



## CONSERVATION COMMISSION MEETING MINUTES –March 7, 2022

**Present:** Chair Crystal Kelly, Carolyn Nielsen Vice Chair, Bob Hidell, Bob Mosher, and Thomas Roby - Commissioners, Emily Sullivan-Conservation Officer

**Absent:** Nina Villanova

The remote meeting was held via Zoom with Dial in #929-205-6099, Meeting ID # 854-8963-2682

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

Chair Kelly stated that the meeting was being held remotely as an alternate means of public access pursuant to Chapter 20 of the Acts of 2021 temporarily amending certain provisions of the Open Meeting Law. She advised that the meeting and all communications during the meeting may be recorded by the Town of Hingham in accordance with the Open Meeting Law. She stated that if any participant wished to record the meeting, to notify her in accordance with M.G.L. c. 30A, § 20(f) so that she could inform all other participants of the recording. No participants expressed a wish to record the meeting.

### **Approval of Minutes from 1/31/22 and 2/14/22**

Chair Kelly noted that with the absence of Comm'r Villanova, the 2/14/22 meeting minutes could not be voted on, however, a vote could be held for the 1/31/22 minutes.

**Motion:** Comm'r Hidell moved to approve the draft minutes from the 1/31/22 Commission meeting.

**Second:** Comm'r Nielsen

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

Vote to continue the vote on the 2/14/22 draft meeting minutes.

**Motion:** Comm'r Nielsen moved to continue the approval of the 2/14/22 minutes to the next meeting.

**Second:** Comm'r Mosher

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

### **Certificates of Compliance**

**15 Porters Cove Road** - DEP 034-1301, cont'd from 2/14/22

Applicant: Tivon Sidorsky

*Excerpts from the staff memo: This item is continued from the 1/31/22 and 2/14/22 meetings due to a lack of a quorum of members present and eligible to vote on this project. Staff notes that since then the issues related to a separate open Order (DEP 034-1369) have been resolved, including reinstalling a MassDEP file number sign, reestablishing erosion and sedimentation controls, and installing catch basin inlet protection. Staff visited the site again on 2/16/22 to confirm that the work approved under this separate Order could proceed.*

**Motion:** Comm'r Mosher moved to issue a Certificate of Compliance with ongoing condition #33 in perpetuity for 15 Porters Cove Road, MA Dep 034-1301.

**Second:** Comm'r Roby

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

**186 New Bridge Street** - DEP 034-1259

Applicant: Jeffrey Anderson

*Meeting Documents & Exhibits: Staff memo*

Homeowner and applicant, Jeffrey Anderson was present on the call. The CO explained that most of the conditions were in compliance when the Partial Certificate of Compliance was issued in 2017. The Commission had reviewed the As-Built plan at that time. Since then the vernal pool was certified by the Natural Heritage and Endangered Species Program in 2019, per Condition #37.

**Motion:** Comm'r Hidell moved to issue a Certificate of Compliance with ongoing condition #40 in perpetuity for 186 New Bridge Street, MA Dep 034-1259.

**Second:** Comm'r Nielsen

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

### **Requests for Determination of Applicability**

#### **186 New Bridge Street**

Applicant: Jeffrey Anderson

Representative: Bryce White, Seoane Landscape Design, Inc

Proposed: Buffer Zone restoration

*Meeting Documents & Exhibits: Staff memo, Request for Determination of Applicability application and Wetland Restoration Planting Plan revised 2/2/22.*

*Excerpts from the staff memo: In 2021, the property owner cleared approximately 3,250sqft of vegetation (mostly briar) from the 100ft buffer and removed 5 trees within the 100ft buffer and 1 tree within the 50ft buffer to BVW. This work also occurred within the 100ft buffer to vernal pool. After the clearing and removal work had been complete, the property owner realized that the work had been conducted in jurisdictional area without conservation approval. The proposed buffer zone restoration planting plan was designed to mitigate for the clearing work. The buffer zone restoration plan proposes to restore 750sqft within the 50ft buffer and 2,500sqft within the 100ft buffer, for a total of 3,250sqft of restoration (the same amount of area cleared). The planting plan proposes to plant 1 red maple tree, 4 eastern white pines, serviceberry, coastal sweet-pepperbush, inkberry, winterberry, and smooth arrowwood.*

Representative Bryce White from Seoane Landscape Design, Inc was present on the call along with homeowner Jeffrey Anderson. B. White explained that they had started the clearing and tree removals and when they saw the wetland, brought it to the attention of the CO to find out what kind of filing would be needed. He provided details of the trees that had been removed and what replacement trees they propose. The Buffer Zone Restoration Plan was shared to the screen. B. White further stated that other than the trees, the vegetation that was removed was a lot of brambles/briar and invasive bittersweet. He detailed the other proposed shrub plantings.

