



## CONSERVATION COMMISSION MEETING MINUTES – May 23, 2016

**Present:** Eldon Abbott- Vice Chair, Bob Mosher, Laurie Freeman, John Morrissey, Michael Ide, Loni Fournier- Conservation Officer

**Absent:** Scott McIsaac- Chair, Frank Gaul

**Meeting was called to order at 7:02 PM.**

### Approval of Minutes

**Motion:** Commissioner Morrissey motioned to approve the minutes from the May 2, 2016 Commission meeting.

**Second:** Commissioner Freeman

**In Favor:** All

**Opposed:** None

### Certificates of Compliance

#### 10 Spring Street– Bylaw 94-4

An Order of Conditions was issued in November 1994 for the construction of an open deck and enclosed porch. Staff visited site on 5/1/16. Construction adheres to the final approved plans.

**Motion:** Commissioner Freeman motioned to issue of Certificate of Compliance for 10 Spring Street, Bylaw 94-4.

**Second:** Commissioner Mosher

**In Favor:** All

**Opposed:** None

### Requests for Determination of Applicability

#### 1 Oakcrest Road

Applicant: Eric Perakslis

Proposed: Installation of a fence and shed

This hearing was continued to the June 6, 2016 Commission meeting.

#### 7 Flintlock Circle

Applicant: Justin & Alison Fabella

Proposed: Garage renovation and associated site improvements

Justin and Alison Fabella presented their plans to the Commission.

The applicant is proposing the following improvements:

1. **Garage:** The existing doors will be moved from the side to the front (street facing) of the garage. A portico will be added to the existing doorway located between the house and the garage, which will be constructed over existing concrete.
2. **Driveway:** The damaged retaining wall at the end of the driveway will be extended towards the house approximately three feet and reconstructed. The portion of the driveway leading to the existing garage doors will be removed and replaced with grass. A new driveway will be constructed in front of the garage (where the new doors are placed) and the remaining portion leading to the street will be repaved. A new fence will also be installed along the eastern side of the driveway and on top of the repaired retaining wall, joining to the corner of the garage.

3. Deck: The back deck will be replaced with a new deck, which will extend two feet along the side of the house and two feet towards the resource area, in order to accommodate two additional steps that are necessary to meet code.
4. Patio: The brick patio behind the house will be replaced with a dry-laid natural stone patio. A fence will also be installed between the patio and the resource area, for the length of the house.
5. Stone walls: The stone walls behind the house, which border the landscaping beds, will be replaced. The damaged stone wall in front of the house will be removed and the area will be graded for proper drainage. The front and side yard will be graded and seeded or covered with sod at the same time.
6. Vegetation: Three trees will be removed from the northeast corner of the house due to safety concerns and damage that they are causing to the roof. The existing landscaping in the front and side yards will be replaced with either new plantings or grass.
7. Stairs/walkway: The front step will be replaced along with the existing walkway in front of the garage. A stone walkway will be constructed to connect the front step to the driveway.

Staff visited the site on 5/19/16. The property is fairly flat with a slight slope in the back towards the resource area. There is brush in front of the vegetated wetland, which acts as a buffer. As long as erosion controls are installed properly and maintained throughout the duration of the construction, there will not be any adverse impacts on the resource area.

The Conservation Officer stated that the applicants' plans were to replace existing structures and impervious surface. She also stated that her only concern was the work taking place in the back of the house, closest to the wetland; the patio should remain in the same footprint, proper erosion controls should be installed, the location of the fence should be inspected before it is installed, and no shrubbery or vegetation should be removed.

**Motion:** Commissioner Ide motioned to issue a Negative Determination of Applicability for the work proposed at 7 Flintlock Circle and adopt the findings of fact a and b and conditions 1 through 7 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 or the 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 the disturbed areas are loamed and seeded, or sod is established.
3. Any debris that falls into the resource area during construction shall be removed immediately by hand.
4. The reconstructed patio shall not extend beyond the footprint of the existing patio.
5. The location of the rear fence, closest to the wetland, shall be flagged and inspected by the Conservation Department before installation may begin; no vegetation will be cleared in order to install this section of fencing.
6. The three trees shall be properly disposed of at an off-site location; no chipped or mulched materials will remain on the property.
7. The Conservation Department shall be notified of any changes in plans prior to proceeding with said changed plans.

