

Conservation Commission

Meeting Minutes

February 9, 2026

Remote meeting via Zoom

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

Members Absent: Chair Carolyn Nielsen

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

Vice-Chair Nina Villanova opened the meeting at 7:02PM 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

Commissioner Troyer noted a discrepancy on page six and seven, with the representative's name, to be corrected to "John Zimmer".

Vote: Commissioner Troyer made a motion, seconded by Commissioner Mosher to approve the meeting minutes from 1/5/2026 as drafted with correction.

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

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

Opposed: None

Commissioner Hidell joined the meeting 7:04PM

Public Meetings

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

Meeting Documents: Staff memo, RDA and Site Plan Revised 2/4/26

Matthew Stanford, PWS, PSS, from SLR explained to the Commission that Horsley Witten Group (HW) and SLR had conducted a site visit and made revisions to the Bordering Vegetative Wetland boundary. Also they identified the Potential Vernal Pool boundary within the Isolated Wetland. He stated following the site visit HW had submitted their final report and revised plans have been submitted to reflect the new boundary.

Jamie McCarthy, PWS/Environmental Scientist from Horsley Witten Group, explained the Bordering Vegetative Wetland located to the east had been expanded and the Potential Vernal Pool boundary added within the Isolated Wetland at the rear of the property to the north. She noted the revisions were agreed upon in the field and the revised plans were submitted to the Commission.

Ms. Palmer presented the revised site plan for the Commission. She noted staff concurred with the changes that were made and recommended the Commission issue a Positive Determination for confirmation of the wetland boundaries.

Vice Chair Villanova allowed for public comment limited to questions or comments regarding the wetland delineation.

Anita Ryan, resident, questioned the development area boundary shown on the site plan that fell within the wetland buffer zone.

Ms. Palmer explained two different lines are shown on the plan: the outer line was the boundary of the project development and the inner darker line was the limit of disturbance and no work would take place outside of that line.

Ms. Ryan questioned how that was enforced.

Ms. Palmer explained there would be construction phase oversight and that the limit of work would be clearly marked in the field. She stated that oversight would occur through the various departments including Building, Planning, and Conservation.

Ms. Ryan noted a discrepancy in the HW report, as it referenced the incorrect lot number for the property, to be corrected to Map 77 Lot 1. She also questioned the previously approved ORAD for the abutting parcel at 100 Beal Street, noting that the river boundary had not been delineated under that approval.

Ms. McCarthy responded that the reference in the report was to the perennial water course and was not relying on the ORAD for measurements. She explained the wetland review was limited to the two wetland boundaries shown on the site plan.

Commissioner Hidell questioned the relationship of the vernal pool and the river and if the location of the vernal pool was accurate.

Ms. McCarthy responded that the boundary had been confirmed in the field however, it had not been confirmed as a Certified Vernal Pool. She explained that certification would need to be conducted in the spring. As a precautionary measure, she stated that the boundary of the Vernal Pool Protection Zone (VPPZ) had been added within the Isolated Wetland.

Commissioner Hidell questioned if it could be verified in the spring.

Ms. McCarthy responded that if the Commission wanted to pursue that they could, but as of right now VPPZ does not appear to extent within the area of development.

Ms. Palmer clarified it would be the boundary that would be confirmed tonight and whether it qualified as a Certified Vernal Pool was a separate matter. She noted the area of development was located beyond the VPPZ. Ms. Palmer noted stated that staff could review the matter in the spring and take the necessary steps to determine whether it qualified as a Certified Vernal Pool.

Vote: Commissioner Troyer made a motion, seconded by Commissioner Mosher, to issue a Positive #2A for Bare Cove Park Drive/0 Fort Hill Street confirming the boundary delineations of resource areas as shown on the Site Plan by SLR dated revised 2/4/2026, as accurate.

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

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

Opposed: None

Public Hearings- Vice-Chair Villanova read the public hearing statement and opened the hearings.

1. 123 Summer Street, DEP No. 034-1553, Dana Palmer-Donnelly

Meeting Documents: Staff memo, NOI and Site Plans revised 2/4/26

At the first hearing the Commission discussed the proposed impervious patio in the 50 foot buffer and agreed it should be removed, the hearing was continued for revised plans to be submitted.

Tish Campbell, Project Representative from Tish Landscape Design, explained to the Commission after the last meeting they removed the proposed portion of the patio which laid within the 50 foot buffer. She displayed the site plan for the Commission showing the cabana moved slightly and the portion of the pool patio pulled back to be within the limits of the existing patio.

