



CONSERVATION COMMISSION MEETING MINUTES– January 13, 2020

Present: Jacqueline Zane-Vice Chair, Bob Hidell, Bob Mosher, and Thomas Roby- Commissioners, Loni Fournier- Conservation Officer and Sylvia Schuler- Administrative Secretary

Absent: Laurie Freeman, John Mooney and Crystal Kelly

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

Approval of Minutes

Motion: Commissioner Mosher moved to approve the draft minutes from the December 16, 2019 meeting.

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

Certificates of Compliance

15 Howard Road - DEP 034-1300, continued from 12/2/19

Applicant: John Vermeulen

Representative: Joseph Hannon, Atlantic Coast Engineering, LLC

Excerpts from the staff memo: No new information has been received.

Meeting Documents & Exhibits: none

Prior to the meeting, the representative requested to continue to the February 10, 2020 meeting.

Off Old Ward Street - DEP 034-0614, continued from 12/16/19

Applicant: Black Rock Country Club (formerly Hingham Resources, LLC)

Representative: Sarah Stearns, Beals + Thomas, Inc.

Excerpts from the staff memo: Staff is anticipating additional information from the applicant, or a request for a continuance, following a Trustees meeting on 12/11/19.

Meeting Documents & Exhibits: Staff summary memo & plan (with highlights) submitted at meeting 'Utility As-Built Plan at Black Rock, Hingham, MA 02043'

George McGoldrick, owner of Black Rock Country Club as well as board member for the Black Rock Condominium Association was present, along with Chuck Welch, superintendent of the club. G. McGoldrick distributed plans to the Commission and stated that he wanted to address four questions raised at the prior meeting.

1. Ownership: Black Rock Condominium Association owns the entire property as a condominium regime. Black Rock Country Club is one of the condominium owners. He pointed out a dotted line on the submitted plan which indicates an area that is for the club's exclusive use.
2. De-icing: G. McGoldrick stated that details of the product currently being used on the roads, "Magic Salt," had been submitted to the Conservation office and that the current vendor maintaining the roadways is Skinner Overlook. Three areas were highlighted on the submitted plan, indicating areas of the roadway that are adjacent to the wetlands; in the third area, the roadway crosses the Plymouth River. The association suggested that these areas could be specified, in the contract with the vendor, to be treated only with sand, not "Magic Salt."
3. Catch basins: The association hired a company to confirm the locations of all the catch basins. An annual maintenance plan will be put in place with the vendor. Although the association has cleaned the catch basins on an as-needed basis, they've agreed to add a line item in the budget and create a schedule for regular catch basin maintenance.
4. Detention basins: G. McGoldrick explained that the association placed a bid for vendors who would come to clean the four identified basins. C. Welch noted that the three basins easily seen from the roadway have never had water form in the bottom, even on the biggest storms. He added that there is an exit pipe 10ft up from the floor and water

hasn't even covered the bottom of them. G. McGoldrick stated that it would still be put into a plan for a vendor to do an annual review of the detention basins. G. McGoldrick noted that the original plan had 14 detention basins and stated that he had recently spoken with the builder, Mr. Read, and his son, who said that because the site had been all rock and ledge with no soil left on it, that was why the multitude of detention basins were called for to take in the rainfall. G. McGoldrick suggested that because they added feet of sand and sod for the golf course (190 acres) the increased surface is capturing runoff, and that's why there is no water draining into the basins.

Brief discussion followed regarding the catch basins with the C.O. summarizing that the concern over the de-icing materials prompted the need to learn where the catch basins drained and how it might impact wetlands. C. Welch acknowledged that "Magic Salt" is still salt although cut a little with calcium. G. McGoldrick stated that when the catch basin results are in, those catch basins that prove to drain to wetlands will also be highlighted on the plan as areas where only sand would be used; not "Magic Salt." G. McGoldrick stated that the site is relatively flat but that there are certain areas of concern for safety. Commissioner Hidell asked if there were catch basins in the large parking lot across from the clubhouse and the recreation area parking lot and C. Welch stated that there are catch basins but only calcium chloride has been used on those sites since the beginning.

G. McGoldrick summarized what items they would submit to the Conservation Commission; the plan showing the de-icing areas, a plan where the catch basins are and where they flow to, and a plan for the detention areas. Maintenance plans will be attached to the catch basins and detention area plans and these will also be given to their vendors. G. McGoldrick will also provide a letter from the condominium management to state that a line item, for maintenance of both of catch basins and detention areas, is included in their annual budget.

