



## **Notice of Intent**

**Single-Family Dwelling  
Proposed Pool  
166 Hersey Street  
Hingham, MA**

**November 27, 2024  
Rev: December 6, 2024**

**Prepared for:  
Jerry K. Seelen 2003 Revocable Trust  
c/o Jerry Seelen  
166 Hersey Street  
Hingham, MA 02043**

**Prepared by:  
Homestead Consulting Engineer  
2 Sharp Street Unit A  
Hingham, MA 02043  
781-206-5770**

# TABLE OF CONTENTS

- 1. Project Narrative**
  - 1.1 Executive Summary
  - 1.2 Approvals Being Sought
  - 1.3 FEMA Flood Maps
  - 1.4 On Site Soil Information
  - 1.5 Environmental Resource Areas Analysis
  - 1.6 Conclusion
  - 1.7 Figures
    - 1.7.1 Aerial Map
    - 1.7.2 FEMA Flood Map
    - 1.7.3 MASS DEP Wetland Map
    - 1.7.4 NHESP Map
    - 1.7.5 USGS Map
    - 1.7.6 NRCS Soil Map
  - 1.8 ECR Delineation Memo
- 2. WPA Forms Required**
  - 2.1 WPA FORM 3 – NOTICE OF INTENT
  - 2.2 WPA FORM 3 – FEE TRANSMITTAL
- 3. Abutter Notifications**
  - 3.1 ABUTTERS LIST
  - 3.2 ABUTTERS NOTIFICATION FORM
  - 3.3 AFFIDAVIT OF SERVICE
- 4. Town of Hingham Additional Documents**
  - 4.1 POLICY ON RECEIPT OF INFORMATION
  - 4.2 VOLUNTARY 21 DAY WAIVER FORM
- 5. Project Plan Set, Dated 11/27/2024**

## 1.1 EXECUTIVE SUMMARY

In accordance with the provisions of the Wetlands Protection Act and the Town of Hingham Wetland By-Law, the Applicant, Jerry Seelen, proposes to construct an in-ground pool with surrounding deck area at 166 Hersey Street.

The site is bound by a residential property to the north, south, and east. Hersey street is located along the frontage of the property to the west. The parcel is denoted as Lot 119 on Assessor's Map 89, and is located within the Residence A District.

The existing conditions consist of the single-family dwelling, bituminous concrete driveway, and various landscaping and hardscape features. The existing house has water, electric, and gas services underground as well as a septic system consisting of two leaching trenches. The lot is predominately developed with various landscaping areas and hedges. A bordering vegetated wetland is located on eastern portion of the lot which projects the 100 foot and 50 foot buffers depicted on the plans, see section 1.5 below for more information.

The applicant proposes to install an inground pool that is approximately 31 feet by 14 feet. A pool deck will be installed around the perimeter of the pool and will cover approximately 528 square feet. It is also proposed to install fencing and gates to comply with applicable local and state regulations. Refer to section 1.5 for more detail.

## 1.2 APPROVALS BEING SOUGHT

A Notice of Intent (NOI) is being filed with the Town of Hingham Conservation Commission and the Massachusetts Department of Environmental Protection (MA DEP) for the proposed work. The applicant requests that the permit approvals encompass the entirety of the scope listed in the narrative, and shown in the accompanying site plan.

## 1.3 FEMA FLOOD MAPS

The parcel is shown on FEMA Flood Insurance Rate Map 25023C0082K dated 7/3/2024. The entire site is located within Zone X, which is defined as areas with a less than 1% annual chance of flooding.

## 1.4 ON-SITE SOIL INFORMATION

The Natural Resource Conservation Service (NRCS) maps the on-site soil as Chatfield-Rock Outcrop-Canton Complex, Soil Map Unit 111C, classified as Hydrologic Soil Group (HSG) "B" and Warwick fine sandy loam, Soil Map Unit 266A, classified as HSG "A". NRCS describes this soil as well drained, with a depth to water table of greater than 80 inches.

Refer to Section 4.1 for complete soil information.

## 1.5 ENVIRONMENTAL RESOURCE AREAS ANALYSIS

The project is located within 100 feet of Environmental Resource Areas, and therefore the project must be permitted through MassDEP and the Hingham Conservation Commission.



A Bordering Vegetated Wetland is present along the rear property line of the property. The interface between the wetland and upland areas was delineated by Environmental Consulting and Restoration, LLC (ECR) on October 17<sup>th</sup>, 2024 – Refer to Section 1.8 for the delineation Memo. The project is located outside the 50 foot buffer and meets the associated performance standards set forth in Hingham Wetland By-Law.

