

NOTICE OF INTENT

BLACK ROCK COUNTRY CLUB INVASIVE SPECIES MANAGEMENT



19 Clubhouse Drive
Hingham, Massachusetts

Applicant:

Black Rock Country Club

19 Clubhouse Drive

Hingham, MA 02043

**Submitted in Compliance with the Massachusetts
Wetlands Protection Act and the Hingham Wetland
Regulations and Hingham Wetlands Protection Bylaw**

June 10, 2025

JYB/sws/mac/305201NI001



June 10, 2025

Crystal Kelly, Chair
c/o Shannon Palmer, Conservation Officer
Hingham Conservation Commission
210 Central Street
Hingham, MA 02043

Via: Federal Express and Email: palmers@hingham-ma.gov

Reference: Ecological Restoration Project: Limited Project Notice of Intent
Black Rock Country Club: Invasive Species Management
19 Clubhouse Drive
Hingham, Massachusetts
B+T Project No. 3052.01

Dear Commissioners:

On behalf of the Applicant, Black Rock Country Club. (the Club), Beals and Thomas, Inc. (B+T) respectfully submits this Notice of Intent (NOI) for invasive species management within Bordering Vegetated Wetlands (BVW), and the associated 100-foot Buffer Zone.

Proposed work includes treatment by a Massachusetts licensed aquatic herbicide applicator to remove Common Reed (*Phragmites australis*) located on a select area of the Property adjacent to Hole 9 at 19 Clubhouse Drive in Hingham, MA. This filing is submitted in accordance with the Massachusetts Wetlands Protection Act, MGL Chapter 131, Section 40 and associated Regulations at 310 CMR 10.00 (collectively referred to as the Act), the Town of Hingham Wetlands Protection Bylaw and the Regulations thereunder (collectively referred to as the Bylaw).

As required, enclosed are two copies of the NOI submission package. The following information is included for your review:

- Section 1.0: NOI Forms
- Section 2.0: Project Narrative
- Section 3.0: Abutter Information
- Section 4.0: Exhibits

Pursuant to 310 CMR 10.05(4)(a), an applicant who proposes work solely within Land Under Water Bodies or Waterways, or solely within a Lot with an area greater than 50 acres, is required to provide notification only to Abutters whose Lot is within one hundred feet from the Project Site. There are no abutters within 100 feet of the proposed work. However, as required by the Bylaw, the Applicant has coordinated with the Conservation Agent to prepare an appropriate abutter list for landowners within approximately 1,000 feet of the proposed management area.

Corporate Office

144 Turnpike Road
Southborough, MA 01772

bealsandthomas.com T 508.366.0560 F 508.366.4391

Regional Office

32 Court Street
Plymouth, MA 02360

Crystal Kelly, Chair
c/o Shannon Palmer, Conservation Officer
Hingham Conservation Commission
June 10, 2025
Page 2

Abutters will be notified via certificates of mailing that this NOI has been filed with the Hingham Conservation Commission.

As required under 310 CMR 10.11, written notice of this Ecological Restoration Limited Project was submitted for publication in the Environmental Monitor on May 27, 2025.

As required, a copy of this filing has been provided to the Southeast Regional Office of the Department of Environmental Protection (MassDEP). Enclosed are checks payable to the Town of Hingham in the amount of \$262.50 for the appropriate filing fee as required by the Act and \$100 as required by the Bylaw. A separate check in the amount of \$237.50 has been forwarded to the MassDEP Lock Box to cover the state portion of the filing fee. It is our understanding that the Commission will prepare and submit the legal notice of this NOI to the Hingham Anchor.

Should you have any questions regarding this matter or require additional information, please contact us at (508) 366-0560. We thank you for your consideration of this NOI and look forward to meeting with the Commission at the next available public hearing.

Sincerely,

BEALS AND THOMAS, INC.



Sarah W. Stearns, PWS
Principal

Enclosures

cc: MassDEP Southeast Regional Office (via Email)
Black Rock Country Club (via Email)

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Section 1.0

Notice of Intent Forms

Notice of Intent (WPA Form 3)

Wetland Fee Transmittal Form

Notice of Intent Appendix A: Ecological Restoration Limited Project Checklist

Town of Hingham Notice of Intent Checklist

Policy on Receipt of Information

Bylaw Calculated Fee Statement



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Hingham

City/Town

Important:

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



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

A. General Information

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

<u>19 Clubhouse Drive</u>	<u>Hingham</u>	<u>02043</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:		
<u>42.2041</u>	<u>-70.9083</u>	
d. Latitude	e. Longitude	
<u>134</u>	<u>219-25</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>Black Rock Country Club</u>		
a. First Name	b. Last Name	
c. Organization		
<u>19 Clubhouse Drive</u>		
d. Street Address		
<u>Hingham</u>	<u>MA</u>	<u>02043</u>
e. City/Town	f. State	g. Zip Code
<u>781-749-1919</u>	<u>chuck@blackrockcc.com</u>	
h. Phone Number	i. Fax Number	j. Email Address

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

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

4. Representative (if any):

<u>Sarah</u>	<u>Stearns</u>	
a. First Name	b. Last Name	
<u>Beals and Thomas, Inc.</u>		
c. Company		
<u>32 Court Street</u>		
d. Street Address		
<u>Plymouth</u>	<u>MA</u>	<u>02360</u>
e. City/Town	f. State	g. Zip Code
<u>508-366-0560</u>	<u>sstearns@bealsandthomas.com</u>	
h. Phone Number	i. Fax Number	j. Email address

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

<u>\$500</u>	<u>\$237.50</u>	<u>\$252.50</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



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A. General Information (continued)

6. General Project Description:

Targeted invasive species management within BVW and the associated buffer zone.

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

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

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

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

310 CMR 10.53(4)(e) 5; other ecological restoration limited project

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

21469

c. Book

b. Certificate # (if registered land)

0096

d. Page Number

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

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

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



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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 checked="" type="checkbox"/> Bordering Vegetated Wetland	20,000+/- 1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet 3. cubic feet of flood storage lost	2. square feet 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. 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:

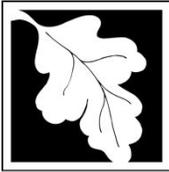
a. total square feet _____ b. square feet within 100 ft. _____ c. square feet between 100 ft. and 200 ft. _____

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.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	_____	
	1. square feet	

	2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	_____	_____
	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	_____	_____
	1. square feet	2. cubic yards dune nourishment

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

	2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	_____	
	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	

	1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	_____	
	1. square feet	

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

a. square feet of BVW

b. square feet of Salt Marsh

5. Project Involves Stream Crossings

a. number of new stream crossings

b. number of replacement stream crossings



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C. Other Applicable Standards and Requirements

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

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

- 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**

b. Date of map _____

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

- c. Submit Supplemental Information for Endangered Species Review*

1. Percentage/acreage of property to be altered:

(a) within wetland Resource Area _____

percentage/acreage

(b) outside Resource Area _____

percentage/acreage

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

2. Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **

(a) Project description (including description of impacts outside of wetland resource area & buffer zone)

(b) Photographs representative of the site

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <https://www.mass.gov/endangered-species-act-mesa-regulatory-review>).

Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

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



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

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

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

D. Additional Information

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

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

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

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



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D. Additional Information (cont'd)

3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4. List the titles and dates for all plans and other materials submitted with this NOI.

a. Plan Title

b. Prepared By

c. Signed and Stamped by

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:

2. Municipal Check Number

3. Check date

4. State Check Number

5. Check date

6. Payor name on check: First Name

7. Payor name on check: Last Name



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F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

<p><u>Chad WDA</u></p> <p>1. Signature of Applicant</p>	<p><u>5/7/2025</u></p> <p>2. Date</p>
<p>3. Signature of Property Owner (if different)</p> <p><u>Donna L. Ddy</u></p>	<p>4. Date</p> <p><u>5/6/2025</u></p>
<p>5. Signature of Representative (if any)</p>	<p>6. Date</p>

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



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1. Signature of Applicant

2. Date

3. Signature of Property Owner (if different)

4. Date

Spaul W. Se...
5. Signature of Representative (if any)

6-10-25

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.

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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:

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

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



A. Applicant Information

1. Location of Project:

19 Clubhouse Drive	Hingham
a. Street Address	b. City/Town
049321	\$237.50
c. Check number	d. Fee amount

2. Applicant Mailing Address:

a. First Name		b. Last Name	
Black Rock Country Club			
c. Organization			
19 Clubhouse Drive			
d. Mailing Address			
Hingham	MA	02043	
e. City/Town	f. State	g. Zip Code	
781-749-1919	chuck@blackrockcc.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).



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

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Category 2 (h) control vegetation in development	1	\$500	\$500
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Step 5/Total Project Fee:			_____
Step 6/Fee Payments:			
Total Project Fee:			\$500.00
State share of filing Fee:			a. Total Fee from Step 5 \$237.50
City/Town share of filing Fee:			b. 1/2 Total Fee less \$12.50 \$262.50
			c. 1/2 Total Fee plus \$12.50

C. Submittal Requirements

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

Department of Environmental Protection
 Box 4062
 Boston, MA 02211

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

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



WPA Form 3 – Notice of Intent

Appendix A: Ecological Restoration Limited Project Checklists

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

Eligibility Checklist

This Ecological Restoration Limited Project Eligibility Checklist guides the applicant in determining if their project is eligible to file as an Inland or Coastal Ecological Restoration Limited Project (310 CMR 10.53(4) or 310 CMR 10.24(8) respectively). These criteria must be met when submitting the Ecological Restoration Limited Project Notice of Intent to ensure that the restoration and improvement of the natural capacity of a Resource Area(s) to protect and sustain the interests identified in the WPA is **necessary** to achieve the project's ecological restoration goals.

