

NOTICE OF INTENT

Renovation of Swimming Pool & Cabana

Filed under Massachusetts Wetlands Protection Act (310 CMR 10.00)- & Town of Hingham Wetlands Protection Bylaw

PROJECT LOCATION:
123 Summer St. Hingham, MA

APPLICANT:
Dana Palmer-Donnelly
123 Summer St.
Hingham, MA

SUBMITTED TO:
Town of Hingham Conservation Commission
210 Central St.
Hingham, MA 02043



PREPARED BY:
Tish Landscape Design
15 Boulder Glen Road
Hingham, MA 02043



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 A legal notice will not be published for an upcoming agenda until a complete application is received by the Conservation office.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.

- NA For projects subject to the DEP Stormwater Regulations, 310 CMR 10.05(6)(k)-(q), one copy of the Stormwater Report, Stormwater Report Checklist and the Registered Professional Engineer's Certification that the project conforms to the Stormwater Management Regulations and meets acceptable engineering standards
- Proof of sending 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)
- NA Proof of sending the complete NOI to the MA Natural Heritage & Endangered Species Program (NHESP) if applicable (certified mail receipt from the post office)
- NA Proof of sending the complete NOI to the MA Division of Marine Fisheries (DMF) Gloucester office, if applicable (copy of email sent to dmf.envreview-north@mass.gov.)
- NA 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](#)

PROJECT NARRATIVE
123 Summer St.
Hingham, MA

The Palmer Donnellys of 123 Summer Street propose to resurface their existing pool and renovate the associated hardscape and pool cabana, at 123 Summer Street. The property is identified as Hingham Assessor's Parcel 52-08 and is approximately 155,933 square feet in size. The property has frontage along Summer Street to the north, Old Colony Road to the east, residential properties to the west, and the MBTA rail line to the south.

The property is currently developed with a single family dwelling constructed in 1930 with associated paved driveways, hardscape, stone walls, pool, patio, cabana, and a mixture of landscaped, lawn and wooded areas. The area of the property in the proposed project zone slopes toward the south east toward the resource area.

The intent of this project is to renovate the existing pool, patio, and cabana. The purpose of the renovation is to provide adequate space for the caregivers of the Palmer Donnellys' son who has severe disabilities to navigate the pool area safely. In addition, since the pool is used for his therapy, the goal for the cabana is to provide shade and space for him to be changed and showered safely.

The additional proposed hardscape lies within disturbed areas and will not affect the existing drainage patterns. The proposed additional hardscape within the 50' buffer is 7 square feet, the proposed additional hardscape within the 100' buffer is 655 square feet, and the proposed additional building square foot increase is 533 square feet. The proposed cabana is situated outside of the 50' buffer zone. A 1500 square foot mitigation planting plan has been proposed. For the plan and plant list, please see the Landscape Plan prepared by Tish Landscape Design.

All renovations are proposed on existing disturbed sites, no tree removal, ledge extraction, or significant grading is proposed.

The subject resource areas include the buffer zone to a Bordering Vegetated Wetland delineated by Environmental Consulting & Restoration, LLC on September 5, 2024. The site is not located within Estimated/Priority Habitat for Rare Species, an Area of Environmental Concern, nor Land Subject to Flooding. It does contain a USGS mapped stream, and does contain a Certified Vernal Pool located significantly beyond the project area.

WETLAND RESOURCE IMPACTS

Bordering and Isolated Vegetated Wetlands (310 CMR 10.55 & HWR 19.3)

The proposed work lies partially within the 100-ft buffer to a Bordering Vegetated Wetland (BVW), as delineated by Environmental Consulting & Restoration, LLC on September 5, 2024.

The Hingham Wetlands Bylaw & Regulations define BVWs in HWR 19.3 and consider them to be significant to public or private water supply, groundwater supply, flood control, storm damage prevention, pollution prevention, and protection of fisheries and wildlife habitats. Vegetation, soils, and hydrologic indicators were used to establish the vegetated wetland boundary.

The town performance standards for this resource area are listed below, with project explanations in [blue](#).

310 CMR 10.55 Performance Standards

No alteration to the Bordering Vegetated Wetland is proposed.

The project area is not within NHESP Estimated/Priority Habitat for Rare Species.

The project area is not within an Area of Environmental Concern.

HWR 19.3 Performance Standards:

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

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

The project is proposed within previously disturbed areas. The proposed native plant buffer will result in removed lawn areas and benefit the resource area.

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

The property contains a NHESP Certified Vernal Pool, but it is significantly beyond the scope of this project.

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

The project and resource areas are not located within NHESP Estimated or Priority Habitats for Rare Species.

HWR 22.D Performance Standards:

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

The proposed cabana has been placed outside of the 50' buffer, between the septic field setbacks and the 50' buffer in a previously disturbed zone. Because of those two setbacks and the existing septic field and tank, this is the only viable location for the cabana.

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

The proposed work is limited to previously disturbed areas and does not propose any work within the currently vegetated portions of the Buffer Zone except for possible disturbance while excavating for the cabana foundation and the enhancement of the Buffer with new native mitigation plantings.

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

A Conservation Mitigation area is proposed, see the Landscape Plan prepared by Tish Landscape Design. This mitigation area is proposed of native plantings and proposes the removal of landscape lawn. The plantings will result in slowing down runoff that is moving toward the resource area.

4. Notwithstanding the above provisions, no project may be permitted which will have any adverse effect on specified habitat of rare vertebrate or invertebrate and rare plant species, as identified by

procedures established under 310 CMR 10.37 for Coastal Resource Areas or 310 CMR 10.59 for Inland Resource Areas.

The site is not located in an NHESP Estimated or Priority Habitat for Rare Species. All work is restricted to previously disturbed areas.

