

ECR



Environmental Consulting & Restoration, LLC

Specializing in Wetland and Coastal Resource Area Delineation & Permitting

ECOLOGICAL RESTORATION NOTICE OF INTENT

9 Porters Cove Road, Hingham

SUBMITTED TO

Hingham Conservation Commission

December 2025

APPLICANT

**9 Porters Cove Road, LLC
9 Porters Cove Rd.
Hingham, MA 02043**

REPRESENTATIVE

**Environmental Consulting & Restoration, LLC
P.O. Box 4012
Plymouth, MA 02361
(617) 529-3792**

ECR

Environmental Consulting & Restoration, LLC



December 16, 2025

Hingham Town Hall
Conservation Commission
210 Central Street
Hingham, MA 02043

RE: Ecological Restoration Notice of Intent, Proposed Invasive Plant Management Plan, 9 Porters Cover Road, Hingham

Dear Members of the Conservation Commission:

Environmental Consulting & Restoration, LLC, is pleased to submit this Ecological Restoration Notice of Intent application for the proposed treatment and removal of non-native invasive vegetation located at 9 Porters Cover Road in Hingham (the site). The Hingham Assessor's records identify the property as Parcel ID #855 (Mblu 30-0-25).

The proposed project is located within wetland resource areas. This project is intended to provide an improvement to the wetland resource areas and is being submitted as an Ecological Restoration Project in accordance with the Massachusetts Wetlands Protection Act and the Town of Hingham Wetland Bylaw.

If you have any questions or require additional information, please contact me at (617) 529-3792.

Sincerely,
Environmental Consulting & Restoration, LLC

Brad Holmes, PWS, MCA
Manager

CC: MassDEP – Southeast Regional Office, sero_noi@state.ma.us

9 Porters Cove Road, LLC, 9 Porters Cover Road, Hingham, MA 02043

Land Stewardship, Inc.

NOTICE OF INTENT
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Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number

Hingham

City/Town

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):

9 Porters Cove Road

a. Street Address

Hingham

b. City/Town

02043

c. Zip Code

Latitude and Longitude:

N 42°15'16.191"

d. Latitude

W 70°52'6.512"

e. Longitude

Parcel ID# 30-0-25

f. Assessors Map/Plat Number

g. Parcel /Lot Number

2. Applicant:

a. First Name

9 Porters Cove Road LLC

c. Organization

9 Porters Cove Rd

d. Street Address

Hingham

e. City/Town

617-752-4985

h. Phone Number

i. Fax Number

MA

f. State

02043

g. Zip Code

danielle@therevivalcompanies.com

j. Email Address

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

same as applicant

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

Brad

a. First Name

Holmes

b. Last Name

Environmental Consulting & Restoration LLC

c. Company

PO Box 4012

d. Street Address

Plymouth

e. City/Town

617-529-3792

h. Phone Number

i. Fax Number

MA

f. State

02361

g. Zip Code

brad@ecrwetlands.com

j. Email address

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

\$110.00

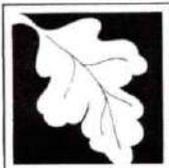
a. Total Fee Paid

\$42.50

b. State Fee Paid

\$67.50

c. City/Town Fee Paid



Massachusetts Department of Environmental Protection
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A. General Information (continued)

6. General Project Description:

The proposed project includes the treatment and removal of non-native invasive vegetation (*Phragmites australis*) within wetland resource areas.

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

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

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

1. Yes No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)
10.24(8)(e)3/10.53(4) - (Other) Proposed non-native invasive plant removal

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR 10.24(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

675

c. Book

b. Certificate # (if registered land)

178

d. Page Number

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

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

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



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
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 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number _____

Document Transaction Number _____

Hingham _____

City/Town _____

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

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

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet _____	2. linear feet _____
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet _____	2. square feet _____
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet _____ 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. <input checked="" type="checkbox"/> Riverfront Area	Weir River (tidal) 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: 46,430 sq. ft.
square feet

4. Proposed alteration of the Riverfront Area:

Approx. 18,450 sq. ft. _____ Ecological Restoration _____ Ecological Restoration _____
 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 checked="" type="checkbox"/> Salt Marshes	Approx. 18,450 sq. ft. 1. square feet	Ecological Restoratoin 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 checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	Approx. 18,450 sq. ft. 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

MassMapper _____

b. Date of map _____

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

- c. Submit Supplemental Information for Endangered Species Review*

1. Percentage/acreage of property to be altered:

(a) within wetland Resource Area Approx. 18,450 sq. ft.
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:

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

North Shore - Plymouth to New Hampshire border:

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

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.

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

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



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

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

D. Additional Information

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

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

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

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

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



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Hingham
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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.

Conservation Plan, see attached

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:

5618

12/18/25

2. Municipal Check Number

3. Check date

5619

12/18/25

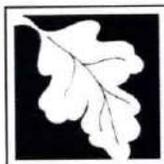
4. State Check Number

5. Check date

Environmental Consulting & Restoration LLC

6. Payor name on check: First Name

7. Payor name on check: Last Name



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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Provided by MassDEP:

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Hingham

City/Town

F. Signatures and Submittal Requirements

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

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

1. Signature of Applicant

Danielle McClure

2. Date

12-17-2025

3. Signature of Property Owner (if different)

B. Holmes ECR

4. Date

12/17/25

5. Signature of Representative (if any)

6. Date

For Conservation Commission:

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

For MassDEP:

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

Other:

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

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



Certificate Of Mailing

The Certificate of Mailing is required for all registered mail sent to the United States.

This form must be filed with the mail at the time of mailing.

From: Restoration, LLC
P.O. Box 4012
Plymouth, MA 02361

To: MASS Wildlife - NHESP
7 Rabbit Hill Road
Westborough MA
01581

U.S. POSTAGE PAID
 PLYMOUTH, MA
 DEC 18 25
 AMOUNT
\$2.40
 S2324H504415-02

PS Form 3817, April 2007 PSN 7530-02-000-9065

NOI: 9 Porters Cove Road



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
Cat 1c or 1d: Control Vegetation	1	\$110.00	\$110.00
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Town of Hingham: \$100.00 (Bylaw) NHESP: \$300.00	_____	_____	_____
Step 5/Total Project Fee:			\$110.00

Step 6/Fee Payments:

Total Project Fee:	\$110.00
State share of filing Fee:	a. Total Fee from Step 5 \$42.50
City/Town share of filling Fee:	b. 1/2 Total Fee less \$12.50 \$67.50
	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.)

