



CONSERVATION COMMISSION MEETING MINUTES – June 29, 2020

Present: Laurie Freeman-Chair, Jacqueline Zane-Vice Chair, Crystal Kelly, Bob Hidell, John Mooney, Bob Mosher, and Thomas Roby- Commissioners, Loni Fournier-Conservation Officer

Absent: None

The remote meeting was held via Zoom with Dial in #929-205-6099, Meeting ID # 878-1740-0936.

The meeting was called to order at 7:04 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 June 15, 2020 meeting.

Second: Vice Chair Zane

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

Request for Determination of Applicability

33 Beach Road

Applicant: Garret Daigler

Proposed: Construction of addition

Meeting Documents & Exhibits: Staff Memo, Narrative and Original Proposed Plans

Excerpts from the staff memo:

Riverfront Area: Staff overlooked this resource area when providing initial guidance to the applicant, but according to MassDEP, the mouth of the Weymouth Back River is just north of this property. Staff estimates that the majority of the lot, including the existing home and the proposed work area, is within the Inner Riparian Zone. Based on the Assessor's records, the lot size is approximately 7,840sqft (total).

*The Riverfront Area regulations limit the amount of alteration to 10% of the lot or 5,000sqft, whichever is greater; the latter would apply to this property. The lot has largely been altered, including the existing home, paver walkways, a shed, paver driveway, deck, and retaining walls. It is **not clear to staff whether the 5,000sqft limit has been reached**, excluding the proposed additions, so additional information from the applicant and their contractor would be needed to resolve this question.*

*Land Subject to Coastal Storm Flowage: Staff recommends that the Commission **discuss its interpretation of the Regulations** and, if applicable, recommendations for the project with the applicant. Staff notes that the proposed front porch addition, in conjunction with removing the existing brick stairs and replacing the mudroom foundation, could be considered a reconstruction project, at which point the Regulations only require the free passage of flood waters. Staff believes that the proposed footings would improve the existing conditions, from this perspective.*

NOI vs. RDA: Staff recommended an NOI to the applicant because work is proposed within a resource area (Land Subject to Coastal Storm Flowage, and upon closer examination, Riverfront Area). However, staff notes that the Commission has reviewed and approved work within the flood zone, and Riverfront Area, via an RDA in the past.

Chair Freeman summarized the resource areas and the proposal. Applicant Garret Daigler and neighbor, Mark Lundin, were present on the call. M. Lundin, whose great grandparents built the Daigler's house, described historical aspects of the lot and stated that the patios on the property were present when the Daiglers purchased the house. The shed and porch were built in the 1980s. Brief discussion followed regarding the Riverfront Area regulations and the 5000 sf limit and what aspects of a property applies to the 5000 sf. The CO clarified that any currently developed portion of the site would count toward the 5000 sf.

M. Lundin described that the full expansion would potentially be on 4-6 sonotubes, therefore completely elevated, with crushed stone underneath to keep sediment and weeds down. The heating system is currently out of the flood plain and with this project they would also elevate the electrical up and out of the floodplain. Discussion followed regarding the project and Chair Freeman noted that the entire lot is in the AE floodzone and reviewed the regulations.

Responding to an earlier question on whether the proposed work would be 'grandfathered', the CO stated that the 'no significant adverse impact' standard for the Riverfront area, where the 5000 sf or 10% is referenced, applies to lots recorded on or before October 1997. She believes that all the improvements, including the house, on the lot apply toward the 5000 sf.

The Commission discussed the regulations regarding expansion or renovation of the existing structure in the AE zone without reaching a consensus on that issue. Also discussed was whether or not the applicants have reached the 5000 sf threshold for the Riverfront Area regulations. The Commission advised the applicants to return with calculations of the overall sf.

M. Lundin briefly described a tree, close to the property line, that is proposed for removal due to the tree root system affecting the sewer line as well as it being in the path of where the overhead electrical lines would run when connected to the relocated electrical system.

The Commission and the CO briefly discussed the proposal being submitted as a Request for Determination of Applicability versus a Notice of Intent.

Motion: Chair Freeman moved to continue consideration of 33 Beach Road to July 13, 2020.

Second: Vice-Chair Zane

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

19 & 27 Whiting Street – DEP 034-1368, **continued to 7/13/20**

Applicant: Merhej & Sons Realty, LLC

Representative: Donald Rose, CHA Consulting, Inc.

Proposed: Demolition of single-family home and construction of retail building with site improvements.

29 Bel Air Road – DEP 034-1370

Applicant: Robert Sullivan

Representative: Gregory Tansey, Patriot Permitting and Engineering

Proposed: Stabilization of coastal bank and existing sheds

Meeting Documents & Exhibits: Staff memo

Excerpts from the staff memo: This hearing is continued from the 6/15/20 meeting, where following a discussion of the project and potential alternatives, the Commission felt comfortable approving the proposed work under Part 2, Section

20.1(7)(e) of the Regulations. Staff drafted the following findings and conditions, including a requirement that the applicant plant a native *Panicum* grass, or a Commission-approved alternative, in the vegetated area to be restored between the existing sundeck and lawn, as proposed at the last meeting (#15).

