



CONSERVATION COMMISSION MEETING MINUTES – August 15, 2016

Present: Scott McIsaac- Chair, Bob Mosher, Laurie Freeman, John Morrissey, Bob Hidell, Loni Fournier- Conservation Officer

Meeting was called to order at 7:05 PM.

Approval of Minutes

Motion: Commissioner Mosher motioned to approve the minutes from the July 18, 2016 Commission meeting.

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

Certificates of Compliance

205 Otis Street – DEP 034-1042

An Order of Conditions was issued in July 2010 for an addition to a single family house. Staff met the builder and homeowner on site on 7/21/16. The as-built plans differ slightly from the final approved plans, with variations in the addition and the landscape/retaining wall, however these variations will not impact the resource areas.

Motion: Commissioner Freeman motioned to approve the Certificate of Compliance for 205 Otis Street, DEP 034-1042.

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

4 Quail Run – DEP 034-1080

An Order of Conditions was issued in August 2011 for an addition to a single family house. The engineer confirmed that the addition was built according to the final approved plans. Staff visited the site on 8/2/16. The final approved plans represent the existing structure.

Motion: Commissioner Morrissey motioned to approve the Certificate of Compliance for 4 Quail Run, DEP 034-1080.

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

24 Blaisdell Road – DEP 034-1170

An Order of Conditions was issued in October 2013 for the construction of a garage and reconfiguration of a driveway. Staff visited the site on 8/2/16. The as-built plans differ slightly from the final approved plans, with the only deviation being a second staircase that connects the deck on top of the garage to the driveway. This variation will not impact the resource area.

Motion: Commissioner Freeman motioned to approve the Certificate of Compliance for 24 Blaisdell Road, DEP 034-1170.

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

Requests for Determination of Applicability

10 Woodbridge Road

Applicant: Ken & Sheryl Itzkowitz

Proposed: Removal of trees

The applicants/sellers are requesting to remove a row of 38 hemlock trees that line the western side of the driveway and the northern side of the house, all within the buffer zone and Riverfront Area. The trees were planted years ago, presumably as a buffer to the adjacent woodland and wetland, however they have outgrown the space and are causing

problems for the home, e.g. mold and mildew, wood rot, etc. A certified arborist indicated that the trees are in general good health, but they have unbalanced crowns and significant deadwood, and in several cases they are leaning towards the house.

Staff visited the site on 7/5/16 and 7/19/16. The trees are located near the edge of a wetland and are spaced close together causing them to grow tall and lean. The lawn area behind the house is fairly small and contains a retaining wall, which is failing in some sections. The tree roots are helping to stabilize the soil, preventing further erosion into the resource area, and the trees themselves are helping to shade the resource area. The buyers indicated that they were interested in replanting the area with more appropriate plantings in the future.

Motion: Commissioner Mosher motioned to issue a Negative Determination of Applicability for the proposed work at 10 Woodbridge Road 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 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. The trees shall only be accessed and removed from the existing disturbed areas on the property, i.e. from the driveway and rear yard.
2. The tree stumps and roots shall remain in place until replacement plantings have been selected and purchased; native species will be selected as replacement plantings.
3. The trees must be properly disposed of at an off-site location; no chipped or mulched materials shall remain on the property.
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.

Second: Commissioner Freeman

In Favor: All

Opposed: None

2 Planters Field Lane

Applicant: James & Elvira Feeley c/o Stephen Feeley

Representative: Thomas Pozerski

Proposed: Soil testing

Chris Sanderson, from Merrill Engineers and Land Surveyors, presented the plans to the Commission.

The applicant is requesting to conduct soil testing at 2 Planters Field Lane in order to determine subsurface soil conditions and groundwater elevations in areas desirable for future drainage and home sites. Only two of the five total test pits fall within the Commission's jurisdiction. The first is proposed between Planters Field Lane and the eastern side of the resource area, adjacent to an existing access driveway. The second is proposed on the western side of the resource area outside of the flood zone, also adjacent to the driveway. The test pits will be approximately two feet wide and eight feet deep, or until groundwater is found. A small excavating machine will be used to minimize disturbance and the holes will be backfilled when testing is completed.

Staff visited the site on 8/2/16. The site is overgrown with brush, some of which will have to be removed to access the proposed test pit sites. Phragmites is present in a large portion of the resource area. Although soils will be disturbed and stockpiled on site, these activities will be temporary and the resource area should not be adversely impacted as a result.

