

Conservation Commission

Meeting Minutes

June 22, 2026

Remote meeting via Zoom

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

Members Absent: None

Staff Present: Shannon Palmer, Conservation Officer & Natasha 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 5/4/2026 – passed over

2. Requests for Certificate of Compliance (COC)

a) 100 Industrial Park Road, DEP No. 034-1361, JEB Group, LLC

Vote: Commissioner Troyer made a motion, seconded by Commissioner Mosher, to continue consideration of the Request for Certificate of Compliance for 100 Industrial Park Road, with the applicant's consent, to July 13, 2026.

The motion passed by a roll call vote 6-0

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

Opposed: None

b) 19 & 27 Whiting Street, DEP No. 034-1368, Jenny Merhej

Vote: Commissioner Troyer made a motion, seconded by Commissioner Mosher, to continue consideration of the Request for Certificate of Compliance for 19 & 27 Whiting Street, with the applicant's consent, to September 28, 2026.

The motion passed by a roll call vote 6-0

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

Opposed: None

c) 106 Fort Hill Street, DEP No. 034-1071, Chris Gibson

Meeting Documents: Staff Memo and Request for Certificate of Compliance

Ms. Palmer explained the project an old Title V upgrade and noted an as-built had been submitted and the work was completed in compliance. Staff recommended issuing the COC.

Vote: Commissioner Troyer made a motion, seconded by Commissioner Mosher, to issue a Certificate of Compliance for 106 Fort Hill Street, DEP No. 034-1071.

The motion passed by a roll call vote 6-0

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

Opposed: None

d) 359 East Street, DEP No. 034-0862, Danielle & Chad Van Ess

Meeting Documents: Staff Memo and Request for Certificate of Compliance

Ms. Palmer explained the project was a septic system upgrade and an engineer's letter had been received documenting substantial compliance. Staff recommended issuing COC.

Vote: Commissioner Edmundson made a motion, seconded by Commissioner Mosher, to issue a Certificate of Compliance for 359 East Street, DEP No. 034-0862.

The motion passed by a roll call vote 6-0

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

Opposed: None

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

1. Hingham Wetland Regulations- Proposed Revisions

Meeting Documents: Hingham Wetland Regulations Final Commission Summary of Revisions May 2026 & the Massachusetts Coast Flood Risk Model Modeling Overview and Frequently Asked Questions

Chair Nielsen stated the regulations were being reviewed in order to ensure they remained current and continued to best serve the town. She stated major updates included incorporation climate change and climate resiliency considerations, as well as provisions that required better alignment with state regulations.

Ms. Palmer explained at the previous hearing, the Commission had reviewed the summary memo that summarized all the changes that had been made with the assistance of Horsley Witten Group. She stated that Town Counsel had not yet reviewed the proposed changes and that comments were expected by the July meeting. Also, Eric Carlson of DCR Flood Hazard Program had reviewed the changes to the flood zone sections to ensure continued compliance with the National Flood Insurance Program. She stated that Mr. Carlson had confirmed that the proposed updates would remain in compliance with the program. Ms. Palmer reviewed the following sections:

- 4.0 Exemptions
- 5.3 Septic Systems
- 5.4 Limited Projects
- 5.6 Stormwater Management
- 6.0 Definitions
- 7.8 Amended Orders
- 7.14 Administrative Review
- 17.10 Land Subject to Coastal Storm Flowage
- 19.0 Buffer Zone
- 20.0 Docks and Piers

Commissioner Edmundson expressed concern that data from 2017 used in Mass Coast Flood Risk Model was out of date.

Shannon Palmer explained the reasoning for incorporating the model and noted it is widely accepted and used by several state agencies for this purpose.

Commissioner Hidell expressed concerns with expanding Administrative Review if staff changes happen in the future.

Ms. Palmer mentioned all activities listed under the Admin Review section are exempt under the State Wetlands Protection Act.

Commissioner Troyer added there was an ability in the future to make amendments to the regulations if necessary and expanding the eligible activities keeps items off the Commission's agenda.

Commissioner Hidell commented on Horsley Witten's knowledge and consistency and stated they had done an excellent job. He noted that encroachment onto wetlands within the town was subject to a higher rate of flooding and could be substantially impacting recharge. He expressed concerns regarding the protection of setbacks from sensitive areas; emphasized the importance of coastal wetlands in absorbing the impacts of sea level rise; and, expressed concerns regarding development within the Town.