ENVIRONMENTAL CONSULTING & RESTORATION, LLC

53-179/113

5618

617-529-3792
P.O. BOX 1319
PLYMOUTH, MA 02362-1319

DATE 12/18/25

PAY TO THE ORDER OF

Town of Hingham

\$ 67.50

Sixty Seven

50/100

DOLLARS

Eastern Bank

Boston, MA 02110
easternbank.com
1-800-EASTERN

MEMO

NOT: 9 Porters Cove Road

B. Holmes

0011301798

5618

ENVIRONMENTAL CONSULTING & RESTORATION, LLC

53-179/113

5619

617-529-3792
P.O. BOX 1319
PLYMOUTH, MA 02362-1319

DATE 12/18/25

PAY TO THE ORDER OF

Commonwealth of Mass

\$ 47.50

Forty Two

50/100

DOLLARS

Eastern Bank

Boston, MA 02110
easternbank.com
1-800-EASTERN

MEMO

NOT:

B. Holmes

0011301798

5619

ENVIRONMENTAL CONSULTING & RESTORATION, LLC

53-179/113

5620

617-529-3792
P.O. BOX 1319
PLYMOUTH, MA 02362-1319

DATE 12/18/25

PAY TO THE ORDER OF

Town of Hingham

~~XX~~ \$ 100.00

One hundred

100

DOLLARS

Eastern Bank

Boston, MA 02110
easternbank.com
1-800-EASTERN

MEMO

NOT: Bylaw
9 Porters Cove Rd

B. Holmes

0011301798

5620

ENVIRONMENTAL CONSULTING & RESTORATION, LLC

53-179/113

5621

617-529-3792
P.O. BOX 1319
PLYMOUTH, MA 02362-1319

DATE 12/18/25

PAY TO THE ORDER OF

Commonwealth of Mass - NHESP

~~XX~~ \$ 300.00

Three hundred

100

DOLLARS

Eastern Bank

Boston, MA 02110
easternbank.com
1-800-EASTERN

MEMO

NOT: 9 Porters Cove Road

B. Holmes



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))

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.)

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 considered 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

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.)

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.)

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.)

- 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.



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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)

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 | Approx. 18,450 sq. ft.
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

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: MassMapper



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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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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).

Weir River ACEC
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.

Conservation Plan

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

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.



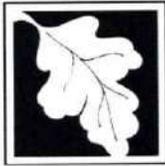
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Minimum Required Documents (310 CMR 10.12)

- 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

Provided by MassDEP:

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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.

Danielle McClure

Signature of Applicant or Authorized Agent

Danielle McClure

12-17-2025

Printed Name of Applicant or Authorized Agent

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.

PROJECT NARRATIVE

1.0 Introduction

The applicant is seeking approval to initiate a vegetation management plan at 9 Porters Cove Road in Hingham (the site). The objective of the management program is to control the growth of non-native invasive Common Reed (*Phragmites australis*), to improve and maintain wildlife habitat, maintain water quality, promote growth of less pervasive native plant species, and provide safe recreational access along the coast. Based on the distribution and density of Common Reed growth within portions of the site, it has been concluded the restoration goals of the applicant can best be achieved through the prudent use of USEPA/MA DAR registered herbicides. When unmanaged, dense Common Reed growth can degrade water quality, fish, and wildlife habitat, and reduce recreational access to the coast. This proposed project will protect the interests of the Wetland Protection Act by controlling a nuisance species, which has spread into the native community of the Weir River and caused significant degradation.

This Notice of Intent is limited exclusively to ecological restoration and non-native invasive plant management activities. No grading, construction, site development, or land alteration associated with future development is proposed or authorized under this submittal. Any future work would be subject to separate permitting.

2.0 Site Description:

The Town of Hingham Assessors Department references the site as Parcel ID #855 (Mblu 30-0-25). The site is located to the southeast of Porters Cove and is surrounded by a Salt Marsh system associated with the Weir River located east of the site. The site also contains Land Subject to Coastal Storm Flowage, a portion of the Riverfront Area associated with the Weir River, and the 100-foot buffer zone associated with the Salt Marsh. The project is proposed to remove and manage the Common Reed found within the Salt Marsh onsite.

A significant portion of the upper Salt Marsh at the site is dominated by Common Reed, which is a non-native invasive plant species. The upper limit of the Salt Marsh was delineated by Environmental Consulting & Restoration, LLC (ECR) on December 2, 2025 as identified on the Conservation Plan. The general limits of the Common Reed have been identified and highlighted on the Conservation Plan included with this application. In the areas where Common Reed is found onsite, it exists as nearly 100% of the total vegetative community. For more information, please refer to the Conservation Plan attached, which indicates the location of the Salt Marsh, Common Reed, and management area.

ECR has estimated that the Common Reed treatment area is approximately 18,450 square feet in area. ECR estimates that Common Reed accounts for nearly 100% of the Salt Marsh vegetation within the identified treatment area. Common Reed growth consists of dense monoculture stands within the upper limits of the Salt Marsh. Although the site contains approximately 46,430 square feet of Riverfront Area, the proposed vegetation management and ecological restoration activities are limited strictly to the delineated treatment areas shown on the Conservation Plan. No work is proposed within the remaining Riverfront Area outside of these defined locations.

This Notice of Intent is limited exclusively to ecological restoration and invasive species management activities. No grading, construction, site development, or land alteration associated with future development is proposed or authorized under this filing. Any future work will be subject to separate permitting.

