



CONSERVATION COMMISSION MEETING MINUTES – August 31, 2020

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

Absent: Jacqueline Zane

The remote meeting was held via Zoom with Dial in #929-205-6099, Meeting ID # 825-0854-6356.

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.

2020 Deer Season Permit Lottery

Commissioner Mosher drew nine names from the Hunting Lottery to receive 2020 deer hunting permits.

Approval of Minutes

Motion: Chair Freeman moved to approve the draft minutes from the August 3, 2020 meeting.

Second: Comm'r Kelly

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

Certificates of Compliance

42 Canterbury Street – DEP 034-1289

Applicant: Nathaniel Rand

Representative: Gregory Tansey, Ross Engineering Co., Inc.

Meeting Documents & Exhibits: Staff Memo and As-built Plan 7/20/20

Excerpts from the staff memo: This discussion is continued from the 8/3/20 Commission meeting. Since that time, the applicant has resolved the majority of the items discussed.

Chair Freeman reviewed the staff memo and noted that all of the remaining issues had been addressed.

Motion: Chair Freeman moved to issue a Certificate of Compliance for 42 Canterbury Street, DEP 034-1289.

Second: Comm'r Kelly

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

155 Prospect Street – DEP 034-0101

Applicant: Gaughen, Gaughen, Lane & Hernando, LLP

Excerpts from the staff memo: The Commission issued a COC for this project in 1989, but it was never recorded at the Registry of Deeds. Neither the original nor a copy could be found. In order to clear the title for this property, a COC is needed. Staff recommends that the Commission re-issue the COC for administrative purposes.

Motion: Chair Freeman moved to reissue the Certificate of Compliance for 155 Prospect Street, DEP 034-0101.

Second: Comm'r Kelly

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

92 Wompatuck Road – DEP 034-1353

Applicant: Paul Antonik, Oak Development & Design, LLC

Meeting Documents & Exhibits: Staff Memo and As-built Plan 8/13/20

Excerpts from the staff memo: An Order of Conditions was issued in December 2019 for the demolition and reconstruction of a single-family house. The as-built plan largely adheres to the final approved plan, with a few noteworthy deviations. Staff visited the site on 8/21/20 and found it to be stable, however several issues were identified and forwarded to the applicant.

Chair Freeman reviewed the staff memo. Applicant P.J. Antonik was present on the call and apologized that the patios were not on the original plan but stated they had been planned from the beginning. He described how the patios were constructed and described the retaining wall as more of a landscape slope, explaining that water is able to run through it. He noted there had been no change in water flow since they bought the property. He stated that no fill had been brought in; the built house was slightly larger than the demolished house and there had been some material left over. P. Antonik added that they had left the property in better condition than they'd found it; a lot of hazardous items were removed from the yard. They were intentional in not trying to change the water flow and had added the extra drainage, after the fact, as a precaution. It leads out to two large gravel pits. He stated that the surveyor had marked it close to the property line and that it is actually 4-5 ft off the property line.

The Commission briefly discussed the unapproved patios, confirmed that the lawn would provide infiltration and concluded that they would accept the cleanup of the hazardous debris in the yard as mitigation.

Motion: Chair Freeman moved to issue a Certificate of Compliance for 92 Wompatuck Road, DEP 034-1353.

Second: Comm'r Kelly

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

Request for Determination of Applicability

MBTA Right of Way

Applicant: Keolis Commuter Services LLC

Representative: Tim Dermody, Fair Dermody Consulting Engineers

Proposed: Renewal of five-year Vegetation Management Plan

Meeting Documents & Exhibits: Staff Memo, Narrative and Original Greenbush Branch Plans 7/15/20

Excerpts from the staff memo: The Massachusetts Rights-of-Way Management Regulations (333 CMR 11.00) control herbicide application in Rights-of-Way and requirements include a Vegetation Management Plan approved every five years by the Massachusetts Department of Agricultural Resources, in consultation with a multi-agency Advisory Council including MassDEP, and Yearly Operational Plans.

Clary Coutu of Keolis Commuter Services LLC was present on the call and gave a detailed description of the renewal requirements as well as a detailed description of the management of the railroad vegetation, especially in the vicinity of wetlands. She stated that information is also available at www.fdcerrailroadvegetation.com. The ACO explained the proposed motion, the reasons for both a Positive and Negative Determination of Applicability and that she'd learned that it was an acceptable combination. The Positive (2a) acknowledges that these are protected areas.

Motion: Chair Freeman moved to issue a Positive (2a) and Negative (5) Determination of Applicability for the boundaries of resource areas and the proposed work along the MBTA/Keolis Commuter Services' Right-of-Way and adopt the finding of fact a, and conditions 1-3 of the staff report.

Findings:

- a. The work described is within an area subject to protection under the Wetlands Protection Act (M.G.L. c. 131, § 40), and will not alter or adversely affect the area subject to protection under the Act.

