



CONSERVATION COMMISSION MEETING MINUTES –January 9, 2023

Present: Crystal Kelly-Chair, Laurie Freeman, Bob Hidell, and Bob Mosher– Commissioners and Loni Fournier- Interim Conservation Officer (ICO)

Absent: Carolyn Nielsen, Nina Villanova, and Tom Roby

The remote meeting was held via Zoom with Dial in #929-205-6099, Meeting ID # 847 0754 7703

The meeting was called to order at 7:01 PM.

Chair Kelly stated that the meeting is being held in person and/or remotely as an alternate means of public access pursuant to Chapter 107 of the Acts of 2022 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. No participants expressed a wish to record the meeting.

Approval of Minutes

September 28, 2022 eligible- KELLY, NIELSEN, HIDELL, ROBY, FREEMAN & MOSHER

Motion: Comm’r Mosher moved to approve the 9/28/22 draft meeting minutes.

Second: Comm’r Freeman

Roll Call: Comm’r Kelly: aye, Comm’r Hidell: aye, Comm’r Freeman, and Comm’r Mosher: aye

October 12, 2022 eligible- KELLY, NIELSEN, ROBY, FREEMAN, & MOSHER

Quorum was not reached to vote on these minutes.

October 20, 2022 eligible- KELLY, NIELSEN, HIDELL, ROBY, FREEMAN, & MOSHER

Motion: Comm’r Mosher moved to approve the 10/20/22 draft meeting minutes as amended.

Second: Comm’r Freeman

Roll Call: Comm’r Kelly: aye, Comm’r Hidell: aye, Comm’r Freeman, and Comm’r Mosher: aye

December 12, 2022 all eligible

Motion: Comm’r Mosher moved to approve the 12/12/22 draft meeting minutes.

Second: Comm’r Freeman

Roll Call: Comm’r Kelly: aye, Comm’r Hidell: aye, Comm’r Freeman, and Comm’r Mosher: aye

Certificates of Compliance

14 Kents Lane – DEP 034-1412

Applicant: Harborview Development, LLC

Representative: Jeffrey Hassett P.E., Morse Engineering Company, Inc.

Meeting Documents & Exhibits: Staff memo, Request for Certificate of Compliance, and As-Built Plan (11/23/22)

Excerpts from the Staff memo: An Order of Conditions was issued in June 2021 for the demolition and reconstruction of a single family house. The as-built plan largely adheres to the final approved plan, with the only discrepancy being the deck stairs, which extend farther into a lawn area and the 50ft BVW and 100ft Vernal Pool buffer zones than approved. Staff inspected the property on 12/21/22 and noted that three replacement trees were not planted, rooftop runoff from a portion of the garage and house was not being captured by the installed drywell or a stone trench, and crushed stone

and 12 “steppingstone” pavers were installed near the deck. Erosion from the rooftop runoff was evident at the garage, but not the house. Staff notes that condition #38 of the Order required all rooftop runoff to be infiltrated on site, using either drywells, infiltration chambers, or drip edge stone trenches.

The applicant intends to plant three oak trees (*Quercus Palustris*) this spring and install a stone trench along the rear of the garage as soon as possible, per staff’s recommendation. Staff notes that erosion controls are still in place across the entire property and will remain until the site is stable.

Applicant Patrick Blair from Harborview Development was present on the call along with representative Jeffrey Hassett from Morse Engineering. J. Hassett described the project to raze and reconstruct the house on the property and stated that mitigation planting had been required. He stated that all work is complete, including remedial installation of a stone trench where the ICO had observed erosion. The mitigation planting has been installed however J. Hassett explained that due to the severe drought, the landscaper had advised to wait to plant the 3 replacement oak trees. He stated that they are seeking a partial certificate of compliance; the 3 oak trees will be planted in the spring and those and the mitigation areas require 2 growing seasons.

The ICO stated that she’d been sent photos that confirmed installation of the stone trench and noted that when the applicant returns for a full certificate of compliance, there would be an opportunity to check that area again. Responding to Commissioner questions, the ICO stated that the incursion in to the 50ft buffer was a couple of feet, in an area that was maintained as lawn, and that she felt there would be no significant resource area impacts from that change.