The site does not appear to contain any areas designated as estimated or priority endangered species habitat, certified vernal pools or areas of critical environmental concern. The site does not contain areas classified as estimated habitats of rare wildlife by the Natural Heritage and Endangered Species Program of the Division of Fisheries and Wildlife.

The following is a summary of the buffer and protection zones that portions of the project are proposed within:

1) 100' Buffer to Bordering Vegetated Wetland (310 CMR 10.00)

No performance standard. Please note that per 310 CMR 10.02(b)2.e, this project would be considered a Minor Activity and would be exempt from the Wetlands protection act as it is a conversion of lawn area to a use accessory to a residential structure (pools are specifically listed in this section). Fences are also listed as exempt under 10.02.

2) 100' Buffer to Bordering Vegetated Wetland (Hingham Wetland Regulations 22.0)

It is this office's opinion that the project meets the performance standards set forth in this section.

D.1 The proposed pool is set as far from the resource as practicable and is located on an elevated area of the property.

D.2 The project is a conversion of lawn area and does not disturb other kinds of vegetation.

D.3 An area for mitigation has been proposed to help increase the value of the existing buffer area.

D.4 The project does not impact habitat area as it is within the existing lawn area.

## 1.6 CONCLUSION

In conclusion, the project has been designed in accordance with the requirements of the MA DEP and in compliance with the Town of Hingham Conservation Commission's Bylaw Regulations. The applicant respectfully requests the Commissions consideration of approval and issuance of an Order of Conditions, accordingly.

## 1.7 FIGURES

FIG 1 ORTHOGRAPHIC/AERIAL MAP

FIG 2 MASSDEP WETLANDS MAP

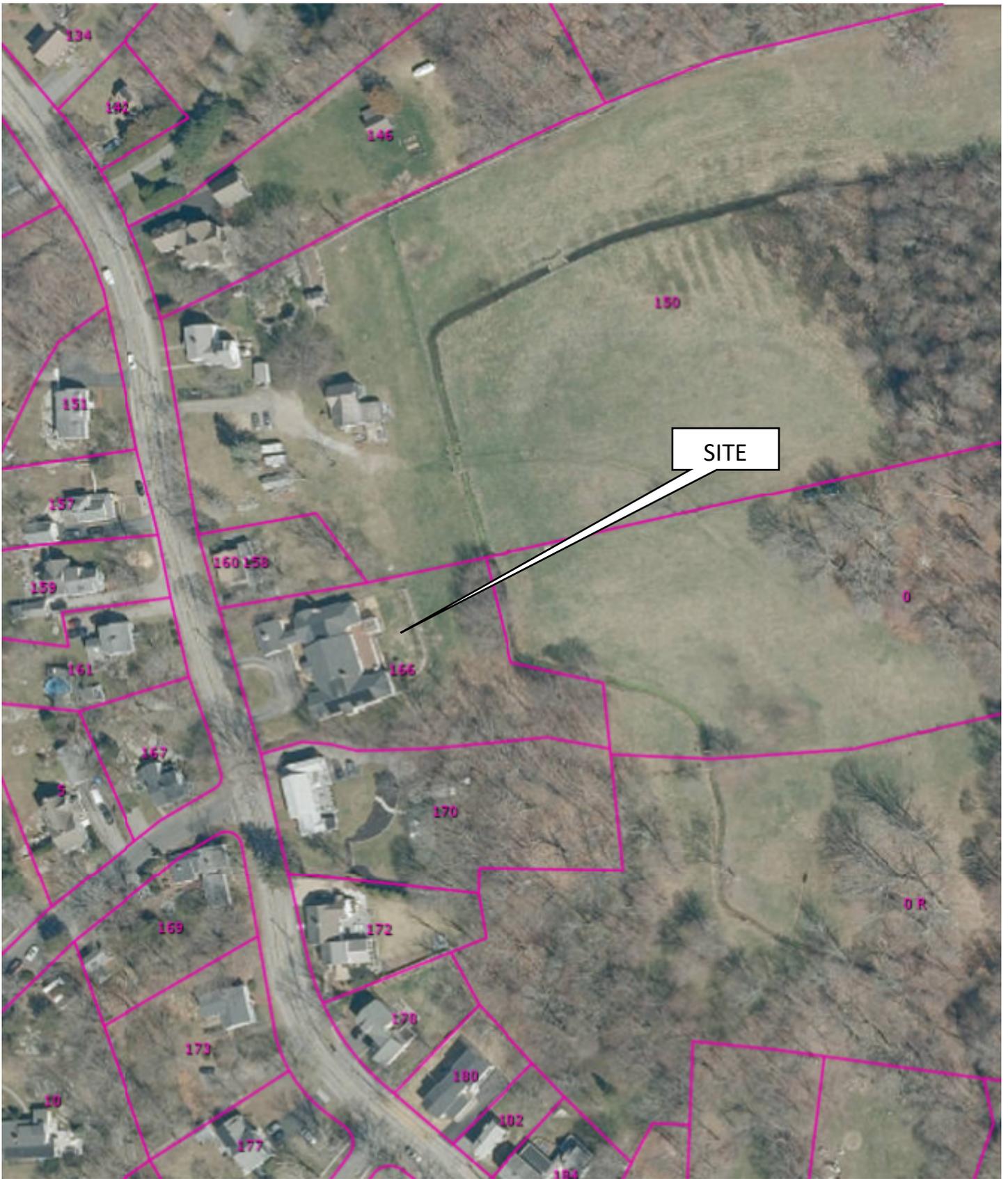
FIG 3 FEMA FLOODPLAIN MAP (EFFECTIVE PANEL)