Motion: Commissioner Hidell moved to continue consideration of a Certificate of Compliance for Off Old Ward Street, MA DEP 034-0614, to January 27, 2020.

Second: Commissioner Mosher

In Favor: All

Opposed: None

24 Harvest Lane - DEP 034-0043 & DEP 034-1211

Applicant: Jean Roberts

Representative: Brendan Sullivan, Cavanaro Consulting, Inc.

Excerpts from the staff memo: An Order of Conditions was issued in May 1979 for the construction of a single family home, septic system, and associated site improvements. The as-built plan largely adheres to the final approved plan. Included on the as-built plan are a three-season porch and shed, which according to other town files, were added in 2004. The Conservation Officer at the time signed-off on the building permit for the three-season porch. An "overflow" parking area is also shown on the as-built plan, within the 50ft buffer zone; it is not clear when this was constructed. All three improvements were in place at the time of the later filing (DEP 034-1211, see below) and the Commission did not comment on their construction or condition their removal.

Staff visited the site on 1/6/20. The three post-construction improvements noted above do not appear to have had a negative impact on the resource area. Staff noted that two trees, one within the 50ft buffer zone and one within the 100ft buffer zone, were recently removed. Additionally, staff discovered a path at the rear of the property, within the 50ft buffer zone, where some household material and yard waste are being stockpiled. Staff recommends that this material be removed prior to issuing a Certificate of Compliance.

A second Order of Conditions was issued in January 2015 for the removal of Japanese knotweed and placement of riprap and native plantings. Staff verified that none of this work was completed on 1/6/20. Staff recommends issuing a Certificate of Compliance.

Meeting Documents & Exhibits: Staff memo

No one was present to discuss the Certificates of Compliance. The C.O. explained that the questions in the staff memo regarding the tree removals had been answered with an email with a photo showing the tree in front of the house had fallen and hit the house; the second smaller tree was described as a dogwood that had been taken out at the time and the C.O. was unable to say whether it would have been 6" dbh or greater.

The C.O. stated that the work permitted in the Order of Conditions (MA DEP 034-0043), for the construction of the house and septic system, had been completed. There had been no communication from the applicant or representatives relative to the debris stockpiled as described in the staff memo. She described the debris as a small pile of lumber, Christmas tree and yard waste. She commented that, if there is a house transaction happening, it would be good to have this debris cleaned up so that hopefully a future homeowner will not continue the practice. The

Commission agreed to wait to see if the C.O. receives confirmation of the debris removal before issuing a Certificate of Compliance.

In regards to DEP 034-1211, for the removal of the invasive species and installation of riprap, the C.O. explained that the work was never done and therefore a Certificate of Compliance could be issued.

Motion: Commissioner Hidell moved to issue a Certificate of Compliance for 24 Harvest Lane, MA DEP 034-1211.

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

Motion: Commissioner Hidell moved to continue consideration of 24 Harvest Lane, MA DEP 034-0043, to January 27, 2020.

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

Request for Determination of Applicability

90 Cross Street

Applicant: John Christian Stoll & Elizabeth Raleigh

Representative: John Early, Early Construction, Inc.

Proposed: expansion and new garage

Excerpts from the staff memo: The bank of an intermittent stream, located on the northerly abutting property, was flagged by a botanist/wetland scientist in August 2019. The wetland delineation report indicates that the stream is perennial on the USGS topographic map, however staff disagrees with this interpretation of the map and believes the stream is shown as intermittent. The botanist/wetland scientist also provided additional information from StreamStats, supporting the classification of the stream as intermittent. Ultimately, since the flags are off-property, staff recommends making no finding regarding the delineation.

The additions will be sited in a fairly level lawn area, approximately 75ft from the resource area at the closest point. No trees or shrubs within the Commission's jurisdiction will be removed. Staff supports the proposed stormwater management does not believe the proposed work will have a negative impact on the resource area, provided that erosion controls are installed and maintained throughout construction, and the applicant complies with the other recommended conditions below.

Meeting Documents & Exhibits: Staff memo and plan 'Plot Plan of Land' dated 11/27/2019 and architectural drawings

Applicants Chris Stoll and Elizabeth Quigley Raleigh were present along with contractor, John Early. J. Early reviewed the proposed work, explaining that the addition and proposed garage are within the 100ft buffer and that the new part of the house would have a 5ft frost wall, with no cellar, but have a crawl space venting area with a concrete pad (a 'rat slab') underneath. The Commission confirmed that the garage would be slab on grade and completely in the 100ft buffer.

