



## CONSERVATION COMMISSION MEETING MINUTES – June 15, 2020

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

**Absent:** Crystal Kelly

The remote meeting was held via Zoom with Dial in #929-205-6099, Meeting ID # 818-9647-3919.

### **The meeting was called to order at 7:02 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 as amended from the June 1, 2020 meeting.

**Second:** Vice Chair Zane

**Roll Call:** Comm'r Hidell: aye, Comm'r Mooney: aye, Comm'r Mosher: aye, Comm'r Roby: aye

### **Request for Determination of Applicability**

#### **328 Rockland Street**

Applicant: Ann Marie Taglieri

Proposed: Demolition of shed and construction of deck and patio

*Meeting Documents & Exhibits: Staff Memo, Revised Deck Plan 6/12/20 and Side Elevation Sketch*

*Excerpts from the staff memo: This discussion is continued from the 6/1/20 meeting, where the Commission requested more detailed plans, including information on the location and construction style of the proposed stairs. The Commission also expressed a preference for a single, elevated deck, no larger than 20ft x 14ft, vs. a two-tiered structure, as proposed. As of 6/11/20 staff has not received any additional information from the applicant.*

*If a revised plan is submitted in time for the meeting, staff recommends **evaluating the following aspects:***

- *The size of the deck (not to exceed 20ft x 14ft).*
- *The number, location, and style of support posts (helical piles were originally proposed) for the deck.*
- *The location and construction style (open vs. solid) of the stairs. Also, are additional support posts or a slab proposed?*
- *The surface treatment under the deck and stairs, for example crushed stone or some other material.*
- *Mitigation: recently, the Commission has asked for mitigation at a 2:1 ratio, however the available area on this property may be limited. Based on the area of the deck that exceeds the area of the shed (the size of the "new" structure), is mitigation at a 2:1 ratio feasible? (A row or cluster of shrubs along the limit of the marsh and the top of stone wall/streambank would be ideal.)*

Chair Freeman summarized the resource areas and the discussion at the last meeting. Applicant Ann Marie Taglieri was present on the call and expressed her preference for a 2 tier deck and an unobstructed view of the river from the lower deck. She explained that the revised plan shows the lower deck scaled back, staying within 14 ft from

the house; the upper deck would extend out 6 ft and the lower deck, 8 ft. She expressed willingness to do mitigation as required.

Discussion followed clarifying the dimensions of the deck, that it will be supported with helical piles and that the stairs would be open. Commissioner Freeman noted that what is being proposed is less of an obstruction than the existing shed and summarized that the proposal is wider than the shed but not any closer to the resource area. Commissioners Hidell and Zane agreed adding that staying within the footprint was important, regardless of whether a single level or multilevel deck.

Further discussion followed regarding the need for installation of gravel underneath the decks and the Commission agreed to add a draft condition related to that. Location and square footage of mitigation was discussed, with the CO noting that it is a small lot dominated by resource area. It was agreed that 250 sf of mitigation would be sufficient and discussion followed regarding type of vegetation and locations.

**Motion:** Chair Freeman moved to issue a Negative Determination of Applicability for the proposed work at 328 Rockland Street and adopt the findings of fact a through c, and conditions 1 through 8 of the staff report and as discussed at the meeting.

Findings:

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

Conditions:

1. Prior to the issuance of a Building Permit, a planting plan, specifying the location and quantity of native species (no cultivars, non-native, or invasive species) selected for the mitigation area, shall be submitted to the Commission for review and approval.
2. Prior to the issuance of a Building Permit, erosion and sediment controls shall be installed; straw wattles and/or hay bales shall not be used as a form of erosion or sediment control.
3. Erosion and sediment controls shall remain in place until all disturbed or exposed areas have been stabilized with a final vegetative cover or the Commission has authorized their removal.
4. Any debris, which falls into any resource area, shall be removed immediately by hand.
5. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 10 feet of any resource area.
6. Prior to the issuance of an Occupancy Permit, the mitigation area plantings shall be installed.
7. The Conservation Department shall be notified to any changes in plans prior to proceeding with said changed plans.
8. The area under the deck shall be stabilized with a permeable block or paver material, or crushed stone not smaller than one inch, or another material that satisfies this requirement.

