



TOWN OF HINGHAM

CONSERVATION COMMISSION

MEMORANDUM

TO: Hingham Conservation Commission
 FROM: Heather Charles Lis, Assistant Conservation Officer
 DATE: May 17, 2021
 TITLE: **274 South Street (DEP 034-1405)** – Notice of Intent

PROJECT SUMMARY

RESOURCE AREAS: 50 and 100 Foot Buffer Zones to Bordering Vegetated Wetlands and Inland Bank to an Intermittent Stream

The purpose of this Notice of Intent is to evaluate the potential impacts of demolishing an existing maintenance administration building and removing storage containers and materials stockpiles, and constructing a new equipment storage building, wash down area, equipment maintenance and administration building, bulk storage area, access drive, stormwater management, other utilities, grading, landscaping, and buffer zone restoration. Within the 50ft buffer zone, there would be a small portion of the demolition work, a new drainage pipe and outlet, grading, and buffer zone restoration and plantings. Within the 100ft buffer zone, there would be the wash down and bulk storage areas, a portion of both of the new buildings, new pavement, a portion of the stormwater system, grading and landscaping. Bordering Land Subject to Flooding is located in the vicinity of the site, but no work is proposed within this area. Work would take place within a 1.2 acre area within the South Shore Country Club property.

The representative provided the following **revised** summaries of buffer zone impacts:

Table 1: Overall Project Buffer Zone Impact Summary

Buffer Zone	Total Area in LOD (sf)	Proposed sf Impervious	Existing sf Impervious	Change sf Impervious
0-50'	2,625*	675 SF (paved)	1,082 (32 SF roof, 1,050 SF gravel)	-407 (-32 SF roof, -375 SF paved/gravel)
50-100'	16,469	9,005 (4,361 SF roof, 4,644 paved)	6,180 (1,500 SF roof, 4,680 SF gravel)	+2,825 (+2,861 SF roof, -36 SF paved/gravel)
Total	19,094	9,680 (4,361 roof, 5,319 paved)	7,262 (1,532 SF roof, 5,730 SF gravel)	+2,418 (+2,829 SF roof, -411 SF paved/gravel)

*Does not include mitigation area

Table 2: Phase 1 Buffer Zone Impact Summary

Buffer Zone	Total Area in LOD (sf)	Proposed sf Impervious	Existing sf Impervious	Change sf Impervious
0-50'	587*	0	160 gravel **	-160 gravel**
50-100'	9,519	4,648 (2,066 SF roof, 2,582 SF paved)	3,794 (gravel)	+854 (+2,066 SF roof, -1,212 SF paved/gravel)
Total	10,106	4,648 (2,066 SF roof, 2,582 SF paved)	3,954 (gravel)	+694 (+2,066 SF roof, -1,372 paved/gravel)

*Does not include mitigation area

**Gravel surface to be removed from mitigation area

PERTINENT REGULATIONS AND POLICIES

- Part 1, Sections 2.0 and 3.0 of the Town of Hingham Wetland Regulations governing the Jurisdiction of the Conservation Commission and Regulated Activities.
- Part 1, Section 7.4 of the Town of Hingham Wetland Regulations governing procedures for Notice of Intent.
- Part 2, Section 19.0 of the Town of Hingham Wetland Regulations governing performance standards for Land Subject to Flooding or Inundation by Groundwater or Surface Water.
- Part 2, Section 22.0 of the Town of Hingham Wetland Regulations governing performance standards for Buffer Zones.
- Part 2, Section 23.3 of the Town of Hingham Wetland Regulations governing performance standards for Landscaping.
- Part 2, Section 23.6 of the Town of Hingham Wetland Regulations governing performance standards for Filling.
- Part 2, Section 23.7 of the Town of Hingham Wetland Regulations governing performance standards for Structures.
- 310 CMR 10.00 governing Wetlands Protection pursuant to M.G.L. c. 131, § 40.
- Resource Area Delineation Policy, adopted 11/7/05 and revised 11/4/19.
- Tree Removal and Replacement Policy, adopted 11/4/19.

STAFF COMMENTS

This hearing is continued from the 5/3/21 Commission meeting, where no discussion took place. The project was last discussed at the 3/22/21 meeting and continued to allow time for the representative to respond to comments, for the peer review engineer to complete their review, and for a MassDEP file number to be issued. Since then, a file number has been received and there have been multiple revisions to plans and supporting documentation, additional comments from staff, and a second review by the peer review engineer. Revisions or additional information were provided for erosion controls, stormwater calculations, stormwater management, O&M plan, plantings, restoration work, and phasing plan. Revised materials are posted on the Pending Applications website. Staff has no further comments.

If the Commission is satisfied, an Order of Conditions could be issued as follows.