Conditions:

- 1. One copy of the final Vegetation Management Plan shall be submitted to the Conservation Department.
- 2. One copy of the Yearly Operational Plan shall be submitted to the Conservation Department, annually.
- 3. The Conservation Department shall be notified of any changes to the Vegetation Management Plan before proceeding with said changes.

Second: Comm'r Kelly

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

42 Popes Lane

Applicant: Michael & Jessie Sartor

Representative: Brad Holmes, Environmental Consulting and Restoration, LLC

Proposed: Construction of addition and driveway extension

Meeting Documents & Exhibits: Staff Memo, Narrative, Original Plan of Land 7/20/20, and Response to Comments 8/31/20

Excerpts from the staff memo: Staff visited the site on 8/20/20. The wetland resource areas were delineated by a wetlands scientist in May 2020, including two BVW systems, a Vernal Pool, and Inland Bank (with associated Riverfront Area). Staff recommends the Commission confirm wetland flags on the property in this area. The work area for the addition and porch are currently a lawn, landscape bed with shrubs and perennials, and a brick walkway, and the area slopes down to the existing driveway. The work area for the proposed driveway is lawn and a wooded area adjacent to the street. It is unclear if trees would be removed from the buffer zone for this work and it's unclear if the end of the driveway that would be in the Riverfront Area would be in an existing dirt driveway/path or in a wooded, naturally vegetated area.

Additional information is needed before staff can draft conditions for a Determination of Applicability.

Chair Freeman briefly summarized the staff memo. Representative Brad Holmes was present on the call, shared the site plan on his screen and pointed out the wetland resources, the resource area buffers and described the proposed work. The two activities within the Commission's jurisdiction are the small addition with porch and the driveway turnaround at the front of the property.

Responding to comments noted in the staff memo, B. Holmes explained that they had not asked for wetland confirmations in the RDA application, as most of the wetlands are off site so they wouldn't have the ability to confirm those resource areas. He stated that they asked for the Commission to confirm that the work does not require the filing of a Notice of Intent. The ACO commented that it is acceptable for the Commission to not confirm the boundaries.

The ACO reiterated some of the questions in the staff memo regarding possible mitigation for new structures, and also possible stormwater management for increase of impervious within the 100 ft vernal pool buffer. The ACO noted that the representative had since suggested that they would be willing to add a drywell for the dwelling. She asked for clarification from the representative where the disturbance would be in regards to the riverfront area and an existing dirt path/drive, and whether they would be disturbing any of the naturally vegetated area. B. Holmes was unsure of where the dirt path/drive was in relation to the work but noted that the small area of work falls just inside the outer riverfront area and that they had included in their application acknowledgement of the Commission's Tree Removal and Replacement Policy. In regards to the work within the vernal pool buffer, B. Holmes noted that the work area is already lawn and landscape bed, but for mitigation, they offer to install a drywell to accommodate any roof runoff and that any landscape plantings being replaced would be native species.

Responding to a question, B. Holmes stated that he doesn't know if there is storm sewerage in Popes Lane, however the driveway could be graded so that runoff sheds to the inside lawn and anything else would go into Popes Lane. The Commission and staff discussed mitigation with the Commission concluding that, as no draft conditions were prepared, staff could continue to work with the applicant and make a recommendation to the board for mitigation. Brief discussion followed with the representative and Commission regarding mitigation.

Motion: Chair Freeman moved to continue discussion of 42 Popes Lane to September 21, 2020.

Second: Comm'r Kelly

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

36 East Street

Applicant: Jason Riley

Representative: Colin McSweeney, McSweeney Associates, Inc.

Proposed: Title V upgrade

Meeting Documents & Exhibits: Staff Memo, Narrative and Original Proposed Septic System Plan 5/20/20

Excerpts from the staff memo: Staff visited the site on 8/20/20. A Bordering Vegetated Wetland was delineated by an environmental scientist in May 2020. Where work would be closest to the resource area, the lawn extends directly to a freshwater marsh so the delineation is very clear and a wetlands report may not be critical, however staff recommends the Commission make no finding regarding the delineation. The area where the tank and piping would be installed is currently a sloping lawn, to be restored to the same conditions following construction, with no change in grades. Staff

inquired whether it would be possible to move the tank out of the 50ft buffer zone, however the representative responded as follows: "The effluent from the house cannot be pumped out of the home to the tank, so the effluent must run from gravity. The existing pipe that it must be tied into is below the existing foundation and has no way of being moved. So that tank location is the only place it can go without getting any closer to the wetland." The existing disposal system is currently located in the 50ft buffer, so the upgrade would be a significant improvement overall. Piping would cross the lawn and an existing dirt driveway in the 100ft buffer zone, both to be restored to the same conditions following construction. Finally, the grading associated with the leaching field would be in a small lawn and sparsely vegetated area to be allowed to naturally revegetate following construction. No trees or shrubs would be removed within the buffer zone.