Motion: Comm’r Freeman moved to issue a partial Certificate of Compliance for 14 Kents Lane, MA DEP 034-1412.

Second: Comm’r Mosher

Roll Call: Comm’r Kelly: aye, Comm’r Hidell: aye, Comm’r Freeman: aye, and Comm’r Mosher: aye

52 Union Street – DEP 034-1339

Applicant: Gregory J. Morse, P.E., Morse Engineering Company, Inc.

Representative: Jeffrey Hassett P.E., Morse Engineering Company, Inc.

Meeting Documents & Exhibits: Staff memo, Request for Certificate of Compliance, and As-Built Plan (11/16/2022)

Excerpts from the Staff memo: This project received a partial Certificate of Compliance in May 2020, with the only outstanding condition being the survival of the mitigation plantings. Staff inspected the plantings on 12/21/22 and verified that 18 of the 20 trees have survived (90%). The applicant is eligible for a full Certificate of Compliance.

Jeffrey Hassett from Morse Engineering was on the call and summarized that the project had received a partial certificate of compliance and the mitigation planting had survived the 2 growing seasons. The ICO confirmed, noting that the condition had required 75% survival and 90% of the mitigation plantings had survived. The Commission had no questions.

Motion: Comm’r Freeman moved to issue a Certificate of Compliance for 52 Union Street, MA DEP 034-1339.

Second: Comm’r Mosher

Roll Call: Comm’r Kelly: aye, Comm’r Hidell: aye, Comm’r Freeman: aye, and Comm’r Mosher: aye

33 Hobart Street (formerly 35 Hobart Street) – DEP 034-1187, cont’d from 12/12/22

Applicant: Brian Murphy, Demos Realty Trust

Meeting Documents & Exhibits: Staff Memo and Mitigation Completion Memo (12/12/22)

Excerpts from the Staff memo: This discussion was continued from August 2022 to October 2022 to give the applicant time to complete native planting and invasive species removal work. The applicant was not present at the October meeting, so the discussion was continued to 12/12/22, the latest date available at the time. The representative submitted a mitigation completion memo on 12/12/22, but was unable to attend the meeting due to a scheduling conflict. Staff has since inspected the property, on 12/21/22, and is satisfied with the work.

Brad Holmes from ECR and Al Loomis from McKenzie Engineering Group, Inc. were present on the call (after a delay during which the Commission proceeded with the remaining COCs). A. Loomis stated that a mitigation completion memo had been submitted, confirmed that invasive species management had occurred, and that 25 shrubs of various species and 6 saplings had been planted; photos of the plantings were also submitted. The ICO confirmed this information and stated that the site is stable and is suitable for a partial COC. The Commission had no questions or comments.

Motion: Comm’r Mosher moved to issue a partial Certificate of Compliance for 33 Hobart St, MA DEP 034-1187.

Second: Comm'r Freeman

Roll Call: Comm'r Kelly: aye, Comm'r Hidell: aye, Comm'r Mosher: aye, and Comm'r Freeman: aye

230 Ward Street – DEP 034-1049

Applicant: Maureen Trifone

Representative: Austin Chartier P.E., McKenzie Engineering Group

Meeting Documents & Exhibits: Staff memo, Request for Certificate of Compliance documents, As-Built Plan (12/7/22), photos of most recent work to resolve some items.

Excerpts from the Staff memo: An Order of Conditions was issued in March 2011 for several improvements to equestrian amenities, including new paddocks, an arena and barn, landscaping, and stormwater management. The applicant first filed a Request for a Certificate of Compliance in 2019. Discrepancies between the as-built plan and final approved plan were noted. While inspecting the property, staff identified a number of issues and the applicant chose to withdraw their application and address the issues. Discrepancies between the latest as-built and final approved plan remain. Staff also re-inspected the property on 12/21/22 and while a few of the previous issues were addressed, a handful of others remain (more below). The representative informed staff that additional work would be completed ahead of the meeting.

