



CONSERVATION COMMISSION MEETING MINUTES –September 13, 2021

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

Absent: Crystal Kelly-Vice Chair

The remote meeting was held via Zoom with Dial in #929-205-6099, Meeting ID # 884-3319-6136

The meeting was called to order at 7:05 PM.

Chair Freeman stated that the meeting was being held remotely as an alternate means of public access pursuant to Chapter 20 of the Acts of 2021 temporarily amending certain provisions of the Open Meeting Law. She advised that the meeting and all communications during the meeting may be recorded by the Town of Hingham in accordance with the Open Meeting Law. She stated that if any participant wished to record the meeting, to notify her in accordance with M.G.L. c. 30A, § 20(f) so that she could inform all other participants of the recording. No participants expressed a wish to record the meeting.

Approval of Minutes

The Commission voted to approve the 8/23/21 draft minutes. Approval of the 8/2/21 draft minutes was continued to the September 27th meeting.

Motion: Chair Freeman moved to approve the draft minutes from the August 23, 2021 meeting.

Second: Comm'r Mosher

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

Certificates of Compliance

74 Abington Street – DEP 034-0935, continued from 8/23/21

Applicant: Christopher Julian, Trustee, Mad River Realty Trust

Representative: Bradley McKenzie, McKenzie Engineering Group, Inc.

Meeting Documents & Exhibits: none

Excerpts from the staff memo: no staff memo was prepared

The ACO explained that although the Request had been continued several times, the applicant had been in contact with staff in between the meetings and was waiting on reports to submit to staff. The Commission decided to give the applicant more time and continue not to the next meeting but to the one after that.

Motion: Chair Freeman moved to continue the hearing for 74 Abington Street, DEP 034-0935 to October 18, 2021.

Second: Comm'r Mosher

Roll Call: Comm'r Hidell: aye, Comm'r Roby: aye and Chair Freeman: aye

Request for Determination of Applicability

49 Gardner Street

Applicant: Estate of Robert O'Brien

Representative: Colin McSweeney, McSweeney Associates, Inc.

Meeting Documents & Exhibits: Staff memo and Proposed Septic System Plan

Excerpts from the staff memo: The purpose of this Request for Determination of Applicability is to evaluate the potential impacts of a Title V septic system upgrade, a water line installation, and removal of a portion of an existing driveway. The old septic system is located mostly within the 50ft buffer zone to the rear of the existing house. The existing tank,

which is located within an existing lawn area ~45 ft from the wetland, would be pumped and then filled with clean sand, and the existing septic pits, which are located in a wooded area with the closest ~25 ft from the wetland, would be abandoned in place. The new septic system would be installed just outside the 100ft buffer, with the exception of a small section of piping. The new water line would be partially in the 100ft buffer. The driveway to be removed is partially within the 100ft buffer.

Chair Freeman reviewed the resource areas and summarized the project. Representative Colin McSweeney was present, explained that this project was a Title V upgrade, the wetland was along the back of the lot and the new components, tank, and field are all out of the 100 ft. Within the 100 ft buffer would only be piping out of the house; a well is being replaced with municipal water line. The existing driveway is to be removed and changed to lawn as the septic system cannot be driven on; the roundabout in front will stay the same.

C. McSweeney described the process for dealing with the existing system; it would be pumped out, the excavator then punches holes in the tank so it can't fill with water, and it is covered with sand and fill. He added that, within 6 months to a year, the biomass goes away. He said that, as proposed, there's no need to take any trees down to do the job. If they had to take out the existing tank system, there would be more disturbance.

The Commission briefly discussed the proposal, noting the benefit of moving a septic out of the 50 ft buffer, that the new one is mostly out of the 100 ft buffer, and confirmed that that any dirty soil will resolve itself within 6 months to a year.

Motion: Chair Freeman moved to issue a Negative Determination of Applicability for the proposed work at 49 Gardner 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 confirms the delineation of Bordering Vegetated Wetland flags WF3 to WF9, but makes no finding as to the exact boundaries of other wetland resource areas.

Conditions:

1. Prior to the start of work, erosion and sediment controls shall be installed, between the work areas and the wetland resource 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.
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 and properly disposed of at an off-site location.
4. All lawn waste, brush, leaves, or other materials dumped in any resource area, including the buffer zone, in particular near wetland flags WF3 to WF5, and man-made debris between WF6 and WF7, shall be removed by hand 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 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. All stockpiles that are not used for more than five days shall be covered and surrounded by erosion and sediment controls; straw wattles and/or hay bales shall not be used as a form of erosion and sediment control.
7. No vehicle or other machinery refueling, lubrication or maintenance, including concrete washout, or storage of fuel or maintenance chemicals, shall take place within 100 feet of any resource area.
8. 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 Roby: aye and Chair Freeman: aye

Chair Freeman read the Public Hearing Notice of Intent.