**Second:** Comm'r Mosher

**Roll Call:** Comm'r Hidell: aye, Comm'r Mooney: nay, Comm'r Roby: aye and Vice-Chair Zane: aye

### **1 Saw Mill Pond Road**

Applicant: Sharon Hobson

Proposed: Installation of shed

*Meeting Documents & Exhibits: Staff Memo, Narrative, Original Plans, and Shed Specifications*

*Excerpts from the staff memo: Staff visited the site on 6/9/20. An Intermittent Stream runs along the western side of the property, within a drainage easement. A Bordering Vegetated Wetland is immediately adjacent to the Intermittent Stream. These resource areas were not flagged, however the limit of the wetland was clear and at certain points, demarcated by a short stone wall. The backyard gently slopes towards the resource areas. The property's septic system is located on the eastern side of the yard, opposite of the proposed shed location.*

*Staff does not have any major concerns related to this proposal. In fact, if the shed was proposed outside of the 50ft Buffer Zone, it would be eligible to be approved administratively. However, due to the location of the septic system and*

the added convenience of having the shed situated near the existing driveway, the applicant prefers the proposed location.

The shed will be installed in one day with minimal ground disturbance. The additional impervious area (120sqft) is minimal and as such, staff does not feel that the rooftop runoff needs to be actively managed. Staff discussed the Commission's recent mitigation requirements with the applicant and they indicated a willingness to incorporate plantings into their proposal. (The applicant noted that two river birch trees were recently planted on the property, immediately adjacent to the wetland.) Staff recommends discussing the **feasibility of 240sqft of mitigation** with the applicant.

Applicant Sharon Hobson was present on the call and described her project. Discussion followed regarding mitigation, with S.Hobson agreeing to 240 sf of mitigation and to working with staff to determine where and what type of mitigation plantings should be added.

**Motion:** Chair Freeman moved to issue a Negative Determination of Applicability for the proposed work at 1 Saw Mill Pond Road and adopt the findings of fact a through c, and conditions 1 through 5 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 on site.

Conditions:

1. Prior to the issuance of a Building Permit, a planting plan, specifying the location and quantity of native species (no cultivars, non-native, or invasive species) selected for the mitigation area, shall be submitted to the Commission for review and approval.
2. Any debris, which falls into any resource area, shall be removed immediately by hand.
3. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 25 feet of any resource area.
4. Prior to the issuance of an Occupancy Permit, the mitigation area plantings shall be installed.
5. The Conservation Department shall be notified to any changes in plans prior to proceeding with said changed plans.

**Second:** Vice-Chair Zane

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

### **235 Summer Street**

Applicant: Anne Lovell

Representative: Stephanie Reid, Paragon Landscape Construction

Proposed: Installation of permeable sports court, fence and landscaping

Meeting Documents & Exhibits: Narrative, Original Plot Plan 2/4/20, Original Sports Court Layout 5/29/20, and SportBase II Specifications

Excerpts from the staff memo: Staff visited the site on 6/4/20. Staff had no issues with the wetland delineation, but recommends the Commission make no finding regarding the delineation since it is located off property. While on site, staff also observed that work was underway on a pool that is outside Commission jurisdiction, however two stockpiles were encroaching into the 100ft Buffer Zone and no erosion and sedimentation controls were in place. Staff required that erosion and sedimentation controls be installed around the stockpiles and silt sacks be installed in nearby catch basins as soon as possible. The following week, the contractor confirmed that controls were in place.

The location of the proposed sports court consists primarily of the existing gravel drive as well as surrounding lawn. The area has a moderate slope to the road, where there are two catch basins that collect runoff from the street and discharge to the wetland. A relatively small amount of fill will be required due to the slope as the contractor intends to work off the existing grade of the gravel parking area at one end and create a level area for the court. The fence would be installed adjacent to the sports court and around an existing lawn area.

