

NOTICE OF INTENT
Existing Dock & Retaining Wall Reconstruction

**Massachusetts Wetlands Protection Act
M.G.L. c. 131, §40 &
Town of Hingham Wetlands Protection Bylaw**

Project Location

**35 Bel Air Road
Assessor's Parcel: 16-0-153**

Applicant/Owner

**Rutherford Realty Trust
35 Bel Air Road
Hingham, MA 02043**

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APPENDIX A

- NOI Wetland Fee Transmittal Form
- Town of Hingham By-Law Fee Schedule
- Copy of Filing Checks

APPENDIX B

- Certified List of Abutters
- Abutter Notification Form
- Assessors Map
- Affidavit of Service Form
- Locus Deed
- Conservation Commission’s Policy on Receipt of Information

APPENDIX C

- Shellfish Survey Report



TOWN OF HINGHAM CONSERVATION COMMISSION

APPLICATION CHECKLIST NOTICE OF INTENT (NOI)

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

- WPA Form 3- Notice of Intent: [WPA Form 3: Wetlands Notice of Intent | Mass.gov](#) The application must be signed by the property owner. Submit the original and one copy to the Commission by hand delivery or certified mail.
- WPA Appendix B- *NOI Wetland Fee Transmittal Form* and two (2) separate checks for the following: Town of Hingham Wetlands Protection Bylaw fee and State Wetlands Protection Act local filing fee
 - *Payable to Town of Hingham*
 - *Please redact bank account information from photocopies*
 - *Note, a public legal notice is prepared and submitted by staff and the newspaper will invoice the applicant*
- A copy of the Certified Abutters List and the 'Notification to Abutters Form'
 - *To request a Certified Abutters List please submit Request for Certified Abutters List or contact the Conservation Office*
 - *Abutters must be notified by hand delivery, certified mail-return receipt requested, OR certificates of mailing at least 7 days prior to the hearing date*
 - *Certified mail receipts or certificate of mailing receipts shall be submitted to the Conservation Office with the application or presented to the Commission at the beginning of the public hearing*
- 'Affidavit of Service' Form attesting abutters were notified in accordance with 310 CMR 10.05(4) and the Hingham Wetland Regulations, §7.5
 - *Abutters within 100 feet of a property line where work is proposed for inland projects*
 - *Abutters within 300 feet of a property line where work is proposed for coastal projects*
- Narrative describing the property location, existing conditions, methodology used for wetland delineation including DEP data forms or other delineation method, site photos, proposed work, and performance standards analysis, as applicable, for impacts to resource areas under the Wetlands Protection Act Regulations and/or Hingham Wetland Regulations. The narrative should also include: a report on the on-site wetland resource areas (per the [Resource Area Delineation Policy](#)), existing/proposed impervious and pervious surface calculations and proposed mitigation (per the [Buffer Zone Mitigation Policy](#)), tree removal/replacement requests (per the [Tree Removal and Replacement Policy](#)), and stormwater management.
- Project plan(s): two (2) copies of full size plan set and one (1) copy of reduced 11" x 17" plan(s), signed and stamped by a MA Registered Professional Engineer (PE) or other registered professional including the following information:

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

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

- NA For projects subject to the DEP Stormwater Regulations, 310 CMR 10.05(6)(k)-(q), one copy of the Stormwater Report, Stormwater Report Checklist and the Registered Professional Engineer's Certification that the project conforms to the Stormwater Management Regulations and meets acceptable engineering standards
- Proof of mailing the complete NOI to the MA Department of Environmental Protection (DEP), Southeast Regional Office at 20 Riverside Drive, Lakeville MA, 02347 (certified mail receipt from the post office) or proof of electronic filing (eDEP Transaction Number)
- Proof of mailing the complete NOI to the MA Natural Heritage & Endangered Species Program (NHESP) and the MA Division of Marine Fisheries (Gloucester), if applicable (certified mail receipt from the post office)
- The Conservation Commission's Policy of Receipt of Information signed by the applicant or representative
- Optional - Voluntary 21 Day Waiver

PROJECT NARRATIVE

35 Bel Air Road

Hingham, MA

1.0 Project Summary

The applicant proposes to reconstruct an existing pier, reuse an existing gangway and float and reconstruct a wooden retaining wall at 35 Bel Air Road, Hingham, MA. The property is shown as assessor's parcel 16-0-153. It is approximately 23,740 s.f. and has frontage on Bel Air Road to the south. It is abutted by Hingham Bay to the north and residential properties to the east and west.

The existing pier and wooden retaining wall are associated with Chapter 91 License Plan Number 3308. The applicant is proposing to reconstruct the pier in the same location that it currently sits. The existing gangway and float will be reused. The 22 existing posts (of varying dimensions) supporting the pier will be cut at the ground surface and removed from the site, without disturbing any resource areas. The new pier will be supported by 22 new pilings of 12" diameter. These 22 new pilings are the minimum required to achieve 10' on-center spacing of the pilings, which is necessary for the structural integrity of the pier at this site. The public access stairs will be rebuilt outside of the salt marsh and will be supported by two 4" x 4" posts. Four new 12" diameter pilings will also be installed around the float to elevate it 30" above the substrate. Pilings such as these are found on numerous abutting docks to elevate their floats. The gangway and float will be removed seasonally and stored outside of the resource areas. 19 new 12" diameter pilings are proposed to reconstruct the retaining wall in its current location.

There are no areas considered to be areas of estimated or priority habitats for rare wildlife, areas of critical environmental concern, areas containing outstanding resource waters, or areas of certified or potential vernal pools. A filing with the Division of Marine Fisheries has been made as part of the application process.

The project is located with Zone "VE" (El. 19) as shown on the FEMA Community Panel 25023C 0019J dated July 17, 2012.

2.0 Wetland Resource Areas & Impacts

Salt Marsh (310 CMR 10.32)

Vegetation, hydrologic indicators were used to establish the wetland boundary. The edge of the salt marsh is obvious in the field and was located via an instrument survey. Installation of the support posts for the pier reconstruction will require minimal work within the Salt Marsh. The pier is oriented in a north-south direction and as such will achieve more than 65% light penetration to the salt marsh, given the sun rising in the east and setting in the west. 1" deck spacing is proposed for additional light penetration. The pier is being elevated 2.5 feet from the existing conditions and will be a great improvement for light penetration to the salt marsh. The 4 s.f. of salt marsh disturbed by 5 new pilings will be replaced at a 3:1 ratio.

Salt Marsh Performance Standard Analysis:
Standards in Italic, Analysis in bold.

310 CMR 10.32(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 proposed salt marsh disturbance only consists of 5 new pilings to support the reconstructed pier, which has an active Ch. 91 license. The salt marsh disturbance will be replicated at a 3:1 ratio. An added benefit of this project is that it will allow more sunlight to salt marsh below the pier because the pier is being elevated 2.5’.

310 CMR 10.32(4): Notwithstanding the provisions of 310 CMR 10.32(3), a small project within a salt marsh, such as an elevated walkway or other structure which has no adverse effects other than blocking sunlight from the underlying vegetation for a portion of each day, may be permitted if such a project complies with all other applicable requirements of 310 CMR 10.21 through 10.37.

This project will allow more sunlight to the salt marsh than the existing pier.

310 CMR 10.32(5): Notwithstanding the provisions of 310 CMR 10.32(3), a project which will restore or rehabilitate a salt marsh, or create a salt marsh, may be permitted in accordance with 310 CMR 10.11 through 10.14, 10.24(8), and/or 10.53(4).

The project is replicating the disturbed salt marsh at a 3:1 ratio.

310 CMR 10.32(6): Notwithstanding the provisions of 310 CMR 10.32(3) through (5), no project may be permitted which will have any adverse effect on specified habitat sites of Rare Species, as identified by procedures established under 310 CMR 10.37.

There are no known rare species at this site.

HWR 18.4(d)(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.

The project will not cause any adverse effect or cumulative adverse effect upon the salt marsh productivity and wetland values of the salt marsh. The total disturbance area to the salt marsh is negligible and improvements are being made to the salt marsh’s exposure to sunlight.

HWR 18.4(d)(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.

There are no known rare vertebrate or invertebrates at this site.

HWR 18.4(d)(3): Refer to HWR 23.0 et seq. for additional project-specific performance standards.

Performance standards associated with 23.4 are addressed later in this narrative.

HWR 18.4(d)(4): Performance standards for activities or work proposed in the buffer zone to a Salt Marsh are specified in HWR 22.0.

Work proposed within the salt marsh buffer zone is within previously disturbed areas. The minimal amount of work is proposed in order to rebuild the existing pier and retaining wall.

HWR 18.4(d)(5): The Commission may impose such additional requirements as are necessary to protect the wetland values protected under the Bylaw.

No analysis required.

Coastal Beaches / Tidal Flats (310 CMR 10.27)

Coastal beaches are significant to storm damage prevention, flood control and the protection of wildlife habitat. Tidal flats are likely to be significant to the protection of marine fisheries and where there are shellfish, to land containing shellfish. The existing pier and retaining wall will be replaced in their current locations and will have no impact on the coastal beaches ability to prevent storm damage, control flooding or protect wildlife habitat. The total coastal bank / tidal flat disturbance area consists of 40 piles (12” dia.) and 2 posts (4”x4”), resulting in 32 s.f. A Shellfish Survey Report has been prepared and is attached to this Notice of Intent. The Shellfish Survey Report details that there is not a significant number of shellfish at this site.

Coastal Beaches / Tidal Flats Performance Standard Analysis:

Standards in Italic, Analysis in bold.

310 CMR 10.27(3): Any project on a coastal beach, except any project permitted under 310 CMR 10.30(3)(a), shall not have an adverse effect by increasing erosion, decreasing the volume or changing the form of any such coastal beach or an adjacent or downdrift coastal beach.

The project will not increase erosion, decrease the volume or change the form of the coastal beach. The existing dock and retaining wall will be rebuilt in their current locations.

310 CMR 10.27(4): Any groin, jetty, solid pier, or other such solid fill structure which will interfere with littoral drift, in addition to complying with 310 CMR 10.27(3), shall be constructed as follows:

(a) It shall be the minimum length and height demonstrated to be necessary to maintain beach form and volume. In evaluating necessity, coastal engineering, physical oceanographic and/or coastal geologic information shall be considered.

The pier is being rebuild in its existing footprint. It is being elevated to provide further public access and allow more sunlight beneath it. The pier decking elevation will match that of abutting piers.

(b) Immediately after construction any groin shall be filled to entrapment capacity in height and length with sediment of grain size compatible with that of the adjacent beach.

Not applicable.

(c) Jetties trapping littoral drift material shall contain a sand by-pass system to transfer sediments to the downdrift side of the inlet or shall be periodically redredged to provide beach nourishment to ensure that downdrift or adjacent beaches are not starved of sediments.

Not applicable

310 CMR 10.27(5): Notwithstanding 310 CMR 10.27(3), beach nourishment with clean sediment of a grain size compatible with that on the existing beach may be permitted.

Not applicable.

310 CMR 10.27(6): *In addition to complying with the requirements of 310 CMR 10.27(3) and (4), a project on a tidal flat shall if water-dependent be designed and constructed, using best available measures, so as to minimize adverse effects, and if non-water-dependent, have no adverse effects, on marine fisheries and wildlife habitat caused by:*

(a) *alterations in water circulation;*

Minimal piles are proposed to reconstruct existing pier. Existing piles will be removed. Alterations in water circulation are negligible or non-existent.