FIG 4 NHESP HABITAT MAP

FIG 5 USGS MAP

## 1.8 ECR Delineation Memo (see attached)





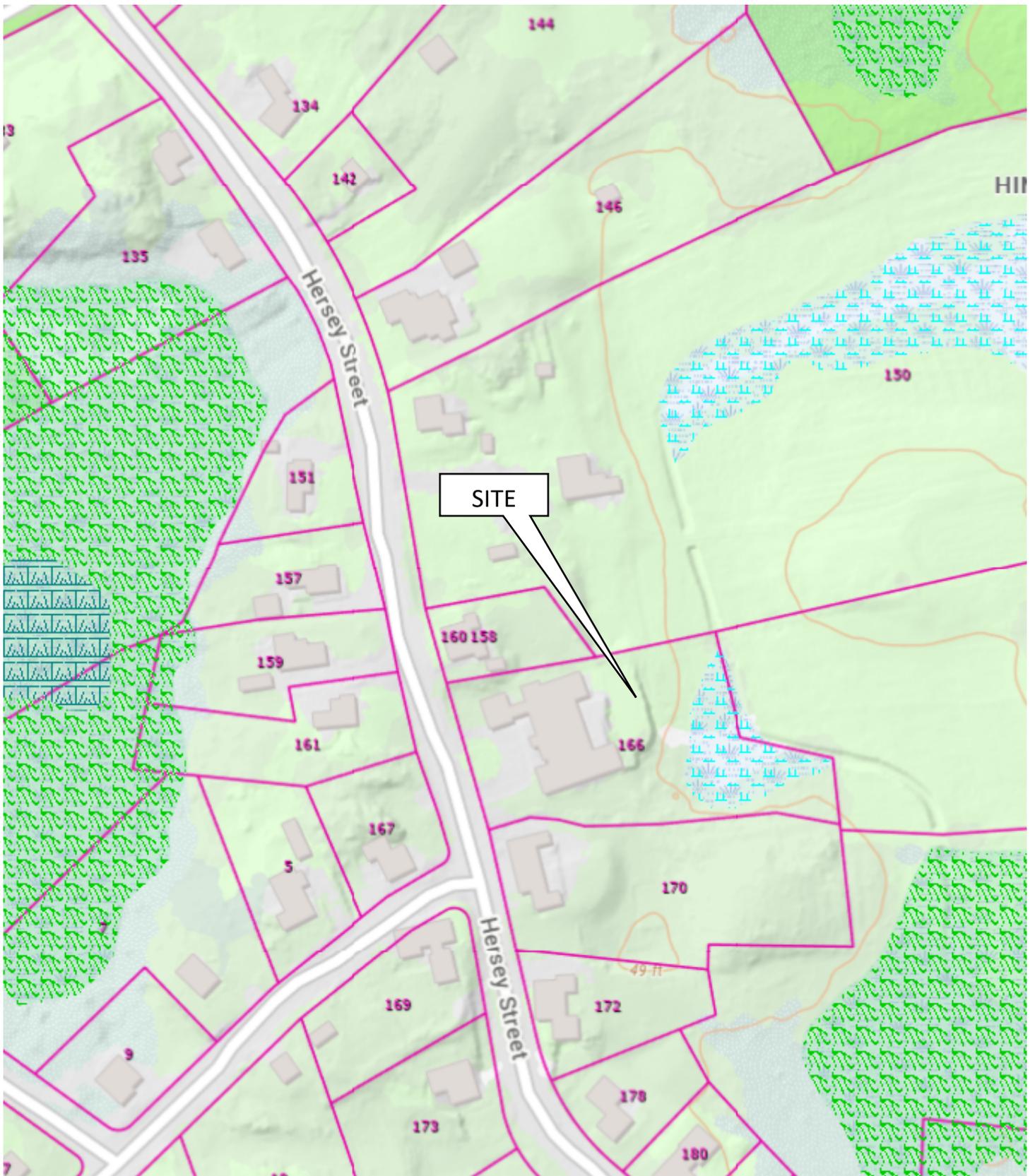
**Figure 1: Aerial Map  
166 Hersey Street  
Hingham, MA 02043**