*The proposed evergreens (20 total) would be planted in a row to extend an existing green giant arborvitae hedge along the edge of the lawn adjacent to the road. Staff did recommend that the applicant consider planting native species, however the intent is to continue the existing hedge with the same species as is already planted. Three birch trees will also be transplanted into the buffer zone from an area outside the 100ft buffer. Given the scope of work and the fact that there will be no increase in impervious surface, staff does not recommend any specific mitigation for the proposed work.*

Chair Freeman summarized the proposal. The representative, Stephanie Reid from Paragon Landscaping was present on the call. The Commission agreed that there were no questions or concerns regarding the project.

**Motion:** Chair Freeman moved to issue a Negative Determination of Applicability for the proposed work at 235 Summer Street, as shown on the submitted plans, and adopt the findings of fact a through c, and conditions 1 through 8 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, erosion and sediment controls shall be installed, between the limit of work and Summer Street, and inspected by an agent of the Commission; straw wattles and/or hay bales shall not be used as a form of erosion or sediment control.
2. Erosion and sediment controls, including the silt sacks currently installed in the two catch basins adjacent to the entrance to the gravel parking area, shall remain in place until all disturbed or exposed areas have been stabilized with a final vegetative cover or the Commission has authorized their removal.
3. Any debris, which falls into any resource area, shall be removed immediately by hand.
4. All excavated material shall be properly disposed of at an off-site location.
5. There shall be no stockpiling of soil or other materials within 50 feet any resource area.
6. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 50 feet of any resource area.
7. The sports court shall be installed to be permeable, including an appropriate subbase.
8. The Conservation Department shall be notified to any changes in plans prior to proceeding with said changed plans.

**Second:** Vice-Chair Zane

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

Chair Freeman read the Public Hearing Notice of Intent statement followed by clarification of timelines under the emergency order. "Please be advised that under the emergency order entered by Governor Baker, statutory timelines for the permitting process have been suspended or tolled and are now extended 45 days after the state of the emergency. While we are permitted under this order to suspend our business until the order is lifted, I, the Chair, in consultation with the Conservation office staff determined to continue processing applications and holding public hearings remotely via zoom such as the meeting tonight, and we are attempting to follow the normal statutory and regulatory deadlines to the extent possible under the current conditions. With regard to appeals, applicants need to be aware that due to suspended or tolled timelines, the appeal window for DEP and abutters may be extended. If you have further questions regarding the appeals process under the current emergency order please contact the conservation office."

### **Notices of Intent**

**27 Isaac Sprague Drive** – DEP 034-1364

Applicant: Trevor Byrne

Representative: Scott Rogers, J.K. Holmgren Engineering, Inc.

Proposed: Construction of swimming pool, pool house, patio and shed

*Meeting Documents & Exhibits: Staff memo, Revised Proposed Conditions Plan 6/1/20, Revised Proposed Conditions Plan 6/11/20, Response to Comments 5/27/20, Response to Comments 6/10/20, and Hardscaping and Planting Information Excerpts from the staff memo: This hearing is continued from the 6/1/20 meeting, where the representative gave a brief presentation of the project and reviewed the responses to initial staff comments. Since that time, staff conducted another site visit, in an attempt to resolve the question surrounding the location of the eastern IVW and fence relative to the eastern property line, reviewed the revised plan, and submitted additional comments and questions to the representative. Staff is anticipating a formal response to these comments and questions, as well as a revised plan. On 6/11/20, staff learned that the proposed pool house and shed will be combined into one structure, reducing the amount of proposed impervious area. The representative indicated that this new structure will still encroach into the 50ft buffer zone.*

Chair Freeman summarized the previous meeting discussion. Applicant Trevor Byrne and his representative, Scott Rogers, were on the call and explained that they had submitted a response to the staff comments, which S. Rogers briefly reviewed one by one. Responding to questions from the Commission, S. Rogers clarified that the foundation of the proposed structure would be a slab foundation and T. Byrne stated that the clearing in the past as noted in staff comment #4 had been clearing of underbrush, poison ivy and damaged trees. Brief discussion followed.