RECOMMENDATION AND FINDINGS

Based on evidence provided, staff recommends the Hingham Conservation Commission find that:

- 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. The boundaries of wetland resource areas in the vicinity of the proposed work were previously approved in an Order of Resource Area Delineation (DEP 034-1396), issued on 3/15/21.

and that the Commission issue an Order of Conditions with the following 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. Additional notification shall also be provided at least 48 hours in advance of any subsequent project phases.
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. A pre-construction conference shall also be required prior to the start of any excavation or construction for any subsequent project phases.
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. The Commission reserves the right to require additional erosion and/or damage prevention controls if deemed necessary. These may be required by the Commission or an agent of the Commission at any time when deemed appropriate.
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. Prior to the start of any excavation or construction, catch basins within the vicinity of the work shall be protected with silt sacks or equivalent.
28. Silt sacks shall be maintained and regularly cleaned of sediments until stabilization is achieved and/or until the Commission has formally approved their removal.
29. Prior to the start of any excavation or construction, the limit of work around the restoration areas, as shown on the final approved plans, shall be marked in the field and inspected by an agent of the Commission.
30. Prior to the start of any excavation or construction, a standalone invasive species management plan, including the management strategy for each invasive species with methods to be used and timing of control or treatments, information on herbicides to be used and manufacturer specifications, disposal details for plants removed, and anticipated activities in each growing season, shall be prepared by a wetland scientist or other qualified professional approved in advance by the Commission, and submitted to the Commission for review and approval.
31. Prior to the start of any excavation or construction, a Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan shall be submitted to the Commission for review and approval, to ensure compliance with MassDEP Stormwater Management Standard 8.
32. Prior to the start of any excavation or construction, copies of all federal, state, and local permits, certifications, and approvals, as applicable, shall be submitted to the Commission for review.
33. One month prior to the start of any excavation or construction, a Stormwater Pollution and Prevention Plan (SWPPP) shall be submitted to the Commission for review and approval.
34. Beginning the first week of construction, in which construction activity occurs on site, and for as long thereafter as the ground remains unstabilized, the applicant shall have a weekly written report prepared by a Registered Professional Engineer (Civil) or approved wetland scientist and available for review by the Commission. The inspector shall certify that to the best of their knowledge and belief, based upon careful site inspections (conducted during work hours at the site not less than weekly), all work is being performed in compliance with this Order. If the work is not in compliance, they will note where a deviation from the Order occurred. These reports may be stopped if construction activity ceases for a period of more than five days.
35. The project supervisor or contractor in charge of the work shall follow the final approved SWPPP during all phases of construction. A copy of this document shall be kept on site at all times.
36. 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.
37. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.
38. All lawn waste, brush, leaves, or other materials, including concrete/plastic/metal pipes, old fencing, drums, and other man-made debris, dumped in any resource area, including the buffer zone, in particular north of wetland flags B5 and B6, 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.

39. All tree debris shall be properly disposed of at an off-site location; no chipped or mulched material shall remain on the property.
40. All demolition and excavated material shall be properly disposed of at an off-site location.
41. Any on site dumpsters shall not be located within 100 feet of any resource area.
42. 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.
43. At the end of each workday, the applicant shall mechanically or manually sweep sediments from all paved surfaces, unless tracking and sediment is not evident.
44. 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.
45. 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.
46. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 100 feet of any resource area and no fuel or maintenance chemicals related to this activity shall be stored within 100 feet of any resource area.
47. Stormwater Best Management Practices shall be installed and stormwater runoff shall be managed, in accordance with the final approved plans. The installation/construction of the bioretention area, and other drainage system components shall be witnessed by a Registered Professional Engineer (Civil). The engineer shall submit documentation to the Conservation Commission stating that the installation/construction of these components was conducted properly (in compliance with all conditions herein) and in accordance with the final approved plans and manufacturer specifications.
48. In the event that erosion is discovered downstream of catch basin CB-3, as shown on the final approved plans, it shall be repaired immediately.
49. Invasive species management shall be conducted, and plantings, including restoration area plantings and tree mitigation plantings, shall be installed, and seeding completed, in accordance with the final approved invasive species management plan, landscape plans, and phasing plan. Invasive species management activities shall be directly overseen by a wetland scientist or other qualified professional approved in advance by the Commission. Monitoring reports shall be prepared by the wetland scientist or other qualified professional and submitted to the Commission, at the end of each growing season.
50. 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.
51. The Long-Term Operation and Maintenance Plan shall be revised to include manufacturer specifications and maintenance instructions for the selected water quality units.
52. 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, prepared by Pare Corporation and dated XX/XX/XX, or as may be revised by conditions herein. 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.
53. 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.
54. 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.

55. Prior to the issuance of a Certificate of Compliance, the restoration area and tree mitigation 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.
56. The restoration planting areas shall be allowed to naturally revegetate with native species following planting and remain as naturally vegetated. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.

PROPOSED MOTION

I move to waive the local by-law fee and issue an Order of Conditions for the proposed work at 274 South Street (DEP 034-1405), as shown on the submitted plans, and adopt the findings of fact a through c, and special conditions 21 through 56 of the staff report.