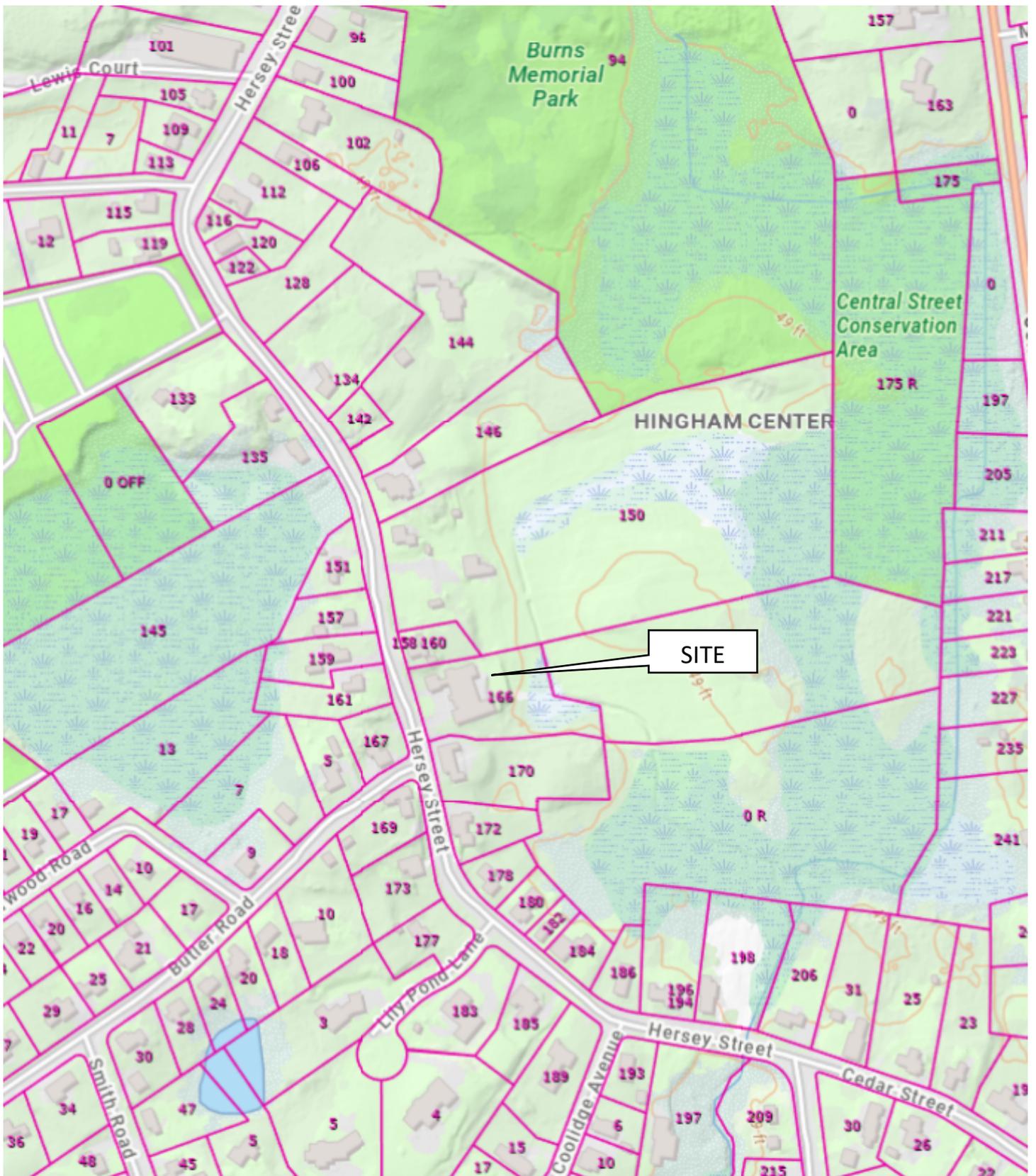
FEMA # 25023C0082K eff. 7/3/2024  
Figure 2: FEMA Floodplain Map  
166 Hersey Street  
Hingham, MA 02043





