

Conservation Commission

Meeting Minutes

April 13, 2026

Remote meeting via Zoom

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

Members Absent: None

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

Chair Carolyn Nielsen opened the meeting at 7:04PM 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 Mosher made a motion, seconded by Commissioner Villanova to approve the meeting minutes from 3/23/2026 as drafted.

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

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

Opposed: None

2. Requests for Certificate of Compliance (COC)

a) Cont. 19 Fulling Mill Lane, DEP No. 034-1435, Sarah & Adam Gordon

Meeting Documents: Staff Memo and Request for Certificate of Compliance

Chair Nielsen stated that a discussion was had previously at a meeting as to what was needed for the COC.

Sarah Gordon, homeowner, explained to the Commission they were unhappy with the outcome at the previous meeting regarding the mulch bed in the rear yard. She explained she had reached out to the Conservation office regarding an appeal process and requested a member of the Commission come out to view their property. She stated that they were now requesting that a member come to their property to view the area.

Ms. Palmer explained to the Commission that she informed the Gordons that the Commission would not typically conduct a site visit at this point because deliberation on the request had already taken place. She noted that the request had been continued to this meeting to allow the applicant's time to address the mulch issue and add the supplemental plantings requested due to the increase in impervious surface. She recommended the Commission adhere to its prior determination that the mulch bed be limited to the first four feet, with the remaining mitigation area to be seeded.

Chair Nielsen stated she had anticipated to hear the work had been accomplished and did not think further consideration of the issue was warranted in this case. She asked other Commissioners for their input.

Commissioners Troyer and Villanova agreed.

Commissioner Edmundson stated he was not inclined and asked the Gordons if they had any further information they wished to communicate.

Mrs. Gordon explained that there were multiple plants that the four feet of mulch ran through the center of the plantings and they would need to move approximately 15 plants into the mulch area in order to retain them and not have them engulfed by the wetlands. She also stated she was concerned with survivability with moving the plants. She stated she was hoping for a resolution that would benefit the homeowner as well as the environment. She noted as previously discussed the four feet of mulch area was an arbitrary number.

Ms. Palmer responded that the four feet was a compromise to give the homeowners a “neater” area that they were looking for bordering the lawn and the alternative would be not to have any mulch and seed the entire mitigation area as originally conditioned. A buffer zone mitigation area is typically required to be seeded with limited mulch around the plants to create a native plant community. The homeowner could choose to create a new mulch bed in front of the mitigation area. Ms. Palmer also noted that the four feet was not an arbitrary number but a compromise because the mitigation area was moved from the initial proposal.

Chair Nielsen emphasized that the typical requirements did not allow mulch except around the base of plants until the rest of the vegetation had grown in. She explained that the intention of the mitigation planting area was to create a natural buffer to a wetland, not a landscaped area. She stated that the applicant had been given more flexibility than was typically practiced.

Mrs. Gordon stated the plan that was approved was incorrect and that was discussed previously at the meeting.

Chair Nielsen stated that the Commission had given instructions on how to rectify the situation and expected those to be followed. She explained since the changes had not been made, a COC cannot be granted at this time. She advised the Gordons to work with staff and noted that they could return to request a COC at a later date.

Vote: Commissioner Troyer made a motion, seconded by Commissioner Edmundson, to deny request for Certificate of Compliance for 19 Fulling Mill Lane, DEP No. 034-1435

The motion passed by a roll call vote 7-0

In Favor: Carolyn Nielsen, Nina Villanova, Robert Mosher, Douglas Troyer, Philip Edmundson, Bob Hidell and Thomas Roby

Opposed: None

b) 9 Chestnut Place, DEP No. 034-1406, Scott Brennan

Meeting Documents: Staff Memo and Request for Certificate of Compliance

Scott Brennan, homeowner, explained to the Commission that the project had been completed a few years ago for construction of a deck and balcony. He stated the plantings had completed the required two year monitoring period and that staff had conducted a site visit.

Ms. Palmer recommended issuance of a full COC.

Commissioner Troyer thanked the homeowner for abiding by the regulations.

