



CONSERVATION COMMISSION MEETING MINUTES – July 18, 2016

Present: Scott McIsaac- Chair, Eldon Abbott- Vice Chair, Bob Mosher, Laurie Freeman, Loni Fournier- Conservation Officer

Absent: John Morrissey

Meeting was called to order at 7:05 PM.

Approval of Minutes

Motion: Commissioner Abbott motioned to approve the minutes from the June 20, 2016 Commission meeting.

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

Certificates of Compliance

15 Marshall Road – DEP 034-1131

Order of Conditions issued in December 2012 for a septic system upgrade. Staff visited the site on 7/5/16. Final approved plan adheres to the as-built plan. Grass is established in the disturbed area.

Motion: Commissioner Abbott motioned to approve the Certificate of Compliance for 15 Marshall Road, DEP 034-1131.

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

15 Conditto Road – DEP 034-464

Order of Conditions issued in September 1996 for the construction of an assisted living facility, with associated utilities, parking, and stormwater management areas. An Operation and Maintenance Plan, revised on 7/1/16, has been submitted per the Order of Conditions. Staff visited site on 7/5/16. Final approved plan adheres to the as-built plan. Wetland replication site is established and detention basin is present for flood storage.

Motion: Commissioner Freeman motioned to approve the Certificate of Compliance for 15 Conditto Road, DEP 034-464.

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

21 Martins Cove Road – DEP 034-1088

Order of Conditions was issued in September 2011 for the replacement of an existing dock. Staff visited on 7/13/16. The dock adheres to the as built plan. Minor changes were made to the final approved plan, including the addition of white sheathing to the railing posts and three additional nylon ropes in between each post; these changes were approved by staff during construction.

Motion: Commissioner Freeman motioned to approve the Certificate of Compliance for 21 Martins Cove Road, DEP 034-1088.

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

Requests for Determination of Applicability

91 Tower Road

Applicant: Christopher Gudas & Susan Swords

Representative: Jeffrey Hassett

Proposed: Construct garage, driveway and septic system

On January 13, 2016 a negative determination was issued to the applicant for the construction of a 1,068 ft² detached garage, reconfigured driveway, and replacement septic system. The applicant made several changes to the approved

plans and is seeking a new determination. The new plans reflect a larger garage in a new orientation, a new configuration for the driveway, and some minor renovations to the existing house. Jeffrey Hassett, from Morse Engineering Company, Inc., presented the revised plans to the Commission.

The applicant is proposing to construct a 1,568 ft² garage, which will sit on a slab, and a small paver patio over the existing driveway. All of this work is taking place in the Outer Riparian Zone. The existing driveway will be reconfigured to loop through a vegetated area, over the proposed leaching field, and open up to a parking area. A portion of the proposed driveway falls within the 100 foot buffer zone to a bordering vegetated wetland, as well as the Outer Riparian Zone. The small additions are all located within the Outer Riparian Zone and include a small paver patio and a new walkway leading from the back of the house to the proposed parking area. In total, the proposed work will result in approximately 5,015 ft² of impervious area within the Outer Riparian Zone, which is 9% of the total Riverfront Area.

Staff visited the site on 7/5/16. There is a wetland to either side of the property and a vernal pool to the east of the existing driveway. There is a downward slope from the existing driveway to the wetland on the eastern side of the property. This slope contains some thin trees and brush, which will be removed for the construction of a portion of the new driveway and the new leaching field. It appears that only one large tree will be removed for the construction of the driveway. With the proper erosion controls, the construction of the proposed garage, septic system and small additions should not adversely impact the resource areas on the property.

The Conservation Officer asked Mr. Hassett to describe the alterations to the proposed septic system that were made as a result of the proposed driveway going over the system. Mr. Hassett explained that the chambers are rated for the load of vehicular traffic, there will be 18" of soil cover over the system and a plastic mesh at 6" above the system to help displace the load of vehicular traffic, and the system will be vented. Mr. Hassett indicated that the revised plan was sent to the Board of Health.

