



CONSERVATION COMMISSION MEETING MINUTES –October 18, 2021

Present: Crystal Kelly- Interim Chair, Bob Mosher, Thomas Roby, and Bob Hidell-Commissioners, Emily Sullivan-Conservation Officer and Heather Charles-Lis-Assistant Conservation Officer

Absent: None

The remote meeting was held via Zoom with Dial in #929-205-6099, Meeting ID # 862-0681-5584

The meeting was called to order at 7:03 PM.

Chair Kelly 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 9/27/21 draft minutes. Comm'r Hidell was absent for this one vote.

Motion: Comm'r Mosher moved to approve the draft minutes from the September 27, 2021 meeting.

Second: Comm'r Roby

Roll Call: Comm'r Kelly: aye and Comm'r Mosher: aye and Comm'r Roby: aye

Certificates of Compliance

14 Seal Cove Road – DEP 034-1357, continued from 12/21/20

Applicant: Leonard Monfredo

Representative: Brendan Sullivan, Cavanaro Consulting, Inc.

Meeting Documents & Exhibits: Staff memo

Excerpts from the staff memo: This item is continued from the 12/21/20 meeting to allow time to ensure that at least 75% of the mitigation plantings survived for two full growing seasons. Staff made another site visit on 10/6/21 and confirmed that more than 75% of the mitigation shrubs have survived. Staff relayed one comment to the representative regarding relocating surf boards on a moveable stand further from the mitigation plantings to avoid accidentally damaging the vegetation and giving the shrubs more room to grow.

Representative Brendan Sullivan from Cavanaro Consulting was present on the call and explained that the bulk of the project had already been confirmed compliant, but that they had been waiting for 2 year survival of the plantings. He stated that they have achieved more than 75% plant survival. The ACO stated that she had no further comments and reviewed the ongoing conditions. The Commission had no further comments.

Motion: Comm'r Hidell moved to issue a Certificate of Compliance for 14 Seal Cove Road, MA DEP 034-1357.

Second: Comm'r Mosher

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

74 Abington Street – DEP 034-0935, continued from 9/13/21

Applicant: Christopher Julian, Trustee, Mad River Realty Trust

Representative: Bradley McKenzie, McKenzie Engineering Group, Inc.

Meeting Documents & Exhibits: Staff memo

Excerpts from the staff memo: This item is continued from the 9/13/21 meeting to allow time for the applicant to address comments. Since then, staff made another site visit on 10/13/21 and confirmed that earlier comments have been addressed, including fixing stones and grading in the detention basin, cleaning debris from outlets, and addressing Japanese knotweed and removing as much as feasible. Staff is anticipating receiving detailed documentation of recent drainage system maintenance as previously requested.

The ACO gave an update explaining that she had done another site visit, much had been resolved and the only pending item is the physical documentation from the company that did the maintenance

Motion: Comm'r Mosher moved to continue consideration of 74 Abington Street, DEP 034-0935 to November 1, 2021.

Second: Comm'r Hidell

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

Request for Determination of Applicability

225 South Street

Applicant: Daniel Jacobs

Proposed: Construction of a porch, walkway & patio

Meeting Documents & Exhibits: Staff memo, Revised Site Plan (10/6), Revised Annotated photo documents (10/13), Narrative, and Request for Determination of Applicability application

Excerpts from the staff memo: The area where work is proposed currently consists of existing lawn, driveway, a deck, and an entry porch. The site is flat and all of the site is within the AE-zone. The MBTA Greenbush Line runs across the northern site boundary. The applicant was given permission earlier this year to construct a second-story addition that does not increase the dwelling's footprint. Given the conditions of the site (flat, no adjacent catch basins, perimeter walls), staff does not think erosion controls are necessary for the proposed work.

Staff relayed the following comments to the representative on 10/5/21 and also discussed some of the comments with the applicant on site.

Applicants Daniel & Astrid Jacobs, and builder, Brian Nihill, were present on the call. D.Jacobs briefly described the property and explained that they are in the midst of a complete gut renovation; the current entrance is being closed off, a new porch is being added, a permeable walkway to be installed from the driveway to the front entrance and a permeable 20' x 15' patio installed at the back. B. Nihil explained that the patio and walkway would both be permeable, there would be slats with ½ inch gaps for any floodwater to flow through under the new entry porch, and under the existing back deck, there would be gravel underneath and it would not be closed off.

