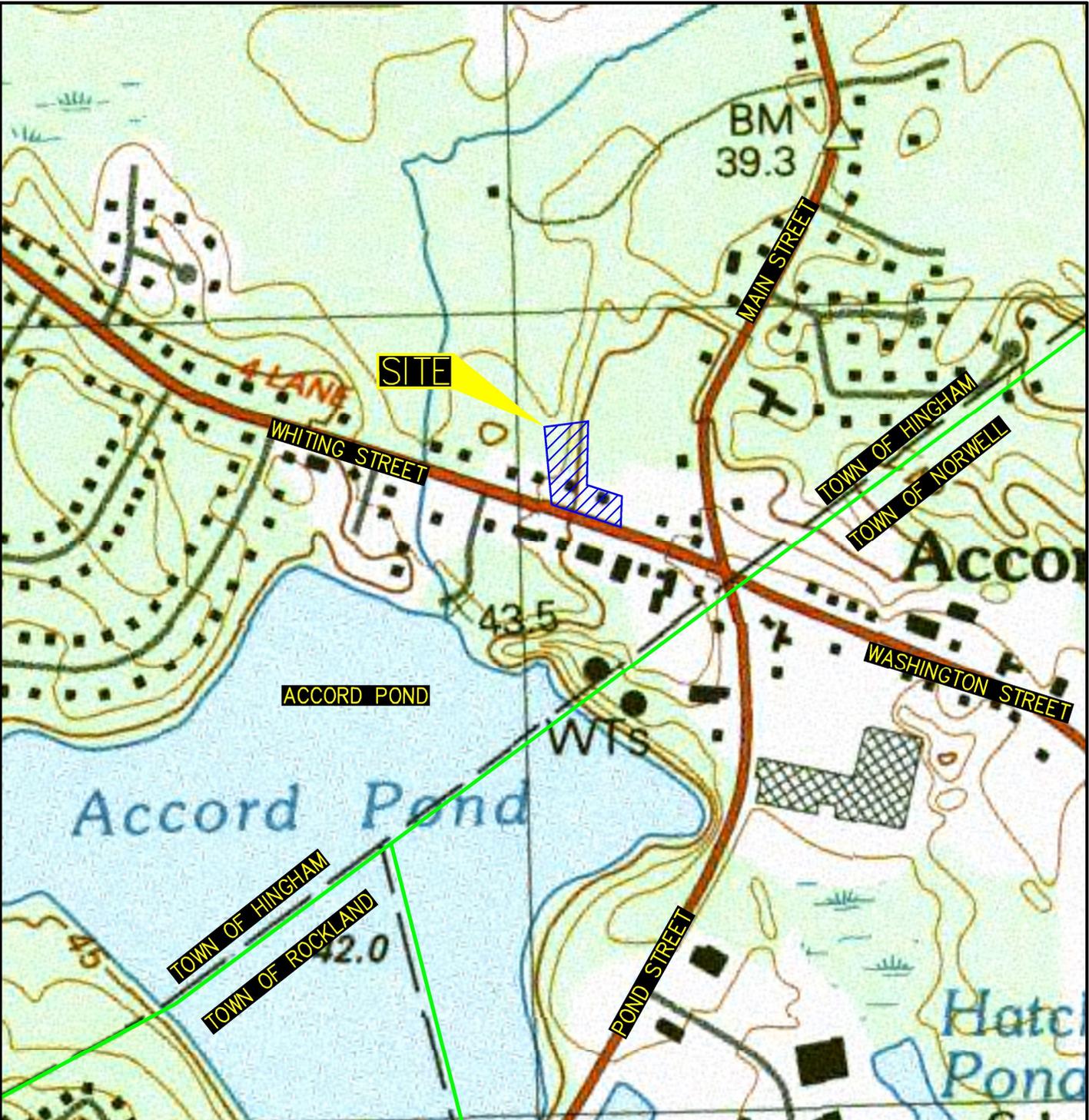
**PROJECT NO.  
060903**

**DATE: 04/06/20**

**FIGURE 1**



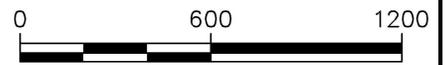
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**LEGEND:**



APPROXIMATE PROPERTY LINE



Scale in feet

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USGS PLAN  
19 AND 27 WHITING STREET  
HINGHAM, MA 02043

