

Conservation Commission

Meeting Minutes

June 15, 2026

Remote meeting via Zoom

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

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

Chair Carolyn Nielsen opened the meeting at 7:00PM 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."

Business Items:

1. Meeting Minutes- None
2. Requests for Certificate of Compliance (COC) (taken out of order from agenda)
 - a) 4 Pine Grove Road, DEP No. 034-1441, Peter Phan

Meeting Documents: Staff Memo and Request for Certificate of Compliance

Ms. Palmer explained to the Commission that the Order of Conditions was issued in 2022 for a demo rebuild. She stated the homeowner worked with staff to insure the mitigation area was stable and met all the requirement. Ms. Palmer stated they recommended a full COC.

Vote: Commissioner Troyer made a motion, seconded by Commissioner Mosher, to issue a Certificate of Compliance for 4 Pine Grove Road, DEP No. 034-1441

The motion passed by a roll call vote 5-0

In Favor: Carolyn Nielsen, Robert Mosher, Douglas Troyer, Bob Hidell and Thomas Roby

Opposed: None

The following Hingham Shipyard Marina COCs were discussed and voted in two separate motions:

- b) Lincoln Street, DEP No. 034-0186, Hingham Shipyard Marinas

Meeting Documents: Staff Memo and Request for Certificate of Compliance

Scott Golding, Project Representative from DTM Law, explained to the Commission the project was from 1985 for rehabilitation to the MBTA commuter pier. He noted plans and aerial images documenting the structure over time were submitted and to his knowledge all work was completed in compliance.

- c) 349 Lincoln Street, DEP No. 034-0296, Hingham Shipyard Marinas

Meeting Documents: Staff Memo and Request for Certificate of Compliance

Mr. Golding explained to the Commission the project was from 1989 for construction of a marina service building. An engineer's letter had been previously submitted that stated the project was completed in compliance with the project plans and supporting aerals were submitted.

- d) Shipyard Drive, DEP No. 034-0340, Hingham Shipyard Marinas

Meeting Documents: Staff Memo and Request for Certificate of Compliance

Mr. Golding explained to the Commission the project was from 1991 for a marine fuel distribution system. He stated an engineer letter was previously submitted by Robert Catelyn that stated all work had been completed compliance.

- e) 349 Lincoln Street, DEP No. 034-0478, Hingham Shipyard Marinas

Meeting Documents: Staff Memo and Request for Certificate of Compliance

Mr. Golding explained that the project was from 1997 it was for replacing piles and reconfiguration of the pier system. He noted a comparison of aerial photos and plans indicated the work had been completed in compliance.

f) 349 Lincoln Street, DEP No. 034-0533, Hingham Shipyard Marinas

Meeting Documents: Staff Memo and Request for Certificate of Compliance

Mr. Golding explained to the Commission the project was for 1998 for remodel of the Hingham Bay Club. He stated as part of the overall redevelopment of the shipyard that occurred years later, the structure was no longer in existence

Vote: Commissioner Troyer made a motion, seconded by Commissioner Hidell, to issue Certificates of Compliance for Hingham Shipyard Marinas, DEP No's 034-186, 034-296, 034-340, 034-478 and 034-533. The motion passed by a roll call vote 5-0

In Favor: Carolyn Nielsen, Robert Mosher, Douglas Troyer, Bob Hidell and Thomas Roby

Opposed: None

g) 349 Lincoln Street, DEP No. 034-0374, Hingham Shipyard Marinas

Meeting Documents: Staff Memo and Request for Certificate of Compliance

Mr. Golding explained the project was approved in 1993 for a high tide public access boat ramp. He stated it was never constructed.

h) 349 Lincoln Street, DEP No. 034-652, Hingham Shipyard Marinas

Meeting Documents: Staff Memo and Request for Certificate of Compliance

Mr. Golding explained the project was from 2001 for dredging a new marina structure and relocation of a boat lift and launch system. He stated none were ever constructed. He also noted an amended order was also requested to relocate the marina building but it was not constructed.

Vote: Commissioner Troyer made a motion, seconded by Commissioner Mosher, to issue Certificates of Compliance for Hingham Shipyard Marinas, DEP No's 034-374 and 034-652 as invalid Orders of Conditions.