Ms. Palmer stated staff had no further comments or questions.

Commissioner Troyer questioned what was changed with the cabana.

Ms. Campbell stated it was moved slightly forward to flow with the adjusted patio.

Vice Chair Villanova opened the discussion to members of the public. No members of the public came forward.

Note: Commissioner Mosher made a motion, seconded by Commissioner Troyer, to close public hearing for 123 Summer St, DEP No. 034-1553 and issue Order of Conditions with Findings of Fact and Special Conditions 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 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 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. As documented in the performance standards analysis submitted with the Notice of Intent, the project has been designed 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. The proposal includes mitigation plantings and construction phase erosion and sediment controls to protect the offsite resource area during construction. Additionally, no work is proposed in the 50 foot buffer to the wetland resource area. The Commission considered the waiver request for construction of an impervious patio in this 50 foot buffer strip however determined there were alternatives available that would benefit the resource area and minimize potential impacts. The proposal was modified to remove the proposed impervious patio out of this area and as such, the project will not alter or adversely affect the wetland values of the resource area.
- C. 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

27. The Buffer Zone Mitigation Area (1,500 SF) shall be installed as shown on the approved Landscape Plan (Sheet L-1) prepared by Tish Campbell dated revised January 27, 2026. 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 #26).

27. 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.
28. 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.
29. 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.
30. 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 #23 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.
31. A final report prepared by a qualified 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.
32. Chemically treated swimming pool, spa and hot tub (SSH) water should not be discharged over land or into groundwater within 50 feet of the wetland resource area. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance. Prior to any SSH water discharges (a minimum of 50 feet from the resource area):
 - a) Chlorine levels in discharge and filter backwash should be lowered to less than 0.1 mg/l and not cause foaming or discoloration of the receiving water.
 - b) The SSH water should have a pH between 6.5 and 8.5 (the normal pH range of surface and ground waters).
 - c) SSH water can be discharged over lawn/landscaping if the chemical addition system has been completely shut off, and chlorine and other chemicals has been stopped for at least for one week prior to discharge.
33. 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) Mitigation Areas.

The motion passed by a roll call vote 4-0 (eligible)

In Favor: Bob Mosher, Douglas Troyer, Philip Edmundson and Tom Roby

Opposed: None

2. 357 Main Street, DEP 034-1554, Kelsey & Christopher Bleck
Meeting Documents: Staff memo, NOI and Site Plans 2/4/26

Abutters were notified via Certificate Mailing on 12/23/25 as certified in Affidavit of Service signed by Karolyn Gear of Merrill Engineers submitted via email on 2/3/26.

Caroline Rees, PE, Project Representative from Merrill Engineers and Land Surveyors, explained the project to the Commission. The proposal consists of razing and rebuilding a detached garage, approximately 370 SF, within the existing footprint. She stated a waiver had been submitted for the Hingham Bylaw Section 2B and 2C for work proposed within the 50 foot wetland buffer and within 100 feet of VPPZ. She explained the existing site conditions, including concrete driveway, detached garage, patio and septic. The lot is constrained and improvements were being proposed to enhance drainage. Ms. Rees noted the construction of an approximately three inch berm on the side of the driveway to prevent runoff from flowing toward the wetland resource area. The berm will help direct runoff to a new gravel trench and yard drain for pretreatment. She noted that both roof run off and pavement runoff would be treated as part of the proposed improvements.

Ms. Palmer reiterated there was no increase in impervious area and recommended granting the waiver as it was a replacement of an existing structure and would be an improvement with the stormwater and drainage proposed. She recommended issuing the Order of Conditions.

Commissioner Villanova questioned what the berm would be consisted of.

Ms. Rees clarified it would be a curb made of concrete or asphalt.

Vice Chair Villanova opened the discussion to members of the public. No members of the public came forward.

Note: Commissioner Troyer made a motion, seconded by Commissioner Mosher, to close public hearing for 357 Main Street, DEP No. 034-1554 and issue Order of Conditions with Findings of Fact and Special Conditions as noted in Staff Memo.

