



CONSERVATION COMMISSION MEETING MINUTES – February 1, 2021

Present: Laurie Freeman-Chair, Thomas Roby, John Mooney, Bob Hidell, Crystal Kelly and Bob Mosher-Commissioners, Loni Fournier-Conservation Officer and Heather Charles-Lis-Assistant Conservation Officer

Absent: None

The remote meeting was held via Zoom with Dial in #929-205-6099, Meeting ID # 892-5581-7824

The meeting was called to order at 7:02 PM.

Chair Freeman began the meeting with a statement that the Conservation Commission meeting was being held remotely via the Zoom app in accordance with the Governor's order Suspending Certain Provisions of the Open Meeting Law for purposes of social distancing. The information for joining the meeting by audio/video was posted with the Commission's agenda on the website along with web links for accessing any plans or other materials relevant to the items scheduled on the agenda. She advised that, in accordance with the Open Meeting Law, the meeting was being recorded by the town and if any participant wished to record the meeting, to notify her so that she may inform all other participants. No participants expressed a wish to record the meeting.

Approval of Minutes

Motion: Chair Freeman moved to approve the draft minutes with one edit from the January 11, 2021 meeting.

Second: Comm'r Mosher

Roll Call: Comm'r Hidell: aye, Comm'r Mooney: aye and Comm'r Roby: aye

Certificates of Compliance

23 Beach Road – DEP 034-1279

Applicant: John Kennedy

Meeting Documents & Exhibits: Staff memo and As-built Plan 1/31/20

Excerpts from the staff memo: Staff inspected the site on 1/25/21. Skirting was installed around the entire foundation and it was not clear whether it was a breakaway design, as staff believes would be necessary to comply with flood-resistant construction standards. (Alternatively, flood vents or permanent openings could be installed.) Staff requested additional information from the applicant and as of 1/28/21 the architect of record was planning to conduct a site inspection to verify the breakaway design, or design and implement an alternative solution.

Chair Freeman summarized the staff memo, confirmed that nobody was in the meeting to present for the application and noted that more information was needed.

Motion: Chair Freeman moved to continue consideration of 23 Beach Road DEP 034-1279 to the next meeting, February 22nd.

Second: Comm'r Mooney

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

Requests for Determination of Applicability

77 Leavitt Street

Applicant: Nancy Faris and Andrew Williams

Representative: Patricia Van Buskirk, Patricia Van Buskirk Landscape Architecture

Proposed: Construction of a spa and associated improvements

Meeting Documents & Exhibits: Staff memo, Original Plot Plan of Land 1/8/21, Original Existing Conditions Plan 11/11/20, Original Master Plan 11/16/20, Revised Existing Conditions Plan 1/26/21, and Revised Master Plan 1/26/21

Excerpts from the staff memo: Staff visited the site on 1/19/21. The resource area, the Weir River, is located off-property to the east and was flagged by a Professional Wetland Scientist in December 2020. Staff agrees with the delineation, but as the flags are located on a different property, which happens to be owned by the Commission, staff recommends not confirming the delineation as part of this application. A narrow, naturally vegetated buffer exists along the western edge of the river, which transitions to Village Lane, a paved public road, followed by a developed residential property, then the locus property. The northern half of the property is higher in elevation than the southern half, and the break in topography occurs at about the existing detached garage and patio. The area within the Commission's jurisdiction is maintained as patio, lawn, and sport court. Fencing also exists along the southeastern property line, a portion of which will be replaced in order to comply with the Board of Health's pool regulations.

Staff was unable to find any previous conservation permits for the property. Based on historical aerial imagery, the retaining wall and stairs adjacent to the patio appear to have been constructed between June 2015 and May 2016; the sport court between May 2016 and April 2017; and the patio between April 2018 and June 2019. The Commission could require an after-the-fact filing and/or mitigation for the unapproved patio; the other projects are too old to take action at this point.

Typically the Commission would require an alternatives analysis for work in the Riverfront Area, however staff does not believe one is necessary in this case given that the majority of the work has been sited outside of the Commission's jurisdiction and the little work that is jurisdictional is minor in nature.

Chair Freeman summarized the staff memo and the proposal. Landscape architect, Tricia Van Buskirk, and homeowners Nancy Faris and Andrew Williams were present on the call. T. Van Buskirk described the existing conditions noting that they will be removing 17 ft of sport court and explained that the new plan shows the new impervious area. She explained that the 200 ft riverfront buffer line clips the edge of the pool and spa, the rest of the pool is outside the 200ft. The CO noted the steps planned from the new pool area to the existing sport court which implies there would be grade changes. T. Van Buskirk explained the area is almost level and the pool has to be dead level so she believes there will be a couple of steps down to the existed sport court but it will be an onsite decision.

The Commission briefly discussed the previous activity on the property, noting that it likely would have been permitted. The Commission weighed asking for mitigation but considered the distance from the resource area, noted that the work did not exceed the state thresholds and that the new proposal would remove a portion of the sport court. The applicants explained they had not realized they were within the buffer and the landscape contractor, Atlantic View had not notified them. They added that they had also had the property surveyed and no one had said anything about the flood zone.

Chair Freeman invited one member of the public with a comment to speak. Gail Farley of 1 Village Lane stated that there has been a lot of development on Leavitt St and expressed her concern with how a 12' by 24' pool might affect the water table level, particularly in her yard and the lower area. She has concern about getting water in her basement from the ground water being pushed around. The Commission considered this but noted that the pool is not in the Commission's jurisdiction and is not up for approval. The CO offered that it would probably be challenging to figure out how development is impacting groundwater without any data to know. She told G. Farley that the Board of Health regulates installation of pools and that groundwater is their purview. She suggested G. Farley could contact the Board of Health to see what they might have on file for that area and perhaps they could offer some advice on possible impacts.