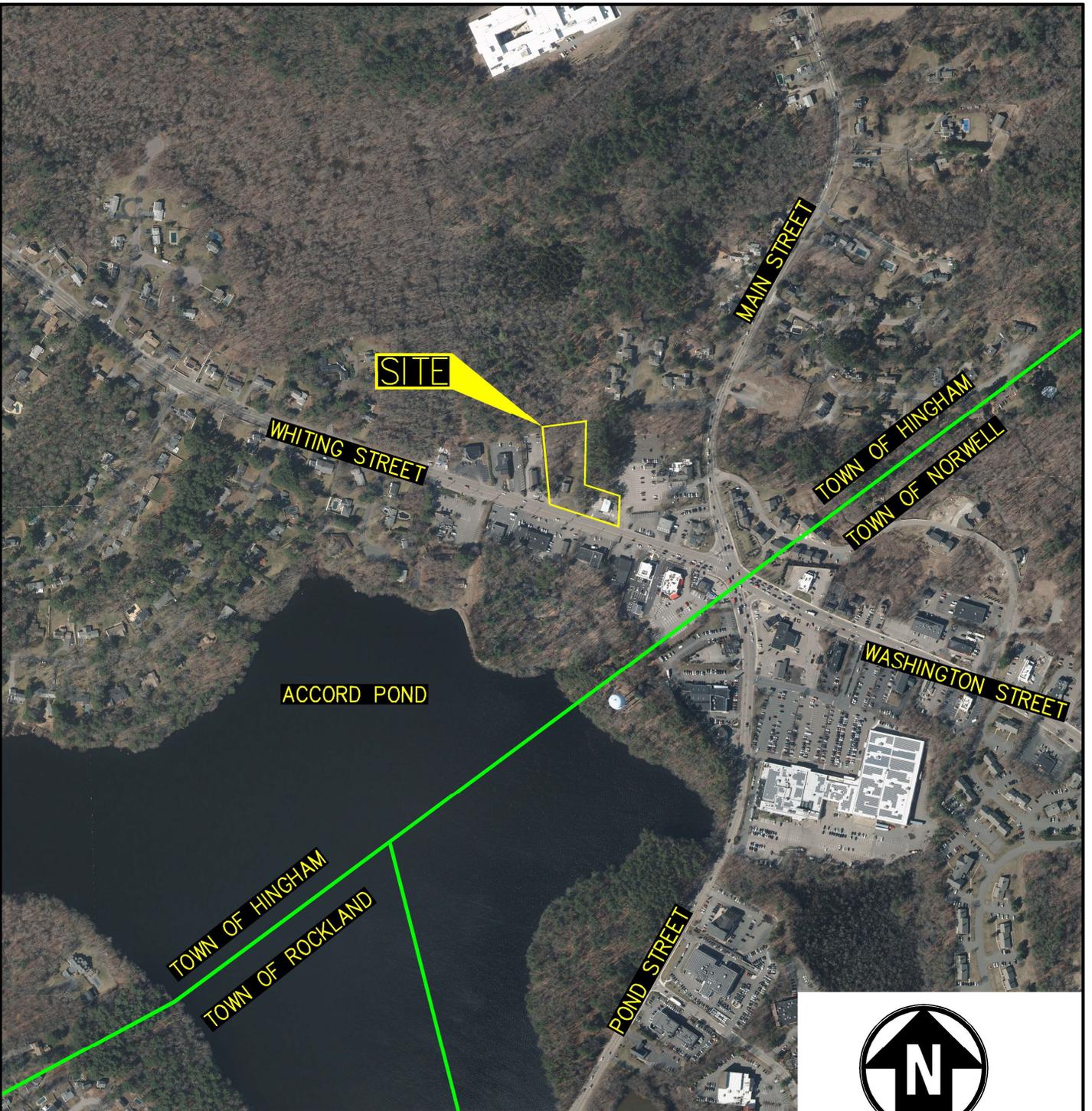
PROJECT NO.  
060903

DATE: 04/06/20

FIGURE 2



File: V:\PROJECTS\ANY\KE\060903\000\CADD\FIGURES\CIVIL\NOI FIGURES.DWG Saved: 4/23/2020 4:02:17 PM Plotted: 4/6/2020 8:14:22 AM Current User: Newell, Brendon LastSavedBy: 6550



**LEGEND:**



**APPROXIMATE  
PROPERTY LINE**



**NHESP ESTIMATED HABITATS  
OF RARE WILDLIFE**



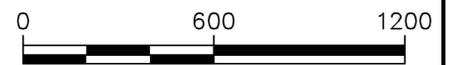
**POTENTIAL  
VERNAL POOL**



**CERTIFIED  
VERNAL POOL**



**NHESP PRIORITY HABITATS  
OF RARE SPECIES**



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**NHESP HABITAT MAP  
19 AND 27 WHITING STREET  
HINGHAM, MA 02043**

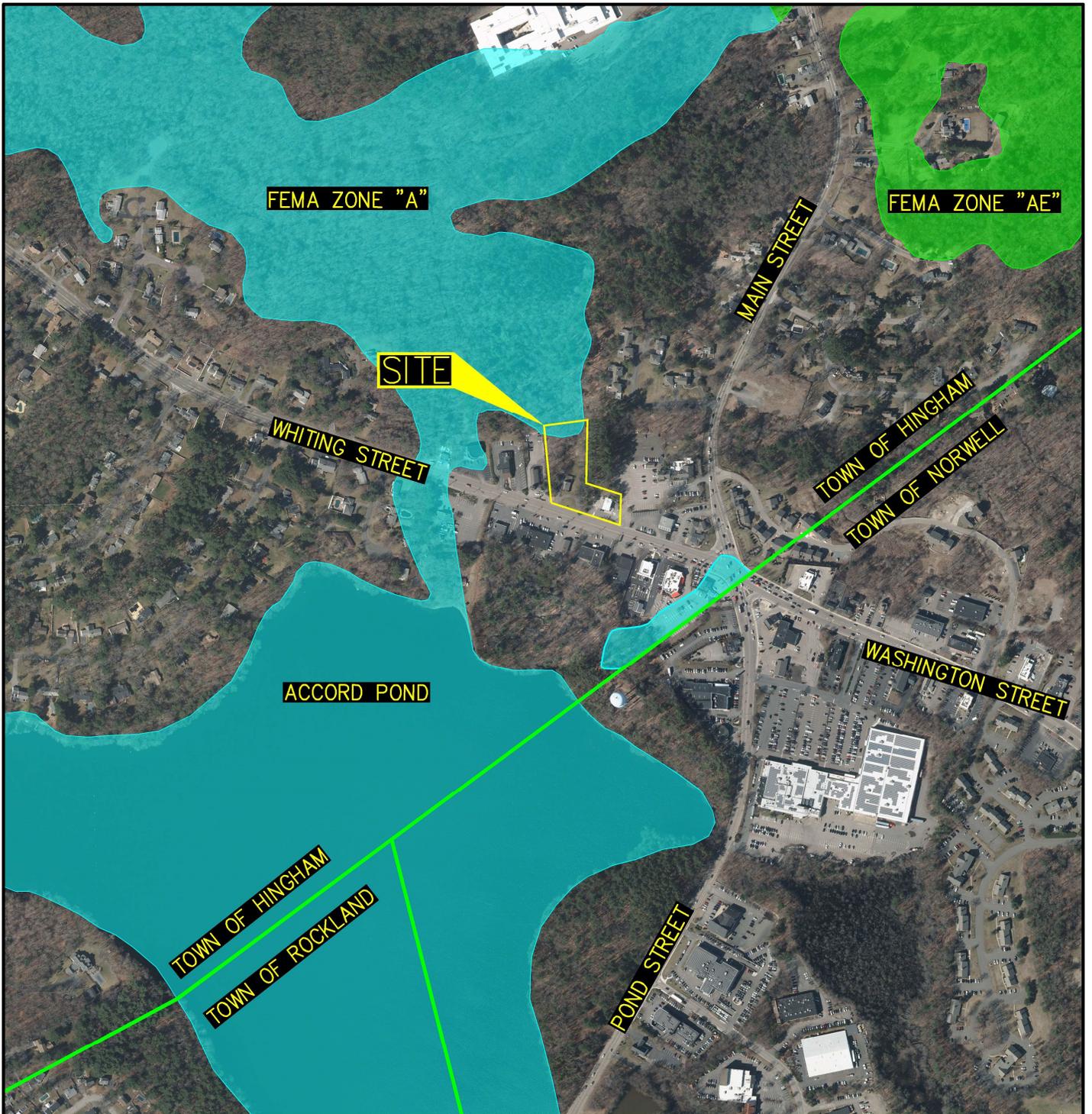
**PROJECT NO.  
060903**

**DATE: 04/06/20**

**FIGURE 3**



File: V:\PROJECTS\ANY\KE\060903.000\CADD\FIGURES\CIVIL\NOI FIGURES.DWG Saved: 4/23/2020 4:02:17 PM Plotted: 4/6/2020 8:07:52 AM Current User: Newell, Brendon LastSavedBy: 6650