The CO stated that the property is fully in the flood plain, both additions will be above the base flood elevation; slats and flood vents will be provided for the new entry porch and the deck in the back left open. She noted that the applicant is not required to do mitigation plantings, however the homeowner had indicated an area where they would like to install native plantings. The Commission was satisfied with the proposal.

Motion: Comm'r Hidell moved to issue a Negative Determination of Applicability for the proposed work at 225 South Street, as shown on the submitted plans, and adopt the findings of fact a through c, and conditions 1 through 5 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. All demolition and excavated material shall be properly disposed of at an off-site location.
2. The area under the reconstructed deck shall be treated with a minimum of three inches of ¾"-1½" crushed stone and there shall be spacing between deck boards or planks to allow passage of runoff.

3. The area under the deck shall not be enclosed and shall remain open and free of all obstructions, to allow for the passage of floodwaters. A minimum of two flood vents shall be installed in the skirting under the covered porch to allow the passage of floodwaters.
4. Prior to the issuance of a Certificate of Occupancy and/or final building sign off, an Elevation Certificate shall be prepared and submitted to the Commission for review.
5. 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 Kelly: aye, Comm'r Roby: aye, Comm'r Mosher: aye, and Comm'r Hidell: aye

1 Beach Lane

Applicant: Matt Sexton

Representative: Nicholas Preston, Nicholas Preston Design

Proposed: Installation of exterior stairs and reconstruction of porch

Meeting Documents & Exhibits: Staff memo, revised Architectural Drawings submitted 10/12/21, and Request for Determination of Applicability application

Excerpts from the staff memo: Staff visited the site on 10/6/21. Wetland resource areas were not flagged, however the property is within the mapped FEMA flood zone associated with Hingham Bay, and is more than 100 feet from other wetland resource areas. The area where work is proposed is all relatively flat, and consists of the existing structure, landscape beds with shrubs and herbaceous plantings adjacent to the house, and lawn. The existing porch/deck and stairs are open underneath. The proposed porch/decks included horizontal lattice around the bottom. Staff relayed comments to the representative regarding the need for any reconstruction to allow for the free passage of floodwaters, and subsequently a revised plan was submitted that incorporates two flood vents within the lattice under the porch, one on either end of the proposed porch. The proposed spiral staircase would be on a concrete slab, but is otherwise open. Staff has asked the representative for confirmation that the proposed porch would be above base flood elevation.

Architect Nicholas Preston was present on the call with applicant, Matthew Sexton. N. Preston reviewed the goals of the project. One, they would remove the exterior deck, build in the same location, and include 2 smart vents in the lattice beneath the renovated porch. Two, they would build an egress from the second floor to a spiral staircase in the side yard. And three, they will install windows, doors, and exterior siding.

The ACO noted that the only resource is the floodplain and that the applicants were amenable to adding floodvents into the skirting. She explained that a draft condition requiring submission of an elevation certificate was included. Comm'r Hidell noted propane tanks under the deck in the staff memo photo and suggested that a condition be added for no storage under the deck. Comm'r Hidell and the ACO drafted additional wording for draft condition #5.

Motion: Comm'r Hidell moved to issue a Negative Determination of Applicability for the proposed work at 1 Beach Lane, as shown on the submitted plans, and adopt the findings of fact a through c, and conditions 1 through 7, as amended, of the staff report.

(conditions below reflect the edits made 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, erosion and sediment controls shall be installed around the work areas, 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 demolition and excavated material shall be properly disposed of at an off-site location.
5. Flood vents shall be installed in the lattice under the porch/decks, as shown on the approved plans, to allow the passage of floodwaters. The area under the porch/decks shall remain free of all obstructions to allow the passage of floodwaters, with no storage of any material, of any nature and kind.
6. Prior to the issuance of a Certificate of Occupancy and/or final building sign off, an Elevation Certificate shall be prepared and submitted to the Commission for review.
7. The Conservation Department shall be notified to any changes in plans prior to proceeding with said changed plans.

Second: Comm'r Mosher

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

11 Popes Lane (formerly 0 Popes Lane)

Applicant: Joseph Crespo

Representative: Jeffrey Hassett, Morse Engineering, Inc.

Proposed: Demo, Light poles/underground electric service installation, culvert improvements

Meeting Documents & Exhibits: Staff memo, Revised Lot and Septic Design plan, Structural General Notes & Concrete Slab Details, and Request for Determination of Applicability application

Excerpts from the staff memo: Staff provided comments to the representative and subsequently a revised plan (dated revised 10/13/21) was submitted with a stabilized construction entrance, mitigation for paved driveway runoff, and clarifying notes.