3.0 Management Recommendations:

3.1 Program Overview:

A multiple-year approval is requested for the implementation of a Common Reed management program at this site. The goal of the management program is to control Common Reed growth, improve and maintain habitat, promote growth of less pervasive plant species, and provide safe recreational access to the coast with the use of USEPA/MA DAR registered herbicides. Based on the chemistry of the proposed products, along with the chemical dose, timing, and method of application, these herbicides can be reasonably selective for the targeted plant species with a negligible risk to non-target organisms when used in accordance with their USEPA approved labels. The management program has been developed to be compatible with the goals of the Applicant, keeping in mind the regulatory responsibilities of the Hingham Conservation Commissions and the MA DEP.

Specifically, we are requesting approval for use of glyphosate (AquaPro or equivalent), imazapyr (Habitat), and imazamox (ClearCast), along with a non-ionic surfactant to control Common Reed growth. Use of glyphosate herbicide is proposed for the initial year of treatment to limit impact to non-target plants. In subsequent years, a tank-mix of glyphosate and imazapyr/imazamox may be considered to enhance control. Common Reed plants require a total of seven amino acids for survival. For example, glyphosate and imazapyr each affect the synthesis of three different amino acids; therefore, the combination of these two products effectively inhibits six of the seven amino acids. As a result, the potential for Common Reed survival following application is further reduced. The other advantage to this herbicide combination, is the overall reduction in herbicide usage over long-term due to its 'synergistic' effect on the plant metabolism. The proposed products specifically affect the target plant species to be controlled and have a negligible effect on the non-target species and wildlife when applied in accordance with the label directions. All chemicals are applied at or below suggested doses according to the product label. The herbicide treatments would be performed during the growing season, when the plant is storing starches in their root systems.

Cutting/mulching of the dead Common Reed stems is another component to integrated management. This often improves access for follow-up management, increases the rate of recolonization of more desirable native species, and removes biomass and a potential fire hazard. Larger stands will be mulched by a mechanical mower deck, while smaller patches will be cut by hand using mechanical hedge trimmers. This typically occurs between November and March depending on weather and ground conditions.

No significant alteration to wetland resources areas will occur as a result of the proposed management program; instead the resource areas will be enhanced by controlling non-native, invasive plant species, and improving wildlife habitat. No heavy equipment is proposed within wetland resource areas or Riverfront Area. All work will be conducted in a manner that minimizes soil disturbance, rutting, and impacts to existing native vegetation.

Please note that coordination with Massachusetts Natural Heritage & Endangered Species Program (NHESP) is required as part of this submittal. All work will be conducted in accordance with NHESP requirements. Activities will be scheduled outside of sensitive breeding seasons where practicable, or otherwise performed in a manner consistent with NHESP guidance and best management practices.

3.2 Proposed Products

Glyphosate (AquaPro® - EPA # 62719-324-67690, Rodeo – EPA # 62719-324 or equivalent)

Glyphosate is used to control waterlilies, watershield and emergent plants such as purple loosestrife and Common Reed. It is typically applied in August/September for control of emergent species. Glyphosate would be applied at the recommended Federal/State concentration of 3 quarts/acre. There are no water-use restrictions associated with the use of glyphosate other than use in the vicinity of potable water intakes, but prudent practice calls for restriction of water usage on the day of treatment as an additional

safeguard. These restrictions are consistent with good practice and Massachusetts guidelines for herbicide treatments.

Glyphosate is a systemic herbicide and is foliar active. This means the herbicide is active only on contact with the plant. It has no activity in surrounding soil or water. The herbicide is applied to the leaves of the target plant and is translocated down into the rhizomes or roots of the plant. Glyphosate is absorbed by plant foliage and moves throughout plant tissues. Once inside the plant, the active ingredient interrupts the plant's ability to produce a protein it needs to live. The protein that glyphosate targets is found only in plants. It does not exist in humans, wildlife or fish. Glyphosate binds tightly to most types of soil particles and is unavailable for root uptake. There is low potential for leaching or contamination of groundwater with glyphosate herbicide. Microorganisms in the soil and water break down into its natural components.

Impacts Specific to the Wetlands Protection Act using Glyphosate¹

- Protection of public and private water supply – Protection of public and private water supply – Detriment (prohibition within one quarter mile of surface drinking water supplies due to toxicity), but generally neutral where allowed
- Protection of groundwater supply – Neutral (no interaction)
- Flood control - Neutral (no significant interaction)
- Storm damage prevention – Neutral (no significant interaction)
- Prevention of pollution – Generally neutral (no significant interaction), but could be a detriment if plant die-off causes low oxygen at the bottom of the lake
- Protection of land containing shellfish - Neutral (no significant interaction)
- Protection of fisheries - Possible benefit (habitat enhancement) and possible detriment (food source alteration, loss of cover)
- Protection of wildlife habitat – Possible benefit (habitat enhancement) and possible detriment (food source alteration, loss of cover)

Imazapyr (Habitat – EPA #241-426-67690)

Imazapyr is used to control riparian and emergent plants such as purple loosestrife, Common Reed and cattail. A complete list of species controlled can be found on the product label. Imazapyr would be applied at or below the label rate of 2 quarts/acre. Temporary water use restrictions for imazapyr are: 1.) No irrigation for 120 days after application or until concentrations are below 1.0 ppb. 2.) No product application directly to water within 0.5 miles upstream of active potable water intake. There are no restrictions on swimming, boating, fishing, watering of livestock, or domestic use, but prudent herbicide/algacide management suggest that we close the area on the day of treatment. The management areas will be posted with signs warning of these temporary water use restrictions prior to treatment.

Imazapyr is a systemic herbicide. When applied as a foliar spray, uptake is primarily through the foliage and roots and rapidly translocated to growing points, where it inhibits amino acid synthesis required for protein synthesis and cell growth. With application, the plant cannot produce necessary components for growth and will slowly die. The protein synthesis inhibited by imazapyr is not present in mammals, birds, fish, or insects.

Impacts Specific to the Wetlands Protection Act using Imazapyr

- Protection of public and private water supply – Generally neutral, but may have detriment at high doses (setback of treatment required, with distance based on dose and area treated)
- Protection of groundwater supply – Neutral (no interaction)
- Flood control - Neutral (no significant interaction)
- Storm damage prevention – Neutral (no significant interaction)
- Prevention of pollution – Generally neutral (no significant interaction), but could be a detriment if plant die-off causes low oxygen at the bottom of the lake

¹ Commonwealth of Massachusetts Executive Office of Environmental Affairs. *Practical Guide to Lake Management*: 2004. 128 p.