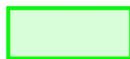
**LEGEND:**



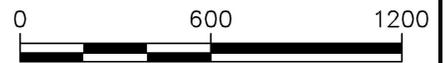
APPROXIMATE PROPERTY LINE



FEMA ZONE "A" 1% CHANCE OF FLOODING



FEMA ZONE "AE" 1% CHANCE OF FLOODING



Scale in feet

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FEMA FLOOD MAP  
19 AND 27 WHITING STREET  
HINGHAM, MA 02043

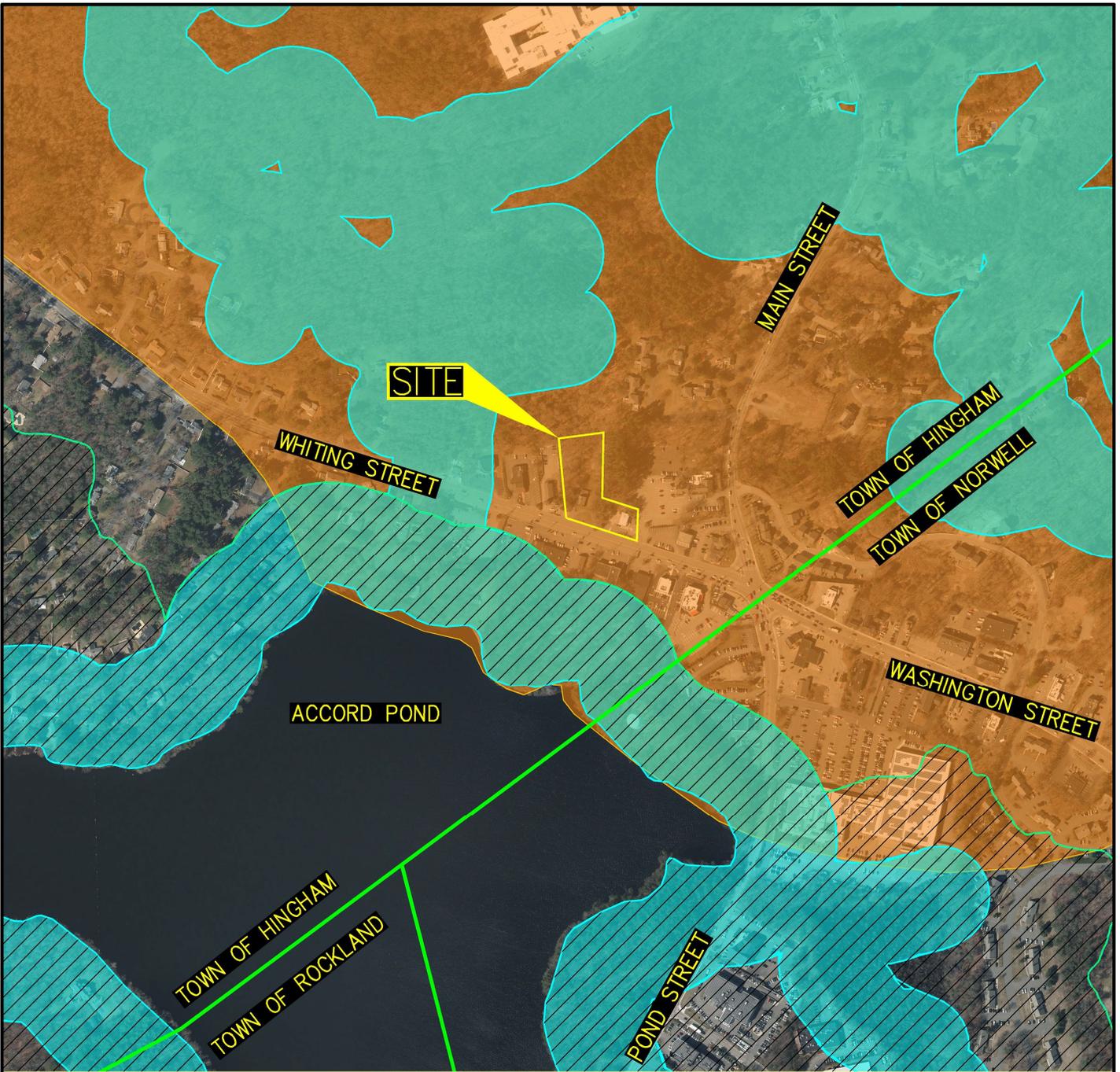
PROJECT NO.  
060903

DATE: 04/06/20

FIGURE 4

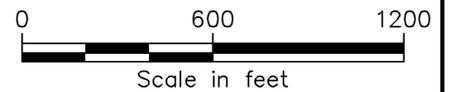


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**LEGEND:**

- |                                                                                     |                                    |                                                                                     |                                         |
|-------------------------------------------------------------------------------------|------------------------------------|-------------------------------------------------------------------------------------|-----------------------------------------|
|  | <b>APPROXIMATE PROPERTY LINE</b>   |  | <b>ZONE 1 WELLHEAD PROTECTION AREA</b>  |
|  | <b>ZONE A SURFACE WATER SUPPLY</b> |  | <b>ZONE 2 WELLHEAD PROTECTION AREA</b>  |
|  | <b>ZONE B SURFACE WATER SUPPLY</b> |  | <b>INTERIM WELLHEAD PROTECTION AREA</b> |



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**WATER SUPPLY PLAN  
19 AND 27 WHITING STREET  
HINGHAM, MA 02043**