The motion passed by a roll call vote 5-0

In Favor: Carolyn Nielsen, Robert Mosher, Douglas Troyer, Bob Hidell and Thomas Roby

Opposed: None

i) 2 Shipyard Drive / 2 Essington Drive, DEP No. 034-0944, Hingham Shipyard Marinas

Vote: Commissioner Troyer made a motion, seconded by Commissioner Mosher, to continue the request for certificate of Compliance for Hingham Shipyard Marinas DEP No. 034-0944 to July 13.

The motion passed by a roll call vote 5-0

In Favor: Carolyn Nielsen, Robert Mosher, Douglas Troyer, Bob Hidell and Thomas Roby

Opposed: None

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

1. 21 Charles Street, DEP No. 034-1561, Kevin Green

Meeting Documents: Staff Memo, NOI, and Site Plans Revised 5/20/26

Abutters were notified via Certificate Mailing as documented in Affidavit of Service signed by Dillon Brady dated 5/7/26.

Dillon Brady, Project Representative of Grady Consulting, explained the project to the Commission. He described the resource areas on site consisting of Bordering Vegetative Wetland (BVW) and explained the proposal was to renovate an existing sunroom within the existing footprint and raze and rebuild an existing deck in the rear of the home with steps on a pervious paver footing. He explained the deck would be approximately 43.2 feet from the BVW, increasing the setback from the wetland by 2.5ft.

Ms. Palmer explained to the Commission it was a minor project and partially located within the 50 foot buffer but was further away than the existing structure. She explained in other circumstances waivers have been granted to allow for an encroachment within the 50 foot buffer as long as it's no closer to the resource area than the existing structure. She noted concern regarding the stairs within the 50 foot buffer, but stated it would be negligible encroachment because it was within existing lawn and a pervious paver landing was proposed.

Commissioner Troyer asked for clarification on the existing deck to be replaced.

Mr. Grady stated the existing deck was 209sq.ft. and would be removed.

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 Mosher, to grant waiver of Hingham Wetland Regulations Section 7.4(c), close the public hearing for 21 Charles Street, DEP No. 034-1561, 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 Town of Hingham Wetland Protection Bylaw, Buffer Zone. As documented in the project narrative prepared by Grady Consulting 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 proposed work is within previously developed lawn area and there is no increase in impervious coverage within the Buffer Zone. 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.
- B. A portion of the proposed work is within the 0-50 foot Buffer Zone however the Commission has determined the minimal encroachment for reconstruction of an existing deck (no larger and no closer to the resource area than existing conditions) is considered a negligible impact. The proposed deck footprint in the 50 foot buffer is reduced by 2 SF and the stairs landing (10 SF) will be constructed to be permeable. Furthermore, 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.
- 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

- 23. Prior to Conservation sign off on Building Permit, a revised plan shall be submitted showing the stair landing which shall be located outside the 50 foot buffer zone --or-- shall be constructed to be permeable as presented at the public hearing.
- 24. The corner of proposed deck shall be staked prior to the Pre-Construction Meeting (standard condition #3) for review by the Conservation Officer to verify the proximity to the wetland resource area (which should not be closer than 43.2 feet) as shown on approved Site Plan prepared by Grady Consulting dated revised May 6, 2026.
- 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:

- a) All wetland resource area boundaries with associated buffer zones;
- b) All structures including stairs and landing.

The motion passed by a roll call vote 5-0

In Favor: Carolyn Nielsen, Robert Mosher, Douglas Troyer, Bob Hidell and Thomas Roby

Opposed: None

2. 14 Seal Cove Road DEP No. 034-1563, Leonard Monfredo

Meeting Documents: Staff Memo, Notice of Intent and Site Plans Submitted 6/4/26

Abutters were notified via Certificate of Mailing on 5/21/26 as certified in Affidavit of Service signed by Karolyn Gear submitted with the NOI.