Vote: Commissioner Villanova made a motion, seconded by Commissioner Hidell, to issue Certificate of Compliance for 9 Chestnut Place, DEP No. 034-1406

The motion passed by a roll call vote 7-0

In Favor: Carolyn Nielsen, Nina Villanova, Robert Mosher, Douglas Troyer, Philip Edmundson, Bob Hidell and Thomas Roby

Opposed: None

- c) 30 Shipyard Drive, DEP No. 034-1335, Department of Conservation & Recreation
Meeting Documents: Staff Memo and Request for Certificate of Compliance

Chair Nielsen explained that no work was performed however still needed to issue a COC for an invalid OOC.

Vote: Commissioner Hidell made a motion, seconded by Commissioner Mosher, to issue a Certificate of Compliance certifying DEP No. 034-1335 as an Invalid Order of Conditions under which the work never commenced.

The motion passed by a roll call vote 7-0

In Favor: Carolyn Nielsen, Nina Villanova, Robert Mosher, Douglas Troyer, Philip Edmundson, Bob Hidell and Thomas Roby

Opposed: None

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

1. 58 Bonnie Brier Circle DEP, No. 034-1557, Richard D'Ambrosia
Meeting Documents: Staff Memo, Notice of Intent and Site Plans Revised 4/2/2026

Abutters were notified via Certified Mailing on 3/10/26 as certified in Affidavit of Service signed by Paul Seaburg. The hearing was continued for the applicant to address staff comments and re-delineate the riverfront boundary in accordance with the definition for coastal rivers.

Paul Seaburg, Project Representative from Grady Consulting, explained the project to the Commission:

- The property was developed with a single family dwelling, a paved driveway on the westerly side, a rear deck and a shed located northwest of the house.
- The site included resource areas consisting of Salt Marsh, Flood Zone AE- Elevation 10, 200 foot Riverfront Area (Weir River), and an Area of Critical Environmental Concern (ACEC) and Outstanding Resource Waters.
- The proposed work consisted of rebuilding the existing single family home, driveway, and deck and connecting to existing utilities.
- Impervious coverage within the 50 foot buffer was reduced from 36 to 34 sq.ft.
- Impervious coverage within the 50–100 foot buffer was increased by 116 sq.ft.
- A 1:1 mitigation plan was proposed, including 116 sq.ft. of native plantings in the rear of the site.
- The home and driveway were proposed to be positioned further from the resource area.

Ms. Palmer questioned the plan for the existing shed.

Mr. Seaburg explained it would be in its existing location, elevated on existing footings and resided.

Ms. Palmer explained the project is Buffer Zone only and was located outside Riverfront Area which was realized after the riverfront boundary was re-evaluated by the consultant. She noted the project includes a minor encroachment within the 50 foot buffer to Salt Marsh for replacement of an existing deck. The deck is

47.6 feet to the resource area. Ms. Palmer indicated in her opinion the encroachment was permissible as it is a replacement and the deck will not be located closer to the Salt Marsh than the existing condition. She recommended issuance of an OOC with special conditions listed in the staff memo.

There were no questions or comments from the Commission.

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

Vote: Commissioner Hidell made a motion, seconded by Commissioner Troyer, to close public hearing for 58 Bonnie Brier Circle, DEP No. 034-1557, and issue Order of Conditions with Findings of Fact and Special Conditions as noted in the staff memo.

Findings of Fact

- A. The work described is within 100 feet of Salt Marsh however will not result in any adverse effects on the marsh and complies with performance standards set forth under 310 CMR 10.32(3) through (6) as demonstrated in the Supplemental Narrative prepared by Grady Consulting submitted March 19, 2026.
- B. As documented in the performance standards analysis submitted with the Notice of Intent, the project has been designed to comply with the standards set forth under Section 22.0(d) of the Hingham Wetland Regulations (HWR) for work in the Buffer Zone. The project proposes to decrease the impervious coverage within the 50' buffer zone from 36 SF to 34 SF, a reduction of 2 SF and increase the impervious coverage within the 50-100' buffer zone from 1,543 sf to 1,659 sf, an increase of 116 SF. Mitigation is proposed at a 1:1 ratio in accordance with the Commission's Buffer Zone Mitigation Policy consisting of 116 SF of native plantings. Additionally, the proposal includes 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. A portion of the proposed work is within the 0-50 foot Buffer Zone however the minimal encroachment for reconstruction of an existing deck (no closer to the resource area than existing conditions) has been determined to be a negligible impact. Also, the applicant has made a clear and convincing showing 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. Therefore the Commission grants a waiver of HWR Section 7.4(c) and authorizes the proposed activities.
- 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 line 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 corner of existing deck shall be staked prior to demolition and prior to the Pre-Construction Meeting to demarcate the limit of new deck and proximity to wetland (which should not be closer than 47.6 feet) as shown on approved Site Plan prepared by Grady Consulting dated revised April 2, 2026.
- 27. The Buffer Zone Mitigation Area (116 SF) shall be installed as shown on the approved Site Plan prepared by Grady Consulting dated revised April 2, 2026. Mitigation is required for new impervious area in the 50-100' Buffer Zone resulting from the proposed residence. 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.
- 28. 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).