**Figure 3: MASSDEP Wetlands Map  
166 Hersey Street  
Hingham, MA 02043**





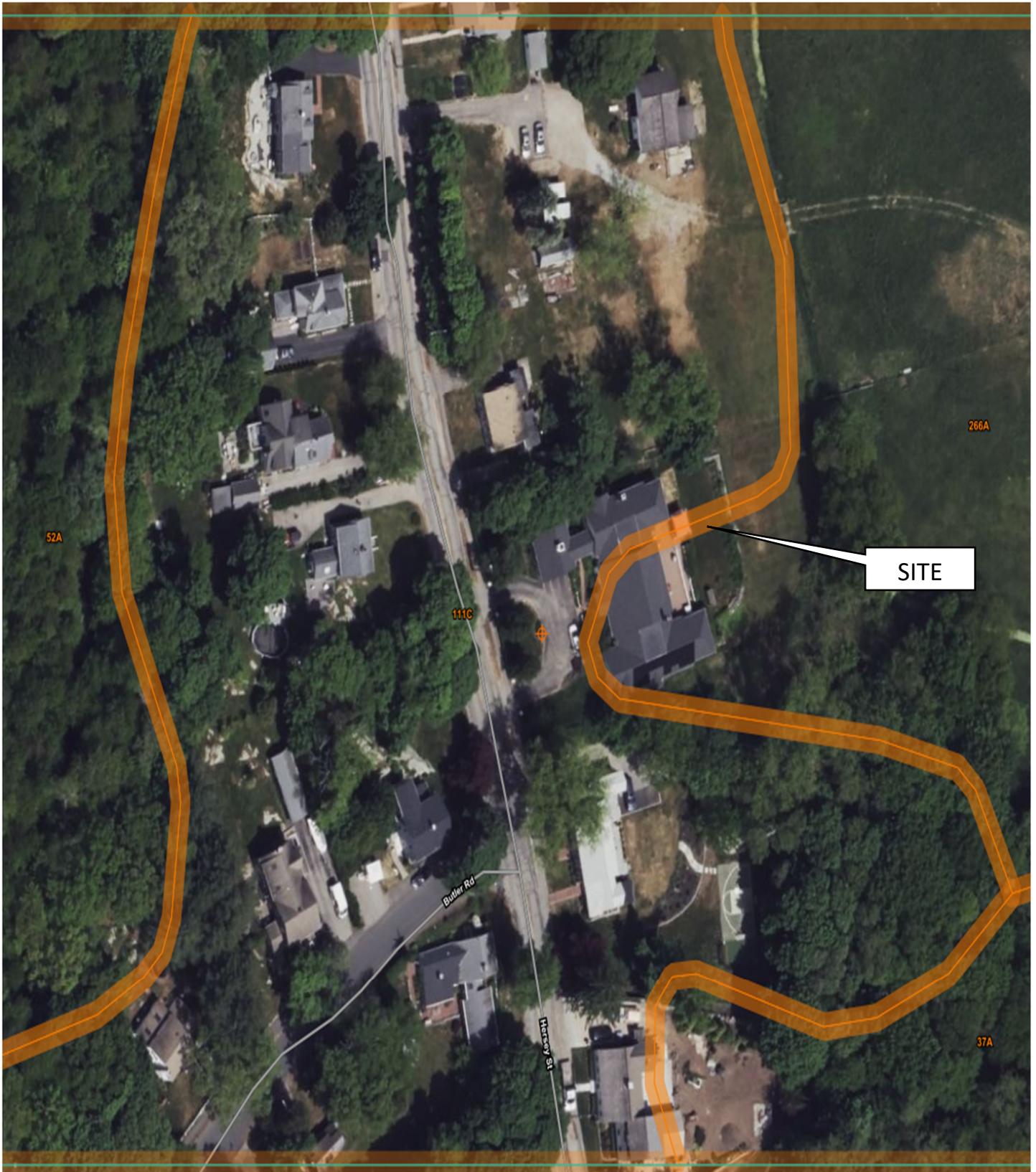
**Figure 4: NHESP Map**  
**Priority Habitats of Rare Species**  
**and Rare Wildlife**  
**166 Hersey Street**  
**Hingham, MA 02043**





Figure 5: Site Locus USGS Map  
166 Hersey Street  
Hingham, MA 02043





**Figure 6: NRCS Soil Map  
166 Hersey Street  
Hingham, MA 02043**





Environmental Consulting & Restoration, LLC



## WETLAND DELINEATION MEMO

**TO:** Jerry Seelen  
**FROM:** Brad Holmes  
**DATE:** October 28, 2024  
**RE:** 166 Hersey Street, Hingham

Per your request, Environmental Consulting & Restoration, LLC (ECR) performed a review of the existing conditions at your property located at 166 Hersey Street in Hingham (the site) on October 17, 2024. The purpose of the review was to identify wetland resource areas on and near the site. The site is located along the east side of Hersey Street and contains a single-family home with paved driveway, maintained lawn, landscaped areas, retaining wall, etc. The weather on October 17<sup>th</sup> was cloudy and mild (approximately 55 degrees) with moderate wind and dry site conditions.