Suggested Findings of Fact

- A. The work described is within Areas Subject to Protection under the Town of Hingham Wetland Regulations, Riverfront Area and Buffer Zone, and the Commission finds the area is significant to the following wetland values as described under 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, 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, protection of aesthetics.
- B. As documented in the performance standards analysis submitted with the Notice of Intent prepared by Merrill Engineers, the project has been designed 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. The proposal includes mitigation plantings and construction phase erosion and sediment controls to protect the offsite resource area during construction. As such, the project will not alter or adversely affect the wetland values of the resource area.
- C. Work is proposed in the 50 foot Buffer Zone and 100 foot Vernal Pool Protection Zone (to off-site Potential Vernal Pool) (VPPZ) however, as documented in the Waiver Request submitted by Carolyn Rees, PE, of Merrill Engineers, the project is to replace an existing structure, with no change in footprint or increase in impervious area. Furthermore, the proposed trench drain and gravel trench are intended to improve runoff, recharge, and drainage conditions, improving the wetland values of the resource areas. As such, the Commission grants a waiver of Sections 2.B and 2.C of the Hingham Wetlands Protection Bylaw, authorizing the proposed activities within the 50 foot buffer strip and VPPZ.
- D. The Commission does not confirm the boundaries or classification of the off-site wetland resource area shown on the approved plan. The wetland boundary and buffer zones depicted on the plan were determined to be sufficient for the current application as there is no change in the building footprint and

work will not alter the resource areas. Any future work in the Buffer Zone will require a new wetland delineation to confirm the resource area boundary and classification.

- E. 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. Rooftop (garage) and driveway runoff shall be managed on site (trench drain and catch basin) as shown on approved plan prepared by Merrill Engineers dated revised 2/4/26 and stamped by Brendan Sullivan PE. Documentation to verify installation of stormwater measures, including photographs and an affidavit from a qualified individual, shall be submitted to the Commission prior to issuance of a Certificate of Compliance.
24. It is the sole responsibility of the owner of record to maintain the stormwater control measures (trench drain and catch basin) at all times in accordance with the Operation & Maintenance Plan prepared by Merrill Engineers dated 2/4/26. This condition shall apply **in perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
25. 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: all wetland resource area boundaries with associated buffer zones; locations and elevations of all stormwater management conveyances, structures and best management practices within jurisdictional areas.

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

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

Opposed: None

3. 240 Lazell Street, DEP 034-1555, Neil & Michelle MacLellan
Meeting Documents: Staff memo, NOI and Site Plan revised 3/1/26

Abutters were notified via Certified Mail on 1/22/26 as certified in Affidavit of Service signed by Joshua Green of Homestead Consulting Engineers submitted with the Notice of Intent.

Joshua Green, PE, Project Representative from Homestead Engineers, explained the proposal to the Commission which consists of construction of a pool and pervious patio. The lot is currently developed with a single family home and is primarily lawn and cleared to the tree line at the rear of the yard. All work would be outside the 50 foot buffer zone and within existing lawn area. He noted the wetland is located off the property and was delineated by ECR. The construction of the pool, spa and surrounding pervious patio as well as an existing pervious terrace that will be slightly increased occur within the outer buffer. He noted an approximately 1,600 SF mitigation area proposed along the rear of the property.

Sean Papich, Sean Papich Landscape Architecture, explained the mitigation plan stating that the edge of the existing lawn would be removed and replaced with native plant materials. The proposed plantings included clethra, winterberry, highbush blueberry and other native species. He noted the fencing will be installed and the mitigation plantings will be on the outside of the fencing.

Ms. Palmer stated that most of staff comments had been addressed, although the requested BVW delineation forms had not been received. She noted that projects submitted during this time of year were challenging to review due to snow cover, which makes verifying wetland flags nearly impossible. She explained that, as outlined in Commission’s Resource Area Delineation Policy, winter delineations pose challenges and may not

be accepted. It is the Commission's discretion whether they are comfortable accepting the boundary as presented and establishing the buffer zones within the property. She further noted that staff was pleased with the plantings proposed outside the fence as this will be more beneficial for creating a successful, long term mitigation area. Ms. Palmer requested permanent markers in areas where no fencing was proposed to demarcate the mitigation area. She further explained that the patio and pool equipment were located right at the 50 foot buffer line which is why she had concerns regarding the inability to verify the wetland boundary due to weather conditions. She suggested that the Commission, if comfortable with the proposal, make a finding that the wetland flags would not be confirmed but would be accepted to establish the limits of the Buffer Zone for this filing. Any future work would require confirmation of the flags.