Requests for Amended Order of Conditions

185 Downer Avenue - DEP 034-1416

Applicant: Fred and Sandy Studley

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

Meeting Documents & Exhibits: Request letter and Elevations Plan A201(8/11/21)

Excerpts from the staff memo: no staff memo

Chair Freeman stated that the Commission had issued an Order of Conditions on the proposal in the prior month, and that the current request is a request to install skirting on all sides of the new structure. She noted that she had not been at the last hearing when the project had been approved, but had reviewed the meeting notes and summarized that the specific issue of skirting had been discussed by the Commission, the representatives at that time were asking for skirting on all four sides, the Commission and staff were aware that skirting as proposed would conform to the building code and to FEMA guidance but with all that in mind, the Commission determined that they wanted to prohibit skirting on the rear side of the structure. She anticipated that the representatives had new information or a change of circumstances as the Commission wouldn't normally reevaluate a decision made a month before.

Attorney Dan Brewer was present on the call along with the applicants Fred and Sandy Studley, Architect Susan Hoadley of Hoadley Martinez Architects, and Tim Power of PVI Site Design. D. Brewer stated that they were before the Commission with new information seeking a limited narrow amendment allowing for skirting on all four sides with the reason set out in the application for the amended order. He summarized that the Hingham regulations list a performance standard in Section 24.0 that reads 'reconstruction of existing structures must allow for the free passage of flood waters' but includes no specific design standard. He explained that FEMA has nearly the same performance standard but includes design standards and those allow for skirting. In the FEMA technical bulletins essentially FEMA has determined that cladding such as proposed by Hoadley & Martinez does not constitute a wall. He added that what was proposed originally with skirting on all sides meets all the standards and more than meets the requirements for non-engineered flood vents. He requested that the Commission reconsider the condition in the Order of Conditions. Responding to a Commission question, D. Brewer clarified the two options they've proposed; one would be to have the skirting as originally proposed, and the other, to permit skirting, open at the bottom 3 ft from grade, on the ocean side of the house

S. Hoadley described the proposed revision, taking the skirting up 3 ft on the ocean side, and stated that the new proposal meets and exceeds the FEMA guidelines. She described in detail the specific FEMA guidelines as well as the FEMA NFIP (*National Flood Insurance Program*) technical bulletins and also referenced the ASCE 24-14 guide. S. Hoadley explained in further detail how their design meets and exceeds the above referenced guides.

Chair Freeman noted that the citations for the FEMA and the ASCE (American Society of Civil Engineers) guidelines relate to building standards, not the wetland regulations, and the Commission's concerns are not just purely the requirements of the building codes. D. Brewer compared again the performance standards between FEMA's and the town wetlands regulations.

Tim Power was present on the call and described FEMA's intent regarding the free passage of floodwaters; the desire to not create more debris during a storm from a collapsed house. He described floodwaters hitting a wall and applying pressure causing collapse and explained that with a 3 ft gap at the bottom, the water can flow in and rise up simultaneously keeping the pressure on the wall equal so that the wall does not collapse and the building come down.

Responding to questions from the Chair, the ACO made the point that FEMA and the building code are really concerned with the structures themselves as opposed to the larger floodplain. She expressed her concern regarding skirting on all sides and flood waters not being able to flow freely. She acknowledged that the FEMA guidelines can be helpful and that's why the Commission has sometimes allowed flood vents or considered decks and sometimes they have to be open and other times some lattice is allowed. The difference here is that this property is in a VE zone where there would be wave action of higher heights and in greater frequency and therefore the risk is a bit higher. Her recommendation would be to keep the fourth side open because from a resource area standpoint, she doesn't see a benefit to adding the fourth side of skirting but does see a potential for a negative impact. She added that a negative impact could be that the water would be held back and then increase the velocity of the water when leaving the area, potentially having some impacts, and that she was thinking of it in terms of the entire floodplain and cumulative impacts. She gave an example of another potential negative impact of floating debris and material in storms not being able to move in and back out into the harbor, blocking water flows and material migrating into other areas of the

floodplain and causing damage. Responding to a question from the Chair regarding past projects and consistency, the ACO stated that she couldn't point to another project that parallels this directly. She noted that there have been cases where skirting has been put up after the fact and staff has had to work with homeowners to make it compliant but this has not been in the VE zone.

