



CONSERVATION COMMISSION MEETING MINUTES – May 4, 2020

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

Absent: Thomas Roby

The remote meeting was held via Zoom with Dial in #929-205-6099, Meeting ID #925-6878-5047.

The meeting was called to order at 7:01 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 16, 2020 meeting.

Second: Comm'r. Hidell

Roll Call: Comm'r Kelly: aye, Comm'r. Mooney: aye, Comm'r. Mosher: aye, Vice Chair Zane: aye

Certificates of Compliance

52 Union Street – DEP 034-1339, continued from 3/26/20

Applicant: Falconeiri Construction, Inc

Representative: Brad Holmes, ECR, LLC

Meeting Documents & Exhibits: Staff memo and As-built Plan 2/6/20

Excerpts from the staff memo: An Order of Conditions was issued in May 2019 for the construction of a deck, three landings with stairs, a septic system repair/upgrade, regrading and resurfacing an existing driveway, tree removals, and mitigation plantings. The as-built plan largely adheres to the final approved plan with only minor differences in the dimensions and locations of the deck and landings. Staff first visited the site on 2/26/20 and identified a number of issues, including the partial installation of a fence by the new/current property owner. Since that time, staff has worked with the current property owner to adjust the location of the fence so there is minimal encroachment into the formerly wooded portion of the 50ft buffer zone. Additionally, the applicant has resolved all but one issue: the submission of a mitigation planting list, including the number and species of trees, shrubs, and perennials installed on the property. The Order includes a condition that the mitigation plantings survive at least two full growing seasons with a minimum of 75% survival rate.

Applicant Matthew Falconeiri was present on the call. Chair Freeman summarized the project and noted that issues had been resolved; the fence had been adjusted not to encroach and a Mitigation Planting List had been submitted. She explained that the Commission could only issue a Partial Certificate of Compliance as the mitigation plantings needed two full growing seasons with 75% survival rate. Neither staff nor Commissioners had additional comments.

Motion: Chair Freeman moved to issue a Partial Certificate of Compliance for 52 Union Street, MA DEP 034-1339.

Second: Vice-Chair Zane

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

15 Howard Road – DEP 034-1300

Applicant: John Vermeulen and Susan Perrin Wood

Representative: Joseph Hannon, Atlantic Coast Engineering LLC

Meeting Documents & Exhibits: Staff memo and As-built Plan 3/30/20

Excerpts from the staff memo: The Commission recently denied a Certificate of Compliance for this project due to the construction of a second seasonal float, which did not comply with the final approved plans or the Regulations. The applicant has submitted a new Request for a Certificate of Compliance and a new as-built plan, which depicts just one 10ft x 20ft seasonal float. Staff notes that the only difference between the final approved and as-built plans is two staircases, instead of a single staircase, leading from an existing deck to a platform at the landward end of the dock. The applicant also requested a waiver from the By-law fee associated with this application. Given the minimal time staff spent reviewing this application, staff also recommends waiving the fee.

Representative Jed Hannon of Atlantic Coast Engineering was present on the call. Chair Freeman summarized the project, noted the minor deviation and agreed with the recommendation to waive the bylaw fee. Neither staff nor Commissioners had additional comments.

Motion: Chair Freeman moved to issue a Certificate of Compliance for 15 Howard Road, MA DEP 034-1300.

Second: Vice-Chair Zane

Roll Call: Comm’r. Hidell: aye, Comm’r. Kelly: aye, Comm’r. Mooney: aye and Comm’r. Mosher: aye

45 Industrial Park Road – DEP 034-1316

Applicant: Matthew Falconeiri

Representative: John Cavanaro, Cavanaro Consulting, Inc.

Meeting Documents & Exhibits: Staff memo As-built Plan 3/30/20

Excerpts from the staff memo: An Order of Conditions was issued in July 2018 for the construction of a 3,200sqft addition, the reconfiguration and partial reconstruction of an existing parking lot, using porous materials, the construction of a retaining wall, and the removal of trees. The as-built plan largely adheres to the final approved plan. Staff first visited the site on 4/9/20 and identified a few outstanding items. Since that time, the applicant has resolved those items. Staff also notes the following current conditions:

- The Long Term Pollution Prevention Plan identifies regular inspections and maintenance of the porous pavement and roof drains and pipes. This spring, inspections were completed and it was determined that vacuuming the pavement was not necessary.
- The final approved plan called for a two-foot wide strip of grass at the base of the retaining wall, which was missing at the time of the initial site inspection. Given the minimal amount of flow coming from the pipe outlets and the maintenance involved with the proposed grass strip, staff suggested that crushed stone be added below each pipe outlet. The applicant agreed. The remaining area at the base of the wall is a natural, slightly stony surface.

