

APPENDIX A

Additional Information

A. General Information

1. *General Project Description:*

The proposed Deck Expansion and Dock Modifications Project at the Hingham Yacht Club includes the construction of new overwater, pile-supported pier sections using steel pipe piles, steel pile caps, and timber framing. The project will also involve reconfiguring the existing floating dock system by relocating current docks and installing additional new floating docks. New aluminum gangways will be added to provide safe and efficient connections between the timber piers and floating docks. As part of the overall improvements, existing guide piles that are no longer necessary will be removed, new guide piles will be installed to support the revised layout, and the existing timber finger pier will be demolished and removed. Additional work includes repairing a portion of the granite block seawall at the south end of the property, repairing piles under the existing deck, relocating the Pilot House seaward on the existing pier deck, and relocating the trash enclosure next to the new boat barn that was recently constructed at 208 Downer Avenue.

Hingham Yacht Club is a private boating and social club located on Hingham Harbor that supports recreational boating, sailing, and waterfront activities. Established in 1895, the club hosts a variety of social events, regattas, and seasonal programs for its members. The facility includes a two-story main clubhouse situated on a wharf supported by a stone seawall, as well as a one-story structure on a pile-supported pier that houses locker rooms and junior facilities. The site also contains floating docks used for dinghy storage, swimming activities, and fueling operations. While the general layout of the club has remained largely unchanged since the 1960s, portions of the deck were reconstructed around 2007, including repairs to concrete-encased steel H-piles, installation of new steel pile caps, and replacement of timber decking. Repairs to the timber piles and stringers supporting the one-story structure were completed in 2016.

The proposed improvements are intended to expand pedestrian areas and reduce congestion, particularly near the locker room facilities. The addition of new aluminum gangways will create multiple access points to the floating docks, improving overall circulation and safety. Repositioning the existing docks and introducing new floating docks will enhance the marina layout by improving vessel access, reducing the potential for grounding, expanding the designated swimming area, and relocating the fueling area. All floating docks will remain in the Marina Reconfiguration Zone established as part of the existing Chapter 91 license. Although the primary functions of the deck and dock systems will remain unchanged, the project will significantly improve the structural integrity, usability, and safety of the waterfront facilities.

Pile repairs will include wrapping the timber piles supporting the deck adjacent to the finger pier, which are exhibiting deterioration and section loss. In addition, the concrete-encased steel H-piles will be repaired by placing new grout in areas where the existing concrete has spalled, restoring the integrity of the pile encasement.

The repairs to the stone seawall are intended to bring the seawall back to its original condition. An approximately 20-foot-long section of the wall is exhibiting missing stones, bulging, and sinkholes, which have worsened after the past winter. The proposed repair involves excavating the area behind the wall at a 1:1 slope and rebuilding the seawall in-kind from the foundation up. The base of the seawall is above the mean low water level, but the wall is mostly submerged during high tide. It is expected that repair activities will be conducted during low tide when the seawall and adjacent work area are fully exposed. The purpose of this repair is to restore the seawall to its original condition and allow the structure to perform as designed. The repairs will avoid compromising the seawall and the parking lot behind by mitigating further erosion and material loss. No changes to the overall function, elevation, or footprint of this area are proposed.

The proposed relocation of the Pilot House will involve moving the structure roughly 15 feet east and rotating it so it is at the southeast corner of the existing deck. The new quarter circle shaped pier extension will be constructed north of the Pilot House for access to the gangway and floating docks comprising the fueling area. A screen wall enclosure is also proposed west of the Pilot House. The Pilot House is 8 feet by 10 feet with a height to eave of 6 feet 9 inches and a height to ridge of 8 feet 8 inches. Originally called “Steward’s Quarters” when built in 1987, the structure is wood framed with cedar shingles and an asphalt shingle roof and is supported on deck planks. Because it will remain on the same existing pier deck, the elevation will remain unchanged (top of deck is roughly 14.35 feet relative to MLLW). The proposed relocation is necessary to improve sightlines to the easternmost floating docks which serve as fueling and transient tie-up for members and the public. This will allow for improved safety and supervision of the floating docks. Although it will be placed further seaward in the Velocity Zone, it will not change the function or performance of the structure.

The proposed relocation of the trash enclosure will seek to remove the existing enclosure next to the locker room building and seawall at 211 Downer Avenue to create an access point to the new deck and gangway that lead to the seasonal floats. A new trash enclosure is proposed northeast of the boat barn that was recently constructed on the Yacht Club’s property at 208 Downer Avenue. The work is located within the 100-foot buffer zone to the seawall (Coastal Bank), but outside of the resource area itself. Because the proposed work is confined to an existing developed parking area, no adverse impacts to the Coastal Bank are anticipated. Given that the existing parking lot is gravel, the proposed concrete pad for the trash enclosure will add a small impervious area to the site.

2. *Project Completion Methods:*

A contractor has not been selected as of this application submittal date, but the project management team will ensure that a qualified marine contractor with extensive experience with similar projects is selected. The contractor will likely determine that the best procedure for construction will be to conduct much of the work using a barge mounted crane. An additional barge will likely be required to aid in the storing of material. In addition to the barges,

the contractor will likely use small floating platforms to conduct work and utilize a small tugboat and small utility boat depending on the tide schedule.

The demolition will consist of removing the existing finger pier and pulling the existing guide piles that are no longer needed. The existing gangways will also be removed and replaced. During demolition, a floating debris boom and turbidity curtain will be placed around the work area to prevent debris from entering the water.

The proposed work will include the installation of steel pipe piles to support new sections of pier over the water. These piers will consist of steel pile caps, timber stringers, and timber decking, with steel cross-bracing provided in both directions to resist lateral loads. The new pier structures are designed to be self-supporting and will not be connected to the existing stone seawall or adjacent piers; therefore, no additional vertical or lateral loads will be imposed on the existing structures.

Additional improvements will include the relocation of the existing floating docks, the installation of new floating docks and guide piles, and the construction of new aluminum gangways to provide access between the pier deck and floating docks. The project will also include the installation of a new timber guardrail along the pier perimeter, relocation of the existing Pilot House and trash enclosure, miscellaneous pile repairs, and repairs to the existing stone seawall.

Construction for the new trash enclosure will involve minor excavation and grading within the existing gravel parking lot to prepare the site for the installation of the concrete dumpster pad and enclosure. The work will occur in front of the previously delineated Coastal Bank for the 208 Downer Avenue property. Temporary erosion and sedimentation controls will be installed prior to construction and maintained throughout the duration of the work to prevent sediment transport toward adjacent coastal resource areas.

The contractor will be required to abide by all necessary local, state, and federal construction regulations as well as all conditions applied to the project by the Order of Conditions. They will also be held to all necessary safety regulations and navigational regulations set forth by the U.S. Coast Guard.

