



## TOWN OF HINGHAM CONSERVATION COMMISSION

### APPLICATION CHECKLIST REQUEST FOR DETERMINATION OF APPLICABILITY (RDA)

The following instructions and submittal requirements should be used when submitting a Request for Determination of Applicability (RDA) to the Conservation Commission under the MA Wetlands Protection Act and Hingham Wetlands Protection By-Law. Please also refer to the DEP [Instructions for Completing WPA Form 1- Request for Determination of Applicability](#). Submit one (1) copy of the following to the Conservation Office by hand delivery or certified mail and one electronic copy of the complete application to [conservation@hingham-ma.gov](mailto:conservation@hingham-ma.gov)

- WPA Form 1- *Request for Determination*: [WPA Form 1 Department of Environmental Protection](#)
- A check payable to the Town of Hingham for the [Town of Hingham Wetlands Protection Bylaw fee](#)
  - *\$50 base fee for ancillary work on an existing single family house and all other requests for the first acre of land, \$40 for each additional acre of land*
  - *Please redact bank account information from photocopies*
  - *Note, a public legal notice is prepared and submitted by staff and the newspaper will invoice the applicant*
- Narrative describing the area, proposed activity, the on-site wetland resources (per the [Resource Area Delineation Policy](#)), existing/proposed impervious surface calculations and proposed mitigation (per the [Buffer Zone Mitigation Policy](#)), tree removal/replacement request (per the [Tree Removal and Replacement Policy](#)), and stormwater management, as applicable.
- Project plan of adequate size, scale, and detail to describe the site, resource areas, and proposed work including the following information:
  - *All wetland resource area boundaries including the 50 and 100 foot Buffer Zone*
  - *FEMA Floodplain boundaries, as applicable*
  - *Location of existing and proposed structures*
  - *Proposed mitigation areas, as applicable*
  - *Limit of work/erosion and sediment control line*
  - *Stockpile locations and other Stormwater BMPs as applicable*
  - *Trees of 6 inches or greater DBH in the buffer zone*

*\*Please note the Commission may require supporting plans or materials be prepared by professionals including, but not limited, to a registered professional engineer, landscape architect, land surveyor, etc.*
- Proof of mailing the RDA to the MA Department of Environmental Protection (DEP), Southeast Regional Office at 20 Riverside Drive, Lakeville MA, 02347 (certified mail receipt from the post office) or proof of electronic filing (eDEP Transaction Number)
- The Conservation Commission's [Policy on Receipt of Information](#)
- Optional - [Voluntary Waiver of Deadlines](#)



October 29, 2024  
Project No. 22-117.3

Town of Hingham  
Conservation Commission  
210 Central Street  
Hingham, MA 02043  
Attn: Shannon Palmer, Conservation Officer

Re: Determination of Applicability  
Proposed Conduit Installation  
The Marina at Hingham Harbor  
26 Summer Street  
Hingham, MA

Dear Officer Palmer:

TRACEY Environmental Consulting LLC (TRACEY) is pleased to present this document to the Hingham Conservation Commission and Request a Determination of Applicability (RDA) relating to the proposed installation of a shallow PVC conduit along the western perimeter of the property at 26 Summer Street in Hingham, Massachusetts (the "Property"). The purpose of the RDA is for the Hingham Conservation Commission to determine whether the Activities described herein are subject to the Wetlands Protection Act and its regulations. The Property is located on a wharf, previously known as Kimball's Wharf, which extends into Hingham Harbor on Route 3A (a.k.a. Summer Street along this section of 3A). The Property is owned by the AMJ Properties, LLC and operated as The Marina at Hingham Harbor, LLC.

Figure 1 indicates the Property's location at Hingham Harbor, immediately adjacent to the resource area. As such, the Property is within FEMA flood zones for 100- and 500-year floods, and the 50 foot Buffer Zone. Figure 2 is a "Plan of Land, 26 Summer Street, Hingham, MASS, Feldman Land Surveyors, September 29, 2010. Updated 10/06/2016." This plan shows the existing structures on the Property, which is generally barren of vegetation, with a surface of peastone, gravel, and occasional shells.