Responding to a Commission question, S. Hoadley stated that they did not take into effect wave action. Comm'r Hidell suggested that a condition might be added to require the homeowner to remove and clean out any debris thrown up. D. Brewer stated that it wouldn't be a problem as the homeowner would be likely to do that anyhow. Hidell suggested that 3 ft at an X elevation is significant; debris would likely be smaller in this harbor and not huge timbers and, with a condition like that, he'd be more disposed to let it stand. Chair Freeman commented that the other concern is increased velocity and just one house doesn't seem like much but it's a cumulative thing. Comm'r Hidell added that the harbor does freeze and there is potential for significant blocks of frozen salt water being thrown up and under the house. D. Brewer clarified that the area is in the VE zone, the elevation is 13 and the skirting would be 3 ft above that. He suggested some additional language for the relevant condition. The Commission further discussed the matter, including consideration of whether keeping the area free of materials would be enough, the potential for the skirting to become debris, as well as future increased storms due to climate change.

The Commission discussed potential language if they were to make a finding specific for this location and further discussed wave action and flooding. Responding to a question from the Commission, F. Studley stated that when they'd bought the house, they'd talked to abutters who said there was no significant flooding and the prior owner said the same. He added that he would commit to removing debris and to not store anything under there.

Extensive discussion followed regarding breakaway panels, including the potential for them to create more debris and that they don't necessarily break away in smaller storms. The discussion also included the idea of panels that would have to be removed manually ahead of a storm, out of danger and entrapment of materials. The ACO stated that there is one additional regulation regarding the LSCSF and climate change that permits the Commission to consider beyond for future conditions. F. Studley expressed his willingness and suggested that perhaps he'd be able to swing them in and latch them. The ACO noted that it is not typically done for projects; that panels are usually automatic.

Chair Freeman invited any comments from the public.

Susan Quinn, 24 Marion Street, stated that she knew the previous owner and noted that there had been numerous times with dramatic flooding within the last 3 years. Responding to Commission request for more detail, S. Quinn stated that she hadn't measured it but that the water had flooded onto the street and remembered trying to walk between the house and garage and there being a steady stream of water. She remembered the owner's frustration and the need to pump in out.

F. Studley noted that they are elevating the house to avoid the problems that the former homeowner had.

There were no further comments from the public.

Chair Freeman summarized that the Commission had made their decision two meetings ago, staff had described in detail the benefit to leaving it open, and Comm'r Hidell and Comm'r Roby feel that the modification could be sufficiently protective. Comm'r Mosher stated that he would like to know if it gets flooded or not, why was wave action not considered when designing it and stated that if there is to be a finding, allowing the modification, then there would need to be time to study and create a finding and he doesn't feel it can be approved at this meeting. The Commission briefly discussed a wave study with concern about the cost of a further study weighed. F. Studley stated that he could find out about getting a wave action study.

Motion: Chair Freeman moved to continue consideration of 185 Downer Avenue (Ma Dep 034-1416) to the next meeting on September 27.

Second: Comm'r Mosher

Roll Call: Comm'r Hidell: aye, Comm'r Roby: aye and Chair Freeman: aye

33 Beach Road - DEP 034-1377

Applicant: Garret Daigler

Representative: Al Kearney, Architect

Meeting Documents & Exhibits: Staff memo, Request letter, Proposed Addition site plan (8/24/21) and Architectural Plans A1-A5(8/30/21)

Excerpts from the staff memo: The applicant is requesting an Amended Order of Conditions to construct a second story addition over an existing deck at the rear of the house. New footings would be required and the deck would be replaced with a new deck proposed to be just below the existing first floor elevation of 13 ft, but above base flood elevation (el. 11). Crushed stone is proposed under the deck for stability, and the applicant has indicated they are open to managing rooftop runoff.

Chair Freeman summarized the wetland resource areas and the proposed amendment. G. Daigler was present with Architect Al Kearney. G. Daigler described what they had been approved for in the existing Order of Conditions and what they would like to do with this amendment; replace the existing deck with a 2nd story over it, creating new impervious surface. He stated that they'd reviewed the staff memo and they accept all of the suggestions; 6 inches of stones under the deck and patio, use of gutters and downspouts, leaving it open underneath with no skirting and they agree to plantings. He noted that there is very little lawn on the site, would like to keep some, and was not sure they could meet the expected ratio or if the Commission would consider a best effort acceptable. He noted that there was a request for an Elevation Certificate and is happy to provide that when the project is complete.

