



CONSERVATION COMMISSION MEETING MINUTES – May 3, 2021

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

Absent: Crystal Kelly

The remote meeting was held via Zoom with Dial in #929-205-6099, Meeting ID # 898-9823-9570

The meeting was called to order at 7:03 PM.

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

Approval of Minutes

Motion: Chair Freeman moved to approve the draft minutes from the April 12, 2021 meeting.

Second: Comm'r Hidell

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

Certificates of Compliance

49 Abington Street (formerly 0/73 Abington Street) – DEP 034 1275, cont'd from 4/12/21

Applicant: Frank Polak, MDC Properties, Abington Street LLC

Meeting Documents & Exhibits: no new documents

Excerpts from the staff memo: no staff memo was prepared

Motion: Chair Freeman moved to continue consideration of 49 Abington Street, DEP 034-1275, to May 17, 2021.

Second: Comm'r Mosher

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

Requests for Determination of Applicability

200 High Street

Applicant: John Ferris, Hingham Public Schools

Proposed: Construction of a boardwalk

Meeting Documents & Exhibits: Staff memo, Narrative and Original Submitted Plans

Excerpts from the staff memo: The resource areas were not flagged, however staff was able to determine that the wetland is within three feet of the existing trail, which must contribute to the wet and/or muddy conditions. The trail is very well defined and the surface is natural, i.e. not improved with stone dust, wood chips, etc. The portion of the trail improved with branches and logs is on a slight slope and difficult to walk on due to the rounded, uneven nature of the branches and logs. Overall, staff supports this project. Staff recommends that the surface of the trail be hand raked and compacted following the removal of the branches and logs, and prior to the installation of the boardwalk.

Chair Freeman reviewed the resource areas and invited Eagle Scout candidate Nolan Heggie to present his project. He described the trail improvement project; building a 20 ft long, 3 ft wide boardwalk in the wetlands with 10" by 7" pavers to lift up the boardwalk. He stated that in the initial application they had suggested a 24 ft overall length but after further consideration would prefer that it be 32 ft long to cover more of the wetland, if it would be allowed.

The CO explained that she had reviewed, and suggested for approval, a 32' long, 3' wide, pressure treated boardwalk and felt the proposal was not overly aggressive and would have no negative impacts. It would prevent future wear and tear and benefits users and the wetlands.

Regarding the pea stone ramp aspect of the proposal, the CO stated that she had flagged it as a potential issue should it wash away or migrate; the trail is within 3 ft of the wetland. Brief discussion followed regarding the proposed pea stone ramp. The CO explained that N.Heggie had since told her that he intended do a trench to help contain the pea stone until it has a chance to

compact down that he'd observed other uses of pea stone and had not seen a lot of migration or scattering on site. The Commission considered this and was in agreement with the CO that if the pea stone compacts then it wouldn't be a problem. The CO pointed out that the Commission would remove the draft condition regarding wooden ramps and there would be 4 conditions rather than 5.

The Commission expressed their appreciation for the project.

Motion: Chair Freeman moved to issue a Negative Determination of Applicability for the proposed work at 200 High Street, as shown on the submitted plans, and adopt the findings of fact a through c, and conditions 1 through 4 of the staff report and as discussed at the meeting.

(Conditions below reflect the removal of one condition as discussed)

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 installation of the boardwalk, the existing branches and logs shall be removed by hand and properly disposed of at an off-site location.
2. Prior to the installation of the boardwalk, and following the removal of the branches and logs, the trail shall be raked and compacted, by hand, to even and stabilize the surface.
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 Conservation Department shall be notified of any changes in plans prior to proceeding with said changed plans.

Second: Comm'r Mooney

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

52 Union Street, continued from 4/12/21

Applicant: Alex Knight

Proposed: Installation of a crushed stone turnaround and lawn

Meeting Documents & Exhibits: Staff memo

Excerpts from the staff memo: This hearing is continued from the 4/12/21 meeting to allow time for the applicant to respond to staff and Commission comments. Since then a revised and complete RDA form has been submitted, and staff has communicated multiple times with the applicant regarding the remaining comments. The applicant has indicated they are willing to use a permeable paver surface for the turnaround, instead of gravel, and are willing to add mitigation plantings.

Ahead of the hearing, applicant Alex Knight had emailed a request to continue the hearing.

