



## CONSERVATION COMMISSION MEETING MINUTES –November 7, 2022

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

**Absent:** Nina Villanova

The remote meeting was held via Zoom with Dial in #929-205-6099, Meeting ID 886 9623 4840

**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

**October 24, 2022**

Draft minutes were not available for voting.

### **Certificates of Compliance**

**60 Research Road**– DEP 034-1388 cont'd from 10/24/22

Applicant: Kevin Gill

Representative: Gabe Crocker, Crocker Design Group, LLC

#### Meeting Documents & Exhibits:

Excerpts from the staff memo: *The applicant has been addressing a list of outstanding items (below) for several months and as of a November 1<sup>st</sup> progress update, all of the items were substantively complete.*

- *Riverfront restoration area cleaned up and additional mitigation plantings installed, per the approved plan.*
- *Completed final grading, loaming, and seeding in landscaped/disturbed areas outside the parking lot, particularly on the slope along the southern and eastern edges. Mesh was laid down on some of the slopes where the seed was washing away to help stabilize and promote growth.*
- *Replaced tree plantings that hadn't survived.*
- *Cleaned and adjusted the rip rap that had shifted in the plunge pools near the new retaining wall; routine maintenance is ongoing.*
- *Filled voids and gaps between the retaining wall blocks with crushed stone.*
- *Repaired the damaged guard rail posts at the edge of the parking spaces along the top of the new retaining wall.*
- *Loamed and seeded the access road between 60 Research Road and 74 Abington Street.*
- *Removed erosion controls at the bottom of the retaining wall and in other areas that were stable.*

Representative Chris Mulrey, of Crocker Design Group, was present on the call representing the applicant, Kevin Gill of Gill Research Drive LLC. C.Mulrey shared his screen with an aerial image of the property. He briefly explained that the OOC was approved in 2021 and in May they had walked the site with the ACO and made a list of outstanding items. They'd updated the Commission in June and got permission to do additional mitigation work.

C. Mulrey reviewed each area of the property, detailed the points listed in the staff memo, and shared photos of the established grass, where replacement shrubs had been planted, and other areas where work was completed. He

confirmed all the areas where erosion controls had been removed. He stated that they had provided the ICO with a revised Operation & Maintenance (O&M) plan and explained that a catch basin located under the retaining wall on the north side of the property should be monitored more closely, and if it does not continue to function as it should, the O&M will be revised to address it. He stated that they have a certification letter from the structural engineer of the drainage structure that basically says that the structure is okay from a structural standpoint. All the erosion controls had been removed from the site. He explained that they are requesting only a Partial Certificate of Compliance due to the condition requiring plant survival.

The ICO stated that this application was a model of followup and due diligence, with unprompted updates and photos. She stated that she was not worried about stability of the site. The ICO and Commission agreed that a Partial Certificate of Compliance could be issued.

**Motion:** Comm'r Freeman moved to issue a Partial Certificate of Compliance for 60 Research Road, MA DEP 034-1388.

**Second:** Comm'r Mosher

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

### **11 Steamboat Lane**– DEP 034-1327

Applicant: Denise Rhodes

Representative: Grady Consulting, Inc.

*Meeting Documents & Exhibits: staff memo*

The representative had submitted a request to continue to the next Commission meeting.

**Motion:** Comm'r Nielsen moved to continue consideration of 11 Steamboat Lane, MA DEP 034-1327, to 11/21/22.

**Second:** Comm'r Mosher

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

**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 10/24/22

Applicant: Michael Cushing

Representative: Colin McSweeney

*Meeting Documents & Exhibits: Staff memo and revised Plan (10/25/2022)*

*Excerpts from the staff memo: Bordering Vegetated Wetlands and Inland Bank to the Weir River were delineated by a consultant in May 2022. Staff visited the site on 6/23/22 with the representative to review the wetland resource areas. Although staff is in agreement with the flagging of BVW and Inland Bank, staff notes that the filing does not include documentation on the vegetation, soils, and other signs of hydrology, or bank characteristics, or much detail overall in terms of the delineation methodology. As such, it is difficult to determine whether the delineation was done in accordance with the Resource Area Delineation Policy and MassDEP policies and guidelines. Staff requested this information from the applicant, but to date has not received any materials.*

