



## CONSERVATION COMMISSION MEETING MINUTES– January 7, 2019

**Present:** Laurie Freeman- Chair, Bob Hidell, Jacqueline Zane, John Mooney, Bob Mosher- Commissioners, Loni Fournier- Conservation Officer, Heather Charles-Lis- Assistant Conservation Officer and Sylvia Schuler- Administrative Secretary

**Absent:** Frank Gaul and Paul Hall- Vice Chair

**The meeting was called to order at 7:04 PM.**

### Approval of Minutes

**Motion:** Commissioner Hidell moved to approve the draft minutes from the December 17, 2018 meeting.

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

### Certificates of Compliance

**191 Downer Avenue** - DEP 034-1260, continued from 11/19/18

Applicant: Michael and Kerry Connolly

*Excerpts from the staff memo: Staff is actively coordinating communications between the current owners and the project consultants. Staff recommends requiring the augmented salt marsh planting this spring under the supervision of a qualified wetlands consultant and submitting documentation of the planting to the Commission, and continuing this discussion until May 6, 2019.*

*Meeting Documents & Exhibits: Staff memo*

**Motion:** Commissioner Hidell moved to continue the hearing for 191 Downer Avenue, DEP 034-1260, to May 6, 2019.

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

**11 South Pleasant Street** - DEP 034-1242

Applicant: Kevin and Martha Kopanon

*Excerpts from the staff memo: An Order of Conditions was issued in November 2015 for a garage and mudroom addition, new deck, and relocated shed. The as-built plans largely adhere to the final approved plans for the additions and relocated shed. The proposed deck was not constructed. Mitigation plantings were proposed at 2:1 ratio since a portion of the work was located in the 50ft buffer zone; the Order required plantings at a ratio of 3:1 and that the plantings survive at least two growing seasons. The plantings appear to be in good condition and do cover a larger area. A portion of the plantings are on a slope where there is bare soil and some erosion is apparent. Staff requested that the owner stabilize the slope with a thin layer of bark mulch, straw, or leaves and recommends reseeding, if necessary, in the spring.*

*Meeting Documents & Exhibits: Staff memo*

**Motion:** Commissioner Mosher moved to issue a Certificate of Compliance for 11 South Pleasant Street, DEP 034-1242.

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

**0 Martins Lane (formerly 250 Martins Lane)** - DEP 034-1093

Applicant: Wayne Ciullo, The Trustees of Reservations

*Excerpts from the staff memo: An Order of Conditions was issued in December 2011 for the construction of a wood frame shelter with metal roof and boardwalk access to the shelter, to allow visitors to World's End to view the Damde Meadows restoration project. Staff noted that there is not as much vegetation growing under the boardwalk as there is in the adjacent salt marsh and in some areas, vegetation is sparse or non-existent, particularly under the shelter and the wide section of boardwalk near the shelter. However, the structure and boardwalk were constructed as proposed, and as noted above, there were no specific conditions in the Order regarding plank spacing or mitigation for any salt marsh impacts.*

Meeting Documents & Exhibits: Staff memo

The Commission concurred that the condition regarding the spacing of the boardwalk was not specific enough and that with no engineered plan for comparison in the original submittal, an as-built plan would not be required.

**Motion:** Commissioner Zane moved to waive the requirement for an as-built plan and issue a Certificate of Compliance for 0 Martins Lane (formerly 250 Martins Lane), DEP 034-1093.

**Second:** Commissioner Mosher

**In Favor:** All

**Opposed:** None

**425 Lincoln Street** - DEP 034-1222

Applicant: Casa Development, Inc.

*Excerpts from the staff memo: An Order of Conditions was issued in August 2015 for the removal of an existing gravel parking lot and construction of a new paved parking lot for vehicle storage for a car dealer, as well as stormwater, landscaping, and lighting improvements. An Amended Order was issued in September 2015 with minor changes made to the conditions regarding dumpsters and stormwater at the request of the applicant and the Planning Board. The as-built plans largely adhere to the final approved plans. Upon receipt of proof that the drainage structures were recently cleaned, staff recommends issuing a Certificate of Compliance.*

Meeting Documents & Exhibits: Staff memo

The C.O. informed the Commission that a receipt of proof that the drainage structures were recently cleaned had been submitted to the Conservation office. Regarding an area set aside for future pedestrian waterfront access, the Commission concurred that would require a new filing before the Commission.

**Motion:** Commissioner Hidell moved to issue a Certificate of Compliance for 425 Lincoln Street, DEP 034-1222.

**Second:** Commissioner Mooney

**In Favor:** All

**Opposed:** None

**Commissioner Freeman read the Public Hearing Notice of Intent.**

**Notices of Intent**

**73 Abington Street** – DEP 034-1320, continued to 2/11/19

Applicant: MDC Properties Abington St., LLC

Representative: Jesse Johnson, Bohler Engineering

Proposed: Construction of three new buildings and associated utilities

**111 Weir Street (formerly 105 Weir St)** – DEP 034-1326, continued to 2/25/19

Applicant: John Woodin

Representative: Gary James, James Engineering, Inc.

Proposed: Construction of a new single family home and driveway

**11 Steamboat Lane** – DEP 034-1327, continued from 12/17/18

Applicant: Denise Rhodes

Representative: Robert Carlezon, Grady Consulting, LLC

Proposed: Repair of existing boat ramp and installation of new riprap

Excerpts from the staff memo:

*This hearing is continued from 12/17/18 to give the applicant time to respond to comments from staff and MassDEP.*

- 1. Wetland delineation. As noted in the last staff memo, "staff generally agreed with the current delineation of salt marsh, however a number of flags were missing and the salt marsh edge is also not as linear as shown on the plan, thus the plan may be underrepresenting the amount of salt marsh.... The application indicates the work would be within the 50ft buffer zone to salt marsh and staff is concerned work may extend into the salt marsh in places. Staff recommends that the Commission does not confirm the delineation at this time." Staff additionally recommends that should the Commission permit work on the coastal bank, staff and the wetlands consultant should review the delineation prior to the start of work and the edge of the salt marsh should be clearly marked in the field with demarcation to remain throughout construction.*
- 2. Boat ramp. Staff is pleased with the additional detail provided on the boat ramp repair. Staff recommends requiring that all work take place from the upland side of the ramp and no equipment be allowed in resource areas, with the exception of Land Subject to Coastal Storm Flowage.*
- 3. Rip rap slope. Some additional detail was provided, however it is still not clear whether existing boulders and vegetation would be removed and how construction would proceed. Staff remains very concerned about the potential for disturbance to the resource areas during construction, particularly since work is proposed to extend to the edge of the salt marsh. Within this close proximity, there could be damage to the vegetation during construction, whether from removing the existing materials or installing the new rip rap slope. In addition, portions of the existing coastal bank are naturally vegetated and this vegetation may be removed.*