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.

Regulatory Features of All Coastal and Inland Ecological Restoration Limited Projects

- (a) May result in the temporary or permanent loss of/or conversion of Resource Area: An Ecological Restoration Limited Project that meets the requirements of 310 CMR 10.24(8) may result in the temporary or permanent loss of Resource Areas and/or the conversion of one Resource Area to another when such loss is necessary to the achievement of the project's ecological restoration goals.
- (b) Exemption from wildlife habitat evaluation: A NOI for an Ecological Restoration Limited Project that meets the minimum requirements for Ecological Restoration Projects and for a MassDEP Combined Application outlined in 310 CMR 10.12(1) and (2) is exempt from providing a wildlife habitat evaluation (310 CMR 10.60).
- (c) The following are considerations for applicants filing an Ecological Restoration Limited Project NOI and for the issuing authority approving a project as an Ecological Restoration Limited Project:
 - The condition of existing and historic Resource Areas proposed for restoration.
 - Evidence of the extent and severity of the impairment(s) that reduce the capacity of the Resource Areas to protect and sustain the interests identified in M.G.L. c. 131, § 40.
 - The magnitude and significance of the benefits of the Ecological Restoration Project in improving the capacity of the affected Resource Areas to protect and sustain the other interests identified in M.G.L. c. 131, § 40.
 - The magnitude and significance of the impacts of the Ecological Restoration Project on existing Resource Areas that may be modified, converted and/or lost and the interests for which said Resource Areas are presumed significant in 310 CMR 10.00, and the extent to which the project will:
 - a. avoid adverse impacts to Resource Areas and the interests identified in M.G.L. c. 131, § 40, that can be avoided without impeding the achievement of the project's ecological restoration goals.
 - b. minimize adverse impacts to Resource Areas and the interests identified in M.G.L. c. 131, § 40, that are necessary to the achievement of the project's ecological restoration goals.
 - c. utilize best management practices such as erosion and siltation controls and proper construction sequencing to avoid and minimize adverse construction impacts to resource areas and the interests identified in M.G.L. c. 131, § 40.



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Appendix A: Ecological Restoration Limited Project Checklists

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

Eligibility Criteria - Coastal Ecological Restoration Limited Projects (310 CMR 10.24(8))

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Hingham

City/Town

Complete this Eligibility Criteria Checklist **before** filling out a Notice of Intent Application to determine if your project qualifies as a Coastal Ecological Restoration Limited Project. (310 CMR 10.24(8)) Sign the Eligibility Certification at the end of Appendix A, and attach the checklist with supporting documentation and the Eligibility Certification to your Notice of Intent Application.

General Eligibility Criteria for All Coastal Ecological Restoration Limited Projects

Notwithstanding the requirements of 310 CMR 10.25 through 10.35, 310 CMR 10.54 through 10.58, and the Wildlife Habitat evaluations in 310 CMR 10.60, the Issuing Authority may issue an Order of Conditions permitting an Ecological Restoration Project listed in 310 CMR 10.24(8)(e) as an Ecological Restoration Limited Project and impose such conditions as will contribute to the interests identified in the WPA M.G.L. provided that the project meets all the requirements in 310 CMR 10.24(8).

- The project is an Ecological Restoration Project as defined in 310 CMR 10.04 and is a project type listed below [310 CMR 10.24(8)(e)].
- Tidal Restoration.
- Shellfish Habitat Restoration.
- Other Ecological Restoration Limited Project Type.
- The project will further at least one of the WPA (M.G.L. c. 131, § 40) interests identified below.
 - Protection of public or private water supply.
 - Protection of ground water supply.
 - Flood control.
 - Storm damage prevention.
 - Prevention of pollution.
 - Protection of land containing shellfish.
 - Protection of fisheries.
 - Protection of wildlife habitat.
- If the project will impact an area located within estimated habitat which is indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetlands, a NHESP preliminary written determination is attached to the NOI submittal that the project will not have any adverse long-term and short-term effects on specified habitat sites of Rare Species or the project will be carried out in accordance with an approved NHESP habitat management plan.



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Appendix A: Ecological Restoration Limited Project Checklists

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

Eligibility Criteria - Coastal Ecological Restoration Limited Projects (310 CMR 10.24(8)) (Cont.)

Provided by MassDEP:

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General Eligibility Criteria for All Coastal Ecological Restoration Limited Projects (cont.)

- If the project is located in a Coastal Dune or Barrier Beach, the project avoids and minimizes armoring of the Coastal Dune or Barrier Beach to the maximum extent practicable.
- The project complies with all applicable provisions of 310 CMR 10.24(1) through (6) and 310 CMR 10.24(9) and (10).

Additional Eligibility Criteria for Specific Coastal Ecological Restoration Limited Project Types

These additional criteria must be met to qualify as an Ecological Restoration Limited Project to ensure that the restoration and improvement of the natural capacity of a Resource Area to protect and sustain the interests identified in the WPA is **necessary** to achieve the project's ecological restoration goals.

- This Ecological Restoration Limited Project application meets the eligibility criteria for Ecological Restoration Limited Project [310 CMR 10.24(8)(a) through (d) and as proposed, furthers at least one of the WPA interests is for the project type identified below.

Tidal Restoration Projects

- A project to restore tidal flow that will not significantly increase flooding or storm damage impacts to the built environment, including without limitation, buildings, wells, septic systems, roads or other man-made structures or infrastructure.

Shellfish Habitat Restoration Projects

- The project has received a Special Projects Permit from the Division of Marine Fisheries or, if a municipality, has received a shellfish propagation permit.
- The project is made of cultch (e.g., shellfish shells from oyster, surf or ocean clam) or is a structure manufactured specifically for shellfish enhancement (e.g., reef blocks, reef balls, racks, floats, rafts, suspended gear).

Other Ecological Restoration Projects that meet the criteria set forth in 310 CMR 10.24(8)(a) through (d).

- Restoration, enhancement, or management of Rare Species habitat.
- Restoration of hydrologic and habitat connectivity.
- Removal of aquatic nuisance vegetation to impede eutrophication.
- Thinning or planting of vegetation to improve habitat value.
- Fill removal and re-grading.
- Riparian corridor re-naturalization.
- River floodplain re-connection.



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Appendix A: Ecological Restoration Limited Project Checklists

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

Eligibility Criteria - Coastal Ecological Restoration Limited Projects (310 CMR 10.24(8)) (Cont.)

Additional Eligibility Criteria for Specific Coastal Ecological Restoration Limited Project Types

- In-stream habitat enhancement.
- Remediation of historic tidal wetland ditching.
- Eelgrass restoration.
- Invasive species management.
- Installation of fish passage structures.
- Other. Describe: _____
- This project involves the construction, repair, replacement or expansion of public or private infrastructure (310 CMR 10.24(9)).
 - The NOI attachment labeled _____ is an operation and maintenance plan to ensure that the infrastructure will continue to function as designed.
 - The operation and maintenance plan will be implemented as a continuing condition in the Order of Conditions and the Certificate of Compliance.
 - This project proposes to replace an existing stream crossing (310 CMR 10.24(10)). The crossing complies with the Massachusetts Stream Crossing Standards to the maximum extent practicable with details provided in the NOI. The crossing type:
 - Replaces an existing non-tidal crossing that is part of an Anadromous/Catadromous Fish Run (310 CMR 10.35)
 - Replaces an existing tidal crossing that restricts tidal flow. The tidal restriction will be eliminated to the maximum extent practicable.
 - At a minimum, in evaluating the potential to comply with the standards to the maximum extent practicable the following criteria have been consider site constraints in meeting the standard, undesirable effects or risk in meeting the standard, and the environmental benefit of meeting the standard compared to the cost, by evaluating the following:
 - The potential for downstream flooding;
 - Upstream and downstream habitat (in-stream habitat, wetlands);
 - Potential for erosion and head-cutting;
 - Stream stability;
 - Habitat fragmentation caused by the crossing;
 - The amount of stream mileage made accessible by the improvements;
 - Storm flow conveyance;



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Appendix A: Ecological Restoration Limited Project Checklists

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

Eligibility Criteria - Coastal Ecological Restoration Limited Projects (310 CMR 10.24(8)) (Cont.)

Additional Eligibility Criteria for Specific Coastal Ecological Restoration Limited Project Types

- Engineering design constraints specific to the crossing;
- Hydrologic constraints specific to the crossing;
- Impacts to wetlands that would occur by improving the crossing;
- Potential to affect property and infrastructure; and
- Cost of replacement.

Eligibility Criteria - Inland Ecological Restoration Limited Project (310 CMR 10.53(4))

Complete this Eligibility Criteria Checklist **before** filling out a Notice of Intent Application to determine if your project qualifies as an Inland Ecological Restoration Limited Project. (310 CMR 10.53(4)) Sign the Eligibility Certification at the end of Appendix A, and attach the checklist with supporting documentation and the Eligibility Certification to your Notice of Intent Application.