Chair Nielsen opened the discussion to members of the public.

Ms. Ryan requested additional time for the public to review the updates and noted the importance of transparency, collaboration and comment from the public.

Ms. Palmer responded that the hearings were being conducted to provide opportunities for transparency and public input. She noted that the first public hearing had been held several weeks earlier and that information regarding the proposed updates had been posted on the Town website, advertised in the local paper, and were included in a "News Flash" on the Town website.

Ms. Ryan noted concerns with the Exemptions section being expanded and terminology being vague; requested consideration of including Areas of Critical Concern (ACECs) as a resource area; expressed concern regarding extensions of Orders of Resource Area Delineation (ORADs); suggested consideration of a 75 foot setback for both municipal and commercial buildings; and, questioned if the Commission was planning to propose changes to the Bylaw.

Chair Nielsen responded that the Bylaw was voted on at Town Meeting and was not voted on solely by the Commission.

Jennifer Burtner, resident, formally requested an extended review period and additional public hearings to allow time for the public to review the proposed updates. Ms. Burtner expressed concerns on the proposed regulatory framework, buffer zone protections, and expanded exemptions. She also commented on the following provisions: floodplain delineation, riverfront area standards, development within resource areas, ecological restoration projects, stream reclassifications, stormwater standards, buffer zone development, and regulatory decision making processes.

Chair Nielsen stated it would be very helpful for comments to be sent in to allow for easier evaluation

Vote: Commissioner Troyer made a motion, seconded by Commissioner Mosher, to continue public hearing for the Hingham Wetland Regulations Revisions to July 13, 2026 at 7PM

The motion passed by a roll call vote 6-0

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

Opposed: None

Other Business:

1. Vote to issue Order of Condition, 25 Bare Cove Park Drive, DEP No. 034-1559

Ms. Palmer explained the public hearing was closed on May 4, 2026 for the construction of eight pickle ball courts. The project will have temporary impacts within the Vernal Pool Protection Zone and 50 foot Buffer Zone. She explained that the project included redevelopment that would ultimately result in improvements to the resource areas and noted extensive mitigation was proposed beyond what was required. Ms. Palmer reviewed the recommended findings and special conditions.

Vote: Commissioner Troyer made a motion, seconded by Commissioner Hidell, to issue Order of Conditions for 25 Bare Cove Park Drive, DEP No. 034-1559 with Findings of Fact and Special Conditions as noted in the staff memo.

Suggested Findings of Fact

- A. The recreational project proposes the redevelopment of an existing industrial site to include the construction of eight (8) pickleball courts and associated appurtenances on a 98,010 SF parcel off Bare Cove Park Drive. The existing depot warehouse (20,272 SF contaminated, vacant building formerly associated with the Naval Ammunition Depot) is proposed to be razed and the recreational complex constructed on the approximate footprint of the building. The project includes demolition of the existing depot warehouse, docks, walls, curbs and parking areas and construction of post-tension concrete/color seal-coated courts with associated parking, landscaping, shelters, fencing, walkways, and stormwater controls. Also proposed is restoration of disturbed Buffer Zone to Bordering Vegetated Wetlands and Riverfront Area.
- B. Wetland resource area boundaries in the vicinity of the project were previously confirmed by the Commission for Bordering Vegetated Wetland, Certified Vernal Pool (NHESP Certified Vernal Pool #3588 located predominantly off property), and Mean Annual High Water/Inland Bank associated with a perennial stream. See Determination of Applicability issued 12/11/25 for 25 Bare Cove Park Drive and ORAD issued 11/7/24 (DEP No. 034-1509). The project site is adjacent to the Weymouth Back River Area of Critical Environmental Concern (ACEC) and an area designated as an Outstanding Resource Water (ORW) however, no work is proposed within the ACEC or ORW.
- C. The work described is partially within an Area Subject to Protection under the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131, § 40) and includes redevelopment of a previously developed Riverfront Area. As described in the Notice of Intent, NOI Supplemental Information letter dated 5/11/26, and email from James Hall of CHA dated 5/14/26, the project has been designed to comply with the standards set forth under 310 CMR 10.58(5) as follows: proposed work will result in an improvement over existing conditions of the capacity of the riverfront area to protect the interests identified in M.G.L. c. 131 § 40; stormwater management is provided in accordance with the DEP Stormwater Standards; proposed work is not located closer to the river than existing conditions; proposed work is located toward the riverfront area boundary and away from the river; and, the area of proposed work does not exceed the amount of degraded area. The redevelopment project proposes removal of all existing degraded areas (2,647 SF) and the addition of 15 SF of new impervious area, representing an overall reduction of 2,632 SF of degraded area in the outer 100-200 foot riverfront. Furthermore, although not required under 310 CMR 10.58(5), the project incorporates riverfront restoration (4,137 SF), to include removal of structures and impervious surfaces, regrading, and planting of woody and herbaceous species appropriate to the site, which will enhance wildlife habitat and result in a significant improvement over existing conditions.