Motion: Chair Freeman moved to continue consideration of 52 Union Street to May 17, 2021.

Second: Comm'r Mosher

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

The following two Requests for Determination of Applicability were separately submitted applications for essentially the same existing seawall that lies on both properties. The staff memo was drafted to encompass both applications. The applicants agreed at the meeting for the discussion to include both parcels.

4 Button Cove Road

and

9 Steamboat Lane

Applicant: Christopher Sullivan

Applicant: Katherine Reardon

Proposed: Repair of existing seawall

Proposed: Repair of existing seawall

Meeting Documents & Exhibits: Staff memo, As-built Site Plan March 2012, Site Photos and Repair Sketch

Meeting Documents & Exhibits: Staff memo, As-built Foundation Plan 7/16/18, Site Photos, and Repair Sketch

Excerpts from the staff memo:

Staff visited the site on 4/23/21. The resource areas were not delineated, but in this case, staff does not feel that effort is necessary; the seawall is serving as the coastal bank (vertical buffer) and the salt marsh is clearly visible, adjacent to the seawall. Portions of the seawall are still vertical, as originally constructed, and other portions have collapsed. Recent storms at high tide have resulted in debris being deposited on the most damaged portion of the seawall. Mean high water is presumed to be at the extent of the salt marsh, which in most cases is several feet from the bottom of the seawall, but in a few cases, is immediately adjacent to the seawall.

The seawall is dry laid (no mortar) and does not have any formal drainage, aside from the gaps in between the stone. The southern end of the seawall joins to another vertical seawall, both with and without mortar. The northern end merges with exposed ledge. So, in this case, staff does not have any concerns about end effect erosion as a result of the repair. Staff did observe erosion on the landward side of the 9 Steamboat Lane portion of the seawall and advised the applicant that repairing the seawall in this section is likely to accelerate the erosion due to wave energy.

In order to complete the repair, the seawall will be entirely disassembled in sections and restacked, using the existing stone and minimal cement. The contractor would prefer to use a mini excavator (approximately 5ft wide) on the seaward side of the seawall to complete the repairs. The equipment would be removed from the resource area at high tide and at the end of each workday. At a minimum, this approach will result in some temporary impacts to salt marsh. The contractor did indicate that it was possible to work from the landward side of the seawall, but that it would be much more challenging to do so. The Commission should discuss this aspect of the work and other potential solutions to avoid all salt marsh impacts, such as raised platforms that could support the equipment and stone while the repairs were being made.

Chair Freeman asked if the applicants for both addresses were willing to share the hearing and each responded affirmatively. She summarized the wetland resource areas, described the repair of the wall and expressed her concern regarding impacts to the salt marsh.

C. Sullivan stated that the area of marsh grass is very small and that one advantage of using a smaller excavator is it would be more nimble. He stated that he would be open to discussing a temporary wooden platform to protect the salt marsh area during the work. The wall has been damaged over the last 10 years due to storms and is at the point where it needs to be repaired. The CO explained that in discussion with Bill Reardon and the contractor, she learned it would be possible to work from the road but it would be very challenging; the idea of some kind of temporary platform could allow them to move equipment around above the marsh and let the repair happen speedily and let the rest of the growing season proceed as soon as possible. Discussion followed regarding how this might work. C.Sullivan stated that a design had not been worked out but that the platform would likely be on legs, 2-3 ft high at most, with a ramp and, when not working in the area of marsh, they wouldn't need the platform and it could potentially be left off the beach when not in use. Discussion followed about the particular salt marsh grass to be protected, *Spartina alterniflora*. The ACO explained that with this type of grass the impacts are immediate, and she agreed that a platform would be a good solution, provided that certain time frames, ie. high tide, be avoided to reduce potential for impact. The CO reviewed the draft condition addressing the time frames for work and took some time to draft an additional condition relative to the platform.

C.Sullivan explained to the Commission that the project has neighborhood support; the lane protected by the seawall is the only means of access for three houses on the northern end of Steamboat Lane.

Motion: Chair Freeman moved to issue Negative Determinations of Applicability for the proposed work at 4 Button Cove Road and 9 Steamboat Lane, as shown on the submitted plans, and adopt the findings of fact a through c, and conditions 1 through 7 of the staff report and as discussed at the meeting.

