Project Narrative

322 Rockland Street, Hingham MA

Project Description

The owners of the private, residential property located at 322 Rockland Street, request permission from the Hingham Conservation Commission to raze and rebuild their single-family dwelling, add new patio space, and reconstruct the driveway. The locus property is approximately 38,800± sf. The property abuts a residential property to the northeast, the Weir River to the northwest, and more residential properties to the southeast. The Bordering Vegetative Wetlands, and Salt Marsh were identified by ECR, LLC on March 1, 2024 and the landward resource areas were flagged. As noted in the Wetland Delineation Report, a small section of upper Salt Marsh/BVW appears to extend into an area currently maintained as lawn. The site is located within the FEMA F.I.R.M. Zone AE (EL=10) and is also located within the Weir River area of critical environmental concern. The property is developed with a single-family dwelling, paved driveway, shed, and a deck. Topography on site generally slopes from a high point at Rockland Street, sloping gradually down to Weir River.

The applicants propose to build a smaller footprint house within the existing dwelling to become flood compliant with the first floor elevation being proposed 2 feet above the FEMA flood Zone AE (EL=10). The proposed dwelling will have a new driveway coming off the attached garage which primarily lies within the 100 foot buffer but has a small portion the is located in the 50 foot buffer. Currently the existing rear patio and stone wall are 10.5± feet from the salt marsh. A proposed patio is located in the rear yard of the property and has been set 2.5 feet away from the BVW. The paved driveway currently located in the rear yard is located 0.5 feet away from the BVW and is to be removed and will be replaced with lawn. Additionally the shed located to the northern side of the property will be removed and that along with the gravel path leading up to the structure will be replaced by lawn.

A portion of the proposed single family dwelling lies within 50’ buffer zone to Salt Marsh/BVW and the rest of the work takes place within the 100’ buffer. In addition, the property lies within the 100’ Riparian Zone of the Weir River. A portion of the backyard which has historically been mowed, will be restored to salt marsh providing 2,106 sf of new salt marsh along the delineated edge of the BVW in the rear yard. The historically maintained Salt Marsh will be replanted as necessary.

Currently there is 4,702± sf of impervious area on the property. The proposed work will reduce the total impervious area to approximately 3,245± sf, all of which is within the 100 foot buffer to the resource of areas. This results in a reduction of impervious area of -1400± sf. The minimum distance from an impervious area to the wetland increases from 0.5 feet to 2.5 feet. All proposed work is located within previously altered areas.

Mitigation Measures

For mitigation, approximately 2,160± sf of historically maintained lawn will be restored to salt marsh on northwestern portion of the developed lot as shown on the Site Plan dated 6/13/24. The salt marsh resource area will be restored by

discontinuing the mowing of the area and planting supplemental plug plants as necessary throughout the restoration area. The plug plants will be sparinta patens (Cord Grass), Distichlius spicata (Spike Grass), and juncus Geradii (Black Grass), and shall be installed by hand. The restoration area exceeds the mitigation required for work within all buffers.

No trees are proposed for removal within the resource areas and their buffer zones. The impervious area will decrease from the existing 4,145± sf to 3,767± sf under proposed conditions.

While the work is located within Land Subject to Coastal Storm Flowage and within the Area of Critical Environmental Concern the work is contained within the developed portion of the site and therefore will not impact any of the surrounding naturally existing areas. There is no expansion beyond the existing developed area that would impact wildlife habitat. The restoration of 2,160± sf of salt marsh mentioned earlier will benefit the wildlife that utilizes the marsh including shellfish , small mammals and indigenous bird species by restoring the native vegetation that is currently being maintained by mowing. Furthermore, the restoration of the salt marsh immediately between the undisturbed mash and the developed portion of the site will improve the Land Subject to Coastal Storm Flowage to mitigate storm damage and flood control.

A silt sock will be installed and maintained throughout construction between the limit of work and the resource areas. The material and equipment stockpile areas will be located to the south of the dwelling and surrounded with an additional silt sock.

Compliance with Performance Standards for Salt Marsh, Section 18.4, Hingham Wetland Regulations

(1) *A proposed project shall not cause any adverse effect or cumulative adverse effect upon salt marsh productivity and wetland values of a salt marsh.*

No Impact to the salt marsh is proposed as a part of this project. The applicant would like to plant back the salt marsh that was previously mowed to the edge of the historic lawn.