Motion: Chair Freeman moved to issue a Negative Determination of Applicability for the proposed work at 77 Leavitt Street, as shown on the submitted plans, and adopt the findings of fact a through c, and conditions 1 through 4 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 wetland resource areas.

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; no straw or hay products shall 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. All excavated material shall be properly disposed of at an off-site location.
4. The Conservation Department shall be notified to any changes in plans prior to proceeding with said changed plans.

Second: Comm'r Mosher

Roll Call: Comm'r Hidell: aye, Comm'r Kelly: aye, Comm'r Mooney: aye and Comm'r Roby: aye

29 Howland Lane

Applicant: William Roe

Proposed: Construction of an addition and patio

Meeting Documents & Exhibits: Staff memo, Area and Work Descriptions and Original Submitted Plans

Excerpts from the staff memo: Staff visited the site on 1/19/21. The resource area is Cushing Pond, located southeast of the existing single-family home. Staff has no concerns regarding the proposed addition. As there will be a de minimis change in rooftop area (approximately 60sqft), staff does not believe that infiltration is necessary. The conversion of the existing deck and some lawn area to a bluestone patio does represent an increase in impervious area. The applicant has indicated that the patio base will be permeable, however with a bluestone material selected, only the joints would then be permeable.

Chair Freeman summarized the staff memo and proposal. Applicant Bill Roe was present on the call. He had not proposed any mitigation but was amenable to some plantings. He explained that they wished to change their deck to a patio so no animals can get under it. Brief discussion followed with B. Roe being amenable to 160 sf of plantings. B. Roe confirmed that he was responsible for erosion controls and submitting a planting plan.

Motion: Chair Freeman moved to issue a Negative Determination of Applicability for the proposed work at 29 Howland Lane, as shown on the submitted plans, and adopt the findings of fact a through c, and conditions 1 through 8 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 wetland resource areas.

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; no straw or hay products shall be used as a form of erosion or sediment control.
2. Prior to the issuance of a building permit, a mitigation planting plan shall be submitted to the Commission for review and approval. The planting plan shall include a minimum of 160 square feet of plantings, including a mix of shrubs and herbaceous species. 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.
3. 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.
4. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.
5. All demolition and excavated material shall be properly disposed of at an off-site location.
6. There shall be no stockpiling of soil or other materials within 50 feet any resource area.
7. Prior to the issuance of a Certificate of Occupancy, mitigation plantings shall be installed in accordance with the final approved mitigation planting plan.
8. The Conservation Department shall be notified to any changes in plans prior to proceeding with said changed plans.

Second: Comm'r Mooney

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

Chair Freeman read the Public Hearing Notice of Intent.

Notices of Intent

169-171 Otis Street – DEP 034-1392, continued from 1/11/21

Applicant: Gary and M.Christine Jacobson

Representative: Adam Brodsky, Drohan, Tocchio & Morgan, P.C.

Proposed: Demolition of a single family house and detached garage, and construction of an addition

Meeting Documents & Exhibits: Staff memo, Revised Existing and Proposed Conditions Plan 1/8/21, Original Landscaping Plan 1/26/21 and Revised Landscaping Plan 1/28/21

Excerpts from the staff memo: This hearing is continued from the 1/11/21 meeting, where a summary of the project was presented and materials submitted the same day were discussed. The Commission requested additional information on the proposed landscaping plan and at the time, a DEP number was still outstanding. The applicant submitted a landscaping plan on 1/26/21 and, following comments and questions from staff, a revised plan was submitted on 1/28/21; both plans are posted on the Pending Applications website. A DEP number has also been issued.

Chair Freeman summarized the staff memo and the proposal noting that the overall impervious on the site was being reduced. Architect Roger Hoit, Attorney Adam Brodsky, Surveyor David Ray and the applicants Gary and Christine Jacobson were present on the call. A Brodsky stated that they had submitted a detailed landscape plan as requested at the last meeting. The CO suggested to the Commission inclusion of an additional finding 'd' in order to clarify for the record why the additional wall type foundation is being allowed in the 50 ft buffer and why it is justified for this particular project and may not be appropriate for others in the future. She read aloud the finding for the Commission's consideration, "For this specific property, the project is consistent with the Town of Hingham Wetland Regulations' intent on minimizing adverse impacts to resource areas. Specifically, the additional four linear feet of wall-type foundation within the 50ft Buffer Zone is de minimis and the scope of work, overall, represents a cumulative positive effect on resource values, including a reduction in impervious area on the property, an increase in stormwater

management and in turn, an improvement to water quality, and the elimination of permanent structure within the coastal floodplain." The Commission was in agreement to include the finding.

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

Motion: Chair Freeman moved to issue an Order of Conditions for the proposed work at 169-171 Otis Street (DEP 034-1392), as shown on the submitted plans, and adopt the findings of fact a through d, and special conditions 1 through 27 of the staff report and as discussed at the meeting.