*The original site plan was not stamped and signed. Staff requested that the plan be stamped and signed by a professional land surveyor, to be sure the Commission is confirming the exact locations of the flags. A revised site plan was submitted on 10/25/22.*

*Finally, staff notes that there is also Bordering Land Subject to Flooding on the property within the wooded eastern end of the property where the other wetland resource areas are located, however this was not delineated as a part of this filing. In addition, staff notes that there are offsite wetlands across the streets to the north and south of the property. The buffer zones for these areas likely extend into the subject property.*

Representative Colin McSweeney, of McSweeney Associates, Inc, was present on the call representing the property owner. C. McSweeney explained that he'd flagged the wetlands and Weir River delineations but was delayed due to the plan needing a Professional Land Surveyor (PLS) stamp. He briefly described the delineation process and noted that there is a Flood zone on there but they're not asking for it to be confirmed because it was pretty far down the hill.

The ICO shared the plan to the screen and pointed out the eastern end of the property where the delineation occurred. She noted that the former ACO had conducted most of the review, had been onsite with C. McSweeney to review each flag one by one, and had recommended the surveyor's stamp. The ICO stated that despite the lack of supporting documentation for vegetation, she had confidence in the delineation, knowing that the ACO had done a thorough review. The Commission agreed that the ACO would have done a diligent review of flags.

Comm'r Nielsen asked about the offsite wetlands referenced in the staff memo. The ICO stated her opinion that applicants are not required to put everything on the plan; just what delineations that they are asking to be confirmed. The ICO explained that she'd included a Finding that allows for further review for other areas. If approved, what is on the plan now would be good for three years. The Commission had no further comments.

The Chair invited any members of the public to comment. No members of the public had a comment.

**Motion:** Comm'r Hidell moved to issue an Order of Resource Area Delineation for 210 East Street (DEP 034-1452), as shown on the revised plan, and adopt the findings of fact a and b of the staff report.

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

b. For the purpose of this filing, the Commission confirms the delineation of Bordering Vegetated Wetland flags A-1 to A-7, and Inland Bank flags IB1 to IB5 with corresponding Riverfront Area, but makes no finding as to the exact boundaries of Bordering Land Subject to Flooding on the property or offsite wetland resource areas and any associated Buffer Zones on the subject property.

**Second:** Comm'r Mosher

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

### **Notices of Intent**

**14 Seal Cove Road** – DEP 034-1445, cont'd from 10/3/22, WITHDRAWN

Applicant: Leonard Monfredo

Representative: Joseph Hannon, Atlantic Coast Engineering, LLC

The Chair informed the attendees that the applicant had withdrawn the Notice of Intent and it is anticipated that they will refile.

**222 South Pleasant Street** – DEP 034-1454, continued from 10/24/22

Applicant: Ryan Sillery, City Point Capital, LP

Representative: Paul Shea, Independent Environmental Consultants, Inc.

Proposed: Raze and rebuild a single family house

*Meeting Documents & Exhibits: Staff memo, Revised Plan set (varied dates), Revised Landscape Plan (11/2/22), and Revised Stormwater and O&M Plan (10/31/22)*

*Excerpts from the staff memo: Since the last meeting, staff reviewed revised materials submitted on 10/17, 10/20, 10/31, 11/1, and 11/2. A summary of the comments sent to the project representatives and the responses received (italics) is included below. Staff also revisited the site and found the remaining wetland flags and agrees with their placement. Staff notes that this project is not subject to the stormwater management provisions of the Wetlands Protection Act because it is a single-family house. Staff comments on the Construction Management/O&M Plan were made in the best interests of the long-term functionality of the site. The project will be reviewed in greater detail by the Planning Board and its peer review engineer, and it will ultimately require a Stormwater Pollution Prevention Plan (SWPPP), due the amount of proposed disturbance (greater than one acre). Conditions related to the Construction Management/O&M Plan, inclusive of any revisions made by the Planning Board, and the SWPPP are included below.*

