

# PROJECT NARRATIVE

## 14 Kents Lane

### Hingham, MA

#### 1.0 Project Summary

The property owners of 14 Kents Lane in Hingham, Massachusetts (Hingham Assessor's Parcel 60-0-11), propose to construct a pervious paver patio within the buffer zones of a Bordering Vegetated Wetland (BVW), a potential vernal pool, and an intermittent stream. The project also includes a proposed alteration of 24 square feet of BVW. The property is approximately 1.75 acres, with frontage along Kents Lane to the north, and is surrounded by developed residential properties on all sides.

The property is currently developed with a single family dwelling constructed circa 2022 and associated paved driveway, walkways, retaining walls, shed, lawn and landscaping.

The lot is located within a FEMA Flood Zone X as shown on the FEMA Flood Insurance Rate Map Panel 25023C 0082J dated 7/3/2024. Zone X is not considered a special flood hazard area.

The site does not contain any areas designated as estimated or priority endangered species habitats.

#### 2.0 Wetland Resource Areas & Impacts

##### Buffer Zone to Bordering Vegetated Wetlands (HWR 22.0)

A Bordering Vegetated Wetland (BVW) was delineated by Brad Holmes of Environmental Consulting & Restoration, LLC on October 6, 2020. The delineation was approved by the Hingham Conservation Commission under an Order of Conditions issued on June 1, 2021. A Certificate of Compliance was subsequently issued on July 9, 2025 (DEP File No. 034-1412).

The proposed project lies within the 50' buffer zone to the on-site BVW and inland bank associated with the intermittent stream. All work within the buffer zone lies within previously disturbed, currently maintained areas. The proposed pervious patio is designed to have no adverse impact on the adjacent wetlands. It will be located directly adjacent to the house, partially beneath the existing deck, in an area currently composed of gravel and lawn. Notably, the patio will be situated farther from the BVW than the house itself and no closer than the existing gravel patio. A free-standing salt water hot tub is proposed on the patio. Salt water hot tubs are considered more environmentally friendly than traditional hot tubs. As mitigation, a portion of the existing lawn will be converted into a planted buffer at a 2:1 ratio. A waiver is being requested from Section 2B of the Hingham Wetlands Bylaw to allow work within the 50-foot buffer zone.

##### Buffer Zone Performance Standard Analysis: *Standards in Italics, Analysis in bold.*

*HWR 22.0(d)(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.*

**All work within the buffer zone lies within previously disturbed, currently maintained areas. The proposed pervious patio is located directly adjacent to the house, partially beneath the existing deck, in an area currently composed of gravel and lawn. Notably, the patio will be situated farther from the BVW than the house itself and no closer than the existing gravel patio.**

*HWR 22.0(d)(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.*

**As mitigation for the work proposed within the buffer zones, a portion of the existing lawn will be converted into a planted buffer at a 2:1 ratio. Additionally, conservation posts are proposed to further protect the vegetated buffer.**

*HWR 22.0(d)(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.*

**As noted above, mitigation is proposed to restore an existing already-altered buffer zone lawn into a vegetated buffer.**

*HWR 22.0(d)(4): Notwithstanding the above provisions, no project may be permitted which will have any adverse effect on specified habitat of rare vertebrate or invertebrate 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 site does not propose any adverse effect on habitats for rare vertebrate or invertebrate species and is not located in an NHESP Estimated or Priority Habitat for Rare Species.**

*HWR 22.0(d)(5): The Commission may impose such additional requirements as are necessary to protect the wetland values protected under the Bylaw.*

**We defer to the Commission for any such additional requirements they feel are necessary.**

#### Bordering Vegetated Wetlands (310 CMR 10.55 & HWR 19.3)

A Bordering Vegetated Wetland (BVW) was delineated by Brad Holmes of Environmental Consulting & Restoration, LLC on October 6, 2020. The delineation was approved by the Hingham Conservation Commission under an Order of Conditions issued on June 1, 2021. A Certificate of Compliance was subsequently issued on July 9, 2025 (DEP File No. 034-1412).

