

TOWN OF HINGHAM

CONSERVATION COMMISSION



HINGHAM CONSERVATION COMMISSION
September 22, 2008 @ 7:00 PM Central Meeting Room North
MEETING MINUTES

Present: Eugene Babin, Vice-Chairman, Carolyn Nielsen, Charles Berry, Bill Grafton and Cliff Prentiss, Conservation Officer

Absent: Samuel Chapin, Chairman, Todd Bernstein, and Doug Harvey

Old/New Business

1. Approve Draft Minutes – 9/8/08

Motion: Commissioner Berry motioned to continue to the 10/6 meeting pending edits.

Second: Commissioner Grafton

In Favor: All

Opposed: None

2. Hingham Mutual Fire Insurance (HMFI) - final draft of the Consent Order.

Discussion: This document, edited according to the requests of the Conservation Commission at the 9/8/08 meeting, will allow the HMFI Company to continue to mow and vista prune on their land. No wetlands are involved in the work proposed. This is in response to the enforcement order for the mowing in the river front area on the HMFI property. The record has shown and research confirms that HMFI has mowed this piece of property in the past. Original permission was granted in the 1980's when they had permits from the planning board. There is no conservation restriction on the property and has been researched by HMFI's legal counsel. This consent order allows HMFI to mow the area twice a year, spring and fall and they will be required to contact the Hingham Conservation Commission prior to the first mowing so the HCC can determine if the timing is appropriate and that no wildlife, which may be nesting in the area, would be adversely affected. Once that mowing limit has been established they will set cedar posts so future mowings will be demarcated by the cedar posts. In addition they will be limited to pruning the under story over 5 feet so the verbatious layer and the - under story will remain. They will only be removing dead and diseased trees.

Commissioner Nielsen discussed with the Conservation Officer the language that was added for the protection of wildlife in the area to be mowed. Per the Conservation Officer, the specific language may need to be changed should species be identified that are nesting in the spring. Per the Conservation Officer Hingham Mutual has communicated an interest in having an environmental restriction on that land.

Commissioner Berry asked if this was referring only to the Hingham Mutual land. Per the Conservation Officer, yes. The maintenance will be done by the Back River but on the Hingham Mutual property. If the Commission wanted to change the language they would only need to contact Hingham Mutual? Per the



Conservation Officer, yes, since it is their land and reiterated that the only language that may need to be changed is likely to be the timing of the mowing.

The Vice-Chair advised that those in the audience that wished to speak that they could not be heard as the public hearing portion of the meeting was during the 9/8/08 meeting.

Motion: Commissioner Nielsen motioned to approve the Consent Order as amended.

Second: Commissioner Berry

In Favor: All

Opposed: None

Request for Determination of Applicability

1. 24 Summer Street – Applicant Exxon Mobil / Representative Magdalena Lofstedt and Debra Beck – CDM, Inc.

Commissioner Babin recused himself from this hearing but remained present to enable a quorum. Commissioner Nielsen acting as Chair facilitated this hearing.

Presentation: Ms. Beck advised of the proposed plans to remove 3 underground fuel tanks at the former gas station site. The proposed work is decommissioning of the station which includes excavation of underground storage tanks.

Commissioner Nielsen asked what the fuel lines were made of. Per Ms. Beck it is unknown but they will be monitoring and field screening every 15 feet. Commissioner Grafton asked who is on site as these are removed? Per Ms. Beck, the Hingham Fire Department and a representative from CDM will be there at the time of removal.

Commissioner Nielsen opened the hearing to the public. No comment.
Commissioner Nielsen closed the hearing to the public.

Motion: Commissioner Berry motioned to issue a Negative Determination

Second: Commissioner Grafton

In Favor: All

Opposed: None

Abbreviated Notice of Intent

1. 5 Pinecrest Road - No DEP number or comments as of 9/18/08 – Applicant John Lundy / Representative John Lundy

Presentation: Proposal to build a barn on his property. He is proposing to move the barn as far back towards the wetlands as possible for two reasons (1) aesthetics and (2) current location is very close to his neighbor.

Discussion: Per the Conservation Officer the new Bylaws have a 50' setback so the corner of the proposed barn would need to be moved approximately 12'. Commissioner Babin asked why the plans don't show the barn at 50', per the applicant, the plans were done when the Bylaw sited 35' as the setback. The plans were reviewed and the applicant stated that he had no problem moving the structure to comply with the 50' setback requirement. The Conservation Officer did a site walk and recommends the Commission sign the standard Order of Conditions once the plans reflect the 50' setback and the DEP issues a number.

The Vice-Chairman opened the hearing to the public. No comment.
The Vice-chairman closed the hearing to the public.

Motion: Commissioner Grafton motioned to close the hearing and issue an Order of Conditions once the DEP number is received with a condition that revised plans be received showing the new location complying with the 50' setback.

