



CONSERVATION COMMISSION MEETING MINUTES –October 3, 2022

Present: Crystal Kelly – Chair, Carolyn Nielsen -Vice Chair, Bob Hidell, Nina Villanova, Bob Mosher, Tom Roby, and Laurie Freeman - Commissioners, Loni Fournier- Interim Conservation Officer (ICO)

Absent: none

The remote meeting was held via Zoom with Dial in #929-205-6099, Meeting ID # 857 7878 1540

The meeting was called to order at 7:02 PM.

Chair Kelly stated that the meeting is being held in person and/or remotely as an alternate means of public access pursuant to Chapter 107 of the Acts of 2022 and all other applicable laws temporarily amending certain provisions of the Open Meeting Law. You are hereby advised that this meeting and all communications during this meeting may be recorded by the Town of Hingham in accordance with the Open Meeting Law. If any participant wishes to record this meeting, please notify the chair at the start of the meeting in accordance with M.G.L. c. 30A, § 20(f) so that the chair may inform all other participants of said recording. No participants expressed a wish to record the meeting.

Approval of Minutes

September 12, 2022

Motion: Comm’r Mosher moved to approve the draft minutes for the September 12, 2022 meeting.

Second: Comm’r Nielsen

Roll Call: Comm’r Kelly: aye, Comm’r Villanova: aye, Comm’r Roby: aye, Comm’r Hidell: aye, Comm’r Freeman: aye, Comm’r Mosher: aye and Comm’r Nielsen: aye

Certificates of Compliance

60 Research Road– DEP 034-1388 cont’d from 9/12/22

Applicant: Kevin Gill

Representative: Gabe Crocker, Crocker Design Group, LLC

The applicant had submitted a request to continue to the 10/24/22 meeting.

Motion: Comm’r Nielsen moved to continue 60 Research Road to the 10/24/22 meeting.

Second: Comm’r Mosher

Roll Call: Comm’r Kelly: aye, Comm’r Villanova: aye, Comm’r Hidell: aye, Comm’r Roby: aye, Comm’r Nielsen: aye, Comm’r Mosher: aye and Comm’r Freeman: aye

11 Steamboat Lane– DEP 034-1327

Applicant: Denise Rhodes

Representative: Grady Consulting, Inc.

Meeting Documents & Exhibits: Staff memo, Request for COC application, As-Built Plan, and photos of patio area.

Excerpts from the staff memo: An Order of Conditions was issued in March 2019 for the repair of an existing boat ramp. The as-built plan largely adheres to the approved plans for the ramp and adjacent rip rap. An impervious cobblestone strip was added at the top of the ramp in place of some of the proposed concrete, but within the same footprint. Staff made a site visit on 9/21/22. Staff relayed two comments to the representative and is waiting on a response and the Commission’s input:

- Erosion controls should be removed from the ramp area, as well as along the bank and salt marsh to the north of the lawn area.

- *A crushed stone patio area with firepit was installed at the top of the boat ramp, at least partially within an area that was previously lawn. This was not on the approved plans, and the Commission may require mitigation plantings, particularly as this is in the 50-ft buffer zone, and there is little to no naturally vegetated buffer zone along the top of the coastal bank in this part of the property.*

Rob Carlezon from Grady Consulting, LLC. was present on the call along with homeowner, Denise Rhodes. He described the completed boat ramp repair project noting that only replaced 4 panels were replaced; the bottom half of the ramp was in good condition and did not need to be replaced. He stated that the temporary road in for the crane has been seeded and is back to the original topography.

The ICO commented on two items; one, the erosion controls were still in place and need to be removed, and two, a crushed stone patio and firepit had been added to the top of the ramp, within the 50ft buffer and the Commission could consider that, and whether to require mitigation.

R. Carlezon stated that the patio area was 280sf. Brief discussion with the homeowner followed. The Commission agreed that they would accept mitigation plantings along the bank to mitigate for the patio and that the applicant could work with the ICO regarding the plantings.

R. Carlezon asked the Commission if it would be an option for the homeowner to remove the patio and reseed the area with lawn. The Commission confirmed that would be an option and concluded that the ICO would work with the applicant to ensure the erosion controls are removed and the patio area either restored to the way it was or a mitigation planting area planned.

Motion: Comm'r Freeman moved to continue consideration of 11 Steamboat Lane to October 24, 2022.