Austin Chartier from McKenzie Engineering was present on the call along with the applicant, Maureen Trifone. A. Chartier reviewed the permitting history of the project. He stated that in the prior week, Iaria Brothers Inc had been to the site to address some of the ICO's comments. A. Chartier explained that they were interested in the commission's thoughts on a few of the remaining comments.

A. Chartier shared the As-Built plan to the screen, and commented on the area where a shallow detention basin had been proposed to the east side of the barn. He pointed out the drains from the barn, stated that there is not a lot of water flowing off the driveway in that area, and added that the horses use that area so it would be preferable if a shallow basin is not installed there. He stated that sedimentation was not seen in the wetlands near there and that the field itself acts as a grass swale or pretreatment device. He shared another plan with more detail to the screen, pointed out the riprap overflows and commented that they seem fairly unused and in good shape. He suggested that perhaps the subsurface system under the equestrian arena is overdesigned and the water isn't coming out of there.

The ICO stated that she could agree with the assessment of that area; the area where the shallow basin should be is fully vegetated and stable. She explained that the only runoff is overflow rooftop runoff after it's filled the chamber under the barn, and she thinks the stones would do a decent job of catching and solids, however, the shallow basin was originally required. A. Chartier acknowledged that it was in the original OOC, noted the current owner was not involved in the original permitting and she trying to close up loose ends. A. Chartier stated that in his opinion, it's not necessary. He shared a photo of the overflow outlets and pointed out the downspouts that are directed under the building. Any overflows go out to the stone infiltration areas and any overflow from those would have 50ft of grass to go over. Responding to a commission question as to why it might not have been done, A. Chartier suggested that possibly the receiving soils under the barn might be better than had been thought. Comm'r Hidell stated that the soil work and calculations done for the original plan should explain why it was designed to that size, adding that it could be problematic, particularly on that property, if there is a heavy rainstorm. A. Chartier agreed to look into what was originally calculated.

Addressing a different area, labeled Riding area #1, A. Chartier described the riding area as loose disturbed soil and a heavy rain could produce runoff and sedimentation. It is pitched toward a grassed swale. He explained that between the riding area and the swale, a small berm has formed due to wear and tear from the arena. They propose to keep the berm as in a storm event it helps keeps the water in the riding area, promotes infiltration and prevents sedimentation towards the grass swale. He stated that there is a small depression where water does get out and that area had some sand and sedimentation which they've had cleaned out. They've also installed a check dam at that outlet to keep the sand in the riding area. A. Chartier believes the small berm is beneficial to the stormwater. The ICO agreed that the material making up the berm is coming from the riding area, stated that the riding area had recently been topped off with sand, and described a small 'breakout' area in the berm that had let a lot of sand down into the grass swale, likely due to a heavy rain. The ICO commented that as long as the top surface of the arena is sand, then she agrees that the berm is useful, otherwise it will continue to be a maintenance issue to keep the grass swale clear. She added that there is now the benefit of a check dam and riprap at the end. She stated that stormwater from the riding area was meant to go to the swale, is obstructed by the berm, but given that the riding area is currently maintained with

a sand topcoat, she feels the berm is beneficial. Responding to a question about whether there was any other element in the sand matrix, A. Chartier stated that it's definitely natural material, sand, in order to prevent mud.

Addressing the plantings, A. Chartier stated that his crew had surveyed and located 27 trees that have matured. He added that there were some other plantings and shrubs originally approved and he can't speak to why they're not there, but the area has filled in on its own. He noted that the wetland line is right behind the trees and very thick. They are not proposing to add any shrubs. The ICO stated that the plantings had probably been installed 10 years ago, it is unclear when the work was done or whether plants were planted but didn't survive. She noted that evergreen trees had been included in the approved plantings, and yet she'd only seen deciduous trees on site. She stated that in her opinion, it did not need further plantings to achieve the goals; mother nature is taking over and along with the trees, there is young growth and leaf litter.