**PROJECT NO.  
060903**

**DATE: 04/06/20**

**FIGURE 5**



**SECTION IV**  
**ABUTTERS INFORMATION**

---



**Abutters List**

Date: April 13, 2020

Subject Property Address: 27 WHITING STREET Hingham, MA  
Subject Property ID: 204-0-9

Subject Property Address: 19 WHITING STREET Hingham, MA  
Subject Property ID: 204-0-10

Search Distance: 100 Feet

-----  
Prop ID: 204-0-12  
Prop Location: 9 WHITING STREET Hingham, MA  
Owner: A & J REALTY TRUST  
Co-Owner: JOHN J LAWLESS III TRUSTEE  
Mailing Address:

9 WHITING STREET  
HINGHAM, MA 02043  
-----

-----  
Prop ID: 204-0-15  
Prop Location: 1217 MAIN STREET Hingham, MA  
Owner: A W PERRY INC  
Mailing Address:  
20 WINTHROP SQUARE  
BOSTON, MA 02110  
-----

-----  
Prop ID: 204-0-30  
Prop Location: 16 WHITING STREET Hingham, MA  
Owner: CORSON RAL ESTATE LLC  
Mailing Address:  
8 FOLEY BEACH ROAD  
HINGHAM, MA 02043

---

---

Prop ID: 204-0-31  
Prop Location: 22 WHITING STREET Hingham, MA  
Owner: 22 WHITING STREET LLC  
Mailing Address:  
22 WHITING STREET  
HINGHAM, MA 02043

---

---

---

Prop ID: 204-0-32  
Prop Location: 24 WHITING STREET Hingham, MA  
Owner: 24 WHITING STREET LLC  
Mailing Address:  
16527 KENDLESHIRE TERRACE  
LAKEWOOD RANCH, FL 34202

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---

Prop ID: 204-0-33  
Prop Location: 28 WHITING STREET Hingham, MA  
Owner: GRACE REALTY TRUST  
Co-Owner: C/O BINGLE ROBERT  
Mailing Address:  
7 NORSE PINES DRIVE  
EAST SANDWICH, MA 02537

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---

Prop ID: 204-0-7  
Prop Location: 37 WHITING STREET Hingham, MA  
Owner: HINGHAM INSTITUTION FOR SAVINGS  
Mailing Address:  
55 MAIN STREET  
HINGHAM, MA 02043

-----  
-----  
Prop ID: 204-0-8  
Prop Location: 35 WHITING STREET Hingham, MA  
Owner: AHSDMS LLC  
Mailing Address:  
35 WHITING ST  
HINGHAM, MA 02043  
-----

-----  
Prop ID: 204-1-67  
Prop Location: 1193 MAIN STREET Hingham, MA  
Owner: COLLINS FRANCIS X & ROBINSON MARY JANE  
Mailing Address:  
1193 MAIN STREET UNIT A-1  
HINGHAM, MA 02043  
-----

-----  
Prop ID: 204-2-67  
Prop Location: 1193 MAIN STREET Hingham, MA  
Owner: MORRIS EMILY A  
Mailing Address:  
1193 MAIN STREET UNIT A-2  
HINGHAM, MA 02043  
-----

-----  
Prop ID: 204-3-67  
Prop Location: 1193 MAIN STREET Hingham, MA  
Owner: BENNETT ANITA TT  
Co-Owner: BENNETT 2012 HINGHAM REALTY TRUST  
Mailing Address:  
1193 MAIN STREET B1  
HINGHAM, MA 02043

---

---

Prop ID: 204-4-67  
Prop Location: 1193 MAIN STREET Hingham, MA  
Owner: GILARDONE DENISE M  
Mailing Address:  
1193 MAIN ST  
HINGHAM, MA 02043

---

---

---

Prop ID: 204-5-67  
Prop Location: 1193 MAIN STREET Hingham, MA  
Owner: SCOTT PHILIPJ & EDITH L  
Mailing Address:  
1193 MAIN STREET  
HINGHAM, MA 02043

---

---

---

Prop ID: 204-6-67  
Prop Location: 1193 MAIN STREET Hingham, MA  
Owner: PERLMUTTER LAURENCE SCHEILLER DEBORAH  
Mailing Address:  
1193 MAIN STREET UNIT C-2  
HINGHAM, MA 02043

---

---

---

Prop ID: 204-7-67  
Prop Location: 1193 MAIN STREET Hingham, MA  
Owner: WOONTEILER GARY & ANNE  
Mailing Address:  
1193 MAIN STREET  
HINGHAM, MA 02043

---

Prop ID: 204-8-67

Prop Location: 1193 MAIN STREET Hingham, MA

Owner: DALLESSANDRO ELIZABETH ANN

Mailing Address:

1193 MAIN STREET UNIT D2

HINGHAM, MA 02043

---





# TOWN OF HINGHAM

## CONSERVATION COMMISSION

---

### **NOTIFICATION TO ABUTTERS UNDER THE MA WETLANDS PROTECTION ACT**

In accordance with the second paragraph of the Massachusetts General Laws Chapter 131 § 40, you are hereby notified of the following:

Merhej & Sons Realty, LLC has filed a Notice of Intent (NOI)  
(Applicant Name) (Application Type)

with the Conservation Commission for the Town of Hingham to perform work that may affect or is within an Area Subject to Protection under the Wetlands Protection Act (M.G.L. 131 § 40) and the Town of Hingham Wetlands Protection Bylaw.

The proposed project is located at 19 & 27 Whiting St, Hingham, MA 02043 (Lots 204-0-9, 204-0-10)  
(Project Address or Assessor Lots)

The proposed work includes addition of convenience store to existing gas station.  
(Project Description)

During the COVID-19 State of Emergency, application materials will be available for review on the Conservation Commission's website, under Pending Applications: <http://www.hingham-ma.gov/866/Pending-Applications>. Hard copies are also available for a fee, but may take up to ten (10) business days to be produced. To request a hard copy, please contact the Conservation Office: (781) 741-1445 or [conservation@hingham-ma.gov](mailto:conservation@hingham-ma.gov).

