



## CONSERVATION COMMISSION MEETING MINUTES –January 10, 2022

**Present:** Crystal Kelly- Chair, Bob Mosher, Thomas Roby, Bob Hidell, Carolyn Nielsen and Nina Villanova-Commissioners, Emily Sullivan-Conservation Officer and Heather Charles-Lis-Assistant Conservation Officer

**Absent:** None

The remote meeting was held via Zoom with Dial in #929-205-6099, Meeting ID # 871-7390-6425

**The meeting was called to order at 7:02 PM.**

Chair Kelly stated that the meeting was being held remotely as an alternate means of public access pursuant to Chapter 20 of the Acts of 2021 temporarily amending certain provisions of the Open Meeting Law. She advised that the meeting and all communications during the meeting may be recorded by the Town of Hingham in accordance with the Open Meeting Law. She stated that if any participant wished to record the meeting, to notify her in accordance with M.G.L. c. 30A, § 20(f) so that she could inform all other participants of the recording. No participants expressed a wish to record the meeting.

### **Approval of Minutes**

**Motion:** Comm'r Hidell moved to approve the draft minutes from the December 20, 2021 meeting.

**Second:** Comm'r Mosher

**Roll Call:** Comm'r Kelly: aye and Comm'r Hidell: aye, Comm'r Villanova: aye, Comm'r Mosher: aye, Comm'r Roby: aye and Comm'r Nielsen: aye

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

#### **1 Pond Park Road**

Applicant: Mark Flaherty, A. W. Perry, Inc.

Representative: Edward Hutchinson, TetraTech

Proposed: Installation of monitoring wells

**Meeting Documents & Exhibits:** Staff memo, Request for Determination of Applicability application including aerial ortho images.

**Excerpts from the staff memo:** The monitoring wells will be drilled with a 4-inch diameter borehole to a maximum depth of 15 feet. The two borings will be installed in a paved parking lot. No vegetation removal is proposed. All soil cuttings will be returned into the boreholes upon completion. Staff does not believe the proposed work will negatively impact any resource areas located in and around the site.

Mark Flaherty, for the applicant A.W. Perry Inc, was present on the call along with representatives Ed Hutchinson and Matt Madden from TetraTech. E. Hutchinson described the proposed installation of monitoring wells noting that it does not require filing with MA DEP as it would be considered a minor activity but they are filing under the local bylaw. The CO commented that the work is proposed in a paved parking lot and, with no anticipation of issues, minimal conditions were drafted.

Responding to questions from the Commission, M. Madden shared to the screen an aerial ortho of the area pointing out the property, 2 Pond Park Road, across from 1 Pond Park Road, both owned by A.W. Perry. He explained that there had been historic release of contaminants at 2 Pond Park Road in the sixties or seventies under a previous owner. The former building on that site had been used for industrial activity. The released contaminant was tetrachloroethylene and some remediation has been done; a drywell where they believe the contaminants had been released was removed along with the surrounding soil. He stated that assessment began around 1995-96, and

monitoring is ongoing but over time some wells were paved over. They want to replace those monitoring wells in order to be sure of a good down gradient result.

**Motion:** Comm’r Villanova moved to issue a Negative Determination of Applicability for the proposed work at 1 Pond Park Road, as shown on the submitted plans, and adopt the findings of fact a through b, and conditions 1 through 4 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 Town of Hingham Wetland Regulations, and will not alter or adversely affect the area subject to protection under the Regulations.

Conditions:

1. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.
2. No vehicle or other machinery refueling, lubrication or maintenance, including concrete washout, or storage of fuel or maintenance chemicals, shall take place within 50 feet of any resource area.
3. Soil cuttings and borehole water shall be returned to the boreholes or properly disposed of at an off-site location.
4. The Conservation Department shall be notified to any changes in plans prior to proceeding with said changed plans.