Representative Paul Shea of Independent Environmental Consultants was present on the call along with other members of the applicant's team, including landscape architect, Sean Papich. P. Shea briefly explained that since the hearing first opened on 10/24, per the ICO request, a revised site plan, revised landscape plan and a minor architectural change had been provided, and MA DEP had issued a DEP number with no comments. He noted that conservation staff had issued a staff report that was in agreement with the wetland delineation and provided a draft Order of Conditions.

The ICO stated that there were minor changes to the Site Plan. Regarding the Landscape Plan, she stated that the tree replacements were more in line with the Commission's Tree Policy, with some Eastern White Pine trees incorporated along with the Eastern Red Cedars. There were some changes to the O&M plan, as well as changes to the Mitigation area. She stated that on her initial site visit, she'd seen that there was an existing ten foot wide mowed strip down nearly to wetland flag A6, that she felt would be appropriate for mitigation or restoration, and S.Papich had put in some additional plantings in that area in order to help it regrow. She explained that she'd worked with the engineer on some revisions to the construction management and O&M and there are now references to a SWPPP, strictly because of the area of disturbance on the site. She noted that a Single Family Home is not required to follow the stormwater guidelines. The ICO stated that the applicant had followed her recommendation for fencing off areas where soil compaction should be avoided during construction, in the rear of the site in the Commission's jurisdiction, specifically in the area of the pervious sport court.

The ICO stated that changes to the O&M plan included some tidying up of the language for maintenance of gutters and drainage, and now included language relative to maintenance of the sport court. She noted that the applicant had been responsive to comments and added that the proposal will go before the Planning Board, they will engage a peer review engineer, and, if any revisions result from that, the ICO had included a condition requiring that a copy be provided to the Commission for review as well.

Comm'r Nielsen offered two comments. She'd compared the draft conditions with the stormwater management plan and noted a discrepancy between Page 8 of the stormwater report which refers to an effort to reduce phosphorous and, if required, use instead slow release phosphorous fertilizers, whereas the draft conditions include a condition prohibiting use of fertilizers, pesticides, etc. in perpetuity. The ICO deferred to the applicant's team, asking if there were any objections to condition #48 as drafted, and if not, there would be an additional condition added requiring a revision to the O&M plan regarding that condition. Both P. Shea and S.Papich had no objections to the condition.

Comm'r Nielsen's second comment was in regards to Page 9 of the O&M report, referring to the maintenance of the sport court. She noted that it called for the sport court to be monitored for standing water after storms, and, if not draining, that it be powerwashed, as well as be vacuum swept annually. She pointed out that draft condition #47 regards discharge of water and suggested that, for consistency, that the wash water from the sport court also be prevented from being washed into the 100ft buffer zone. Discussion followed on the nature of potential particles blocking drainage on the sport court. The ICO stated that the draft condition is in consideration of the potential for chemicals to be involved, typically chlorine, and that likely anything being washed off the sport court would be naturally occurring materials. She had asked the applicants if any ice melt or similar would be used on the sport court and the response had been no. Comm'r Nielsen expressed her concern about excessive silt, noting the importance of vacuums to pervious courts. Brief discussion followed.

Comm'r Hidell commented on use of a charcoal filter on the pool filter to alleviate chlorine concerns. Brief discussion followed with agreement to add a condition to that effect.

Comm'r Freeman stated that a condition to submit a revised O&M plan, eliminating the reference of use of phosphorus, be added, otherwise, she had no further comments or questions.

Chair Kelly recognized that a letter had been submitted to the Commission from the abutters. The Chair invited any members of the public to comment.