The CO commented that it was an after the fact filing and the plan will restore the area and be a benefit to the now certified vernal pool. The Commission was satisfied with the restoration proposal.

**Motion:** Comm'r Hidell moved to issue a Negative Determination of Applicability for the proposed work at 186 New Bridge Street.

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 start of work, erosion and sediment controls shall be installed along the limit of work, and inspected by an agent of the Commission; straw wattles and/or hay bales shall not be used as a form of erosion or sediment control.
2. Erosion and sediment controls shall remain in place until all disturbed or exposed areas have been stabilized with a final vegetative cover or the Commission has authorized their removal.
3. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.

4. The 3,250sqft buffer zone restoration planting area shall be installed, and seeding completed, in accordance with the final approved mitigation planting plan. All mitigation plantings shall be native species; no cultivars, non-native species, or invasive species shall be allowed.
5. 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 Kelly: aye, Comm'r Nielsen: aye, Comm'r Roby: aye, Comm'r Mosher: aye, and Comm'r Hidell: aye

**Chair Kelly read the Public Hearing Notice of Intent.**

### **Notices of Intent**

**10 Chestnut Place** – DEP 034-1437, cont'd from 2/14/22

Applicant: Oak Development & Design

Representative: P.J. Antonik, Oak Development & Design

Proposed: Demolish and rebuild a single family house

*Meeting Documents & Exhibits:* Staff memo, Arborist Letter, Revised Plan of Land (Rev. 3/3/22) and Mitigation Planting Plan (Rev. 1/28/22)

*Excerpts from the staff memo:* The purpose of this Notice of Intent is to evaluate the potential impacts of demolishing an existing single-family house and gravel drive, and rebuilding a single-family house including pervious patios, retaining wall and steps, pervious paver driveway, grading, removing trees, and mitigation plantings. All work would be within the outer riparian zone of the Riverfront Area to the Weir River and most of the work would also be within the 50ft buffer to Coastal Bank and Salt Marsh, except for the driveway and a small portion of the house. There is also Land Subject to Coastal Storm Flowage on the property, but no work is proposed within this area.

Leigh Roy, representing Oak Development & Design, was present on the call and reviewed some of the changes made on the revised plan; the original coastal bank line was pulled in, the steps were moved inward, and of 4 trees proposed for removal, one will be pruned. She stated that a mulch log is in place and a silt fence going up during the week.

The CO noted that some of the ACO comments had yet to be addressed and reviewed the comments in the staff memo; 1, More information is needed regarding the mean high water level; 2, The erosion controls should be moved closer to the limit of work; 3, More clarity is needed on the existing timber and stone walls and 4; For the gravel strip around the house, there should be a detail on the plan. The CO noted that the revised plan does include a cross section of the coastal bank and that a letter from the arborist had been submitted.

Comm'r Nielsen stated that she had visited the site and was struck with the importance of maintaining the stability of the coastal bank. She commented on a timber section at the bank that is in tough shape and asked what was proposed. Brad Holmes of Environmental Consulting and Restoration was present on the call and clarified that no work was proposed on the coastal bank; other than pruning of the tree on the bank, there is no other activity on the bank. The mitigation planting will result in a more vegetated buffer. P.J. Antonik, of Oak Development & Design, joined the call. Responding to a question about the timber wall on the coastal bank, P. Antonik stated that they would get rid of it. The Commission pointed out that something will need to be done to make sure the coastal bank will be stable. Discussion followed. P. Antonik suggested that some native shrubs might be planted there for vegetation but added that it's not a large drop off and suggested that as long as they get grass growing there, it should be fine. B. Holmes made a suggestion that the mitigation plantings could merge into that area. Discussion followed and the Commission reiterated concern about the retaining the stability of the bank and the need to control runoff going over the bank.

The CO commented that as well as the items still to be added to the Site plan, the Mitigation plan would need to be consistent with the final revised site plan.

Chair Kelly invited members of the public to comment. There were no members of the public present on the call who wished to comment.