(Conditions below reflect the addition of one condition as discussed at the meeting)

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. All work on the seawall shall be limited to repairs; no change in material, orientation, footprint, or maximum height shall be allowed.
2. All work on the seawall shall be limited to low tide conditions; at no point shall work be performed when the tide is less than six feet away from the base of the seawall. The work site shall be stabilized prior to all high tides, including the removal of all equipment, tools, and materials.
3. All equipment, tools, and materials used for the repairs shall be removed from the work site at the end of each work day.
4. All debris shall be removed immediately, by hand, and properly disposed of at an off-site location.
5. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 25 feet of any resource area, with the exception of Land Subject to Coastal Storm Flowage.
6. The Conservation Department shall be notified to any changes in plans prior to proceeding with said changed plans.
7. A raised platform shall be used in all areas where impacts to salt marsh, from equipment, contractors, and materials, cannot be avoided.

Second: Comm'r Mooney

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

5 Knoll Road

Applicant: Andrea Liu

Proposed: Installation of a patio, fence, fire pit, walkway, and landscaping

Meeting Documents & Exhibits: Staff memo, Narrative [from WPA Form 1] and Original Submitted Plans

Excerpts from the staff memo: Staff visited the site on 4/26/21. The resource areas were not flagged. Staff identified inland bank at the rear (east side) of the property, beginning at a concrete drainage pipe. The leaf litter in the immediate vicinity was recently disturbed, suggesting that a high volume of water discharged from the pipe; no water was flowing from the pipe at the time of the site visit. The inland bank fades into a larger wetland area approximately 20ft from the drainage pipe. The wetland expands along the north side of the property and is within 10ft of the installed silt fence. The Commission will need to determine whether these estimates are sufficient, given the close proximity of the proposed scope of work, or if more detailed information is needed. Staff advised the applicant that mitigation would be required for the patio and walkway at a 2:1 and 1:1 ratio, respectively, due to the selected paver (1,790sqft of mitigation, not including the walkway). Alternatively, the size of the patio could be reduced, or a permeable paver could be selected, to reduce the mitigation. Staff notes that a stone base was installed in July and may need to be replaced to meet the manufacturer's guidelines, if a permeable paver is selected. Staff recommends that the area proposed for lawn restoration be prioritized for mitigation instead.

Staff does not feel that the proposed fence, repaving work (within the same footprint), or fire pit (without utilities) will negatively impact the resource areas. Staff also does not feel that tree replacements are necessary, due to the hazardous conditions associated with each tree. Staff did observe debris within the intermittent stream and wetland, and recommends its removal as part of this project.

Applicant, Huilei Liu was present on the call. The Chair summarized the wetlands and that there was a stop work order. H. Liu described her proposal; stone patio, repave the driveway and a little walkway to the street. She stated that the area on the side of the house is approximately 18' by 42' and that outside the patio would be new grass to where the water runs through. The CO affirmed that the stone patio is within 10 ft of the resource area, noted that a silt fence is up on the site and suggested that H.Liu could work with staff on the patio surface to decrease impervious adding that she has concern with new hardscape so close to the resource area. The CO let the applicant know that the Commission reviews not only the wetland area but also the buffer zone from the wetland, in this case, within 50 ft. Discussion followed with the Commission and CO requesting that the applicant shrink the patio size and/or potentially use different materials and that the applicant could work with staff towards this while the hearing is continued.

Motion: Chair Freeman moved to continue consideration of 5 Knoll Road to May 17, 2021.

Second: Comm'r Mosher

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

An abutter, Marsha Stevens, 209 Gardner Street, was present on the call. She explained that her property runs along the whole length of 5 Knoll Road on the Gardner Street side and she is concerned about the impact and proximity of the patio on the stream. She also expressed concern regarding the proposed grass area on the downhill slope to the stream and the effects of fertilizers and other grass related chemicals on the stream, adding that undisturbed vegetation was being proposed for removal.

147 Martins Lane

Applicant: Timothy Driscoll

Representative: John Zimmer, South River Environmental

Proposed: Hardscaping improvements

Meeting Documents & Exhibits: Staff memo, Narrative and Original Existing and Proposed Conditions Plan 4/9/21 and Revised Original Existing and Proposed Conditions Plan 4/30/21

Excerpts from the staff memo: Staff visited the site on 4/21/21. Wetland resource areas were not flagged, however their location is clear since a retaining wall adjacent to Martins Lane acts as the Coastal Bank, and the Salt Marsh begins at the base of the wall. The area where work is proposed currently consists of existing stairs and patio, lawn, and a small portion of planting beds. The property slopes down from back to front, towards the resource areas.