Chair Freeman briefly summarized the staff memo. Representative Colin McSweeney was present on the call and reviewed the reason for the placement of the system as well as commenting that debris located by flag A9 would be removed and any grading in the 100 ft buffer would be seeded for stabilization.

Motion: Chair Freeman moved to issue a Negative Determination of Applicability for the proposed work at 36 East Street, as shown on the submitted plans, and adopt the findings of fact a through c, and conditions 1 through 8 of the staff report.

Findings:

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

Conditions:

1. Prior to the start of work, erosion and sediment controls shall be installed, 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.
2. 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.
3. Any debris, which falls into any resource area, shall be removed immediately by hand.
4. All excavated material shall be properly disposed of at an off-site location.
5. There shall be no stockpiling of soil or other materials within 50 feet any resource area.
6. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 50 feet of any resource area.
7. All lawn waste, brush, leaves, or other materials dumped in any resource area, including the buffer zone, shall be removed, and the practice discontinued, in accordance with Section 23.6 of the Hingham Wetland Regulations.
8. The Conservation Department shall be notified to any changes in plans prior to proceeding with said changed plans.

Second: Comm'r Kelly

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

19 Andrews Isle

Applicant: Thomas Curtis

Proposed: Construction of patio and retaining walls

Meeting Documents & Exhibits: Staff Memo, Narrative and Original Patio Plot Plan 8/17/20

Excerpts from the staff memo: The work area currently consists of a sparsely vegetated lawn adjacent to an existing deck, and slopes down towards the end of the existing driveway. No trees or shrubs would be removed for the work. Although the proposed patio pavers would not be permeable, they could be installed to have permeable joints and sub base. If this was done, then the work would be mostly permeable, with the exception of the stairs and walls, which total 121sf.

Thomas Curtis was present on the call, gave an overview of his proposal, and stated he was agreeable to all the suggestions in the staff memo. T. Curtis shared his screen, pointed out on the plan the various aspects of the proposal and buffer zones and described the northeast flow of rain on the property. Responding to questions from the Commission, T. Curtis stated that the retaining wall would be 3 ft at its highest point and there would be moderate fill composed of different levels of crushed stone. T. Curtis indicated on the plan where the rainfall and snowmelt flows down to the Home Meadows. He noted that they are including weep holes in the stone wall and making the patio semi-permeable. The Commission and ACO discussed possible mitigation, concluding with asking the applicant to accommodate 121 sf of mitigation planting and suggesting that the area where the soil pile is to be removed would be a good location for the planting. The Commission and ACO composed two additional conditions to add to those in the staff memo.

Motion: Chair Freeman moved to issue a Negative Determination of Applicability for the proposed work at 19 Andrews Isle, as shown on the submitted plans, and adopt the findings of fact a through c, and conditions 1 through 10 of the staff report and as discussed at the meeting.

(the conditions below reflect the additional conditions)

Findings:

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

Conditions:

1. Prior to the start of work, erosion and sediment controls shall be installed, 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.
2. 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.
3. Prior to the start of any excavation or construction, a mitigation planting plan shall be submitted to the Commission for review and approval. The planting plan shall include a minimum of 121 square feet of plantings, including a mix of trees, shrubs, and herbaceous species. In addition, the plan shall include mitigation tree plantings for any tree removals in accordance with the Commission's Tree Removal and Replacement Policy (adopted 11/4/19). Locations closest to the resource areas shall be prioritized for planting. All mitigation plantings shall be native species; no cultivars, non-native species, or invasive species shall be allowed.
4. Any debris, which falls into any resource area, shall be removed immediately by hand.
5. All excavated material shall be properly disposed of at an off-site location.
6. There shall be no stockpiling of soil or other materials within 50 feet any resource area.
7. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 50 feet of any resource area.
8. All lawn waste, brush, leaves, or other materials dumped in any resource area, including the buffer zone, shall be removed, and the practice discontinued, in accordance with Section 23.6 of the Hingham Wetland Regulations.
9. During or following construction, the mitigation plantings shall be installed.
10. The Conservation Department shall be notified to any changes in plans prior to proceeding with said changed plans.

Second: Comm'r Kelly

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

Chair Freeman read the Public Hearing Notice of Intent statement and reminded the participants that under emergency orders entered by Governor Baker, statutory timelines for the permitting process have been suspended or tolled and are extended 45 days after the state of the emergency. Nonetheless the Commission is attempting to follow the normal statutory and regulatory deadlines to the extent possible under the current conditions. The appeal window for all

applicants, abutters, and other qualified parties is still 10 days from issuance. Chair also noted DEP appeal period has been restored to 10 days following issuance of an NOI per Governor Baker's Order #42 entered on July 2.

