



CONSERVATION COMMISSION MEETING MINUTES – January 11, 2021

Present: Laurie Freeman-Chair, Thomas Roby, John Mooney, Bob Hidell, and Bob Mosher-Commissioners, Loni Fournier-Conservation Officer and Heather Charles-Lis-Assistant Conservation Officer

Absent: Crystal Kelly

The remote meeting was held via Zoom with Dial in #929-205-6099, Meeting ID # 871-1651-9426

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

Chair Freeman began the meeting with a statement that the Conservation Commission meeting was being held remotely via the Zoom app in accordance with the Governor's order Suspending Certain Provisions of the Open Meeting Law for purposes of social distancing. The information for joining the meeting by audio/video was posted with the Commission's agenda on the website along with web links for accessing any plans or other materials relevant to the items scheduled on the agenda. She advised that, in accordance with the Open Meeting Law, the meeting was being recorded by the town and if any participant wished to record the meeting, to notify her so that she may inform all other participants. No participants expressed a wish to record the meeting.

Approval of Minutes

Motion: Chair Freeman moved to approve the draft minutes from the December 21, 2020 meeting.

Second: Comm'r Mosher

Roll Call: Comm'r Hidell: aye and Comm'r Roby: aye

Certificates of Compliance

4 Knoll Road – DEP 034-1345, continued from 12/21/20

Applicant: Justin & Marie Vogel

Representative: Cameron Larson, Environmental Consulting & Restoration, LLC

Meeting Documents & Exhibits: Staff memo, Revised As-built Plan 1/10/21 and Revised Mitigation Completion Report 1/11/21

Excerpts from the staff memo: This request is continued from the 12/21/20 meeting, where no discussion took place. An Order of Conditions was issued in August 2019 for the construction of several additions, including an attached garage, a paved driveway, and an associated retaining wall. A 1,060sf native planting area and the relocation of an existing shed were approved as mitigation. The current as-built plan adheres to the final approved plan. The native planting area must survive two full growing seasons, so the applicant is requesting a Partial COC.

Staff observed sand and sediment from the front walkway crossing the driveway and entering the lawn on the opposite side, instead of moving towards the stone swale. The Commission should determine whether the driveway will need to be modified, or an alternative solution implemented, to meet condition #35 of the Order: "The new driveway shall be pitched so that runoff from [the] driveway is directed to a stone swale in accordance with the final approved plan, not to the street." The Commission may identify this condition as "Ongoing," as part of a Partial COC, if additional time is needed to complete the scope of work and the Commission is otherwise satisfied with the completed construction.

Chair Freeman summarized the staff memo, noting that the applicant is seeking a Partial Certificate of Compliance due to the mitigation planting survival requirement. She further described the concern raised regarding the driveway runoff and that a percentage of the runoff is going to the lawn rather than the swale. Representative Cameron Larson of ECR, and the homeowners were present on the call. C.Larson described the completed work and explained that due to the mitigation survival condition, they are seeking a partial COC at this time. He explained that about half of the driveway runoff goes to the swale and the upper half peters off the side of the driveway. Discussion followed with the CO suggesting that the addition of a curb or berm could possibly make the driveway compliant with condition #35 and C. Larson stating that the applicant was open to that idea if the Commission feels that the small amount of stormwater merits it. The ACO pointed out that as the driveway is close to the property line, it could be allowing water on to the neighboring property. The CO shared her screen with the As Built plan. Brief discussion followed regarding the amount of runoff going to the grass. The Commission concluded that they would issue a Partial COC, keeping condition #35 as an ongoing condition, giving the opportunity to see the affect, if any, of the stormwater not reaching the swale.

Motion: Chair Freeman moved to issue a Partial Certificate of Compliance to 4 Knoll Road, Ma DEP 034-1345.

Second: Comm'r Roby

Roll Call: Comm'r Hidell: aye, Comm'r Mosher: aye, and Comm'r Mooney: aye

Chair Freeman read the Public Hearing Notice of Intent.

Notices of Intent

169-171 Otis Street – DEP 034-XXXX

Applicant: Gary and M.Christine Jacobson

Representative: Adam Brodsky, Drohan, Tocchio & Morgan, P.C.