**Second:** Commissioner Morrissey

**In Favor:** All

**Opposed:** None

**Amended Order of Conditions**

**54 Wompatuck Road** DEP 034-1233

Applicant: Lauren Stevens

Proposed: Extension of garage and house addition

Lauren Stevens presented the project plans to the Commission.

The applicant is proposing to expand their previously approved 42' x 24' addition by six feet for a new addition that totals 48' x 24'. The majority of the additional six feet falls within the 50 foot buffer zone, with the remainder in the 100 foot buffer zone. In addition, the applicant is proposing a 22' x 22' two car garage addition in front of the enlarged addition, a portion of which will be constructed on an existing brick driveway. The entire two car garage addition falls within the 100 foot buffer zone. The applicant proposes an additional 115 ft<sup>2</sup> of mitigation, for a total of 1,027 ft<sup>2</sup> of mitigation (912 ft<sup>2</sup> was previously approved) for the work that will take place within the 50 foot buffer zone.

The six foot expansion that the applicant has proposed is approximately 30-35 feet away from the wetlands, however it is no closer to the wetlands than what has already been approved by the Commission; in other words, the addition is expanding parallel to the wetlands. The six foot expansion is also in the flood zone. The applicant has not proposed any filling or compensatory flood storage.

The Conservation Officer stated that the new changes will not impact the wetlands any further and that Ms. Stevens offered to have additional mitigation added.

**Motion:** Commissioner Morrissey motioned to issue an Amended Order of Conditions for the work proposed at 54 Wompatuck Road and adopt the findings of fact a and b of the staff report.

Findings:

- a. The project meets the requirements for issuance of an Amended Order of Conditions under the Wetlands Protection Act (M.G.L. c. 131, § 40) and the Town of Hingham Wetland Regulations.
- b. Provided that a 2 to 1 mitigation planting area is installed (115 ft<sup>2</sup>) to offset the additional impervious surface area on the site, work in the 50 foot buffer zone and any natural and consequential impacts of this work will not adversely impact the wetland values of the Act or the Regulations.

**Second:** Commissioner Ide

**In Favor:** All

**Opposed:** None

**Commissioner Abbott read the Public Hearing Notice of Intent.**

**Notices of Intent**

**895 & 901 Main Street** – DEP 034-1258

Applicant: Gerry Rankin

Representative: Gary James

Proposed: Proposed subdivision

This hearing was continued to the June 6, 2016 Commission meeting.

**186 New Bridge Street** – DEP 034-1259

Applicant: Brian Roberts

Representative: Jeffrey Hassett

Proposed: Demolition and reconstruction of a building

Jeffrey Hassett, civil engineer, introduced Brian Roberts, the applicant, and presented the project plans to the Commission.

The applicant is proposing to demolish an existing single family house and construct a new single family house with associated grading, utilities and a paved driveway.

The existing house is 1,770 ft<sup>2</sup> including the existing garage and the proposed house is 2,942 ft<sup>2</sup> including an attached garage. An existing shed (228 ft<sup>2</sup>) will be demolished as well. All work will take place outside of the 50 foot buffer zone. There is a potential vernal pool on the eastern side of the property. A very small portion of the proposed house falls within the 100 foot buffer zone for the potential vernal pool.

The proposed house will be constructed on a concrete wall type foundation with a basement. The proposed attached garage will be constructed on a concrete slab. The existing septic system will remain in place and be connected to the proposed house.

Staff visited the site on 5/19/16. The proposed house will be constructed on a mostly flat surface with a slight slope to the south. The location of the proposed house consists of grass and a shed with what used to be a fenced-in garden. The existing driveway is gravel and the applicant proposes to pave it. The potential vernal pool has a vegetated buffer. About half of the proposed house is located within the 100 foot buffer zone for the wetland; the rest of the house is outside of the 100 foot buffer zone. About a little more than half of the paved driveway will be within the 100 foot buffer zone.

Mr. Hassett stated that Brad Holmes, of Environmental Consulting and Restoration, delineated the wetlands in March, 2016. Mr. Hassett further stated that the existing septic system just recently passed a Title V inspection. He stated that one revision to the plans were made, to extend the rear yard; however it does not extend beyond the 50 foot buffer zone.

The Conservation Officer stated that a special condition was added to have Mr. Roberts monitor the potential vernal pool for obligate species and submit a letter to the Conservation Department next spring with the findings.

Commissioner Abbott opened the hearing to public comment. Hearing none, Commissioner Abbott closed the hearing to public comment.