S. Rogers stated that they had reduced the impervious in the proposal by approximately 55% and had recalculated the required mitigation as 1048 sf required mitigation and they are proposing 1100 sf of mitigation. Further discussion and clarification followed regarding mitigation with the Commission concluding that it would not include the pervious pavers in the calculation for mitigation. The CO confirmed that the required mitigation for the pool, the pool itself, the pool house/shed structures would be 1048 sf and that the applicant was exceeding that with 1100 sf proposed. Brief discussion followed regarding the Sewer commission and sewer easement with the CO explaining that she'd included a draft condition about it. Brief discussion followed regarding removal of the draft condition requiring submittal of a revised planting plan as the Commission was satisfied with the Buffer Zone Enhancement Landscape Schedule on the plan which also specifies native species, has the correct square footage and includes locations. The CO confirmed with T. Byrne that he was amenable to the draft condition requiring that the mitigation areas be left naturally vegetated and he asked that should it be left natural that he'd prefer it as close to the existing natural area as possible. Brief discussion followed concluding that the plantings would be planted as close to the top of the stormwater basin as possible.

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 27 Isaac Sprague Drive (DEP 034-1364), as shown on the submitted plan, and adopt the findings of fact a through c, and special conditions 1 through 21 of the staff report.

*(The conditions below reflect the removal of the one condition referenced above)*

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 finds that the drainage swale (DS1-DS9) is not jurisdictional. Additionally, the Commission makes no finding as to the exact boundaries of the Isolated Vegetated Wetland located on 4 Edgar Walker Court.

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 within the Sewer Easement, as shown on the final approved plan, the applicant shall obtain written authorization from the Town of Hingham Sewer Commission to proceed with the proposed work. A copy of the written authorization shall be submitted to the Conservation Commission.
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. 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 50 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 50 feet of any resource area.
16. The mitigation plantings shall be constructed and planted in accordance with the approved planting plan. The mitigation planting area(s) shall be left as naturally vegetated and shall not be maintained as a mowed or landscaped area. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
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. There shall be no discharge of any pool 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.
19. 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.
20. 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.
21. 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.

**Second:** Vice-Chair Zane

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

**111 Weir Street** – DEP 034-1366

Applicant: Canterbury Street LLC

Representative: Gary James, James Engineering, Inc.

Proposed: Construction of single family home and site improvements

Meeting Documents & Exhibits: Staff memo, Narrative and Original Plan Set 4/25/20

Excerpts from the staff memo: This lot is part of the 29 Canterbury Street seven-lot subdivision, now known as Patterson Pond Estates on Jordan Way. An Order of Conditions was issued in March 2018 for the construction of five lots (DEP 034-1292; the remaining two were not jurisdictional). This lot was filed separately as it was intended to be completed in a later phase. There is also more jurisdictional area on this lot than on the others. A prior Notice of Intent for this lot and similar scope of work was submitted in October 2018, but was subsequently withdrawn by the applicant prior to the issuance of an Order of Conditions. Wetland resource areas on the lot were last delineated in 2015 and the Commission issued an Order of Resource Area Delineation in March 2017, confirming the bank and BVW delineation. That ORAD was not extended and expired in March 2020. Staff's opinion is that the bank in the vicinity of the proposed work is very unlikely to have changed, however staff recommends that the Commission make no finding on resource areas beyond this.

Staff visited the site on 11/15/18 during the review of the previously-submitted NOI. Staff also recently inspected the property to confirm that conditions have not changed substantially since then. The lot is currently undeveloped. Site access is via an existing driveway to the existing single family house at 29 Canterbury Street, now known as 3 Jordan Way. A low stone wall borders the property and a portion of this wall would be removed to construct the new driveway and provide access to the new house. Besides the pond, the entire lot is naturally vegetated with several areas of exposed bedrock. The vegetation includes a significant amount of invasive or non-native vines, primarily Asiatic bittersweet and wisteria, as well as large areas of Japanese knotweed, multiflora rose, and native catbriar. Most of the trees are choked with vines and are dead or in poor condition, with the exception of a handful of larger trees, most of which are in the 50ft buffer zone. The lot slopes moderately to steeply down to the pond.