Regarding the concrete pad that was not on the original plan, A. Chartier explained that the area is used to groom horses and the applicant would like to keep it. He stated that it is in the 50ft buffer zone to a Bordering Vegetated Wetland, however it was a disturbed area prior to installation of the pad. Responding to Commission questions, A. Chartier confirmed that horses are washed on the pad, and M. Trifone confirmed that they are also washed by the other barn towards the front of the property, and in both cases the wash water runs off the concrete pad into the surrounding dirt. M. Trifone stated that there are twenty horses on site. Comm'r Hidell commented there are a lot of chemicals in soaps used on horses, and that it's likely the water is running the whole time they're washing the horses, amounting to a fair amount of water. The ICO commented that her concerns are that the concrete pad is additional impervious in the 50ft buffer and she shares the Commissioners' concerns about the use of the pad. She asked if any modifications to the pad, such as a trench drain or crushed stone, might alleviate concerns. Brief discussion followed regarding possible modifications; installing a stone trench/interceptor trench to divert water or lifting the pad up to angle so water drains away from the wetlands.

Scheduling discussion followed. The applicant and Commission were in agreement to continue the hearing to the Commission's February 13th meeting.

Motion: Comm'r Freeman moved to continue 230 Ward Street, MA DEP 034-1049, to February 13th, 2023.

Second: Comm'r Mosher

Roll Call: Comm'r Kelly: aye, Comm'r Hidell: aye, Comm'r Freeman: aye, and Comm'r Mosher: aye

0 Otis Street (Town boat ramp) – DEP 034-1347

Applicant: Foth Infrastructure & Environment, LLC

Representative: Michael Count, Foth Infrastructure & Environment, LLC

Meeting Documents & Exhibits: Staff memo, Request for Certificate of Compliance packet including photos and As-Built Plan (drawn 12/2/2022).

Excerpts from the Staff memo: An Order of Conditions was issued in September 2019 for the reconstruction of the Town's concrete boat ramp, with the addition of a timber pier and three seasonal, pile-supported floats. The as-built plan largely adheres to the final approved plan, with two noteworthy discrepancies: 1) 24 timber piles were installed under the boat ramp (within the same footprint) in order to meet the bearing capacity design loads on the ramp and 2) the six timber piles for the floats were replaced with steel piles due to the substrate conditions and required embedment length.

Mike Count from Foth, was present on the call on behalf of the town and explained that the boat ramp reconstruction project with access pier and floats is completed and they had an As-Built survey done in August. They are currently filing to close out the Chapter 91 license with DEP. He stated that the floats are designed to be removed seasonally and have 4" X 6" float skids on the bottom. He stated that historically the harbormaster has dragged the floats up the boat ramp and out and stores them along the edge of the parking area. M.Count explained that that is the plan going forward. He stated that they did have a local contractor who usually does this job come out and typically he puts the gangway on top of the floats and pulls them out that way, however, the new gangway is too large for them to place on top of the floats. He stated that the contractor will be getting back out there to come up with a system where they can store the float [sic] horizontally, mount it to the two first float piles, and then float them up the ramp and out, and store them for the winter.

M.Count stated that there had been some design changes from the approved plan and stated that the Office of Fishing and Boating Access had provided copies of the construction plan and specifications to the former CO. M.Count described the modifications. One; because the final lengths needed for the float pilings were over 60ft long, timber was not available and they accepted 14" diameter steel pipe pile substitutions. And two; they added 24 timber support piles

within the footprint of the concrete ramp to support the boat ramp; the design called for 25ft minimum embedment or minimum 55 ton capacity, ensuring the longevity of the pier itself given the weight of the commercial launch traffic. These were driven, within the cofferdam, during construction. Those were the two modifications to the design. He stated that, as far as the spacing between the boards, the pier itself is ADA accessible therefore the spacing proscribed by the bylaw would not meet ADA guidelines.