You may also request copies of the application from the applicant at:

(781) 982-5400  
(Phone number and/or email address)

The public hearing before the Conservation Commission for this project is currently scheduled for:

May 18, 2020 at 7:00 P.M.  
(Hearing date)

A legal notice will be published at least five (5) business days in advance of the public hearing in the PATRIOT LEDGER. During the COVID-19 State of Emergency, all public hearings will be held remotely via Zoom. All pertinent information (dial-in number, website address, and meeting ID) will be published at the top of the meeting agenda, which will be posted on the Town's website at least forty-eight (48) hours in advance of the public hearing. Please contact the Conservation Office with any questions or concerns regarding your ability to participate fully in the remote meeting: (781) 741-1445 or [conservation@hingham-ma.gov](mailto:conservation@hingham-ma.gov).

The Department of Environmental Protection can also provide information about this application or the Wetlands Protection Act. While the Southeast Regional Office is closed due to COVID-19, visit: <http://www.mass.gov/massdep-contacts-service-center>.





TOWN OF HINGHAM  
CONSERVATION COMMISSION

---

**AFFIDAVIT OF SERVICE**

Under the Massachusetts Wetlands Protection Act  
and the Town of Hingham Wetlands Bylaw

I, Donald Rose

(Name)

hereby certify under the pains and penalties of perjury that on May 1, 2020

(Date of Notice)

I gave notification to abutters in compliance with the second paragraph of M.G.L. c. 131, § 40, in connection with the following matter:

Notice of Intent (NOI)

(Application Type)

by Certified Mail

(Type of Notification or Delivery)

Filed with the Hingham Conservation Commission on May 1, 2020

(Date of Application)

For the property located at 19 & 27 Whiting St, Hingham, MA 02043 (Lots 204-0-9, 204-0-10)

(Property address or location)

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

Donald Rose

(Signature)

May 1, 2020

(Date)



**SECTION V**  
**FILING FEE INFORMATION**

---



## Calculated Filing Fee Statement

---

Under the MA Department of Environmental Protection (DEP) Wetlands Protection Act (WPA), the fee for proposed activities associated with a Notice of Intent filing are included within Category 3(b).

### Type of Activities:

- Category 3(b): Construction of each building (for development) including site.
  - The fee for Category 3(b) is \$1,050.00

### WPA Filing Fee:

Total WPA Required Fees =	<b>\$1,050.0</b>
State Share of WPA Filing Fee: $\$(1,050.0/2) - \$12.5 =$	<b>\$ 512.50</b>
Town's Share of WPA Filing Fee: $\$(1,050.0/2) + \$12.5 =$	<b>\$ 537.50</b>

---

### Town of Hingham Additional Filing Fee (Local Bylaw fee):

The Town of Hingham Bylaw fees are in addition to the fees pursuant to the Massachusetts Wetlands Protection Act (WPA; M.G.L. c. 131, § 40) fees referenced above.

Local Filing Fees under Article 22 for Category 3 (each Building (for development) including site) =	<b>\$525.0</b>
---------------------------------------------------------------------------------------------------------	----------------

---

### Total Project Filing Fees:

<b>Total State Share of Filing Fee:</b>	<b>\$ 512.50</b>
<b>Total Town Share of Filing Fee: \$ 537.50 + \$ 525.00 =</b>	<b>\$1,062.50</b>

**Total Project Filing Fee = \$512.50 + \$1,062.00 = \$1,575.00**

### Notes:

Public notification in a local newspaper is required for public hearings under the WPA and Hingham Wetland Bylaw. The Hingham Conservation Commission uses the Patriot Ledger for notification purposes and the Patriot Ledger bills the applicant for the public legal notice.



THIS DOCUMENT HAS A VOID PANTOGRAPH, HIGH RESOLUTION BORDER, CHEMICALLY REACTIVE PAPER, FLUORESCENT FIBERS AND A WATERMARK. ABSENCE OF THESE FEATURES WILL INDICATE A COPY.

# ROCKLAND TRUST

Branch: 958

www.rocklandtrust.com

## TREASURER'S CHECK

IF THIS CHECK IS LOST OR STOLEN, AN INDEMNITY BOND WILL BE REQUIRED FOR REPLACEMENT.

2141182

53-447

113

DATE April 28, 2020

REMITTER MERHEJ AND SONS REALTY LLC

\$\*\*\*\*\*512.50

PAY FIVE HUNDRED TWELVE AND 50/100

TO THE ORDER OF COMMONWEALTH OF MA

AUTHORIZED SIGNATURE

PURPOSE

WPA state  
27 Whiting St Hingham

PRINTED NAME

⑈02141182⑈ ⑆011304478⑆ ⑈11111111⑈

M 658730

THIS DOCUMENT HAS A VOID PANTOGRAPH, HIGH RESOLUTION BORDER, CHEMICALLY REACTIVE PAPER, FLUORESCENT FIBERS AND A WATERMARK. ABSENCE OF THESE FEATURES WILL INDICATE A COPY.

# ROCKLAND TRUST

Branch: 958

www.rocklandtrust.com

## TREASURER'S CHECK

IF THIS CHECK IS LOST OR STOLEN, AN INDEMNITY BOND WILL BE REQUIRED FOR REPLACEMENT.

2141180

53-447

113

DATE April 28, 2020

REMITTER MERHEJ AND SONS REALTY LLC

\$\*\*\*\*\*537.50

PAY FIVE HUNDRED THIRTY-SEVEN AND 50/100

TO THE ORDER OF TOWN OF HINGHAM

AUTHORIZED SIGNATURE

PURPOSE

WPA Town Share  
27 Whiting St. Hingham

PRINTED NAME

⑈02141180⑈ ⑆011304478⑆ ⑈11111111⑈

M 658730

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# ROCKLAND TRUST

Branch: 958

www.rocklandtrust.com

## TREASURER'S CHECK

IF THIS CHECK IS LOST OR STOLEN, AN INDEMNITY BOND WILL BE REQUIRED FOR REPLACEMENT.