Joan Ostheimer, 192 South Pleasant Street, was present on the call, stated that she had sent the letter, and noted that abutters on both sides have great concerns about the impact of the project. As it most aptly expressed their concerns, she read her letter aloud; As abutters to 222 South Pleasant Street, we have serious concerns about the negative environmental impact of Mr. Ryan Sillery's proposed construction project. His land, like ours, includes significant wetlands. These wetlands are of unique importance because of their proximity to Accord Brook. The Commission states clearly about, "the importance of the surrounding resource areas to the groundwater supply and water quality, " No building within such a buffer zone should be allowed - no matter how sophisticated a mitigation might appear on paper. We also believe that no 100+ year old pine trees should be removed from this critical wetlands buffer zone. Mr Sillery's planned location of a 4,500 square feet asphalt Sports Court -the size of a NBA court, is in the middle of this critical watershed buffer zone, and would require the removal of a large number of these important mature white pines. How much runoff from this "pervious" surface - unfiltered by nature - will flow directly into our wetlands? What was a woodland home to creatures, seen and unseen, will now be a slab of asphalt, home to no one. As the Conservation Office stated "Wetlands are an important part of the ecosystem, that function best in a natural state." We are also concerned with the impending transformation of a 1,458 square foot 1937 home in a woodland setting, to a

compound probably covering well over 10,000 square feet of man-made structures, including an auto court, garage with office, three story house, in-ground swimming pool, pool house, and sport court. A compound of this size and style feels out of place on historic, rural South Pleasant Street, it is much too large for the 222 South Pleasant Street lot. In closing, we would like to make a specific request, that no pine trees be removed on Mr. Sillery's property within 20 feet of our property line. We have faith that the Conservation Commission will emphasize conservation and not mitigation. Thank you for the important work you do - conserving Hingham's natural environment for future generations.

Chair Kelly thanked J. Ostheimer for her comments. She invited the applicant to address the tree removals along the property line. P. Shea pointed out that the edge of the wetland was verified and there are no alterations within the 50ft buffer zone and some alterations within the 100ft buffer. He added that only 18% of the proposed project is located within the 100ft buffer, the rest of the project is outside of the Conservation Commission jurisdiction and MA DEP jurisdiction. The plan was shared to the screen and he pointed out that that area between the abutter and the applicant has a lot of trees that are going to stay and there are trees that will be added. He added that, within the 50ft buffer, by Flag A9, they will also be removing old tires, metal and other debris.

J. Ostheimer commented that if the applicant cared about the environment, they'd stay out of the 100ft buffer.

Responding to a Commission question, P. Shea stated that in the area of the sport court there are 4-5 trees coming out which will be replaced in close proximity.

The Chair invited any other members of the public to comment. There were no other comments.

The Commission briefly discussed their jurisdiction on the property, the 9 trees proposed for removal within that, their replacements, and concluded that the proposal meets the regulations of the Wetlands Protection Act and the bylaw.

**Motion:** Comm'r Freeman moved to issue an Order of Conditions for the proposed work at 222 South Pleasant Street (DEP 034-1454), as shown on the submitted plans, and adopt the findings of fact a through c, and special conditions 21 through 55 of the staff report and as discussed.

*(Conditions below reflect the addition of two conditions as discussed at the meeting)*

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 Bordering Vegetated Wetland flags A1-A14, but makes no finding as to the exact boundaries of other wetland resource areas.

Special Conditions:

21. The applicant shall notify the 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 by telephone or writing, of the commencement of work on the site, at least 48 hours in advance of said work.
22. This Order shall be included in all construction contracts and subcontracts dealing with the work and shall supersede all other contract requirements.
23. 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.
24. Prior to the start of any excavation or construction, erosion and sediment controls shall be installed, as shown on the final approved plans, 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. Extra erosion controls shall be available on site and stored in an unexposed location or covered.
25. 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.
26. Prior to the start of any excavation or construction, a revised copy of the Construction Management/Operation & Maintenance Plan shall be submitted to the Commission for review and approval. The revised document shall

remove all references to the use of pesticides, herbicides, fungicides, and fertilizers on the property (language related to the prohibition of said materials is acceptable).