(the addition of finding d reflects the discussion at the meeting)

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 makes no finding as to the exact boundaries of wetland resource areas.
- d. For this specific property, the project is consistent with the Town of Hingham Wetland Regulations' intent on minimizing adverse impacts to resource areas. Specifically, the additional four linear feet of wall-type foundation within the 50ft Buffer Zone is de minimis and the scope of work, overall, represents a cumulative positive effect on resource values, including a reduction in impervious area on the property, an increase in stormwater management and in turn, an improvement to water quality, and the elimination of permanent structure within the coastal floodplain.

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. 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.
6. 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.
7. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.
8. All tree and landscaping debris shall be properly disposed of at an off-site location; no chipped or mulched material shall remain on the property.
9. All excavated material shall be properly disposed of at an off-site location.
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. All stockpiles that are not used for more than five days shall be covered and surrounded by erosion and sediment controls; straw wattles and/or hay bales shall not be used as a form of erosion and sediment control.
12. Issuance of these conditions does not in any way imply or certify that the site or downstream areas will not be subject to flooding, storm damage, or any other form of damage due to wetness.
13. 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. Prior to construction, plans for the stilling pond or similar device shall be submitted to the Commission for review and approval.
14. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 50 feet of any resource area.
15. Rooftop runoff from the approved addition shall be infiltrated on site using linear drywells, as shown on the final approved plan, or a suitable alternative that is approved in advance by the Commission.

16. The approved driveway, walkway, and patio shall be constructed with a permeable paver and an appropriate permeable subbase in accordance with the final approved plan.
17. Runoff from the approved driveway shall be infiltrated on site using a trench drain and linear drywell, as shown on the final approved plan, or a suitable alternative that is approved in advance by the Commission.
18. Landscaping shall be installed in accordance with the final approved landscaping plan.
19. 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.
20. 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 because of its proximity to Hingham Bay, 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.
21. The use of pesticides, herbicides, and fertilizers shall be prohibited on this property because of its proximity to Hingham Bay, 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.
22. It is the sole responsibility of the owner of record to maintain drainage structures at all times. The property owner is also responsible for retaining records of the maintenance and cleaning for review by the Commission. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
23. 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.
24. 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.
25. Prior to the issuance of a Certificate of Compliance, the Arrowwood Viburnum (*Viburnum dentatum*) tree, planted in accordance with the Commission's Tree Removal and Replacement Policy (adopted 11/4/19), shall survive at least two full growing seasons. If this is not achieved, a replacement planting of the same species shall be made by the applicant.
26. The final approved landscaping within the 50ft Buffer Zone shall be maintained with native plantings or shall be allowed to naturally revegetate with native species following planting and remain as naturally vegetated. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
27. The existing coastal engineering structure, consisting of a vertical stone seawall, 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.

Second: Comm'r Mooney

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

43 George Washington Boulevard – DEP 034-1393

Applicant: Raymond Tehranian, ACDI Engineers and Consultants

Proposed: Construction of a swimming pool and spa

Meeting Documents & Exhibits: Staff memo, Cover Letter 1/4/21, Original NOI Site Plan 12/28/20, Revised Project Narrative [submitted 1/28/21], and Revised NOI Site Plan 1/28/21

Excerpts from the staff memo: Staff visited the site on 1/12/21. The area where work is currently proposed consists of lawn and visible rock and ledge. The area slopes gradually to the edge of developed portion of the lot, which is surrounded by a fence. Beyond this is a relatively narrow strip of naturally vegetated buffer with trees and some understory growth, and then an abrupt and extremely steep drop off to the pond below.

Staff provided comments to the representative on 1/14/21 and as of 1/28/21 had not yet received a reply.

Chair Freeman summarized the staff memo and proposal. The representative Raymond Tehranian was present on the call and described the construction of the inground pool, patio and spa all of which would be within the 100 ft buffer but outside the 50 ft buffer.

R. Tehranian explained he had done the calculations of impervious areas and submitted it to the office. He detailed the impervious areas to be removed followed by the details of the new impervious concluding that they will be removing more impervious resulting in an improvement overall in drainage. Discussion followed regarding the calculations of impervious provided

and R. Tehranian explained that they would be removing bedrock via hammering. The Commission firmly stated that natural features are not to be included in calculations of impervious.

Discussion regarding mitigation planting followed. R. Tehranian explained that the property had been a quarry and when the single family homes were built on the site, all the homes were required to do plantings, which were installed and inspected for the Certificates of Compliance. He noted that they are not disturbing anything but lawn. R. Tehranian reiterated that they had already done plantings and expressed his opinion that it was unfair to require mitigation as the project doesn't encroach on the natural areas or in the 50 ft buffer. The ACO had adjusted the calculations to remove the ledge/boulder sf. The existing impervious amounts to 872 sf and the new impervious would amount to 1118 sf resulting in 246 sf of mitigation planting area. She suggested some potential planting areas on the site. The Commission was in agreement to require mitigation.

Further discussion followed regarding the patio and its construction. R. Tehranian described the plan to remove the existing patio and replace it with perk sand and build the patio.

The ACO suggested some minor modifications to the plan including clarifying the patio area that is existing vs the area that is proposed, for future reference, as well as showing some drain lines on the plan for the drywell which has been proposed to handle any pool & spa discharge water. Responding to Commission questions, R. Tehranian stated that the drywell is outside the 100 ft buffer in the southern portion of the house, there is no bedrock in that location and perk tests were done in 1997.