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

Construction Phase Mitigating Measures

To mitigate any impact to the wetlands during construction, an erosion control sock will be installed inside of the existing fence line shown on the landscape plans. It will be installed prior to any site work done. Disturbed landscape areas will be loamed, planted and seeded directly following construction.

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A. General Information

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

123 Summer ST. _____ Hingham 02043
 a. Street Address

42.41794N -70.886607 W
 Latitude and Longitude: _____
 d. Latitude e. Longitude

52 08
 f. Assessors Map/Plat Number g. Parcel /Lot Number

2. Applicant:

Dana Palmer Donnelly
 a. First Name b. Last Name

c. Organization

123 Summer Street
 d. Street Address

Hingham MA 02043
 e. City/Town f. State g. Zip Code

7817182959 jddonnelly@comcast.net
 i. Fax Number j. Email Address

h. Phone Number

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

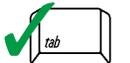
 a. First Name b. Last Name

c. Organization

d. Street Address

 e. City/Town f. State g. Zip Code

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.

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h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

Tish
a. First Name

Campbell
b. Last Name

Tish Landscape Design
c. Company

15 Boulder Glen Road
d. Street Address

Hingham
e. City/Town

MA
f. State

02043
g. Zip Code

617 515-2975

h. Phone Number

i. Fax Number

tishlanddesign@gmail.com
j. Email address

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

\$110
a. Total Fee Paid

\$ 67.50
b. State Fee Paid

\$ 42.50
c. City/Town Fee Paid

A. General Information (continued)

6. General Project Description:

CABANA AND POOL AREA RENOVATIONS AND ASSOCIATED WETLAND BUFFER MITIGATION PLANTINGS.

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

- | | |
|---|---|
| 1. <input checked="" 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 |

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9. Other

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

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

2. Limited Project Type

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

8. Property recorded at the Registry of Deeds for:

Plymouth
a. County

b. Certificate # (if registered land)

24
c. Book

19
d. Page Number



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

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

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

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

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. Bank	_____ 1. linear feet	_____ 2. linear feet
b. Bordering Vegetated Wetland	_____ 1. square feet	_____ 2. square feet

For all projects affecting other Resource

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Areas, please attach a narrative explaining how the resource area was delineated.

c. Land Under Waterbodies and Waterways	1. square feet	2. square feet
	_____ 3. cubic yards dredged	

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
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d. Bordering Land Subject to Flooding	1. square feet	2. square feet
	_____ 3. cubic feet of flood storage lost	_____ 4. cubic feet replaced

e. Isolated Land Subject to Flooding	1. square feet	
	_____ 2. cubic feet of flood storage lost	_____ 3. cubic feet replaced

f. Riverfront Area	1. Name of Waterway (if available) - specify coastal or inland
--------------------	---

2. Width of Riverfront Area (check one):
- 25 ft. - Designated Densely Developed Areas only
 - 100 ft. - New agricultural projects only
 - 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project:	_____ square feet
---	-------------------

4. Proposed alteration of the Riverfront Area:		
a. total square feet	b. square feet within 100 ft.	c. square feet between 100 ft. and 200 ft.

5. Has an alternatives analysis been done and is it attached to this NOI?	Yes	No
6. Was the lot where the activity is proposed created prior to August 1, 1996?	Yes	No

3. Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Note: for coastal riverfront areas, please complete **Section B.2.f.** above.

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

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

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

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. Land Under the Ocean	_____ 1. square feet	
	_____ 2. cubic yards dredged	
c. Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. Coastal Beaches	_____ 1. square feet	_____ 2. cubic yards beach nourishment
e. Coastal Dunes	_____ 1. square feet	_____ 2. cubic yards dune nourishment
	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. Coastal Banks	_____ 1. linear feet	
g. Rocky Intertidal Shores	_____ 1. square feet	
h. Salt Marshes	_____ 1. square feet	_____ 2. sq ft restoration, rehab., creation
i. Land Under Salt Ponds	_____ 1. square feet	
	_____ 2. cubic yards dredged	
j. Land Containing Shellfish	_____ 1. square feet	

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k. 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. Land Subject to Coastal Storm Flowage _____ 1. square feet

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

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

5. Project Involves Stream Crossings

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

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**

Phone: (508) 389-6360

_____ 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

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complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); OR complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

c. Submit Supplemental Information for Endangered Species Review

1. Percentage/acreage of property to be altered:

(a) within wetland Resource Area _____
percentage/acreage

(b) outside Resource Area _____
percentage/acreage

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

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

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

(b) Photographs representative of the site

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

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- 3. Separate MESA review completed.
Include copy of NHESP “no Take” determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

- a. Not applicable – project is in inland resource area only b. Yes No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Bourne to Rhode Island border, and the Cape & Islands:

North Shore - Plymouth to New Hampshire border:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
836 South Rodney French Blvd.
New Bedford, MA 02744
Email: dmf.envreview-south@mass.gov

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

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

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

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

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

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

- a. Yes No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.

b. ACEC

5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?

- a. Yes No

6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?

- a. Yes No

7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?

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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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.

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.

Existing Conditions Plan
a. Plan Title _____

Merrill Engineers
b. Prepared By _____

Brendan Sullivan
c. Signed and Stamped by _____

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November 5,2024
d. Final Revision Date

1:20
e. Scale

Landscape Plan- Tish Landscape Design
f. Additional Plan or Document Title

15 DEC 2025
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:

301
2. Municipal Check Number

31 DEC 2025
3. Check date

302
4. State Check Number

2 JAN 2025
5. Check date

Tish Landscape Design LLC
6. Payor name on check: First Name

7. Payor name on check: Last Name

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

Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

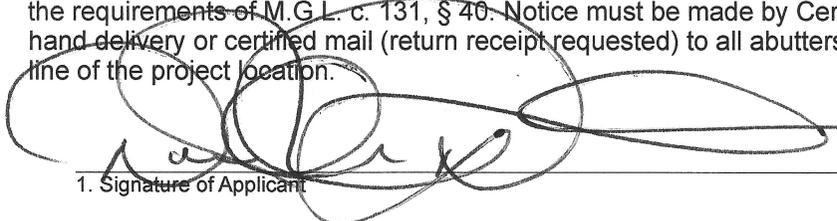
MassDEP File Number

Document Transaction Number

City/Town

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

1/3/2026

2. Date

3. Signature of Property Owner (if different)



4. Date

31 DEC 2025

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.

