

- 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 shall be installed; 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 disturbed areas are stabilized and returned to preexisting conditions.
- 3. Soil and other materials will be stockpiled outside of the 100 foot buffer zone to the wetland and the 100 foot riverfront area.
- 4. The Conservation Department shall be notified to any changes in plans prior to proceeding with said changed plans.

Second: Commissioner Freeman

In Favor: All

Opposed: None

6 Willow Circle

Applicant: Edward & Marylyn Murphy

Representative: Roger Hoit

Proposed: Vestibule, addition and deck

Roger Hoit presented the project plans to the Commission.

The applicant is proposing to construct a 40 ft² vestibule and 30 ft² porch at the front entrance of the home, within the 100 foot buffer zone of a wetland and the 200 foot riverfront area. The applicants are also proposing to add two, two-story additions, one over the existing garage and another over an existing living area at the rear of the home. These improvements are within the 50 and 100 foot buffer zones of a wetland and the 100 and 200 foot riverfront areas. Finally, the applicants have proposed to reconstruct their rear deck, which was destroyed last winter. The deck will be expanded by 84 ft² and include an additional staircase. Two sonotube footings will be installed to support the deck. The proposed deck improvements are located within the 50 foot buffer zone of a wetland.

The applicant has proposed a 200 ft² mitigation area, in the southeast corner of the property and within the 50 foot buffer zone of a wetland, where a failing railroad tie retaining wall is located and erosion is noticeable. The retaining wall will be repaired and six native shrubs and grasses will be planted.

Staff visited the site on 12/2/15, for another proposal that was ultimately withdrawn by the applicants. With proper erosion controls, the proposed improvements should not adversely impact the resource areas.

The Conservation Officer asked Mr. Hoit if he planned to rebuild the retaining wall with new materials and stay within the original footprint. Mr. Hoit stated that he would be using new materials within the existing footprint.

Commissioner Abbott asked Mr. Hoit if the additions will be built on the existing foundation. Mr. Hoit stated that the renovations will be on the existing foundation.

Motion: Commissioner Freeman motioned to issue a Negative Determination of Applicability for the work proposed at 6 Willow Circle 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. 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.
3. Any debris that falls into the resource area shall be removed immediately by hand.
4. The Conservation Department shall be notified to any changes in plans prior to proceeding with said changed plans.
5. Prior to issuance of a Certificate of Compliance, the mitigation plantings shall survive at least two full growing seasons with a minimum of 75% survival rate.

Second: Commissioner Mosher

In Favor: All

Opposed: None

Commissioner Mclsaac read the Public Hearing Notice of Intent.

Notices of Intent

0 Lazell Street – DEP 034-1252, continued from 3/21/2016

Applicant: Falconeiri Construction Representative: Brad Holmes

Proposed: Well installation and associated piping

This hearing was continued from 3/21/2016. Brad Holmes reviewed the project plans to the Commission.

The applicant is proposing to install a drinking well and associated piping. The proposed well site is within the 100 foot buffer zone. An access road for the drill rig will also be constructed in the 100 foot buffer zone. The piping will be installed from the well to a proposed single family home by digging and excavating a 2-3 foot wide and 4 foot deep trench with a small excavator. Once the piping is installed, the trench will be backfilled, tamped and covered with clean loam. The trench is located mostly within the 50 foot buffer zone.

To restore the area disturbed by the small excavator, the applicant proposes to hand seed with a New England conservation/wildlife seed mix. In addition, four different native plantings will be planted within the 50 foot buffer zone. The plantings will be mulched with 1-2 inches of thick leaf litter or other natural organic mulch. If a soil stockpile is needed, the location will be outside of the 100 foot buffer zone.

Commissioner Mclsaac opened the hearing to public comment.

Gerry Gigon, 105 Lazell Street, stated his concerns about protecting the buffer zone and that the wells would not be a temporary disturbance, but a permanent installation that will require maintenance and will be a constant infringement on the buffer zone. He also stated that he spoke to Emily Holt at the NHESP and she stated that they did not physically visit the area, but relied on a database to determine if there were any endangered species. He also stated that the NHESP would not tell him what species may be at risk.