Second: Comm'r Nielsen

Roll Call: Comm'r Kelly: aye, Comm'r Nielsen: aye, Comm'r Villanova: aye, Comm'r Freeman: aye, Comm'r Roby: aye, Comm'r Mosher: aye and Comm'r Hidell: aye

Requests for Determination of Applicability

8 Elizabeth Lane

Applicant: Bruna Rossetti, North America Development, LLC

Representative: John Rockwood and Kate O'Donnell, Ecotec, Inc.

Meeting Documents & Exhibits: Staff memo and complete RDA submittal including plans, stormwater report, O&M plan, wetland evaluation, etc.

Excerpts from the staff memo: A Bordering Vegetated Wetland and Intermittent Stream are located across Elizabeth Lane, a private gravel road. The resource areas were flagged by a Professional Wetland Scientist in January 2022. As the flags are located on a different property, staff recommends that the Commission make no finding relative to the exact boundaries of the resource areas. Elizabeth Lane serves as a ridge between the vegetated, steep slope leading down to the resource areas and the lower lot elevation at 8 Elizabeth Lane. Given this topography, it's unlikely that the proposed work will negatively impact the resource areas. Staff has no major concerns regarding the proposed work and relative to the proposed mitigation area, only recommends a maximum of two trees (red maple, northern oak, black cherry or eastern red cedar) and a minimum of four shrubs (American witch hazel or other native species), to ensure that each planting has enough room to mature and thrive in the mitigation area.

Kate O'Donnell from Ecotech, Inc was present on the call along with the applicant Bruna Rossetti, North America Development, LLC and project engineer, Guillermo Beltrend. K.O'Donnell presented the proposal, describing the location of the wetlands and noted that all work, except for a small portion of the porch & garage and the permeable paver driveway, is outside of the 100ft buffer. They have proposed 150sf of mitigation for the new impervious area. She noted that one ornamental tree proposed for removal will be replaced with a sweetbay magnolia tree. Erosion controls are shown on the plan.

The ICO thanked the representatives for such a complete application. She commented that she had a minor concern about the proposed density of planting and suggested that there be instead a maximum of 2 trees and some shrubs. The Commission was in agreement and thought it prudent to add a condition regarding the plantings. Brief discussion followed.

Motion: Comm'r Nielsen moved to issue a Negative Determination of Applicability for the proposed work at 8 Elizabeth Lane, as shown on the submitted plans, and adopt the findings of fact a through c, and conditions 1 through 12 of the staff report, as amended.

(Conditions below reflect the addition of a twelfth condition)

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 issuance of a building permit, 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 and properly disposed of at an off-site location.
4. All tree debris shall be properly disposed of at an off-site location; no chipped or mulched material shall remain on the property.
5. All demolition and 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 of any resource area. All stockpiles that are not used for more than five days shall be covered and surrounded by erosion and sediment controls; straw wattles and/or hay bales shall not be used as a form of erosion and sediment control.
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. Rooftop runoff shall be infiltrated on site, using infiltration chambers or an alternative method approved in advance by the Commission.
9. Excess driveway runoff shall be infiltrated on site, using a trench drain or an alternative method approved in advance by the Commission. The driveway shall be properly pitched to direct runoff to be infiltrated.
10. Prior to the issuance of a Certificate of Occupancy and/or final building sign off, mitigation area and tree replacement plantings shall be installed, and seeding completed, in accordance with the final approved plans.
11. The Conservation Department shall be notified to any changes in plans prior to proceeding with said changed plans.
12. The mitigation plantings shall include a maximum of two trees and a minimum of four shrubs from the species listed in the Mitigation Planting Area Detail on Sheet 1 of 3 of the Civil Plan set.

Second: Comm'r Mosher

Roll Call: Comm'r Kelly: aye, Comm'r Freeman: aye, Comm'r Hidell: aye, Comm'r Villanova: aye, Comm'r Roby: aye, Comm'r Nielsen: aye and Comm'r Mosher: aye

23 Pioneer Road

Applicant: Megan & Paul Cusick

Representative: John D'Angelo, Prospect Ridge Construction, Inc.