35. Upon installation of the mitigation area, the applicant shall notify the Conservation office in writing and include photographs and specific information on the installation date(s), plant species, quantity and size of plants, and seed mix installed, as applicable.
36. 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.
37. 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.
38. 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;
 - c) Mitigation Area.

The motion passed by a roll call vote 7-0

In Favor: Carolyn Nielsen, Nina Villanova, Robert Mosher, Douglas Troyer, Philip Edmundson, Bob Hidell and Thomas Roby

Opposed: None

2. CONT. 10 Friend Street, DEP No. 034-1558, Victoria Grady

Meeting Documents: Staff Memo, Notice of Intent and Site Plans 4/1/2026

Abutters were notified via Certificate Mailing on 2/25/26 as certified in Affidavit of Service signed by Colin McSweeney of McSweeney Associates submitted with the NOI. The hearing was continued to address staff comments.

Collin McSweeney Project Representative from McSweeney Associates explained the proposed project to the Commission, consisting of construction of an accessory dwelling unit (ADU) and upgraded Title V septic system:

- The site contains bordering wetland, Riverfront Area, and Flood Zone AE.
- All work is located outside the 100 foot wetland buffer and 100 foot inner riparian zone, but within the 200-foot outer riparian zone.
- The proposal included construction of a one bedroom ADU with a porch.
- A geomat leaching system is proposed for the septic design.
- The proposal is to reconfigure an existing bedroom to create the ADU, resulting in no increase in wastewater flow.
- Some of the existing concrete behind the garage was proposed to be removed as mitigation.
- Under the riverfront regulations, the proposal work is under 10% of degraded area so no mitigation proposed.

Ms. Palmer explained to the Commission, the project was primarily within the Riverfront Area and the ADU had been situated outside of both the Flood Zone and Buffer Zone. Due to the proposed bedroom swap the

Board of Health had considered the project an upgrade to an existing septic system rather than an expansion or new system. Ms. Palmer noted that the project was not subject to stormwater standards but included removal of existing asphalt to improve conditions within the Riverfront Area. She stated that the project was classified as redevelopment and the total degraded area did not exceed 10% of the Riverfront Area on the lot, meeting state and local regulations. She also noted for the record that a public comment letter had been submitted by Jennifer Carroll and was distributed to the Commission. Ms. Palmer recommended issuance of an OOC.

Commissioner Troyer questioned if the proposal needed site plan review with the Planning Board and asked for the square footage of the ADU.

Mr. McSweeney responded they are under 5000 sq.ft of disturbance and did not require Site Plan review and the ADU was approximately 950 sq.ft.

Chair Nielsen stated the letter from the public expressed concern over heavy rainfall and water pooling and was concerned about water being diverted onto other properties. She asked Mr. McSweeney to respond.

Mr. McSweeney responded that there was low point along the river but the ADU was proposed farther away and to be situated over existing lawn. He explained he did not see any increase of water that would occur since on the north side it was uphill and the flow would run towards the river and wetland and not affect the pooling in that area in his opinion.