Peter Bickford, 65 Lazell Street, read from the Bylaw and encouraged the Commission to consider the information before making a decision. He also stated that the project encroaches on the 50 foot buffer and, at some points, the work comes so close to the wetland that he did not see how it could be done without being in the wetlands. He also mentioned that the area is within the Zone II protection for the Free Street wells.

Ellen Zane, 70 Lazell Street, reinforced her neighbors' comments. She further stated that she felt there would be a permanent and cumulative detrimental impact to the wetlands.

Commissioner Mclsaac, Mr. Gigon and Ms. Zane discussed well maintenance and access issues on Lazell Street.

Commissioner Mosher asked Mr. Holmes if the 91 Lazell Street well would be accessed from the proposed access road in the future, if there was a problem with the well. The Conservation Officer noted that 91 Lazell Street does not have

frontage near the proposed access road, and in the event that the two properties go to two different owners in the future, the lack of frontage could cause a problem for maintenance access.

Terry McSweeney, from McSweeney Associates, Inc., confirmed that 91 Lazell Street did not have frontage near the proposed access road, however language could be added to the deed for 0 Lazell Street to provide access to the 91 Lazell Street well for maintenance, if required. Commissioner Freeman asked if that could be added to the Order of Conditions. The Conservation Officer stated that she was unsure if the Commission had the authority to require a property owner to make modifications to their deed. Commissioner McIsaac agreed that it would be a legal matter.

Commissioner McIsaac asked Mr. McSweeney to confirm that the wells would pump from a depth that would not impact the wetlands. Mr. McSweeney confirmed that water would be pulled from a confined aquifer.

Mr. Bickford raised concerns related to additional maintenance that would be required for the wells, due to their depth and distance from the proposed houses.

Commissioner McIsaac discussed the project and the regulations, and concluded that he felt the impacts would be temporary and, in his understanding, the lots were buildable and entitled to water.

Commissioner Abbott stated that he felt the project was doable and within a reasonable interpretation of a temporary impact to wetlands.

Commissioner Freeman stated that she was also concerned about maintenance, however the question was how often it needed to occur. She further stated that there was mitigation for the disturbance that will occur during construction.

Commissioner Abbott asked Mr. McSweeney about the conditions that necessitate well fracking, specifically whether it was silt or sand buildup. Mr. McSweeney stated that it could be any particulate matter in the water.

Commissioner Abbott asked Mr. McSweeney if the water was tested before the wells were installed, to get an indication of water hardness or other factors that might require more frequent fracking. Mr. McSweeney stated that the water could not be tested before the well was installed.

Mr. Gigon stated that he has very hard water with a very high content of manganese, which could cause his well, and other wells in the area, to clog.

Commissioner Abbott asked Mr. McSweeney if fracking could be done remotely. Mr. McSweeney stated that he did not know.

Commissioner Abbott and Commissioner McIsaac discussed how often the wells might need to be fracked. Commissioner McIsaac asked Mr. Bickford, as the closest abutter, how often he had to frack his well, if it was annually. Mr. Bickford stated that it was not annually. Commissioner McIsaac argued that annual fracking would be too great of an impact.

Mr. Holmes reminded the Commission that all future maintenance work, if it took place in the buffer zone, would have to be reviewed and permitted.

Hearing no other concerns, Commissioner McIsaac closed the hearing to public comment.

Motion: Commissioner Abbott motioned to issue an Order of Conditions for the proposed work at 0 Lazell Street, as shown on the submitted plans, and adopt the findings of fact a and b, and conditions 1-10 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 the following special conditions are met, the work will not adversely impact the resource areas of the Town of Hingham Wetland 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 shall remain in place until construction is complete and a final vegetative cover is established.
3. In addition to erosion controls, a soil berm shall be constructed around the well site to contain and collect the materials used and produced during the drilling process.
4. All materials used and produced during the drilling process shall be properly disposed of at an offsite location.
5. Any debris which falls into the resource area shall be removed immediately by hand.
6. The water line and electrical line shall be installed in a larger conduit pipe to facilitate the maintenance and/or replacement of these lines in the future, without disturbing the buffer zone.
7. Stockpiling of soils, if necessary, shall be located beyond the 100 foot buffer zone and surrounded by erosion controls; straw wattles and/or hay bales will not be used as a form of erosion control.
8. The buffer zone plantings shall be flagged for ease of identification; flags may be removed after two full growing seasons.
9. Prior to the issuance of a Certificate of Compliance, the buffer zone plantings shall survive at least two full growing seasons with a minimum of 75% survival rate.
10. The Conservation Department shall be notified to any changes in plans prior to proceeding with said changed plans.