The Commission, G. Daigler and the ACO discussed potential mitigation options, the limited area on the property and alternatives to the 2:1 ratio, with G. Daigler stating that even a 1:1 ratio would be difficult. The Commission concluded that due to the constraints of the property and with the increased impervious being over an area that is already disturbed and built upon, that they would accept .5:1 mitigation amounting to 150 sf. Brief discussion regarding draft conditions followed, with edits to #43 and #45. The Commission drafted a third finding.

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

Motion: Chair Freeman moved to issue an Amended Order of Conditions for the proposed work at 33 Beach Road (DEP 034-1377), as shown on the submitted plans, and adopt the findings of fact a through c, and additional special conditions 43 through 46, as edited, of the staff report.

(Findings and conditions below reflect the edits made at the meeting)

Findings:

- a. The project meets the requirements for issuance of an Amended Order of Conditions under the Wetlands Protection Act (M.G.L. c. 131, § 40) and the Town of Hingham Wetland Regulations.
- b. The work described is within an area subject to protection under the Wetlands Protection Act (M.G.L. c. 131, § 40) and the Town of Hingham Wetland Regulations, and will not alter or adversely affect the area subject to protection under the Act or the Regulations.
- c. The increased impervious area of 308 square feet is within the footprint of existing structure and the property provides insufficient space for mitigation plantings with a 2:1 ratio.

Additional Special Conditions:

43. Prior to the start of any excavation or construction associated with the scope of work approved under the Amended Order of Conditions, an updated mitigation planting plan shall be submitted to the Commission for review and approval. The planting plan shall include a minimum of 150 additional square feet of plantings, including a mix of shrubs and herbaceous species. Locations closest to the resource areas shall be prioritized for planting. All mitigation plantings shall be native species; no cultivars, non-native species, or invasive species shall be allowed.
44. Following demolition of the existing deck at the rear of the house, the area shall be excavated and treated with a minimum of 6 inches of $\frac{3}{4}$ " – 1 $\frac{1}{2}$ " crushed stone with no change in surface grades. Rooftop runoff from the approved second story addition shall be directed to the crushed stone by downspout extensions.
45. The area under the approved deck/addition at the rear of the house shall not be enclosed and shall remain open and free of all obstructions, to allow the passage of floodwaters.
46. Prior to the issuance of a Certificate of Compliance, an Elevation Certificate shall be prepared and submitted to the Commission for review.

Second: Comm'r Mosher

Roll Call: Comm'r Hidell: aye, Comm'r Roby: aye and Chair Freeman: aye

Notices of Intent

289 Whiting Street – DEP 034-1421, continued from 8/23/21

Applicant: New Boston Golf Club

Representative: Sarah Stearns, Beals and Thomas, Inc.

Proposed: Construction of a building, gravel cart parking, site grading, and blasting of a ledge knob

Meeting Documents & Exhibits: Staff memo, Response to MA DEP comments, Golf Course Superintendent Letter (9-2-21), Revised Plan Set (9/8/21), Vegetative Cover Exhibit 001, and Storm Water Report Addendum

Excerpts from the staff memo: This hearing is continued from the 8/23/21 meeting to allow time for another site visit, and for the representatives to respond to additional comments, including MassDEP comments, and to provide revisions plans and additional information. Since then, staff and a Commission member made a site visit with the applicant and representatives on 8/31/21. Proposed revisions were reviewed, including tree removals, moving the building out of the inner Riparian Zone, decreasing the proposed parking area and the associated subsurface infiltration unit. Staff also reviewed the wetland resource area delineation further, and generally agrees with the delineation of both Bordering Vegetated Wetlands and Riverfront Area.

The representative subsequently submitted revised plans (dated revised 9/8/21) and supporting documentation including a stormwater amendment (dated 9/8/21), a response to MassDEP comments, a revised vegetative cover type exhibit, and a memo regarding turf management practices. Staff did not have time to fully review the recent submissions prior to preparation of the staff memo.

Chair Freeman reviewed the wetland resource areas. Sarah Stearns and Nick Santangelo, representatives from Beals and Thomas, were present on the call along with representatives from the club, Jay Askew and Dan Cappucci. S.Stearns shared her screen, reviewed the locus of the proposal, and shared the revised plan pointing out the added parking area with requisite stormwater management. She stated that they'd spent time on the site, did some test pits to get a look at the soils beneath the area, and recalculated, reoriented and pulled all of that work out of the 200 ft riverfront area line.