The area where work is proposed consists of mostly lawn or existing driveway. The proposed structural concrete over an existing culvert would extend slightly into the vegetated buffer adjacent to the existing driveway, as would most of the proposed light posts. In both cases no trees or shrubs would be removed. Two highly disturbed areas containing historic fill and man-made debris were observed next to the driveway and in very close proximity to wetlands, and the applicants have agreed to restore these areas, which will also serve as a significant improvement to the Riverfront Area and buffer zone.

The concrete slab would be elevated ~4" above existing grades to avoid disturbing the culvert. Note that the concrete slab would be within Bordering Land Subject to Flooding, however the Commission could consider the small scope of work and rationale for the additional fill. Staff asked about the condition of the existing culvert, and the engineer indicated they had done a visual inspection of the culvert inlet and outlet and noted no issues, and staff also observed that water appeared to be flowing freely through the culvert. Staff has no remaining comments.

Jeff Hassett from Morse Engineering was present on the call along with the builder, Paul Gallagher. J. Hassett described the locus noting the resource areas included BVW and Riverfront Area to a Perennial Stream. The proposed new house will be entirely out of the buffer zone. He explained that proposed within the buffer zone is demolition of a small portion of the existing house, installation of underground electric service within existing lawn, 5 light posts, and reinforcement of the existing culvert with a concrete slab in order to allow firetruck access. He explained that they would plant 8 native trees, clean up two disturbed areas and seed with a conservation seed mix, and fill an old well with sand. He noted that there would be a mulch sock around the entire limit of work.

The ACO stated that the scope of work is large but most is outside of the Commission's jurisdiction and that she'd had a good meeting on site to talk about minimizing risks to the resource areas. She noted that they have a structural engineer on the team which alleviated her concerns regarding the work over the culvert and added that there will be a slight amount of fill because the slab will be elevated. She noted that the Commission is not being asked to confirm wetland boundaries and Finding C reflects that. She also acknowledged the applicants willingness to seed the two areas of prior disturbance and P. Gallagher confirmed that they were comfortable with draft condition #10 regarding that work.

Comm'r Mosher contributed some history of the parcel; it was a mink farm in the 1940s.

Motion: Comm'r Hidell moved to issue a Negative Determination of Applicability for the proposed work at 11 Popes Lane (formerly 0 Popes Lane), as shown on the submitted plans, and adopt the findings of fact a through c, and conditions 1 through 11 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 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 man-made debris and trash in the wooded area to the south/southwest of the proposed house, in the wooded area around the old garden structure, and to the east of the driveway, shall be removed by hand as feasible and properly disposed of at an off-site location, and the practice discontinued, in accordance with Section 23.6 of the Hingham Wetland Regulations.
5. All tree debris shall be properly disposed of at an off-site location; no chipped or mulched material shall remain on the property. Tree stumps and roots shall not be ground or removed.
6. All demolition and excavated material shall be properly disposed of at an off-site location.
7. There shall be no stockpiling of soil or other materials within 100 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.
8. 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.
9. Driveway runoff from the paved portion of the driveway shall be infiltrated on site, using a stone infiltration trench as shown on the approved plans. The driveway shall be properly pitched to direct runoff to the trench.
10. Prior to the issuance of a Certificate of Occupancy or final building sign-off, the two areas of recent removal of historic debris to the east of the driveway, as shown on the approved plans, shall be restored by removing remaining soil stockpiles and man-made debris (e.g. concrete chunks, piping, etc.), grading the areas to be level with the adjacent woods, adding loam as needed to support plant growth, and seeding with a conservation wildlife seed mix as shown on the approved plans.
11. 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 Kelly: aye, Comm'r Roby: aye, Comm'r Hidell: aye and Comm'r Mosher: aye

Interim Chair Kelly read the Public Hearing Notice of Intent.

Notices of Intent

365 East Street– DEP 034-1425

Applicant: Douglas Karo, Oceanside Builders, Inc.

Representative: Paul Mirabito, Ross Engineering

Proposed: Installation of pool, patio & shed

Meeting Documents & Exhibits: Staff memo, Revised Notice of Intent plan submitted 10/14, Revised Mitigation Planting Plan submitted 10/14 and 365 East Street Notice of Intent package.

Excerpts from the staff memo: Staff relayed the following comments to the representative on 10/5/21 and also discussed some of the comments with the applicant on site.