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

A. Applicant Information

1. Location of Project:

123 Summer Street
a. Street Address
Hingham
b. City/Town
302
c. Check number
\$ 67.50
d. Fee amount

2. Applicant Mailing Address:

Dana
a. First Name
Palmer Donnelly
b. Last Name
c. Organization
123 Summer Street
d. Mailing Address
Hingham
e. City/Town
MA
f. State
02043
g. Zip Code
781 718 2959
h. Phone Number
i. Fax Number
jddonnelly@comcast.net
j. Email Address

3. Property Owner (if different):

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

B. Fees

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

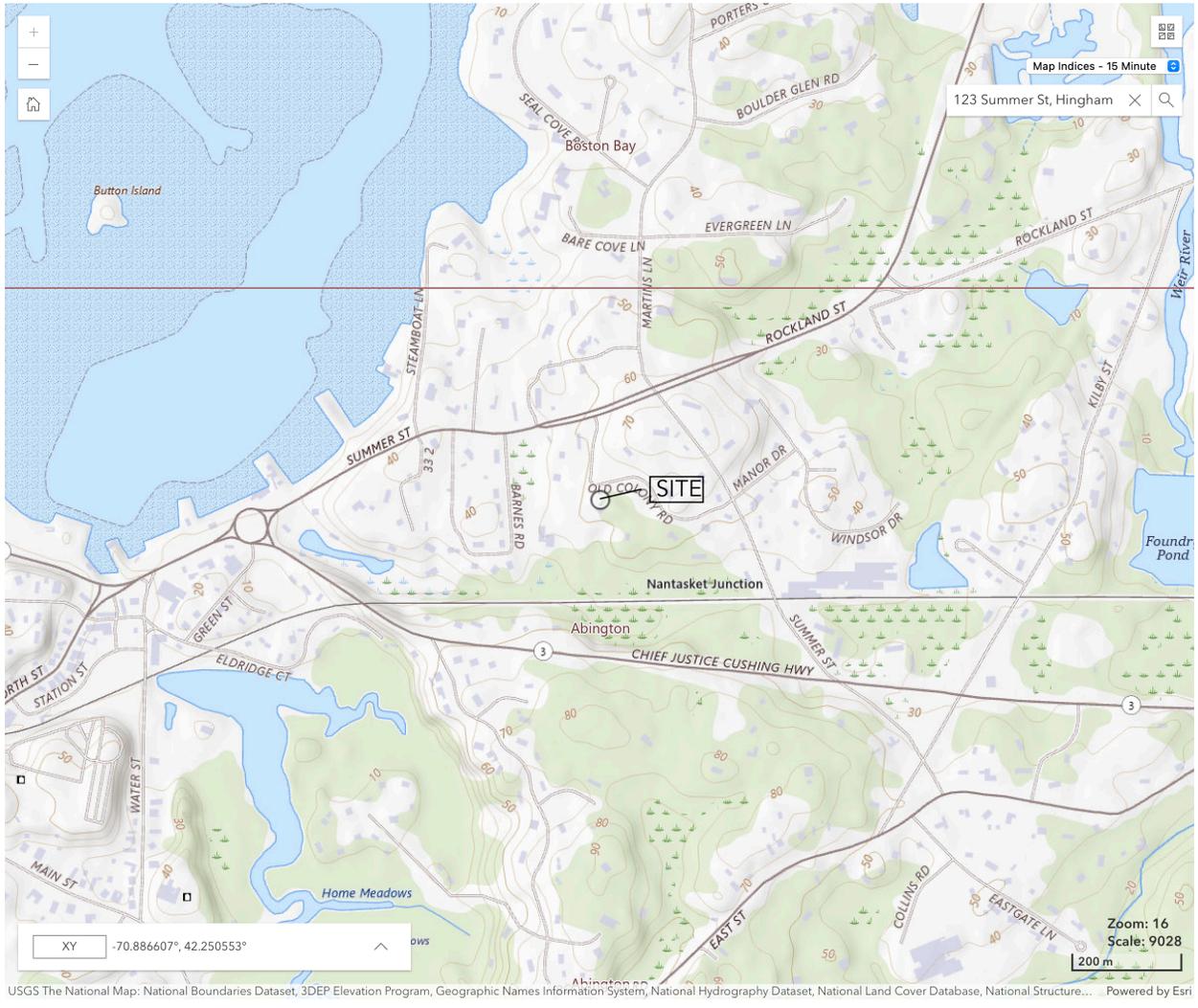
Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

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

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



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



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

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

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

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

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

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/ Individual Activity Fee	Step 4/Subtotal Activity Fee
Category 1 Pool Cabana & related landscaping	1	\$110	\$110
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Step 5/Total Project Fee:			\$110

Step 6/Fee Payments:

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

Total Project Fee:	<u>\$110</u>
	a. Total Fee from Step 5
State share of filing Fee:	<u>\$67.50</u>
	b. 1/2 Total Fee less \$12.50
City/Town share of filling Fee:	<u>\$42.50</u>
	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.)