- D. The work described is within an Area Subject to Protection under the Town of Hingham Wetlands Protection Bylaw (Article 22), Riverfront Area, and the Commission finds that that the area in which work is proposed is significant to the wetland values identified in the Hingham Wetland Regulations (HWR) Section 21.1(b) as documented in Attachment B, Supplemental Findings. As stated above, the redevelopment project will result in an improvement over existing conditions. Also, in accordance with Section 21.1(d)(5), alternatives to the project design and location (on lots adjacent or in the near vicinity of the project) were considered by the applicant. Alternative layouts, including options with twelve (12) and ten (10) courts, were initially proposed but ultimately rejected due to impacts to wetland resource area values, as discussed in Section 6.0 of the NOI Narrative. Additionally, a feasibility study completed in May 2024 was developed to determine the best location for the proposed pickleball courts. The selected site was determined to be the most viable option for the recreation project that would allow redevelopment of an industrial site with minimal impacts to wetland resources. And, as a result of the redevelopment, an existing dilapidated warehouse building in the riverfront will be removed and converted to a recreational facility with significantly reduced impervious coverage, restored native habitat, and stormwater improvements. As such, the Commission has found the project will enhance the wetland values protected under the Bylaw, particularly protection of groundwater, erosion and sedimentation control, prevention of water pollution, protection of fisheries, protection of wildlife and wildlife habitat, protection of recreation, and protection of aesthetics, and complies with the standards set forth under Section 21.1(d) for work in the Riverfront Area.
- E. The work described is within Area Subject to Protection under the Town of Hingham Wetlands Protection Bylaw (Article 22), Buffer Zone, and the Commission finds that that the area in which work is proposed is significant to the wetland values identified in the HWR Section 22.0(b) as documented in Attachment B, Supplemental Findings. As demonstrated in the Notice of Intent and supplemental information submitted including email from Jay Hall, PWS of CHA dated May 18, 2026, the proposal has been designed to comply with the standards set forth under Section 22.0(d) for work in the Buffer Zone by locating all new structures and activities as far away as possible from the adjacent wetland resource area (and outside the 50 foot buffer zone), retaining the existing naturally vegetated buffer where present, and proposing restoration of already-altered buffer in order to improve the wetland values of the resource area. Restoration will include removal of existing degraded areas, structures, and debris within the limits of development, planting with native tree and shrub species, and seeding with indigenous seed mix. The total restoration area comprises approximately 7,600 SF in the Buffer Zone (of which 4,137 SF is also within the Riverfront Area). The project also includes stormwater management enhancements to improve water quality, prevent erosion, and increase recharge of groundwater. Moreover, the project is not located within Priority or Estimated Habitat of Rare Wildlife as designated by NHESP and will not have any adverse effects on rare, threatened or endangered species.
- F. A portion of the proposed work will result in temporary alterations to the 50 foot no alteration zone resulting from demolition of the existing building, concrete landings and stairs. However, the project proposes to eliminate all existing impervious cover (1,116 SF) in the 50 foot buffer, has been designed to locate all proposed recreational facilities a minimum of 50 feet from the adjacent wetland resource area, and will restore the disturbed areas within the buffer to a native plant community. As such, the Commission has determined, in accordance with Section 2.B of the Hingham Wetlands Protection Bylaw, the applicant has made a clear and convincing showing that the proposed temporary work in the 0-50 foot buffer strip and its natural and consequential impacts and effects will not adversely affect the wetland values of the Bylaw, and authorizes the proposed activities.
- G. A portion of the proposed work will result in temporary alterations to the 100 foot Vernal Pool Protection Zone (VPPZ), as defined by the Hingham Wetlands Protection Bylaw Section 2C, resulting from demolition activities. However, no direct alterations to the vernal pool are proposed and all existing impervious cover (406 SF) in the VPPZ will be eliminated. Additionally, disturbed areas within the VPPZ will be restored to a native plant community, improving the wetland value of wildlife habitat. Furthermore, installation of erosion and sediment control measures prior to site work will control stormwater discharges during the construction period. As such, the Commission has determined, in

accordance with the Hingham Wetlands Protection Bylaw Section 2.C, the project will not result in detrimental impacts to vernal pool habitat and authorizes the proposed temporary activities within the 100 foot VPPZ.

