



## PERFORMANCE STANDARDS ANALYSIS MEMO

**TO:** Shannon Palmer @ Hingham Conservation Commission  
**FROM:** Brad Holmes @ ECR  
**DATE:** February 16, 2026  
**RE:** 9 Porters Cove Road, Hingham – DEP #034-1551

Please include this Performance Standards Analysis Memo with the Notice of Intent application under review for the proposed treatment and removal of non-native invasive vegetation located at 9 Porters Cover Road in Hingham (the Site). The project is located within Salt Marsh, Riverfront Area, and Land Subject to Coastal Storm Flowage resource areas.

### 310 CMR 10.32 – SALT MARSH

*Salt Marsh means a coastal wetland that extends landward up to the highest high tide line, that is, the highest spring tide of the year, and is characterized by plants that are well adapted to or prefer living in, saline soils. Dominant plants within salt marshes typically include salt meadow cord grass (*Spartina patens*) and/or salt marsh cord grass (*Spartina alterniflora*), but may also include, without limitation, spike grass (*Distichlis spicata*), high-tide bush (*Iva frutescens*), black grass (*Juncus gerardii*), and common reedgrass (*Phragmites*). A salt marsh may contain tidal creeks, ditches and pools.*

### Performance Standards

*(3) A proposed project in a salt marsh, on lands within 100 feet of a salt marsh, or in a body of water adjacent to a salt marsh shall not destroy any portion of the salt marsh and shall not have an adverse effect on the productivity of the salt marsh. Alterations in growth, distribution and composition of salt marsh vegetation shall be considered in evaluating adverse effects on productivity. 310 CMR 10.32(3) shall not be construed to prohibit the harvesting of salt hay.*

- The project proposes eradication of Common Reed (*Phragmites australis*), which is a non-native invasive plant species that has overtaken the natural salt marsh vegetation and caused significant degradation at the site. The proposed project restores and does not destroy the salt marsh. The project is proposed to improve existing conditions by restoring native salt marsh vegetation, which will improve the productivity of the salt marsh, improve the natural growth of salt marsh vegetation (*Spartina* species), and improve wildlife habitat value.

*(4) Notwithstanding the provisions of 310 CMR 10.32(3), a small project within a salt marsh, such as an elevated walkway or other structure which has no adverse effects other than blocking sunlight from the underlying vegetation for a portion of each day, may be permitted if such a project complies with all other applicable requirements of 310 CMR 10.21 through 10.37.*

- Not applicable, the proposed project does not include a structure.

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*(5) Notwithstanding the provisions of 310 CMR 10.32(3), a project which will restore or rehabilitate a salt marsh, or create a salt marsh, may be permitted in accordance with 310 CMR 10.11 through 10.14, 10.24(8), and/or 10.53(4).*

- The proposed project meets this standard by removing non-native invasive plant species and restoring/rehabilitating the natural salt marsh vegetation at the site.

*(6) Notwithstanding the provisions of 310 CMR 10.32(3) through (5), no project may be permitted which will have any adverse effect on specified habitat sites of Rare Species, as identified by procedures established under 310 CMR 10.37.*

- NHESP has reviewed the proposed project and determined that the project will not adversely affect the actual Resource Area Habitat of state-protected rare wildlife species.

## 310 CMR 10.58 – RIVERFRONT AREA

*A Riverfront Area is the area of land between a river's mean annual high-water line and a parallel line measured horizontally. The riverfront area may include or overlap other resource areas or their buffer zones. The riverfront area does not have a buffer zone.*

### Performance Standards

*(4) General Performance Standard. Where the presumption set forth in 310 CMR 10.58(3) is not overcome, the applicant shall prove by a preponderance of the evidence that there are no practicable and substantially equivalent economic alternatives to the proposed project with less adverse effects on the interests identified in M.G.L. c.131 § 40 and that the work, including proposed mitigation, will have no significant adverse impact on the riverfront area to protect the interests identified in M.G.L. c. 131 § 40. In the event that the presumption is partially overcome, the issuing authority shall make a written determination setting forth its grounds in the Order of Conditions and the partial rebuttal shall be taken into account in the application of 310 CMR 10.58 (4)(d)1.a. and c.; the issuing authority shall impose conditions in the Order that contribute to the protection of interests for which the riverfront area is significant.*

#### *(a) Protection of Other Resource Areas.*

- The project has been designed to restore or rehabilitate the Salt Marsh to improve the resource area, which will also improve the existing conditions within the Riverfront Area.

#### *(b) Protection of Rare Species.*

- NHESP has reviewed the proposed project and determined that the project will not adversely affect the actual Resource Area Habitat of state-protected rare wildlife species.

#### *(c) Practicable and Substantially Equivalent Economic Alternatives.*

- The project has been designed with several options for the targeted treatment of Common Reed at the site. The NOI Narrative also includes an alternatives analysis with different treatment options. The preferred treatment alternatives are included in the NOI application.

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## *(d) No Significant Adverse Impact*

- The proposed project has been designed to improve resource area conditions and will not have a significant adverse impact on the riverfront area to protect the interests identified in M.G.L. c. 131, § 40. This standard of No Significant Adverse Impact is not applicable for this type of project. The proposed project is designed as a Limited Project, which allows for relief from certain performance standards to include the standards of (d) No Significant Adverse Impact such as area percentages, work in the 100 foot Riverfront Area, etc. See Limited Project provision below:

310 CMR 10.53(3) Notwithstanding the provisions of 310 CMR 10.54 through 10.58 and 10.60, the Issuing Authority may issue an Order of Conditions and impose such conditions as will contribute to the interests identified in M.G.L. c. 131, § 40 permitting the following limited projects...

310 CMR 10.53(4) Notwithstanding the requirements of any other provision of 310 CMR 10.25 through 10.35, 10.54 through 10.58, and 10.60, the Issuing Authority may issue an Order of Conditions permitting an Ecological Restoration Project listed in 310 CMR 10.53(4)(e) as an Ecological Restoration Limited Project...

## 310 CMR 10.04 – LAND SUBJECT TO COASTAL STORM FLOWAGE

*Land Subject to Coastal Storm Flowage means 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.*

## Performance Standards

None

Project Analysis – The proposed project has been filed as an Ecological Restoration Limited Project Notice of Intent. The project has also been listed in the January 9, 2026 Environmental Monitor. It is our anticipation that the Conservation Commission will issue a Restoration Order of Conditions (Form 5A) similar to the project approved at 12 Boulder Glen Road and 9 Porters Cove Road (DEP #SE034-1362).

Please include this submittal with the Notice of Intent application under review. Upon review of this memo, please contact me at (617) 529 – 3792 or [brad@ecrwetlands.com](mailto:brad@ecrwetlands.com) with any questions or requests for additional information.

Thank you,  
Brad Holmes, Professional Wetland Scientist #1464  
Manager