Second: Commissioner Mosher

In Favor: All

Opposed: None

91 Lazell Street – DEP 034-1250, continued from 3/21/2016

Applicant: Falconeiri Construction Representative: Brad Holmes

Proposed: Well installation and associated piping

This hearing was continued from 3/21/2016. Brad Holmes reviewed the project plans to the Commission.

Commissioner Mclsaac opened the hearing to public comment.

Mr. Bickford, 65 Lazell Street, stated that his same concerns from 0 Lazell Street apply to 91 Lazell Street.

Hearing no other concerns, Commissioner Mclsaac closed the hearing to public comment.

Motion: Commissioner Freeman motioned to issue an Order of Conditions for the proposed work at 91 Lazell Street, as shown on the submitted plans, and adopt the findings of fact a and b, and conditions 1-10 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 the following special conditions are met, the work will not adversely impact the resource areas of the Town of Hingham Wetland 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 shall remain in place until construction is complete and a final vegetative cover is established.
3. In addition to erosion controls, a soil berm shall be constructed around the well site to contain and collect the materials used and produced during the drilling process.

4. All materials used and produced during the drilling process shall be properly disposed of at an offsite location.
5. Any debris which falls into the resource area shall be removed immediately by hand.
6. The water line and electrical line shall be installed in a larger conduit pipe to facilitate the maintenance and/or replacement of these lines in the future, without disturbing the buffer zone.
7. Stockpiling of soils, if necessary, shall be located beyond the 100 foot buffer zone and surrounded by erosion controls; straw wattles and/or hay bales will not be used as a form of erosion control.
8. The buffer zone plantings shall be flagged for ease of identification; flags may be removed after two full growing seasons.
9. Prior to the issuance of a Certificate of Compliance, the buffer zone plantings shall survive at least two full growing seasons with a minimum of 75% survival rate.
10. The Conservation Department shall be notified to any changes in plans prior to proceeding with said changed plans.

Second: Commissioner Abbott

In Favor: All

Opposed: None

Cushing Pond – DEP 034-1255

Applicant: Jennifer Sacco-Smith

Representative: Keith Gazaille

Proposed: Aquatic plant management at Cushing Pond

Keith Gazaille of SOLitude Lake Management represented the Cushing Pond Preservation Group and presented the management plan to the Commission.

The applicants are proposing to continue the Aquatic Vegetation Management Program, which they have been executing since 2006, at Cushing Pond. The goal of the program is to control the abundant growth of nuisance and non-native aquatic plant species, mainly fanwort and curly-leaf pondweed. The program has successfully reduced the amount of fanwort in the pond, and is focused on controlling the regrowth of curly-leaf pondweed, as well as yellow waterlily. The program utilizes aquatic herbicide.

The Conservation Officer stated that the project has been successful and there have been no complaints. She further stated that she does not see any issue with continuing the maintenance at Cushing Pond.

Commissioner Mosher asked Mr. Gazaille if the application only kills plants, not fish. Mr. Gazaille confirmed that it only kills plants.

Commissioner Mosher asked how the weeds get in the pond. Mr. Gazaille stated that most of the non-native species reproduce via fragmentation, and that any portion of the plant can form roots as a result. He further stated that boats, waterfowl and aquarium discharge are common sources of plant fragments.

Commissioner Abbott asked if there was a report on the processes and chemicals used. Mr. Gazaille stated that a report was generated in 2004, and that he could provide a copy to the Commission.

Commissioner Abbott asked if specific chemicals were used for different types of weeds. Mr. Gazaille stated that some chemicals were more effective for specific plants, however most chemicals were considered broad spectrum, meaning that they impact a number of different species. He further stated that the effectiveness of the chemical is related to the dosage and the exposure time.