Brendan Sullivan, P.E., Project Representative from Merrill Engineers and Land Surveyors, explained the project to the Commission:

- The site contained existing single family home, pool, patio, landscape, lawn area and existing dock.
- The resource areas included Coastal Bank, Salt Marsh and Land Subject to Coastal Storm Flowage (LSCSF) (Elevation 10).
- The project consisted of construction of 31'x53' sports court and retaining wall to support the sports going on the lower slope, replacing an existing play set
- An infiltration system proposed underneath the sports court to capture runoff.
- Approximately 900sq.ft. of impervious within the 100 foot buffer and over 1000sq.ft. of mitigation proposed adjacent to the existing seawall.
- A waiver was requested for the retaining wall structure within the floodplain, noting the its highest point would be four feet high and the top of the retaining wall was at about elevation 13 and the sports court was at elevation 13.2.
- The FEMA flood zone was labeled at elevation 10 but that the flood study noted elevation at 9.5.
- It was explained the 50 year flood elevation was 9.3 and the 10 year flood would be 8.4, which would not reach the area of the proposal.
- It was explained the waiver was justified because the retaining wall would be located farther upland and would not be subject to daily wave action.

Ms. Palmer stated her comments regarding the delineation and mitigation proposal had been mostly addressed. The proposal required a waiver for the retaining wall because it was located within LSCSF and stated the supplemental information regarding moderate wave action zone and the flood study were helpful. She explained that the Commission would determine if a waiver could be granted and questioned whether the sports court could be reduced or the retaining wall be relocated to avoid encroachment in LSCSF. She also noted it had not been demonstrated there was not an alternative layout.

Jeffrey Deady, Contractor from Game on Sport Surfaces, explained the corner of the court closest to the existing home was a “pinch point” and no other feasible location in the yard. He stated the court was situated as far away as possible from the resource area and allowed for access along the house and the court.

Chair Nielsen asked Mr. Monfredo if he would consider shortening the court.

Mr. Monfredo, homeowner, responded that if the court was shortened it would no longer be a full size court and would limit some activities.

Mr. Deady added that the playing surface was 52 feet, with additional foot added for expansion of the surface during summer months.

Mr. Monfredo questioned if adding additional planting area at the retaining wall would make a difference.

Chair Nielsen noted the concern lies with the retaining wall. She questioned if a retaining wall verses a berm would make any difference.

Ms. Palmer asked for an explanation on why the retaining wall was needed.

Mr. Sullivan responded that they were trying to limit disturbance, a berm would be possible but it would cause more disturbance in the floodplain and resource area.

Chair Nielsen noted that she did not see creating a berm in a lawn area as a major disturbance.

Commissioner Hidell suggested that soil stabilization fabric could be used to prevent berm erosion. He also questioned whether the retaining wall could be limited to the corner of the court and asked whether fencing was proposed around the entire court.

Mr. Deady stated the fencing would go along the pedestrian walkway easement and along the water side. He noted that this part of the property slopes off a fair amount and the wall was proposed to minimize the encroachment towards the resource area.

Mr. Sullivan added that the top of the retaining wall would be at elevation 13 and the berm option would require require a 2:1 slope closer to the 50 foot buffer. He stated it was possible but would be more disturbance in the Buffer Zone.

Commissioner Hidell asked Ms. Palmer if there was any precedent.

Ms. Palmer responded she was not aware of any precedent. She stated either option would be reasonable for the Commission to consider but it would be a benefit to minimize disturbance in that slope. She added that, in her opinion, Mr. Sullivan had demonstrated that the area was out of the higher wave action zone and was considered a minor encroachment. She suggested the minor wall is more acceptable and recommended avoiding the additional disturbance of a berm and slope closer to the resource area. She explained if the retaining wall was proposed in the higher wave action zone, it would not be allowed under the regulations.

Mr. Sullivan added there was a Velocity Zone along the seawall and coincides with the Limit of Moderate Wave Action (LiMWA) line, landward of the seawall waves would be less than one and half foot in height.

Commissioner Hidell commented that the wall would absorb a lot of energy. He stated it was unlikely waves will come up into the area of the court.

Commissioner Hidell questioned the court lighting.

Mr. Deady responded it's typically a 17 foot tall pole which allows for fixtures to direct light downward and minimize spillover to neighboring properties.

Commissioner Hidell and Nielsen agreed they did not want to set a precedent.

Chair Nielsen asked for a condition that the retaining wall was an exception.

Ms. Palmer responded that when the Commission grants a waiver she includes a finding with the justification specific to the project.

Commissioner Hidell questioned how deep the footings for the wall would be.

