



CONSERVATION COMMISSION MEETING MINUTES– January 27, 2020

Present: Jacqueline Zane-Vice Chair, John Mooney, Crystal Kelly and Thomas Roby- Commissioners, Loni Fournier- Conservation Officer and Sylvia Schuler- Administrative Secretary

Absent: Laurie Freeman, Bob Hidell, and Bob Mosher

The meeting was called to order at 7:03 PM.

Approval of Minutes

Commissioner Zane suggested an addition to the minutes in regards to the Commission’s discussion regarding the hunter request: ‘There is a very clear rule and the Commission would like to stick to it.’

Motion: Commissioner Roby moved to approve the draft minutes, as amended, from the January 13, 2020 meeting.

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

Certificates of Compliance

5 Sycamore Lane - DEP 034-1331

Applicant: Georgia Driscoll

Excerpts from the staff memo: An Order of Conditions was issued in January 2019 for the construction of an addition and deck. In May 2019, staff approved a field change for the deck; instead of a 15ft x 12ft configuration, the deck was rotated to be 12ft x 15ft in order to meet zoning setbacks. The as-built plan adheres to the final approved plan and field change. Staff visited the site on 1/21/20. Staff noted that paver and cobblestone material removed from the work area was stockpiled in the 50ft buffer zone, a section of the existing privacy fence was missing, and at least a portion of the existing lawn had not been stabilized prior to the end of the growing season. While the fabric portion of the mulch log used for erosion and sediment control was removed, the bark mulch was still piled in place. Staff does not feel that the resource area is at risk given the slight change in slope in the backyard and the remains of the mulch log still being in place. Staff contacted the applicant to learn more about the plans for the stockpiled material and missing section of fence. As of 1/23/20, staff has not received a response. If additional, satisfactory information is received by 1/27/20, staff recommends issuing a Certificate of Compliance.

Meeting Documents & Exhibits: Staff Memo

The C.O. explained that the applicant was unable to attend the meeting but had submitted an email responding to the comments in the staff memo. G. Driscoll had explained that the portion of fence down had been struck by a neighbor’s tree and the panel will be replaced in the spring. Also, the cobble and blue stone pavers were from a portion of the walkway that had to be removed for construction to proceed; it will be put back nearly to where it was to begin with. The C.O. stated that she didn’t see either as being harmful or require additional review or permitting by the Commission.

Motion: Commissioner Mooney moved to issue a Certificate of Compliance for 5 Sycamore Lane, DEP 034-1331.

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

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: As of 1/23/20, no additional information has been received. Staff anticipates a submittal prior to the meeting, or a request for a continuance.

Meeting Documents & Exhibits: Staff summary memo and two hardcopies of packets provided by G. McGoldrick which included a letter from the Board of Trustees regarding de-icing, a 'Roadway De-Icing Plan', and a 'Catch Basin Maintenance Plan January 24, 2020'.

George McGoldrick stated he was there representing only the Black Rock Condominium Trust as he believes that the golf course portion was resolved and all settled. He distributed hardcopies of documents submitted to the Commission the previous Friday and which the C.O. had distributed to the Commission electronically that day. He summarized what the Commission had asked him to provide at the last hearing;

- 1, The areas identified on the plan would use a reduced mixture of 30% salt and 70% sand in the areas highlighted that are closest to the wetlands. He stated that they'd reviewed it with the contractor who has the plan and knows that these are the areas where they are to use that mix as opposed to 'Magic Salt'.
- 2, They have hired someone to go through and designate exactly where all the catch basins are, and get up to date on where they are leaching to and include the annual maintenance of them as a line item in the budget.
- 3, It would be the same for the four detention basins.

The C.O. noted that it had also been offered to provide a letter of assurance from the trust stating there was a line item in the budget for these maintenance activities. G. McGoldrick stated that he could ask them to add the catch basin maintenance to the letter that was submitted referencing the de-icing.

The C.O. stated that three items still in progress are finding out where the catch basins drain to on the property, adding the known detention basins to the map and submittal of a maintenance plan associated with them. Commissioner Mooney emphasized the importance of knowing where the catch basins drain to.

Commissioner Zane asked the C.O. if she had any concerns regarding the catch basin maintenance plan and the C.O. noted that the original Operation & Maintenance (O&M) plan submitted in 2000 specified what time of year the annual maintenance would occur as well as included street sweeping in the plan. G. McGoldrick stated that the recently submitted Catch Basin Maintenance Plan includes that the annual maintenance would occur each spring and added that street sweeping does occur routinely and could be added to the maintenance plan.