**Second:** Comm’r Mosher

**Roll Call:** Comm’r Kelly: aye and Comm’r Villanova: aye, Comm’r Hidell: aye, Comm’r Nielsen: aye, Comm’r Roby: aye and Comm’r Mosher: aye

**Chair Kelly read the Public Hearing Notice of Intent.**

### **Notices of Intent**

#### **36 East Street & 0 R Rockwood Road** – DEP 034-1431, cont’d to **2/14/22**

Applicant: Christine and Gregory Fletcher

Representative: Jeffrey Hassett, Morse Engineering

Proposed: Construction of a driveway & septic system associated with a new dwelling

**Motion:** Comm’r Nielsen moved to continue the hearing for 36 East Street & 0 R Rockwood Road to 2/14/22

**Second:** Comm’r Mosher

**Roll Call:** Comm’r Kelly: aye and Comm’r Hidell: aye, Comm’r Roby: aye, Comm’r Villanova: aye, Comm’r Mosher: aye and Comm’r Nielsen: aye

#### **81R Summer Street** – DEP 034-1433, cont’d from 12/20/2021

Applicant: Nathaniel Hulme

Representative: Gabriel Padilla, Grady Consulting

Proposed: Driveway expansion, hardscaping & landscaping

*Meeting Documents & Exhibits: Staff memo, Notice of Intent application and original Site Plan and Landscape Plan, Revised Site plan (12/17), Revised Landscape Plan (12/22), and Response to Comments letter.*

*Excerpts from the staff memo: This hearing is continued from the 12/20/21 meeting to allow time for the representative to reply to additional comments. Since then a revised landscape plan (dated 12/22/21) and a response to comment letter were submitted by the representative. Buffer zone impacts and mitigation were clarified and mitigation exceeds the requirements in the Commission’s policy, plant substitutions were made so all plants in the 50-ft buffer are native and there are no cultivars, and landscaping notes were updated to indicate there will be seeding versus mulching in mitigation planting areas. Staff has no further comments.*

Applicant Nathaniel Hulme was present on the call, shared his screen with the revised Site plan and noted that one of the main concerns at the last meeting had been address with removal of non-native plantings within the 50ft buffer from the plan. The ACO stated that she had no further concerns and reviewed draft conditions #37, #38 and #39 which address driveway runoff, the permeable patio in the 50ft buffer, and that there be no grading beyond

what is on the plan. The revised Landscape plan was shared to the screen and the revisions, including use of a native seed mix rather than mulch, were pointed out.

The Commission was satisfied and had no further questions.

Chair Kelly invited any comments from the public. No members of the public were present to comment.

**Motion:** Comm'r Hidell moved to issue an Order of Conditions for the proposed work at 81R Summer Street (DEP 034-1433), as shown on the submitted plans, and adopt the findings of fact a through c, and special conditions 21 through 48 of the staff report.

Findings:

- a. The project meets the submittal 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.
- c. For the purpose of this filing, the Commission confirms the delineation of Bordering Vegetated Wetland flags WF-4 to WF-14, and Bordering Land Subject to Flooding (el. 11) on the subject property, but makes no finding as to the exact boundaries of other wetland resource areas.

Special conditions:

21. The applicant shall notify the Hingham Conservation Commission in writing of the name, address, and telephone number(s) of the project supervisor or contractor who shall be responsible for ensuring compliance with this Order and shall notify the Commission, by telephone or writing, at least 48 hours prior to commencement of work on the site.
22. This document shall be included in all construction contracts and subcontracts dealing with the work and shall supersede all other contract requirements.
23. The project supervisor or contractor in charge of the work shall have a copy of this Order available on the site at all times.
24. Prior to the start of any excavation or construction, there shall be a pre-construction conference on the site between the project supervisor or contractor responsible for the work and an agent of the Commission to ensure that the requirements of this Order are understood.
25. Prior to the start of any excavation or construction, erosion and sediment controls shall be installed, as shown on the final approved plan, and inspected by an agent of the Commission; straw wattles and/or hay bales shall not be used as a form of erosion and sediment control. Extra erosion controls shall be available on site, stored in an unexposed location or covered.
26. Erosion and sediment controls shall remain in place until all disturbed or exposed areas have been stabilized with a final vegetative cover or the Commission has authorized their removal.
27. During all phases of construction, all disturbed or exposed areas shall be brought to a finished grade and either a) loamed and seeded for permanent stabilization, or b) stabilized in another way approved by the Commission.
28. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.
29. All demolition and excavated material shall be properly disposed of at an off-site location.
30. Any on site dumpsters shall not be located within 50 feet of any resource area.
31. There shall be no stockpiling of soil or other materials within 50 feet of any resource area. All stockpiles that are not used for more than five days shall be covered and surrounded by erosion and sediment controls; straw wattles and/or hay bales shall not be used as a form of erosion and sediment control.
32. At the end of each workday, the applicant shall mechanically or manually sweep sediments from all paved surfaces, unless tracking and sediment is not evident.
33. Issuance of these conditions does not in any way imply or certify that the site or downstream areas will not be subject to flooding, storm damage, or any other form of damage due to wetness.
34. Any dewatering activities on the project in which water will be released into any resource area or storm drain shall make use of a stilling pond or similar device to remove sediment before the water is released. Prior to

construction, plans for the stilling pond or similar device shall be submitted to the Commission for review and approval.