TISH LANDSCAPE DESIGN LLC
15 BOULDER GLEN RD
HINGHAM, MA 02043

300

53-9182/2113

30 DEC 2025



Pay to the Order of TOWN of Hingham

\$ 100.00

one hundred and no/100

dollars



Photo Safe Deposit®
Details on back

DFCU Digital Federal
Credit Union
www.dcu.org

For 123 Summer NO1

MP

TISH LANDSCAPE DESIGN LLC
15 BOULDER GLEN RD
HINGHAM, MA 02043

301

53-9182/2113

31 DEC 2025

CHECK ARMOR
FRAUD PROTECTION

Pay to the
Order of

TOWN OF HINGHAM

\$ 42.50

forty two and 50/100

Follows



Photo
Safe
Deposit®
Details on back

DCU Digital Federal
Credit Union

www.dcu.org

123 Summer No1 -state

ECR

Environmental Consulting & Restoration, LLC



WETLAND DELINEATION MEMO

TO: Merrill Engineers & Land Surveyors
FROM: Brad Holmes
DATE: September 5, 2024
RE: 123 Summer Street, Hingham

Per your request, Environmental Consulting & Restoration, LLC (ECR) performed a review of the existing conditions at the property located at 123 Summer Street in Hingham (the site) on August 13, 2024. The purpose of the review was to identify wetland resource areas on and near the site. The site is located to the south of Summer Street and to the west of Old Colony Road. The site contains a single-family home with paved driveway, inground pool, well maintained lawn and landscaped areas, forested woodlands, etc. The weather on August 13th was sunny, humid, and hot (approximately 80 degrees) with light wind and dry site conditions.

Wetland resource areas are located on and near the eastern and southern portions of the site. ECR placed Bordering Vegetated Wetland (BVW) flags (pink/black striped ribbons) along the limit of the following vegetated wetlands:

- BVW #B1 to #B8 connect to #A5 end at #A5 – wetland to the south and east of the back yard area.
- Offsite BVW #BB1 to #BB3 - wetland edge closest to the site.
- BVW #C1 to #C11 - eventually connects to B1 offsite.

The vegetated wetlands were delineated following the methodology established by the Massachusetts Department of Environmental Protection (DEP) regulations found at 310 CMR 10.55 pertaining to the delineation of Bordering Vegetated Wetlands. The delineation was performed by analyzing vegetation, hydrology within 12 inches of the surface, and soil conditions within 20 inches of the surface. The wetland contains hydric soils, saturated soils, and dominant wetland indicator plants.

As a result of ECR's wetland delineation at the site, ECR is able to confirm that the site contains the following wetland resource areas and areas of Conservation Commission jurisdiction:

- Bordering Vegetated Wetlands
- 100-foot Buffer Zone to BVW

Also, a review of the MassMapper database reveals the following:

1. The site is not located within Estimated/Priority Habitat for Rare Species according to the Massachusetts Natural Heritage & Endangered Species Program (MaNHESP).
2. The site does contain a Certified Vernal Pool according to the MaNHESP, which is located in the southern portion of the site abutting the MBTA line and significantly beyond the areas noted above.
3. The site does contain a U.S.G.S. mapped stream as noted above.
4. The site does not contain areas mapped as Land Subject to Flooding (FEMA flood zones).
5. The site is not located within an Area of Critical Environmental Concern.

ECR

Environmental Consulting & Restoration, LLC



Upon review of this wetland delineation memo, please contact me at (617) 529 – 3792 or brad@ecrwetlands.com with any questions or requests for additional information.



ECR

Environmental Consulting & Restoration, LLC



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TO: Merrill Engineers & Land Surveyors
FROM: Brad Holmes
DATE: September 5, 2024
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5. The site is not located within an Area of Critical Environmental Concern.

ECR

Environmental Consulting & Restoration, LLC



Upon review of this wetland delineation memo, please contact me at (617) 529 – 3792 or brad@ecrwetlands.com with any questions or requests for additional information.

BORDERING VEGETATED WETLAND DETERMINATION FORM

Project/Site: 123 Summer Street City/Town: Hingham Sampling Date: Aug. 13, 2024

Applicant/Owner: _____ Sampling Point or Zone: TAP1 (wetland)

Investigator(s): Brad Holmes Latitude / Longitude: 41.612, -70.584

Soil Map Unit Name: Windsor loamy sand, Scarboro muck NWI or DEP Classification: Area not mapped

Are climatic/hydrologic conditions on the site typical for this time of year? Yes No (If no, explain in Remarks)

Are Vegetation , Soil , or Hydrology significantly disturbed? (If yes, explain in Remarks)

Are Vegetation , Soil , or Hydrology naturally problematic? (If yes, explain in Remarks)

SUMMARY OF FINDINGS – Attach site map and photograph log showing sampling locations, transects, etc.

Wetland vegetation criterion met?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Hydic Soils criterion met?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
Wetlands hydrology present?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
Remarks, Photo Details, Flagging, etc.: See memo attached.			