To facilitate adequate circulation around the southerly corner of the house, 24 square feet of BVW is proposed to be altered. Currently, there is only 4.9 feet between the house corner and the wetland, and approximately 3 feet between the house and adjacent brush. This modification will allow access for a ride-on mower to the rear yard. There is no other means of access to the backyard. As mitigation, a 2:1 wetland replication is proposed to offset the impact.

Bordering Vegetated Wetlands Performance Standard Analysis:  
*Standards in Italics, Analysis in bold.*

*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 portion of the BVW being altered will be replicated at a 2:1 ratio. The replication area is shown on a plan prepared by Environmental Consulting & Restoration, LLC.**

*310 CMR 10.55(4)(b): Notwithstanding the provisions of 310 CMR 10.55(4)(a), the issuing authority may issue an Order of Conditions permitting work which results in the loss of up to 5000 square feet of Bordering Vegetated Wetland when said area is replaced in accordance with the following general conditions and any additional, specific conditions the issuing authority deems necessary to ensure that the replacement area will function in a manner similar to the area that will be lost:*

1. *the surface of the replacement area to be created ("the replacement area") shall be equal to that of the area that will be lost ("the lost area");*  
**The 24 square feet of BVW being altered will be replicated at a 2:1 ratio.**
2. *the ground water and surface elevation of the replacement area shall be approximately equal to that of the lost area;*  
**The 24 square feet of BVW being altered will be replicated at a 2:1 ratio.**
3. *The overall horizontal configuration and location of the replacement area with respect to the bank shall be similar to that of the lost area;*  
**The replication area directly adjacent to the alteration area.**
4. *the replacement area shall have an unrestricted hydraulic connection to the same water body or waterway associated with the lost area;*  
**The replication area is connected to the same wetland as the alteration area.**
5. *the replacement area shall be located within the same general area of the water body or reach of the waterway as the lost area;*  
**The replication area is directly adjacent to the alteration area and is connected to the same wetland.**
6. *at least 75% of the surface of the replacement area shall be reestablished with indigenous wetland plant species within two growing seasons, and prior to said vegetative reestablishment any exposed soil in the replacement area shall be temporarily stabilized to prevent erosion in accordance with standard U.S. Soil Conservation Service methods; and*  
**Environmental Restoration & Consulting, LLC has prepared a wetland replication plan with notes to these effects.**
7. *the replacement area shall be provided in a manner which is consistent with all other General Performance Standards for each resource area in Part III of 310 CMR 10.00. In the exercise of this discretion, the issuing authority shall consider the magnitude of the alteration and the significance of the project site to the interests identified in M.G.L. c. 131, § 40, the extent to which adverse impacts can be avoided, the extent to which adverse impacts are minimized, and the extent to which mitigation measures, including replication or restoration, are provided to contribute to the protection of the interests identified in M.G.L. c. 131, § 40.*  
**See responses above.**

*310 CMR 10.55(4)(c): Notwithstanding the provisions of 310 CMR 10.55(4)(a), the issuing authority may issue an Order of Conditions permitting work which results in the loss of a portion of Bordering Vegetated Wetland when;*

1. *said portion has a surface area less than 500 square feet;*  
**The project proposes to alter only 24 square feet of BVW.**

2. *said portion extends in a distinct linear configuration ("finger-like") into adjacent uplands; and*

**This is the case at this site, the BVW we are altering extends in a finger like configuration into the adjacent uplands.**

3. *in the judgment of the issuing authority it is not reasonable to scale down, redesign or otherwise change the proposed work so that it could be completed without loss of said wetland.*

**This is an existing site, with an existing dwelling, and existing rear lawn area. The applicant is seeking a few feet of additional upland in order to adequately access their rear yard.**