The C.O. spoke about the nearby stream and stated that she was supportive of the designation of it being an intermittent stream. She explained that certain vintage USGS maps used a thin or thick line to differentiate from intermittent to perennial, whereas now they are differentiated by a dotted blue line and a solid line, and she had been tripped up by that before and believes that's the case here. She added that the software, Streamstats, results support that finding.

There was brief discussion about the recommended types of erosion controls.

Motion: Commissioner Mosher moved to issue a Negative Determination of Applicability for the work proposed at 90 Cross Street, as shown on the submitted plans, and adopt the findings of fact a through c, and conditions 1 through 7 of the staff report.

Findings:

- a. This project meets the requirements of Part 1, Section 7.1 of the Town of Hingham Wetland Regulations governing procedures for a Request for Determination of Applicability.
- 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.
- c. For the purpose of this filing, the Commission makes no finding as to the exact boundaries of the pertinent resource area.

Conditions:

1. Prior to the start of work, 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 shall not be used as a form of erosion or sediment control.
2. 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.
3. Rooftop runoff from the additions shall be infiltrated on site using drip edge stone trenches, as described on the final approved plan.
4. There shall be no stockpiling of soil or other materials within 50 feet any resource area.
5. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 50 feet of any resource area.
6. Any debris, which falls into any resource area, shall be removed immediately by hand.
7. The Conservation Department shall be notified to any changes in plans prior to proceeding with said changed plans.

Second: Commissioner Roby

In Favor: All

Opposed: None

Abbreviated Notices of Resource Area Delineation

0 Southeast Expressway- DEP 034-1350, continued from 12/16/19

Applicant: South Shore Industrial Park Trust

Representative: Kelly Killeen, CHA Consulting, Inc.

Excerpts from the staff memo: No discussion took place. Additional time is needed to complete the peer review process. As of 1/8/20, the representative is conducting additional survey work. Staff anticipates revised plans.

Meeting Documents & Exhibits: Wetland Filings Summary memo

Prior to the meeting, the representative requested to continue to the January 27, 2020 meeting.

1 Old Derby Street (formerly 0 off Whiting Street)- DEP 034-1351, continued from 12/16/19

Applicant: Tom Ward, Bloom General Contractors

Representative: Kelly Killeen, CHA Consulting, Inc.

Excerpts from the staff memo: No discussion took place. As of 1/7/20, staff met with the representative in the field to review several sections of the delineation. Staff anticipates revised plans.

Meeting Documents & Exhibits: Wetlands Filing Summary memo

Prior to the meeting, the representative requested to continue to the January 27, 2020 meeting.

Request for Extension of Order of Conditions

171 Otis Street- DEP 034-1282

Applicant: Gary Jacobson

Excerpts from the staff memo: An Order of Conditions was issued in June 2017 for the repair of an existing pier and the construction of a gangway and 10ft x 20ft float. None of the proposed work has been completed. The applicant is requesting a three-year extension.

Meeting Documents & Exhibits: Wetlands Filing Summary memo and a photo submitted by G. Jacobson of pilings.

Gary and Chris Jacobson were present to request an extension to their Order of Conditions. G. Jacobson explained that they had received their permit in 2017 to rebuild a dock. They had intended to use the existing footings and replace the deck. A nor'easter destroyed the deck and G. Jacobson removed the debris. The Order of Conditions expires in mid 2020.

G. Jacobson explained that although his house looks separate from another house on the lot, the two are condominiums, and there are common areas and all parties need to agree to work done in those areas. He explained that his neighbor at 169 Otis, did not agree to the work. He stated that he and his wife have finally reached an agreement with her and are planning to buy her condo on June 1, 2020, just after she returns from Florida after which he will be able to proceed with the project. Commissioner Zane confirmed that no work had been done due to the impasse.

G. Jacobson stated that he was also interested in amending the Order of Conditions to replace the current concrete footings that sit at grade, with driven piles. The C.O. explained that the current hearing is only to review the

Request for Extension and that in order to amend the OOC, there is a certain procedure and filing that he would have to submit.

Brief discussion followed regarding the project as it was approved and G. Jacobson stated that he understood that should he amend his project, the Chapter 91 permit would also need to be amended. G. Jacobson stated that he anticipated difficulty lining someone up to do the work and that it could be a year out before anyone could get started and was therefore asking for a 3 year extension. The Commission briefly discussed the time frame and agreed that 3 years would be fine.

Motion: Commissioner Roby moved to issue a 3 year extension to the Order of Conditions, MA DEP 034-1282.

