



CONSERVATION COMMISSION MEETING MINUTES – July 13, 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 and Heather Charles-Lis – Assistant Conservation Officer

Absent: None

The remote meeting was held via Zoom with Dial in #929-205-6099, Meeting ID # 876-6289-6465.

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 from the June 29, 2020 meeting.

Second: Comm'r Mosher

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

Certificates of Compliance

37 Bel Air Road – DEP 034-1220

Applicant: Carolyn Terry

Representative: Gregory Tansey, Patriot Permitting and Engineering

Meeting Documents & Exhibits: Staff Memo and As-built Plan dated 1/17/17

Excerpts from the staff memo: An Order of Conditions was issued in April 2015 for the demolition and reconstruction of a single family home. The approved foundation for the new home, 195sqft larger than the original, is somewhat unique in that it features a terraced system, including crushed stone, filter fabric, Versa-Lok walls, and permeable pavers, in combination with concrete piers. A portion of the original wall foundation wall was also reused. The as-built plan largely adheres to the final approved plan.

Staff inspected the property for occupancy in 2017 and noted several issues, including the lack of flood resilient construction (breakaway panels), rear gutters that were not connected to an infiltration system, and the removal of two trees that were intended to be preserved. Staff worked with the Building Commissioner, representative, and applicant, respectively, to resolve each of these issues. Staff notes that the breakaway panels installed on the new home also somewhat unique in that they incorporate shingle siding, and even windows in some locations, however documentation has been provided that proves the breakaway panels meet FEMA regulations. Staff conducted a second site inspection on 7/6/20 and found no other issues with the property.

The Commission reviewed the staff memo.

Motion: Chair Freeman moved to issue a Certificate of Compliance for 37 Bel Air Road, DEP 034-1220.

Second: Comm'r Hidell

Roll Call: Comm'r Kelly: aye, Comm'r Mooney: aye, Comm'r Mosher: aye, Comm'r Roby: aye and Vice-Chair Zane: aye

Request for Determination of Applicability

33 Beach Road

Applicant: Garret Daigler

Proposed: Construction of addition

Meeting Documents & Exhibits: Supplemental Letter and Plans dated 7/8/20

Excerpts from the staff memo: This discussion is continued from the 6/29/20 Commission meeting. Since then, the applicant has submitted supplemental materials that address the Commission's questions and concerns relative to the amount of existing development on the lot (pertinent regs: Riverfront Area) and the expansion of an existing structure within an AE Zone (pertinent regs: Land Subject to Coastal Storm Flowage).

For clarity, staff confirmed the following with the representatives:

- 1. "Yes; the increase in flood storage that's identified is based on the demolition of the foundation and steps associated with the front entry (with the proposed sonotubes included in the calculation)."*
- 2. "Yes; the conclusion that the proposed work is not an expansion within the floodplain is based on the first floor elevation of the proposed addition being above the BFE of 11."*

Staff notes the remaining, unaddressed items from the previous staff memo:

Riverfront Area: Since the 5,000sqft limit has not been reached, inclusive of the proposed additions, staff believes that the scope of work could largely be considered redevelopment, with a mix of new development, since there are existing brick steps and paver walkways, along with some small landscaping beds and lawn, in the area of the proposed additions.

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. If the Commission feels that an NOI is the more appropriate application type for this project, based on the resource areas, the scope of work, or ability ensure compliance with the Regulations, among other considerations, a Positive Determination of Applicability should be issued. However, if the Commission is comfortable with the current proposal and all questions and concerns have been addressed, a Negative Determination of Applicability should be issued.

Chair Freeman summarized the staff memo and resource areas. Scott Golding of Drohan, Tocchio and Morgan described the supplemental submittal items; architectural plans from Al Kearney (present on the call), the 3 sonotube footings, existing condition plans from Kelly Killeen of CHA Engineering (present on the call) and calculations of the improved area of the lot which amounts to 2800 sf. S. Golding stated that there is actually an increase in flood storage compared to the existing condition and that the utilities will be removed from the basement and brought up to the first floor level.

Discussion followed about the two outstanding items mentioned in the staff memo. The reason for the removal of the tree was discussed and the C.O. explained that the 2:1 mitigation referred to in the memo was for work in the riverfront area, not linked to the tree removal. The proposal to do 280 sf of mitigation would preferably happen on the water side of the house. Further discussion followed regarding the NOI vs. RDA question, with the Commission concluding that their preference would be for the proposal to be submitted as a Notice of Intent.