Proposed: Construct an addition

Meeting Documents & Exhibits: Staff memo and complete RDA submittal

Excerpts from the staff memo: The area where the addition is proposed is more steeply sloped and maintained as lawn and landscaping. Staff has no major concerns regarding the proposed work, however several details will need to be discussed at the meeting in order to complete the draft conditions:

1. *A calculation of the new impervious area within the 50ft and 100ft Buffer Zones (separate numbers) to ensure that the mitigation area is sized appropriately.*
2. *A list of native shrubs and/or perennials intended to be planted in the mitigation area. A draft condition requiring this list to be submitted prior to the issuance of a building permit is included below.*
3. *Information on how the area under the existing set of stairs (to be demolished) will be stabilized. Staff notes that the Hingham Wetland Regulations prohibit new lawn within the 50ft Buffer Zone.*

4. *Confirmation that the addition will have a drip edge (vs. gutters and downspouts). If so, staff recommends adding a crushed stone trench along the rear drip line to capture and infiltrate the roof runoff.*

Representative, John DeAngelo, of Prospect Ridge Construction, Inc. was present on the call. He described the proposal of a 12'x14' structure on piers, to the side of the existing structure by the driveway. He explained that there are limited opportunities on the site to expand on the existing structure and they've tried to make this proposed addition as small as possible and up on piers, but that it was impossible to place it fully outside the 50ft buffer. The site plan was shared to the screen. J. DeAngelo explained that currently the homeowner enters the house on that side through the garage, there is no exterior entry from the driveway in to the house, and with this mudroom entry they've proposed the smallest footprint and least impact.

The ICO, J. DeAngelo, and the Commission discussed the four ICO comments in the staff memo. J. DeAngelo stated that the 33% of the addition was within the 50ft buffer and 67% was within the 100ft buffer resulting in a total of 223sf of required mitigation. The plan was shared to the screen that showed a highlighted area where J. DeAngelo had indicated a possible location for the mitigation plantings. Brief discussion followed regarding best location for the mitigation area. The ICO stated that the representative can work with the office regarding types of shrubs or plants.

In regards to what would be put in place under the removed stairs, J. DeAngelo stated that they would be removing a large rhododendron there and would likely plant some shrubbery there. The ICO suggested to the Commission that they consider adding a new condition prohibiting establishment of lawn in that area, noting that natural vegetation other than lawn is appropriate.

In regards to rooftop runoff, J. DeAngelo described in detail the elevations in the area, and stated that there would be 4-5 inches of 3/4 inch crushed stone under the entire structure, and this would extend out, on all sides, beyond the structure footprint by a foot. This extended area would have a 1 ft deep trench of 3/4 inch crushed stone. They would be directing downspouts, both front and back, into the crushed stone.

The Commission and ICO discussed language for one new condition and revisions to two conditions.

Motion: Comm'r Hidell moved to issue a Negative Determination of Applicability for the proposed work at 23 Pioneer Road, as shown on the submitted plans, and adopt the findings of fact a through c, and conditions 1 through 12 of the staff report, as amended.

(Conditions below reflect the changes discussed at the meeting)

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 issuance of a building permit, a mitigation planting plan shall be submitted to the Commission for review and approval. The planting plan shall include a minimum of 223 square feet of plantings, including a mix of shrubs and herbaceous species, in accordance with the Commission's Buffer Zone Mitigation Policy (adopted 9/27/21). All mitigation plantings shall be native species; no cultivars, non-native species, or invasive species shall be allowed.
2. Prior to the issuance of a building permit, erosion and sediment controls shall be installed and inspected by an agent of the Commission; straw wattles and/or hay bales shall not be used as a form of erosion or sediment control.
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. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.
5. All demolition and 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 of any resource area. All stockpiles that are not used for more than five days shall be covered and surrounded by erosion and sediment controls; straw wattles and/or hay bales shall not be used as a form of erosion and sediment control.

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. Rooftop runoff from the approved addition shall be directed to 3/4 inch crushed stone under, and around the perimeter of, the addition.
9. Prior to the issuance of a Certificate of Occupancy and/or final building sign off, mitigation area plantings shall be installed in accordance with the final approved mitigation planting plan.
10. Prior to the issuance of a Certificate of Occupancy and/or final building sign off, all lawn waste, brush, leaves, or other materials dumped in any resource area, including the buffer zone, 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.
11. The Conservation Department shall be notified to any changes in plans prior to proceeding with said changed plans.
12. The area under the existing stairs to be demolished will be stabilized with natural landscaping; no lawn is allowed. Other changes would require further Commission review.

Second: Comm'r Mosher

Roll Call: Comm'r Kelly: aye, Comm'r Nielsen: aye, Comm'r Villanova: aye, Comm'r Freeman: aye, Comm'r Roby: aye, Comm'r Mosher: aye and Comm'r Hidell: aye

4 Crooked Meadow Lane – Withdrawn

Applicant: Luke Keene, Silver Fern Landscaping, Inc

Proposed: Fill and grading

Chair Kelly read the Public Hearing Notice of Intent statement.