**Motion:** Comm'r Hidell moved to continue the hearing for 10 Chestnut Place to March 28, 2022.

**Second:** Comm'r Mosher

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

## **2 Stagecoach Road – DEP 034-1438**

Applicant: Anthony Campisi

Representative: Brad Holmes, ECR

Proposed: Addition and patio

*Meeting Documents & Exhibits: Staff memo, Notice of Intent packet with original Site and Mitigation Plans, Revised Site Plan (3/3/22) and Revised Plant List*

*Excerpts from the staff memo: BVW and Inland Bank were flagged by a wetland scientist in August 2021. Staff reviewed and agrees with the delineation. The boundary of BLSF was determined by topographic survey. The property is a corner lot and slopes from the roadways towards the BVW and Eel River at the rear. The rear lawn area appears to be historic fill with an abrupt drop in elevation at the edge. No changes in grade are proposed. The trees proposed for removal are mature red oaks. It is not clear whether they are safety hazards. Staff provided comments to the representative and received responses and plan revisions, including clarification on driveway drainage, confirmation that the proposed patio will be pervious, and adjustments to proposed plantings based on site conditions.*

Representative Brad Holmes was present on the call along with homeowner Anthony Campisi. The Site Plan was shared to the screen and B. Holmes described the wetland resources. He stated that the proposed work is in the 100 ft buffer zone and riverfront area; none in the FEMA flood zone. B. Holmes described the project; an addition to the rear of the house in the space of an existing deck, 3 season room and stairway. A small pervious patio is also proposed at the back of the addition. He explained that they would be removing lawn area and revegetating with native mitigation plantings to meet the riverfront redevelopment standard. In addition to the 513sf mitigation, they're proposing to add roof infiltration for the addition and add a stone trench to intercept runoff from the existing paved driveway; runoff will enter the trench and be directed into a drywell.

Homeowner A. Campisi explained he'd spoken with an arborist from Hansen Tree Service regarding 3 trees. One in the front of the house and another in the back are in poor health. For the third tree, on the left toward the waterline, he was advised that it was in better health and could be pruned.

The CO reviewed the ACO's staff memo and noted that trash debris will be addressed with the mitigation planting and summarized the debate of whether the work in the lawn is 'new' or 'redevelopment' per the riverfront area standards. Overall, what is proposed is an enhancement to the site. Responding to a Commission question, B. Holmes stated that replacements for the tree removals consist of two Pignut Hickory and two Red Maple.

Chair Kelly invited members of the public to comment. There were no members of the public present on the call who wished to comment.

**Motion:** Comm'r Hidell moved to issue an Order of Conditions for the proposed work at 2 Stagecoach Road (DEP 034-1438), as shown on the submitted plans, and adopt the findings of fact a through c, and special conditions 21 through 51 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.
- c. For the purpose of this filing, the Commission confirms the delineation of Inland Bank flags IB-1 to IB-6, and Bordering Vegetated Wetland flags A2 to A12, but makes no finding as to the exact boundaries of other wetland resource areas.

Conditions:

21. 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.
22. This document shall be included in all construction contracts and subcontracts dealing with the work and shall supersede all other contract requirements.
23. The project supervisor or contractor in charge of the work shall have a copy of this Order available on the site at all times.

24. 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.
25. 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.
26. 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.
27. Prior to the start of any excavation or construction, documentation from an arborist regarding tree health and any proposed removals, and a final tree mitigation planting plan shall be submitted to the Commission for review and approval, in accordance with the Commission's Tree Removal and Replacement Policy (adopted 11/4/19). These plantings shall be in addition to the approved Riverfront Area mitigation plantings. 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.
28. Prior to the start of any excavation or construction, manufacturer specifications and/or construction details for the patio shall be submitted to the Commission for review and approval. The patio shall be constructed to be permeable with permeable pavers, joints, and an appropriate permeable subbase.
29. 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.
30. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.
31. All lawn waste, brush, leaves, or other materials dumped in any resource area, including the buffer zone, in particular near wetland flags IB-1 and IB-2, and chunks of asphalt near the edge of the lawn, shall be removed by hand and properly disposed of at an off-site location, and the practice discontinued, in accordance with Section 23.6 of the Hingham Wetland Regulations.
32. All tree debris shall be properly disposed of at an off-site location; no chipped or mulched material shall remain on the property. Tree stumps and roots shall not be ground or removed for trees within the 50ft buffer.
33. All demolition and excavated material shall be properly disposed of at an off-site location.
34. Any on site dumpsters shall not be located within 50 feet of any resource area.
35. 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.
36. At the end of each workday, the applicant shall mechanically or manually sweep sediments from all paved surfaces, unless tracking and sediment is not evident.
37. 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.
38. 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.
39. No vehicle or other machinery refueling, lubrication or maintenance, including concrete washout, or storage of fuel or maintenance chemicals, shall take place within 50 feet of any resource area.
40. Rooftop runoff from the approved addition shall be infiltrated on site, using a drywell in accordance with the approved plans.
41. Driveway runoff shall be infiltrated on site, using a trench drain and drywell in accordance with the approved plans.
42. Documentation shall be submitted from the contractor or installer confirming that the patio has been installed to be permeable in accordance with the manufacturer specifications and/or construction details, and in accordance with the final approved plans.
43. The mitigation area plantings and any tree mitigation plantings shall be installed, and seeding completed, in accordance with the final approved mitigation planting plans.