(b) *alterations in the distribution of sediment grain size; and*

Minimal piles are proposed to reconstruct existing pier. Existing piles will be removed. Alterations in the distribution of sediment grain size are negligible or non-existent.

(c) *changes in water quality, including, but not limited to, other than natural fluctuations in the levels of dissolved oxygen, temperature or turbidity, or the addition of pollutants.*

Minimal piles are proposed to reconstruct existing pier. Existing piles will be removed. Alterations in water quality are negligible or non-existent.

310 CMR 10.27(7): *Notwithstanding the provisions of 310 CMR 10.27(3) through (6), no project may be permitted which will have any adverse effect on specified habitat sites or rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.37.*

There is no habitat site for rare vertebrate or invertebrate species at this site.

HWR 18.2(d)(1): *Any project on a coastal beach shall not cause an adverse effect or cumulative adverse effect by increasing erosion, decreasing the volume or changing the form of any such coastal beach or rocky intertidal shore, or an adjacent or downdrift coastal beach or rocky intertidal shore.*

The project will not increase erosion, decrease the volume or change the form of the coastal beach. The existing dock and retaining wall will be rebuilt in their current locations.

HWR 18.2(d)(2): *Notwithstanding the above, beach nourishment with clean sediment of a grain size compatible with that on the existing beach may be permitted provided there is no permanent adverse effect upon the wetland values or upon submerged aquatic vegetation, intertidal vegetation such as but not limited to salt marshes, or shellfish habitat.*

Not applicable.

HWR 18.2(d)(3): *When tidal flats are significant to protection of shellfish, shellfish habitat, fish or fisheries, the performance standards for Land Containing Shellfish (HWR 18.5) shall apply. All Coastal Beaches and Tidal Flats within the Town of Hingham have been designated by the Commonwealth of Massachusetts as Designated Shellfish Growing Areas. A Designated Shellfish Growing Area is considered to be significant to the growth and health of shellfish whether or not shellfish are present. Thus the performance standards for Land Containing Shellfish (HWR 18.5) shall apply to all Coastal Beaches and Tidal Flats in the Town of Hingham.*

Performance standards associated with HWR 18.5 are addressed later in this narrative.

HWR 18.2(d)(4): *In addition to complying with the requirements of HWR 18.5, a project on a tidal flat shall have no adverse effect or cumulative adverse effect, on fisheries and/or wildlife habitat caused by alterations in water circulation, alterations in the distribution of sediment grain size, and changes in water quality, including, but not limited to, other than natural fluctuations in the levels of dissolved oxygen, temperature or turbidity, or the addition of pollutants.*

Minimal piles are proposed to reconstruct existing pier. Existing piles will be removed. Alterations to water circulation, distribution of sediment grain size and water quality are negligible or non-existent.

HWR 18.2(d)(5): Notwithstanding the above provisions, no project may be permitted which will have any adverse effect or cumulative adverse effect on specified habitat of rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.37.

There is no habitat of rare vertebrate or invertebrate species at this site.

HWR 18.2(d)(6): Refer to Section HWR 23.0 et seq. for additional project-specific performance standards.

Performance standards associated with 23.4 are addressed later in this narrative.

HWR 18.2(d)(7): Performance standards for activities or work proposed in the buffer zone to a Coastal Beach, Rocky Intertidal Shore, or Tidal Flat are specified in HWR 22.0.

Work proposed within the coastal beach / salt marsh buffer zone is within previously disturbed areas. The minimal amount of work is proposed in order to rebuild the existing pier and retaining wall.

HWR 18.2(d)(8): The Commission may impose such additional requirements as are necessary to protect the wetland values protected under the Bylaw.

No analysis required.

Land Containing Shellfish (310 CMR 10.34)

Land containing shellfish shall be found significant to the protection of land containing shellfish and to the protection of marine fisheries. The total land containing shellfish disturbance area consists of 18 piles (12" dia.), resulting in 15 s.f. A Shellfish Survey Report has been prepared and is attached to this Notice of Intent. The Shellfish Survey Report details that there is not a significant number of shellfish at this site.

Land Containing Shellfish Performance Standard Analysis: *Standards in Italic, Analysis in bold.*

310 CMR 10.34(4): Except as provided in 310 CMR 10.34(5), any project on land containing shellfish shall not adversely affect such land or marine fisheries by a change in the productivity of such land caused by:

(a) alterations of water circulation;

Minimal piles are proposed to reconstruct existing pier. Existing piles will be removed. Alterations in water circulation are negligible or non-existent.

(b) alterations in relief elevation;

No changes in elevation are proposed.

(c) the compacting of sediment by vehicular traffic;

Not applicable.

(d) alterations in the distribution of sediment grain size;

Minimal piles are proposed to reconstruct existing pier. Existing piles will be removed. Alterations in the distribution of sediment grain size are negligible or non-existent.

(e) alterations in natural drainage from adjacent land; or

The project will not alter any drainage patterns.

(f) changes in water quality, including, but not limited to, other than natural fluctuations in the levels of salinity, dissolved oxygen, nutrients, temperature or turbidity, or the addition of pollutants

Minimal piles are proposed to reconstruct existing pier. Existing piles will be removed. Alterations in water quality are negligible or non-existent.

310 CMR 10.34(5): Notwithstanding the provisions of 310 CMR 10.34(4), projects which temporarily have an adverse effect on shellfish productivity but which do not permanently destroy the habitat may be permitted if the land containing shellfish can and will be returned substantially to its former productivity in less than one year from the commencement of work, unless an extension of the Order of Conditions is granted, in which case such restoration shall be completed within one year of such extension

The existing dock will be replaced in its current footprint. Shellfish will be harvested from the project area prior to the commencement of work and will be reseeded after the completion of the project. These items will be done in cooperation with the MA Division of Marine Fisheries and the Hingham Shellfish Constable.

310 CMR 10.34(6): In the case of land containing shellfish defined as significant in 310 CMR 10.34(3)(b) (i.e., those areas identified on the basis of maps and designations of the Shellfish Constable), except in Areas of Critical Environmental Concern, the issuing authority may, after consultation with the Shellfish Constable, permit the shellfish to be moved from such area under the guidelines of, and to a suitable location approved by, the Division of Marine Fisheries, in order to permit a proposed project on such land. Any such project shall not be commenced until after the moving and replanting of the shellfish have been commenced.

Shellfish will be harvested from the project area prior to the commencement of work and will be reseeded after the completion of the project. These items will be done in cooperation with the MA Division of Marine Fisheries and the Hingham Shellfish Constable.

310 CMR 10.34(7): Notwithstanding 310 CMR 10.34(4) through (6), projects approved by the Division of Marine Fisheries that are specifically intended to increase the productivity of land containing shellfish may be permitted. Aquaculture projects approved by the appropriate local and state authority may also be permitted.

The Division of Marine Fisheries has provided their feedback on this project and the applicant is complying with their requested items.

310 CMR 10.34(8): Notwithstanding the provisions of 310 CMR 10.34(4) through (7), no project may be permitted which will have any adverse effect on specified habitat of rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.37.

There is no habitat of rare vertebrate or invertebrate species at this site.

HWR 18.5(d)(1): A proposed project shall not cause any adverse effect or cumulative adverse effect on Land Containing Shellfish.

The pier is being rebuilt in its current location and the existing float, which currently sits on the mud flats, is being elevated 30” above the substrate. The existing concrete moorings, which currently sit in the mud flats are to be removed. The project will be an improvement to the site.

HWR 18.5(d)(2): A proposed project shall not change water quality (including but not limited to changes in turbidity, temperature, salinity, dissolved oxygen, nutrients and pollutants), water circulation, or natural drainage from adjacent land.

Minimal piles are proposed to reconstruct existing pier. Existing piles will be removed. Alterations to water quality and water circulation are negligible or non-existent. The drainage pattern is not being altered.

HWR 18.5(d)(3): A proposed project shall not obstruct or limit the ability of the public to gather shellfish recreationally or the ability of commercial fishermen to harvest shellfish or obstruct or limit an existing aquaculture project.

The project is elevating the existing pier 2.5', allowing for further public access than currently exists.

HWR 18.5(d)(4): Notwithstanding the above provisions, no project may be permitted which will have any adverse effect on specified habitat of rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.37.

There is no habitat of rare vertebrate or invertebrate species at this site.

HWR 18.5(d)(5): Refer to HWR 23.0 et seq. for additional project-specific performance standards.

Performance standards associated with 23.4 are addressed later in this narrative.

HWR 18.5(d)(6): Performance standards for activities or work proposed in the buffer zone to Land Containing Shellfish are specified in HWR 22.0.

Work proposed within the land containing shellfish buffer zone is within previously disturbed areas. The minimal amount of work is proposed in order to rebuild the existing pier and retaining wall.

HWR 18.5(d)(7): The Commission may impose such additional requirements as are necessary to protect the wetland values protected under the Bylaw.

No analysis required.

Land Subject to Coastal Storm Flowage

All of the proposed work will take place within Land Subject to Coastal Storm Flowage, which lies within FEMA Flood Zone VE (El. 19), as shown on F.I.R.M. 25023C 0019J dated July 17, 2012. Tidal flow will not be impeded by the reconstruction of the pier or reuse of the gangway and float. Construction shall be such that the dock shall not create a hazard to navigation within the waterway. (Refer to "Small Docks and Piers A Guide To Permitting Small Pile-Supported Docks and Piers" November 2003, published by the Department of Environmental Protection, Bureau of Resource Protection, Wetlands/Waterways Program, One Winter Street, Boston, MA, 02108 for additional technical guidance.) No additional impacts from stormwater or runoff will be generated by the work associated with this private boat dock.

The wooden retaining wall will be reconstructed in its current location, with no changes proposed to its height.

The Land Subject to Coastal Storm Flowage disturbance area consists of 45 piles (12" dia.) and 2 posts (4"x4"), resulting in 36 s.f. and a 4' wide excavation trench behind the existing retaining wall to rebuild it in place, resulting in 564 s.f. of disturbance. The total disturbance area within LSCSF is 600 s.f.

Land Subject to Coastal Storm Flowage Performance Standard Analysis: **Standards in Italic, Analysis in bold.**

HWR 20.1(d)(1): A proposed project shall not cause any adverse effect or cumulative adverse effect upon the wetland values of LSCSF.

Minimal piles are proposed to reconstruct existing pier and retaining wall in their current locations. Existing piles will be removed. The project will not cause any adverse effect or cumulative adverse effect upon the wetland values of LSCSF.

HWR 20.1(d)(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 proposed project will have no effect on the capacity of LSCSF to provide important wildlife habitat functions. A Shellfish Survey Report is attached to this Notice of Intent.

HWR 20.1(d)(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.

Not applicable.

HWR 20.1(d)(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 project is to improve the existing dock and retaining wall on-site. The rebuilt structures will result in a net positive at this site. The pier will be elevated 2.5', allowing more sunlight below it. The existing float will be elevated off of the mud flats and the moorings sitting within the mud flats will be removed. The retaining wall's structural integrity will be improved.

HWR 20.1(d)(5): The following activities proposed within VE-zones and/or AE-zones are likely to have an adverse effect on the protected values and are therefore prohibited:

- (a) *New construction or placement of new structures, including buildings, sheds, garages, and retaining walls. Existing buildings may be renovated or reconstructed but, at a minimum, must be built using flood-resistant construction.*

No new structures are proposed. This project is to reconstruct an existing dock and retaining wall.

- (b) *Impermeable surfaces for new roads, driveways, and parking lots, and the conversion of existing permeable roads, driveways and parking lots into impermeable surfaces.*

Not applicable.

