



CONSERVATION COMMISSION MEETING MINUTES –March 28, 2022

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

Absent: Bob Mosher

The remote meeting was held via Zoom with Dial in #929-205-6099, Meeting ID # 864-1746-4296

The meeting was called to order at 7:03 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 2/14/22 and 3/7/22

There was no vote held for the 2/14 meeting minutes as one of the four commissioners present at the 2/14 meeting, was not present to vote.

Vote on the 3/7/22 draft meeting minutes.

Motion: Comm'r Hidell moved to approve the draft minutes from the 3/7/22 Commission meeting.

Second: Comm'r Nielsen

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

Requests for Determination of Applicability

2 Feeley Lane

Applicant: Sarah and Daniel Bravo c/o K&E Construction

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

Proposed: Proposed grading & installation of driveway & utilities

Meeting Documents & Exhibits: Staff memo, Request for Determination of Applicability application, Site Plan (2/28/22) and revised Site plan(3/25/22)

Excerpts from the staff memo: Staff visited the site on 3/21/2022 and sent the following questions to the project representative:

- *Please confirm the amount of disturbance.*
- *How much fill do you anticipate using to regrade the site?*
- *What type of fill material are you proposing?*
- *Can the proposed sewer service be pushed outside of the 50ft buffer?*

James Garfield from Morse Engineering was present on the call and shared the site plan to the screen. He explained that the lots were part of a definitive subdivision and currently the road is constructed and the stormwater system installed. He stated that the only work proposed in the 100 ft buffer is a portion of the paved driveway. He stated that there is an existing sewer stub and the sewer will have to tie in to that. Erosion controls will be placed down gradient from the proposed work.

The CO explained that a response to staff comments had been submitted but not in time to be included in the staff memo. Brief discussion followed about the subdivision, mitigation plantings and wetland replication. The Commission was informed that the Stormwater facilities will be maintained this spring and the developer plans to install the mitigation plantings when most of the construction for the subdivision is complete, in order to protect the plantings. They are aiming for this spring and then there needs to be two full growing seasons. The Planning Board also has a performance bond. In response to Commission questions, the CO explained that through the subdivision permitting process, stormwater and mitigation maintenance conditions were included through a homeowners association covenant.

With no draft conditions prepared, the Commission suggested continuing consideration of 2 Feeley Lane to the next meeting on April 11. The applicant was amenable.

Motion: Comm'r Hidell moved to continue the hearing for 2 Feeley Lane to April 11, 2022.

Second: Comm'r Villanova

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

6 Feeley Lane

Applicant: Nicholas & Kerrie Keller c/o K&E Construction

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

Proposed: Proposed grading

Meeting Documents & Exhibits: Staff memo, Request for Determination of Applicability application, Site Plan (2/28/22) and revised Site Plan (3/25/22)

Excerpts from the staff memo: Staff visited the site on 3/21/2022 and sent the following questions to the project representative:

- *Please confirm the amount of disturbance.*
- *How much fill do you anticipate using to regrade the site?*
- *What type of fill material are you proposing?*
- *Can the proposed propane tank be pushed off the 100ft buffer?*
- *Can the proposed water service be pushed outside of the 100ft buffer?*

James Garfield from Morse Engineering was present on the call and explained that this lot is part of same three lot subdivision as 2 Feeley Lane. He shared the site plan to the screen and reviewed the setbacks and aspects of the plan. He noted that there was only grading associated with the project. There would be a mulch sock down gradient of the proposed work. CO noted that this application was similar to 2 Feeley Lane however with less impact on resource areas. The applicant had responded to staff concerns and moved some of the utilities to be more outside the 100 ft buffer. This lot is closest to the open space parcel. With no draft conditions prepared, the Commission suggested continuing consideration of 6 Feeley Lane to the next meeting on April 11. The applicant was amenable.

Motion: Comm'r Nielsen moved to continue the hearing for 6 Feeley Lane to April 11, 2022.

Second: Comm'r Hidell

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

Chair Kelly read the Public Hearing Notice of Intent.