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 Villanova, to close public hearing for 10 Friend Street, DEP File No. 034-1558 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 (construction of accessory dwelling unit) is within an Area Subject to Protection under the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131, § 40) and Hingham Wetlands Protection Bylaw (Article 22), Riverfront Area, and will result in 1,224 SF of new alterations within previously developed riverfront (100-200 riparian zone). The total riverfront area on the property is 79,113 SF and total alterations resulting from the project are 6,426 SF.
- B. As demonstrated in the project narrative and supplemental riverfront calculations prepared by Colin McSweeney 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 work will result in an improvement over existing conditions by removing existing asphalt behind the garage to reduce impervious area, the structure is located further from the river than existing conditions and away from the river, and total impacts do not exceed 10% of the total riverfront area. 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.
- C. Due to the fact that supporting documentation has not been submitted to verify that flagged top of Bank is coincident with Mean Annual High Water (MAHW), the Commission does not confirm the delineation of Riverfront Area as shown on the approved plan. However, the limits of the Riverfront Area as depicted are considered accurate for the purposes of this redevelopment project. Any future work on the property may require review and confirmation of MAHW.
- D. The Commission has determined the proposed work complies with Section 23.1 of the HWR for placement of a septic system. The Board of Health is considering the proposal to be an upgraded system instead of a new construction system as a bedroom is being removed from the main house and one is being added to the ADU. None of the components of the proposed system are located within the inner

riparian area or within 100 feet of a wetland resource area. Furthermore, as described in the project narrative, a modern nitrogen removing system is proposed significantly improved treatment, resulting in a benefit to the resource areas.

E. The proposed septic upgrade is exempt from the riverfront regulations under 310 CMR 10.58(6)(c).

F. 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

33. Prior to sign off on the Certificate of Occupancy issued by the Building Department, the asphalt behind the garage (333 SF) shall be removed as proposed and described in the RFA Calculations narrative prepared by McSweeney Associated submitted April 1, 2026.

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) Septic system location;
- 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 7-0

In Favor: Carolyn Nielsen, Nina Villanova, Robert Mosher, Douglas Troyer, Philip Edmundson, Bob Hidell and Thomas Roby

Opposed: None

3. 25 Bare Cove Park Drive, DEP No. 034-15XX, Town of Hingham Recreation

Meeting Documents: Staff Memo, Notice of Intent, Site Plans, Wetland Exhibits Submitted 4/1/2026 and Hingham Carlson Complex Pickleball Courts Presentation by Mike Moonan 4.13.26

Mark Thorell, Director of Recreation and Vicki Donlan, Chair of the Recreation Commission were present. Mike Moonan, RLA, Project Representative from CHA Consulting explained the proposed project to the Commission:

- Construction of eight pickleball courts and associated parking on the former Tracer’s property.
- The project included the demolition of the existing condemned building, which contained asbestos.
- Overall site conditions would be improved by removing development within the 50 foot buffer and restoring the area.
- Stormwater management was proposed to be improved through installation of a new stormwater management system.
- The eight pickleball courts would be less than half the area of six tennis courts.
- Resource areas included Wetlands, Riverfront Area, Vernal Pool and an Area of Critical Environmental Concern (ACEC) and their associated buffers were reviewed.
- The proposed layout relocated development outside the 50 foot buffer and Vernal Pool Protection Zone, with only minimal encroachment into the 200 foot Riverfront Area
- The pickleball courts were situated within the footprint of the existing building and parking areas.
- The plan included shade shelters, seating areas, and a reconfigured parking area.
- The project reduced impervious surface area on the site by approximately 3,780sq.ft.

- The areas within the 50 and 100 foot buffers of the proposed restoration area were shown with native vegetation, except where existing impervious surfaces remained within the 100 foot buffer
- Stormwater was proposed to be directed to an infiltration basin at the rear of the property that will recharge groundwater, with the remainder of the site graded accordingly.
- Erosion controls to be installed before any demolition or construction would occur.
- The planting plan provided for the restoration of disturbed areas, including a 2:1 tree replacement ratio (three trees to be removed and six to be planted), along with additional shrubs and seed mix within buffer zones.
- The project was designed to comply with buffer zone and resource area protection requirements while enhancing environmental conditions and overall site functionality.

Ms. Palmer explained to the Commission that her comments had been sent to the applicant later than intended and that she required additional details on the plans, as well as more detailed information in the narrative regarding compliance with redevelopment standards. She noted that the project constituted redevelopment within the Riverfront Area and was therefore required to improve existing conditions and meet the Stormwater Standards. She added that the proposal would be undergoing a peer review of the stormwater design by the Planning Board which would also be shared with the Commission. Ms. Palmer then asked the Commission to discuss if they would like to conduct a site visit.

