

# TOWN OF HINGHAM

## CONSERVATION COMMISSION



Zoning Board of Appeals  
210 Central Street  
Hingham, MA 02043

March 21, 2017

RE: 230 Beal Street – Response to Alliance comments dated March 15, 2017 and March 20, 2017

Dear Mr. Chairman and Members of the Board,

The following is a response to the comments provided by Broadstone Bare Cove Alliance, LLC (Alliance) and their representative via two separate memos dated March 15, 2017 and March 20, 2017.

### Vegetation Management

Alliance has provided sufficient additional information about the proposed vegetation management, including a detailed list of targeted species, a proposed schedule, and proposed methods for removal, to alleviate the Conservation Commission's (Commission) concerns about this portion of the project. The Commission expects that the plan notations, particularly those featured on Sheets C-1B and L-100, will be revised to reflect this more detailed proposal. The Commission also expects that this more detailed proposal will be formalized in the proposed Conservation Restriction (CR) or a supplementary document, such as a Vegetation Management Plan. Finally, as a point of clarification, it is my understanding that the limit of proposed vegetation management on either side of the proposed boardwalk will not exceed 10 feet. In the memo dated March 20, 2017, the "selective clearing area" is identified as being "40' wide, centered on the boardwalk," which will exceed the 10 foot limit discussed at the March 7, 2017 site walk and noted in the March 15, 2017 memo.

### Snow Storage Areas

Alliance has also provided sufficient additional information about the proposed snow storage areas, including revised plans depicting the proposed CR in relation to the proposed conditions (see Sheets CR-1 and CR-2) and a memo from Allen & Major Associates, Inc., to alleviate the Commission's concerns about this portion of the project.

### Grading and Drainage

Alliance has confirmed that the proposed grading and drainage outlets will be located outside of the proposed CR. The revised plans depict a proposed flared end section in close proximity to the northeastern boundary of the proposed CR (see Sheet CR-2). In consultation with Amory Engineers, P.C., the Commission has confirmed that only treated stormwater will be discharged from this structure and the volume of stormwater will be reduced in comparison to the existing conditions. These two factors alleviate the Commission's concerns about this portion of the project. The Commission expects that the design capacity, stormwater management treatment capacity, and structural integrity of the proposed drainage system will be maintained and inspected as part of an Operation and Maintenance Plan approved by the Board.

### CR Configuration

Alliance has revised and expanded the northwestern boundary of the proposed CR, which the Commission supports, however the Commission is concerned about the gap in the center of the proposed CR, in the same location as the proposed boardwalk. The Commission feels strongly that this area should be included in the proposed CR. If it is excluded, the Commission is severely limited in its ability to prevent any future improvements to the area that would negatively impact the values of the proposed CR. In addition, it eliminates any potential for public access on the proposed boardwalk. The Commission is committed to working with Alliance to draft a CR that reserves their right to construct and maintain an ADA-complaint wooden boardwalk, and conduct vegetation management.

### Public Access

Alliance has indicated that it is not proposing “to invite the public onto private areas encumbered by the Conservation Restriction or the boardwalk” (March 20, 2017). While public access is not required as part of the proposed CR, from the Commission’s perspective, it is the most appealing aspect of a potential agreement with Alliance. A large portion of the proposed CR is already encumbered by state regulations that relate to wetlands and archaeological sites. While the proposed CR guarantees these resources will be protected in perpetuity, a formal review and permitting process exists to ensure the resources will not be impacted as part of any future development. As a public body, the Commission is charged with protecting the Town’s environmental resources, but it is also a representative of the Town’s residents and it seeks to make decisions that benefit the environment and the public. Public access is a critical piece of the conservation lands in which the Commission holds an interest. In addition, the proposed CR is truly a natural extension of an existing public park. The existing meadow and art display within the proposed CR are easily, and often mistakenly, interpreted and used as if they were a part of the park. The proposed boardwalk will be visible from the park and will likely stand out as an attractive amenity. The proposed CR presents an opportunity to ensure these areas and improvements will benefit the future residents of the proposed development, the residents of Hingham, and visitors to the park.

Alliance has also indicated that the proposed boardwalk cannot be expanded due to the archaeological sensitivity of the surrounding area. While the Commission understands and respects these site constraints, it also believes that improvements could be made to the proposed boardwalk, within its proposed footprint, that provide a public benefit, such as railing-mounted interpretive and directional signage. These improvements could help define the sensitive vs. accessible spaces and public vs. private spaces, all while encouraging the flow of pedestrian traffic. With respect to Alliance’s concerns about liability and security, the Commission believes these are addressed under Massachusetts’ recreational use statute (M.G.L. c. 21, § 17C), which states that landowners who open their land to the public free of charge for “recreational, conservation, scientific, educational, environmental, ecological, research, religious, or charitable purposes” are not liable for personal injuries or property damages absent “willful, wanton, or reckless conduct” by the landowner.

Thank you for accepting and reviewing these comments. Should the Board have any immediate questions or require additional information, including suggested conditions related to the proposed CR, please feel free to contact me.

Sincerely,



Loni M. Fournier

Senior Planner: Conservation/GIS

Cc: Scott McIsaac, Chair, Conservation Commission  
Emily Wentworth, Senior Planner: Zoning/Special Projects