35. No vehicle or other machinery refueling, lubrication or maintenance, including concrete washout, or storage of fuel or maintenance chemicals, shall take place within 100 feet of any resource area.
36. The temporary construction access and vehicle tracking pad shall be properly maintained during construction and shall be removed following construction and the area restored to lawn or other vegetation, with no changes in grade permitted.
37. Driveway runoff shall be infiltrated on site, using a crushed stone trench drain, as shown on the approved plans. The driveway shall be properly pitched to direct runoff to be infiltrated.
38. The approved patio that is wholly within the 50-foot Buffer Zone shall be constructed to be permeable, with permeable joints and an appropriate permeable subbase. Documentation shall be submitted from the contractor or installer confirming that the patio has been installed to be permeable in accordance with the manufacturer specifications, and in accordance with the final approved plans.
39. No additional grading, beyond that which is shown on the approved plans, will be permitted without submitting a revised plan to the Commission for review and approval in advance. Additional grading may require an Amendment to the Order of Conditions or a new Notice of Intent.
40. The mitigation area plantings shall be installed, and seeding completed, in accordance with the final approved landscape plan.
41. Before executing any change from the plan(s) of record, the applicant must have the Commission's written approval. Any errors found in the plans or information submitted by the applicant shall be considered as changes. Approval from other Town Agents or Inspectors does not relieve the applicant from obtaining approval from the Commission.
42. The use of de-icing chemicals, except for calcium magnesium acetate, a.k.a. CMA, or other alternative approved by the Commission, shall be prohibited on this property because of its proximity to Hingham Harbor, which is a state-listed 303(d) impaired waterway, and the importance of the surrounding resource areas to water quality. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
43. The use of pesticides, herbicides, fungicides, and fertilizers shall be prohibited on this property because of its proximity to Hingham Harbor, which is a state-listed 303(d) impaired waterway, and the importance of the surrounding resource areas to water quality. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
44. It is the sole responsibility of the owner of record to maintain drainage structures at all times. The property owner is also responsible for retaining records of the maintenance and cleaning for review by the Commission. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
45. The applicant shall apply for a Certificate of Compliance as soon as work has been completed and prior to the expiration of this Order. If work cannot be completed prior to the expiration of this Order, the applicant shall contact the Commission in writing to apply for an extension at least thirty days prior to the expiration date.
46. The applicant shall submit an "as built" plan to the Commission upon completion of this project. The plan shall be signed by the professional engineer of record, who shall certify that the work has been done in accordance with the approved plans and this Order. This plan must be submitted prior to the issuance of a Certificate of Compliance by the Commission.
47. Prior to the issuance of a Certificate of Compliance, the mitigation area plantings shall survive at least two full growing seasons with a minimum of 75% survival rate. If a 75% survival rate is not achieved, replacement plantings of the same species shall be made by the applicant.
48. The mitigation planting area shall be maintained with native plantings or shall be allowed to naturally revegetate with native species following planting and remain as naturally vegetated, and shall not be mown or otherwise maintained. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.

**Second:** Comm'r Mosher

**Roll Call:** Comm'r Kelly: aye and Comm'r Nielsen: aye, Comm'r Hidell: aye, Comm'r Roby: aye, Comm'r Villanova: aye and Comm'r Mosher: aye

**101 Hobart Street** – DEP 034-1434

Applicant: Debra LaRocca

Representative: Caroline Rees, Cavanaro Consulting

Proposed: Installation of swimming pool, patio, fence and shed

Meeting Documents & Exhibits: Staff memo, Notice of Intent application, original Site Plan (12/20/21) and Revised Site Plan (1/3/22)

Excerpts from the staff memo: Staff asked the representative if filling or grading was proposed for the inground pool and patio construction. Filling and grading are not proposed and neither is anticipated to be necessary. If slight grading is needed, then the applicant will return the grade as close as possible to existing conditions.

