



CONSERVATION COMMISSION MEETING MINUTES – July 12, 2021

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

Absent: none

The remote meeting was held via Zoom with Dial in #929-205-6099, Meeting ID # 838-1192-6505

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 Chapter 20 of the acts of 2021. The information for joining the meeting by audio/video was posted with the Commission's agenda on the website. 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 21, 2021 meeting.

Second: Comm'r Mosher

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

Certificates of Compliance

74 Abington Street – DEP 034-0935 and DEP 034-1113

Applicant: Christopher Julian, Trustee, Mad River Realty Trust

Representative: Bradley McKenzie, McKenzie Engineering Group, Inc.

Meeting Documents & Exhibits: Staff memo

Excerpts from the staff memo regarding MA DEP 034-1113: An Order of Conditions was issued in July 2012 for the construction of a water main extension within the Abington Street Right of Way and a connection to the 74 Abington Street property. Work never commenced and the Order has lapsed and is no longer valid. Staff recommends issuing a Certificate of Compliance.

Ahead of the meeting, the applicant requested a continuance for DEP 034-0935 to the next meeting August 2, 2021.

Motion: Chair Freeman moved to continue consideration of 74 Abington Street to DEP 034-0935 to August 2, 2021.

Second: Comm'r Mosher

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

Motion: Chair Freeman moved to issue a Certificate of Compliance for 74 Abington Street, DEP 034-1113.

Second: Comm'r Mosher

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

0 Dennis Road – DEP 034-0822

Applicant: George R. Andrews, Jr.

Representative: Shawn Hardy, Hardy + Man Design Group, PC

Meeting Documents & Exhibits: Staff memo

Excerpts from the staff memo: An Order of Conditions was issued in October 2005 for the construction of a subdivision with three houses, a new cul-de-sac roadway, and associated grading and utilities. A one-year Extension was issued in January 2009. In 2017, after the Order had expired, staff received and verified reports that a portion of the property had been cleared. No additional action was taken, but it appears that this work was outside of the Commission's jurisdiction. No additional work commenced and the Order has lapsed and is no longer valid.

Motion: Chair Freeman moved to issue a Certificate of Compliance to 0 Dennis Road, MA Dep 034-0822.

Second: Comm'r Mosher

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

6 Berkley Circle – DEP 034-1277

Applicant: Mary Griffin

Representative: Joan Deely, Land Stewardship, Inc.

Meeting Documents & Exhibits: Staff memo

Excerpts from the staff memo: An Order of Conditions was issued in January 2017 for the management of non-native invasive common reed (Phragmites australis) in a Bordering Vegetated Wetland, Bank, and Riverfront Area using manual and chemical control methods. The work occurred at both 6 and 8 Berkley Circle, with the latter owner's permission. An as-built plan was not required since there was no approved plan, stamped by a professional, associated with the work. The Order did require a final report detailing the condition of the management area. This was submitted and indicates that work began in 2017 and continued through the fall of 2020. The Order also required a report of invasive species management after each treatment. Staff obtained these records, which indicated that Phragmites was cut, bagged, and removed off site, and herbicide was applied using foliar treatment. Staff visited the site on 6/30/21. Cattails and other native species were in abundance in the treatment area, with only a few areas with a very small number of Phragmites stems visible. A culvert under the driveway connects two sections of the resource area and this appeared to be clear where previously Phragmites was reported to have been partially blocking it.

Chair Freeman summarized the staff memo. M. Griffin, applicant, spoke and expressed her appreciation for the commission's willingness to work with them and gave the heads up that potentially a future homeowner or neighbor's lovino...might be interested in continuing maintenance in the future.

Motion: Chair Freeman moved to issue a Certificate of Compliance for 6 Berkley Circle, MA Dep 034-1277.

Second: Comm'r Mosher

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

Requests for Extension of Order of Conditions

19 Stagecoach Road – DEP 034-1323

Applicant: Sarah Wood

Representative: Prospect Ridge Construction, Inc.