27. Prior to the start of any excavation or construction, a signed and certified Stormwater Pollution Prevention Plan (SWPPP) shall be submitted to the Commission for review.
28. Prior to the start of any excavation or construction, one electronic copy and one hard copy of all revised project plans, which may be required as part of Site Plan Review with the Hingham Planning Board, shall be submitted to the Commission for review.
29. The project supervisor or contractor responsible for the work shall have a copy of this Order available on the site at all times.
30. The project supervisor or contractor responsible for the work shall follow the SWPPP during all phases of construction. A copy of the SWPPP shall be kept on the site at all times.
31. 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.
32. Immediately following the approved demolition and tree removal work, all areas on the site designed to infiltrate stormwater and wastewater, including, but not limited to, the recreation court, shall be surrounded by construction fencing to prevent vehicles and equipment from compacting the soils.
33. All demolition and excavated material shall be properly disposed of at an off-site location.
34. All tree debris shall be properly disposed of at an off-site location; no chipped or mulched material shall remain on the property.
35. Any on site dumpsters shall not be located within 100 feet of any resource area.
36. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.
37. All manmade materials dumped in any resource area, including the buffer zone, in particular near wetland flag A9, 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.
38. 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.
39. 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.
40. 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.
41. 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.
42. Stormwater Best Management Practices shall be installed and stormwater runoff shall be managed in accordance with the final approved plans.
43. Rooftop runoff from the approved pool house shall be infiltrated on site, using either the approved infiltration chambers or drip edge stone trenches, or an alternative method approved in advance by the Commission.
44. Greywater from the approved outdoor shower shall be directed to interior plumbing or the approved infiltration chambers.
45. Discharge water from the approved pool shall be directed to the approved infiltration chambers.
46. The tree replacement plantings (9), restoration/re-vegetation area plantings (465sqft), and mitigation area plantings (3,928sqft) shall be installed, and seeding completed, in accordance with the final approved landscape plan.
47. Before executing any change from the plan(s) 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.

48. No pool water or backwash shall be discharged within 100 feet of any resource area. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
49. All pool water or backwash shall pass through an activated carbon filter, or other alternative approved in advance by the Commission, prior to reaching the approved infiltration chambers. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
50. The use of pesticides, herbicides, fungicides, and fertilizers shall be prohibited on this property because of its proximity to Accord Brook, which is a state-listed 303(d) impaired waterway, and location in a Wellhead Protection Area (Zone II), and the importance of the surrounding resource areas to the groundwater supply and water quality. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
51. It is the sole responsibility of the owner of record to maintain drainage structures at all times. The property owner shall comply with the approved Construction Management/Operation & Maintenance Plan, prepared by Site Engineering Consultants, Inc. and dated October 31, 2022, which will be revised as part of condition #26 and may be further revised as part of Site Plan Review with the Hingham Planning Board. The property owner is also responsible for retaining records of the maintenance and cleaning for review by the Commission. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
52. Prior to the issuance of a Certificate of Compliance, the tree replacement plantings (9), restoration/re-vegetation area plantings (465sqft), and mitigation area plantings (3,928sqft) shall survive at least two full growing seasons with a minimum of 75% survival rate (in each category). If a 75% survival rate is not achieved, replacement plantings of the same species shall be made by the applicant.
53. The restoration/re-vegetation area (465sqft) and mitigation area (3,928sqft) shall be maintained with native plantings or shall be allowed to naturally revegetate with native species following planting and remain as naturally vegetated, and shall not be mown or otherwise maintained. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
54. 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.
55. The applicant shall submit an "as built" plan to the Commission upon completion of this project. The plan shall be signed by the professional engineer of record, who shall certify that the work has been done in accordance with the approved plans and this Order. This plan must be submitted prior to the issuance of a Certificate of Compliance by the Commission.

