

Conservation Commission

Meeting Minutes

July 27, 2026

Remote meeting via Zoom

Members Present: Doug Troyer, Robert Mosher, Thomas Roby, Thomas Reid

Members Absent: Carolyn Nielsen and Henry (Bob) Hidell

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

Vice Chair Douglas Troyer 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 Mosher made a motion, seconded by Commissioner Reid, to approve the meeting minutes from 5/18/2026 as drafted.

The motion passed by a roll call vote 4-0

In Favor: Douglas Troyer, Robert Mosher, Thomas Roby and Thomas Reid

Opposed: None

2. Requests for Certificate of Compliance (COC)

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

Meeting Documents: Staff Memo and Request for Certificate of Compliance

Brad Holmes, PWS, Project Representative from ECR, explained the history of the permit. He noted that an OOC had been issued for the construction of the home and associated utilities, followed by an Amended OOC for repair and improvement of an existing seawall and revetment. The deteriorated cap was removed and replaced, the riprap stone was realigned and addition of stone was completed in 2021. Also, the mitigation areas which were not complaint, were revised to reflect what was on the plan of record. The applicant who purchased the property in 2022 is now requesting a partial COC for the sale of the home.

Mr. Holmes displayed the as-built plan for the Commission and acknowledged conversations with the CO regarding concerns that the seawall repairs had not been completed in compliance with the approved plan. He stated that this was not their opinion and noted that an engineer's certification letter that had been submitted.

Ms. Palmer indicated the current issue was the revetment and the extent of the expansion. She referenced the as-built plan, identified the Mean High Water Line and explained the expansion of a coastal engineering structure below MHW and the high tide line may trigger regulatory review by other state agencies such as DEP, MEPA, or Army Corps of Engineers, which was not competed for this project. She noted that she had consulted with Coastal Zone Management (CZM) regarding the addition of the riprap below MHW and within other coastal resource areas. Ms. Palmer explained that the Commission

had previously discussed the issue in 2021 and staff at that time had pointed out the significant amount of riprap that was added to the existing wall. The wall was not only expanded seaward but expanded in its extent and height creating a 1:1 slope, as documented by PE. Ms. Palmer stated in her view the main issue was the regulatory review that did not take place, noting the revetment is within very close proximity to Salt Marsh, which has very strict performance standards, and is within Coastal Beach. She reiterated that there has been no review to determine compliance with the state or local wetland regulations including an analysis of the effects of the change from a 2.5:1 to 1:1 slope on wave action. Ms. Palmer stated in her opinion the project was not ready for a partial COC.

Adam Brodsky, Esq., Project Representative from DTM Law, explained to the Commission he was brought on board due the property being under agreement. He noted the Amended OOC allowed for additional rip-rap stone of similar size to the existing rip-wrap stone may be used to supplement the project, stating it did not prohibit new stone. He referenced special condition #54, “the seawall shall maintain a loose sloped design consistent with existing conditions as shown on the final approved plans” and mentioned that no mortar was permitted beyond the concrete cap. Mr. Brodsky informed the Commission a letter from Mr. Desrosiers, PE, was submitted late last week certifying the work was completed in substantial compliance with the approved plan. The riprap was a natural material that varied in dimension and shape and can change after storm events it was difficult to create a precise profile. He further noted the original revetment was located slightly above and below mean high water and the as-built similarly shows portions slightly seaward of mean high water and portions located landward. Mr. Brodsky was not aware of additional permitting that was needed but would have to consult with DEP waterways.

Rob Desrosiers, PE, Project Structural Engineer, stated the previous submitted letter that referenced the slope as 1:1 was an error and the slope was closer to 2.5:1. In his opinion the work was high quality and that he was comfortable with the performance of the wall over time. He acknowledged that variations in slope and voids were typical of riprap construction but stated that the overall appearance was nearly identical to the condition five years earlier.