Request for Amended Order of Conditions

7 Brandon Woods Circle – DEP 034-1423

Applicant: Stephen and Jane Savignano

Representative: Scott Fanara, Grady Consulting L.L.C

Proposed: Installation of two boardwalks and fencing

Meeting Documents & Exhibits: Staff memo, Request for Amended Order of Conditions letter and Site plan (3/7/22)

Excerpts from the staff memo: In October 2021, the Commission issued an Order of Conditions for construction of a pool, patios, retaining wall, grading, fencing, tree removals and landscaping. This work is located to the rear of a single-family house, mostly in a previously developed lawn area. The parcel extends significantly further back into a wooded area with a conservation restriction (CR) held by the Commission. This area includes wetlands, a pond, and some trails.

The applicant is requesting an Amended Order of Conditions to install fencing and two boardwalks on the portion of the property under the CR. The fence would be on or near the perimeter of a small portion of the property along the western property line, to limit historic encroachment from abutters and allow an area of maintained lawn to naturally revegetate. The fence would be within floodplain and the 50ft buffer. One of the boardwalks would be installed over an existing elevated stretch of path from the applicant's yard into the CR. There are wetlands on either side of the path leading to frequent wet conditions and runoff. The second boardwalk would be installed over a Bordering Vegetated Wetland immediately adjacent to the pond, and within the inner riparian zone of the Riverfront Area to Accord Brook. Water from the pond and wetland area flows through a small channel into Accord Brook, which is nearby along the eastern property line less than 50ft away. The existing path wraps around the perimeter of the pond, with the exception of this section due to very wet conditions, including standing water for much of the year. The boardwalks would be within floodplain and either BVW or 50ft buffer zone.

The proposed fence location is along the property line, however staff noted that some portions would extend slightly into wetlands if installed in that location. Assuming the fence is permissible under the CR, staff recommends shifting the fence to avoid the wetlands, which the owner is amenable to. Staff also recommends a gap at the bottom of the fence for passage of wildlife and floodwaters. With regard to the boardwalks, the boardwalk closer to the house ("lower path" on plans) would be in an area with a clear existing access path with a thin layer of woodchips. For the boardwalk by the pond ("upper path" on plans), the area had standing water and staff could not see a clear historic path, however an old section of wooden planks used for crossing the area was submerged in the water, and an existing path is visible around the rest of the pond. If this boardwalk is approved, staff recommends consideration of an even less disruptive support system if feasible, such as helical piles, for this section of boardwalk, consideration of limiting the width of the boardwalk to four feet, instead of six, to limit impacts to the wetland, and more information on proposed materials to ensure they are suitable for frequent standing water conditions.

Staff has reached out to Town Counsel regarding whether fencing and boardwalks are allowable under the CR.

Applicant and homeowner, Steve Savignano was present on the call along with representative Scott Fanara from Grady Consulting. S. Fanara shared his screen with the site plan. He gave an overview of the pond and path around the pond. He described the boardwalks as very low profile; one nearer to the house and another at the rear of the pond. He stated that the areas suggested for boardwalks flood quite a bit and that prohibits getting around the pond. S. Fanara stated that they propose use of diamond piers that do not require machinery for installation and are less impactful than what they'd initially proposed. He explained that a perimeter fence is also proposed and agreed that the fence location would be staked up before any fence installed. Finally, he stated that a silt fence would be used for erosion controls.

The CO stated that she had visited the property with the ACO and homeowner. She noted that the project takes place within the 50 ft buffer and the floodplain. In regards to the fencing, she described the benefit of the fencing; natural vegetation would reestablish where there is currently maintained lawn and a gap at the bottom would allow passage for wildlife and floodwaters. She stated that the boardwalk are proposed to be 6 ft wide and it is staff's recommendation to reduce that to 4 ft in width. She explained that there is a Conservation Restriction (CR) on the property that the Conservation Commission is tasked to monitor. Town Counsel was consulted and they didn't see any issue for the Commission to approve the project, however, they did recommend that the Commission make two votes, one for the amendment of the Order of Conditions and another to accept the structures in the Conservation Restriction. For the latter, the vote would include a condition that an additional plan sheet delineating the CR be submitted.