Mr. Sullivan responded that it was one foot high and buried a minimum of three feet with weep holes within the wall.

Ms. Palmer stated that she would recommended additional plantings beyond what was proposed.

Mr. Monfredo agreed.

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

Chair Nielsen asked whether a lighting shut-off time could be included as a condition if within the Commission's authority.

Mr. Deady noted that lights would primarily be used during shorter daylight periods during the fall and winter months.

Vote: Commissioner Troyer made a motion, seconded by Commissioner Hidell, to grant a waiver from Hingham Wetland Regulations Section 20.1(d)(5) and close the public hearing for 14 Seal Cove Road, DEP No. 034-1563

The motion passed by a roll call vote 5-0

In Favor: Carolyn Nielsen, Robert Mosher, Douglas Troyer, Bob Hidell and Thomas Roby

Opposed: None

3. 8 Windsor Drive, DEP No. 034-1562

Vote: Commissioner Troyer made a motion, seconded by Commissioner Mosher, to accept request from Diane Marchione to withdraw without prejudice the Notice of Intent application for 8 Windsor Drive, DEP 034-1562.

The motion passed by a roll call vote 5-0

In Favor: Carolyn Nielsen, Robert Mosher, Douglas Troyer, Bob Hidell and Thomas Roby

Opposed: None

4. 90A Industrial Park Drive, DEP No.034-1564, 90 Industrial Park JV, LLC

Meeting Documents: Staff Memo, Notice of Intent, Site Plans

Abutters were notified via Certified Mail 5/21/26 as certified in Affidavit of Service signed by Jonathan Jordan of Crocker Design Group dated 5/26/26.

Josh Green, P.E., of Crocker Design Group, explained to the Commission a building permit was obtained in March to install a temporary trailer to be used by National Grid along with the existing industrial parking area for vehicle and material storage. He explained during a site visit they noted a fence was installed in jurisdictional areas and this was an after-the-fact filing. He noted the property had an active ORAD issued in 2021 and identified the resource areas as Inland Bank along the west side of the property, Isolated Land Subject to Flooding in the center of the site, BVW along the northern portion of the parcel, and a 100-foot Vernal Pool Protection Zone (VPPZ). Mr. Green described the installed fence as measuring approximately

985 linear feet and eight feet tall with barbed wire for security. He also noted a portion of the fence needed to be relocated to comply with zoning setbacks and two gates needed to be installed. A waiver has been requested because the fence is within the 50 foot buffer zone and 100 foot VPPZ.

Ms. Palmer stated the Commission was aware of this when the initial Violation Notice was issued for the property, and because the fencing is intended to be kept as part of the industrial use, she recommended the after the fact NOI filing. The NOI will give the Commission an opportunity to review the project and determine compliance with the regulations. She explained when the Isolated Wetland was evaluated for the ORAD, it was found to function as a vernal pool. Ms. Palmer suggested if the Commission agreed proper justification was provided to allow the fence in that location, a waiver could be granted. She also recommended the unauthorized clearing of vegetation be addressed separately under an Enforcement Order.

Commissioner Troyer questioned what the shipping container was used for and if it was easy to move.

Mr. Green responded it was used for material storage and assumed it would be easy to move.

Commissioner Troyer asked for Ms. Palmer's opinion on the shipping container.

Ms. Palmer responded that it was considered a temporary structure on existing asphalt but did not see a reason as to why they could not relocate it outside of the 50 foot buffer.

Mr. Green displayed an aerial of the property to show the location of the shipping container.

Commissioner Troyer expressed concern about what was being stored in the shipping container.

Ms. Palmer stated it would be reasonable to ask for it to be relocated. She explained there was some coordination on the temporary placement of certain things as they are planning the development of the lot.

Chair Nielsen questioned when the area was paved.

Mr. Green stated he was unsure but assumed quite a long time ago, he added that a full site plan would come before the Commission for development of both properties (parcels 90 and 90A).

John-Paul Knauss, Director of Bay State South Operations for National Grid, explained the shipping container contained basic materials for overhead operations, such as insulators whole line hardware, noting nothing with environmental concern.

Chair Nielsen explained they would be concerned with anything could possibly leak into the vernal pool.

Mr. Knauss noted they were cognizant about the environmental impacts of their material and assured the materials were benign.

