



## CONSERVATION COMMISSION MEETING MINUTES – May 17, 2021

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

**Absent:** John Mooney

The remote meeting was held via Zoom with Dial in #929-205-6099, Meeting ID # 833-8088-8839

### **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 May 3, 2021 meeting.

**Second:** Comm'r Mosher

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

### **Certificates of Compliance**

**10 Maryknoll Drive** – DEP 034 1234

Applicant: Kevin & Heather Messerle

*Meeting Documents & Exhibits: As-built Plan 4/16/21*

*Excerpts from the staff memo: An Order of Conditions was issued in October 2015 for the construction of an in-ground swimming pool and associated improvements. The as-built plan reflects a slightly different pool and patio layout than what was approved, including the changes approved by staff, however the majority of the work still falls outside of the 100ft buffer zone. Staff feels the mitigation component of the project has been satisfied and recommends issuing a Certificate of Compliance.*

**Motion:** Chair Freeman moved to issue a Certificate of Compliance for 10 Maryknoll Drive, MA DEP 034-1234.

**Second:** Comm'r Mosher

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

**49 Abington Street (formerly 0/73 Abington Street)** – DEP 034 1275, cont'd from 5/3/21

Applicant: Frank Polak, MDC Properties, Abington Street LLC

*Meeting Documents & Exhibits: no new documents*

*Excerpts from the staff memo: This discussion is continued from the 5/3/21 Commission meeting, at the request of staff. Staff conducted a second site inspection on 4/27/21 and found that none of the previously identified issues (dating back to 4/6/21) were resolved. Staff relayed this information to the applicant and representative. Staff has received no communication from the applicant or representative since agreeing to the last continuance. The Commission may vote to continue the discussion again or deny the Certificate of Compliance.*

The Commission briefly discussed the number of continuances, unresolved issues and lack of communication from the applicant and concluded to deny the Request for Certificate of Compliance.

**Motion:** Chair Freeman moved to deny the Request for Certificate of Compliance for 49 Abington Street DEP 034-1275.

**Second:** Comm'r Mosher

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

## Requests for Determination of Applicability

### 9 Pioneer Road

Applicant: Joe Catalano

Proposed: Installation of a patio

*Meeting Documents & Exhibits: Staff memo, Narrative and Original Submitted Plan, Revised Narrative [submitted 5/11/21], and Revised Plan [submitted 5/11/21]*

*Excerpts from the staff memo: The purpose of this Request for Determination of Applicability is to evaluate the potential impacts of installing a 15' x 15' (225 sf) patio, with a 44" x 44" fire pit (~13 sf) within the patio area, and a 16" x 12' concrete sitting wall (18 sf) adjacent to the patio, aluminum fencing along the sides of the property, a swing set, and mitigation plantings. The patio would be constructed with a manufactured paving stone product made of concrete. The pavers can be installed in either a standard impervious application or in a permeable application, and the applicant intends to install them to be permeable. The fire pit and sitting wall would be constructed with a concrete product. The majority of the work would be within the 50ft buffer zone, with the patio within ~10ft of the wetland and the fence closer. Only a portion of the aluminum fencing would be within the 100ft buffer zone.*

Chair Freeman summarized the wetland resource areas and the project, noting that what is proposed is on already disturbed area and that pavers would have a permeable installation. Homeowner Joe Catalano was present on the call and described the area as unused and explained they'd like to use it for a patio, firepit and a playset for the kids. He added that the landscaper can follow the directions for the patio drainage. He stated that they'd like to have the fence on the property line and that mitigation plantings would be next to the shed and behind the fence area. Responding to a question, J. Catalano explained that they'd rather not just extend the existing patio, as there is a slope down and away from the house and the main reason they want it further away is because of the fire pit.

Brief discussion followed regarding the locations proposed for mitigation and the amount of mitigation required. The Commission was satisfied with the mitigation being placed behind the fence and the area off to the right. The ACO calculated the square footage for the mitigation amount, to be inserted into draft condition #1, as **274** sf and suggested an edit to draft condition #6 adding 'prior to the start of work'.