The Commission discussed the fence noting that it is normally reluctant to permit fencing within the 50 ft buffer. Responding to Commission questions, S. Savignano stated that the fence would be a black chain link fence with steel posts, clarified that the fence would be closer to the wetland line rather than the 50 ft buffer line, and that on the other side of the fence would be someone else's private yard. S. Savignano noted that within the buffer zone there was maintained lawn and trees that had been cut by a former owner of that property. When asked about plantings, S. Savignano stated that there would be plantings along the fence and the area would be allowed to naturally revegetate. Brief discussion followed with S. Savignano agreeable to planting only natives and to also monitor and remove any non-native invasives that might move in.

S. Fanara urged the Commission to reconsider the permitted width of the boardwalks at 6 ft as proposed, noting that the width of the path is close to 10 ft wide. The Commission was in agreement that they felt strongly that 4 ft was most appropriate and consistent. The Commission briefly discussed the fence and fence location and concurred that in this situation the fence was appropriate and would protect the wetland resource area and the buffer zone. Chair Kelly invited any members of the public to comment.

P.J. Antonik, 1035 Main Street, commented that the diamond piers are a good alternative to putting pressure treated wood into the ground.

There were no other members of the public on the call who wished to comment.

Vote under the MA DEP WPA:

Motion: Comm’r Villanova moved to issue an Amended Order of Conditions for the proposed work at 7 Brandon Woods Drive (DEP 034-1423), as shown on the submitted plans, and adopt the findings of fact a through b, and additional special conditions 47 through 52 of the staff report and with edits and an additional condition as discussed at the meeting.

(conditions below reflect the edits and one additional condition)

Findings:

- a. The project meets the requirements for issuance of an Amended 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.

Additional Special Conditions:

47. Prior to the start of any excavation or construction, the fence location shall be staked and inspected by an agent of the Commission. The fence shall be installed as close to the property line as possible while staying outside the flagged wetlands. No trees or shrubs shall be removed to facilitate the installation of the fence, and disturbance of naturally vegetated areas shall be minimized. Work shall be conducted by hand.
48. Any plantings installed along the approved fence shall be native plantings or shall be allowed to naturally revegetate with native species following planting and remain as naturally vegetated, and shall not be mown.
49. The fence shall be installed with a six-inch minimum gap at the bottom to allow for the passage of floodwaters and wildlife.
50. Only alkaline copper quarternary (ACQ) or non-chromated copper arsenate (CCA) treated materials may be used in the construction of the boardwalks. No creosote materials or chromated copper arsenate may be used. Wood preservative, if used, must be dry before the treated wood is used in construction.
51. Plank spacing on the boardwalks shall be a minimum of ¾ inch to minimize shading impacts and allow the passage of runoff.
52. The upper and lower path boardwalks shall be constructed to be no greater than four (4) feet in width, and shall use diamond piers or helical piles as supports to minimize disturbance to wetland resource areas.

Second: Comm’r Hidell

Roll Call: Comm’r Kelly: aye, Comm’r Villanova: aye, Comm’r Nielsen: aye, Comm’r Hidell: aye, and Comm’r Roby: aye

Vote as the holder of the Conservation Restriction

Motion: Comm’r Nielsen moved that the Conservation Commission, acting as the Grantee under that certain Conservation Restriction, dated August 31, 1999, granted by Corcoran Construction Corp. to the Town of Hingham, approve the work proposed by Stephen Savignano, as the owner of 7 Brandon Woods Circle, in Conservation Restriction Area “A” (as defined in said Restriction) and as shown on plan entitled Plot Plan Rear Improvements stamped by Richard R Grady dated 3/7/2022, subject to the following conditions:

1. Prior to the pre-construction conference for the amended work, the applicant shall submit a revised plan delineating the boundary of Restriction Area on the lot.
2. This approval shall be in compliance with the conditions of Amended Order of Conditions (MassDEP File #034-1423) issued in connection with such work.

Second: Comm’r Hidell

Roll Call: Comm’r Kelly: aye, Comm’r Villanova: aye, Comm’r Nielsen: aye, Comm’r Hidell: aye, and Comm’r Roby: aye

Notices of Intent

36 East Street & 0 R Rockwood Road – DEP 034-1431, **cont’d to 5/2/22**

Applicant: Christine and Gregory Fletcher

Representative: Jeffrey Hassett, Morse Engineering

Proposed: Construction of a driveway & septic system associated with a new dwelling

The applicant had submitted a request to continue the hearing to the 5/2/22 meeting.