Please note: Due to technical difficulties, at this point there is a gap in the Audio Recording of the meeting. Audio resumes during Agenda item 7a.

Requests for Amended Orders of Conditions

306 and 392 Whiting Street – DEP 034-1306

Applicant: Bristol Bros. Development Corp.

Representative: John Zimmer, South River Environmental, Inc.

Proposed: Modification of approved mitigation plan

Meeting Documents & Exhibits: Staff memo, Request, Revised Wetland Replication Plan August 2020, and Original Wetland Replication Area Plan 1/10/20

Excerpts from the staff memo: The Commission issued this Order with very specific findings, at least one of which should be addressed (b8) in the Amended Order of Conditions, if the Commission is comfortable issuing one. Staff does not feel that revised or additional conditions are necessary.

b 8. The area identified for replication by a professional wetland scientist, more specifically located in between the Isolated Vegetated Wetlands indicated as Series "H," "J" and "M" on the final approved plans, offers the following benefits: enhanced connectivity between the adjacent Isolated Vegetated Wetlands; restoration of the "Series H" wetland through the removal of invasive species; improved water flow between the "Series H" and "Series G" wetlands, the latter being a Bordering Vegetated Wetland on the final approved plans; restoration of the previously disturbed Buffer Zone; creation of viable vernal pool habitat; a mitigation ratio of 3.4:1; increased water storage volume; and pre-existing, direct access to the site.

PROPOSED FINDING

Due to the presence of extensive ledge, the removal of which could adversely affect the hydrology of the existing wetland resource areas, modifications to the approved replication area are both prudent and necessary. The modifications identified by a professional wetland scientist achieve the same objectives as the original design while avoiding significant impacts to the undisturbed buffer zone of the Series "G" wetland, a Bordering Vegetated Wetland. Additionally, the modifications will improve the existing outlet from the Series "H" wetland, an Isolated Vegetated Wetland, which directs flow into the Series "G" wetland. The revised replication area exceeds the standard 2:1 mitigation ratio by approximately 4,900sqft, for a total area of 17,402sqft (2.8:1).

Representative John Zimmer gave an overview of the original proposal and Order of Conditions and described the proposed replication area in depth. Responding to a question from the CO, J. Zimmer explained that there would be new erosion controls around the new limit of work, the older ones would be supplemented and they would be maintained and remain in place until all is revegetated. The Commission and staff discussed how best to amend the Order of Conditions.

Chair Freeman invited any members of the public to speak. No members of the public commented.

Motion: Chair Freeman moved to issue an Amended Order of Conditions for the proposed work at 306 & 392 Whiting Street (DEP 034-1306), as shown on the submitted plan, and adopt the finding of fact "a," amending the previous finding b8, of the staff report.

Finding:

- a. This finding hereby amends the finding, b.8., of 9/10/2018: Due to the presence of extensive ledge, the removal of which could adversely affect the hydrology of the existing wetland resource areas, modifications to the approved replication area are both prudent and necessary. The modifications identified by a professional wetland scientist achieve the same objectives as the original design while avoiding significant impacts to the undisturbed buffer zone of the Series "G" wetland, a Bordering Vegetated Wetland. Additionally, the modifications will improve the existing outlet from the Series "H" wetland, an Isolated Vegetated Wetland, which directs flow into the Series "G" wetland. The revised replication area exceeds the standard 2:1 mitigation ratio by approximately 4,900sqft, for a total area of 17,402sqft (2.8:1).

Second: Comm'r Kelly

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

Notices of Intent

19 & 27 Whiting Street, - DEP 034-1368, **continued to 9/21/20**

Applicant: Merhej and Sons Realty, LLC

Representative: Donald Rose, CHA Consulting, Inc.

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

66 Burditt Avenue – DEP 034-1374, **continued to 9/21/20**

Applicant: Jesse & Daria Johnson

Representative: Rebecca Verner, Gregory Lombardi Design, Inc.

Proposed: Reconstruction of swimming pool and site improvements

185 South Pleasant Street – DEP 034-XXXX

Applicant: Kathryn Gosselin

Representative: John Cavanaro, Cavanaro Consulting, Inc.

Proposed: Construction of swimming pool and associated improvements

Meeting Documents & Exhibits: Staff memo, Narrative, Original Site Plan 8/12/20, Original Landscape Plan 8/1/20, Response to Comments 8/24/20, Response to Comments 8/25/20, Revised Site Plan 8/24/20, Revised Landscape Plan 8/24/20, and Revised Landscape Plan 8/25/20

Excerpts from the staff memo: Staff agrees with the delineation and recommends the Commission confirm the wetland flags that are located on property (Flags 6-11). The work area consists mainly of lawn, which is flat near the house then slopes steeply to the woods. The pool and patio would be supported by a low retaining wall, with minor regrading of the slope downhill of this portion of the work area.