The ICO briefly commented on the modifications, noting that the paper trail in the file was perhaps not complete. She advised the Commission to wait on issuance of a Certificate of Compliance until the floats are removed or capable of being removed, noting that October is typically when floats are removed. The Commission was in agreement to hold off on issuing a Certificate of Compliance until a solution is found. M. Count briefly described some of the possible solutions being investigated for the float removal process, stated that the ACK Marine contract is complete and closed out, and that he was going to recommend some contacts to the harbormaster. Brief scheduling discussion followed with M.Count and the Commission in agreement to continue to 3/6/23.

Motion: Comm'r Hidell moved to continue 0 Otis Street, Mass DEP 034-1347 to 3/6/23.

Second: Comm'r Mosher

Roll Call: Comm'r Kelly: aye, Comm'r Mosher: aye, Comm'r Hidell: aye, and Comm'r Freeman: aye

Request for Determination of Applicability

88 Kimball Beach Road

Applicant: Mark Carroll

Representative: Pete Vanderweil, Hybrid Construction & Development

Proposed: New addition and rebuilt deck

Meeting Documents & Exhibits: Staff memo, Req. for Determination of Applicability, Narrative, Carroll Residence Architectural Plan Set (11/10/2022), and Plot Plan First Floor Plan sheet A100 (Rev. 7/14/2019)

Excerpts from the Staff memo: Staff visited the site on 1/4/23. The resource areas were not flagged and the applicant is not requesting confirmation of the boundaries. The Buffer Zone was estimated using aerial photography and a 2002 plan for the reconstruction of a single family house on a neighboring property (94 Kimball Beach Road). The existing deck is in fair condition and the portion proposed to be converted to interior space is covered by a second story deck with an impervious floor. The downspout for this portion of the deck, as well as the adjacent roof area, is directed to splash blocks, then a level, crushed shell driveway associated with 92 Kimball Beach Road. Staff did not observe any erosion. The grade along the eastern side of the existing deck is also level and consists of lawn and patio pavers. The proposed addition and replacement deck will require new wall-type foundations and a concrete footing. A concrete slab is proposed under both areas. Only a portion of this work falls within the 100ft Buffer Zone. The representative indicates that there will be no change in impervious area and no trees will need to be removed.

Pete Vanderweil, of Hybrid Construction & Development, was present on the call, described the L shaped deck in the rear, and noted a tree had fallen damaging the deck and railings. He explained that they'd like to replace the deck and also, on the corner of the house, build an addition that goes up on all floors. The ICO shared to the screen some photos from the staff memo, pointing out the location of work and noting that the existing 2nd floor deck has an impervious floor and there is currently a gutter system that discharges at grade. She noted that it is just the corner that is within the Commission's jurisdiction and that it doesn't appear that there would be any increase in stormwater from the addition. The significant excavation for the foundation work elevated the project to a Request for Determination of Applicability.

Responding to Commission questions, P. Vanderweil stated that there are existing sonotube footings on the existing deck but, as shown on A. Kearney's foundation plan, within the Commission's jurisdiction, frost walls are proposed for the corner addition. Explaining the square footage in the Commission's jurisdiction, P. Vanderweil stated that a third of the 26' by 8' deck is within jurisdiction. The ICO confirmed that the 100ft buffer from the coastal bank just catches the corner of the project. The Commission was in agreement to issue a Negative Determination of Applicability.

Motion: Comm'r Freeman moved to issue a Negative Determination of Applicability for the proposed work at 88 Kimball Beach Road, as shown on the submitted plans, and adopt the findings of fact a through c, and conditions 1 through 6 of the staff report.

Second: Comm'r Mosher

Roll Call: Comm'r Kelly: aye, Comm'r Hidell: aye, Comm'r Freeman: aye, and Comm'r Mosher: aye

Request for Extension of Order of Conditions

Martins Lane – DEP 034-1321

Applicant: Town of Hingham

Representative: Daniel Gagne PE, Beals and Thomas, Inc

Meeting Documents & Exhibits: Staff memo, Request for Extension

Excerpts from the Staff memo: The original Order of Conditions for this project was issued in October 2018 and included the repair of approximately 285 linear feet of seawall and the construction of approximately 30 linear feet of new wall. An Amended Order of Conditions was issued in December 2021 to clarify and confirm the resource area impacts. The applicant is requesting a three-year extension to allow additional time to complete the project. Work has not yet started due to additional permitting requirements and pandemic-related delays.