3. *Statement on Climate Resiliency:*

Although this project involves extending the existing deck structure and modifying and expanding the floating dock layout, no major changes to the overall function of the facility are proposed. However, the new structure will provide increased protection for climate resiliency. The project will provide protection to the existing stone seawall supporting the building and provide a more robust structure for pedestrian traffic capable of withstanding storm events. The improvements are designed to meet current code requirements and provide an increased level of structural support and integrity. No changes are proposed to the structure's ability to manage stormwater, runoff, or flooding. The engineering team has utilized all available best

management practices to ensure that the project meets the projected life cycle and will not unnecessarily change or impede navigation to the surrounding area or impacts to the resource areas.

The elevation of the pier will not be raised so that the new deck surface aligns with the existing surrounding decks. However, the piles will be designed to accommodate a future increase in elevation should such modifications be undertaken.

The repair of the damaged section of seawall will return the seawall back to its originally intended function while providing an increased level of structural support and integrity, helping to ensure the stability of both the seawall and land behind it during daily use and storm events. This project will also not alter the seawall's ability to manage stormwater, runoff, or flooding. Because the intent is to restore the seawall to its original design, raising the elevation was not considered given the urgency of this work. Raising the entire height of the seawall would require rebuilding it entirely as the current design would not allow for additional vertical loading or surcharge due to earth fill, pedestrians, vehicles, or water.

The proposed trash enclosure will remove the existing enclosure from the edge of the seawall, which is located at an elevation nearly 5 feet below the VE 13 floodplain. Currently, the risk of flooding could cause the dumpsters to float and become a hazard for contamination and debris. The new concrete pad at 208 Downer Avenue would be at least 2.5 feet higher than the existing pad and would be set back at least 60 feet from the water's edge.

B. Buffer Zone and Resource Area Impacts

1. *Coastal Resource Areas:*

1.0 Coastal Banks

A Coastal Bank is defined in 310 CMR 10.30(2) as "a seaward facing or side of an elevated landform, other than a coastal dune, which lies at the landward edge of a coastal beach, land subject to tidal action, or other wetland". For the 211 Downer Avenue property, the granite block seawall is considered a manmade coastal bank, and the proposed repairs are subject to 310 CMR 10.30. The repairs will extend approximately 20 linear feet along the seawall. For the 208 Downer Avenue property, the coastal bank is delineated as a landform behind the seawall which was confirmed via Superseding Determination issued by MassDEP on March 30, 2022. The proposed dumpster relocation is seaward of this.

1.1 Performance Standards

The granite block wall does not supply sediment to coastal beaches, dunes, or barrier beaches. This project is a vertical buffer that does prove to be significant to storm damage

prevention or flood control. Therefore, in this case 310 CMR 10.30(6) through 310 CMR 10.30(8) apply.

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

The stability of the seawall and the surrounding areas at 211 Downer Avenue will not be adversely affected. The repairs and seawall rehabilitation will increase the stability of the coastal bank.

At 208 Downer Avenue, the proposed concrete pad for the relocated trash enclosure will be located seaward of the bottom of the coastal bank, which is delineated by a small stone retaining wall at the base of the sloped land. No excavation associated with the pad will disturb or undermine the stone wall. The pad will be graded to direct stormwater away from the bank toward the seawall and no existing bank vegetation will be disturbed. Erosion controls will be installed at the base of the bank prior to construction. Therefore, the trash enclosure will have no adverse effects on the stability of the coastal bank.

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

The coastal banks in the project locations do not supply sediment to coastal beaches, coastal dunes, or barrier beaches. The seawall repair aids the coastal bank's ability to prevent storm damage or provide flood control.

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

The project does not have any adverse effects on specified habitat sites of rare vertebrate or invertebrate species. There are no species listed in this area.

The Town of Hingham defines a non-eroding Vertical Buffer Coastal Bank as the following in Section 18.1(c) of the Hingham Wetlands Regulations: “a coastal bank which is stable and is not undergoing and never will be, as determined by the Conservation Commission, erosion or landward retreat and which is not supplying sediment to a nearby Coastal Beach, or Coastal Dune.” The seawall at the 211 Downer Avenue property meets these criteria, and the section of coastal bank behind the proposed trash enclosure at the 208 Downer Avenue property has a top of wall elevation that is above the Zone VE base flood elevation with

trees on the bank above providing a stable root system. Therefore, Performance Standards 18.1(2)(a) through 18.1(2)(f) apply.

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

Neither the seawall repairs nor the proposed trash enclosure will have any adverse effect or cumulative adverse effect on the wetland values of the Coastal Banks. The seawall repairs will return the coastal bank to its original function and the trash enclosure will be located seaward of the Coastal Bank.

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

The bank height will not be altered, bank stability will be increased by the seawall repairs and unaffected by the trash enclosure, and the bank vegetation behind the stone retaining wall and associated wildlife habitat will remain undisturbed.

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

As described in the responses above and below, the project meets all applicable performance standards for the Coastal Bank, and no additional conditions are anticipated to be necessary.

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

Not applicable. No new elevated walkways are proposed.

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

The requirements in HWR 23.0 do not apply relative to the Coastal Bank. The requirements of HWR 23.7 do not apply as the concrete pad for the trash enclosure is not a wall-type foundation.

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

The wetland values will be protected by erosion controls and other measures during construction.

2.0 Land Under the Ocean

Land Under the Ocean is defined in 310 CMR 10.25(2) as “land extending from the mean low water line seaward to the boundary of the municipality's jurisdiction and includes land under estuaries”.

“Nearshore Areas of land under the ocean means that land extending from the mean low water line to the seaward limit of a municipality's jurisdiction, but in no case beyond the point where the land is 80 feet below the level of the ocean at mean low water”.

The portion of the proposed project that impacts land under the ocean consists of a portion of the new pier, the floating docks, the gangways, and guide piles. The square footage of land under the ocean that is altered by the project is roughly 27 square feet, which is the area displaced by the new steel guide piles and pier support piles seaward of the mean low water line. However, approximately 20 square feet of existing pile area associated with the current guide piles and finger pier support piles will be removed, resulting in a net increase of approximately 7 square feet.

The square footage of proposed pier, floating dock, and gangway that will be elevated over the land under the ocean combine to be roughly 14,457 square feet. The existing finger pier, floating docks, and gangways currently occupy approximately 11,475 square feet, resulting in a net increase of approximately 2,982 square feet.

Structure	Demolished (SF)	Proposed (SF)	Net Change (SF)
Pier Support Piles	10	8	-2
Guide Piles for Floating Docks	10	19	9
Total	20	27	7

2.1 Performance Standards

This project is significant to storm damage prevention under the following statement:

“When land under the ocean or nearshore areas of land under the Ocean are found to be significant to the protection of marine Fisheries, protection of wildlife habitat, storm damage prevention or flood control, 310 CMR 10.25(3) through (7) shall apply”.