Motion: Comm'r Hidell moved to continue the hearing for 36 East Street & 0 R Rockwood Road to the 5/2/22 meeting.

Second: Comm'r Villanova

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

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. 3/18/22) and Mitigation Planting Plan (Rev. 3/22/22)

Excerpts from the staff memo: This hearing is continued from the 3/7/22 meeting to allow time for staff to review recently submitted materials, and for the applicant to respond to additional comments. Since then, staff has provided additional comments and made another site visit with the applicant, land surveyor, and wetland scientist to review the Coastal Bank delineation, stormwater management, and the scope of work with plan revisions. Subsequently a revised plan (dated 3/18/22), a revised mitigation plan (dated 3/22/22), and a revised mitigation memo (dated 3/22/22) were received. Staff is in agreement with the revised Coastal Bank delineation as depicted on the revised plans, and notes that the land surveyor provided a cross-section of the bank in an area where staff had requested additional details. Staff recommends the Commission not allow stump grinding of the tree to be removed closest to the Coastal Bank, to avoid unnecessary disturbance in this sensitive area, (condition #32). For buffer zone mitigation, the proposed mitigation considers the total change in disturbed ground area in the 50ft buffer zone as well as in the Riverfront Area. There is a decrease in impervious in the 50ft buffer and the proposed mitigation accounts for the increase in pervious surfaces per the Commission's policy. There is a slight decrease in impervious area in the 100ft buffer so no mitigation is required for this area. The detailed mitigation narrative includes native shrubs, grasses, and seeding appropriate for the location. Staff recommends requiring manufacturer specifications and/or construction details for pervious patios, walks, and driveway prior to construction (condition #27). One patio area is proposed to be impervious blocks with wide grass strips between for infiltration. This area comes very close to the naturally vegetated area beyond the existing stone wall, so staff included a condition prohibiting removal of this vegetation or encroachment into this area (condition #29). Finally staff feels the addition of coir logs in place of the failing timber retaining wall above the Coastal Bank would be beneficial in terms of stability and adding vegetation.

P.J. Antonik from Oak Development and Design was present on the call. He shared the Site plan to the screen and explained that he'd been on site with the ACO and they had inspected the approximately 30 ft timber wall. He shared to the screen the proposed coir log cross section on Brad Holmes' mitigation planting plan. He described it as a long lasting natural log that stays in place and will give time for plants to mature and hold back that bank. Regarding the concern about the location of the bank, P.Antonik stated that his surveyor had confirmed the location on site with the ACO. He stated that they had moved back the steps so they're not encroaching on the bank at all, and the pervious patio would be simply 2' by 2' flagstones with grass in between. He reviewed the mitigation areas and noted that a cross section for the roof rain gravel gutter was provided on the plan. The plans have all been updated.

The CO commended the ACO for bringing the project to this point and noted that the ACO's comments and questions had been resolved. The CO noted that the tree work does comply with the Commission's tree policy and pointed out that there is a condition specifying that the tree stump closest to the bank remain. She stated that the planned mitigation complies with the Commission's mitigation policy taking into account pervious and impervious areas. She noted that it was also recommended that the applicant submit manufacturer's specifications for the pervious pavers. She brought to the Commission's attention one draft condition relating to mitigation plantings and Request for Certificate of Compliance. Staff has added language to the standard condition to include that mitigation plantings be installed prior to issuance of a partial COC. Brief discussion followed and the Commission was in agreement with the change to the standard condition.

Chair Kelly invited members of the public to comment.

Mark Buonogurio, 10 Cliff Road, commented that the small neighborhood had lost about 10 large shade trees in recent time; some by storms and some by cutting. He asked about parking and the Commission noted that would be a question for zoning or planning. P.J. Antonik briefly described the condition of the trees, the concern of them falling on the house and noted the replacement mitigation plan.

No other members of the public expressed a desire to comment.