Attorney, Adam Brodsky and engineer, Greg Tansey, were present on the call. A. Brodsky stated that they had reviewed and agree to the draft conditions and had nothing further to add.

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 29 Bel Air Road (DEP 034-1370), as shown on the submitted plans, and adopt the findings of fact a through c, and special conditions 1 through 19 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. The work described is intended to maintain the structural integrity and stability of the existing coastal engineering structure, a stone revetment, and represents the best short- and long-term solution to meet these goals.

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 unused construction material shall be properly disposed of at an off-site location; no concrete, wood, or stone shall remain on the property.
10. Any on site dumpsters shall not be located within 50 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 50 feet of any resource area.
15. The vegetated area to be restored, between the existing sundeck and lawn, shall be planted with a Panicum grass, or other alternative approved by the Commission, to increase the stability of the Coastal Bank, aid in the prevention of future erosion, and improve wildlife habitat. Selected plantings shall be native species; no cultivars, non-native species, or invasive species shall be allowed.
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. 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.
18. 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.
19. Prior to the issuance of a Certificate of Compliance, the restoration area plantings shall survive at least two full growing seasons with a minimum of 75% survival rate. If a 75% survival rate is not achieved, replacement plantings of the same species shall be made by the applicant.

Second: Vice-Chair Zane

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

185-193 Lincoln Street & 6 Crow Point Lane – DEP 034-XXXX

Applicant: 185-193 Lincoln Street, LLC

Representative: Carmen Hudson, Cavanaro Consulting, Inc.

Proposed: Parking lot improvements

Meeting Documents & Exhibits: Staff memo, Narrative, Original Plan Set 6/15/20, Stormwater Operation and Maintenance Plan 5/28/20, Long Term Pollution Prevention Plan 5/28/20, Peer Review Comments 6/11/20

*Excerpts from the staff memo: Staff visited the site with the Planning Board's peer review engineer on 6/11/20 and collaborated on an initial comment letter that same day, which is available on the Pending Applications website. As of 6/26/20, a formal response has not been received, however several comments were addressed (#3, 7, and 8) in the application materials submitted to the Commission on 6/15/20. Staff notes that a second site visit was conducted on 6/23/20 and staff agrees with the delineation. A second list of comments and questions were sent to the representative late in the day on 6/25/20 and staff is anticipating a formal response. A few of those comments and questions from 6/25/20 are summarized below, with initial representative responses in **italics**.*

1. Existing conditions plan:
 - a. Several of the catch basins have condition notes, e.g. full of water or clogged. Is it safe to assume that the basins without notes were in relatively good condition at the time of the survey? **Yes. The catch basins that don't say anything were not full of water at the time of survey. They still may have had water but were not full of it. When I visited the site all the catch basins in the rear and the one close to AJ's next door were full of water. I could not see any pipes (I could not move the grates).**
 - b. The catch basin in the NE corner of the property doesn't have any pipes running to or from it... this seems odd? **Our surveyor did not find a pipe there but it doesn't mean one doesn't exist. I will add a note to check if an outlet exists and if so to add an elbow and check for erosion.**
2. Existing vs. proposed conditions plan:
 - a. It seems like most, if not all, of the 179sqft of impervious area being added is in the 50' buffer zone. Can you confirm? **I think it may be between the 50' and 100' but I will check and confirm.**
 - b. I count eight dumpsters on the existing plan and only five on the proposed plan. Are the number of dumpsters being reduced as well as relocated (per the proposed plan)? **I will confirm with the team and get back to you.**