**Motion:** Commissioner Freeman motioned to issue an Order of Conditions for the proposed work at 186 New Bridge Street, as shown on the submitted plans, and adopt the findings of fact a and b, and conditions 1 through 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 remain in place until the disturbed areas are 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 as shown on the final approved plan 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 disturbed areas are stabilized.
3. All disturbed areas shall be loamed and seeded, and where necessary, stabilized with jute netting.
4. Any debris that falls into the resource areas shall be removed immediately by hand.
5. The potential vernal pool shall be observed for the presence of obligate species in March through May 2017; a letter describing the findings shall be submitted to the Conservation Department by June 30, 2017.
6. The Conservation Department shall be notified of any changes in plans prior to proceeding with said changed plans.

**Second:** Commissioner Mosher

**In Favor:** All

**Opposed:** None

**280 North Street** – DEP 034-1261

Applicant: John & Elizabeth Flowers

Representative: Roger Hoit

Proposed: Construction of a garage and driveway

Tom Liddy, wetland scientist from Lucas Environmental, introduced the applicant and Roger Hoit, the architect, and presented the project plans to the Commission.

The applicant is proposing to construct a 26' x 28' (728 ft<sup>2</sup>) garage just outside of the 50 foot buffer zone, in an area that is currently being used as a gravel driveway. This driveway will be reconfigured so that it is in front of the garage and it will be paved. The portion of the existing driveway that will no longer be used will be removed and converted to lawn. The garage will be placed on a slab at the existing grade and fitted with flood vents in order to allow flood waters to pass unobstructed.

No fill will be added to the site, however the area around the garage will be regraded to provide compensatory flood storage (a net gain of approximately 656 cubic feet). Trench drains will be installed on either side of the garage to collect runoff from the roof of the garage. All work will take place outside of the 50 foot buffer zone, but within the flood zone.

Staff visited the site on 5/19/16. The existing driveway consists of gravel and is sloped from the street towards the wetland. A brook runs behind the property with heavy brush separating it from the existing lawn. There is a small lawn behind the existing house, but most of the area where the garage is proposed is disturbed and consists of either compacted dirt or gravel, along with a few young trees.

Mr. Hoit stated that since the MBTA constructed the tracks and culvert behind the house, there has been a tremendous improvement in the wetland area and a drainage area has been created, which actually makes it much drier than when they first started looking at the site three years ago.

The Conservation Officer said the Historic Commission asked the applicant to move the proposed garage further from the street and closer to the wetland. Mr. Hoit stated that the structure was moved back and Historic approved their proposal.

Commissioner Abbott asked about the underdrains, and where they would drain. Mr. Libby stated that they were designed to collect and infiltrate water, instead of directing it away as runoff. He further stated that the trench will be crushed stone.

Commissioner Abbott voiced concerns about salt and sand being used on the driveway. The Conservation Officer stated that a condition has been added in the past regarding the use of de-icing chemicals on driveways that are close to wetlands. Commissioner Abbott indicated that he would like a similar condition added to this project.

The Conservation Officer asked how many trees will be removed as part of the project. Mr. Flowers indicated that three trees would need to be removed.

Commissioner Abbott opened the hearing to public comment. Hearing none, Commissioner Abbott closed the hearing to public comment.

**Motion:** Commissioner Mosher motioned to issue an Order of Conditions for 280 North Street as shown on the submitted plans, and adopt the findings of fact a and b, and conditions 1 through 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 remain in place until the disturbed areas are 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 as shown on the final approved plan 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 disturbed areas are stabilized.
3. All disturbed areas shall be loamed and seeded, and where necessary, stabilized with jute netting.
4. Any debris that falls into the resource area shall be removed immediately by hand.
5. The Conservation Department shall be notified of any changes in plans prior to proceeding with said changed plans.
6. De-icing chemicals (except for calcium magnesium acetate, a.k.a. CMA, or other alternative approved by the Conservation Department) are prohibited on the driveway. This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.

**Second:** Commissioner Freeman

**In Favor:** All

**Opposed:** None

**37 Bel Air Road** – DEP 034-1262

Applicant: Gary & Carolyn Terry

Representative: Michael E. Count

Proposed: Seawall rehabilitation

Michael Count, of CLE Engineering, introduced Gary Terry and presented the plans to the Commission.

