

Conservation Commission
Meeting Minutes
July 13, 2026
Remote meeting via Zoom

Members Present: Chair Carolyn Nielsen, Robert Mosher, Henry (Bob) Hidell, Thomas Roby

Members Absent: Douglas Troyer

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

Chair Carolyn Nielsen opened the meeting at 7:02PM and read the following statement:

"This meeting is being held remotely as an alternate means of public access pursuant to Chapter 2 of the Acts of 2025 and all other applicable laws temporarily amending certain provisions of the Open Meeting Law. You are hereby advised that this meeting and all communications during this meeting may be recorded by the Town of Hingham in accordance with the Open Meeting Law. If any participant wishes to record this meeting, please notify the chair at the start of the meeting in accordance with M.G.L. c. 30A, § 20(f) so that the chair may inform all other participants of said recording."

Business Items:

1. Meeting Minutes

Vote: Commissioner Hidell made a motion, seconded by Commissioner Mosher, to approve the meeting minutes from 5/4/2026 as drafted.

The motion passed by a roll call vote 4-0

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

Opposed: None

5/18/2026 – passed over

2. Request for Extension of Order of Conditions

a) 111 Weir Street, DEP No. 034-1366

Ms. Palmer explained that the project required a few additional months to complete the mitigation plantings because the initial plantings installed were not sufficient. The homeowner and landscape architect were working with staff to address the issues and submitted a robust planting plan. Staff recommended issuance of a three month extension to complete plantings and waiver of the filing fee.

Vote: Commissioner Mosher made a motion, seconded by Commissioner Hidell, to issue a 3 month extension of the Order of Conditions and waive the filing fee for 111 Weir Street, DEP No. 034-1366.

The motion passed by a roll call vote 4-0

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

Opposed: None

3. Requests for Certificate of Compliance (COC)

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

Meeting Documents: Staff Memo and Request for Certificate of Compliance

Ms. Palmer explained to the Commission the work was never completed and recommended issuance of a COC for an invalid OOC.

Vote: Commissioner Hidell made a motion, seconded by Commissioner Mosher, to issue a Certificate of Compliance for 2 Shipyard Drive/2 Essington Drive, DEP No. 034-0944 as the work permitted by this Order never commenced.

The motion passed by a roll call vote 4-0

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

Opposed: None

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

Meeting Documents: Staff Memo and Request for Certificate of Compliance

Bob Roles, P.E., Project Representative, explained the construction had been completed several years ago and that the building and parking lot area have not been utilized. He noted the mitigation plantings were in good condition and the O&M plan has been implemented.

Ms. Palmer stated that the project had been intended for large scale industrial use however the proposed use never occurred. A large asphalt parking area and stormwater system were constructed as approved. Staff requested documentation to ensure the O&M plan was being complied with which was provided. She indicated that staff was satisfied with the mitigation plantings and site stabilization and recommended the COC.

Vote: Commissioner Hidell made a motion, seconded by Commissioner Mosher, to issue a Certificate of Compliance for 100 Industrial Park Road, DEP No. 034-1361.

The motion passed by a roll call vote 4-0

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

Opposed: None

c) 185 Downer Avenue, DEP No. 034-1416, Fred Studley

Meeting Documents: Staff Memo and Request for Certificate of Compliance

Ms. Palmer explained an Order of Conditions was issued for a raze and rebuild of a single family home in 2021. She noted a few minor field changes occurred which resulted in reducing the square footage of the home. She stated staff was satisfied with the mitigation plantings and recommended a COC.

Vote: Commissioner Hidell made a motion, seconded by Commissioner Mosher, to issue a Certificate of Compliance for 185 Downer Avenue, DEP No. 034-1416.

The motion passed by a roll call vote 4-0

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

Opposed: None

d) 93 Kimball Beach Road, DEP No. 034-1381, David Castellani

Vote: Commissioner Hidell made a motion, seconded by Commissioner Mosher, to continue discussion of Request for Partial COC for 93 Kimball Beach Rd, DEP No. 034-1381 to July 27, 2026.