Commissioner Abbott asked why the chemicals do not affect the fish. Mr. Gazaille indicated that it was partly due to the low dosage and the fact that the herbicide targets specific processes in plants, such as photosynthesis, not animals.

Commissioner McIsaac asked how the plants absorb the herbicide. Mr. Gazaille stated that the chemicals are absorbed through the plant leaves, not the roots.

Commissioner Abbott asked how often the herbicide is applied. Mr. Gazaille stated that for curly-leaf pondweed, that application is once per year, however water lilies require one or two treatments, which occur later in the growing season when the lily pads are on the water surface.

Commissioner Freeman asked if there were any organic or natural alternatives. Mr. Gazaille stated that there were no good alternatives, and on a larger scale, none of the alternatives make sense from a cost perspective or the successful long-term control of the plants.

Commissioner Mclsaac asked if the proposal changed since it was last approved. Mr. Gazaille stated that the management focus has changed slightly, different plants are now being targeted, but otherwise there were no changes. He further stated that there is an annual monitoring component to the program.

Commissioner Abbott asked if native species were left alone, as part of the treatment. Mr. Gazaille stated that was correct.

Commissioner Mclsaac opened the hearing to public comment.

An abutter from 5 Cushing Street stated that he skated on Cushing Pond since he was a child and that SOLitude has been doing a great job. He further stated that he would like the management plan to be renewed. He also stated that the project is privately funded by the Cushing Pond Preservation Group, which he contributes to along with his neighbors.

Commissioner Mclsaac closed the hearing to public comment.

Motion: Commissioner Freeman motioned to issue an Order of Conditions for the proposed Aquatic Management Program at Cushing Pond and adopt the findings of fact a and b 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 the applicants adhere to the Aquatic Management Program, work will not adversely impact the wetland values of the Town of Hingham Wetlands Regulations.

Second: Commissioner Mosher

In Favor: All

Opposed: None

0 Martins Lane – DEP 034-1256

Applicant: Elizabeth Keary Soule

Proposed: Installation of a sculpture

Elizabeth Keary Soule presented the plan to the Commission and introduced Peter Falk of Rivermore Engineering, the structural engineer.

The applicants are proposing to construct a temporary public art sculpture at World's End, on the southwest side of the filled land bridge that connects the two drumlins. The sculpture will consist of three swirls of 30 polished steel pickets. The area required for the installation is 900 ft². Three trenches will be dug, each approximately three feet deep. The lower two feet will be filled with concrete and secured to the ground using helical piers. The remaining portion of the trenches will be filled with sandy loam and topped with sod.

The plan is for the sculpture to be installed by August 12, 2016 and removed before October 31, 2017. At the time of removal, the foundation and piers will be removed. All soils removed for the installation will be stored and protected, and reused after de-installation.

Staff, accompanied by the applicants, visited the site on 11/25/15. Several concerns were discussed at that time, including the potential for 1) disturbing archaeological resources, 2) reaching water as part of the trenching process, and 3) creating a navigational hazard for boats. These potential issues have all been vetted through the proper channels and resolved.

Commissioner Mclsaac opened the hearing to public comment.

Commissioner Freeman asked Mr. Falk about the installation process. Mr. Falk stated that helical piers will be installed to reach down to good soil and capped with concrete to give a level platform for the sculpture to be attached to.

Commissioner Mclsaac asked Mr. Falk if the sculpture could withstand a severe storm and if it was possible for something to break off and become a hazard. Mr. Falk stated that the foundation would be able to withstand storms and the sculpture was stainless steel, making it pretty rugged and able to withstand wind and wave action.

Bob Hidell, an abutter, asked if ice buildup was considered, if there was a maintenance budget, and if any calculations were made regarding water collection on the surface of the sculpture and increased runoff. Ms. Soule stated that there was a maintenance budget, and regime, and someone will be hired to maintain the site. Mr. Falk stated that he would speak to Ross Engineering regarding the collection of rain and increased runoff.