- H. The redevelopment project has been designed to meet the standards set forth under 310 CMR 10.05(6)(k) to the maximum extent practical as demonstrated in the Notice of Intent and Drainage Report prepared by CHA dated March 2026, revised May 6, 2026, stamped by Jason Pollard, PE. Improvements to the stormwater system are proposed to collect runoff from the proposed parking area and pickleball courts in catch basins, area drains and trench drains which will then be piped to an infiltration basin (sited outside jurisdictional areas). Also, the proposed development will result in a decrease in impervious area on site. The Drainage Report and plans were peer reviewed by Pat Brennan, P.E., PGB Engineering, on behalf of the Planning Board, who found the project to be in compliance with the DEP Stormwater Management Standards. In accordance with the DEP standards, an Operation and Maintenance Plan has been developed for the post-construction stormwater BMPs, as well as a Long-Term Pollution Prevention Plan to ensure suitable practices are implemented for source control and pollution prevention. I. 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.

Recommends Special Conditions

23. The Determination of Applicability for 25 Bare Cove Park Drive issued by the Commission on December 11, 2025 for confirmation of wetland boundaries is currently under appeal with the Department of Environmental Protection. No work associated with this Order of Conditions may proceed until a Final Superseding Determination of Applicability is issued and the wetland boundary determination is finalized.
24. The approved limit of disturbance/sediment control line shall be staked out in the field by a registered professional engineer or licensed land surveyor prior to installation of sediment controls. The Request for Pre-Construction meeting required by Hingham Standard Condition #3 shall include a statement from the registered professional certifying that the erosion and sediment controls have been located and installed in accordance with the approved plans prepared by CHA dated revised May 11, 2026.
25. At least 2 weeks prior to the Pre-Construction Meeting, a Stormwater Pollution Prevention Plan (SWPPP), which meets the requirements of Stormwater Standard #8, shall be submitted for review and approval by the Conservation Commission and the town's consulting engineer (through the Planning or Conservation Department), at the expense of the applicant.
26. The Applicant shall provide a copy of the construction schedule, signed Illicit Discharge Statement (by the property owner or person responsible for the site), and National Pollutant Discharge Elimination System (NPDES) Notice of Intent, prior to or at the Pre-Construction Meeting.
27. Prior to the commencement of site work, the Applicant shall submit revised plans stamped by the registered professional (each plan sheet) and including a note specifying that all catch basins and area drains are to have sumps and hoods.
28. Prior to commencement of site work, trees to be preserved in jurisdictional areas shall be surrounded by temporary protective fencing as shown on the approved plans (sheet C-603). Tree protective measures shall be inspected by the Conservation Officer at the Pre-Construction Meeting and shall be maintained until all construction work is completed.
29. Prior to demolition of building and associated components, a final demolition and disposal plan shall be submitted to Conservation documenting specifications for the staging, storage, transporting, and legal disposal of all removed materials in accordance with local, state and federal regulations. Additional sediment controls (beyond those specified in these Orders and on the approved plans) may be required as deemed necessary by the Conservation Officer to protect adjacent wetland resources during demolition activities.