General Eligibility Criteria for All Inland Ecological Restoration Limited Projects

Notwithstanding the requirements of any other provision of 310 CMR 10.25 through 10.35, 310 CMR 10.54 through 10.58, and 310 CMR 10.60, the Issuing Authority may issue an Order of Conditions permitting an Ecological Restoration Project listed in 310 CMR 10.53(4)(e) as an Ecological Restoration Limited Project and impose such conditions as will contribute to the interests identified in M.G.L. c. 131, § 40, provided that:

- The project is an Ecological Restoration Project as defined in 310 CMR 10.04 and is a project type listed below [310 CMR 10.53(4)(e)].
 - Dam Removal
 - Freshwater Stream Crossing Repair and Replacement
 - Stream Daylighting
 - Tidal Restoration
 - Rare Species Habitat Restoration
 - Restoring Fish Passageways
 - Other (describe project type): Invasive Species Management



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Appendix A: Ecological Restoration Limited Project Checklists

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

Eligibility Criteria - Inland Ecological Restoration Limited Project (310 CMR 10.53(4)) (cont.)

Provided by MassDEP:

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City/Town

General Eligibility Criteria for All Inland Ecological Restoration Limited Projects

- The project will further at least one of the WPA (M.G.L. c. 131, § 40) interests identified below.
 - Protection of public or private water supply
 - Protection of ground water supply
 - Flood control
 - Storm damage prevention
 - Prevention of pollution
 - Protection of land containing shellfish
 - Protection of fisheries
 - Protection of wildlife habitat
- If the project will impact an area located within estimated habitat which is indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetlands, a NHESP preliminary written determination is attached to the NOI submittal that the project will have no adverse long-term and short-term effects on specified habitat sites of Rare Species or the project will be carried out in accordance with an approved NHESP habitat management plan.
- The project will be carried out in accordance with any time of year restrictions or other conditions recommended by the Division of Marine Fisheries for coastal waters and the Division of Fisheries and Wildlife in accordance with 310 CMR 10.11(3).
- If the project involves the dredging of 100 cubic yards of sediment or more or dredging of any amount in an Outstanding Resource Water, a Water Quality Certification has been applied for or obtained.
- The project complies with all applicable provisions of 310 CMR 10.53(1), (2), (7), and (8).



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Appendix A: Ecological Restoration Limited Project Checklists

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

Eligibility Criteria - Inland Ecological Restoration Limited Project (310 CMR 10.53(4)) (cont.)

Provided by MassDEP:

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Additional Eligibility Criteria for Specific Inland Ecological Restoration Limited Project Types

These additional criteria must be met to qualify as an Ecological Restoration Limited Project to ensure that the restoration and improvement of the natural capacity of a Resource Area to protect and sustain the interests identified in the WPA is **necessary** to achieve the project's ecological restoration goals.

- This project application meets the eligibility criteria for Ecological Restoration Limited Project in accordance with [310 CMR 10.53(4)(a) through (d) and as proposed, furthers at least one of the WPA interests is for the project type identified below:
- Dam Removal**
 - Project is consistent with MassDEP's 2007 Dam Removal Guidance.
 - Freshwater Stream Crossing Repair and Replacement.** The project as proposed and the NOI describes how:
 - Meeting the eligibility criteria set forth in 310 CMR 10.13 would result in significant stream instability or flooding hazard that cannot otherwise be mitigated, and site constraints make it impossible to meet said criteria.
 - The project design ensures that the stability of the bank is NOT impaired.
 - To the maximum extent practicable, the project provides for the restoration of the stream upstream and downstream of the structure as needed to restore stream continuity and eliminate barriers to aquatic organism movement.
 - The project complies with the requirements of 310 CMR 10.53(7) and (8).
 - Stream Daylighting Projects**
 - The project meets the eligibility criteria for Ecological Restoration Limited Project [310 CMR 10.53(4)(a) through (d)] and as proposed the NOI describes how the proposed project meets to the maximum extent practicable, consistent with the project's ecological restoration goals, all the performance standards for Bank and Land Under Water Bodies and Waterways.
 - The project meets the requirements of 310 CMR 10.12(1) and (2) and a wildlife habitat evaluation is not included in the NOI.
 - Tidal Restoration Project**
 - Restores tidal flow.
 - the project, including any proposed flood mitigation measures, will not significantly increase flooding or storm damage to the built environment, including without limitation, buildings, wells, septic systems, roads or other man-made structures or infrastructure.



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Appendix A: Ecological Restoration Limited Project Checklists

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

Eligibility Criteria - Inland Ecological Restoration Limited Project (310 CMR 10.53(4)) (cont.)

- Other Ecological Restoration Projects** that meet the criteria set forth in 310 CMR 10.53 (4) (a) through (d).
 - Restoration, enhancement, or management of Rare Species habitat.
 - Restoration of hydrologic and habitat connectivity.
 - Removal of aquatic nuisance vegetation to impede eutrophication.
 - Thinning or planting of vegetation to improve habitat value.
 - Riparian corridor re-naturalization.
 - River floodplain re-connection.
 - In-stream habitat enhancement.
 - Fill removal and re-grading.
 - Flow restoration.
 - Installation of fish passage structures.
 - Invasive species management.
 - Other. Describe: _____
- This project involves the construction, repair, replacement or expansion of public or private infrastructure. (310 CMR 10.53(7))
 - The NOI attachment labeled _____ is an operation and maintenance plan to ensure that the infrastructure will continue to function as designed.
 - The operation and maintenance plan will be implemented as a continuing condition in the Order of Conditions and the Certificate of Compliance.
- This project replaces an existing stream crossing (310 CMR 10.53(8)). The crossing type:
 - Replaces an existing non-tidal crossing designed to comply with the Massachusetts Stream Crossing Standards to the maximum extent practicable with details provided in the NOI.
 - Replaces an existing tidal crossing that restricts tidal flow. The tidal restriction will be eliminated to the maximum extent practicable.



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Appendix A: Ecological Restoration Limited Project Checklists

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

Eligibility Criteria - Inland Ecological Restoration Limited Project (310 CMR 10.53(4)) (cont.)

Provided by MassDEP:

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- At a minimum, in evaluating the potential to comply with the standards to the maximum extent practicable the following criteria have been consider site constraints in meeting the standard, undesirable effects or risk in meeting the standard, and the environmental benefit of meeting the standard compared to the cost, by evaluating the following:
 - The potential for downstream flooding;
 - Upstream and downstream habitat (in-stream habitat, wetlands);
 - Potential for erosion and head-cutting;
 - Stream stability;
 - Habitat fragmentation caused by the crossing;
 - The amount of stream mileage made accessible by the improvements;
 - Storm flow conveyance;
 - Engineering design constraints specific to the crossing;
 - Hydrologic constraints specific to the crossing;
 - Impacts to wetlands that would occur by improving the crossing;
 - Potential to affect property and infrastructure; and
 - Cost of replacement.



WPA Form 3 – Notice of Intent

Appendix A: Ecological Restoration Limited Project Checklists

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 Required Actions (310 CMR 10.11)

Complete the Required Actions before submitting a Notice of Intent Application for an Ecological Restoration Project and submit a completed copy of this Checklist with the Notice of Intent.

Massachusetts Environmental Policy Act (MEPA) / Environmental Monitor
<https://www.mass.gov/service-details/the-environmental-monitor>

For Ecological Restoration Limited Projects, there are no changes to MEPA requirements.

Submit written notification at least 14 days prior to the filing of a Notice of Intent (NOI) to the Environmental Monitor for publication. A copy of the written notification is attached and provides at minimum:

- A brief description of the proposed project.
- The anticipated NOI submission date to the conservation commission.
- The name and address of the conservation commission that will review the NOI.
- Specific details as to where copies of the NOI may be examined or acquired and where to obtain the date, time, and location of the public hearing.

Massachusetts Endangered Species Act (MESA) /Wetlands Protection Act Review

Preliminary Massachusetts Endangered Species Act Review from the Natural Heritage and Endangered Species Program (NHESP) has been met and the written determination is attached.

Supplemental Information for Endangered Species Review has been submitted.

1. Percentage/acreage of property to be altered:

a. Within Wetland Resource Area _____
Percentage/acreage

b. Outside Wetland Resource Area _____
Percentage/acreage

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

3. 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.

4. Project description (including description of impacts outside of wetland resource area & buffer zone)

5. Photographs representative of the site

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



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Appendix A: Ecological Restoration Limited Project Checklists

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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
Required Actions (310 CMR 10.11) (cont.)

Make check payable to “Commonwealth of Massachusetts - NHESP” and mail to NHESP:

Natural Heritage & Endangered Species Program

MA Division of Fisheries & Wildlife
1 Rabbit Hill Road
Westborough, MA 01581

- 7. Projects altering 10 or more acres of land, also submit:
 - a. Vegetation cover type map of site
 - b. Project plans showing Priority & Estimated Habitat boundaries

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/ma-endangered-species-act-mesa-overview>; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59 – see C4 below)

- 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.

Estimated Habitat Map of State-Listed Rare Wetlands Wildlife

If a portion of the proposed project is 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), complete the portion below. To view habitat maps, see the **Massachusetts Natural Heritage Atlas** or view the maps electronically at: <https://www.mass.gov/guides/masswildlife-publications#-massachusetts-natural-heritage-atlas->

- A preliminary written determination from Natural Heritage and Endangered Species Program (NHESP) must be obtained indicating that:
 - Project will NOT have long- or short-term adverse effect on the actual Resource Area located within estimated habitat indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetlands Wildlife published by NHESP.
 - Project will have long- or short-term adverse effect on the actual Resource Area located within estimated habitat indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetlands Wildlife published by NHESP. A copy of NHESP’s written preliminary determination in accordance with 310 CMR 10.11(2) is attached. This specifies:

Date of the map: _____



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Appendix A: Ecological Restoration Limited Project Checklists

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

Required Actions (310 CMR 10.11) (cont.)