Commissioner Villanova questioned how much wetland delineations could vary.

Ms. Palmer explained generally any discrepancy can vary from 6in to 10 feet. She noted in this case where the topography appears to set the boundary, there is less potential to have discrepancies.

Commissioner Troyer questioned how the 50 foot buffer was defined.

Mr. Green explained Brad Holmes, PWS, from ECR flagged the offsite wetlands and provided a wetland memo with information regarding the soils and vegetation.

Ms. Palmer added the delineation had been done in November and a professional wetland scientist can perform delineations at any time of year.

Commissioner Troyer expressed concerns with the proposal being located right up to the 50 foot buffer without verifying the wetland flagging.

Mr. Green added that the intent of the proposal had been to remain outside of the 50 foot buffer and noted that proposed mitigation exceeded the requirements.

Commissioner Hidell, Mosher and Edmundson were in agreement with the proposal as presented.

Commissioner Villanova stated that she agreed with the other Commissioners based on Ms. Palmer's explanation regarding the topography and the flagging that had been completed prior to the snowfall. She noted that she did not believe the decision would set a precedent given the specific reasoning.

Vice-Chair Villanova opened the discussion to members of the public. No members of the public came forward.

Note: Commissioner Mosher made a motion, seconded by Commissioner Hidell, to close public hearing for 240 Lazell Street, DEP No. 034-1555 and issue Order of Conditions with Findings of Fact and Special Conditions 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. As documented in the performance standards analysis submitted with the Notice of Intent, the project has been designed 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. The proposed patio and terrace in the 50-100

foot buffer will be constructed to be permeable. Additionally, the proposal includes mitigation plantings and construction phase erosion and sediment controls to protect the resource area during construction. As such, the project will not alter or adversely affect the wetland values of the resource area.

- C. Due to the weather conditions which prevented review of the off-site wetland flagging, the Commission does not confirm the delineation of Bordering Vegetated Wetland as shown on the approved plan however accepts the limits of the buffer zone as depicted. Any future work on the property in jurisdictional areas may require review and confirmation of the wetland boundary.
- 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, sediment control (mulch sock) shall be installed at the 50 foot buffer zone boundary (in addition to sediment control shown on the approved plan at the limits of the planting mitigation area). The boundary line of the 50 foot buffer shall serve as the limit of work for the pool/patio construction and shall be staked out in the field by a registered professional engineer or land surveyor prior to installation. The request for Pre-Construction Meeting/Erosion and Sediment Control Inspection, as required by Standard Condition #3, shall also include a statement from the registered professional certifying that the sediment controls have been located and installed in accordance with this condition.
- 24. The patio and terrace expansion shall be constructed to be permeable, with permeable joints and an appropriate permeable subbase as shown on approved project plan prepared by Homestead Consulting Engineers dated revised January 30, 2026. Documentation including photographs shall be submitted 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 and manufacturer specifications. Any modification to the approved patio or terrace resulting in a change in the permeability requires review and approval by the Commission and may require additional mitigation. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
- 28. The Buffer Zone Mitigation Area (1,660 SF) shall be installed as shown on the approved Landscape Plan prepared by Sean Papich Landscape Architecture dated revised January 29, 2026. Mitigation is required for new impervious area in the 50-100 Buffer Zone resulting from the pool and associated equipment. Any changes to the plant selections or quantities shown on the Landscape Plan shall be submitted to Conservation for review and approval prior to installation.
- 29. 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 #27).
- 34. 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.
- 35. 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.
- 36. 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.

37. After completion of work and prior to the issuance of a Certificate of Compliance, the applicant shall permanently mark the Buffer Zone Mitigation Area as shown on approved plan 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.
38. A final report prepared by a qualified professional certifying the successful establishment of the Buffer Zone Mitigation Area (including photographs and overall plant survival rate) shall be submitted with a Request for Certificate of Compliance.
39. Chemically treated swimming pool, spa and hot tub (SSH) water shall not be discharged over land or into ground water within the 0-50 foot Buffer Zone to the wetland resource area. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance. Prior to any SSH water discharges (a minimum of 50 feet from the resource area):
 - a) Chlorine levels in discharge and filter backwash should be lowered to less than 0.1 mg/l and not cause foaming or discoloration of the receiving water.
 - b) The SSH water should have a pH between 6.5 and 8.5 (the normal pH range of surface and ground waters).
 - c) SSH water can be discharged over lawn/landscaping if the chemical addition system has been completely shut off, and chlorine and other chemicals has been stopped for at least for one week prior to discharge.
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”;
 - c) Mitigation Area.