(2) *Notwithstanding the above provisions, no project may be permitted which will have any adverse effect on specified habitat of rare vertebrate or invertebrate, as identified by procedures established under 310 CMR 10.37. 39 HINGHAM WETLAND REGULATIONS (Revised May 20, 2024).*

The project will not effect the specified habitat of rare vertebrate or invertebrate since the only area being affected within the LSCSF has been previously degraded. The new conditions set fourth in the proposed Site Plan will reduce runoff, which should help the habitat grow.

(3) Refer to HWR 23.0 et seq. for additional project-specific performance standards.

Please see section 23.6 for additional project specific performance standards.

(4) Performance standards for activities or work proposed in the buffer zone to a Salt Marsh are specified in HWR 22.0.

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

The new dwelling was located as far as possible from wetland resource area's as possible to minimize impact to the resource areas and their buffer zones. The proposed structures within the 100' buffer to the resource area are located within previously developed land (lawn). The proposed Single Family dwelling is located within the same location of the existing house and is located 1 foot away from the front setback. The impervious area has been reduced by 1400± sf from the overall existing impervious area in order to protect the wetlands. Impervious area within the 50' buffer has been reduced and relocated outside the 50' buffer to the extent practicable.

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

The area of proposed work within the buffer zones is located over land developed as lawn and impervious area. A siltation barrier will be maintained along the limit of work to define and control the work area. Historically maintained lawn area (2,160± sf) will be restored to salt marsh.

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

A 2,160± sf mitigation area within historically mowed lawn area is included on the plan with this submittal. Approximately 3,200± sf of impervious area is proposed within the 100' buffer to the Salt Marsh. The proposed restoration area extends the width of the property, between the proposed work and the Salt Marsh. The Site Plan exceeds the requirements of the Town of Hingham Mitigation Policy.

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

The project will not result in an adverse effect on specified habitat of rare vertebrate or invertebrate and rare plant species. The lot is already developed as a single-family home. All work is located over previously developed land with lawn or structure, and no rare species have been identified in the area of work. No NHESP Estimated & Priority Habitats are identified onsite, per MassMapper and the Wetland Delineation Report.

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

This application is presented to the Conservation Commission for their review.

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

The application and site plan have been submitted for the formal review of the Conservation Agent and the Conservation Commission.

Compliance with Performance Standards for Work in LSCSF, Section 20.1.(d), Hingham Wetland Regulations

The proposed work complies with the Hingham Wetland Regulations Performance Standards for work in LSCSF as follows:

(1) A proposed project shall not cause any adverse effect or cumulative adverse effect upon the wetland values of LSCSF.

The LSCSF extends over the entire property. The existing dwelling is being replaced with a smaller, flood compliant dwelling. In an effort to improve the function of the LSCSF on the property, 1,155± sf of existing paved driveway will be removed and restored to grass lawn area. Additionally, the shed to the rear of the property will be removed and the proposed dwelling will be elevated so the first floor elevation will be 2 feet above the FEMA flood elevation (3.3' above existing first floor elevation and 4'-5' above existing grade).

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

The lot is previously developed as a single-family home and all proposed work is within previously altered area's. This area is not considered significant to wildlife habitat, and is not mapped as estimated or priority habitat by NHESP. In order to improve the wildlife habitat on the property, 1,155± sf of existing driveway will be removed from within close proximity to the river and 2,160± sf of historically mowed lawn area will be restored to salt marsh.

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

The lot is already developed as a single-family home. The area of work within the LSCSF is currently developed with over existing structures or lawn. This area is not considered significant to pollution prevention. The restoration planting area provides additional protection between the limit of work and other resource areas, and the removal of 1,155± sf of paved driveway will improve the function of the LSCSF.

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

The proposed dwelling is proposed 2 feet higher than the FEMA Flood Zone AE (EL=10) making the new structure flood compliant, with 2 additional feet of freeboard above the 100-year flood elevation.

(5) Activities proposed within VE-zones and/or AE-zones that are likely to have an adverse effect on the protected values and are therefore prohibited.

No prohibited activities are proposed and the structure will be elevated to have a finished floor elevation 2 feet higher than the flood elevation which will bring it into compliance with the local and state building code requirements.