Chair Nielsen stated that if approved, she recommended a condition to either move the storage container or for storage to only be for items that would not have any negative impact on the wetland.

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

Chair Nielsen asked for input from other Commissioners as to if they should have provision for movement of wildlife through the fence.

Ms. Palmer added that some of the fence does have an opening.

Mr. Green added there was a small gap at the bottom at the portion closest to the vernal pool.

Commissioner Hidell questioned the slope of the pavement.

Mr. Green responded the slope was approximately was 1-2% for most of the area and one small portion with 3.5% slope from east to west with the high points near the existing trailer.

Commissioners discussed the concern of storage of hazardous materials steeping into the wetlands.

Mr. Knauss stated they were very cognizant about potential for containments.

Ms. Palmer reminded Mr. Knauss that the reason this was before the Commission was due to unauthorized clearing that took place within the wetland buffer zone.

Commissioners continued the discussion on storage of materials and stated there would be specific conditions to address and a waiver would be appropriate due to the fence already being installed on existing pavement.

Vote: Commissioner Troyer made a motion, seconded by Commissioner Mosher, to grant waiver of the Hingham Wetlands Protection Bylaw Sections 2B and 2C and close public hearing for 90A Industrial Park Road, DEP No. 034-1564

The motion passed by a roll call vote 5-0

In Favor: Carolyn Nielsen, Robert Mosher, Douglas Troyer, Bob Hidell and Thomas Roby

Opposed: None

Other Business:

1. 90A Industrial Park Drive (Violation), Vote on Restoration Plan and issue Enforcement Order

Josh Green, P.E., of Crocker Design Group, reviewed the history of the violation and explained the work that had taken place including installation of the fence, nine 4x6 wooden posts, five utility poles and multiple debris piles. A site walk was performed with Conservation staff after the violation was discovered. He noted that 24 trees were removed within jurisdiction and the planting plan, prepared by BSC, contains numerous plants along the Isolated Land Subject to Flooding and also few plantings along the BVW. A total of eight trees and 83 shrubs. He explained the shrubs were chosen to stabilize the slope between the existing pavement and resource area and enhance the Buffer Zone.

Ms. Palmer explained the removal of trees was not ideal with the close proximity to the Vernal Pool. She noted the responsible party had been working cooperatively with staff and the submitted restoration plan will enhance the existing buffer.

Commissioner Hidell stated he was concerned with drainage off of the hard surface into the vernal pool. He asked whether a trench along the concrete and catch basin would be feasible.

Mr. Green responded that most of the runoff from the pavement does not go towards the ISLF.

Commissioner Hidell reiterated his concerns regarding the impervious surfaces and potential impacts to the Vernal Pool and suggested a half pipe to drive runoff away from the pool.

Ms. Palmer suggested a less impactful solution such as a temporary berm for this discussion. She also mentioned when the applicant files an NOI for the redevelopment of the site, a full stormwater report will be required and compliance with the standards (to the maximum extent practical).

Vote: Commissioner Troyer made a motion, seconded by Commissioner Mosher, to approve the Restoration Plan for 90A Industrial Park Road prepared by BSC Group dated May 15, 2026 and issue Enforcement Order with requirement to implement approved restoration plan no later than October 30, 2026 with 2 years of monitoring.

The motion passed by a roll call vote 5-0

In Favor: Carolyn Nielsen, Robert Mosher, Douglas Troyer, Bob Hidell and Thomas Roby

Opposed: None

2. 53 Bel Air Road, DEP No. 034-1531, Minor Plan Change Request

Bob Rego, Project Representative from Riverhawk Environmental, explained to the Commission that this was a redevelopment of an existing property that was currently under construction. The three requested plan changes included increasing the approved deck size to 30 x 10 feet, adding a 2.5 x 18 foot long cantilever structure, and adding a 4 x 14 foot long cantilever structure. He explained all three of the areas were to be within manicured lawn. He stated it would 65 sq.ft. of new impervious area within the 0-50 foot buffer and 36 sq.ft between the 50-100 foot buffer.

Ms. Palmer questioned if there would be a new foundation.

Mr. Rego responded that no foundation would be required. He explained that the structure would be supported by the proposed structure, with it cantilevered outward without footings or a foundation.