Mr. Hidell and another abutter asked about the initial concern that the sculpture would be a navigational hazard, and what would be done if it did become a problem. The Conservation Officer stated that the problem would be addressed by the Trustees or the Harbormaster. She further stated that after the Harbormaster reviewed the project, he did not seem to think it would be a problem.

Margie Merrill, 147 Martins Lane, stated that there will be an increase in visitors and traffic to see the sculpture, and asked if that would be a Conservation Commission issue. The Conservation Officer stated that it would most likely be under the jurisdiction of the DPW or the Traffic Committee.

Mr. Hidell voiced concerns related to an increase in foot traffic around the sculpture, which would cause an erosion issue. Ms. Soule stated that would be a maintenance issue. Commission Mosher suggested that the maintenance program include maintaining the grade around the sculpture and adding that as a condition to the Order of Conditions.

The Conservation Officer asked Ms. Soule if the Trustees would be comfortable adding this condition. Ms. Soule replied that the condition was reasonable.

Commissioner Mclsaac closed the hearing to public comment.

Motion: Commissioner Abbott motioned to issue an Order of Conditions for the proposed work at 0 Martins Lane, as shown on the submitted plans, and adopt the findings of fact a and b, and conditions 1-6 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 are used during the installation and de-installation processes, work will not adversely impact the wetland values of the Town of Hingham Wetlands Regulations.

Conditions:

1. Prior to the start of installation, 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 shall remain in place until the installation process is complete and sod is established. Erosion controls shall be reinstalled before the de-installation process commences, and shall remain in place until grass is established.
3. Any debris which falls into the resource area shall be removed immediately by hand.

4. A Certificate of Compliance may be issued when the area has been restored to its original condition.
5. The Conservation Department shall be notified to any changes in plans prior to proceeding with said changed plans.
6. The existing grade around the sculpture shall be maintained throughout the course of the installation.

Second: Commissioner Mosher

In Favor: All

Opposed: None

Certificates of Compliance

135 Hersey Street – DEP 034-1197, continued from 1/25/16

An Order of Conditions was issued on 7/8/14 for demolishing a shed and constructing a garage. Staff visited the site on 12/23/15 and noticed that the mulch in the planting bed was being washed into the wetland. Staff asked the applicant to resolve this issue prior to issuance of COC.

Staff revisited the site on 3/30/16. The garage and planting bed adhere to the final approved plans. The applicant has constructed a rocky swale through the planting bed, per the recommendation of the Conservation Department. This swale will help decrease the amount of water flowing over the planting bed, and in turn decrease the amount of mulch entering the wetland.

Motion: Commissioner Abbott motioned to issue of Certificate of Compliance for 135 Hersey Street.

Second: Commissioner Mosher

In Favor: All

Opposed: None

10 Bradley Park Drive – DEP 034-1048, continued from 2/22/16

An Order of Conditions was issued on 10/7/10 for reconstructing four existing tennis courts, with associated grading and the installation of an under-court drain system. Staff visited the site on 1/27/16. The as-built conditions adhere to the final approved plans; however staff observed four concerns, which they asked the applicant to address prior to issuance a COC.

Staff visited the site on 3/30/16 and confirmed that all four concerns have been resolved: the pallet of magnesium chloride flakes and the pile of clay like material used on the court have been moved out of the buffer zone; the eroding slope from the parking lot to the courts has been stabilized with gravel to help with the run off; and the applicant explained why the court layer is washing off the courts into the swale. Staff recommends that the applicant consider extending the new gravel to the well, or planting grass, to further reduce erosion.

Motion: Commissioner Mosher motioned to issue of Certificate of Compliance for 10 Bradley Park Drive.

Second: Commissioner Abbott

In Favor: All

Opposed: None

15 Beach Road – DEP 034-0995

An Order of Conditions was issued in 2009 for elevating the existing structure above the FEMA Base Flood Elevation and creating storage and parking under the house. Staff visited site on 3/30/16. The house and garage adhere to the final approved plans.

Motion: Commissioner Freeman motioned to issue of Certificate of Compliance for 15 Beach Road.

Second: Commissioner Abbott

In Favor: All

Opposed: None

The meeting adjourned at 8:50 PM.

Submitted,

Elizabeth Berry, Administrative Assistant

Approved on May 2, 2016.