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# Project Narrative

Rev: 12-3-25

Notice of Intent  
55 Whiton Avenue  
Hingham, MA 02043

## **Introduction**

The project proponent, Sky Box Development, is requesting permission from the Hingham Conservation Commission to construct a new pier, ramp, and float system to access Hingham Bay for private, residential use from their property at 55 Whiton Avenue. The site contains Coastal Bank, Salt Marsh, Land Subject to Coastal Storm Flowage, Land Containing Shellfish, and Rocky Intertidal Shore.

## **Existing Conditions**

The subject property is located at 55 Whiton Avenue, Hingham, MA. The total lot area is approximately 0.59 acres or 25,700 SF according to the Hingham Assessor's Department, although the property technically extends to Mean Low Water. The lot abuts Hingham Bay to the north, Paige Street to the south, Whiton Avenue to the west, and an abutting property to the east. The lot is developed with a single-family dwelling, a paved driveway, hardscaping and landscaping. A steep wooden staircase currently allows access from the upland to a flat portion of the rocky slope. The topography of the lot slopes from south to north towards Hingham Bay.

A majority of the site is located within 100 feet of the Coastal Bank or Salt Marsh resource areas. A smaller portion of the site is located within Land Subject to Coastal Storm Flowage (F.I.R.M Zone VE) based on FEMA Flood Map, community panel No. 25023C0019J dated July 17, 2012 and is also within a Special Flood Hazard Area (by graphic plotting only).

## **Proposed Conditions**

The owner proposed to construct a pier, a removable, seasonal gangway, and a seasonal float to access Hingham Bay for private, recreational use. The float will connect to the gangway with structural hinges and will not require bottom anchors. The proposed pier will measure 4 feet wide by 106 feet long and will connect to a 3' x 24' seasonal gangway and 10' x 20' seasonal float. In total, the structure will be 150 feet long from the beginning of the pier to the end of the float. The pier will also include a 6' x 8' deck at the landward end. The pier will consist of 34 piles, with a maximum diameter of 1 ft, and are typically placed at 8 ft intervals. A 3' wide wooden staircase will provide access from the upland to the dock, replacing the existing stairway which has been deemed unsafe. A Shellfish Study by Environmental Consulting and Restoration is included in this report. The dock is sited to avoid the Salt Marsh resource area entirely (see Site Plan).

## **Construction Methodology**

The existing stairway will be accessed by foot and will be demolished by hand before construction of the proposed dock. All materials will be stockpiled as far from the resource areas as possible. Construction of the proposed dock shall utilize typical

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construction methods for docks. All construction equipment shall be fueled and re-fueled offsite. A pneumatic hammerhead will be used to drive pilings with a manually set up tripod. The compressor will be stored away from the marsh with hoses running to the tripod. Scaffolding will be constructed to support workers and equipment during construction. The salt marsh shall be avoided during all aspects of construction. Exact means of construction access for the proposed dock are to be determined, but a temporary ramp between the existing and proposed staircase will likely be required. All construction methods, stockpiling, and access shall be subject to conditions dictated by the Hingham Conservation Commission.

### **Compliance with Regulations for Docks and Piers, Section 23.4(c), Hingham Wetland Regulations**

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

The proposed dock will comply with all these dimensional parameters. A length of 150 feet is required to achieve some water depth at MLW for recreational use and will prevent the float from bottoming out completely. 30" high skids are proposed to ensure separation between the substrate as well.

2. *Docks will be permitted only on land contiguous to the dwelling being served, except where unusual circumstances of longstanding may apply, such as where the dwelling is separated from the shore by a road. The dwelling must have a valid occupancy permit.*

The dock is proposed on the same land as the dwelling.

3. *Only non-chromated copper arsenate (CCA) material may be used in the construction of the dock. Lead caps are not permitted. No creosote treated materials may be used. Wood preservative, if used, must be dry before the treated wood is used in construction.*

A note stating this restriction is on the Site Plan.

4. *Any pilings permitted shall be driven, not washed or jetted, into any salt marsh, coastal beach, or land under the ocean.*

Pilings will not be within salt marsh, coastal beach, or land under the ocean. They will only be driven into areas containing coastal bank and rocky intertidal shore.

