

# Conservation Commission

## Meeting Minutes

January 5, 2026

Remote meeting via Zoom

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Members Present: Chair Carolyn Nielsen, Vice-Chair Nina Villanova, Robert Mosher, Thomas Roby, and Henry (Bob) Hidell, Douglas Troyer and Philip Edmundson

Members Absent: None

Staff Present: Shannon Palmer, Conservation Officer & Natashja Molina, Administrative Assistant

### Chair Carolyn Nielsen opened the meeting at 7:05PM and read the following statement:

*"This meeting is being held remotely as an alternate means of public access pursuant to Chapter 2 of the Acts of 2025 and all other applicable laws temporarily amending certain provisions of the Open Meeting Law. You are hereby advised that this meeting and all communications during this meeting may be recorded by the Town of Hingham in accordance with the Open Meeting Law. If any participant wishes to record this meeting, please notify the chair at the start of the meeting in accordance with M.G.L. c. 30A, § 20(f) so that the chair may inform all other participants of said recording."*

#### 1. Minutes

**Vote:** Commissioner Troyer made a motion, seconded by Commissioner Mosher to approve the meeting minutes from 11/3/2025 as drafted.

The motion passed by a roll call vote 5-0 (eligible voters)

In Favor: Bob Hidell, Bob Mosher, Thomas Roby, Douglas Troyer Philip Edmundson

Opposed: None

11/17/2025 – passed over

#### 2. Requests for Certificate of Compliance (COC)

##### a) 76 Clubhouse Drive, DEP No. 034-1387, Patrick and Maura Harold

Meeting Documents: Staff memo and Request for Certificate of Compliance

Austin Chartier, Project Representative from Mackenzie Engineering, explained to the Commission the applicant was requesting a Certificate of Compliance for a patio and pergola that was constructed in 2020. He explained they had done an inspection to construct the as built plan and ensured all was constructed in compliance with the Order. He also noted the landscaper submitted a letter ensuring the health of the mitigation planting area.

Ms. Palmer explained the mitigation plantings had completed the two year survivability with at least 75% survival and staff had no issues. She recommended a full COC.

**Vote:** Commissioner Troyer made a motion, seconded by Commissioner Mosher, to issue Certificate of Compliance for 76 Clubhouse Drive, DEP No. 034-1387.

The motion passed by a roll call vote 7-0.

In Favor: Chair Carolyn Nielsen, Bob Hidell, Bob Mosher, Thomas Roby, Nina Villanova, Douglas Troyer Philip Edmundson

Opposed: None

##### b) 0 Union Street, DEP No. 034-1533, Thomas Valton

Meeting Documents: Staff memo and Request for Certificate of Compliance  
Stephen Perry, Project Representative from Arcadis, explained to the Commission the project consisted of replacement of 600 linear feet of sewer main on Union Street.

Ms. Palmer stated staff had no issues and were very pleased with how effectively DCR worked with the Town to accomplish the sewer main replacement. She noted the work was performed due to multiple breaks resulting in discharges to the Weir River. She recommended the COC.

**Vote:** Commissioner Villanova made a motion, seconded by Commissioner Mosher, to issue a Certificate of Compliance for 0 Union Street, DEP No. 034-1533.

The motion passed by a roll call vote 7-0.

In Favor: Chair Carolyn Nielsen, Bob Hidell, Bob Mosher, Thomas Roby, Nina Villanova, Douglas Troyer  
Philip Edmundson

Opposed: None

- c) 6 Whiton Avenue, DEP No. 034-1511, ARL Holmes, LLC  
Meeting Documents: Staff memo and Request for Certificate of Compliance

*Commissioner Villanova recused herself.*

Patrick Easley, Project Manager, explained to the Commission the project consisted of construction of single family home in Flood Zone AE. He stated two dry wells and seven flood vents were installed. He noted that Grady Consulting provided the as-built and that the final grade was above the base flood elevation.

Ms. Palmer explained Land Subject to Coastal Flooding was the only resource on the property. She noted there were some questions with the flood vents but they were rectified with the Building Commissioner.

Chair Nielsen noted with recent trends the flood line may be at a higher elevation in the future and homeowners will be glad the flood vents are there.

**Vote:** Commissioner Hidell made a motion, seconded by Commissioner Troyer, to issue Certificate of Compliance for 6 Whiton Avenue, DEP No. 034-1511.

The motion passed by a roll call vote 6-0.

In Favor: Chair Carolyn Nielsen, Bob Hidell, Bob Mosher, Thomas Roby, Douglas Troyer, Philip Edmundson  
Opposed: None

## **Public Meetings**

1. CONT. Bare Cove Park Drive, (0 Fort Hill Street), Town of Hingham

**Vote:** Commissioner Troyer made a motion, seconded by Commissioner Mosher, to continue the public meeting for Bare Cove Park Drive/0 Fort Hill Street at request of applicant to January 26, 2026 at 7PM.

The motion passed by a roll call vote 7-0.

In Favor: Chair Carolyn Nielsen, Bob Hidell, Bob Mosher, Thomas Roby, Nina Villanova, Douglas Troyer Philip Edmundson

Opposed: None

**Public Hearings-** Chair Nielsen read the public hearing statement and opened the hearings.

1. CONT. 24 Shipyard Drive, DEP No. 034-1542, Sea Chain Marina, LLC

**Vote:** Commissioner Villanova made a motion, seconded by Commissioner Mosher, to continue public hearing for 24 Shipyard Drive, DEP No. 034-1542 at request of the applicant to January 26, 2026 at 7PM.

The motion passed by a roll call vote 7-0.

In Favor: Chair Carolyn Nielsen, Bob Hidell, Bob Mosher, Thomas Roby, Nina Villanova, Douglas Troyer Philip Edmundson

Opposed: None

2. CONT. 443 Cushing Street, DEP No. 034-1546, Tri Nguyen

Meeting Documents: Staff Memo, NOI, Site Plan and Restoration Plan Revised 12/30/25

*Abutters were notified via Certificate of Mailing as certified in Affidavit of Service signed by Kenneth Thomson dated 10/23/25. The hearing was continued from 11/17 to address staff comments however the hearing has not been opened.*

Ken Thomson, Project Representative and Wetland Scientist from 5Wetlands, described to the Commission the proposed project which consists of a two story addition to an existing home, to be built over an existing shed, paver patio and driveway resulting in approximately 381 SF of impact within the Riverfront Area. There will be culvec systems installed under the existing driveway to collect roof runoff. Also, there is an existing impact area on site from clearing and mowing vegetation in a forested wetland at the rear of the property across the perennial stream. Mr. Thomson described the proposed mitigation for the after-the-fact impact, to include the addition of nine trees, the removal of invasive species by hand, and enhancement of the buffer zone with plantings as shown on the site plan.