The C.O. explained that she'd looked back at the original O & M plan to be able to compare to the more recently submitted maintenance plan. She stated that the original O & M plan called for quarterly inspections of the catch basins whereas the submitted plan calls for annual inspections. As a comparison to another project for which the O&M plan was altered, albeit for a smaller site, the C.O. reminded the Commission of the Mini Cooper site which, upon request and review, the Commission permitted reduced inspections from quarterly inspections, to one per year as the site was kept so clean that the quarterly inspections were excessive. The C.O. stated that although there is a big difference in size, potentially the same level of maintenance, cleaning and general tidiness could be argued for this site in that they're particular about grooming and safety.

Brief discussion followed regarding the continuance of the matter with the suggestion that it might be helpful for G. McGoldrick to be present at the next hearing should there be any questions.

Motion: Commissioner Mooney moved to continue consideration of a Certificate of Compliance for Off Old Ward Street, MA DEP 034-0614, to February 10, 2020.

Second: Commissioner Roby

In Favor: All

Opposed: None

24 Harvest Lane - DEP 034-0043

Applicant: Jean Roberts

Representative: Brendan Sullivan, Cavanaro Consulting, Inc.

Excerpts from the staff memo: As of 1/23/20, no additional information has been received.

Meeting Documents & Exhibits: Wetlands summary memo

The C.O. explained that there had been no response from the contacts but that the consultant who had been involved with the filing would be at the meeting later for a different application and some information could be sought then. The C.O. stated that she is just looking for confirmation that the debris close to the wetland has been removed and this could be either with photos of the area or a site visit.

Later in the meeting, Brendan Sullivan explained that Cavanaro Consulting had only been hired for the initial submittal, but that he could reach out to the attorneys for the applicant to see if he could find out more. The C.O. explained that the attorneys had been very responsive to recording the other unrecorded Order of Conditions and had already recorded the Certificate of Compliance issued for that.

Motion: Commissioner Kelly moved to continue consideration of a Certificate of Compliance for 24 Harvest Lane, MA DEP 034-0043, to 2/10/2020.

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

Request for Determination of Applicability

60 Howe Street

Applicant: James & Susan Todhunter

Proposed: Addition and replace front and rear steps

Excerpts from the staff memo: Staff visited the site on 1/22/20. The wetland resource areas were not delineated in the field, however staff agrees with the presence of Coastal Bank and believes that in addition, Coastal Beach is present. The addition will be sited in a level area that is currently maintained as a landscaping bed, approximately 30ft from the beach at its closest point. The first floor of the addition will match the elevation of the first floor of the existing home (approximately 14ft). The area under the addition will remain open to allow for the passage of flood waters. A brick veneer is proposed on the north and south facing sides of the addition, to match the existing façade; a flood vent will be incorporated on the north facing (harbor) side. Staff does not believe the addition will have a negative impact on the resource areas. Staff notes that while Part 2, Section 24.0(6) of the Regulations states, "Expansion of existing structures in VE-, AE-, and A-Zones is prohibited," the Commission has reviewed activity within the floodplain through a 3D lens and as such, this addition will be constructed above the Base Flood Elevation (12ft). Additionally, the Commission has considered pier footings and other columnar support structures a de minimis loss in flood storage and ultimately, has not required compensatory flood storage in coastal flood zones.

The application indicates that the front and rear steps need to be repaired and replaced for improved safety and code compliance; no additional details were provided. During a preliminary meeting with the applicants, staff learned that the front walkway may be realigned and leveled as part of the project. As a result, the elevated parking area at the front of the lot may also be shifted east. While on site, staff noticed that the timber retaining walls surrounding the elevated parking area were leaning away from the top, level portion of the parking area. The area to the east of the elevated parking area is also paved for parking.

Staff recommends that the Commission discuss the possible improvements to the front and rear steps, and parking area, in greater detail with the applicants. If the work will remain largely within the footprint of the existing steps and parking areas, with minimal changes in grade, staff does not believe it will have a negative impact on the resource areas.

Meeting Documents & Exhibits: Staff memo and hand modified ("site diagram '12-20-19 HCD") plan 'Site Plan of Land' dated 10/11/19, received Jan 09, 2020 as well another modified two part 'Site Plan of Land' with hand modified ("Modified by S.T. 1/25/20") depictions of the front walk.

Homeowners Susan and Jim Todhunter were present and distributed copies of the modified two part plans depicting the front walk. S. Todhunter described the addition portion of the proposal; they currently have a 9 ½ wide room that runs the length of the house and they would like to add 4 ft to make it a more usable room. The room would be supported on posts and be built over an area that currently is a landscape bed. She stated that for the length of the addition on the west, the space below would be enclosed with breakaway lattice. The front of the addition facing the street would be enclosed with brick veneer panels to match the existing brick foundation, and the portion of the addition facing the water would have a panel with a flood vent.

S. Todhunter described the specifics regarding footprints. The back steps would be replaced within the existing footprint as they are currently different heights and unsafe, but otherwise the size is fine.