The ACO proposed modifications to the draft conditions. Condition #7 should say 246 square feet of plantings. Add a new condition after #7, "Prior to the start of any excavation or construction, a revised plan shall be submitted identifying existing and proposed patio, and showing drain lines from the pool and spa to the proposed drywell." and add another new condition, "Prior to the start of any excavation or construction, manufacturer specifications and/or construction details for the patio shall be provided for review and approval by the Commission. The patio shall be constructed with a permeable surface and appropriate permeable subbase." and remove draft condition #16 regarding patio.

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

Motion: Chair Freeman moved to issue an Order of Conditions for the proposed work at 43 George Washington Boulevard (DEP 034-1393), as shown on the submitted plans, and adopt the findings of fact a through c, and special conditions 1 through 24 of the staff report and as amended at the meeting.

(the conditions below reflect the edits made at the meeting)

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 makes no finding as to the exact boundaries of wetland resource areas.

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 shall not be used as a form of erosion and 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 any excavation or construction, a mitigation planting plan shall be submitted to the Commission for review and approval. The planting plan shall include a minimum of 246 square feet of plantings, including a mix of shrubs and herbaceous species. 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. Prior to the start of any excavation or construction, a revised plan shall be submitted identifying existing and proposed patio, and showing drain lines from the pool and spa to the proposed drywell.
9. Prior to the start of any excavation or construction, manufacturer specifications and/or construction details for the patio shall be provided for review and approval by the Commission. The patio shall be constructed with a permeable surface and appropriate permeable subbase.
10. 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.
11. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location. Exposed sections of old silt fence and stakes located outside the fence shall be cut and removed by hand to the extent feasible without disturbing the ground surface.
12. All excavated material shall be properly disposed of at an off-site location.
13. Any on site dumpsters shall not be located within 100 feet of any resource area.
14. There shall be no stockpiling of soil or other materials within 50 feet of any resource area. All stockpiles that are not used for more than five days shall be covered and surrounded by erosion and sediment controls; straw wattles and/or hay bales shall not be used as a form of erosion and sediment control.
15. 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.
16. 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. Prior to construction, plans for the stilling pond or similar device shall be submitted to the Commission for review and approval.
17. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 100 feet of any resource area.
18. Mitigation plantings shall be installed, and seeding completed if applicable, in accordance with the final approved mitigation planting plan.
19. 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.
20. There shall be no discharge of any hot tub (spa) water, pool water, or backwash within 100 feet of any resource area. 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 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.
24. The mitigation planting area shall be maintained with native plantings or shall be allowed to naturally revegetate with native species following planting and remain as naturally vegetated. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.

Second: Comm'r Mosher

Roll Call: Comm'r Hidell: aye, Comm'r Kelly: aye, Comm'r Mooney: aye and Comm'r Roby: aye

7 Captain Thomson Lane - DEP 034-1394

Applicant: Daniel and Jennifer Cavanaugh

Representative: Joseph Hannon, Atlantic Coast Engineering & Surveying, LLC

Proposed: Construction of an addition and driveway

Meeting Documents & Exhibits: Staff memo, Narrative, Original Plan Set 12/21/20, Proposed Mitigation Plan 12/21/20, and Revised Plan Set 1/15/21 Sheet 1, Sheet 2, and Sheet 3

Excerpts from the staff memo: Staff visited the site on 1/12/21. Wetland resource areas, including BVW and Inland Bank, were flagged by a wetland scientist in November 2020. Staff confirmed the delineation and notes the presence of at least one intermittent stream channel within the wetlands. The area where work is currently proposed consists of lawn, landscape beds, and existing driveway. The property slopes gradually down to the resource areas. The proposed mitigation area is directly adjacent to the wetland

and currently consists of lawn, moss and sparse vegetation, and some stacked cut wood. One mature Black Cherry tree would be removed from the 100ft buffer zone for the driveway work, and the representative has indicated a replacement tree could be planted. Staff provided a number of comments to the representative and received responses and revised plans (dated 1/15/21).

Chair Freeman summarized the staff memo and the proposal, noting that mitigation is proposed and the tree for removal will be replaced. She added that the representative proposes the project is a redevelopment whereas staff believes it to be new development. The impact of that determination is not so great, as a lot of the requirements of a new development have already been met, the remaining requirement would be an alternatives analysis and any necessary stormwater provisions.

Representative Jed Hannon of Atlantic Coast Engineering was present on the call along with wetland scientist, Brad Holmes of ECR. J. Hannon described the project; a two car garage and two level addition to the house and expansion of the kitchen. A new alignment was necessary for the driveway and the previous driveway and subsurface will be removed and the area then loamed and seeded. The homeowners would like the new driveway to be paved. The project results in 962 sf of added impervious and mitigation plantings in the ratio of 1:1 are proposed. To mitigate stormwater runoff they are amenable to the draft condition #17 directing rooftop runoff from the addition to be infiltrated on site, using roof drain infiltrators that direct runoff to subsurface perforated pipes, which would be well below freezing point at approximately 5 ft deep, to a stone trench. For driveway runoff a proposed stone infiltration trench would be installed along the right edge of the driveway.