The applicant is proposing to repair the existing seawall and construct a loose, sloped-stone revetment seaward of the existing wall to stabilize the shoreline. The existing seawall is approximately 116 feet long and 1 foot thick. The revetment will impact 1,296 ft<sup>2</sup> of coastal beach, land containing shellfish and land subject to coastal storm flowage. The revetment will also impact 26 ft<sup>2</sup> of salt marsh. The applicant has proposed to plant 52 ft<sup>2</sup> of salt marsh (a 2:1 mitigation ratio) on the coastal beach. The entire project is located above the mean high water line.

The project alternatives include options that will not protect the existing property (no build) and will not meet performance standards for projects in the VE flood zone (Part 2, Section 20.1).

Staff visited the site on 5/19/16. The seawall is a cement wall with buttresses and currently leaning. Creating a stone revetment would help protect the repaired wall and allow for stability of the coast line. There is a healthy salt marsh bed a few feet away from the wall. The revetment will impact a small portion of the salt marsh, which will be replicated in another section of the same salt marsh bed.

Commissioner Abbott asked about the base was under the revetment wall. Mr. Count stated that it was sandy, with some peat area where the salt marsh was located. He further stated that they planned to excavate and install an 8 to 10 inch stone base that will support the larger stones. Mr. Count also stated that a wave analysis was used to determine the size of the larger stones.

The Conservation Officer stated the applicant has been asked to contribute to the shellfish mitigation fund. Commissioner Ide asked how the contribution would be calculated. The Conservation Officer stated that a standard formula, based on the area of impacts, is used.

Commissioner Abbott opened the hearing to public comment. Hearing none, Commissioner Abbott closed the hearing to public comment.

**Motion:** Commissioner Mosher motioned to issue an Order of Conditions for 37 Bel Air Road as shown on the submitted plans, and adopt the findings of fact a and b, and conditions 1 through 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. 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.

Conditions:

1. Prior to the start of construction, erosion controls shall be installed as shown on the final approved plan 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.
3. Any debris that falls into the resource area shall be removed immediately by hand.
4. Prior to the issuance of a Certificate of Compliance, the replicated salt marsh shall survive at least two full growing seasons with a minimum of 75% survival rate.
5. Prior to the issuance of a Certificate of Compliance, and in consultation with the Town's Harbormaster, contribute a sum of money to the shellfish mitigation fund in accordance with the formula for contribution established by the Harbormaster.

**Second:** Commissioner Freeman

**In Favor:** All

**Opposed:** None

**191 Downer Avenue** – DEP 034-1260

Applicant: Michael Connolly

Proposed: Permitting an existing dock and seasonal floats

Michael Connolly, the applicant, presented his plans to the Commission.

This hearing was continued from 5/2/16. In summary, the applicant is pursuing the necessary state and local permits for the existing fixed dock and four seasonal floats on the property. The state and local permitting processes, combined with the recent repairs that were made to the structures, triggered the NOI application.

Since the 5/2/16 hearing, staff received the following additional information:

1. A letter from the Division of Marine Fisheries recommending smaller floats supported by float stops or skids, flexible ropes in place of chains, and float storage at an upland location.
2. Confirmation from the Harbormaster, in the form of the 2014 10A permit application and plan for the property, that the square footage of the previously permitted floats was 354 ft<sup>2</sup>, which is consistent with the information provided by the applicant.
3. The applicant has researched the GatorDock brand of decking referenced at the last hearing, as well as several other brands/alternatives, and expressed concerns related to the total cost, aesthetics, and family friendliness of the products.
4. The applicant has also spoken to the DEP regarding his pending Chapter 91 simplified license application and discovered that the fixed dock and four seasonal floats exceed the allowable area (600 ft<sup>2</sup>) for that type of application. The applicant is currently pursuing a Chapter 91 full license application.
5. Additional written comments from the Mackie Shea law office and SITEC Environmental.
6. An email from the Division of Marine Fisheries, stating that salt marsh habitat "requires a 1:1 of height to width ratio of any ramps or piers and grated decking."

Mr. Connolly distributed a revised, hand drawn sketch of the proposed dock and float system, as well as information on decking materials that he researched. Mr. Connolly stated that he found four companies that offered decking materials that would be installed closer together than his current deck (1/8" versus 1"), thus reducing the amount of light that is able to penetrate the fixed dock. Mr. Connolly stated that these materials were also very expensive. He concluded by stating that he was still willing to replace the damaged salt marsh, but he did not want to replace the deck on his fixed dock.