Wetland resource areas are located within the eastern portion of the site. ECR placed wetland flags at the limit of the following wetland resource areas:

- Inland Bank (blue flags) IB1 to IB5 – top of the Inland Bank to an intermittent stream/agricultural ditch associated with the farm located to the east of the site.
- Bordering Vegetated Wetland (pink/black striped flags) #A1 to #A9 along the limit of the vegetated wetland on and near the site.

The vegetated wetland was delineated following the methodology established by the Massachusetts Department of Environmental Protection (DEP) regulations found at 310 CMR 10.55 pertaining to the delineation of Bordering Vegetated Wetlands. The delineation was performed by analyzing vegetation, hydrology within 12 inches of the surface, and soil conditions within 20 inches of the surface. The wetland contains hydric soils, saturated soils, and dominant wetland indicator plants. The Inland Bank was delineated following the methodology for Bank as found in 310 CMR 10.54.

As a result of ECR's wetland delineation at the site, ECR is able to confirm that the site contains the following wetland resource areas and areas of Conservation Commission jurisdiction:

- Bordering Vegetated Wetlands
- Inland Bank to an intermittent stream
- 100-foot Buffer Zone to BVW & Inland Bank

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

1. The site is not located within Estimated/Priority Habitat for Rare Species according to the Massachusetts Natural Heritage & Endangered Species Program (MaNHESP).
2. The site does not contain a mapped Certified or Potential Vernal Pool according to the MaNHESP.
3. The site does not contain U.S.G.S. mapped streams or streams mapped on the Massachusetts Streamstats Program.
4. The site does not contain areas mapped as Land Subject to Flooding according to the FEMA Firm Maps.
5. The site is not located within an Area of Critical Environmental Concern.

# ECR

Environmental Consulting & Restoration, LLC



Upon review of this wetland delineation memo, please contact me at (617) 529 – 3792 or [brad@ecrwetlands.com](mailto:brad@ecrwetlands.com) with any questions or requests for additional information.

Thank you,  
Brad Holmes, Professional Wetland Scientist #1464  
Manager

**SECTION 2**  
**Forms Required**



**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

**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):

166 Hersey Street

a. Street Address

Hingham

b. City/Town

02043

c. Zip Code

Latitude and Longitude:

89

f. Assessors Map/Plat Number

42.23106

d. Latitude

-70.89151

e. Longitude

119

g. Parcel /Lot Number

2. Applicant:

Jerry

a. First Name

Seelen

b. Last Name

Jerry K. Seelen 2003 Revocable Trust

c. Organization

166 Hersey Street

d. Street Address

Hingham

e. City/Town

MA

f. State

02043

g. Zip Code

781-910-8585

h. Phone Number

i. Fax Number

jerryseelen@rothseelen.com

j. Email Address

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

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

Joshua

a. First Name

Green

b. Last Name

Homestead Consulting Engineers

c. Company

2 Sharp Street, Unit A

d. Street Address

Hingham

e. City/Town

MA

f. State

02043

g. Zip Code

781-206-5770

h. Phone Number

i. Fax Number

homesteadeng@gmail.com

j. Email address

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

\$110.00

a. Total Fee Paid

\$42.50

b. State Fee Paid

\$67.50

c. City/Town Fee Paid



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

## A. General Information (continued)

6. General Project Description:

Install in-ground pool and associated decking. See narative for more detail.

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

- 1.  Single Family Home
- 2.  Residential Subdivision
- 3.  Commercial/Industrial
- 4.  Dock/Pier
- 5.  Utilities
- 6.  Coastal engineering Structure
- 7.  Agriculture (e.g., cranberries, forestry)
- 8.  Transportation
- 9.  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

57010

c. Book

b. Certificate # (if registered land)

152

d. Page Number

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

- 1.  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.
- 2.  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.



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

### 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. \_\_\_\_\_

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.



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	

**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
-----------------------------------	---



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

## 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

- 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**

- '24 (Massmapper)  
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\*

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

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

- 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 <https://www.mass.gov/endangered-species-act-mesa-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.



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

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

(c)  MESA filing fee (fee information available at <https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review>).