Ms. Palmer explained that the proposed deck expansion would not extend closer to the wetland and was considered a permeable structure. She stated her concern was with the cantilevered structure (45 sq.ft.) within the 50 foot buffer.

Chair Nielsen questioned how tall the cantilevered structure was.

Mr. Rego stated it was equivalent to a second story.

Commissioner Hidell questioned if there would be spacing between the deck boards.

Mr. Rego confirmed it would be standard spacing between boards.

Commissioner Hidell stated he did not have a problem with the proposal the addition are up off the ground and will allow drainage to go through.

Commissioner Troyer and Mosher agreed.

Vote: Commissioner Troyer made a motion, seconded by Commissioner Mosher, to approve Minor Plan Change for 53 Bel Air Road, DEP No. 034-1531 as depicted on revised plan prepared by Riverhawk Environmental dated 6/1/26.

The motion passed by a roll call vote 5-0

In Favor: Carolyn Nielsen, Robert Mosher, Douglas Troyer, Bob Hidell and Thomas Roby

Opposed: None

3. Vote to issue Order of Conditions, 18 Shipyard Drive, DEP No. 034-1560

Ms. Palmer stated the project was for new artificial turf at The Beth restaurant located at the Shipyard and the Commission had an extensive debate regarding the installation of turf at the hearing. She noted the majority of the Commission was in favor of granting a waiver for artificial turf in this specific location. She recommended findings of fact that were specific to this project and referenced all points discussed during the public hearing. She also recommended special conditions for monitoring, operation and maintenance, mitigation planting, and the lifespan of the turf which was eight to ten years. She noted a condition for replacement of the turf was not enforceable but was included for acknowledgement.

Vote: Commissioner Troyer made a motion, seconded by Commissioner Mosher, to grant a waiver of Section 2B of the Wetlands Protection Bylaw and issue an Order of Conditions for 18 Shipyard Drive, DEP No. 034-1560 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 Massachusetts Wetlands Protection Act (M.G.L. Ch. 131, § 40), Riverfront Area associated with the Weymouth Back River, and will result in 3,198 square feet of alterations within previously developed riverfront. The project site is part of the approved Hingham Shipyard Redevelopment Project which consists of an existing concrete seawall, walkways, lawn, landscaping, and associated commercial waterfront improvements within a previously developed and degraded Riverfront Area. The proposal is to redevelop a small area of existing lawn and concrete walkways with a combination of pervious pavers, synthetic turf seating areas, landscaping improvements, utility connections, and lighting for an open-air dining patio accessory to an existing restaurant.
- B. As demonstrated in the performance standards analysis (Section 5 of the Revised Project Narrative) prepared by Environmental Consulting & restoration (ECR) dated 4/30/26, the project has been designed to comply with standards set forth under 310 CMR 10.58(5). The redevelopment project will reduce impervious area in the riverfront; will not be located closer to the river than existing conditions; and also incorporates native restoration plantings (530 SF) which will enhance the interests of the Wetlands Protection Act. Furthermore, stormwater management was designed and constructed as part of the overall Shipyard project. 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.
- C. 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 Coastal Bank. As demonstrated in the Performance Standards Analysis prepared by ECR, the project has been designed to comply with standards set forth under Sections 21.1(d) and Section 22.0(d) of the HWR for work within Riverfront Area and Buffer Zone. Proposed work will improve existing conditions and increase the wetland values of the Bylaw, through a reduction in impervious area and new native plantings to restore the riverfront and buffer. Furthermore, erosion and sediment controls will be implemented to protect coastal wetland resources during construction.
- D. Portions of the proposed work, including installation of a permeable patio and artificial turf, is located within the 50 foot Buffer Zone to Coastal Bank. During public hearing deliberations on the potential impacts of artificial turf in this resource area, the Commission considered several factors including but not limited to: permeability, infill material, aggregate subbase, maintenance requirements, watering and fertilization needs, and location within the previously developed Shipyard. Based on review of the Notice of Intent materials, supplemental comparison documentation submitted by the applicant, and testimony presented at the hearing, the Commission determined that the turf would not result in increased detrimental impacts to the resource area compared to existing lawn or permeable patio (for the life span of the surface which is 8-10 years). As documented in the Waiver Request prepared by ECR dated May 18, 2026, the project proposes mitigation for alterations in the 50 foot buffer which includes removing existing lawn and replacing with a 530 square foot planting area comprised of existing native