30. All construction phase stormwater management shall be conducted in accordance with the approved Erosion Control Plan (sheets C-400 and C-603) prepared by CHA dated revised May 11, 2026 and the Stormwater Pollution Prevention Plan (SWPPP) to be submitted in accordance with NPDES requirements, and the Department of Environmental Protection General Condition #19. BMPs for staging, construction entrance, concrete washout, etc. shall be located outside wetland resource areas, buffer zones, and the riverfront area, as shown on sheet C-400. Synthetic erosion control netting is not permitted in jurisdictional areas.
31. Construction period monitoring reports shall be submitted to the Commission on a weekly basis during construction, unless otherwise approved by the Commission, documenting compliance with stormwater management requirements referenced in Condition #27, above. The monitoring reports shall include at a minimum: status of work; projected work; status of erosion controls and BMPs including any repairs; rainfall amounts; and comments. A copy of the NPDES Inspection form may be submitted in lieu of monitoring reports, upon approval by the Conservation Officer.
32. Refueling, servicing, and repair of motorized construction vehicles shall be done outside the 200 foot Riverfront Area and outside the 100 foot Vernal Pool Protection Zone. Equipment operators shall be prepared to immediately respond to accidental releases of fuel, motor oil, and other liquids through containment in accordance with DEP requirements.
33. The Buffer Zone/Riverfront Restoration (approximately 7,600 SF total) shall be implemented in accordance with the approved Landscape Plan (sheet C-500) dated revised May 11, 2026 (and any subsequently revised plan submitted pursuant to special condition #--) prepared by CHA. Any changes to the plant selections or quantities specified in the Landscape Plan shall be submitted to the Conservation Officer for review and approval prior to installation.
34. All restoration plantings shall be native species; no cultivars, non-native species, or invasive species shall be allowed. Following planting, the restoration area shall be allowed to naturalize with native species and shall remain as a naturally vegetated buffer to the adjacent wetland resource area. Further alteration (mowing, cutting, etc.) within the restoration area is prohibited except as may be required to maintain the area in its restored condition. This condition shall apply in perpetuity and shall not expire with the issuance of a Certificate of Compliance.
35. Upon installation of the restoration area plantings, the applicant shall notify the Conservation office in writing (with photographs) to include specific information on the installation date(s), quantity and size of plants, confirmation of plant species, and seed mix installed, as applicable.
36. After completion of work and prior to the issuance of a Certificate of Compliance, the applicant shall permanently mark the Buffer Zone/Riverfront Restoration Area referenced in special condition #32 to ensure no inadvertent encroachment into the area. The markers, provided by the Conservation office, shall be installed on wooden posts or concrete monuments in coordination with the Conservation Officer and shall remain in place in perpetuity.
37. The restoration area shall be monitored by a qualified professional for two growing seasons following planting. Monitoring should include two site inspections each year (mid-April and October) in order to determine if any plantings need to be replaced, if over seeding is required, and to inspect/remove any new growth of non-native, invasive species. Any non-native, invasive plant growth found in the restoration area should be uprooted and removed by hand, and placed into trash bags for proper disposal. Chemical treatment of invasive species is not permitted by this Order of Conditions.
38. Prior to the issuance of a Certificate of Compliance, the restoration 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.
39. The use of de-icing chemicals is prohibited on the subject property because of its proximity to the Weymouth Back River ACEC and the importance of the surrounding resource areas to the water quality and sensitive wildlife habitats. This condition shall apply in perpetuity and shall not expire with the issuance of a Certificate of Compliance.

40. The use of pesticides and fungicides shall be prohibited on the subject property because of its proximity to the Weymouth Back River ACEC and the importance of the surrounding resource areas to the water quality and sensitive wildlife habitats. Use of fertilizers shall be strictly minimized and if used shall be of low-nitrogen content only. This condition shall apply in perpetuity and shall not expire with the issuance of a Certificate of Compliance.
41. All stormwater best management practices (infiltration basin, deep sump catch basins), shall be maintained as specified in the Long Term Stormwater System Operation and Maintenance Plan prepared by CHA included with the Drainage Report dated revised May 6, 2026. The responsible party for operation and maintenance of the entire stormwater management system is The Town of Hingham and any successors or assigns. This condition shall be noted on the Certificate of Compliance and shall continue in perpetuity.
42. 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 final As-Built Plan and certification letter shall be reviewed by the Town's consulting engineer at the expense of the applicant. The As-Built Plan shall include at a minimum:
 - a) All wetland resource area boundaries with associated buffer zones;
 - b) Locations and elevations of all stormwater management conveyances and structures within jurisdictional areas;
 - c) Retaining walls, fencing, walkways, etc. in jurisdictional areas;
 - d) Restoration areas;
 - e) 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 6-0

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

Opposed: None

2. Vote to issue Order of Conditions, 14 Seal Cove Road, DEP No. 034-1563

Ms. Palmer stated the public hearing was closed on June 15, 2026, at which time the Commission voted to grant a waiver for the retaining wall within LSCSF. She asked for the Commission's feedback on a special condition for lighting which was discussed at the hearing.