Motion: Chair Freeman moved to issue a Positive Determination of Applicability for the proposed work at 33 Beach Road.

Second: Vice-Chair Zane

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

4 Quail Run

Applicant: Timothy & Lindsay Mullaney

Representative: Lisa Swanson, Zinnia Designs

Proposed: Installation of retaining wall and fill

Meeting Documents & Exhibits: Narrative, Previous Site Plan 7/5/11, and Original Site Sketch and Photos

*Excerpts from the staff memo: Staff visited the site on 7/6/20. The **wetlands were last flagged in c.2011** as part of a Notice of Intent application to construct an addition and deck on the property. Given the topography of the site, it is unlikely that the delineation would have changed dramatically in the last 10 years, however it was still challenging for*

staff to determine which portions of the proposed work fell within, and outside of, the 50ft buffer zone without updating flagging and a corresponding site plan. Aside from the wetland delineation, staff found that the existing conditions did not appear to be much different than those reflected on the 2011 addition and deck plan, which is posted on the Pending Applications website.

- Staff found three separate paths from the exiting lawn into the naturally vegetated portion of the 50ft buffer zone, where yard waste was disposed. The applicant has proposed to **remove these piles** as part of the scope of work.
- The existing play structure is located within the 50ft buffer zone, as well as the Outer Riparian Zone, and its removal along with the restoration of the area with native plantings and seed mix (staff estimates approximately 500sqft) would be a benefit to the resource areas. This work, in combination with other plantings on the northern (wetland) side of the proposed retaining wall, would also likely fulfill the mitigation requirements for work within the 50ft buffer zone and Riverfront Area.
- The representative has indicated that the trees identified for removal were evaluated by an arborist; as of 7/10/20 that **information has yet to be submitted**. If the trees are unhealthy and pose an immediate safety hazard, replacements would not be required, per the Commission's policy on tree removals.
- Staff measured 36ft from the house, the proposed location for the retaining wall, and found that it did not encroach into any naturally vegetated areas on the property.
- Staff asked the representative whether a filter fabric would be used in the construction of the wall and they indicated that only crushed stone and smaller filler stones would be used.

If the Commission is satisfied with the information presented, a Negative Determination of Applicability could be issued. Staff drafted the following conditions for the Commission's consideration.

Chair Freeman reviewed the resource area and proposal. Lisa Swanson of Zinnia Designs, was present on the call described the proposal and addressed the items noted in the staff memo.

Motion: Chair Freeman moved to issue a Negative Determination of Applicability for the proposed work at 4 Quail Run, as shown on the submitted plans, and adopt the findings of fact a through c, and conditions 1 through 9 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 start of work, a planting plan specifying the location and quantity of native species (no cultivars, non-native, or invasive species), as well as the type of seed mix, selected for the restoration area, shall be submitted to the Commission for review and approval.
2. Prior to the start of work, the northern edge of the retaining wall shall be staked, erosion and sediment controls shall be installed, and both shall be 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. No portion of the wall shall extend into the naturally vegetated portions of the buffer zone.
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. All lawn waste, brush, leaves, or other materials dumped in any resource area, including the buffer zone, shall be removed and properly disposed of at an off-site location, and the practice discontinued, in accordance with Section 23.6 of the Hingham Wetland Regulations.
5. All tree debris shall be properly disposed of at an off-site location; no chipped or mulched material shall remain on the property.

6. All components of the existing play structure, including the pea stone and timber wall foundation shall be properly disposed of at an off-site location.
7. There shall be no stockpiling of soil or other materials within 50 feet any resource area.
8. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 50 feet of any resource area.
9. The Conservation Department shall be notified to any changes in plans prior to proceeding with said changed plans.

Second: Comm’r Mosher

Roll Call: Comm’r Hidell: aye, Comm’r Kelly: aye, Comm’r Mooney: aye Comm’r Roby; aye and Vice-Chair Zane: recused

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

100 Industrial Park Road – DEP 034-1361, **continued to 8/3/20**

Applicant: Timothy Casey, JEB Group, LLC

Representative: Kevin Hixson, BL Companies

Proposed: Warehouse renovation and demolition, and site improvements

111 Weir Street – DEP 034-1366

Applicant: Canterbury Street, LLC

Representative: Gary James, James Engineering, Inc

Proposed: Construction of a single family home and site improvements

Meeting Documents & Exhibits: Staff memo

Excerpts from the staff memo: This lot is part of the 29 Canterbury Street seven-lot subdivision.