- (c) *New or proposed expansions (height and footprint) of coastal engineering structures unless such structures are soft engineering solutions, such as, but not limited to, living shorelines, vegetated terraces, or other natural vegetated designs, or hybrid shoreline infrastructure, or the applicant has provided an alternatives analysis demonstrating that a soft engineering solution or hybrid shoreline infrastructure is not feasible or practicable and that the preferred alternative is proven to provide climate change resiliency improvements and will not create or exacerbate storm damage and flooding impacts on adjacent or nearby properties. The Commission will evaluate the following elements of proposals for new or proposed expansions of coastal engineering structures, and may request additional information as follows.*

The existing retaining wall is to be reconstructed in its current location, with no increase to its height.

- (i) *Coastal engineering structures shall not cause or create the likelihood of the following: reduction in the ability of the land to absorb and contain waters; reduction in the ability of the land to buffer more inland areas from flooding and wave damage; displacement or diversion of floodwaters to other areas; damage to other structures or properties; increase in the elevation or velocity of floodwaters; increase in water pollution; reduction in the protection of the habitat and wetland values of other adjacent Resource Areas; and/or prevention of the migration of Resource Areas, such as salt marshes, due to sea level rise.*
Not applicable.
- (ii) *A loose, sloped-stone design shall be prioritized over other hard engineering solutions, either as part of hybrid shoreline infrastructure proposal or as a standalone proposal accompanied by an alternatives analysis. If another hard engineering solution is proposed, the Commission may require an additional alternatives analysis demonstrating that a loose, sloped-stone design is not feasible or practicable.*
Not applicable.
- (iii) *The Commission will consider whether the proposed coastal engineering structure is an overall benefit to the coastal community and the wellbeing of the marine environment and/or whether there is an overriding public interest.*
Not applicable.
- (iv) *The Commission may require a scientifically validated study of the proposal with appropriate methodology, especially where wave and wind action may be a substantial cause of seeking the installation or modification of a coastal engineering structure; or where impacts to marine life are anticipated; or where the proposed work may impact abutting properties not owned by the applicant, a study of changes in flowage and sediment transport.*
Not applicable.
- (v) *The Commission may require a statement from a qualified professional on the effectiveness of the proposed work, based on issues such as climate change, and whether such work will have a reasonable, long-term, beneficial impact, as desired by the applicant, as sea levels continue to rise.*
Not applicable.
- (d) *New or expanded septic systems. Replacement or repair of an existing septic system shall be allowed only if no alternative location is available on the lot or other parcel under the ownership or control of the owner of the system proposed and, where applicable, provided that variance of property line and/or street layout setbacks have been applied for from the Town of Hingham Board of Health.*
Not applicable.

HWR 20.1(d)(6): Notwithstanding the above, the Commission may permit the following activities in VE- and AE-zones provided that the applicant demonstrates to the satisfaction of the Commission that best available measures are utilized to avoid or minimize adverse effects on all wetland values of all Resource Areas:

- (a) *Beach, dune, and bank nourishment and restoration projects that incorporate natural vegetative cover and do not otherwise impede the landward migration of these landforms over time.*
Not applicable.
- (b) *Elevated pedestrian walkways that are minimal. Walkways must meet the performance standards for docks and piers specified in HWR 23.4.*
Not applicable.
- (c) *Docks and piers provided they meet the performance standards specified in HWR 23.4.*
Performance standards associated with 23.4 are addressed later in this narrative.

- (d) *Projects to restore salt marsh, freshwater wetland, shellfish habitat, or fisheries.*
The salt marsh disturbance will be replicated at a 3:1 ratio. An added benefit of this project is that it will allow more sunlight to salt marsh below the pier because the pier is being elevated 2.5'.
- (e) *Improvements necessary to maintain the structural integrity or stability of existing coastal engineering structures.*
The existing retaining wall is to be rebuilt in its current location to improve its structural integrity.
- (f) *Improvements that contribute to climate change resiliency and do not create or exacerbate storm damage and flooding impacts on adjacent or nearby properties.*
Not applicable.
- (g) *Projects designed to protect critical public infrastructure from storm surge and sea level rise.*
Not applicable.
- (h) *Projects and activities associated with water-dependent uses such as boat yards and yacht clubs.*
Not applicable.
- (i) *Maintenance dredging and channel maintenance dredging.*
Not applicable.

HWR 20.1(d)(7): Notwithstanding the above provisions, no project may be permitted which will have any adverse effect on specified habitat of rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.37.

There is no habitat of rare vertebrate or invertebrate species at this site.

HWR 20.1(d)(8): Refer to HWR 23.0 et seq. for additional project-specific performance standards.

Performance standards associated with 23.4 are addressed later in this narrative.

HWR 20.1(d)(9): The Commission may impose such additional requirements as are necessary to protect the wetland values protected under the Bylaw.

No analysis required.

Coastal Banks (310 CMR 10.30)

Coastal Banks are likely to be significant to storm damage prevention and flood control. Coastal banks provide a buffer to upland areas from storm waves are significant to storm damage prevention and flood control. The 141 linear foot existing retaining wall, acting as the on-site coastal bank, is to be reconstructed in its current location. This project is to stabilize this bank, which needs repair. This project protects the interests of the Wetland Protection Act.

Coastal Bank Performance Standard Analysis:

Standards in Italic, Analysis in bold.

310 CMR 10.30(6): Any project on such a coastal bank or within 100 feet landward of the top of such coastal bank shall have no adverse effects on the stability of the coastal bank.

The project is to stabilize the existing retaining wall and will be an improvement.

310 CMR 10.30(7): Bulkheads, revetments, seawalls, groins or other coastal engineering structures may be permitted on such a coastal bank except when such bank is significant to storm damage prevention or flood control because it supplies sediment to coastal beaches, coastal dunes, and barrier beaches.

This is a retaining wall replacement project. No new structures are proposed.

310 CMR 10.30(8): Notwithstanding the provisions of 310 CMR 10.30(3) through (7), no project may be permitted which will have any adverse effect on specified habitat sites of rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.37.

There is no habitat of rare vertebrate or invertebrate species at this site.

HWR 18.1(d)(2): When a Coastal Bank is determined to serve solely as a Vertical Buffer Coastal Bank, the following regulations shall apply:

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

The project is to stabilize the existing retaining wall and will be an improvement. The project will not cause any adverse effect or cumulative effect on the wetland values of the Coastal Bank.

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

The retaining wall is to be rebuilt in its current location with no change to its height to stabilize the existing bank. There will be no adverse effect on bank height, bank stability, bank vegetation or wildlife habitat.

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

There are no projects proposed landward of the retaining wall.

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

The existing retaining wall and pier reconstruction will have no adverse affect on bank stability or wildlife habitat. Public access is provided for the pier via stairs.

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

Performance standards associated with 23.4 are addressed later in this narrative.

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

No analysis required.

3.0 Hingham Private Dock Regulations (Hingham Wetland Regulations Section 23.4.c.)

1. When a dock, pier, or walkway is located at a private residence, The Commission may allow at its discretion, a pier (dock or walkway) no greater than 4 feet wide at any point; no greater than 150 feet long; a platform no greater than 6 feet by 8 feet including the walkway; and only one float no greater than 10 feet by 20 feet, if satisfied that mitigation required in the Order of Conditions is sufficient to protect the Resource Area. The length of the dock is measured from the landward end of the pier to the seaward end of the attached float.

There is an existing pier, gangway, and float on-site, with an active Ch. 91 license. The applicant is proposing to rebuild the existing pier in its current location and elevate it by 2.5'. The existing gangway and float will be reused.

2. Docks will be permitted only on land contiguous to the dwelling being served, except where unusual circumstances of longstanding may apply, such as where the dwelling is separated from the shore by a road. The dwelling must have a valid occupancy permit. Docks shared by two or more residential properties with contiguous beach frontage may be considered by the Commission.
The dock is proposed on land contiguous to the dwelling being served.
3. Only non-chromated copper arsenate (CCA) material may be used in the construction of the dock. Lead caps are not permitted. No creosote treated materials may be used. Wood preservative, if used, must be dry before the treated wood is used in construction.
The proposed dock will be constructed with non-chromated copper arsenate (CCA) material. No lead caps are proposed. No creosote treated materials are proposed. If wood preservative is used, it will be dry before the treated wood is used in construction. A note in this regard has been added to the plan.
4. Any pilings permitted shall be driven, not washed or jetted, into any salt marsh, coastal beach, or land under the ocean.
The proposed pilings shall be driven, not washed or jetted into the salt marsh and coastal beach.
5. Lighting, if installed, shall not exceed a 25 watt incandescent bulb, set a minimum of 12 feet apart and a maximum of two feet high from the walking surface. These lights must be baffled or shaded to direct light downward only. The lights cannot utilize timers and should be switched at the beginning and end of dock. No lighting shall interfere with safe navigation, as determined by the Harbormaster.
No lighting is proposed.
6. All piers and walkways shall be provided with access stairs at or proximate to MHW or other means provided for along shore public traverse. All structures shall be provided with suitable signage notifying the public of its right to free access as provided by the commonwealth, or equivalent.
Access stairs are proposed to allow for public traverse along the shore. Signage shall be installed notifying the public of its right to free access as provided by the commonwealth. A note in this regard has been added to the plan.
7. The DEP permit number shall be permanently and conspicuously placed on the dock so as to be visible from seaward. The DEP permit number shall be placed permanently and conspicuously on all floats.
A DEP permit number sign shall be permanently installed on the pier and float, facing seaward. A note in this regard has been added to the plan.
8. Storage of floats, other seasonal pier material, and boats must be stored in an area outside of any wetland resource area and transported thereto without causing damage to any resource area. A storage plan for seasonal pier material must be included in the application.
The float and gangway shall be removed seasonally and stored outside of all wetland resource areas. The gangway will be stored on top of the pier and the float will be removed and stored off-site. When the float and gangway are removed, they shall be transported without causing damage to the resource area.

9. Where the project includes the use of floats, the combined size of all floats shall be consistent with the impact of the entire project on the protected values at the site, but not greater than 10' x 20'. Floats must be at least 18" from the bottom measured at low tide. They shall be supported either by piles or skids.
The existing float shall be reused and 4 new pilings are proposed to elevate the float 30" off the substrate.
10. Plank spacing shall be a minimum of 3/4 inch. Where any portion of the dock crosses a salt marsh, a minimum of 65% light penetration is required. The maximum deck width shall be 4 feet. Alternate spacing may be used if the deck material used provides a similar or greater degree of light penetration.
The pier is oriented in a north-south direction and as such, will achieve more than 65% light penetration to the salt marsh, given the sun rising in the east and setting in the west. 1" (min.) plank spacing is proposed for additional light penetration. The pier is being elevated 2.5 feet compared to the existing conditions and will be a great improvement for light penetration to the salt marsh.
11. The base of the pier shall be as close as possible to the center line of the lot, and it shall project outwards at an angle as nearly perpendicular to the shoreline as possible. An exception may be made in order to attain 65% light penetration when a dock crosses a salt marsh.
The existing pier is centered on the property and projects perpendicular to the shoreline.
12. Notwithstanding any other provisions contained herein, no new construction or expansion of an existing dock shall be permitted within an ACEC (area of critical environmental concern).
The project is not located within an ACEC.
13. If any salt marsh is eliminated, a replication with a ratio of 3:1 must take place in an area suitable for salt marsh growth approved by the Commission.
4 square feet of salt marsh will be disturbed with the installation of the proposed pilings. A salt marsh mitigation area, totaling 12 square feet (3:1 ratio) is proposed.
14. A shellfish study is required. If dock or pier construction occurs within shellfish habitat, the following steps must be followed:
- a. Before any construction begins in an area under and around the dock and float, all soft shelled clams must be harvested to as near depletion as possible. This will be done in cooperation with the MA Division of Marine Fisheries and the Hingham Shellfish Constable. This shellfish harvesting shall occur around any rainfall closures. Any undersized clams must be quickly transported to an area approved by the Shellfish Constable or the MA Division of Marine Fisheries. The Hingham Conservation Commission must be notified before the harvesting begins.
A Shellfish Survey has been performed and the associated report is attached to this Notice of Intent. The applicant agrees to these shellfish requirements as conditions.
 - b. The first full season following the completion of the work, the reseeded of shellfish shall occur under the supervision of the Division of Marine Fisheries. Reseeding shall be at a 3:1 ration of the amount of racks and undersized shellfish taken out. Seed stock clams must be at a minimum size of 1/4 inch.
The applicant agrees to these shellfish requirements as conditions.