Commissioner Abbott asked Mr. Hassett what the soils were like on the property. Mr. Hassett indicated that they were sandy.

Motion: Commissioner Mosher motioned to issue a Negative Determination of Applicability for the proposed work at 91 Tower Road, as shown on the submitted plans, and adopt the findings of fact a and b, and conditions 1 through 4 of the staff report.

Findings:

- a. The 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. Erosion controls shall be installed prior to the start of construction and inspected by the Conservation Department; straw wattles and/or hay bales will not be used as a form of erosion control.
2. All disturbed areas shall be loamed and seeded, and where necessary, stabilized with jute netting prior to removing erosion controls.
3. Any debris that falls into the resource areas 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.

Second: Commissioner Freeman

In Favor: All

Opposed: None

10 Woodbridge Road

Applicant: Ken & Sheryl Itzkowitz

Proposed: Tree removal

The hearing was continued to the August 15, 2016 meeting due to an error with the legal ad.

Commissioner Mclsaac read the Public Hearing Notice of Intent.

Notices of Intent

48 Bonnie Brier Circle – DEP 034-XXXX

Applicant: Michael Hopkins Representative: Steve Ivas

Proposed: Demolition and reconstruction of home

Steve Ivas, from Ivas Environmental, introduced Michael Hopkins, the applicant and homeowner, and presented the plans to the Commission.

The applicant is proposing to demolish the existing 1,479 ft² single family home and reconstruct a new single family home with a smaller footprint (887 ft²). The overall footprint of the existing house, including overhangs, decks and stairs, is 1,882 ft². The total footprint after construction will be 1,715 ft². The proposed house will be constructed farther away from the top of the coastal bank. A 500 ft² concrete patio is proposed to be removed and replaced with vegetation and permeable material. The sewer pump is also proposed to be replaced. Nearly all of the proposed work will take place within the 50 foot buffer zone to the coastal bank and all of the work will take place within the Inner Riparian Zone. The existing garage and the concrete driveway will remain in place.

Staff visited the site on 7/5/16. The driveway leading up to the garage and the front yard is fairly flat. The house is located behind and to the side of the garage, and at a lower elevation than the front yard. A retaining wall separates the house from the garage and the front yard, making it difficult to construct the new home any farther away from the resource area than proposed. The lawn around the house is fairly flat. There is a steep drop from where the lawn ends towards the river. Staff agrees with the wetland delineation lines. With the proposed decrease in impervious area and proper erosion controls, staff does not believe the resource areas on the property will be negatively impacted.

Commissioner Abbott asked Mr. Hopkins if the existing home had a slab foundation and whether the patio was part of that foundation, or a separate area that would be removed. Mr. Hopkins indicated that the home did have a slab foundation and the patio was a separate area. Commissioner Abbott asked Mr. Hopkins if the new home would encompass all of the existing foundation. Mr. Hopkins responded that the new home would be smaller than the current home, needing a smaller foundation. Commissioner Abbott asked if the current foundation would remain in place. Mr. Hopkins indicated that the entire foundation would be replaced.

The Conservation Officer asked Mr. Hopkins to describe the water damage to the existing home. Mr. Hopkins indicated that the property slopes towards the home, directing water into and under the home, which has caused the existing foundation to fail.

Commissioner Mclsaac opened the hearing to public comment.

Clark Frazier, 50 Bonnie Brier Circle, distributed materials to the Commission and summarized his concerns about the project. Mr. Frazier expressed concerns related to the new foundation being closer to the coastal bank and closer to the shared property line. Mr. Frazier also questioned whether the existing home had a legally constructed addition on the northeast side of the structure, and whether the property lines on the submitted plan were accurate. Finally, Mr. Frazier raised concerns about the overall position of the new home on the property, and its relationship to the existing garage.

Mr. Ivas and Mr. Frazier discussed the proposed changes to the northeast corner of the home. Mr. Ivas and Mr. Hopkins stated that the new foundation would not extend beyond the existing foundation on the northeast corner of the home. Mr. Hopkins further stated that the existing overhang in the northeast corner extended two feet beyond the existing foundation, and the new overhang would only extend 18 inches beyond the new foundation. Mr. Hopkins also stated that the new home would comply with every zoning regulation.