S. Todhunter stated they'd like to remove and replace the front steps entirely. Currently the stoop is 2 ft deep and the steep, uneven steps go down to a concrete walkway that goes out, past the 100 ft buffer to the front of the property. In winter it is particularly unsafe. They propose to extend the stoop to make it 3-4 ft deep, keeping the width the same. They would replace the existing steps and walkway with a different kind of step; steps that are longer and shallower, providing a low step and a platform for rest, making it easier on family members and dogs. These steps would extend to the garage and either be made of concrete or brick. Within the 100 ft buffer, they intend to keep the steps within the footprint of the existing walkway.

S. Todhunter continued with her description. Outside of the 100 ft buffer, the concrete path is only 3 ft wide between the garage and the parking pad and with bowing timbers it feels even narrower. They would like to add a foot to the width of the concrete path there and rebuild the parking pad entirely, replacing the timbers, moving them over by a foot. Commissioner Zane asked if there would be any change in grade and S. Todhunter replied that there is a small dip

along the walkway, possibly from former landscaping, and she expects that some leveling will have to be done but she doesn't think it would be a significant amount.

The C.O. stated that within and beyond the 100 ft buffer out to at least the street, is also in the floodplain. With the floodplain in mind, what is proposed is much within the same footprint, and only a very small amount of fill is needed. She feels that these are de minimis changes and being a coastal flood zone, the Commission hasn't before required compensatory flood storage. Responding to questions from the Commission, S. Todhunter stated that the steps would be made of concrete or brick and the walkway, which would be made just slightly wider, would be concrete. The C.O. pointed out that where that path is outside the 100 ft buffer, there is a change in footprint but would be the same grade. Commissioner Zane asked about the addition and the C.O. explained that the addition would actually be elevated above the floodplain and that she thinks the flood panel at the back would be helpful as any floodwater would be incorporated under the addition and be able to flow through the breakaway lattice on the side. Commissioner Zane confirmed with the Todhunters that they had read and agreed to the draft conditions.

Commissioner Zane invited any comments from the public. No member of the public commented.

Motion: Commissioner Mooney moved to issue a Negative Determination of Applicability for the work proposed at 60 Howe Street, as shown on the submitted plans, and adopt the findings of fact a and b, 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.

Conditions:

1. Prior to the issuance of a building permit, erosion and sediment controls shall be installed 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. There shall be no stockpiling of soil or other materials within 50 feet any resource area.
4. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 50 feet of any resource area.
5. Any debris, which falls into any resource area, shall be removed immediately by hand.
6. The Conservation Department shall be notified to any changes in plans prior to proceeding with said changed plans.
7. Prior to the issuance of an occupancy permit, an elevation certificate shall be prepared and submitted to the Commission for review.

Second: Commissioner Roby

In Favor: All

Opposed: None

Abbreviated Notices of Resource Area Delineation

0 Southeast Expressway- DEP 034-1350, continued from 1/13/2020

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 1/23/20, the representative is conducting additional survey work. Staff anticipates revised plans.

Meeting Documents & Exhibits: Wetland Filings Summary memo

Prior to the meeting, the applicants had requested to continue to the February 10, 2020 meeting.

1 Old Derby Street (formerly 0 off Whiting Street) - DEP 034-1351, continued from 1/13/2020

Applicant: Tom Ward, Bloom General Contractors

Representative: Kelly Killeen, CHA Consulting, Inc.

Excerpts from the staff memo: No discussion took place. Revised plans have been submitted and reflect the changes agreed upon by staff and the representative. Staff recommends issuing an Order of Resource Area Delineation approving the delineation.

Meeting Documents & Exhibits: Wetlands Filing Summary memo & revised ANRAD Plan date 2/22/20, K. Killeen brought small sizes for Commissioners.

Kelly Killeen, Jay Hall (wetland scientist), Don Rose, all from CHA Consulting and Tom Godfrey (project manager) were present to talk about the ANRAD. K. Killeen explained that it is an 18 acre site also known as Lot #2 from the subdivision when the Lexus Dealership was built on Lot #1. Since their initial filing in October, they have been working with the Asst. C.O., Heather Charles-Lis, regarding the resources. They provided additional data as requested; additional field locations for the bank of the resource area, riverfront data for the perennial versus intermittent stream delineation and they also submitted Streamstats data. He explained that there had been a back and forth with plans and that ultimately, last week the plan was all set with the changes.

The C.O. confirmed that the Assistant C.O. had been on the site and was happy with latest revised plan dated 1/22/20.

Motion: Commissioner Mooney moved to issue an Order of Resource Area Delineation for 1 Old Derby Street, DEP 034-1351 based on ANRAD PLAN (Sheets 1-3, Drawing No.s V-001, V-002 and V-003) with a revision date of 1/22/20.