Applicant Matthew Falconeiri was present on the call. Chair Freeman summarized the project and noted that some issues had been resolved. Neither staff nor Commissioners had additional comments.

Motion: Chair Freeman moved to issue a Certificate of Compliance for 45 Industrial Park Road, MA DEP 034-1300.

Second: Vice-Chair Zane

Roll Call: Comm’r. Hidell: aye, Comm’r. Kelly: aye, Comm’r. Mooney: aye and Comm’r. Mosher: aye

Commissioner Freeman read the Public Hearing Notice of Intent statement and added clarification that with the current State of Emergency, the deadlines noted in the statement have been suspended, and at the moment, there’s a 45 day grace period after the order has been lifted by the Governor, before the standard deadlines will again apply.

The C.O. provided further information regarding appeals. She stated that locally the 10 day appeal period was still in place and therefore the applicants would not record an Order of Conditions until after the 10 day appeal period. The MA DEP appeal procedure had yet to be determined but information from them would be forthcoming. Hingham Bylaw appeals go through the court system, which is currently on hold. However, with a bylaw appeal, it is understood that if under appeal, applicants may proceed with work at their own risk. The C.O. recommended applicants check the MA DEP website for a statement regarding appeals.

Notices of Intent

156 Chief Justice Cushing Highway – DEP 034-1349, continued from 4/16/20

Applicant: Fred Butts

Representative: Brendan Sullivan, Cavanaro Consulting, Inc.

Proposed: Demolition and reconstruction of single family home

Meeting Documents & Exhibits: Staff Memo and Revised Plan Set 4/27/20

Excerpts from the staff memo: The hearing is continued from 4/16/20. Since then, the representative submitted a revised landscape plan with the following changes:

- *The plan identifies six existing trees >6" dbh to be removed as part of construction. There was no quantification of previously removed trees, presumably because this information was not available, though as noted, a large portion of the property was historically maintained as pasture.*
- *Four trees and at least 20 shrubs are proposed to be planted in the 100ft buffer zone. All are native species.*
- *Two areas, totaling 2,000sf, within the 100ft buffer zone will be seeded with a conservation/wildlife seed mix. Both areas have relatively steep slopes, just beyond the proposed lawn, and would serve as mitigation for the new structures and mitigation/restoration of some of the disturbed buffer zone. As a reminder, the new house would have a ~4,240sf footprint, with ~1,100sf of the house within the 100ft buffer zone.*
- *The disturbed area that encroached onto the neighbor's property and the 50ft buffer zone, totaling approximately 1,500sf, will be seeded with the same conservation/wildlife seed mix. No additional plantings are proposed in this area.*

Brendan Sullivan, Cavanaro Consulting, was present on the call. Chair Freeman summarized the project and the discussion at the last meeting. The Commission reviewed the revisions described in the staff memo, including the landscape plan with wildlife mix, the tree removals and replacements.

The ACO reviewed the mitigation in detail and stated that she felt it was adequate. She further explained that she recommended to not make any specific findings regarding the wetland resource area flags that are off the property because it's a different owner. With no further questions or concerns, the Commission ended discussion.

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

Motion: Chair Freeman moved to issue an Order of Conditions for the proposed work at 156 Chief Justice Cushing Highway (DEP 034-1349), as shown on the submitted plans, and adopt the findings of fact a through c, and special conditions 1 through 22 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 makes no finding as to the exact boundaries of wetland resource areas located on adjacent properties, specifically wetland flags 1-11 and 18.

Special Conditions:

1. The applicant shall notify the Hingham Conservation Commission in writing of the name, address, and telephone number(s) of the project supervisor or contractor who shall be responsible for ensuring compliance with this Order and shall notify the Commission, by telephone or writing, at least 48 hours prior to commencement of work on the site.
2. This document shall be included in all construction contracts and subcontracts dealing with the work and shall supersede all other contract requirements.
3. The project supervisor or contractor in charge of the work shall have a copy of this Order available on the site at all times.
4. Prior to the start of any excavation or construction, there shall be a pre-construction conference on the site between the project supervisor or contractor responsible for the work and an agent of the Commission to ensure that the requirements of this Order are understood.

