



CONSERVATION COMMISSION MEETING MINUTES– March 11, 2019

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

Absent: Frank Gaul

The meeting was called to order at 7:00 PM.

Approval of Minutes

There was brief discussion about amendments to the draft minutes.

Motion: Commissioner Zane moved to approve the draft minutes, as amended, from the February 25, 2019 meeting.

Second: Commissioner Mooney

In Favor: All

Opposed: None

Requests for Determination of Applicability

155 Prospect Street

Applicant: John and Nancy Babson

Proposed: Tree removal, addition, and driveway configuration

Excerpts from the staff memo: The applicant is proposing to construct a 24 ft. x 22 ft. garage with one floor of living space above, to be used as an accessory building, as well as a new gravel driveway and turnaround. The addition will be constructed off the west side of the existing house and the driveway will be next to this. Filling will be required to grade the lower half of the new driveway, however proposed grades will meet existing grades at the end of the driveway and no retaining wall will be necessary. Associated work includes tree removals at several locations. A large bordering vegetated wetland, associated with Accord Brook, is located on a large portion of the rear of the lot. The closest point of the addition to the wetland is approximately 69 ft. The proposed driveway is approximately 55 ft. at its closest point.

The revised plans include eliminating the turnaround, pruning as opposed to removing the four trees in this area, removing only two of the trees within the 50 ft. buffer zone at this time, and directing rooftop runoff into drywells.

Meeting Documents & Exhibits: Staff memo and revised plan

The applicant, John Babson was present and described the proposal. He described his current driveway as running between his neighbor's property and his own, where there is also a drainage easement from the catch basin on the road. He explained that there will be some regrading, with clean fill and gravel, to level an area, at most 18 inches or so, at the bottom of the slope to make getting into the garage easier.

He explained that he had originally proposed a certain number of tree removals and after discussions with the Asst. C.O. several of those will be pruned versus removed. He would still remove two white pines. The C.O. noted that despite the architect's indication on the plan that the trees in 'Area A' were to be pruned only, J. Babson did have permission to remove the two white pines. He explained that there is still one large beech tree, just inside the 50 ft buffer, that he might, in future, request to remove as he'd like to install solar panels on the addition.

Commissioner Zane asked if the tree out front was a town tree and J. Babson stated that Jeff Handrahan from the town had confirmed it was a town tree and had told him to keep 10 ft from the tree. The C.O. explained that the tree is outside of the Commission's jurisdiction but the plans had been forwarded to DPW for review and comment and the review is still in progress.

J. Babson asked the Commission to consider if, practically speaking, he really needs to install either or both of the two drywells. The plan currently depicts one on the front and one at the rear of the building. He explained that it's 15 ft of flat land before it drops off and has 2 minute perc soil. He added that there had been a Title V test that morning, they dug 8 ft and couldn't find a drop of water and with an existing 30 yr old downspout, there's been no erosion. He suggested that he could channel it away so it has a chance to spread out and he could avoid the expense of a drywell. The C.O. deferred to the Commission but explained that the Asst. C.O. had encouraged the drywells as mitigation for the increase in impervious area. She added that with the results of the perc test and with the small area being added, it's possible that two might be excessive. If sized correctly, based on an engineer's calculations, having just one on either the back or the front of the house might be sufficient; currently the plan does not specify the size. Discussion followed about the drywells. Commissioner Hidell commented that, given what J. Babson described with the soils, that one drywell should be sufficient and that his preference would be to have it at the front of the house nearer to the driveway. Commissioner Zane asked if the existing driveway would stay and J. Babson explained that it's an informal driveway that was possibly

the original contractor's access to build the foundations. He added that it that falls right on the property line which is why he's shifting it to be entirely on his parcel.

The Commission agreed to permit installation of just the one front drywell and amended condition #8 to specify one drywell in the front of the house.

Motion: Commissioner Mosher moved to issue a Negative Determination of Applicability for the work proposed at 155 Prospect Street, as shown on the submitted plans, and adopt the findings of fact a and b, and conditions 1 through 9, as amended, of the staff report.

(Note: the conditions below reflect the amendment of condition #8 as discussed at the hearing.)

Findings:

- a. This project meets the requirements of Part 1, Section 7.1 of the Town of Hingham Wetland Regulations governing procedures for a Request for Determination of Applicability.
- b. The work described is within an area subject to protection under the Wetlands Protection Act (M.G.L. c. 131, § 40) and the Town of Hingham Wetland Regulations, and will not alter or adversely affect the area subject to protection under the Act or the Regulations.