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, <https://www.mass.gov/service-details/exemptions-from-review-for-projectsactivities-in-priority-habitat>; 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 - Bourne to Rhode Island border, and the Cape & Islands:

North Shore - Plymouth to New Hampshire border:

Division of Marine Fisheries -  
Southeast Marine Fisheries Station  
Attn: Environmental Reviewer  
836 South Rodney French Blvd.  
New Bedford, MA 02744  
Email: [dmf.envreview-south@mass.gov](mailto:dmf.envreview-south@mass.gov)

Division of Marine Fisheries -  
North Shore Office  
Attn: Environmental Reviewer  
30 Emerson Avenue  
Gloucester, MA 01930  
Email: [dmf.envreview-north@mass.gov](mailto:dmf.envreview-north@mass.gov)

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.

c.  Is this an aquaculture project?      d.  Yes     No

If yes, include a copy of the Division of Marine Fisheries Certification Letter (M.G.L. c. 130, § 57).



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

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

**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.



**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.

Pool Plan - 166 Hersey Street

a. Plan Title

Homestead Consulting Engineers

b. Prepared By

Joshua Green, P.E.

c. Signed and Stamped by

1"=20'

d. Final Revision Date

e. Scale

11/27/24

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:

1023

2. Municipal Check Number

1024

4. State Check Number

Homestead Consulting Engineers, LLC

6. Payor name on check: First Name

12/2/24

3. Check date

12/2/24

5. Check date

7. Payor name on check: Last Name



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

## 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.

12/1/24

1. Signature of Applicant

2. Date

3. Signature of Property Owner (if different)

4. Date

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.



**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:

<u>166 Hersey Street</u>	<u>Hingham</u>
a. Street Address	b. City/Town
<u>1024</u>	<u>\$42.50</u>
c. Check number	d. Fee amount

2. Applicant Mailing Address:

<u>Jerry</u>	<u>Seelen</u>	
a. First Name	b. Last Name	
<u>Jerry K. Seelen 2003 Revocable Trust</u>		
c. Organization		
<u>166 Hersey Street</u>		
d. Mailing Address		
<u>Hingham</u>	<u>MA</u>	<u>02043</u>
e. City/Town	f. State	g. Zip Code
<u>781-910-8585</u>	<u>jerryseelen@rothseelen.com</u>	
h. Phone Number	i. Fax Number	j. Email Address

3. Property Owner (if different):

<u></u>	<u></u>	
a. First Name	b. Last Name	
<u></u>		
c. Organization		
<u></u>		
d. Mailing 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

**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 1	1	\$110.00	\$110.00
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
<b>Step 5/Total Project Fee:</b>			\$110.00
<b>Step 6/Fee Payments:</b>			
Total Project Fee:			\$110.00
State share of filing Fee:			a. Total Fee from Step 5 \$42.50
City/Town share of filing Fee:			b. 1/2 Total Fee <b>less</b> \$12.50 \$67.50
			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.)

**SECTION 3 –  
Abutter Notifications**

TOWN OF HINGHAM  
BOARD OF ASSESSORS



CERTIFICATION SHEET

**Property Address: 166 Hersey Street**  
**Parcel ID: 89-0-119**

Pursuant to the provisions of Chapter 131 Section 40 of the MA General Laws and Article 22 of the Town of Hingham General Bylaws (Wetlands Protection By-law), we hereby certify that the list attached hereto is a true list of names and addresses of abutters concerning a matter to be heard by the Hingham Conservation Commission involving the above-referenced property.

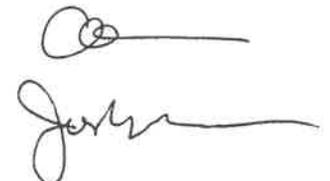
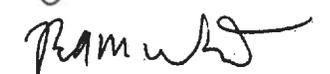
As used herein the term "abutter" means:

- Owners of adjoining land within 100 feet of the property line where the activity proposed;
- Owners of adjoining land within 300 feet of the property line where the activity proposed for coastal projects; or
- Owners of land directly opposite on any public or private street or way; or across a body of water.

All as they appear on the most recent applicable tax list.

BOARD OF ASSESSORS

CERTIFICATION DATE

  
  