**Motion:** Chair Freeman moved to issue a Negative Determination of Applicability for the proposed work at 9 Pioneer Road, as shown on the submitted plans, and adopt the findings of fact a through c, and conditions 1 through 12 of the staff report as amended 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 274 square feet of plantings, including a mix of shrubs and herbaceous species. Locations closest to the resource areas shall be prioritized for planting. All mitigation plantings shall be native species; no cultivars, non-native species, or invasive species shall be allowed.
2. Prior to the start of work, the fence location shall be staked and inspected by an agent of the Commission. The fence shall be installed within the existing lawn area; no shrubs or natural vegetation within the buffer zone shall be removed to facilitate the installation of the fence.
3. Prior to the start of work, erosion and sediment controls shall be installed, along the inside (work side) of the existing fence and extending up the southern (right) side of the property between the mitigation planting area and the wetlands, 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.
4. 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.
5. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.
6. Prior to the start of work, all lawn waste, brush, leaves, or other materials, including gravel, stone and man-made debris, dumped in any resource area, including the buffer zone, in particular behind the existing fence, 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.

7. All excavated material shall be properly disposed of at an off-site location.
8. There shall be no stockpiling of soil or other materials within 25 feet any resource area.
9. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 50 feet of any resource area.
10. The approved patio shall be constructed to be permeable, with permeable joints and an appropriate permeable subbase. Documentation shall be submitted from the contractor or installer confirming that the patio has been installed to be permeable in accordance with the manufacturer specifications.
11. Mitigation plantings shall be installed, and seeding completed, in accordance with the final approved mitigation planting plan.
12. 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 Kelly: aye, and Comm'r Roby: aye

**52 Union Street**, continued from 5/3/21

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 5/3/21 meeting at which there was no discussion. Prior to that, the hearing was continued 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 they are willing to add mitigation plantings. They have not determined the details for these items, however draft conditions #1 and 2 address this. Staff has no further comments.*

Chair Freeman summarized the proposal and the wetland resource area, noting the applicant was willing to use permeable pavers and do mitigation planting. She added that details needed to be worked out but staff had drafted conditions to allow the applicant to continue to work with staff on the details. Alex Knight was present on the call and stated that they are just having a hard time finding someone to do the permeable pavers and mitigation plantings but they're happy to plant what is recommended by the ACO. The Commission was satisfied with the project and conditions as drafted.

**Motion:** Chair Freeman moved to issue a Negative Determination of Applicability for the proposed work at 52 Union Street, as shown on the submitted plans, and adopt the findings of fact a through c, and conditions 1 through 10 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 start of work, manufacturer specifications and construction details for the turnaround shall be submitted to the Commission for review and approval. The turnaround shall be constructed with permeable pavers or grass pavers, permeable joints, and an appropriate permeable subbase.
2. 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 100 square feet of plantings, including a mix of shrubs and herbaceous species. Locations closest to the resource areas shall be prioritized for planting. All mitigation plantings shall be native species; no cultivars, non-native species, or invasive species shall be allowed.
3. Prior to the start of work, erosion and sediment controls shall be installed, between the work area and the wetland resource area, 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.

4. 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.
5. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.
6. All excavated material shall be properly disposed of at an off-site location.
7. There shall be no stockpiling of soil or other materials within 30 feet any resource area.
8. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 45 feet of any resource area.
9. Mitigation plantings shall be installed, and seeding completed, 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 Kelly: 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*

*Excerpts from the staff memo: This hearing is continued from the 5/3/21 Commission meeting. Since that time, staff met with the applicant and advised several modifications to the current proposal, including a reduction in the size of the patio, perhaps using stepping stones to accomplish this, the selection of a permeable paver, and the installation of mitigation plantings in place of lawn. Staff was also able to verify that no portion of the wetland will be altered as part of the current proposal (this concern was raised at the last hearing). Staff is anticipating revised plans, however, as of 5/13/21, no materials have been provided.*

Chair Freeman reviewed the proposal and noted that the applicant had been working with staff on details and that the staff memo indicated staff was waiting for more information. Applicant Huilei Liu was present on the call. She stated she has been researching permeable pavers but the one she was interested in is not available currently and they are looking into options. She and the CO had examined the dead tree proposed for removal and H.Liu suggested that it be cut down before work begins on the patio; the Commission had no objections regarding the tree removal.