HYDROLOGY

Field Observations:		
Surface Water Present?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/> Depth (inches) _____
Water Table Present?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/> Depth (inches) <u>4.00</u>
Saturation Present (including capillary fringe)?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/> Depth (inches) <u>0.00</u>
Wetland Hydrology Indicators		
Reliable Indicators of Wetlands Hydrology <input checked="" type="checkbox"/> Water-stained leaves <input type="checkbox"/> Evidence of aquatic fauna <input type="checkbox"/> Iron deposits <input type="checkbox"/> Algal mats or crusts <input type="checkbox"/> Oxidized rhizospheres/pore linings <input type="checkbox"/> Thin muck surfaces <input type="checkbox"/> Plants with air-filled tissue (aerenchyma) <input type="checkbox"/> Plants with polymorphic leaves <input type="checkbox"/> Plants with floating leaves <input checked="" type="checkbox"/> Hydrogen sulfide odor	Indicators that can be Reliable with Proper Interpretation <input type="checkbox"/> Hydrological records <input checked="" type="checkbox"/> Free water in a soil test hole <input checked="" type="checkbox"/> Saturated soil <input type="checkbox"/> Water marks <input type="checkbox"/> Moss trim lines <input type="checkbox"/> Presence of reduced iron <input type="checkbox"/> Woody plants with adventitious roots <input type="checkbox"/> Trees with shallow root systems <input type="checkbox"/> Woody plants with enlarged lenticels	Indicators of the Influence of Water <input checked="" type="checkbox"/> Direct observation of inundation <input type="checkbox"/> Drainage patterns <input type="checkbox"/> Drift lines <input type="checkbox"/> Scoured areas <input type="checkbox"/> Sediment deposits <input type="checkbox"/> Surface soil cracks <input type="checkbox"/> Sparsely vegetated concave surface <input type="checkbox"/> Microtopographic relief <input type="checkbox"/> Geographic position (depression, toe of slope, fringing lowland)
Remarks (describe recorded data from stream gauge, monitoring well, aerial photos, previous inspections, if available): See memo attached.		

This form is only for BVW delineations. Other wetland resource areas may be present and should be delineated according to the applicable regulatory provisions.

VEGETATION – Use both common and scientific names of plants.

<u>Tree Stratum</u>		Plot size <u>30 ft.</u>			
		Indicator Status	Absolute % Cover	Dominant? (yes/no)	Wetland Indicator? (yes/no)
Common name		Scientific name			
1. None					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
		<u>0.0</u> = Total Cover			
<u>Shrub/Sapling Stratum</u>		Plot size <u>15 ft.</u>			
		Indicator Status	Absolute % Cover	Dominant? (yes/no)	Wetland Indicator? (yes/no)
Common name		Scientific name			
1. Bebb Willow	Salix bebbiana	FACW	20.5	Yes	Yes
2. Glossy Buckthorn	Rhamnus frangula	FAC	20.5	Yes	Yes
3. Northern Arrowwood	Viburnum recognitum	FACW	10.5	No	Yes
4. Privet	Ligustrum vulgare	UPL	10.5	No	No
5.					
6.					
7.					
8.					
9.					
		<u>62.0</u> = Total Cover			
<u>Herb Stratum</u>		Plot size <u>5 ft.</u>			
		Indicator Status	Absolute % Cover	Dominant? (yes/no)	Wetland Indicator? (yes/no)
Common name		Scientific name			
1. Sensitive Fern	Oncoclea sensibilis	FACW	20.5	Yes	Yes
2. Poison Ivy	Toxicodendron radicans	FAC	10.5	Yes	Yes
3. Skunk Cabbage	Symplocarpus foetidus	OBL	3.0	No	Yes
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
		<u>34.0</u> = Total Cover			

VEGETATION – continued.

<u>Woody Vine Stratum</u>		Plot size <u>30 ft.</u>			
Common name	Scientific name	Indicator Status	Absolute % Cover	Dominant? (yes/no)	Wetland Indicator? (yes/no)
1. Green Briar	Smilax rotundifolia	FAC	3.0	No	Yes
2. Oriental Bittersweet	Celastrus orbiculatus	FACU	10.5	Yes	No
3. Grape vine	Vitis labrusca	FACU	10.5	Yes	No
4.					
			<u>24.0</u> = Total Cover		

Rapid Test: Do all dominant species have an indicator status of OBL or FACW? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>				
Dominance Test:	Number of dominant species 6	Number of dominant species that are wetland indicator plants 4	Do wetland indicator plants make up ≥ 50% of dominant plant species? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Prevalence Index:		Total % Cover (all strata)	Multiply by:	Result
	OBL species		X 1	= 0.00
	FACW species		X 2	= 0.00
	FAC species		X 3	= 0.00
	FACU species		X 4	= 0.00
	UPL species		X 5	= 0.00
	Column Totals	(A) 0		(B) 0
Prevalence Index		B/A = 0.00		Is the Prevalence Index ≤ 3.0? Yes <input type="checkbox"/> No <input type="checkbox"/>
Wetland vegetation criterion met? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>				

Definitions of Vegetation Strata

- Tree - Woody plants 3 in. (7.62 cm) or more in diameter at breast height (DBH), regardless of height
- Shrub / Sapling - Woody plants less than 3 in. (7.62 cm) DBH and greater than or equal to 3.3 ft. (1 m) tall
- Herb - All herbaceous (non-woody plants, regardless of size, and woody plants less than 3.3 ft. (1 m) tall
- Woody vines - All woody vines greater than 3.3 ft. (1 m) in height

Cover Ranges	
Range	Midpoint
1-5 %	3.0 %
6-15 %	10.5 %
15-25 %	20.5 %
26-50 %	38.0 %
51-75 %	63.0 %
76-95 %	85.5 %
96-100 %	98.0 %

SOIL

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators)								
Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Location ²		
0.25-0"	Fibric							
0-5"	10YR2/1							
5-11"	10YR2/2		Partially organic					
11-20"	10RY4/2			10.00				

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains ²Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators (Check all that apply)		Indicators for Problematic Hydric Soils
<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Polyvalue Below Surface (S8)	<input type="checkbox"/> 2 cm Muck (A10)
<input checked="" type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Thin Dark Surface (S9)	<input type="checkbox"/> 5 cm Mucky Peat or Peat (S3)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Iron-Manganese Masses (F12)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Depleted Matrix (F3)	<input type="checkbox"/> Mesic Spodic (A17)
<input type="checkbox"/> Stratified Layers (A5)	<input type="checkbox"/> Redox Dark Surface (F6)	<input type="checkbox"/> Red Parent Material (F21)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Dark Surface (F7)	<input type="checkbox"/> Very Shallow Dark Surface (F22)
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Depressions (F8)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)		
<input type="checkbox"/> Sandy Gleyed Matrix (S4)		
<input type="checkbox"/> Sandy Redox (S5)		<input checked="" type="checkbox"/> Other (Include Explanation in Remarks)
<input type="checkbox"/> Stripped Matrix (S6)		
<input checked="" type="checkbox"/> Dark Surface (S7)		

Restrictive Layer (if observed) Type: _____ Depth (inches): _____

Remarks: See memo attached.