The circumstances under which the Commission could deny an extension do not apply to this project. Staff recommends issuing a three-year extension. The original Order of Conditions was set to expire on October 25, 2021, however due to the COVID-19 State of Emergency and associated executive orders and legislation, the original Order and the Amended Order were automatically extended to January 20, 2023 (per the date on the Amended Order). A three-year extension would be from this date.

The applicant was not present on the call. The ICO stated that the applicant had requested a waiver of the fee.

Motion: Comm'r Freeman moved to issue a three-year Extension Permit for the Order of Conditions issued to Martins Lane (DEP 034-1321) and a waiver of the bylaw fee, with the new expiration date of January 20, 2026.

Second: Comm'r Mosher

Roll Call: Comm'r Kelly: aye, Comm'r Hidell: aye, Comm'r Freeman: aye, and Comm'r Mosher: aye

Chair Kelly read the Notice of Intent statement.

Notices of Intent

6 Village Lane – DEP 034-1456, cont'd from 12/12/22

Applicant: Sachindra & Melanie Nimboorkar

Representative: Joseph Hannon, Atlantic Coast Engineering, LLC

Proposed: Deck and hardscaping

Ahead of the meeting, the applicant's representative had requested to continue to the 1/30/23 Commission meeting. Chair Kelly requested that any members of the public with comments on this project, hold those comments until the next hearing.

Motion: Comm'r Freeman moved to continue 6 Village Lane, MA DEP 034-1456, to the 1/30/23 meeting.

Second: Comm'r Mosher

Roll Call: Comm'r Kelly: aye, Comm'r Hidell: aye, Comm'r Mosher: aye, and Comm'r Freeman: aye

14 Seal Cove Road – DEP 034-1457, cont'd from 12/12/22

Applicant: Leonard & Karin Monfredo

Representative: Joseph Hannon, Atlantic Coast Engineering, LLC

Proposed: Boat lift and lighting for an existing dock

Ahead of the meeting, attorney Adam Brodsky, on behalf of the applicant, had requested to continue to the 1/30/23 Commission meeting. Chair Kelly requested that any members of the public with comments on this project, hold those comments until the next hearing.

Motion: Comm'r Mosher moved to continue the Notice of Intent hearing for 14 Seal Cove Road, DEP 034-1457, to January 30, 2023.

Second: Comm'r Freeman

Roll Call: Comm'r Kelly: aye, Comm'r Hidell: aye, Comm'r Freeman: aye, and Comm'r Mosher: aye

213 & 215 Cushing Street – DEP 034-1459

Applicant: James Bristol, WV Cushing, LLC

Meeting Documents & Exhibits: Staff memo, Notice of Intent submittal packet, Definitive FRD Plan (12/21/22), and a satellite image plan titled 213 Cushing Street, by Hawk Design Inc, dated 12/21/22

Excerpts from the Staff memo: Staff visited 213 Cushing Street on 1/4/23. Access to the approximate center of the property is easy given the wide, pre-existing clearing from Cushing Street. The property otherwise remains undeveloped, although there was evidence of test pit and tree survey activity (since the 2016 site visit). In terms of resource area impacts, the proposed development will disturb approximately 26,249sqft of land within the 100ft BVW Buffer Zone (24,293sqft is pervious, e.g. grading, infiltration basins, and a drywell, and 1,956sqft is impervious, e.g. houses and patios). The proposed infiltration basins will be seeded with a "meadow mix." Currently there is no mitigation proposed for the new impervious area. Within the 50ft BVW Buffer Zone and 100ft VP Buffer Zone, a bark mulch walking path is proposed. Within the 100ft BVW Buffer Zone, 79 trees greater than 6" DBH are proposed to be removed (none within the 50ft BVW Buffer Zone). Given the scope of the project, only 12 replacement trees are proposed within the Buffer Zone; the remaining 67 trees are proposed outside of the Commission's jurisdiction.

