



10 New Driftway,
Suite 303
P.O. Box 92
Scituate, MA 02066
(781) 545-0895

*Registered Professional Engineers,
Project Managers & Environmental Consultants*

July 22, 2026

Hingham Conservation Commission
Town Hall
210 Central Street
Hingham, MA 02043

ATTN: Conservation Officer Shannon Palmer

Re: 33 Gardner Street
Waiver Request
in Hingham, Massachusetts
Applicant: Kimberly Donlan

Dear Members of the Commission,

On behalf of the applicant, Kimberly Donlan, Morse Engineering would hereby like to request a waiver associated with the submitted Notice of Intent (NOI) for the work proposed at 33 Gardner Street. Specifically, the request is for a waiver pertaining to Section 2B of the Hingham Wetlands Protection Bylaw (Article 22), which prohibits work within 50 feet of any wetland resource area. The work within the 50-foot buffer includes the reconstruction of a pre-existing pool deck, the relocation of a firepit, and the construction of pervious hardscaping on previously disturbed lawn and patio areas.

The resource area in question is a Bordering Vegetated Wetland (BVW), a resource area protected by the Wetlands Protection Act (310 CMR 10.55) and the Hingham Wetland Regulations (Sections 19 and 22), which was delineated by South River Environmental on August 22, 2025. Otherwise, the site does not contain any Estimated or Priority NHESP Protected Habitats or Potential or Certified Vernal Pools.

Section 2B of Article 22 includes provisions for a no-disturbance setback of 50-feet from numerous wetland resource areas, including within 50-feet of a BVW. No work is allowed in these areas without authorization by the Conservation Commission. Currently, the majority of the 50-foot buffer to the BVW are previously disturbed areas associated with residential development. The disturbances in this area include a paved driveway, a swimming pool, impervious patios and pool deck, fencing, and a mixture of lawn, brush, and landscaped areas.

The work proposed by the Applicant within the 50-foot buffer zone includes the following items:

1. The reconstruction of a pre-existing, impervious pool deck with a new, permeable paver pool deck.
2. The construction of a permeable paver patio partially within lawn and partially within the footprint of an pre-existing impervious patio.
3. The removal of an existing firepit and its replacement with a new propane firepit.
4. The repair of an existing, dilapidated section of fencing.
5. The construction of two crushed stone infiltration trenches for either pool maintenance or stormwater discharges.

These activities are proposed entirely within previously disturbed areas which currently include either manicured lawn or existing impervious patio surfaces dating from the 1970s. The new pool deck has been designed as far from the wetland resource area as current pool codes and best practices for safety allow and is in fact far smaller than the 8-foot width recommended by the state pool code. The shallow end of the existing swimming pool lies on the wetland side of the structure, and so additional care has been taken to balance safe access into the pool without negative impacts to the wetland resource area.

The project has been designed in several ways to minimize potential impact on the BVW, and to enhance the previously disturbed buffer zone:

1. The proposed patios and pool decks are proposed to be permeable in nature. The existing patio and pool deck within the 50-foot buffer were impervious structures, and so the project proposes a reduction of impervious in the 50-foot buffer of approximately 600 square feet.
2. The project proposes to relocate an existing firepit, increasing its setback from the wetland resource area from 13-feet to 38-feet.
3. The project proposes a mitigation area that is 1,557 square feet in size, 211 square feet in excess of what is required. This mitigation area is proposed along the existing limit of disturbance and will serve not only to enhance the buffer zone with hand-planted native species but will also reduce the existing lawn on-site, increase species diversity, and remove several invasive species currently on the property.
4. Even though the project proposes a reduction in impervious areas across the property, a crushed stone infiltration has been provided along a portion of the existing paved driveway within the 50-foot buffer. This trench serves to reduce the rates and runoff volumes of stormwater, provide treatment for stormwater that is currently discharging to the BVW without treatment, and provide additional recharge to the groundwater table.
5. A second crushed stone trench is provided closer to the existing pool area, which will serve to provide subsurface drainage for any maintenance or dewatering activities associated with the existing swimming pool. This trench will serve to prevent any direct surface discharge of water from this existing pool into the buffer zone.

These measures have been incorporated into the project to provide a net benefit to the wetland resource area and its buffer zone by reducing impervious surfaces, encouraging groundwater recharge, increasing wildlife habitat and species diversity, and removing existing lawn areas, all while providing a patio deck that is safe and meets current pool codes.

We appreciate the opportunity to request this waiver and review this application with the Commission. If you have any questions, please do not hesitate to call at (781) 545-0895 or email at pgunn@morsecoinc.com.

Very truly yours,
MORSE ENGINEERING COMPANY, INC.

A handwritten signature in black ink, appearing to read 'Paul Gunn', with a stylized, looping flourish at the end.

Paul G. Gunn, P.E.