



CONSERVATION COMMISSION MEETING MINUTES– January 28, 2019

Present: Laurie Freeman- Chair, Paul Hall- Vice Chair, Bob Hidell, Jacqueline Zane, John Mooney, Bob Mosher- Commissioners, Loni Fournier- Conservation Officer, and Sylvia Schuler- Administrative Secretary

Absent: Frank Gaul

The meeting was called to order at 7:05 PM.

Approval of Minutes

Motion: Commissioner Mosher moved to approve the draft minutes from the January 7, 2019 meeting.

Second: Commissioner Hidell

In Favor: All

Opposed: None

Other Business:

a. Update on Enforcement Order issued to 231 Otis Street (DEP 034-0924)

The C.O. informed the Commission of two issues relating to 231 Otis Street.

One issue, relative to the Enforcement Order that was issued, was that she'd been contacted by the attorney for 231 Otis Street, who requested, and she allowed, a time extension to research the property deeds as well as the condition in the Order of Conditions that was in violation. Both neighbors and their attorneys were present at the meeting to discuss the issue with the Commission.

The second issue, relative to a meeting with the homeowners at 231 Otis Street the prior week, was that pressure treated lumber had been added to the seawall on the property and the Commission will have to decide if it requires an after-the-fact filing.

Attorney John Brister was present with the homeowners of 231 Otis Street, Richard Madigan and Judith Applebaum. J. Brister presented a lengthy argument that the flower bed did not obstruct the passageway and that the homeowners of 121 Downer Avenue did not have the right to use the driveway of 231 Otis Street.

Attorney Anthony Panebianco was present with the homeowners of 121 Downer Avenue, Sturtevant English, Jr. and Ellen Gray. A. Panebianco presented a lengthy argument that the flower bed does 'inhibit' access and that the driveway of 231 Otis Street is part of the 'passageway' that his clients have rights to use.

After lengthy discussion, the majority of the Commission concluded that the Enforcement Order issued 11/19/18 was valid and that the homeowners of 231 Otis Street are required to abide by Condition #39 from an Order of Conditions (issued to a former homeowner of 231 Otis Street and recorded in Bk 35120, Pg 67) that reads, 'No structures or landscape elements will be placed on the Right of Way that would inhibit free passage over the way. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.'

It was agreed by the C.O., the Commission, J. Brister, J. Applebaum and R. Madigan that the flower bed would be removed by no later than April 30, 2019; J. Brister stated that, provided the ground was not frozen, removal would be a simple matter and not require a formal plan. It was noted that submittal of a new notice of intent for replacement of the flower bed in the passageway would not likely be approved nor be advisable.

The Commission discussed the matter of the lumber placed on the seawall and concluded that 231 Otis Street would have to file a Request for Determination of Applicability as an after-the-fact filing.

b. Request to amend O&M Plan for Gallery Automotive (DEP 034-1146)

Jennifer Johnson from Nitsch Engineering, was present on behalf of property owner, AW Perry, as well as their tenant, Gallery Automotive. She stated that an Order of Conditions was issued in 2013 and a Certificate of Compliance had been issued in October of 2017. She explained that Gallery Automotive had been maintaining the property according to the guidelines of the Operation and Maintenance Plan (Nitsch Engineering was involved with the creation of the O & M) and stated that Gallery Automotive is highly proactive and motivated to keep a clean property. They inspect their catch basins every few months and have observed that there is no sediment accumulation and they believe it's because the site is swept at least twice a year. J. Johnson had provided the C.O. and the Commission with a table of proposed changes to the O & M plan. She added that Gallery Automotive has offered to provide a yearly report to the Commission on the ongoing maintenance and observations on the site. J. Johnson specified that the catch basins they are referring to are located in the area with impervious pavement where it's swept twice per year. The area with the porous pavement is swept twice per year, which would not change; she added that there are catch basins in that area but they are redundant.

Commissioner Freeman noted that one of the proposed changes reduced the frequency of inspection from once a month to once a year and felt that was a dramatic change. J. Johnson explained that change referred to the 'area drains' and that the area drains are all located in vegetated areas as opposed to catch basins which are in paved areas. The area drains are small 'beehive' drains that are meant to prevent erosion and J. Johnson felt that once a year or when they see an issue is probably enough.

Discussion followed regarding the oil/water separator inspections that are currently inspected once per month. Commissioner Hidell stated that he would recommend quarterly inspections, but that once per year would not be sufficient. He also raised the matter of potential increase in future rainfall.