15. Piers shall be constructed so as to not interfere with any established public recreational use of the waterway, e.g., an area used by sailboats tacking through a narrow waterway, an area used by boaters or others because of unique wind or current conditions, a structure that would interfere with public access to or from a way to water or public, swimming area, waterskiing area, or interfere with use of paddled or oared boats.
The pier will be replaced in its current location, it is being elevated, and will not interfere with any public recreational use of the waterway.
16. No more than one pier (dock or walkway) shall be permitted to be constructed located on any residential property or parcel of land at any time.
Only one pier is proposed.

4.0 Alternatives Analysis for Retaining Wall Reconstruction

Option 1: Rebuild the existing retaining wall with a new wall face 18” in front of the existing wall face. This would be the least impactful option as it would require minimal excavation behind the face of the existing retaining wall. This option has been deemed insufficient by the Hingham Conservation Commission, as it does not comply with HWR Section 20.1(d)(5), because it is an expansion of an existing coastal engineering structure.

Option 2: This is the option currently proposed by the applicant, which is to rebuild the retaining wall in its current location. This option will require excavating a trench behind the existing wall for reconstruction purposes. It results in a slightly greater disturbance area than option 1, but it will be compliant with HWR Section 20.1(d)(5), because it is not an expansion of an existing coastal engineering structure. Larger piles and wooden slats are proposed to ensure a longer lifespan for the new wall.

Option 3: The Conservation Agent has suggested replacing the wooden retaining wall with a stone revetment. This option would result in the largest disturbance area of all three options and would also be cost prohibitive for the applicant. Furthermore, the project as proposed would only require a minor modification to the existing Ch. 91 license and Army Corps Permit, but would require new filings if the coastal engineering structure changed. This option would greatly expand the length of time needed to complete this reconstruction project. The owner is obligated to replace the existing wall as it is falling into disrepair and this reconstruction project is before the Conservation Commission because the owner is being proactive.

5.0 Mitigating Measures

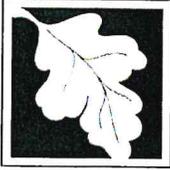
The following are mitigating measures that will be employed to ensure that impacts to wetland interests protected under the Town of Hingham Wetlands Protection By-Law and the Wetlands Protection Act are minimized to the extent possible.

Mitigation of Potential Impacts

The potential for temporary impacts to wetlands due to erosion and migration of sediments into adjacent wetlands will be mitigated by adherence to basic erosion control practices. These include:

1. Clearly define the limits of work in the field in order to minimize the extent of vegetation and soil disturbance.

2. The support pilings will either be installed using a tripod with a pneumatic hammer head or mechanically driven from a barge.
3. All construction from a barge shall be done with a minimum of two feet of water below it at all times.
4. No barge shall rest on tidal flats at any time.
5. No storage of equipment, tools, fuel, supplies, timber or hardware within any on-site resource areas.
6. No painting, staining of any components of the dock to take place within any resource area.
7. Gangway and float to be removed seasonally and stored securely outside of resource areas.



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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):

35 Bel Air Road	Hingham	02043
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:	42.26217	-70.90620
16	d. Latitude	e. Longitude
f. Assessors Map/Plat Number	153	
	g. Parcel /Lot Number	

2. Applicant:

Rutherford Realty Trust		
a. First Name	b. Last Name	
c. Organization		
35 Bel Air Road		
d. Street Address		
Hingham	MA	02043
e. City/Town	f. State	g. Zip Code
	Pocket711@mac.com	
h. Phone Number	i. Fax Number	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):

James D.	Garfield, P.E.	
a. First Name	b. Last Name	
Morse Engineering Company, Inc.		
c. Company		
P.O. Box 92		
d. Street Address		
Scituate	MA	02066
e. City/Town	f. State	g. Zip Code
781-545-0895	781-545-9895	jgarfield@morsecoinc.com
h. Phone Number	i. Fax Number	j. Email address

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

130 LF(Dock)+141 LF(Wall)=271 LFX\$4/LF=\$1,084	\$529.50	\$554.50
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



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A. General Information (continued)

6. General Project Description:

The project is described as the reconstruction of a pier, reuse of a gangway and float and reconstruction of a wooden retaining wall.

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

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

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

1. Yes No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

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

8. Property recorded at the Registry of Deeds for:

Plymouth

a. County

19326

c. Book

b. Certificate # (if registered land)

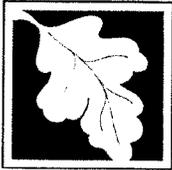
265

d. Page Number

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

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

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



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

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

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

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

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.



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

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

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

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
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 checked="" type="checkbox"/> Coastal Beaches	32 S.F. +/- 1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	1. square feet	2. cubic yards dune nourishment

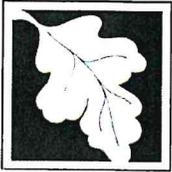
Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
f. <input checked="" type="checkbox"/> Coastal Banks	141 L.F. 1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet	
h. <input checked="" type="checkbox"/> Salt Marshes	4 S.F. +/- 1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet 2. cubic yards dredged	
j. <input checked="" type="checkbox"/> Land Containing Shellfish	15 S.F. +/- 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 checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	600 S.F. +/- 1. square feet	

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

_____ a. square feet of BVW _____ b. square feet of Salt Marsh

5. Project Involves Stream Crossings

_____ a. number of new stream crossings _____ b. number of replacement stream crossings



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C. Other Applicable Standards and Requirements

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

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

- 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.

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

MassMapper 2025
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/mas-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.



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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

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



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

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
- a. Yes No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
- b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
- a. Yes No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
- a. Yes No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
- a. Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
 2. A portion of the site constitutes redevelopment
 3. Proprietary BMPs are included in the Stormwater Management System.
- b. No. Check why the project is exempt:
1. Single-family house
 2. Emergency road repair
 3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

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

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

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

1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

WPA Form 3 – Notice of Intent

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

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.

Dock & Retaining Wall Reconstruction Plan

a. Plan Title	_____	
Morse Engineering Company, Inc.	James D. Garfield, P.E.	_____
b. Prepared By	c. Signed and Stamped by	_____
1/21/25	As noted	_____
d. Final Revision Date	e. Scale	_____

f. Additional Plan or Document Title	_____	g. Date	_____
--------------------------------------	-------	---------	-------

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

E. Fees

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

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

4972	Nov. 6, 2024
2. Municipal Check Number	3. Check date
4974	Nov. 6, 2024
4. State Check Number	5. Check date
Morse Engineering Company, Inc.	_____
6. Payor name on check: First Name	7. Payor name on check: Last Name



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number

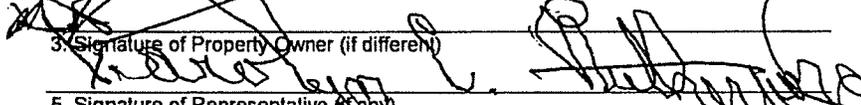
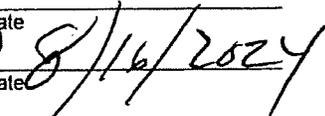
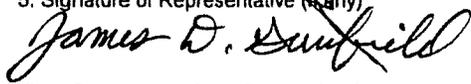
Hingham

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.

	
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.

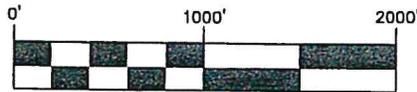
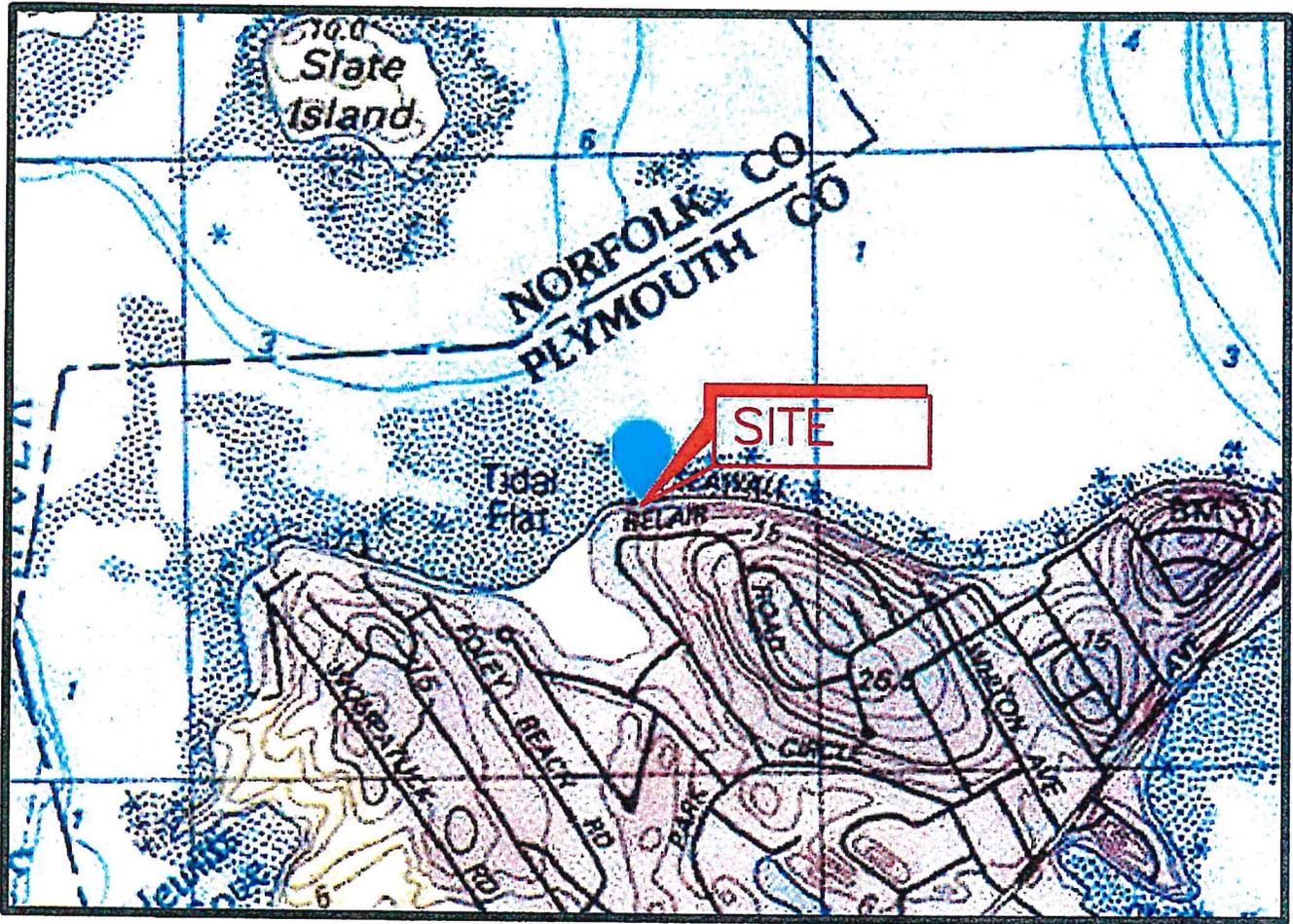
For MassDEP:

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.