Hydric Soils criterion met? Yes No

BORDERING VEGETATED WETLAND DETERMINATION FORM

Project/Site: 123 Summer Street City/Town: Hingham Sampling Date: Aug. 13, 2024

Applicant/Owner: _____ Sampling Point or Zone: TAP2 (upland)

Investigator(s): Brad Holmes Latitude / Longitude: 41.612, -70.584

Soil Map Unit Name: Windsor loamy sand, Scarboro muck NWI or DEP Classification: Area not mapped

Are climatic/hydrologic conditions on the site typical for this time of year? Yes No (If no, explain in Remarks)

Are Vegetation , Soil , or Hydrology significantly disturbed? (If yes, explain in Remarks)

Are Vegetation , Soil , or Hydrology naturally problematic? (If yes, explain in Remarks)

SUMMARY OF FINDINGS – Attach site map and photograph log showing sampling locations, transects, etc.

Wetland vegetation criterion met?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Hydic Soils criterion met?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
Wetlands hydrology present?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
Remarks, Photo Details, Flagging, etc.: See memo attached.			

HYDROLOGY

Field Observations:		
Surface Water Present?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/> Depth (inches) _____
Water Table Present?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/> Depth (inches) _____
Saturation Present (including capillary fringe)?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/> Depth (inches) _____
Wetland Hydrology Indicators		
Reliable Indicators of Wetlands Hydrology <input type="checkbox"/> Water-stained leaves <input type="checkbox"/> Evidence of aquatic fauna <input type="checkbox"/> Iron deposits <input type="checkbox"/> Algal mats or crusts <input type="checkbox"/> Oxidized rhizospheres/pore linings <input type="checkbox"/> Thin muck surfaces <input type="checkbox"/> Plants with air-filled tissue (aerenchyma) <input type="checkbox"/> Plants with polymorphic leaves <input type="checkbox"/> Plants with floating leaves <input type="checkbox"/> Hydrogen sulfide odor	Indicators that can be Reliable with Proper Interpretation <input type="checkbox"/> Hydrological records <input type="checkbox"/> Free water in a soil test hole <input type="checkbox"/> Saturated soil <input type="checkbox"/> Water marks <input type="checkbox"/> Moss trim lines <input type="checkbox"/> Presence of reduced iron <input type="checkbox"/> Woody plants with adventitious roots <input type="checkbox"/> Trees with shallow root systems <input type="checkbox"/> Woody plants with enlarged lenticels	Indicators of the Influence of Water <input type="checkbox"/> Direct observation of inundation <input type="checkbox"/> Drainage patterns <input type="checkbox"/> Drift lines <input type="checkbox"/> Scoured areas <input type="checkbox"/> Sediment deposits <input type="checkbox"/> Surface soil cracks <input type="checkbox"/> Sparsely vegetated concave surface <input type="checkbox"/> Microtopographic relief <input type="checkbox"/> Geographic position (depression, toe of slope, fringing lowland)
Remarks (describe recorded data from stream gauge, monitoring well, aerial photos, previous inspections, if available): See memo attached.		

This form is only for BVW delineations. Other wetland resource areas may be present and should be delineated according to the applicable regulatory provisions.

VEGETATION – Use both common and scientific names of plants.

<u>Tree Stratum</u>		Plot size <u>30 ft.</u>				
		Indicator Status	Absolute % Cover	Dominant? (yes/no)	Wetland Indicator? (yes/no)	
Common name		Scientific name				
1.	Shagbark Hickory	Carya ovata	FACU	10.5	No	No
2.	Pignut Hickory	Carya glabra	FACU	38.0	Yes	No
3.	Norway Maple	Acer platinoides	FACU	10.5	No	No
4.						
5.						
6.						
7.						
8.						
9.						
			<u>59.0</u> = Total Cover			
<u>Shrub/Sapling Stratum</u>		Plot size <u>15 ft.</u>				
		Indicator Status	Absolute % Cover	Dominant? (yes/no)	Wetland Indicator? (yes/no)	
Common name		Scientific name				
1.	Crab Apple	Malus spp	FACU	20.5	Yes	No
2.	Multiflora Rose	Rosa multiflora	FACU	20.5	Yes	No
3.	Staghorn Sumac	Rhus typhina	FACU	10.5	No	No
4.	Privet	Ligustrum vulgare	UPL	10.5	No	No
5.						
6.						
7.						
8.						
9.						
			<u>62.0</u> = Total Cover			
<u>Herb Stratum</u>		Plot size <u>5 ft.</u>				
		Indicator Status	Absolute % Cover	Dominant? (yes/no)	Wetland Indicator? (yes/no)	
Common name		Scientific name				
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						
11.						
12.						
			<u>0.0</u> = Total Cover			

VEGETATION – continued.