Mr. Sanderson noted that the wetlands were flagged in 2015 and the flags are still in place, allowing work to more clearly take place outside of the wetlands. The Conservation Officer noted that the wetland boundaries were peer reviewed by Steve Ivas.

Commissioner Hidell asked about the soils on the site. Mr. Sanderson stated that he expected the soils to be sandy. Commissioner Hidell asked how the locations were selected. Mr. Sanderson stated that they were appropriate for a drainage basin or rain garden in the conceptual plans.

Motion: Commissioner Morrissey motioned to issue a Negative Determination of Applicability for the proposed work at 2 Planters Field Lane, 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 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. If soils will be stockpiled for longer than one day, piles shall be surrounded by erosion controls; straw wattles and/or hay bales will not be used as a form of erosion control.
2. Any debris that falls into the resource area shall be removed immediately by hand.

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

0 Fee Street

Applicant: Stephen Dempsey

Proposed: Maintenance of easement

The Hingham Sewer Department is requesting to maintain a sewer easement that runs from Blackberry Lane along the edge of Fee Pond and ends just past the manhole at 39 Planters Field Lane. The easement is overgrown and needs to be cleared of brush and small trees in order for staff and equipment to access the sewer main and related structures, for both routine purposes and in the event of an emergency. A 400 foot long, 20 foot wide corridor will be cleared as part of this effort; the vegetation will be chipped and left on site.

Staff visited the site on 8/2/16. There is an existing narrow path along the easement with thick brush on either side. A small pond is located on one side of the path. The width of the path will be expanded from the existing path, away from the pond. Vegetation between the path and the pond will remain in order to act as a buffer. There is a large tree growing along the path, this tree will not be removed. The surface of the path currently consists of leaf litter, branches, compacted dirt, and small brush.

The Conservation Officer noted that Fee Pond was a potential vernal pool and requested that maintenance work not take place in the spring. Mr. Dempsey indicated that his preference was to have the work completed this fall, but it would depend on contractor availability and funding.

Motion: Commissioner Hidell motioned to issue a Negative Determination of Applicability for the proposed work at 0 Fee Street 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 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. The Conservation Department shall be notified when the maintenance work will begin; work shall not take place during the spring breeding season (March through May).
2. Any debris that falls into the resource areas shall be removed immediately by hand.

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

15 Ocean View Drive

Applicant: Kristen Autio

Proposed: Leveling and grading rear yard

The applicant is proposing to construct a 75 foot long, 2.5 foot tall natural boulder retaining wall along the existing line of vegetation in the back of the property, within the 50 foot buffer zone and flood zone. Approximately 60 cubic yards of soil will be brought in to level and grade the yard. The fill will then be hydro seeded. The applicant has not proposed any compensatory flood storage or mitigation plantings.

Staff visited the site on 8/2/16 and again on 8/5/16, with the contractor. The yard has a slight slope leading from the back of the house to the resource area below. There is vegetation along the lower edge of the lawn, which provides a buffer to the marsh. Some of the vegetation consists of phragmites. The contractor indicated that the wall would be placed on top of the existing lawn (no footing) and the boulders would be dry laid. There were no plans for drainage or additional stability, given the wall's proposed location in the flood zone, however the contractor indicated that the plans could be updated in order to satisfy the Commission.

Staff spoke to the Town's project engineer about the proposed project and he recommended a footing for the wall, to prevent it from being undermined, as well parging (filling the voids) the wall or using filter fabric to prevent the soil from washing into the resource area. Staff is concerned about the proximity of the proposed wall to the resource areas, and that the project will force flood waters onto other properties.

Commissioner Mclsaac asked whether the project would remove the property from the AE flood zone. Ms. Autio indicated that the rest of the property was in the X flood zone. The Conservation Officer stated that she did not know what impacts the project would have on the flood elevations.

Commissioner Hidell asked if the level area would be graded and seeded, and if it would slope towards the resource area. Ms. Autio indicated that it would be graded and seeded, but it would not slope towards the marsh. The intent was to level the area for her children to play. Commissioner Hidell further stated that he felt the project would have a statistically insignificant impact on the resource area.