5. *Lighting, if installed, shall not exceed a 25-watt incandescent bulb, set a minimum of 12 feet apart and a maximum of two feet high from the walking surface....*

There are no lights proposed for the dock.

6. *All piers and walkways shall be provided with access stairs at or proximate to MHW or other means provided for along shore public traverse. All structures shall be provided*

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*with suitable signage notifying the public of their right to free access as provided by the commonwealth, or equivalent.*

Stairs are provided on either side of the 6' x 8' deck for public passage.

- 7. The DEP permit number shall be permanently and conspicuously placed on the dock so as to be visible from seaward. The DEP permit number shall be placed permanently and conspicuously on all floats.*

A DEP number will be acquired as part of this Notice of Intent and will be included on signage once the dock is complete.

- 8. Storage of floats, other seasonal pier material, and boats must be stored in an area outside of any wetland resource area and transported thereto without causing damage to any resource area.*

A note detailing this restriction is on the Site Plan.

- 9. Where the project includes the use of floats, the combined size of all floats shall be consistent with the impact of the entire project on the protected values at the site, but not greater than 10' x 20'. Floats must be at least 18" from the bottom measured at low tide. They shall be supported either by piles or skids.*

We believe that the size of the float is consistent with the overall size of the dock. 24" skids will be placed on the bottom of the float to attain adequate separation.

- 10. Plank spacing shall be a minimum of 3/4 inch. Where any portion of the dock crosses a salt marsh, a minimum of 65% light penetration is required. The maximum deck width shall be 4 feet.*

Plank spacing is specified on a note on the Site Plan. The deck width will be 4 feet wide max and will not be placed over any salt marsh.

- 11. The base of the pier shall be as close as possible to the center line of the lot, and it shall project outwards at an angle as nearly perpendicular to the shoreline as possible.*

The dock will be perpendicular and close to the center of the property, but is positioned to avoid salt marsh.

- 12. Notwithstanding any other provisions contained herein, no new construction or expansion of an existing dock shall be permitted within an ACEC (area of critical environmental concern).*

No ACECs are identified onsite.

- 13. If any salt marsh is eliminated, a replication with a ratio of 3:1 must take place in an area suitable for salt marsh growth approved by the Commission.*

No salt marsh will be eliminated.

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14. *A shellfish study is required.*

A shellfish study is included in this report.

15. *Piers shall be constructed so as to not interfere with any established public recreational use of the waterway.*

The proposed dock is aligned with the many other docks that currently exist on the shoreline and provides adequate space for public passage.

16. *No more than one pier (dock or walkway) shall be permitted to be constructed located on any residential property or parcel of land at any time.*

Only one dock is proposed on the property.

### **Compliance with Section 23.6 Filling**

No fill material is proposed in the resource areas. On the ground footprint will be 34 SF maximum within the resource areas.

### **Compliance with Regulations for Work Within Land Subject to Coastal Storm Flowage, Section 19.1(d), Hingham Wetland Regulations**

1. *A proposed project shall not cause any adverse effect or cumulative adverse effect on the wetland values of Land Subject to Flooding.*

The proposed maximum on the ground footprint of 34 SF (piles) is not anticipated to have any cumulative adverse effects on the Land Subject to Flooding.

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.*

All piles will be driven per the Hingham Wetland Regulations.

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...*

No filling is proposed for this project.

4. *Projects shall not have any adverse effect on vernal pools...*

No vernal pools have been identified on or near the property.

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

No rare vertebrate, invertebrate or rare plant species have been identified on the site.

6. *Refer to HWR 23.0 et seq. for additional project-specific performance standards.*

See compliance with dock and pier standards above.

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

All proposed work will be within the flood zone.

8. *The Commission may impose such additional requirements as are necessary to protect the wetland values protected under the Bylaw.*

The project is presented to the Commission for their review.

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

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

The dock has been sited to avoid the salt marsh resource area. There are piles proposed within Coastal Bank, Rocky Intertidal Shore, and Land Subject to Coastal Storm Flowage but the on the ground footprint will be minimal.