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

Commissioner Zane read the Public Hearing Notice of Intent.

Notices of Intent:

90 Chief Justice Cushing Highway – DEP 034-1355, continued from 1/13/20

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 1/13/20; no discussion took place. Staff has since received additional information and made a site visit with the wetlands consultant (1/21/20) to review the wetland delineation. Staff is in agreement with the delineation in the vicinity of the proposed work. The latest revised plan depicts a slightly expanded scope of work, including an extension of the new berm along the entire western side of the site, meeting up with the existing berm in the southwestern corner of the site. Arborvitae trees will be planted along the top of berm. Staff recommends that the Commission discuss the following items with the applicant and representative:

- **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 12/16/19 meeting, the applicant stated the area would be used to stockpile and sell landscaping material, specifically mentioning gravel.
- **Stormwater Standards & management.** Staff feels the project meets the applicable stormwater standards, however it is still not clear if there is any long-term maintenance planned, for example adding or replacing gravel to avoid loss of permeability, and where snow would be stored.
- **Tree removals.** The latest revised plan indicates that four trees greater than or equal to six inches dbh are proposed to be removed in the 100ft buffer zone (previous versions of the plan indicated five trees). This is difficult to confirm on site, so staff recommends that the trees to be removed within the Commission's jurisdiction be marked and reviewed prior to the start of work, as noted below (#5). The Commission should determine if the proposed arborvitae trees along the top of the berm satisfy the Tree Removal and Replacement Policy, or if additional native plantings are required. (Note: condition #9 below should be removed if no additional plantings are required.)
- **Proposed berm.** Since the proposed berm is located outside of the 50ft buffer zone, staff feels it will be a positive addition to the site, as it will close off any openings to the naturally vegetated area beyond and avoid any future encroachment or inadvertent disturbance to this area. However, staff notes that there is currently fill that appears to extend into the 50ft buffer zone in the vicinity of WF A-13 and A-14 and this material will need to be pulled back prior to installing the new berm (#18). Staff recommends marking the 50ft buffer zone prior to the start of work, as noted below (#6).

- **Previously disturbed area.** During the site visit, staff observed that the area to the west of the existing berm, where fill was previously removed, is now stable; erosion controls can be removed in this area. However, staff also observed that the end of the berm in the southwest corner is undercut, bare dirt that is not permanently stabilized. Staff recommends that the applicant pull material back slightly from the top of the berm to create a more gradual slope in this corner and mulch or vegetate the back of the berm (#18). Staff also observed bricks and other manmade debris outside the berm in this area and instructed the owner to remove these materials by hand (#18).

Meeting Documents & Exhibits: Staff memo and revised plan "Proposed Conditions Plan on 90 Chief Justice Cushing Highway Hingham, MA" with a revision date of 1/20/20

Gary James of James Engineering, and Paul Iaria of Steam Shovel Farm LLC, were present. G. James explained that the wetlands line had been confirmed, they'd made the changes requested by the Asst. C.O. and addressed the issues related to stormwater management.

G. James stated that, in regards to the draft condition requiring tree replacements for the removed trees, the only place he could think of for those replacements would be in the area previously disturbed as noted in the prior NOI/COC. The C.O. stated that the Commission would work through that and noted that there are arborvitae planned to be placed along the berm but she's unsure if that would be acceptable for replacements for what is being taken down. G. James stated that currently there are 50 arborvitae planted on top of the existing berm running parallel to 3A and their intent is to continue that along the left side. G. James noted that in the staff memo, the Asst. C.O. was looking for replacement in kind. The C.O. corrected him that the condition called for native and either 1:1 or multishrub, not 'in kind'. G. James repeated that the only place he could think that would have room for replacement plantings would be in the area where it had been mistakenly disturbed and, if the arborvitae are not acceptable, they could probably fit 4-5 red maples in that area.

Brief discussion followed about the tree policy and the C.O. stated that all of the new berm was going to be planted with arborvitae which are native. P. Iaria stated that the arborvitae would be planted all along the new berm and even along the railroad tracks; at least 50 or more. The C.O. stated that she considers them more shrubs than trees but even then, there are far more than what the policy recommends. Commissioner Zane stated that it seemed sufficient in view of the policy. Commissioner Kelly agreed. Commissioner Zane confirmed with the applicants that they agreed with the draft conditions. The C.O. suggested that, as the Commission seemed satisfied with the arborvitae, when the Commission takes a vote, to remove condition #9, as Commission won't be requiring additional plantings. Commissioner Zane confirmed that because the arborvitae are already on the plan, and the Commission is approving the plan, that condition #9 is not needed.