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- If the Rare Species identified is/are likely to continue to be located on or near the project, and if so, whether the Resource Area to be altered is in fact part of the habitat of the Rare Species.
- That if the project alters Resource Area(s) within the habitat of a Rare Species:
- The Rare Species is identified;
- NHESP's recommended changes or conditions necessary to ensure that the project will have no short or long term adverse effect on the habitat of the local population of the Rare Species is provided; or
- An approved NHESP habitat management plan is attached with this Notice of Intent.

Send the request for a preliminary determination to:
Natural Heritage & Endangered Species Program
MA Division of Fisheries & Wildlife
1 Rabbit Hill Road
Westborough, MA 01581

Division of Marine Fisheries

- If the project will occur within a coastal waterbody with a restricted Time of Year, [see Appendix B of the Division of Marine Fisheries (DMF) Technical Report TR 47 "Marine Fisheries Time of Year Restrictions (TOYs) for Coastal Alteration Projects" dated April 2011 <https://www.nae.usace.army.mil/Portals/74/docs/regulatory/StateGeneralPermits/MA/TR-47.pdf>].
- Obtain a DMF written determination stating:
 - The proposed work does NOT require a TOY restriction.
 - The proposed work requires a TOY restriction. Specific recommended TOY restriction and recommended conditions on the proposed work is attached.
- If the project may affect a diadromous fish run [re: Division of Marine Fisheries (DMF) Technical Reports TR 15 through 18, dated 2004: <https://www.mass.gov/service-details/marine-fisheries-technical-reports>]
- Obtain a DMF written determination stating:
 - The design specifications and operational plan for the project are compatible with the passage requirements of the fish run.
 - The design specifications and operational plan for the project are not compatible with the passage requirements of the fish run.



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Appendix A: Ecological Restoration Limited Project Checklists

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 Required Actions (310 CMR 10.11) (cont.)

Send the request for a written or electronic determination to:

South Shore – Bourne to Rhode Island border,
and the Cape & Islands:
Division of Marine Fisheries –
South Coast Field Station
Attn: Environmental Reviewer
836 South Rodney French Blvd.
New Bedford, MA 02744
Email: DMF.EnvReview-South@state.ma.us

North Shore – Plymouth to New Hampshire
border:
Division of Marine Fisheries –
North Shore Field Station
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: DMF.EnvReview-North@state.ma.us

- Division of Fisheries and Wildlife** – <https://www.mass.gov/orgs/division-of-fisheries-and-wildlife>
 - Projects that involve silt-generating, in-water work that will impact a non-tidal perennial river or stream and the in-water work will not occur between May 1 and August 30.
 - Obtain a written determination from the Division of Fisheries and Wildlife (DFW) as to whether the proposed work requires a TOY restriction.
 - The proposed work does NOT require a TOY restriction.
 - The proposed work requires a TOY restriction. The DFW determination with TOY restriction and other conditions is attached.

- MassDEP Water Quality Certification**
 - Project involves dredging of 100 cubic yards or more in a Resource Area or dredging of any amount in an Outstanding Resource Water (ORW). A copy and proof of the MassDEP Water Quality Certification pursuant to 314 CMR 9.00 is attached to the NOI.
 - This project is a Combined Permit Application for 401 Dredging and Restoration (BRP WW 26).

- MassDEP Wetlands Restriction Order**
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)?
 Yes No

- Department of Conservation and Recreation**
Office of Dam Safety
 For Dam Removal Projects, obtain a written determination from the Department of Conservation and Recreation Office of Dam Safety that the dam is not subject to the jurisdiction of the Office under 302 CMR 10.00, a written determination that the dam removal does not require a permit under 302 CMR 10.00 or a permit authorizing the dam removal in accordance with 302 CMR 10.00 has been issued.



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Appendix A: Ecological Restoration Limited Project Checklists

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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 Required Actions (310 CMR 10.11) (cont.)

Areas of Critical Environmental Concern (ACECs)

Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?

- Yes No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations).

Name of ACEC

Minimum Required Documents (310 CMR 10.12)

Complete the Required Documents Checklist below and provide supporting materials before submitting a Notice of Intent Application for an Ecological Restoration Project.

- This Notice of Intent meets all applicable requirements outlined in for Ecological Restoration Projects in 310 CMR 10.12. Use the checklist below to ensure that all documentation is included with the NOI.

At a minimum, a Notice of Intent for an Ecological Restoration Project shall include the following:

- Description of the project’s ecological restoration goals;
- The location of the Ecological Restoration Project;
- Description of the construction sequence for completing the project;
- A map of the Areas Subject to Protection Under M.G.L. c. 131, § 40, that will be temporarily or permanently altered by the project or include habitat for Rare Species, Habitat of Potential Regional and Statewide Importance, eel grass beds, or Shellfish Suitability Areas.
- 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.) is attached with documentation methodology.
- List the titles and dates for all plans and other materials submitted with this NOI.

Proposed Management Area Exhibit

a. Plan Title	_____	n/a	_____
b. Prepared by	Beals and Thomas, Inc.	c. Signed and Stamped by	_____
d. Final Revision Date	March 20, 2025	e. Scale	as shown

f. Additional Plan or Document Title	_____	g. Date	June 10, 2025
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- If there is more than one property owner, attach a list of these property owners not listed on this form.
- Attach NOI Wetland Fee Transmittal Form.



WPA Form 3 – Notice of Intent

Appendix A: Ecological Restoration Limited Project Checklists

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

Minimum Required Documents (310 CMR 10.12)

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Hingham

City/Town

- An evaluation of any flood impacts that may affect the built environment, including without limitation, buildings, wells, septic systems, roads or other man-made structures or infrastructure as well as any proposed flood impact mitigation measures;
- A plan for invasive species prevention and control;
- The Natural Heritage and Endangered Species Program written determination in accordance with 310 CMR 10.11(2), if needed;
- Any Time of Year restrictions and/or other conditions recommended by the Division of Marine Fisheries or the Division of Fisheries and Wildlife in accordance with 310 CMR 10.11(3), (4), (5), if needed;
- Proof that notice was published in the Environmental Monitor as required by 310 CMR 10.11(1);
- A certification by the applicant under the penalties of perjury that the project meets the eligibility criteria set forth in 310 CMR 10.13;
- If the Ecological Restoration Project involves the construction, repair, replacement or expansion of infrastructure, an operation and maintenance plan to ensure that the infrastructure will continue to function as designed;
- If the project involves dredging of 100 cubic yards or more or dredging of any amount in an Outstanding Resource Water, a Water Quality Certification issued by the Department pursuant to 314 CMR 9.00;
- If the Ecological Restoration Project involves work on a stream crossing, information sufficient to make the showing required by 310 CMR 10.24(10) for work in a coastal resource area and 310 CMR 10.53(8) for work in an inland resource area; and
- If the Ecological Restoration Project involves work on a stream crossing, baseline photo-points that capture longitudinal views of the crossing inlet, the crossing outlet and the upstream and downstream channel beds during low flow conditions. The latitude and longitude coordinates of the photo-points shall be included in the baseline data.
- This project is subject to provisions of the MassDEP Stormwater Management Standards. A copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) is attached.
- Provide information as to whether the project has the potential to impact private water supply wells including agricultural or aquacultural wells or surface water withdrawal points.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent
Appendix A: Ecological Restoration Limited
Project Checklists

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Hingham
City/Town

Certification that the Ecological Restoration Project Meets the Eligibility Criteria

I hereby certify under penalties of perjury that the Ecological Restoration Project Notice of Intent application does not meet the Eligibility criteria for an Ecological Restoration Order of Conditions set forth in 310 CMR 10.13, but does meet the Eligibility Criteria for a Ecological Restoration Limited Project set forth in 10.24(8) or 10.53(4) whichever is applicable. I certify that I am familiar with the information contained in the application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities.

Signature of Applicant or Authorized Agent

Sarah W. Stearns

Printed Name of Applicant or Authorized Agent

June 10, 2025

Date

The certification must be signed by the applicant; however, it may be signed by a duly authorized agent (named in Item 2) if this form is accompanied by a statement by the applicant designating the agent and agreeing to furnish upon request, supplemental information in support of the application.



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 Bylaw. 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](#)' *As coordinated with Agent*
 - *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: *n/a - refer to exhibits enclosed in Section 4.0*

- 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 impacted trees of 6 inches or greater DBH in the buffer zone, riverfront area, and/or other resource area
- 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.