The motion passed by a roll call vote 4-0

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

Opposed: None

- e) 5 Bare Cove Lane, DEP No. 034-1329, Estate of John Sullivan
Meeting Documents: Staff Memo and Request for Certificate of Compliance

Jeff Couture, P.E., Project Representative from SITEC Engineering explained to the Commission an Enforcement Order was issued for restoration of the Salt Marsh in 2024 after it had been damaged during dock construction and a partial COC was issued in 2024. The restoration work was completed by SUMCO and it included about 3,400 Spartina plugs and construction of a rock sill in the area that was damaged. Mr. Couture stated the area was monitored for two full growing seasons and three monitoring reports were submitted to the Commission. The three recommended corrective actions had been completed including the addition of 100 Spartina plugs, cleanup of debris left on site and an additional 50 plugs of Spartina patens were planted in area that did not receive enough water for the other species of Spartina to survive. He stated the planting success rate exceeded 75% and the project was ready for a COC.

Ms. Palmer stated that the situation was unfortunate and occurred during construction of the dock and that due to the extent of damage, some of the salt marsh was unable to be restored. She reiterated that the additional plantings and overall restoration efforts had been successful. Ms. Palmer recommended issuance of the COC and thanked the owner and representatives for their cooperation.

Chair Nielsen stated it was evident from the presentation that the owner had made significant effort. She stated the Commission recognized this and appreciated their efforts.

Vote: Commissioner Mosher made a motion, seconded by Commissioner Hidell, to issue a Certificate of Compliance for 5 Bare Cove Lane, DEP No. 034-1329.

The motion passed by a roll call vote 4-0

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

Opposed: None

- f) 19 Fulling Mill Lane DEP No. 034-1435, Sara and Adam Gordon
Meeting Documents: Staff Memo and Request for Certificate of Compliance

Ms. Palmer explained to the Commission that the matter was before the Commission back in April, at which time there was discussion regarding the extent of mulch and plantings. She stated the Commission had directed the owners to move the mulch back to what was agreed upon and create a more native planting bed. Staff performed a follow up site visit and recommended the COC.

Vote: Commissioner Hidell made a motion, seconded by Commissioner Mosher, to issue a Certificate of Compliance for 19 Fulling Mill Lane, DEP No. 034-1435.

The motion passed by a roll call vote 4-0

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

Opposed: None

Public Meetings:

1. 124 Hobart Street, Linda & Josef Schuhwerk
Meeting Documents: Staff memo, RDA and Site Plan 6/24/26

Colin McSweeney, Project Representative from McSweeney Associates, explained the proposed project to the Commission which consists of upgrading a septic system with a 1,500 gallon septic tank connected to a Geomatrix leaching system. He noted the wetlands were located at the rear of the property as well as an

intermittent stream. He explained they had explored relocating the piping through the house to exit at the front of the property however the location of the electric meter and other utilities had prevented the piping from being routed to the front. Mr. McSweeney noted that the existing septic system had already been located in the rear of property and the proposed system would be located outside the 50 foot buffer zone. He stated that the proposed alternative SAS with treatment would be an overall benefit to the lot and the wetlands compared to the existing conditions.

Ms. Palmer explained she had spoken with the Health Director who indicated a variance would be issued for the wetland setback due to lot constraints. The proposed location is within the Buffer Zone but there is no other practical location on the lot. Ms. Palmer stated the upgraded system with treatment would be an overall benefit and recommended the issuance of a Negative Determination.

Vote: Commissioner Hidell made a motion, seconded by Commissioner Mosher, to issue a Negative #3 and #6 Determination of Applicability for 124 Hobart Street with Findings of Fact and Special Conditions as noted in the Staff Memo

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. 359 East Street, DEP No. 034-1566, Danielle & Chad Van Ess

Meeting Documents: Staff memo, Notice of Intent and Site Plans 6/9/2026

Abutters were notified via Certified Mailing as documented in Affidavit of Service signed by Austin Chartier, PE, of McKenzie Engineering, dated 6/30/26.

Austin Chartier, PE, from McKenzie Engineering Group, explained the project to the Commission, which consists of an addition to a single family home, expansion of the existing deck and modification to the existing driveway within the Buffer Zone to BVW on the abutting lot. Mr. Chartier noted there would be no clearing as part of this project and was requesting approval of a stormwater management system in lieu of buffer zone mitigation plantings. The proposed addition would result in approximately 1,019 SF of impervious area within the 50-100 foot buffer zone and would be over existing pavement. He explained in lieu of the mitigation plantings which would expand the limit of work, a 1 inch water quality volume infiltration system is proposed in order to stay under 5,000 SF of disturbance.