3) *Improvement dredging for navigational purposes affecting land under the ocean shall be designed and carried out using the best available measures so as to minimize adverse effects on such interests caused by changes in:*

- (a) bottom topography which will result in increased flooding or erosion caused by an increase in the height or velocity of waves impacting the shore;*
- (b) sediment transport processes which will increase flood or erosion hazards by affecting the natural replenishment of beaches;*

- (c) *water circulation which will result in an adverse change in flushing rate, temperature, or turbidity levels; or*
- (d) *marine productivity which will result from the suspension or transport of pollutants, the smothering of bottom organisms, the accumulation of pollutants by organisms, or the destruction of marine fisheries habitat or wildlife habitat.*

These regulations do not apply as the project does not include improvement dredging for navigational purposes.

- 4) *Maintenance dredging for navigational purposes affecting land under the ocean shall be designed and carried out using the best available measures so as to minimize adverse effects on such interests caused by changes in marine productivity which will result from the suspension or transport of pollutants, increases in turbidity, the smothering of bottom organisms, the accumulation of pollutants by organisms, or the destruction of marine fisheries habitat or wildlife habitat.*

These regulations do not apply as the project does not include maintenance dredging for navigational purposes.

- 5) *Projects not included in 310 CMR 10.25(3) or (4) which affect nearshore areas of land under the ocean shall not cause adverse effects by altering the bottom topography so as to increase storm damage or erosion of coastal beaches, coastal banks, coastal dunes, or salt marshes.*

Although this project is located in the nearshore area of the land under the ocean, it will not adversely or significantly affect the bottom topography in Hingham Harbor. The footprint of the pier is minimal compared to the size of the harbor and will not increase storm damage, erosion of coastal beaches, coastal banks, coastal dunes, or salt marshes.

- 6) *Projects not included in 310 CMR 10.25(3) which affect land under the ocean shall if water-dependent be designed and constructed, using best available measures, so as to minimize adverse effects, and if non-water-dependent, have no adverse effects, on marine fisheries habitat or wildlife habitat caused by:*

- (a) *alterations in water circulation;*

The project will not alter the water circulation of Hingham Harbor. The proposed pier is pile-supported and elevated and the proposed gangways and floats will not alter the water circulation.

- (b) *destruction of eelgrass (*Zostera marina*) or widgeon grass (*Ruppia maritima*) beds;*

This does not apply because there is no eelgrass in the area of the project. Mapped eelgrass identified through the Massachusetts Department of Environmental Protection Seagrass Mapping Program are located approximately 1,275 feet from the nearest portion of the yacht club property.

(c) alterations in the distribution of sediment grain size;

This project will not alter the distribution of sediment grain size. The proposed pier is pile-supported and elevated and the proposed gangways and floats will not alter the distribution of sediment grain size. The bottom will remain largely untouched except within the footprint and that area is minimal. The project area is not large enough to alter the sediment in the entire harbor.

(d) changes in water quality, including, but not limited to, other than natural fluctuations in the level of dissolved oxygen, temperature or turbidity, or the addition of pollutants; or

The proposed project will not adversely affect water quality or result in the addition of pollutants. To minimize potential temporary impacts to water quality during construction, the Contractor will deploy a floating debris boom around the active work area to prevent the migration and dispersal of construction debris into the harbor. In addition, spill prevention and response kits for hazardous materials will be maintained on site for all waterborne equipment. Construction activities, including pile installation, are not expected to affect water temperature, dissolved oxygen levels, or turbidity, nor will they add pollutants. The project does not involve the discharge of fill, wastewater, sewage, or other regulated materials into the harbor.

(e) alterations of shallow submerged lands with high densities of polychaetes, mollusks or macrophytic algae.

The project is designed to minimize impacts to shallow submerged lands and benthic habitat resources through pile-supported construction in an effort to minimize the in-water footprint. The structures will be supported on steel pipe piles with sufficient spacing to maintain tidal flow, circulation, and light penetration. The limited footprint of the proposed piles minimizes disturbance to the substrate compared to solid fill systems. Removal of portions of the existing timber finger pier will further offset new impacts. Construction will employ turbidity and sediment controls during pile installation and removal, with any temporary impacts expected to be localized and short-term. Accordingly, the project is not expected to result in significant adverse effects to submerged lands that may support polychaetes, mollusks, or macrophytic algae.

- 7) *Notwithstanding the provisions of 310 CMR 10.25(3) through (6), no project may be permitted which will have any adverse effect on specified habitat sites of rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.37.*

The project does not have any adverse effects on specified habitat sites of rare vertebrate or invertebrate species. There are no species listed in this area.

Performance Standards 17.1(d)(1) through 17.1(d)(6) of the Hingham Wetlands Regulations also apply to the proposed work.

- 1) *“Proposed work shall not have any significant adverse effect or cumulative adverse effect on the wetland values of Land Under the Ocean.”*

The proposed work will not have a significant adverse effect or cumulative adverse effect on the wetland values of Land Under the Ocean. Direct alteration of the resource area is limited to a net increase of approximately 7 square feet of pile area (27 square feet of new piles, offset by the removal of 20 square feet of existing piles). The pile-supported, elevated design maintains tidal flow, water circulation, and light penetration, as discussed in the analysis of 310 CMR 10.25(6) above.

- 2) *“Proposed work shall not destroy any portion of eelgrass beds and shall not have any adverse effect or cumulative adverse effect on eelgrass beds.”*

This does not apply because there is no eelgrass in the area of the project. The nearest mapped eelgrass beds identified through the MassDEP Seagrass Mapping Program are located approximately 1,275 feet from the yacht club property. Refer to the Shellfish & Eelgrass Survey Report in Appendix C.

- 3) *“Notwithstanding the above provisions, no project may be permitted which will have any adverse effect on shell fish or migrating, spawning fish, or specified habitat of rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.37.”*

The project will not have an adverse effect on shellfish or on migrating or spawning fish. Temporary, localized effects on shellfish habitat during construction are addressed in the analysis of Land Containing Shellfish (HWR 18.5) below. There are no specified habitat sites of rare vertebrate or invertebrate species listed in the project area.

- 4) *“Refer to HWR 23.0 et seq. for additional project-specific performance standards;”*

The project-specific performance standards for docks and piers specified in HWR 23.4 apply to the proposed pier, gangways, and floating docks. The project has been designed to comply with these standards as described herein.

- 5) *“Performance standards for proposed work or activities within the buffer zone to Land Under the Ocean are specified in HWR 22.0.”*

Work within the buffer zone to Land Under the Ocean will comply with the buffer zone performance standards specified in HWR 22.0. Erosion and sedimentation controls will be installed prior to construction and maintained for the duration of the work.

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

The wetland values will be protected by erosion controls and other measures during construction.

3.0 Rocky Intertidal Shores

Rocky Intertidal Shore is defined in 310 CMR 10.31(2) as “naturally occurring rocky areas, such as bedrock or boulder-strewn areas between the mean high water line and mean low water line.” The area between the man-made seawall and mean low water line is a tidal flat with a rocky surface and is subject 310 CMR 10.31.