Ms. Palmer referenced the letter that was submitted in December 2020 and quoted his statement which read, “this would not be a good change, and I do not recommend it, our original design was formulated in such a way as to provide a solid continuous structural reinforcement to the top of the existing wall”. She asked Mr. Desrosiers to explain how his opinion has changed.

Mr. Desrosiers stated he was unsure about the specific proposal addressed in the letter. He stated the work consisted of replacing the cap with reinforced concrete that followed the line of the wall while maintaining the approximate existing slope of the riprap, which was consistent with his recommendation.

Ms. Palmer explained the Amended OOC allowed for additional riprap stone of similar size to the existing stone only if necessary but the additional stone was anticipated to be minimal. She also read the special condition that stated the coastal engineering structure was not be “substantially changed or enlarged”. Ms. Palmer stated there was a disagreement of opinion on what constituted a substantial change and displayed aerial photos for the Commission from 2008 to 2024.

Mr. Brodsky recommended the Commission rely on the surveyed site plan that shows the limit of slope. He stated the stamped survey plan doesn’t show any significant extension seaward.

Mr. Holmes displayed photos of the revetment in August 2020 and showed the line of the prior revetment and the existing revetment on the plan, he noted in some areas it was increased and some were decreased.

Ms. Palmer stated they were not solely evaluating the seaward expansion but also the height and width and the slope of the wall which was changed due to the increase in mass of the wall.

Mr. Brodsky displayed photos showing both the existing and preexisting revetment was landward of the limit of Salt Marsh.

Commissioner Mosher stated he was concerned that two truckloads of stone was considered minimal.

Commissioner Troyer stated he understood there was a closing, however the regulations allow for improvement necessary to maintain structural integrity but they do not allow new or proposed expansions, height, and footprint for coastal engineering structure.

Commissioner Reid agreed.

Mr. Brodsky asked what specific information the Commission was seeking.

Ms. Palmer explained the work was never permitted or evaluated for compliance with state or local regulations, such as impacts to LSCSF, Salt Marsh and Coastal Beach. She also stated the potential need for a waterways license, MEPA and Army Corps filings and stated all these issues would need to be addressed before the Commission could issue a COC.

Mr. Brodsky questioned if they were seeking an after-the-fact Notice of Intent and expressed concerns that the process could take 90 days and could interfere with the pending real estate deal.

Commissioner Troyer expressed that he understood but noted the issue was raised in 2021 and never addressed. He stated his biggest concern was this was previously brought to the applicant's attention and was now before Commission because of a pending sale.

Ms. Palmer stated it was up to the Commission if the applicant was required to file a new NOI and explained typically this would have come before the Commission as a proposed plan change and the Commission would have voted if a new NOI was needed. She mentioned an alternative option would be to remove it and restore it to previous existing conditions under an Enforcement Order.

Mr. Brodsky stated the OOC cannot be amended as it was expired. He stated they would need the buyer's permission for an Enforcement Order.

Vote: Commissioner Mosher made a motion, seconded by Commissioner Reid, to continue discussion of Request for Partial COC for 93 Kimball Beach Rd, DEP No. 034-1381 to August 17, 2026 at 7PM.

The motion passed by a roll call vote 4-0

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

Opposed: None

Public Meetings

1. 10 Bucket Mill Lane, Coleen & Bob Power

Meeting Documents: Staff memo, RDA and Site Plan 7/9/26

Bob Power, homeowner, explained the project to the Commission consisting of a small addition to an existing driveway to allow for additional parking. He stated he had been working with staff and found

TrueGrid ProPlus permeable pavers would be the least invasive solution and result in no net increase in impervious area. He stated the additional area would be approximately 535 SF.

Ms. Palmer stated this was a straightforward proposal and the owner had worked with staff on the options for parking surfaces. She explained the area was within the outer Riverfront Area and was mostly disturbed. Staff recommended the issuance of a Negative Determination with conditions.

Commissioner Troyer questioned the location of the grass pavers if it was over existing asphalt area.

