



CONSERVATION COMMISSION MEETING MINUTES – March 21, 2016

Present: Scott McIsaac- Chair, Eldon Abbott- Vice Chair, Frank Gaul, Bob Mosher, Laurie Freeman, Michael Ide, John Morrissey, Loni Fournier- Conservation Officer, Polina Supin- Assistant Conservation Officer

Meeting was called to order at 7:02 PM.

Approval of Minutes

Motion: Commissioner Mosher motioned to approve the minutes from the March 6, 2016 site visit at 246 Lazell Street.

Second: Commissioner Freeman **In Favor:** All **Opposed:** None

Motion: Commissioner Ide motioned to approve the minutes, as amended, from the March 7, 2016 Commission meeting.

Second: Commissioner Gaul **In Favor:** All **Opposed:** None

Requests for Determination of Applicability

55 Gilford Road, continued from 2/22/2016

Applicant: Eugene Allen Representative: John Cavanaro

Proposed: Expansion of driveway and addition of vestibule and deck

John Cavanaro introduced Gene Allen, property owner at 55 Gilford Road, and presented the project plans to the Commission.

The applicant is proposing to construct a 77 ft² vestibule at the front entrance of his house and expand the existing gravel driveway to 692 ft², all within the 100 foot buffer zone. The applicant also proposes to construct a 179 ft² deck at the rear of his house, within the 50 foot buffer zone. The property is located in Priority Habitat of Rare Species; the Natural Heritage & Endangered Species Program has determined that the project, as currently proposed, will not result in a prohibited “take” of state-listed rare species.

Staff originally visited the site on 2/8/16. The property slopes down from Gilford Road to the salt marsh. A small portion of the property, between Gilford Road and the proposed septic system (approved through an Administrative Review application), is covered with common ivy and a few trees. The remaining portion of the property has been cleared of ground cover, presumably common ivy, to install the septic system. The proposed vestibule, driveway and deck are all located in previously disturbed areas. Staff recommends establishing a native planting bed on the western side of the driveway to provide additional stability to the gravel.

Motion: Commissioner Morrissey motioned to issue a Negative Determination of Applicability for the work proposed at 55 Gilford Road, as shown on the submitted plan, and adopt the findings of fact a-c and conditions 1-5 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.

Conditions:

1. Prior to the start of construction, erosion controls must be installed and inspected by the Conservation Department; straw wattles and/or hay bales will not be used as a form of erosion control.
2. Erosion controls will remain in place until construction is complete and a final vegetative cover is established.
3. Any debris that falls into the resource area shall be removed immediately by hand.
4. The Conservation Department shall be notified of any changes in plans prior to proceeding with said changed plans.
5. A planting plan, for the native planting bed, shall be submitted to and approved by the Conservation Department prior to planting.

Second: Commissioner Mosher

In Favor: All

Opposed: None

Commuter Rail Right-of-Way

Applicant: Keolis Commuter Services

Proposed: Renewal of a vegetation management plan

Kyle Fair, of Fair Dermody Consulting Engineers with offices in Maine, was unable to attend the meeting due to the snowstorm. Mr. Fair asked the Commission review the project without him, or to continue the hearing until April 11, 2016 when he could be present. The Commission agreed to review the project.

Keolis Commuter Services is renewing its vegetation management plan, which was originally approved through an RDA in 2011. The proposed vegetation management plan is similar to the last plan. The right-of-way passes through some wetland buffers and vernal pool buffers. The work will consist of an herbicide application along portions of the rail line to maintain a safe and vegetation free right-of-way. The actual spraying will be done on previously disturbed surfaces and there will not be any direct spraying in the wetland or vernal pool. A "No Spray Zone" is identified in the vicinity of the Weir River.

In 2011, residents from Eldridge Court voiced concerns about their shallow wells being contaminated by the herbicide. The Commission asked the MBCR (predecessor to Keolis) to contact these residents and bring their well locations to the attention of the crews applying the herbicide. The MBCR complied with this request and ultimately reduced the frequency of herbicide application in the vicinity of Eldridge Court from a "Limited Spray Zone (1 Year Interval)" to a "Limited Spray Zone (2 Year Interval)."

Staff noticed that the Eldridge Court area is listed as a "Limited Spray Zone (1 Year Interval)" in the proposed vegetation management plan. Staff recommends updating the Eldridge Court area to a "Limited Spray Zone (2 Year Interval)."

Commissioner Mosher asked if the residents from Eldridge Court were notified. The Conservation Officer replied that she did not know and that RDAs do not require abutter notification, however a legal notice was published in the newspaper.