The portion of the proposed project that impacts rocky intertidal shore consists of the section of the new pier between the mean high water line and mean low water line. The square footage of rocky intertidal shore that is altered by the project is roughly 39 square feet, which is the area displaced by the pier support piles. There are no existing piles in this area being removed.

The square footage of proposed pier that will be elevated over the rocky intertidal shore is roughly 3,526 square feet.

Structure	Demolished (SF)	Proposed (SF)	Net Change (SF)
Pier Support Piles	0	39	39
Total	0	39	39

3.1 Performance Standards

- 3) *When a Rocky Intertidal Shore Is Determined to Be Significant to Storm Damage Prevention, Flood Control, or Protection of Wildlife Habitat, any proposed project shall be designed and constructed, using the best practical measures, so as to minimize adverse effects on the form and volume of exposed intertidal bedrock and boulders.*

The

The area in front of the seawall (coastal bank) that is being repaired is to be left alone to the maximum extent practicable to minimize disturbance during construction. Some workers may stand in the area will performing the repair work.

- 4) *When a Rocky Intertidal Shore is Determined to be Significant to the Protection of Marine Fisheries or Wildlife Habitat, any proposed project shall if water-dependent be designed and constructed, using best available measures, so as to minimize adverse effects, and if non-water-dependent, have no adverse effects, on water circulation and water quality. Water quality impacts include, but are not limited to, other than natural fluctuations in the levels of dissolved oxygen, temperature or turbidity, or the addition of pollutants.*

The project will not alter the water circulation of Hingham Harbor. The proposed pier is pile-supported and elevated and the proposed gangways and floats will not alter the water circulation.

The proposed project will not adversely affect water quality or result in the addition of pollutants. To minimize potential temporary impacts to water quality during construction, the Contractor will deploy a floating debris boom around the active work area to prevent the migration and dispersal of construction debris into the harbor. In addition, spill prevention and response kits for hazardous materials will be maintained on site for all waterborne equipment. Construction activities, including pile installation, are not expected to affect water temperature, dissolved oxygen levels, or turbidity, nor will they add pollutants. The project does not involve the discharge of fill, wastewater, sewage, or other regulated materials into the harbor.

The proposed seawall repairs will have minimal adverse effects on the rocky intertidal shore as the work is being done to the seawall.

- 5) *Notwithstanding the provisions of 310 CMR 10.31(3) and (4), no project may be permitted which will have any adverse effect on specified habitat sites of rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.37.*

The project does not have adverse effects on specified habitat sites of rare vertebrate or invertebrate species. There are no species listed in this area.

Performance Standards 18.2(d)(1) through 18.2(d)(8) of the Hingham Wetlands Regulations also apply to the proposed work.

- 1) *“Any project on a coastal beach shall not cause an adverse effect or cumulative adverse effect by increasing erosion, decreasing the volume or changing the form of*

any such coastal beach or rocky intertidal shore, or an adjacent or downdrift coastal beach or rocky intertidal shore.”

The project will not cause an adverse effect or cumulative adverse effect by increasing erosion or by decreasing the volume or changing the form of the rocky intertidal shore or any adjacent or downdrift area. The proposed pier is pile-supported and elevated, and the pier support piles will displace only approximately 39 square feet of the resource area. Any localized scour around the piles is expected to be negligible.

- 2) *“Notwithstanding the above, beach nourishment with clean sediment of a grain size compatible with that on the existing beach may be permitted provided there is no permanent adverse effect upon the wetland values or upon submerged aquatic vegetation, intertidal vegetation such as but not limited to salt marshes, or shellfish habitat*

This does not apply because the project does not involve beach nourishment.

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

See the analysis of the performance standards for Land Containing Shellfish (HWR 18.5) below.

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

See the analysis of 310 CMR 10.31(4) above.

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

The project does not have adverse effects on specified habitat sites of rare vertebrate or invertebrate species. There are no species listed in this area.

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

The project-specific performance standards for docks and piers specified in HWR 23.4 apply to the proposed pier. The project has been designed to comply with these standards as described herein.

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

Work within the buffer zone to the Rocky Intertidal Shore and Tidal Flat will comply with the buffer zone performance standards specified in HWR 22.0. Erosion and sedimentation controls will be installed prior to construction and maintained for the duration of the work.

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

The wetland values will be protected by erosion controls and other measures during construction.

4.0 Land Containing Shellfish

Land Containing Shellfish is defined in 310 CMR 10.34(2) as “land under the ocean, tidal flats, rocky intertidal shores, salt marshes and land under salt ponds when any such land contains shellfish.” Review of Massachusetts Division of Marine Fisheries shellfish resource mapping available through MassMapper indicates that the project is located within a mapped shellfish habitat for Blue mussels (*Mytilus edulis*) and soft-shelled clams (*Mya arenaria*). On June 4, 2026, Environmental Consulting & Restoration, LLC conducted a shellfish and eelgrass survey and found the following:

- European oysters (*Ostrea edulis*) in the upper intertidal area
- Blue mussels (*Mytilus edulis*) in the lower intertidal zone, mostly under the existing deck
- Juvenile quahogs (*Mercenaria mercenaria*) in the lower intertidal area both under the deck in the intertidal area to the southwest
- Soft-shelled clams (*Mya arenaria*) in the intertidal area under the deck only
- Manilla clams (*Ruditapes philippinarum*) in the intertidal area under the deck only

More information about their findings can be found in the Shellfish & Eelgrass Survey Report dated June 11, 2026 found in Appendix C.

Because the shellfish species documented within the project area were identified through Division of Marine Fisheries mapping and confirmed by a site-specific shellfish survey, Land Containing Shellfish is deemed significant to the interest of the Wetlands Protection Act per 310 CMR 10.34(3)(a).

The portion of the proposed project that impacts land containing shellfish is the combined area of land under the ocean and rocky intertidal shore. The square footage of land containing shellfish that is altered by the project is roughly 66 square feet, which is the area displaced by the new steel guide piles and pier support piles. However, approximately 20 square feet of existing pile area associated with the current guide piles and finger pier support piles will be removed, resulting in a net increase of approximately 46 square feet.

The square footage of proposed pier, floating dock, and gangway that will be elevated over the land containing shellfish combine to be roughly 17,983 square feet. The existing finger pier, floating docks, and gangways currently occupy approximately 11,475 square feet, resulting in a net increase of approximately 6,508 square feet.

Structure	Demolished (SF)	Proposed (SF)	Net Change (SF)
Pier Support Piles	10	47	37
Guide Piles for Floating Docks	10	19	9
Total	20	66	46

4.1 Performance Standards

This project is significant to the protection of land containing shellfish and to the protection of marine fisheries under the following statement:

“When a resource area, including land under the ocean, tidal flats, rocky intertidal shores, salt marshes, or land under salt ponds is determined to be significant to the protection of land containing shellfish and therefore to the protection of marine fisheries, 310 CMR 10.34(4) through (8) shall apply”.