Compliance with Performance Standards for Work in the Riverfront Area, Section 21.1(d), Hingham Wetland Regulations

(1) Except as stated below, the Commission hereby incorporates 310 CMR 10.58 in its regulations for all matters related to Bylaw jurisdiction in lands within 200 feet of rivers and streams.

The 310 CMR 10.58 was used when designing for the new proposed Single Family Dwelling. Please see the section below.

(2) Notwithstanding the above, a river is any natural flowing body of water that empties to any ocean, lake, pond, other river, stream or wetland and which flows throughout the year. Perennial rivers, streams and creeks are rivers; intermittent streams are not. Notwithstanding 310 CMR 10.58, the burden of proof shall be on any applicant to show that a river, stream or creek is not perennial (i.e., is intermittent).

The Weir River behind the applicants property is a perennial river that has riverfront area and follows the regulations set fourth in 310 CMR 10.58.

(3) For any river or stream that is tidally influenced, the Commission shall use the DEP mouth of the river designation line.

No Comment.

(4) Notwithstanding any provisions of 310 CMR 10.58, the Commission shall presume that the mean annual high water line of a non-tidal river is coincident with the outer (landmost) boundary of any Bordering Vegetated Wetland (as defined in these regulations) that may be adjacent to the river. This presumption may be overcome upon a clear showing that the mean annual high water line is closer to the river. Such evidence may include hydrological measurements and calculations prepared by a registered professional engineer and/or hydrologist, and/or stream flow stage data from U.S. Geological Survey stream gauges and survey. For non-tidal rivers lacking any Bordering Vegetated Wetland, the inner boundary of the 200- foot Riverfront Area shall be the top of Inland Bank as determined by the first observable break in slope or the mean annual flood level, whichever is lower. For tidal rivers, the inner boundary of the 200-foot Riverfront Area shall be the mean annual high water line.

When determining the Riverfront Area the mean high water line was used.

(5) Notwithstanding any provisions of 310 CMR 10.58, the alternatives analysis shall include only lots adjacent to the lot(s) being proposed for development, or located in the near vicinity.

A alternative analysis has been included as part of this submittal.

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

The project proposed does not have any adverse effects on the habitat life and instead improves it as more Salt Marsh is being proposed to help buffer the riverfront area and the reduction of impervious surfaces allows for less water to be washed into the riverfront area. These factors should help the local vertebrate and invertebrate specie life.

(7) The Commission may impose such additional requirements as are necessary to protect the wetland values protected under the Bylaw.

This application is presented to the Conservation Commission for their review.

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

Please see section 23.7 for additional project specific performance standards.

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

The proposed work complies with the Hingham Wetland Regulations Performance Standards for work in the Buffer Zone as follows:

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

The new dwelling was located as far from wetland resource area's as possible to minimize impact to the resource areas and their buffer zones. The proposed structures within the 100' buffer to the resource area are located within previously developed land (lawn). The proposed Single Family dwelling is located within the same location of the existing house and is located 1

foot away from the front setback. The impervious area has been reduced by 1400± sf from the overall existing impervious area in order to protect the wetlands. Impervious area within the 50' buffer has been reduced and relocated outside the 50' buffer to the extent practicable.

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

The area of proposed work within the buffer zones is located over land developed as lawn and impervious area. A siltation barrier will be maintained along the limit of work to define and control the work area. Historically maintained lawn area (2,160± sf) will be restored to salt marsh.

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

A 2,160± sf mitigation area within historically mowed lawn area is included on the plan with this submittal. Approximately 3,200± sf of impervious area is proposed within the 100' buffers to the resource area. The proposed restoration area extends the width of the property, between the proposed work and the resource areas. The Site Plan exceeds the requirements of the Town of Hingham Mitigation Policy.

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

The project will not result in an adverse effect on specified habitat of rare vertebrate or invertebrate and rare plant species. The lot is already developed as a single-family home. All work is located over previously developed land with lawn or structure, and no rare species have been identified in the area of work. No NHESP Estimated & Priority Habitats are identified onsite, per MassMapper and the Wetland Delineation Report.

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

This application is presented to the Conservation Commission for their review.