Second: Commissioner Nielsen **In Favor:** All **Opposed:** None

Notices of Intent

1. 8 Green Street Court – DEP SE 34 0974 – Applicant Brian and Stephanie Miller / Representative – Richard Churchill, Churchill Engineering

Discussion: The applicant is requesting a continuance to the October 6th meeting.

Motion: Commissioner Berry motioned to continue the hearing to 10/6/08

Second: Commissioner Nielsen **In Favor:** All **Opposed:** None

2. 21 Pioneer Road – No DEP number or comments as of 9/17. Applicant – Ken Allen / Representative – Roger Gallagher – Improv Contractors

Presentation: Mr. Gallagher presented their proposal to remove the current screen porch and replace it with a porch that is also 12' out from the house. The width of the porch and deck will extend to the full width of the house and will require 2 additional footings to support the proposed porch. They will be raising the porch to be parallel to the first floor. There is currently a concrete slab that will be removed and replaced with 6 sonatube footings. Under the porch and deck will be open with crushed gravel underneath. The proposed porch will be 12x16, the rest will be open deck.

Discussion: Commissioner Nielsen asked what would the concrete be replaced with? Per the representatives, it would be replaced with crushed gravel. Commissioner Babin asked if the northeast corner was 23.5' from the wetland. Per the Representatives, yes but it is raised 5'-6' above ground level.

Per the Conservation Officer they concur with the delineation done by Paul Shea and recommends issuing a Negative Determination.

The Vice-Chairman opened the hearing to the public. No comment.

The Vice-chairman closed the hearing to the public.

Motion: Commissioner Nielsen motioned to close the hearing and issue an Order of Conditions pending receipt of a DEP number.

Second: Commissioner Berry **In Favor:** All **Opposed:** None

3. 302-304 Whiting Street – “Derby Brook Housing Community” DEP SE 34 0954. Applicant 302-304 Whiting Street LP / Representative – Gary James, James Engineering and Mark Cooperman

Presentation: The representatives provided revised plans, with minor changes, and a Supplemental Stormwater Management Report. A new survey was completed in the center of the project. They found a rock dam upstream that controls water level in the duck pond. They propose to dewater in the rear by setting up two sediment basins in the rear of the parcel. The erosion controls have been changed to a natural compost material rather than hay so they will not have to be removed.

They have revised the calculations in the Supplemental Stormwater Management Report. There are some minor increases in the peak flow rate as a result of a two (2) year storm, a little over 1%. They propose to do the

project in phases which designates 2 areas for dewatering which were reviewed on the plans. They also propose to stage the tree removal to minimize the exposure.

- Phase I will be establish the lay down area, the parking area in the front, complete the crossing and establish the storm water controls
- Phase II will be to construct the wetland basin and start the foundations for units 1 through 9
- Phase III will be to clear out the back side and construct the remaining basins. One of the final things will be the installation of the septic.

Discussion: Commissioner Berry asked them to restate the proposed cutting of trees. Per the representatives they will phase it during the construction. In Phase I they will cut only what is necessary to store what is coming off the back and clear an area to dewater. Commissioner Grafton asked them to show, on the plans, where the dewatering in the "back" is. The representative reviewed on the plans.

Mr. Chessia was present and feels that his comments have been addressed. He will look at the newly presented plans. The Conservation Officer feels satisfied that the areas of concern were addressed.

Commissioner Grafton asked if the revised plans could be stamped by the engineer. Mr. James advised that he will get the requested stamp.

The Conservation Commission would like to give Mr. Chessia an opportunity to review the plans that were presented at tonight's meeting.

The Vice-Chairman opened the hearing to the public. No comment.

The Vice-Chairman closed the hearing to the public.

The representatives asked for a continuance to 10/6 to allow Mr. Chessia an opportunity to review the new plans.

Motion: Commissioner Grafton motioned to continue the hearing to 10/6

Second: Commissioner Berry **In Favor:** All **Opposed:** None

4. Aaron River Reservoir - No DEP number or comments as of 9/17/08. Located in the towns of Cohasset, Scituate and Hingham – Continuance

Applicant Cohasset Board of Water Commissioner / Representative – Thomas Keefee, PE – Tutela Engineering Associates

Discussion: Asked for a continuance to the next meeting on 10/6

Motion: Commissioner Nielsen motioned to continue the hearing to 10/6.

Second: Commissioner Grafton **In Favor:** All **Opposed:** None

Order of Conditions

1. 30 Mill Lane - DEP SE 34 – 0973 Applicant – Hugh & Elizabeth Merryweather / Representative – Jeff Tocchio, Drohan, Tocchio and Morgan.

Discussion: Raise and rebuild dwelling.

Motion: Commissioner Berry motioned to sign the Order of Conditions.

Second: Commissioner Grafton **In Favor:** All **Opposed:** None

Meeting Adjourned at 9:02 p.m.

Respectfully submitted


Prepared by: Town Recording Services

Cliff Prentiss, Conservation Officer

9.22.08 Meeting

Approved as amended on 10/6/08.

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