- 4) *Except as provided in 310 CMR 10.34(5), any project on land containing shellfish shall not adversely affect such land or marine fisheries by a change in the productivity of such land caused by:*

(a) alterations of water circulation;

The project will not alter the water circulation of Hingham Harbor. The proposed pier is pile-supported and elevated and the proposed gangways and floats will not alter the water circulation.

(b) alterations in relief elevation;

This project does not propose any dredging or fill. Therefore, this project will not significantly alter the natural seafloor elevation within shellfish-bearing areas.

(c) the compacting of sediment by vehicular traffic;

No sediment compaction will occur because all construction activity involving vehicles will be conducted from the area landward of the seawall or from a barge.

(d) alterations in the distribution of sediment grain size;

This project will not alter the distribution of sediment grain size. The proposed pier is pile-supported and elevated and the proposed gangways and floats will not alter the distribution of sediment grain size. The bottom will remain largely untouched except within the footprint and that area is minimal. The project area is not large enough to alter the sediment in the entire harbor.

(e) alterations in natural drainage from adjacent land; or

This project will not modify natural drainage from adjacent land. Existing drainage patterns will be maintained and no new impervious surface will be added landward of the existing seawall.

(f) changes in water quality, including, but not limited to, other than natural fluctuations in the levels of salinity, dissolved oxygen, nutrients, temperature or turbidity, or the addition of pollutants.

The proposed project will not adversely affect water quality or result in the addition of pollutants. To minimize potential temporary impacts to water quality during construction, the Contractor will deploy a floating debris boom around the active work area to prevent the migration and dispersal of construction debris into the harbor. In addition, spill prevention and response kits for hazardous materials will be maintained on site for all waterborne equipment. Construction activities, including pile installation, are not expected to affect water temperature, dissolved oxygen levels, or turbidity, nor will they add pollutants. The project does not involve the discharge of fill, wastewater, sewage, or other regulated materials into the harbor.

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

Although the proposed rehabilitation intends to avoid permanent adverse effects of land containing shellfish, some temporary effects (such as localized turbidity during pile driving) may occur. These impacts will be short-term and will not result in permanent habitat degradation. Best management practices will be implemented to minimize turbidity and sediment disturbance. Given the limited and contained nature of the work, the shellfish habitat beyond the project area will remain undisturbed. The site is expected to return to its previous level of productivity within one year of the commencement of work.

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

This does not apply because land containing shellfish is deemed significant by the Division of Marine Fisheries per 310 CMR 10.34(3)(a).

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

This does not apply because this project is not specifically intended to increase the productivity of land containing shellfish.

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

The project does not have any adverse effects on specified habitat sites of rare vertebrate or invertebrate species. There are no species listed in this area.

Performance Standards 18.5(d)(1) through 18.5(d)(7) of the Hingham Wetlands Regulations also apply to the proposed work.

- 1) *“A proposed project shall not cause any adverse effect or cumulative adverse effect on Land Containing Shellfish.”*

The project will not cause an adverse effect or cumulative adverse effect on Land Containing Shellfish. Direct alteration is limited to a net increase of approximately 46 square feet of pile area, and temporary effects, such as localized turbidity during pile installation and removal, will be short-term and controlled through best management practices. As discussed in the analysis of 310 CMR 10.34(5) above, the habitat is expected to return to its previous level of productivity within one year of the commencement of work.

- 2) *“A proposed project shall not change water quality (including but not limited to changes in turbidity, temperature, salinity, dissolved oxygen, nutrients and pollutants), water circulation, or natural drainage from adjacent land”.*

The project will not change water quality, water circulation, or natural drainage from adjacent land. See the analyses of 310 CMR 10.34(4)(a), (e), and (f) above.

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

The project will not obstruct or limit the ability of the public to gather shellfish recreationally or the ability of commercial fishermen to harvest shellfish. The reconfigured floating docks will remain within the Marina Reconfiguration Zone established under the existing Chapter 91 license, and no existing aquaculture projects are located within the project 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 species, as identified by procedures established under 310 CMR 10.37.”*

The project does not have any adverse effects on specified habitat sites of rare vertebrate or invertebrate species. There are no species listed in this area.

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

The project-specific performance standards for docks and piers specified in HWR 23.4 apply to the proposed pier, gangways, and floating docks. The project has been designed to comply with these standards as described herein.

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

Work within the buffer zone to Land Containing Shellfish will comply with the buffer zone performance standards specified in HWR 22.0. Erosion and sedimentation

controls will be installed prior to construction and maintained for the duration of the work.

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

The wetland values will be protected by erosion controls and other measures during construction.

5.0 Land Subject to Coastal Storm Flowage

Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) for the state of Massachusetts FEMA Community Panel Map Number 25023C0019J effective July 17, 2012 was reviewed. As per review of the FIRM map, the piers, floating docks, gangways, and seawall repairs are all located in Zone VE (EL. 13.0 feet in reference to NAVD88) of this resource area. Most of the trash enclosure footprint is located in Zone VE (EL. 14.0 feet in reference to NAVD88).

Land Subject to Coastal Storm Flowage is defined in 310 CMR 10.04 as the “land subject to any inundation caused by coastal storms up to and including that caused by the 100-year storm, surge of record or storm of record, whichever is greater”. The project falls into the VE Zone (which is a special flood hazard area), meaning the base flood elevation, as noted on the FEMA map, is EL. 13.0 feet and 14.0 feet in reference to NAVD88. The proposed pier deck is located below this elevation, at approximately EL. 8.85 feet in reference to NAVD88 to match the existing pier deck. The concrete pad for the trash enclosure will be set at roughly EL. 10.8 feet in reference to NAVD88.

The proposed project will not alter the ability of the existing seawall, or surrounding waterfront area, to control coastal flooding or provide protection from coastal storm damage. The CZM Coastal Manual states structures within land subject to coastal storm flowage “may deflect, reflect, and redirect storm waves, affecting adjacent properties, landward areas, and the subject property with wave energy, overwash, and flood waters.” The proposed project has been designed to minimize interference with coastal flood flows, wave action, and sediment transport during coastal storm events.

This project consists of installing new sections of pile-supported pier structures and new floating docks intended to improve the function of the facility. The proposed impacts are partially offset through the removal of an existing timber pile-supported finger pier. The new pier structures will be supported by steel pipe piles to allow the free passage of storm waters beneath and through the structure during coastal flooding events. The floating docks will be supported by steel guide piles. In addition, seawall repairs will strengthen the existing Coastal Bank to minimize future damage and provide protection to the Land Subject to Coastal Storm Flowage landward of the wall.