Conditions:

1. Prior to the start of work, erosion and sediment controls shall be installed and inspected by an agent of the Commission; straw wattles and/or hay bales will not be used as a form of erosion or sediment control.
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.
4. There shall be no stockpiling of soil or other materials within 50 feet of the resource area.
5. Two pine trees in "Area A" may be removed, however they shall be cut just below the top of the existing fence, approximately 6-8 feet from the ground, to provide snags for wildlife habitat.
6. Trees in "Area B" may be pruned, but not removed. Pruning shall be done by a Massachusetts Certified Arborist (MCA) or arborist certified by the International Society of Arboriculture (ISA).
7. The applicant shall plant six native shrubs as mitigation for removing two trees in "Area A." Plantings shall be located as shown on the final approved plan and installed prior to permit expiration.
8. Rooftop runoff from the addition shall be infiltrated on site using a front drywell, as shown on the final approved plan.
9. The Conservation Department shall be notified to any changes in plans prior to proceeding with said changed plans.

Second: Commissioner Hall

In Favor: All

Opposed: None

1 Captain Thomson Lane

Applicant: Michael Keogh

Proposed: Addition

Excerpts from the staff memo: The applicant is proposing to construct a 17 ft. x 17 ft. two-story addition with a basement. The addition will be located on the northwest corner of the existing house, tucked in between the existing driveway and the house. A bordering vegetated wetland is located in the rear half of the lot. The closest point of the addition to the wetland is approximately 68 ft. Note that the existing house is in between the proposed addition and the closest point of the wetland.

Staff visited the site on 2/27/19. The area proposed for the addition is relatively flat and currently consists of mature lawn, a few ornamental shrubs and a small ornamental tree, and brick walkway from the driveway. A low retaining wall abuts the edge of the driveway, which separates the area where the addition will be constructed from the side and rear lawn areas. The rear lawn is relatively flat before sloping down to the wetland. The applicant is proposing gutters and downspouts for rooftop runoff. Staff does not recommend requiring stormwater mitigation due the small size of the addition and the distance to the wetlands. The driveway also pitches away from the street so any new runoff that is directed here will flow into a level lawn area more than 50 ft. from the wetland.

Staff confirmed the wetland delineation near the edge of the existing lawn and agrees with the closest point to proposed addition, however staff disagrees with the western end of the delineation from WF-1 to WF-4. These flags were set back from an existing post and rail fence at the edge of the lawn, and surround an area where leaves and yard waste have been dumped. Staff did not confirm that this area is BVW due to snow cover and frozen ground conditions, however based on topography and landscape position, staff thinks it is likely this area is a part of the BVW. Staff recommends requiring that the leaves and yard waste be removed by hand and no further dumping be permitted, and the area be allowed to naturally revegetate. Staff also recommends an additional finding regarding the wetland delineation as noted below.

Meeting Documents & Exhibits: Staff memo

The applicant, Michael Keogh was present and described the project. The C.O. explained to the Commission that there is an area which staff suspects was originally wetland and they've asked the applicant to remove the yard waste built up there, let the vegetation regrow, and allow the wetland to restore itself. The applicant has agreed to remove the debris and there will be no yard waste placed there moving forward. The C.O. reminded the Commission that for every permit the Commission issues, they are both

allowing the applicant to go ahead with their project, and by doing that, also confirming the wetland delineation. For this project, staff recommended a finding that the Commission is not confirming the delineation at this time. It's not critical for this application to confirm the delineation because the addition is so far away, however, if another project came forward in the future, they would take another look at that area and see how it's doing.

Commissioner Freeman asked the C.O. if she had any concerns about the increase in impervious or runoff. The C.O. stated that she did not and explained that the addition is fairly small and tucked in to the footprint of the house where there's garage and paved driveway closer to the wetland.

Motion: Commissioner Mooney moved to issue a Negative Determination of Applicability for the work proposed at 1 Captain Thompson Lane, as shown on the submitted plans, and adopt the findings of fact a through c, and conditions 1 through 6 of the staff report.

Findings:

- a. This project meets the requirements of Part 1, Section 7.1 of the Town of Hingham Wetland Regulations governing procedures for a Request for Determination of Applicability.
- b. The work described is within an area subject to protection under the Wetlands Protection Act (M.G.L. c. 131, § 40) and the Town of Hingham Wetland Regulations, and will not alter or adversely affect the area subject to protection under the Act or the Regulations.
- c. For the purpose of this filing, the Commission makes no finding as to the exact boundaries of the wetland resource areas on site.