Chair Nielsen stated she would agree with doing a site visit and asked Mr. Moonan if the drainage basin was a vegetated basin or rock lined.

Mr. Moonan responded it was a vegetated basin and seeded with a basin seed mix.

Chair Nielsen acknowledged the letters received from the public and reminded any members of the public that had comments that their authority and jurisdiction lies with impacts to the wetlands.

Commissioner Hidell questioned the condition of the contaminated building and whether a report had been provided identifying the specific contaminants present.

Mr. Moonan responded that a report had indicated the building contained asbestos. He added that a demolition study was being conducted and that an additional report with further details would be submitted.

Commissioner Hidell then asked whether any subsurface contamination had been identified.

Mr. Moonan responded that no subsurface contamination had been reported in the Phase I Environmental Site Assessment, noting that initial results indicated no groundwater contamination. He added that test pits and borings had been completed.

Commissioner Troyer noted a discrepancy in the application regarding the total reduction in impervious area, stating that the NOI indicated approximately 6,500 sq.ft. and requested that this be corrected.

Chair Nielsen opened the discussion to members of the public.

Susan Wetzel, resident, requested clarification on the buffer zones and asked what impacts or losses would occur within those areas.

Chair Nielsen responded that the buffer zones are established from the wetland line, the 50 foot buffer was 50 feet from the wetlands and is a no disturb zone under the Hingham Wetlands Bylaw and Regulations and the 50- 100 buffer zone may be altered in such a way as not to cause impacts to the wetlands. She explained the Commission's purview and evaluation of the project was limited to the impact to the wetlands.

Ms. Wetzel asked for confirmation if two of the eight courts were located within the 50-100 foot buffer and if wetland flags were present on the property. She also asked if the site visit for the Commissioners was open to the public.

Chair Nielsen confirmed and noted if the site visit was an official meeting it would be posted and welcome to all.

Brandon Faneuf, PWS from Ecosystem Solutions representing Bare Cove Preservation had the following questions and comments about the project:

- The narrative did not address how the project met specific buffer zone functions under the Hingham Wetland Regulations Section 22.0.
- An invasive plant management plan or long term monitoring plan was not provided.
- The project proposed 824 sq.ft. of temporary disturbance within the Certified Vernal Protection Zone (CVPPZ) but the NOI states that work would remain outside the 100 foot CVPPZ and no functional analysis was provided.
- For stormwater, the HydroCAD model included routing to nonexistent nodes and the HWR Sections 3.3B and J require specific locations of stormwater discharge.
- Questions were raised on the infiltration basin, unclear test hole locations, the absence of a groundwater mounding analysis, and the basin's proximity to the CVPPZ.
- The narrative included assertions rather than evidence when referring to Riverfront Area analysis and was missing justification for why specific alternatives were ruled out on engineering, environmental, or feasibility grounds.
- He questioned if the project could be located elsewhere as an alternative.
- He urged the Commission to consider the Regulations and Bylaw considering the adjacent ACEC and Outstanding Resource Water.

Jay Hall, PWS from CHA consulting, responded that they would further evaluate invasive species within the site. He acknowledged that the area in question was already disturbed, with species such as multiflora rose present. He noted that a monitoring plan could be developed to manage any future invasive growth, with potential mitigation methods including manual removal or targeted treatment. Mr. Hall explained that the existing building slated for removal justified the project's proximity to the buffer zone and supported the rationale provided in the alternatives analysis for the riverfront area. He added that, while other sites did exist within the Town of Hingham, the project intended not only to remove the existing building but also to improve the site through the addition of recreational features and enhanced vegetation.

James Kinney, P.E from CHA consulting, addressed the stormwater questions. He stated a test pit had not been performed at the exact location of the proposed infiltration basin. However, based on nearby test pit data, it was believed that sufficient separation from groundwater existed to support the initial design. He acknowledged that test pits are often required for infiltration systems and indicated that conducting one at the basin location could be pursued to confirm these assumptions and they would comply with all recommendations of the peer reviewer.

Chair Nielsen stated that she anticipated a submittal of a long term operations and management plan.