Staff requested clarification on the proposed 18" drywell, which will function more as an infiltration trench than a standard drywell. Staff is anticipating a construction detail and clarification on the plans. Staff also notes that impervious area is expanding slightly with the grill bump out and granite stepping stones. The Commission should decide whether to require mitigation plantings.

Representative John Zimmer was present on the call, on behalf of the Driscolls. J. Zimmer summarized some prior work that had been approved and stated that there were some further hardscaping projects that they were hoping to do. The CO shared the plan to the screen and J. Zimmer pointed out the location of the buffer zones and the salt marsh. He described the reconfiguration of a patio, installation of a fire pit, repair of some existing stairs and installation of some granite stepping stones. He clarified that they want to install a perimeter trench/French drain around the patio to control runoff and infiltrate the water and he's provided a detail on the revised plan. The Commission briefly discussed mitigation, noted it would be quite minimal due to the low square footage of disturbance. J.Zimmer stated that they were amenable to mitigation, propose installation of 5-10 shrubs, and could

provide a species list. The ACO briefly explained the specificity of the draft conditions regarding the location of the mitigation plantings.

Motion: Chair Freeman moved to issue a Negative Determination of Applicability for the proposed work at 147 Martins Lane, as shown on the submitted plans, and adopt the findings of fact a through c, and conditions 1 through 10 of the staff report and as discussed at the meeting.

(Conditions below have been edited to reflect the discussion at the meeting)

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, a mitigation planting plan shall be submitted to the Commission for review and approval. The planting plan shall include a minimum of 5 shrubs. Shrubs shall be planted within the 50-foot buffer zone to Salt Marsh. All mitigation plantings shall be native species; no cultivars, non-native species, or invasive species shall be allowed.
2. Prior to the start of work, erosion and sediment controls shall be installed, between the work area and the wetland resource areas, 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.
3. Erosion and sediment controls shall remain in place until all disturbed or exposed areas have been stabilized with a final vegetative cover or the Commission has authorized their removal.
4. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.
5. All excavated material shall be properly disposed of at an off-site location.
6. There shall be no stockpiling of soil or other materials within 30 feet any resource area.
7. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 30 feet of any resource area.
8. Runoff from the patio shall be infiltrated on site, as shown on the final approved plan, using a stone infiltration trench, a minimum of 18 inches wide and 18 inches deep.
9. Mitigation shrub plantings shall be installed in accordance with the final approved mitigation planting plan.
10. The Conservation Department shall be notified to any changes in plans prior to proceeding with said changed plans.

Second: Comm'r Mosher

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

28 Butler Road

Applicant Joelle Riddell

Representative: John Zimmer, South River Environmental

Proposed: Construction of a deck

Meeting Documents & Exhibits: Staff memo, Narrative, Photos, and Original Submitted Plans

Excerpts from the staff memo: Staff visited the site on 4/21/21. The Isolated Vegetated Wetland was flagged by a wetlands scientist in April 2021, and the approximate location is shown on a marked up aerial image. Staff agrees with the delineation. The area where work is proposed currently consists of lawn and a small area of concrete, and is relatively flat. Staff observed two areas with yard waste dumping in close proximity to the resource areas, as well as a small amount of man-made trash. Staff communicated with the representative to confirm that all yard waste would be removed and shrubs would be planted scattered throughout both areas. Staff has no further comments.

The Chair summarized the resource areas and proposal. John Zimmer was present on the call and described the proposal as a minor project; the deck will be supported on sonotubes which can be dug by hand, requiring no need for machinery. They propose to install 20 highbush blueberry bushes within the 50 ft buffer noting that it's almost all lawn all the way back to the vernal pool. He added that the yard waste had been removed. The Commission and staff expressed their satisfaction with the proposal.

Motion: Chair Freeman moved to issue a Negative Determination of Applicability for the proposed work at 28 Butler Road, as shown on the submitted plans, and adopt the findings of fact a through c, and conditions 1 through 9 of the staff report.

Findings:

- a. This project meets the requirements of Part 1, Section 7.1 of the Town of Hingham Wetland Regulations governing procedures for a Request for Determination of Applicability.