*Perhaps more importantly, staff does not feel the proposed rip rap slope is permissible per 310 CMR 10.30(3), which says that coastal engineering structures (such as rip rap slopes) are only permissible to protect pre-1978 buildings when constructed on a coastal bank. MassDEP also noted this regulation in their comments. The applicant notes that the lot has contained a house since before 1978, however the regulations refer to the existing buildings or reconstructed buildings. The current house was permitted in 2009 and was also a new, larger house, not a reconstruction of a pre-1978 building. Even if permissible, the applicant must show that the proposed coastal engineering structure is required to prevent storm damage to the building, and they must demonstrate that no other method is feasible for protecting the house.*

- 4. Other permits. Staff is satisfied that the applicant is addressing MassDEP's comments regarding other state permitting requirements.*

Meeting Documents & Exhibits: *Staff memo and original staff memo dated 12/3/18, and a written response and revised plan from representative.*

Rob Carlezon, Grady Consulting, Inc., was present along with the applicant, Denise Rhodes. R. Carlezon summarized the proposal describing the locus and wetland resource areas. He described the boat ramp component of the proposal. They would remove the existing concrete/asphalt and resurface with pre-cast concrete boat panels (created off-site) measuring 8' by 20'. The area below the ramp would be graded as needed with crushed stone before installation of the concrete panels.

Responding to questions from the Commission, R. Carlezon responded that the approximately 11 concrete panels would be solid (8 inches thick) with no holes or hollowed out portions for water flow. The last panel might differ in dimensions as it will be cast to stay within the footprint of the existing ramp. He stated that the existing ramp looks like it was poured on site. With the precast panels no shoring, pumping or dewatering would be needed. He stated that it would be at the discretion of the contractor once the existing

ramp is dug up, to determine how much gravel fill was needed to supplement the existing base and sub-base before bringing in the precast slabs.

Commissioner Hidell suggested that they remove a few panels of the existing ramp to see what the situation is and determine how much fill would be necessary to stabilize the proposed concrete panels. D. Rhodes commented that part of the problem is that the sides of the ramp are cement and the whole center is eroding asphalt. Commissioners Hidell and Mosher agreed that the Commission ought to know if it's a skim layer or major fill needed as a bed for the new panels. Asked by Commissioner Freeman if working on the ramp from the upland side as suggested in the staff comments would be doable, R. Carlezon responded affirmatively.

R. Carlezon described existing remains of riprap along portions of the property and stated there was significant erosion in the applicant's yard. He described the proposal of a slope stone revetment that they would intersperse with plantings.

Responding to Commissioner Freeman's questions regarding the riprap slope and state regulations, R. Carlezon proposed that the current house is a reconstruction of an existing dwelling and stated there is significant erosion behind the wall in places. He added that this is the only structure that could be considered (*for protection*) and, as far as alternatives to the riprap, even where there is some existing vegetation, there is significant erosion, suggesting that plantings might not be the best option.

The C.O. asked if it is existing riprap or is it, rather, naturally occurring boulders. R. Carlezon stated that it appears to be existing riprap, especially in two particular areas and indicated another area between flags 3 and 7, where it's not as evident but where they've also seen the worst erosion. The C.O. asked R. Carlezon if they would be able to accomplish what they wanted using what stone is there and explained that per the state regulations, using what stone is there is considered 'resetting stone' versus if they are adding stone then it is considered a new revetment.

Commissioner Hidell asked if the existing house was built within the foundation of the pre-1978 house and R. Carlezon responded that it was a different foundation. The C.O. read the state regulation 310 CMR 10.30(3) regarding coastal engineering structures. Discussion followed whether the house was a new construction versus a reconstruction of the pre 1978 existing house as well as the specificity of the regulation that it protect a building. Commissioner Zane commented that the biggest hurdle is the pre-1978, as, even if they could agree that it's a building and that it's necessary to protect it, she doesn't feel that it's pre-1978. Commissioner Hidell agreed that it's not the same house, not the same foundation.

Commissioner Freeman reiterated the three prongs that the Commission has to grapple with and stated that they will need more time to discuss the first two but invited R. Carlezon to speak of any alternatives he might have considered. R. Carlezon responded that with significant erosion already started in areas that already have vegetation, additional vegetation won't likely help and that the proposed riprap would be the most feasible option. In response to Commissioner Hidell's question about preserving the integrity of the proposed riprap in view of future increased tidal flow, R. Carlezon stated that the top of the proposed riprap slope would be at 11.5 and the current FEMA VE floodzone elevation is at 11.

Commissioner Hidell suggested that the boat ramp might be easier for the Commission to permit than the revetment and the applicant might consider separating the two. The C.O. briefly described how the applicant could go forward with the permitting process, without going back to square one, if they should choose to prioritize the boat ramp proposal over the revetment proposal.

Commissioner Mosher stated that they would still need the 401 water quality certification as the state would consider the boat ramp work as 'dredging'. R. Carlezon confirmed that the 401 water quality certification form had been submitted but they hadn't heard back yet.

Commissioner Freeman invited any comments from the public. There were no members of the public present for this hearing.

**Motion:** Commissioner Zane moved to continue the Notice of Intent hearing for 11 Steamboat Lane (DEP 034-1327) to January 28, 2019.

**Second:** Commissioner Mosher

**In Favor:** All

**Opposed:** None

**5 Bare Cove Lane** – DEP 034-1329, continued from 12/17/18

Applicant: Peter and Lois Scanlon

Representative: Roderick Gaskell, SITEC Environmental, Inc.