Meeting Documents & Exhibits: Staff memo

Excerpts from the staff memo: The original Order of Conditions for 19 Stagecoach Road (DEP 034-1323) was issued in October 2018 for the construction of an addition and deck to a single-family house, as well as mitigation plantings. A field change involving the addition of a patio and a reconfiguration of the other work was approved in July 2020. The applicant has indicated that stone for the approved patio will not be in stock until sometime in October 2021, which is when the current Order expires. The applicant is requesting a two-

year extension. They expect the project will be completed sooner than two years, but are erring on the side of caution. The circumstances under which the Commission could deny a request for an extension do not apply to this project. Staff recommends issuing a two-year extension to 19 Stagecoach Road (DEP 034-1323).

Chair Freeman summarized the project and reason for request. John Dangelo of Prospect Ridge Construction was present on the call. Neither Commission nor staff had any comments.

Motion: Chair Freeman moved to issue a two-year Extension Permit for the Order of Conditions issued to 19 Stagecoach Road (DEP 034-1323) with the new expiration date of October 23, 2023.

Second: Comm'r Mosher

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

Chair Freeman read the Public Hearing Notice of Intent.

Notices of Intent

304 Whiting Street – DEP 034-1408, continued from 6/7/21

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 and Revised Plan set dated 7/7/21 with Revision note 'Revised Planting Schedule'

Excerpts from the staff memo: This hearing is continued from the 6/7/21 Commission meeting, where a discussion of several topics, including bamboo removal, demolition details, proposed grading, and landscaping/restoration plans, were discussed. Since that time, staff provided feedback on preliminary, revised landscaping/restoration details. Additionally, a revised project description and plan set were submitted on 7/8/21.

Chair Freeman summarized the staff memo. The applicant, Noreen Browne was present, however the representative, Gary James was not yet present on the call. The Commission, N. Browne and the CO discussed the two different plan sets submitted on 7/8; the first set was referenced in the staff memo; the second set submitted later in the day reverted to the originally proposed amount of cubic yards being removed. Brief discussion followed regarding the inconsistencies with the amount of cubic yards of cut, and also discussion of the plant list and planting plan. In anticipation of G. James joining the meeting, the Commission chose to pause the hearing until he could join and provide clarification.

Motion: Chair Freeman moved to continue the hearing to the end of the meeting.

Second: Comm'r Mosher

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

When G. James joined the meeting and the hearing continued, he provided clarification of the outstanding questions. G. James explained that the 1st revised set submitted on 7/8/21 had included the effort to try to reduce the amount of cut to be removed from the site. He stated that he had been advised that this put the Zoning Board of Appeals permit at risk, as it was a change, and that the original grade and cuts had to be maintained in order to keep the ZBA permit. Therefore, the 2nd revised plan set submitted late on 7/8/21 kept the 1900 cubic yards of cut. He stated that he'd modified the project description to indicate that all material associated with the house and septic demolition would be removed offsite. He added that he'd calculated that they would need 240 -270 yards to backfill the hole and they would end up with 1600-1700 cubic yards removed off site.

There was further discussion clarifying the plans and narrative. The CO requested that a revised project description be submitted as the most recently revised project description had not been updated in regards to the final amount of cubic yards.

In regards to the restoration area, G. James described changes they'd made in plantings in an attempt to try to reestablish the vegetation in that zone and that there would be markers delineating the 100 ft buffer.

Discussion followed regarding the ecological benefit of planting multi-level plants (seed mix, shrubs and trees) in the restoration area. The landscape plan was shared to the screen and numbers of trees and shrubs were discussed.

The CO reviewed and explained some of the draft conditions. Draft condition #27 requires more specificity on the planting plan so that anybody executing the plan on their behalf has all the information there. #32 as drafted had the amount of cubic yards left blank, and so, with that clarified, can be filled in with the 1900 amount. Brief discussion followed regarding potentially unsuitable material and the filling of the hole. G. James stated that there should be suitable soil on site. The Commission agreed with the CO that a revised narrative was needed and an additional condition was drafted.

The Commission had no further comments.

Chair Freeman invited any comments from the public.

Michael Fisher, 20 Derby Brook Way, was present on the call and expressed his appreciation for the efforts of the Conservation Commission and staff to protect Derby Brook Stream and wildlife.

Timothy White, member of the Hingham Affordable Housing Trust, extended his appreciation to the Conservation Commission and the Town of Hingham.

With no further 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 304 Whiting Street (DEP 034-1408), as shown on the submitted plans, and adopt the findings of fact a through c, and special conditions 21 through 51, as amended, of the staff report.