- Protection of land containing shellfish - Generally neutral (no significant interaction)
- Protection of fisheries - Possible benefit (habitat enhancement) and possible detriment (food source alteration, temporary loss of cover)
- Protection of wildlife habitat - Possible benefit (habitat enhancement) and possible detriment (food source alteration, temporary loss of cover)

Imazamox (Clearcast – EPA # 241-437-67690)

Recently registered by the MA Department of Agricultural Resources, the USEPA/MA registered herbicide Imazamox will be applied to the area at or below the permissible label dose. It has been registered for multiple years by the USEPA and utilized outside of the state to manage submersed, floating-leaf, and emergent vegetation. Imazamox would be applied as a foliar spray to control invasive Common Reed growth at the application rate of 1.5 lbs ae/acre, if necessary. Temporary water use restrictions for Imazamox are now: 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 surrounding area will be posted with signs warning of these temporary water use restrictions prior to treatment.

Imazamox is a systemic herbicide. When applied as a foliar spray, it is quickly absorbed by foliage and rapidly translocated to the growing points stopping growth. The concentrated herbicide is diluted with water and applied to the Common Reed leaves via a low-volume pumping system or backpack sprayers. A spray adjuvant will be mixed with the diluted herbicide to improve efficacy.

Impacts Specific to the Wetlands Protection Act using Imazamox

- Protection of public and private water supply – Generally neutral, but may have detriment at high doses (setback of treatment required, with distance based on dose and area treated)
- Protection of groundwater supply – Neutral (no interaction)
- Flood control - Neutral (no significant interaction)
- Storm damage prevention – Neutral (no significant interaction)
- Prevention of pollution – Generally neutral (no significant interaction), but could be a detriment if plant die-off causes low oxygen at the bottom of the lake
- Protection of land containing shellfish - Generally neutral (no significant interaction)
- Protection of fisheries - Possible benefit (habitat enhancement) and possible detriment (food source alteration, loss of cover)
- Protection of wildlife habitat – Possible benefit (habitat enhancement) and possible detriment (food source alteration, loss of cover)

Proper herbicide application allows for targeted plant control without posing an unreasonable, adverse risk to non-target species and wildlife. Written approval from the Commission will be sought should alternate products be considered in future years. All products proposed for use will be registered for wetland use in Massachusetts

Chemical Descriptions

Detailed information on all the products proposed in this NOI can be found at the **Massachusetts Department of Conservation and Recreation, Lakes and Ponds Program website**. There are links under the Publications tab to the "Generic Environmental Impact Report for Eutrophication and Lake Management in Massachusetts" and the "Practical Guide to Lake Management in Massachusetts." Additional information on these herbicides can be found at the **Massachusetts Department of Agricultural Resources website**:

Pre-management inspections will be conducted in order to finalize the treatment areas and assess the growth phase of the target plant species. Post-management inspections will be conducted in order to assess the efficacy of the management efforts and any impacts on non-target species so future applications can be properly adjusted to minimize non-target impacts.

4.0 Alternative Analysis:

Alternatives to the proposed vegetation management plan were considered and all available strategies for control of the Common Reed at the site were evaluated. Findings and recommendations were based on direct experience and discussions found in the *Eutrophication and Aquatic Plant Management in Massachusetts Final Generic Environmental Impact Review* (FGEIR, EOE 2004). Alternatives such as the following were evaluated to

Bottom Weed Barriers: Not Recommended

Physical controls, such as the use of bottom weed barriers (i.e. Aquatic Weed Net or Palco) can be effective for small dense patches of nuisance vegetation but are not cost effective or feasible due to Common Reed's rhizomatous growth and propagation. Weed barriers are expensive to install and maintain at ~\$1.75/ft² (material & installation). Semi-annual maintenance to retrieve, clean and re-deploy the barriers would be expensive and time consuming. Additionally, covering expansive areas may also have detrimental impacts on invertebrates or other types of wildlife.

Hydro-Raking: Not Recommended

The mechanical Hydro-Rake can best be described as a "floating backhoe" with a York Rake attachment. The barge is paddlewheel driven to facilitate operation in shallow water (<2 feet) and it can effectively work to depths of about 12 feet. It works from the water, thereby avoiding damage to sensitive shoreline habitat and property. This machine "rakes" the upper sediment layer, collecting plants and their root systems. The Hydro-Rake is well suited for the removal of plants large rhizome structures and in that case can provide multiple years of control. Hydro-Raking is currently not being proposed because most of the growth is located within BVW. It can be used to remove dense, in-water rhizome systems after herbicide treatments.

Harvesting/Cutting: Not Recommended

Harvesting and cutting of Common Reed is not recommended due to its ability to propagate through rhizomatous growth. Hearty and extensive rhizome systems outcompete native species trying to establish within developed stands. This method would be akin to mowing a lawn; it would be managed but would not provide lasting control.

Biological: Not Recommended

There are no proven biological controls available or approved by the State for the control of Common Reed. Attempts to use goats to graze and manage Common Reed have been tried with no avail as the herbivores eat what they choose to and prefer other vegetation.

Sediment Excavation/Dredging: Not Recommended

Excavating sediment containing Common Reed rhizomes can provide effective management, but complete removal is required, as one viable rhizome can repopulate an area. Also, the disturbed area is prime habitat for the introduction of new Common Reed or other invasive species. This technique could require the expenditure of tens of thousands of with no guarantee of success.

Do Nothing: Not Recommended

If the invasive plant growth is allowed to continue unabated, dense monocultures will continue to outcompete native species. This will cause a loss of wildlife habitat, as Common Reed is not suitable for most wildlife species. Stands in water will accelerate eutrophication as water flows will be reduced and sediments settle out. Areas of reduced water flow would provide extensive mosquito breeding habitat. The site's ecological, recreational, and aesthetic value would be significantly degraded.

5.0 Compliance:

Massachusetts Wetlands Protection Act:

The objective of this project is to control invasive species through use of USEPA / MA DAR registered herbicides.