- 1) Calculate the current impervious vs proposed impervious in the 100ft buffer – **project proposes increasing impervious onsite by 2,200sqft total, with 1,200sqft proposed within the 100ft-50ft buffer zone**
- 2) Review the Commission's newly adopted Buffer Zone Mitigation Policy and ensure the mitigation planting plan complies with the policy – **plan received, proposed 1,220sqft of mitigation planting which complies with the Commission's Buffer Zone Mitigation Policy**
- 3) Submit an O&M plan for pool water management – **O&M clarified on revised plan, water will be managed via tanker truck, no management onsite**
- 4) Confirm whether proposed patio will be pervious – **patio is proposed as impervious and part of the 2,200sqft calculation (see #1 above)**

Paul Mirabito, from Ross Engineering, was present on the call, representing applicant Douglas Karo. Brad Holmes of Environmental Consulting and Restoration was also on the call. P. Mirabito described the locus and that the resource area is to the east where it drops off 12-15 ft in elevation to an old quarry. The CO shared the Mitigation Plan to the screen and P. Mirabito described the location of the new fence at the edge of the lawn and pointed out that half of the proposed pool, with an impervious patio surround, would be inside the 100 ft buffer. He explained that they would be enclosing an existing porch in order for it to be used year round and that lawn area near the pool will remain in place. Additional details provided were that the pool will be at grade and they've proposed a 1:1 mitigation plan.

The CO stated that the proposed mitigation plan does comply with the Commission's policy and noted that the applicant had provided for pool water management; all pool water would be managed via a tanker. The Commission expressed their satisfaction with the proposal.

Interim Chair Kelly invited any comments from the public. There were no comments from the public.

Motion: Comm'r Hidell moved to issue an Order of Conditions for the proposed work at 365 East Street (DEP 034-1425), as shown on the submitted plans, and adopt the findings of fact a through c, and special conditions 21 through 41 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 Isolated Vegetated Wetlands as shown on the final approved plans.

Special conditions:

21. The applicant shall notify the Hingham Conservation Commission in writing of the name, address, and telephone number(s) of the project supervisor or contractor who shall be responsible for ensuring compliance with this Order and shall notify the Commission, by telephone or writing, at least 48 hours prior to commencement of work on the site.
22. This document shall be included in all construction contracts and subcontracts dealing with the work and shall supersede all other contract requirements.
23. The project supervisor or contractor in charge of the work shall have a copy of this Order available on the site at all times.
24. Prior to the start of any excavation or construction, there shall be a pre-construction conference on the site between the project supervisor or contractor responsible for the work and an agent of the Commission to ensure that the requirements of this Order are understood.
25. Prior to the start of any excavation or construction, erosion and sediment controls shall be installed, as shown on the final approved plan, and inspected by an agent of the Commission; straw wattles and/or hay bales shall not be used as a form of erosion and sediment control.
26. Erosion and sediment controls shall remain in place until all disturbed or exposed areas have been stabilized with a final vegetative cover or the Commission has authorized their removal.

27. During all phases of construction, all disturbed or exposed areas shall be brought to a finished grade and either a) loamed and seeded for permanent stabilization, or b) stabilized in another way approved by the Commission.
28. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.
29. All demolition and excavated material shall be properly disposed of at an off-site location.
30. Any on site dumpsters shall not be located within 100 feet of any resource area.
31. There shall be no stockpiling of soil or other materials within 100 feet of any resource area. All stockpiles that are not used for more than five days shall be covered and surrounded by erosion and sediment controls; straw wattles and/or hay bales shall not be used as a form of erosion and sediment control.
32. Issuance of these conditions does not in any way imply or certify that the site or downstream areas will not be subject to flooding, storm damage, or any other form of damage due to wetness.
33. Any dewatering activities on the project in which water will be released into any resource area or storm drain shall make use of a stilling pond or similar device to remove sediment before the water is released. Prior to construction, plans for the stilling pond or similar device shall be submitted to the Commission for review and approval.
34. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 100 feet of any resource area.
35. The mitigation area plantings shall be installed, and seeding completed, in accordance with the final approved mitigation planting plan.
36. 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.
37. There shall be no discharge of any pool water or backwash within 100 feet of any resource area. The property owner shall maintain the pool as indicated on the final approved plan, removing pool water using a tanker truck and properly disposing offsite. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
38. 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.
39. 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.
40. 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.
41. The 1,220sqft mitigation planting area shall be maintained with native plantings and remain as naturally vegetated. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.

Second: Comm'r Mosher

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

Adjourn

Interim Chair Kelly moved to adjourn the meeting at 7:49 pm.

Second: Comm'r Hidell

Submitted, _____

Sylvia Schuler, Administrative Assistant

Approved on November 1, 2021

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