B. Holmes described the 1:1 mitigation plan that includes native saplings and shrubs, converting an area at the bottom of the property abutting the BVW to recreate some vegetated buffer habitat. Regarding the Riverfront area, he stated that the house had been built in 1985, predating the regulations, and that the area behind the house, within the Riverfront area, he would consider developed as it is maintained as a back yard and has a shed. There are very little degraded conditions in the Riverfront area; the shed could be considered a small area of existing degraded area. The amount of proposed pavement in the Riverfront area is 330sf so when calculated over the wide area of Riverfront it is about a 1% increase of degraded area. If the Commission preferred to deem it a new Riverfront alteration, he reiterated that it is very small increase; in his opinion, for either designation, it works. They've accounted for the work in the buffer zone which could be used for Riverfront mitigation as well. Brief discussion followed. Responding to a question about altering the driveway width, J. Holmes spoke on the navigability of the driveway and the ability to turn into the garage bays and suggested it could be reduced minorly. Regarding the driveway, the ACO commented that, with little room on the side of the driveway to the property line, that the proposed infiltration trench be kept to the applicant's property and that the trench may need to wrap around the end of the driveway as well, depending on the pitch. J. Holmes described staking the property line and the trench would be 1 ft wide with ¾ inch crushed stone and mirror the driveway. The ACO suggested an edit to draft condition #7 which request a construction detail, to include location information to be provided.

The Commission and ACO agreed that they were satisfied with the discussion and the relatively small impact of the proposal.

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

Motion: Chair Freeman moved to issue an Order of Conditions for the proposed work at 7 Captain Thomson Lane (DEP 034-1394), as shown on the submitted plans, and adopt the findings of fact a through c, and special conditions 1 through 26 of the staff report and as modified at the meeting.

(the conditions below reflect the edit made at the meeting)

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 confirms the delineation of Bordering Vegetated Wetland flags A-1 to A-11 and Inland Bank flags IB/1 to IB/6, but makes no finding as to the exact boundaries of other wetland resource areas.

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 shall not be used as a form of erosion and 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 any excavation or construction, a construction detail and location information shall be provided for the method of driveway runoff infiltration, in accordance with condition #18.
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 and properly disposed of at an off-site location.
10. All tree debris shall be properly disposed of at an off-site location; no chipped or mulched material shall remain on the property.
11. All excavated material shall be properly disposed of at an off-site location.
12. Any on site dumpsters shall not be located within 100 feet of any resource area.
13. There shall be no stockpiling of soil or other materials within 50 feet of any resource area. All stockpiles that are not used for more than five days shall be covered and surrounded by erosion and sediment controls; straw wattles and/or hay bales shall not be used as a form of erosion and sediment control.
14. 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.
15. 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. Prior to construction, plans for the stilling pond or similar device shall be submitted to the Commission for review and approval.
16. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 100 feet of any resource area.
17. Rooftop runoff from the approved addition shall be infiltrated on site as shown on the final approved plan, using roof drain infiltrators that direct runoff to subsurface perforated pipes surrounded by crushed stone. Alternative methods of infiltration are permitted, but shall be approved in advance by the Commission.
18. Driveway runoff shall be infiltrated on site, using either drywells, a stone infiltration trench, or a trench drain.
19. Mitigation plantings shall be installed, and seeding completed, in accordance with the final approved mitigation plan and the "Proposed Mitigation" narrative submitted with the Notice of Intent. The stacked cut wood in the vicinity shall be removed.
20. One Black Cherry (*Prunus serotina*) tree, 1 ½ - 2 inches minimum caliper, shall be planted within the 100-foot buffer zone in accordance with the Commission's Tree Removal and Replacement Policy (adopted 11/4/19).
21. 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.
22. It is the sole responsibility of the owner of record to maintain drainage structures at all times. The property owner is also responsible for retaining records of the maintenance and cleaning for review by the Commission. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
23. 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.
24. 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.
25. 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.

26. The mitigation planting area shall be allowed to naturally revegetate with native species following planting and remain as naturally vegetated, and shall not be maintained as a mowed or landscaped area. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.

Second: Comm'r Mosher

Roll Call: Comm'r Hidell: aye, Comm'r Kelly: aye, Comm'r Mooney: aye and Comm'r Roby: aye

100 Industrial Park Road – DEP 034-1361, continued from 12/21/20

Applicant: Timothy Casey, JEB Group, LLC

Representative: Kevin Hixson, BL Companies

Proposed: Warehouse renovation and demolition, and site improvements

Meeting Documents & Exhibits: Staff memo, Revised Plan Set 1/8/21, Revised O&M Plan 1/8/21, Memo Re: Drainage Test Pit Investigation 1/8/21, Response to Peer Review Engineer's Comments 1/8/21, Peer Review Engineer's Letter 1/20/21, Response to Conservation Comments 1/29/21, and Response to LSP Comments and LSP Opinion 1/29/21

Excerpts from the staff memo: This hearing is continued from the 12/21/20 meeting to allow time for the Commission to review submitted materials and to potentially obtain additional information from the representative and/or LSP regarding the project. Since then, there have been revised plans (dated 1/8/21), a revised O&M Manual (dated 1/8/21), and another memo from the peer review engineer (dated 1/20/21), which have all been posted on the Pending Applications website. The applicant has also conducted additional test pits in the northwestern portion of the site, and based on this, the representative has indicated that additional recharge is not possible in this location (see Memo Re: Drainage Test Pit Investigation 1/8/21, also posted on the Pending Applications website).

Chair Freeman summarized the resource areas, the proposal, and the discussion of the last meeting. She noted that a letter from the Licensed Site Professional (LSP) and a response from the applicants to the latest staff comments had been received that day. She also noted that staff and the peer reviewer had determined that the Stormwater standards had been met.