5. Prior to the start of any excavation or construction, erosion and sediment controls shall be installed, as shown on the final approved plan, and inspected by an agent of the Commission; straw wattles and/or hay bales shall not be used as a form of erosion or sediment control.
6. Erosion and sediment controls shall remain in place until all disturbed or exposed areas have been stabilized with a final vegetative cover or the Commission has authorized their removal.
7. 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.
8. Any debris, which falls into any resource area, shall be removed immediately by hand.
9. All lawn waste, brush, leaves, or other materials dumped in any resource area, including the buffer zone, shall be removed, and the practice discontinued, in accordance with Section 23.6 of the Hingham Wetland Regulations.
10. All tree debris shall be properly disposed of at an off-site location; no chipped or mulched material shall remain on the property.
11. Any on site dumpsters shall not be located within 100 feet of any resource area.
12. There shall be no stockpiling of soil or other materials within 50 feet of any resource area.
13. 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.
14. 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.
15. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 100 feet of any resource area.
16. Rooftop runoff from the house and garage shall be directed to a water quality swale as shown on the approved plan.
17. 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.
18. It is the sole responsibility of the owner of record to maintain drainage structures at all times. The property owner shall comply with the approved Long Term Pollution Prevention Plan, submitted by Cavanaro Consulting and last revised April 8, 2020. 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.
19. The mitigation planting areas, including a 1,600 square foot conservation/wildlife seed mix area with shrubs and a 400 square foot conservation/wildlife seed mix area, as identified on the final approved plans, shall not be maintained as landscaped areas or lawn and shall instead be allowed to remain as naturally vegetated. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
20. 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.
21. 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.
22. Prior to the issuance of a Certificate of Compliance, the mitigation area plantings shall survive at least two full growing seasons with a minimum of 75% survival rate. If a 75% survival rate is not achieved, replacement plantings of the same species shall be made by the applicant.

Second: Vice Chair Zane

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

Brief discussion followed the vote. Representative, Brendan Sullivan, asked how the Governor's order would affect the Order of Conditions. The C.O. explained that her understanding of the order is that it gives boards and committees the leeway to extend permitting if they need to but it's not necessarily a requirement. Hingham has taken the position to hold meetings and issue permits in a normal timeline. The ACO agreed, summarized the intent of the order and concluded that once an Order of Conditions is issued, the 45 day period would only apply in terms of an appeal. Chair Freeman further clarified that the 45 day period was intended to accommodate all the different variables that could occur during the emergency, and that if for whatever reason the Commission or staff was unable to proceed, it would not be in violation of any laws and the deadline for issuance of an Order of Conditions would be suspended.

2 Beach Lane – DEP 034-1359, continued from 4/16/20

Applicant: Theodore Sharp

Proposed: Demolition and reconstruction of single family home

Meeting Documents & Exhibits: Staff memo and Revised Narrative (v7), Revised Proposed Conditions Plan (Sheet 2) 4/28/20, Revised Foundation Plan 4/28/20, Revised Proposed Floor Plan (Sheet 1) 4/1/20, Revised Proposed Elevations (Sheet 1) 4/1/20, and Revised Proposed Elevations (Sheet 2) 4/1/20

Excerpts from the staff memo: This hearing is continued from 4/16/20. Since then, the applicant has submitted a revised project narrative and revised plans in response to staff and Commission comments. Staff notes the following changes in the final revised plans:

- *Expansion of the mitigation area within the 50ft buffer zone adjacent to the stone revetment, and addition of a proposed 2ft x 2ft stepping stone path to the revetment.*
- *A 1ft strip of lawn has been added along the house on the north and east sides to allow for room to walk and for maintenance of the structure.*
- *Shower runoff is now directed to a shower pan and then to the crushed stone proposed to be installed under the structure. The previously proposed drywell has been removed.*
- *Garage flood vents have been included on the site plan as well as architectural plans.*

Applicant Theo Sharp was present on the call. Chair Freeman summarized the Commission's previous concerns regarding the project, as well as the revisions provided by the applicant to alleviate those concerns, including expanded mitigation and other changes noted in the staff memo. T. Sharp stated that he felt that everything was covered in the order and he had no problem with any of the draft conditions. He would be meeting with a landscaper and would get a plan to Conservation staff. The ACO commented that it was a positive to have the additional mitigation in the 50 ft buffer. Commissioners Mooney expressed his appreciation that the applicant had complied with recommendations from the staff.

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

Motion: Chair Freeman moved to issue an Order of Conditions for the proposed work at 2 Beach Lane (DEP 034-1359), as shown on the submitted plans, and adopt the findings of fact a and b, and special conditions 1 through 28 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.