SCALE: 1" = 1000'

U.S. GEOLOGICAL SURVEY
7.5 X 15 MINUTE SERIES

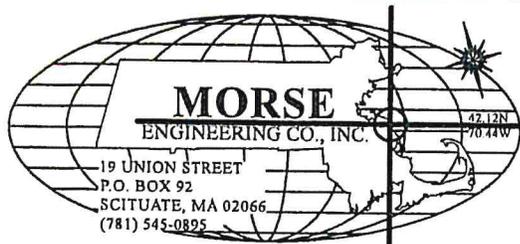
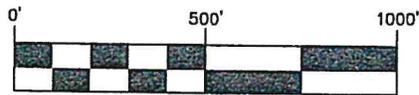
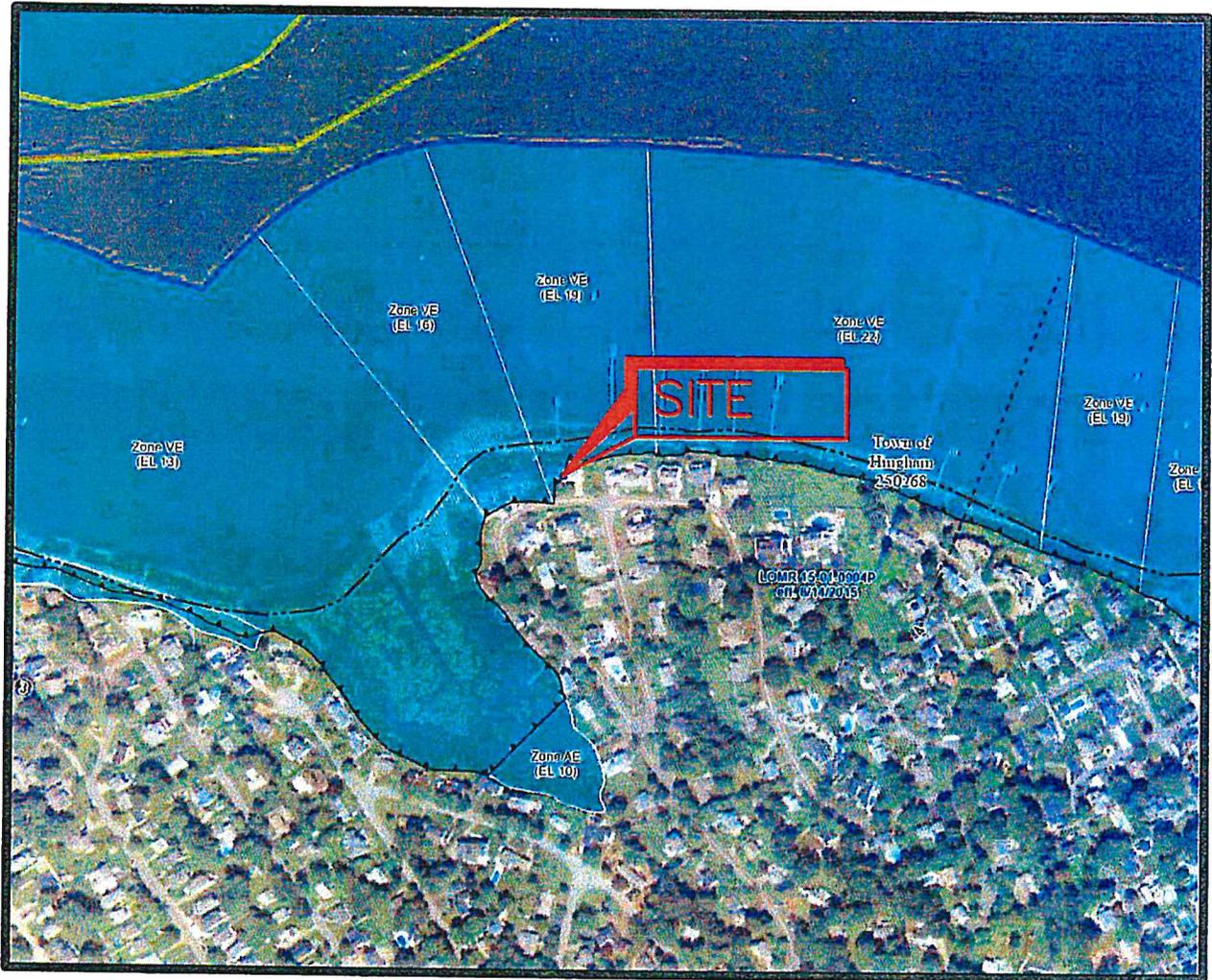


FIGURE — 1
USGS LOCUS MAP
35 BEL AIR ROAD
HINGHAM, MASSACHUSETTS



SCALE: 1" = 500'

FLOOD INSURANCE RATE MAP (F.I.R.M.)
 PANEL NO: 25023C 0019J
 EFFECTIVE DATE: JULY 17, 2012

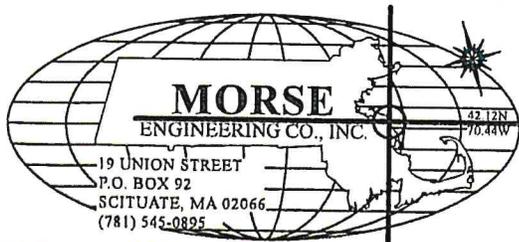
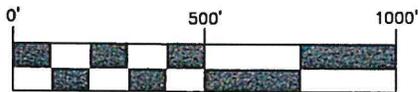
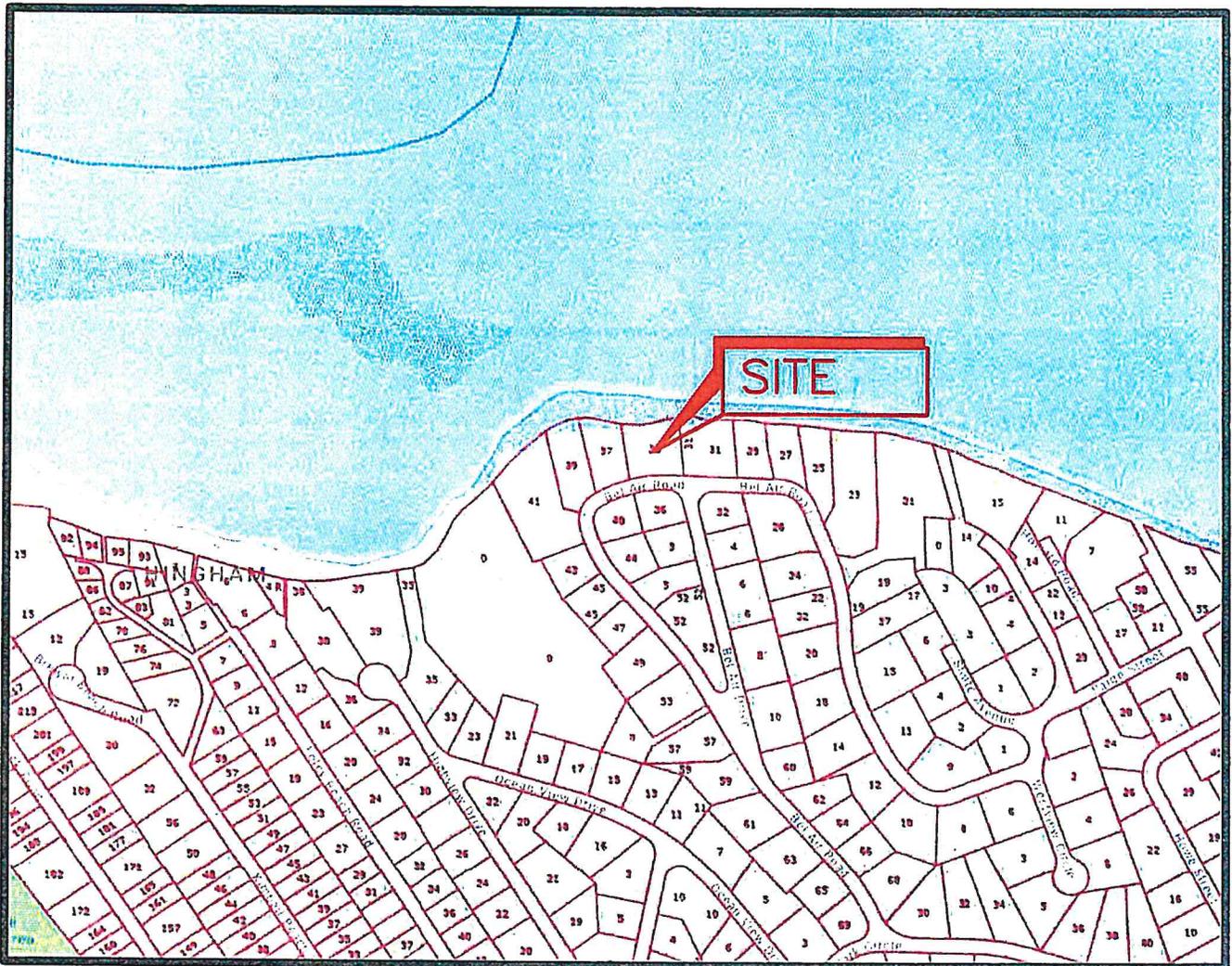


FIGURE - 2
 FEMA FLOOD MAP
 35 BEL AIR ROAD
 HINGHAM, MASSACHUSETTS



SCALE: 1" = 500'

NATURAL HERITAGE & ENDANGERED SPECIES ATLAS
MASS GIS

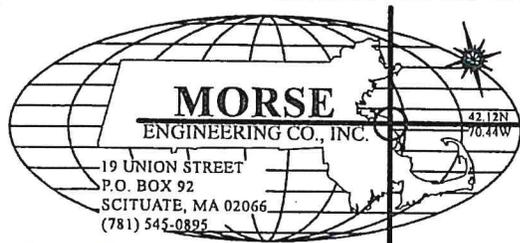


FIGURE - 3

NHESP MAP
35 BEL AIR ROAD
HINGHAM, MASSACHUSETTS

APPENDIX A

- NOI Wetland Fee Transmittal Form
- Town of Hingham By-Law Fee
Schedule
- Copy of Filing Checks



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:

35 Bel Air Road	Hingham
a. Street Address	b. City/Town
4974	\$529.50
c. Check number	d. Fee amount

2. Applicant Mailing Address:

a. First Name	b. Last Name	
Rutherford Realty Trust		
c. Organization		
35 Bel Air Road		
d. Mailing Address		
Hingham	MA	02043
e. City/Town	f. State	g. Zip Code
310-386-8213	Pocket711@mac.com	
h. Phone Number	i. Fax Number	j. Email Address

3. Property Owner (if different):

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

B. Fees

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

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

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

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

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

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

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

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

TOWN OF HINGHAM
REVISED WETLANDS PROTECTION BY-LAW FEES
February 10, 2017

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

NOTE: These Bylaw fees are in addition to the fees pursuant to the Massachusetts Wetlands Protection Act (WPA; 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			\$100.00	
2			\$250.00	
3		Commercial	\$525.00	
		Subdivision	\$1,000.00	
4			\$725.00	
5		130 L.F. (Dock) + 141 L.F. (Wall)	\$3.00/foot	\$813
Circle activities below.				TOTAL \$ 813.00