This hearing is continued from the 6/15/20 meeting, where the project was discussed and comments relayed. Since then, the representative has submitted revised plans, including a landscape plan, construction sequencing information, and a response letter, inclusive of more recent comments from staff. Staff has also reviewed the comments from the peer review engineer hired by the Planning Board and the corresponding responses from the representative, and has no further comments related to stormwater management. Staff provides the following information for the Commission’s consideration.

- ***Erosion & sedimentation controls.*** Staff relayed minor comments regarding revising the construction detail and labeling the erosion and sedimentation controls on the plans.
- ***Landscaping & plantings.*** In the 100ft buffer, 14 trees are proposed to be removed, many of which are not in good health or are covered in invasive vines, and 12 trees are proposed to be planted, plus a large number of shrubs (and perennials). All of the proposed plantings in the 100ft buffer are native species and are straight species, as opposed to cultivars, and almost all the species outside the buffer zone are also native species. Many of the proposed tree species are the same species that would be removed, for example Red Maples, Red Oaks, and Eastern Red Cedars.
- ***Buffer Zone impacts & performance standards.*** There is 3,163 sf of new structure proposed in the 100ft buffer zone (2,513 sf house + 650 sf deck). Approximately 3,400 sf of plantings are proposed in the buffer zone (2,800 sf of planted areas inside the retaining wall + 600 sf of planted areas or seeding outside the wall). Although overall

there will be a significant decrease in the naturally vegetated area in the buffer zone, since the lot is currently undeveloped, the addition of native plantings and removal of invasives will help to mitigate for the work.

Chair Freeman reviewed the resource areas and project. Applicant, John Woodin, and engineer, Gary James, were present on the call and further described the additional information they had provided. There was brief discussion regarding the erosion controls concluding with a modification to a condition to specify the location of the mulch log and silt fence.

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 111 Weir Street (DEP 034-1366), as shown on the submitted plans, and adopt the findings of fact a through c, and special conditions 1 through 23, as modified in the meeting, of the staff report.

(conditions below reflect the modified condition #5)

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 purposes of this filing, the Commission confirms the delineation of Inland Bank flags B1-30 to B1-40, but makes no finding as to the exact boundaries of other wetland resource areas.

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, inside the 50 ft buffer zone, and inspected by an agent of the Commission. The mulch log shall be installed inside the silt fence on the work side. 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 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 100 feet of any resource area.
15. Stormwater management structures and best management practices shall be installed and implemented, in accordance with the final approved plans.
16. Mitigation plantings shall be installed, and seeding completed, in accordance with the final approved landscape plan.
17. Before executing any change from the plan of record, the applicant must have the Commission's written approval. Any errors found in the plans or information submitted by the applicant shall be considered as changes. Approval from other Town Agents or Inspectors does not relieve the applicant from obtaining approval from the Commission.
18. The use of de-icing chemicals, except for calcium magnesium acetate, a.k.a. CMA, or other alternative approved by the Commission, shall be prohibited on this property because of its proximity to the Weir 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.
19. 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 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.
20. It is the sole responsibility of the owner of record to maintain drainage structures at all times. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
21. 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.
22. 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.
23. Prior to the issuance of a Certificate of Compliance, the mitigation area plantings shall survive at least two full growing seasons with a minimum of 75% survival rate. If a 75% survival rate is not achieved, replacement plantings of the same species shall be made by the applicant.

Second: Vice-Chair Zane

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

19 & 27 Whiting Street– DEP 034-1368, **continued to 8/3/20**

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

185-193 Lincoln Street and 6 Crow Point Lane – DEP 034-1371

Applicant: 185-193 Lincoln Street, LLC

Representative: Carmen Hudson, Cavanaro Consulting, Inc

Proposed: Parking lot improvements

Meeting Documents & Exhibits: *Staff memo and Response to Comments 7/1/20, Revised Plan Set 7/1/20, and Peer Review Comments 7/2/20*

Excerpts from the staff memo: *This hearing is continued from the 6/29/20 Commission meeting. Since then, the representative has submitted a formal response to staff comments and revised plans. The Planning Board's peer review engineer has also submitted a second comment letter. These materials have been posted on the Pending Applications*

website. As nearly all comments and questions have been addressed at this point, staff drafted the following findings and conditions for the Commission's consideration.