- 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 n/a
- 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) n/a
- For projects proposing any work on a dock or pier or other work in the harbor, email copy of application and plan to the Town of Hingham Harbor Master at CorsonK@hpd.org (with email copy to conservation@hingham-ma.gov) n/a
- The Conservation Commission's [Policy of Receipt of Information](#) signed by the applicant or applicant's representative
- Optional - [Voluntary 21 Day Waiver](#) n/a

HINGHAM WETLAND REGULATIONS

APPENDIX C

Policy on Receipt of Information

(Revised March 4, 2024)

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

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



Applicant or Applicant's Representative Signature

6/10/25

Date

TOWN OF HINGHAM
WETLANDS PROTECTION BY-LAW FEE SCHEDULE
 Effective 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 (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	C	1	\$100.00	\$100
2			\$250.00	
3		Commercial	\$525.00	
		Subdivision	\$1,000.00	
4			\$725.00	
5			\$3.00/foot	
Circle activities below.				TOTAL \$100

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)

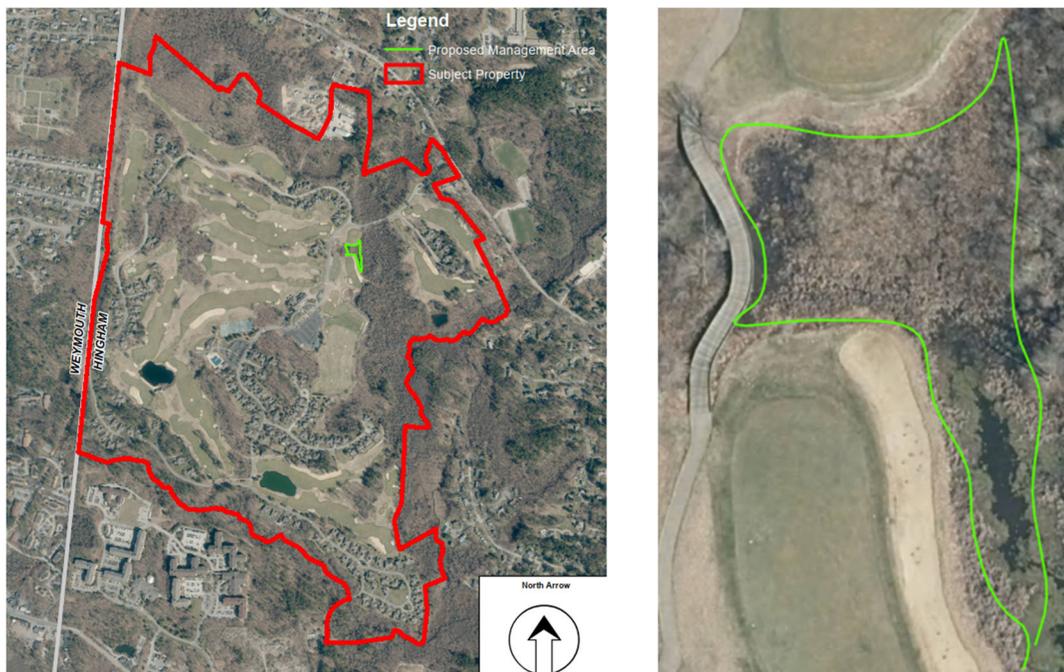
- a) Docks, piers, revetments dikes, etc. (coastal or inland)

Section 2.0
Project Narrative

2.0 PROJECT NARRATIVE

2.1 Introduction

The Club proposes to utilize the services of Water & Wetland Lake, Pond & Wetland Management (Water & Wetland), a Massachusetts CORE and Commercial Aquatic-licensed herbicide applicator, to perform targeted treatment of the invasive Common Reed (*Phragmites australis*) as depicted in the sketch below. As highlighted on the locus map, the primary area of *Phragmites* proposed for treatment is located in the center of the Property adjacent to Hole 9. The proposed method of invasive species management is intended to improve vegetative diversity and curb the expansion into other wetland resource areas.



According to the MA Natural Heritage and Endangered Species Program's (NHESP) Priority Habitat Atlas (15th Edition, published 2021), the Project Site is not mapped within Priority Habitat of Rare Species or Estimated Habitats of Rare Wildlife and there are no certified or potential vernal pools mapped within the locus. Additionally, the Property is not within Areas of Critical Environmental Concern (ACEC).

The Project meets the definition of an Ecological Restoration Limited Project as outlined in 310 CMR 10.53(4)(e) "Types of Ecological Restoration Projects" Section 5, "Other Restoration Projects" as outlined below:

“An Ecological Restoration Project that is not listed in 310 CMR 10.54(4)(e)2. through 4. [sic], that will improve the natural capacity of a Resource Area(s) to protect the interests identified in M.G.L. c. 131, § 40, may be permitted as an Ecological Restoration Limited Project provided that the project meets the eligibility criteria set forth in 310 CMR 10.54(4)(a) though (d) [sic]. Such projects include, but are not limited to, the restoration, enhancement or management of Rare Species habitat, the restoration of hydrologic and habitat connectivity, the removal of aquatic nuisance vegetation to retard pond and lake eutrophication, the thinning or planting of vegetation to improve habitat value, riparian corridor re-naturalization, river floodplain reconnection, in-stream habitat enhancement, fill removal and regrading, flow restoration, and the installation of fish passage structures.”

The Project meets this definition and complies with the eligibility criteria referenced.

2.2 Existing Conditions

The Project Site can be further identified by the Hingham Assessor’s database as Map 134, Parcel ID 219-25 located at 19 Clubhouse Drive. The Club is located within a gated neighborhood community and surrounded by portions of the golf club including managed turf, cart paths, as well as vegetated wetland and upland.

2.2.1 Wetland Resource Areas Summary

Defined by the Act (310 CMR 10.00)

Wetland resource areas within the Project Site defined by the Act include Bordering Vegetated Wetlands (BVW), and Bordering Land Subject to Flooding (BLSF). State-jurisdictional wetland resource areas are also subject to jurisdiction under the Bylaw even if they are not subsequently reiterated in the local resource area section of this narrative.

Bordering Vegetated Wetland (310 CMR 10.55)

Based on a review of MassGIS information retrieved on March 4, 2025 and B+T’s familiarity with the Project Site, the BVW in the area of proposed treatment generally consists of a shrub swamp, shallow marsh and wooded swamp.



Bordering Land Subject to Flooding (310 CMR 10.57)

The Project Site is mapped by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Panel 25023C0083K, effective on 7/3/2024, as containing land within the 100-year floodplain (Zone A, elevation unknown). A portion of land within this floodplain is regulated under the act as Bordering Land Subject to Flooding (BLSF).



Buffer Zone

A 100-foot Buffer Zone is applied to the above-described BVW under the Act.

Defined by the Bylaw

In addition to the previously described resource areas, Hingham also maintains jurisdiction of isolated vegetated wetlands (IVWs).

2.3 Proposed Conditions

The Project involves comprehensive ecological restoration to restore environmental habitat and biota through the management of *Phragmites* on a portion of the Clubs course adjacent to Hole 9. Certified applicators from Water and Wetland plan to initiate a multi-year phased treatment plan for *Phragmites* management including the use of foliar spray application, hand-wiping, or a combination of the two methods depending on *Phragmites* growth levels. Research and prior experience by Water & Wetland has demonstrated that cutting *Phragmites* does little to control the vegetation given their extensive rhizome structure. The herbicide treatment methods described below have shown demonstrable success within other *Phragmites* treatment plans.

The following summary is excerpted from Water & Wetland Lake, Pond & Wetland Management Company's proposed treatment plan for Black Rock Country Club:

Imazamox (Clearcast - EPA # 241-437-67690) and Glyphosate (AquaPro - EPA # 62719-324-67690, Rodeo - EPA # 62719-324 or equivalent) are the proposed herbicides for use. Unlike some other herbicide options such as imazapyr, these herbicides have no soil activity and therefore only plants that encounter the herbicide will be subject to mortality. Imazamox is a systemic herbicide. When applied, it is quickly absorbed by foliage and rapidly translocated to the growing points stopping growth. For foliar applications, the concentrated herbicide is diluted with water and applied via a low-volume pumping system, or hand-wiped, as necessary. A spray adjuvant will be mixed with the diluted herbicide to improve efficacy when applied via foliar application or hand-wiping. When applying foliar spray, proper precautions are taken to minimize non-target impact, such as spraying on a non-windy day where precipitation is not forecasted. When applied following these protocols, herbicide levels within a waterbody are virtually non-detectable, although Clearcast (imazamox) is approved for injection treatments in aquatic environments. Imazamox is a USEPA/MA registered herbicide and will be applied to Phragmites stems at or below the permissible label dose. Temporary water use restrictions for Imazamox are: 1) No drinking or cooking until residue testing results are below 50 ppb, 2) No irrigation until concentrations are below 50 ppb. There are no restrictions on swimming, boating, fishing, watering of livestock, or domestic use, but prudent herbicide management suggest that we close the area on the day of treatment. The area will be posted with signs warning of these temporary water use restrictions prior to treatment.

Glyphosate is a systemic herbicide and is foliar active, meaning the herbicide is active only on contact with the plant. It has no activity in surrounding soil or water. The chemical is applied to the leaves, or cut stems, of the target plant and is translocated down into the rhizomes or roots of the plant. Glyphosate is absorbed by the plant and moves throughout plant tissues. Once inside the plant, the active ingredient in glyphosate interrupts the plant's ability to produce the protein it needs to live. The protein that glyphosate targets is found only in plants. It does not exist in humans, wildlife or fish. There is low potential for leaching or contamination of groundwater with glyphosate herbicide. There are no water-use restrictions associated with the use of glyphosate other than use in the vicinity of potable water intakes.

For established infestations, the foliar application methodology is recommended. The herbicides Clearcast or Rodeo, as approved by the Commission, will be paired with a non-ionic surfactant (methylated seed oil - MSO) to act as a "sticking agent" to help increase uptake throughout the plants and into the Phragmites' rhizomes. The herbicide mixture is then applied directly to mature Phragmites plants via foliar spray using low-volume equipment, such as backpack sprayers. In more low-density areas, hand-wiping is recommended. With this application methodology, the herbicide is paired with the MSO and hand-wiped directly onto the individual Phragmites stems.

This approach is typically recommended in areas where Phragmites have just started to encroach on native plants, areas where native species are present, and in subsequent years following a foliar application.

For both foliar and hand-wiping application, Phragmites will be cut several weeks after treatment to allow the herbicide time to translocate into the Phragmites rhizomes. The dead Phragmites plants will be cut either by hand using either gas-powered hand-cutters or manual cutters, or via use of a low pressure UTV such as a Marsh Master MMII, as necessary/approved. All cut material will be either left in place to decompose (i.e. cut and mulched) or transported to on-site containers which will then be removed from the site.