H.Liu asked, should she be able to get a permeable paver, would she be allowed to maintain the size of the current design. The CO noted that the current design is approximately 20 ft from the wetland. Discussion followed regarding the distance to the wetland and the use of permeable pavers being a benefit, not only environmentally, but by reducing the amount of mitigation required to 1:1 and therefore the cost of mitigation. The CO noted that the original proposal called for grass between the patio and the wetland, in an area where there had been grass previously. She and the applicant had discussed using native shrubs or seed mix for mitigation plantings in that 20' by 40' area. H.Liu confirmed that they would use plants, shrubs & flowers versus high maintenance lawn in that area. With the details for the pavers or changes in patio size still to be determined, the Commission and applicant agreed to continue to the next meeting date.

**Motion:** Chair Freeman moved to continue the hearing for 5 Knoll Road to June 7, 2021.

**Second:** Comm'r Mosher

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

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

### **Notices of Intent**

**14 Kents Lane** – DEP 034-1412, cont'd from 5/3/21

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*

*Excerpts from the staff memo: This hearing is continued from the 5/3/21 Commission meeting. The project was discussed in detail, but could not be approved due to the lack of a DEP number. Since then, a DEP number has been issued.*

*Staff drafted an additional finding to capture some of the discussion regarding the proximity of the proposed foundations to the Inland Bank. Staff also modified draft condition #27 to capture the representative's verbal confirmation that additional mitigation, at a 2:1 ratio, would be provided for the proposed deck (340sqft).*

Chair Freeman summarized the project and the wetland resource areas. The Chair reviewed the discussion at the prior hearing. The CO had nothing further to add and the Commission expressed their satisfaction with the proposal and the draft findings and conditions.

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 14 Kents Lane (DEP 034-1412), as shown on the submitted plan, and adopt the findings of fact a through d, and special conditions 21 through 48 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.
- d. The existing wall foundation for the house is 1.9ft from the Inland Bank. Neither the proposed wall foundation for the house (3.9ft), nor the proposed slab foundation for the garage (3.5ft) are closer to the Inland Bank. The Inland Bank is armored with stone in close proximity to the proposed house and garage, and the Intermittent Stream flows through a 10in pipe in close proximity to the house, in both the existing and proposed conditions. The proposed work will not alter or negatively impact the stability of the Inland Bank, its ability to confine floodwaters, or its habitat values. As such, for this specific property, the project is consistent with the Town of Hingham Wetland Regulations' intent on minimizing adverse impacts to 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, a revised site plan with mitigation shall be submitted to the Commission for review and approval. The plan shall include an additional 680 square feet of plantings, including a mix of shrubs and herbaceous species, for a total of 2,758 square feet of mitigation. Locations closest to the resource areas shall be prioritized for planting. All mitigation plantings shall be native species; no cultivars, non-native species, or invasive species shall be allowed.
28. 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 lawn waste, brush, leaves, or other materials dumped in any resource area, including the buffer zone, and in particular, within the Vernal Pool and "Buffer Enhancement / Mitigation Area," 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.
31. All tree debris shall be properly disposed of at an off-site location; no chipped or mulched material shall remain on the property.
32. All demolition and excavated material shall be properly disposed of at an off-site location.
33. Any on site dumpsters shall not be located within 40 feet of any resource area.
34. There shall be no stockpiling of soil or other materials within 40 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.
35. 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.
36. 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.
37. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 50 feet of any resource area.
38. Rooftop runoff from the approved house and garage shall be infiltrated on site, using either drywells, infiltration chambers, or drip edge stone trenches.
39. The area under the approved deck shall be treated with three inches of ¾"-1½" crushed stone.
40. All work associated with the removal and replacement of the existing 10" clay pipe shall be limited to a period of time when the Intermittent Stream is "dry," meaning that no flowing or standing water is observed within the stream channel.
41. All work within the "Buffer Enhancement / Mitigation Area" shall be completed in accordance with the final approved plan and narrative (an inset on the final approved plan). The invasive species removal work shall be conducted under the supervision of a wetland scientist or other qualified professional. The native plantings shall be installed, and seeding completed, in accordance with the final approved plan.
42. 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.
43. It is the sole responsibility of the owner of record to maintain drainage structures at all times. The property owner is also responsible for retaining records of the maintenance and cleaning for review by the Commission. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
44. 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.
45. 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.
46. Prior to the issuance of a Certificate of Compliance, the "Buffer Enhancement / 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.
47. The "Buffer Enhancement / Mitigation Area" 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.
48. The six (6) conservation posts established along the northeastern limit of the natural buffer surrounding the Vernal Pool shall be maintained in their approved locations. All areas southwest of the conservation posts shall remain naturally vegetated. 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