plants (to be relocated) and a mix of native shrubs and grasses suitable to the area. The planting proposal represents more than a 2:1 ratio of buffer zone enhancement, exceeding the required mitigation pursuant to the Commission's Buffer Zone Mitigation Policy. Additionally, the proposed patio and artificial turf are designed to be permeable allowing for recharge of groundwater. As such, the Commission has determined, in accordance with Section 2.B of the Hingham Wetlands Protection Bylaw, that 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, including storm damage prevention, pollution prevention, wildlife habitat, recreation, open space, and aesthetics, and, with the special conditions included in this Order for installation and maintenance, grants a waiver authorizing the proposed activities.

- 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 permeable patio shall be constructed in accordance with the approved plan and permeable paving detail shown on Sheet AC-01 prepared by DEFY Architecture dated revised 4/30/26. Any changes to the specified patio materials or layout shall be submitted to the Conservation Commission for review and approval prior to implementation. Documentation, including a certification letter from a Professional Engineer, to verify proper installation of the permeable patio and subbase, shall be submitted with a Request for Certificate of Compliance.
24. The artificial turf shall be installed in accordance with the approved plans and detail shown on Sheet AC-01 and as specified in Section 2 of the "Additional Information for the Proposed Artificial Turf" submitted on May 14, 2026, which stipulates sand infill material and ASTM #8 for the compactable aggregate layer.
25. The Buffer Zone Mitigation (approximately 530 SF) shall be implemented in accordance with the approved "Proposed Mitigation Plan" prepared by Environmental Consulting and Restoration (ECR) dated 5/18/26. Any changes to the plant selections or quantities specified in the Mitigation Plan shall be submitted to the Conservation Officer for review and approval prior to installation.
26. The mitigation plan shall be implemented 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 #29).
27. All mitigation plantings shall be native species; no cultivars, non-native species, or invasive species shall be allowed. Following planting, the Mitigation Area shall remain as a naturally vegetated buffer to the adjacent resource area. Mitigation areas shall not be disturbed, mowed or maintained as a landscaped area, unless otherwise approved by the Commission. This condition shall apply **in perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
28. Upon installation of the mitigation area plantings, 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.
29. Prior to the issuance of a Certificate of Compliance, the mitigation area plantings (including transplanted plants and shrubs) 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 in accordance with the approved plan.
30. Following installation, the artificial turf shall be maintained as specified in the Operation and Maintenance Plan dated May 11, 2026, to preserve the capacity of the turf to infiltrate stormwater runoff. The responsible party for operation and maintenance is Hingham Shipyard Hospitality Inc., dba The Beth and any successors or assigns. This condition shall be noted on the Certificate of Compliance and shall continue **in perpetuity**.

31. An annual maintenance report shall be provided to the Conservation Commission prior to December 1st of each calendar year following completion of construction and installation of artificial turf. Reporting shall document the operation and maintenance requirements, as referenced in Condition #30 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.
32. As documented by the applicant in the "Additional Information for the Proposed Artificial Turf" submitted on May 11, 2026, the lifespan of the artificial turf is estimated to be 8-10 years. Due to the location within the Riverfront Area and 50 foot Buffer Zone, replacement of the turf will be required to prevent break down and potential adverse effects on water quality, as well as to maintain permeability. Replacement of the artificial turf within jurisdictional areas is not permitted by this Order of Conditions and will require separate review and approval by the Commission.
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 wetland resource areas and buffer zone, mitigation plantings, all impervious surfaces with jurisdictional areas.

The motion passed by a roll call vote 4-0-1

In Favor: Robert Mosher, Douglas Troyer, Bob Hidell and Thomas Roby

Opposed: Carolyn Nielsen

4. Conservation Officer Updates

Ms. Palmer reminded the Commission of the next meeting the following week.

Adjourn

Motion: Commissioner Hidell moved to adjourn the meeting. Commissioner Mosher seconded the motion. The motion passed by roll call vote 5-0.

Meeting adjourned at 9:22PM

Approved on: August 17, 2026