Special conditions:

1. The applicant shall notify the Hingham Conservation Commission in writing of the name, address, and telephone number(s) of the project supervisor or contractor who shall be responsible for ensuring compliance with this Order and shall notify the Commission, by telephone or writing, at least 48 hours prior to commencement of work on the site.
2. This document shall be included in all construction contracts and subcontracts dealing with the work and shall supersede all other contract requirements.

3. The project supervisor or contractor in charge of the work shall have a copy of this Order available on the site at all times.
4. Prior to the start of any excavation or construction, there shall be a pre-construction conference on the site between the project supervisor or contractor responsible for the work and an agent of the Commission to ensure that the requirements of this Order are understood.
5. Prior to the start of any excavation or construction, erosion and sediment controls shall be installed, as shown on the final approved plan, and inspected by an agent of the Commission; straw wattles and/or hay bales shall not be used as a form of erosion or sediment control.
6. Erosion and sediment controls shall remain in place until all disturbed or exposed areas have been stabilized with a final vegetative cover or the Commission has authorized their removal.
7. Prior to the start of any excavation or construction, a planting plan for the mitigation areas shown on the final approved plan, shall be submitted to the Commission for review and approval. The planting plan shall include a mix of trees, shrubs and perennials, within both the 50ft and 100ft buffer zones. All mitigation plantings shall be native species; no cultivars, non-native species, or invasive species shall be allowed.
8. During all phases of construction, all disturbed or exposed areas shall be brought to a finished grade and either
 - a) loamed and seeded for permanent stabilization, or b) stabilized in another way approved by the Commission.
9. Any debris, which falls into any resource area, shall be removed immediately by hand.
10. Any on site dumpsters shall not be located within 50 feet of the Coastal Bank.
11. There shall be no stockpiling of soil or other materials within 50 feet of the Coastal Bank.
12. Issuance of these conditions does not in any way imply or certify that the site or downstream areas will not be subject to flooding, storm damage, or any other form of damage due to wetness.
13. Any dewatering activities on the project in which water will be released into any resource area or storm drain shall make use of a stilling pond or similar device to remove sediment before the water is released.
14. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 50 feet of the Coastal Bank.
15. The new structures shall be constructed to allow for free passage of flood waters.
16. Rooftop runoff from the house and garage shall be infiltrated on site, using downspouts directed to crushed stone under the new structure, as shown on the final approved plans.
17. Runoff from the outdoor shower will be directed to a shower pan that drains into the crushed stone under the new structure, as shown on the final approved plans.
18. The driveway shall be constructed using permeable pavers and an appropriate permeable subbase.
19. Mitigation plantings shall be installed in accordance with the final approved planting plan and final approved site plan.
20. Before executing any change from the plan of record, the applicant must have the Commission's written approval. Any errors found in the plans or information submitted by the applicant shall be considered as changes. Approval from other Town Agents or Inspectors does not relieve the applicant from obtaining approval from the Commission.
21. Prior to discharging any hot tub water, the free chlorine level shall be 0 ppm, as verified by an EPA approved test kit or strip. The property owner is responsible for maintaining a record of the free chlorine test results for review by the Commission. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
22. The 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.
23. The use of pesticides, herbicides, 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.

24. The existing coastal engineering structure, consisting of a partially vegetated stone revetment, may be maintained, repaired, or replaced, but not substantially changed or enlarged in order to protect the project allowed by this Order of Conditions. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
25. 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. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
26. 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.
27. 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.
28. Prior to the issuance of a Certificate of Compliance, the mitigation area plantings shall survive at least two full growing seasons with a minimum of 75% survival rate. If a 75% survival rate is not achieved, replacement plantings of the same species shall be made by the applicant.

Second: Vice-Chair Zane

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

12 Boulder Glen Road – DEP 034-1362, continued from 4/16/20

Applicant: Tracy Shriver

Representative: Joan Deely, Land Stewardship, Inc.

Proposed: Phragmites removal

Meeting Documents & Exhibits: Staff memo and Revised Habitat Management Plan 4/28/20

Excerpts from the staff memo: This hearing is continued from 4/16/20. Since then, the representative has submitted a revised Habitat Management Plan in response to staff and Commission comments. Staff has no additional comments regarding the plan.

Staff notes that the applicant is responsible for ensuring any additional permitting requirements are met and documentation provided to the Army Corps of Engineers and MassDEP if necessary, in accordance with the General Permit. A Restoration Order of Conditions includes the same standard condition as an Order of Condition regarding complying with all other applicable statutes, regulations, etc.