Commissioner Troyer stated that it was not within their jurisdiction unless it had been scientifically shown lighting would affect the wetland area. He stated in his opinion the matter would be addressed with site plan review.

Ms. Palmer noted an O & M Plan had been submitted for the sports court and the date would be referenced in the special conditions.

Vote: Commissioner Troyer made a motion, seconded by Commissioner Hidell, to issue Order of Conditions for 14 Seal Cove Road, DEP No. 034-1563 with Findings of Fact and Special Conditions as noted in the staff memo, excluding Condition # 33 and including reference to the O &M plan date on Condition # 31.

Suggested Findings of Fact

- A. The proposal includes construction of a sports court and associated site improvements (minor grading, retaining wall, trench drains, infiltration system, and fencing) in previously disturbed lawn area. The work described is partially within an Area Subject to Protection under the Wetlands Protection Act,

M.G.L. Ch. 131, § 40, Land Subject to Coastal Storm Flowage (LSCSF) (FEMA Flood Zone VE, Elevation 10) and will result in 750 SF of alterations. Portions of the proposed work are also located within 100 feet of Salt Marsh however, as detailed in email response dated June 1, 2026, from Merrill Engineers to DEP, no direct impacts to the marsh are proposed, only a portion of the work is within the Buffer Zone, and all runoff from the proposed impervious surfaces will be collected via trench drains and infiltrated, ensuring no additional runoff will flow over to the Salt Marsh. Furthermore, a landscape buffer consisting of 1,000 SF of native coastal plantings is proposed between the project site and the resource area. Therefore the work has been found to comply with the performance standards set forth under 310 CMR 10.32(3) through (6).

- B. The work described is within Areas Subject to Protection under the Town of Hingham Wetlands Protection Bylaw (Article 22), LSCSF and Buffer Zone to Coastal Bank and Salt Marsh, and the Commission finds that that the area in which work is proposed is significant to the wetland values identified in the Hingham Wetland Regulations (HWR) Sections 20.1(b) and 22.0(b) as documented in Attachment B, Supplemental Findings.
- C. The proposal will result in 887 SF of new impervious area within the 100 foot Buffer Zone to Coastal Bank and Salt Marsh. As demonstrated in the Performance Standards Analysis/Revised Project Narrative prepared by Merrill Engineers dated June 4, 2026, the project has been designed to comply with the performance standards set forth under HWR Section 22.0(d), as the proposed work is within previously disturbed lawn area, is located outside the 50 foot Buffer Zone and as far landward as practical, and restoration of previously altered Buffer Zone is proposed. Restoration will consist of removing existing lawn in the 50 foot buffer and planting native shrubs and grasses (1,000 SF) suitable to the coastal environment. The proposal also includes construction phase erosion and sediment controls to protect the resource areas during construction. Therefore, the project will not alter or adversely affect the wetland values of the adjacent resource areas.
- D. The proposal will result in alterations to LSCSF resulting from grading, placement of fill and construction of a retaining wall (36 SF) totaling 14 CY of fill and 750 SF of total disturbance within FEMA Flood Zone AE. As demonstrated in the Performance Standards Analysis/Revised Project Narrative prepared by Merrill Engineers dated June 4, 2026, the project has been designed to comply with the performance standards set forth under Section 20.1(d) (with the exception of Section (d)(5) which is discussed below) as work will not impede the capacity of the resource area to provide wildlife habitat functions, includes native restoration plantings which will improve the wetland values of wildlife habitat and pollution prevention, and, incorporates an infiltration system to capture and infiltrate runoff from new impervious surfaces. As such, the Commission has found the proposal will not result in adverse effects upon the wetland values of the resource area.
- E. During public hearing deliberations on the potential impacts of the proposed 4 foot retaining wall within LSCSF, the Commission considered several factors including but not limited to: alternatives to the stone wall and resulting disturbance, location with the Coastal A Zone, height and size of structure, and potential diversion of waters during a coastal flooding event. As described in the Waiver Request including FEMA mapping documentation, prepared by Brendan Sullivan, PE/PLS of Merrill Engineers dated June 4, 2026, the proposed natural stone wall is not within a Moderate Wave Action Area (MoWA) as shown on the FEMA Firmette, Community Panel No. 25023C0038J dated July 17, 2012 which was amended by LOMR 15-01-0904P effective August 14, 2015. Also, the data listed in the LOMR indicates that the retaining wall would not encounter any flood waters during the most common flood events (10-year) and would only encounter approximately 4 inches in the 2-percent (50 year) flood event and approximately 6 inches in the 1-percent (100 year) flood event. Therefore, after consideration of the submitted documentation and testimony presented at the public hearing, the Commission has determined the minor encroachment in the floodplain will not adversely affect the wetland values of the resource area and grants a waiver of Section 20.1(d)(5)(a) authorizing the proposed retaining wall.
- F. Based on the above, and with incorporation of the special conditions included in this Order, the Commission has determined the project complies with the Massachusetts Wetlands Protection Act,