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)

MORSE ENGINEERING COMPANY, INC.
P.O. Box 92
Scituate, MA 02066

53-447/113

4973

DATE Nov. 6, 2024

PAY TO THE ORDER OF Town of Hingham

\$ 813-

Eight hundred thirteen dollars

DOLLARS

ROCKLAND TRUST
ROCKLAND, MASSACHUSETTS

MEMO: 35 Bel Air No 1

Cyrus K Greeney

AUTHORIZED SIGNATURE

FOR SECURITY PURPOSES, THE BORDER OF THIS DOCUMENT CONTAINS MICROPRINTING

MORSE ENGINEERING COMPANY, INC.
P.O. Box 92
Scituate, MA 02066

53-447/113

4974

DATE Nov. 6, 2024

PAY TO THE ORDER OF Commonwealth of MA

\$ 529.50

five hundred twenty nine dollars 50/100

DOLLARS

ROCKLAND TRUST
ROCKLAND, MASSACHUSETTS

MEMO: 35 Bel Air Hingham

Cyrus K Greeney

AUTHORIZED SIGNATURE

FOR SECURITY PURPOSES, THE BORDER OF THIS DOCUMENT CONTAINS MICROPRINTING

MORSE ENGINEERING COMPANY, INC.
P.O. Box 92
Scituate, MA 02066

53-447/113

4972

DATE Nov. 6, 2024

PAY TO THE ORDER OF Town of Hingham

\$ 554.58

five hundred fifty-four dollars 58/100

DOLLARS

ROCKLAND TRUST
ROCKLAND, MASSACHUSETTS

MEMO: 35 Bel Air WPN

Cyrus K Greeney

AUTHORIZED SIGNATURE

DETAILS ON BACK SECURITY FEATURES INCLUDED

APPENDIX B

- Certified List of Abutters
- Abutter Notification Form
- Assessors Map
- Affidavit of Service From
- Locus Deed
- Conservation Commission's Policy on
Receipt of Information

TOWN OF HINGHAM
BOARD OF ASSESSORS



CERTIFICATION SHEET

Property Address: 35 Bel Air Road
Parcel ID: 16-0-153

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

10/31/2024

Parcel ID: 16-0-153
RUTHERFORD REALTY TRUST
RUTHERFORD KEITH W &
35 BEL AIR ROAD
HINGHAM, MA 02043

Parcel ID: 16-0-141
GLASSPOOL ROYSTON J &
45 BEL AIR ROAD
HINGHAM, MA 02043

Parcel ID: 16-0-144
GREGORY DONALD J JR &
5 BEL AIR DRIVE
HINGHAM, MA 02043

Parcel ID: 16-0-145
SICHOL DOUGLAS W &
SYLVIA SICHOL REV TR & D
3 BEL AIR DRIVE
HINGHAM, MA 02043

Parcel ID: 16-0-146
WATSON COLLEEN M TT
COLLEEN M WATSON FAMILY
36 BEL AIR ROAD
HINGHAM, MA 02043

Parcel ID: 16-0-147
MOGTADER TED F &
MOGTADER & RAHIMIAN
40 BEL AIR ROAD
HINGHAM, MA 02043

Parcel ID: 16-0-148
Resident
44 Bel Air Rd
Hingham, Ma 02043

Parcel ID: 16-0-149
MCGEOGHEGAN BRIAN &
MCGEOGHEGAN FAMILY
43 BEL AIR ROAD
HINGHAM, MA 02043

Parcel ID: 16-0-150
LOT 192C TRUST
C/O TIMOTHY DRISCOLL
8 BEL AIR DRIVE
HINGHAM, MA 02043

Parcel ID: 16-0-151
LEVI REUVEN & FLYNN
P O BOX 456
HINGHAM, MA 02043

Parcel ID: 16-0-152
TERRY CAROLYN A TT
BEL AIR REALTY TRUST
37 BEL AIR ROAD
HINGHAM, MA 02043

Parcel ID: 16-0-154
FEELEY HELENE G TT
HARBORVIEW REALTY TRUST
31 BEL AIR ROAD
HINGHAM, MA 02043

Parcel ID: 16-0-155
MANNING JOHN F & ANN
ANN MARIE MANNING 2013
32 BEL AIR ROAD
HINGHAM, MA 02043

Parcel ID: 16-0-156
FARRIS PAUL & CAROLINE
4 BEL AIR DRIVE
HINGHAM, MA 02043

Parcel ID: 16-0-157
HORTE WILLIAM G TRUSTEE
W M HORTE IRR TRT & M S
2767 S W MARQUIS TER
STUART, FL 34997

Parcel ID: 16-0-185
MAGGIOLI DONALD J &
27 BEL AIR ROAD
HINGHAM, MA 02043

Parcel ID: 16-0-186
SULLIVAN ROBERT P TT
29 BEL AIR ROAD REALTY
29 BEL AIR ROAD
HINGHAM, MA 02043

Parcel ID: 16-0-188
WALLACE SPENCER B &
26 BEL AIR ROAD
HINGHAM, MA 02043

NOTIFICATION TO ABUTTERS

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

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

Rutherford Realty Trust has filed a Notice of Intent
Applicant Name *Application Type*

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

The address of the property where work is proposed: 35 Bel Air Road
The proposed work includes: Existing Dock & Retaining Wall Reconstruction

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

Monday, Wednesday, Thursday: 7:30AM- 4:30PM
Tuesday: 7:30AM - 7:00PM
Fridays: closed

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

You may also request copies of the application from the applicant or applicant's representative by contacting Morse Engineering Company, Inc. at (781) 545 0895 between the hours of 8 AM and 4 PM on the following days: Monday - Friday.

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

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

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

Easements
 Parcels
 Town Boundary
 Hingham Streets



The data shown on this site are provided for informational and planning purposes only. The user is responsible for the use of the data and any misrepresentation of the data.



Printed on 07/02/2024 at 11:51 AM

35 Bel Air Road



TOWN OF HINGHAM
CONSERVATION COMMISSION

AFFIDAVIT OF SERVICE

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

I, James D. Garfield, P.E. (Morse Engineering Co., Inc.)
(Name)

hereby certify under the pains and penalties of perjury that on 11/16/24
(Date of Notice)

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

Notice of Intent
(Application Type)

by Certified Mail
(Type of Notification or Delivery)

Filed with the Hingham Conservation Commission on 11/1/24
(Date of Application)

For the property located at 35 Bel Air Road
(Property address or location)

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

James D. Garfield
(Signature)

11/18/24
(Date)

QUITCLAIM DEED

KEITH W. RUTHERFORD and CAROLYN C. RUTHERFORD, husband and wife, both of Hingham, Plymouth County, Massachusetts, for consideration paid, and in full consideration of ONE DOLLAR (\$1.00)

grant to

KEITH W. RUTHERFORD and CAROLYN C. RUTHERFORD,

Trustees under a Declaration of Trust entitled
RUTHERFORD REALTY TRUST, dated September 24, 1997

to be recorded herewith

having an address of:

35 Bel Air Road, Hingham, Massachusetts 02043

WITH QUITCLAIM COVENANTS

the land with the buildings thereon, situated in said Hingham, shown as Lots 195 and 196A on a plan entitled "Subdivision Plan of Land Bel Air Road, Hingham, Mass. Made for Best Realty Trust", dated November 27, 1957 by Lewis W. Perkins & Son, Engineers, recorded with Plymouth County Registry of Deeds as Plan No. 690 of 1957 in Book 2609, Page 13, bounded and described as follows:

SOUTHERLY	by Bel Air Road by three courses measuring respectively one hundred (100.00) feet; nine and 77/100 (9.77) feet, and forty and 24/100 (40.24) feet;
EASTERLY	by Lot 196B as shown on said plan one hundred thirty-six (136.00) feet, more or less;
NORTHERLY	by Hingham Bay by two courses measuring respectively fifty (50.00) feet, more or less and one hundred thirteen (113.00) feet, more or less; and
WESTERLY	by Lot 194 as shown on said plan one hundred fifty (150.00) feet, more or less.

Said two lots together containing 21,100 square feet, more or less.

The premises are conveyed subject to and with the benefit of all easements, restrictions, rights of way, takings, reservations, exceptions and covenants contained in the deed to the grantor herein and in all other instruments of record, to the extent now in force and applicable, but not intending hereby to recreate or extend restrictions, reservations, exceptions and covenants previously terminated or expired.

LOCUS: 35 BEL AIR ROAD, HINGHAM

Received & Recorded
PLYMOUTH COUNTY
REGISTRY OF DEEDS
01 FEB 2001 09:43AM
JOHN R. BUCKLEY, JR.
REGISTER
Bk 19326 Pg 265-266

Being the same premises conveyed to the grantor hereof by deed of Robert A. Clabault and Helen M. Clabault, dated October 7, 1977, recorded with the Plymouth County Registry of Deeds, in Book 4361, Page 244.

WITNESS our hands and seals this 22nd day of DECEMBER, 2000.

William T. O'Shea
Witness

[Signature] (L.S.)
KEITH W. RUTHERFORD

Carol A. Freeman
Witness

[Signature] (L.S.)
CAROLYN C. RUTHERFORD

COMMONWEALTH OF MASSACHUSETTS

County of Norfolk, ss:

Before me, personally appeared the said KEITH W. RUTHERFORD and CAROLYN C. RUTHERFORD, and acknowledged that they executed the same as their free act and deed.

Date: 12/22, 2000

Carolyn B. McNeil
Notary Public
My Commission Expires: 9/20/2002
Carolyn B. McNeil

THIS DEED PREPARED WITHOUT TITLE EXAMINATION.

From the Office of:
FEDELE AND MURRAY, P.C.
990 Washington Street
Suite 211 South
Dedham, Massachusetts 02026
(781) 326-5300

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

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

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

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

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

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

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

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

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

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

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

James G. Scudfield
Applicant or Applicant's Representative Signature

11-5-24
Date

APPENDIX C

- Shellfish Survey Report

ECR

Environmental Consulting & Restoration, LLC



January 16, 2025

Morse Engineering
10 New Driftway, Suite 303
Scituate, MA 02066

RE: Shellfish Survey, 35 Bel Air Road, Hingham, Massachusetts

Dear Morse Engineering, Inc.:

Environmental Consulting & Restoration, LLC (ECR) is pleased to present you with this Shellfish Survey Report to accompany the proposed pier, ramp and float reconstruction project located at 35 Bel Air Road in Hingham (the site). The shellfish survey was conducted on January 10, 2025, during a low tide event within and near the footprint of the proposed project. The results of the survey have been summarized in the attached report.

Enclosed for your review is the Shellfish Survey Report with attachments. Upon review, please contact me with any questions or requests for additional information at (617) 529 - 3792 or Brad@ecrwetlands.com

Sincerely,
Environmental Consulting & Restoration, LLC



Handwritten signature of Brad Holmes in blue ink.

Brad Holmes, PWS, MCA
Manager

Handwritten signature of Cameron Larson in blue ink.