The C.O. explained that the draft Finding 'C' was clarifying that the Commission is approving only a subset of flags on the plan. She stated that there are relatively new flags directly related to the scope of work and there are old flags and even older flags towards the southern portion of the site. In order to protect the Commission, this finding is only confirming the flags relevant for this scope of work. Should an additional proposal be put forth from this owner or a future owner, any other flags on the plan have not been confirmed by this order.

The C.O. asked how the site would be used in the winter and would it be plowed for access to the various areas. P. Iaria stated that it would probably be plowed for access, just down the road off of Route 3A., not the whole thing. The C.O. confirmed that in terms of snow storage or gravel displacement, it's not going to be a lot because it won't be used and P. Iaria added that it would just melt down.

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

Motion: Commissioner Kelly moved to issue an Order of Conditions for the proposed work at 90 Chief Justice Cushing Highway (DEP 034-1355), as shown on the submitted plans, and adopt the findings of fact a through c, and special conditions 1-8 and 10-22 of the staff report.

(conditions below reflect the removal of draft condition #9)

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.
- c. For the purpose of this filing, the Commission finds that the wetland resource area is accurate between WF A-12 and WF A-22, shown in black on the final approved plan. The Commission also finds that the wetland resource area continues to the south beyond WF A-12, although these flags were not confirmed for the purposes of this filing, and to the west beyond WF A-22, although the exact boundary in this area is unknown since it was not flagged beyond the property line. The Commission makes no finding regarding the accuracy of the remaining resource area flags on the final approved plan.

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, the trees greater than or equal to six inches dbh to be removed within the 100-foot buffer zone shall be clearly marked and confirmed by an agent of the Commission. No tree removals are permitted within the 50-foot buffer zone.
6. Prior to the start of any excavation or construction, the 50-foot buffer zone shall be marked where it extends to the east of the existing stone wall to ensure the limit of work adheres to the final approved plan. In areas where fill currently extends into the 50-foot buffer zone, the 50-foot buffer zone shall be marked following the removal of said fill and prior to the construction of the new berm.
7. 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.
8. 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.
9. 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.
10. Any debris, which falls into any resource area, shall be removed immediately by hand.
11. Any on site dumpsters shall not be located within 100 feet of any resource area.
12. There shall be no stockpiling of soil or other materials within 50 feet of any resource area.
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. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 100 feet of any resource area.
16. In the vicinity of WF A-13 and A-14, the fill that extends into the 50-foot buffer zone shall be removed. Afterwards, and prior to the construction of the new berm, the 50-foot buffer zone shall be marked.
17. The end of the existing berm in the southwest corner of the site shall be regraded to pull the top of the berm back and remove any undercutting, creating a more gradual slope in this area. The back of the berm shall then be stabilized with mulch or vegetation. Any trees removed as part of this process shall be replanted elsewhere along the berm. Bricks and other manmade debris outside the berm in this area shall be removed by hand.
18. 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.

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.
21. Prior to the issuance of a Certificate of Compliance, the mitigation plantings shall survive at least two full growing seasons with a minimum of 75% survival rate. If a 75% survival rate is not achieved, replacement plantings of the same species shall be made by the applicant.

Second: Commissioner Mooney

In Favor: All

Opposed: None

1 Old Derby Street- DEP 034-1354, continued from 1/13/20

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. Staff has not reviewed the submitted materials. The applicant has also filed with the Planning Board, who hired a peer review engineer. The Planning Board is opening its hearing on 2/24/20. Staff anticipates revisions to the submitted plans based on the peer review comments and changes to the delineation (see above, DEP 034-1351).

Meeting Documents & Exhibits: Wetland Filings Summary memo and D.Rose displayed a site plan.

Don Rose of CHA Consulting, representing Bloom General Contracting stated that he would give a brief introduction to the Commission, explaining that they had received Peer Reviewer, John Chessia's, stormwater review letter and would be making some changes to the site plan.

The project is for a car dealership consisting of 3 floors, which will be called Ocean Honda. He pointed out on the plan the resource areas and the buffer zones. There will be 2 underground stormwater systems, one in the front is a detention system (with it sitting on blasted ledge they were unable to include an infiltration system), and in the back, with good soils, they put an infiltration system which will receive about 74% of the impervious for the site and provide more than 10 times the recharge availability within that system. Both systems would discharge slowly through the wetland buffer zone of the perennial and intermittent streams, ultimately discharging to Derby Brook. Knowing they will need to return to the Commission, D. Rose only briefly mentioned further stormwater items.

Commissioner Mooney asked about oil and fluids storage and D. Rose stated that those would be contained in a 'tight tank', outside the 100 ft buffer, which would get pumped, has a 10,000 gallon storage, an alarm, and a maintenance schedule is required.