Ms. Palmer explained the addition was located within the outer 50-100 foot buffer zone to the wetland and in the 200 foot Riverfront Area. She noted it was a redevelopment project under the regulations as the property is currently degraded and the new addition was not closer to the resource area than existing conditions. She further explained the proposed improvements meet the riverfront standards in her opinion. Ms. Palmer stated the unpermitted activity that occurred bordering the river had been discussed with Mr. Thomson, noting that the bridge and walkway were to be removed and the area to be restored to a native plant community.

Chair Nielsen noted that restoration of the Riverfront Area would enhance environmental quality and wildlife enhancement.

Chair Nielsen opened the discussion to members of the public. No member of the public came forward.

**Vote:** Commissioner Troyer made a motion, seconded by Commissioner Villanova, Close public hearing for 443 Cushing St, DEP File No. 034-1546 and issue Order of Conditions with Findings of Fact A through D and Special Conditions 23-34 as noted in Staff Memo.

**Suggested Findings of Fact**

- A. The work described is within an Area Subject to Protection under the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131, § 40), Riverfront Area, and will result in 381 SF of total alterations within previously developed riverfront resulting from the proposed addition and walkways. The project also includes restoration of previously disturbed riverfront (after the fact restoration for unpermitted activities) and Buffer Zone enhancement plantings.
- B. The work described is within Areas Subject to Protection under the Town of Hingham Wetlands Protection Bylaw (Article 22), Riverfront Area and Buffer Zone to Bordering Vegetated Wetland and Inland Bank, and the Commission finds the areas are significant to the following wetland values as described under the Hingham Wetland Regulations (HWR) Sections 21.1 and 22.0: protection of public or private water supply, protection of groundwater, flood control, erosion and sedimentation control, storm damage prevention,

prevention of water pollution, protection of fisheries, protection of wildlife and wildlife habitat, protection of rare species habitat, protection of recreation and protection of aesthetics.

- C. As demonstrated in supplemental information dated revised December 24, 2025 prepared by Ken Thomson the project has been designed to comply with standards set forth under 310 CMR 10.58(5) and HWR Section 21.1(d) for work within previously developed Riverfront Area. The structure is located further from the river than existing conditions and away from the river, total impacts do not exceed 10% of the total riverfront area, and stormwater management for infiltration of roof runoff is proposed. Furthermore, native plantings are proposed to enhance the buffer zone and restore the Riverfront Area. As such, the Commission has found the project will result in an improvement over existing conditions of the capacity of the Riverfront Area to protect the interests identified in M.G.L. Ch. 131 § 40 and Hingham Wetlands Protection Bylaw.
- D. Based on the above, and with incorporation of the special conditions included in this Order, the Commission has determined the project complies with M.G.L. Ch. 131 §40 and Implementing Regulations, 310 CMR 10.00, and the Hingham Wetlands Protection Bylaw and Wetland Regulations.

Suggested Conditions of Approval:

23. The limits of the approved Restoration Areas shall be staked out by the Professional Land Surveyor prior to the Pre-Construction Meeting, for review by the Conservation Officer.
24. Riverfront/Buffer Zone restoration, to include removal of fire pit, bridge, and gravel walkway, removal of invasive species (Pachysandra by mechanical removal only), planting with native species, and seeding, shall be implemented in accordance with the approved Restoration Plan dated December 30, 2025 prepared by Ken Thomson, PWS. All restoration area plantings shall be native species; no cultivars, non-native species, or invasive species shall be allowed. Any changes to the plant selections or quantities or seed mix shall be submitted to the Conservation office for review and approval prior to installation. Implementation of the restoration plan shall be prioritized and plantings installed during the first growing season (April 7- November 7) following issuance of this Order, as practical.
25. Upon installation of the Restoration area plantings, the applicant shall submit an initial monitoring report prepared by a qualified wetlands professional documenting the restoration activities with photographs and including the installation date(s), species, quantity and size of plants installed, and seed mix used, as applicable.
26. The Riverfront Restoration area shall be monitored by a qualified wetlands professional for two growing seasons following planting to document restoration success, identify regrowth of invasive plants to be managed, and identify any reseeding or replanting efforts required due to plant mortality, as applicable. Written reports including site photographs shall be submitted to the Conservation office at the end of each growing season and no later than December 1<sup>st</sup> of the calendar year.
27. Prior to the issuance of a Certificate of Compliance, the Restoration plantings shall survive at least two full growing seasons, unless otherwise approved by the Commission, with a minimum of 75% survival rate. If a 75% survival rate is not achieved, replacement plantings of the same species, or equivalent to be approved by the Conservation Officer, shall be made by the applicant.
28. A final report prepared by a qualified wetlands professional certifying the successful establishment of the Restoration Area (including photographs and plant survival rate) shall be submitted with a Request for Certificate of Compliance. A Partial Certificate of Compliance (if requested by the applicant) will only be considered if the mitigation area has been planted and seeded in accordance with the approved plan.
29. Buffer Zone Mitigation (333 SF) shall be installed in accordance with the approved Buffer Zone Restoration Plan prepared by Ken Thomson dated December 30, 2025 and shall include planting of native trees to enhance the existing vegetated buffer. All mitigation area plantings shall be native species; no cultivars, non-native species, or invasive species shall be allowed. Any changes to the plant selections or quantities shall be submitted to the Conservation office for review and approval prior to installation. Planting shall be prioritized and installed during the first growing season (April 7- November 7) following issuance of this Order, as practical.

30. Prior to the issuance of a Certificate of Compliance, the mitigation area plantings shall survive at least two full growing seasons, with a minimum of 75% survival rate. If a 75% survival rate is not achieved, replacement plantings of the same species, or equivalent to be approved by the Conservation Officer, shall be made by the applicant. A Partial Certificate of Compliance (if requested by the applicant) will only be considered if the mitigation area has been planted and seeded in accordance with the approved plan.
31. After completion of work and prior to the issuance of a Certificate of Compliance, the applicant shall permanently mark the Riverfront Restoration Area referenced in special conditions #24 to ensure no inadvertent encroachment into the area. The markers, provided by the Conservation office, shall be installed on wooden posts or concrete monuments and shall remain in place in perpetuity. A minimum of five (5) markers shall be installed on the restoration area boundary.
32. The Riverfront Restoration Area shall be maintained in perpetuity in its predominantly natural condition so as to replicate to the maximum extent practical a diverse ecological system and provide habitat for native species. In accordance with 310 CMR 10.58(5)(h) further alterations within the Riverfront Restoration Area are prohibited, except as may be required to maintain the area in its restored or condition. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
33. Rooftop runoff shall be infiltrated on site as shown on approved plan (sheet C-2) prepared by Hardy & Mann dated revised December 1, 2025. Documentation to verify installation of infiltration chamber, including photographs and an affidavit from a qualified individual, shall be submitted to the Commission prior to issuance of a Certificate of Compliance. It is the sole responsibility of the owner of record to maintain the stormwater control measures at all times.
34. Upon completion of construction and prior to issuance of a Certificate of Compliance, the Applicant shall submit to the Conservation Commission a Final As-Built Plan stamped by a Professional Land Surveyor licensed in the Commonwealth of Massachusetts and a certification letter stamped by a Professional Civil Engineer licensed in the Commonwealth of Massachusetts stating that the work has been built in “substantial compliance” with the plans approved by the Conservation Commission. All deviations from the approved plans must be noted in the letter. The As-Built Plan shall include at a minimum:
  - a) All wetland resource area boundaries with associated buffer zones;
  - b) Locations of stormwater management conveyances and structures within jurisdictional areas;
  - c) A line delineating the limit of work- “work” includes any filling, excavating and/or disturbance of soils or vegetation approved under this Order;
  - d) Restoration areas.