Commissioner Freeman stated that she has concerns about altering a plan that was designed by experts as stormwater management is not her area of expertise; that she would rely on the C.O.'s expertise but also wants to be reasonable. Other members of the Commission and the C.O. commented that they also do not have expertise to judge the situation but the C.O. added that some of the request seemed reasonable. She stated that her biggest concern is, that with the reduction of inspection frequency, there's no additional trigger for the Commission to know if the revised inspection schedule is no longer sufficient. She stated that J. Johnson's offer of annual reports to the Commission does provide some reassurance as it would seem to provide future opportunities for the Commission to gauge whether the inspections need ramped up again.

Commissioner Hidell asked if the standard for the drainage design was the hundred year storm and J. Johnson explained that the O & M plan was not developed based on a storm event but rather according to some of the recommendations that come out of MA DEP. She added that she feels the recommendations are conservative because they don't assume that everyone is going to provide as much proactive, preventative maintenance as Gallery Automotive. She gave an example regarding the catch basins; the sump is 48 inches deep and the recommendation is that it gets pumped when it's half full (24 inches) and they've only ever seen 1—2 inches over several years. She added that this is how they came up with the proposed time frame.

Commissioner Freeman asked the C.O. what the process would be if they decided to allow a modification to the O & M plan. The C.O. stated that she would need to reach out to Town Counsel to find out if some sort of legal document would be needed or if it might be executed as a field change documented in the file. J. Johnson commented that with the property being split between Rockland and Hingham, they were seeking Rockland Conservation Commission's approval for the reduction in inspection intervals as well.

The Commission discussed the proposed changes and concluded that they agreed to the proposal with one amendment; to require the oil/gas separators inspections to be quarterly, not monthly as in the O & M, and not yearly as proposed.

their survival for two growing seasons. Staff visited the site on 1/24/19. No garden shed was found and the remainder of the site was stable. A variety of mature bushes were in place on the south side of a manmade pond located on the property.

Meeting Documents & Exhibits: Staff memo

608 Main Street - DEP 034-1064

Applicant: Robin Ely, c/o Thomas F. Williams, P.C.

Excerpts from the staff memo: An Order of Conditions was issued in April 2011 for dredging approximately 50 cubic yards of material from a manmade pond connected to the Crooked Meadow River and replacing small rocks along the edge of the pond with larger rocks. The Order specifies that the contractor report the amount of material dredged to the Commission following the work; the project file does not contain any information from the contractor. The Order also specifies that the disturbed areas be stabilized with seed or approved plantings upon completion of the work; no additional details were provided. Staff visited the site on 1/24/19. The pond was frozen, so the bottom was not visible, however small stones were visible on the bottom of the channels leading to and from the Crooked Meadow River. The remainder of the site was stable, including the rocky shoreline of the pond. A variety of mature bushes were in place on the south side of the pond.

Motion: Commissioner Zane moved to issue Certificates of Compliance for 608 Main Street, DEP 034-0956 and DEP 034-1064.

Second: Commissioner Mooney

In Favor: All

Opposed: None

Request for Determination of Applicability

279 North Street

Applicant: Julie and Daniel Palmer

Representative: Monica MacKenzie

Proposed: Addition and patio

Excerpts from the staff memo: The applicant is proposing to construct a 23ft x 39ft addition to the rear of an existing single-family house. One corner of the proposed addition will be an 8ft x 16ft covered porch. Thus, the living space addition will be 772 sq. ft. on a wall type foundation and the covered porch will be 128 sq. ft. on footings. Adjacent to the addition, the applicant is proposing to construct a patio that will be a maximum of 22ft x 22ft, consisting of a permeable brick material. A pergola with an open lattice top will extend from the house over a portion of the patio, and will be supported by one column at the northeast corner of the patio. Since the proposed addition is more than 50ft from an intermittent stream in an area that is mostly established lawn, staff does not recommend any specific mitigation for the new structure. The patio and pergola encroach into the 50ft buffer zone, however as proposed, they will be pervious surfaces and no trees or large shrubs will be removed. Staff 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

Monica McKenzie, designer and builder, was present and described the proposed addition.

Motion: Commissioner Mooney moved to issue a Negative Determination of Applicability for the work proposed at 279 North 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.

Second: Commissioner Hidell

In Favor: All

Opposed: None

Request for Extension of Order of Resource Area Delineation

213 Cushing Street - DEP 034-1247

Applicant: Greg Driscoll, Jacobs Driscoll Engineering, Inc.