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

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

Opposed: None

Other Business:

1. Vote to issue Order of Conditions, 24 Shipyard Drive, DEP No. 034-1542

Ms. Palmer explained the OOC would be for repairs and maintenance of marina infrastructure at the Hingham Shipyard Marina under an open ended maintenance plan. Work would be based on ongoing monitoring and would take place over the 3 years of the OOC. Suggested conditions include: written notification prior to work, monitoring reports submitted annually; and shellfish mitigation requirements in the event that any pile replacements occurred within designated shellfish habitat. Ms. Palmer also mentioned several Certificates of Compliance for older Orders on the property remained outstanding. She explained that the applicant had been working with staff to address these items and she added that a condition could be included to require the COCs.

Commissioner Troyer and Mosher agreed to add the condition.

Ms. Palmer stated she would add a condition of prior to commencement of any work, submission of the COC requests for the outstanding orders would need to be submitted.

Vote: Commissioner Troyer made a motion, seconded by Commissioner Mosher, to issue Order of Conditions for 24 Shipyard Drive, DEP No. 034-1542 with Findings of Fact and Special Conditions as noted in Staff Memo and the addition of the special condition as discussed.

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, Land Under the Ocean (LUO) and Land Containing Shellfish (LCS). The proposed project will result in no more than 297 square feet of alteration to LUO and 23 square feet of alteration to LCS from anticipated pile repair and replacement activities however all impacts to coastal resource areas are considered temporary. The work is also within Land Subject to Coastal Storm Flowage (FEMA Flood Zone VE) however no alterations are proposed.
- B. The work described is within Areas Subject to Protection under the Town of Hingham Wetlands Protection Bylaw (Article 22), Land Under Ocean, 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 17.1, 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 and abatement 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 Performance Standards Analysis prepared by Foth submitted with the Notice of Intent, the project has been designed avoid permanent impacts and minimize temporary impacts to coastal resource area resulting from marina maintenance activities. A small portion of the project site contains Land Containing Shellfish (LCS) at the southwestern corner. Proposed work, including replacement of piles and repairs to floating dock system, is not anticipated to result in permanent impacts to LCS. As such, a Shellfish Study was not required. Construction phase measures described in the Project Narrative (Section 3), including use of slow hammer starts, prohibiting refueling of vehicles within or near protected resource areas, and other best management practices will be implemented to minimize and mitigate and potential adverse impacts and ensure resource areas are protected during maintenance activities. Furthermore, if any identified repairs may result in impacts to the substrate within shellfish habitat, prior coordination with the Conservation Commission, Shellfish Constable, and DMF will be required. Therefore, the Commission has determined the project complies with performance standards set forth under 310 CMR 10.25 and 10.34 and HWR Sections 17.1(d) and 18.5(d).
- D. 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. This Order of Conditions permits the routine maintenance, repairs and replacements of marina infrastructure and facilities over the 3 year term of the Order. The marina contains 315 timber piles, 33 steel piles, and 57,000 SF of floats. Activities approved under this Order include only those maintenance priorities identified in the supplemental letter "Proposed Maintenance and Repairs Notice of Intent" dated January 15, 2026 prepared by Foth. NO maintenance work shall take place without prior advance notification to the Commission as detailed in special condition #24. Any modification to the identified priority activities or addition of new maintenance activities not contemplated or approved under this Order, shall be reviewed and approved by the Commission prior to implementation and may require additional permitting.
24. Prior to commencement of work permitted by this Order, the applicant shall submit Requests for Certificates of Compliance (COC) in accordance with the Commission's requirements for requesting COCs

and in accordance with general condition # for the outstanding Orders on the property (DEP No. SE 034-652, SE 034-700, and SE 034-944).