Abbreviated Notice of Resource Area Delineation

210 East Street – DEP 034-1452, cont'd from 9/12/22

Applicant: Michael Cushing

Representative: Colin McSweeney

The applicant had requested to continue to the 10/24/22 meeting. The Chair requested that if any member of the public were present for this matter, to please hold their comments until the Commission has a substantive discussion at the next meeting.

Motion: Comm'r Villanova moved to continue consideration of 210 East Street to 10/24/22.

Second: Comm'r Mosher

Roll Call: Comm'r Kelly: aye, Comm'r Nielsen: aye, Comm'r Roby: aye, Comm'r Hidell: aye, Comm'r Freeman: aye, Comm'r Mosher: aye and Comm'r Villanova: aye

Notices of Intent

14 Seal Cove Road – DEP 034-1445, cont'd from 9/12/22

Applicant: Leonard Monfredo

Representative: Joseph Hannon, Atlantic Coast Engineering, LLC

Meeting Documents & Exhibits: Staff memo and Dock Renovation Plan Options sheets 01 and 02 (undated)

Excerpts from the staff memo: This hearing was continued from the 8/22/2022 and 9/12/2022 meetings at the request of the applicant. In response to the Commission's comments related to the dimensions of the original proposal, more specifically whether or not the proposal complied with Section 23.4(c)(1) of the Hingham Wetland Regulations, the applicant submitted two alternative design options. Option 1 does not address the Commission's comments, however it does introduce the concept of cantilevering the proposed boat lift from the existing float, which would eliminate the need for four new pilings. Option 2 addresses the Commission's comments and aligns the proposal with the overall dimensions allowed under Section 23.4(c)(1). In terms of the number of pilings associated with Option 2, at least two of the existing float pilings would need to be moved and four new pilings would need to be installed to support the proposed boat lift.

Jed Hannon of Atlantic Coast Engineering, LLC was present on the call with homeowner, Leonard Monfredo. J. Hannon shared the Dock Renovation Plan (sheet 01) to the screen. He explained that after feedback from the

Commission regarding previous layouts and considering the bylaw regulation of 10'x20' maximum, they've amended the proposed layout of the float and boat lift system, providing two options for the Commission's consideration.

J.Hannon briefly reviewed option one. They would keep the 10' by 20' float and the steel boat lift would be cantilevered off the side. He shared the side view of the option (sheet 02).

He then described option two. They would eliminate the existing 10' by 20' float, make it 10' by 10' and then add a proposed 10' by 10' boat lift. He shared the plan view (sheet 01) and profile view (sheet 02). With option two, the length, width and square footage overall wouldn't change in plan view, however, it would have a boat lift on the end. He stated that this particular option, as best as they can get it, complies with the square footage for the bylaw and the overall, already permitted, pier structure, gangway and seasonal float. Four additional piles would be required, but the design would be essentially the same as was previously proposed in terms of being Cat.5 rated, able to meet building code requirements, and the Corps of Engineers and DEP regulations for boat lifts so that it's out of the FEMA floodzone.

The ICO stated that she did not have much to add to the discussion other than she had spoken with the representative ahead of the meeting and that, given the concerns related to the overall dimensions leading up to this meeting, she thought the Commission would be pleased to see option two. It would mean that the float and lift together would not exceed the overall dimensions in the Commission's regulations. The ICO sought feedback from Commission and, if the Commission expressed a preference, she would draft conditions to be ready for the next meeting.

Commission discussion followed. Comm'r Hidell commented that it was an improvement over the initial plan and does not see a problem with it. Comm'r Nielsen commented that the regulations describe a pier, a dock, a walkway or float and still believes that this does not meet the definition of the regulation. She added that, on the other hand, she does understand and see that option two does comply with the dimensional requirements. Comm'r Nielsen had a question regarding performance standard #8 referring to seasonal use, which says, "The dock, ramp, floats and all supporting materials are not allowed in place in any wetland resource area prior to April 1 of each year and are removed prior to November 1 of each year.". Her question followed; if the Commission were to permit this, then obviously the pilings would stay in place; are there components of this structure that would be removed seasonally or would it be permanent? L. Monfredo responded that he assumed the boat lift would be permanent but the dock would be seasonally removed as it is now. J. Hannon confirmed that it's a permanent structure in terms of the pilings; the transverse beams and the longitudinal beams **can** be removed; disassembled seasonally. It would definitely not be preferable. The design is such that it's above the FEMA flood zone; that portion of the boat lift is above any flooding concerns, weather impacts, and further impacting the resource area. Comm'r Nielsen thanked the representative for the explanation.