The proposed project will not result in the displacement of flood storage, increase flood elevations, redirect storm flow patterns, or adversely affect adjacent properties or the harbor as a whole during the 100-year coastal storm event. Although the proposed deck elevation is below the mapped storm elevation, the open pile-supported design and limited pile footprint minimize resistance to storm surge and wave passage compared to solid or enclosed structures.

In addition, the proposed structures have been designed to withstand anticipated coastal storm loading conditions, including wave, uplift, and debris forces, thereby reducing the potential for structural failure or the generation of floating debris during storm events. This has been done by designing the steel pipe piles for lateral loads considering a potential future increase in elevation.

The CZM Coastal Manual also states that “when Commissions determine that land subject to coastal storm flowage overlays other resource areas listed in the Regulations, the applicable performance standards for each resource area should be applied and the project should be appropriately conditioned to protect all stated interests.” As discussed herein, the proposed project complies with the applicable performance standards for all resource areas affected by the work.

The square footage of proposed pier, floating dock, and gangway that will be land subject to coastal storm flowage combine to be roughly 17,983 square feet. The existing finger pier, floating docks, and gangways that will be removed currently occupy approximately 11,475 square feet, resulting in a net increase of approximately 6,508 square feet.

Structure	Demolished (SF)	Proposed (SF)	Net Change (SF)
Pier (Total)	1,037	3,904	2,867
Floating Docks	10,204	13,635	3,431
Gangways	234	444	210
Trash Enclosure	118	152	34
Total	11,593	18,135	6,542

Performance Standards 20.1(d)(1) through 20.1(d)(9) of the Hingham Wetlands Regulations also apply to the proposed work.

- 1) *“A proposed project shall not cause any adverse effect or cumulative adverse effect upon the wetland values of LSCSF.”*

The project will not cause an adverse effect or cumulative adverse effect upon the wetland values of LSCSF. The pier structures are open and pile-supported, allowing the free passage of flood waters beneath and through the structure, and the project will not displace flood storage, increase flood elevations, redirect storm flow patterns, or adversely affect adjacent properties during the 100-year coastal storm event, as described above.

- 2) *“When LSCSF is significant to protection of wildlife habitat, a proposed activity shall not impair the capacity of LSCSF to provide important wildlife habitat functions.”*

The proposed activity will not impair the capacity of LSCSF to provide wildlife habitat functions. The work is located within a developed waterfront facility, and the elevated, pile-supported design maintains the underlying intertidal and subtidal habitat, as discussed in the analyses of the underlying resource areas above.

- 3) *“When LSCSF is significant to pollution prevention, a proposed activity shall not cause ground, surface, or salt water pollution triggered by coastal storm flowage or flooding. For those areas within at least 100 feet of another Resource Area, activities shall minimize adverse effects in order to maintain the capability to remove suspended solids and other contaminants from runoff before it enters other Resource Areas.”*

The proposed activity will not cause ground, surface, or salt water pollution triggered by coastal storm flowage or flooding. The relocation of the trash enclosure removes an existing flood hazard: the existing enclosure sits at the base of the seawall at an elevation nearly 5 feet below the Zone VE base flood elevation, where floodwaters could float the dumpsters and create a contamination and debris hazard. The new concrete pad at 208 Downer Avenue will be at least 2.5 feet higher than the existing pad and set back at least 60 feet from the water's edge. In addition, no fill, wastewater, or other regulated materials will be discharged to the harbor, and spill prevention and response kits will be maintained on site during construction.

- 4) *“For activities proposed in VE-zones and AE-zones, at a minimum, the historic rate of relative sea level rise in Massachusetts of 1 foot per 100 years shall be incorporated into the project design and construction. The Commission may also take other credible evidence of projected sea level rise, such as the Intergovernmental Panel on Climate Change into consideration.”*

The historic rate of relative sea level rise in Massachusetts of 1 foot per 100 years has been incorporated into the project design. The steel pipe piles have been designed for lateral loads considering a potential future increase in deck elevation, and the floating docks and gangways rise and fall with the water level and are inherently adaptable to changing sea levels.

- 5) *“The following activities proposed within VE-zones and/or AE-zones are likely to have an adverse effect on the protected values and are therefore prohibited:*

- a. New construction or placement of new structures, including buildings, sheds, garages, and retaining walls. Existing buildings may be renovated or reconstructed but, at a minimum, must be built using flood-resistant construction.*

- b. *Impermeable surfaces for new roads, driveways, and parking lots, and the conversion of existing permeable roads, driveways and parking lots into impermeable surfaces.*
- c. *New or proposed expansions (height and footprint) of coastal engineering structures unless such structures are soft engineering solutions, such as, but not limited to, living shorelines, vegetated terraces, or other natural vegetated designs, or hybrid shoreline infrastructure, or the applicant has provided an alternatives analysis demonstrating that a soft engineering solution or hybrid shoreline infrastructure is not feasible or practicable and that the preferred alternative is proven to provide climate change resiliency improvements and will not create or exacerbate storm damage and flooding impacts on adjacent or nearby properties. The Commission will evaluate the following elements of all proposals for new or proposed expansions of coastal engineering structures, and may request additional information as follows.*
 - i. *Coastal engineering structures shall not cause or create the likelihood of the following: reduction in the ability of the land to absorb and contain waters; reduction in the ability of the land to buffer more inland areas from flooding and wave damage; displacement or diversion of floodwaters to other areas; damage to other structures or properties; increase in the elevation or velocity of floodwaters; increase in water pollution; reduction in the protection of the habitat and wetland values of other adjacent Resource Areas; and/or prevention of the migration of Resource Areas, such as salt marshes, due to sea level rise.*
 - ii. *A loose, sloped-stone design shall be prioritized over other hard engineering solutions, either as part of hybrid shoreline infrastructure proposal or as a standalone proposal accompanied by an alternatives analysis. If another hard engineering solution is proposed, the Commission may require an additional alternatives analysis demonstrating that a loose, sloped-stone design is not feasible or practicable.*
 - iii. *The Commission will consider whether the proposed coastal engineering structure is an overall benefit to the coastal community and the wellbeing of the marine environment and/or whether there is an overriding public interest.*
 - iv. *The Commission may require a scientifically validated study of the proposal with appropriate methodology, especially where wave and wind action may be a substantial cause of seeking the installation or modification of a coastal engineering structure; or where impacts to marine life are anticipated; or where the proposed work may impact*

abutting properties not owned by the applicant, a study of changes in flowage and sediment transport.

- v. The Commission may require a statement from a qualified professional on the effectiveness of the proposed work, based on issues such as climate change, and whether such work will have a reasonable, long-term, beneficial impact, as desired by the applicant, as sea levels continue to rise. d)*

- d. New or expanded septic systems. Replacement or repair of an existing septic system shall be allowed only if no alternative location is available on the lot or other parcel under the ownership or control of the owner of the system proposed and, where applicable, provided that variance of property line and/or street layout setbacks have been applied for from the Town of Hingham Board of Health..”*

The proposed work does not include any of the prohibited activities. No new buildings, sheds, garages, or retaining walls are proposed; the Pilot House is an existing structure that will be relocated on the same pier deck at its existing elevation. The seawall repairs constitute in-kind repair of an existing coastal engineering structure within its existing footprint and height. The approximately 152-square-foot concrete pad for the relocated trash enclosure is an equipment pad within an existing gravel parking area and does not create an impermeable road, driveway, or parking lot. No new or expanded septic systems are proposed.