Excerpts from the staff memo: The current Order of Resource Area Delineation for 213 Cushing Street was issued in 2016. The Commission requested that the applicant monitor a potential vernal pool on the property in the spring of 2016 and submit a letter describing the findings. The applicant fulfilled this request, submitting a full report documenting the methodology and observations of a qualified wildlife biologist, as well as a revised set of plans delineating the vernal pool and its 100 foot buffer zone.

The Order is set to expire on February 5, 2019. The applicant is pursuing a development plan for the property and is requesting a two-year extension to allow for more time to start the design, engineering, and permitting process for the proposed development.

Meeting Documents & Exhibits: Staff memo

Property owners for 213 Cushing Street, Jacqueline Murray and her brother, Kenneth Murray, were present for the hearing. J. Murray described the location and explained that they were requesting a two year extension in order to continue with the permitting, engineering and development process.

Motion: Commissioner Mosher moved to issue a two-year Extension Permit for the Order of Resource Area Delineation issued to 213 Cushing Street (DEP 034-1247).

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

Commissioner Freeman read the Public Hearing Notice of Intent.

Notices of Intent

247 Leavitt Street – DEP 034-1313, continued to 4/22/19

Applicant: Jim Magner

Representative: Jeff Hassett, Morse Engineering Co., Inc.

Proposed: Construction of new driveway

11 Steamboat Lane – DEP 034-1327, continued to 2/11/19

Applicant: Denise Rhodes

Representative: Robert Carlezon, Grady Consulting, LLC

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

2 Beach Lane – DEP 034-1330, continued to 2/11/19

Applicant: Robert Thompson

Representative: Paul Seaberg, Grady Consulting, LLC

Proposed: Demolition and reconstruction of single family home

64 Howe Street – DEP 034-1333, continued from 1/7/19

Applicant: Theo Sharp, Sharp Development LLC

Proposed: Demolition and reconstruction of single family home

Excerpts from the staff memo: The applicant is proposing to demolish an existing single-family house (923 sqft), deck and covered porch, aboveground pool, patio, fencing, and driveway, and construct a new larger single-family house (1,512 sqft), 13ft x 25ft asphalt driveway, pervious walkways and patio, and landscaping. The proposed house will expand beyond the footprint of the existing house on two sides.

The proposed house will be finished with gutters and downspouts. The applicant has indicated that the downspouts will be directed to the open foundation (details below) for some treatment and infiltration across the existing material (gravel/sand mixture) before ultimately entering the harbor.

The first floor of the proposed house will be constructed at 13ft, one foot above the base flood elevation. The existing house has a cinder block foundation, with the covered porch supported by posts on concrete pads. The applicant proposes to have three foundation walls (east, west, and south) with flood vents under the proposed house, two additional foundation walls to “frame” the proposed garage in the southwest corner of the

structure, and an open pier foundation on the north side of the proposed house. Support piers will also run under the center of the structure.

Staff has a few remaining recommendations and concerns regarding the proposed project.

1. *Structures in the 50ft buffer zone.* Staff recommends that mitigation, in the form of plantings, be provided for the proposed increase in structure/impervious area within the 50ft buffer zone.
2. *Flood zone.* The proposed open (pier) foundation on the northern end of the structure should be an improvement over the existing conditions, as flood waters will be able to flow freely under the proposed house. However, staff is concerned about the interaction between flood waters and the proposed garage foundation walls. Staff asked the applicant to investigate installing flood vents in these walls as well.
3. *Landscaping.* Staff recommends plantings to replace at least some of the removals, which includes several small trees and a number of shrubs. A planting plan may be conditioned to be submitted at a later date.

Meeting Documents & Exhibits: Staff memo and plans provided by T. Sharp indicating locations of piers

Theo Sharp was present and described the location and proposal in detail. In response to questions from the Commissioner Hidell, T. Sharp explained that the piers facing the North would be 13" square concrete, go down 7 ft onto current sediment/gravel and have a footing below them. The height of the piers would be 4-5 ft above grade. Discussion followed regarding plantings and additional flood vents being added to the garage with T. Sharp being amenable to both. Responding to a question from Commissioner Freeman, T. Sharp clarified that there is additional 8 sf of impervious in the 50 ft buffer on the northwest side where the covered porch is extended. It was clarified that it is not a wall type foundation in the 50 ft buffer.