2141181

53-447

113

DATE April 28, 2020

REMITTER MERHEJ AND SONS REALTY LLC

\$\*\*\*\*\*525.00

PAY FIVE HUNDRED TWENTY-FIVE AND 00/100

TO THE ORDER OF TOWN OF HINGHAM

AUTHORIZED SIGNATURE

PURPOSE

Local fee  
27 Whiting St. Hingham

PRINTED NAME

⑈02141181⑈ ⑆011304478⑆ ⑈11111111⑈





May 11, 2020

Attn: Loni Fournier, Senior Planner  
Conservation Commission  
210 Central Street  
Hingham, MA 02043

**RE: Hingham Gas – Notice of Intent  
19 & 27 Whiting St, Hingham, MA**

Dear Ms. Fournier:

CHA is in receipt of the email request for additional funds to comply with the appropriate filing fees for Category 1 (\$110) WPA and (\$100) Local Fee for the above referenced Notice of Intent filing. The project was previously selected solely as a Category 3 activity which led to the submission of an insufficient filing fee. Per the email from the Hingham Conservation Office, the project should have included a Category 1 activity, in accordance with 310 CMR 10. Since the Town of Hingham and MassDEP already received their shares of the WPA filing fee based on Category 3 activity, the remaining balance of (\$110) was separated for (\$67.50) to the Town of Hingham and \$42.50 to the Commonwealth of Massachusetts and an additional check for (\$100) to the Town of Hingham for the local fee. We have included copies of the checks to the Town of Hingham and the Commonwealth for reference.

We appreciate your time and consideration regarding the project. Should you have any questions or require any additional information, please don't hesitate to contact me at [drose@chacompanies.com](mailto:drose@chacompanies.com) or (781) 792-2238.

Sincerely,  
CHA Consulting, Inc.

A handwritten signature in blue ink, appearing to read 'Donald Rose', is written over a light blue horizontal line.

Donald Rose, P. E.  
Senior Engineer



## Calculated Filing Fee Statement

---

Under the MA Department of Environmental Protection (DEP) Wetlands Protection Act (WPA), the fee for proposed activities associated with a Notice of Intent filing are included within Category 1 (a).

### Type of Activities:

- Category 1 (a): Construction of each building (for development) including site.
  - The fee for Category 1(a) is \$110.00

### WPA Filing Fee:

Total WPA Required Fees =	<b>\$110.0</b>
State Share of WPA Filing Fee: $$(110.0/2) - \$12.5 =$	<b>\$ 42.50</b>
Town's Share of WPA Filing Fee: $$(110.0/2) + \$12.5 =$	<b>\$ 67.50</b>

---

### Town of Hingham Additional Filing Fee (Local Bylaw fee):

The Town of Hingham Bylaw fees are in addition to the fees pursuant to the Massachusetts Wetlands Protection Act (WPA; M.G.L. c. 131, § 40) fees referenced above.

Local Filing Fees under Article 22 for Category 3 (each Building (for development) including site) =	<b>\$100.0</b>
---------------------------------------------------------------------------------------------------------	----------------

---

### Total Project Filing Fees:

<b>Total State Share of Filing Fee:</b>	<b>\$ 42.50</b>
<b>Total Town Share of Filing Fee: \$ 67.50 + \$ 100.00 =</b>	<b>\$167.50</b>



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# ROCKLAND TRUST

www.rocklandtrust.com

## PERSONAL MONEY ORDER

Branch: 938 **8720843**

53-447  
113

DATE May 8, 2020

REMITTER MERHEJ AND SONS REALTY LLC

\$\*\*\*\*\*42.50

PAY FORTY-TWO AND 50/100

TO THE ORDER OF COMMONWEALTH OF MASSACHUSETTS

PURPOSE

*27 Whiting Street/Hingham  
WPA fee - state share*

*Jenny Guehey*  
*87 Derby St*

SIGNATURE

*Hingham MA 02043*  
ADDRESS

⑈08720843⑈ ⑆011304478⑆ ⑈2232197⑈

M 658730

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# ROCKLAND TRUST

www.rocklandtrust.com

## PERSONAL MONEY ORDER

Branch: 938 **8720845**

53-447  
113

DATE May 8, 2020

REMITTER MERHEJ AND SONS REALTY LLC

\$\*\*\*\*\*67.50

PAY SIXTY-SEVEN AND 50/100

TO THE ORDER OF TOWN OF HINGHAM

PURPOSE

*27 Whiting St Hingham  
WPA fee - town share*

*Jenny Guehey*  
*87 Derby St*

SIGNATURE

*Hingham MA 02043*  
ADDRESS

⑈08720845⑈ ⑆011304478⑆ ⑈2232197⑈

M 658730

THIS DOCUMENT HAS A VOID PANTOGRAPH. HIGH RESOLUTION SECURITY MARK. ABSENCE OF THESE FEATURES WILL INDICATE A COPY.

# ROCKLAND TRUST

www.rocklandtrust.com

## PERSONAL MONEY ORDER

Branch: 938 **8720846**

53-447  
113

DATE May 8, 2020

REMITTER MERHEJ AND SONS REALTY LLC

\$\*\*\*\*\*100.00

PAY ONE HUNDRED AND 00/100

TO THE ORDER OF TOWN OF HINGHAM

PURPOSE

*27 Whiting St - Hingham  
local fee*

*Jenny Guehey*  
*87 Derby St*

SIGNATURE

*Hingham MA 02043*  
ADDRESS

⑈08720846⑈ ⑆011304478⑆ ⑈2232197⑈



**APPENDIX A**  
**DEP DATA PLOTS**

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### DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

Applicant: Mehej & Sons Realty, LLC Prepared by: CHA, LLP. Project Location: Route 53/Whiting St., Hingham DEP File #: \_\_\_\_\_

Check all that apply:

- Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only
- Vegetation and other indicators of hydrology used to delineate BVW boundary: fill out Sections I and II
- Method other than dominance test used (attach additional information)

**Section I. Vegetation** Observation Plot Number: Wetland A Transect Number: Flag WFA – 27 Date of Delineation: 01/30/20

A. Sample Layer and Plant Species (by common/scientific name)	B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category*
<u>Trees:</u> NA				
<u>Saplings:</u> NA				
<u>Shrubs:</u> pussy willow ( <i>Salix discolor</i> )	10.5	10.5/10.5=100%	yes	FACW*
<u>Herb:</u> broad-leaf cattail ( <i>Typha latifolia</i> )	83	83/93.5=89%	yes	OBL*
wool-grass ( <i>Scirpus cyperinus</i> )	10.5	10.5/93.5=11%	no	FACW+*
<u>Vines:</u> NA				

\* Use an asterisk to mark indicator plants: plant species listed in the wetlands Protection Act (MGL c.131, s.40); plants in the genus *Sphagnum*; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