The motion passed by a roll call vote 7-0.

In Favor: Chair Carolyn Nielsen, Bob Hidell, Bob Mosher, Thomas Roby, Nina Villanova, Douglas Troyer Philip Edmundson

Opposed: None

3. CONT. 56 Burditt Avenue, DEP No. 034-1549, Trustees of Derby Academy

**Vote:** Commissioner Hidell made a motion, seconded by Commissioner Villanova, to continue public hearing for 56 Burditt Ave., DEP File No. 034-1549 at request of the applicant, to January 26, 2026 at 7PM.

The motion passed by a roll call vote 6-0-1.

In Favor: Chair Carolyn Nielsen, Bob Hidell, Bob Mosher, Thomas Roby, Nina Villanova, Douglas Troyer

Opposed: None

Abstained: Phil Edmundson

4. 22 Del Prete Drive, DEP No. 034-1550, Jennifer & Philip McGuire

Meeting Documents: Staff memo, Revised NOI, Landscape Plan, and Site Plans submitted 12.30.25

*The hearing was continued for the applicant to address concerns regarding the proposed mitigation area and if the proposed mitigation plantings particularly within the fenced area was sufficient to mitigate impacts within the VPPZ.*

James Garfield, PE and Project Representative from Morse Engineering, explained to the Commission it was a continued hearing for an addition to a home, including a deck, swimming pool, hardscaping, landscaping and stormwater drywells. He provided the Commission with the following revisions and supplemental information for the proposal:

- A BVW delineation memo prepared by Wetland Scientist John Zimmer was provided
- The conservation mitigation area has been minimized on the existing slope to keep existing conditions
- The limit of work and PLS stamp were added to the site plan
- The landscape plan was revised to reflect mitigation area and portion of the proposed fence was moved closer to pool
- For the area around the drywells, test pits were excavated in the rear yard to confirm soil was consistent with that found in the front yard

Sean Papich, Landscape Architect from Papich Landscape Design, explained the revisions to the landscape plan:

- Original proposed plantings on the rear slope of the property within the 50 foot buffer have been removed, they would still like opportunity to address invasives in the area
- Fencing was moved off the 50 foot buffer and brought in a few different areas, plantings were still proposed on either side of fencing
- The bulk of back yard was to be planted with native species extending into the 50 foot buffer in an area that currently contained play equipment and degraded lawn
- Lawn area would be replaced with drought tolerant and fescue mixes
- There would be a densely planted area along the buffer and along the three sides of the proposed work area.
- For roof runoff, the hardscape areas and drawdown for the pool cultic systems were proposed

Chair Nielsen asked to point out the location of the proposed addition.

Mr. Papich explained the proposed addition was to be in the location of the existing deck, off the addition was a proposed deck and the location of the second addition would be over existing driveway and was approximately 8-10 feet.

Ms. Palmer stated the revised material came in last week and with the holiday, she did not have time to do a thorough review. She reviewed the supplemental staff comments sent before the meeting which included:

- BVW delineation forms were still not provided, she explained sometimes they were waived where it's an obvious, grass to wetland
- The plan still notes ILSF for the wetland but it is BVW.
- The plantings on the rear slope where the area was already vegetated she did not feel additional disturbance was necessary where there could be impacts to the certified vernal pool.
- Pool equipment still located outside the fencing and could be relocated.
- The new impervious within the vernal pool protection zone (VPPZ) was 1900sq.ft. The mitigation within the fenced area and outside the buffer zone did not count as mitigation in her opinion. She requested an updated number.
- The pool itself was an outstanding issues

Ms. Palmer explained further that the pool with the mitigation plantings do not comply with the bylaw under 2B, that states there shall be no encroachments or activity within 100 feet of a vernal pool, she noted there was no waiver for this. She noted in other buffer zone there is a waiver procedure. She explained it was at the Commission discretion if they felt the mitigation as sufficient to compensate for the alternation. She noted in her opinion that mitigation plantings in the buffer zone did not sufficiently compensate for impacts and highlighted that the bylaw does not distinguish between previously disturbed or natural areas. She deferred to the Commission's discretion.

Commissioner Troyer asked for clarification on the preexisting structures within the vernal pool buffer zone, Ms. Palmer was referring to.

Ms. Palmer explained where the additions were proposed over existing decks and did not extend beyond prior limits of disturbance.

Chair Nielsen explained the intention with the VPPZ was for a do not build, no touch zone. She agreed with Ms. Palmer on the intention of the bylaw. She noted Mr. Papich's mitigation plan was thorough but there is no provision for mitigation in the regulations and the proposal was a substantial increase in impervious area to the vernal pool. She stated in her opinion the pool proposal does not comply with the regulations and she does not support it. Ms. Nielsen also noted the additions are proposed on already altered area and would not create more disturbance.

Commissioner Hidell questioned the justification of why they thought a waiver would work.

Mr. Papich responded that other projects have received approval for work inside a vernal pool buffer. He believed their proposal was an improvement to the buffer. He noted it currently existed as lawn "Kentucky bluegrass lawn" which hurts the buffer more. He explained the pool was not believed to have any runoff or if any the water is treated with UV cleaning and is similar to drinking water, he further explained there would be no increase in runoff. He noted the landscape would be improved, by the reduction of the lawn and introduction of permeable surfaces, stormwater and plantings.

John Zimmer, Wetland Scientist from South River Environmental, explained the Vernal Pool was certified based on the presence of fairy shrimp unlike traditional certification by presence of wood frogs or spotted salamanders. He explained fairy shrimp are confined to the pool and do not use available upland habitat or the buffer zone associated with it. He noted the removal of lawn and providing native plantings, trees and shrubs would allow water to infiltrate prior to getting to the pool. Mr. Zimmer the provided planting plan would provide a better habitat for the species found in the vernal pools. He stated he agreed with Ms. Palmer that minimizing work on the slope would be beneficial and maintain stability. He explained there are invasive present on the slope but currently does not feel they would decrease habitat value for any species. He further stated that in his professional opinion the proposal results in a net benefit, to the habitat and the protection of the function of the BVW.

Commissioner Troyer questioned why the swimming pool was identified on the existing conditions plan and wanted confirmation there was never a swimming pool in that location.

Mr. Papich confirmed.

Mr. Garfield responded that the plan depicted the pools location relative to the existing conditions.

Commissioner Troyer asked if there was a specific project that they were aware of that received approval of a pool.

Mr. Papich noted previous examples of work done within a vernal pool buffer. He explained that this area was disturbed, by containing lawn, play area, walls and steps.