25. Prior to commencement of repair, replacement, or maintenance work on marina facilities in jurisdictional areas, the applicant shall notify the Conservation Commission in writing. Written notification shall be received 7 business days prior to anticipated work and shall include specific maintenance items planned, preferred construction methods, best management practices to be implemented, work schedule, and any other pertinent information for the Commission's consideration. Pre-work meetings with Conservations staff will be required as deemed necessary by the Conservation Officer.
26. No more than 100 piles shall be replaced under the term of this Order.
27. Prior to commencement of maintenance work, copies of all federal, state, and local permits, certifications, and approvals, as applicable, shall be submitted to the Commission for review. Prior to replacement of steel piles, the USACE Nationwide Permit (NWP) 3 shall be submitted, as applicable.
28. Prior to pile repair or replacement activities that will result in impacts to the substrate within mapped shellfish habitat, the applicant shall coordinate with the town of Hingham Shellfish Constable and/or Department of Marine Fisheries (DMF) as required to determine if shellfish relocation is warranted. Payment into the shellfish mitigation fund may also be considered as mitigation for impacts to this resource area if deemed appropriate by the Shellfish Constable. Proof of payment shall be submitted to the Conservation office prior to work activities.
29. Replacement piles shall be driven via impact or vibratory methods (no jetting allowed).
30. Pile installation shall be conducted using slow hammer starts to minimize impacts to marine fisheries and wildlife.
31. 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.
32. No vehicle or other machinery refueling, lubrication, or maintenance, or storage of fuel or maintenance chemicals shall take place within 100 feet of any resource area.
33. The contractor responsible for work shall contain all construction materials used for maintenance activities at the project site. Construction materials and debris shall be cleaned up and removed from the site daily after the completion of work.
34. 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 pile work.
35. Annual reports shall be submitted to the Conservation Commission documenting maintenance activities conducted at the marina for the calendar year and projected activities for the upcoming year throughout the duration of the Order. Reports shall be received no later than February 1st for the preceding calendar year: February 1, 2027 (for calendar year 2026), February 1, 2028 (for calendar year 2027), and February 1, 2029 for calendar year 2028). Annual reports are required in addition to (and shall not be submitted in lieu of) the required advance written notification required under special condition #24. A final summary report shall be submitted with a Request for Certificate of Compliance.

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

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

Opposed: None

2. Vote to issue Order of Conditions, 56 Burditt Avenue, DEP No. 034-1549

Ms. Palmer explained the Order of Conditions would be for an after-the-fact installation of a 70 ton air handler unit. She noted the unit was partially located within the 50 foot buffer and there was no feasible way to remove or relocate the unit. Ms. Palmer explained the applicant proposed extensive mitigation to compensate for the impervious area within the buffer zone. Specific findings for the basis of the approval were included in the recommended findings.

Vote: Commissioner Mosher made a motion, seconded by Commissioner Hidell, to issue Order of Conditions for 56 Burditt Avenue, DEP No. 034-1549 with Findings of Fact and Special Conditions as noted in Staff Memo.

Recommended Findings of Fact

- A. This Order of Conditions is issued for the after the fact approval of work within the 100 Foot Buffer Zone to coastal wetland resource areas abutting Broad Cove including: installation of a 70 ton air handler off the rear of the existing gymnasium at Derby Academy; construction of a concrete pad on which the air handler is installed; and construction of a segmental block retaining wall. The work resulted in an increase of impervious area of approximately 1,586 SF. A portion of the concrete pad/retaining wall is within the 50 foot Buffer Zone to Coastal Bank.
- B. The project has incorporated stormwater management to mitigate stormwater runoff from the increased impervious area which includes a subsurface infiltration system consisting of plastic chambers surrounded by crushed stone. The Drainage Memo and project plans prepared by Narragansett Engineering, stamped by Joseph Malo, P.E. were reviewed by Pat Brennan, PE, of PGB Engineering on behalf of the Conservation Commission. The proposed system has been found to adequately address stormwater runoff, water quality and quantity under post-construction conditions. Additionally, an Operation and Maintenance Plan has been developed for the post-construction stormwater BMPs. Therefore, the Commission has found the project complies with the Stormwater Standards set forth under 310 CMR 10.05(6)(k).
- C. 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.
- D. With incorporation of the special conditions included in this Order, including Buffer Zone mitigation 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 and will not alter or adversely affect the adjacent Resource Areas. Although a small portion of the constructed work is within the 50 foot buffer, the Commission found there were no available alternatives to relocate the concrete pad, which supports a 70 ton air handler, farther from the resource area. However, with the proposed mitigation, consisting of removal of invasive species and planting of native shrubs and trees to enhance the existing vegetated buffer, the Commission has determined in accordance with Section 2.B of the Hingham Wetlands Protection Bylaw, that the proposed work in the 0-50 foot buffer strip and its natural and consequential impacts and effects will not adversely affect the wetland values of the Bylaw, and grants an after the fact waiver authorizing the activities.
- E. 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

