



## CONSERVATION COMMISSION MEETING MINUTES – August 29, 2016

**Present:** Scott McIsaac- Chair, Bob Mosher, Adrienne DuBois, Paul Hall, Bob Hidell, Loni Fournier- Conservation Officer

**Absent:** Laurie Freeman, John Morrissey

**The meeting was called to order at 7:03 PM.**

### **Approval of Minutes**

**Motion:** Commissioner Mosher motioned to approve the minutes from the August 15, 2016 Commission meeting.

**Second:** Commissioner Hidell

**In Favor:** All

**Opposed:** None

### **Certificates of Compliance**

#### **10 Woodbridge Road** – DEP 034-226

The Order of Conditions was issued in August 1986 for the construction of a single family house. Staff visited the site on 8/16/16. The mitigation area was established and the house was in the location depicted on the final approved plans. Since the project was completed over 30 years ago, the requirement for as-built plans was waived. The Conservation Officer noted that condition 15 states: “The edge of the wetlands shall be delineated by the planting of a row of wetland trees or shrubs.” The Commission recently issued a Negative Determination of Applicability for removing the trees that delineated the wetland and replacing them with native plantings. The Conservation Officer also noted three ongoing conditions: one related to language in the deed, a second related to disposal of debris in the wetlands, and a third related to the use of fertilizers and chemicals on the property.

**Motion:** Commissioner Hidell motioned to approve the Certificate of Compliance for 10 Woodbridge Road, DEP 034-226.

**Second:** Commissioner Hall

**In Favor:** All

**Opposed:** None

#### **186 Otis Street** – DEP 034-1125

The Order of Conditions was issued in March 2013 for the construction of a pile-supported pier with a gangway and float, and the reconstruction of a timber stairway. The as-built plans adhere to the final approved plans. Staff visited site on 8/18/16. The salt marsh restoration area was not established; however there is nothing in the Order of Conditions stating that it needs to be established before a Certificate of Compliance can be issued. The applicants proposed sectioning off the restoration area and having the salt marsh naturally re-vegetate. The area was sectioned off as proposed.

**Motion:** Commissioner Mosher motioned to approve the Certificate of Compliance for 186 Otis Street, DEP 034-1125.

**Second:** Commissioner DuBois

**In Favor:** All

**Opposed:** None

### **Requests for Determination of Applicability**

#### **19 Stagecoach Road**

Applicant: Sarah Wood

Proposed: Swing set installation and landscaping

The applicant is proposing to install a swing set in a 32'x18' area located in the western portion of their back yard. The area is currently uneven and will be leveled. The applicant will add playground mulch under the swing set and surround the area with a berm, possibly constructed of railroad ties. The applicant is also proposing to remove one dead tree,

remove two small living trees and trim another tree, all located in the back yard. Additional landscaping includes clearing dead vegetation in the front and side yards, and replacing it with native plantings. Finally, the applicant is proposing to stabilize the eroding slope located on the back western corner of the house by adding loam. All disturbed areas associated with these projects will be hydroseeded.

Staff visited the site on 8/16/16. The back yard, consisting of grass, slopes toward the resource area. The only fairly flat portion of the yard was determined to be the most suitable and safe location for the swing set. This location is within the 50 foot buffer zone. Staff agrees with using railroad ties to contain the mulch. In terms of the proposed tree work, staff recommends leaving the stump of the large tree to help stabilize the slope and adding native plantings, instead of lawn, in place of the two smaller trees. Finally, staff noticed the erosion at the back western corner of the house, likely due to a lack of vegetation and roof runoff, and recommends the addition of a small rocky swale or "splash pad" to reduce the flow of water coming from the roof. Commissioner McIsaac also suggested a rain garden or rain barrel to help with the erosion problem.

Commissioner Hidell asked what the playground mulch would be made out of and cautioned the applicants to select a type of mulch that would be resistant to mold.

Commissioner DuBois asked how large an area was eroding and how long the erosion had been taking place. The applicants stated that it was most obvious around the bulkhead, which was installed 5-7 years ago.

**Motion:** Commissioner McIsaac motioned to issue a Negative Determination of Applicability for the proposed work at 19 Stagecoach Road and adopt the findings of fact a and b, and conditions 1 through 8 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; straw wattles and/or hay bales will not be used as a form of erosion control.
2. All disturbed areas shall be loamed, seeded and established prior to removing erosion controls.
3. Any debris that falls into the resource area shall be removed immediately by hand.
4. If mulch is used as groundcover under the swing set, a small berm shall be constructed around the area to prevent the mulch from entering the resource area.
5. The stump of the large dead tree proposed for removal shall remain in place.
6. The two small trees proposed for removal shall be replaced with native plantings.
7. All landscaping debris must be properly disposed of at an off-site location; no chipped or mulched materials shall remain on the property.
8. 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

### **24 Shipyard Drive**

Applicant: Sea Chain Marina LLC

Proposed: Pavilion construction

The applicant is proposing to construct a 32'x60' wood frame, open pavilion structure on the commercial pier at the Hingham Shipyard Marina that will be used for gatherings, meetings, and educational programs. The pavilion is intended to provide shade and shelter. It will have eight, 10' to 12' wide openings. The walls will be finished in rough sawn board or cedar shingles. The applicant proposes to have electrical service and lighting in the pavilion. To protect occupants from weather and insects, roll up screens and roll up clear vinyl shields will be installed. Both the siding and roofing will

match the existing marine theme of the shipyard. Asphalt shingles and standing-seam metal roofing are being considered for the roof material.