**38 Raynor Drive** – DEP 034-1413, cont'd from 5/3/21

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*

*Excerpts from the staff memo: This hearing is continued from the 5/3/21 meeting to allow time for a MassDEP file number to be issued. Since then, a file number has been issued.*

Chair Freeman summarized the project and the wetland resource areas. The Chair reviewed the discussion at the prior hearing noting that the only thing the Commission was waiting for was the DEP number to be issued.

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 38 Raynor Drive (DEP 034-1413), as shown on the submitted plans, and adopt the findings of fact a through c, and special conditions 21 through 41 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.

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 demolition material shall be properly disposed of at an off-site location.
30. Any on site dumpsters shall not be located within 100 feet of the Bordering Vegetated Wetland.
31. 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.
32. 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.

33. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 100 feet of the Bordering Vegetated Wetland.
34. Rooftop runoff from the approved porch and the garage addition shall be infiltrated on site into the existing subsurface stormwater system.
35. The mitigation area plantings shall be installed, and seeding completed, in accordance with the final approved plan.
36. 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.
37. It is the sole responsibility of the owner of record to maintain drainage structures at all times. The property owner is also responsible for retaining records of the maintenance and cleaning for review by the Commission. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
38. 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.
39. 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.
40. 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.
41. 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

**304 Whiting Street** – DEP 034-1408, cont'd from 4/12/21

Applicant: Noreen Browne, South Shore Habitat for Humanity

Representative: Gary James, James Engineering, Inc.

Proposed: Demolition of a house and construction of two houses and a common drive

*Meeting Documents & Exhibits: Staff memo, Revised Narrative [submitted 4/26/21], Revised Plan Set [submitted 4/26/21], and Response to Comments 4/7/21*

*Excerpts from the staff memo: This hearing is continued from the 4/12/21 Commission meeting, where no discussion took place. The project was previously discussed at the 3/8/21 meeting, where the representative provided a general overview. Staff sent a number of comments and questions to the representative 3/3/21 and received a response on 4/26/21. The response letter, revised narrative, and revised plan set are posted on the Pending Applications website. Staff notes that the revised narrative and plan set are dated February 2021, but do include revisions. Additionally, the items referenced as being attached within the response letter were not provided.*

Prior to the meeting, the applicant agreed to continue the hearing to the next meeting.

**Motion:** Chair Freeman moved to continue the hearing for 304 Whiting Street to June 7, 2021.

**Second:** Comm'r Mosher

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

**137 Gardner Street** – DEP 034-1411, cont'd from 5/3/21

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.*

Chair Freeman summarized the resource areas. Applicant Andrew Newman was present on the call and described the various aspects of the proposal noting that all the work is outside the 50 foot buffer. A. Newman explained that there is an existing drywell in the location where the pool would go. That drywell will be relocated outside of the 100 ft buffer and any pool water needing disposed would be pumped to the relocated drywell. Discussion followed regarding the pool water disposal, the topography of the site, and it was clarified that the relocated drywell, outside the 100 ft buffer, is indicated on the landscape plan.

Responding to a question regarding incorporating shrubs into the existing plantings as suggested in the staff memo, A. Newman stated that they were amenable to that.

The Commission and staff had no further questions or comments.