Controlling densities of non-native species will typically not adversely affect wildlife habitat and will not negatively impact other interests of the Massachusetts Wetlands Protection Act. No significant alteration to wetland resources areas will occur as a result of the proposed management program; instead, the resource areas will be enhanced by controlling the nuisance plant growth. The proposed management activities are consistent with the guidelines in the following documents:

- Final Generic Environmental Impact Report: Eutrophication and Aquatic Plant Management in Massachusetts (June 2004)
- Guidance for Aquatic Plant Management in Lakes and Ponds: As it Relates to the Wetlands Protection Act (April 2004 – DEP Policy/SOP/Guideline # BRP/DWM/WW/G04-1)
- The Practical Guide to Lake Management in Massachusetts (2004)

DEP License To Apply Chemicals:

All chemical applications will be performed by MA DAR Licensed Applicators. The USEPA/MA registered herbicides will be applied at recommended label rates, in accordance with the "Order of Conditions" and DEP "License to Apply Chemicals" permits (BRP WM04). Prior to treatment, the shoreline and surrounding treatment areas will be posted with signs, warning of all temporary water use restrictions. A site specific "License to Apply Chemicals" for the proposed treatment will be filed with Massachusetts DEP, Office of Watershed Management.

Massachusetts Environmental Policy Act:

The strategies proposed in this NOI are options approved under the Massachusetts Environmental Protection Act (MEPA) process that was approved in 2004 with the issuance of the FGEIR and the *Practical Guide to Lake and Pond Management in Massachusetts*. These approaches do not require individual MEPA review.

Massachusetts Endangered Species Act:

According to the most recent Natural Heritage maps provided by MA GIS (Attachment C - Figure 4), the proposed project area is not within an area designated as Priority Habitats of Rare Species as determined by the Massachusetts Natural Heritage & Endangered Species Program (NHESP).

6.0 Impacts of the Proposed Management Plan Specific to the Wetlands Protection Act:

Protection of public and private water supply – The Weir River area is not used as a drinking water supply. Herbicide treatment along the coastal resource areas will not have any adverse impacts on the public or private water supply, when used in accordance with the product label and conditions of the MA DEP License to Apply Chemicals.

Protection of groundwater supply – According to available studies, there is no reason to believe that the groundwater supply will be adversely impacted by the application of the chemicals at the proposed rates, when used in accordance with the product label. Contamination of groundwater by herbicides is limited by their low rate of application, rapid rate of degradation, and uptake by target plants. State licensed applicators take all necessary precautions when mixing and disposing of all chemical containers.

Flood control and storm damage prevention – No construction, dredging or alterations of the existing floodplain and storm damage prevention characteristics of the site are proposed. However, in some instances, abundant and excessive plant growth can contribute to high water and flooding. Most commonly this occurs in the vicinity of waterbody outlets or water conveyance channels and structures. The unmanaged, annual growth and decomposition of abundant plant growth is also known to increase sediment deposition at an accelerated rate. Therefore, the application of herbicides may increase the capacity of the resource area over the long-term to provide flood protection.

Prevention of pollution – No degradation of water quality or increased pollution is expected by the application of the herbicides. The proposed herbicides are relatively slow acting in controlling the nuisance vegetation. This results in a slow release of nutrients from the decaying plants, reducing the potential for increases in nutrients that can cause algae blooms. Removal of the excessive growth of vegetation will contribute to improved water circulation and a reduction in the potential for anoxic conditions. The post-treatment decrease in plant biomass will help to decrease the rate of eutrophication currently caused by the decomposing of excessive plant material.

Protection of fisheries and shellfisheries – Contiguous, dense beds of invasive vegetation provide poor habitat for most species of fish and wildlife habitat. Dense plant cover frequently results in significant diurnal fluctuations in dissolved oxygen as well as oxygen depletion during certain times of the year. While temporary effects on some desirable submersed and floating-leafed species may occur following the application of an herbicide, non-target plants typically rebound quickly. Shoreline emergent plants will not be impacted following the use of herbicides.

Protection of wildlife and wildlife habitat – In general, excessive and abundant plant growth, especially non-native plants, provides poor wildlife habitat for fish and other wildlife. The proposed management plan is expected to help prevent further degradation through excessive weed growth and improve the wildlife habitat value in the long-term. Maintaining a balance of open vegetated area is intended.

7.0 Methods & Schedule:

2026 Task 1. Cutting/Mowing. Dormant season 2025/2026. Cutting/mowing of all phragmites in the project area in preparation for foliar treatment in the summer. Mowing will be done with a low-ground-pressure mower that will cut the phragmites low, mulching the stems.

Task 2. Initial foliar treatment. June. Initial foliar treatment to all phragmites within the project area. Timing based on re-growth to ensure optimal height for treatment.

Task 3. Follow up foliar treatment. September. Follow-up foliar to any resurgent phragmites growth within the project area. Hand-wiping to isolated stems and those in proximity to limits of project area, and/or in proximity to desirable returning plant species.

Task 4. Mowing. November. Cleanup of treated phragmites to allow native plants the opportunity and resources to recolonize the area. Mowing will be done with a low-ground-pressure mower that will cut the phragmites low, mulching the stems.

2027 Task 5. Follow up foliar treatment. Summer. Follow-up spot foliar treatment to any new phragmites growth within the project area. Hand-wiping to isolated stems and those in proximity to limits of project area, and/or in proximity to desirable returning plant species.

2028 Task 6. Follow up foliar treatment. Summer. Follow up spot foliar to any new phragmites growth within the project area. Hand-wiping to isolated stems and those in proximity to limits of project area, and/or in proximity to desirable returning plant species.

Task 7. Monitoring Report. Prepare a monitoring report for the Conservation Commission to document progress made after the third growing season on the project in support of a Certificate of Compliance to close out the permit.

The treated areas will be monitored for invasive species regrowth during the growing seasons following completion of work. If invasive species re-establish, follow-up management will be performed as necessary to support the success of the ecological restoration project.

SITE PHOTOGRAPHS



Photograph #1 – View northeast from the maintained yard area across the Common Reed (*Phragmites australis*) dominated Salt Marsh.