The C.O. explained that she had included a draft condition requiring submission of a planting plan prior to the issuance of an occupancy permit. She explained that the specificity of shrub and tree quantities in the draft condition reflects a 1:1 ratio for the number of more mature bushes being removed and the 36 sf of native perennials reflects a 2:1 ratio mitigation for encroachment into the 50 ft buffer. The Commission and C.O. drafted an additional condition requiring submittal of a revised plan showing the addition of flood vents to the garage.

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

Motion: Commissioner Mosher moved to issue an Order of Conditions for the proposed work at 64 Howe Street (DEP 034-1333), as shown on the submitted plans, and adopt the findings of fact a and b, and special conditions 1 through 23 of the staff report and as discussed at the hearing.

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. Prior to the start of any excavation or construction, a revised plan shall be submitted showing additional flood vents in the garage walls.
2. 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.

3. This document shall be included in all construction contracts and subcontracts dealing with the work and shall supersede all other contract requirements.
4. The project supervisor or contractor in charge of the work shall have a copy of this Order available on the site at all times.
5. 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.
6. Prior to the start of any excavation or construction, erosion and sediment controls shall be installed 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.
7. 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.
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. Any on site dumpsters shall not be located within 50 feet of any resource area.
11. There shall be no stockpiling of soil or other materials within 50 feet of any resource area.
12. There shall be no discharge of any pool water within 100 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 50 feet of any resource area.
16. 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.
17. Prior to the issuance of a Certificate of Occupancy, a planting plan shall be submitted to the Commission for review and approval. The planting plan shall include a minimum of 2 native trees, 15 native bushes and 36 square feet of native perennials.
18. The use of de-icing chemicals, except for calcium magnesium acetate, a.k.a. CMA, or other alternative approved by the Commission, shall be prohibited on this property's driveway because of its proximity to Hingham Harbor, which is a state-listed 303(d) impaired waterway, and the importance of the surrounding resource areas to water quality and sensitive coastal and marine habitats. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
19. The use of pesticides and fertilizers shall be prohibited on this property because of its proximity to Hingham Harbor, which is a state-listed 303(d) impaired waterway, and the importance of the surrounding resource areas to water quality and sensitive coastal and marine habitats. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
20. No coastal engineering structure, such as a bulkhead, revetment or seawall, shall be permitted on this property at any time in the future to protect the project allowed in this Order of Conditions. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
21. 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.

22. 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.
23. Prior to the issuance of a Certificate of Compliance, the mitigation plantings specified in the approved planting plan shall survive at least two full growing seasons with a minimum of 75% survival rate.

Second: Commissioner Zane

In Favor: All

Opposed: None

25 Beach Road – DEP 034-1334

Applicant: Michael Nally

Representative: Jeffrey Couture, SITEC Environmental, Inc.

Proposed: Demolition and reconstruction of single family home

Excerpts from the staff memo: The applicant is proposing to demolish an existing single-family house, deck, and driveway and construct a new single-family house, deck, garage, driveway, and associated amenities. The proposed garage will be located underneath the new house. A portion of the proposed house and deck will be within the 50ft buffer zone to Coastal Bank, Coastal Beach, and possibly Salt Marsh. The remainder of the proposed house and all of the proposed driveway will be within the 100ft buffer zone. The lot borders on the Weymouth Back River, thus all of the work will be located within Riverfront Area. All of the work will also be located within Land Subject to Coastal Storm Flowage (Flood Zone AE). An existing pile-supported wooden pier on the property is remaining in place, with no work currently proposed for this structure.

The applicant submitted revised plans on 1/25/19 proposing a 3:1 mitigation area (340 sq. ft.) of native woody and herbaceous plants.

The applicant will be constructing the proposed house on concrete piers with breakaway walls in between the columns. Additionally, flood vents will be installed in the breakaway walls and garage doors (front and rear). The extended area of the proposed house and deck will be open and on columns. Staff finds that these measures will allow free passage of flood water and be a significant improvement over existing conditions. The proposed changes in surface types results in an overall decrease in impervious surface, which is an improvement over existing conditions. Rooftop runoff is proposed to discharge to the lawn from gutters and downspouts. Runoff currently flows towards the river and will continue to do so in proposed conditions. The proposed driveway will be constructed with pervious pavers, which will allow runoff to infiltrate and improve water quality.