*The three trees proposed to be removed from the 100ft buffer zone are all at the edge of the wooded area and include a 12" oak that is leaning and losing branches according to the owners, an 18" oak, and a 24" white pine. Staff inquired whether the trees could be correctively pruned rather than removed, but removal is preferred by the applicants due to safety concerns. Although no replacement trees are proposed, 19 native shrubs (*Clethra alnifolia* 'Sixteen Candles', a cultivar) are proposed along the base of the retaining wall and 2 native shrubs (*Viburnum plicatum* 'Shasta', a cultivar). Staff inquired whether straight species could be used versus cultivars, however the cultivars were strongly preferred. In addition to these shrubs, two other mitigation areas are proposed, a 394 sf area to be planted with native highbush blueberry (*Vaccinium corymbosum*) shrubs in an area adjacent to the woods with a sparse understory, at staff's recommendation, and a 510 sf area to be seeded with a wildflower seed mix along a portion of the regraded slope. The area to be seeded would be mowed twice a year to prevent woody plant growth and maintain it as a meadow. In total, the three planting areas provide approximately 1,034 sf of mitigation area. As noted earlier the combined pool and patio within the 100ft buffer zone would be 931 sf.*

Chair Freeman reviewed the proposal and resource areas. Representative John Cavanaro, Landscape Designer Tricia Van Buskirk and homeowner Katie Gosselin were present on the call. J. Cavanaro summarized the key details of the proposal noting that two rounds of thorough review led them to redesign the landscaping and mitigation and revise their plans. The ACO stated that she had no further concerns and the Commission expressed their satisfaction with the proposal.

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

Motion: Chair Freeman moved to issue an Order of Conditions for the proposed work at 185 South Pleasant Street (DEP 034-1387), as shown on the submitted plans, and adopt the findings of fact a through c, and special conditions 1 through 23 of the staff report.

Findings:

- a. The project meets the submittal requirements for issuance of an Order of Conditions under the Wetlands Protection Act (M.G.L. c. 131, § 40) and the Town of Hingham Wetland Regulations.

- b. The work described is within an area subject to protection under the Wetlands Protection Act (M.G.L. c. 131, § 40) and the Town of Hingham Wetland Regulations, and will not alter or adversely affect the area subject to protection under the Act or the Regulations.
- c. For the purpose of this filing, the Commission confirms the delineation of wetland flags 6 through 11, but makes no finding as to the exact boundaries of wetland resource areas located on adjacent properties.

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. Tree stumps and roots shall not be ground or removed. All tree debris shall be properly disposed of at an off-site location; no chipped or mulched material shall remain on the property.
10. Any on site dumpsters shall not be located within 100 feet of any resource area.
11. There shall be no stockpiling of soil or other materials within 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. Runoff from the outdoor shower and impervious patio shall be infiltrated on site using drywells, as shown on the final approved plan.
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 mitigation planting areas adjacent to the woods shall be left as naturally vegetated and shall not be maintained as a mowed or landscaped area, and the mitigation seeding area on the slope to the east of the pool shall not be mowed more than twice a year to prevent woody growth and to allow this area to be maintained as a meadow. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
19. There shall be no discharge of any pool water or backwash within 100 feet of any resource area. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.

20. It is the sole responsibility of the owner of record to maintain drainage structures at all times. The property owner is also responsible for retaining records of the maintenance and cleaning for review by the Commission. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
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: Comm'r Kelly

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

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

Applicant: Timothy Casey, JEB Group, LLC

Representative: Kevin Hixson, BL Companies

Proposed: Warehouse renovation and demolition, and site improvements

Meeting Documents & Exhibits: Staff memo and Impervious Area Calculations and Revised Existing and Proposed Conditions Plan 7/29/20

Excerpts from the staff memo: Staff has had meetings with the representative and has relayed multiple sets of detailed comments resulting in three revisions to plans and supporting documentation. In addition, there is also an alternate grading and drainage plan and alternate landscape plan. In the alternate plans, the proposed stormwater management system, which is a constructed stormwater wetland, would be significantly larger in size. It would extend into the 50ft buffer zone, however it would provide greater treatment of stormwater runoff as explained below. The Commission will need to determine whether to approve the "Alternate" plans and allow this work in the 50ft buffer zone.

The project is subject to the Massachusetts Stormwater Standards. Staff has provided some stormwater comments, however a peer review engineer hired by the Planning Board has provided comprehensive comments, and additional comments are anticipated on the latest plan revisions. Staff has no issues with the type of stormwater management system that is being proposed since a constructed stormwater wetland is suitable for the site and even highly recommended for most Critical Areas, and it has high pollutant removal efficiencies for a range of pollutants, and also provides wildlife habitat.