The C.O. asked if they anticipated blasting or chipping of ledge, and D. Rose answered that there may be some and that would be handled by the SWPPP. Chessia has a copy of the draft SWPPP. D. Rose clarified that as well as the 50 and 100 ft buffer zones, they are also working with the 100ft and 200 ft riverfront zones. D. Rose pointed out the maintenance area and septic systems that are located outside the 100 ft buffers. D. Rose noted that there were some areas along the edge of the buffers that were previously disturbed from the development of the Lexus dealership. The C.O. asked if they were proposing to use traditional asphalt and D. Rose responded affirmatively.

The C.O. told the Commission that staff had not as yet reviewed in detail the Notice of Intent; staff had focused on getting the wetland boundaries pinned down with the ANRAD first. There would be comments in regards to the buffer zones. The storm water review is underway with the Planning Board and their peer review engineer.

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

Motion: Commissioner Mooney moved to continue consideration of 1 Old Derby Street, MA DEP 034-1354, to the February 24, 2020 meeting.

Second: Commissioner Kelly

In Favor: All

Opposed: None

21 Stagecoach Road - DEP 034-1356

Applicant: Melissa and Gary Manis

Representative: Scott Fanara, Grady Consulting, LLC

Proposed: New front porch and replace rear deck and retaining wall

Excerpts from the staff memo: Staff visited the site on 1/22/20. The resource area was flagged by a wetlands consultant in December 2019 and staff agrees with the delineation. The wetland begins at the edge of the existing lawn, which is flat or slopes very gradually from the house to the wetland. The area proposed for the front porch is level and currently grass, bricks, and one shrub, all within the 100ft buffer zone. The area proposed for the remaining work is existing structures, a gravel surface (within the existing timber retaining walls), or lawn, all within the 50ft buffer zone. The existing deck is ~32ft from the wetland and although the proposed deck is also ~32ft away, the proposed patio is ~27ft from the wetland.

Staff relayed a number of questions and comments to the representative and received a written response and revised plans on 1/23/20. Staff's remaining comments are as follows:

- *Overall, there is a small increase in the structures or features, such as the patio and stairs, within the 50ft buffer zone and work extends closer to the resource area than existing conditions at one point. No mitigation, such as native plantings, was proposed, however staff recommends requiring this mitigation in order to be consistent with other similar projects (#7).*
- *Staff observed some yard waste dumping (leaves and branches) in the wetland and recommends conditioning its removal (#10).*

Meeting Documents & Exhibits: *Staff memo and Plan "Plot Plan for Addition" with a revision date of 1/23/20.*

Scott Fanara from Cavanaro Consulting was present along with homeowner, Melissa Manis. S. Fanara pointed out the various buffer zones on the property and the locations of the deck, porch and retaining wall. He noted that there would be a slight increase in impervious of 50 sf in the 50 ft buffer. Commissioner Mooney asked if the homeowners would be amenable to plantings and M. Manis said that they would be. Commissioner Zane explained that Commissioner had approved prior projects with de minimis work in the 50 ft buffer with a condition of mitigation plantings. Commissioner Zane noted that they are already 32 ft from the wetlands but the patio would bring it just a little closer. The Commission examined the plan and S. Fanara pointed out the various components. Commissioner Zane confirmed that they had read and agreed to the draft conditions in the staff memo including the removal of the yard waste and submittal of a planting plan.

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

Motion: Commissioner Mooney moved to issue an Order of Conditions for the proposed work at 21 Stagecoach Road (DEP 034-1356), as shown on the submitted plans, and adopt the findings of fact a and b, and special conditions 1 through 20 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. Prior to the start of work, a mitigation planting plan shall be submitted to the Commission for review and approval. The planting plan shall include a minimum of 50 square feet of plantings, including a mix of trees and/or shrubs within the 50ft buffer zone. Locations closest to the resource areas shall be prioritized for planting. All mitigation plantings shall be native species; no cultivars, non-native species, or invasive species shall be allowed.
8. 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.
9. Any debris, which falls into any resource area, shall be removed immediately by hand.
10. All lawn waste, brush, leaves, or other materials dumped in any resource area, including the buffer zone, in particular in the vicinity of wetland flags WF 3 and WF 4, shall be removed, and the practice discontinued, in accordance with Section 23.6 of the Hingham Wetland Regulations.
11. Any on site dumpsters shall not be located within 50 feet of any resource area.
12. There shall be no stockpiling of soil or other materials within 50 feet of any resource area.
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. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 100 feet of any resource area.
16. Mitigation plantings shall be installed in accordance with the final approved mitigation planting plan. The mitigation planting area shall then be left as naturally vegetated and shall not be maintained as lawn or landscaped area. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
17. 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.
18. 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.
19. 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.
20. Prior to the issuance of a Certificate of Compliance, the mitigation area plantings shall survive at least two full growing seasons with a minimum of 75% survival rate. If a 75% survival rate is not achieved, replacement plantings of the same species shall be made by the applicant.