The Conservation Officer stated that the Commission added a condition to the last Determination, requiring the MBCR to contact the residents on Eldridge Court. She suggested that a similar condition could be added to this Determination. Commissioner Morrissey stated that he would like the residents on Eldridge Court to receive notification. Commissioner Abbott stated that he would like to see a condition added to the Determination.

The Conservation Officer stated that she will communicate the terms of the Determination to the representative, with a fifth condition requiring Keolis to notify the residents of Eldridge Court and to provide proof of the notification to the Commission.

Motion: Commissioner Freeman motioned to issue a Negative Determination of Applicability for the work proposed along the Keolis Commuter Services' right-of-way and adopt the findings of fact a and b, and conditions 1-5 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.

Conditions:

1. Contact residents with groundwater wells in the Eldridge Court area and alert Keolis crews to their location. Submit a copy of the letter and/or certified mailing receipts to the Conservation Department.
2. The spray zone in the vicinity of Eldridge Court shall be updated to reflect a "Limited Spray Zone (2 Year Interval)."
3. One copy of the final Vegetation Management Plan shall be submitted to the Conservation Department.
4. One copy of the Yearly Operational Plan shall be submitted to the Conservation Department, annually.
5. The Conservation Department shall be notified of any changes to the Vegetation Management Plan before proceeding with said changes.

Second: Commissioner Morrissey **In Favor:** All **Opposed:** None

Commissioner McIsaac read the Public Hearing Notice of Intent.

Notices of Intent

0 Lazell Street – DEP 034-1252, continued from 3/7/2016

Applicant: Falconeiri Construction Representative: Brad Holmes

Proposed: Well installation and associated piping

Cameron Larson, environmental consultant, presented a brief summary of the plans to the Commission. At the last meeting, Brad Holmes, representative, presented the plans for a drinking well and associated piping. Several abutters were present and raised concerns about the long term maintenance of the proposed well and impacts on the wetlands, as well as concerns related to zoning.

Mr. Larson indicated that the NHESP issued a determination letter, approving the project. Mr. Larson also introduced Terry McSweeney of McSweeney Associates, who could answer questions about well drilling techniques.

The Conservation Officer stated that the NHESP letter arrived around noon and the Commission also received letters from abutters after 3pm. She further stated that she did not have any conditions in order to approve the project and would like the hearing to be continued to April 11, 2016. She stated that she would like the opportunity to speak with Board of Health and the NHESP about any recommendations that they would make.

The Conservation Officer asked Mr. McSweeney if he had any plans to dewater when digging near the well or trenching near the wetlands. Mr. McSweeney stated he did not.

The Conservation Officer asked Mr. McSweeney to describe the drilling process and how any materials that were used would be contained. Mr. McSweeney stated that a bentonite clay slurry is pumped into the well, which keeps the sediment from entering the bore hole and from fouling up the drilling equipment. Mr. McSweeney further stated that once the well casing is seated into the bedrock, no additional materials will be added to the bore hole. Mr. McSweeney stated that soil berms will keep materials from moving away from drilling area.

The Conservation Officer asked if the materials are collected and disposed of offsite. Mr. McSweeney stated traditionally the material is used as backfill, but under certain circumstances the material has been taken away. He stated that the material is completely non-hazardous.

Mr. McSweeney stated that the plan is still in outside review with the engineer, Paul Brogna, and he has not heard back from him. He further stated that he had preliminary discussions with Bruce Capman from the Board of Health and that he has not raised any concerns about the plan. The Conservation Officer stated that she also reached out to Mr. Capman and is waiting to hear back from him.

The Conservation Officer asked Mr. McSweeney if the electrical line and the 2-inch water line could be fitted into a larger conduit-style pipe to help eliminate some of the disruption to the buffer zone and wetland area. Mr. McSweeney indicated that was possible.

Commissioner McIsaac asked Mr. McSweeney how the two well sites were selected. Mr. McSweeney stated the overall parcel was over 13 acres, however there was a state standard for the setback of a septic system to a well, which is 100 ft., and the Board of Health has a supplementary rule which requires a 250 ft. setback. Those restrictions limit the areas that are appropriate for well installations.

Commissioner McIsaac opened the hearing to public comment.

Gerry Gigon, 105 Lazell Street, asked Mr. McSweeney about the drill rig access. Mr. Gigon was provided a map of the drill rig access. Mr. McSweeney indicated that no trees would be removed for the access.