Recommended Special Conditions

23. Prior to commencement of site work or sign off on any Building Permit, the applicant shall submit a revised Landscape Plan incorporating required planting notes and additional native, salt tolerant plantings in the buffer zone mitigation area as recommended by the Conservation Officer and agreed by the applicant at public hearing on 6/8/26.
24. The Buffer Zone Mitigation Area (minimum of 1,000 SF) shall be installed as shown on the approved Landscape sketch (and the revised plan to be subsequently submitted in accordance with special condition #23) prepared by Brickstone Design & Build dated revised June 3, 2026 and as shown on approved Site Plan prepared by Merrill Engineers dated revised June 4, 2026. Mitigation is required for new impervious area in the 50-100 foot Buffer Zone resulting from the sports court and associated improvements. Any changes to the plant selections or quantities shown on the final approved Landscape sketch shall be submitted to the Conservation Commission for review and approval prior to installation.
25. 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).
26. 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.
27. All mitigation plantings shall be native species; no cultivars, non-native species, or invasive species shall be allowed. Mulching shall be limited to root zones of individual plants for plant establishment only. Following planting, the Mitigation Area shall be allowed to naturally revegetate with native species and remain as a naturally vegetated buffer to the adjacent resource area. Mitigation areas shall not be disturbed, mowed or maintained as a landscaped area, 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. Prior to the issuance of a Certificate of Compliance, the mitigation area plantings shall survive at least two full growing seasons, unless otherwise approved by the Commission, with a minimum of 75% survival rate. If a 75% survival rate is not achieved, replacement plantings of the same species, or equivalent to be approved by the Conservation Officer, shall be made by the applicant. A Partial Certificate of Compliance (if requested by the applicant) will only be considered if the mitigation area has been planted in accordance with the approved plan.
29. After completion of work and prior to the issuance of a Certificate of Compliance, the applicant shall permanently mark the Buffer Zone Mitigation Area as shown on approved plan to ensure no inadvertent encroachment into the area. The markers, provided by the Conservation office, shall be installed on wooden posts or concrete monuments and shall remain in place in perpetuity. A minimum of three (3) markers shall be installed on the mitigation area boundary where no fencing is proposed.
30. Runoff from the sports court shall be managed on site with a subsurface infiltration system as shown on approved plan prepared by Merrill Engineers dated revised June 1, 2026 and stamped by Brendan Sullivan, PE. Documentation to verify installation of infiltration unit, including photographs and an affidavit from a qualified professional, shall be submitted to the Commission upon completion of site work and prior to issuance of a Certificate of Compliance.
31. A final Operation and Maintenance Plan for the stormwater system shall be submitted upon completion of site work and prior to issuance of a Certificate of Compliance.
32. Following construction, the stormwater system shall be maintained as specified in the Operation and Maintenance Plan prepared by Merrill Engineers dated ----- to ensure the design capacity and structural integrity of the system is maintained. The responsible party for operation and maintenance of the stormwater system is Leonard and Karen Monfredo and any successors or assigns. This condition shall be noted on the Certificate of Compliance and shall continue in perpetuity.

~~33. Lighting~~

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 and elevations of all structures, fencing, and retaining walls within jurisdictional areas;
 - c) Locations and elevations of all stormwater management conveyances and structures within jurisdictional areas;
 - d) A line delineating the limit of work- "work" includes any filling, excavating and/or disturbance of soils or vegetation approved under this Order;
 - e) Buffer Zone Mitigation areas.

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

Ms. Palmer explained the public hearing was closed on June 15, 2026 for after the fact approval of a security fence within the Buffer Zone. She reviewed the recommended findings and conditions and noted a condition was included for storage of hazardous materials and sweeping the fence during vernal pool season.