S. Stearns explained that they'd tightened up the informal gravel golf cart parking area and moved the 40' by 40' building outside the 50 ft buffer zone and outside the 100 ft riverfront area. She stated that everything on the western side of the stream remained the same, blasting the ledge knob and softening the slope. S.Stearns shared another satellite image of the course with the various grades depicted as well as the buffer zone lines. S. Stearns added that along with the revised plans, they had submitted an amendment to the stormwater report and a colorized exhibit of the existing landscape and vegetation. She added that the club was concerned regarding timing and starting the work in order to make sure it's stabilized before the winter season.

N. Santangelo started to give an update on the subsurface infiltration system associated with the building, however, his audio was poor. S.Stearns summarized that they had revised the plan to pull the infrastructure out of the 50 ft buffer and out of the inner riparian zone. She indicated on the plan the area of the field as being the priority in terms of timing and getting it blasted and graded and sodded. The building and other side of the stream would be secondary to that.

Chair Freeman expressed appreciation for the revisions made. Comm'r Hidell described his site visit, stating that the trees marked for removal were large unsafe white pines, the smaller hardwoods were small, and he wasn't sure of a number but was not concerned with the tree removals. Responding to a question, S. Stearns stated that the bedrock knob would be blasted and brief discussion regarding the blasting followed. S.Stearns stated that the spoils from the blasting will be reused further afield on the site.

The ACO had had an opportunity to look at the materials that day and noted the positive changes in the revision; the building move out of the inner riparian, the change in parking, and N. Santangelo's additional measures for the rooftop runoff and removing the overflow outlet. She added that the blasting has a lot of impact but much of it is out of the Commission's jurisdiction and suggested that for controlling issues during construction, it might make sense to have a phasing plan to minimize risk for impact downstream from the riverfront area. She asked for S.Stearns to clarify the existing vs proposed on the vegetative cover Exhibit, noting that there were some small areas where there is a decrease in naturally vegetated riverfront area in the inner riparian and that they had discussed on site the possibility of some plantings to mitigate for the gravel parking area.

S. Stearns stated that for phasing, the club has broken it up into two areas, the west side portion is #1 where they will be blasting, then grading then planting and the second phase is the cart and grading of the tee boxes.

S. Stearns shared the vegetative cover Exhibit, pointed out the existing woodline and various aspects on the exhibit, existing and proposed, and areas which would be revegetated with native planting. She stated that for planting, there would more than likely be planting some landscaping near the building where the trees would come out, for aesthetics and to help it fit into the environment more. She stated that the club was open to discuss that further.

Comm'r Hidell asked about a road on the site and whether it would be used for construction purposes. S. Stearns explained that it would be initially used to get equipment across the stream; there's a plate across the stream. There would be one mobilization over and one mobilization back when the work is complete. D. Cappucci added that there is a curb cut on Whiting Street so that heavy equipment doesn't have to go across the stream and that it will also be utilized for the moving of the grading material.

The ACO commented that robust erosion controls would be needed and suggested that it would be better to have a second row of erosion controls in problem areas. She added that there are opportunities to add a narrow vegetated buffer, in places where there is no vegetated buffer, only turf. Further discussion followed regarding potential areas for mitigation.

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

Motion: Chair Freeman moved to continue the Notice of Intent hearing for 289 Whiting Street (DEP 034-1421) to September 27, 2021

Second: Comm'r Mosher

Roll Call: Comm'r Hidell: aye, Comm'r Roby: aye and Chair Freeman: aye

7 Brandon Woods Circle – DEP 034-1423

Applicant: Stephen & Jane Savignano

Representative: Scott Fanara, Grady Consulting LLC

Proposed: Installation of an inground pool, patios, retaining walls, fence, grading & landscaping

Meeting Documents & Exhibits: Staff memo, Notice of Intent package including Narrative, and Plot Plan (8/18/21)

Excerpts from the staff memo: The purpose of this Notice of Intent is to evaluate the potential impacts of constructing a 20ft by 40ft inground pool, hardscaping including patios, stairs, and retaining walls, grading, perimeter fencing, and landscaping. A portion of the pool, patios, retaining walls, and most of the grading are all within the 100ft buffer zone. The fence is within both the 50 and 100ft buffer zones, as well as some associated vegetation removals. There is also floodplain on the property, however no work is proposed within this area.