Commissioner Morrissey asked about the length of the access road. Mr. McSweeney estimated 150 feet.

Mr. Gigon asked if the stone wall on Lazell Street would be removed. Mr. McSweeney replied that it would be moved temporarily.

Mr. Gigon asked if the water line would be trenched from the house to the well or the well to the house. Mr. McSweeney indicated that it would make the most sense to start at the top of the property, and the equipment is much smaller than the drill rig.

Peter Bickford, 65 Lazell Street, stated that the project would be a major disturbance to the 50 foot buffer zone. He also restated his concerns that the amount of disturbance could be reduced if one house, instead of two, was proposed for the area. Mr. Bickford further stated that the area is critical to a rare species and the protection of water quality for the Town.

Mr. Bickford raised additional concerns about maintenance. Commissioner Ide stated that his well has been serviced via a tripod and a winch, not with heavy equipment. Mr. McSweeney stated that if these wells do need maintenance, the Commission will need to be notified prior to any work being done.

Commissioner Abbott asked Mr. McSweeney how much bentonite slurry will be used for drilling the well. Mr. McSweeney stated that he did not know.

Commissioner Mosher asked if the access road presented was different than the one previously submitted, and if so, he believed the abutters had a right to look at the new proposal. Mr. Larson responded that it was different and it was the most minimally invasive route that they could take.

The Conservation Officer asked Mr. Larson to confirm whether loam would be brought in from offsite to restore the disturbed areas, or whether the areas would be backfilled with the existing soil. Mr. Larson stated that the areas would be backfilled and loam would be brought in for a topsoil and restoration purposes.

Commissioner Mclsaac closed the hearing to public comment.

Mr. Larson asked to continue the hearing to the April 11, 2016 Commission meeting.

Motion: Commissioner Abbott motioned to continue the Notice of Intent hearing for 0 Lazell Street to April 11, 2016.

Second: Commissioner Mosher **In Favor:** All **Opposed:** None

91 Lazell Street – DEP 034-1250, continued from 3/7/2016

Applicant: Falconeiri Construction Representative: Brad Holmes

Proposed: Well installation and associated piping

Commissioner Mclsaac opened the hearing to public comment. The Commission, members of the public, and the representatives (Cameron Larson and Terry McSweeney) acknowledged that the same concerns and needs existed for this project as 0 Lazell Street. Commissioner Mclsaac closed the hearing to public comment.

Mr. Larson asked to continue the hearing to the April 11, 2016 Commission meeting.

Motion: Commissioner Gaul motioned to continue the Notice of Intent hearing for 91 Lazell Street to April 11, 2016.

Second: Commissioner Morrissey **In Favor:** All **Opposed:** None

17 Ocean View Drive – DEP 034-1253

Applicant: Julie and James Polmonari

Proposed: Additions to house, new porch, and new stairs

Eric Ford, of Lucas Environmental, introduced Julie Polmonari, property owner at 17 Ocean View Drive, and presented the project plans to the Commission.

The applicants are proposing to construct several enclosed additions to their home, within multiple 50 foot buffer zones. The first is a 206 ft² addition off of their existing garage. This addition will serve as the new garage, while the existing garage will be converted into a living room. The proposed garage will be on a slab foundation, constructed over the existing paved driveway. A second 96 ft² addition will be constructed in an alcove between the house and existing garage. The final enclosed addition will be 26 ft² to the front of the house, to serve as an entrance. Both of these additions will also have a slab-on-grade foundation.

The applicants have also proposed the addition of a 260 ft² front porch, which will be constructed over an existing 221 ft² brick walkway. The porch will consist of pressure treated framing with Trex decking. It will sit on three sono-tube concrete piers (about 24" in diameter) with the height of the deck about 16 inches above grade. The proposed porch is within the 50 foot buffer zone to the coastal bank.

A set of stairs will be constructed off of the existing back deck, which currently does not have an outdoor access or egress. The stairs will be located within 50 feet of the salt marsh and on the edge of the coastal bank. They will be constructed with one sono-tube concrete pier that will support the top landing of the stairs; the bottom landing will be constructed at grade. The stairs will consist of pressure treated framing with Fiberon decking. The existing decking will be replaced with Fiberon decking.

A 2:1 (300 ft²) mitigation area is proposed in the northern corner of the property, abutting the salt marsh. A total of five plantings consisting of inkberry, bayberry and beach plum bushes will be planted in this area; the understory will be planted with New England Coastal Salt Tolerant Seed Mix or equivalent.