(Conditions below reflect the edits to the draft conditions as 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. For the purpose of this filing, the Commission confirms the delineation of Bordering Vegetated Wetland flags WF 1-13 to WF 1-15, but makes no finding as to the exact boundaries of other wetland resource areas.

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 plans, 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 Landscape Plan shall be submitted to the Commission for review and approval. The revised plan shall include the common and scientific name, number, and size for each tree and shrub species proposed in the landscaping (western side) and restoration (southern side) areas. Additionally, the seed mixes for the landscaping area should match those for the restoration area. All plantings and seed mixes in these two areas shall be native species; no cultivars, non-native species, or invasive species shall be allowed.
28. Prior to the start of any excavation or construction, a revised narrative shall be submitted detailing the cubic yards of soil to be cut and the cubic yards of soil to be reused to fill in the demolished house foundation and septic system.
29. 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.
30. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.
31. All manmade debris dumped in the Inner Riparian Zone shall be removed by hand, prior to the restoration of the Inner Riparian Zone and 100ft Buffer Zone, and properly disposed of at an off-site location, in accordance with Section 23.6 of the Hingham Wetland Regulations and the final approved plans.
32. All demolition and excavated material shall be properly disposed of at an off-site location. No portion of the existing dwelling and associated septic system shall be crushed and buried on site.
33. A portion of the 1,900 cubic yards of material to be exported from the site shall be used for fill and grading following the demolition of the existing dwelling and associated septic system. If the material is determined to be unsuitable for this purpose, notification and justification shall be provided, in writing, to the Commission.
34. Any on site dumpsters shall not be located within 100 feet of any resource area.
35. There shall be no stockpiling of soil or other materials within 100 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.
36. 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.
37. 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.
38. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 100 feet of any resource area.
39. Rooftop runoff from the approved houses shall be infiltrated on site, using either drywells or infiltration chambers, as shown on the final approved plans.
40. Driveway runoff shall be infiltrated on site using infiltration chambers, as shown on the final approved plans.
41. The landscape and restoration areas, located on the western and southern sides of the site, respectively, shall be planted and seeded in accordance with the final approved Landscape 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. To prevent encroachment, five pressure treated posts (or other approved demarcation) shall be installed at the 100ft Buffer Zone boundary to protect the resource areas. Said posts shall be secured in concrete and include aluminum signs that read, "Riverfront Area Buffer, Do Not Disturb." No occupancy permit signoff shall occur prior to the posts (or other approved demarcation) being installed. This demarcation shall be maintained in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
44. The area south/southeast of the five posts (or other approved demarcation), including the Inner Riparian Zone and a portion of the 100ft Buffer Zone, is to remain naturally vegetated. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
45. The use of de-icing chemicals, except for calcium magnesium acetate, a.k.a. CMA, or other alternative approved by the Commission, shall be prohibited on this property because of its proximity and direct hydrologic connection to the Plymouth River, which is a state-listed 303(d) impaired waterway, 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.
46. The use of pesticides, herbicides, and fertilizers shall be prohibited on this property because of its proximity and direct hydrologic connection to the Plymouth River, which is a state-listed 303(d) impaired waterway, 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.
47. It is the sole responsibility of the owner(s) of record to maintain drainage structures at all times. The property owner(s) shall comply with the approved Long-term Operation and Maintenance Plan, submitted by James Engineering, Inc. and dated February 22, 2020. The property owner(s) 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.
48. 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.
49. 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.
50. Prior to the issuance of a Certificate of Compliance, the landscape and restoration area plantings, located on the western and southern sides of the site, respectively, 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.
51. The restoration area, located on the southern side of the site, 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 this restoration area is prohibited, except as may be required to maintain the area in its restored 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 Kelly: aye, Comm'r Hidell: aye and Comm'r Roby: aye

387 East Street – DEP 034-1417, continued from 6/21/21

Applicant: Joanne Reed

Representative: Gary James, James Engineering, Inc.

Proposed: Septic systems repair

Meeting Documents & Exhibits: Staff memo

Excerpts from the staff memo: This hearing is continued from the 6/21/21 meeting to allow time for a MassDEP file number to be issued, which has now been received. If the Commission is satisfied, an Order of Conditions could be issued as follows.