Mr. Power responded that the existing pavement will remain and the proposed area was in addition.

Commissioner Troyer questioned if it was outside the resource area.

Mr. Power stated it was between the 50-100 foot buffer zone.

Ms. Palmer noted the addition of a special condition for an O&M Plan.

Vote: Commissioner Mosher made a motion, seconded by Commissioner Roby, to issue a Negative #3 and #6 Determination of Applicability for 10 Bucket Mill Lane with Findings of Fact A through D and Special Conditions 1 through 3 of the Staff Memo.

The motion passed by a roll call vote 4-0

In Favor: Douglas Troyer, Robert Mosher, Thomas Roby and Thomas Reid

Opposed: None

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

1. 359 East Street, DEP No. 034-1566, Danielle & Chad Van Ess

Vote: Commissioner Reid made a motion, seconded by Commissioner Roby, to continue the public hearing for 359 East Street, DEP No. 034-1566, with consent of the applicant, to August 17, 2026 at 7PM.

The motion passed by a roll call vote 4-0

In Favor: Douglas Troyer, Robert Mosher, Thomas Roby and Thomas Reid

Opposed: None

2. 211 Downer Avenue, DEP No. 034-1567, Hingham Yacht Club

Meeting Documents: Staff memo, Notice of Intent, Site Plans Submitted 6/25/26; HYC Pier Expansion and Dock Modification Presentation by Brian Post 7/26/26

Abutters were notified via Certificate Mailing as documented in Affidavit of Service signed by Brian Post, of Childs Engineering dated 5/21/26.

Brian Post, PE, Project Representative from Childs Engineering, explained the proposed project to the Commission which consists of a pier expansion and dock modification project:

- Addition of a new gangway connecting the piers to the floating docks.
- Proposed pile repairs under the existing deck and seawall repairs to the south end of the property
- Relocate the existing 80sq.ft. pilot house structure 15 feet to the east.
- Relocate the trash enclosure located at the northeast of the parking lot to 208 Downer Avenue property also owned by the Yacht Club, the proposed trash enclosure would have a concrete pad 2.5 feet higher than the existing pad and at least 60 feet from the water's edge.

- Coastal Bank was delineated at the stone seawall at 211 Downer Avenue and 208 Downer Avenue was delineated with the landform behind the seawall via a superseding determination by MassDEP in 2022.
- Resource areas included LSCSF, Velocity Zone, Land Under the Ocean, Rocky Intertidal Shores, Land Containing Shellfish.
- Floating docks were proposed to be replaced seaward, remaining within the established zone through the Chapter 91 License.
- The project had been reviewed by the Harbormaster's office.
- The existing finger pier was to be demolished, 12 guide piles removed and replaced.
- The new pier structure was proposed to use steel pipe piles, steel wide-flange pile caps, steel cross-bracing, and timber stringers and decking.
- The piles were designed to accommodate a potential future increase in deck elevation for resiliency.
- The proposed marina configuration was explained.
- A shellfish and eelgrass survey conducted by ECR, no eelgrass was identified within the project area
- Pile repairs were identified.
- Approximately 20 feet of the seawall repair was proposed to involve excavation behind the wall and reconstruction from the foundation upward, with no changes to its function, elevation, or footprint.
- The pilot house would remain on the existing pier dock, with no increase in floor elevation, but would be located farther seaward within the velocity zone for safety.
- Construction was anticipated to use a barge-mounted crane, material-storage barge, small floating platforms, a tugboat, and a utility boat as needed.
- A floating debris boom and turbidity curtain were proposed to be installed before demolition and maintained throughout construction.
- Major construction activities were anticipated to occur during the off-season, and pile driving would comply with applicable time of year restrictions.
- Required permitting was expected to include: Chapter 91 license, Nationwide Permit through the U.S. Army Corps of Engineers and ENF for MEPA.