Proposed: Demolition of a single family house and detached garage, and construction of an addition

Meeting Documents & Exhibits: Staff memo, Narrative, Original Existing and Proposed Conditions Plan 12/3/20, Original Proposed Foundation Plan 9/15/20, and Revised Existing and Proposed Conditions Plan 1/8/21

Excerpts from the staff memo: Staff visited the site on 12/30/20 and found that preparation for demolition had already begun. The majority of the front yard to 169 Otis Street was bare dirt and several landscaping shrubs had been removed and piled behind the detached garage, in the buffer zone. Staff contacted the representative following the site visit and asked that erosion controls, specifically a 12" mulch log, be installed along the landward side of the rear stone retaining wall. As of 1/5/21, staff received confirmation that erosion controls had been installed.

Staff notes that the resource areas were not flagged, per the Commission's delineation policy, however given the location of the property and the existing development, as well as the proposed scope of work, staff does not feel that formal flagging is necessary. Staff recommends that the Commission make no finding regarding the exact boundaries of the wetland resource areas as shown on the plan.

As of 1/7/21, several important project scope and design questions remain unanswered, including the discrepancy regarding the permeability of the new driveway and the function of the trench drain and drywell, if the new driveway will in fact be permeable. MassDEP has also yet to issue an NOI number.

Chair Freeman summarized the staff memo. Representative Adam Brodsky, an environmental and land use lawyer, was present on the call along with applicants Gary and Chris Jacobson, land surveyor David Ray, and architect Roger Hoit. A. Brodsky briefly described the proposal; razing the condominium unit closest to the water, proposing an addition to the unit closest to the street. The lot is approximately 11,374 sf with a small portion in the VE flood zone and slopes steeply from the street to the existing sea wall which is the top of coastal bank. A portion of the unit to be demolished, 239 sf, will be removed from the flood zone and the entire addition would be outside the floodplain. The entire site is located in the buffer zone to the coastal bank.

A. Brodsky explained that they had provided revised plans (1/8/21), based on comments from the CO, as well as updated pervious and impervious calculations. He added that the proposal would significantly reduce the amount of impervious. The revised plans show the 50 and 100 ft buffers as well as the erosion controls, which have also been installed. They modified the proposed stormwater management system and eliminated a second pipe that the CO had questioned. They propose to restore the area downslope of the addition with a native groundcover and plantings and the tree that will have to be removed for the work, will be replaced with an appropriate species.

D. Ray of Nantasket Surveying and Engineering, gave a detailed breakdown of the impervious calculations provided to the Conservation office. He summarized that the total sf of impervious existing today is 4296 sf and after the project is completed, there will be 3863 sf of impervious, resulting in an overall reduction of about 400 sf. The existing foundation for the house and garage slated for demolition will be filled with gravel, loam placed on top and for each there will be a linear drywell to help absorb any roof and driveway runoff.

R. Hoit described in detail the concrete foundation selected for the site stating that their goal is to minimize any work from back of proposed addition to seawall. He stated that the foundation is designed to handle forces, both down and sideways, from the fill in front of the addition in order to maintain structural integrity. The CO shared her screen with the revised plan and brief discussion followed clarifying aspects on the plan. Almost all the work is taking place in the 50 ft buffer. R. Hoit provided foundation details within and outside the 50 ft buffer concluding that there would be 4 linear ft more wall foundation in the 50 ft buffer than existing.

Responding to a question, R. Hoit stated that the soil is glacial till and explained that while working under a request from DPW to locate the sewer and water shutoffs, there had been a fair amount of digging three weeks prior, and there had been no evidence of movement of materials since. R. Hoit explained that they'd wanted to use a pervious paver driveway but because the grade off of Otis Street is about 30 and the floor elevation of the garage is 28 (30 ft away from the street), there will be some runoff. They intend to put a raised berm at the street to keep any water running on Otis Street out of the driveway. They also propose a trench drain in front of the garage doors and that runoff will go into a linear trench drain. He further described the rooftop runoff also being directed into a trench drain, towards the back, which would be filled with crushed stone.

R. Hoit stated that there would be no lawn in the back of the house. They would instead use a native groundcover, native plantings and playground wood chips. R. Hoit stated that the driveway and the walkway to the mudroom would be pervious materials. Discussion followed with clarification that the area in front of the existing garage would be lawn. In the entire back area, within the 50 ft buffer, any lawn would be removed, the area directly behind the center section, the boathouse, would have

playground mulch, 2-3 feet of the property line perimeter would be planted with native plantings and the remaining area planted with a native groundcover. R. Hoit stated he would provide a drawing showing all those materials on the site.