Motion: Comm'r Hidell moved to issue an Order of Conditions for the proposed work at 10 Chestnut Place (DEP 034-1437), 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 Salt Marsh flags ECR-A7 to ECR-A11, and Riverfront Area, Coastal Bank, and Bordering Land Subject to Flooding on the subject parcel, but makes no finding as to the exact boundaries of other wetland resource areas.

Special 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, manufacturer specifications and/or construction details for the two patios, walkway, and driveway shall be submitted to the Commission for review and approval. These areas shall be constructed to be permeable with permeable pavers, joints, and an appropriate permeable subbase.
28. 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.
29. No naturally vegetated areas on the Coastal Bank or within the 50ft buffer zone shall be altered without prior permission from the Commission. The pervious paver blocks area shall not be constructed beyond the limits of the existing stone wall to be removed.
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 man-made debris or other materials dumped in any resource area, including the buffer zone, shall be removed by hand to the extent feasible, 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. The stump and roots of the tree to the south of the house, in the buffer zone adjacent to the top of Coastal Bank, shall not be ground or removed.
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 house shall be infiltrated on site, using drip edge stone infiltration trenches, or an alternative method approved in advance by the Commission.
41. Driveway runoff shall be infiltrated on site, using either a stone infiltration trench(es), trench drain, or an alternative method approved in advance by the Commission. The driveway shall be properly pitched to direct runoff to be infiltrated, not to the street.
42. The approved patios, walkway, and driveway shall be constructed to be permeable. Documentation shall be submitted from the contractor or installer confirming that the patio has been installed to be permeable in accordance with the approved manufacturer specifications and/or construction details per condition #27.
43. The mitigation areas plantings shall be installed, and seeding completed, in accordance with the final approved mitigation plan and mitigation memo.
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 Hingham Harbor, which is a state-listed 303(d) impaired waterway, and the importance of the surrounding resource areas to water quality and sensitive coastal and marine habitats. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
46. The use of pesticides, herbicides, fungicides, and fertilizers shall be prohibited on this property because of its proximity to Hingham Harbor, which is a state-listed 303(d) impaired waterway, and the importance of the surrounding resource areas to water quality and sensitive coastal and marine habitats. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
47. It is the sole responsibility of the owner of record to maintain drainage structures at all times. 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 areas 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. If upon request of an applicant, the Commission determines that a partial Certificate of Compliance may be permissible prior to the issuance of a complete Certificate of Compliance, the mitigation area plantings shall be installed and seeding completed prior to issuance of the partial Certificate of Compliance.
51. In accordance with the Buffer Zone Mitigation Policy and 310 CMR 10.58(5)(g), the mitigation planting areas shall be maintained with native plantings or shall be allowed to naturally revegetate with native species following planting and remain as naturally vegetated, and shall not be mown or otherwise maintained. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.

Second: Comm'r Villanova

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

285 Gardner Street – DEP 034-1439

Applicant: Marc and Melissa DeSchamp

Representative: Paul Mirabito, Ross Engineering Company, Inc

Proposed: Grading, landscaping and revision of an existing driveway

Meeting Documents & Exhibits: Staff memo, Notice of Intent application, and Revised Plan dated 3/24/22.

Excerpts from the staff memo: Staff visited the site on 3/21/2022 and sent the following questions to the project representative:

Pool Maintenance

Pool water will be maintained using a tanker truck, no water will be drawn down onsite.

Net impervious surface change

The project proposes to increase impervious surface by 194sqft in the floodplain. The Commission does not require mitigation for new impervious in the floodplain.

Amount of fill in the floodplain due to regrading

The project proposes to add 140cy of fill to the floodplain.

Tree removal

The project representative is determining the number of trees greater than 6" DBH that are proposed for removal and will have this information available during the 3/28/2022 hearing. Based on the information provided, the Commission should consider requiring replacement trees.