The proposed trench excavation is to follow the seawall as shown on Figure 3 to connect the electrical "closet" at the base of a telephone pole (southwest section of the Property) to the shed located near the end of the wharf. The shed is adjacent to the gangway that leads to docks and slips of The Marina, as represented on Figure 2. The conduit will allow installation of updated electrical service to the dock and slips per current local, state, and federal electrical codes.

The planned electrical utility installation will be completed along the seawall in a gravel covered parking lot used for cars, boats, and dock storage. No vegetation or shrubbery clearing will be required as represented in the attached Photographs.

The proposed minor Activities are solely within the buffer zone on the wharf structure and will not alter or impact the Area Subject to Protection. Typical erosion controls will be utilized immediately south of the seawall, west of the trench in the area depicted in Photograph No. 4. For the remainder of the trench, the existing ground and the seawall extend approximately 12-18" above grade, further preventing potential impacts to the Harbor, as demonstrated in the attached photographs.

Boustris & Sons, Inc. of Brighton, Massachusetts is engaged by The Marina to complete the project, which is estimated to require three to five days, including completing appropriate inspections by local officials. Installation of the conduit will require a temporary trench three feet wide to a depth of four feet below ground surface. Soil will be temporarily placed east of the trench, away from the seawall in a manner as to reduce the potential for any adverse impacts to the resource area during construction. The work will not involve any alteration of the underlying wetland soils, tidal area, or surface water.

The PVC conduit will be placed on ~3" of fine sand, and covered by ~5" of poured concrete after local inspection is conducted; the remainder of the trench will be properly backfilled with the excavated material, and post-construction measures will restore and stabilize any disturbed areas. The work area is considered level and not anticipated to create erosion or runoff conditions that will impact the resource area, Hingham Harbor.

No work, machinery, stockpiles, or workers are proposed to be in the resource area. The Marina is currently closed for the season and the public will not have access to the area, which will be properly designated and cordoned off for safety.

If you have any questions please contact me at [jmurphylsp@gmail.com](mailto:jmurphylsp@gmail.com) or call me at 781.726.2519.

Sincerely,

TRACEY Environmental Consulting LLC



James P. Murphy, LSP  
Principal

Attachments

- WPA Form 1 – Request for Determination of Applicability
- Figures
- Site Photographs
- Check for Wetlands Bylaw Fee [*Not sent electronically*]
- Hingham Wetland Regulations – Appendix C
- eDEP Online Filing Confirmation

cc: Tony Giorgio, The Marina at Hingham Harbor, LLC



**Massachusetts Department of Environmental Protection**  
Bureau of Water Resources - Wetlands

**WPA Form 1- Request for Determination of Applicability**

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

Municipality \_\_\_\_\_

**A. General Information**

**Important:**

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



1. Applicant:

First Name \_\_\_\_\_ Last Name \_\_\_\_\_

Address \_\_\_\_\_

City/Town \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone Number \_\_\_\_\_ Email Address \_\_\_\_\_

2. Property Owner (if different from Applicant):

First Name \_\_\_\_\_ Last Name \_\_\_\_\_

Address \_\_\_\_\_

City/Town \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone Number \_\_\_\_\_ Email Address (if known) \_\_\_\_\_

3. Representative (if any)

First Name \_\_\_\_\_ Last Name \_\_\_\_\_

Company Name \_\_\_\_\_

Address \_\_\_\_\_

City/Town \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone Number \_\_\_\_\_ Email Address (if known) \_\_\_\_\_

**B. Project Description**

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

Street Address \_\_\_\_\_ City/Town \_\_\_\_\_

Latitude (Decimal Degrees Format with 5 digits after decimal e.g. XX.XXXXX) \_\_\_\_\_ Longitude (Decimal Degrees Format with 5 digits after decimal e.g. -XX.XXXXX) \_\_\_\_\_