As a partial redevelopment, the project must meet the standards fully for the amount of any new impervious area and to the maximum extent practicable for the amount of existing impervious area. For this site, for water quality and removal of Total Suspended Solids (TSS), the required water quality volume to be treated is 1" of runoff since it is a LUHPPL and Critical Area. The required water quality volume for sites not in these and other similar categories is 0.5" of runoff. In the current plan revision, the 1" standard is met for new impervious and 0.5" is met for existing impervious. In the "Alternate" plan, the 1" standard is met for all impervious.

The area around the stormwater management system and discharge points, and elsewhere in the buffer zone to be disturbed, will be enhanced with supplemental buffer plantings of native trees, shrubs and seeding. These plantings are particularly appropriate given the existing vegetation to be removed and the fact that work may extend into the 50ft buffer zone if the Commission approves the "Alternate" plans.

The peer review engineer has also provided septic comments and others are anticipated. The new system would be located fully outside the 100ft buffer zone at the opposite end of the site. The leaching bed area extends into the 50 and 100ft buffer zones and should be restored as proposed with soil amendments, grading, and supplemental buffer plantings of native trees, shrubs, and seeding.

Staff recommends continuing this Notice of Intent hearing to give time for the representative time to respond to any additional comments and questions, and to allow time for additional review by the peer review engineer hired by the Planning Board.

Chair Freeman reviewed briefly the resource areas, the project locus and the meeting and various board processes. She noted that one issue with the proposal is the potential for untreated water on the site to end up in the public water supply. Representative Kevin Hixson from BL Companies, shared his screen and reviewed the sessions spent working on the redevelopment project on items such as drainage and the existing wastewater treatment. He updated the Commission on the proposal to move the wastewater treatment proposal to the north side, away from the wetland, adding that the submission is in to the Board of Health for further discussion. K. Hixson briefly updated the Commission on details that had been hammered out through back and forth with Planning and Conservation.

K. Hixson shared his screen with the original proposed stormwater system and then showed two alternate plans for water quality treatment. He noted that, with 330 vans and 130 cars, it would be considered a high polluting area and that the question for the Commission would be, which pond would they prefer the stormwater to go to.

Discussion followed regarding the design of the constructed wetland. K. Hixson described the area that the second 'Alternate' plan would affect as an area that was previously cleared and could be utilized without taking too many mature trees in the 50 ft buffer zone. Appropriate trees and shrubs, such as white pine, red oaks, northern bayberries and winged sumac would be planted in the old leaching field (100 ft buffer zone) post-soil amendment.

Commissioner Hidell expressed his opinion that option B, the larger wetland/basin was preferred. Chair Freeman expressed her preference to treat stormwater because of the potential connection to the drinking water supply. Commissioner Mooney commented on the 'Responsible Parties' section on page 3 of the Site Operations and Maintenance Plan which reads, 'The property owner will be responsible for implementing the Plan on the entire property. The party may retain a management company to oversee the maintenance of the site.' asking that they consider striking the second sentence. K. Hixson noted that the O&M plan is for the maintenance company to use.

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

Motion: Chair Freeman moved to continue the hearing for 100 Industrial Park Road (DEP 034-1361) to September 21, 2020.

Second: Comm'r Kelly

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

20 Andrews Isle – DEP 034-1375

Applicant: Lindsey McClenning

Proposed: Expansion of sunroom and deck, and addition of hot tub

Meeting Documents & Exhibits: Staff memo and Original Plot Plan 8/4/20, Original Architectural Plans 7/27/20, and Revised Plot Plan 8/27/20

Excerpts from the staff memo: Staff visited the site on 8/20/20. Besides an existing deck and stairs, there is also a stone patio under a portion of the deck. The remaining area where work is proposed consists of a relatively flat lawn and a few landscape shrubs. No trees are present in the proposed work area. Immediately beyond this, the lawn slopes steeply down to the salt marsh, which is separated from the yard by a wooden fence.

The project would result in an increase in impervious area for the covered porch addition (177.6 sf) and the hot tub (103.5 sf). The applicant intends to direct downspouts from the addition to crushed stone. There would also be crushed stone under the deck and stairs, similar to what is there now. Given the scope of the work, the Commission may determine that additional runoff mitigation is not necessary, however staff recommends requiring a sufficient depth of crushed stone to allow for infiltration of rooftop runoff, as conditioned below.

New structures are proposed in the 50ft "no disturb" buffer zone, though they would not be on a "wall-type" foundation. If the Commission allows the work to proceed, staff recommends requiring mitigation in accordance with the regulations. The applicant has indicated they intend to run any excess hot tub water into a sink in the basement, which connects to an existing septic system. Staff recommends a condition prohibiting discharge within the buffer zone.

Chair Freeman reviewed the resources areas and project. Applicant Lindsey McClenning was present on the call, gave a brief summary of the project, and shared her screen pointing out the location of the redesign and noting that they would not be removing and trees or shrubs for the project. Discussion followed regarding the existing deck, the proposed deck and mitigation for the covered porch. L. McClenning stated that the deck material would be Trek decking with permeable spacing and crushed stone under the deck. It was clarified that there would be 498 sf of mitigation planting rather than 697 sf of mitigation planting as noted in the staff memo.