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

14 Seal Cove Road - DEP 034-XXXX

Applicant: Leonard Monfredo

Representative: Brendan Sullivan, Cavanaro Consulting, Inc.

Proposed: Seawall restoration, filling, grading, and landscaping

Excerpts from the staff memo: Staff visited the site on 1/21/20. The wetland resource areas were not delineated in the field, however staff agrees with the top of Coastal Bank coinciding with the top of the existing seawall, which is clear in the field. Salt Marsh or Coastal Beach begin immediately adjacent to the Coastal Bank, with Tidal Flat and other resource areas located seaward of the marsh or beach. The buffer zone is currently mostly comprised of a mature lawn. Staff observed some ponding and wet conditions in the lower center of the lawn. The proposed filling and grading will raise the elevation, but maintain a gentle slope. Although a significant amount of fill is proposed (325cy), the new grades (el. 8) will be below the Base Flood Elevation. Staff notes that a similar project, although ultimately larger in scale (29,500sf of area and 1,093cy of fill) was recently approved by the Commission at 17 Martins Cove Road (DEP 034-1336).

Repairing the seaward side of the seawall is permissible as a maintenance activity, however since the Salt Marsh extends to the base of the seawall in many areas, staff recommends requiring that work take place from the landward side of the seawall to avoid damaging sensitive marsh vegetation (#14). Raising the seawall may be permissible if the applicant can demonstrate that it is being raised to its original height, and no higher. In accordance with the Regulations, staff recommends requiring only loose stones and no mortar, which is consistent with existing conditions (#16). The addition of native shrubs and grasses adjacent to the Coastal Bank will significantly benefit the resource areas in terms of water quality, soil stability, and wildlife habitat, as well as aesthetics.

While on site, staff observed that an irrigation well has been installed. The disturbance from this installation extends into the 100ft buffer zone, so staff recommended this work be included retroactively in this filing. Erosion controls had been installed around the work area and no other issues were noted.

Staff also informed the DPW of the work proposed in the drainage easement and has included a recommended condition relative to that work at their request (#7).

Staff relayed the following comments to the representative and is anticipating a response and revised plan:

- *Please explain in more detail the work being proposed for the wall, for example repairing pieces of wall that have fallen out, re-stacking existing stones and supplementing with new stones, no mortar, etc., and provide some additional justification/documentation regarding the proposed 7.5ft height, for example some existing stones are at this height now, etc.*
- *The narrative says there are no performance standards for LSCSF, which is true only for the WPA. Please briefly address for Bylaw standards.*
- *Add erosion controls and detail to the plan.*
- *Add detail for new/repared outlet and pipe in the existing drainage easement.*
- *Add scientific names for proposed plantings and provide detail on surface treatment, if they will be in planting beds.*
- *Also, FYI DEP hasn't issued a file number yet, though they have received the NOI per their website.*

Meeting Documents & Exhibits: Staff memo and plan "Site Plan 14 Seal Cove Road" revised 1/27/20 and photos submitted of beach with kayaks

Homeowner, Len Monfredo, Brendan Sullivan from Cavanaro Consulting and Lisa Swanson from Zinnia Designs were present. Abutter Richard Watson from 10 Seal Cove Road was present in the audience. B. Sullivan described the location as one of the low points of Seal Cove Road and there's a catch basin that drains down between 10 and 14 Seal Cove Road and discharges via a pipe at the end of the seawall. He described the stone seawall and how it is breached often during high tide events, and that the oversplash from the ocean has degraded the lawn area. There is an existing dock and pier as well as a 6 ft access easement and submitted photos showing the area at the beach along with the kayaks left on the beach by neighbors.

B. Sullivan described the property and how it's situated on Hingham Bay, in a cove, facing the southwest, and doesn't get a lot of storm action. He pointed out the coastal bank and the existing salt marsh below the wall, as well as Land Subject to Coastal Storm Flowage (LSCSF) at elevation 10 which runs through part of the lawn area. Both the 10 and 14 Seal Cove Road houses are outside of the floodplain by elevation.

B. Sullivan described the degradation of lawn as extending about 20 ft into the lawn at about elevation 7. He explained that they want to raise that elevation by placing 1 – 1.5 ft of fill placed at the back of the seawall bringing the elevation to 7 at the back of the seawall which would then marry back to elevation 8 resulting in a 1% pitch of lawn.

B. Sullivan described the seawall; currently it's a loose un-mortared wall with 'dump stone' on the top, and at the back it has more flat orderly stones. They would restack it, and add stone as necessary to make it more orderly. They would maintain the top of the existing wall which ranges in height (*height range was unintelligible*). There would be plantings in a peastone bed behind the seawall on the lawn side as well as plantings near the access easement to prohibit people from storing their kayaks there.