Assessors' Map Number \_\_\_\_\_ Assessors' Lot/Parcel Number \_\_\_\_\_

b. Area Description (use additional paper, if necessary):

c. Plan and/or Map Reference(s): (use additional paper if necessary)

Title \_\_\_\_\_ Date \_\_\_\_\_

Title \_\_\_\_\_ Date \_\_\_\_\_

[How to find Latitude and Longitude](#)

[and how to convert to decimal degrees](#)



**Massachusetts Department of Environmental Protection**

Bureau of Water Resources - Wetlands

**WPA Form 1- Request for Determination of Applicability**

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

\_\_\_\_\_  
Municipality

**B. Project Description (cont.)**

2. a. Activity/Work Description (use additional paper and/or provide plan(s) of Activity, if necessary):

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

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3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- Single family house on a lot recorded on or before 8/1/96
- Single family house on a lot recorded after 8/1/96
- Expansion of an existing structure on a lot recorded after 8/1/96
- Project, other than a single-family house or public project, where the applicant owned the lot before 8/7/96
- New agriculture or aquaculture project
- Public project where funds were appropriated prior to 8/7/96
- Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- Residential subdivision; institutional, industrial, or commercial project
- Municipal project
- District, county, state, or federal government project
- Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)



# WPA Form 1- Request for Determination of Applicability

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

\_\_\_\_\_  
Municipality

## C. Determinations

1. I request the \_\_\_\_\_ make the following determination(s). Check any that apply:  
Conservation Commission

- a. whether the **area** depicted on plan(s) and/or map(s) referenced above is an area subject to jurisdiction of the Wetlands Protection Act.
- b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced above are accurately delineated.
- c. whether the **Activities** depicted on plan(s) referenced above is subject to the Wetlands Protection Act and its regulations.
- d. whether the area and/or Activities depicted on plan(s) referenced above is subject to the jurisdiction of any **municipal wetlands' ordinance** or **bylaw** of:

\_\_\_\_\_  
Name of Municipality

- e. whether the following **scope of alternatives** is adequate for Activities in the Riverfront Area as depicted on referenced plan(s).

## D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Representative (if any)

\_\_\_\_\_  
Date

**TRACEY**  
 Environmental  
 Consulting LLC

15 Park Ave. Unit 403  
 Hull, MA 02045  
 781 726 2519



REV No.	DATE	INT.	- DESCRIPTION -
DRAWN BY: JJP			REVIEWED BY: JM
DATE: 12/4/2022			JOB No. 22-117

26 SUMMER STREET
HINGHAM, MASSACHUSETTS
<b>LOCUS PLAN</b>
SOURCE 1984 USGS WEYMOUTH, MA QUADRANGLE MAP (NOT TO SCALE)

FIGURE No. 1



CONTINUATION OF HISTORIC MEAN LOW WATER (SEE NOTE 1)