- 6) *“Notwithstanding the above, the Commission may permit the following activities in VE- and AE-zones provided that the applicant demonstrates to the satisfaction of the Commission that best available measures are utilized to avoid or minimize adverse effects on all wetland values of all Resource Areas:*
 - a. Beach, dune, and bank nourishment and restoration projects that incorporate natural vegetative cover and do not otherwise impede the landward migration of these landforms over time.*
 - b. Elevated pedestrian walkways that are minimal. Walkways must meet the performance standards for docks and piers specified in HWR 23.4.*
 - c. Docks and piers provided they meet the performance standards specified in HWR 23.4.*
 - d. Projects to restore salt marsh, freshwater wetland, shellfish habitat, or fisheries.*
 - e. Improvements necessary to maintain the structural integrity or stability of existing coastal engineering structures.*
 - f. Improvements that contribute to climate change resiliency and do not create or exacerbate storm damage and flooding impacts on adjacent or nearby properties.*

- g. Projects designed to protect critical public infrastructure from storm surge and sea level rise.*
- h. Projects and activities associated with water-dependent uses such as boat yards and yacht clubs.*
- i. Maintenance dredging and channel maintenance dredging.”*

The proposed work falls within the categories of activities that the Commission may permit within VE-Zones: the proposed pier, gangways, and floating docks are docks and piers designed to meet the performance standards specified in HWR 23.4 (HWR 20.1(d)(6)(c)); the project is associated with a water-dependent yacht club use (HWR 20.1(d)(6)(h)); and the seawall repairs are improvements necessary to maintain the structural integrity and stability of an existing coastal engineering structure (HWR 20.1(d)(6)(e)). Best available measures, including turbidity curtains, floating debris booms, erosion controls, and spill prevention and response kits, will be employed to avoid or minimize adverse effects on the wetland values of all Resource Areas.

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

The project does not have any adverse effects on specified habitat sites of rare vertebrate or invertebrate species. There are no species listed in this area.

- 8) *“Refer to HWR 23.0 et seq. for additional project-specific performance standards.”*

The project-specific performance standards for docks and piers specified in HWR 23.4 apply to the proposed pier, gangways, and floating docks. The project has been designed to comply with these standards as described herein.

- 9) *“The Commission may impose such additional requirements as are necessary to protect the wetland values protected under the Bylaw”*

The wetland values will be protected by erosion controls and other measures during construction.

6.0 Additional Protection of Flood Hazard Zones

The project includes the expansion of the existing pile-supported timber pier seaward within the mapped Zone VE special flood hazard area. The Additional Protection of Special Flood Hazard Zones provisions of Section 24.0 of the Hingham Wetlands Regulations therefore apply to the proposed work and are addressed below.

- (a) *“The purposes of Additional Protection of Special Flood Hazard Zones are to: 1) Ensure public safety through reducing the threats to life and personal injury; 2) Eliminate new hazards*

to emergency response officials; 3) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding; 4) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding; 5) Eliminate costs associated with the response and cleanup of flooding conditions; and 6) Reduce damage to public and private property resulting from flooding waters.”

The proposed work is consistent with these purposes. The open, pile-supported design of the pier expansion allows the free passage of flood waters beneath and through the structure, and the structures have been designed for coastal storm loading conditions, including wave, uplift, and debris forces, to reduce the potential for structural failure or the generation of storm-borne debris. In addition, the relocation of the trash enclosure to higher ground removes an existing flood hazard, as the current enclosure sits nearly 5 feet below the Zone VE base flood elevation where floodwaters could float the dumpsters and create a contamination and debris hazard.

(b) “In addition to the provisions of Section 19.0 LAND SUBJECT TO FLOODING OR INUNDATION BY GROUNDWATER OR SURFACE WATER and Section 20.0 LAND SUBJECT TO COASTAL STORM FLOWAGE of these Regulations, the Plymouth County Flood Insurance Rate Map (FIRM) is hereby incorporated. Areas subject to protection under the these Regulations include all special flood hazard areas within the Town of Hingham designated as Zone A, AE, or VE on the Plymouth County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program (NFIP). The map panels of the Plymouth County FIRM that are wholly or partially within the Town of Hingham are panel numbers 25023C0016J, 25023C0017J, 25023C0018J, and 25023C0019J, dated July-17, 2012; 25023C0104K, dated July 6, 2021; and 25023C0038K, 25023C0081K, 25023C0082K, 25023C0083K, 25023C0084K, 25023C0091L, 25023C0092L, 25023C0101L, 25023C0102K, 25023C0103L, and 25023C0111L, dated July 3, 2024. The special flood hazard areas may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Plymouth County Flood Insurance Study (FIS) report dated July 3, 2024. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Building Department, and Conservation Commission. Letters of Map Revision (LOMRs) are also on file with the Conservation Commission”

The project site is shown on FIRM panel 25023C0019J (effective July 17, 2012), which maps the work areas as Zone VE with base flood elevations of 13.0 feet and 14.0 feet in reference to NAVD88, as described in Section 5.0 above.

(c) “Definitions: same as Sections 19.0 and 20.0 of these Regulations.” (f) “The floodplain management regulations found in this section shall take precedence over any less restrictive conflicting local laws, ordinances, or codes.” (g) “The degree of flood protection required by these Regulations is considered reasonable, but does not imply total flood protection.” (h) “If

any section, provision or portion of these Regulations is deemed to be unconstitutional or invalid by a court, the remainder of the Regulations shall be effective.”

These administrative provisions are noted and require no project-specific response.

(d) “Activities in VE-Zones and AE-Zones are regulated in Section 20.0 of these Regulations.”

(e) “In the event of any differences with Sections 19.0 and 20.0 of these Regulations, the more stringent standard shall apply.”

The proposed work within the VE Zone has been evaluated against the performance standards for Land Subject to Coastal Storm Flowage in HWR 20.1(d), as presented in Section 5.0 above. No less stringent standard is relied upon in this analysis.

(i) “New construction or placement of new structures, including buildings, sheds, and garages, or walls on vacant lots, are prohibited in A-Zones.”

Not applicable. The project areas are located within Zone VE on developed waterfront parcels; no work is proposed within an A-Zone or on a vacant lot.

(j) “Expansion of existing structures in VE-, AE-, and A-Zones is prohibited. Reconstruction of existing structures must allow for the free passage of flood waters. This Section 24.0.i shall not be applicable to any expansion or reconstruction of a coastal engineering structure which is permitted by a vote of the Commission under Section 20.1.6.”