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.*

No vegetation will be removed within the buffer zone, but there will be some clearing of brush within the Coastal Bank and Land Subject to Coastal Storm Flowage for the proposed stairway.

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.*

We will allow the commission and staff to comment on this aspect.

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*

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*species, as identified by procedures established under 310 CMR 10.37 for Coastal Resource Areas or 310 CMR 10.59 for Inland Resource Areas.*

No ACECs and no NHESP Estimated & Priority Habitats are identified onsite, according to MassMapper and the Wetland Delineation Report.

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

The project is presented to the Commission for their review.

**Compliance With Performance Standards for Work in a Coastal Bank (§18.1(d)(2) Hingham Wetland Regulations)**

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

The proposed staircase, platform, and pier are typical structures along this bank. The bank consists mostly of boulders, and piles with a diameter of less than a foot will be driven within them. The access stairs will be constructed in a similar location as the existing stairs. Therefore, no adverse effects are anticipated.

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

Many docks and access stairs have been approved and constructed along the same stretch of coastal bank. On the ground footprint will be minimal and is not expected to adversely affect the bank.

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

We believe this project will fall in line with other previously approved structures along the same bank.

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

This project can be classified as an elevated walkway and will be similar to other stairways constructed for neighboring docks. Stairs on either side of the platform are proposed for public access. No adverse effects to the bank are anticipated.

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- e. *Refer to HWR 23.0 et seq. for additional project-specific performance standards.*

See section above regarding compliance with Dock and Pier performance standards.

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

This project is presented to the Commission for their review.

### **Compliance With Performance Standards for Work in a Coastal Beach (§18.2(d) Hingham Wetland Regulations)**

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

The proposed dock will not alter the form of the Rocky Intertidal Shore or cause erosion as the on the ground footprint will be very minimal.

2. *Notwithstanding the above, beach nourishment with clean sediment of a grain size compatible with that on the existing beach may be permitted...*

No beach nourishment is proposed.

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

A Shellfish Study is included in this report. Very minimal shellfish activity was observed, however the performance standards for work within Land Containing Shellfish is detailed below.

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

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The project will have a very minimal on the ground footprint within the tidal flats (24 SF max.) and is not expected to have any adverse effects on the items listed above.

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

No rare vertebrate or invertebrate species have been identified on the site.

6. *Refer to Section HWR 23.0 et seq. for additional project-specific performance standards.*

See section above regarding compliance with Dock and Pier performance standards.

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

See section above detailing compliance with the performance standards for Buffer Zones.

8. *The Commission may impose such additional requirements as are necessary to protect the wetland values protected under the Bylaw.*

This project is presented to the commission for their review.

### **Compliance With Performance Standards for Work in Land Containing Shellfish (§18.5(d) Hingham Wetland Regulations)**

1. *A project shall not cause any adverse effect or cumulative adverse effect on Land Containing Shellfish.*

The work within the Rocky Intertidal Shore / Tidal flats will be minimal (24 SF on the ground footprint) and is not expected to have any adverse effect or cumulative adverse effect on Land Containing Shellfish. A shellfish study is included in this report – all piles will be place above MLW.

2. *A proposed project shall not change water quality (including but no limited to changes in turbidity, temperature, salinity, dissolved oxygen, nutrients and pollutants), water circulation, or natural drainage from adjacent land.*

The proposed on the ground footprint will be minimal and is not expected to have any adverse effects on the aspects above.

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3. *A proposed project shall not obstruct or limit the ability of the public to gather shellfish recreationally or the ability of commercial fishermen to harvest shellfish or obstruct or limit an existing aquaculture project.*

The pilings will be spaced at least 8 feet apart and have high clearance, which will allow for any person to access the area below the structure.

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

No rare vertebrate or invertebrate species have been identified on the site.

5. *Refer to HWR 23.0 et seq. for additional project-specific performance standards.*

See section above regarding compliance with Dock and Pier performance standards.