Cameron Larson
Wetland Scientist

SHELLFISH & EELGRASS SURVEY
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SHELLFISH SURVEY REPORT

1. Introduction

On January 10, 2025 Environmental Consulting & Restoration, LLC (ECR) conducted a shellfish survey within the vicinity of the proposed pier, ramp, and float reconstruction project intended to provide recreational access to Hingham Bay for the property owners at 35 Bel Air Road in Hingham (the site). The survey was conducted during a low tide event with good weather consisting of clear skies, light wind and cold temperatures (35 degrees). The purpose of this survey was to determine the quantity of shellfish and the quality of habitat within and near the site. Furthermore, ECR also evaluated the condition of the coastal resource areas to determine what impacts, if any, would result from proposed work at the site. The findings and results of the survey are summarized below.

2. Site Description

The site is located to the north of Bel Air Road along the southern shore of Hingham Bay. The site is a residential property consisting of a single-family home, associated driveway, maintained lawn, landscaped areas, wooden seawall, deck and a pier. The site abuts the coastal wetland resource areas associated with Hingham Bay to the rear of the home. The coastline onsite includes a Salt Marsh immediately below the existing seawall that merges with a rocky intertidal area. The intertidal area and the area adjacent to the site below mean low water consists of sandy, silty sediments with a significant amount of cobble. The proposed project includes reconstructing the existing pier, ramp and float to include new 12-inch diameter piles to support the pier and the removal of the moorings used to anchor the float. The float is proposed to be supported by new 12-inch diameter piles. The proposed project occurs within the resource areas of Land Under the Ocean, Land Containing Shellfish, Rocky Intertidal Shore, Salt Marsh and Land Subject to Coastal Storm Flowage. For more information regarding the existing site conditions, please refer to the photograph pages.

Review of the Mass Mapper data viewer indicates 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 or is near Certified Vernal Pools according to the MaNHESP.
3. The site does not contain or is near a U.S.G.S. mapped stream.
4. The site is not located within an Area of Critical Environmental Concern.
5. The site does contain areas mapped as Land Subject to Coastal Storm Flowage (FEMA Flood Zone VE).
6. The area to the north of the home is located within an area mapped by the Massachusetts Division of Marine Fisheries (MA DMF) as suitable habitat for soft-shell clams, and blue mussels.
7. The offshore area to the north of the home is located within an area mapped by MA DMF as "Conditionally Restricted" shellfish growing areas.

3. Shellfish Survey

The shellfish survey was conducted on January 10, 2025 during a low tide event at approximately 2:07 PM with a predicted tide of -0.2 feet. To document shellfish and shellfish habitat, a total of 11 examination plots along three transects were conducted along with several additional random plots within the vicinity of the existing pier. Each plot was sampled by hand

using appropriate shellfish rakes within and near the project area. Plots were conducted along 3 transects (transects A, B, and C) located within and near the project area. Transect A was located west of the proposed pier centerline, transect B was located within the centerline of the proposed pier, and transect C was located east of the proposed pier centerline. The plots extended seaward beyond the extent of the proposed float. Each shellfish sample plot was approximately 3 feet wide by 3 feet long and dug to a depth of approximately 12 inches, where possible. The survey was established to include a representative number of plots to adequately assess the shellfish habitat.

The table below identifies the shellfish, description of the area and notes documented within the survey area described above:

TABLE 1 – Shellfish Inventory

Plot	Shellfish (size)	Notes
A1	1 Softshell Clam (2")	Plot located west of existing pier. Sediment is somewhat sandy, but finer silt present below 3". Cobble at surface. Significant amount of softshell clam shells (dead).
A2	No shellfish	Plot located west of float location above the water line during the survey. Sediment is somewhat sandy, but finer silt present below 3". Cobble at surface. Significant amount of softshell clam shells (dead).
A3	No shellfish	Plot located below mean low water. Sediment similar to intertidal zone with less cobble. Blue mussels found on rocks nearby plot.
A4	No shellfish	Plot located below mean low water in approximately 12 inches of water. Sediment similar to intertidal zone with some cobble. Rockier than A3.
Total for Transect A = 1 Softshell Clam		
B1	No shellfish	Plot located within the intertidal area in vicinity of float footprint. Sediment is somewhat sandy, but finer silt present below 3". Cobble at surface. Significant amount of softshell clam shells (dead).
B2	No shellfish	Plot located below mean low water. Sediment similar to intertidal zone with less cobble.
B3	No shellfish	Plot located below mean low water in approximately 12 inches of water. Sediment similar to intertidal zone with some cobble. Rockier than B2.
Total for Transect B = 0 shellfish		
C1	1 Softshell Clam (0.75")	Plot located east of float location above the water line during the survey. Sediment is somewhat sandy, but finer silt present below 3". Cobble at surface. Significant amount of softshell clam shells (dead).
C2	No shellfish	Plot located at mean low water. Sediment is somewhat sandy, but finer silt present below 3". Cobble at surface. Significant amount of softshell clam shells (dead).
C3	No shellfish	Plot located below mean low water. Sediment similar to intertidal zone with less cobble.

C4	No shellfish	Plot located below mean low water in approximately 12 inches of water. Sediment similar to intertidal zone with some cobble. Rockier than C33.
Total for Transect C = 1 Softshell Clam		

Based on ECR's survey, Softshell Clams (*Mya arenaria*) were the only species recorded within the survey plots. Near Transect A and to the west of the survey area, ECR found a small number of Blue Mussels attached to scattered rocks lying on the ocean floor. The Blue Mussels (*Mytilus edulis*) consist of small clusters attached to the rocks, which are below the Mean Low Water line and outside the project area. Additionally, a minimal number of Oysters (*Crassostrea virginica*) were found in the survey area beyond the examination plots. No other shellfish were found during the survey.

TABLE 2 – Shellfish Density

Shellfish	Total Harvested in 99 Square Feet of Plot Area (11 plots x 9 sq. ft. per plot)	Number of Shellfish Per Sq. Ft.
Softshell Clams	2	0.020
Oysters	0	0.000
Surf Clams	0	0.000
Quahogs	0	0.000
Razor Clams	0	0.000
Blue Mussels	0	0.000
TOTAL	0	0.020

An analysis of shellfish density across the 11 survey plots reveals a very low density of Softshell Clam. As noted above, a minimal number of Oysters and Blue Mussels were found near the project area. Within the survey plots, ECR found a significant amount of dead Softshell Clams and shell hash throughout the intertidal zone. It appears the site may have historically been a productive habitat for Softshell Clams, but that is no longer the case. This may be due to the presence of the invasive Green Crab, which extensively feeds on Soft Shell Clams. ECR observed similar conditions in Hingham near the Weymouth Back River where survey plots were abundant with dead Soft Shell Clams from the invasive Green Crab.

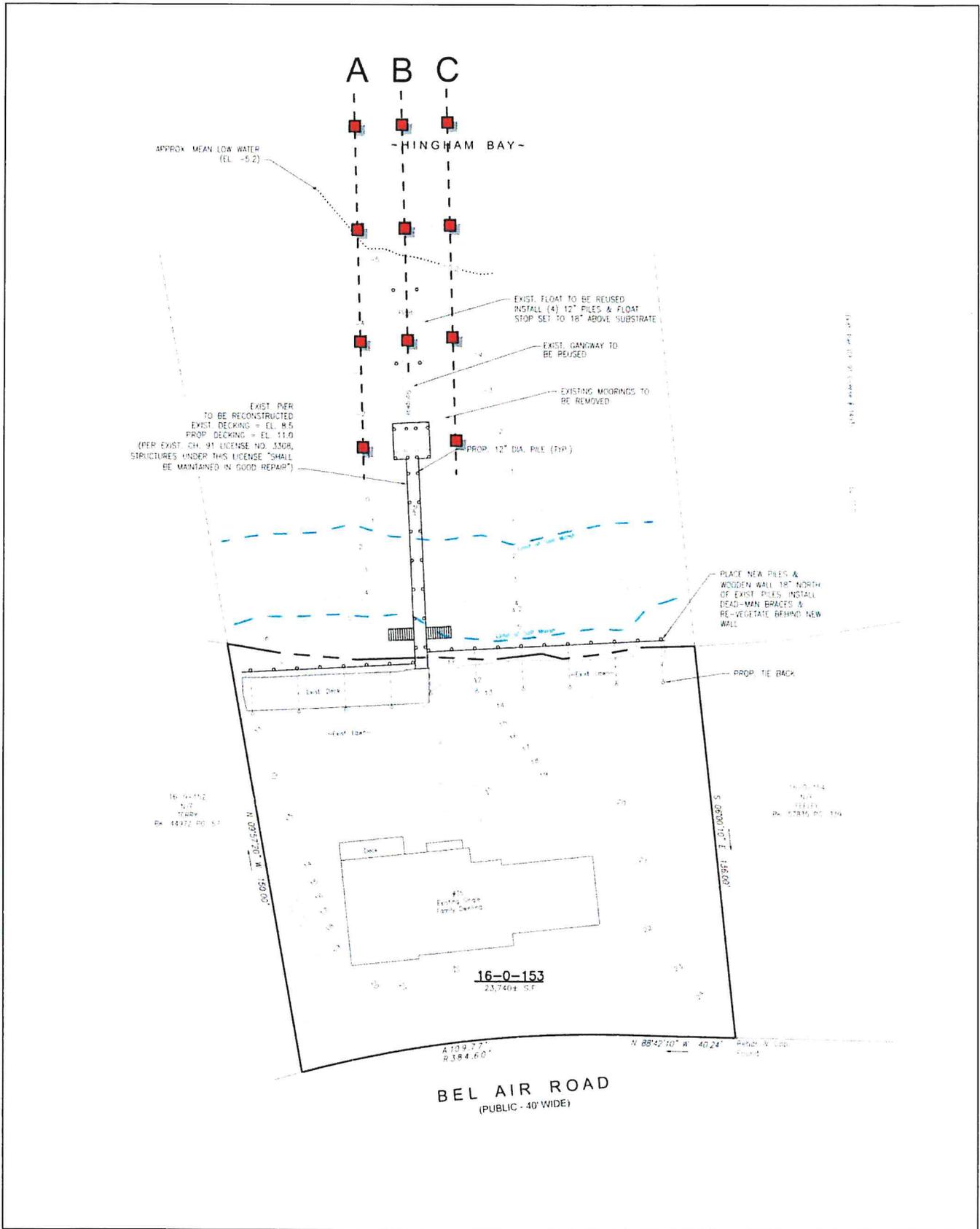
4. Recommended Protection Measures

Reconstruction of the pier, ramp, and float at the site would have only temporary minor impacts at the site. The reconstruction of the proposed pier, ramp, and float system should be designed in accordance with MassDEP's Guide to Permitting Small Pile-Support Docks and Piers (November 2003) to the maximum extent possible. Time of year restrictions will be set by the Massachusetts Division of Marine Fisheries Service to restrict activities during fish passage periods and shellfish and finfish spawning periods. The following conditions could also be included with this project to ensure protection of shellfish at the site such as:

- Coordination of proposed activity with the Hingham Shellfish Warden.
- Prior to work, any shellfish within the project area could be harvested and/or collected and transplanted at the direction of the Town of Hingham Shellfish Warden.

5. Summary

ECR's shellfish survey revealed a minimal number of shellfish in the vicinity of the proposed pier reconstruction project. The proposed project could be designed, constructed, and installed to avoid adverse impacts to shellfish habitat and the wetland resource areas. For more information, please refer to the attachments included with this report.