Commissioner Hidell requested the representatives provide clear quantified information especially since the project site was located in an environmentally sensitive area. He added that this is necessary for the Commission to make a proper evaluation on the impacts to wetlands and vernal pool and to avoid delays in decision making caused by incomplete information.

Vote: Commissioner Edmundson made a motion, seconded by Commissioner Mosher, to continue the public hearing for 25 Bare Cove Park Drive with consent of the applicant to May 4, 2026 at 7PM.

The motion passed by a roll call vote 7-0

In Favor: Carolyn Nielsen, Nina Villanova, Robert Mosher, Douglas Troyer, Philip Edmundson, Bob Hidell and Thomas Roby

Opposed: None

Other Business:

1. Route 3A Improvement Project- Potential Article 97 land swap (portion of parcel 106-0-3)

J.R. Frey, Town Engineer, explained to the Commission the Route 3A corridor improvement project there will be multiple Article 97 impacts. He stated the town has been tasked with identifying mitigation that can be acquired for the purposes of Conservation. He stated they had identified parcel 106-0-3 as possible mitigation, if the Commission would agree that it meets the criteria. He explained that Susan Murphy, Town Real Estate Counsel, had been working with MassDOT regarding potential land mitigation options. Mr. Frey explained that if the Town were to donate its own land for mitigation purposes, an appropriate contribution would also be made to the Hingham Conservation Fund, resulting in an added conservation benefit. He explained the location of the parcel lies next to the Transfer Station off of Hobart Street and south of a current conservation property. He noted that a portion of the property would need to be retained by the Select Board due to its role in maintaining landfill operations. He added the total parcel was approximately 10.8 acres and roughly 8 acres is available for mitigation. He noted DPW had approved the proposed transfer of the property for mitigation purposes.

Ms. Palmer explained that the proposed mitigation approach would also provide funds to support the Conservation Fund for future land acquisition. It was noted that the property in question was adjacent to existing conservation lands to the north and south, as well as near Brewer Reservation to the east, enhancing its overall conservation value. Ms. Palmer emphasized that the Conservation Commission would derive the greatest benefit compared to other municipal departments under the Article 97 project. Ms. Palmer recommended that the Commission accept the proposal, noting that while a formal vote was not required at that time, the Commission could choose to take one, with a final vote to occur upon completion of the deed transfer.

Chair Nielsen noted the parcel was “wet” and was surprised it wasn’t conservation land because it was unbuildable.

Ms. Palmer stated some upland area would allow for trail connections to other parcels such as Cranberry Pond for passive recreation.

Commissioner Hidell questioned if the Commission would be held liable if there was any contamination that had come onto that property that might need remediation.

Mr. Frey responded no they would not be liable.

Commissioner Hidell questioned if any research has been conducted.

Mr. Frey stated no environmental investigations have been conducted and assured the Commission would not be liable.

Commissioner Edmundson requested further explanation.

Mr. Frey stated if environmental remediation was determined necessary that would be the town’s responsibility and it would not be the responsibility of the Conservation Commission.

Commissioner Hidell stated his concerns lies with chemicals they may been dumped there in the past that could have an impact and someone harmed on the land and in turn result in Conservation Commission being liable.

Mr. Frey stated the Commission would not hold any liability.

Commissioner were in agreement to have that in writing.

Ms. Palmer stated she could get a written opinion from Counsel and explained that even though the land would be under management and care of the Commission, it was ultimately town owned land.

Commissioner Edmundson noted that he has been to the property and he asked if the town could address approximately 12 sewer pipes that were left at the start of the trail by the street.

The Commission continued to discuss the land and wildlife presence.

Ms. Palmer stated the mitigation land has comparable ecological value to land being lost as it abuts the ACEC and supports wetland resources and a potential vernal pool.

After deliberations, the Commission members were in agreement with the proposal to transfer a portion of lot 106-3 to Conservation however requested a written opinion regarding the liability issue.

2. Vote to approve Restoration Plan, 0 Whiting Street, Enforcement Order, Bristol Bros.

Ms. Palmer explained there was an Enforcement Order issued for unauthorized activity at 0 Whiting Street conducted by the adjacent commercial business owner. She noted the parcel was located within the Buffer Zone and a Restoration Plan was requested and received. Staff agrees with the proposed restoration with the exception of herbicide application for management of invasives and suggested hand removal only.