Proposed: Installation of dock, gangway and float

*Excerpts from the staff memo: This hearing is continued from 12/17/18 since no DEP number had been issued at that time. The DEP number (DEP 034-1329) has since been issued. At the hearing, concerns were raised regarding construction methods and potential impacts. An abutter spoke about some of these concerns and indicated a letter to the Commission would be forthcoming, however no letter had been received as of 1/3/19. Since the last hearing, the representative has submitted additional materials, including a Proposed Residential Dock Construction Impact Mitigation Measures Plan, which includes details on construction methods and measures to mitigate any impacts. The representative has also indicated the project will utilize steel pipe mono-piles for the dock, instead of fiberglass mono-piles, for increased strength and stability. Draft conditions related to the submitted Plan and steel piles have been added below (see #7, #8 and #9).*

*Meeting Documents & Exhibits: Staff memo, Proposed Residential Dock Construction Impact Mitigation Measures Plan and letter from abutter Dorcas Wagner (received 1/4/19).*

Representative Rod Gaskell from Sitec was present along with applicant, Peter Scanlon. R. Gaskell described to the Commission details from the 'Residential Dock System Construction Impact Mitigation Measures Plan' submitted to the Conservation office, since the last hearing, on 12/17/18. He stated that it would not be possible to curb the length of the dredging process if they were limited by going in and out with the tides and have therefore opted to use a 'jack barge' and provided further details on the 'jack barge' and how it would reduce the construction timeframe. He explained that they had also done some more research after hearing the concerns about the plastic piles breaking due to ice. They no longer propose the Pearson plastic piles and will instead use 1 inch thick steel pipe piles. He added that they agree with all of the 17 draft conditions in the staff memo.

Responding to a question from Commissioner Freeman, the C.O. pointed out that it is a permanent structure in a location where there is currently no structure; there is loss of salt marsh and impacts from construction activity. Discussion followed about the project's impacts on the resource areas and whether the proposed mitigation plan and 6.5 sf salt marsh replication are sufficient. R. Gaskell acknowledged that there are impacts but spoke of the environmental regulations that allow docks, and also of the mitigation proposed to minimize those impacts. Commissioner Freeman added that each case is site specific. R. Gaskell agreed and stated that this site was studied and there were no shellfish, no benthic organisms surficially exposed, and no eel grass.

Commissioner Freeman asked the C.O. if she felt the concerns expressed in D. Wagner's letter had been addressed. The C.O. reviewed the construction mitigation plan which calls for the smallest barge possible, will not be near the saltmarsh, no boulders will be moved, and they'll do advance sounding for bedrock and shackle the pile should the pile hit ledge. Responding to a question from Commissioner Hidell, R. Gaskell stated that they drill into the bedrock, set the piling in and then it is shackled. R. Gaskell reiterated that there would be no cement in the pile, just inch thick steel pipe piles. Commissioner Mooney stated he felt that there had been extensive review of the proposal and that the Commission's questions had been answered.

Commissioner Freeman invited any comments from the public.

Dorcas Wagner, 22 Seal Cove Road, explained that she had only found out that day that a 'Residential Dock System Construction Impact Mitigation Measures Plan' had been submitted and that there had been a

change to 'stainless steel' piles (*Admin note: when D. Wagner phoned the office during the day she had been incorrectly told that the piles were 'stainless steel'; the proposed piles are simply 'steel'*) She told the Commission that this will be the 4<sup>th</sup> barge and pier construction that she will witness. She spoke of the piles needing to be cut to size and that in past pier construction, filings due to cutting washed up on Seal Cove Beach. She has concern about steel filings and cuttings washing up on Seal Cove Beach, a community beach used by 16 families who have deeded beach rights.

D. Wagner expressed her concern for the abutting marshes and particularly Seal Cove Beach as the barge will have to negotiate through the existing moorings, many of which are winter moorings. She felt that for the barge to use the center of the cove to access the dock location, at least one mooring would need to be pulled, otherwise the barge would be forced to travel even closer to the shore.

The proposed pipe material was clarified by R. Gaskell and Commissioner Hidell; it would not be stainless steel which would be brittle, what is proposed is a hollow steel pipe. R. Gaskell commented that any filings would be minimal, microscopic and inert and with the advance sounding for ledge, it might be possible to cut the pipes on land. He added that if the Commission felt it necessary, a condition could be added to the order that a shroud be placed around the pipe, as it is cut, to capture any filings/cuttings. Brief discussion followed about the likelihood of grinding and the addition of a collars to adjust the height of the pilings.

Commissioner Hidell commented that the Commission has to take into account people's rights of use while at the same time protecting the environment. He added that D. Wagner's concerns are reasonable and that the Commission is obliged to address them to the best of its ability and to reduce to the greatest extent possible the environmental impact. Commissioner Mosher asked R. Gaskell about D. Wagner's suggestion that a mooring might need removed for access. R. Gaskell responded that there is a federal channel and the barge will be able to go straight in; no moorings need removed.

Commissioner Freeman asked the C.O. if she was satisfied that the mitigation required, and everything the applicant is offering to minimize impact, is sufficient to protect this particular fragile resource area, Seal Cove. The C.O. stated that she couldn't think of anything more that they could do, to better mitigate the impacts. The C.O. asked the Commission if they felt an additional condition requiring the shroud be added and the Commission was in agreement that it was not necessary.

With no further public comment, Commissioner Freeman closed the hearing to public comment.

**Motion:** Commissioner Zane moved to issue an Order of Conditions for the proposed work at 5 Bare Cove Lane (DEP 034-1329), as shown on the submitted plans, and adopt the findings of fact a and b, and special conditions 1 through 17 of the staff report.

Findings:

- a. The project meets the requirements for issuance of an Order of Conditions under the Wetlands Protection Act (M.G.L. c. 131, § 40) and the Town of Hingham Wetland Regulations.
- b. The work described is within an area subject to protection under the Wetlands Protection Act (M.G.L. c. 131, § 40) and the Town of Hingham Wetland Regulations, and will not alter or adversely affect the area subject to protection under the Act or the Regulations.

Conditions:

1. The applicant shall notify the Hingham Conservation Commission in writing of the name, address, and telephone number(s) of the project supervisor or contractor who shall be responsible for ensuring compliance with this Order and shall notify the Commission, by telephone or writing, at least 48 hours prior to commencement of work on the site.
2. This document shall be included in all construction contracts and subcontracts dealing with the work and shall supersede all other contract requirements.
3. The project supervisor or contractor in charge of the work shall have a copy of this Order available on the site at all times.