- b. The work described is within an area subject to protection under the Wetlands Protection Act (M.G.L. c. 131, § 40) and the Town of Hingham Wetland Regulations, and will not alter or adversely affect the area subject to protection under the Act or the Regulations.
- c. For the purpose of this filing, the Commission makes no finding as to the exact boundaries of wetland resource areas.

Conditions:

1. Prior to the issuance of a building permit, erosion and sediment controls shall be installed, 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 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. All excavated material shall be properly disposed of at an off-site location.
5. There shall be no stockpiling of soil or other materials within 50 feet any resource area.
6. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 50 feet of any resource area.
7. All lawn waste, brush, leaves, or man-made materials dumped in any resource area, including the buffer zone, in particular upgradient of WF-3 and WF-4, as well as WF-4 and WF-5, 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.
8. Prior to the issuance of a Certificate of Occupancy, mitigation plantings shall be installed in accordance with the approved plan and project narrative, and ensuring that shrubs are installed in both areas where yard waste will be removed in accordance with condition #7. All mitigation plantings shall be native species; no cultivars, non-native species, or invasive species shall be allowed.
9. The Conservation Department shall be notified to any changes in plans prior to proceeding with said changed plans.

Second: Comm’r Mosher

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

Chair Freeman read the Public Hearing Notice of Intent.

Notices of Intent

274 South Street – DEP 034-1405, continued from 3/22/21

Applicant: Kevin Whalen, South Shore Country Club

Representative: Lauren Gluck, Pare Corporation

Proposed: Construction of a maintenance facility

Meeting Documents & Exhibits: Revised Plan Set 3/22/21, Response to Comments 3/22/21, Peer Review Memo 4/15/21, Response to Peer Review Comments 4/22/21, Revised Plan Set [submitted 4/26/21], Response to Comments 4/28/21, and Revised Plan Set 4/28/21

Excerpts from the staff memo: No staff memo was prepared

Motion: Chair Freeman moved to continue consideration of 274 South Street to May 17, 2021.

Second: Comm’r Mosher

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

5 Willow Circle - DEP 034-1410

Applicant: Paul Kelly

Representative: Steve Ivas, Ivas Environmental

Proposed: Construction of a swimming pool

Meeting Documents & Exhibits: Staff memo, Supplemental Details 4/27/21, Revised Plot Plan (Sheet 1) 4/24/21, and Revised Plot Plan (Sheet 2) 4/24/21

Excerpts from the staff memo: This hearing is continued from the 4/12/21 meeting to allow time for the applicant to respond to staff and Commission comments, and for MassDEP to issue a file number. Since then multiple rounds of revisions to plans and supplemental information have been received, with staff providing additional comments as needed. Riverfront Area and buffer zone calculations were provided, resource area labels were added to plans, erosion and sedimentation controls were added, the retaining wall was pulled in to minimize impacts to vegetation in the Inner Riparian Zone, mitigation planting areas were added, and pool water disposal to a drywell was shown. Revised materials are posted on the Pending Applications website. Staff has no further comments.

Chair Freeman summarized that since the last meeting that there was a lot of back and forth work between staff and the applicant and that the proposal stayed within the 5000 sf limit for riverfront. Paul Kelly was on the call and summarized aspects of

the proposal; the pool is outside of the 50 ft buffer, described the retaining walls and that the one at the rear had been modified away from the vegetation eliminating need for shrub removals, and installation of a drywell at front of property for any drainage of water from the pool. He pointed out the 3 areas proposed for mitigation to meet the 1:1 and 2:1 ratios, that sediment controls are listed on the plan and noted that the retaining wall can be built from inside the wall rather than outside. The Commission and staff expressed their satisfaction with the project.

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

Motion: Chair Freeman moved to issue an Order of Conditions for the proposed work at 5 Willow Circle (DEP 034-1410), as shown on the submitted plans, and adopt the findings of fact a through c, and special conditions 21 through 44 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 Bordering Vegetated Wetland flags A-2 to A-14 and Bank flags B-1 to B-17, 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, additional mitigation planting plan details, including plant species, number and sizes of plants, and placement within the approved mitigation planting areas, in accordance with condition #37, shall be submitted to the Commission for review and approval. The planting plan shall include a mix of trees, shrubs, and herbaceous species. All mitigation plantings shall be native species; no cultivars, non-native species, or invasive species shall be allowed.
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. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.
30. All tree debris shall be properly disposed of at an off-site location; no chipped or mulched material shall remain on the property.
31. All excavated material shall be properly disposed of at an off-site location.
32. Any on site dumpsters shall not be located within 50 feet of the Bordering Vegetated Wetland.
33. There shall be no stockpiling of soil or other materials within 50 feet of the Bordering Vegetated Wetland. 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.
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. Prior to construction, plans for the stilling pond or similar device shall be submitted to the Commission for review and approval.

36. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within the 100-foot Inner Riparian Zone of the Riverfront Area.
37. The mitigation area plantings shall be installed, and seeding completed, in accordance with the final approved mitigation planting plan. No filling shall be permitted within the Bordering Land Subject to Flooding (FEMA Flood Zone AE, el. 58).
38. Before executing any change from the plan of record, the applicant must have the Commission's written approval. Any errors found in the plans or information submitted by the applicant shall be considered as changes. Approval from other Town Agents or Inspectors does not relieve the applicant from obtaining approval from the Commission.
39. There shall be no discharge of any pool water or backwash within the 100-foot Inner Riparian Zone of the Riverfront Area. Pool water and backwash shall be directed to a drywell as shown on the final approved plans. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
40. It is the sole responsibility of the owner of record to maintain drainage structures (i.e., drywell) 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.
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.
43. 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.
44. The mitigation planting areas shall be allowed to naturally revegetate with native species following planting and remain as naturally vegetated. In accordance with 310 CMR 10.58, promulgated under M.G.L. c. 131, § 40, further alteration within the mitigation area is prohibited, except as may be required to maintain the area in its mitigated condition. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.

Second: Comm'r Mosher

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

36 Canterbury Street – DEP 034-1409

Applicant: David Westervelt

Representative: Paul Mirabito, Ross Engineering Co., Inc.

Proposed: Construction of a deck, pool, spa and patio

Meeting Documents & Exhibits: Staff memo, Narrative and Original Site Plan 3/27/21

Excerpts from the staff memo: The purpose of this Notice of Intent is to evaluate the potential impacts of constructing a 32ft x 16ft in ground pool, spa, patio, filling, retaining walls, deck, and fencing at an existing single-family house. A portion of the deck, patio, retaining wall, and fencing would be within the 50ft buffer to a Bordering Vegetated Wetland, with most of the remaining work within the 100ft buffer.

Motion: Chair Freeman moved to continue consideration of 36 Canterbury Street to May 17, 2021.

Second: Comm'r Mosher

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

8 New Towne Drive – Bylaw 2021-16

Applicant: Erica Murphy

Representative: Kenneth Thomson, Swetlands

Proposed: Construction of an addition and deck

Meeting Documents & Exhibits: Staff memo, Narrative and Original Submitted Plans and Response to Comments, including revised plans [submitted 5/3/21]

Excerpts from the staff memo: The purpose of this Notice of Intent is to evaluate the potential impacts of constructing an attached ~28ft x ~22ft two-car garage addition with second floor living space above, a new deck, relocating an existing storage structure under the new deck, removing an existing deck, and mitigation consisting of invasive species control and tree plantings. A portion of the addition, new deck, and relocated storage would be within the 50ft buffer to Inland Bank to an Intermittent Stream, with the addition 34ft at the closest point. The addition and a portion of the deck and storage would be installed within an area that is currently a paved driveway. The remaining structural work is within the 100ft buffer to Inland Bank. The mitigation would be mostly within the 50ft buffer to Inland Bank, as well as some plantings within the 100ft buffer to a BVW located off the rear of the property.

The representative states that the impact within the 50ft buffer zone is 343 sf. The proposed mitigation includes planting evergreen trees within a large stand of invasive Japanese knotweed in the wooded area around the resource areas, to shade the knotweed over time. In addition, invasive Asiatic bittersweet vines that are extending high into mature trees would be cut and stumps treated with herbicide. Finally invasive multiflora rose and common buckthorn in the area would be pulled with a weed wrench or girdled.