Mr. Frazier and Commissioner Mclsaac discussed the fact that the submitted plan was certified and stamped by a professional land surveyor. Commissioner Mclsaac stated that the Commission does not require two separate surveys. Commissioner Mclsaac further stated that several of the concerns that Mr. Frazier raised were outside of the Commission's jurisdiction.

Mr. Frazier asked when the request for a Certificate of Compliance for the work on the garage at 48 Bonnie Brier Circle needed to be submitted. The Conservation Officer indicated that it was up to the applicant, and they are not required to close out a project before starting another project.

Finally, Mr. Frazier urged the Commission to stipulate that no trees along the coastal bank be removed as part of the project. The Conservation Officer asked Mr. Ivas if there were any plans to remove trees on the coastal bank and Mr. Ivas responded no. Mr. Hopkins indicated that there was one unhealthy tree on the coastal bank, but there were no plans to remove it as part of this project.

Hearing no further comments, Commissioner Mclsaac closed the public comment portion of the hearing.

Motion: Commissioner Abbott motioned to issue an Order of Conditions for the proposed work at 48 Bonnie Brier Circle, as shown on the submitted plans, and adopt the findings of fact a and b, and conditions 1 through 4 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. All disturbed areas shall be loamed and seeded, and where necessary, stabilized with jute netting prior to removing erosion controls.
3. Any debris that falls into the resource areas 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.

Second: Commissioner Mosher

In Favor: All

Opposed: None

30 Shipyard Drive – DEP 034-1265

Applicant: Holly Palmgren Representative: Carl Chamberlin

Proposed: Borings and sediment samples

Commissioner Abbott informed the Commission that he retired from WSP Parsons Brinkerhoff and worked with one of the representatives from the company who was seated in the audience. The Commission discussed whether this constituted a conflict of interest, and if so, whether the "Rule of Necessity" needed to be invoked in order to maintain a quorum. To err on the side of caution, the Commission invoked the Rule of Necessity, allowing Commissioner Abbott to participate in the hearing and allowing the Commission to vote on a decision (with quorum).

Carl Chamberlin, from WSP Parsons Brinkerhoff, presented the plans to the Commission.

The MBTA is proposing to collect geotechnical borings and collect sediment for analysis to best determine the design for a replacement pier at the Hingham Shipyard. Two geotechnical boring locations are proposed, with two alternative locations, near the coastal beach; the final location is at the end of the existing pier. The cased borings will be about 4 inches in diameter and drilled about 82-102 feet below the mudline, with a standard penetration test sample taken

every 5 feet. The boring equipment will be staged from a barge, which will be tied to the existing pier or anchored in place via a spud pile. If drilling fluids are used, they will be contained with the soil cuttings and transferred to steel drums to prevent release into the harbor. The steel drums will be temporarily stored by the contractor, with the fluids and soil cuttings being properly disposed of at later point in time. In the event that drilling fluids are not used, the contractor intends to place the soil cuttings back in the casing prior to completing the drilling and sampling operation. Previous testing results indicate that contaminants are not present at significant concentrations in this area of the harbor.

The three sediment sampling locations are all within the coastal beach. The samples will be extracted using vibracore sampling methods – using gravity and vibration to take core sediment samples. These samples will be collected from a boat. The depth of sampling will be between 5-12 feet. One or more existing wood pilings will have to be removed to conduct one or two of the sediment samples.

Staff visited the site with the representative on 7/13/16 and discussed the current project, as well as ideas for the replacement pier. Impacts to the resource areas will be temporary, with the greatest potential impacts coming from the barge, both in terms of the vessel bottoming out a low tide and the coordination of boat traffic in a busy area of the harbor.

Mr. Chamberlin clarified that the additional boring and sampling locations on the submitted plans were conducted in the past, as part of a previous design for the replacement pier.