4. Prior to the start of any excavation or construction, there shall be a pre-construction conference on the site between the project supervisor or contractor responsible for the work, the Town's Harbormaster, and an agent of the Commission to ensure that the requirements of this Order are understood.
5. Prior to the start of any excavation or construction, copies of all applicable federal, state, and local permits, certifications, and approvals shall be submitted to the Commission.
6. Prior to the start of any excavation or construction, and in consultation with the Town's Harbormaster, who also functions as the Town's Shellfish Constable, the applicant shall contribute a sum of money to the shellfish mitigation fund in accordance with the formula for contribution established by the Town's Harbormaster.
7. Prior to the start of any excavation or construction, the applicant shall submit a professional plan for replicating 6.5 sq. ft. of salt marsh, on site, to the Commission for review and approval. If any salt marsh impacts occur due to temporary cofferdam installation to facilitate bedrock drilling, then the salt marsh replication plan shall be updated accordingly.
8. All work shall comply with the "Residential Dock System Construction Impact Mitigation Measures Plan," dated December 20, 2018.
9. The dock mono-piles shall consist of steel pipe, as opposed to fiberglass.
10. Any debris, which falls into any resource area, shall be removed immediately by hand.
11. There shall be no stockpiling of soil or other materials on the salt marsh or the coastal beach.
12. Issuance of these conditions does not in any way imply or certify that the site or downstream areas will not be subject to flooding, storm damage, or any other form of damage due to wetness.
13. Before executing any change from the plan of record, the applicant must have the Commission's written approval. Any errors found in the plans or information submitted by the applicant shall be considered as changes. Approval from other Town Agents or Inspectors does not relieve the applicant from obtaining approval from the Commission.
14. As soon as work has been completed and prior to the first boating season, the applicant shall submit a storage plan for the seasonal float to the Commission.
15. The applicant shall apply for a Certificate of Compliance as soon as work has been completed and prior to the expiration of this Order. If work cannot be completed prior to the expiration of this Order, the applicant shall contact the Commission in writing to apply for an extension at least thirty days prior to the expiration date.
16. The applicant shall submit an "as built" plan to the Commission upon completion of this project. The plan shall be signed by the professional engineer of record, who shall certify that the work has been done in accordance with the approved plans and this Order. This plan must be submitted prior to the issuance of a Certificate of Compliance by the Commission.
17. Prior to the issuance of a Certificate of Compliance, the approved salt marsh replication plan shall be implemented to the satisfaction of the Commission. The replicated salt marsh shall survive at least two full growing seasons with a minimum of 75% survival rate.

**Second:** Commissioner Mooney

**In Favor:** All

**Opposed:** None

**2 Beach Lane** – DEP 034-1330, continued from 12/17/18

Applicant: Robert Thompson

Representative: Paul Seaberg and Rick Grady, Grady Consulting, LLC

Proposed: Demolition and reconstruction of single family home

*Excerpts from the staff memo: This hearing is continued from 12/17/18 to give the representative time to respond to the initial comments and questions raised by staff. The representative responded in writing and submitted a revised plan. Staff has the following follow-up comments:*

1. *Wetland delineation. Staff requested and received some additional information on the coastal bank delineation and is satisfied with the explanation of the bank itself, however staff disagrees with the delineation of the area between the bank and the stone revetment. Staff thinks this area is also Coastal Beach, in addition to Land Subject to Coastal Storm Flowage. Finally, since many wetland flags were missing in the field, it was difficult to confirm the exact bank delineation, though staff generally agreed with the delineation.*
2. *Limit of work. Staff is pleased that work is not being proposed on the existing stone revetment.*
3. *Structures in 50ft buffer zone. The proposal decreases the total sq. ft. of structures on a wall type foundation in the 50ft buffer zone and moves these structures farther from the resource areas, which is a positive. However, a large portion of the proposed covered porch is in the 50ft buffer zone, though it would be on an open footing foundation. The net change in area of total structures in the 50ft buffer zone is negligible. Thus, staff still recommends appropriate mitigation for work within the 50ft buffer zone, in the form of additional native plantings and/or decreasing the size of the proposed structures.*
4. *Impervious area and stormwater mitigation. There is significantly more impervious area in proposed versus existing conditions. Staff feels the proposed stormwater management with subsurface infiltration for rooftop and driveway runoff is appropriate to help mitigate for this increase. Staff discussed with the engineer how these structures would function during flooding/high tides, and there are overflow pipes on the downspouts. Test pits will need to be done to confirm separation from groundwater. Also a detail should be provided for the trench drain. Since there is no pre-treatment for driveway runoff, staff also recommended to the engineer that this drain include a crushed stone base for infiltration, and a perforated pipe going to the subsurface infiltration system for overflow. A long-term Operations and Maintenance Plan should be provided for the subsurface structure, trench drain, and gutters.*
5. *Flood zone. Staff appreciates the explanation of proposed foundation type and flood vents, but is still concerned that the proposed house and garage will not allow for the free passage of flood water as required by the Hingham Wetland Regulations. Staff notes that the Building Code requirements are separate and distinct from the state and local wetlands regulations.*
6. *Filling. Currently this property is a low point in the neighborhood and holds floodwaters at times. The applicant proposes to fill portions of the lot to meet adjacent grades and direct water away from the proposed house. Part 2, Section 23.6 (a) of the Hingham Wetland Regulations states that: "No fill shall be placed in any Resource Area or any buffer zone so as to alter the flow of surface water in a way that the Conservation Commission feels will adversely affect the wetland values of the Resource Area(s)." The Commission will need to determine whether this standard has been met.*
7. *Swale. Staff is satisfied with the explanation and purpose of the proposed swale, however this should be reviewed again if the plans are revised. Staff has not asked the Department of Public Works to comment on this proposal; those comments may be valuable.*
8. *Landscaping. Privet hedges are proposed along the easterly property line and street, however privet (Genus Ligustrum) is a non-native plant and all species found in Massachusetts are considered invasive or potentially invasive in part or all of their New England range. Staff recommends planting an appropriate native shrub species instead. Staff also recommends additional plantings to replace the small trees and shrubs that are being removed and to mitigate for work within the 50ft buffer zone as noted above.*

Meeting Documents & Exhibits: Staff memo, An exhibit of a large GIS map with an overlay of the neighborhood and a large photo of the 12 Beach Lane driveway to garage (provided by R. Grady), and a Video clip of flooding (provided by Kyle Von Iderstein)

Rick Grady, Grady Consultants, Inc., was present along with applicant, Rob Thompson. R. Grady described the locus and the proposal to remove the existing structure and build a new home. He pointed out that there had been a 2008 application for a stone-lined revetment with vegetation on top and that it had held

up well and the vegetation looks good. He explained that the proposed home is to have a concrete foundation with flood vents. They anticipate that when the area does flood (up to elevation 11 during a bad storm event), floodwaters would enter below the structure through the flood vents and also be allowed to exit the structure. R. Grady pointed out on the site plan the various elevations on the property as well as on Beach Lane and Wompatuck Road and at the catch basin, adding that what is proposed would conform to FEMA requirements. He added that the property is on town sewer eliminating the need for a septic system.

R. Grady stated that they are trying to keep the grade of the property as close as possible to the existing grade. In order to provide a positive flow of water away from the structure they will need to fill below the structure itself and would then fill as little as possible along the perimeter of the structure. They want to get the slab elevation high enough so that it doesn't retain water during a storm event.