- 30. The Buffer Zone Mitigation shall be implemented in accordance with the Mitigation Proposal (revised) prepared by Environmental Consulting and Restoration (ECR) dated 1/6/26 and attached Proposed Mitigation Planting Plan. Mitigation is required for new impervious area in the buffer zone (after the fact approval) and includes a mix of non-native invasive species removal and planting of native vegetation to enhance the existing buffer. Areas to be planted, as shown on the approved planting plan, include approximately 1,100 SF at base of retaining wall and 1,220 SF at bottom of slope abutting Broad Cove.
- 31. The planting plan shall be modified to distribute more native shrubs throughout the buffer zone treatment area (rather than at base of retaining wall) as agreed to at the public hearing. Any changes to the plant selections or quantities specified in the Mitigation Proposal (Table 1) shall be submitted to Conservation Commission for review and approval prior to installation.

32. The mitigation proposal shall be implemented during the first growing season (April - November) following issuance of this Order (with consideration for timing of invasive species management), as this is an after the fact approval of work within the 100 foot Buffer Zone which resulted in new imperious area. Also, to allow for the required two growing season survival requirement (special condition #27).
26. Upon installation of the mitigation area 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, and seed mix installed, as applicable.
27. 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.
28. 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.
29. Invasive species management (for control of Burning Bush, Oriental Bittersweet, Glossy Buckthorn, Morrows Honeysuckle, etc.) shall be conducted in strict compliance with the Mitigation Proposal (revised) prepared by Environmental Consulting and Restoration (ECR) dated 1/6/26. Invasive woody vegetation shall be treated and removed from the mitigation site utilizing the “cut & paint” method as described in the approved proposal. Prior to treatment, the targeted plants shall be flagged in the field by the overseeing botanist, flush cut at the base of their stem, and then removed from the site. Herbicide applications shall be performed by a Massachusetts Licensed Pesticide Applicator. Any modifications to the treatment plan shall be reviewed and approved by the Conservation Commission prior to implementation.
30. Prior to commencement of invasive species management work, the applicant shall submit: final selected herbicide EPA product labels, copy of required license(s) for all herbicide applicators, and the BRP WM04 License to Apply Herbicides, to the Conservation Office.
31. Areas managed for invasive species shall be monitored twice per growing season (early spring and fall) by a qualified professional for two growing seasons following initial treatment and written reports shall be submitted the Conservation Commission prior to June 1st and December 1st of that calendar year. Monitoring reports shall document the procedures followed, effectiveness of management efforts, growth of invasive species, and status of native plant community restoration.
32. A final report prepared by a qualified wetlands professional certifying the successful establishment of the Buffer Zone Mitigation plantings (including photographs and overall plant survival rate) and summarizing invasive species management efforts with recommendations for continued management efforts, as applicable, shall be submitted with a Request for Certificate of Compliance.
33. The stormwater management system shall be constructed as shown on approved plan (sheet C-100) prepared by Narraganset Engineering (NEI) dated revised January 22, 2026. Following construction, the stormwater system shall be maintained as specified in the Long-term Stormwater Operation and Maintenance Plan prepared by NEI dated November 19, 2025. The responsible party for operation and maintenance of the stormwater management system is The Trustees of Derby Academy and any successors or assigns. This condition shall be noted on the Certificate of Compliance and shall continue in perpetuity.
34. An annual maintenance report including checklists shall be provided to the Conservation Commission prior to December 1st of each calendar year following completion of construction of the stormwater system and site stabilization. Reporting shall document the operation and maintenance procedures, as referenced in Condition #33 above, which have been met for that year. The Commission reserves the right to require

additional reporting if deemed necessary to ensure compliance with the Operation and Maintenance Plan. This reporting requirement will follow the issuance of a Certificate of Compliance, unless otherwise approved by the Commission.

35. Upon completion of construction (proposed stormwater management components and mitigation area) 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 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.

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

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

Opposed: None

3. Conservation Officer Updates

Ms. Palmer notified the Commission that Annual Reports are coming up and will be sent out for review before final submission.

Adjourn

Motion: Commissioner Mosher moved to adjourn the meeting. Commissioner Hidell seconded the motion. The motion passed by roll call vote 6-0.

Meeting adjourned at 7:55PM

Approved on: March 9, 2026