This project is being simultaneously reviewed by the Board of Health and the Planning Board. A peer review engineer for the Planning Board provided five relatively minor stormwater comments (see #4-8 on pg. 4 of the review memo). Staff encouraged the representative to provide an initial presentation to the Commission and indicated that the following topics would likely be raised during the discussion that followed:

- *Mitigation for new impervious area, per the Commission's policy*
- *Tree replacements – the majority are outside of the buffer zone*
- *Walking path within the vernal pool buffer zone*
- *Opportunities to scale back the proposal to eliminate buffer zone impacts, e.g. fewer houses, smaller basins, relocated basins, etc., and/or modify the proposal to reduce new impervious area*

Chris Mulrey, Gabe Crocker and Taylor Corsano, all from Crocker Design Group, were present on the call. C. Mulrey, the project engineer, shared the site plan of the FRD (Flexible Residential Development) to the screen and gave a brief summary of the locus; it consists of 2 parcels and a paper right of way, a portion is in the watershed and zone 2, and 213 Cushing Street is mostly wooded, there is BVW (Bordering Vegetated Wetlands) to the west and south, and there is a vernal pool. He described the slopes and elevations. These wetland resources were approved under an ORAD in 2016 with extensions. He stated that the soil testing shows suitable glacial outwash sands.

C. Mulrey shared the Hawk Design Inc. plan to the screen, described how a Flexible Residential Development allows a flexible layout and additional units in exchange for a significant area set aside for open space, pointed out the 8 proposed homes, and noted that the existing home at 215 Cushing will remain and then there will be 7 new. He explained that the homes will be served by a paved roadway which will be outside the buffer zones. Two drainage basins are planned within the 50-100ft buffer and are designed to retain water up to the 100yr storm. The homes would share a septic along the southern property line and the leaching areas are all outside the 100ft buffer, however there is some associated grading needed. He stated that the only work proposed in the 50 and 100ft buffer to the vernal pool is a pedestrian walking path, intended for the homeowners access to the open space, and consists of raking the existing ground bare and laying down a bark mulch path. They're not proposing any trees greater than 6 inches to be removed for the walking path; it will meander around any large trees.

C. Mulrey stated that overall there is 26,000sf of disturbance within the 100ft buffer, of that approximately 24,000sf is pervious and includes backyard lawns, the infiltration basins which will be seeded with a meadow mix, and the drywell system located behind unit 7. Approximately 2000sf of impervious is proposed within the 100ft buffer and that is due to portions of the rooves of units 3 and 4, a patio behind unit 3, and a retaining wall along the open space buffer. He stated that, other than the walking path, there will be no disturbance from the development within the 100ft buffer to the vernal pool.

He explained that, due to the FRD requirements, they must preserve at least 40% as open space and they are proposing 60% (excluding the wetlands). Of that, approximately 37,000sf preserved as open space is land outside of the buffer zones. They propose removing 79 trees, 6 inches or greater in diameter, and replace with 80 new trees; 12 replacements within the 100ft buffer and the remainder located throughout the site and in the open space buffer. He noted the Commission's tree policy and stated that by utilizing the FRD, they're reducing the impact by clustering the houses.

C. Mulrey stated that they had received only minor comments regarding storm water from the peer review and briefly reviewed the status of their permitting efforts with the Planning Board and the Board of Health.

The ICO asked if they had considered other layouts to reduce or eliminate disturbance, if fewer houses were considered, and if alternatives to the basins were considered. She pointed out the space between lot 7 and 215 Cushing Street as perhaps an opportunity for a layout change. C. Mulrey explained that space is proposed for the reserve

area for the septic leaching system. He explained that in the preliminary process, it was calculated that they could get 5 conventional lots and further described the criteria for an FRD. The proposed design is based on soil testing, ledge further north and the existing slopes. G. Crocker added that in the preliminary process with the planning board, they had received input from residential abutters and the proposed layout provides separation between the residents with open space adjacent to those houses. They'd looked at an alternative layout that pulled development out of the back corner but it would push the development up closer to the back yards of those houses. He explained how they tried to provide connectivity from the open space areas and around down to where the Town's conservation land is; a balance between preserving the forested uplands and minimizing impacts in the buffer zones. He added that in regards to the unit count, a large part of the FRD is the provision of affordable housing and so the FRD does provide a bonus calculation above the conventional 5 lot; one of the 2 extra units is an affordable unit, with the other essentially subsidizing the cost of it.