Ms. Palmer explained the project Mr. Papich was referring to was for a patio that was in the 100 foot VPPZ that was acted on at the last meeting. She explained it was within an area of existing gravel and patio and no closer than existing conditions and provided mitigation plantings.

Mr. Papich questioned if there was a hot tub.

Ms. Palmer confirmed a hot tub located on the patio. She noted in her research she could find any approvals of new in ground swimming pools within the VPPZ.

Chair Nielsen stated she does not recall any that were approved.

Commissioner Hidell asked Ms. Palmer to identify the language in the regulations that they are working against.

Ms. Palmer read the Bylaw Section 2C and Regulations Section 19.3D2.

Mr. Zimmer stated it provides the opportunity for the Commission to make a decision on a case by case basis.

Commissioner Edmundson asked Chair Nielsen if the Commission would consider other designs or a different orientation.

Chair Nielsen responded that it would be up to the Commissions discretion but depends on if we were going to accommodate a pool within the VPZ or not. She noted typically when pools are proposed they are within the 50-100 foot zone, they are not allowed within 50 feet of resource area. She explained there are existing structure within VPPZ but was before the Wetland Protection act was in place or the bylaw.

Commissioner Villanova stated concern with precedent as the intent is not to build something like a pool within the VPPZ.

Chair Nielsen noted her preference would be not to permit the pool. She asked for the Commissions input.

Commissioner Mosher stated not as the pool is currently proposed.

Commissioner Hidell stated that this portion of the property was considered marginal that influence wetlands and if permitted it would be an encroachment in an environmentally sensitive area. He also noted concerns with precedent.

Commissioner Troyer, Roby and Edmundson agreed.

Chair Nielsen questioned if there were objections to the additions over existing structures. There were none.

She asked for the applicant to revise their plan to eliminate the pool and a proposal with the other additions over existing structures.

Mr. Papich questioned if a different alignment or size of the pool would be considered. He stated he did not see it as setting a precedent. He noted they think that a pool will not detrimental effects and ends up being a benefit to the resource with the added plantings.

Commissioner Hidell responded that if the pool was oriented differently and if there was added science that could support the claims of this project. He explained discussions have to be had for justification.

Commissioner Edmundson added that if we were all to agree could we create guideline for future applicants to follow.

Chair Nielsen responded that would be going more into revision of the regulations and we need to work with the regulations we have currently. She added they have a provision for some discretion but permitting a pool in VPPZ is a major modification.

Chair Nielsen opened the discussion to members of the public. No member of the public came forward.

**Vote:** Commissioner Troyer made a motion, seconded by Commissioner Mosher, to continue the public hearing for 22 Del Prete Drive, DEP File No. 034-1550 with consent of applicant, to January 26, 2026 at 7PM.

The motion passed by a roll call vote 6-0-1.

In Favor: Chair Carolyn Nielsen, Bob Hidell, Bob Mosher, Thomas Roby, Nina Villanova, Douglas Troyer

Opposed: None

Abstained: Philip Edmundson

5. 25 Arnold Road, DEP No. 034-1548, 25 Arnold Road LLC

Meeting Materials: Staff memo, NOI and Site Plan revised 12/19/25

*Abutters were notified via Certified Mail as certified in Affidavit of Service signed by Paul Gunn of Morse Engineering dated 11/21/25.*

Spiros Giannaros, homeowner and abutter, explained to the Commission that the Planning Board approved their project earlier tonight, he explained he purchased the property to protect the trees and keep the integrity of the property.

James Garfield, Project Representative from Morse Engineering explained the project to the Commission consisting of the following:

- Currently developed lot with a single family home, a Bordering Vegetative Wetland located across the paved road (Arnold Road), and the associated buffers are located within the property.
- The proposal was to demolish and rebuild a new home in approximately the same location with an upgraded septic system and geomat leaching field, which will be an improvement to the site.
- Roof drywall chambers to be installed to capture the entirety of the roof runoff
- A stormwater report, was peer-reviewed by the Planning Board
- 2,000sq.ft. of mitigation area proposed
- Proposed removal of a 48-inch white pine within the 100-foot buffer and replacement would be three red maples and one American holly as mitigation trees.
- Erosion control would be around the limit of work and at front of property

Sean Papich, Landscape Architect, explained the homeowner had worked to minimize the amount of new hardscape, while providing plantings along the edges and the front of the property. He noted that the proposed lawn removal would be replaced with native sedge and other native shrubs along the sides. He further stated that permeable terraces were proposed at the rear of the property, outside the Commission's jurisdiction

Ms. Palmer explained staff were pleased with the landscape plan. She noted that the wetland was located across Arnold Road. She stated that impacts within the 50-foot buffer were minimal and that impacts would

be mitigated as described. Since the wetlands were located across the street, and the mitigation plantings aren't buffering the wetland staff were a little more lenient as far as mulching. Ms. Palmer questioned if there was an expansion of the driveway.

Mr. Garfield explained it was a minor expansion and stated that efforts had been made to minimize driveway width, noting that the proposed front entry garage and building placement closer to the street reduced additional pavement. He further explained that all roof runoff would be directed entirely to the roof drywell system.

Ms. Palmer noted that the impervious calculations did not include impervious area within the 50 foot buffer. She explained that any increase in impervious surface within the 50 foot buffer would require mitigation at a 2:1 ratio.

Mr. Garfield explained that the portion in question was within the public right-of-way and therefore not included in the calculations.

Chair Nielsen stated wildlife are going to enjoy all the shrubbery.

Chair Nielsen opened the discussion to members of the public. No member of the public came forward.

**Note:** Commissioner Hidell made a motion, seconded by Commissioner Mosher, to close public hearing for 25 Arnold Road, DEP File No. 034-1548 and issue Order of Conditions with Findings of Fact A through D and Special Conditions 23-30 as noted in Staff Memo.

#### *Suggested Findings of Fact*

- A. The work described is within an Area Subject to Protection under the Town of Hingham Wetland Regulations, Section 22.0 (Buffer Zone), and the Commission finds the area is significant to the following wetland values: protection of public or private water supply, protection of groundwater, flood control, erosion and sedimentation control, storm damage prevention, prevention of water pollution, protection of fisheries, protection of wildlife and wildlife habitat, protection of rare species habitat, protection of recreation and protection of aesthetics.
- B. The proposed work has been found to comply with the performance standards set forth under Section 22.0(d) of the Hingham Wetland Regulations (HWR) for work in the Buffer Zone and with incorporation of the special conditions included in the Order, including mitigation plantings and erosion and sediment controls to protect resource areas during construction, the project will not alter or adversely affect the adjacent Bordering Vegetated Wetlands. The minimal work proposed in the 50 foot Buffer Zone is to replace an existing driveway off Arnold Road.
- C. The Commission has determined the proposed work complies with Section 23.1 of the HWR, as the work includes replacement of an existing system constructed prior to the effective date of the regulations, with no alternative location available on the lot. Furthermore, as described in the Notice of Intent prepared by Morse Engineering, an Innovative/Alternative system is proposed that receives several design credits to facilitate a smaller system that not only provides significantly improved treatment when compared to the existing cesspool, but results in less disturbance than a conventional leaching field by reducing the required amount of fill on the property. Also, the proposed septic system has been approved by the Board of Health.
- D. Based on the above, the Commission has determined the project complies with the Massachusetts Wetlands Protection Act, M.G.L. Ch. 131 §40 and Implementing Regulations, 310 CMR 10.00, and the Hingham Wetlands Protection Bylaw (Article 22) and Wetland Regulations.