Staff relayed the following comments and questions to the representative on 6/10/20:

- *E&SC & construction period control. I understand that construction period control was included in the SWPPP for the Patterson Pond subdivision, however there is little information for this specific lot and additional information and details should be included on the plans and in the narrative as appropriate as this is a separate NOI. This will also ensure better compliance and avoid confusion during construction. At a minimum the erosion controls location and a detail should be shown. Appropriate erosion controls will be critical on this lot given the steep slope to the resource area, as well as the significant amount of blasting, earthwork, and vegetation removal that will be required. The construction sequence information should also be provided.*
- *Buffer Zone impacts & performance standards*
  - *I am concerned that the limit of work will extend into the 50ft buffer and disturb this naturally vegetated area due to the proximity of proposed work. Please explain how these areas will be protected during construction to avoid encroachment into the 50ft buffer.*
  - *Please quantify the total structure and impervious surface proposed in the 100ft buffer zone. It would be helpful to have a breakdown of house, deck, driveway, retaining walls.*
  - *Have you considered decreasing the size of the proposed structure? The regulations require minimizing impacts, and a decrease in size would help with mitigation for new structures (see next comment) and tree removals (see below).*
  - *The Commission typically seeks mitigation of 1:1 for new structures in the 100ft buffer (but outside the 50ft), in the form of native plantings and/or restoration of the buffer zone. Have you considered opportunities for mitigation?*
- *Fill. The tables of total cuts and fills by elevation are very helpful, but please also provide the total cut and fill in the 100ft buffer zone.*
- *Stormwater management.*

- *Remaining comments from John Chessia, the peer review engineer hired by the Planning Board, should be addressed, as the Commission relies on the peer reviews in addition to any staff comments.*
- *I understand this lot will be part of the Home Owners Association, which will maintain the drainage structures under an approved O&M Plan. Ideally the plans should include reference to the O&M, as well as to the maintenance and operations of the dam, which is also located on this lot.*
- *Utilities. Is it possible to move the sewer line any further from the wetland resource areas?*
- *Landscaping.*
  - *Is there a landscaping plan available? Where would the limit of lawn be and any plantings? Please consider incorporating mitigation as noted above.*
  - *The Commission also has a Tree Removal and Replacement Policy, passed last fall, and this should be addressed.*

Applicant John Woodin was present and explained that the proposal is the same as submitted back in Oct of 2018; the same house and same footprint but the plan has been revised and cleaned up. Representative Gary James shared the plans to the screen. In response to some of the staff comments in the staff memo, J. Woodin stated that he could provide plans that expand on the SWWPP, the erosion controls and landscaping (a plan that he would suggest to a future buyer) and he could provide them if required in a condition or in the next week.

Responding to questions from the Commission, G. James stated that the structure and the driveway account for about 3200 sf in the 100 ft buffer and none in the 50 ft buffer. It was clarified that the plans shared on the screen had not yet been submitted to staff as they were in the process of being updated in response to the staff comments. Chair Freeman suggested that as staff did not have revised plans and that further comments were expected from the peer review engineer, that the hearing be continued. Discussion followed regarding timing for the next hearing.

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

**Motion:** Chair Freeman moved to continue consideration of the Notice of Intent for 111 Weir Street (DEP 034-1366) to July 13, 2020.

**Second:** Comm’r Mosher

**Roll Call:** Comm’r Hidell: aye, Comm’r Mooney: aye, Comm’r Roby: aye and Vice Chair Zane: aye

**29 Bel Air Road** – DEP 034-XXXX

Applicant: Robert Sullivan

Representative: Gregory Tansey, Patriot Permitting and Engineering

Proposed: Stabilization of coastal bank and existing sheds

*Meeting Documents & Exhibits: Staff memo, Narrative, Revised Narrative 6/11/20, Original Site Plan 5/15/20, Revised Site Plan 6/11/20, and Response to Comments 6/11/20*

Excerpts from the staff memo:

*Staff visited the site on 6/9/20. The area surrounding the existing single family home is fairly level and maintained as lawn, landscaping, and hardscaping. The backyard is steeply sloped to an existing sundeck, approximately 10ft wide x 90ft long. A portion of the decking had been removed, providing an opportunity to examine the area under the sundeck and two sheds. Staff observed a mix of rock and concrete as well as wood/lumber under the sundeck. The seaward face of the sundeck was finished with lattice. On the landward side of the sundeck, staff observed a narrow strip of eroded lawn.*

*Staff sent the following comments and questions to the representative on 6/9/20 and received a response after the close of business on 6/11/20 (the submitted materials will be posted to the Pending Applications website).*

*Staff notes that as of the close of business on 6/11/20 MassDEP had yet to issue a NOI number, however according to their website, the application materials have been received.*

Chair Freeman summarized the resource areas and proposal. Gregory Tansey (representative), Adam Brodsky (environmental and land use attorney with Drohan Tocchio and Morgan) and Stan Humphries (coastal geologist) were present on the call. A. Brodsky presented the proposal to stabilize an existing coastal bank using gabion mattresses and install pilings to stabilize two existing sheds. He further described the existing conditions and G. Tansy shared his screen to show the revised plan. As requested in the staff comments, the revised plan showed the 50 and 100 ft buffers to the

other additional resource areas including the coastal bank, the coastal beach, the tidal flat at the toe of the slope of the revetment area and the shellfish growing area.

G. Tansey described the gabion mattress; it will prevent erosion, meets the definition of loose rock but will contain the rock and not cause damage to shellfish or marsh, and is a long term solution to the scouring the bank is experiencing. He stated that all work will be done by hand and that the only mechanical equipment will be the helical pile driver which is a handheld machine about the size of a snowblower. The gabion mattresses will be done by hand utilizing wheelbarrows plywood chutes, protecting the bank during construction and the sundeck is a good staging area. G. Tansey added that some decking will need removed in order to clean out some of the debris underneath. He concluded stating that it is an optimal longterm and low impact solution to maintain and stabilize the bank.

A. Brodsky stated that work is on the landward side of the revetment and the only impacts from this project are on the coastal bank and land subject to coastal storm flowage. He further described the gabion mattresses as 'bags' of smaller loose rocks, between 3 and 8 inches in size, that will be anchored. He stated that they evaluated alternatives but none were long lasting and large rocks would not dissipate energy. He noted that the coastal bank is not a source of sediment and further described how what is proposed meets the Commission's regulations.

A. Brodsky stated that G. Tansey had put together special construction conditions that could be included in an Order of Conditions if the Commission so desired and noted that DEP had issued a file number with the only comment being to provide an alternatives analysis which A. Brodsky stated exists in the revised project narrative.

S. Humphries added that the gabion mattresses, while loose stone and pervious, constitute a coastal engineering structure. There has been a building on the site since 1956 allowing the Commission to permit the coastal engineering structure. He noted that the coastal bank is a vertical buffer, not a sediment source. Responding to questions from the Commission, S. Humphries stated that the gabion enclosure is made of a polyethylene grid which is durable and made on site. It will contain the smaller rocks, which will dissipate wave action, rather than leaving them loose and more vulnerable to movement seaward and into resource areas. The mattress is a foot thick and will work around the pilings.

Brief discussion followed regarding the regulations. Responding to a question, G. Tansey stated he did not believe they would hit ledge when drilling the helical piles. Further discussion followed about the neighbor's large stones loose design, with the applicants and members of the Commission in agreement that the gabion mattresses will hold the rocks in place. It was suggested that using large loose rocks, with expected increased tides and energy, would likely result in a lot of erosion of sediment around them, and the lack of bedding stones with the neighboring property was noted.