Photograph #2 – View towards the Weir River from the edge of the Phragmites stand across the natural Salt Marsh.



Photograph #3 – View west towards the dense Phragmites stand.



**USGS SITE LOCUS MAP
9 Porters Cove Road
Hingham, Massachusetts**

Source: <https://topobuilder.nationalmap.gov/>





FEMA F.I.R.M
9 Porters Cove Road
Hingham, Massachusetts

Source: FEMA Map 25023C0038K; 7/3/2024





**Priority Habitats of Rare Species, Estimated Habitat of Rare Wildlife
& Certified Vernal Pools Map
9 Porters Cove Road
Hingham, Massachusetts**

Source: MassMapper



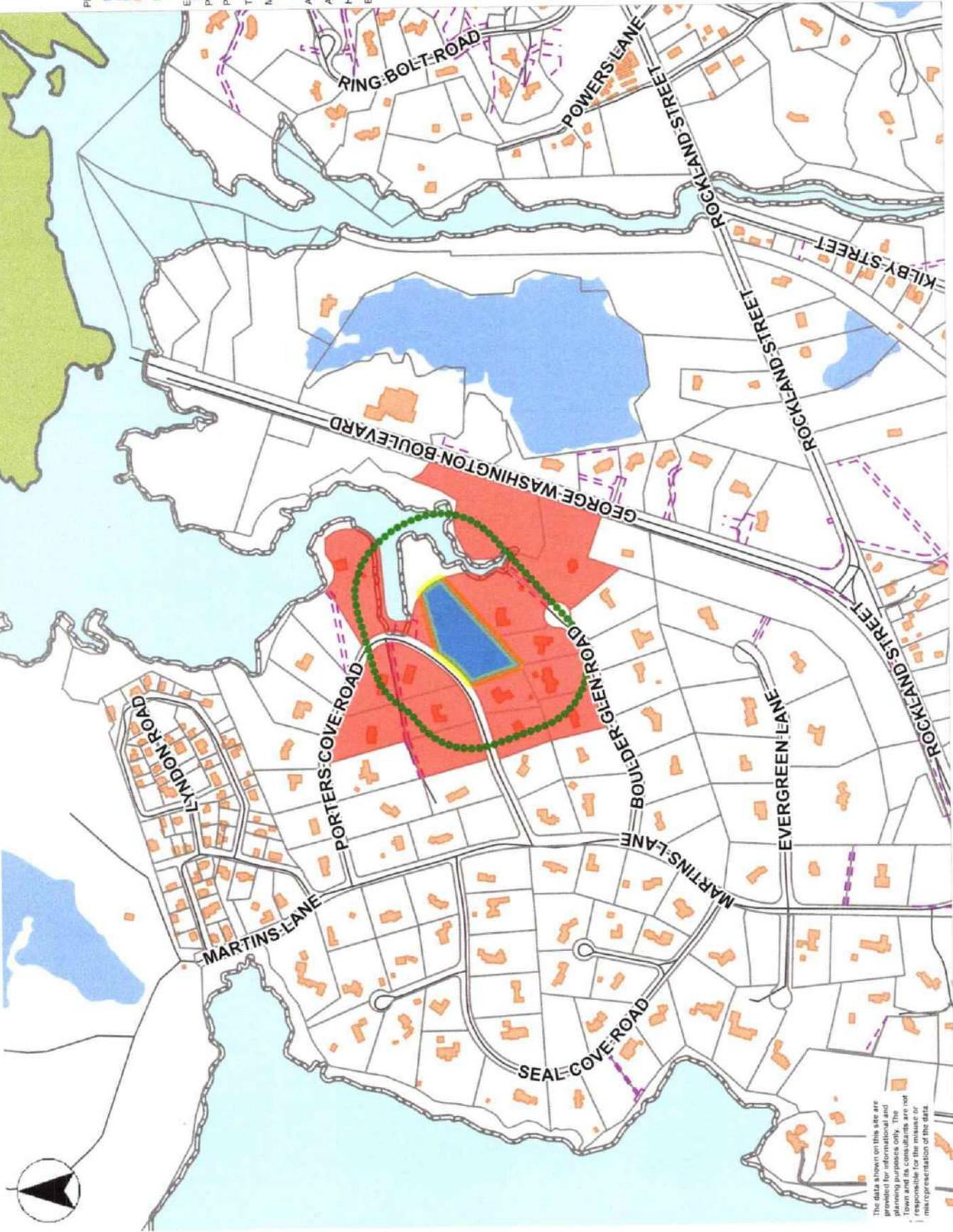
300 FT Abutter Map

Hingham MapsOnline

Printed on 12/11/2025 at 11:19 AM

0 800 1600 ft

- Places
 - Fire Station
 - Police Station
 - Town Hall
 - Public Library
 - School
 - Golfing
 - Public Works
 - Transportation
 - Easements
 - Parcels for Identity - Public
- Parcels
- Town Boundary
- MA Highways
- Interstate
- US Highway
- Numbered Routes
- Abutting Towns Labels
- Abutting Towns
- Hingham Streets
- Bathymetry
 - 0-5 ft
 - 5-15 ft
 - 15-20 ft
 - 20-30 ft
 - 30-40 ft
 - 40-50 ft
 - 50-60 ft
 - 60-70 ft
 - 70+ ft



The data shown on this site are provided for informational and planning purposes only. The town is not responsible for the misuse or misrepresentation of the data.

