

Conservation Commission

Meeting Minutes

March 9, 2026

Remote meeting via Zoom

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

Members Absent: Vice-Chair Nina Villanova

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

Chair Carolyn Nielsen 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

Vote: Commissioner Troyer made a motion, seconded by Commissioner Hidell to approve the meeting minutes from 1/26/2026 as drafted.

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

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

Opposed: None

Vote: Commissioner Troyer made a motion, seconded by Commissioner Mosher to approve the meeting minutes from 2/9/2026 as drafted.

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

Vote: Commissioner Troyer made a motion, seconded by Commissioner Mosher to approve the meeting minutes from 3/2/2026 as drafted.

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

In Favor: Bob Mosher, Bob Hidell, Douglas Troyer, Philip Edmundson, Carolyn Nielsen

Opposed: None

2. Request for Certificate of Compliance (COC)

302-304 Whiting Street, DEP No. 034-1408, South Shore Habitat for Humanity

Meeting Documents: Staff memo and Request for COC

Ms. Palmer explained to the Commission an Order of Conditions was issued in 2021 for a demolition and reconstruction of two houses for Habitat for Humanity. The project site fell within Riverfront Area and restoration was required. She explained staff made a site visit in November and observed minor issues that

have since been rectified by the applicant. Ms. Palmer explained the restoration plantings were satisfactory and recommended a full COC.

There were no comments or questions from the Commission.

Vote: Commissioner Hidell made a motion, seconded by Commissioner Mosher, to issue Certificate of Compliance for 302-304 Whiting Street, DEP No. 034-1408.

The motion passed by a roll call vote 6-0

In Favor: Bob Mosher, Bob Hidell, Thomas Roby, Douglas Troyer, Phil Edmundson, Carolyn Nielsen

Opposed: None

Public Meetings

1. 1154 Main Street, Scott Knox

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

Colin McSweeney, Project Representative from McSweeney Associates, explained to the Commission the project consists of a new Title V septic system. The wetland resources on site include a Bordering Vegetative Wetland, AE Flood Zone and tributaries to a Zone A water supply. The new system was designed with precautions for the tributaries. He explained the proposed system was singular treatment tank that runs into a geomat leaching system. Mr. McSweeney noted that alternative locations were evaluated to locate the system further from the wetlands but were not feasible due to the variances needed. Also in the location proposed, additional treatment could be provided.

Ms. Palmer indicated the wetland regulations require certain setbacks to resource areas for septic systems unless the work qualifies as an upgrade or repair and there is no alternative location. She reiterated that alternative locations had been evaluated but the proposed location was the best available option as it would allow for more treatment and improvement to the resource area. Ms. Palmer further explained that due to the system's proximity to the tributary, approval from MassDEP was required and that the project had already received preliminary approval from the Hingham Board of Health. She recommended issuance of a Negative Determination with additional findings and conditions to address DEP approval.

Commissioner Hidell asked where the existing system was on site.

Mr. McSweeney showed on the site plan the existing system, a cesspool, noting that it was located at a similar distance from the tributary and in close proximity to the wetland.

Ms. Nielsen noted this was be an upgrade for the wetland resource area.

Vote: Commissioner Troyer made a motion, seconded by Commissioner Mosher, to issue a Negative #3 and #6 Determination of Applicability for 1154 Main Street with Findings of Fact and Special Conditions as noted in the Staff Memo.

The motion passed by a roll call vote 6-0

In Favor: Bob Mosher, Bob Hidell, Thomas Roby, Douglas Troyer, Phil Edmundson, Carolyn Nielsen

Opposed: None

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

1. CONT. 22 Del Prete Drive, DEP No. 034-1550, Jennifer & Phillip McGuire

The applicant requested the application be withdrawn without prejudice on February 12, 2026.

Vote: Commissioner Hidell made a motion, seconded by Commissioner Mosher, to accept the withdrawal of the Notice of Intent for 22 Del Prete Drive without prejudice, DEP No. 034-1550.

The motion passed by a roll call vote 6-0

In Favor: Bob Mosher, Bob Hidell, Thomas Roby, Douglas Troyer, Phil Edmundson, Carolyn Nielsen

Opposed: None

2. CONT. 9 Porters Cove Road, DEP 034-1551, 9 Porters Cove Road LLC

Meeting Documents: Staff memo, NOI, Site Plans dated 2/16/26, Responses to Staff Comments

The hearing was continued for the applicant to address Staff Comments and provide more details on the proposed management plan.