Chair Freeman reviewed the resource areas and project. With the site plan shared to the screen, Ken Thomson, botanist and representative, pointed out the existing conditions and features on the site, including the existing home & driveway, and the culvert fed by a series of catchbasins. He briefly reviewed the discussion and conclusion reached with staff regarding the status of the culvert as an intermittent stream, 34 ft off the right side of the building on the survey plan. K. Thomson pointed out the location of the proposed addition and deck and reviewed the square footage of impervious in the 50-100 ft buffer and the 0-50 ft buffer adding that the numbers were provided in his response submitted that day. He also proposed, for mitigation, treatment of invasive species as well as installation of an infiltration basin pit which the roof and driveway runoff would be directed to. He described in detail the invasive species on the property and the ways each would be treated; the oriental bittersweet cut at the base and the stem treated with 'Accord', the multiflora rose pulled with a tree wrench, the European buckthorn girdled and the Japanese knotweed treated and followed by plantings of pine and spruce in an attempt to shade it out.

K. Thomson described some of the challenges on the site including street runoffs as well as runoff discharging down the slope from the DPW yard. He noted that some of the existing spruces screening the 'wall' coming down from the DPW yard would probably have to be removed.

The Chair pointed out that staff had not had a chance to review or respond to the materials submitted that day but invited staff to offer any comments. The ACO stated she had nothing further to add beyond the staff memo but made brief comments regarding tree size, more specificity in regard to buffer zone impacts and mitigation, and expressed her herbicide hesitancy and interest in more detail in that regard. K. Thompson clarified the impervious on the plan and added that the homeowners had cleaned out trash and yard waste from the valley.

Chair Freeman invited any comments from the public.

Andrew Howell, 6 New Towne Drive, stated that he is a direct abutter, they share the space in question and that he is in strong support of his neighbor's project.

There were no further comments from the public.

Motion: Chair Freeman moved to continue consideration of the proposal for 8 New Towne Drive to May 17, 2021.

Second: Comm'r Mosher

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

14 Kents Lane – DEP 034-XXXX

Applicant: Patrick Blair, Harborview Development, LLC

Representative: Jeffrey Hassett, Morse Engineering Company, Inc.

Proposed: Demolition and reconstruction of a single family house

Meeting Documents & Exhibits: Staff memo, Narrative, Original Raze and Rebuild Site Plan 4/12/21, and Revised Raze and Rebuild Site Plan 4/29/21

Excerpts from the staff memo: The purpose of this Notice of Intent is to evaluate the potential impacts of demolishing and reconstructing an existing single family house in an expanded footprint. The existing house is located within the 50ft buffer to the BVW and Inland Bank, and within the 100ft buffer to the Vernal Pool. The new house will be constructed in a similar footprint, expanding to the east in an area that is currently maintained as hardscaping, landscaping, and lawn. A portion of the expansion falls outside of the 100ft buffer to the Vernal Pool, but is still within the 50ft buffer to Inland Bank. There is no opportunity to build outside of the 50ft buffer to Inland Bank, within a disturbed area, given the location of the Intermittent Stream on the property and zoning setbacks. The proposed mitigation includes the removal of invasive species with the use of herbicides and the addition of native plantings.

The Chair summarized the resource areas and the project noting that as a DEP number had not been issued yet, the Commission would not be able to approve the project that night. Representative Jeffrey Hassett of Morse Engineering was present on the call along with Patrick and Bryce Blair of Harborview Development, LLC.

J. Hassett described the 1.7 acre lot as having 1.5 acres of upland and further described the locus and pointed out on the site plan, shared to the screen, the various wetland resources at play. Describing the proposal, J. Hassett stated that the new house would be a walkout basement in the rear and the garage would be on slab. He reviewed some of the rebuild details and stated that they would be providing 2:1 mitigation designed by Brad Holmes. Currently there is a lot of non-native brush and they plan on planting native trees and shrubs. In response to a comment in the staff memo, J. Hassett stated that they would be amenable to

provide additional mitigation for the deck in the rear and their preference would be to expand the area already proposed for mitigation. He also noted that a pipe that staff had pointed out as clogged, had been unclogged.

The Chair asked the CO if her question had been answered and the CO stated that it had been addressed verbally during the meeting. Discussion followed regarding the proposed slab foundation with the Commission in agreement that the use of slab makes a difference here. Brief discussion followed regarding opportunity to reduce the expansion; the CO noted that the expansion of the footprint is happening on the opposite side of the house from the vernal pool. She added that all the downspouts will be connected to a drywell which will aid in water quality as well as volume purposes. She also noted that there was no way to move any of the work outside of the 50 ft buffer because of the location of the intermittent stream on the property. Further discussion followed regarding the proximity of the various wetland resource areas as well as discussion regarding the dimensions of the proposed garage. P. Blair contributed that the garage was a normal sized garage at 25' by 25'. Brief discussion followed regarding the garage and the condition of the area currently.