Chair Kelly stated that her perspective on this proposal, after review, is that this iteration appears compliant with the Commission's regulations. She noted that Comm'r Hidell had already expressed his opinion in favor. Comm'r Villanova stated that she was okay with this iteration. Comm'r Mosher stated that he's been okay with it since the roof went away.

Referring to the response to Comm'r Nielsen's question regarding the seasonal use, Comm'r Freeman asked how this squares with the regulations. She recalled that staff and Town Counsel had weighed in previously that a boat lift proposal would fall within the docks/piers regulations, and that it seemed to be one more item, with regard to protecting boats, that are already in the regulations, like dolphins, pilings, etc., but is not specifically listed. She stated that she finds it surprising that it's contemplated because it is a much bigger construction piece and infrastructure than everything else listed. She stated that reading the regulations, she did not think boat lifts were contemplated for permitting when the regulations were written, and, considering its impact, she raised the question whether the Commission has the support within the regulations and the bylaw for them to approve it when it's not specified in any way and is a large structure. She pointed out that the docks & piers regulations are so restrictive and explicit with the structural components that they allow (ie, exact length of the gangway, platform, etc.), that it seems weird that the regulations were not concerned at all with boat lifts, other than fitting in to the dimensional requirements. Comm'r Freeman invited thoughts from staff and the Commission in regards to whether the boat lift has significant impacts that the Commission would assume it would consider regulating, or, if the dimensional requirements alone address any impacts; specifically on the seasonal aspect if they're putting in new pilings and other infrastructure that's not getting removed like everything else.

Chair Kelly commented that in one review that Town Counsel had done on this, Counsel had felt that the language in the regulation was not sufficiently specific to rule out the potential for having a boat lift. She agreed with Comm'r Freeman that it is not listed, and the regulations put forward a list, but according to what the Commission has

received from Counsel, it is not sufficient to exclude boat lifts. Comm'r Nielsen, as part of the team that drafted the regulations, stated that it was their intention at that time to permit docks, piers and floats, period. Comm'r Hidell explained his analysis of the proposal; if the Commission were to extend this, or any, pier, the four pilings being driven, would just be four more pilings. He added that, the Commission's job is to protect the environment and the way they've done the boatlift works from the standpoint that they can raise that boat cradle to an elevation that takes it well above any risk for flooding, weather, etc. From an elevation point of view, it would be out of the regulatory zone were there an elevation limitation in such a regulation. The boat would sit X number of feet above the tide, allowing for sunlight. He stated that the real disturbance is only the four pilings and, dimensionally, they have complied. From an environmental point of view, with the proposed roof gone, they have no environmental restrictions with this structure, the way it is, in terms of a better system for mooring a boat. He offered that it is so close to the intent, from an environmental point of view, to protect the sensitive coastal areas or various shellfish or vegetation. The boat will never sit on the bottom; it will always float above the seabed. He stated that he went into the area with his boat a few weeks before and looked around and he thinks, in the end, it's an environmental improvement; the only disturbance to the environment is the four pilings being driven. Everything else works, in terms of better environmental protection. He stated that the original regulations language didn't contemplate advanced technology, not that boatlifts are a new technology.

Comm'r Freeman thanked Comm'r Hidell for his analysis on the matter. She summarized her understanding of what he said; the new pilings would be consistent with the overall regulations because they're not extending past the dimensional requirements, and therefore the fact that they aren't being removed is not at issue; and the only problematic thing is that the Commission hadn't discussed boat lifts before. Comm'r Freeman commented that aesthetics is one of the resource values, and this boat lift is much higher, but noted that Comm'r Hidell had said that there are advantages to it being at a higher elevation and those would be storm damage control and environmental impact.

Comm'r Hidell agreed with her summary, adding that from a light perspective and the penetration into the water, that concern is taken care of. He stated that it is superior to conventional moorings as a way to store a small boat which, on a mooring, sits in mud when the tide's out, blocks sunlight and picks up sediment. Comm'r Mosher agreed that the environment is better off. Comm'r Hidell stated that he does not have a problem with the fact that the applicants made the dimensional requirements work in a very practical manner, and that the only disturbance to the environment itself are the four pilings being driven in.

Comm'r Freeman expressed her appreciation that the applicants had worked hard to try to address the issues raised and did manage to do that with regards to the dimensions. She commented that the Commission will need to be prepared to approve more boat lifts unless the regulations change and that if the Commission approves this then they are establishing this as something that is acceptable.