<u>Woody Vine Stratum</u>		Plot size <u>30 ft.</u>		Indicator Status	Absolute % Cover	Dominant? (yes/no)	Wetland Indicator? (yes/no)
Common name		Scientific name					
1.	Green Briar	Smilax rotundifolia		FAC	20.5	Yes	Yes
2.	Oriental Bittersweet	Celastrus orbiculatus		FACU	20.5	Yes	No
3.							
4.							
				41.0 = Total Cover			

Rapid Test: Do all dominant species have an indicator status of OBL or FACW?			Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Dominance Test:	Number of dominant species	Number of dominant species that are wetland indicator plants	Do wetland indicator plants make up ≥ 50% of dominant plant species?	
	5	1	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Prevalence Index:		Total % Cover (all strata)	Multiply by:	Result
	OBL species	0	X 1	= 0.00
	FACW species	0	X 2	= 0.00
	FAC species	1	X 3	= 3.00
	FACU species	7	X 4	= 28.00
	UPL species	1	X 5	= 5.00
	Column Totals	(A) 9		(B) 36
Prevalence Index		B/A = 4.00		Is the Prevalence Index ≤ 3.0?
				Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Wetland vegetation criterion met?			Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Definitions of Vegetation Strata

- Tree - Woody plants 3 in. (7.62 cm) or more in diameter at breast height (DBH), regardless of height
- Shrub / Sapling - Woody plants less than 3 in. (7.62 cm) DBH and greater than or equal to 3.3 ft. (1 m) tall
- Herb - All herbaceous (non-woody plants, regardless of size, and woody plants less than 3.3 ft. (1 m) tall
- Woody vines - All woody vines greater than 3.3 ft. (1 m) in height

Cover Ranges	
Range	Midpoint
1-5 %	3.0 %
6-15 %	10.5 %
15-25 %	20.5 %
26-50 %	38.0 %
51-75 %	63.0 %
76-95 %	85.5 %
96-100 %	98.0 %

SOIL

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators)								
Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Location ²		
1-0"	Fibric							
0-2"	10YR2/2							
2-6.5"	10YR3/3							
6.5-16"	10RY4/4							
16-20"	10YR54/							

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains ²Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators (Check all that apply)		Indicators for Problematic Hydric Soils
<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Polyvalue Below Surface (S8)	<input type="checkbox"/> 2 cm Muck (A10)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Thin Dark Surface (S9)	<input type="checkbox"/> 5 cm Mucky Peat or Peat (S3)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Iron-Manganese Masses (F12)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Depleted Matrix (F3)	<input type="checkbox"/> Mesic Spodic (A17)
<input type="checkbox"/> Stratified Layers (A5)	<input type="checkbox"/> Redox Dark Surface (F6)	<input type="checkbox"/> Red Parent Material (F21)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Dark Surface (F7)	<input type="checkbox"/> Very Shallow Dark Surface (F22)
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Depressions (F8)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)		
<input type="checkbox"/> Sandy Gleyed Matrix (S4)		
<input type="checkbox"/> Sandy Redox (S5)		<input type="checkbox"/> Other (Include Explanation in Remarks)
<input type="checkbox"/> Stripped Matrix (S6)		
<input type="checkbox"/> Dark Surface (S7)		

Restrictive Layer (if observed) Type: _____ Depth (inches): _____

Remarks: See memo attached.

Hydric Soils criterion met? Yes No

NOTIFICATION TO ABUTTERS

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

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

_____ has filed a _____ 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: 123 Summer St. Hingham, MA

The proposed work includes: Pool and cabana renovation ; landscape work including patio and planting

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

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

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

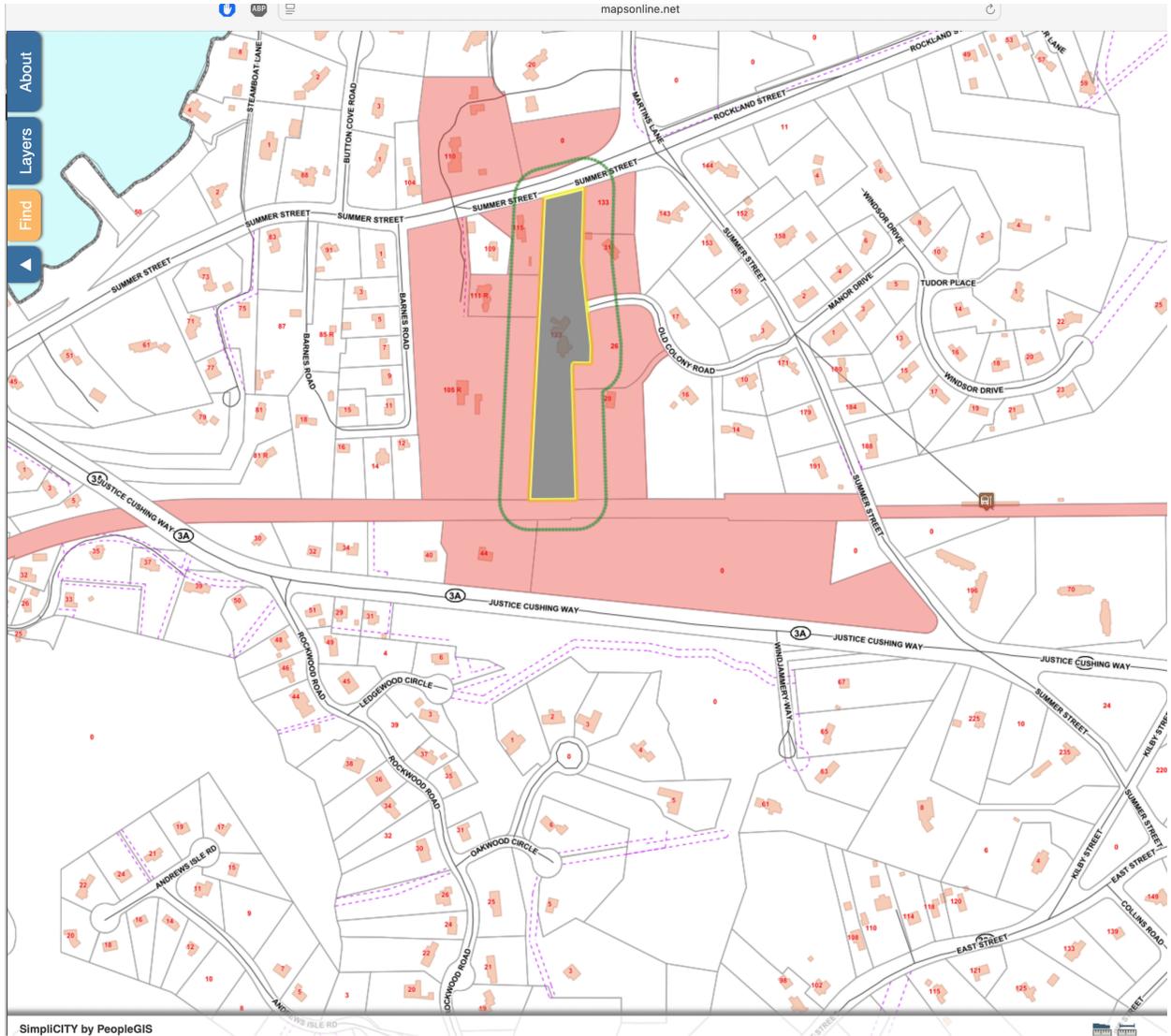
You may also request copies of the application from the applicant or applicant's representative by contacting _____ at (_____) _____ between the hours of _____ and _____ on the following days: _____.