Representative Kevin Hixson from BL Companies was present on the call along with the LSP, Matthew Heil, from Sanborn Head. K. Hixson stated that they had investigated the northwest corner of the site for potential infiltration for stormwater and explained that the area was deemed unsuitable for recharge due to the presence of high groundwater traits. He stated they are in agreement with the draft condition #28 requiring that an Illicit Discharge Compliance Statement be submitted to the Commission for review and approval, to ensure compliance with MassDEP Stormwater Management Standard 10 before a Certificate of Compliance will be issued. K. Hixson reiterated that as the site exists today there is no stormwater treatment system and it has 9.5 acres of impervious area discharging all the untreated stormwater from every storm event without retention or detention, directly to the wetlands in the south west corner. He further reiterated the details of the proposed stormwater system and how it will benefit the site. K. Hixson briefly reviewed the three responses they'd submitted to the Commission; one, to do with the limit of disturbance and how they will minimize that; two, that it was not feasible to introduce more infiltration in the area suggested; and three, to do with the AUL LSP.

LSP Matt Heil reviewed his qualifications and gave an overview of his summary letter written on the 1/29/21 stating that it addressed the Commission's questions and the majority of the abutters questions from their January 22nd letter, with the exception of one item. The screen was shared with the Figure from his letter and he pointed out where he did not recommend stormwater infiltration and the reasons why. He stated that the downgradient area on the neighbor's property had not achieved a Permanent Solution yet, only a Temporary Solution because there are still intermittent, albeit low level, exceedance of the water quality standards there. He added that they often see the Temporary Solutions in a GW1 area because they get cleaned up to a point and then the remainder has to be monitored for the natural attenuation to happen. He noted that as of 2019 there were 820 Temporary Solution sites in Massachusetts.

M.Heil continued his review of the items in his letter, noting that they believe the design standard for stormwater has been met to infiltrate to the maximum extent feasible and noted that the peer reviewer was in agreement. He stated he'd also reviewed the wetland design relative to the AUL requirements and in his opinion, this design remains compliant with the site AUL and is consistent with maintaining the existing Permanent Solution on the upgradient side and the Temporary Solution on the downgradient side.

Addressing the Commission's concern regarding soil management as it relates to construction and controlling the potential for contaminant migration, M.Heil stated that all the earthwork is managed with a site specific Soil Management plan and in compliance with the Release Abatement Measures provisions of the MCP (Massachusetts Contingency Plan). The plan and measures are followed, maintaining no significant risk and keeping workers and neighbors safe. He stated that 'no significant risk' is the regulatory definition of a Permanent Solution and he gave an example of a technique used to contain contaminated soil to control runoff, rainwater infiltration, leaching, and dust migration. He added that if there are soils that have to be removed from the site, that can't be reused, which there will likely be some degree of that on this site, they will be properly precharacterized/sampled so they can find the appropriate permitted disposal facility or reuse facility outside of Hingham. He added that they also monitor for air and potential VOCs (Volatile Organic Compounds) and dust, and if the standards are exceeded, work stops, corrective actions are taken and the action levels can be met.

Addressing dewatering, M. Heil stated that they expect some degree of dewatering in some areas, in particular some of the deeper utility structures, and explained that under the Massachusetts Contingency Plan, one can take groundwater out of the ground for whatever the need is and one is allowed to put it back in the ground in the same spot or upgradient. He described it as a closed loop. Should there be a situation where there is too much water to handle, for instance if the soil is too tight, they would then use a US EPA Remediation General Permit (RGP) which allows them to treat the water to drinking water standards and release it to a storm drain; he doesn't anticipate that happening but they would be prepared to do that if necessary.

M. Heil commented on the abutter's question regarding blasting and if it's needed on the site, how to remain safe. He said that there is a rock knob on one side of the building and it is not clear if that has to be cut by blasting or if mechanical means would suffice. If it were blasting, they would be bringing it down to grade, not going below groundwater which is 4 ft down or deeper. He said that they would not be blasting contaminated bedrock, that it's the upper part that would be blasted and stated that the majority of impacts on this site are in the overburden and soil related. M. Heil added that the rock knob is located side gradient to the residual source areas which is another reason he is comfortable pursuing that if they have to. He noted that with fire prevention rules regarding blasting and with modern improved control over blasting agents, it can be done safely.

M. Heil closed by stating, based on his experience, reviewing the site data and the tree development plan, that it can be done safely and in compliance with 21E (Massachusetts Oil and Hazardous Material Release Prevention Act) and the MCP (Massachusetts Contingency Plan) without making the downgradient property worse and without compromising the current Permanent Solution nor the Temporary Solution.

Comm'r Hidell noted that the materials had been submitted that day and when he reviews the material he will likely have more questions. He asked what assurances are there that crevasses opened up from the blasting will not contain hazardous materials that would migrate and how blasting or any other subsurface work might enhance the migration that they are trying to avoid. He also has concerns about the exposure of materials as they begin construction on site.

Comm'r Kelly questioned if there is any possibility of getting to a Permanent Solution on the property. M. Heil responded affirmatively, stating that all Temporary Solutions have to be able to say that they've done the best they can to get to a Permanent Solution. It can be difficult to reach as eventually it becomes somewhat dilute and the numbers and standards are so small, essentially drinking water standards. He added that very often the remedial action for these types of sites are what is called Monitored Natural Attenuation (MNA); basically the site is cleaning itself which can be hard to put a timeline on, but key indicators that it's working are that things are stable or receding and not getting worse. In response to followup questions, M. Heil stated that in the last sampling round on this site in October by GZA (working for the Responsible Party), they are still working on getting to a Permanent Solution. On how it's progressing and its RTN (Release Tracking Number), M. Heil stated that, in his recollection, the last sampling round had one monitoring well with an exceedance of the GW1, and others that did not.