*310 CMR 10.55(4)(d): 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.*

**The site does not propose any adverse effect on habitats for rare vertebrate or invertebrate species and is not located in an NHESP Estimated or Priority Habitat for Rare Species.**

*310 CMR 10.55(4)(e): 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):*

1. *supersedes the provisions of 310 CMR 10.55(4)(b) and (c);*
2. *shall not apply if the presumption set forth at 310 CMR 10.55(3) is overcome;*
3. *shall not apply to work proposed under 310 CMR 10.53(3)(l); and*
4. *shall not apply to maintenance of stormwater detention, retention, or sedimentation ponds, or to maintenance of stormwater energy dissipating structures, that have been constructed in accordance with a valid order of conditions.*

**The proposed project does not lie within an Area of Critical Environmental Concern.**

*HWR 19.3(d)(1): A proposed project shall not cause any adverse effect or cumulative adverse effect upon the wetland values of a Vegetated Wetland.*

**The portion of the BVW being altered will be replicated at a 2:1 ratio. The replication area is shown on a plan prepared by Environmental Consulting & Restoration, LLC. The project will not cause any adverse effect or cumulative adverse effect upon the wetland values of the vegetated wetland.**

*HWR 19.3(d)(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.*

**The existing previously disturbed and developed single family residential property lies within the 100' vernal pool setback. All proposed work is within previously disturbed areas and there is no proposed alteration to the vernal pool. A waiver is being requested from Section 2C of the Hingham Wetlands Bylaw to allow work within the 100-foot buffer zone to a vernal pool.**

*HWR 19.3(d)(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 site does not propose any adverse effect on habitats for rare vertebrate or invertebrate species and is not located in an NHESP Estimated or Priority Habitat for Rare Species.**

*HWR 19.3(d)(4): Refer to HWR 23.0 et seq. for additional project-specific performance standards.*

**See responses to HWR 23.0 below.**

*HWR 19.3(d)(5): Performance standards for activities or work proposed in the buffer zone to a Vegetated Wetland are specified in HWR 22.0.*

**See responses to HWR 22.0 above.**

*HWR 19.3(d)(6): The Commission may impose such additional requirements as are necessary to protect the wetland values protected under the Bylaw.*

**We defer to the Commission for any such additional requirements they feel are necessary.**

Isolated Land Subject to Flooding & Vernal Pools (310 CMR 10.57 & HWR 19.1)

A Potential Vernal Pool (PVP) was delineated by Brad Holmes of Environmental Consulting & Restoration, LLC on October 6, 2020. The delineation was approved by the Hingham Conservation Commission under an Order of Conditions issued on June 1, 2021. A Certificate of Compliance was subsequently issued on July 9, 2025 (DEP File No. 034-1412).

The project does not propose to alter the PVP. The proposed pervious patio is designed to have no adverse impact on the PVP. It will be located directly adjacent to the house, partially beneath the existing deck, in an area currently composed of gravel and lawn. The patio will be situated farther from the PVP than the house itself and no closer than the existing gravel patio. As mitigation, a portion of the existing lawn will be converted into a planted buffer at a 2:1 ratio. A waiver is being requested from Section 2C of the Hingham Wetlands Bylaw to allow work within the 100-foot buffer zone to a vernal pool.

Isolated Land Subject to Flooding & Vernal Pools Performance Standard Analysis:  
*Standards in Italics, Analysis in bold.*

*310 CMR 10.57(4)(b): A proposed project in Isolated Land Subject to Flooding shall not result in the following:*

- 1. Flood damage due to filling which causes lateral displacement of water that would otherwise be confined within said area.*
- 2. An adverse effect on public and private water supply or ground water supply, where said area is underlain by pervious material.*
- 3. An adverse effect on the capacity of said area to prevent pollution of the ground water, where the area is underlain by pervious material which in turn is covered by a mat of organic peat and muck.*

**The proposed project does not lie within the potential vernal pool, only the buffer zone thereto.**

4. An impairment of its capacity to provide wildlife habitat where said area is vernal pool habitat, as determined by procedures contained in 310 CMR 10.60.