The Conservation Officer discussed the town engineer's recommendations. Commissioner Hidell asked if the footing was for a frost wall. The Conservation Officer stated that her understanding was that the footing would prevent the wall from being undermined in the event of a flood. Commissioner Hidell noted that a frost wall would intensify the disruption of the landscape and recommended the use of structural fabric.

Commissioners Mclsaac and Hidell recommended that Ms. Autio obtain an engineer to ensure that the wall is properly designed for the flood zone.

Commissioner Morrissey asked Ms. Autio if she was prepared to respond to the town engineer's recommendations. Ms. Autio indicated that she forwarded the staff memo to her contractor, but had not received any feedback.

Commissioner Hidell noted that the project could be precedent-setting.

Commissioner Mclsaac and the Conservation Officer discussed whether the hearing should be continued, or a positive determination issued. The Conservation Officer noted that the current filing only required a newspaper ad, whereas a Notice of Intent would require abutter notifications.

Motion: Commissioner Morrissey motioned to continue the Request for Determination of Applicability hearing for 15 Ocean View Drive to September 12, 2016.

Second: Commissioner Hidell

In Favor: All

Opposed: None

Extension of Order of Conditions

43 George Washington Boulevard – 034-0742

Applicant: Raymond Tehranian

The Order of Conditions for 43 George Washington Boulevard was issued on November 18, 2003 for the construction of a single family dwelling, access driveway, associated utilities and grading. The Order was extended for six years via two separate requests in November of 2006 and November of 2009. The Permit Extension Act further extended the last permit to November of 2016. Work on the site is nearly complete, however the applicant has requested a three-year extension just to err on the side of caution.

Motion: Commissioner Morrissey motioned to issue a three-year Extension Permit for the Order of Conditions issued to 43 George Washington Boulevard (DEP 034-0742).

Second: Commissioner Mosher

In Favor: All

Opposed: None

Commissioner Mclsaac read the Public Hearing Notice of Intent.

Notices of Intent

262 South Street – DEP 034-1267

Applicant: Mary Ann & Jeffrey Born Representative: Andrew Baum

Proposed: Construction of single family home

The applicant is proposing to construct a single family home at 262 South Street. The majority of the construction will take place outside of the Commission's jurisdiction, however the utility lines for the proposed house will be installed next to and under the existing paved driveway, which is within the buffer zones and flood zone. The driveway will be repaved after the utilities are installed.

Staff visited the site on 8/2/16. The existing paved driveway is slightly elevated. The north side of the driveway, where the utilities are proposed, consists of lawn and some plantings. The south side consists of a slightly depressed grassy area. Two culverts, one on South Street and the other on the South Shore Country Club's driveway, direct water through this grassy area, creating the resource area and land subject to flooding. A third culvert exists under the existing paved driveway, presumably to serve as an outlet for flood waters.

Staff does not believe there will be any adverse impacts to the resource area or change in the flood zone as a result of this project. Staff recommends that the disturbed areas be regraded to match the existing conditions, and that extra care is taken when excavating near the existing culvert under the driveway, in order to avoid damaging the structure.

The Conservation Officer stated that Town Counsel suggested some minor edits to the proposed Condition 1, which addresses the findings from the inter-department review of the project. She further stated that she reviewed the edited Condition 1 with the applicant before the meeting and the applicant is comfortable with the new language.

Commissioner Mosher asked why there was a question about the buildability of the lot. The Conservation Officer stated that it was related to frontage.

Commissioner Mclsaac asked if the utilities would be installed first in the construction sequence. Ms. Born indicated that they would.

Commissioner Hidell asked whether the existing utilities were installed underground in conduits. Ms. Born stated that she was not sure, but she assumed that they were.

Commissioner Mclsaac asked whether any storm-related water ever came down the existing driveway. Ms. Born stated no, and that their property was only flooded after a storm when water came through the culvert under the driveway.

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 262 South Street, as shown on the submitted plans, and adopt the findings of fact a and b, and conditions 1 through 7 of the staff report as amended by the Commission.

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. The applicant shall obtain any required zoning relief prior to the start of construction and provide the Conservation Department with a copy of the applicable decisions and/or permits.
2. 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.
3. Erosion controls shall remain in place until construction is complete and disturbed areas are stabilized.
4. All disturbed areas shall be regraded to match the pre-construction conditions, and loamed and seeded.
5. The culvert under the existing driveway shall not be altered or damaged during construction.
6. Any debris that falls into the resource area shall be removed immediately by hand.
7. The Conservation Department shall be notified of any changes in plans prior to proceeding with said changed plans.