300 FT Abutter List

Parcel ID: 30-0-25
9 PORTERS COVE ROAD LLC
9 PORTERS COVE ROAD
HINGHAM, MA 02043

Parcel ID: 30-0-23
GERRY CHRISTOPHER W &
5 PORTERS COVE ROAD
HINGHAM, MA 02043

Parcel ID: 30-0-24
QUINLAN BRYAN R &
7 PORTERS COVE ROAD
HINGHAM, MA 02043

Parcel ID: 30-0-31
MONROE WILLIAM J &
4 PORTERS COVE ROAD
HINGHAM, MA 02043

Parcel ID: 30-0-33
HALL BENJAMIN A &
16 PORTERS COVE ROAD
HINGHAM, MA 02043

Parcel ID: 30-0-34
KING KIMBERLY V
8 PORTERS COVE ROAD
HINGHAM, MA 02043

Parcel ID: 30-0-35
MULFLUR MARK D &
HOULT LAURA L
10 PORTERS COVE ROAD
HINGHAM, MA 02043

Parcel ID: 30-0-36
AUSTIN CAROL & LINDBLAD
14 PORTERS COVE ROAD
HINGHAM, MA 02043

Parcel ID: 30-0-44
SHAW JAMES T TT
TRUSTEE OF THE WILLY
11 PORTERS COVE ROAD
HINGHAM, MA 02043

Parcel ID: 30-0-45
ANTHONY ANNA M & BRADLEY
ANNA MARIA ANTHONY TRUST
6 BOULDER GLEN ROAD
HINGHAM, MA 02043

Parcel ID: 30-0-45
BRADLEY OLIVER P &
PETER BRADLEY TRUST
6 BOULDER GLEN ROAD
HINGHAM, MA 02043

Parcel ID: 30-0-46
LENNON JOHN S TT
JOHN S LENNON REVOCABLE
8 BOULDER GLEN ROAD
HINGHAM, MA 02043

Parcel ID: 30-0-46
LENNON JOANNE M TT
JOANNE S LENNON
8 BOULDER GLEN ROAD
HINGHAM, MA 02043

Parcel ID: 30-0-47
CONTI MICHAEL & KATHLEEN
10 BOULDER GLEN ROAD
HINGHAM, MA 02043

Parcel ID: 30-0-48
SHRIVER TRACY & KERRY
12 BOULDER GLEN ROAD
HINGHAM, MA 02043

Parcel ID: 30-0-49
ROBSON JAMES G &
15 BOULDER GLEN ROAD
HINGHAM, MA 02043

Parcel ID: 31-0-1
TOWN OF HINGHAM-CONS
210 CENTRAL STREET
HINGHAM, MA 02043

NOTIFICATION TO ABUTTERS

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

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

9 Porters Cove Road LLC has filed a Ecological Restoration Notice of Intent
Applicant Name *Application Type*

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

The address of the property where work is proposed: 9 Porters Cove Road
The proposed work includes: Proposed treatment and removal of non-native invasive vegetation located at 9 Porters Cover Road in Hingham. The proposed project is located within wetland resource areas and is intended to provide an improvement to the wetland resource areas.

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 ECR, LLC at (617) 529 3792 between the hours of 9AM and 5PM on the following days: Monday to Friday.

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

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

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

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, **Brad Holmes**, 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 **Certificate Mailing** 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 **9 Porters Cove Rd**
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

Date

HINGHAM WETLAND REGULATIONS

APPENDIX C

Policy on Receipt of Information

(Revised March 4, 2024)

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

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

 ECR

Applicant or Applicant's Representative Signature

12/17/25

Date

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

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

Category	Activity Letter(s)	Quantity	Fee/Activity	Fee
1	/		\$100.00	\$100
2			\$250.00	
3		Commercial	\$525.00	
		Subdivision	\$1,000.00	
4			\$725.00	
5			\$3.00/foot	
Circle activities below.				TOTAL

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)



TOWN OF HINGHAM CONSERVATION COMMISSION

APPLICATION CHECKLIST NOTICE OF INTENT (NOI)

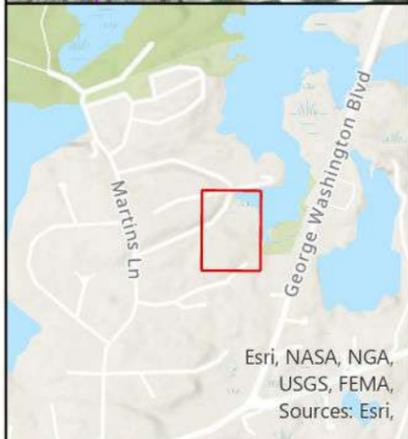
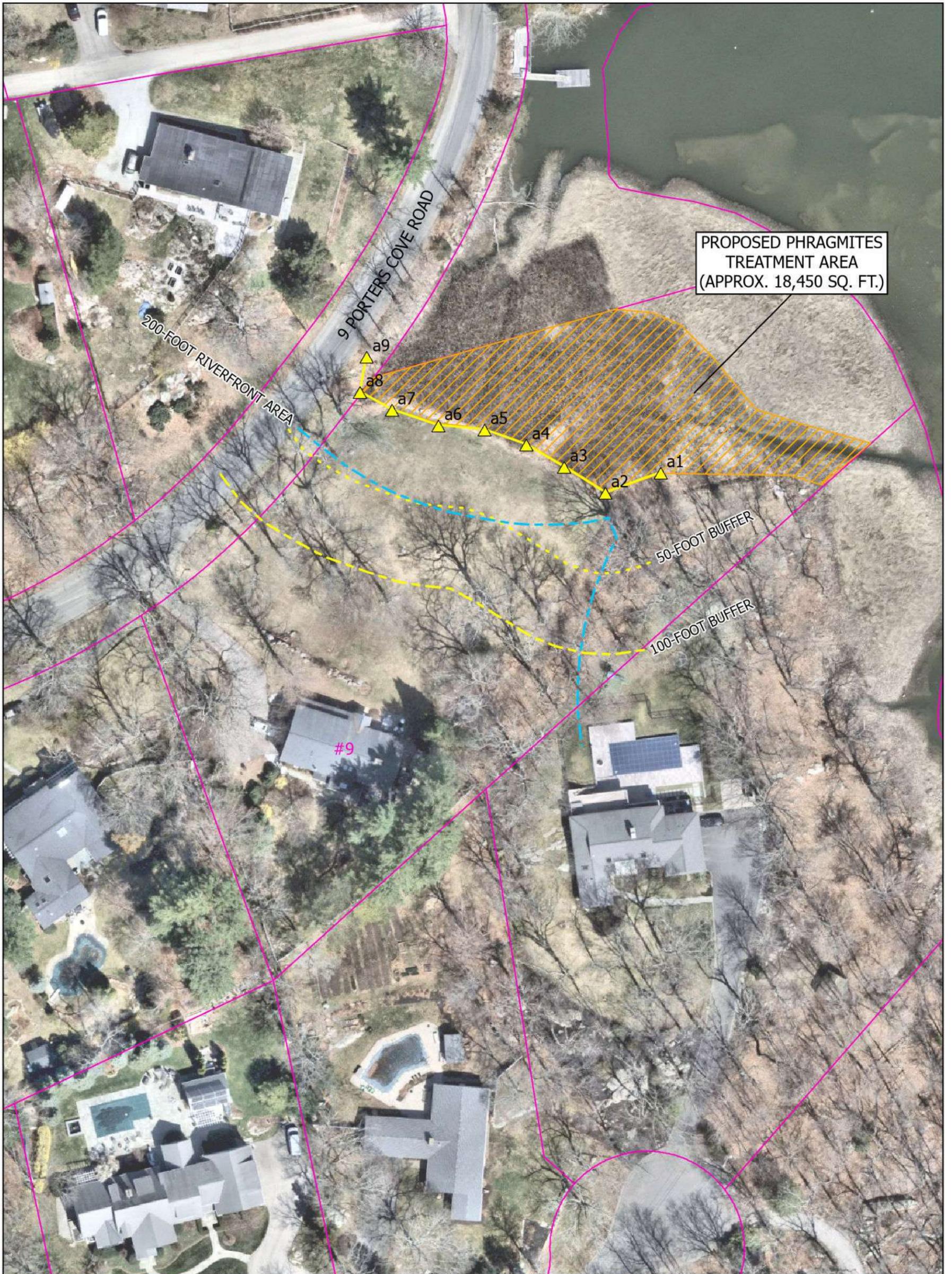
The following instructions and submittal requirements should be used when submitting a Notice of Intent to the Conservation Commission under the MA Wetlands Protection Act and Hingham Wetlands Protection Bylaw. Please also refer to the DEP [Instructions for Completing WPA Form 3](#). Submit two (2) copies of the following, unless otherwise specified, to the Conservation office, and one electronic copy of the complete application to conservation@hingham-ma.gov. A legal notice will not be published for an upcoming agenda until a complete application is received by the Conservation office.