#### *Recommended Special Conditions*

23. Prior to commencement of site work, silt sacks shall be installed in catch basins located on Arnold Road. The applicant is responsible for maintaining and regularly cleaning basins of sediments until site stabilization is achieved or the Conservation Officer has authorized their removal.
24. The infiltration area shown on approved plan prepared by Morse Engineering dated revised December 17, 2025, shall be field marked and protected from vehicles and other equipment until construction is complete to prevent compaction.
25. The mitigation plantings (1,847 SF) shall be installed in accordance with the approved Landscape Plan prepared by Sean Papich Landscape Architecture dated revised December 18, 2025. All mitigation plantings in the 100 foot Buffer Zone shall be native species; no cultivars, non-native species, or invasive species shall be allowed. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance. Planting of the mitigation area shall be prioritized and installed during the first growing season (April 7- November 7) following issuance of this Order, as practical, to allow for the required two growing season survival requirement (special condition #25).
26. Upon installation of the mitigation plantings, the applicant shall notify the Conservation office in writing and include specific information on the installation date(s), plant species, quantity and size of plants that were installed.
27. Prior to the issuance of a Certificate of Compliance, the mitigation plantings shall survive at least two full growing seasons, unless otherwise approved by the Commission, with a minimum of 75% survival rate. If a 75% survival rate is not achieved, replacement plantings of the same species, or equivalent to be approved by the Conservation Officer, shall be made by the applicant. A Partial Certificate of Compliance (if requested by the applicant) will only be considered if the mitigation area has been planted and seeded in accordance with the approved plan.
28. The patios within the 100 foot Buffer Zone shall be constructed to be permeable, with permeable joints and an appropriate permeable subbase as shown on approved Site Plan prepared by Morse Engineering dated revised December 17, 2025 (2 sheets). The Professional Engineer shall submit documentation including photographs to the Commission with the Request for Certificate of Compliance certifying that the patios and permeable subbase have been installed in accordance with the final approved plan and manufacturer specifications.
29. It is the sole responsibility of the owner of record to maintain the stormwater control measures (Cultec drywell chambers and drainage swales) at all times. This condition shall apply **in perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
30. Upon completion of construction and prior to issuance of a Certificate of Compliance, the Applicant shall submit to the Conservation Commission a Final As-Built Plan stamped by a Professional Land Surveyor licensed in the Commonwealth of Massachusetts and a certification letter stamped by a Professional Civil Engineer licensed in the Commonwealth of Massachusetts stating that the work has been built in "substantial compliance" with the plans approved by the Conservation Commission. All deviations from the approved plans must be noted in the letter. The As-Built Plan shall include at a minimum:
  - a) All wetland resource area boundaries with associated buffer zones;
  - b) Locations and elevations of all stormwater management conveyances, structures and best management practices, within jurisdictional areas;
  - c) Mitigation plantings constructed under this Order.

The motion passed by a roll call vote 7-0.

In Favor: Chair Carolyn Nielsen, Bob Hidell, Bob Mosher, Thomas Roby, Nina Villanova, Douglas Troyer Philip Edmundson

Opposed: None

6. 73 Gilford Road, DEP No. 034-15XX, Judith Struss

*Commissioner Hidell recused himself*

**Vote:** Commissioner Troyer made a motion, seconded by Commissioner Villanova, to continue public meeting for 73 Gilford Road at request of applicant to January 26, 2026 at 7PM.

The motion passed by a roll call vote 6-0.

In Favor: Chair Carolyn Nielsen, Bob Mosher, Thomas Roby, Nina Villanova, Douglas Troyer Philip Edmundson

Opposed: None

**Other Business:**

1. Vote to close Enforcement Order, 41 George Washington Blvd, Restoration of Buffer Zone

Ms. Palmer explained an Enforcement Order was issued in April 2024, for an encroachment within the 50 foot buffer to Bank. She stated that ECR had been hired to prepare a restoration proposal, which was implemented immediately, and that the plantings were monitored for two years by ECR. Ms. Palmer noted more than 75% survival and recommended the Enforcement Order be lifted.

There were no comments or questions from the Commission.

**Vote:** Commissioner Troyer made a motion, seconded by Commissioner Villanova, to close the Enforcement Order for 41 George Washington Blvd based on successful restoration of Buffer Zone.

The motion passed by a roll call vote 7-0.

In Favor: Chair Carolyn Nielsen, Bob Hidell, Bob Mosher, Thomas Roby, Nina Villanova, Douglas Troyer Philip Edmundson

Opposed: None

2. Vote to issue Order of Conditions, 14 Kents Lane, DEP No. 034-1545

Chair Nielsen noted the hearing was closed at the previous meeting of 12/8/2025.

Ms. Palmer reminded the commission this project involved minor wetland fill to provide access to the backyard, as well as a patio located within the VPPZ. She explained that as reflected in the findings, the Commission had deliberated and determined that the proposed mitigation was sufficient for the encroachment because the patio was located within an area that had previously been gravel and patio. She further explained that lawn currently extended directly to the vegetated wetland and that the project proposed removal of lawn and implementation of a new buffer zone restoration plan to mitigate the impacts at a 2:1 ratio. She stated that the Commission had granted a waiver under Section 2B of the bylaw for activity within the VPPZ.

**Vote:** Commissioner Hidell made a motion, seconded by Commissioner Mosher, to issue Order of Conditions for 14 Kents Lane, DEP No. 034-1545 with Findings of Fact A through H and Special Conditions 23-40.

*Recommended Findings of Fact*

- A. The work described is within an Area Subject to Protection under the MA Wetlands Protection Act (M.G.L. Ch. 131, § 40), Bordering Vegetated Wetlands, and will result in 24 SF of total alterations. As demonstrated in the Performance Standards Analysis (supplemental Project Narrative) prepared by Morse Engineering submitted November 25, 2025, the project has been designed to comply with standards set forth under 310 CMR 10.55(4). The Commission has found impacts to BVW have been minimized to the maximum extent feasible and the negligible fill for access to the rear yard will be adequately mitigated through wetland replication (2:1 ratio) to contribute to the protection of the interests identified in MGL Ch. 131 §40.
- B. The work described is within an Area Subject to Protection under the Town of Hingham Wetlands Protection Bylaw (Bordering Vegetated Wetlands) and the Commission finds the area is significant to the following wetland values as described under the Hingham Wetland Regulations (HWR) Section 19.3: protection of public or private water supply, protection of groundwater, flood control, erosion and

sedimentation control, storm damage prevention, prevention and abatement of water pollution, protection of fisheries, protection of wildlife and wildlife habitat, protection of rare species habitat including rare plant and animal species, protection of recreation, open space, and protection of aesthetics.