Staff visited the site on 3/16/16. The enclosed additions and front porch will not adversely impact the resource areas as long as erosion and sediment controls are installed properly. The deck stairs will be constructed over an existing lawn

and water will be able to reach the ground. The location of the mitigation area is surrounded by phragmites and should help stabilize the slightly eroded slope at the rear of the property.

Commissioner Mclsaac opened the hearing to public comment; hearing none, he closed the hearing to public comment.

Motion: Commissioner Freeman motioned to issue an Order of Conditions for the proposed work at 17 Ocean View Drive, as shown on the submitted plan, and adopt the findings of fact a and b, and conditions 1-5 of the staff report.

Findings:

- a. The project meets the 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. Provided that erosion controls remain in place until the disturbed area is permanently stabilized, work will not adversely impact the wetland values of the Town of Hingham Wetlands Regulations.

Conditions:

1. Prior to the start of construction, erosion controls shall be installed and inspected by the Conservation Department; straw wattles and/or hay bales will not be used as a form of erosion control.
2. Erosion controls will remain in place and kept in good repair until construction is complete.
3. Any debris that falls into the resource areas shall be removed immediately by hand.
4. Mulch shall not be used in the mitigation planting area.
5. Prior to issuance of a Certificate of Compliance, the mitigation plantings shall survive a least two full growing seasons with a minimum of 75% survival rate.

Second: Commissioner Mosher

In Favor: All

Opposed: None

211 Downer Avenue – DEP 034-1254

Applicant: Steve Esielonis

Proposed: Replacement of pilings and dock system

Steve Esielonis, representative for the Hingham Yacht Club property at 211 Downer Avenue, presented the project plans to the Commission.

The applicant is proposing to replace five pilings, four of which are damaged, at the Hingham Yacht Club. Three of the replaced pilings will be repositioned to provide better support to the existing docks, to reduce the space between the existing docks (improving safety) and to reduce an obstacle to docking boats. No new pilings will be added to the current configuration.

The applicant was granted a waiver from submitting plans that are stamped by a professional engineer, surveyor or landscape architect.

The Conservation Officer stated the application is missing proof of mailing to MassDEP, and MassDEP has yet to issue a number for the project. In addition, the Division of Marine Fisheries has not submitted any comments on the project.

The Conservation Officer recommended adding a second condition to the Order of Conditions, stating that proof of mailing to MassDEP was required.

Commissioner Mclsaac opened the hearing to public comment; hearing none, he closed the hearing to public comment.

Motion: Commissioner Morrissey motioned to issue an Order of Conditions for the proposed work at 211 Downer Avenue, as shown on the submitted plans, and adopt the finding of fact a, and conditions 1 and 2 of the staff report.

Findings:

- a. The project meets the 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.

Conditions:

1. Any comments received from the MA Division of Marine Fisheries shall be added as special conditions to the Order of Conditions.
2. The Order of Conditions will be issued upon receipt of proof of mailing to MassDEP and the assignment of a MassDEP number.

Second: Commissioner Abbott **In Favor:** All **Opposed:** None **Abstained:** Commissioner Gaul and Commissioner Ide

Other Business

The Conservation Officer discussed the Lehner property appraisal and the need for an additional \$3,100 from the Conservation Fund in order to pay the final bill from the appraiser. She stated that the Open Space Acquisition Committee asked the appraiser for additional work, which was completed and was very helpful. The total for all of the appraisal work was \$8,700.

Motion: Commissioner Abbott motioned to allocate an additional \$3,100 from the Conservation Fund to pay for the Lehner property appraisal.

Second: Commissioner Gaul **In Favor:** All **Opposed:** None

The Conservation Officer also spoke about the open space survey and the business cards that were developed to advertise the survey. She asked the Commission to distribute the business cards to help spread the word about the survey.

The Conservation Officer reminded the Commission that Town Meeting is scheduled for April 25, 2016. She asked the Commission to let her know if they needed anything to prepare for Town Meeting. She also mentioned that the Open Space and Recreation Plan update meeting is scheduled for March 22, 2016 at 7pm.

The Conservation Officer and Commission spoke about the terms for Commissioners Abbott and Ide, which are set to expire in 2016. The Conservation Officer indicated that someone from the Town Administrator's office will be contacting them to ask if they would like to continue to serve on the Commission. The Conservation Officer also stated that Commission's position on the Open Space Acquisition Committee needed to be filled.

The meeting adjourned at 8:50 PM.

Submitted,

Elizabeth Berry, Administrative Assistant

Approved on April 11, 2016.