While onsite, staff noticed an unpermitted boardwalk within the ~25ft buffer area on the northern portion of the property (approximately WF-9). Staff recommends that the Commission condition the removal of the boardwalk due to negative impacts to the resource area.

The representative, Caroline Rees, from Cavanaro Consulting, was present on the call. The revised Site Plan (1/3/22) was shared to the screen and C.Rees described the property, its location and pointed out the various wetland resource areas. She described the proposal; installation of an inground pool and patio, removal of an existing fence and replacement with new pool fence, and construction of a new shed. An existing shed would be removed as it is in the area where the proposed pool would be. C.Rees explained that most of the work is outside the 100 ft buffer, only a portion of the pool and patio and new shed are within the 100 ft buffer but outside of the 50ft buffer. There would be a 264sf increase in impervious and they have proposed 270sf of native plantings. They propose to remove one tree that appears to be dead and replace it with a native dogwood tree. A drywell will be installed to the west away from the resource area for pool drawdown.

The CO commented that there was a modest increase in impervious and briefly reviewed the proposed work. She noted that there is a steep grade where the pool is proposed, the wetlands are downgradient, and, although it's not anticipated, she had included a draft condition regarding grading. She added that the pool fence is proposed outside the 50ft buffer and the drywell would be outside the 100ft buffer.

The CO pointed out to the Commission that there was an informal boardwalk made of pallets in the 25ft buffer, shared photos of it to the screen, and explained that she had included draft condition #29 requiring its removal. The Commission concurred it would be an improvement over existing conditions and C.Rees indicated that the applicants were willing to remove the pallets.

Chair Kelly invited any comments from the public. No members of the public were present to comment.

**Motion:** Comm'r Nielsen moved to issue an Order of Conditions for the proposed work at 101 Hobart Street (DEP 034-1434), as shown on the submitted plans, and adopt the findings of fact a through c, and special conditions 21 through 46 of the staff report.

Findings:

- a. The project meets the submittal 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.
- c. For the purpose of this filing, the Commission confirms the delineation of Bordering Vegetated Wetland flags WF-1 to WF-10, but makes no finding as to the exact boundaries of other wetland resource areas.

Special conditions:

21. The applicant shall notify the Hingham Conservation Commission in writing of the name, address, and telephone number(s) of the project supervisor or contractor who shall be responsible for ensuring compliance with this Order and shall notify the Commission, by telephone or writing, at least 48 hours prior to commencement of work on the site.
22. This document shall be included in all construction contracts and subcontracts dealing with the work and shall supersede all other contract requirements.
23. The project supervisor or contractor in charge of the work shall have a copy of this Order available on the site at all times.

24. Prior to the start of any excavation or construction, there shall be a pre-construction conference on the site between the project supervisor or contractor responsible for the work and an agent of the Commission to ensure that the requirements of this Order are understood.
25. Prior to the start of any excavation or construction, erosion and sediment controls shall be installed, as shown on the final approved plan, and inspected by an agent of the Commission; straw wattles and/or hay bales shall not be used as a form of erosion and sediment control.
26. Erosion and sediment controls shall remain in place until all disturbed or exposed areas have been stabilized with a final vegetative cover or the Commission has authorized their removal.
27. During all phases of construction, all disturbed or exposed areas shall be brought to a finished grade and either a) loamed and seeded for permanent stabilization, or b) stabilized in another way approved by the Commission.
28. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.
29. All lawn waste, brush, leaves, or other materials dumped in any resource area including the buffer zone, including unpermitted boardwalk near WF-9, shall be removed by hand and properly disposed of at an off-site location, and the practice discontinued, in accordance with Section 23.6 of the Hingham Wetland Regulations.
30. All tree debris shall be properly disposed of at an off-site location; no chipped or mulched material shall remain on the property. Tree stumps and roots shall not be ground or removed.
31. All excavated material shall be properly disposed of at an off-site location.
32. Any on site dumpsters shall not be located within 100 feet of any resource area.
33. There shall be no stockpiling of soil or other materials within 100 feet of any resource area. All stockpiles that are not used for more than five days shall be covered and surrounded by erosion and sediment controls; straw wattles and/or hay bales shall not be used as a form of erosion and sediment control.
34. At the end of each workday, the applicant shall mechanically or manually sweep sediments from all paved surfaces, unless tracking and sediment is not evident.
35. Issuance of these conditions does not in any way imply or certify that the site or downstream areas will not be subject to flooding, storm damage, or any other form of damage due to wetness.
36. Any dewatering activities on the project in which water will be released into any resource area or storm drain shall make use of a stilling pond or similar device to remove sediment before the water is released. Prior to construction, plans for the stilling pond or similar device shall be submitted to the Commission for review and approval.
37. No vehicle or other machinery refueling, lubrication or maintenance, including concrete washout, or storage of fuel or maintenance chemicals, shall take place within 100 feet of any resource area.
38. The temporary construction access and vehicle tracking pad shall be properly maintained during construction and shall be removed following construction and the area restored to lawn or other vegetation, with no changes in grade permitted.
39. The 270sqft mitigation area planting area shall be installed, and seeding completed, in accordance with the final approved mitigation planting plan. All mitigation plantings shall be native species; no cultivars, non-native species, or invasive species shall be allowed.
40. No additional grading, beyond that which is shown on the approved plans, will be permitted without submitting a revised plan to the Commission for review and approval in advance. Additional grading may require an Amendment to the Order of Conditions or a new Notice of Intent.
41. Before executing any change from the plan(s) of record, the applicant must have the Commission's written approval. Any errors found in the plans or information submitted by the applicant shall be considered as changes. Approval from other Town Agents or Inspectors does not relieve the applicant from obtaining approval from the Commission.
42. The applicant shall apply for a Certificate of Compliance as soon as work has been completed and prior to the expiration of this Order. If work cannot be completed prior to the expiration of this Order, the applicant shall contact the Commission in writing to apply for an extension at least thirty days prior to the expiration date.
43. The applicant shall submit an "as built" plan to the Commission upon completion of this project. The plan shall be signed by the professional engineer of record, who shall certify that the work has been done in accordance