The ACO described two issues on the property. One, there is an unpermitted path going through the marsh crossing conservation land and it appears to be maintained to allow access. Two, there is encroachment of existing lawn and a fence into town owned conservation land. Responding to questions from the Commission, L. McLanning stated that the boats seen in the GIS image are no longer there and belonged to a former owner and that the path through the marsh was there when they bought it and they'd just continued to cut it. Discussion followed regarding options to resolve the situation. The ACO suggested adding a fence at the property line and leaving the area behind it alone to naturally revegetate.

Brief discussion followed regarding whether Riverfront is a concern. Comparison to Broad Cove was raised, where the point at which the stream expands to cove is considered the mouth of the river. Commissioner Mosher stated that from his experience, the whole area is tidal. The ACO suggested she could reach out to DEP for input. With no DEP number issued and issues to resolve, the Commission decided to continue the hearing.

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

Motion: Chair Freeman moved to continue consideration of the proposal for 20 Andrews Isle to September 21, 2020.

Second: Comm'r Kelly

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

361 Main Street – DEP 034-XXXX

Applicant: Wendy Kirk

Representative: Colin McSweeney, McSweeney Associates, Inc.

Proposed: Construction of addition and relocation of driveway

Meeting Documents & Exhibits: Staff memo and Narrative, Original Site Plan 8/12/20, Original Architectural Plans 4/21/20, Revised Narrative [submitted 8/25/20], and Revised Site Plan 8/27/20

Excerpts from the staff memo: Staff received confirmation from the wetlands scientist that the limit of the Potential Vernal Pool is coincident with the limit of the Isolated Vegetated Wetland, at least on the southern side of the Potential Vernal Pool, so the buffer zones as shown on the submitted plan are correct. However, staff recommends the Commission make no finding regarding the actual delineation, given that the flags are located on the abutting property. The entirety of the 100ft buffer zone is currently previously disturbed, with most of the existing improvements being impervious in nature (e.g. driveway, house, garage, and patio). A steep, vegetated slope (the 50ft buffer zone) separates the work area from the wetland resource areas.

Staff requested the **plan revisions** from the representative, which are in progress. Staff notes that the work related to the septic system will also be added to the revised plan. Staff also discussed impervious area and **stormwater mitigation** with the representative. Given that work is proposed within the 100ft buffer zone to a Potential Vernal Pool, impervious area mitigation would be required at a 2:1 ratio, which is consistent with other recent projects. However, because there is an overall reduction in the impervious area as part of this project, staff did not push for plantings instead of lawn, as lawn within the 100ft buffer zone is permissible under the regulations. The reduction in impervious area, especially with a steep slope separating the property from the wetland resource areas, is a benefit in this case. The architectural drawings depict downspouts and gutters being added to the entire house, once complete.

Chair Freeman summarized the resource areas and the representative, Colin McSweeney presented the proposal and explained that with updated plan, there is a net loss of 2609 sf impervious surface. C. McSweeney stated that the applicant was amenable to the draft condition #14 regarding rooftop runoff, however, had concerns regarding draft condition #16, regarding the keeping of a record of maintenance for Commission review and it being attached to the title. Applicant W.Kirk requested examples of other projects with the same language. The Commission noted that mitigation was not an issue due to the reduction in impervious area. As of the meeting, MA DEP had not yet issued a DEP #.

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

Motion: Chair Freeman moved to continue the hearing for 361 Main Street to September 21, 2020.

Second: Comm'r Kelly

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

Other Business:

a. Request to treat cattails at Cushing Pond as a field change (DEP 034-1255)

Representatives from the Cushing Pond Preservation (CPP) group and Solitude Lake were present on the call. Three Commissioners (Kelly, Hidell, & Mosher) had been on a site visit (8/24) and subsequently informational materials on the two possible chemicals to be utilized had been distributed by Solitude Lake to the Commission.

Commissioner Kelly gave a synopsis of the site visit; they met at Howland Lane which abuts the pond, and observed cattails coming from the banks into the water and across where it connects to the Plymouth River. Representatives from CPP stated that the cattails had doubled in recent years and are concerned that it's becoming more of a swamp than a pond. The representative from Solitude Lake indicated it would be a one time treatment and then, once the cattails were dead from the herbicide, the association would come in and break up the dead vegetation and dethatch by hand. Solitude Lake provided local examples of this having been done and stated that it would not be significant for negative exposure to wildlife.