The Conservation Officer stated that the primary concerns were related to the barge bottoming out at low tide and, via the Harbormaster, coordinating the sampling activity with the Harbormaster's Office due to the heavy boat traffic in the area. In addition, the Conservation Officer noted that comments from the Division of Marine Fisheries would be incorporated into the Order of Conditions.

Commissioner Abbott asked Mr. Chamberlin if the sediment samples were being conducted for future dredging activity. Mr. Chamberlin indicated that they were. Commissioner Abbott asked for confirmation that the boring samples would be cased down to bedrock, and that no slurry would be used, or if it needed to be used, it would be captured and stored on the barge for proper disposal. Mr. Chamberlin confirmed.

Commissioner Mclsaac asked if there was any boring data from the current pier. Mr. Chamberlin indicated that there was not.

Commissioner Mclsaac asked whether the contained spoils, if collected, would be disposed of at an offshore or upland location. Mr. Chamberlin indicated that an upland location would be used.

Commissioner Mclsaac asked whether the wooden pilings extended beyond what was shown on the plan. Mr. Chamberlin stated that the pilings extended further down the bulkhead and possibly further into the harbor. Mr. Chamberlin also indicated that the contractor would be performing a bathymetric survey as part of this project.

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

Motion: Commissioner Freeman motioned to issue an Order of Conditions for the proposed work at 30 Shipyard Drive , as shown on the submitted plans, and adopt the findings of fact a and b, 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.
- 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. Appropriate measures shall be taken to prevent the barge from bottoming out at low tide.
2. Any comments received from the Massachusetts Division of Marine Fisheries shall be added as special conditions to the Order of Conditions.

Second: Commissioner Mosher

In Favor: All

Opposed: None

135-137 Gardner Street – Bylaw 2016-16

Applicant: Andrew Newman Representative: John Cavanaro

Proposed: Demolition and reconstruction of home

John Cavanaro, from Cavanaro Consulting, introduced Andrew Newman and presented the plans to the Commission.

The applicant is proposing to demolish an existing single family home and construct a new single family home at 135-137 Gardner Street. The resource area is at the northern portion of the property, consisting of an isolated vegetated wetland, which is also a potential vernal pool. The paved driveway will be reconfigured to serve the new garage. Construction and grading will take place between the 50 foot and 100 foot buffer zones. A portion of the proposed deck, at the back of the house, will be constructed within the 50 foot buffer zone, with the closest point at 39 feet from the resource area. The deck will be constructed on sonotubes.

The existing cesspool, currently located approximately 39 feet from the resource area, will be abandoned. New septic systems components will be moved outside of the 100 foot buffer zone. A damaged 32" DBH tree within the 50 foot buffer zone, close to the existing driveway, will be removed. A retaining wall is proposed that will begin at the southern end of the property and run along the existing driveway to the 50 foot buffer zone. A second, small retaining wall is proposed along the northern edge of the driveway to the edge of the proposed garage, inside the 50 foot buffer zone.

Staff visited the site on 7/5/16. The property slopes down from the existing driveway towards the western lot line. The proposed retaining wall will help stabilize proposed reconfigured driveway. There is also a steep vegetated slope towards the resource area, behind the existing house. Staff believes leaving the stump and roots from the 32" DBH tree will help stabilize the slope. The proposed construction and grading will take place on previously disturbed and impervious areas. With properly installed erosion controls, the proposed work should not adversely impact the resource area.

Commissioner Abbott asked about the proposed retaining wall. Mr. Cavanaro indicated that his firm did not have any structural engineers and as a result, they did not certify the wall on the plans. Mr. Newman indicated that the wall would either be uni-lock or natural granite. Mr. Newman indicated that the wall would not be higher than four feet.

Commissioner Abbott asked whether the existing septic tanks would be removed or filled. Mr. Cavanaro indicated that they would be removed due to the fact that a slab foundation would be going in above them.

Commissioner Mclsaac opened the hearing to public comment.

Albert Ryan, from 131 Gardner Street, asked about the fate of the copper birch tree in the front yard. Mr. Newman indicated that the tree would be pruned, at most, but would otherwise remain on the property.