- C. As demonstrated in the Performance Standards Analysis prepared by Morse Engineering, the project has been designed to comply with standards set forth under Section 19.3(d) for work within Vegetated Wetlands. The proposal will not cause any adverse effect or cumulative adverse effect upon the wetland values of the Vegetated Wetland as the negligible fill of a small finger like projection for access to the rear yard will be mitigated at 2:1 ratio. Furthermore, proposed work will not result in adverse effects on vernal pool habitat and a waiver has been granted for work within the 100 foot Vernal Pool Protection Zone.
- D. The work described is within an Area Subject to Protection under the Town of Hingham Wetlands Protection Bylaw (Buffer Zone) and the Commission finds the area is significant to the following wetland values as described under the Hingham Wetland Regulations (HWR) Section 22.0: protection of public or private water supply, protection of groundwater, flood control, erosion and sedimentation control, storm damage prevention, prevention and abatement of water pollution, protection of fisheries, protection of wildlife and wildlife habitat, protection of rare species habitat including rare plant and animal species, protection of recreation, and protection of aesthetics.
- E. With incorporation of the special conditions included in this Order, including buffer zone restoration and erosion and sediment controls during construction, the proposed work has been found to comply with the performance standards set forth under Section 22.0(d) of the HWR for work in the Buffer Zone and will not alter or adversely affect the adjacent Resource Areas. Furthermore, a waiver has been granted for work within the 50 foot buffer to vegetated wetlands.
- F. The Commission has determined, in accordance with Section 2.B of the Hingham Wetlands Protection Bylaw, the applicant has made a clear and convincing showing that the proposed work in the 0-50 foot buffer strip (construction of permeable patio) and its natural and consequential impacts and effects will not adversely affect the wetland values of the Bylaw, and as such, authorizes the proposed activities. As documented in the Waiver Request prepared by James Garfield, PE, dated November 25, 2025, the proposed work is located within an area of the yard that is currently gravel and lawn and the patio is located no closer to the resource area than existing gravel area. Furthermore, the proposal includes mitigation at a 2:1 ratio consisting of removal of lawn and restoration of the buffer zone with a native plant community, improving the values of the resource area.
- G. The Commission has determined, in accordance with Section 2.C of the Hingham Wetlands Protection Bylaw, the applicant has made a clear and convincing showing that the proposed work in the 100 foot Vernal Pool Protection Zone (to onsite Potential Vernal Pool) and its natural and consequential impacts and effects will not adversely affect the wetland values of the Bylaw, and as such, authorizes the proposed activities. As documented in the Waiver Request prepared by James Garfield, PE, dated November 25, 2025, the proposed permeable patio is located within area that is currently gravel and lawn is no closer to the PVP than existing conditions. Furthermore, extensive mitigation is proposed, including wetland replication and buffer zone restoration, improving the values of the resource area.
- H. Based on the above, the Commission has determined the project complies with the Massachusetts Wetlands Protection Act, M.G.L. Ch. 131 §40 and Implementing Regulations 310 CMR 10.00 and the Hingham Wetlands Protection Bylaw (Article 22) and Wetland Regulations.

#### *Recommended Special Conditions*

- 23. There shall be no discharge of any hot tub water within 100 feet of the potential Vernal Pool. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
- 24. The patio shall be constructed to be permeable, with permeable joints and an appropriate permeable subbase as shown on approved project plan prepared by Morse Engineering dated *December 14, 2025*. The Professional Engineer shall submit documentation including photographs to the Commission with the Request for Certificate of Compliance certifying that the patio and permeable subbase have been installed in accordance with the final approved plan(s) and manufacturer specifications.

25. Erosion control devices shall not block passage between uplands and the vernal pool between the dates of March 1 and June 1, nor between September 1 and October 15. If soils will not be stabilized during these periods, temporary stabilization measure shall be designed in coordination with the Conservation Officer, to provide a gradual slope or berm over which amphibians may pass.
26. The limits of the approved Replication/Restoration areas shall be staked out by the Professional Land Surveyor prior to the Pre-Construction Meeting, for review by the Conservation Officer.

*Wetland replication*

27. The applicant shall employ a Professional Wetland Scientist who has experience in constructing wetland replication areas to supervise the construction and planting of the replication area. The wetland professional shall oversee all activities involving preparation and construction of the wetland replication/restoration areas and shall be on site while the work is being performed. The activities include but are not limited to: inspecting and confirming site flagging prior to and after excavation of the wetland replication area; identifying appropriate organic soils to be placed in the replication area; overseeing final grading of the area; inspecting final elevations and confirming ground water elevations; obtaining, planting and maintaining the specified wetland plants; and monitoring and reporting on the replication area. The applicant shall notify the Commission in writing of the selected wetlands professional prior to or at the required Pre-Construction Meeting.
28. Wetland replication shall be constructed in accordance with the approved Wetland Replication & Buffer Mitigation Narrative prepared by Environmental Consulting and Restoration (ECR) dated revised December 1, 2025. At least 48 square feet of wetland replication shall be provided. The wetland replication area shall be brought to final grade using organic soils and prepared for planting prior to commencement of approved wetland fill (24 SF), unless otherwise approved by the Commission. Any deviation from the plan approved in this Order of Conditions must be made in writing and approved by the Commission before proceeding.
29. Any damage caused as a direct result of this project to any wetland resource areas shall be the responsibility of the applicant to repair, restore or replace. Sedimentation of any resource area shall be considered fill of that wetland area.
30. The wetland scientist or her/his designee shall monitor the status of the Wetland Replication Area for a minimum of two (2) growing seasons following construction. The wetland scientist shall submit a monitoring report on the replication area at the end of each growing season, and no later than **December 1st** of each year. The report shall include at a minimum, photographs, percent of vegetation cover, list of plant species growing in the replication area, a description of the relative health or failure of the planted species, invasive species management efforts (hand removal only), and recommendations for replacement plants if needed.
31. Replacement plantings shall be made with plants of like kind and size and shall be planted as soon as identified or seasonal weather permits. The surface area of the replication site shall be at least 75% established with indigenous wetland plant species within two (2) growing seasons. A full Certificate of Compliance will not be issued until this condition has been met.
32. If, at the end of the second growing season, the wetland scientist or her/his designee, or the Commission concludes that the replacement area has failed to meet the standards at 310 CMR 10.55(4)(b) and the Hingham Wetland Regulations, said wetland scientist shall prepare and submit a written 'corrective plan of action' no later than the end of that calendar year to the Commission for approval. The approved 'corrective plan of action' shall be implemented the next growing season under the supervision of the wetland specialist and may require additional monitoring.
33. The Final Monitoring Report shall include an As-Built Plan prepared by a Professional Land Surveyor documenting square footage of replication area and shall indicate the success of the replication activities, overall condition of plants, status of invasive species, and describe in detail how the functions of the impacted wetland have been replaced by the replicated wetland.