Chair Freeman reviewed the staff memo and resource areas. Jeff Tocchio and Scott Golding of Drohan Tocchio and Morgan were present as well as John Cavanaro of Cavanaro Consulting. J. Tocchio explained that the proposal had been continued by the Planning Board in order to arrive at the exact number of parking spaces, however, there would be no change in regards to the Conservation Commission. J. Cavanaro reviewed the changes they'd made in response to the Commission's concerns. He explained they'd worked through the stormwater aspects and added details to the plan for erosion and sedimentation control during construction and stated they have committed to altering the buffer, which is currently grass, and convert it to a 2000 sf New England Conservation and Wildlife Mix, and specified the location of 6 new trees. He explained that they would be adding trees to all the existing catch basins to provide oil/water separation and there would be crushed stone barriers at the construction entrances.

Brief discussion followed regarding the draft conditions in the staff memo concluding with a modification to draft condition #13.

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 185-193 Lincoln Street and 6 Crow Point Lane (DEP 034-1371), as shown on the submitted plans, and adopt the findings of fact a and b, and special conditions 1 through 24 of the staff report as modified.

(conditions below reflect the modified condition #13)

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.

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, including silt sacks, 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 revised Construction Period Stormwater Operation and Maintenance Plan and Construction Sequencing document shall be submitted, as part of a revised Detail Sheet, to the Commission for review and approval. The revised document shall remove the option to mulch and stockpile material, under Clearing, and shall add straw wattles as an additional form of erosion control not to be used on site, under Material Stockpiling.
8. Prior to the start of any excavation or construction, a revised Long Term Pollution Prevention Plan shall be submitted to the Commission for review and approval. The revised Plan shall indicate that snow plowed from

the driveways or parking areas will be temporarily stored in two contiguous parking spaces within the 50' buffer zone, as the final approved plan indicates.

9. 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.
10. Any debris, which falls into any resource area, shall be removed immediately by hand.
11. All lawn waste, brush, leaves, or other materials dumped in any resource area, including the buffer zone, shall be removed and properly disposed of at an off-site location, and the practice discontinued, in accordance with Section 23.6 of the Hingham Wetland Regulations.
12. All tree debris shall be properly disposed of at an off-site location; no chipped or mulched material shall remain on the property.
13. Any on site construction related dumpsters shall not be located within 50 feet of any resource area.
14. There shall be no stockpiling of soil or other materials within 50 feet of any resource area.
15. 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.
16. 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.
17. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 50 feet of any resource area.
18. 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.
19. All inspection, maintenance, and improvement activities associated with the existing stormwater infrastructure shall be documented in a formal report, complete with photos, to be submitted to the Commission **prior to the issuance of a Certificate of Compliance**. Important conditions and activities to be documented include, but are not limited to, the type/construction style of each basin, the size and material of pipes within each basin, the condition of each outlet/outfall, the installation of PVC tees within each basin, and the installation of scour protection, if necessary, at each outlet/outfall. The infrastructure shall be differentiated in some way, using a numbering or lettering system, in the text and photos of the report, so that each location is easily identifiable.
20. It is the sole responsibility of the owner of record to maintain the stormwater infrastructure at all times. The property owner shall comply with the approved Long Term Pollution Prevention Plan, submitted by Cavanaro Consulting, Inc. The property owner is also responsible for retaining records of the maintenance and cleaning for review by the Commission. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
21. In the event of a large snow event that exceeds the two contiguous parking space storage area on the property, snow will be removed and properly disposed of at an off-site location. The property owner shall provide instructions for snow plowing and management to the snow plowing contractor at the onset of each season. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
22. 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.
23. 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.
24. Prior to the issuance of a Certificate of Compliance, the three replacement trees within the 50ft and 100ft buffer zones shall survive at least two full growing seasons. Additionally, the 2,000sqft mitigation planting area shall reach a 75% coverage rate within two full growing seasons. If these benchmarks are not achieved, replacement tree plantings, of the same species, and reseeding, using the same mix, shall be completed by the applicant.