Hearing no further comments, Commissioner Mclsaac closed the public comment portion of the hearing.

Motion: Commissioner Abbott motioned to issue an Order of Conditions for the proposed work at 135-137 Gardner Street, as shown on the submitted plans, and adopt the findings of fact a and b, and conditions 1 through 4 of the staff report.

Findings:

- a. The project meets the requirements for issuance of an Order of Conditions under the Town of Hingham Wetland Regulations.

- b. The work described is within an area subject to protection under the Town of Hingham Wetland Regulations and will not alter or adversely affect the area subject to protection under 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. All disturbed areas shall be loamed and seeded, and where necessary, stabilized with jute netting prior to removing erosion controls.
3. Any debris that falls into the resource area shall be removed immediately by hand.
4. The 32" DBH tree, proposed for removal, must be properly disposed of at an off-site location; no chipped or mulched materials shall remain on the property. The tree stump and roots shall remain in place.

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

Other Business

1. Commissioner Mosher agreed to serve as the Commission's appointment to the CPC for a three-year term.

Motion: Commissioner Abbott motioned to appoint Robert Mosher to the Community Preservation Committee for a three-year term.

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

2. The Conservation Officer stated that the Conservation Department received a bill for the Lehner Property Phase I Environmental Site Assessment (\$2,900) and survey (\$13,000). A \$500 bill was anticipated for the title research. The Conservation Officer asked the Commission to approve funds from the Conservation Fund in order to pay these bills. The Commission discussed each of the items for payment.

Motion: Commissioner Mosher motioned to authorize \$16,400 from the Conservation Fund to pay for a portion of the closing costs associated with the Lehner Property.

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

3. 17 Ocean View Drive (DEP 034-1253) – On 3/30/2016 the Conservation Commission issued an Order of Conditions for the construction of three additions, a porch, and a landing with stairs. Recently the applicants proposed demolishing the entire house, leaving the foundation in place and constructing a new house in the same footprint as the original, including the additions that were approved by the Commission. The Conservation Officer asked the Commission to consider whether any additional filings would be necessary for the project to move forward, or whether they would support the demolition as a "field change." The Commission discussed construction impacts, public hearing and notification requirements, and comments received at the last hearing. Commissioners Mclsaac, Freeman, Abbott and Mosher indicated that they were comfortable with the Conservation Officer approving the demolition as a field change.

4. 191 Downer Avenue (DEP 034-1260) – The Order of Conditions, issued on 6/8/2016, required the applicant to determine the extent of damage to the salt marsh and submit a replication plan to the Conservation Department within 30 days. The deadline for doing so, July 8, 2016, passed. The applicant has indicated that he is having trouble finding a wetlands scientist to help with the assessment and replication plan. The Conservation Officer asked the Commission to consider sending the applicant an Enforcement Order. Commissioners Mclsaac, Freeman, Abbott and Mosher supported sending the Enforcement Order.

5. The Trustees of Reservations (TTOR) – TTOR approached the Conservation Officer regarding a proposed multi-year invasive species management and restoration project at two separate locations within World's End. The Conservation Officer asked the Commission to consider whether it would be appropriate to work with the organization on a management plan for the project, or whether it would be better to have TTOR file an appropriate application with the Commission in order to move forward with the work. The Commission discussed the advantages of having a formal public hearing, the resource areas at World's End, and the experts on staff at TTOR. Commissioners Mclsaac, Freeman, Abbott and Mosher felt it was best to have TTOR file with the Commission in order to move forward with the project.

Maggie Merrill, 147 Martins Lane, commented on the fact that TTOR has an existing management plan for World's End and in some cases, is not following that plan. She further stated that she felt it was good to have a hearing on the proposed project in order to receive public comment. Finally, Ms. Merrill asked whether this project was related to the proposed parking area expansion on the property. The Conservation Officer indicated that it was a completely separate project.

The meeting adjourned at 8:35 PM.

Submitted,

Loni Fournier, Conservation Officer

Approved on August 15, 2016.