Brad Holmes, PWS, Project Representative from Environmental Consulting & Restoration (ECR), explained to the Commission the proposed ecological restoration project was to eradicate phragmites on the site. He stated since the last meeting he had responded to staff comments and documented compliance with performance standards for work within resource areas. He displayed the site plan to the Commission and showed the proposed work area dominated with phragmites within the Salt Marsh. The resource areas included Salt Marsh, Land Subject to Coastal Storm Flowage and Riverfront Area (Weir River) and the project was submitted as an ecological restoration project. Mr. Holmes also noted the adjacent property was also granted an Order of Conditions for management of phragmites which has been successful.

Ms. Palmer explained ECR had submitted all outstanding requested documentation. She reiterated the project area is within designated priority habitat and also within an ACEC however NHESP issued a “no take” letter and MassDEP had no comments on the proposal. Ms. Palmer indicated that the project was filed as a limited project and if approved by the Commission, the project would benefit the resource areas. She stated there were draft conditions that included detailed monitoring and reporting requirements and recommended issuance of an OOC.

Commissioner Hidell asked Mr. Holmes if he was involved in the abutting properties removal of phragmites.

Mr. Holmes responded that he was not but was familiar with the company, Land Stewardship Inc. that performed the work and noted that they have been in contact and will hopefully be the contractor for this project.

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

Chair Nielsen noted it was encouraging to hear of successful removal of phragmites.

Vote: Commissioner Hidell made a motion, seconded by Commissioner Troyer, to close public hearing for 9 Porters Cove Road, DEP No. 034-1551 and issue Order of Conditions for an Ecological Restoration Limited Project with Findings of Fact and Special Conditions as noted in Staff Memo.

Suggested Findings of Fact

- A. The Commission has found the vegetation management project qualifies as an Ecological Restoration Limited Project under 310 CMR 10.24(8)(e)(3) as the proposal is for invasive species management to control the growth of Common Reed (*Phragmites australis*) and improve the natural capacity of a Resource Area to protect the interests identified in M.G.L. Ch. 131, § 40.
- B. The work described in the Ecological Restoration Notice of Intent is within Areas Subject to Protection under the Wetlands Protection Act, M.G.L. Ch. 131, § 40, and will result in approximately 18,450 SF of impacts to Salt Marsh, Riverfront Area, and Land Subject to Coastal Storm Flowage. As demonstrated in the Performance Standards Analysis prepared by Environmental Consulting & Restoration (ECR) dated

February 16, 2026, the project has been designed to comply with the performance standards set forth under 310 CMR 10.32 and 10.58(4) to the maximum extent practical and will not have a significant or cumulative adverse effects on wetland resource areas. The objectives of the treatment program are to control invasive phragmites to prevent further degradation of wetland resource area values, improve and maintain wildlife habitat, maintain water quality, and promote the growth of a native salt marsh plant community. Furthermore, measures to avoid and minimize impacts to resource area will be incorporated into the management plan including: use of a low pressure utility tractor to minimize soil disturbance, rutting, and impacts to existing native vegetation; fueling of gas powered equipment off-site; restricting foliar application where non-target plants are present; and hand raking excess mulch material if deemed necessary.