The proposed pier expansion is an open, pile-supported, water-dependent structure, and both the expanded and reconstructed portions of the facility will allow the free passage of flood waters beneath and through the structure, consistent with the reconstruction standard of this provision. HWR 24.0(d) provides that activities in VE-Zones are regulated under Section 20.0 of the Regulations, and HWR 20.1(d)(6) authorizes the Commission to permit, within VE-Zones, docks and piers that meet the performance standards specified in HWR 23.4 (HWR 20.1(d)(6)(c)) and projects and activities associated with water-dependent uses such as yacht clubs (HWR 20.1(d)(6)(h)).

The seawall repairs constitute in-kind maintenance of an existing coastal engineering structure within its existing footprint, height, and alignment and do not constitute an expansion of a coastal engineering structure.

(k) “Use regulations: 1) In AE-Zones, along watercourses within the Town of Hingham that have a regulatory floodway designated on the Plymouth County FIRM, encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge. 2) In AE- and A-Zones, along watercourses

that have not had a regulatory floodway designated, the best available federal, state, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge. 3) Man-made alteration of sand dunes within VE-Zones which would increase potential flood damage are prohibited. 4) All new construction within VE-Zones must be located landward of the reach of mean high tide.”

No sand dunes are present at the site. With respect to use regulation k.4, the proposed pier extension, gangways, and floating docks are water-dependent structures that by their nature must be located seaward of the mean high water line in order to function and cannot feasibly be sited landward. Consistent with HWR 24.0(d) and (e), such structures are regulated under HWR 20.1(d)(6)(b), (c), and (h), which address the permitting of elevated walkways, docks, piers, and activities associated with water-dependent uses such as yacht clubs within VE-Zones. The only new upland construction, the concrete pad for the relocated trash enclosure, is located landward the mean high water line. Use regulations k.1, k.2, and k.5 through k.8, pertaining to riverine floodways, recreational vehicles, subdivisions, and watercourse alterations, do not apply to the proposed work.

(k)(9) “All development in the floodplain, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following: i) Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high hazard areas; ii) Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00); iii) Inland Wetlands Restriction, DEP (currently 310 CMR 13.00); iv) Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00); and v) Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15.000, Title 5).”

The proposed work will comply with these requirements. This Notice of Intent is filed pursuant to M.G.L. c. 131, § 40 and 310 CMR 10.00, and the proposed structures have been designed in accordance with the applicable coastal high hazard area provisions of the Massachusetts State Building Code (780 CMR). No subsurface sewage disposal components are proposed.

(k)(10) “A variance from these floodplain regulations must meet the requirements set out by state law, and may only be granted if: 1) good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief. Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.”

No variance from these floodplain regulations is requested; the proposed work is permissible by a vote of the Commission pursuant to HWR 20.1(d)(6), as described above.

Use regulation k.11 is not applicable because the proposed work involves structures and is therefore addressed under the performance standards and permitting provisions discussed above.

C. Other Applicable Standards and Requirements

1. *Is this project subject to provisions of the MADEP Stormwater Management Standards?*

The proposed improvements to the Yacht Club facility at 211 Downer Avenue are not subject to the provisions of the MADEP Stormwater Management Standards. The project consists primarily of the construction and demolition of pile-supported structures located over existing tidal waters and does not involve the creation of new impervious surfaces, stormwater management infrastructure, or significant land disturbance. The proposed work will not increase stormwater runoff volumes or rates, alter existing drainage patterns, or generate untreated stormwater discharges to adjacent resource areas.

The proposed trash enclosure relocation to the property at 208 Downer Avenue is subject to the provisions of the MADEP Stormwater Management Standards. The project consists of installing a 19-foot by 8-foot (152-square-foot) concrete pad to support two dumpsters within an existing gravel parking lot area. The project represents a minor redevelopment of an existing commercial site and will result in approximately 152 square feet of additional impervious surface. No changes to site grading or drainage patterns are proposed.

The property is currently served by an existing stormwater management system constructed in conjunction with the recently constructed boat barn. Roof runoff from the approximately 32-foot by 38-foot boat barn is collected and managed by two subsurface dry wells designed to infiltrate stormwater on-site. The proposed dumpster enclosure does not alter or interfere with the operation of this existing stormwater management system.

Given the limited increase in impervious area, the location of the work within an existing developed parking area, and the absence of changes to drainage patterns or discharges to adjacent resource areas, the project complies with the applicable Massachusetts Stormwater Management Standards for redevelopment projects. The proposed work will not result in increased stormwater runoff to the adjacent coastal bank or other resource areas and is not expected to adversely affect the interests of the Wetlands Protection Act

2. *Compliance with Hingham Conservation Commission's Buffer Zone Mitigation Policy:*

The proposed project consists of the installation of a 19-foot by 8-foot concrete pad to support two dumpsters, enclosed by a privacy fence, within an existing compacted gravel parking lot. The work is confined entirely to a previously developed parking area and does not involve the alteration of naturally vegetated Buffer Zone.

The proposed dumpster enclosure is located seaward of the delineated coastal bank, which is defined by an existing stone wall with a vegetated sloping landform and mature trees

landward of the wall. No work is proposed within the coastal bank resource area. The existing stone wall, vegetated slope, and associated vegetation will remain undisturbed, and the project will not result in the removal of vegetation or disturbance of resource area functions.

Because the proposed work replaces a portion of an existing compacted gravel parking surface and does not convert naturally vegetated Buffer Zone to developed use, the Applicant requests that the Commission determine that Buffer Zone mitigation is not required under the Hingham Conservation Commission's Buffer Zone Mitigation Policy. The project has been designed to minimize impacts to adjacent resource areas by confining all work to an existing developed parking area.

3. *Applicable local, state, and federal permits and approvals required for the project:*

The proposed project will require an Order of Conditions from the Hingham Conservation Commission, MADEP Chapter 91 License Amendment, U.S. Army Corps of Engineers Nationwide Permit, and MEPA Environmental Notification Form (ENF).

D. Additional Information

1. *USGS Map is included in Appendices.*
2. *A FEMA National Flood Hazard site map is included in Appendices.*
3. *A site plan with proposed activities is included in the submitted drawing set.*
4. *Method for BVW:*

BVW and other resource area boundary delineations at 211 Downer Avenue were identified by visual observation.

The Coastal Bank for 208 Downer Avenue was delineated via a Superseding Determination issued by MADEP on March 30, 2022.

5. *Plan Information:*

<u>Plan Title</u>	<u>Date</u>
NOI-01 Title Sheet and Drawing Index	2026
NOI-02 General Notes	2026
NOI-03 Site Plan	2026
NOI-04 Existing/Demolition Plan	2026
NOI-05 Proposed Plan	2026
NOI-06 Proposed Underdeck Plan	2026
NOI-07 Proposed Sections	2026
NOI-08 Seawall Repair	2026