- WPA Form 3- Notice of Intent: [WPA Form 3: Wetlands Notice of Intent | Mass.gov](#) The application must be signed by the property owner. Submit the original and one copy to the Commission by hand delivery or certified mail.
- WPA Appendix B- *NOI Wetland Fee Transmittal Form* and two (2) separate checks for the following: [Town of Hingham Wetlands Protection Bylaw fee](#) and [State Wetlands Protection Act local filing fee](#)
 - *Payable to Town of Hingham*
 - *Please redact bank account information from photocopies*
 - *Note, a public legal notice is prepared and submitted by staff and the newspaper will invoice the applicant*
- A copy of the Certified Abutters List and the ['Notification to Abutters Form'](#)
 - *To request a Certified Abutters List please submit [Request for Certified Abutters List](#) or contact the Conservation Office*
 - *Abutters must be notified by hand delivery, certified mail-return receipt requested, OR certificates of mailing at least 7 days prior to the hearing date*
 - *Certified mail receipts or certificate of mailing receipts shall be submitted to the Conservation Office with the application or presented to the Commission at the beginning of the public hearing*
- ['Affidavit of Service' Form](#) attesting abutters were notified in accordance with 310 CMR 10.05(4) and the Hingham Wetland Regulations, §7.5
 - *Abutters within 100 feet of a property line where work is proposed for inland projects*
 - *Abutters within 300 feet of a property line where work is proposed for coastal projects*
- Narrative describing the property location, existing conditions, wetland resources, proposed work, and any other details necessary for the Commission to properly evaluate the proposal. The narrative should also include a performance standards analysis, as applicable, for impacts to resource areas under the Wetlands Protection Act Regulations and/or Hingham Wetland Regulations (including Buffer Zone); a description of existing/proposed impervious area and proposed mitigation (per the [Buffer Zone Mitigation Policy](#)), proposed trees to be removed and replaced (per the [Tree Removal and Replacement Policy](#)); and stormwater management features.
- DEP BVW Field Data/Determination Forms, ORAD, or other methodology used for wetland delineation (per the Commission's [Resource Area Delineation Policy](#))

- Project plan(s): two (2) copies of full size plan set and one (1) copy of reduced 11" x 17" plan(s), signed and stamped by a MA Registered Professional Engineer (PE) or other registered professional including the following information:
- All wetland resource area boundaries including the 50 and 100 foot Buffer Zone (showing sequentially numbered flags as applicable)
 - FEMA Floodplain boundaries, as applicable
 - A note indicating the date the wetland delineation was completed and who performed the delineation. If the wetland boundaries were previously approved by the Commission a note should be included indicating the date of approval and DEP File Number, if applicable.
 - All plans shall be colored coded or highlighted with transparent marker pen as follows: freshwater or coastal wetland boundary in blue; 50 foot buffer zone in green; 100 foot buffer zone in yellow; 200 Foot Riverfront Area in pink; and Bordering Land Subject to Flooding (100 year flood plain where NFIP data available) or Land Subject to Coastal Storm Flowage in orange.
 - Location of existing and proposed site amenities above and below the ground
 - Topography in 2 foot contour intervals
 - Limit of work/erosion and sediment control line
 - Stockpile locations and other Stormwater BMPs as applicable
 - Edge of lawn/tree line, and 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
- 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)
- 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)
- The Conservation Commission's [Policy of Receipt of Information](#) signed by the applicant or applicant's representative
- Optional: [Voluntary 21 Day Waiver](#) and [Permission for Site Access](#)



Conservation Plan

9 Porters Cove Road, Hingham

Date: 12/11/2025

Prepared By: C. Larson

Legend	
---	50-foot Buffer
---	100-foot Buffer
---	200-foot Riverfront Area
▨	Phragmites Limit
---	Property Boundary

Notes:

- 1.) Parcel Boundary Source: MassGIS Data
- 2.) Aerial Image Source: NearMap
- 3.) Wetland delineation and GPS survey completed by ECR, LLC on Dec. 2, 2025