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

Motion: Chair Freeman moved to continue consideration of 14 Kents Lane to May 17, 2021.

Second: Comm'r Mosher

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

137 Gardner Street – DEP 034-XXXX

Applicant: Andrew Newman

Representative: Brad Holmes, Environmental Restoration & Consulting, LLC

Proposed: Construction of a swimming pool and associated improvements

Meeting Documents & Exhibits: Staff memo, Narrative and Original Proposed Pool Plan 3/15/21, Landscape Pool Plan 4/16/21, and Supplemental Information, including revised plans, 5/3/21

Excerpts from the staff memo: The purpose of this Notice of Intent is to evaluate the potential impacts of repairing an existing retaining wall and patio, reconfiguring existing and adding new separate retaining walls, resurfacing an existing separate patio, installing an inground pool, spa, deck, pool equipment, and landscaping/mitigation plantings, and relocating an existing drywell at an existing single family house.

Ahead of the meeting, with no DEP #, the applicant had agreed to continue to the 5/17 meeting.

Motion: Chair Freeman moved to continue consideration of 137 Gardner Street to May 17, 2021.

Second: Comm'r Mosher

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

38 Raynor Drive – DEP 034-XXXX

Applicant: Peter Matthes, Matthes Construction, LLC

Representative: Jason Youngquist, Outback Engineering, Inc.

Proposed: Construction of an addition and screened-in porch

Meeting Documents & Exhibits: Staff memo, Cover Memo/Narrative, Existing Conditions Plan 4/12/21, and Revised Existing Conditions Plan 4/28/21

Excerpts from the staff memo: Staff relayed comments and plans were revised a couple of times in response, including incorporating a 290 sf mitigation planting area for the conversion of a pervious deck to an impervious porch, as well as revised erosion and sedimentation controls. The planting area would also serve as an improvement to the Riverfront Area, as required for redevelopment projects, as well as increasing native vegetation in the Inner Riparian Zone, as required. The portion of the planting area abutting the lawn would be mulched to comply with the homeowner association landscape requirements, however the remainder of the area would be seeded with a native seed mix following planting. Stormwater management is also required under the Riverfront Area standards and rooftop runoff will be directed to an existing subsurface stormwater system.

The Chair reviewed the resource areas and summarized the project, noting that there had been a lot worked out between staff and the representatives. Representative Greg Drake, landscape architect from Outback Engineering, Inc., was present on the call and reviewed the proposal; a proposed addition over an existing garage and screened porch over an existing deck. No excavation would be required as they would both be built on existing foundation. Rooftop runoff would be directed into an existing system. They have proposed mitigation for the additional impervious of the roof over the deck. The erosion controls would be placed at the limit of work.

The ACO had no further comments and the Commission was satisfied. Without a DEP # issued, the Chair noted that the project would need to be continued to the next meeting.

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

Motion: Chair Freeman moved to continue consideration of 38 Raynor Drive to May 17, 2021.

Second: Comm’r Mosher

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

Other Business:

- a. Discussion of National Grid request to remove hazardous trees on Commission-owned land and vote to authorize removal
The CO explained to the Commission that she’d had communication request from Natl Grid to remove hazardous trees on several conservation land areas noting that the purpose was to eliminate some threats to the power lines to Hull. She detailed the location and scope of the proposed tree work. She’d met with the arborist/forestry consultant and reviewed all the trees along Brewer Reservation and left the meeting confident that they very carefully assess these trees. She added that there is a replacement program in place specifically targeting the entrance to Brewer Reservation. 24 trees are listed for work at the Brewer Reservation and consists of a combination of removals and simply pruning. Other Conservation properties affected are mainly rights of ways or medians. The Commission was in agreement to approve the request in the interests of safety and power for Hull.

Motion: Chair Freeman moved to authorize Loni Fournier to sign the form giving National Grid permission to remove hazardous trees on Commission property.

Second: Comm’r Hidell

Roll Call: Comm’r Mooney aye, Comm’r Roby: aye, and Comm’r Mosher: aye

Adjourn 9:41 pm

Submitted, _____
Sylvia Schuler, Administrative Secretary

Approved on May 17, 2021

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