**There is no proposed alteration to the potential vernal pool therefore there will be no impact to the areas capacity to provide wildlife habitat.**

*HWR 19.1(d)(1): A proposed project shall not cause any adverse effect or cumulative adverse effect on the wetland values of Land Subject to Flooding.*

**The project will not cause any adverse effect or cumulative adverse effect on the wetland values of the potential vernal pool. The existing previously disturbed and developed single family residential property lies within the 100' vernal pool setback. All proposed work is within previously disturbed areas and there is no proposed alteration to the vernal pool. Buffer zone mitigation is proposed as part of this project.**

*HWR 19.1(d)(2): Projects on land subject to flooding shall be permitted only in connection with such procedures determined by the Commission as not having the effect of reducing the ability of the land to absorb and contain floodwaters.*

**There is no proposed alteration to the land subject to flooding.**

*HWR 19.1(d)(3): The Commission may require compensating or greater flood storage capacity in the same watershed if it permits any filling of land subject to flooding, and all filling of areas subject to flooding shall be strictly minimized. Except as stated in the preceding sentence, no proposed projects shall be permitted to displace or direct floodwaters, through fill or other means, to other areas.*

**There is no proposed alteration to the land subject to flooding.**

*HWR 19.1(d)(4): Projects shall not have any adverse effect on vernal pools, whether certified or uncertified, provided such wetlands meet the physical and biological requirements for certification as described in the Massachusetts Division of Fisheries and Wildlife 1988 Guidelines for Certification of Vernal Pools. The Commission may require more than the minimum protective undisturbed buffer strip. These performance standards are also applicable to vernal pools which are isolated vegetated wetlands (see HWR 19.3).*

**The project will not cause any adverse effect on the potential vernal pool. The existing previously disturbed and developed single family residential property lies within the 100' vernal pool setback. All proposed work is within previously disturbed areas and there is no proposed alteration to the vernal pool. Buffer zone mitigation is proposed as part of this project.**

*HWR 19.1(d)(5): 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 site does not propose any adverse effect on habitats for rare vertebrate or invertebrate species and is not located in an NHESP Estimated or Priority Habitat for Rare Species.**

*HWR 19.1(d)(6): Refer to HWR 23.0 et seq. for additional project-specific performance standards.*

**See responses to HWR 23.0 below.**

*HWR 19.1(d)(7): Performance standards for activities or work proposed in the buffer zone to Land Subject to Flooding are specified in HWR 22.0.*

**See responses to HWR 22.0 above.**

*HWR 19.1(d)(8): The Commission may impose such additional requirements as are necessary to protect the wetland values protected under the Bylaw.*

**We defer to the Commission for any such additional requirements they feel are necessary.**

Inland Bank associated with Intermittent Stream/Pipe/Ditch (HWR 19.2)

An intermittent stream consisting of a 10" HDPE pipe and ditch extends from the BVW. There is no BVW associated with the ditch. Please see the Wetland Delineation Memo prepared by Brad Holemes of Environmental Consulting & Restoration, LLC for additional information.

The 10" HDPE pipe is proposed to be extended 5' to allow adequate circulation around the house.

Inland Bank Performance Standard Analysis:

*Standards in Italics, Analysis in bold.*

*HWR 19.2(d)(1): A proposed project shall not cause any adverse effect or cumulative adverse effect upon the wetland values of Inland Bank or Inland Beach.*

**The inland bank will only be temporary disturbed to extend the existing 10" HDPE pipe 5'. This is in association with the proposed wetland alteration, which will be replicated at a 2:1 ratio. There will be no adverse effect or cumulative adverse effect.**

*HWR 19.2(d)(2): A proposed project shall be permitted only if there is no adverse effect on bank stability, bank height, ground water and surface water quality, the water carrying capacity of an existing channel within a bank, and the capacity of the bank to provide habitat for fisheries and/or wildlife.*