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 137 Gardner Street (DEP 034-1411), as shown on the submitted plans, and adopt the findings of fact a through c, and special conditions 21 through 43 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 Isolated Vegetated Wetland flags A-1 to A-10 and A-18, 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. 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 demolition and excavated material shall be properly disposed of at an off-site location.
30. Any on site dumpsters shall not be located within 100 feet of any resource area.
31. 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.

32. 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.
33. 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.
34. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 100 feet of any resource area.
35. The area under the approved deck shall be treated with three inches of ¾"-1½" crushed stone.
36. The mitigation area plantings shall be installed, and seeding completed, in accordance with the final approved landscape plan and mitigation narrative.
37. 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.
38. There shall be no discharge of any pool or spa water, or backwash, within 100 feet of any resource area. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
39. It is the sole responsibility of the owner of record to maintain drainage structures at all times. The property owner is also responsible for retaining records of the maintenance and cleaning for review by the Commission. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
40. 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.
41. 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.
42. 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.
43. The mitigation planting area 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.

**Second:** Comm'r Hidell

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

**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: Staff memo, Peer Review Memo 5/5/21, Revised Plan Set [submitted 5/5/21], and Revised Plan Set 5/14/21*

*Excerpts from the staff memo: This hearing is continued from the 5/3/21 Commission meeting, where no discussion took place. The project was last discussed at the 3/22/21 meeting and continued to allow time for the representative to respond to comments, for the peer review engineer to complete their review, and for a MassDEP file number to be issued. Since then, a file number has been received and there have been multiple revisions to plans and supporting documentation, additional comments from staff, and a second review by the peer review engineer. Revisions or additional information were provided for erosion controls, stormwater calculations, stormwater management, O&M plan, plantings, restoration work, and phasing plan. Revised materials are posted on the Pending Applications website. Staff has no further comments.*

Chair Freeman summarized the project, noted that the renovation reduces the impervious surface in the 50 ft buffer, and stated that much work has been done to get the project to this point. Peer Reviewer Pat Brennan was present on the call. Chair Freeman added that most all concerns had been addressed noting that a couple that were still pending

had been covered by draft conditions. The ACO had no additional comments but pointed out that draft condition #52 referencing adhering to a long term O&M plan, needed to have the date 5/14/21 added.

All parties were satisfied and had no further comments.

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 waive the local by-law fee and issue an Order of Conditions for the proposed work at 274 South Street (DEP 034-1405), as shown on the submitted plans, and adopt the findings of fact a through c, and special conditions 21 through 56 of the staff report as edited at the meeting.

*(Conditions below reflect the edit discussed 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. The boundaries of wetland resource areas in the vicinity of the proposed work were previously approved in an Order of Resource Area Delineation (DEP 034-1396), issued on 3/15/21.

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. Additional notification shall also be provided at least 48 hours in advance of any subsequent project phases.
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. A pre-construction conference shall also be required prior to the start of any excavation or construction for any subsequent project phases.
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. The Commission reserves the right to require additional erosion and/or damage prevention controls if deemed necessary. These may be required by the Commission or an agent of the Commission at any time when deemed appropriate.
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, catch basins within the vicinity of the work shall be protected with silt sacks or equivalent.
28. Silt sacks shall be maintained and regularly cleaned of sediments until stabilization is achieved and/or until the Commission has formally approved their removal.
29. Prior to the start of any excavation or construction, the limit of work around the restoration areas, as shown on the final approved plans, shall be marked in the field and inspected by an agent of the Commission.
30. Prior to the start of any excavation or construction, a standalone invasive species management plan, including the management strategy for each invasive species with methods to be used and timing of control or treatments, information on herbicides to be used and manufacturer specifications, disposal details for plants removed, and anticipated activities in each growing season, shall be prepared by a wetland scientist or other qualified professional approved in advance by the Commission, and submitted to the Commission for review and approval.
31. Prior to the start of any excavation or construction, a Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan shall be submitted to the Commission for review and approval, to ensure compliance with MassDEP Stormwater Management Standard 8.