Second: Commissioner Hidell

In Favor: All

Opposed: None

289 Whiting Street – DEP 034-1268

Applicant: Jack Ryan Representative: John Cavanaro

Proposed: Construction of a golf cart crossing

The applicant is proposing to construct a small bridge to allow golf carts to cross a tributary to the Plymouth River located on the property. The bridge will consist of 2 concrete abutments, supporting steel beams and a wooden deck. The bridge will be 10 feet wide and 30 feet in length. The wooden deck will be spaced to allow light and runoff to pass through. An 8 foot wide gravel path, for golf cart access, will be created on either side of the bridge. A 2 foot wide stone trench will be constructed in front of the abutments to help infiltrate runoff. All of the proposed work is within the buffer zone and Riverfront Area. The capacity of the stream channel below the proposed bridge is greater than a culvert located a few hundred feet downstream, indicating that the flood zone will not be an issue for this project. A total of 70 ft² of impervious area will be created by the abutments.

Staff visited the site on 8/9/16 with the representative, as well as staff and board members from the golf club. The proposed location for the bridge is currently wooded, more so on the western side than the eastern side, and the stream banks are fairly steep, but vegetated. A path has been selected that will minimize the number of trees that will need to be taken down, and logically connect golfers from the 9th hole to the 10th via an existing paved path and tunnel under Cushing Street. A small wooden footbridge exists downstream. Expanding this bridge to accommodate golf carts is not a preferred alternative due to the alterations that would need to be made to the design of the bridge and the greater environmental impacts. Given the minimal increase in impervious area and proposed erosion controls, staff does not believe the resource areas on the property will be negatively impacted.

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 289 Whiting 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. 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. No equipment or heavy machinery shall access the stream bed during construction.
3. All disturbed areas shall be loamed and seeded, and where necessary, stabilized with jute netting prior to removing erosion controls.
4. Any debris that falls into the resource areas shall be removed immediately by hand.
5. De-icing chemicals (except for calcium magnesium acetate, a.k.a. CMA, or other alternative approved by the Conservation Department) are prohibited on the bridge. This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.
6. 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

Other Business

1. The Commission discussed the tentatively scheduled August 29, 2016 meeting. The Conservation Officer indicated that five projects were currently on the agenda and if quorum could be reached, it would be helpful to have the meeting. The Commission decided to hold the meeting as scheduled.

2. Mary Savage-Dunham, Director of Community Planning, provided the Commission with an update on the Bouve trail connection. Ms. Savage-Dunham discussed the history of the project and a CPC application that will be submitted this year to advance construction design plans and permitting for a concept that has support from the residents and trustees at Hewitt's Landing. The concept may need to be altered to meet current accessibility standards and additional funds are included in the CPC application in anticipation of additional design work that may be necessary.

Commissioner Freeman asked if there was any other solution to the problem, for example routing the current trail further east. Ms. Savage-Dunham stated that access would still need to be granted over private property. She further stated that the current concept would provide public access to the waterfront and resolve the current, unpermitted footbridge currently in place.

Commissioner Freeman noted that the timing of the solution was also important and remembered that many individuals were concerned about the timeline associated with the project the last time it was before the Commission. Ms. Savage-Dunham and the Commissioners discussed temporary solutions.

Commissioner Hidell asked when the path was used the most. David Tancredi, the impacted resident from Hewitt's Landing, indicated that commuters use the path the most, followed by residents of the Bradley Woods neighborhood.

The Conservation Officer and the Commission discussed contributing \$2,500.00 from the Conservation Fund towards the CPC application for construction design plans and permitting.

Motion: Commissioner Freeman motioned to provide \$2,500.00 from the Conservation Fund for the construction design plans for the Bouve trail connection project.

Second: Commissioner Mosher

In Favor: All

Opposed: None

3. The Conservation Officer stated that the applicant from 191 Downer Avenue hired a firm to help with the required salt marsh restoration plan. The consultant indicated that he would be ready to present to the Commission at the August 29, 2016 meeting.

4. Commissioner McIsaac discussed the need for the Commission to appoint someone to the Open Space Acquisition Committee and asked the Commission to keep potential appointees in mind.

The meeting adjourned at 8:45 PM.

Submitted,

Loni Fournier, Conservation Officer

Approved as amended on August 29, 2016.