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

Notices of Intent:

156 Chief Justice Cushing Highway – DEP 034-1349, continued to 2/10/20.

Applicant: Fred Butts

Representative: Brendan Sullivan, Cavanaro Consulting, Inc.

Proposed: Construction of single family home and septic system

Excerpts from the staff memo: none

Meeting Documents & Exhibits: none

90 Chief Justice Cushing Highway – DEP 034-1355, continued from 12/16/19

Applicant: Paul and Sharon Iaria

Representative: Gary James, James Engineering

Proposed: Tree clearing, filling and grading

Excerpts from the staff memo: *This hearing is continued from December 16, 2019, where the Commission received revised plans and held a very brief discussion about the project. Staff received a written response to their December 9th comments on December 23rd (attached) in addition to revised plans on December 23rd and January 7th. After reviewing the revised materials, staff identified the following outstanding items:*

- **Wetland resource areas.** *Missing flags were added to plans as requested, however staff has not been able to make a site visit. If conditions are favorable, staff anticipates making a site visit on January 13th. Staff notes that WF A-15 is mislabeled as a second WF A-14 on the revised plans.*
- **Use of the area.** *Filing fees were calculated for new agricultural and the representative indicated that the area would be used for an agricultural purpose. However, at the last meeting, the applicant stated the area would be used to stockpile and sell landscaping material, specifically mentioning gravel.*
- **Stormwater Standards & management.** *The application indicates that the project is not subject to the Stormwater Standards, however it does not meet any of the allowed exemptions so it is subject to the standards. Given the scope of work, staff recommended the representative submit only a Stormwater Checklist and brief narrative addressing the standards and staff's questions. Staff does not recommend that the Commission require a stormwater report or calculations. Is it still not clear if there is any long-term maintenance planned, for example adding or replacing gravel to avoid loss of permeability and how snow will be removed and stored.*
- **Tree removals.** *The plan has been updated with existing trees in the vicinity of the proposed work and it appears that five trees greater than or equal to 6in in dbh are proposed to be removed in the 100ft buffer zone. Staff will confirm this on site. Staff recommends that the applicant address the Commission's Tree Removal and Replacement Policy. A draft condition to address the policy has been included below (#7) in the event the Commission is comfortable issuing an Order of Conditions.*

Meeting Documents & Exhibits: Staff memo

Prior to the meeting, the representative requested to continue to the January 27, 2020 meeting.

1 Old Derby Street- DEP 034-1354, continued from 12/16/19

Applicant: Tom Ward, Bloom General Contractors

Representative: Don Rose, CHA Consulting, Inc.

Proposed: Construction of car dealership

Excerpts from the staff memo: *No discussion took place. The representative asked to make an initial presentation. Staff has not reviewed the submitted materials and notes that the wetland delineation (see above, DEP 034-*

1351) has not been confirmed. The applicant has simultaneously filed with the Planning Board, who has hired a peer review engineer. The Planning Board is also opening its hearing on 1/13/20.

Meeting Documents & Exhibits: Wetland Filings Summary memo

Prior to the meeting, the representative requested to continue to the January 27, 2020 meeting.

Other Business

a. Discussion and vote regarding hunter request for 2020 permit

The Commission briefly discussed a hunter request for a 2020 permit despite not having harvested a doe in the season that just ended. They expressed their appreciation of his efforts but felt that making an exception would create problems. There is a very clear rule and the Commission would like to stick to that.

Motion: Commissioner Mosher moved to disapprove the hunter request.

Second: Commissioner Hidell

In Favor: All

Opposed: None

b. Discussion of agricultural license agreements, 2020-2023 renewal

With Commissioner Freeman not present, the Commission decided to put off discussion.

c. Discussion of Wetland Regulations changes, completed vs. remaining sections

The C.O. explained that included in the Commissioner packet was a list of potential changes to the regulations; struck out were all the items that the current Commission had already discussed. The C.O. reminded the Commission that none of the changes are in effect until the regulations are officially voted on. The C.O. identified the docks and piers regulations as needing attention, but that she feels least comfortable with them 'technically.' She also identified regulation changes based on the Climate Change Study as another important item that may be easy to tackle. Commissioner Hidell stated that the Master Plan Committee had also been working on that and mentioned a 'climate change study group.' Brief discussion followed about the Commission's role and Commissioner Hidell stated that he would send out a memo to the various groups.

Commissioner Zane adjourned the meeting at 8:09 pm.

Submitted, _____
Sylvia Schuler, Administrative Secretary

Approved on January 27, 2020

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