32. Prior to the start of any excavation or construction, copies of all federal, state, and local permits, certifications, and approvals, as applicable, shall be submitted to the Commission for review.
33. One month prior to the start of any excavation or construction, a Stormwater Pollution and Prevention Plan (SWPPP) shall be submitted to the Commission for review and approval.
34. Beginning the first week of construction, in which construction activity occurs on site, and for as long thereafter as the ground remains unstabilized, the applicant shall have a weekly written report prepared by a Registered Professional Engineer (Civil) or approved wetland scientist and available for review by the Commission. The inspector shall certify that to the best of their knowledge and belief, based upon careful site inspections (conducted during work hours at the site not less than weekly), all work is being performed in compliance with this Order. If the work is not in compliance, they will note where a deviation from the Order occurred. These reports may be stopped if construction activity ceases for a period of more than five days.
35. The project supervisor or contractor in charge of the work shall follow the final approved SWPPP during all phases of construction. A copy of this document shall be kept on site at all times.
36. 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.
37. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.
38. All lawn waste, brush, leaves, or other materials, including concrete/plastic/metal pipes, old fencing, drums, and other man-made debris, dumped in any resource area, including the buffer zone, in particular north of wetland flags B5 and B6, 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.
39. All tree debris shall be properly disposed of at an off-site location; no chipped or mulched material shall remain on the property.
40. All demolition and excavated material shall be properly disposed of at an off-site location.
41. Any on site dumpsters shall not be located within 100 feet of any resource area.
42. 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.
43. 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.
44. 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.
45. 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.
46. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 100 feet of any resource area and no fuel or maintenance chemicals related to this activity shall be stored within 100 feet of any resource area.
47. Stormwater Best Management Practices shall be installed and stormwater runoff shall be managed, in accordance with the final approved plans. The installation/construction of the bioretention area, and other drainage system components shall be witnessed by a Registered Professional Engineer (Civil). The engineer shall submit documentation to the Conservation Commission stating that the installation/construction of these components was conducted properly (in compliance with all conditions herein) and in accordance with the final approved plans and manufacturer specifications.
48. In the event that erosion is discovered downstream of catch basin CB-3, as shown on the final approved plans, it shall be repaired immediately.
49. Invasive species management shall be conducted, and plantings, including restoration area plantings and tree mitigation plantings, shall be installed, and seeding completed, in accordance with the final approved invasive species management plan, landscape plans, and phasing plan. Invasive species management activities shall be directly overseen by a wetland scientist or other qualified professional approved in advance by the Commission. Monitoring reports shall be prepared by the wetland scientist or other qualified professional and submitted to the Commission, at the end of each growing season.
50. 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.

51. The Long-Term Operation and Maintenance Plan shall be revised to include manufacturer specifications and maintenance instructions for the selected water quality units.
52. 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 Operation and Maintenance Plan, prepared by Pare Corporation and dated 5/14/21, or as may be revised by conditions herein. 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.
53. 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.
54. 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.
55. Prior to the issuance of a Certificate of Compliance, the restoration area and tree mitigation 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.
56. The restoration planting areas 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.

**Second:** Comm’r Mosher

**Roll Call:** Comm’r Hidell: aye, Comm’r Kelly: 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.*

Prior to the meeting the applicant agreed to continue to the next hearing.

**Motion:** Chair Freeman moved to continue the hearing for 36 Canterbury Street to June 7, 2021.

**Second:** Comm’r Mosher

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

### **8 New Towne Drive** – Bylaw 2021-16

Applicant: Erika Murphy

Representative: Kenneth Thomson, 5 wetlands

Proposed: Construction of an addition and deck

*Meeting Documents & Exhibits: Staff memo, Response to Comments, including revised plans [submitted 5/12/21]*

*Excerpts from the staff memo: This hearing is continued from the 5/3/21 meeting to allow time for the representative to respond to staff and Commission comments. Since then, multiple revisions to plans and supporting documentation have been received, with staff providing additional comments as needed. Buffer zone impacts were clarified, invasive plant management and herbicide details were provided, and infiltration of new rooftop runoff and existing driveway runoff to drywells was added with appropriate sizing calculations. Revised materials are posted on the Pending Applications website. Staff has no further comments.*

Representative Ken Thomson and homeowners, Kevin & Erika Murphy were present on the call. Chair Freeman summarized the prior meeting and the project. She noted that stormwater management provisions (drywells) had been added, the ACO’s concerns on herbicide use had been alleviated and calculations were provided. The ACO had no further comments or questions. The Commission expressed their satisfaction with the proposal.