with the approved plans and this Order. This plan must be submitted prior to the issuance of a Certificate of Compliance by the Commission.

44. There shall be no discharge of any pool water or backwash within 100 feet of any resource area. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
45. Prior to the issuance of a Certificate of Compliance, the mitigation area planting shall survive at least two full growing seasons with a minimum of 75% survival rate. If a 75% survival rate is not achieved, replacement plantings of the same species shall be made by the applicant.
46. The 270sqft mitigation planting area shall be maintained with native plantings or shall be allowed to naturally revegetate with native species following planting and remain as naturally vegetated, and shall not be mown or otherwise maintained. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.

**Second:** Comm'r Mosher

**Roll Call:** Comm'r Kelly: aye and Comm'r Nielsen: aye, Comm'r Hidell: aye, Comm'r Villanova: aye, Comm'r Mosher: aye and Comm'r Roby: aye

#### Other Business

- a. Commission organization – Chair/Vice Chair, representation on other committees, possible vote

The Commission and CO briefly discussed the need for the annual organization of positions. Chair Kelly nominated Carolyn Nielsen to be Vice Chair and Comm'r Nielsen accepted. Chair Kelly expressed her willingness to remain in the role of Chair and the Commission was in support of that.

**Motion:** Comm'r Kelly moved to nominate Comm'r Nielsen as Vice Chair.

**Second:** Comm'r Mosher

**Roll Call:** Comm'r Kelly: aye and Comm'r Hidell: aye, Comm'r Mosher: aye, Comm'r Villanova: aye, and Comm'r Roby: aye

Discussion followed regarding the other committees on which the Commission needed representation and who was currently in that role. The CO explained that the recently formed Climate Action Committee was in need of a representative from the Conservation Commission.

Comm'r Hidell is currently the CPC Conservation representative and expressed his willingness to continue in that role. He gave a brief update on an item in front of the CPC in regards to a parcel abutting the McKenna Marsh Conservation Area.

Comm'r Mosher is currently the Conservation representative on the Turkey Hill Management committee and expressed his preference to remain in that role.

Comm'r Nielsen noted that the Open Space Acquisition Committee also has a Conservation representative. Brief discussion regarding the obligations the Climate Action Committee would entail followed with Comm'r Roby stepping up to be the Commission's representative on that committee. The Commission expressed their appreciation.

#### **Adjourn**

**Motion:** Comm'r Kelly moved to adjourn the meeting at 7:50 pm.

**Second:** Comm'r Mosher

Submitted, \_\_\_\_\_  
Sylvia Schuler, Administrative Assistant

Approved on January 31, 2022

*This meeting was recorded. To obtain a copy of the recording please contact the Conservation office.*