Paul Mirabito from Ross Engineering was present on the call along with homeowner Marc DeSchamp. The site plan was shared to the screen and P.Mirabito described the plan and resource areas. He stated that the lot has both Zone X and Zone A areas and noted that preliminary FEMA maps does not place this locus in any flood plain. He described the proposal; the rear of the house is a large lawn and they propose an inground pool which would be in Zone X, some of the grading around the pool would be in Zone A. Further to the left of the pool is an existing gravel area which will be the location of a relocated play area. The current location of the play area is to the rear of the proposed pool and will be grassed after removal. A fence will be installed to the rear of the play area as well as a proposed 700sf lawn area. The existing driveway will be expanded to have a turnout. A portion of the existing driveway will be removed and become lawn. An existing stone wall will be removed and reconstructed as an outline for the edge of the lawn. P. Mirabito noted that on the plan, one beech tree is indicated for removal in order to install the lawn there.

The CO reviewed and confirmed P. Mirabito's description of the flood zones and the preliminary FEMA maps. She noted that all pool water will be managed using a truck and no water drawn down onto the property. The CO commented that there is one 8 inch DBH tree proposed for removal in the area proposed for grading and lawn. Discussion followed about the tree with Comm'r Nielsen noting the benefits of the tree and its role in flood mitigation and shade for a play area. P.Mirabito suggested that they could try to keep the tree in the lawn area, otherwise, they would plant a replacement by the fence. The Commission expressed their preference for the tree to remain and suggested that a tree well would allow the tree to remain despite the grading. The applicant, M. DeSchamp, accepted the Commission's suggestion. Discussion followed regarding wording to amend Condition 30 to require the tree well.

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 285 Gardner Street (DEP 034-1439), as shown on the submitted plans, and adopt the findings of fact a through c, and special conditions 21 through 42 of the staff report as discussed and amended.

(Condition #30 below 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.

Special 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. 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.
28. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.
29. All tree debris shall be properly disposed of at an off-site location; no chipped or mulched material shall remain on the property.
30. No trees shall be removed as part of this project. The applicant shall adequately protect the 8" Beech tree within the proposed lawn area from the approved fill by installing a tree well. The constructed tree well shall remain in place for the life of the tree. Should the tree fail to survive or otherwise need to be removed, due to storm damage, disease, etc., the tree well may, but is not required to, be removed.
31. All excavated material shall be properly disposed of at an off-site location.
32. Any on site dumpsters shall not be located within 25 feet of any resource area.
33. There shall be no stockpiling of soil or other materials within 25 feet of any resource area.
34. 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.
35. 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.
36. No vehicle or other machinery refueling, lubrication or maintenance, including concrete washout, or storage of fuel or maintenance chemicals, shall take place within 25 feet of any resource area.
37. 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.

38. There shall be no discharge of any pool water or backwash within any resource area. Pool water shall be maintained using a tanker truck, no water will be drawn down onsite. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
39. 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 location in a Surface Water Supply Protection Area, 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.
40. The use of pesticides, herbicides, fungicides, and fertilizers shall be prohibited on this property because of its location in a Surface Water Supply Protection Area, 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.
41. 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.
42. 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.

Second: Comm'r Nielsen

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

Other Business

a. **Request for minor changes at 66 Burditt Avenue as field changes (DEP 034-1374)**

Meeting Documents & Exhibits: Site Plan dated 3/23/22

Staff notes: In October 2020, an Order of Conditions was issued for construction of a pool, terrace, sport court, fencing, retaining walls, grading, tree removals and landscaping. In addition, land management and restoration work was proposed in a wooded portion of the lot. Since then staff has approved several field changes for additional tree work, revised planting plans, and modifications to a pool house and mechanical vault. Staff recently became aware that additional plan changes were proposed that needed to be reviewed by the Commission (see plans dated 3/23/22). Two large subsurface infiltration chambers have been added for rooftop and sport court runoff and area drains, along with drain lines and overflow outlets. The Order does require that runoff from the court be infiltrated using drywells and runoff from the terraces be directed to slot/trench/area drains as feasible, however there is additional disturbance associated with the work that goes beyond the current limit of work, and the two overflow outlets and associated rip rap would both be within the buffer zone on a steep wooded slope. Both outlets are in the 100ft buffer and at staff's request one was moved to shift it to just outside the 50ft buffer. Staff notes that a new engineering firm is now involved with the project and has received documentation of the change in engineer of record.