For the day to day operation, when not experiencing a storm event, they have proposed roof drains and a trench drain in the driveway that will both discharge to an infiltration system in the front yard. R. Grady compared the existing 202 sf of impervious coverage within the 50 ft buffer zone to the proposed 78 sf of impervious coverage within the 50 ft buffer zone. Overall, the existing impervious is 1892 sf and proposed is 4100 sf which is why they proposed the infiltration system to mitigate for the increased impervious coverage.

R. Grady compared grades of the neighboring property at 12 Beach Lane which was enlarged 8 years ago. He explained that the purpose of the proposed swale is to ensure that they are not directing water to 12 Beach Lane; any runoff would be directed toward Beach Lane. On the other side of the property, along Wompatuck Road, is an existing retaining wall which they propose to retain.

R. Grady described the existing garage as a bad situation where there is actually a slope down from the street and into the garage so there is constant flooding. They propose to elevate the garage slab. They are considering some adjustments to the plan and may try to mimic the 12 Beach Road driveway; R. Grady presented a large poster of the 12 Beach Road garage. Responding to one of the Asst. C.O.'s concerns regarding the garage not allowing flood water to pass, R. Grady stated that they could install a couple of flood vents below the garage floor and connect them in to the other side of the garage with a pipe below the garage slab. He suggested that they could do the same thing on the house by extending a pipe from the crawl space of the home through a wall on the front of the house to get additional flow through the foundation.

R. Grady referred to the comment regarding the proposed privet hedge and how some privet species are considered invasive. They would ideally like to match the privets that are on the neighboring property that were approved in 2008 but have not yet been able to identify them.

Commissioner Freeman asked the C.O. for her response to the newly proposed flood vents. The C.O. stated that it was a step in the right direction, however, the property is the low spot and she is concerned about repercussions for the neighborhood. She suggested that the ideal situation would be to have the whole house elevated on a piling foundation; it floods that badly with both inland flooding and coastal flooding. The drainage system in the area is such that when the tide is high the water doesn't flow out. Commissioner Freeman asked the C.O. if she felt peer review expertise was needed. The C.O. stated she wasn't sure but that she was very concerned about the proposal and what impacts it will have on flooding.

R. Grady stated that there were two different scenarios to consider, one is the day to day rainstorms without a flood event and those would be accommodated by the proposed infiltration system. For coastal storm events, what is proposed is not going to increase the flood elevation and DEP does not require compensatory flood storage for a coastal area. The volume that they would be displacing is about 18" below the proposed structure, adds up to 2,000 cf, and will not increase the flood elevation during a coastal storm event; what is displaced is de minimis in volume compared to the ocean.

Commissioner Hidell asked for the elevations of the house structure, foundation and piers. R. Grady supplied the Commission with the house plans with the elevations indicated and explained that there are no piers proposed, only a wall foundation. Commissioner Hidell stated he would like to see the whole foundation structural details as well as the calculations on the subsurface stormwater chamber system and R. Grady said that he could provide that information. Commissioner Hidell asked for clarification on the drainage piping with

the garage. R. Grady described the existing grades on the site, how some water infiltrates and some water flows back towards the garage; some gets caught by the catch basin when the tides allow. Depending on the height of the tide or the flood, that water would elevate up on the proposed foundation (top of foundation is at 12.3') and there would be water up against the foundation about 18" deep but it would be below the structure because it's allowed to enter the structure and flow freely through the pipes. As the water recedes, it would go partly towards Beach Lane and partly to an existing pipe that discharges to Wompatuck Road. Commissioner Hidell stated that it acts as a holding basin until such receding takes place and asked how it influences the proposed subsurface storm chamber system. R. Grady stated that it would be full and the yard would be full until the water recedes, similar to what happens today.

Commissioner Freeman commented that although they are proposing to build somewhat in the same 50 ft encroachment as the existing structure, that it is recommended that they still provide some mitigation; either additional plantings or reducing the size of the structure. R. Grady stated that they would prefer to enhance the landscaping, possibly along the revetment even though it is currently well vegetated.

Commissioner Freeman commented that the big issue is the flooding and also the regulation 23.6 (a) regarding filling and that it not adversely affect the resource area or buffer.

The C.O. asked R. Grady to expand on why a wall type foundation is required for the duct work. R. Grady explained that a wall type foundation was preferable to a pile type foundation for the duct work; it is not necessarily required. It takes more work to shelter or protect the ducts with a pile type foundation and the ducts are more frequently damaged and have a shorter life expectancy. The C.O. commented that the Building code would require them to have their systems above the flood elevations, and R. Grady responded that the flood elevation is 11 and the top of the foundation at 12.3" therefore there would be about 15 inches near the floor joists for the duct work. He added that there would be a crawl space of a height 12.3" to 9.6".

The Assistant C.O. asked if there was some way to infiltrate the runoff from the driveway to give some treatment and suggested that there be an Operation and Maintenance Plan (O&M) for a future homeowner to know what needs to be cleaned out. R. Grady stated that in their revision they had included installation of a perforated pipe and surround that with crushed stone.

R. Grady stated that he didn't feel that a peer reviewer would be necessary, that he felt they could work with staff to reach resolution on any outstanding issues.

Commissioner Freeman invited any comments from the public.

Kathleen Fitzgerald, 199 Wompatuck Road, commented that the original revetment was installed by the homeowner of 2 Beach Lane in 1994 after a 1992 storm event. At that time it was permitted as a 'dune' but in the end was a gravel dike which covered 20-30 ft of the public way. Until that time, there wasn't a problem with flooding, the water would come in but then flow out again. Since the revetment went in, it's problematic as the water comes over it and doesn't have a means to get out. During the storm this past spring, the DPW had to go down to punch out a huge piece of the gravel dike to allow the water to flow through.

K. Fitzgerald acknowledged that area is not where they are proposing to build the house and is likely a separate issue more suited to be worked on by DPW and Conservation, however, one of her concerns is, as it is next to the public park and the only neighborhood access to the beach, how will the infiltration system work and how will it impact the roadway, as the two street catch basins don't handle the water as it is. R. Grady stated that the infiltration system is not meant to hold back the ocean; it is solely for routine rainstorms and to mitigate for the increase in impervious coverage; in a flooding event it is not going to make the flooding any worse but it is not going to help correct the flooding either.

The C.O. clarified that the concern is not so much the impervious coverage, but rather the mass. She explained that right now there is a small house on a larger lot with a low spot that can hold water and what is proposed is a larger structure (mass) that would be taking up space where the floodwater would have gone.