- C. The work described is within Areas Subject to Protection under the Town of Hingham Wetlands Protection Bylaw (Article 22), Salt Marsh, Riverfront Area and Land Subject to Coastal Storm Flowage and the Commission finds the areas are significant to the following wetland values as described in the Hingham Wetland Regulations (HWR) Sections 18.4, 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 open space, protection of aesthetics.
- D. The project site is within the Weir River Area of Critical Environmental Concern (ACEC), within an area designated as an Outstanding Resource Water (ORW), and within mapped Priority Habitat as designated by the Natural Heritage and Endangered Species Program (NHESP). A letter from NHESP dated January 21, 2026, indicates the proposed ecological restoration project will not adversely affect the actual Resource Area Habitat of state-protected rare wildlife species. As described in the revised Project Narrative prepared by ECR dated January 28, 2026, the vegetation management program incorporates a targeted treatment approach to minimize adverse impacts to non-target species and wildlife. Additionally, work will take place outside of the sensitive breeding seasons where practical, and general best management practices will be employed during treatment activities.
- E. The Commission has considered the existing condition of the resource areas and the magnitude and significance of the benefits and impacts of the ecological restoration project on the affected resource areas in accordance with 310 CMR 10.24(8)(d). Based on the information presented, the Commission finds the applicant had demonstrated that adverse impacts to the interests of the Wetlands Protection Act will be avoided where feasible and, where impacts to resource areas are necessary to the achievement of the project goals, those adverse impacts will be minimized. Furthermore, the project will incorporate best management practices during treatment activities to further reduce the potential for adverse impacts to the interests identified in M.G.L. Ch. 131 §40. Therefore, the ecological restoration project has been found to meet the provisions set forth under 10.24(8)(a)-(d) and is eligible for the issuance of an Order of Conditions.
- F. 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 and Wetland Regulations.

Recommended Special Conditions

- 23. Management of Common Reed (*Phragmites australis*) shall comply with the approved NOI Phragmites Management Proposal prepared by ECR dated January 28, 2026, specifically Section 7.0 Methods and Schedule and this Order of Conditions. The approved three (3) year management plan (2026, 2027, and 2028) includes the use of glyphosate (AquaPro or equivalent), imazapyr (Habitat), and imazamox (ClearCast). Any changes to the selected herbicides or treatment methods as identified in the approved Phragmites Management Proposal shall be reviewed and approved by the Conservation Commission prior to implementation.

24. Prior to commencement of invasive species management activities for each phase (year 1, 2, and 3), 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.
25. Prior to commencement of invasive species management activities, the applicant shall mark the limits of treatment area (approximately 18,450 SF) with flagging or other visible demarcation (with minimal disturbance to the Salt Marsh) for review at the Pre-Construction Meeting required by Hingham Standard Condition #3.
26. Best Management Practices shall be implemented throughout the project as described in the revised Project Narrative and Response to Comments Memo prepared by ECR and shall include, at a minimum: use of a low pressure utility tractor to minimize soil disturbance, rutting, and impacts to existing native vegetation; fueling of gas powered equipment off-site; restricting foliar application where non-target plants are present; and hand raking excess mulch material if deemed necessary. BMPs to be discussed at the required Pre-Construction Meeting (Hingham Standard Condition #3).
26. The treatment area (approximately 18,450 SF) shall be monitored by a qualified wetlands professional for duration of the ecological restoration project, a minimum of three (3) years.
28. Annual monitoring reports on the Phragmites Management project prepared by the Licensed Aquatic Herbicide Applicator (LHA) and/or other qualified wetlands professional shall be submitted to the Conservation Commission following each growing season. The reports shall detail methods used (including dates, photos and descriptions of area treated, specific herbicides used and methods) and results (cover of invasive species) throughout the 3 year restoration project. The annual reports shall be submitted no later than December 1st of each year with the first report being submitted in 2026.
29. Following the third growing season (2028), a final monitoring report prepared by the qualified professional, shall be submitted to the Conservation Commission documenting overall success of invasive species management efforts, including site photos of the treatment area, and relative achievement of project goals. The report shall also include an assessment of the native Salt Marsh plant community and recommendations for supplemental plantings, if needed, to re-establish the area. Additional monitoring may be required at the discretion of the Commission if the Salt Marsh has failed to naturally revegetate.
30. Any supplemental plantings to reestablish the Salt Marsh, as recommended by the wetlands professional, shall be reviewed and approved by Conservation Officer prior to implementation. Planting shall take place as soon as feasible following reporting and under the direction the qualified wetlands professional.
31. If continued Phragmites treatment and/or Salt Marsh restoration activities are recommended by the wetlands professional beyond the 3 year period of this Order of Conditions to achieve the project restoration goals, an extension of the OOC shall be requested in accordance with 310 CMR 10.05(8) and Hingham Wetland Regulations Section 7.11. Extension permits are issued at the discretion of the Commission.
32. Any damage or inadvertent adverse impacts caused as a direct result of this project to a non-target species or wetland resource area shall be the responsibility of the applicant to immediately repair and mitigate. The applicant shall immediately notify the Conservation office of any such damage and the remediation plan.
33. A full Certificate of Compliance shall not be issued until the ecological restoration goals have been met to the satisfaction of the Commission and the coastal wetland resource area is successfully reestablished.