Some of the work is proposed on the neighboring Watson property which would have a similar fill area. B. Sullivan described a drainage swale between the two properties and stated that he had been in touch with DPW and had permission to replace a portion of damaged pipe. During storm events the water backs up from the crushed pipe and flows over the property. They are going to create a swale to keep the runoff within the drainage easement. B. Sullivan commented on the staff suggestion of a splash pad at the pipe outlet and he stated that their preference would be to lower the elevation of the outlet so that the runoff dissipates into the stone rather than drop down.

The C.O. asked if they are proposing to bring in stone to repair the seawall or is there enough available to restack. B. Sullivan replied that they would probably have to add stone and restack it. He added that there are some stones fallen into the muck and those would be brought back to the wall. No mortar will be used.

The C.O. asked if they had heard from the abutters on the other side and B. Sullivan stated that they had been in touch with the abutters ahead of the well process and had sent her a copy of the plan. The C.O. stated that the abutter, Dorcas Wagner, at 22 & 0 Seal Cove Road, on the other side of 14 Seal Cove Road had called the office with concerns that the fill would push the floodwaters into the easement in the southwest corner of her property. The C.O. asked if they were creating a raised area where the water would then run to that easement. B. Sullivan stated that they would not be and that the easement area is at elevation 8 and they are not filling to that elevation nor proposing any fill in that area. D. Wagner had also expressed concerns that the work on the seawall would be a fairly robust reconstruction. The C.O. stated that her understanding is that is not the case, that there are some areas that will be higher than they are not exceeding the overall highest point on the wall by restacking the stones in those areas.

The C.O. relayed D. Wagner's wish to make a formal comment, whether via a letter or in person at the next meeting. The C.O. stated that as a DEP number had not been received, the Commission is unable to vote anyway, and so there is a period of time before the next meeting when D. Wagner could submit her comments or attend the next meeting.

The C.O. explained that B. Sullivan had provided a response letter to staff comments that afternoon. Everything related to plan updates had been added to the version of the plan before the Commission. The C.O. summarized the updates; the wall would be a combination of existing and new stone with no mortar, he addressed the performance standards, there is a new detail on erosion control, no detail for the outlet pipe as they would prefer to use existing conditions and there are no infrastructure improvements on the beach itself. The C.O. relayed to B. Sullivan that DPW had expressed interest in being present when the pipe work was being done. Scientific plant names have been added to the plan. They are waiting for DEP to issue a number and any comments.

The C.O. offered to compare conditions the Commission had approved for 17 Martins Cove Road which was smaller in scope by area and volume but similar in overall plan. The seawall in that case was only being repointed. The C.O. reviewed the two different project plans as well as the draft conditions for the Commission and compared them to the ones approved for 17 Martins Cove Road. Commissioner Kelly asked what the proposed slope would be with the 14 Seal Cove Road project and B. Sullivan stated 1-1.5% slope. He added that 14 Seal Cove Road would be loamed and sodded and 10 Seal Cove Road would be loamed and hydroseeded. The C.O. noted that the draft conditions for 14 Seal Cove Road include a condition to notify DPW in advance of the work on the outlet pipe. The Commission decided to continue to the next meeting awaiting issuance of a DEP number, any comments DEP might include, as well as any comments from the abutter.

Commissioner Zane invited any comments from the public. There were no comments from the public.

Motion: Commissioner Kelly moved to continue discussion of 14 Seal Cove Road, DEP number not yet issued, to February 10, 2020.

Second: Commissioner Roby

In Favor: All

Opposed: None

Other Business

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

The Commission postponed discussion until the next meeting.

b. Update on CPC proposal: Lehner property fence

The C.O. updated the Commission on the CPC proposal she'd submitted for a fence on the Lehner Conservation Area. Through various meetings of the CPC process, the original proposal of having a portion of the property resurveyed, a fence and two kiosks installed, has been reduced to a fraction of the original proposal. The fence portion has been reduced to simply having a fencepost every 40 ft; that number was determined as a multiple of 8 with the thought that, should more posts or fencing be deemed necessary in the future, that 8 ft is the maximum distance that a rail could span. The proposal still includes two kiosks and resurveying the property boundary.

The C.O. stated that the purpose of the fence was to clarify to the public and the abutter where the boundary is and was intended to match an existing fence across the street on the same parcel.

The reduction in scope reflects cost as a factor, the original project request for the 700 linear ft fence, surveying and kiosks was \$22,000 and what CPC is offering for this reduced project is \$8,000. Brief discussion followed about Conservation funds, fundraisers, and Scout projects.

Commissioner Zane adjourned the meeting at 8:44 pm.

Submitted, _____
Sylvia Schuler, Administrative Secretary

Approved on February 24, 2020

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