N:2916160.02  
E: 823334.56

N:2916165.95  
E: 823305.63

N:2916130.50  
E: 823333.80

N:2915988.37  
E: 822993.39

N:2915863.54  
E: 823098.45

N:2915812.25  
E: 823098.20

N:2915837.05  
E: 823198.13

N:2915805.06  
E: 823148.98

N:2915952.55  
E: 823375.63

- NOTES:**
- HISTORIC MEAN LOW WATER IS SHOWN ON THIS PLAN PER A PLAN ENTITLED "BOSTON HARBOR, MASSACHUSETTS" PUBLISHED APRIL 1901 BY THE US COAST AND GEODETIC SURVEY (DATE OF FIRST PUBLICATION 1867). SAID LINE AGREES WITH THE PRESUMPTIVE HISTORIC MEAN LOW WATER LINE PROVIDED BY THE MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION. THE PRESUMPTIVE HISTORIC MEAN HIGH WATER LINE SHOWN HEREON AS PROVIDED BY THE MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION.
  - PARCEL D, AS SHOWN ON THE PLAN RECORDED IN THE PLYMOUTH COUNTY REGISTRY OF DEEDS IN PLAN BOOK 10, PAGE 57, WAS CONVEYED IN 1954 TO GEORGE E. KIMBALL & SON INC. FROM JAMES H. KIMBALL IN A DEED RECORDED IN BOOK 2367, PAGE 172 IN SAID REGISTRY. SAID DEED STATES THAT THE PARCEL IS CONVEYED WITH "ANY RIGHTS IN HINGHAM HARBOR, SO FAR AS SAME ARE NOW IN FORCE OR APPLICABLE". SAID RIGHTS CONTINUED TO BE CONVEYED IN SUBSEQUENT DEEDS FOR SAID PARCEL D UP TO THE CURRENT DEED, RECORDED IN SAID REGISTRY IN BOOK 37624, PAGE 267.
  - PARCEL A, AS SHOWN ON SAID PLAN, WAS CONVEYED IN 1970 TO MOBIL OIL CORPORATION FROM EDWARD J. ZIEGLER AND RICHARD L. WILDER IN A DEED RECORDED IN SAID REGISTRY IN BOOK 3571, PAGE 757. SAID DEED CALLS OUT THE NORTHWESTERLY COURSE OF SAID PARCEL A AS "BY OTHER LAND NOW OR FORMERLY OF GRANTOR".
  - THIS DOCUMENT IS AN INSTRUMENT OF SERVICE OF HARRY R. FELDMAN, INC. ISSUED TO OUR CLIENT FOR PURPOSES RELATED DIRECTLY AND SOLELY TO HARRY R. FELDMAN INC.'S SCOPE OF SERVICES UNDER CONTRACT TO OUR CLIENT FOR THIS PROJECT. ANY USE OR REUSE OF THIS DOCUMENT FOR ANY REASON BY ANY PARTY FOR PURPOSES UNRELATED DIRECTLY AND SOLELY TO SAID CONTRACT SHALL BE AT THE USER'S SOLE AND EXCLUSIVE RISK AND LIABILITY, INCLUDING LIABILITY FOR VIOLATION OF COPYRIGHT LAWS, UNLESS WRITTEN CONSENT IS PROVIDED BY HARRY R. FELDMAN, INC.
  - UNLESS OTHERWISE NOTED, DETAILS ARE NOT TO SCALE.
  - COORDINATES SHOWN HEREON REFER TO MASSACHUSETTS STATE PLANE, MAINLAND ZONE (NAD83).

**REFERENCES**

PLYMOUTH COUNTY REGISTRY OF DEEDS (LOCUS)

BOOK	PAGE
868	205
886	551
1368	214
1394	174
1589	373
1602	30
2367	168
2367	172
2832	179
2832	182
2860	311
6942	183
7663	206
18240	71
37624	267
44071	81

DEEDS (ABUTTERS)

BOOK	PAGE
3311	496
3578	261
36349	202

PLANS

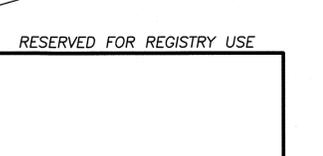
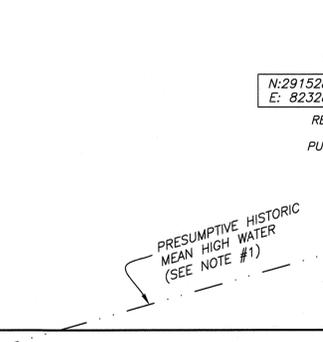
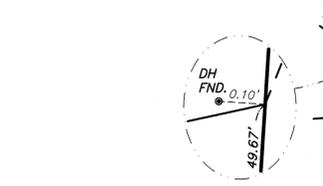
PLAN BOOK	PAGE
3	291
6	122
7	333
10	57 (LOCUS)
15	486/467
54	710