Mr. Connolly and Commissioners Morrissey and Abbott discussed the various decking materials that Mr. Connolly researched, and whether or not they allowed for more light penetration than the current deck on the fixed dock.

The Conservation Officer reviewed several options that the Commission had for addressing the deck on the fixed dock. She stated that one option would be to modify the decking material to allow more light penetration and then restore the salt marsh under the fixed dock. She further stated that if the deck were to remain unchanged, the salt marsh could be replicated on another portion of the property where it would survive.

Commissioner Abbott opened the hearing to public comment.

John Shea, representative for Dan and Mary Omstead, stated that he felt they were at disadvantage since they had not seen anything that was just submitted to the Commission. Mr. Shea then raised concerns about the plan for salt marsh restoration on the property, and whether that would be subject to public review and comment.

Mr. Omstead distributed an aerial photo of the fixed dock at 191 Downer Avenue from 2009. He further stated that he felt there was a discrepancy between the dock in the photo and the sketch that was presented to the Commission at the last meeting.

Commissioner Morrissey asked Mr. Connolly if the aerial photo accurately represented the dock when he bought the property in 2013. Mr. Connolly stated yes.

Commissioner Morrissey asked the Conservation Officer if she received any additional information regarding the permit that was issued from the Harbormaster. The Conservation Officer stated that the Harbormaster confirmed that 354 square feet was last approved.

Commissioner Abbott asked Mr. Connolly if he would be applying for a full Chapter 91 license with engineered drawings. Mr. Connolly stated that he would.

Commissioner Mosher asked whether the fixed dock met the recommended height. The Conservation Officer stated that, as far as she could tell, the height to width ratio that was discussed at the last meeting was a Best Management Practice and not a regulation. She further stated that the local regulations did not require a certain height for docks.

Commissioner Freeman stated that, based on a series of events that took place last summer, she felt Mr. Connolly was lead to believe that he was doing the right thing by replacing the decking, and she was hesitant to make him tear down the fixed dock to meet the regulations.

Ken Corson, Harbormaster, submitted an aerial photo of the fixed dock at 191 Downer Avenue from 1967 and stated that he felt the dock was in the same position today.

Commissioners Abbott, Morrissey and Mosher discussed the options for mitigation, including whether there would be enough room on the property to replicate the salt marsh at a 3:1 ratio.

Commissioner Morrissey asked for a condition be added for the mitigation to survive two full growing seasons at a minimum 75% survival rate.

Mr. Shea raised a concern about the time limit for implementing the mitigation plan and assessing the survival rate, since an Order of Conditions was only good for three years. Commissioner Abbott acknowledged the concern.

Mr. Connolly discussed his revised plans for the float system, which included two floats at 160 square feet (each 20' x 8'), supported by skids and connected to each other by a smaller, 20' x 4' float (80 square feet), which would not touch the bottom at low tide, and connected to the fixed dock by an 18' gangway.

Commissioner Morrissey asked Mr. Corson if the shellfish mitigation takes the floats and their chains into account. Mr. Corson referenced the Division of Marine Fisheries formula and stated that the thought it was just based on the square footage of the floats.

Mr. Omstead asked the Commission to limit the length of the fixed dock and floats to the previous configuration, to prevent further environmental damage. The Harbormaster stated the previously permitted configuration was 116 feet in length. Commission Morrissey stated that the current proposal is 108 feet in length.

Commissioner Morrissey stated that the revised proposal only includes two chains for the floats, where the last drawing showed four chains. Mr. Connolly stated that it was probably a mistake in the revised drawing, and that the number of chains that were used last season would be used again because they were already in the water. Mr. Corson indicated that the number of chains and the size of weights would be reviewed by the Harbormaster's Office.

Mr. Shea spoke about the need for additional salt marsh mitigation due to the first float in the configuration.

Commissioner Abbott closed the hearing to public comment.

The Commission, the Conservation Officer, Mr. Corson and Susan Murphy, Town Counsel, discussed the proposed conditions and made several changes, including the addition of limitations on the size of the proposed configuration, time constraints on the mitigation measures, and a new condition regarding the survival rate of the mitigation.

**Motion:** Commissioner Morrissey motioned to issue an Order of Conditions for 191 Downer Avenue, as shown on the submitted plan, and adopt the findings of fact 1 through 4, and conditions 1 through 8 of the staff report, as amended by the Commission.