Staff visited the site on 8/16/16. The location of the proposed pavilion is near a small office building on the commercial pier, at the western end of the marina's boat slips. The decking on the pier is narrowly spaced. With proper monitoring of construction debris, there should be no adverse impacts on the resource areas with the construction of this pavilion.

Commissioner DuBois asked how the structure would be secured in the event of a storm. The applicant indicated that the roll up vinyl shields would be used in the event of a minor weather event, but otherwise the structure would remain open, even during the off season.

**Motion:** Commissioner Hall motioned to issue a Negative Determination of Applicability for the proposed work at 24 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 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. Any debris that falls into the resource area shall be removed immediately.
2. Any on site dumpsters shall be located on the landward side of the pier, i.e. not on the pier itself.

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

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

### **Notices of Intent**

**7 New Bridge Street** – DEP 034-1269

Applicant: Nick Aalerud

Representative: Robert Marini

Proposed: Demolishing and reconstructing a house

The applicant is proposing to demolish an existing 846 ft<sup>2</sup> single family house and construct a new 1,073 ft<sup>2</sup> single family house with an attached garage (396 ft<sup>2</sup>) and a new septic system. The footprint of the existing and new house is located between the 50 foot and 100 foot buffer zones of the wetland. A corner of the new garage extends into the 50 foot buffer zone, but it will be constructed on a slab foundation. The slab foundation will be supported by an existing railroad tie retaining wall, which may need to be rehabbed as part of the project. The existing house is serviced by a cesspool, which will be abandoned and replaced with a new septic system on the western side of the property. The soil testing for the proposed septic system has not been completed.

Staff visited the site on 8/16/16. The property slopes toward the resource area, steeply in some spots, with a fairly level area located on the western side of the house, where the new septic system is proposed. The applicant has indicated that an earthen ramp will be created on the eastern side of the house to give construction equipment access to the rear of the property, within the limit of work. The area surrounding the house is overgrown with trees, shrubs and various plantings. The applicant has indicated that at least one, and likely several more, Norway maple trees will be removed from the site during construction. The applicant has proposed replacing these trees with red oak trees and is interested in removing invasive species (Japanese knotweed and purple loosestrife) near the resource area for additional mitigation.

Commissioner Hidell asked if the project needed any permits from the Zoning Board of Appeals. The applicant indicated that the existing, non-conforming setbacks would be maintained and not reduced, which would not require relief from the Board.

Commissioner Hidell noted that if the project was approved, it would be contingent on the plans being carried out as presented, i.e. the septic system being installed in the proposed location. The Conservation Officer explained the internal review process between the Board of Health and the Conservation Commission for septic system upgrades. The Conservation Officer further stated that changes to the plan could be approved as field changes, if they were minor, or the applicant may have to come back to the Commission with a new plan if the changes are too dramatic.

The applicant indicated that the proposed plans depict a three bedroom house, however the Board of Health stated that a four bedroom house/septic system would be acceptable because the existing house had four bedrooms. The Conservation Officer asked whether the footprint would change if a fourth bedroom was added. The applicant stated that it might change.

Commissioner Mclsaac opened the hearing to public comment.

Julie Dempsey, from 11 New Bridge Street, expressed concerns about how close the proposed house would be to the property line. Ms. Dempsey also indicated that she shares a parking area with 7 New Bridge Street and would be forced to develop a driveway or parking area on her own property if this project is approved. Ms. Dempsey further stated that her lot is similar to the 7 New Bridge Street lot in that it is very steep in the back and currently has a cesspool.

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

**Motion:** Commissioner Mclsaac motioned to continue the Notice of Intent hearing for 7 New Bridge Street, DEP 034-1269, to September 26, 2016.

**Second:** Commissioner DuBois

**In Favor:** All

**Opposed:** None

#### **Other Business**

Michael Connolly, from 191 Downer Avenue, presented the salt marsh restoration plan for his property, which was required by an Order of Conditions (DEP 034-1260), to the Commission. Mr. Connolly worked with a wetlands scientist from Northpoint Engineering to determine that approximately 400 square feet of salt marsh was impacted on his property, leaving approximately 1,200 square feet of salt marsh to be restored (a ratio of 3:1, per the Order of Conditions). Mr. Connolly will work with the wetlands scientist to order the plants and intends to plant them with his family in September, based on instruction from the wetlands scientist. Per the Order of Conditions, 75% of the plantings must survive two full growing seasons before a Certificate of Compliance can be issued. The Conservation Officer spoke to the wetlands scientist about a preliminary monitoring plan and will finalize it with him and Mr. Connolly.

**The meeting adjourned at 8:10 PM.**

Submitted,

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Loni Fournier, Conservation Officer

Approved on September 12, 2016.