PLAN No. 525 OF 1966  
PLAN No. 811 OF 1974

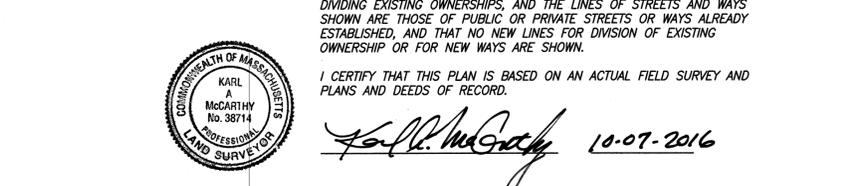
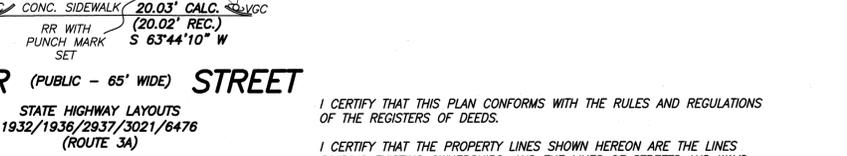
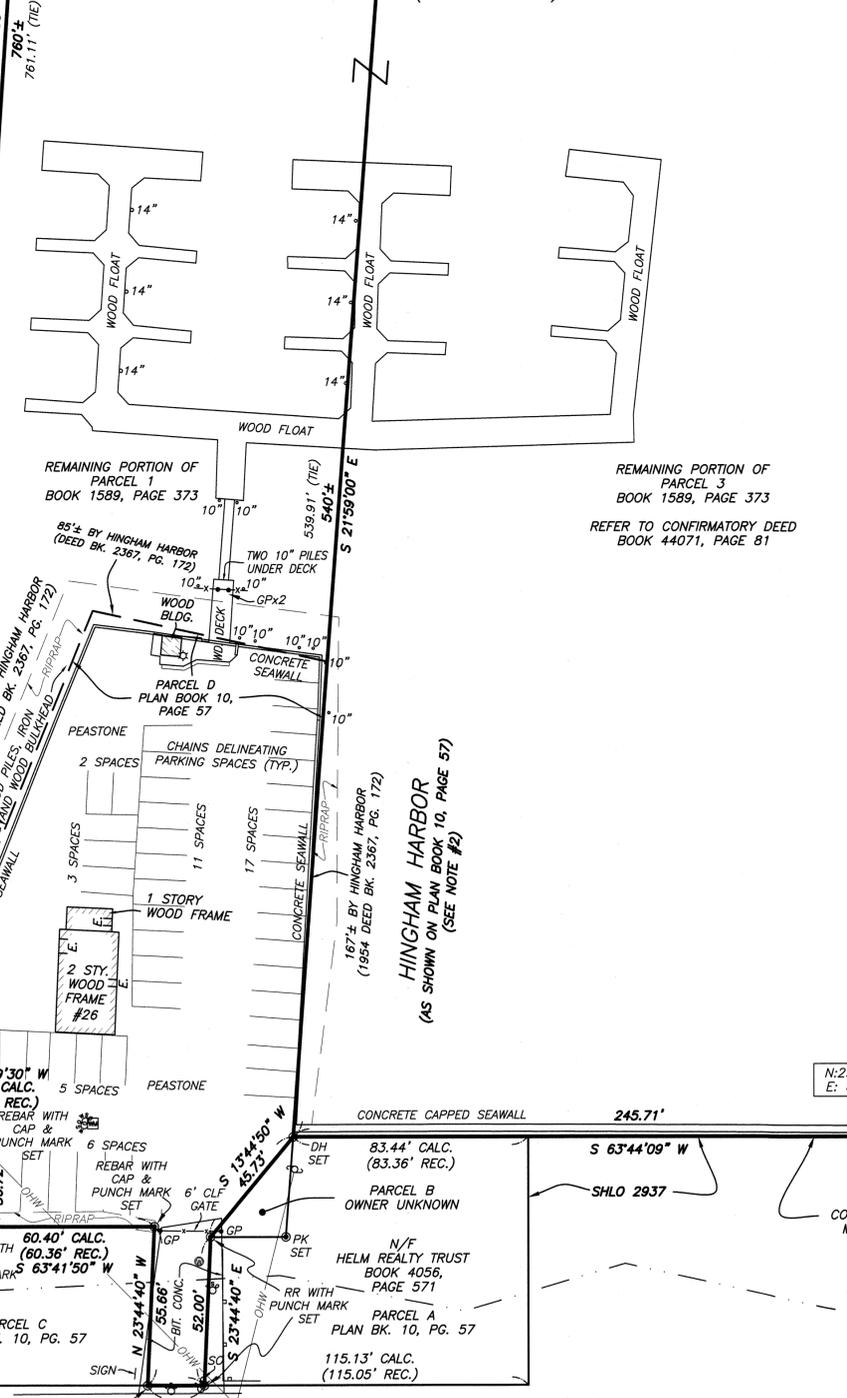
MASSACHUSETTS HIGHWAY DEPARTMENT LAYOUTS 1932/1936/2937/3021/6476