Vote: Commissioner Troyer made a motion, seconded by Commissioner Mosher, to issue Order of Conditions for 90A Industrial Park Road, DEP No. 034-1564 with Findings of Fact and Special Conditions as noted in the staff memo.

Suggested Findings of Fact

- A. This Order of Conditions is issued for the after the fact approval of work within the 100 foot Buffer Zone to wetland resource areas and the 100 foot Vernal Pool Protection Zone (VPPZ) at an existing developed property within the Industrial Park. The work includes construction of an 8 foot tall barbed wire security fence along the perimeter of an existing paved area and also proposes the relocation of a small portion of the fence (approximately 10 linear feet) about 1 foot to the east to make the fence zoning compliant. The Notice of Intent was filed in response to a Violation Notice issued on---- for construction of the fence and cutting of vegetation within the Buffer Zone and Areas Subject to Protection under the Hingham Wetlands Protection Bylaw and Massachusetts Wetlands Protection Act. Unauthorized removal of vegetation is being addressed through an Enforcement Order issued by the Commission on June 17, 2016 requiring extensive restoration plantings.
- B. Resource Area boundaries were previously confirmed through an Order of Resource Delineation (ORAD) issued by the Commission on October 4, 2021 and extended to October 4, 2027. Resource areas include Isolated Land Subject to Flooding (which was found to function as a vernal pool), Inland Bank to an intermittent stream (as determined by the Commission) and Isolated Vegetated Wetlands.
- C. The work described (construction of a fence) is within an Area Subject to Protection under the Town of Hingham Wetland Protection Bylaw, Buffer Zone, and the Commission finds that that the area in which work is proposed is significant to the wetland values identified in the Hingham Wetland Regulations (HWR) Section 22.0(b) as documented in Attachment B, Supplemental Findings. As demonstrated in the performance standards analysis prepared by Crocker Design submitted with the Notice of Intent, the project complies with the standards set forth under Section 22.0(d) of the HWR as the fence was installed within the limits of the previously degraded area, is located no closer to the wetland than existing conditions, allows for limited movement of wildlife as appropriate to the site, and there is no

increase in impervious coverage within the Buffer Zone. Therefore, the Commission has found that the project will not alter or adversely affect the wetland values of the adjacent resource areas.

- D. A portion of the constructed fence (851 LF) is within the 50 foot buffer zone however the site is an existing degraded industrial property and the fence was located within the limits of the existing pavement. As such, the Commission has determined, in accordance with Section 2.B of the Hingham Wetlands Protection Bylaw, that the proposed work in the 0-50 foot buffer strip and its natural and consequential impacts and effects will not adversely affect the wetland values of the Bylaw, and grants an after the fact waiver authorizing the activities.
- E. A portion of the work (422 LF) is within the 100 foot Vernal Pool Protection Zone however the site is an existing degraded industrial property and the fence was located within the limits of the existing pavement. Additionally, the chain link fence includes openings at the bottom for movement of wildlife as appropriate for the industrial site, and the ability of the resource area to function as vernal pool habitat will not be impeded by the chain link fence. As such, the Commission has determined, in accordance with the Hingham Wetlands Protection Bylaw Section 2.C, the project will not result in detrimental impacts to vernal pool habitat and authorizes the activities within the 100 foot VPPZ.
- 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

- 23. Any temporary storage within the limits of fencing approved under this Order associated with the industrial use shall not include chemicals, petroleum products, salt, epoxies or any other potentially hazardous materials or substances within 100 feet of the Vernal Pool (ILSF).
- 24. During vernal pool breeding season (March-April) weekly inspections of the fence shall take place to ensure no wildlife (migrating to or from the pool) has become entrapped, particularly in areas where the fence bottom does not have an opening. An annual report shall be provided the Conservation Office no later than June 1st (for the 3 year duration of the Order) reporting on the inspections and any incidents of entrapped and released wildlife.

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. 21 Martins Lane, Conservation Land Encroachment- Not discussed.

- 5. Commission Member - Committee Updates

Ms. Palmer suggested incorporating updates from members that serve on other Committees.

Chair Nielsen stated it would be useful to have master list of who serves on which committee.

- 6. Conservation Officer Updates

Ms. Palmer mentioned staff was working on the budget for the following fiscal year.

Adjourn

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

Meeting adjourned at 8:33PM

Approved on: September 15, 2026