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 8 New Towne Drive (Bylaw 2021-16), as shown on the submitted plans, and adopt the findings of fact a through c, and special conditions 18 through 41 of the staff report.

Findings:

- a. The project meets the submittal requirements for issuance of an Order of Conditions under the Town of Hingham Wetland Regulations.
- b. The work described is within an area subject to protection under the Town of Hingham Wetland Regulations, and will not alter or adversely affect the area subject to protection under the Regulations.
- c. For the purpose of this filing, the Commission confirms the delineation of Inland Bank flags B-1 to B-12, but makes no finding as to the exact boundaries of other wetland resource areas.

Special Conditions:

18. 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.
19. This document shall be included in all construction contracts and subcontracts dealing with the work and shall supersede all other contract requirements.
20. The project supervisor or contractor in charge of the work shall have a copy of this Order available on the site at all times.
21. 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.
22. 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.
23. 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.
24. 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.
25. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.
26. All lawn waste, brush, leaves, or other materials dumped in any resource area, including the buffer zone, in particular at the rear of the property, 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. Trash and man-made debris dumped in any resource area, including the buffer zone, in particular along the eastern side of the property, shall be removed by hand to the extent feasible and properly disposed of at an off-site location.
27. Pruning and/or removal of spruce trees off the end of the existing driveway shall be done by a certified arborist, if necessary for construction of the approved deck. Tree stumps and roots may not be removed, unless necessary for construction of the approved deck. Any tree debris shall be properly disposed of at an off-site location; no chipped or mulched material shall remain on the property.
28. All demolition and excavated material shall be properly disposed of at an off-site location.
29. Any on site dumpsters shall not be located within 50 feet of any resource area.
30. 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.
31. 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.
32. 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.

33. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 50 feet of any resource area.
34. Rooftop runoff from the approved addition and driveway runoff shall be infiltrated on site using drywells, in accordance with the final approved plans. The drywells shall be installed within the existing lawn area. The existing paved swale shall be removed and the area seeded with a native seed mix.
35. Invasive plants shall be controlled, mitigation plantings shall be installed, and seeding completed, in accordance with the final approved plans and narrative. Invasive species management activities shall be directly overseen by a wetland scientist or other qualified professional approved in advance by the Commission. Monitoring reports shall be prepared by the wetland scientist or other qualified professional and submitted to the Commission, at the end of each growing season.
36. 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.
37. It is the sole responsibility of the owner of record to maintain drainage structures at all times. The property owner is also responsible for retaining records of the maintenance and cleaning for review by the Commission. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
38. 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.
39. 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.
40. Prior to the issuance of a Certificate of Compliance, the mitigation 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.
41. The mitigation planting area 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.

**Second:** Comm'r Mosher

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

**Other Business:**

- a. Discussion of a potential gift of land: 22 Abington St (216-2)

The CO described that the Conservation Commission had been approached to accept a 2.3 acre parcel of land as a gift. She described the locus of the property and explained that it is currently undeveloped and is mostly wet in a configuration that limits development. The CO further described the property owner's interest and due diligence in regards to the gift and noted that the Open Space Acquisition Committee is supportive. The Commission discussed the offer and were generally in favor of accepting the parcel.

Commissioner Hidell reported that he had spoken with Bill Reardon, Chair of the Hingham Harbor Development Committee and suggested to him that he come back before the Conservation Commission, after the final report of the Woods Hole Group, to discuss how the recommendations fit with the Conservation Commission's existing bylaws. Brief discussion followed and the CO suggested to the Commission that she could add the topic to a future agenda for further discussion when the Commission is ready.

Chair Freeman adjourned the meeting at 8:25 pm.

Submitted, \_\_\_\_\_  
Sylvia Schuler, Administrative Secretary

Approved on June 7, 2021

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