N/F MOBIL OIL CORPORATION  
BOOK 3578 PAGE 261

N/F TOWN OF HINGHAM  
BOOK 4028, PAGE 179



AREA TO HISTORIC MEAN LOW WATER = 243,000± S.F. (5.6± Acres)



CONTINUATION OF HISTORIC MEAN LOW WATER (SEE NOTE 1)

**LEGEND:**

- UTILITY POLE
- ☆ LIGHT POLE
- ⊙ OBSERVATION WELL
- ⊠ CATCH BASIN
- ⊡ WATER METER
- ⊙ WATER SHUT OFF
- ⊙ GAS SHUT OFF
- ⊙ SHUT OFF
- ⊙ GATE POST
- ⊙ PILE
- E ENTRANCE
- CONC. CONCRETE
- VGC VERTICAL GRANITE CURB
- CLF CHAIN LINK FENCE
- DH DRILL HOLE
- SB/DH STONE BOUND/DRILL HOLE
- MHB MASSACHUSETTS HIGHWAY BOUND
- FND FOUND
- N/F NOW OR FORMERLY
- S.F. SQUARE FEET
- BK BOOK
- PG. PAGE
- REC. RECORD
- CALC. CALCULATED
- SHLO STATE HIGHWAY LAYOUT
- RR RAILROAD SPIKE
- WD. WOOD
- FENCE
- GUARD RAIL
- OHW OVERHEAD WIRES

CHARLES B. BARNES TO TOWN OF HINGHAM  
BOOK 3311, PAGE 496

10/06/2016	FORMATTED PLAN FOR RECORDATION
09/27/2016	REVISED PER CONFIRMATORY DEED
01/21/2011	NOTES REVISED

**PLAN OF LAND**  
**26 SUMMER STREET**  
**HINGHAM, MASS.**

FELDMAN LAND SURVEYORS SEPTEMBER 29, 2010  
152 HAMPDEN STREET PHONE: (617)357-9740  
BOSTON, MASS. 02119 www.feldmansurveyors.com

**FELDMAN**  
LAND SURVEYORS

30 0 15 30 60 120  
SCALE: 1"=30'

FIGURE 2

RESEARCH MJB	FIELD CHIEF KAM	CHECKED	APPROVED	FILE NAME: 12917-81X.dwg
CALC MJB	CADD MJB	FIELD CHECKED	CRD FILE 12917	JOB NO. 12917

