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*Registered Professional Engineers, Land Surveyors
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January 21, 2025

Hingham Conservation Commission
210 Central Street
Hingham, MA 02043

Re: 35 Bel Air Road, Hingham, MA
Notice of Intent
Owner/Applicant: Rutherford Realty Trust

Ms. Palmer,

This letter is intended to address comments on the above referenced project expressed in an email prepared by you, dated January 8, 2025.

Submitted herewith are the following:

- Dock & Retaining Wall Reconstruction Plan, revised January 21, 2025
- Notice of Intent, revised January 21, 2025

The following are responses to comments expressed by Shannon Palmer, Conservation Office, in an email dated January 8, 2025 (*Ms. Palmer's comments are in italics* and the **Morse Engineering responses are in bold**):

Comments

1. The project summary indicates four new pilings will be installed for the float however does not describe the proposed replacement of all existing pier pilings. Based on review of the plan and staff site visit, there appear to be 16 existing piles and 22 replacement piles for the pier. Please confirm in narrative and explain why the piles are increasing in number and the method for removal of existing piles. Staff recommends the number of proposed piles in the salt marsh not exceed the number of existing piles.
The narrative has been revised and now details the number of posts being removed and the number of piles proposed. Both numbers are 22 so there is no increase in the number of support structures for the pier. The narrative details removal of the existing posts. The number of piles within the salt marsh is increasing from 4 to 5. This is the minimum number of piles needed within the salt marsh to achieve 10' on-center spacing of the piles, which is necessary for the structural integrity of the pier at this location. 3:1 mitigation is proposed for the 4 s.f. of salt marsh disturbance. Natural mitigation is also being provided, because the pier is being elevated 2.5' from the existing condition, which will allow more sunlight to reach the salt marsh below.

2. The project summary does not address the proposed replacement stairs which appear to impact salt marsh. Please relocate stairs out of the salt marsh and include stair details in summary.
The replacement stairs have been relocated entirely outside of the salt marsh. The narrative now addresses the proposed stairs.

3. Please clarify if the retaining wall is being replaced on the west side of the pier.

Yes, the retaining wall is being replaced on both sides of the pier.

4. The narrative includes a description of resource areas impacted however does not include Land Containing Shellfish. Additionally, performance standards analyses to demonstrate compliance with 310 CMR 10.27(3)-(7) (Coastal Beach/Tidal Flat), 10.32(3)-(6) (Salt Marsh), 10.34(4)-(8)(Land Containing Shellfish) and HWR Sections 18.4, 18.2, 18.5, and 20.1 (LSCSF) were not included. The analyses should clearly describe impacts with square footages of alteration and how the proposal meets the applicable performance standard for each resource area.

The narrative has been revised and now includes an analysis of each performance standard listed above and how the project complies. Disturbance areas are listed under each resource area. A Shellfish Survey Report is now attached to the Notice of Intent.

5. Section B of the NOI describes coastal resource area impacts as 29 SF to Coastal Beach, 4 SF to Salt Marsh and 141 SF to LSCSF. It is not clear how impacts were calculated based on the number of pilings in the different resource areas. Please clarify in narrative as requested above and add Land Containing Shellfish as applicable.

The disturbance square footage to each resource area has been recalculated with the revision made to the retaining wall reconstruction location. Resource area disturbances are listed in the narrative. A Shellfish Survey Report is now attached to the Notice of Intent.

6. As indicated in staff's initial comments, the proposed retaining wall does not appear to comply with the HWR Section 20.1(d)(5) which prohibits "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." Staff recommends alternative solutions be evaluated for the wall reconstruction and the wall location be no closer to the resource area than existing conditions. An alternatives analysis should be prepared in accordance with the requirements of Section 20.1(d)(5)(c).

The reconstruction of the retaining wall is now proposed within the walls existing location. This is the least impactful reconstruction option that complies with HWR Section 20.1(d)(5). An alternatives analysis is attached to the narrative within the Notice of Intent.

7. Please review DEP Policy [Wetlands Program Policy 92-1](#) and delineate Coastal Bank as applicable (i.e. retaining wall). If Coastal Bank is present, the NOI should be updated accordingly.

No coastal bank is located at this site. Per 310 CMR 10.30, coastal banks are defined as the seaward face or side of any 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. Landform is defined as a natural feature of the earth's surface. This retaining wall is man-made and not a natural feature of the earth's surface, thus it cannot be considered coastal bank.

8. Please provide proof of mailing to DMF and any follow up correspondence received to date.

Proof of email submission to DMF was forwarded to Shannon Palmer on 1/9/25. The only plan change requested by DMF was increasing the separation from the substrate to the bottom of the float to 30". The plan has been revised accordingly.

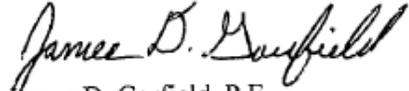
9. Please submit certified mail receipts to document abutter notification.

A copy of the certified mail receipts was emailed to Shannon Palmer on 1/9/25.

It is our opinion that this letter addresses all comments.
If you have any questions, please do not hesitate to call.

Respectfully Submitted,

MORSE ENGINEERING COMPANY, INC.


James D. Garfield, P.E.