SURVEY PLOT MAP
35 Bel Air Road
Hingham, Massachusetts



Source: ECR overlaid plot locations onto plan prepared by Morse Engineering

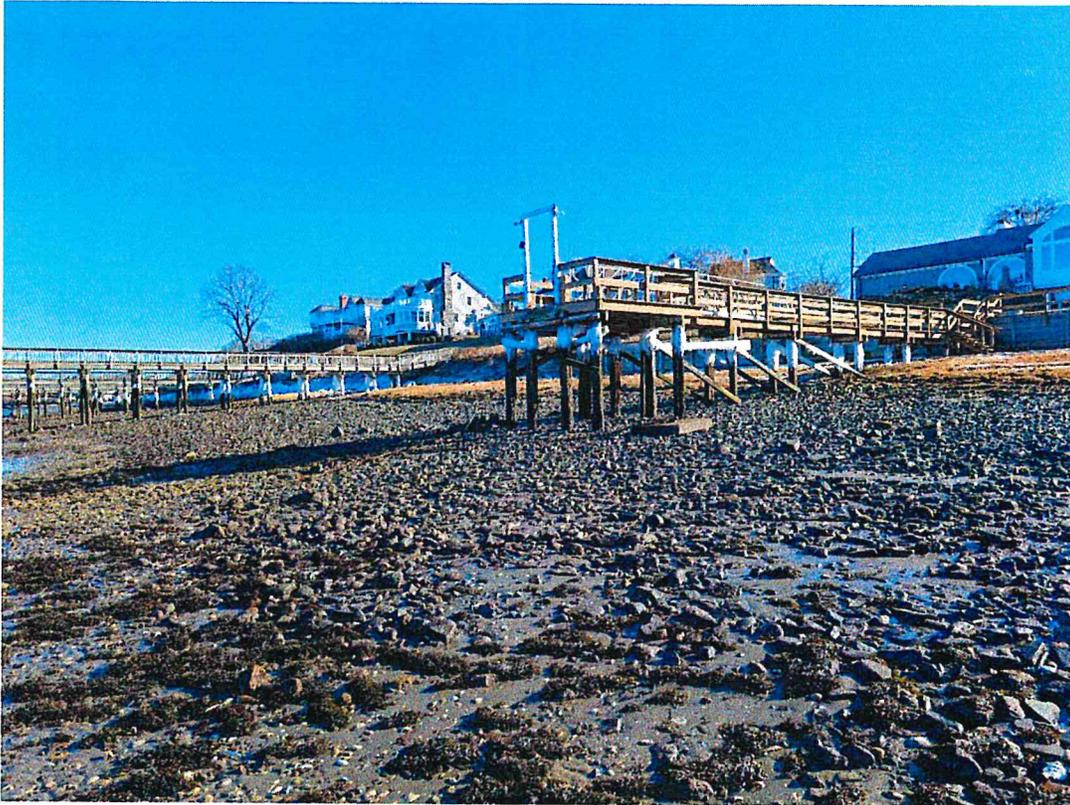
35 Bel Air Road, Hingham
Shellfish Survey Photographs



Photograph #1 – View west toward the existing pier.



Photograph #2 – Another view west toward the end of the existing pier.



Photograph #3 – View east toward the end of the existing pier.



Photograph #4 – View across the survey area just north of the existing pier.



Photograph #5 – View of Blue Mussels found attached to rocks within the survey area.



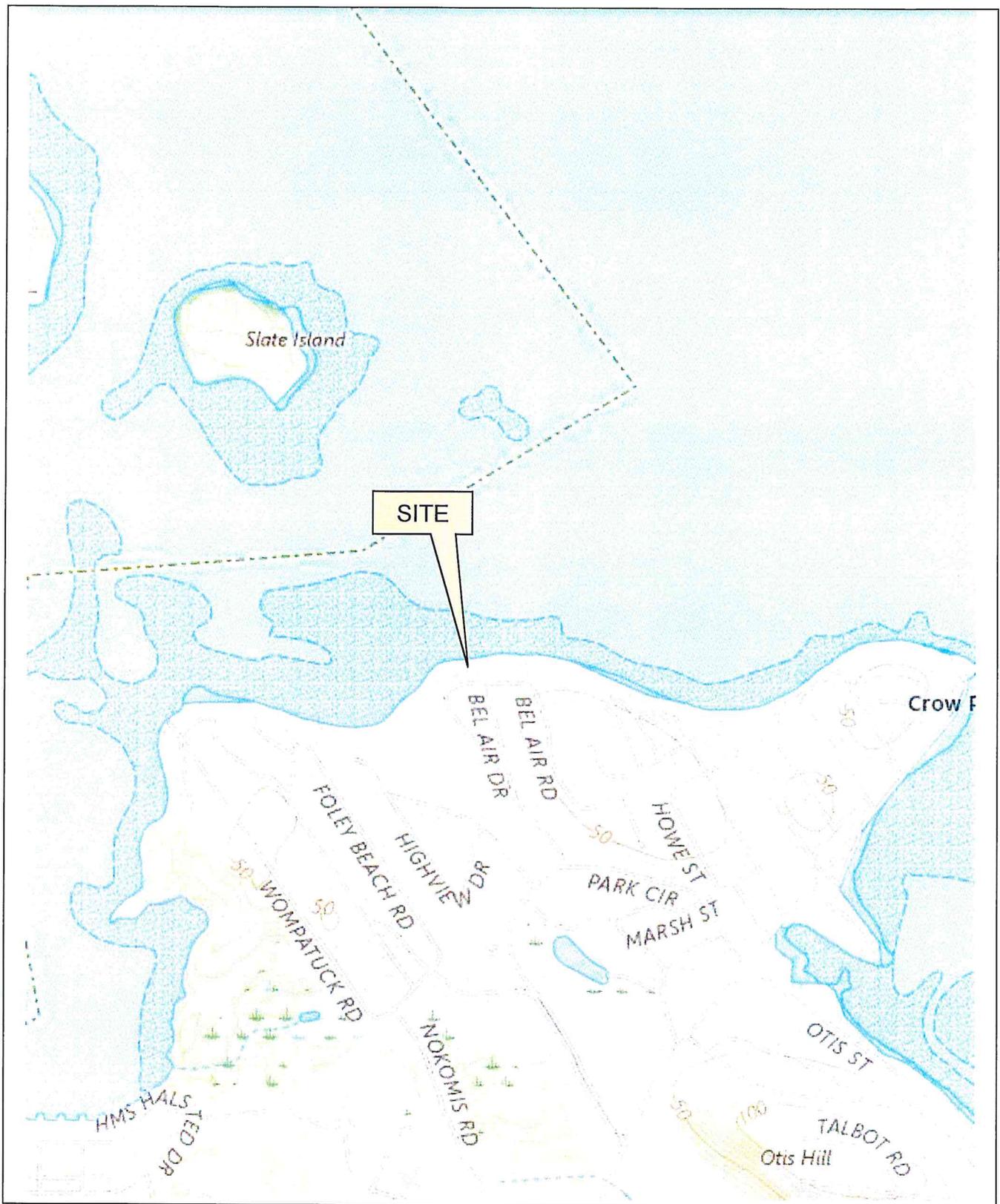
Photograph #6 – View of numerous dead soft shell clams found within a plot within the survey area.



Photograph #7 – View of two softshell clams found alive within the survey area.



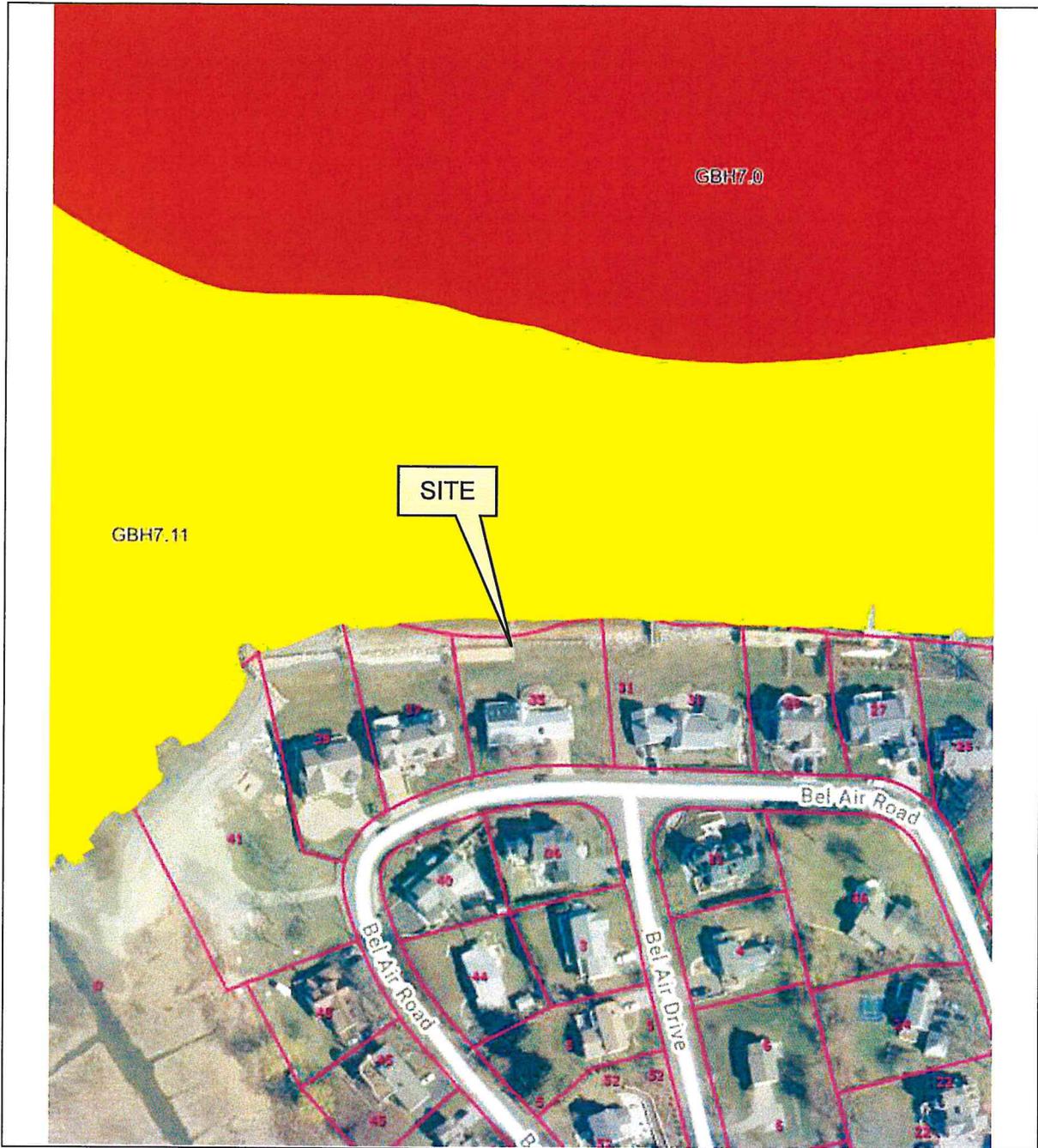
Photograph #8 – View of the sediment found within the survey area. Sediment was silty with a significant amount of cobble present.



**USGS SITE LOCUS MAP
35 Bel Air Road
Hingham, Massachusetts**

Source: USGS Topographic Quadrangle Images





SHELLFISH GROWING AREA MAP
35 Bel Air Rd
Hingham, Massachusetts

Source: MassMapper – Shellfish Growing Areas

Shellfish Growing Areas

- APPROVED
- CONDITIONALLY APPROVED
- RESTRICTED
- CONDITIONALLY RESTRICTED
- PROHIBITED



**SHELLFISH SUITABILITY MAP
35 Bel Air Road
Hingham, Massachusetts**

Source: MassMapper – Shellfish Suitability Areas

- Shellfish Suitability Area
- SOFT-SHELLED CLAM
 - BLUE MUSSEL