The ACO confirmed for the Commission that with the broad categories of comment she's provided, she is satisfied with the response in regard to the limit of disturbance but might suggest tweaking a condition to state that the entire area in the leaching bed be seeded. She appreciates the applicant's goal of ensuring there is no further tree removal in that area. With regard to stormwater management she feels the project does now meet all the stormwater standards. She noted that she'd added a draft condition #20 that specifically calls out excavated soils and requiring documentation be submitted to the Commission from an LSP afterwards with confirmation that there is still no significant risk on the site. She also stressed in draft condition #25 that if they have to remove remedial wastewater it should also be handled by the soil management plan.

Referring to Comm'r Hidell's question regarding the rock, K. Hixson confirmed with M. Heil that, whether it's rock or soil, they would still have to test that material to know if it falls into that category for contaminants. M. Heil agreed and stated that any material that would leave the site would be tested because any permitted facility would require it and the LSP would have to stamp that it was sampled appropriately. He added that if they were to find some new contamination, they have to analyze it and see if it's consistent with what they already know about the site.

When asked by the Chair if there was anything further, within its jurisdiction, that the Commission might do to make this better, the ACO stated that, as a minor point, it would be helpful, as there could be a future unknown contractor, to edit condition #29 to add that the entire former leaching area is to be restored. She stated that there could be other things that could be added to have more specificity, but at the moment she felt there was nothing glaring. The ACO stated that in regards to one of the abutter questions about who will be the responsible party and will that change going forward; she did not include any conditions as she felt it was not in the Commission's jurisdiction to do so, and that would be managed by a different department at DEP.

Chair Freeman invited any comments from the public.

Gabe Crocker of Crocker Design Group was present with Scott Golding of Drohan Tocchio and Morgan, on behalf of the abutter AW Perry. He expressed his appreciation of the Commission's consideration of their concerns. He stated that they did not have further to add that evening. They had identified their concerns and there would be more back and forth to come, which they will continue to monitor.

There was no further comment from the public.

Motion: Chair Freeman moved to continue consideration of 100 Industrial Park Road, DEP 034-1361 to February 22nd.

Second: Comm'r Mosher

Roll Call: Comm'r Hidell: aye, Comm'r Kelly: aye, Comm'r Mooney: aye, and Comm'r Roby: aye

60 Research Road, 73 Abington Street, 0 SE Expy. – DEP 034-1388, cont'd from 12/7/20

Applicant: Kevin Gill, Gill Research Drive, LLC

Representative: Gabe Crocker, Crocker Design Group, LLC

Proposed: Construction of a warehouse and parking area

Meeting Documents & Exhibits: Staff memo, Peer Review Engineer's Letter 11/24/20, Revised Site Development Plan Set 1/4/21, Response to Conservation Comments 1/8/21, Response to Site Plan Comments 1/4/21 (includes Stormwater Standards), Existing vs. Proposed Site Layout Plan 12/30/20, Peer Review Engineer's Letter 1/19/21, Response to Conservation Comments 1/29/21, Response to Site Plan Comments 1/29/21 (includes Stormwater Standards), and Revised Site Development Plan Set 1/29/21

Excerpts from the staff memo: This hearing is continued from the 12/7/20 meeting at which there was no discussion. Prior to that, the project was initially presented to the Commission at the 11/2/20 meeting. Since then, staff provided comments on the initial submittal and visited the site on 11/30/20 and 12/15/20, and provided follow up comments. The peer review engineer also provided comments on the initial submittal. There have been revised plans (dated 1/4/21) and supporting documentation, including responses to comments, as well as subsequent comments from staff and the peer review engineer; all pertinent materials have been posted on the Pending Applications website.

Chair Freeman summarized the staff memo and project, noting that more time will be needed to review and invited the applicants to give an update. Scott Golding and Jeffrey Tocchio from Drohan Tocchio & Morgan were present on the call along with Gabe Crocker from Crocker Design Group. G. Crocker stated that the project has made significant progress and has had one round of updates. He shared his screen to present the updates to the Commission.

G. Crocker explained that they focused on what to do to improve existing conditions on the east side of the property. There is currently pavement sheet flow with no treatment and they propose a stone filter berm the entire length of the pavement in order to collect and recharge with treatment. They also propose that the two existing non-standard catch basins will be replaced deep sump hooded catchbasins and a new water quality drain manhole that those can connect to, and the existing pipe outlet at the edge of the wetland will be pulled back about 10 ft and a new scour pad added. For the few areas of disturbance beyond the paved limits noted by staff, the updated plan identifies their location and calls for their restoration. He pointed out where they will replace a catchbasin that ties to a pipe that leads to the stream, with a water quality inlet to improve treatment. He added that they had also removed some pavement square footage along the edge just by cleaning up and regularizing the edge.

G. Crocker briefly described further updates:

- They engaged a landscape architect to pull a landscape plan together including the restoration areas as well as the tree planting areas.
- McCusker Gill performed an elicit discharge study and it was confirmed that there is no elicit discharge today, everything is appropriately tied into the sewer system.
- They added oil grit tanks and sized them for pretreatment requirements.
- They removed a designation for snow storage over 2 catch basins and now include 'no snow dumping' signs.
- In order to meet TSS removal, they changed the underground detention system from a concrete chamber system to an ADS system with isolator rows.
- They updated the rainfall amounts in their analysis.
- They added notes in regards to sealcoating and striping per staff recommendations.