Second: Vice-Chair Zane

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

299 Rockland Street – DEP 034-XXXX

Applicant: Steve & Jessica Govoni

Representative: Brian Kates, Kates Construction Associates, LLC

Proposed: Reconstruction of garage and site improvements

Meeting Documents & Exhibits: Staff memo and Narrative, Original Architectural Plans 2/20/20, and Original Existing and Proposed Conditions Plan 5/11/20

Excerpts from the staff memo: Staff visited the site on 7/6/20. The limit of the salt marsh was not delineated, however it was not necessary due to its close proximity to Rockland Street, which separates the marsh from the locus property. The limit of the floodplain is depicted on the plan and while a portion of the property is located within the Weir River Area of Critical Environmental Concern, the proposed scope of work does not require any additional review by the state. In terms of flood zone impacts, the representative calculated a loss in flood storage area (-278sqft), due to the size/footprint of the new garage compared to the existing detached garage. However, staff notes that floodwaters would be allowed to enter the new garage, due to the incorporation of flood vents. The Commission has not required compensatory flood storage in a coastal environment.

The calculation for the Land Subject to Coastal Storm Flowage, Section B, point 3 is calculated using the net area to include the new addition (828 sq ft) less the removal of the separate garage (480sq ft). Both the new addition and the garage are approximately 80% in the AE-10 area netting 278 sq ft affected by the proposed change.

Staff feels that, overall, the proposed improvements will not have an impact on the salt marsh and will improve conditions on the property, with respect to the floodplain. Staff notes that, as proposed, the drywells are located within the Rockland Street right of way, however, the representative has adjusted the location of these in a revised hard copy plan, which staff has not yet had a chance to review.

*Staff does not recommend any additional mitigation for the proposed work, however, for clarity, staff recommends a **brief discussion of the impervious and flood storage area calculations** included here, to be sure the numbers are correct before issuing an Order of Conditions. (For example the planned house impervious area appears to be low (2,560sqft vs. 2,963sqft) and when compared to an estimated footprint of the existing garage (17.5ft x 25ft, or 438sqft), the flood storage area (480sqft) and impervious area (982sqft) seem high, even with the structure's generous roof overhang.) If the Commission is satisfied with information presented at the hearing, and MassDEP issues an NOI Number, an Order of Conditions could be issued. Staff drafted the following conditions for the Commission's consideration.*

Contractor, Brian Kates, and applicant, Steve Govoni, were present on the call. Chair Freeman reviewed the resource areas and the proposal. B. Kates, explained that they would be adding a couple of drywells and two areas of plantings that will help to absorb water. Discussion followed regarding the calculations of impervious concluding with the CO suggesting that she would discuss the calculations and numbers further with B. Kates until they are in agreement. B. Kates reviewed the flood zone impact calculations. S. Govoni explained their reasons for wanting to use pavement for the driveway. A DEP number had not been issued.

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

Motion: Chair Freeman moved to continue consideration of 299 Rockland Street to August 3, 2020.

Second: Comm'r Hidell

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

1 Foley Court – DEP 034-1372

Applicant: James Randall

Representative: Colin McSweeney, McSweeney Associates, Inc.

Proposed: Replacing existing septic system with sewer line connection

Meeting Documents & Exhibits: Staff memo and Narrative and Original Proposed Sewer Connection Plan 6/25/20
*Excerpts from the staff memo: Staff visited the site on 7/6/20. The resource areas were flagged and staff agrees with the delineation. Staff observed a **small pile of soil** at the edge of the southern wetland, located on 16 Thaxter Street, as well as an **area of fresh loam** adjacent to the northern wetland, located partially on 1 Foley Court and 22 Thaxter Street. Staff spoke to the current property owners about these conditions and recommended that the pile be removed (it was placed by them) and the erosion and sediment controls for the project be established at the limit of the fresh loam (beyond the work area) until the area is stabilized with grass seed or sod. Staff included draft conditions for these actions, below.*

*The work area is very steep and only somewhat stabilized with either terraced garden areas or sparse vegetation and trees. It is not clear **if or how this area will be stabilized post-construction**. This, as well as several other items related to the scope of work have yet to be clarified:*