**The inland bank will only be temporary disturbed to extend the existing 10" HDPE pipe 5'. This is in association with the proposed wetland alteration, which will be replicated at a 2:1 ratio. There will be no adverse effect on bank stability, bank height, ground water and surface water quality, the water carrying capacity of the channel, or capacity of the bank to provide habitat for fisheries and/or wildlife.**

*HWR 19.2(d)(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 site does not propose any adverse effect on habitats for rare vertebrate or invertebrate species and is not located in an NHESP Estimated or Priority Habitat for Rare Species.**

*HWR 19.2(d)(4): Refer to HWR 23.0 et seq. for additional project-specific performance standards.*

**See responses to HWR 23.0 below.**

*HWR 19.2(d)(5): Performance standards for activities or work proposed in the buffer zone to an Inland Bank or Inland Beach are specified in HWR 22.0.*

**See responses to HWR 22.0 above.**

*HWR 19.2(d)(6): The Commission may impose such additional requirements as are necessary to protect the wetland values protected under the Bylaw.*

**We defer to the Commission for any such additional requirements they feel are necessary.**

Project-Specific Performance Standards (HWR 23.6 & 23.7)

*HWR 23.6(a): No fill shall be placed in any Resource Area or any buffer zone so as to alter the flow of surface water in a way that the Conservation Commission feels will adversely affect the wetland values of the Resource Area(s).*

**The fill proposed will not alter the drainage pattern that currently exists on-site.**

*HWR 23.6(b): No filling or excavation or other alteration of salt marshes shall be permitted.*  
**There is no filling or excavation or other alteration of a salt marsh proposed.**

*HWR 23.6(c): The Commission at its discretion may allow the filling of up to 2,500 square feet of Vegetated Wetland for a limited project, if satisfied that mitigation required in the Order of Conditions is sufficient to protect the Resource Area. If filling is allowed, the Commission shall require replication of the wetland at a ratio of at least 2:1, in an area that is hydrologically suitable for supporting wetland functions, similar in type or function to the wetland being altered, hydrologically connected to the altered wetland, and must be accomplished by using wetland soils and by using native wetland plant species removed from the area to be filled. The replicated wetland must be established prior to commencing the upland activity. The replicated wetland must be monitored for at least two growing seasons and must be maintained as a functional wetland with wetland values at least equaling those of the filled wetland for at least five years following the completion of the main project.*

**Only 24 square feet of BVW are proposed to be altered and will be replicated at a 2:1 ratio. A wetland replication plan has been prepared by Environmental Consulting & Restoration, LLC.**

*HWR 23.6(d): Compatible fill shall be used for beach and dune nourishment projects. Compatible fill means clean sediment of a grain size that is approximately the same as the area being nourished (e.g., if the area being nourished consists of gravel, sand, silt or clay, then the fill brought in for nourishment should be gravel, sand, silt or clay). Clean means the sediment does not contain contaminants and is free of debris.*

**The project does not involve beach or dune nourishment.**

*HWR 23.6(e): Dumping of lawn wastes, brush or leaves or other materials or debris is not permitted in any Resource Area.*

**No dumping of lawn wastes, brush or leaves or other materials or debris is proposed.**

### **3.0 Construction Phase Mitigating Measures**

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

#### Erosion and Sedimentation Control

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

1. Install staked 12" diameter mulch sock (as directed by Conservation Agent) at the upland edge of the limit of work. This erosion control barrier shall be installed prior to earthwork at the site. An additional stockpile of siltation fence, and stakes will be stored on site for use in

repairing the erosion control barrier as needed. Inspections of the erosion control barrier shall be made weekly and after all significant rainfall events.

2. Clearly define the limits of work in the field in order to minimize the extent of clearing and soil disturbance.
3. Regrade, loam, and seed exposed soil areas immediately following construction.