Chair Freeman summarized the staff memo, noting that no one from the project was present on the call.

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

Motion: Chair Freeman moved to issue an Order of Conditions for the proposed work at 387 East Street (DEP 034-1417), as shown on the submitted plans, and adopt the findings of fact a through d, and special conditions 21 through 37 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 proposed septic system leaching field does not meet the 100-foot set back from the wetland boundary, as defined in Hingham Wetland Regulations (Section 23.1), however the Commission finds that the replacement of the existing septic systems with a new Title V-compliant septic system, with no substantial enlargement or increase in flow, and no alternative location available on the lot, is permissible in accordance with the Hingham Wetland Regulations.

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 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 50 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. 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.
36. 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.
37. 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.

Second: Comm'r Mosher

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

185 Downer Avenue– DEP 034-1416, continued from 6/21/21

Applicant: Fred & Sandy Studley

Representative: Daniel Brewer, Law Office of Daniel A. Brewer

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 6/21/21 meeting to allow time for the representative to respond to initial staff and Commission comments, and for a MassDEP file number to be issued. Since then, a file number was received and staff provided additional written comments on 6/28/21. On 7/6/21, staff received a revised architectural plan showing flood vents proposed for the garage and an open slat skirting around the house, consisting of 6" horizontal boards with 1" spacing and an opening at the bottom that varies between 6-12". A note on the plan indicates, "Future applied trim to proposed slat area not to reduce permeable area more than 5%." Although this design would allow passage of some flood waters, staff is still concerned that this would not necessarily allow for the free passage of flood waters as required by the regulations, and notes that this issue is particularly important in the VE (velocity) flood zone.*

On 7/8/21, staff received revised proposed conditions plans (3 sheets), including revised impervious area calculations, formal written responses from the civil engineer, a formal written response from the architect, a revised master/landscape plan, and a formal written response from the representative, including references to three other houses on Downer Avenue, two of which have Orders dating back to 2013 and 2014. Staff was only able to review a portion of these materials prior to the finalization and distribution of this memo, however it does appear as though multiple comments have been addressed.

Staff recommends continuing the hearing to allow for a more thorough review of the submitted materials, and for any additional staff or Commission comments or questions to be resolved.

Ahead of the meeting, the representative, Dan Brewer, requested a continuance to 8/2/21.

Motion: Chair Freeman moved to continue the hearing for 185 Downer Avenue (DEP 034-1416) to August 2, 2021.

Second: Comm'r Mosher

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

7 Winona Way – DEP 034-1418

Applicant: Paul Martel

Proposed: Construction of a garage and addition

Meeting Documents & Exhibits: Staff memo and Site Plan dated 6/9/21

Excerpts from the staff memo: Staff visited the site on 6/30/21. Wetland resource areas, consisting of Salt Marsh that is just off property, were flagged by a wetland scientist in November 2018. Staff could only locate one flag, however the delineation closely follows topography and staff agrees with the delineation as shown on the plans. The marsh is dominated by Phragmites at its upland perimeter and it appears to receive tidal flows due to a hydrologic connection to Broad Cove. It is also mapped as FEMA flood zone X, which is the 0.2% annual chance flood area. The area where work is proposed currently consists of lawn. The land is relatively flat where the garage would be installed and then in the area where the addition would be installed, it slopes gradually then more steeply towards the marsh. The driveway pitches away from the street toward the house and the yard above the marsh.

Staff discussed the project on site with the applicant and relayed follow-up written comments (see below). The applicant indicated a willingness to address all comments. On 7/8/21, the applicant submitted a revised "proposed plan," as well as several other items (updated in italics), but there are still a few outstanding items and staff had limited time to review the revised plan.

Chair Freeman summarized the staff memo. Paul Martel was present on the call and explained that most of the property is in the 100 ft buffer and that they've tried to position the addition, as much as they could considering setbacks, outside the 100 ft buffer. He stated that the driveway will remain mostly the same but they'll be adding where needed to match it up. He'd talked with the builder regarding options for stormwater and that they'd considered a drip edge into trench drains or downspouts into a drywell; he noted that there is potentially an existing drywell. They have also proposed mitigation planting.