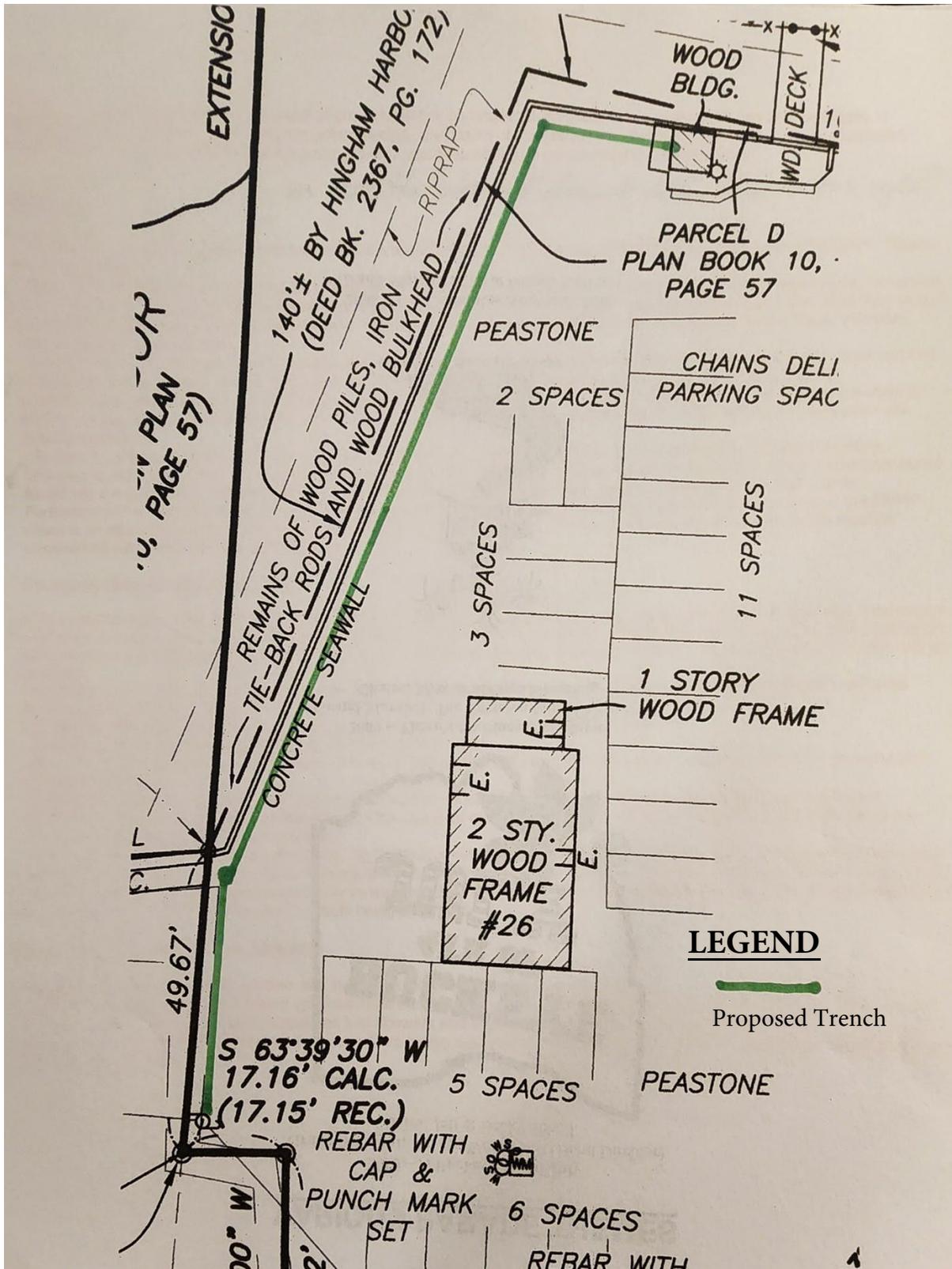


I CERTIFY THAT THIS PLAN CONFORMS WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

I CERTIFY THAT THE PROPERTY LINES SHOWN HEREON ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

I CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL FIELD SURVEY AND PLANS AND DEEDS OF RECORD.

*Karl A. McCarthy* 10-07-2016



26 SUMMER STREET, HINGHAM, MA

FIGURE 3

Pictures 1 -2: The surface of the wharf is shown with the seawall along the west and north portions of the wharf.