Product label rates and requirements will be followed to limit non-target impacts, including foregoing treatment in windy conditions and when precipitation is forecasted. Treatment will occur in September/October once the Phragmites has matured and starch reserves are sent downward into the rhizomes but prior to the first frost. This treatment window allows for the systemic herbicide to translocate into the rhizomes, providing drastic reduction in subsequent growing years.

2.3.1 Proposed Work within Jurisdictional Areas

Approximately 20,000 sf of treatment of *Phragmites* is proposed within BVW to curb the extent of invasive growth. The Project is intended to provide an improvement to the vegetative diversity of the areas and is not anticipated to alter or have significant or cumulative adverse effects upon said resource areas protected under the Act or Bylaw. Please refer to the enclosed exhibit for a depiction of the proposed management area.

2.3.2 Compliance with Performance Standards

State Jurisdictional Resource Areas and Buffer Zone

Bordering Vegetated Wetland (310 CMR 10.55)

310 CMR 10.55(4)(a) states, "...Where the presumption set forth in 310 CMR 10.55(3) is not overcome, any proposed work in a Bordering Vegetated Wetland shall not destroy or otherwise impair any portion of said area."

The Applicant presumes that the BVWs onsite are significant to the following interests of the Act: *protection to public and private water supply, ground water supply, flood control, storm damage prevention, prevention of pollution, protection of fisheries, and protection of wildlife habitat.* The Project complies with the applicable performance standards in the regulations as follows:

310 CMR 10.55(4)(d) states, "Notwithstanding the provisions of 310 CMR 10.55(4)(a),(b) and (c), 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 10.59."

According to the MA Natural Heritage and Endangered Species Program's (NHESP) Priority Habitat Atlas (15th Edition, published 2021), the Project Site does not lie within Priority Habitat of Rare Species or Estimated Habitats of Rare Wildlife and there are no certified or potential vernal pools mapped within the locus.

310 CMR 10.55(4) (e) states, "Any proposed work shall not destroy or otherwise impair any portion of a Bordering Vegetated Wetland that is within an Area of Critical Environmental Concern designated by the Secretary of Energy and Environmental Affairs under M.G.L. c. 21A, § 2(7) and 301 CMR 12.00: Areas of Critical Environmental Concern. 310 CMR 10.55(4)(e)."

The Project is not located in an Area of Critical Environmental Concern. Therefore, the proposed work will not destroy portions of BVW located within critical habitat areas.

310 CMR 10.55(4)(a) "...Where the presumption set forth in 310 CMR 10.55(3) is not overcome, any proposed work in a Bordering Vegetated Wetland shall not destroy or otherwise impair any portion of said area."

The Project will comply with applicable herbicide application standards such that the invasive species within the BVW are targeted. Additionally, the Club anticipates the natural re-colonization of native species in the treatment areas once the seed bed is exposed. The Club, in coordination with Water & Wetland, will continue to monitor and report on the progress during and post treatment. The Project is not anticipated to destroy or impair any portion of the BVW.

Bordering Land Subject to Flooding (310 CMR 10.57)

Although a portion of the proposed work is anticipated to occur within BLSF associated with the FEMA Flood Zone A on the Project Site, the Project entails application of herbicides for targeted invasive species management. No dredging, digging or filling is proposed therefore the flood storage capacity will not be impacted by the Project work.

Buffer Zone

The proposed Project work is located within the 100-foot buffer zone to BVW as defined by the Act and the Bylaw. This work is necessary for planning and application purposes to efficiently treat the *Phragmites* onsite. This work is not anticipated to impact the resource areas' capacity to maintain the interests of the Act and Bylaw.

Hingham Wetland Regulation (HRW) Performance Standards

Section 19.3 Bordering and Isolated Vegetated Wetlands

d) Performance Standards. When a Vegetated Wetland, whether Bordering or Isolated, or land within a minimum distance of 100 feet of a Vegetated Wetland is determined to be significant to a wetland value, the following regulations shall apply:

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

The proposed Ecological Restoration Limited Project entails an effort to remove *Phragmites* and increase diversity at a select treatment location on the Property; proposed work in BVW is limited to targeted herbicide treatment and cutting where *Phragmites* is present. The treatment will follow applicable application standards and requirements and is not expected to cause adverse effects upon the wetland values of BVW at the treatment locations. After the treatment protocol, the Club expects a positive effect in the area.

(2) Where an Isolated Vegetated Wetland meets the criteria for a vernal pool, whether or not it has been certified, as described in HWR 19.1. Except as authorized by the Commission, no activity or alteration shall be permitted within 100 feet of a vernal pool, whether it be certified or uncertified but accompanied by credible evidence of its viability as a vernal pool. The 100 feet around the defined vernal pool boundaries shall be known as "Vernal Pool Protection Zone". A proposed project shall not cause any adverse effect or cumulate adverse effect upon the wetland values of vernal pool habitat.

This section is not applicable as no work is proposed in or within 100 feet of an IVW.

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

The Project Site is not mapped by NHESP as Priority Habitat of Rare Species or Estimated Habitat of Rare Wildlife.

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

This section, which outlines project-specific requirements for septic systems, pools, tennis courts, landscaping, docks, piers, lawns, driveways, underground storage tanks, fill, and structures, is not applicable for this Ecological Restoration Limited Project.

(5) Performance standards for activities or work proposed in the buffer zone to a Vegetated Wetland are specified in HWR 22.0.

Please see HWR 22.0 analysis below.

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

Noted

Section 22.2.0 Buffer Zone

d) Performance Standards.

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

No structures are proposed as part of the Ecological Restoration Limited Project. Treatment activities to reduce invasive vegetation are required in portions of the buffer zones and resource areas to provide an effective treatment.

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

The Club anticipates the re-colonization of native species once the seed bed in the treatment areas is exposed. The Club, in coordination with Water & Wetland, will continue to monitor and report on the progress during and post treatment. We suggest revisiting the need for a more active native species revegetation plan, if needed, after the proposed treatment program as outlined in the Water & Wetland Lake, Pond & Wetland Management Company's proposed treatment plan for Black Rock Country Club.

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

This project is a proposal for a restoration of the resource areas and buffer zones in select locations where *Phragmites* has become dense. As noted above, the Club anticipates the re-colonization of native species once the seed bed in the treatment areas is exposed. The work proposed by this Ecological Restoration Limited Project is anticipated to improve, restore and protect the wetland values of the Resource Area.

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

The Property is not mapped by NHESP as Priority Habitat of Rare Species or Estimated Habitat of Rare Wildlife.

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

Noted

2.4 Interests of the Act and the Town of Hingham Wetland Regulations

The following is a discussion of the relationship of the project site to the interests of the Act and the Bylaw.

2.4.1 Protection of Public and Private Water Supply and Ground Water Supply

The proposed Project work is not located within a Zone I, Zone II or Interim Wellhead Protection Area (IWPA). Additionally, the limit of work is not located within an aquifer or Outstanding Resource Waters (ORW). Therefore, the public and private water supply and groundwater supply protection interests of the Act and Bylaw will be upheld.

2.4.2 Flood Control and Storm Damage Prevention

The Project Site is mapped within a 100-year Flood Zone/BLSF however, no change to flood storage is proposed by the invasive species management. Therefore, the flood control and storm damage prevention interests of the Act and Bylaw will be maintained.

2.4.3 Erosion and Sedimentation Control and Prevention of Water Pollution

Given the nature of the proposed Project, erosion and sediment controls are not included as there will not be disruption of soil. The Project will not hinder the ability of the on-site wetland resource areas to function as natural pollution filters. Therefore, this project will uphold the pollution prevention interests of the Act and Bylaw.

2.4.4 Protection of Fisheries, Shellfisheries, Wildlife Habitat, and Rare Species Habitat, Including Rare Plant and Animal Species

The Project Site is not mapped within NHESP Priority Habitat of Rare Species or Estimated Habitat of Rare Wildlife and there are no potential or certified vernal pools within the locus. Additionally, the Project Site does not contain coldwater fisheries or shellfish suitability areas. Therefore, the fisheries, shellfisheries, and wildlife habitat interests of the Act and Bylaw will be protected.

2.4.5 Protection of Recreation, Open Space, and Aesthetics

The Project Site is utilized and maintained as a golf course within a residential gated community, and thereby serves as recreational, residential and open space. The proposed Project is a positive step toward invasive species control and will benefit the resource areas and surrounding areas. Therefore, the recreation, open space, and aesthetic interests of the Bylaw will be protected.

2.5 Summary

This Ecological Restoration Limited Project consists of the management of invasive *Phragmites* vegetation utilizing the services of Water & Wetland Pond Management. Jurisdictional work is limited to work within the BVW and the associated buffer zone. The Project has been designed to meet performance standards for applicable resource areas. Therefore, the Applicant respectfully requests issuance of an Order of Conditions for the proposed *Phragmites* management.

Section 3.0
Abutter Information

Proof of Environmental Monitor Notification

Abutter List

Affidavit of Service

Notification to Abutters

Jackie Boyer

From: MEPA (EEA) <mepa@mass.gov>
Sent: Tuesday, May 27, 2025 4:39 PM
To: Jackie Boyer; MEPA (EEA)
Cc: Sarah Stearns
Subject: RE: Environmental Monitor Notice Request - Black Rock Country Club, Hingham

Hi Jackie,

The notice was received.