R. Grady reiterated that as a coastal project, they are not required to provide compensatory flood storage, adding that displacing 2000 cf of area in the flood zone is not going to increase the elevation of the ocean during a flood event. Commissioner Freeman stating that they are, however, altering the water flow. Responding to Commissioner Hidell's question, R. Grady stated that the roof area is increasing from 1185 sf to 2933 sf, therefore an additional ±1800 sf of roof. R. Grady stated that they would submit the drainage calculations. He added that they had some thoughts about the flood displacement and would be discussing them with the C.O. and, based on her written comments, they will do a soil test pit to see how the soils are.

Kyle Von Iderstein, 5 Beach Lane, expressed that his concerns are for safety and the water displacement. He described the two storms that past winter (2018), during which there was 3 ft of water running down the street. The houses most directly impacted were 1 Beach Lane, 2 Beach Lane and his house at 5 Beach Lane. During that flooding the water was high enough to total his Jeep. During the flooding of January 4<sup>nd</sup> and the second storm March 13<sup>th</sup>, the majority of water went to 2 Beach Lane, definitely the lowest lying point in the neighborhood. Due to the revetment, the water came in but couldn't go out. Twice, a bulldozer came to push out the rocks to let the water out and it has been rebuilt since that time. He questioned, with the expansion of the house, the fill and the proposed swale directing water right to his house, where the water will go. He showed and submitted a video of the flooding to the Commission.

Commissioner Hidell asked who owns the revetment and R. Thompson explained that the revetment belongs to 2 Beach Lane. R. Thompson then explained that the neighbors are referring to the public road where it's built up at the end so the water can't come in, but when it floods, DPW has to come down and plow it out.

R. Grady commented that the video was likely during a storm event in the elevation 11 range and agreed that the water over this property in an event like that is 3 ft deep. The swale is intended for a day to day rainstorms to ensure the water doesn't go beyond the property line; that water being 3 ft below a floodwater. The proposed grade is not going to make a difference on which direction that floodwater flows; it's going to be 3 ft over 2 Beach Lane and 3 ft over the road in a flood event.

Commissioner Hidell asked who in the public had lived in the neighborhood for more than 40 yrs and if they had any observations in terms of intensity or frequency of flooding. A few residents raised their hand with one saying that the flooding during the Blizzard of '78 was very bad (a hundred year storm) and that last winter's storms were nearly equivalent. Kathleen Fitzgerald commented that when the original owner of 2 Beach Lane installed the revetment they exceeded the limits of the permit and put the gravel dyke 20 ft onto the public way. Since then she's been to all the meetings regarding the problem it created and the neighbors hired Stan Humphries, a coastal zone geologist, who said that as long as that was there, they were going to have more water than can recede. She added that they've asked the town to just punch it open and just leave it open, but that DPW does not want to bring equipment in to remove it and yet, until it's gone, it's going to exacerbate any flooding because the water can get in but cannot recede. She added that the catch basins in the street can't handle the water, when there is a stone wall holding the water back from flowing out.

R. Grady floated the idea, if the Commission were interested, that as part of their mitigation, they might be able to lower the grade along near their property, even if in the right of way at the edge of the berm, and help the situation. The C.O. informed the Commission that it is Board of Selectman controlled.

Commissioner Hidell asked how deep is groundwater and R. Grady stated that he would guess that it's about 5 ft below surface, but would be able to answer that definitively when they dig the soil test pit.

**Motion:** Commissioner Hidell moved to continue the hearing for 2 Beach Lane (DEP 034-1330) to January 28, 2019.

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

**5 Sycamore Lane** – DEP 034-1331

Applicant: Georgia Driscoll

Representative: Steve Ivas, Ivas Environmental

Proposed: Construction of addition and front porch

Excerpts from the staff memo: *The applicant is proposing to construct a 451 sq. ft. addition and 240 sq. ft. enclosed porch as well as a 12ft x 15ft deck at the rear of an existing single family house. The addition and porch would have a frost foundation with crawl space, and the deck will be on three Sonotubes. The additions would be partially constructed within an area already occupied by an existing wooden deck, which would be removed. The remainder of the work would take place in existing lawn. Two drywells are proposed to infiltrate rooftop runoff and mitigate for the increase in impervious area on the lot. All work would take place in the 100ft buffer zone to a bordering vegetated wetland associated with an intermittent stream. The closest point of the proposed work is the stairs off the deck, which would be 53 ft. from the resource area. The deck itself would be 55ft away and the addition would be 60ft, at the closest. There is also an existing wooden stockade fence around the lawn and between the wetland and the proposed work. The applicant is also proposing a front porch, but this work is outside of the 100ft buffer zone and otherwise unconnected to the other proposed work.*

*Staff made a site visit on 12/31/18. As the wetland is located off site on private property, staff did not verify every wetland flag, however staff was able to view a large portion of the wetland and confirm the closest point to the work. In addition, the wetlands consultant has previously flagged the same wetland for other filings with the Commission and no prior issues were noted with the delineation. The area where work is proposed is currently developed or existing lawn, which slopes gently towards the rear of the property. A small number of ornamental plantings would be removed for the work. The overall potential impact to the adjacent wetland is minor.*

*In regards to the proposed structures, Part 2, Section 23.7(b) of the Regulations states that "The Commission may at its discretion allow a proposed structure on a wall-type foundation within 100 to 50 feet of the Resource Area, as defined in HWR 2.0 (1-5), if satisfied that mitigation required in the Order of Conditions is sufficient to protect the Resource Area." With proper erosion and sedimentation controls and the proposed post-construction stormwater mitigation, staff does not believe the proposed work will negatively impact the resource area.*

Meeting Documents & Exhibits: Staff memo

Applicant Georgia Driscoll was present, clarified that the entire project was outside of the 50 ft buffer and briefly described the project. She stated that she was fine with the draft conditions as written in the staff memo.

Commissioner Freeman invited any comments from the public.

Mr. and Mrs. Flynn, 2 Langlee Road, rear abutters to 5 Sycamore Lane, were present and explained that the 50 ft buffer line and wetland is actually on their property. They had not seen any plans or knew anything about the proposal, their property is downgradient from 5 Sycamore and have concerns that there will be a lot more water on their property, as their basement currently floods. Discussion followed with G. Driscoll describing and answering questions regarding the proposal in detail. The Flynns were provided with a copy of the plan. The Assistant C.O. stated that taking into consideration the proximity of neighbors and high ground water, she felt the two proposed drywells were appropriate mitigation to accommodate the runoff from the addition, allowing the water to slowly infiltrate into the ground. Further discussion followed with the Commission examining and clarifying all the items on the plan.