Compliance with Performance Standards for filling, Section 23.6, Hingham Wetland Regulations

The proposed work complies with the Hingham Wetland Regulations Performance Standards for filling as follows:

(a) No fill shall be placed in any Resource Area or any buffer zone so as to alter the flow of surface water in a way that the Conservation Commission feels will adversely affect the wetland values of the Resource Area(s).

Existing elevations on site will be maintained as much as possible with a small amount of fill being proposed for access and to set the garage elevation at the flood elevation (EL=10). The

proposed dwelling uses flood vents and will generally maintain the existing direction of flow on site. Flow is directed to Weir River for existing and proposed conditions.

(b) No filling or excavation or other alteration of salt marshes shall be permitted.

No fill is proposed within salt marsh. The only proposed temporary alteration is the reseeding of the previously historically mowed salt marsh area by hand to preserve the salt marsh area.

(c) The Commission at its discretion may allow the filling of up to 2,500 square feet of Vegetated Wetland for a limited project…

No fill is proposed in vegetated wetlands.

(d) Compatible fill shall be used for beach and dune nourishment projects.

No beach or dune nourishment is proposed as part of the project.

(e) Dumping of lawn wastes, brush or leaves or other materials or debris is not permitted in any Resource Area.

No dumping in the resource area is proposed. The owners understand resource areas are protected.

(f) The Commission is authorized to deny any filling of any Resource Area in order to protect the wetland values of the Resource Area.

This application is presented to the Conservation Commission for their review and considerable measures have been proposed to provide improvements and protections for the resource areas.

Compliance with Performance Standards for Structures, Section 23.7, Hingham Wetland Regulations

a. *The intent of the Conservation Commission is to move all structures and activities as far away as possible from any Resource Area.*

   The proposed house was placed within the existing footprint to try to minimize the both degraded and disturbed area. The existing driveway which would wrap around the northernly side of the house has been proposed to be removed along with a shed and gravel path. This brings the two closest points of impervious area further back from within the salt marsh to 2 feet away from the salt marsh.

b. *The Commission may at its discretion allow a proposed structure on a wall-type foundation within 100 to 50 feet of the Resource Area, as defined in HWR 2.0 (1-5), if satisfied that mitigation required in the Order of Conditions is sufficient to protect the Resource Area.*

   The site is subjected to being mostly within the 50 foot buffer as the property is almost enveloped within the buffer zone for the exception of some room within the eastern portion of the property.

c. *No mitigation is sufficient to allow a structure on a wall-type foundation less than 50 feet from a Resource Area, as defined in HWR 2.0 (1-5).*

The proposed house is located over a degraded area on the property. Structures on the property are moving from 0 feet from the wetland to 8.9 feet from the wetland.

Compliance with the Wetlands Protection Act 310 CMR 10.58(4), Riverfront Area, General Performance Standards

The proposed work complies with the performance standards as follows:

1. *Protection of Other Resource Areas* – The proposed work is located within both a salt marsh buffer zone and a BVW buffer zone. The performance analysis of both zones was completed to make sure the project satisfies the requirements of both resource areas. Thus this standard is met.
2. *Protection of Rare Species* - As shown in MassMapper and as detailed in the Wetland Delineation Report, no rare species habitats, no endangered species and no vernal pools are identified on the site. This standard is met.
3. *Alternatives Analysis* – An Alternatives Analysis is provided to meet this standard.
4. *Redevelopment within Previously Developed Riverfront Area; Restoration and mitigation - Notwithstanding the provisions of 310 CMR 10.58(4)(c) and (d), the issuing authority may allow work to redevelop a previously developed riverfront area, provided the proposed work improves existing conditions. Redevelopment means replacement, rehabilitation or expansion of existing structures, improvement of existing roads, or reuse of degraded or previously developed areas.*

    A. *At a minimum, proposed work shall result in an improvement over existing conditions of the capacity of the riverfront area to protect the interests identified in M.G.L. c. 131 § 40. When a lot is previously developed but no portion of the riverfront area is degraded, the requirements of 310 CMR 10.58(4) shall be met.*

    The lot and the limit of work is within degraded riverfront area located entirely within the Riverfront buffer. Substantial reductions to the proposed impervious area within the 50 foot buffer over existing conditions has been proposed. A 2,160± sf area of historically mowed lawn will be restored to salt marsh.