Thanks,
Joe

From: Jackie Boyer <jboyer@bealsandthomas.com>
Sent: Tuesday, May 27, 2025 1:53 PM
To: MEPA (EEA) <mepa@mass.gov>
Cc: Sarah Stearns <sstearns@bealsandthomas.com>
Subject: Environmental Monitor Notice Request - Black Rock Country Club, Hingham

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

Attached is a notice for the upcoming submission for an Ecological Restoration Limited Project Notice of Intent at Black Rock Country Club in Hingham, Massachusetts. Please place this notice in the next available issue of the Environmental Monitor and confirm receipt of this email request.

Thank you,
Jackie

Jacqueline Boyer
Environmental Planning Specialist

Beals and Thomas, Inc.
144 Turnpike Road, Southborough, MA 01772
T 508.366.0560 x4809
bealsandthomas.com

Notification of Ecological Restoration Limited Project Notice of Intent Black Rock Country Club Invasive Species Management Hingham, Massachusetts

Project Background and Goals

Pursuant to the Massachusetts Wetlands Protection Act at 310 CMR 10.11(1), Black Rock Country Club (the Club) submits this notification of the filing of a Notice of Intent (NOI) to conduct invasive species management for the removal of common reed (*Phragmites australis*) within Bordering Vegetated Wetland and the associated buffer zone. The project meets the eligibility criteria of an Ecological Restoration Limited Project as outlined in 310 AMR 10.13. The goal of the project is to improve the vegetation diversity within the resource area and surrounding area, curb the expansion of common reed into other wetland resource areas, and restore environmental habitat and biota through the management of nuisance vegetation.

Project Site

The project site is located at 19 Clubhouse Drive in Hingham, Massachusetts, Assessor's Map 134, Parcel ID 219-25. The Club is located within a gated residential community spanning approximately 350 acres. The treatment area is anticipated to encompass approximately 0.6 acres and is located to the east of the Clubhouse, generally in the center of the property, adjacent to Hole 9.

NOI Information

The Club is submitting an NOI to the Hingham Conservation Commission pursuant to the Massachusetts Wetlands Protection Act at 310 CMR 10.00, Article 22 of the Town of Hingham Wetlands Protection Bylaw, and the Town of Hingham Wetlands Regulations. The NOI is anticipated to be submitted June 18, 2025. Once submitted, the date and time of the public hearing will be posted on the Hingham Town website, <http://www.hingham-ma.gov/>. Date and time of the public hearing as well as hard copies of the submission materials can be obtained upon request from the Applicants representative, Beals and Thomas, Inc., by calling 508-366-0560, or from the Hingham Conservation Commission located at 210 Central Street, Hingham, MA 02043 or by calling 781-741-1445. For further information regarding this project please contact Sarah Stearns from Beals and Thomas, Inc. at 508-366-0560.

Abutters List

[print this list](#)

Date: March 27, 2025

Subject Property Address: 1 CLUBHOUSE DRIVE Hingham, MA

Subject Property ID: 134-201-25

Search Distance: 100 Feet

Owner: WATSON MARK C TT
Co-Owner: HINGHAM BLACK ROCK REALTY TRUST
Prop ID: 134-10-25
Prop Location: 10 BLACK ROCK DRIVE Hingham, MA
Mailing Address:
 10 BLACK ROCK DRIVE
HINGHAM, MA 02043

Owner: ALAN R RADLO REVOCABLE TRUST
Co-Owner: RADLO ALAN R TT
Prop ID: 134-12-25
Prop Location: 12 BLACK ROCK DRIVE Hingham, MA
Mailing Address:
12 BLACK ROCK DRIVE
HINGHAM, MA 02043

Owner: FOLEY LORRAINE D TT
Co-Owner: 14 BLACK ROCK DRIVE NOMINEE TRUST
Prop ID: 134-14-25
Prop Location: 14 BLACK ROCK DRIVE Hingham, MA
Mailing Address:
14 BLACK ROCK DRIVE
HINGHAM, MA 02043

Owner: CAPLAIN JUDD & ADLER ELISE
Prop ID: 134-16-25
Prop Location: 16 BLACK ROCK DRIVE Hingham, MA
Mailing Address:
 16 BLACK ROCK DRIVE
HINGHAM, MA 02043

Owner: BEALE D JONATHAN & CAROL A
Prop ID: 134-18-25
Prop Location: 18 BLACK ROCK DRIVE Hingham, MA
Mailing Address:
 18 BLACK ROCK DRIVE
HINGHAM, MA 02043

Owner: LEE JAMES & YU-WEN
Prop ID: 134-19-25
Prop Location: 19 BLACK ROCK DRIVE Hingham, MA
Mailing Address:
 19 BLACK ROCK DRIVE
HINGHAM, MA 02043

Owner: FARGNOLI RALPH P JR TT
Co-Owner: RALPH P FARGNOLI JR TRUST OF 2012
Prop ID: 134-2-25
Prop Location: 2 BLACK ROCK DRIVE Hingham, MA
Mailing Address:
2 BLACK ROCK DRIVE
HINGHAM, MA 02043

Owner: DEVINEY MARK & NANCY
Prop ID: 134-20-25
Prop Location: 20 BLACK ROCK DRIVE Hingham, MA
Mailing Address:
20 BLACK ROCK DRIVE
HINGHAM, MA 02043

Owner: BLACK ROCK GOLF CLUB LLC
Prop ID: 134-219-25
Prop Location: 19 CLUBHOUSE DRIVE Hingham, MA
Mailing Address:
19 CLUBHOUSE DRIVE
HINGHAM, MA 02043

Owner: DOLAN TIMOTHY J TT
Co-Owner: TIMOTHY J DOLAN TRUST
Prop ID: 134-22-25
Prop Location: 22 BLACK ROCK DRIVE Hingham, MA
Mailing Address:
22 BLACK ROCK DRIVE
HINGHAM, MA 02043

Owner: TREGONING SCOTT

Prop ID: 134-24-25

Prop Location: 24 BLACK ROCK DRIVE Hingham, MA

Mailing Address:

24 BLACK ROCK DRIVE

HINGHAM, MA 02043 -----

Owner: DUCEY JAMES E & MAUREEN E
Prop ID: 134-25-25
Prop Location: 25 BLACK ROCK DRIVE Hingham, MA Mailing
Address:
 25 BLACK ROCK DRIVE
HINGHAM, MA 02043

Owner: DONNELLAN WILLIAM F & LORI A
Prop ID: 134-26-25
Prop Location: 26 BLACK ROCK DRIVE Hingham, MA
Mailing Address:
26 BLACK ROCK DRIVE
HINGHAM, MA 02043

Owner: BANTLY MATTHEW D & MALONE
ELIZABETH
Prop ID: 134-27-25
Prop Location: 27 BLACK ROCK DRIVE Hingham, MA
Mailing Address:
27 BLACK ROCK DRIVE
HINGHAM, MA 02043

Owner: OSTROWSKI EDWARD S & OSTROWSKI JUDITH A TT
Co-Owner: EDWARD S OSTROWSKI REVOCABLE TRUST
Prop ID: 134-4-25
Prop Location: 4 BLACK ROCK DRIVE Hingham, MA
Mailing Address:
 4 BLACK ROCK DRIVE
HINGHAM, MA 02043

Owner: MACALONEY BRUCE & JOHANNA
Prop ID: 134-6-25
Prop Location: 6 BLACK ROCK DRIVE Hingham, MA Mailing
Address:
 6 BLACK ROCK DRIVE
HINGHAM, MA 02043 -----

Owner: JACOBSON PAUL & LISA MARIE
Prop ID: 134-8-25
Prop Location: 8 BLACK ROCK DRIVE Hingham, MA
Mailing Address:
 8 BLACK ROCK DRIVE
HINGHAM, MA 02043

AFFADAVIT OF SERVICE
Under the MA Wetlands Protection Act and
Hingham Wetlands Protection Bylaw

(To be submitted to the Hingham Conservation Commission and the MA Department of
Environmental Protection when filing an application requiring abutter notification)

I, _____, hereby certify under the pains and penalties
Name of person making Affidavit

of perjury that on _____ I gave notification to abutters in compliance with the
Date

second paragraph of the Massachusetts General Laws Chapter 131, Section 40, and the Hingham

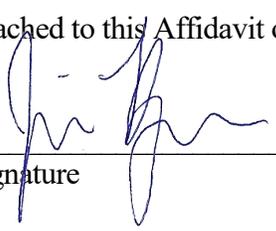
Wetlands Protection Bylaw and Wetland Regulations, by _____ in
Type of Service

connection with the following matter:

A Notice of Intent or Abbreviated Notice of Resource Area Delineation was filed under the
MA Wetlands Protection Act and/or Hingham Wetlands Protection Bylaw with the Hingham
Conservation Commission on:

_____ for property located at _____.
Date *Property Address*

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



Signature

June 10, 2025

Date

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:

_____ has filed a _____
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: _____

The proposed work includes: _____

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 _____ at (_____) _____ between the hours of _____ and _____ on the following days: _____.