The CO shared the Site plan to the screen and explained that the applicant was proposing to direct runoff into infiltration chambers instead of drywells. Fred Keylor from Hancock Associates was present on the call, explained that his company had been retained to look at stormwater management, and reviewed the proposed changes to the plan. The CO commented that she thought it an improvement and stated that, should the Commission approve the change, any O&M or specs for the new infiltration chambers should be submitted to the office as the homeowners would be expected to maintain them. The Commission briefly discussed the proposed change, confirming that the chambers would not be used for the disposal of pool water and that they are designed for 1" of rain per 24hr storm event.

Motion: Comm'r Nielsen moved to approve the proposed field changes for 66 Burditt Avenue including the condition that an Operation and Maintenance plan be filed with the Conservation Commission.

Second: Comm'r Villanova

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

b. **Discussion of 22 Abington Street – proposed gift of land to the Commission**

Meeting Documents & Exhibits:

Chair Kelly noted that this subject had come up a few months ago and the CO had sent around the Environmental review. The CO clarified that no vote was expected tonight and confirmed that this parcel was being offered as an outright gift with no conditions. She described it as just over 2.3 acres, not contiguous with anything the Commission owns and is jurisdictional with the presence of vernal pools, etc. It is not necessarily buildable.

Vice Chair Nielsen, had made a site visit (as a member of the Open Space Acquisition Committee) and looked at generally what was there physically in terms of evidence of human use and trash. She observed that it had not been walked, there were no trails at all. It was wet and hummocky, difficult to traverse and had minimal trash. The use for Conservation would appear to be for wildlife protection and flood protection. Brief discussion followed regarding the parcel, the process and the benefits but the Commission acknowledged that this was just a preliminary discussion and anticipates further discussion down the road.

c. JR Frey, the Town Engineer, was present on the call and explained that he is seeking a letter of support from the Commission as he applies for a state grant for the redesign of a bridge that is structurally deficient; the East Street bridge over the Weir River. A redesign would bring the bridge into compliance with current stream crossing standards and also allow for utilities to cross. The Commission was supportive and the CO stated she could draft a letter and circulate it to the Commission for wordsmithing. J.R. explained that there is second bridge that is probably in worse condition but they are starting with the downstream bridge first.

d. **Approval of funds for conservation projects:**

1) **Assessment of Foundry Dam & Triphammer Dam**

The CO explained that Foundry and Triphammer Dams are both owned and managed by the Commission, and that the Commission does not own/manage any other dams in town. The dams are registered as low hazard dams in the state and national dam registries, they are assessed every ten years and the state's most recent assessment of the dams found Triphammer Dam is in poor condition and Foundry Dam is in satisfactory condition. The civil engineer who conducted that assessment had questions about the structural integrity of the dams. This follow up assessment would be a more thorough investigation which would determine those structural integrity issues and eventually result in some construction work on the dams. The estimate for the assessment work is \$30,000 and the funds would come from the Conservation Fund. If the Commission is interested in moving forward with it, the CO would work with the Town Procurement Officer for quotes. Brief discussion followed with the Commission in agreement that it was necessary. Vice Chair Nielsen voiced her support for removal of dams but acknowledged that having a dam blow out is no way to remove a dam. Chair Kelly noted that each of the dams has a fishladder. Comm'r Hidell stated it would likely cost more than estimated but that safety of the dams is the Commission's responsibility. The CO agreed with the Chair that funds for construction could possibly come from a grant application rather than pulling Commission funds.

2) **Redesign of Lehner Conservation Property parking area**

The CO described the current state of the parking area noting that the soil is very compacted and the area gets very wet. The goal is to redesign it through a public process, along with abutters interested in improving the situation. The CO stated that she would again work with the Procurement Officer to locate a firm to design the parking area and that there would likely be grants available for construction funds. She added that there is a line item of \$5000 provided in the budget for a redesign. Brief discussion followed regarding the parking area with the Commission supportive of a redesign.

Motion: Comm'r Nielsen moved to adjourn the meeting at 9:30 pm.

Second: Comm'r Hidell

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

Submitted, _____
Sylvia Schuler, Administrative Assistant

Approved on June 6, 2022

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