*Buffer Zone/VP Protection Zone Mitigation*

34. The Buffer Zone Mitigation Area (830 SF) shall be installed as shown on the approved Wetland Replication & Buffer Mitigation Narrative prepared by ECR dated revised December 1, 2025. Any changes to the plant

selections or quantities shall be submitted to Conservation for review and approval prior to installation. Planting of the mitigation area shall be prioritized and installed during the first growing season (April - November) following issuance of this Order, as practical, to allow for the required two growing season survival requirement (special condition #37).

35. Upon installation of the mitigation area, the applicant shall notify the Conservation office in writing and include specific information on the installation date(s), plant species, quantity and size of plants, and seed mix installed, as applicable.
36. All mitigation plantings shall be native species; no cultivars, non-native species, or invasive species shall be allowed. Mulching shall be limited to root zones of individual plants for plant establishment only. Following planting, the Mitigation Area shall be allowed to naturally revegetate with native species and remain as a naturally vegetated buffer to the adjacent resource area. Mitigation areas shall not be disturbed, mowed or maintained as a landscaped area. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
37. Prior to the issuance of a Certificate of Compliance, the mitigation area plantings shall survive at least two full growing seasons, unless otherwise approved by the Commission, with a minimum of 75% survival rate. If a 75% survival rate is not achieved, replacement plantings of the same species, or equivalent to be approved by the Conservation Officer, shall be made by the applicant. A Partial Certificate of Compliance (if requested by the applicant) will only be considered if the mitigation area has been planted and seeded in accordance with the approved plan.
38. After completion of work and prior to the issuance of a Certificate of Compliance, the applicant shall permanently mark the Buffer Zone Mitigation Area referenced in special condition #33 to ensure no inadvertent encroachment into the area. The markers, provided by the Conservation office, shall be installed on wooden posts or concrete monuments and shall remain in place in perpetuity. A minimum of four (4) markers shall be installed on the restoration area boundary.
39. A final report prepared by the qualified wetlands professional certifying the successful establishment of the Mitigation Area (including photographs and overall plant survival rate) shall be submitted with a Request for Certificate of Compliance.
40. Upon completion of construction and prior to issuance of a Certificate of Compliance, the Applicant shall submit to the Conservation Commission a Final As-Built Plan stamped by a Professional Land Surveyor licensed in the Commonwealth of Massachusetts and a certification letter stamped by a Professional Civil Engineer licensed in the Commonwealth of Massachusetts stating that the work has been built in “substantial compliance” with the plans approved by the Conservation Commission. All deviations from the approved plans must be noted in the letter. The As-Built Plan shall include at a minimum:
  - a) All wetland resource area boundaries with associated buffer zones;
  - b) A line delineating the limit of work- “work” includes any filling, excavating and/or disturbance of soils or vegetation approved under this Order;
  - c) Replication and Mitigation Areas.

The motion passed by a roll call vote 5-0. (Eligible)

In Favor: Chair Carolyn Nielsen, Bob Hidell, Bob Mosher, Thomas Roby, Nina Villanova,

Opposed: None

3. Vote to issue Order of Conditions, 55 Whiton Avenue, DEP No. 034-1547

Ms. Palmer explained the hearing was closed at the last meeting and the project was for a new residential dock, noting it had minor impacts to, LSCSF, Rocky Intertidal Shores, Land-Containing Shellfish, and Coastal Bank. She explained the dock was situated to avoid all impacts to Salt Marsh, which was appreciated. She explained they had met all the requirements under 234C for private docks and piers regarding dimensions and materials. She noted there were some comments about recreation and explained there were other docks in this location and based on their compliance to the regulations there would be little impact. She also explained special conditions for docks and although minimal shellfish found conditions for coordination with shellfish constable and DMF were still required to relocate shellfish.

**Vote:** Commissioner Villanova made a motion, seconded by Commissioner Mosher, to issue Order of Conditions for 55 Whiton Ave, DEP No. 034-1547 with Findings of Fact A through E and Special Conditions 23-40.

*Recommended Findings of Fact*

- A. The work described is within Areas Subject to Protection under the Wetlands Protection Act, M.G.L. Ch. 131, § 40, Coastal Bank, Rocky Intertidal Shores, Land Containing Shellfish, and Land Subject to Coastal Storm Flowage (LSCSF)(FEMA Flood Zone VE). The project proposes to construct a new pier, ramp, and float system for residential use on Hingham Harbor and will result in 18 LF of impact to Coastal Bank, 28 SF of impact to Rocky Intertidal Shores, 28 SF of impact to Land Containing Shellfish, and 38 SF of alteration to LSCSF. As demonstrated in the revised Project Narrative prepared by Merrill Engineers dated December 3, 2025, the project has been designed to minimize impacts to coastal resource areas resulting from pier construction and pile installation and is located in an area which avoids impacts to Salt Marsh. As such, the Commission has found the project complies with the performance standards set forth under 310 CMR 10.30, 10.31 and 10.34, and will not have significant adverse effects on coastal resource areas. Furthermore, construction phase measures as described in the revised Project Narrative, will be implemented to ensure work activities will not result in any impacts to the nearby Salt Marsh and thus the Commission finds the project complies with performance standards set forth under 310 CMR 10.32(3) through (6).
- B. The work described is within Areas Subject to Protection under the Town of Hingham Wetlands Protection Bylaw (Article 22), Coastal Bank, Rocky Intertidal Shores, Land Containing Shellfish, and Land Subject to Coastal Storm Flowage. The Conservation Commission finds the areas in which work is proposed is significant to the following wetland values as described in Hingham Wetland Regulations (HWR) Sections 18.1, 18.2, 18.5, and 20.1: protection of public or private water supply, protection of groundwater, flood control, erosion and sedimentation control, storm damage prevention including coastal storm flowage, prevention of water pollution, protection of fisheries, protection of shellfish, protection of wildlife and wildlife habitat, protection of rare species habitat, protection of recreation and open space, protection of aesthetics.
- C. As demonstrated in the revised Project Narrative prepared by Merrill Engineers dated December 3, 2025, the project has been designed to comply with the performance standards set forth under Sections 18.1(d), 18.2(d), 18.5(d), and 20.1(d) of the HWR for work within Coastal Bank, Rocky Intertidal Shores, Land Containing Shellfish, and LSCSF. The project will result in negligible impacts to coastal resource areas as described above and avoids impacts to Salt Marsh. A Shellfish Study prepared by Environmental Consulting & Restoration (ECR) dated September 25, 2025 concluded there is a minimal amount of shellfish in the project area and no eelgrass exists. With the special conditions included in this Order, including relocating existing shellfish from the work area and payment into a shellfish mitigation fund, the project will not result in significant adverse effects on the resource area.
- D. As described in the revised Project Narrative, the project has been designed to comply with the regulations set forth under HWR Section 23.4(c) for private Docks and Piers. The proposed dock will consist of a 4' wide by 106' long pier connecting to a 3' x 30' seasonal gangway and 10' x 20' seasonal float. In total, the structure will be 150 feet long from the beginning of the pier to the end of the float. The pier will also include a 6' x 8' deck at the landward end and a 3' wide wooden staircase to provide access from the upland to the dock. The pier will consist of 38 piles with a maximum diameter of 1 ft. each. Plank spacing will be a minimum of ¾ inch. The dock was modified from the originally submitted plan to replace the proposed skids with float stops to maintain at least 2.5 feet (30 inches) between the bottom of the float and substrate in accordance with recommendations from the Department of Marine Fisheries (DMF). Therefore, the proposed construction and maintenance of the residential dock will not have detrimental effects on coastal resource areas including shellfish habitat. Furthermore, the Commission has found that the project will not have adverse effects on the wetland values of recreation or aesthetics as the proposed dock has been designed in accordance with the length requirements specified in Section 23.4(c) to prevent interference with recreational boating activities; the dock provides adequate public access for recreation;