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 \(hingham-ma.gov\)](#)

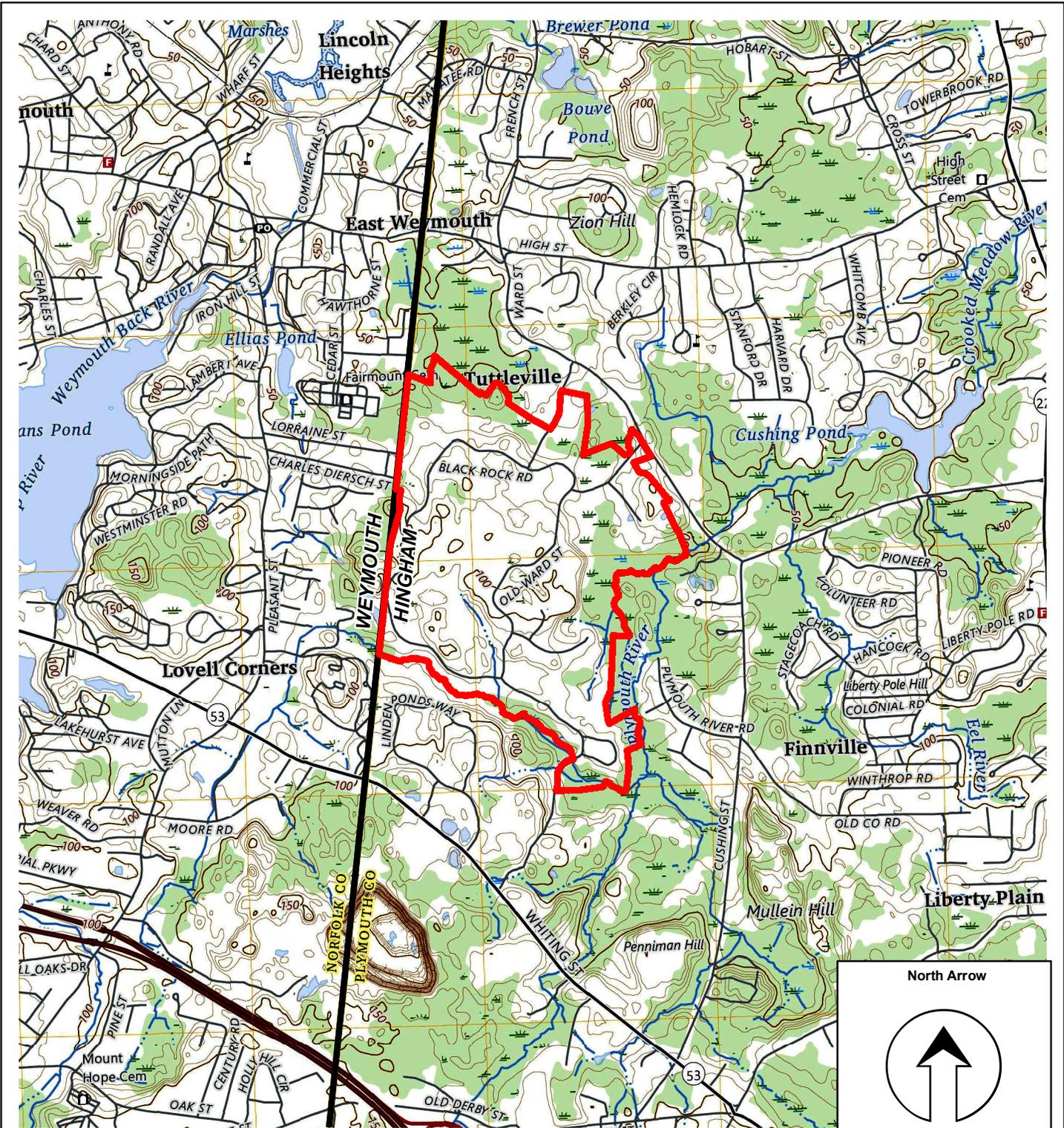
The Department of Environmental Protection (DEP) Southeast Regional Office can also provide information about this application or the MA Wetlands Protection Act. DEP is located at 20 Riverside Drive, Lakeville, MA 02347 and can be reached by telephone at (508) 946-2700.

Section 4.0 Exhibits

Locus Map

Aerial Map

Proposed Management Area Exhibit, Prepared by Beals and Thomas, Inc.
Dated March 20, 2025



Digital USGS Map of Weymouth, MA, dated 2024, provided by the Bureau of Geographic Information (MassGIS), Commonwealth of Massachusetts, Executive Office of Technology and Security Services.

PROJECT:
Invasive Species Management
 Hingham, Massachusetts

PREPARED FOR:
Black Rock Country Club
 19 Clubhouse Drive
 Hingham, Massachusetts

Locus Map
 Figure 1

Scale: 1" = 2,000'

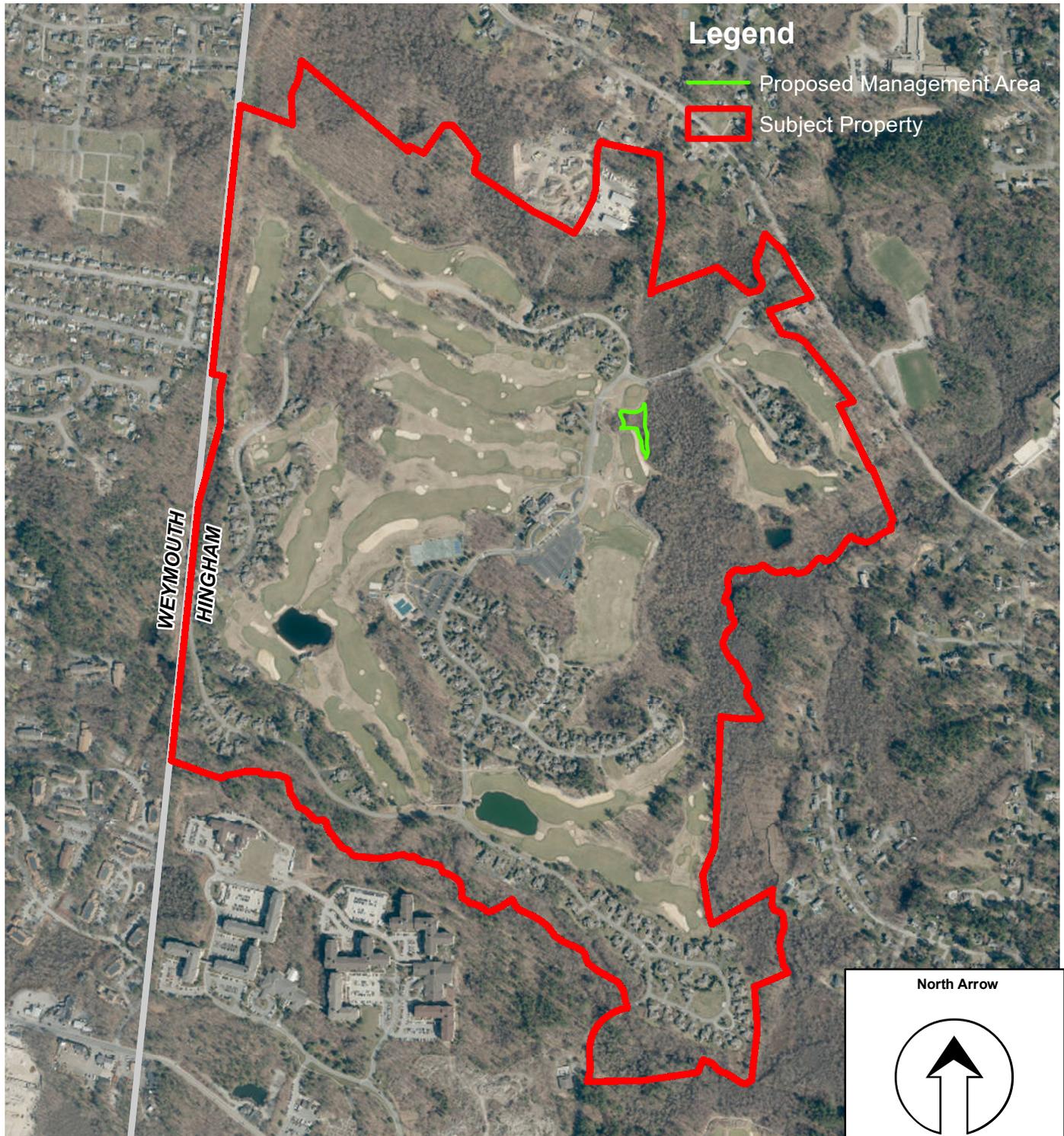
Date: March 5, 2025

Source File 305201P001A.mxd

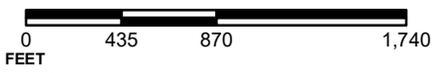
B+T Project No. 3052.01

Legend

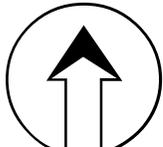
-  Proposed Management Area
-  Subject Property



Digital orthophotograph, dated 2023, provided by the Bureau of Geographic Information (MassGIS), Commonwealth of Massachusetts, Executive Office of Technology and Security Services.



North Arrow



NORTH

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PROJECT:
Invasive Species Management
 Hingham, Massachusetts

PREPARED FOR:
Black Rock Country Club
 19 Clubhouse Drive
 Hingham, Massachusetts

Aerial Map
 Figure 2

Scale: 1" = 875'

Date: March 5, 2025

Source File 305201P002A.mxd
 B+T Project No. 3052.01



Digital orthophotograph, dated 2023, provided by the Bureau of Geographic Information (MassGIS), Commonwealth of Massachusetts, Executive Office of Technology and Security Services.



North Arrow

NORTH

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PROJECT:
Invasive Species Management
 Hingham, Massachusetts

PREPARED FOR:
Black Rock Country Club
 19 Clubhouse Drive
 Hingham, Massachusetts

Proposed Management Area
 Figure 3

Scale: 1" = 875'

Date: March 20, 2025

Source File 305201P002A.mxd

B+T Project No. 3052.01