6. *Performance standards for activities or work proposed in the buffer zone to Land Containing Shellfish are specified in HWR 22.0.*

See section above detailing compliance with the performance standards for Buffer Zones.

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

The project is presented to the commission for their review.

### **Compliance With Performance Standards for Work in a Coastal Bank (310 CMR 10.30)**

- (3) *No new bulkhead, revetment, seawall, groin or other coastal engineering structure shall be permitted on such a coastal bank except that such a coastal engineering structure shall be permitted when required to prevent storm damage to buildings constructed prior to the effective date of 310 CMR 10.21 through 10.37 or constructed pursuant to a Notice of Intent filed prior to the effective date of 310 CMR 10.21 through 10.37 (August 10, 1978), including reconstructions of such buildings subsequent to the effective date of 310 CMR 10.21 through 10.37, provided that the following requirements are met:*
  - (a) a coastal engineering structure or a modification thereto shall be designed and constructed so as to minimize, using best available measures, adverse effects on adjacent or nearby coastal beaches due to changes in wave action, and*
  - (b) the applicant demonstrates that no method of protecting the building other than the proposed coastal engineering structure is feasible.*
  - (c) protective planting designed to reduce erosion may be permitted.*

The proposed dock and stairs are not considered coastal engineering structures per the definition described in 310 CMR 10.04 therefore these standards do not apply.

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- (4) *Any project on a coastal bank or within 100 feet landward of the top of a coastal bank, other than a structure permitted by 310 CMR 10.30(3), shall not have an adverse effect due to wave action on the movement of sediment from the coastal bank to coastal beaches or land subject to tidal action.*

The proposed on the ground footprint of the dock will be very minimal and will not affect wave action or movement of sediment from the bank.

- (5) *The Order of Conditions and the Certificate of Compliance for any new building within 100 feet landward of the top of a coastal bank permitted by the issuing authority under M.G.L. c. 131, § 40 shall contain the specific condition: 310 CMR 10.30(3), promulgated under M.G.L. c. 131, § 40, requires that no coastal engineering structure, such as a bulkhead, revetment, or seawall shall be permitted on an eroding bank at any time in the future to protect the project allowed by this Order of Conditions.*

The project is presented to the Conservation Commission for their review and approval. No bulkhead, revetment, or seawall is proposed on the bank.

- (6) *Any project on such a coastal bank or within 100 feet landward of the top of such coastal bank shall have no adverse effect on the stability of the coastal bank.*

The proposed on the ground footprint of the proposed dock will be very minimal and will have no adverse effects on the stability of the coastal bank. The dock will be installed similarly to the other 9 docks that currently exist on the same stretch of coastline.

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

No bulkheads, revetments, seawalls, groins, or other coastal engineering structures are proposed as part of this project.

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

No rare vertebrate, invertebrate or rare plant species have been identified on the site.

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**Compliance With Performance Standards for Work in Land Containing Shellfish (310 CMR 10.34)**

- (4) *Except as provided in 310 CMR 10.34(5), any project on land containing shellfish shall not adversely affect such land or marine fisheries by a change in the productivity of such land caused by:*
- (a) *alterations of water circulation;*
  - (b) *alterations in relief elevation;*
  - (c) *the compacting of sediment by vehicular traffic;*
  - (d) *alterations in the distribution of sediment grain size;*
  - (e) *alterations in natural drainage from adjacent land; or*
  - (f) *changes in water quality, including, but not limited to, other than natural fluctuations in the levels of salinity, dissolved oxygen, nutrients, temperature or turbidity, or the addition of pollutants.*

The proposed piles within land containing shellfish will not alter water circulation, relief elevation, distribution of sediment grain size, natural drainage from adjacent land, or water quality. No vehicular traffic will take place within the land containing shellfish.

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

It is not anticipated that the proposed pilings will have any adverse effect on shellfish productivity. A shellfish study was conducted on the site which showed very minimal shellfish activity.

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

Shellfish activity in the area was determined to be very minimal, therefore relocation of shellfish should not be necessary.

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

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This proposed dock is not designed with this intention.

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

No rare vertebrate, invertebrate or rare plant species have been identified on the site.