The ACO offered a suggestion that where there is erosion on the landward side of the deck and it's proposed to be corrected with grass, would they consider adding a thin strip of some low maintenance native grasses such as beach grass or panicgrass, to help prevent erosion. G. Tansey explained that that is what they are proposing, to loam and seed that area, continuing with the type of grass that's there now. The ACO clarified that she was not recommending turf grass, but something more deeply rooted and planted in a plug form rather than seeded, it would likely be taller but be more suited to help with erosion. Commissioner Hidell agreed adding that they need something more deep rooted at that interface. Brief discussion followed regarding continuance of the hearing in order to assemble conditions. Commissioner Mooney was no longer present on the call.

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

**Motion:** Chair Freeman moved to continue the Notice of Intent hearing for 29 Bel Air Road to June 29, 2020.

**Second:** Vice-Chair Zane

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

**47 Smith Road** – DEP 034-1367

Applicant: Carl Dei Agnoli and Ashley Wood

Representative: Steve Ivas, Ivas Environmental

Proposed: Construction of addition

*Meeting Documents & Exhibits: Staff memo, Narrative, Original Plan of Land 5/25/20, Revised Plan of Land 6/14/20, Original Architectural Plan Set 5/22/20, and Drywell Sizing Calculations*

*Excerpts from the staff memo: Staff visited the site on 6/4/20. Staff confirmed the delineation of wetland resource areas. The Vernal Pool and BVW flags are in close proximity and overlap at times. The Vernal Pool is generally the closest*

resource area to the proposed work. The area where work is proposed currently consists of an existing deck, lawn, and landscape beds with a small number of landscape shrubs. From there, the rear lawn slopes gently towards the resource areas. There is a shed and a short picket fence near the edge of the lawn. Between the fence and the resource areas, there are scattered mature trees and shrubs.

Staff relayed the following comments to the representative on 6/10/20 and is anticipating a formal response and a revised plan.

If additional information and a revised plan is received and the Commission is satisfied, an Order of Conditions could be issued as follows. Otherwise the Commission could vote to continue the hearing to June 29, 2020.

Chair Freeman summarized the resource areas and proposal. Representative Steve Ivas, Applicants Carl Dei Agnoli and Ashley Wood, and builder/designer Jim Wolffer were present on the call. S. Ivas described the resource areas, and the work between the 50-100 ft buffer zones, and erosion controls. He added that the debris within the 50 ft buffer has already been removed and the shed within the 50 ft buffer will also be removed. He offered mitigation and described two areas where they would like to get remove some native species; Japanese knotweed, Norway maple, tatarian honeysuckle, bittersweet and garlic mustard. They would replace those with native species. He explained that he did not have a plan for the hearing but could work with staff. Discussion about the mitigation followed with the ACO stating that the calculation for mitigation amounted to 2194 sf using a 2:1 ratio due to the resource area in question being a vernal pool which has a 100 ft no disturb buffer. Further discussion mitigation discussion followed. S. Ivas pointed out two other areas to be considered for further mitigation, one is at the bank of the pool where it's unvegetated and probably should be, and the second, north towards the fence. The Commission, representative and staff all agreed that using an herbicide in the proximity of the vernal pool was not desirable and to the extent that's possible, for the removal of the invasive species, particularly the Japanese knotweed, to be done through repeated cutting.

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 47 Smith Road (DEP 034-1367), as shown on the submitted plans, and adopt the findings of fact a and b, and special conditions 1 through 20 of the staff report.

*(one condition of the staff report was removed due to the fact that the debris had already been removed from the 50 ft buffer)*

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 mitigation restoration and planting plan shall be submitted to the Commission for review and approval. The planting plan shall include a minimum of 2194 square feet of plantings, including a mix of trees, 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.
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 100 feet of any resource area.
11. There shall be no stockpiling of soil or other materials within 50 feet of any resource area.
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 100 feet of any resource area.
15. Rooftop runoff from the additions shall be infiltrated on site, using drywells, as shown on the final approved plan.
16. The mitigation planting area shall be constructed and planted in accordance with the approved planting plan. The mitigation planting area shall be left as naturally vegetated and shall not be maintained as a mowed or landscaped area. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
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. 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.
19. 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.
20. 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 and Comm'r Mosher: aye

**15 Porters Cove Road** – DEP 034-1369

Applicant: Tivon and Catherine Sidorsky

Representative: Gregory Morse, Morse Engineering Co., Inc.