11/5/2024

Parcel ID: 89-0-119  
SEELEN JERRY K & SEELEN  
JERRY K SEELEN 2003  
166 HERSEY STREET  
HINGHAM, MA 02043

Parcel ID: 80-0-6  
CONNORS ALYSON & RYAN B  
157 HERSEY STREET  
HINGHAM, MA 02043

Parcel ID: 80-0-7  
HERSEY STREET 158-160 LLC  
150 HERSEY STREET  
HINGHAM, MA 02043

Parcel ID: 80-0-8  
HERSEY FAMILY LLC  
150 HERSEY STREET  
HINGHAM, MA 02043

Parcel ID: 89-0-1  
WHITE STEPHAN & MARGARET  
159 HERSEY STREET  
HINGHAM, MA 02043

Parcel ID: 89-0-113  
KKH REALTY ASSOCIATES LLC  
38 HIDDEN ACRES DRIVE  
DUXBURY, MA 02332

Parcel ID: 89-0-114  
THE REUBEN W HERSEY  
PAUL W & PETER E HERSEY  
150 HERSEY STREET  
HINGHAM, MA 02043

Parcel ID: 89-0-118  
BRACKETT JUSTIN R &  
170 HERSEY STREET  
HINGHAM, MA 02043

Parcel ID: 89-0-2  
SOUTHER CHARLES E &  
161 HERSEY STREET  
HINGHAM, MA 02043

Parcel ID: 89-0-4  
DONOHUE JOHN J &  
167 HERSEY STREET  
HINGHAM, MA 02043

Parcel ID: 89-0-9  
MAKER MICHAEL P & CASTLE  
169 HERSEY STREET  
HINGHAM, MA 02043

## Notification to Abutters

By Hand Delivery, Certified Mail (return receipt requested), or Certificates of Mailing

*This is a notification required by law. You are receiving this notification because you have been identified as the owner of land abutting another parcel of land for which certain activities are proposed. Those activities require a permit under the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40) and the Hingham Wetlands Protection By-law(Article 22) and cooresponding Regulations.*

In accordance with the second paragraph of the Massachusetts Wetlands Protection Act, and 310 CMR 10.05(4)(a) of the Wetlands Regulations and Part 1 Section 7.5 of the Hingham Wetlands Regulations, you are hereby notified that:

- A. A Notice of Intent was filed with the Hingham Conservation Commission seeking permission to remove, fill, dredge, or alter an area subject to protection under M.G.L. c. 131 §40. The following is a description of the proposed activity/activities:

Installation of in-ground pool and associated decking area. Minor alteration to grading and hardscapes as needed to accommodate proposed work.

- B. The name of the applicant is: **Jerry Seelen – Jerry K Seelen 2003 Revocable Trust.**
- C. The address of the land where the activity is proposed is: **166 Hersey Street, Hingham, MA 02043, Assessors Map 89 Lot 119.**
- D. Copies of the Notice of Intent may be examined or obtained at the office of the Hingham Conservation Commission, located at the **Hingham Town Hall, 210 Central Street, Hingham, MA 02043.** The business hours of the Commission are Monday, Wednesday, and Thursday from 8:30 a.m. to 4:30 p.m., Tuesday from 8:30 a.m. to 7:00 p.m., and Friday 8:30 a.m. to 1 p.m. and the Commission may be reached at 781-741-1445.
- E. Copies of the Notice of Intent may be obtained from the applicant or their representative by calling **Joshua Green, P.E., Homestead Consulting Engineers** at **781-206-5770.** An administrative fee may be applied for providing copies of the NOI and plans.
- F. Information regarding the date, time, and location of the public hearing regarding the Notice of Intent may be obtained from the Hingham Conservation Commission.

Notification provided pursuant to the above requirement does not automatically confer standing to the recipient to request Departmental Action for the underlying matter. See 310 CMR 10.05(7)(a)4.

AFFIDAVIT OF SERVICE

Under the Massachusetts Wetlands Protection Act

(To be submitted to the Massachusetts Department of Environmental Protection  
and the Conservation Commission when filing a Notice of Intent)

I, Joshua Green, hereby certify under the  
(Name of person making the Affidavit)

pains and penalties of perjury that on 12-2-24 I gave notification to abutters  
(Date)

in compliance with the second paragraph of Massachusetts General Laws Chapter 131, Section  
40, and the DEP Guide to Abutter Notification dated April 8, 1994, in connection with the  
following matter:

A Notice of Intent filed under the Massachusetts Wetlands Protection Act by

Jerry Seelen with the Hingham  
(Name of Applicant) (Name of Municipality)

Conservation Commission on 12-2-24 for property located at  
(Date)

166 Hersey Street

(Address of land where work is proposed)

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.



(Name)

12-2-24

(Date)

**SECTION 4 –**  
**Town of Hingham Additional Documents**

# HINGHAM WETLAND REGULATIONS

## APPENDIX C

### Policy on Receipt of Information

(Revised March 4, 2024)

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

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

  
Applicant or Applicant's Representative Signature

11-27-24  
Date

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

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

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

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

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

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

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

**WETLAND FEE CATEGORY SUMMARY**

**CATEGORY 1: \$100.00**

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

**CATEGORY 2: \$250.00**

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

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

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

**CATEGORY 4: \$725.00**

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

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

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