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

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

Opposed: None

3. 6 Accord Lane, DEP 034-1556, Jaynika Parekh

Meeting Documents: Staff memo, NOI and Site Plan revised 3/6/26

Abutters were notified via Certificate Mailing on 1/30/26 as certified in Affidavit of Service signed by Ken Thomson.

Ken Thomson, PWS, Project Representative from 5Wetlands, explained to the Commission the existing site conditions and proposed project. The lot is a flat terrace leading to a ditch that is a discharge of Accord Brook from Accord Pond and the property was elevated approximately seven feet above the ditch, creating a very steep slope in the rear. The proposed project consists of a two story addition measuring 24'x24', a front entrance, mudroom and new driveway. He explained he worked with DEP and Shannon to come up with 1,737 square feet of mitigation required including a combination of 2:1 and 1:1 ratio for riverfront and buffer zone mitigation. The mitigation area is proposed along the river and would consist of American holly, inkberry and highbush blueberry with a deer fence to enclose the area. Dry wells are proposed to manage runoff from the addition and the existing driveway will be removed and replaced with a new driveway located to the right of the home.

Ms. Palmer noted that DEP had provided guidance due to the complexity of the requirements for redevelopment within the Riverfront Area under 310 CMR 10.58(5). She explained that as a redevelopment, the project may not exceed the amount of existing degraded area in the RA or may alter up to 10% of the total RA. The project as proposed exceeds 10%, so mitigation under the redevelopment regulations is needed. Ms. Palmer further explained the removal of the driveway offered 1:1 restoration credit and 2:1 mitigation was needed for the proposed addition and mudroom. She noted the project will result in an improvement over existing conditions by restoring a native buffer along the river that does not currently exist and also by managing new stormwater (roof) runoff with infiltration units. She recommended the Commission issue an Order of Conditions.

Chair Nielsen wanted to make sure the applicant was aware the Order is only valid for three years.

Mr. Thomson confirmed the applicant understood.

Commissioner Troyer asked for clarification on the location of Accord Pond in relation to the project.

Mr. Thomson showed on a plan the location of Accord Pond.

Chair Nielsen 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 6 Accord Lane, DEP No. 034-1556 and issue Order of Conditions with Findings of Fact and Special Conditions as noted in the 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 4,220 SF of total alterations within previously developed riverfront resulting from the proposed addition and driveway. The existing and proposed degraded area exceeds 10% of the total riverfront area on the lot and as such restoration and mitigation is proposed in accordance with 10.58(5)(f) and (g).
- 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 the supplemental performance standards analysis prepared by Ken Thomson dated February 18, 2026, the project has been designed to comply with performance 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, and stormwater management (infiltration of roof runoff) is proposed. As the total amount of degraded area on the lot does exceed 10% of the total riverfront, restoration (at a 1:1 ratio for removal of driveway) and mitigation (at a 2:1 ratio for the addition) is proposed to compensate the increase in square footage of altered area. An extensive restoration area is proposed along the river to include planting of native woody and herbaceous species in an area that is currently disturbed lawn. 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. As demonstrated in the performance standards analysis prepared by Ken Thomson submitted with the NOI, the project, which includes buffer zone mitigation plantings and construction phase erosion and sediment controls, has been designed to comply with standards set forth under Section 22.0(d) of the HWR for work in the Buffer Zone. The proposal will result in 901 SF of new impervious area in the 50-100 foot buffer and no alterations are proposed within the 0-50 foot buffer to BVW or Inland Bank. A native planting area is proposed to mitigate new impacts in the buffer. Therefore, the Commission has found the project complies with the HWR Section 22.0 and will not alter or adversely affect the adjacent Resource Area.
- E. 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.