**Pictures 3-5: The surface of the wharf where the trench will start, south of the seawall; area requiring typical erosion controls in center photo; wharf and seawall 2hrs after high tide on October 30, 2024.**



# HINGHAM WETLAND REGULATIONS

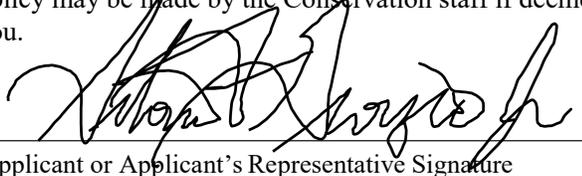
## APPENDIX C

### Policy on Receipt of Information

(Revised March 4, 2024)

1. New applications/filings must be submitted to the Conservation office (by certified mail or hand delivery) in accordance with the [Commission's Meeting Schedule and Deadlines](#) to facilitate the placement of the legal advertisement and to allow timely review by the Conservation Officer. Conservation staff will review the application for administrative completeness. Upon receipt of a complete application, a hearing or meeting will be scheduled in accordance with the 310 CMR 10.05(5) and the Wetland Regulations, Section 7.6.
2. If deemed necessary, based on the Commission's meeting schedule, Conservation staff may request the applicant *voluntarily* waive the 21 day statutory deadline for holding a public hearing or issuing a Determination of Applicability.
3. Requests for additional information may be made by the Commission members or their agent to clarify the scope of the project or determine compliance with the 310 CMR 10.00 and/or the Hingham Wetland Regulations. Such requests, if not made at the public hearing, will be communicated to the applicant or their representative as promptly as possible.
4. Additional information requested by the Commission or their agent in accordance with No.3, must be submitted to the Conservation office (hard copy and electronic copy) a minimum of 7 days prior to the meeting date, on Monday by 4PM. If the office is closed on Monday due to a holiday, the information is due on the preceding Thursday by 4PM. *Revisions submitted after the established deadline may not receive a timely review, thereby resulting in a continuance to the next available meeting.*
5. The Commission may engage the peer review services of an outside consultant as provided by M.G.L. Ch. 44, § 53G, to be paid for by the applicant, for specific expert review deemed necessary to come to a final decision on a submitted application. Specific consultant services may include but are not limited to, review of a Notice of Intent, Wetland Resource Area Delineation, Stormwater/Drainage Reports, etc. The consultant shall be chosen by the Conservation Commission by vote at the public hearing, and report only to the Commission or its agent. *Requested additional information/revisions by the peer reviewer is required a minimum of two weeks prior to the hearing date.*
5. All supplemental documentation and revised plans must include a revision date and must be date stamped by the Conservation office upon receipt. If this information is not present, the documents may be considered incomplete and may not receive a timely review, thereby resulting in a continuance to the next available meeting.
6. Please note that all supplemental documentation and revised plans submitted to the Commission for a pending application, subject to the MA Wetlands Protection Act, must also be sent to the DEP Southeast Regional Office, 20 Riverside Dr., Lakeville, MA 02347

The Hingham Conservation Commission is committed to a thorough and timely review of each application and an efficient hearing process. Cooperation with this policy is appreciated to facilitate these efforts. Exceptions to this policy may be made by the Conservation staff if deemed warranted. Please sign and include with your filing. Thank you.



Applicant or Applicant's Representative Signature

Date

## Receipt



### Summary/Receipt

Your submission is complete. Thank you for using DEP's online reporting system. You can select "My eDEP" to see a list of your transactions.

print receipt

Exit

DEP Transaction ID: 1825945  
Date and Time Submitted: 10/31/2024 12:52:35 AM  
Other Email :

**Form Name:** Submittal Platform for WPA Form 1 - RDA

Project Location  
City/Town Name: HINGHAM  
Location: 26 SUMMER STREET  
Project Description: INSTALL UNDERGRND CONDUIT ON WHARF, INSIDE SEAWALL

Applicant Information  
Name: ANTONIO GIORGIO  
Company: THE MARINA AT HINGHAM HARBOR, LLC  
Address: 26 SUMMER STREET, HINGHAM, MA, 02043

**Ancillary Document Uploaded/Mailed**  
10.31.24.MassDEP\_Hingham RDA

[My eDEP](#)