Brief discussion followed with the ACO describing the tree removals on the southern portion of the site and that 38 trees of the same species would be planted; due to space constraints, 15 would be planted in the 100 ft buffer and the others as close as could be to the resource area. The project is meeting the Riverfront requirements for redevelopment. Finally, the open Order of Conditions for 73 Abington Street is expected to be closed out with a Certificate of Compliance in the near future.

Chair Freeman invited any comments from the public. There were no comments from the public.

Motion: Chair Freeman moved to continue consideration of 60 Research Rd, DEP 034-1388, to February 22nd.

Second: Comm'r Mosher

Roll Call: Comm'r Hidell: aye, Comm'r Kelly: aye, Comm'r Mooney: aye, and Comm'r Roby: aye

6 New Towne Drive – DEP 034-1395, continued from 1/11/21

Applicant: Donald MacKinnon, Atlantic Development

Representative: Gabe Crocker, Crocker Design Group, LLC

Meeting Documents & Exhibits: Staff memo, Narrative, Original Plan Set 12/28/20, Response to Conservation Comments 1/25/21 and Revised Plan Set 1/25/21

Excerpts from the staff memo: This hearing is continued from the 1/11/21 Commission meeting, where the project was presented and discussed. Since then, the plans have been revised (1/25/21) and a formal response to staff comments has been provided; these items are posted on the Pending Applications website. Overall, the proposed impacts have not changed, however the mitigation has been increased and additional details have been provided regarding the species of trees being removed and replanted, and the feasibility of using a permeable material on the proposed driveway (see response letter). At the time of the last hearing, DEP had also yet to issue a file number, however one is now in place.

Chair Freeman summarized the staff memo noting that since the last meeting the applicant had submitted revised plans with mitigation exceeding what the Commission requires. Gabe Crocker and Maggie Laracy of Crocker Design Group were present on the call along with the applicant, DJ MacKinnon, and homeowners Andrew and Taylor Howell. G. Crocker shared his screen with the updated plan. G. Crocker explained that they had done an additional survey to nail down the extent of the tree line and extent of lawn and added that information to the plan. The project will be staying within the open lawn area and they have engaged a landscape architect and a restoration wildlife seed mix is proposed. Brief discussion followed regarding aspects of the landscape plan.

G. Crocker noted that they had also pulled the pavement back quite a bit; 220sf compared to the prior plan. He stated that the impervious area was reduced from the prior plan down to 1403 sf. The CO suggested that draft condition #21 could be modified as the plantings would all be native and to add a new condition, 'Prior to the start of any excavation or construction, a revised Landscape Plan, depicting one or more native shrub species in place of the proposed Boxwood (*Buxus sempervirens*) hedge, shall be submitted to the Commission for review and approval.'

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

Motion: Chair Freeman moved to issue an Order of Conditions for the proposed work at 6 New Towne Drive (DEP 034-1395), as shown on the submitted plans, and adopt the findings of fact a through c, and special conditions 1 through 25 of the staff report and as discussed in the meeting.

(the conditions below reflect the edits made at the meeting)

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 makes no finding as to the exact boundaries of wetland resource areas.

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 shall not be used as a form of erosion and 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 any excavation or construction, copies of all permits, certifications, and approvals, as applicable, issued by the Hingham Sewer Department and Hingham Department of Public Works, shall be submitted to the Commission for review.
8. Prior to the start of any excavation or construction, a revised Landscape Plan, depicting one or more native shrub species in place of the proposed Boxwood (*Buxus sempervirens*) hedge, shall be submitted to the Commission for review and approval.

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 and properly disposed of at an off-site location.
11. All tree debris shall be properly disposed of at an off-site location; no chipped or mulched material shall remain on the property.
12. All excavated material shall be properly disposed of at an off-site location.
13. Any on site dumpsters shall not be located within 50 feet of any resource area.
14. There shall be no stockpiling of soil or other materials within 50 feet of any resource area. All stockpiles that are not used for more than five days shall be covered and surrounded by erosion and sediment controls; straw wattles and/or hay bales shall not be used as a form of erosion and sediment control.
15. 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.
16. 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. Prior to construction, plans for the stilling pond or similar device shall be submitted to the Commission for review and approval.
17. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 50 feet of any resource area.
18. Runoff from the approved driveway shall be captured and infiltrated on site using stone trenches, as shown on the final approved plans, or a suitable alternative approved in advance by the Commission.
19. Mitigation plantings and seed mix shall be installed in accordance with the final approved plans.
20. 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.
21. It is the sole responsibility of the owner of record to maintain drainage structures at all times. The property owner is also responsible for retaining records of the maintenance and cleaning for review by the Commission. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
22. The mitigation planting areas shall be maintained with native plantings and seed mix, or shall be allowed to naturally revegetate with native species following planting and remain as naturally vegetated. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
23. 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.
24. 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.
25. Prior to the issuance of a Certificate of Compliance, the 10 (ten) native trees, planted in accordance with the Commission's Tree Removal and Replacement Policy (adopted 11/4/19), shall survive at least two full growing seasons. If this is not achieved, a replacement planting of the same species shall be made by the applicant.

Second: Comm'r Mosher

Roll Call: Comm'r Hidell: aye, Comm'r Kelly: aye, Comm'r Mooney: aye, and Comm'r Roby: aye

Chair Freeman adjourned the meeting at 9:38 pm.

Submitted, _____
Sylvia Schuler, Administrative Secretary

Approved on February 22, 2021

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