Recommended Special Conditions

- 23. The limits of the approved Restoration/Mitigation area shall be staked out by the Professional Land Surveyor prior to the Pre-Construction Meeting, for review by the Conservation Officer.
- 24. Riverfront restoration and Buffer Zone mitigation (1,741 SF total) to include removal of lawn, planting with native species and seeding, shall be implemented in accordance with the approved Riverfront/Buffer Mitigation Plan dated March 6, 2026 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 – October) 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 and including photographs, 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 (2) growing seasons following planting to document restoration success. Monitoring reports shall include, at a minimum, site photos, plant species and overall survival, growth of invasive plants to be managed (by hand), and recommendations for reseeding or replanting efforts due to plant mortality. Replacement plantings shall be made with plants of like kind and size and shall be planted as soon as identified or seasonal weather permits. Written reports shall be submitted to the Conservation office at the end of each growing season and no later than **December 1st** of the calendar year.
- 27. Prior to the issuance of a Certificate of Compliance, the Restoration Area plantings shall survive at least two (2) 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 size and 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. A final Monitoring 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 restoration 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/Buffer Zone Mitigation Area referenced in special condition #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 three (3) markers shall be installed on the mitigation 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 natural 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 prepared by Hoyt Land Surveying dated revised December 30, 2025. Documentation to verify proper 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. This condition shall apply **in perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
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 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) Mitigation planting areas.

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

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

Opposed: None

4. 10 Friend Street, DEP No. 034-15XX, Victoria Grady

Vote: Commissioner Troyer made a motion, seconded by Commissioner Mosher, to continue public hearing for 10 Friend Street at request of applicant to March 23, 2026 at 7PM

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

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

Opposed: None

Other Business:

1. Vote on Warrant Article/ Article 97 Petition/ Article 97 Land Transfer for the Route 3A Improvement Project

J.R. Frey, PE, Town Engineer, explained to the Commission that two additional Conservation properties would be impacted by the project that were not presented at the workshop held on March 2, 2026. Along Otis Street opposite the Bathing Beach, work would occur within an existing drainage easement and also on slope stabilization with no new encroachment proposed. Further down Otis Street abutting Ship Street, a conservation property impact would occur where an existing drainage easement would be formalized and some slope stabilization is proposed. Mr. Frey also referenced the three conservation properties along the north side of Rockland Street that had been discussed at the previous meeting. He then asked whether any Commissioners had questions, specifically inquiring if there were any questions regarding how certain conservation properties had been acquired.

Commissioner Edmundson had a question in regard to the Governor Long Bird Sanctuary Property and the deed language that was provided that limited the use of the Conservation land.

Ms. Palmer explained because the parcels are Conservation land protected under Article 97 is the reason the current process regarding the proposed land transfer is taking place.

John Coughlin, Esq., Counsel for the Town of Hingham, indicated there was no concern regarding the language of the donation and he and Susan Murphy, Esq., Real Estate Town Counsel, had reviewed the documents. He stated that the proposed project was consistent with any restrictions on the land because the work primarily involved creating new paths. He explained the Article 97 legislation is needed under both state law and the constitution but in their view nothing in the existing documents prohibits the construction of paths on these parcels.

Commissioner Edmundson asked for clarification.

Mr. Frey explained the Otis Street parcel currently has a sidewalk that is degraded and poorly supported. In order to support the sidewalk, MassDOT currently has to bring in stone so it does not collapse into the wetlands. He explained the work that is proposed does not encroach on the wetlands but would support the ROW so there would not be constant erosion into the wetlands.

Commissioner Edmundson stated he supported the sidewalk being addressed but wanted clarification on the request in front of the Commission.

Mr. Frey explained that one portion of the project involved drainage improvements to an existing outlet located within the drainage easement on Conservation land. He stated that the work would upgrade the outlet to meet Massachusetts stormwater standards.

Commissioner Edmundson questioned if there was a land transfer.

Mr. Frey responded there would be a temporary land transfer and a permanent transfer. The permanent transfer would formalize the existing drainage easements.

Commissioner Edmundson requested confirmation that the Conservation Commission would not be transferring a parcel of land it owns to the state for a highway project.

Mr. Frey confirmed.

Ms. Palmer stated that if the Commission felt comfortable with the information presented to date, they could proceed with the motion drafted by Town Counsel for the Town Meeting warrant article and the transfer of the parcels. She noted that the motion included language making the action contingent upon

implementation of the project. Ms. Palmer explained that the project would come before the Commission with a Notice of Intent filing but in order to move forward with the process, this issue related to the land transfers must be resolved. Staff recommended that the Commission move forward with the proposed motion as drafted.