The Flynns explained that they have a sump pump in their basement and they have to call DPW two to three times a year to come and clear out the culvert under the road; when it gets backed up it obstructs the flow of water. G. Driscoll stated that there is a stormwater pumping station at the culvert and the town has a drainage easement there as well. Discussion regarding management of the culvert and responsibility followed with G. Driscoll confirming that one draft condition requires her to be responsible only for maintaining the

drywells on her property. The Flynnns were satisfied that there was a plan in place to handle the runoff and any displaced water.

With no further public comment, Commissioner Freeman closed the hearing to public comment.

**Motion:** Commissioner Zane moved to issue an Order of Conditions for the proposed work at 5 Sycamore Lane (DEP 034-1331), as shown on the submitted plans, and adopt the findings of fact a and b, and special conditions 1 through 17 of the staff report.

Findings:

- a. The project meets the submittal requirements for issuance of an Order of Conditions under the Wetlands Protection Act (M.G.L. c. 131, § 40) and the Town of Hingham Wetland Regulations.
- b. The work described is within an area subject to protection under the Wetlands Protection Act (M.G.L. c. 131, § 40) and the Town of Hingham Wetland Regulations, and will not alter or adversely affect the area subject to protection under the Act or the Regulations.

Conditions:

1. The applicant shall notify the Hingham Conservation Commission in writing of the name, address, and telephone number(s) of the project supervisor or contractor who shall be responsible for ensuring compliance with this Order and shall notify the Commission, by telephone or writing, at least 48 hours prior to commencement of work on the site.
2. This document shall be included in all construction contracts and subcontracts dealing with the work and shall supersede all other contract requirements.
3. The project supervisor or contractor in charge of the work shall have a copy of this Order available on the site at all times.
4. Prior to the start of any excavation or construction, there shall be a pre-construction conference on the site between the project supervisor or contractor responsible for the work and an agent of the Commission to ensure that the requirements of this Order are understood.
5. Prior to the start of any excavation or construction, erosion and sediment controls shall be installed, as shown on the final approved plan, and inspected by an agent of the Commission; straw wattles and/or hay bales will not be used as a form of erosion or sediment control.
6. Erosion and sediment controls shall remain in place until all disturbed or exposed areas have been stabilized with a final vegetative cover or the Commission has authorized their removal.
7. During all phases of construction, all disturbed or exposed areas shall be brought to a finished grade and either a) loamed and seeded for permanent stabilization, or b) stabilized in another way approved by the Commission.
8. Any debris, which falls into any resource area, shall be removed immediately by hand.
9. Any on site dumpsters shall not be located within 50 feet of any resource area.
10. There shall be no stockpiling of soil or other materials within 50 feet of any resource area.
11. Issuance of these conditions does not in any way imply or certify that the site or downstream areas will not be subject to flooding, storm damage, or any other form of damage due to wetness.
12. Any dewatering activities on the project in which water will be released into any resource area or storm drain shall make use of a stilling pond or similar device to remove sediment before the water is released.
13. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 50 feet of any resource area.
14. Before executing any change from the plan of record, the applicant must have the Commission's written approval. Any errors found in the plans or information submitted by the applicant shall be

considered as changes. Approval from other Town Agents or Inspectors does not relieve the applicant from obtaining approval from the Commission.

15. It is the sole responsibility of the owner of record to maintain drainage structures at all times. Drainage facilities shall be cleaned on an as-needed basis and checked every six months. The property owner is responsible for maintaining records of this maintenance and cleaning for review by the Commission. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
16. The applicant shall apply for a Certificate of Compliance as soon as work has been completed and prior to the expiration of this Order. If work cannot be completed prior to the expiration of this Order, the applicant shall contact the Commission in writing to apply for an extension at least thirty days prior to the expiration date.
17. The applicant shall submit an “as built” plan to the Commission upon completion of this project. The plan shall be signed by the professional engineer of record, who shall certify that the work has been done in accordance with the approved plans and this Order. This plan must be submitted prior to the issuance of a Certificate of Compliance by the Commission.

**Second:** Commissioner Mosher

**In Favor:** All

**Opposed:** None

**Hingham Harbor (Inner Harbor Mooring Area) – DEP 034-1332**

Applicant: Ken Corson (Harbormaster), Town of Hingham

Representative: Christine Player, Foth-CLE Engineering Group

Proposed: Maintenance dredging of inner harbor mooring area

*Excerpts from the staff memo: The Town is proposing to conduct maintenance dredging within the Hingham Harbor Mooring Basin, near the Route 3A Rotary, in order to provide safe navigation within the Harbor, which includes the Town’s mooring field. The dredging will remove approximately 61,650 cubic yards of material, via mechanical means, which will be disposed of offshore at the Massachusetts Bay Disposal Site (pending federal approval). The dredging will restore a depth -6.0 feet MLLW, with an allowable 1 foot overdredge to -7.0 feet MLLW, within the existing 30 acre footprint of the Basin. The Basin has been dredged nine times prior to this proposal, with the most recent effort taking place in 2009-2010.*

*A disposal alternatives analysis was provided with the Notice of Intent application. Based on the physical nature of the 2009-2010 dredge material, sediments are anticipated to consist of a silt and clays, with a fines content exceeding 96% and are therefore considered unsuitable for beach nourishment and re-use as landscaping or roadway sub-base. Nearshore and unconfined offshore disposal options are also limited due to the nature of the material. Finally, upland disposal would be labor intensive and cost prohibitive, in addition to other safety and nuisance concerns like traffic congestion and odors, given the volume of material that would need to be processed.*

*It is anticipated that the current proposal will receive all local, state, and federal permits in time for the work to be conducted during fall 2019–winter 2020. Dredging operations will be limited to a four month period between October 1<sup>st</sup> and February 1<sup>st</sup> to protect spawning, larval and juvenile development of winter flounder and shellfish.*

*As the applicant, the Town is exempt from the state’s filing fees, but not the local filing fees. The Town has requested a waiver from the local filing fees and staff recommends waiving these fees.*

*Meeting Documents & Exhibits: Staff memo*

Christine Player of Foth-CLE Engineering Group and Harbormaster Ken Corson were present and described the proposal. Based on their survey done last year they calculated that there would be a volume of 62,000 cubic yards dredged and in order to accomplish that they need a full dredge window. She stated that of the 30 acres of basin, 27 acres are considered Land Under Ocean and there is a small corner that is

Intertidal (next to the boatramp). They also have mapped shellfish areas and that acreage is approximately 1.5 acres and located mostly on the peripheral areas of the basin.