Proposed: Construction of swimming pool, patio and shed

*Meeting Documents & Exhibits: Staff memo, Narrative, Revised Narrative with Alternatives 6/11/20, Original Site Plan 6/1/20, Revised Site Plan 6/11/20, Original Landscape Plan 5/21/20, and Revised Landscape Plan 6/11/20*

*Excerpts from the staff memo: Staff visited the site on 6/9/20. The majority of the backyard is maintained as lawn, with scattered mature trees throughout. The eastern and westernmost edges of the property remain naturally vegetated. The Weir River is located at the northern end of the property. From the existing home, located at the southern end of the property, the backyard slopes down toward the resource areas in moderately steep manner. The resource areas were delineated in 2014 and confirmed with an Order of Conditions issued in November 2017. While the resource areas were not flagged, it is unlikely that the delineation would have changed since 2017.*

*Staff has also spoken with the landscape architect and identified areas within the Inner Riparian Zone that could be improved in accordance with the regulations. Staff anticipates a revised plan. Staff notes that the Commission's tree policy is silent on tree removals within the Outer Riparian Zone, however the applicant has proposed a mix of trees, bushes, and perennials, most of which are native species, on the eastern side of the proposed pool and patio. Provided that additional plantings are incorporated into the Inner Riparian Zone, to the maximum extent practicable, staff believes the proposed project meets the performance standards for Riverfront Area and the other applicable regulations. With proper erosion and sedimentation controls, stabilization of the disturbed areas after construction, and proposed plantings, staff does not believe the proposed work will have a negative impact on the resource areas.*

Chair Freeman summarized the wetland resource areas and project. Representative Paul Gunn from Morse Engineering, landscape architect Tish Campbell, and applicants Tivon and Catherine Sidorsky were present on the call. P. Gunn reviewed the various wetland resource areas involved noting that no part of the project was in the AE zone, and there was nothing proposed in the 100 ft buffer to the Bordering Vegetated Wetland and nothing in the inner riparian zone except for portions of fence. He further described the work, and regulations regarding that work, in the outer riparian zone. He described 3 mature trees that would need removed from the pool and patio area explained they are proposing extensive native trees and shrub plantings in that area as well as 700 sf of native plantings in the inner riparian to help restore the 100 ft natural corridor of vegetated cover.

He added that on the plan they had included the salt marsh remediation required by the existing Order of Conditions. A round of planting of salt marsh had occurred but had not taken. T. Sidorsky stated that a second round of plantings were installed that weekend.

Responding to a question, P. Gunn stated that the 3 trees for removal are oaks and hickories and will be replaced with evergreens and understory plantings. The CO expressed her satisfaction with the planting and restoration plan.

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 15 Porters Cove Road (DEP 034-1369), as shown on the submitted plans, and adopt the findings of fact a and b, and special conditions 1 through 21 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. 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 tree debris shall be properly disposed of at an off-site location; no chipped or mulched material shall remain on the property.
10. Any on site dumpsters shall not be located within 100 feet of any resource area.
11. There shall be no stockpiling of soil or other materials within 100 feet of any resource area.
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 100 feet of any resource area.
15. The Inner Riparian Zone restoration plantings shall be installed in accordance with the final approved Landscaping Plan. The restoration planting area shall be left as naturally vegetated; it cannot be maintained as a mowed or landscaped area. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
16. 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.
17. There shall be no discharge of any pool 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.
18. The use of pesticides, herbicides, and fertilizers shall be prohibited on this property because of its proximity to the Weir River, which is a state-listed 303(d) impaired waterway and "Highly Stressed" river basin, and the importance of the surrounding resource areas to the groundwater supply and water quality. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
19. 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.
20. 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.
21. Prior to the issuance of a Certificate of Compliance, all of the plantings depicted on the final approved Landscape Plan, including both restoration and mitigation areas, 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 Mosher: aye and Comm'r Roby: aye

Chair Freeman adjourned the meeting at 10:06 pm.

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

Approved on June 29, 2020

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