Ms. Palmer stated the majority of staff comments had been addressed and the project narrative was well prepared and addressed climate resiliency. She explained that the LSCSF provisions in the HWR allow for activities associated with water dependent uses such as boatyards and yacht clubs. Ms. Palmer asked Mr. Post if he had contacted DEP regarding the potential concern about restricting public access with the pier expansion.

Mr. Post responded not yet.

Ms. Palmer noted responses had not been received from DMF and the Harbormaster did not have any comments on the proposal. She recommended to the Commission that the pilot house location be deliberated as it was farther seaward within the velocity zone. She also explained that the proposed dumpster location was landward of the existing location and outside the resource area and 50 foot buffer zone, noting the buffer actually extends from the top of the Coastal Bank. Ms. Palmer recommended the project demonstrate compliance with the Buffer Zone Mitigation Policy for the increase in impervious surface and noted the site had ample space to plant salt tolerant native plant species.

Commissioner Reid and Troyer questioned the dumpster location.

Mr. Post explained that the dumpster would be located next to the retaining wall and that the concrete pad would be reconstructed to approximately 19x8 feet.

Commissioner Troyer questioned what proposed construction would extend seaward.

Mr. Post stated a portion of the proposed deck, pier and floating docks.

Commissioner Troyer questioned what the current use of the area below the deck was.

Mr. Post stated the area was open and it was not used as a swimming area.

Commissioner Troyer asked if there was a response to Ms. Palmer’s concerns regarding relocating the pilot house and what the reasoning was for moving it seaward.

Mr. Post stated he would discuss with the Yacht Club but the reason was for safety and visibility of the outer loading docks.

Vice Chair Troyer opened the discussion to members of the public.

Anita Ryan, 37 Baker Hill Drive, expressed support on the recommendation of mitigation plantings. She also questioned where the public access was.

Dan White, Hingham Yacht Club, responded that from the jetty was public and the spots in front of the beach were public.

Mr. Post agreed to a continuance to August 17, 2026.

Vote: Commissioner Reid made a motion, seconded by Commissioner Mosher, to continue the public hearing for 211 Downer Avenue, DEP No. 034-1567, with consent of the applicant, to August 17, 2026 at 7PM.

The motion passed by a roll call vote 4-0
In Favor: Douglas Troyer, Robert Mosher, Thomas Roby and Thomas Reid
Opposed: None

Hingham Wetland Regulations- Proposed Revisions

Ms. Palmer stated they were still awaiting legal review of the revisions. A few new comment letters were received and they were included in the Commission’s packet. Ms. Palmer is still reviewing the comments and noted some had suggestions that pertain to the town Bylaw which would require Town Meeting approval. She provided an update on the climate model being considered for use in the LSCSF regulations and reported that she was researching available options that would be acceptable to the Commission. She also mentioned the Bylaw Fee Schedule would be updated with the regulations, noting they would need to go before the Select Board for approval, and the Appendices would also be updated.

Vice Chair Troyer opened the discussion to members of the public.

Ms. Ryan questioned the deadline for public comments and if they should be submitted as soon as possible.

Commissioner Troyer agreed to submit comments as soon as possible.

Vote: Commissioner Mosher made a motion, seconded by Commissioner Roby, to continue public hearing for the Hingham Wetland Regulations Revisions to August 17, 2026 at 7PM

The motion passed by a roll call vote 4-0
In Favor: Douglas Troyer, Robert Mosher, Thomas Roby and Thomas Reid
Opposed: None

Other Business:**1. Appoint Commission member to the Community Preservation Committee (CPC)**

Commissioner Troyer stated it would be best to hold off until the full Commission was present.

2. Conservation Officer Updates

Ms. Palmer stated DEP has released amendments to the Wetlands Protection Act regulations, primarily focused on making ecological restoration project smoother and more efficient for applicants. She indicated that when officially adopted, the local regulations would be reviewed to determine consistency.

Adjourn

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

Meeting adjourned at 8:21 PM

Approved on: September 15, 2026