Chair Kelly asked the Commission if it was in agreement that the second version presented was preferable. Responding to a question from Comm'r Mosher, L. Monfredo stated that the boat would be stored at the Hingham Boatyard. Comm'r Mosher commented that, no matter what the intent was, if the statement was not made that you can't have a boatlift, then he doesn't think the Commission can stop it. Comm'r Roby and Comm'r Villanova were both comfortable with the second option presented. Chair Kelly stated to the ICO that as the Commission seemed by and large comfortable with the second option, it would be appropriate to continue the hearing, and the ICO could draft conditions to approve it.

Chair Kelly invited any member of the public to comment. No members of the public commented.

Motion: Comm'r Hidell moved to continue the hearing for 14 Seal Cove Road (DEP 034-1445) to 10/24/22.

Second: Comm'r Mosher

Roll Call: Comm'r Kelly: aye, Comm'r Villanova: aye, Comm'r Nielsen: aye, Comm'r Freeman: aye, Comm'r Roby: aye, Comm'r Mosher: aye and Comm'r Hidell: aye

4 Puritan Road – DEP 034-1442, cont'd from 9/12/22

Applicant: Ryan Novak

Representative: Kenneth Thomson

Proposed: Construct addition

Meeting Documents & Exhibits: Staff memo

The applicant had requested to continue to the 10/24/22 meeting.

Motion: Comm'r Nielsen moved to continue 4 Puritan Road to the 10/24/22 meeting.

Second: Comm'r Mosher

Roll Call: Comm'r Kelly: aye, Comm'r Nielsen: aye, Comm'r Hidell aye, Comm'r Freeman: aye, Comm'r Roby: aye, Comm'r Mosher: aye and Comm'r Villanova: aye

Other Business:

a. Request to repair two dock footings at 171 Otis Street as a field change (DEP 034-1282)

Meeting Documents & Exhibits: Staff note and pier photos.

Excerpt from the staff note: After several months of meetings, the applicant settled on repairing their existing pier, which also exceeds the overall dimensions in our regulations and utilizes very non-traditional concrete "footings" to support the vertical posts under the pier. The approved plan indicates that the existing pier will be "repaired." The Order does not have any conditions related to the concrete footings. The final staff memo (and meeting minutes) from 5/22/17 indicate that the footings will remain in place. There's also a 2017 construction sequence document in the project file that specifies: "Existing concrete footings are to remain in place and be reused."

The question at hand is whether two of the footings, which have deteriorated over the years (work on replacing the pier is ***just*** beginning), can be repaired. Specifically, the contractor states:

1. "The footing that is furthest out is leaning over, dislodged from the hole it was placed in. We intend to hand dig out the hole it was in and set it upright. If there are any cracks or damaged concrete, we will repair in place."
2. "The other footing closer to the shore line will be repaired in place. That will entail building a wood form around the existing footing setting new 6x6 posts and hand mixing and pouring concrete into the new form. The form would be removed as soon as the concrete has cured."

The ICO briefly reviewed the proposed field change request and shared to the screen two photos of the deteriorated concrete footings. She stated that although a different type of foundation would be best, the work would be minimally invasive, consist of handwork at low tide and encompasses only a fraction of the existing piers.

Kevin Goslin of Construction Technology Group, Inc., was present on the call along with the homeowners, Gary and Chris Jacobson. K. Goslin described the condition of the footings, explaining that one was pulled out when the former deck was dislodged a few years ago, and the other looks worse but just needs to be reformed; the footing is okay but the pier on top is deteriorating.

The Commission was in agreement that it seemed a minimally impactful solution.

Motion: Comm'r Hidell moved to permit the proposed field change to repair two pilings and their base at 171 Otis Street.

Second: Comm'r Freeman

Roll Call: Comm'r Kelly: aye, Comm'r Nielsen: aye, Comm'r Hidell aye, Comm'r Freeman: aye, Comm'r Roby: aye, Comm'r Mosher: aye, and Comm'r Villanova: aye

Adjourn

Motion: Comm'r Mosher moved to adjourn the meeting at 8:34 pm.

Second: Comm'r Villanova

Roll Call: Comm'r Kelly: aye, Comm'r Hidell: aye, Comm'r Nielsen: aye, Comm'r Villanova: aye, Comm'r Roby: aye, Comm'r Mosher: aye, and Comm'r Freeman: aye

Submitted, _____
Sylvia Schuler, Administrative Assistant

Approved on October 24, 2022

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