C. Player explained that if they get all the permits required in time, they would like to get it out to bid in spring and get a contractor on board, so that as soon as the fall dredge window opens, they could get started and complete the dredge within one season. With the dump scow being brought offshore about 25 nautical miles, it's critical to get started as early as possible. October 1<sup>st</sup> is the earliest that the Department of Marine Fisheries has historically allowed and the end of the dredge window is January/February. K. Corson stated that the boaters are notified well in advance that the boats and moorings have to be out by October 1<sup>st</sup>. Brief discussion followed regarding the timing, funding and permitting.

C. Player stated that they would prefer a change in draft condition # 18 that calls for dredging to occur during the mid to high tide cycles to avoid the vessel from grounding. She added that these types of conditions are common but they don't specify a mid to high tide cycle; typically they state that the vessel is not allowed to ground out and that is enough guidance for the contractor. She stated that she would prefer not to have that ambiguity in the condition so that it doesn't slow up the operation. Discussion followed concluding that condition #18 still details the time of year and so will remain a condition, but the language regarding grounding out and tide cycles can be eliminated. Condition #16, addressing grounding out, will remain as written.

The C.O. asked if any dredging work was being done near the boat ramp and C. Player responded that they are doing no work around the boat ramp and that they are not going beyond the area that has historically been dredged. The C.O. gave them the heads up that various wharf walls have been permitted for raising and she is uncertain when that work will commence.

The C.O. stated that a letter from the Division of Marine Fisheries had arrived and they are recommending the same time of year restrictions that are currently in the order, February 15<sup>th</sup> through September 30<sup>th</sup>. The only other comment from DMF was to try to think creatively about restoration projects or stormwater management projects within the harbor to extend the period of time in between each dredge.

Commissioner Freeman invited any comments from the public. With no public comment, Commissioner Freeman closed the hearing to public comment.

**Motion:** Commissioner Mosher moved to waive the Town By-Law fee and issue an Order of Conditions for the proposed work at the Hingham Harbor Mooring Basin (DEP 034-1332), as shown on the submitted plans, and adopt the findings of fact a and b, and special conditions 1 through 20, as amended, of the staff report. *(The conditions as listed below reflect the change to draft condition #18 as discussed at the meeting).*

Findings:

- a. The project meets the requirements for issuance of an Order of Conditions under the Wetlands Protection Act (M.G.L. c. 131, § 40) and the Town of Hingham Wetland Regulations.
- b. The work described is within an area subject to protection under the Wetlands Protection Act (M.G.L. c. 131, § 40) and the Town of Hingham Wetland Regulations, and will not alter or adversely affect the area subject to protection under the Act or the Regulations.

Conditions:

1. The applicant shall notify the Hingham Conservation Commission in writing of the name, address, and telephone number(s) of the project supervisor or contractor who shall be responsible for ensuring compliance with this Order and shall notify the Commission, by telephone or writing, at least 48 hours prior to commencement of work on the site.
2. This document shall be included in all construction contracts and subcontracts dealing with the work and shall supersede all other contract requirements.
3. The project supervisor or contractor in charge of the work shall have a copy of this Order available on the site at all times.

4. Prior to the start of work, there shall be a pre-construction conference on the site between the project supervisor or contractor responsible for the work, the Town's Harbormaster, and an agent of the Commission to ensure that the requirements of this Order are understood.
5. Prior to the start of work, any comments received from the Division of Marine Fisheries shall be addressed.
6. Prior to the start of work, copies of all applicable federal, state, and local permits, certifications, and approvals shall be submitted to the Commission.
7. Prior to the start of work, and in consultation with the Town's Harbormaster, who also functions as the Town's Shellfish Constable, the applicant shall contribute a sum of money to the shellfish mitigation fund in accordance with the formula for contribution established by the Town's Harbormaster.
8. Prior to the start of work, the applicant shall notify the Conservation Department, in writing, of the plans for sediment disposal as soon as they are known.
9. If upland disposal is pursued, and prior to the start of work, the applicant shall submit plans to the Conservation Department detailing the dewatering site, including the location of erosion and sediment controls.
10. If upland disposal is pursued, and prior to the start of work, the applicant shall establish a truck traffic management plan in consultation with the Town's Planning and Police departments.
11. Any debris, which falls into any resource area, shall be removed immediately by hand.
12. There shall be no stockpiling of soil or other materials on the resource areas adjacent to the Basin, including tidal flat, coastal beach and salt marsh.
13. Issuance of these conditions does not in any way imply or certify that the site or downstream areas will not be subject to flooding, storm damage, or any other form of damage due to wetness.
14. Any dewatering activities on the project in which water will be released into any resource area or storm drain shall make use of a stilling pond or similar device to remove sediment before the water is released.
15. Before executing any change from the plan of record, the applicant must have the Commission's written approval. Any errors found in the plans or information submitted by the applicant shall be considered as changes. Approval from other Town Agents or Inspectors does not relieve the applicant from obtaining approval from the Commission.
16. All work shall be planned to avoid grounding of any barge or heavy equipment on the resource areas adjacent to the Basin, including tidal flat, coastal beach and salt marsh.
17. The applicant shall utilize Best Management Practices to limit turbidity during dredging.
18. Dredging shall take place outside the time of year restriction of February 15 to September 30, or as otherwise specified by the Division of Marine Fisheries.
19. The applicant shall apply for a Certificate of Compliance as soon as work has been completed and prior to the expiration of this Order. If work cannot be completed prior to the expiration of this Order, the applicant shall contact the Commission in writing to apply for an extension at least thirty days prior to the expiration date.
20. The applicant shall submit an "as built" plan to the Commission upon completion of this project. The plan shall be signed by the professional engineer of record, who shall certify that the work has been done in accordance with the approved plans and this Order. This plan must be submitted prior to the issuance of a Certificate of Compliance by the Commission.

**Second:** Commissioner Zane

**In Favor:** All

**Opposed:** None

Other Business:

Ethics training reminder and discussion of Mullin Rule

The C.O. reminded the Commission of the online Ethics training and need for submission of certificate. The C.O. reminded the Commission of the Mullin Rule.

Commissioner Freeman adjourned the meeting at 9:58 pm.

Submitted, \_\_\_\_\_

Sylvia Schuler, Administrative Secretary

Approved on January 28, 2019

*Meetings are recorded. To obtain a copy of the recording, please contact the Conservation Office.*