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

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

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

GIS Abutters Map 100' Radius



Abutters List

Parcel ID: 52-0-8
DONNELLY JEFFREY J &
123 SUMMER STREET
HINGHAM, MA 02043

Parcel ID: 52-0-1
SNOWDEN JAY & SHANNON
110 SUMMER STREET
HINGHAM, MA 02043

Parcel ID: 52-0-10
ANDERSON DAVID W &
31 OLD COLONY ROAD
HINGHAM, MA 02043

Parcel ID: 52-0-16
DONNELLY JEFFREY J *
123 SUMMER STREET
HINGHAM, MA 02043

Parcel ID: 52-0-17
MAGNER REAL ESTATE
21 LEAVITT STREET
HINGHAM, MA 02043

Parcel ID: 52-0-3
THOMPSON DAVID HEMLER JR
20 MARTIN'S LANE
HINGHAM, MA 02043

Parcel ID: 52-0-4
SHIELDS CLARK R & AMANDA
105 SUMMER STREET REALTY
105 R SUMMER STREET
HINGHAM, MA 02043

Parcel ID: 52-0-5.B
DULIEU BENJAMIN MARK &
115 SUMMER STREET
HINGHAM, MA 02043

Parcel ID: 52-0-6
BUNSTEIN NEVEN &
111 R SUMMER STREET
HINGHAM, MA 02043

Parcel ID: 52-0-9
MENDIAN ALI JOHN &
143 SUMMER STREET
HINGHAM, MA 02043

Parcel ID: 54-0-9.A
COMMONWEALTH OF
MBTA REAL ESTATE DEPT
10 PARK PLAZA RM. 5750
BOSTON, MA 02116-3969

Parcel ID: 63-0-63
BARBUTO BRUNO A
44 JUSTICE CUSHING WY
HINGHAM, MA 02043

Parcel ID: 63-0-9
TOWN OF HINGHAM-CONS
210 CENTRAL STREET
HINGHAM, MA 02043

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

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

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

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

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

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

connection with the following matter:

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

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

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



Signature

31 Dec 2025

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.



Applicant or Applicant's Representative Signature

31 Dec 2025
Date



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

Re: Notice of Intent — Waiver Request — 123 Summer Street

Dear Commissioners,

On behalf of the Palmer Donnelly family, Tish Landscape Design requests a waiver to the Wetlands Protection Bylaw Section 2B for the following reasons:

- The proposed landscape plan includes removing the impervious patio within the 50' buffer and replacing it with a patio layout more conducive to wheelchair access for the Palmer Donnellys' son who uses the pool for physical therapy.
- The existing patio that lies within the 50 buffer is insufficient space for wheelchair access to the east side of the pool.
- The proposed patio is within an area already covered by impervious hardscape with the exception of 7 square feet.
- The proposed increase in the patio of 7 SF has been included in the proposed 1500 SF mitigation planting.
- A pervious patio is not wheelchair accessible and therefore not an option for this situation.
- The proposed mitigation planting provides a much improved buffer to the resource area than currently exists.
- The mitigation planting will convert approximately 1500 SF of sloping lawn to native plantings to slow runoff and filter water before it reaches the resource area.
- The plantings will improve the diversity of plants and increase the ecological value of the site.

We propose:

- The installation of five 3 foot tall cedar posts with Protected Wetlands placards to indicate the 'no-touch' area within the mitigation planting zone.

In sum, the project has been designed to minimize activity within the 50 buffer zone. The cabana and existing pool patio are both situated within previously disturbed zones that are currently maintained as lawn. The resource area will benefit from diverse native plantings and be better protected when this plan is implemented. We believe that the project meets performance standards in its current iteration.

Respectfully submitted,

Tish Campbell



Alternatives Analysis

Introduction

Hingham Wetlands Protection Section 2B

The Hingham Wetlands Protection Bylaw Section 2B prohibits work in the 50 foot buffer strip unless specifically authorized by the Commission.

The proposed cabana sits just outside of the 50' buffer and the following alternatives analysis describes the preferred course of action.

No Action Alternative

This alternative would not provide adequate space for the Palmer Donnellys' son to receive services. Therefore, this was determined to be an unfeasible alternative.

Alternate Location Alternative

The proposed cabana is situated between the existing septic field setback and the 50' wetlands setback. Pushing the cabana toward the pool would locate it within the same distance to the 50' buffer as the proposed location. This alternative was rejected as affecting the surrounding wetlands areas in the same manner as the proposed alternative.

Preferred Alternative

Constructing the pool cabana with adjacent mitigation plantings was deemed to provide improved protection for the wetlands resource area.