Conditions:

1. Prior to the start of work, all yard waste and debris shall be removed from the resource area and buffer zone by hand and the practice shall be discontinued. There shall be no future dumping of lawn waste, brush, leaves, or other materials in the wetland resource areas or buffer zone, per Section 23.6 of the Hingham Wetlands Regulations. The area beyond the existing post and rail fence shall be allowed to naturally revegetate.
2. Prior to the start of work, erosion and sediment controls shall be installed and inspected by an agent of the Commission; straw wattles and/or hay bales will not be used as a form of erosion or sediment control.
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. There shall be no stockpiling of soil or other materials within 50 feet of the resource area.
5. All excavated material shall be properly disposed of at an off-site location.
6. The Conservation Department shall be notified to any changes in plans prior to proceeding with said changed plans.

Second: Commissioner Mosher

In Favor: All

Opposed: None

Notices of Intent

0 and 90 Ward Street – DEP 034-1337

Applicant: Black Rock Development

Representative: Carmen Hudson, Cavanaro Consulting, Inc.

Proposed: Demolition of existing structure and construction of three single family houses

The C.O. explained that the applicant requested to continue to the March 25, 2019 meeting.

Motion: Commissioner Hall moved to continue the hearing for 0 and 90 Ward Street (DEP 034-1337) to March 25, 2019.

Second: Commissioner Mosher

In Favor: All

Opposed: None

Other Business:

a. **Field change request for Abington Street water line (NDA and DEP 034-1275)**

Frank Polak, MDC Properties, was present to request a field change for 73 Abington Street. They received the okay from Aquarion to run an 8 inch main to the daycare center. Aquarion strongly prefers to install the line in Abington Street which would bring it past the vernal pool area, not the extended route away from the wetlands as approved earlier by the Commission. F. Polak distributed plans to the Commissioners.

The C.O. reviewed the recent Conservation permitting of the site; the first approved project was a daycare center (with a wetland crossing) which included the water line approved to 'come through the woods', far away from Commission jurisdiction. Most recently, they approved a commercial site with 3 office/warehouses. The applicant had also submitted an RDA and was approved to extend the water line from the South Shore Collaborative on Abington Street to the point that it would go through the woods and connect to the daycare center.

The C.O. explained that Aquarion had weighed in and preferred to connect the water line at the S.S. Collaborative straight down Abington St to the daycare driveway; roughly in the middle of the travel lane, not close to the shoulder or in the vegetated area. It would be in close proximity to a certified vernal pool.

The C.O. explained that the daycare center (not occupied) has 2 propane tanks and, with no water connection, there are fire and safety concerns. She added that if the Commission was comfortable with what is proposed, a field change versus an amended order, would eliminate any time delay.

The C.O. stated that from a resource area impact perspective, with erosion controls in place, she feels it would be fine; she's relieved that the water line is not going anywhere near the shoulder or the vegetated area and added that it is fairly quick work. F. Polak stated that it would take approximately 10 days to complete and they would directionally bore to install the water line 3 ft off the center line of Abington Street until they get to the daycare center driveway where there are three 18" concrete culverts. They would bore under the culverts and bring the water line, 8 ft down, under the three culverts, across the wetland crossing. F. Polak explained that there is a dip at the driveway currently and that is designated for the trench drain.

The pipe would then run 5 ft deep all the way up the driveway, connect to the daycare center, then be brought to the edge of the property line and deadheaded there until the delineation for the new warehouse buildings is complete. F. Polak stated that it would be 8 inch pipe all the way. Aquarion is requiring meter pits at the roadway, so they have to come back with pipe from the connection to the daycare center to the roadway.

Commissioner Freeman asked what the risk would be to the vernal pool. The C.O. stated that the vernal pool is west of the driveway, the work would be 6-7 ft away and, although it's not ideal and the best option was to have it as far away as possible, Aquarion is saying it's a better route from a utility perspective. The time of year is just on the edge of when there would be alternate repercussions for the vernal pool but, with 10 inches of snow on the ground, erosion controls in place and MDC Properties ready to start the 10 days of work tomorrow, they would avoid major impacts. The C.O. added that if the work were delayed there could possibly be an impact with the disturbance, however, the amphibians using the vernal pool are not using the roadway and the traffic is already a threat to them.