Chair Nielsen stated that as she had previously stated the project would be a significant positive impact on public safety and approval of this transfer would provide safer, usable public access.

Commissioner Troyer asked for clarification on the work proposed on the Ship Street parcel.

Mr. Frey explained the parcels on Ship Street and Otis Street have existing drainage easements with the state and the permanent land transfer would formalize the easements. He further explained the proposed work for stabilization of the slope to maintain the roadways and would be temporary land transfer.

Commissioner Hidell questioned if there were any portions along the work zone that that were going to be elevated.

Mr. Frey responded that Otis Street would be raised and that a vertical curve added to the roadway between Ship Street and North Street would provide a passive flood barrier to the downtown area.

Commissioner Edmundson recused himself from the vote.

Vote: Commissioner Troyer made a motion, seconded by Commissioner Mosher, that the Town of Hingham Conservation Commission does hereby vote to approve the provisions of the Town Meeting Warrant Article regarding the Route 3A Project and to approve the petition to be filed by the Select Board with the General Court pursuant thereto under Article 97 of the Massachusetts Constitution in order to grant and/or acquire by gift, purchase, eminent domain or otherwise, the fee to and/or permanent and temporary easements in, on, under and over certain parcels of land abutting and/or near Route 3A for the reconstruction, installation, inspection, maintenance, improvement, repair, replacement and/or relocation of the roadway, rights of way, sidewalks, drainage, utilities, driveways, retaining walls, guardrails, slopes, grading, rounding and landscaping and other structures and/or appurtenances to enable the Town and/or MassDOT to undertake the Route 3A Project and for any and all purposes and uses incidental or related thereto, all as approximately shown on plans entitled "Massachusetts Department of Transportation Highway Division Plan and Profile of Route 3A / Summer Street / Rockland Street in the Town of Hingham Plymouth County Preliminary Right of Way Plans" revised 12/19/25, as said plan may be amended from time to time;

And, further, that the Town of Hingham Conservation Commission does hereby transfer the care, custody and control of those portions of the property interests shown on the aforesaid plans which are presently under the care, custody and control of the Conservation Commission to the Select Board under M.G.L. c. 40, § 15A and all other applicable laws, for said public way purposes contingent upon final approval of said Article 97 petition, provided that for any temporary construction easements and/or temporary construction areas said transfer shall only be for the duration of said project and shall revert back to the care, custody and control of the Conservation Commission upon completion of said project.

The motion passed by a roll call vote 6-0

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

Opposed: None

2. Request for Minor Plan Change (after-the-fact), 322 Rockland St, DEP No. 034-1505, Stephen & Donna Linskey

Dana Altobello, P.E from Merrill Engineers, explained to the Commission the minor plan change request, starting with existing conditions of the site. The site is located on the northerly side of Rockland Street abutting Weir River and the resource areas include Salt Marsh, Riverfront Area and Flood Zone AE elevation

10. The applicants are requesting approval of the raised patio which is raised approximately 30 inches or up to approximate elevation of 10.5. He noted the patio was shown on the original architectural plans as a raised patio at approximately elevation 11 and that the Commission looked favorably on the project when it was initially approved due to the multiple improvements to the site including a reduction in degraded Riverfront Area of 1,457 SF, restoration of 2,106 SF of historically mowed salt marsh, removal of an existing shed and gravel area, and removal of a paved driveway within 6 inches of the BVW. Mr. Altobello stated he does not believe the raised patio will have any additional adverse impact on the wetland resources.

Ms. Palmer asked for clarification if the wall had footings.

Steve Linskey, owner, stated there were no footings.

Ms. Palmer stated that the overall site was clearly improved with the OOC that was issued for redevelopment but unfortunately the site plan that was presented at the public hearing had no detail or reference to the bluestone patio being elevated. She agreed the architectural plans did show the patio, but those plans were not presented and did not receive approval from the Commission. The elevated patio was recently observed by staff at a site visit inspection for the Certificate of Occupancy and it was recommended that the owners file a request for plan change for the Commission's consideration. Ms. Palmer displayed a photo of the elevated patio for the Commission explaining it was constructed with a concrete wall and not at grade as shown on the approved site plan. She further stated that the Commission needed to determine whether it qualified as a minor plan change, required an Amended Order of Conditions or new Notice of Intent, and if it complies with the Hingham Wetland Regulations. Ms. Palmer also reminded the Commission that the HWR include restrictions on structures within the 50 foot buffer zone, prohibitions on structures in the flood zone, and also setback requirements.

