



# TOWN OF HINGHAM

## Planning Board

### NOTICE OF DECISION SCENIC ROAD PERMIT

#### IN THE MATTER OF:

Applicant: Town of Hingham  
25 Bare Cove Park Drive  
Hingham, MA 02043

Agents: Daniel M. Gagne, PE and JR Frey, Town Engineer  
Beals and Thomas, Inc. Town of Hingham  
32 Court Street 25 Bare Cove Park Drive  
Plymouth, MA 02360 Hingham, MA 02043

Premises/Property: Martins Lane Right-of-Way, Hingham, MA 02043

Title Reference: Plymouth County Registry of Deeds, Book 1961, Page 291

Plan Reference: "Seawall Repair Plan," prepared by Beals and Thomas, Inc., 32 Court Street, Plymouth, MA, dated September 5, 2018 (1 Sheet)

#### SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of the Town of Hingham (the "Applicant") for a Scenic Road Permit pursuant to M.G.L. Chapter 40A § 15C of the Scenic Road Act and the Rules and Regulations of the Planning Board Adopted Under the Scenic Road Act and such other relief as necessary to repair 285± linear feet of the adjacent seawall and construct 30± linear feet of new wall, resulting in wall heights of approximately 18" above the pavement within the Martins Lane right-of-way in Residence District C. The Applicant also submitted, and the Board simultaneously heard, a related application for Site Plan Review under §§ I-I and IV.B of the Zoning By-Law.

The Board opened the hearing during a public meeting held on February 7, 2022 via Zoom as an alternate means of public access pursuant to Chapter 20 of the Acts of 2021 temporarily amending certain provisions of the Open Meeting Law. The Board panel consisted of

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regular members Kevin Ellis, Chair, Rita DaSilva, Judith Sneath, and Gary Tondorf-Dick. JR Frey, Hingham Town Engineer, and Daniel Gagne, of Beals and Thomas, appeared to present the application to the Board. At the conclusion of the review, the Board voted unanimously to grant the requested Scenic Road Permit.

## **BACKGROUND**

The existing seawall supports the western edge of Martins Lane and borders Hingham Harbor. The seawall is approximately 5' feet high, and constructed of mortared stone and the top of the wall is lined with a wooden post-and-rail fence. The Department of Conservation of Recreation, through the 2015 Coastal Protection Infrastructure Inventory and Assessment, reviewed this segment of seawall and assigned a condition rating of D (poor).

The proposed repairs to the seawall include the removal of the existing post and rail fence, excavation landward of the existing seawall, and the installation of reinforced concrete behind and below the wall. Additional granite blocks will be used to increase the wall's height to approximately 18 inches above the existing pavement elevation. The top of the proposed seawall will be above the mean high water elevation and a new timber rail will be installed on the top of the repaired seawall.

Additionally, 30 feet of new granite block wall located landward of the high tide line are proposed south of the seawall repairs. This new section of seawall will be of similar size and construction to the adjacent existing seawall. The project is not anticipated to impact stormwater conditions or surface flows within or adjacent to Martins Lane.

Work will be conducted during low tide intervals, such that the work area will be dry and no dewatering is anticipated. The Town will limit the activity to the amount of work that can be completed during one low tide cycle, and sufficiently stabilized for the incoming high tide. The Town successfully used this low tide construction approach for reconstruction of the Downer Avenue seawall on the opposite side of Hingham Harbor. Minimal disturbance of wetland resource areas is anticipated, as the proposed work is generally located within existing roadway, and no additional impervious roadway will be added to the site.

The Zoning Board of Appeals issued a Special Permit A1 related to this project in January of 2019. Additionally, the Conservation Commission issued an Order of Conditions in October of 2018 and an amended Order in December of 2021.

During the course of the hearing, the Board considered concerns raised during public comment regarding construction-related impacts on traffic and access. The Board discussed traffic mitigation to minimize potential impacts on the neighborhood. Ultimately, the Board imposed a condition in a related Site Plan Review Decision to address concerns.

## **FINDINGS**

Based on the information submitted and presented during the review, public comment, and the deliberations and discussions of the Board during the meeting, the Board made the following findings under the Rules and Regulations of the Planning Board Adopted under the Scenic Road Act:

**1. Preservation of natural resources;**

Impacts to natural resources are temporary in association with the roadway and wall reconstruction and will be returned to existing conditions upon completion of construction. Temporary and permanent impacts to natural resources have been reviewed and approved by the Hingham Conservation Commission. Accordingly, natural resources are preserved.

**2. Environmental values;**

Adverse impacts on wetland resources will be avoided or minimized by limiting construction to low tide periods.

**3. Historical values;**

Historical values will be preserved by using materials consistent with those of the existing seawall to the maximum extent practicable.

**4. Scenic and aesthetic characteristics;**

The proposed increase in wall height, additional 30-foot section of wall, and post-and-rail fence have been designed to be consistent with existing materials. The proposed 18-inch increase to the wall height will not materially impact the scenic or aesthetic characteristics of the area.

**5. Public safety;**

Vehicular and pedestrian hazards will be reduced and sinkholes noted in the DCR Coastal Protection Infrastructure Inventory and Assessment will be addressed. Furthermore, the improvements to the seawall will offer increased protection to the adjacent roadway and abutting residences in the event of a coastal storm.

**6. Compensatory actions proposed, such as replacement of trees or walls;**

Temporary disturbances to coastal resource areas will be restored upon completion of construction. In particular, existing salt marsh soils and plants will be stockpiled to later restore the area to existing conditions.

**7. Other sound planning considerations.**

The Project will minimize impacts to wetland resource areas to the extent practicable, while meeting the projects goals of improving coastal protection and public safety along the roadway.

**DECISION**

Upon a motion made by Kevin Ellis and seconded by Gary Tondorf-Dick, the Board voted unanimously to grant the application of the Town of Hingham for a Scenic Road Permit pursuant to M.G.L. Chapter 40A § 15C of the Scenic Road Act and the Rules and Regulations of the Planning Board Adopted Under the Scenic Road Act and such other relief as necessary to repair 285± linear feet of the adjacent seawall and construct 30± linear feet of new wall, resulting in wall heights of approximately 18" above the pavement within the Martins Lane right-of-way in Residence District C.

For the Planning Board,

A handwritten signature in black ink, appearing to read "Ken M. Ellis", written over a horizontal line.

Kevin Ellis, Chair  
February 24, 2022

**In Favor:** Kevin Ellis, Rita DaSilva, Judith Sneath, and Gary Tondorf-Dick

**Opposed:** None