- The submitted plan indicates that the existing system “must be removed in accordance with Hingham Board of Health Rules and Regulations.” Yet, the representative indicated in an email that the existing system will be filled with sand and abandoned in place, in part to limit the amount of disturbance on the site. **This should be clarified.***
- The estimates on the amount of disturbance are based on a 4ft wide trench. It is not clear if additional area will need to be disturbed for the proposed grinder pump, or additional infrastructure (see below). It is also not clear how long the installation will take, i.e. how long the areas will be disturbed before being brought to a finished grade. **This should be clarified.***
- Staff asked whether additional infrastructure would be needed to help push the flow up the steep embankment to 30 Thaxter Street. As of 7/10/20, staff has **not received a response.***

If the Commission is satisfied with the information presented at the hearing, an Order of Conditions could be issued. Staff drafted the following conditions for the Commission’s consideration. Staff notes that no conditions have been drafted that address the items above, so additional conditions may be warranted, based on discussion at the hearing.

Chair Freeman briefly reviewed proposal. Representative, Colin McSweeney of McSweeney Associates was present on the call. He described the proposal in detail and clarified the items noted in the staff memo. They would be using the same pipe that currently runs out of the house and the existing system would remain in place and be filled with sand to make it safe. The estimated disturbance totals 510 sf in 100 ft buffer. Within the 50 ft buffer is, 240 sf. The disturbance was estimated on a 4 ft wide trench but this is likely an overestimation as it could end up being a 10 inch wide trench to run the pvc to the grinder pump and then its only a 1.5 inch line out of grinder up the hill to the sewer line. He stated that they plan on loaming and seeding to stabilize the area.

Discussion followed regarding the stabilization of the area and what seed it would be stabilized with the CO expressing her concern that the slope is bare and steep. The homeowners described the slope and their efforts and troubles trying to vegetate the hill. Discussion followed regarding the seed mix used with the Commission in agreement to add a condition requiring Conservation input on the seed mix. The homeowners have already started removal of the pile of loam noted in the staff memo. Brief discussion regarding erosion controls followed with the Commission noting that due to the topography, a silt sock is preferable.

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 1 Foley Court (DEP 034-1372), as shown on the submitted plans, and adopt the findings of fact a and b, and special conditions 1 through 17 of the staff report and as discussed at the meeting.

Findings:

- 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.
- 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.
- 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 at the eastern limit of an existing loam area and inspected by an agent of the Commission; straw wattles and/or hay bales shall not be used as a form of erosion or sediment control. An additional row of erosion and sediment controls is recommended at the toe of slope, on the western side of the existing loam area.
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 soil, brush, leaves, or other materials dumped in any resource area, including the buffer zone, shall be removed and properly disposed of at an off-site location, and the practice discontinued, in accordance with Section 23.6 of the Hingham Wetland Regulations.
10. There shall be no stockpiling of soil or other materials within 25 feet of any resource area.
11. 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.
12. 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.
13. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 25 feet of any resource area.
14. 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.
15. All disturbed areas shall be permanently stabilized with a seed mix approved by the Commission.
16. 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.
17. 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: Vice-Chair Zane

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

66 Burditt Avenue, DEP 034-XXXX, **continued to 8/3/20**

Applicant: Jesse & Daria Johnson

Representative: Rebecca Verner, Gregory Lombardi Design, Inc.

Proposed: Reconstruction of swimming pool and site improvements

Other Business:

- a) 19 Stagecoach Road (DEP 034-1323). The CO shared her screen and described what has currently been completed on the site and described the different configuration that resulted. She further described the mitigation that had originally been agreed, 90 sf, but with the change in configuration and addition of a patio she calculated an additional 161 sf of patio area within the 50 ft buffer.
The Commission discussed with the contractor, John DeAngelo, the material of the patio and the slope of the yard as well as the inclusion of a 1 ft edge of crushed stone to reduce runoff. Further discussion followed with the Commission in agreement that 232 sf of additional mitigation be required and that the change could be made as a field change.

- b) Discussion of proposed changes to Bow Hunting Regulations.
The ACO summarized the proposed changes and reasons for those changes. Brief discussion followed regarding some of the items noted in the ACO's memo. Chair Freeman suggested that the Commissioners could individually submit their feedback on the ACO's memo and that for the August 3rd meeting, she could submit a revised memo based on that feedback. It could be discussed and modified at that meeting if necessary.

Chair Freeman adjourned the meeting at 9:39 pm.

Submitted, _____
Sylvia Schuler, Administrative Secretary

Approved on August 3, 2020

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