**Second:** Comm'r Mosher

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

**15 Howland Lane** – DEP 034-1455

Applicant: Lauren & Alex Carabelli

Representative: Caroline Rees, Merrill Corporation

Proposed: New garage addition, relocated driveway and hardscaping

*Meeting Documents & Exhibits: Staff memo, initial NOI submittal, and Rev. Site Plan (11-1-22)*

*Excerpts from the staff memo: Staff visited the site on 10/27/22. Tree removal work and replacement plantings were underway, which were approved by the Commission under a Negative Determination of Applicability issued in September 2022. The area where the garage addition is proposed is fairly steep, from north to south. The top of the proposed driveway is at the top of this slope, however the bottom is located in the lowest and flattest portion of the front of the lot (southeast corner). Two retaining walls are proposed at the toe of slope in order to support the proposed garage and driveway. The rear portion of the lot is fairly flat and maintained as lawn; two infiltration systems are proposed in this area. A fence separates the yard from the resource areas, however there is a gate that provides access to Cushing Pond. The resource areas were flagged by a botanist in July 2022 and staff agrees with the placement of the flags. Staff relayed the following questions and comments to the project representative and received a written response (italics), as well as a revised plan.*

Staff notes that this project is not subject to the stormwater management provisions of the Wetlands Protection Act because it is a single-family house. However, the project will be reviewed in greater detail by the Planning Board and its peer review engineer. Conditions related to construction BMPs (e.g. silt sacks and pavement sweeping) and the Long-Term Operation and Maintenance Plan (After Construction), inclusive of any revisions made by the Planning Board, are included below.

Representative Caroline Rees from Merrill Corporation, was present on the call with applicant Lauren and Alex Carabelli, and shared her screen with the site plan, noting that it was a site plan prepared for both the Conservation Commission and the Planning Board. She described the lot and resource areas and stated that no work is proposed within the 50ft buffer.

C.Rees stated that the proposal would result in an increase of 1296sf impervious in the 100ft buffer. They have proposed areas for mitigation plantings totally 1300sf. These plantings would be in addition to plantings approved through an existing prior Negative Determination of Applicability. They have done a stormwater analysis for the Planning Board as part of Minor Site Plan Review and the proposed infiltration systems are on the plan.

The ICO stated that the applicants had been responsive to minor comments and had made changes to the mitigation plantings. She noted that the existing runoff from the driveway is not being captured and in future condition it will also not be captured but the slope of the driveway will be much improved from the safety perspective and the velocity of stormwater. She added that only half the driveway is in Conservation jurisdiction. An improvement is that the roof runoff currently is coming out at grade and the proposal is for all downspouts to be connected to the infiltration systems which is an improvement over existing. She noted that the proposed mitigation exceeds the Commission policy.

Discussion followed regarding the management of stormwater, with C.Rees stating that the area, with a 20% slope, proves too difficult to get the water to run into a trench. She stated that they are not really changing the size of pavement and have reduced the total flow to the subcatchment out front. She added that the driveway will be flatter so it will be a slower volume. The ICO stated that she'd spoken to DPW about the driveway and they were of the opinion that the same elements that enter the catchbasin now will continue.

The Commission was in agreement to approve the proposal.

The Chair invited any members of the public to comment. No members of the public had a comment.

**Motion:** Comm'r Mosher moved to issue an Order of Conditions for the proposed work at 15 Howland Lane (DEP 034-1455), as shown on the submitted plans, and adopt the findings of fact a through c, and special conditions 21 through 49 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 Bordering Vegetated Wetland flags KT1-KT7, but makes no finding as to the exact boundaries of other wetland resource areas.