    B. *Stormwater management is provided according to standards established by the Department.*

The site shows a reduced size of impervious area (-1,400± sf) thus this project is not subject to stormwater management.

C. *Within 200 foot riverfront areas, proposed work shall not be located closer to the river than existing conditions or 100 feet, whichever is less, or not closer than existing conditions within 25 foot riverfront areas, except in accordance with 310 CMR 10.58(5)(f) or (g).*

The proposed work shown on the Site Plan is located further away from the existing impervious areas and structures to the Weir River. The plan is governed in accordance with 310 CMR 10.58 (5)(f).

D. *Proposed work, including expansion of existing structures, shall be located outside the riverfront area or toward the riverfront area boundary and away from the river, except in accordance with 310 CMR 10.58(5)(f) or (g).*

This standard does not apply since the project is governed in accordance with 310 CMR10.58 (f).

E. *The area of proposed work shall not exceed the amount of degraded area, provided that the proposed work may alter up to 10% if the degraded area is less than 10% of the riverfront area, except in accordance with 310 CMR 10.58(5)(f) or (g).*

This standard does not apply since the project is governed in accordance with 310 CMR10.58 (f).

F. *When an applicant proposes restoration on-site of degraded riverfront area, alteration may be allowed notwithstanding the criteria of 310 CMR 10.58(5)(c), (d), and (e) at a ratio in square feet of at least 1:1 of restored area to area of alteration not conforming to the criteria. Areas immediately along the river shall be selected for restoration. Alteration not conforming to the criteria shall begin at the riverfront area boundary. Restoration shall include:*

1. removal of all debris, but retaining any trees or other mature vegetation;
2. grading to a topography which reduces runoff and increases infiltration;
3. coverage by topsoil at a depth consistent with natural conditions at the site; and
4. seeding and planting with an erosion control seed mixture, followed by plantings of herbaceous and woody species appropriate to the site;

The project reduces the impervious area located on the property by 1,400± sf. The mitigation of restoring the historic lawn to salt marsh and the removal of additional impervious debris on the riverfront area more than satisfies the 1:1 ratio required by section (f).

G. *When an applicant proposes mitigation either on-site or in the riverfront area within the same general area of the river basin, alteration may be allowed notwithstanding the criteria of 310 CMR 10.58(5)(c), (d), or (e) at a ratio in square feet of at least 2:1 of mitigation area to area of alteration not conforming to the criteria or an equivalent level of environmental protection where square footage is not a relevant measure. Alteration not conforming to the criteria shall begin at the riverfront area boundary. Mitigation may include off-site restoration of riverfront areas, conservation restrictions under M.G.L. c. 184, §§ 31 through 33 to preserve undisturbed riverfront areas that could be otherwise altered under 310 CMR 10.00, the purchase of development rights within the riverfront area, the restoration of bordering vegetated wetland, projects to remedy an existing adverse impact on the interests identified in M.G.L. c. 131, § 40 for which the applicant is not legally responsible, or similar activities undertaken voluntarily by the applicant which will support a determination by the issuing authority of no significant adverse impact. Preference shall be given to potential mitigation projects, if any, identified in a River Basin Plan approved by the Secretary of the Executive Office of Energy and Environmental Affairs.*

The applicant is proposing mitigation through the use of removal of debris, the reduction of impervious area, and the restoration of the Salt Marsh. The limit of work is entirely within degraded area thus the 2:1 mitigation does not apply to the Site.

Compliance with the Wetlands Protection Act 310 CMR 10.32(3), Salt Marsh, General Performance Standards

(3) A proposed project in a salt marsh, on lands within 100 feet of a salt marsh, or in a body of water adjacent to a salt marsh shall not destroy any portion of the salt marsh and shall not have an adverse effect on the productivity of the salt marsh. Alterations in growth, distribution and composition of salt marsh vegetation shall be considered in evaluating adverse effects on productivity. 310 CMR 10.32(3) shall not be construed to prohibit the harvesting of salt hay.

The project does not propose any alteration of the salt marsh other than replanting the portion that comes across the historically mowed lawn. The 2,160± sf of salt marsh being proposed should help the salt marsh as it will provide more area to mitigate runoff and protect local species that use the salt marsh.