44. Before executing any change from the plan(s) 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.
45. 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 the Eel River, which is a state-designated Coldwater Fish Resource, and the importance of the surrounding resource areas to the groundwater/surface water supply and water quality. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
46. The use of pesticides, herbicides, fungicides, and fertilizers shall be prohibited on this property because of its proximity to the Eel River, which is a state-designated Coldwater Fish Resource, and the importance of the surrounding resource areas to the groundwater/surface water supply and water quality. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
47. 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.
48. 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.
49. 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.
50. 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.
51. In accordance with 310 CMR 10.58(5)(g) and (h), further alteration within the restoration area is prohibited, except as may be required to maintain the area in its restored condition. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.

**Second:** Comm'r Nielsen

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

#### Other Business

- a. Discussion and vote: request to redesign dock system for Barnes Wharf Project (DEP 034-1390)  
*Meeting Documents & Exhibits: a color coded diagram of the proposed changes (overlaid on the original plan)*  
The Town of Hingham engineer, J.R. Frey, was present on the call along with Nancy Kerber from the Hingham Maritime Center. The CO stated that the Harbormaster had contacted her that day to ask that the Commission hold off voting on the changes. The Harbormaster had not reviewed or approved the proposed changes yet and would like to do so before the Commission votes. The CO suggested that N. Kerber could still present the proposed changes for the Commission to discuss, but that the Commission should postpone voting.  
N. Kerber explained that they had received approval in the fall for an extensive new dock system. It went out to bid and the pricing came in well over budget. They have since come up with a hybrid system which would utilize stronger elements of the existing system and use grant money to build new docks. N. Kerber shared to the screen a color coded diagram of the proposed changes (overlaid on the original plan). She stated that they had made an effort to stay within what were issues for the Commission. One critical spot is the existing ramp; they would need to maintain that existing dock that it lands on, in the existing location, which doesn't quite meet the Commission's concerns however, it is existing. The rest of the system would shift a little further away from the mud and low water zone.

The CO noted that what is proposed is similar in layout but reduced in scope. Regarding the ramp referred to by N. Kerber, and how it connects to the 'spine', the CO noted that the Commission had been explicit in the conditions as to where that would be placed in relation to the low water mark. The CO shared the Order of Conditions to the screen. She added that, other than that one piece, this is in the same sentiment of what the Commission had already approved; certain types of materials were prohibited and this proposes to reuse existing dock material. Responding to a Commission question, N. Kerber stated that the floats would be stored up on the wharf as they have been and a crane puts them in, in high water. Brief discussion followed regarding the condition of the existing older docks. N. Kerber state that they float and work and can be used a few more years. They are not shedding material.

The Commission briefly discussed how to proceed, noting that the proposed changes comply with the substance and intent of the original order but the proposed layout is a significant change that would need a vote. The Commission briefly discussed wording of a vote to issue a conditional approval, subject to the Harbormaster's approval.

**Motion:** Comm'r Hidell moved to approve the revised plans as submitted, subject to final approval by the Harbormaster.

**Second:** Comm'r Nielsen

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

b. Discussion and vote: request to change runoff management at 361 Main St (DEP 034-1379)

With the applicant not present to discuss the request, the Commission chose to continue the matter to the March 28 meeting.

**Motion:** Comm'r Nielsen moved to continue discussion of 361 Main Street to the March 28<sup>th</sup> meeting.

**Second:** Comm'r Mosher

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

c. Commission annual report review and approval

The Commission briefly reviewed and discussed the annual report and suggested some minor edits.

**Adjourn**

**Motion:** Comm'r Hidell moved to adjourn the meeting at 8:14 pm.

**Second:** Comm'r Nielsen

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

Submitted, \_\_\_\_\_

Sylvia Schuler, Administrative Assistant

Approved on March 28, 2022

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