Kevin Asmus, architect from HED Design, explained the justification for the location of the proposed addition in the buffer. He stated that there was a slope to the rear of the property that would require ledge removal and construction of a retaining wall. Placing the addition over the existing pavement was therefore the most feasible location.

Ms. Palmer explained staff comments had been sent out and the representatives were still working on responses. She suggested the Commission determine if the mitigation plantings could be waived as requested by the applicant. Ms. Palmer noted she appreciated the efforts to minimize disturbance however there was still an increase in impervious that would need to be mitigated and there were no significant lot constraints that would typically justify a waiver. She stated with the size of the addition, roof recharge would normally be required under Site Plan review. She recommended the grass area abutting the driveway be considered for mitigation plantings.

Chair Nielsen stated it had been the Commission's practice to require mitigation for an increase in impervious.

Mr. Chartier stated that he understood and could accommodate the Commission's request.

Commissioner Hidell questioned the distance from the septic system and subsurface system.

Mr. Chartier responded it was approximately 70-80 feet away.

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

Ms. Palmer stated two support letters were received for this project.

Ms. Palmer questioned if the Commission was in consensus regarding the buffer zone mitigation.

Commissioners were in agreement they would like to see a planting area and the recharge unit was not sufficient.

Mr. Chartier acknowledged.

Note: Commissioner Hidell made a motion, seconded by Commissioner Mosher, to continue the public hearing for 359 East Street, DEP No. 034-1566, with consent of the applicant, to July 27, 2026 at 7PM.

The motion passed by a roll call vote 4-0

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

Opposed: None

2. Viking Lane and Ward Street, DEP No. 034-1565, River Stone Development

Meeting Documents: Staff memo, Notice of Intent and Site Plans dated 6/8/26

Abutters were notified via Certificate of Mailing as documented in Affidavit of Service signed by Bradley McKenzie dated 7/1/26.

Kimberly Kroha Esq., of Baker, Braverman, Barbadoro, P.C., Project Representative, explained to the Commission this project was part of a Comprehensive Permit originally filed with the ZBA over 10 years ago. Under the comprehensive permit regulations, any local rules, regulations or guidelines that were put into effect after March of 2016 would not be applicable. She also noted that bylaws and regulations effective prior to that time were only applicable to the extent that they were carried through the Comprehensive Permit waiver process.

Ms. Kroha summarized the project:

- The parcels totaled approximately 6.7 acres and the vast majority of the project was located outside the Commission's jurisdiction.
- The project included 32 units distributed among 12 townhouses.
- An appeal of the Zoning Board of Appeals decision was filed and the parties had reached an agreement. The new Comprehensive Permit was then filed with the Town Clerk in December 2025.
- A table identifying the applicable provisions of the Hingham Wetlands Bylaw and Wetland Regulations had been included with the submission.
- The site plan had been prepared to reflect the applicable requirements and noted that the wetland delineation had changed based on the most recent delineation. Also an Isolated Vegetated Wetland had been shown on the plan.
- Two units were located within the 100 foot buffer zone to the Bordering Vegetated Wetland.
- A memo regarding the potential vernal pool had been included with the NOI.

Ms. Palmer questioned if the proposed stormwater system and grading that was in a jurisdictional area had changed and if that would affect the particular provision of the waiver that was granted.

Ms. Kroha responded that the waiver had been granted and that the project could not further impact the area.

Ms. Palmer explained to the Commission that the previously approved wetland boundary had been modified with the new application and she referred to the new wetland line shown in blue on the site plan. Ms. Palmer noted the boundary had shifted considerably and essentially eliminated an area that had previously been mapped as wetland. She explained on the previously approved (ZBA) plans, there was a large detention system proposed in the Buffer Zone and now an underground inflation system was proposed with associated grading in buffer and an area that was previously mapped as wetland.

Ms. Kroha stated the peer reviewer and the applicant's wetland scientist, Brad Holmes of ECR, would be conducting a site visit to review the delineation. She stated after they would return to the Commission once this was completed.