Jim Bristol, property owner, noted that it was the previous property owner that had done some grading within the buffer and the most recent owner had done improvements that will be removed as part of the restoration plan and they have been very cooperative. He added he appreciated the Commission's time and looks forward to its restoration.

Vote: Commissioner Hidell and Troyer made a motion, seconded by Commissioner Villanova, to approve the Restoration Plan dated revised April 10, 2026 for 0 Whiting Street, prepared by South River Environmental, with restoration work to commence during the current growing season (2026).

3. Request to extend deadline for submittal of Restoration Plan, 383 East Street, Enforcement Order, Grant & Allison Daley

The Commission had no objections to extending the deadline of submittal of the Restoration Plan.

Vote: Commissioner Troyer made a motion, seconded by Commissioner Mosher, to approve the request for extension of date for submittal of a restoration plan for 383 East Street to April 30, 2026 at noon.

4. Request for After the Fact Plan Change, 43 Wanders Drive, DEP No. 034-1515

Ms. Palmer explained to the Commission that an as-built plan had been completed, which revealed that the constructed structure was partially located within the 50 foot buffer, she asked the Commission to

determine if any additional mitigation was required. She noted staff recommended mitigation and an after the fact plan change.

Ken Thomson, PWS, Project Representative, explained the project was for a garage and a covered porch. He explained the garage was built and 31sq.ft of impact fell within the 50 foot buffer. Mr. Thomson recommended for the Commission to allow the addition one or two plantings to the buffer zone mitigation area to account for the impact.

Ms. Palmer stated staff agreed with the additional mitigation and acknowledged that construction changes can occur in the field, however, she noted that the homeowner had previously requested permission to reorient the structure which staff had denied. She stated that the structure had been constructed within the 50 foot buffer and would not have been approved had it been submitted in that configuration initially.

Chair Nielsen questioned if the garage was built larger.

Mr. Thomson explained the garage was not built larger but was dispositioned, he explained it should have been positioned closer to the existing paving.

Commissioner Troyer questioned how long the shed has been within the 50 foot buffer and when the garage was constructed.

Mr. Thomson responded that the shed had been present since the wetland delineation was performed and that the garage was constructed this past year. He added that when the as-built plan was prepared in support of a request for a COC, it was discovered that the structure had been constructed within the 50 foot buffer.

Commissioner Hidell questioned whether the garage was constructed on a slab.

Mr. Thomson confirmed that it was.

Ms. Palmer explained that the applicant had previously inquired with staff about reorienting the structure based on the layout of the driveway, but staff had informed them that the proposal would not comply with the regulations due to its location within the 50-foot buffer.

Commissioner Troyer quested if it was identical to what was presented.

Ms. Palmer noted a plan was not previously submitted when the question was asked.

The Commission further discussed what had transpired and decided to take no further action.

Vote: Commissioner Hidell made a motion, seconded by Commissioner Mosher, to approve request for after the fact plan change for 43 Wanders Drive, with additional mitigation of 80 SF of native plantings to be approved by the Conservation Officer.

The motion passed by a roll call vote 6-0-1

In Favor: Carolyn Nielsen, Nina Villanova, Robert Mosher, Philip Edmundson, Bob Hidell and Thomas Roby
Opposed: Douglas Troyer

5. 21 Martins Lane, Conservation Land Encroachment, Response letter

Ms. Palmer noted this item would be continued to the May meeting.

6. Conservation Officer Updates

Ms. Palmer updated the Commission that an intern was hired for the HLCT program collaboration for the pollinator project, a PhD candidate that will be starting in May for approximately 10 weeks. She added the intern will be asked to attend a Commission meeting to give a presentation of the accomplishments.

The Commission and staff bid farewell to Commissioner Nina Villanova and thanked her for her time and efforts on the Commission. Commissioner Villanova is running for the School Committee.

Adjourn

Motion: Commissioner Troyer moved to adjourn the meeting. Commissioner Villanova seconded the motion. The motion passed by roll call vote 7-0.

Meeting adjourned at 8:47PM

Approved on: May 18, 2026