Chair Freeman invited any comments from the public. There were no comments from the public.

Motion: Chair Freeman moved to continue the Notice of Intent hearing for 169-171 Otis Street to February 1, 2021.

Second: Comm'r Mooney

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

0 Summer Street – DEP 034-1390, cont'd from 12/21/20

Applicant: Town of Hingham

Representative: Dan Gagne, Beals and Thomas, Inc.

Meeting Documents & Exhibits: Staff memo and Revised Float Layout and Details Plan 1/5/21

Excerpts from the staff memo: This hearing is continued from the 12/21/20 meeting. Since that time, the representative has formally responded to the Division of Marine Fisheries' comment letter (see below) and submitted revised plans. Additional discussion, specifically related to the second Division of Marine Fisheries comment, may be warranted before the Commission would support the issuance of an Order of Conditions.

DMF Comment: As per DEP guide to Small Docks & Piers, floats located on Land Containing Shellfish must be at least 2½ft from the bottom at MLW to prevent adverse impacts to marine resources. The proposed float will not achieve the minimum 2½ft from the bottom at MLW. DMF recommends all floats be positioned to avoid areas above MLW. If floats cannot be relocated to deeper water, the minimum height of 2½ft from the bottom at MLW can be achieved via the installation of taller float legs or skids.

B+T Response: The proposed floats have been relocated seaward to provide a minimum of 2½ foot clearance from the bottom of the floats to MLW to prevent adverse impacts to marine resources. Please refer to the enclosed Revised Site Plans dated January 5, 2021.

DMF Comment: DMF recommends the use of helical anchors with flexible rodes to minimize seafloor impacts. If this is not feasible at this location, we recommend the applicant utilize the existing mooring blocks or remove the existing blocks once the new ones are installed.

B+T Response: We acknowledge DMF's recommendation of helical anchors and flexible rodes to minimize seafloor impacts. However, as we intend to reuse the existing anchors, new helical anchors would be cost-prohibitive and not feasible for the Project. Additional information regarding the existing mooring system has been provided on the enclosed revised site plans indicating that there are currently eleven (11) mushroom anchors with a total impact area of ±70 SF. The Applicant proposes to remove the existing anchors and inspect them to determine their viability for reuse. The Applicant proposes to reuse existing anchors in viable condition and install new mushroom anchors as necessary to provide a total of eighteen (18) mushroom anchors for the float system. The total mooring impacts will be ±120 SF. Accordingly, the proposed mooring system result in an impact of an additional ±50 SF over existing conditions.

Chair Freeman briefly summarized the staff memo. Daniel Gagne from Beals and Thomas was present on the call, representing the Town of Hingham. D.Gagne explained that since the last meeting they had been working through the comments from the Division of Marine Fisheries (DMF), had issued a response letter to DMF and submitted revised plans.

D. Gagne addressed the comments from DMF. Regarding the preference for additional float clearance at low tide, the proposal now calls for the floats to be relocated out further in the harbor. Regarding the mooring anchoring system, DMF had suggested they look into helical moorings, but it was determined to be not cost effective for this project. D. Gagne stated the current mooring system consists of 11 mushroom steel anchors and, and with the addition of 7 moorings, the calculation to 'Impact to Land Under Ocean' would be 120 sf versus the 650 sf calculated previously. They propose to reuse the existing moorings but depending on their condition, it's possible that they would need to replace some. D. Gagne stated that they would be contributing to the Shellfish Fund and that would be coordinated with the Harbormaster when they file with him.

The Commission briefly discussed the helical and mushroom moorings. D. Gagne clarified that the 2 ½ ft clearance attained by moving the system 10 ft further into the harbor is based on the pre-dredge condition with the harbor fully silted in (when they had done their initial survey). The Commission concluded that any difference between the two mooring types would be insignificant and the reuse of existing materials would be a positive.

Chair Freeman invited any comments from the public. There were no comments from the public.

Motion: Chair Freeman moved to waive the By-Law fee and issue an Order of Conditions for the proposed work at 0 Summer Street (DEP 034-1390), as shown on the submitted plans, and adopt the findings of fact a through c, and special conditions 1 through 22 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 makes no finding as to the exact boundaries of wetland resource areas.