Chair Freeman summarized the wetland resource areas and project noting that it increases impervious area by about 1000 sf. Representative Scott Fanara from Grady Consulting, homeowner Steve Savignano and Landscape Architect Sean Papich were present. S. Fanara described the project as work within the 100 ft buffer and shared his screen pointing out the buffer zones and features of the house and yard. He explained the reworking of the yard, described the proposal and explained that they have proposed mitigation plantings with significant native plantings in the rear. They have also proposed a drywell to handle any rainwater collected from the 4 inch trench drain along the house and any drawdown from the pool. They propose a perimeter fence on the sides up to the wood line.

Discussion followed regarding the fence work and vegetation removals. The ACO pointed out the Commission's prohibition against new lawn in the 50 ft buffer. Regarding the fence, S. Savignano stated that he'd spoken to the fence company and they had confirmed they could fit the fence in with minor cutting of the vegetation. He noted that some of the vegetation is diseased. S. Papich agreed, noting that the plant material in the back corner is in tough shape. There is a birch that S. Savignano would like to keep, with some pruning, but the area is infested with bittersweet. S. Savignano stated that his preference is to not disturb anything back there but if it is disturbed, he'd be willing to replace it with stuff that is agreeable to the Commission. The Commission and applicant briefly discussed the need to continue for any remaining ACO comments and the drafting of conditions.

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

Motion: Chair Freeman moved to continue consideration of 7 Brandon Woods Circle (DEP 034-1423) to the next meeting September 27, 2021.

Second: Comm'r Mosher

Roll Call: Comm'r Hidell: aye, Comm'r Roby: aye and Chair Freeman: aye

Other Business:

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

Joe Onorato, from Water and Wetlands was present on the call. He explained that his company took over for work on the pond. Permission had been granted the prior year for a one time treatment of cattails on Cushing Pond and yet the area doesn't look any different, there are no dead cattails. He explained that particularly in the inlet in the back pond area, the cattails are limiting water exchange and flow and encroaching on open water habitat. They propose scaling it back by a 20% reduction using a selective approach; they would use a backpack sprayer and only the plants sprayed would die.

J. Onorato shared his screen with a map highlighted with areas suggested for treatment. He pointed out where the river is closing. He added that the window for treatment is September when cattails are sending starch reserves into the root systems. Responding to a question regarding the benefit of having the inlet flowing; J. Onorato stated that it's not necessarily for recreation but to maintain habitat and, if the water isn't flowing, it could flood in areas where it hadn't before. The Commission discussed the benefit of water flow in the pond.

The Chair expressed her inclination to limit the treatment to the one area at the inlet. Further discussion followed about the benefit of having the inlet flowing. The ACO expressed her concerns regarding chemicals and noted that cattails are native plants, but the most compelling thing to her is the change in water flow and the potential for having some unintended consequences. She stated that she didn't see the justification for the other areas from a resource area standpoint.

Responding to a question, J. Onorato stated that the dead cattails would remain, they would leave them to break down naturally, but if the dead biomass were found to be impeding flow, they would likely go in and cut it and remove it in their boat. He noted that it was a relatively small area, a 12' by 2' patch on both sides of the inlet.

The Commission was in agreement to allow a limited application in the area of the inlet.

Motion: Chair Freeman moved to approve the field change for MA DEP 034-1255 to allow treatment of cattails only in the area of the inlet of the Plymouth River in the southwest corner of Cushing Pond.

Second: Comm'r Mosher

Roll Call: Comm'r Hidell: aye, Comm'r Roby: aye and Chair Freeman: aye

b. Discussion and possible vote to approve the Buffer Zone Mitigation Policy

The Commission chose to wait to a future meeting to vote in order to give Comm'r Kelly an opportunity to give her input if she had any.

c. Review of revised Bow Hunting Regulations and possible vote, with public comment

With no members of the public on the meeting wishing to make a comment, the Commission was in agreement to approve the revised Bow Hunting Regulations.

Motion: Chair Freeman moved to approve the Hingham Conservation Commission Bow Hunting Regulations as revised on this date Sept 13, 2021.

Second: Comm'r Mosher

Roll Call: Comm'r Hidell: aye, Comm'r Roby: aye and Chair Freeman: aye

Chair Freeman adjourned the meeting at 10:28 pm.

Submitted, _____
Sylvia Schuler, Administrative Assistant

Approved on September 27, 2021

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