Commissioner Hidell explained that he had initially had concerns but with the site visit he noted that one area was starting to close in, and the entrance to where Plymouth River enters the pond was getting constricted. Commissioner Mosher and Kelly agreed, stating that once on site the cattail congestion was clear. The CO asked for confirmation from the Solitude Lake representative, Keith Gazaille, that it would be a one time only treatment. He stated that there would always be some cattails that would survive but that he didn't expect they'd need to re-treat or manage again for 3-5 years. The CO asked, since the concern is that the cattails are choking the mouth of the river, is there the opportunity to just provide limited treatment to create a channel versus a shore to shore treatment, taking into consideration the benefits cattails provide for habitat, etc. K. Gazaille explained that they had chosen the locations for treatment in order to increase water conveyance capacity and acknowledged that the map indicating the locations was not great on detail. K. Gazaille stated that their preference was for use of Imazamox as opposed to Glyphosate which they are using it less and less frequently due to potential carcinogenic properties.

Motion: Chair Freeman moved to authorize the CO to approve, as a field change, a one time application of Imazamox for control of cattails on Cushing Pond.

Second: Comm'r Kelly

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

b. Request to redesign pool at 629 Main Street as a field change (DEP 034-1303)

Landscape Architect, Sean Papich and John Cavanaro of Cavanaro Consulting were present on the call to explain and discuss their request for field change for the pool area project approved for Greg and Bridget St. Pierre of 629 Main Street. S. Papich shared his screen which showed an overlay of his proposal on the original approved plan. He pointed out the elements of the project that the homeowners were hoping to change; two 5 ft walls supporting the pool area, and the access coming in to the terrace area had a 3 ft grade change. He added that the design would have made the pool very detached from the rest of the yard and not been very functional. He noted that there is a driveway that extends quite a bit down to the pool area and they were hoping to do away with some of that.

They propose a 5 ft wall behind the pool but in front of the pool there would be no wall whatsoever and the area graded. In discussion with the CO, they knew that 3 elements important to the Commission when the original project was approved were, 1, Compensatory flood storage – they propose to do that on their plan, 2, seasonal pool water drawdown – they would accommodate that by utilizing the infiltration system outside the 100 ft inner riparian buffer and 3, there were 400 sf of mitigation plantings approved – they propose to increase the mitigation to 800 sf.

Prior to J. Cavanaro putting together a revised site plan, they wanted to get an idea from the Commission if this would be approved. The CO stated that she felt comfortable with the change but had felt it too substantial for her to approve in the office. The Commission agreed with approval of the field change.

Motion: Chair Freeman moved to approve, as a field change, the request to redesign the pool area at 629 Main Street, MA DEP 034-1303 as presented at the meeting.

Second: Comm'r Kelly

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

c. **Request to demolish house at 155 Otis Street as a field change (DEP 034-1340)**

Representative Paul Mirabito was present on the call and described what the Commission had approved for 155 Otis Street in July of 2019; construction of a garage addition onto a carriage house, an addition and a portion of an elevated patio on the harbor side of the property. All of this work was being done within 100 ft of the sea wall and in FEMA zone x. The amount of structure approved in the buffer zone was 1676 sf. The proposal now is to raze the existing dwelling and construct a new one outside of the buffer zone, with the exception of a breezeway. The previous proposal's addition to the carriage house has been eliminated and so the new proposal has 514 sf of structure just inside the 100 ft buffer.

Other work that would be done under the field change would be to regrade the lawn behind the new dwelling by lowering it to elevation 16. Two trees originally slated for removal will be saved and there will be circular steps leading up to the patio. He summarized that they'd be reducing the amount of work in the buffer zone by 1262 sf and the remaining work in the buffer zone will be primarily lawn and landscaping. The homeowners had agreed to do some mitigation planting behind the seawall when the original proposal was approved and they will honor that and still plant that area.

Responding to a question from the Chair as to why this was not being proposed under an Amended Order of Conditions, the CO explained that she was not anticipating any other needed conditions, some work has begun and been completed under the current order, and it's a reduced scope of work versus what was originally being proposed. The CO stated that P. Mirabito had also agreed that the new dwelling would have downspouts directed to splashpads as had been proposed for the addition.

Motion: Chair Freeman moved to approve, as a field change, the demolition of the dwelling and additional changes as presented at the meeting, for 155 Otis Street MA DEP 034-1340.

Second: Comm'r Kelly

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

d. **Appointment of a CPC Representative**

Comm'r Roby quietly stated "I'll do it." The Commission erupted in cheers.

Motion: Chair Freeman moved to approve the appointment of Comm'r Roby as the Conservation Commission's Community Preservation Commission representative.

Second: Comm'r Mosher

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

Chair Freeman adjourned the meeting at 10:52 pm.

Submitted, _____
Sylvia Schuler, Administrative Secretary

Approved on October 5, 2020

This meeting was recorded. Due to technical difficulties, there is a gap in the recording after item 4d. of the agenda, with audio resuming in the middle of item 7a. To obtain a copy of the recording please contact the Conservation office.