Chair Nielsen stated that the wall and its height had not been presented during the original hearing and that the architectural drawings were also not presented. She noted the Commission regulates wetland impacts, not structure appearance, and patios are typically at ground level unless clearly presented as elevated. She noted the regulations prohibit new structures, especially wall type structures within the 50 foot buffer zone. She expressed reservations about approving the wall and invited comments from other Commissioners.

Commissioner Hidell questioned if the structure was solid poured concrete.

Mr. Altobello confirmed.

Mr. Linskey stated it was built properly with rebar. He noted he was having trouble with the Commissions understanding that the patio was to be at ground level. He noted the plan showed a step down and not a set of stairs to get to ground level.

Mrs. Linskey explained there would be stone facade around the concrete. She noted if just stone was used it gets undermined and deteriorates due to the elements.

Commissioner Nielsen reiterated that it was understood to be a pervious patio at grade level and that an elevated structure had not been presented during the hearing.

Mr. Linskey explained that the existing raised stone patio had been removed and was to be replaced with another raised patio. He stated that he did not understand why the Commission believed the new patio would be at ground level, given that the original structure had been raised and this project was intended as its replacement. He further noted they had done multiple improvements to better the area and be more environmentally friendly.

Chair Nielsen acknowledged the site improvements but stated the Commission had not been given a complete description of this part of the project and this was far more than a minor plan change.

Commissioner Hidell agreed and suggested the filing of an Amended OOC. He also stated the original raised patio was fieldstone and not concrete and questioned how it was raised.

Mr. Linskey responded it was filled with dirt and stone and the new patio would be the same. He explained the patio would be on top of the fill, consisting of bluestone with 2 inch spaces for absorption.

Ms. Palmer stated if the new wall had been in the same location as the previous wall, it would have been easier to accept however the constructed wall is larger and closer to the resource area. She noted that local regulations prohibit structures within the 50 foot buffer, do not allow new retaining walls in the flood zone, or foundation type walls in the 50 foot buffer except if granted a waiver for an exceptional case. Ms. Palmer explained that the Commission had debated the permeable patio at the hearing because it was closer to the Salt Marsh and larger than existing patio being removed. She added the Commission ultimately approved the permeable patio in that location because of the mitigation proposed however it was not considered as an elevated structure or wall.

Commissioner Troyer suggested denying the request for a minor plan change and instead requiring an Amended OOC so the applicant could submit detailed plans for the Commission's review.

The Commission members were all in consensus to require the submittal of a Request for Amended OOC.

Commissioner Roby recused himself from the vote.

Vote: Commissioner Troyer made a motion, seconded by Commissioner Mosher, to require an Amended Order of Conditions for the changes to the approved plan for 322 Rockland Street, DEP No. 034-1505.

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

In Favor: Bob Mosher, Bob Hidell, Douglas Troyer, Philip Edmundson, Carolyn Nielsen

Opposed: None

3. Conservation Officer Updates

Ms. Palmer updated the Commission on revisions to the Wetland Regulations by Horsley Witten and indicated the revised version would be coming before the Commission in April or May.

Ms. Palmer reported that the Hingham Land Conservation Trust had offered to fund a summer internship to work with the Conservation Department on a specific project benefiting conservation areas. The project selected was developing a town wide pollinator plan to promote native plantings and pollinator habitat. Ms. Palmer noted that the program would ultimately produce a blueprint for habitat improvements that could be used by town departments, schools, and community groups. The Commission was very supportive of the collaboration with HLCT and the chosen project.

Commissioner Hidell encouraged involving local high school students in similar initiatives to foster early interest in environmental work.

Ms. Palmer responded that once the pollinator program framework was developed it could support town, student, and scout projects.

Commission members also briefly discussed the possibility of future potential grant-funded work related to the Weir River and the possible removal of Foundry Pond Dam.

Adjourn

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

Meeting adjourned at 8:30PM

Approved on: March 23, 2026