the height and length of the dock is consistent with existing docks in the area; and, no lighting is proposed, avoiding potential interference with recreational activities in the area and impacts to night sky.

- E. Based on the above, and with incorporation of the special conditions included in this Order, the Commission has determined the project complies with the Massachusetts Wetlands Protection Act, M.G.L. Ch. 131 §40 and Implementing Regulations, 310 CMR 10.00, and the Hingham Wetlands Protection Bylaw (Article 22) and Wetland Regulations.

*Recommended Special Conditions*

23. The existing stair case shall be demolished by hand and all materials shall be immediately removed with no stockpiling of materials to minimize impacts to vegetation on the Coastal Bank. Any disturbance or exposed soils resulting from stair case removal shall be stabilized with native salt tolerant seed mix and/or native plantings in coordination with the Conservation Officer.
24. Prior to commencement of work and after consultation with the Town of Hingham Shellfish Constable, all soft shelled clams in the vicinity of the work area must be collected and relocated under the direction of a qualified wetlands professional to a suitable location approved by the MA Division of Marine Fisheries. The applicant shall notify the Conservation office in writing before harvesting begins and after successful relocation.
25. Any debris which falls into any resource area during work activities shall be removed immediately by hand.
26. Construction of the dock shall be accomplished by maximizing access from the water and upon completed portions of the dock. No heavy construction equipment, vehicles or barges are permitted on Salt Marsh or tidal flats during construction.
27. Water based support equipment (construction barge or any other associated equipment) shall not be allowed to ground out at any time to avoid impacts to coastal resource areas and marine fisheries.
28. Pile installation shall be conducted using slow hammer starts to minimize impacts to marine fisheries and wildlife. Verification of equipment and construction methods shall be provided at the Pre-Construction Meeting required by Standard Condition #3.
29. Appropriate containment measures should be employed as needed including use of silt curtains to prevent siltation in the marine environment during dredging activities.
30. No storage of equipment, tools, fuel, supplies, timber or hardware is permitted within any coastal resource areas. The contractor responsible for work is responsible for cleaning up and removing construction materials and debris from the site daily after the completion of work.
31. No fueling or refueling of land-based equipment is permitted within 100 feet of any wetland resource area.
32. Absolutely no release of any petroleum product, epoxies, resins, admixtures, touch-up coatings, or the like shall be permitted. Accidental releases shall be reported to the Harbormaster, Conservation Commission, project engineer, and if applicable, the U.S. Coast Guard. The contractor shall have on site sufficient absorbent pads and booms to contain an accidental spill throughout the duration of work.
33. The use of chromated copper arsenate (CCA) treated wood and creosote treated timber is prohibited and shall not be used in construction of the dock. Wood preservative, if used, must be dry before the treated wood is used in construction.
34. Plank spacing on the approved dock and associated components shall be a minimum of 3/4" as shown on approved plan prepared by Merrill Engineers dated revised December 18, 2025. Any changes to the approved dock materials must be approved in advance by the Commission.
35. The float bottom shall be at least 2.5 feet (30 inches) above the substrate over mapped shellfish habitat at all times, as recommended by the Division of Marine Fisheries (DMF). Float stops shall be used to provide the required clearance as shown on approved plan prepared by Merrill Engineers dated revised December 18, 2025.
36. The approved dock shall be permanently signed with the DEP permit number (DEP No. 034-1547) and public access signage in accordance with Section 23.4(c)(6) and Section 23.4(c)(7) of the Hingham Wetland Regulations.

37. Prior to or at the Pre-Construction Meeting, the applicant shall submit a storage plan for the approved seasonal float and any other associated seasonal items, to the Conservation office. All seasonal items must be in storage between October 31<sup>st</sup> and March 31<sup>st</sup> each year.
38. The approved float shall be removed seasonally and shall not be stored in any wetland resource area at any time. All seasonal items must be transported without causing damage to the Salt Marsh or any other coastal resource area.
39. Prior to issuance of a Certificate of Compliance, the applicant shall submit proof of contribution to the Shellfish Mitigation Fund. The contribution amount shall be established by the Town of Hingham Shellfish Constable.
40. Upon completion of construction and prior to issuance of a Certificate of Compliance, the Applicant shall submit to the Conservation Commission a Final As-Built Plan stamped by a Professional Land Surveyor licensed in the Commonwealth of Massachusetts and a certification letter stamped by a Professional Civil Engineer licensed in the Commonwealth of Massachusetts stating that the work has been built in “substantial compliance” with the plans approved by the Conservation Commission. All deviations from the approved plans must be noted in the letter.

The motion passed by a roll call vote 5-0 (Eligible)

In Favor: Chair Carolyn Nielsen, Bob Hidell, Bob Mosher, Thomas Roby, Nina Villanova

Opposed: None

4. Vote to approve Quote for Phase I Dam Inspection –Foundry Pond Dam (due May 2026)

Ms. Palmer explained the need for the Dam to be inspected and the quote received for the inspection.

The Commission discussed other Towns getting approval for dam removal and expressed interest in the removal of this dam in the future.

**Vote:** Commissioner Hidell made a motion, seconded by Commissioner Troyer, to approve the quote from GZA in the amount of \$5000.00 for a Phase I Inspection of Foundry Pond Dam

The motion passed by a roll call vote 7-0.

In Favor: Chair Carolyn Nielsen, Bob Hidell, Bob Mosher, Thomas Roby, Nina Villanova, Douglas Troyer Philip Edmundson

Opposed: None

5. Conservation Officer Updates

Tree removal policy – Ms. Palmer explained she has been working on updating the tree removal policy and attended a workshop that discussed taking into consideration the size of tree removed and carbon sequestration with its replacement. The Commission expressed support for the updated policy.

**Adjourn**

Motion: Commissioner Troyer moved to adjourn the meeting. Commissioner Villanova seconded the motion. The motion passed by roll call vote 7-0.

Meeting adjourned at 8:43PM

Approved on: 2/9/2026