Staff recommends that the Commission make a finding relative to the eligibility of the project to be permitted by a Restoration Order of Conditions in accordance with 310 CMR 10.13, Eligibility Criteria for Restoration Order of Conditions. Restoration Orders of Conditions must contain the general conditions set forth in 310 CMR 10.14, Restoration Order of Conditions, and there are no provisions in the regulations for additional "special" conditions beyond what is in the regulations, with the exception of referencing the plans and specifications approved by the issuing authority, which is specifically permitted by 310 CMR 10.05(6)(b), Procedures.

Representative Joan Deely was present on the call. Chair Freeman noted that the applicant had submitted a revised Habitat Management Plan and that staff had expressed their satisfaction. J. Deely stated that she had no further comments and that after some back and forth with the ACO on suggestions from the last meeting, she feels that they are all set. The ACO commented that she'd reviewed the specifications on the mower and was satisfied; although not specifically called out as having a low ground pressure, it is clearly the best option if equipment is to be used. With no further questions or concerns, the Commission ended discussion.

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

Motion: Chair Freeman moved to issue a Restoration Order of Conditions for the proposed work at 12 Boulder Glen Road and 9 Porters Cove Road (DEP 034-1362), as shown on the submitted plans, and adopt the findings of fact a through c, and special condition 1 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. In accordance with 310 CMR 10.14, the project meets the eligibility criteria in 310 CMR 10.13(1) and the applicable provisions of 310 CMR 10.13(2) through (7) to be considered an Ecological Restoration Project, subject to the following Restoration Order of Conditions.

Special condition:

1. Plan reference: "Habitat Management Plan: Invasive Plant Management Project", dated September 24, 2019 and last revised April 28, 2020, prepared by Land Stewardship, Inc., not signed and stamped. Except as may be modified by conditions herein.

Second: Vice-Chair Zane

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

Other Business:

a. Review and approve installation of interpretive signs at Hingham Harbor

The CO reminded the Commission of the three informative signs at the harbor for which they had approved a request for installation. It had been a dual request as it was a request for an exemption from a formal filing within the Commission's jurisdiction as well as permission to place the signs on Commission parcels. At the time, it was thought that some of the parcels belonged to the Commission, however, it has since been determined that the Commission does not have ownership.

Bruce Macaloney was present on the call and explained that there were slides for the Commission to view on the Pending Applications page of the Conservation website. He pointed out to the Commission the proposed locations of the next round of signs, explained that they would be identical to the ones already installed and confirmed that the extent of the disturbance was 2 footings and take less than an hour to install. The Commission expressed their support for the project.

Motion: Chair Freeman moved to approve the installation of interpretive signs at Hingham Harbor in the absence of a formal application filing.

Second: Vice-Chair Zane

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

b. Initial discussion of potential mitigation and flood zone guidance documents

Chair Freeman noted that there are two issues that she thought the Commission could work on to provide more clarity and guidance to applicants.

One has to do with the Commission's expectations regarding mitigation. Chair Freeman stated that she thinks the Commission could improve the quality and consistency of its evaluative process if it laid down some general principles for mitigation expectations. She acknowledged that the Commission evaluated applications on a case by case basis but it would be helpful for applicants and the Commission to have some rules, for clarity, transparency and consistency, while still retaining the right to waive the rules.

The CO pointed out that the policies created by the Commission have been very helpful to provide information and concepts that aren't in the regulations and that to have something on mitigation would be helpful to applicants and staff. MACC recently published a buffer zone manual and with some beneficial language in there, justifying why the Commission is asking for restoration/mitigation, and the CO felt it would be manageable for staff to create a draft policy similar to the tree policy, which has been very helpful.

The second item that Chair Freeman raised was construction of single family homes on the coastal flood plain and that it would be helpful for the Commission to clarify wording, for example, reconstruction, expansion and floodplain, and be more specific and that it might also be helpful to give applicants examples of these. Chair Freeman described her research reviewing other coastal communities in regards to construction and guidance in floodplains. The Commission discussed at length different things to take into consideration such as clarity, difference in interpretation, communication with the Planning Board, bad practice, and climate change.

The CO suggested that for a policy regarding flood zone guidance, research, discussion and input by Commissioners would be necessary. She also pointed out that ultimately the policies would merge into the revised regulations making the regulations clearer and more robust where they're lacking. The Commission discussed how they might share some of the research responsibility and put together a draft policy that could in turn be edited by the CO into a concise one page policy.

Chair Freeman adjourned the meeting at 8:22 pm.

Submitted, _____
Sylvia Schuler, Administrative Secretary

Approved on May 18, 2020

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