**Vegetation conclusion:** Hydrophytic Plant Community

Number of dominant wetland indicator plants: **2**                      Number of dominant non-wetland indicator plants: **0**

Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants:    100%    yes     no

## Section II. Indicators of Hydrology

Hydric Soil Interpretation

Wetland Series A-Plot 27

### 1. Soil Survey

Is there a published soil survey for this site? Yes  no

title/date: **Soil Survey of Plymouth County, MA, USDA & NRCS  
Web Soil Survey (2020)**

map number: **N/A**

soil type mapped: **51B – Swansea muck, 0 to 1 percent slopes  
640B – Urban Land, till substratum, 0 to 8  
percent slopes**

hydric soil inclusions: **NA**

Are field observations consistent with soil survey? Yes  no

Remarks:

### 2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
<b>O<sub>a</sub></b>	<b>0 –18 ”</b>	<b>10YR 2/1</b>	<b>OM</b>
<b>Refusal/rock</b>			

Remarks:

### 3. Other:

Conclusion: Is soil hydric? Yes  No

Other Indicators of Hydrology: (check all that apply and describe)

- Site inundated: \_\_\_\_\_
- Depth to free water in observation hole: **6 “** \_\_\_\_\_
- Depth to soil saturation in observation hole: **@ Surface** \_\_\_\_\_
- Water marks: \_\_\_\_\_
- Drift lines: \_\_\_\_\_
- Sediment deposits: \_\_\_\_\_
- Drainage patterns in BVW: \_\_\_\_\_
- Oxidized rhizospheres: \_\_\_\_\_
- Water-stained leaves: \_\_\_\_\_
- Recorded data (stream, lake, or tidal gauge; aerial photo; other): \_\_\_\_\_

Other: **Sulfur smell** \_\_\_\_\_

### Vegetation and Hydrology Conclusion

	yes	no
Number of wetland indicator plants greater than or equal to number of non-wetland indicator plants	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wetland hydrology present:		
hydric soil present	<input checked="" type="checkbox"/>	<input type="checkbox"/>
other indicators of hydrology present	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Sample location is in BVW</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Submit this form with the Request for Determination of Applicability or Notice of Intent.



## Section II. Indicators of Hydrology

Hydric Soil Interpretation

**Upland Series A -Plot 27**

### 1. Soil Survey

Is there a published soil survey for this site? Yes  no

title/date: **Soil Survey of Plymouth County, MA, USDA & NRCS  
Web Soil Survey (2020)**

map number: **N/A**

soil type mapped: **51B – Swansea muck, 0 to 1 percent slopes  
640B – Urban Land, till substratum, 0 to 8  
percent slopes**

hydric soil inclusions: **NA**

Are field observations consistent with soil survey? Yes  no

Remarks:

### 2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
O <sub>i</sub>	0.5 – 0”	-	OM
A <sub>p</sub>	0 – 10”	10YR 3/2	sandy loam
C	10– 11”	10YR 4/6	coarse sand

**Refusal/indurated**

Remarks: **Disturbed fill/lawn**

### 3. Other:

Conclusion: Is soil hydric? Yes  No

Other Indicators of Hydrology: (check all that apply and describe)

Site inundated: \_\_\_\_\_

Depth to free water in observation hole: \_\_\_\_\_

Depth to soil saturation in observation hole: \_\_\_\_\_

Water marks: \_\_\_\_\_

Drift lines: \_\_\_\_\_

Sediment deposits: \_\_\_\_\_

Drainage patterns in BVW: \_\_\_\_\_

Oxidized rhizospheres: \_\_\_\_\_

Water-stained leaves: \_\_\_\_\_

Recorded data (stream, lake, or tidal gauge; aerial photo; other): \_\_\_\_\_

Other: \_\_\_\_\_

### Vegetation and Hydrology Conclusion

	yes	no
Number of wetland indicator plants greater than or equal to number of non-wetland indicator plants	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Wetland hydrology present:

hydric soil present	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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other indicators of hydrology present	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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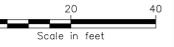
<b>Sample location is in BVW</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Submit this form with the Request for Determination of Applicability or Notice of Intent.

**APPENDIX B**  
**RESOURCE AREA PLAN**

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OWNER/APPLICANT:

MERHEJ & SONS  
REALTY, LLC  
87 DERBY STREET  
HINGHAM, MA 02043



IT IS A VIOLATION OF LAW FOR ANY PERSON UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT OR LAND SURVEYOR TO ALTER AN L.P. OR P.L. MAP. IF AN L.P. OR P.L. MAP OR STAMP OF A LICENSED PROFESSIONAL IS ALTERED, THE ALTERING ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT OR LAND SURVEYOR SHALL STAMP THE DOCUMENT AND INCLUDE THE WORDING "ALTERED BY FOLLOWED BY THEIR SIGNATURE, THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION."

HINGHAM GAS  
#19 & 27 WHITING  
STREET  
HINGHAM, MA 02043

No.	Submittal / Revision	App'd. By	Date
A	PERMIT SET	KK JM	5/1/2020
B	PERMIT SET	KK JM	9/10/2020

RESOURCE  
AREA PLAN

Designed By:	Drawn By:	Checked By:
DR/BN	DR/BN	KK
Issue Date:	Project No:	Scale:
05/01/2020	060903	1" = 20'

Drawing No.:

**G-002**

DISTURBANCE WITHIN WETLAND RESOURCES AND BUFFERS

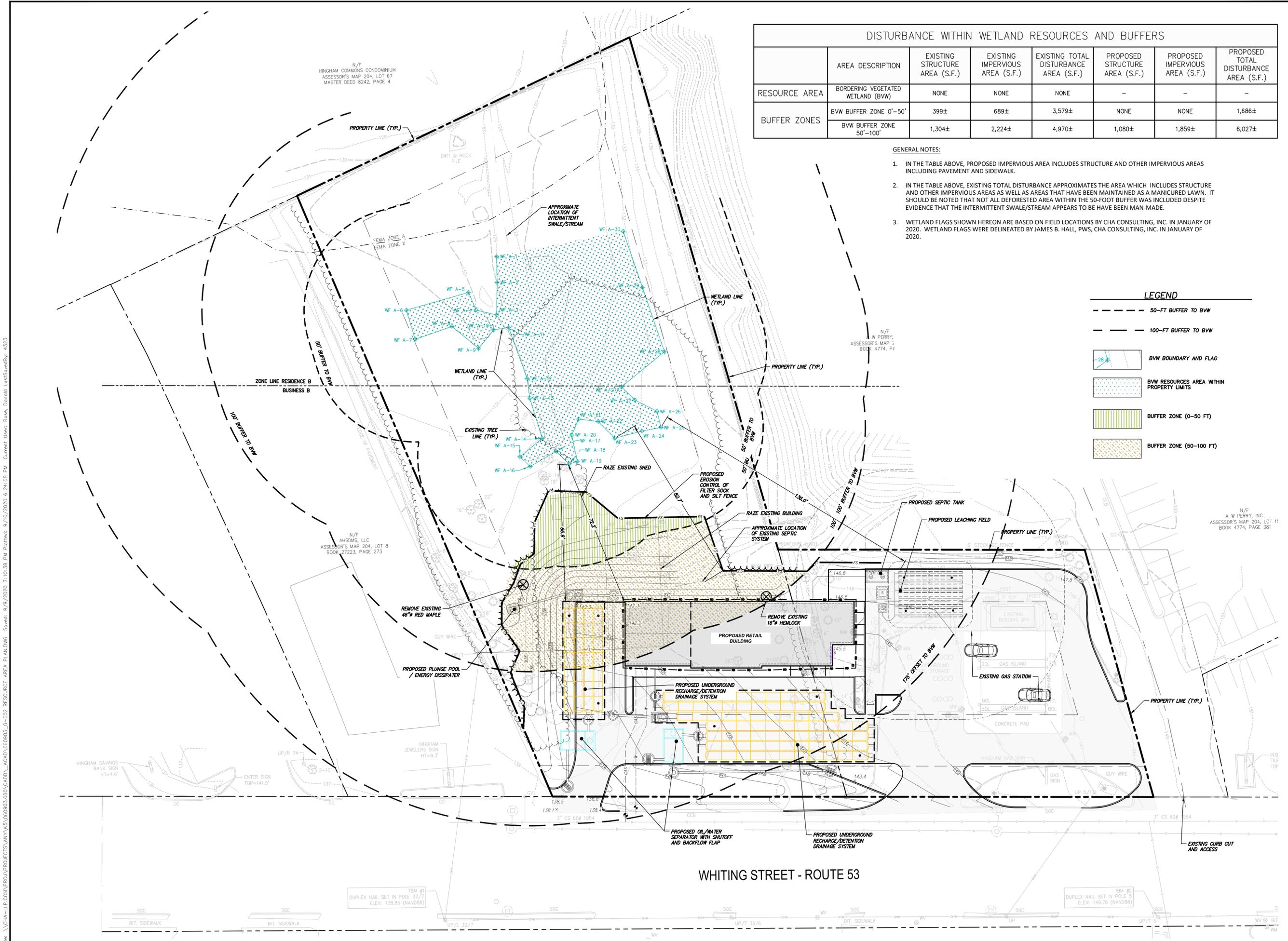
	AREA DESCRIPTION	EXISTING STRUCTURE AREA (S.F.)	EXISTING IMPERVIOUS AREA (S.F.)	EXISTING TOTAL DISTURBANCE AREA (S.F.)	PROPOSED STRUCTURE AREA (S.F.)	PROPOSED IMPERVIOUS AREA (S.F.)	PROPOSED TOTAL DISTURBANCE AREA (S.F.)
RESOURCE AREA	BORDERING VEGETATED WETLAND (BVW)	NONE	NONE	NONE	-	-	-
BUFFER ZONES	BVW BUFFER ZONE 0'-50'	399±	689±	3,579±	NONE	NONE	1,686±
	BVW BUFFER ZONE 50'-100'	1,304±	2,224±	4,970±	1,080±	1,859±	6,027±

GENERAL NOTES:

1. IN THE TABLE ABOVE, PROPOSED IMPERVIOUS AREA INCLUDES STRUCTURE AND OTHER IMPERVIOUS AREAS INCLUDING PAVEMENT AND SIDEWALK.
2. IN THE TABLE ABOVE, EXISTING TOTAL DISTURBANCE APPROXIMATES THE AREA WHICH INCLUDES STRUCTURE AND OTHER IMPERVIOUS AREAS AS WELL AS AREAS THAT HAVE BEEN MAINTAINED AS A MANICURED LAWN. IT SHOULD BE NOTED THAT NOT ALL DEFORESTED AREA WITHIN THE 50-FOOT BUFFER WAS INCLUDED DESPITE EVIDENCE THAT THE INTERMITTENT SWALE/STREAM APPEARS TO BE HAVE BEEN MAN-MADE.
3. WETLAND FLAGS SHOWN HEREON ARE BASED ON FIELD LOCATIONS BY CHA CONSULTING, INC. IN JANUARY OF 2020. WETLAND FLAGS WERE DELINEATED BY JAMES B. HALL, PWS, CHA CONSULTING, INC. IN JANUARY OF 2020.

LEGEND

- 50-FT BUFFER TO BVW
- 100-FT BUFFER TO BVW
- BVW BOUNDARY AND FLAG
- BVW RESOURCES AREA WITHIN PROPERTY LIMITS
- BUFFER ZONE (0-50 FT)
- BUFFER ZONE (50-100 FT)



File: \\CHA-LFP-COM\PROJ\PROJECTS\WV\WV060903\_G-002\_RESOURCE\_AREA\_PLAN.DWG Saved: 9/10/2020 7:10:38 PM Plotted: 9/10/2020 6:24:09 PM Current User: Rose, Donald Last Saved By: 4323

N/F HINGHAM COMMONS CONDOMINIUM ASSESSOR'S MAP 204, LOT 67 MASTER DEED 8242, PAGE 4

N/F W PERRY, ASSESSOR'S MAP BOOK 4774, P1

N/F AHSMS, LLC ASSESSOR'S MAP 204, LOT B BOOK 27223, PAGE 273

N/F A W PERRY, INC. ASSESSOR'S MAP 204, LOT 1E BOOK 4774, PAGE 381

WHITING STREET - ROUTE 53

TBM #1  
DUPLIX NAIL SET IN POLE 32/7  
ELEV: 138.85 (NAVD88)

TBM #2  
DUPLIX NAIL SET IN POLE 5  
ELEV: 149.76 (NAVD88)