Comments from the Commission included; concern about clearcutting in the buffer zone, what changes could be made to reduce the impact in the buffer, and that more information would be needed. Responding to an ICO question regarding the path and whether it was part of an FRD requirement or just a thoughtful addition, C. Mulrey stated that it was just an addition. The ICO stated that the buffer around the vernal pool is undisturbed and has concerns about providing access in that buffer; off leash dogs, rubbish, etc. Brief discussion followed about the tree removals and also the unit proposed within the 100ft buffer. C. Mulrey stated that they can provide a list of size and type of trees. G. Crocker briefly reviewed the unit count, the layout, and the financial considerations involved.

Scheduling discussion followed, with the Commission and applicant in agreement to continue the hearing to February 13th.

Chair Kelly opened the hearing to any comments or questions by members of the public. There were no members of the public who wished to comment.

Motion: Comm'r Freeman moved to continue the Notice of Intent hearing for 213 and 215 Cushing Street (DEP 034-1459) to February 13, 2023.

Second: Comm'r Mosher

Roll Call: Comm'r Kelly: aye, Comm'r Hidell: aye, Comm'r Mosher: aye, and Comm'r Freeman: aye

Other Business:

a. Discussion regarding improvements to Conservation Restriction at 7 Brandon Woods Circle, cont'd from 12/12/22

Property owner Steve Savignano was present on the call and shared photos to the screen showing the pre-existing electrical service, existing post (from the old Maryknoll seminary), and photos of the cameras mounted on trees and posts. S. Savignano noted that he will need to return to the commission when the plantings are reassessed at which point the cameras could be assessed again.

The Commission and property owner reviewed the purpose of the cameras and discussed the cameras and their technical requirements, aesthetics, and the conservation restriction language. It was clarified that the property is entirely private property. Responding to Commission questions, S. Savignano stated that he is also not satisfied with the aesthetics of one of the posts, could clean up the cabling, and consider ways to improve the aesthetics. Chair Kelly summarized that the Commission was in agreement to allow the cameras within the conservation restriction and suggested that S.Savignano could return to the Commission when he's implemented some sort of camouflage for the post. S.Savignano was in agreement and noted that he would be returning to the Commission after his mitigation plantings have completed the two growing season.

Motion: Comm'r Hidell moved to allow the cameras within the conservation restriction at 7 Brandon Woods Circle.

Second: Comm'r Mosher

Roll Call: Comm'r Kelly: aye, Comm'r Mosher: aye, Comm'r Freeman: aye, and Comm'r Hidell: aye

b. Vote to accept the deed for 22 Abington Street (donation of conservation land)

The ICO stated that, Bob Devin, representative for the property owner, was present on the call and available for any questions. The Commission expressed their appreciation, noted that they had discussed the property in a prior meeting, and were in agreement to accept the donation.

Motion: Comm'r Freeman moved that, pursuant to MGL Chapter 40, Section 8C, the Conservation Commission accept a deed to the property known as 22 Abington Street for conservation purposes, subject to payment by the grantor of real estate taxes through the date of recording and recording fees.

Second: Comm'r Hidell

Roll Call: Comm'r Kelly: aye, Comm'r Hidell: aye, Comm'r Mosher: aye, and Comm'r Freeman: aye

Adjourn

Motion: Comm'r Freeman moved to adjourn the meeting at 9:21 pm.

Second: Comm'r Mosher

Roll Call: Comm'r Kelly: aye, Comm'r Hidell: aye, Comm'r Mosher: aye, and Comm'r Freeman: aye

Submitted, _____
Sylvia Schuler, Administrative Assistant

Approved on January 30, 2023

This meeting was recorded. To obtain a copy of the recording please contact the Conservation office.