Discussion followed regarding some of the items noted in the staff memo including the options for handling stormwater runoff. P. Martel added that there is a pipe that might lead to a drywell but they can't tell until they investigate. The ACO stated that the proffered options for handling the runoff could all work and acknowledged that there is a pipe that might be to an existing drywell but whether it would be sufficiently sized is unknown. The ACO added a condition could be included, with caveats, conditioning the eventual choice of runoff management; brief discussion followed regarding the wording of a potential condition. The Commission concurred that more information regarding sizing, capacity, and condition would need to be known about the potential drywell. Responding to a question from the Commission, P. Martel stated that the pipe was a 4 inch pipe and explained that, having moved from a house with water drainage issues, upon

moving to this house he had removed the downspout into the pipe and then, with an extension, had directed the rainwater away from the house.

The ACO stated that having the erosion controls on the plan is preferable and could provide more information outside the meeting. P. Martel explained that he was speaking with some engineers regarding getting a stamped plan. The Commission asked for further breakdown of the impervious surfaces, by structure, in the 50ft and 100ft buffer zones.

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

Motion: Chair Freeman moved to continue the hearing for 7 Winona Way (DEP 034-1418) to August 2, 2021.

Second: Comm'r Mosher

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

Other Business

a. Discussion and vote re: the use of herbicides at 47 Smith Road (DEP 034-1367)

Carl Dei Agnoli, 47 Smith Road, explained his concern about how to accomplish the required mitigation with the presence of Japanese knotweed. David Lunetta with SWCA Environmental Consultants had been recommended to C. Dei Agnoli by Steve Ivas, Ivas Environmental, and was present on the call. C. Dei Agnoli and D. Lunetta described the concern that any of the restoration plantings or seed mix will not survive due to the Japanese knotweed and that removing the knotweed, by mechanical means only, will not be successful. D. Lunetta described in detail the herbicide treatment he recommended, as well as the method and timing of application as it relates to the vernal pool.

Discussion followed with it noted by staff that the goal for invasives is sometimes eradication and other times just management and in this location, with a vernal pool, despite all the measures proposed, the risk of using an herbicide is still too high. Further discussion delved into the ingredients of the herbicide and how it degrades. The Commission concluded that their concern regarding the herbicide use so close to the vernal pool was too great to allow it and instead, as a field change, permitting a shift of some of the required mitigation planting to a different location would take the pressure off in regards to the survival of the mitigation plantings.

C. Dei Agnoli graciously accepted the Commission's decision, stating that he wanted whatever is best for the vernal pool. The Commission and staff expressed their appreciation for D. Lunetta's expertise and C. Dei Agnoli's efforts to try to ensure the success of the mitigation plantings. C. Dei Agnoli stated that he could work with the ACO to relocate some of the plantings, to ensure their survival, for when he eventually closes out the Order.

b. Discussion and vote re: the Lehner Conservation Area CPC project

The Commission and CO briefly discussed the abutter's interest in using shrubs, rather than posts, as a demarcation between the Lehner property and their land. The Commission was unanimous that they would prefer to carry through with the funding requirements and the plan for the posts and noted that the abutter could still plant shrubs on their own property.

c. Discussion and vote re: the reorganization of the Commission

Chair Freeman invited any nominations and the Commission declined to make any changes to the organization of the Commission.

Motion: Chair Freeman nominated Vice-Chair Kelly to remain as Vice Chair.

Second: Comm'r Mosher

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

Motion: Comm’r Hidell nominated Chair Freeman to remain as Chair.

Second: Comm’r Mosher

Roll Call: Chair Freeman: aye, Comm’r Kelly: aye and Comm’r Roby: aye

d. Discussion and vote re: the appointment of a CPC representative

Chair Freeman thanked Comm’r Roby for his service as CPC representative. Chair Freeman acknowledged that all current Commissioners have lots of commitments now and perhaps when the 2 vacant Commission positions are filled, a Commissioner can be appointed as the CPC representative. Comm’r Hidell stated that he will do it for the moment, only as an interim person.

e. Discussion of the draft Buffer Zone Mitigation Policy

Commissioners agreed they had not had an opportunity to fully review the buffer zone mitigation policy and, after brief discussion, moved the matter to the August 2nd agenda.

Chair Freeman adjourned the meeting at 9:21 pm.

Submitted, _____
Sylvia Schuler, Administrative Assistant

Approved on August 2, 2021

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