The C.O. explained that it would be a field change for both the Negative Determination of Applicability and the NOI for the daycare facility. The C.O. stated that it would be difficult to get a silt fence installed under current conditions and that a mulch log or, if removed quickly, a straw wattle, could be used as erosion control.

Motion: Commissioner Hall moved to approve a field change request for the water line for 73 Abington Street for the Negative Determination of Applicability and DEP 034-1275.

Second: Commissioner Hidell

In Favor: All

Opposed: None

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

The C.O. reviewed the first hearing at which the representative, Jennifer Johnson, of Nitsch Engineering (Nitsch) laid out proposed changes to the Operation and Maintenance (O&M) plan for the Gallery Automotive (a site both in Rockland and Hingham). The Commission had been okay with all but one of the proposed changes. Nitsch had proposed once per year oil/water separator inspections and the Commission had stated that was not sufficient and requested that it be done quarterly. The C.O. asked Nitsch to put together a clear and concise document showing the changes to the O&M plan. They did that, included the quarterly inspections of the oil/water separator inspections, and formally noted after their table that they would be providing the Commission with annual reports. The C.O. added that the submission of the annual reports will provide peace of mind for the Commission to know if the frequency of inspections is sufficient.

The C.O. explained that because the order had been closed out, it had been unclear how to proceed with a change to the O&M plan. Since the initial request with Hingham, Nitsch had been before the Rockland Conservation Commission which decided to take a vote, summarize the discussion and result of the vote in the meeting minutes, staple those to the Nitsch letter requesting the changes, and add this to their file to document everything as being approved. The C.O. notified Hingham town counsel of Rockland's procedure and asked if it would suffice and town counsel stated that it sounded reasonable.

Commissioner Mooney asked if any of the Commission was familiar with oil/water separators and whether this frequency of inspection was sufficient; he'd been on an army base and they inspected every two weeks. Commissioner Hidell said he was familiar with them and weighed in that he has a Mini, has been to the dealership and has never seen any releases; he added that Gallery Automotive is very careful because it's such a huge liability and he feels the amendment is okay, and if he or the Commission saw a problem then something could be said. The C.O. commented that the representative from Nitsch had explained the redundant parts of the system and that, although the Commission had been concerned about how much they were reducing, the representative had done a great job describing how the components are linked to each other and how maintenance of one component more frequently, would find a problem with another that wasn't being inspected as frequently. Commissioner Hidell felt that it was a very good drainage system that was installed and they take such care because a release is a huge liability.

Commissioner Freeman stated that she didn't recall approving the inspection of the area drains being reduced to once a year. Commissioner Hidell stated that more frequent inspection would imply that there's a lot of dirt and debris in the area that would go into drains and fill them up but Gallery Automotive maintains it in such a way that does not

happen. The C.O. added that she had made sure that the March 8th letter addressed everything the Commission had asked them to; the Commission may have worked through the area drains but there were no suggested edits to that.

The C.O. confirmed that Nitsch has committed to submitting annual reports and in theory, the Commission would see if things were not going well and could address that.

Motion: Commissioner Hidell moved to approve the modification of the Operation and Maintenance Plan, as described in a Nitsch Engineering letter dated March 8, 2019, for Gallery Automotive, 1040/1050 Hingham Street, DEP 034-1146.

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

c. Commissioner Summary of 2018 hunting season

The C.O. recapped the 2018 turkey and deer hunting seasons and Commissioners received a brief summary of the number of permitted hunters, the number of deer harvested and how many were does and bucks. Twenty three hunters harvested at least one doe and will have a guaranteed spot for the 2019 season (again the season will be extended by the State at the beginning by two weeks). The C.O. added that there had been very few complaints about tree stands, neither proximity of stands nor abandoned stands, through the season.

The C.O. reviewed the Conservation office and volunteer hunter efforts to remove illegal stands the previous spring and described the procedure, developed with input from the Environmental Police, for timeframes, notification, removal, storage, and eventual disposal of illegal tree stands. One change in procedure implemented this year is, if a stand is clearly on Conservation property, the volunteer hunter could remove it immediately, rather than tag and return 2 weeks later. For illegal stands with any chance of actually being on an adjacent property, the stand is tagged and coordinates checked in the office, before any moves are made to remove it. Brief discussion followed regarding hunters on private land adjacent to Conservation land, button bucks, bow hunting, and baiting.

Commissioner Freeman adjourned the meeting at 8:06 pm.

Submitted, _____

Sylvia Schuler, Administrative Secretary

Approved on March 25, 2019

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