Meeting Documents & Exhibits: Staff memo and 4 sheet packet for each Commissioner provided by R. Gaskell and he also presented a large aerial view of the harbor

Homeowner, Michael Nally was present, along with representatives, Jeff Couture and Rod Gaskell of SITEC Engineering, and architect, Brad Pierce. R. Gaskell distributed a 4 sheet packet that included an aerial satellite image of the property, a plan titled ‘Wetland Resource Areas & Existing Conditions Plan’ dated 1/23/19, a plan titled ‘Notice of Intent Site Plan’ dated 1/23/19 and an Architectural plan titled ‘Foundation & Basement Floor Plan’ ‘issued’ 1/9/19.

R. Gaskell described the proposal. He stated that the work is being conducted within an ACEC in addition to a flood zone and they are proposing new work on a previously developed lot. They propose to remove 961 sf of solid concrete foundation and replace it with a building area of 1160 sf on a combination of piles and piers. There will be ‘breakaway’ panels that break open to allow floodwaters to flow unimpeded through the building but are secured to the piers to prevent them from floating away.

R. Gaskell described the distances of existing structures from the coastal bank and compared them to what is proposed, which would result in them being a few feet closer to the coastal bank. He also described

how the proposal will comply with both the town and state regulations, diminish the impact on the affected wetland resource area and result in a reduction of impervious surface by almost 20%.

R. Gaskell explained that the 340 sf of proposed mitigation plantings reflect a 3:1 ratio of the 111 sf of increased impervious within the 50 ft buffer.

Commissioner Hidell asked what the slope in the garage is and B. Pierce responded that it's 1/8 " per foot toward the water. R. Gaskell stated that they agree with all the draft conditions as listed in the staff memo.

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

Motion: Commissioner Hall moved to issue an Order of Conditions for the proposed work at 25 Beach Road (DEP 034-1334), as shown on the submitted plans, and adopt the findings of fact a and b, and special conditions 1 through 22 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 and inspected by an agent of the Commission; straw wattles and/or hay bales will not be used as a form of erosion or sediment control.
6. Erosion and sediment controls shall remain in place until all disturbed or exposed areas have been stabilized with a final vegetative cover or the Commission has authorized their removal.
7. During all phases of construction, all disturbed or exposed areas shall be brought to a finished grade and either a) loamed and seeded for permanent stabilization, or b) stabilized in another way approved by the Commission.
8. Any debris, which falls into any resource area, shall be removed immediately by hand.
9. Any on site dumpsters shall not be located within 50 feet of the Coastal Bank.
10. There shall be no stockpiling of soil or other materials within 50 feet of the Coastal Bank.
11. Issuance of these conditions does not in any way imply or certify that the site or downstream areas will not be subject to flooding, storm damage, or any other form of damage due to wetness.

12. Any dewatering activities on the project in which water will be released into any resource area or storm drain shall make use of a stilling pond or similar device to remove sediment before the water is released.
13. No vehicle, or other machinery, refueling, lubrication or maintenance shall take place within 50 feet of the Coastal Bank.
14. Before executing any change from the plan of record, the applicant must have the Commission's written approval. Any errors found in the plans or information submitted by the applicant shall be considered as changes. Approval from other Town Agents or Inspectors does not relieve the applicant from obtaining approval from the Commission.
15. Mitigation plantings shall be installed in accordance with the final approved plan, depicting the "Riverfront Area Restoration" plantings and plant list.
16. The driveway shall be constructed with permeable pavers, or another similar porous surface, and shall remain a porous surface in the future. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
17. The use of de-icing chemicals, except for calcium magnesium acetate, a.k.a. CMA, or other alternative approved by the Commission, shall be prohibited on this property's driveway because of its proximity to the Weymouth Back River, which is a state-listed 303(d) impaired waterway, and the importance of the surrounding resource areas to water quality and sensitive coastal and marine habitats. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
18. The use of pesticides and fertilizers shall be prohibited on this property because of its proximity to the Weymouth Back River, which is a state-listed 303(d) impaired waterway, and the importance of the surrounding resource areas to water quality and sensitive coastal and marine habitats. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
19. The existing coastal engineering structure, consisting of a low concrete retaining wall and loose sloped-stone, may be maintained, repaired, or replaced, but not substantially changed or enlarged in order to protect the project allowed by this Order of Conditions. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
20. 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.
21. 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.
22. Prior to the issuance of a Certificate of Compliance, the mitigation plantings specified on the final approved plan shall survive at least two full growing seasons with a minimum of 75% survival rate.

Second: Commissioner Hidell

In Favor: All

Opposed: None

Commissioner Freeman adjourned the meeting at 9:48 pm.

Submitted, _____

Sylvia Schuler, Administrative Secretary

Approved on February 11, 2019

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