Special conditions:

21. The applicant shall notify the 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 by telephone or writing, of the commencement of work on the site, at least 48 hours in advance of said work.
22. This Order shall be included in all construction contracts and subcontracts dealing with the work and shall supersede all other contract requirements.
23. 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.
24. Prior to the start of any excavation or construction, erosion and sediment controls shall be installed, as shown on the final approved plans, 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.

25. 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.
26. Prior to the start of any excavation or construction, the catch basins (2) located on Howland Lane, adjacent to the site, shall be protected with silt sacks or equivalent.
27. Silt sacks shall be maintained and regularly cleaned of sediments until stabilization is achieved and/or until the Commission has authorized their removal.
28. Prior to the start of any excavation or construction, one electronic copy and one hard copy of all revised project plans, which may be required as part of Site Plan Review with the Hingham Planning Board, shall be submitted to the Commission for review.
29. Prior to the installation of the mitigation area plantings (1,310sqft), the exact location and size of each area shall be identified on a plan and submitted to the Commission for review and approval.
30. The project supervisor or contractor responsible for the work shall have a copy of this Order available on the site at all times.
31. 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.
32. All demolition and excavated material shall be properly disposed of at an off-site location.
33. All tree and shrub debris shall be properly disposed of at an off-site location; no chipped or mulched material shall remain on the property.
34. Any on site dumpsters shall not be located within 100 feet of any resource area.
35. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.
36. 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.
37. 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.
38. 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.
39. 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.
40. At the end of each workday, the project supervisor or contractor responsible for the work shall mechanically or manually sweep sediments from all paved surfaces, unless tracking and sediment is not evident.
41. The temporary construction access and vehicle tracking pad shall be properly maintained during construction and shall be removed following construction and the area restored to lawn or other vegetation.
42. Stormwater Best Management Practices shall be installed and stormwater runoff shall be managed in accordance with the final approved plans.
43. The mitigation area plantings (1,310sqft) shall be installed, and seeding completed, in accordance with the final approved plan.
44. Before executing any change from the plan(s) 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.
45. It is the sole responsibility of the owner of record to maintain drainage structures at all times. The property owner shall comply with the approved Long-Term Operation and Maintenance Plan (After Construction), prepared by Merrill Engineers and Land Surveyors, which may be revised as part of Site Plan Review with the Hingham Planning Board. The property owner is also responsible for retaining records of the maintenance and cleaning for review by the Commission. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.

46. Prior to the issuance of a Certificate of Compliance, the mitigation area plantings (1,310sqft) 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.
47. The mitigation areas (1,310sqft) shall be maintained with native plantings or shall be allowed to naturally revegetate with native species following planting and remain as naturally vegetated, and shall not be mown or otherwise maintained. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
48. 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.
49. The applicant shall submit an "as built" plan to the Commission upon completion of this project. The plan shall be signed by the professional engineer of record, who shall certify that the work has been done in accordance with the approved plans and this Order. This plan must be submitted prior to the issuance of a Certificate of Compliance by the Commission.

**Second:** Comm'r Nielsen

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

**Other Business:**

- a. Discussion of suitable application for work underway at 80 Lazell Street.

*Meeting Documents & Exhibits: Proposed Septic System 80 Lazell Street (dated 1/28/2017)*

The ICO shared an older plan (2017) of 80 Lazell Street. She explained that a building permit had come up for a portable sauna and portable hot tub. She pointed out the area proposed for it on the plan and added that no work was proposed within the 50ft buffer. She explained that the portable sauna would have a pea stone foundation for the shed-like structure to sit on. Also proposed within the 100ft buffer, is a portable, salt water hot tub. She explained that work had already begun for that with a concrete pad poured and she believes the electrical work has already been installed. Brief discussion followed with the Commission in agreement that a Notice of Intent would be the appropriate application.

**Adjourn**

**Motion:** Comm'r Hidell moved to adjourn the meeting at 8:15 pm.

**Second:** Comm'r Nielsen

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

Submitted, \_\_\_\_\_  
Sylvia Schuler, Administrative Assistant

Approved on November 21, 2022

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