3. *Proposed conditions plan:*
 - a. *What do the two different green fill symbols represent (e.g. the northernmost area vs. the area around the 6 Crow Point Lane building)? **The area around 6 Crow Point Lane will likely be landscape while the area close to the wetland will be native grass mix. I will label them.** [Staff follow-up: Instead of a native grass mix, could a wildlife mix be used instead? If you could show a spec for the seed mix on the proposed plan, that would also be really helpful.]*
 - b. *Was any mitigation contemplated for the additional impervious area? (My suggestion via Pat's memo to replace the northernmost area with a seed mix would suffice. If you move forward with this, could you calculate the area to be reseeded/restored?) **Will do.***
 - c. *It appears as though a 20" DBH tree will be removed in the NE corner of the parking lot. The Commission's Tree Removal and Replacement Policy requires a 2:1 replacement ratio for trees in the 50' buffer. This site is very tight... is there any opportunity to plant two trees, or perhaps a cluster or row of bushes (native species)? **A new native tree is proposed to replace the tree that is being removed in the 50' Buffer. Two (2) new trees are proposed in the 100' Buffer and three (3) new trees are proposed outside the Buffers. I am not sure if the trees in the 100' Buffer and outside the Buffers altogether will be native but there will definitely be a new native tree in the corner where the existing tree is being removed in the 50' and the grassed area in the 50' Buffer will be native seed mix. Would this suffice?** [Staff follow-up: I'm not sure if the Commission will accept the other trees outside of the 50' buffer, but we can discuss on Monday. If you could show all replacement trees, with species if known, on the proposed plan, that would also be really helpful.]*
4. *Detail sheet:*
 - a. *Are straw bales necessary in addition to the silt sacks, or could they be eliminated? **I will remove them.***
5. *O&M Plan:*
 - a. *Clearing – our preference is that the cleared vegetation, not to be replanted, be properly disposed of off-site. (Updating this will match the Material Stockpiling section.) **Will revise.***
 - b. *Sediment and Erosion Control – could additional silt fence be substituted for the proposed straw wattle (to be used as a backup)? Or, could it be specified that the wattles only be used for the stockpiles? **I will call for silt fence.***
 - c. *Material Stockpiling – could it be specified that all stockpiles be located outside of the 50' buffer zone? Could you specify here as well that wattles be used only for the stockpiles? **Will do.***
6. *Pollution Prevention Plan:*
 - a. *Adding to Pat's comments on snow storage... if the northernmost area will be restored to a naturalized buffer, there isn't a lot of lawn remaining on the site to utilize for snow storage. Is there an opportunity to use, and designate in the plan, parking spaces instead? **The purpose of this project is to increase parking spaces to get closer to the required parking spaces and we cannot interfere with the access aisles.***
 - b. *Would it be appropriate to add instructions for maintaining the restored naturalized buffer, e.g. mowing once per year, depending on the type of restoration implemented? **Absolutely.***

Finally, staff notes that as of 6/26/20, MassDEP has not issued an NOI Number for this project, but the application materials have been received by the Southeast Regional Office.

Chair Freeman summarized the project. Attorney, Jeff Tocchio, and Brendan Sullivan from Cavanaro Consulting were present on the call. J. Tocchio gave an overview of the proposal; to coordinate improvements to the parking area, increasing the net number of spaces to comply with zoning requirements and regrade and upgrade the rear parking area.

B. Sullivan shared his screen of the plot plan and pointed out the resource areas that discharge eventually out to the Back River. He reviewed various aspects of the plan describing that they would be pulling away from the wetland line in the back and adding a 2 ft wide, 2 ft deep crushed stone trench. He described the existing catch basins, likely 'leaching catch basins', in the back and stated that the plan is to regrade the parking lot so the runoff goes to the north and flow through the stone trench and a number of outlets. Instead of one point discharge as it is now, there would be multiple points.

B. Sullivan shared his screen of another plan showing the decrease in impervious areas and the areas where there would be new impervious and new landscape areas. Within the 50 ft buffer, there would be just over 400 sf of reduction in impervious and within the 50-100 ft buffer, an increase of 150 sf of impervious area. They propose, for

mitigation, a wildflower seed mix at the rear of the property. There is one 20" tree proposed for removal and they propose replacing that tree in the same vicinity in the landscaped area.

B. Sullivan explained that there are two enclosures proposed for the dumpsters; the enclosures would be 6 ft high opaque fencing to contain debris. Responding to Commission questions and concern regarding leaching from the dumpsters, B. Sullivan stated that will not be curbing around the dumpster enclosure. There is curbing around the perimeter of the parking lot with openings for the runoff; and the existing catchbasins will be maintained.

Responding to a Commission question regarding snow storage, J. Tocchio stated that they are preparing an Operation and Maintenance (O&M) plan and will plan for offsite removal when it gets to a certain point.

J. Tocchio explained that the green areas on the plan would be planted with New England Wetland Plants' 'Conservation Wildlife Mix'; currently it's mowed lawn. B. Sullivan reviewed the tree to be removed, one 20" tree within the 50 ft buffer with a replacement tree to be planted in the same vicinity. He described the other trees to be planted and reiterated that there would be 2000 sf of seed mix planted.

Discussion followed regarding the existing catch basins. The CO suggested that, when the exact type of catch basin is determined, if it is possible, that the applicants install oil and water separators. Discussion followed about the catch basins and maintenance and cleaning of them. B. Sullivan stated that they would determine just what the catch basins are made up of and see if there's an opportunity to do something to contain some of the oil if it does go in there. Responding to a question about the soils, J. Tocchio stated that they were B Urban soils consisting of historic filling back there.

Discussion followed regarding submittal of materials and scheduling of the next hearing.

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

Motion: Chair Freeman moved to issue to continue the Notice of Intent hearing for 185-193 Lincoln Street and 6 Crow Point Lane (DEP 034-XXXX) to July 13, 2020.

Second: Vice-Chair Zane

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

1. Other Business

a. Announcement of Mildred Cushing Woods/Cushing Pond Adopt-a-Trail Program

The CO explained to the Commission that the Cushing Pond Preservation Group, in coordination with the CO, has created a plan and ground rules, to organize people to pick up trash from different trails on different weeks. She expressed her appreciation for people who notice and report a problem and offer to help with the problem.

Chair Freeman adjourned the meeting at 8:14 pm.

Submitted, _____
Sylvia Schuler, Administrative Secretary

Approved on July 13, 2020

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