Findings:

1. The Notice of Intent as filed meets the minimum requirements of the Wetlands Protection Act (M.G.L. c. 131, § 40) and the Town of Hingham Wetland Regulations.
2. After review of the record, including documents and testimony received by the Commission, the Commission makes the following factual findings in support of its decision:
  - a. A fixed dock was first proposed, and subsequently constructed, at the property in 1955.
  - b. The original fixed dock was replaced sometime in the late 1990s and at different points in time included ramps, floats, and gangways.
  - c. That second fixed dock with ramps, floats, and gangways included a 10' x 30' fixed dock, one float of 24' x 6', one float of 30' x 7', and two 16' ramps or gangways, with a total maximum length of 116' and an area of 300 ft<sup>2</sup> for the fixed dock and 354 ft<sup>2</sup> for the floats.
  - d. The dimensions and arrangement of the existing fixed dock with floats was installed prior to the current Hingham Wetland Regulations with performance standards for docks and docks.
  - e. The existing fixed dock, with any ramps, floats, and gangways existed for at least 12 years prior to applicant's purchase of the property on October 24, 2013.
  - f. The existing fixed dock, with any ramps, floats, and gangways was described by the applicant as being in a condition of disrepair at the time of applicant's purchase.
  - g. At the time of applicant's purchase, the existing fixed dock, including its dimensions and arrangement of ramps, floats, and gangways, had already impacted the resource areas for 12 or more years.
  - h. The Hingham Wetland Regulations allow the Commission to examine existing docks and pending applications cumulatively and recognize that docks can be the least environmentally destructive method of crossing protected resources while still causing adverse effects on resource areas.
3. For this specific site, the NOI is consistent with the Hingham Wetland Regulations' intent on minimizing adverse effects of existing docks on resource areas.
4. The proposed configuration is within an area subject to protection under the Wetlands Protection Act (M.G.L. c. 131, § 40) and the Hingham Wetland Regulations, and will mitigate previous adverse impacts on the resource areas.

Conditions:

1. The seasonal float configuration shall be limited to an area that shall not exceed 320 ft<sup>2</sup> or cause the entire existing fixed dock and new arrangement of floats, gangways, and ramps to extend beyond a length of 108’.
2. The seasonal floats shall be supported by skids that keep the bottom of the floats at least 18” from the resource areas at low tide.
3. Only non-chromated copper arsenate (CCA) material may be used to construct the skids. No creosote treated materials may be used. Wood preservative, if used, must be dry before the treated wood is used in construction.
4. A storage plan for the seasonal floats shall be submitted to the Conservation Department prior to October 1, 2016.
5. Within thirty days of issuance of this Order of Conditions, in consultation with a wetlands scientist, the applicant shall determine the extent of damage to the salt marsh and submit a replication plan to the Conservation Department (“Replication Plan”), which must include replication of any loss of salt marsh, caused by the pre-existing structures, with a ratio of 3:1. This Replication Plan shall be reviewed and approved by the Conservation Commission in a public meeting.
6. Within two growing seasons, replicate the salt marsh according to the Replication Plan, as approved by the Commission, including any modification to the Plan required by the Commission when approved.
7. Prior to issuance of a 10A Permit and in consultation with the Town of Hingham’s Harbormaster, who also functions as the Town’s Shellfish Constable, determine the extent of damage to the shellfish habitat and contribute a sum of money to the shellfish mitigation fund in accordance with the formula for contribution established by the Harbormaster.
8. Prior to issuance of a Certificate of Compliance, the replicated salt marsh shall survive at least two full growing seasons with a minimum of 75% survival rate.

**Second:** Commissioner Ide

**In Favor:** All

**Opposed:** None

**Other Business**

The Conservation Officer asked the Commission to ratify two Emergency Certifications issued to the Department of Conservation and Recreation for the repair of a sewer main at Union Street and the Weir River.

The Conservation Officer also asked the Commission to ratify the Enforcement Order for 15 Fort Hill Street.

The Conservation Officer provided an update on the Lehner Property; she indicated that a Phase I inspection and survey were underway. She also informed the Commission that the Conservation Fund was going to cover a significant portion of the closing costs.

The Conservation Officer discussed the upcoming changes in Commission members, as well as the fact that the Commission would need to appoint a representative to the CPC and Open Space Acquisition committees.

**The meeting adjourned at 9:50 PM.**

Submitted,

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Elizabeth Berry, Administrative Assistant

Approved on June 6, 2016