Chair Nielsen noted that the current drought conditions could affect the extent of wetlands and stated that consideration of historical observations would help with a more accurate delineation.

Ms. Palmer recommended the Commission obtain a peer review of the wetland delineation by Horsley Witten Group and a peer review of the stormwater report by Pat Brennan. She explained most of the work is out of the Commission's jurisdiction but there is still extensive work proposed within the buffer zone. The review would be under the State Act as most of the local provisions were waived, with any applicable requirements under the local regulations addressed through the Zoning Board of Appeals. She indicated she performed a site visit and had concerns regarding the wetland flagging and potential vernal pool. Ms. Palmer also mentioned she consulted with Natural Heritage and Endangered Species Program (NHESP) regarding the vernal pool certification requirements and pointed out the former wetland scientist for the town, John Zimmer, also had a conflicting opinion from ECR on whether fairy shrimp were enough to certify the vernal pool. She noted more comments would come as we move forward.

Chair Nielsen questioned if fairy shrimp were an obligatory vernal pool species or facultative.

Ms. Palmer responded that they were obligate.

Commissioner Hidell stated he would like to be present for the site visit with the peer reviewers.

Chair Nielsen opened the discussion to members of the public.

Anita Ryan, resident, 37 Baker Hill Drive, questioned if there had been observations of the vernal pool other than 2026.

Ms. Palmer responded there were observations done in 2018 by ECR and South River Environmental when it was before the Zoning Board of Appeals.

Ms. Ryan questioned if during the other years if the vernal pool held water for two continuous months.

Ms. Palmer responded according to South River Environmental, on behalf of the town, it did.

Ms. Ryan questioned if the applicant had done any surveys or reviewed the vernal pool in other years beside 2026.

Ms. Kroha stated it was reviewed in 2018 but unsure if it has been observed since then.

Ms. Ryan questioned if any additional observations were made in 2026 of the vernal pool other than the four days noted in the letter.

Mr. Kroha stated she could not comment beyond what is included in the letter.

Chair Nielsen stated the peer review would be extremely valuable.

Ms. Kroha agreed to a continuance to August 17, 2026.

Vote: Commissioner Hidell made a motion, seconded by Commissioner Mosher, to obtain a peer review of the stormwater and wetland delineation including PVP Memo, and accept quotes from PGB Engineering in the amount of \$2,680.00 and Horsley Witten Group in the amount of \$5,000.00.

Vote: Commissioner Hidell made a motion, seconded by Commissioner Mosher, to continue the public hearing for Viking Lane/Ward Street, DEP No. 034-1565, with consent of the applicant to August 17, 2026 at 7PM.

The motions passed by a roll call vote 4-0

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

Opposed: None

3. 211 Downer Avenue, DEP No. 034-1567, Hingham Yacht Club

Vote: Commissioner Hidell made a motion, seconded by Commissioner Mosher, to continue the public hearing for 211 Downer Avenue, DEP No. 034-1567, at the request of the applicant, to July 27, 2026 at 7PM

The motion passed by a roll call vote 4-0

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

Opposed: None

Hingham Wetland Regulations- Proposed Revisions

Chair Nielsen stated the Commission had received public comments that were very thoughtful and well organized.

Ms. Palmer stated they were still awaiting legal review.

Vote: Commissioner Hidell made a motion, seconded by Commissioner Mosher, to continue public hearing for the Hingham Wetland Regulations Revisions to July 27, 2026 at 7PM

The motion passed by a roll call vote 4-0

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

Opposed: None

Other Business:

1. Appoint Commission member to the Community Preservation Committee (CPC)

Ms. Nielsen stated it would be best to hold off until the full Commission was present.

2. Conservation Officer Updates

Ms. Palmer announced a donation from the Barbara Hood Trust in the amount of \$500,000.00 to the Conservation Commission. She stated it would be deposited into a gift account for conservation purposes. The Commission expressed deep gratitude for the generous gift.

Adjourn

Motion: Commissioner Mosher moved to adjourn the meeting. Commissioner Hidell seconded the motion. The motion passed by roll call vote 4-0.

Meeting adjourned at 8:15PM

Approved on: September 15, 2026