Special Conditions:

1. 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.
2. This document shall be included in all construction contracts and subcontracts dealing with the work and shall supersede all other contract requirements.
3. The project supervisor or contractor in charge of the work shall have a copy of this Order available on the site at all times.
4. 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.
5. Prior to the start of any excavation or construction, a floating debris containment boom shall be installed, as shown on the final approved plan, and inspected by an agent of the Commission.
6. The containment boom shall remain in place until construction is complete.
7. Prior to the start of any excavation or construction, and in consultation with the Town's Harbormaster, who also functions as the Town's Shellfish Constable, the applicant shall contribute a sum of money to the shellfish mitigation fund in accordance with the formula for contribution established by the Harbormaster.
8. Prior to the start of any excavation or construction, any comments received from the Division of Marine Fisheries shall be addressed.
9. Prior to the start of any excavation or construction, copies of all federal, state, and local permits, certifications, and approvals, as applicable, shall be submitted to the Commission for review.
10. 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.
11. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.
12. All excavated material shall be properly disposed of at an off-site location.
13. Any on site dumpsters shall not be located within 25 feet of any resource area.
14. There shall be no stockpiling of soil or other materials within 25 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.
15. 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.
16. 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.
17. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 25 feet of any resource area.
18. Before executing any change from the plan 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.
19. Only non-chromated copper arsenate (CCA) material may be used in the construction of the ramp and floats. Lead caps are not permitted. No creosote treated materials shall be used. Wood preservative, if used, must be dry before the treated wood is used in construction.
20. Storage of floats, other seasonal dock material, and boats must be in an area outside of any wetland resource area and transported thereto without causing damage to any wetland resource area. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
21. 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.

22. 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.

Second: Comm’r Mooney

Roll Call: Comm’r Hidell: aye, Comm’r Mosher: aye, and Comm’r Roby: aye

22 Wompatuck Road, - DEP 034-1391

Applicant: Oceanside Builders

Representative: Brad Holmes, Environmental Consulting and Restoration LLC

Proposed: Construction of an inground pool

Meeting Documents & Exhibits: Staff memo, Narrative, Original Plan of Land 11/2/20, and Original Proposed Mitigation Plan 12/11/20

Excerpts from the staff memo: Staff visited the site on 12/30/20. The single-family home is under construction, but almost entirely outside of the Commission’s jurisdiction (a small corner crosses into the 100ft Buffer Zone). The backyard is mostly maintained lawn, with landscaping beds on the eastern and western sides, and undisturbed woodland to the south. The lawn gradually slopes towards the resource area, located off-property to the southwest, but becomes quite steep at about the 60ft mark from the resource area. The steep slope and area beyond, inclusive of the resource area, are primarily naturally vegetated. Staff agrees with the delineation, but recommends that the Commission make no finding regarding the exact boundaries, as they are located off-property. Staff contacted the representative with several questions regarding the scope of work and their responses have been incorporated herein. The only outstanding item is a revised plan showing the location and type of erosion controls to be installed.

Chair Freeman reviewed the information in the staff memo and noted that the applicant offered 600 sf of mitigation plantings. Cameron Larson, from ECR, described the property and pointed out various aspects as the CO shared the screen with the site plan. He pointed out that all the work is in the area of existing lawn and they’ve prepared a 1:1 mitigation plan with shrubs, saplings and a native seed mix. A revised plan showing the erosion control line had been submitted to staff. C.Larson stated that they were amenable to all the draft conditions in the staff memo. Neither the CO nor Commission had further questions.

Chair Freeman invited any comments from the public. There were no comments from the public.

Motion: Chair Freeman moved to issue an Order of Conditions for the proposed work at 22 Wompatuck Road (DEP 034-1391), as shown on the submitted plans, and adopt the findings of fact a through c, and special conditions 1 through 23 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 makes no finding as to the exact boundaries of wetland resource areas.

Special conditions:

1. 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.
2. This document shall be included in all construction contracts and subcontracts dealing with the work and shall supersede all other contract requirements.
3. The project supervisor or contractor in charge of the work shall have a copy of this Order available on the site at all times.
4. 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.
5. 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.
6. 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.
7. 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.

8. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.
9. All lawn waste, brush, leaves, or other materials dumped in any resource area, including the buffer zone, shall be removed by hand and properly disposed of at an off-site location, in accordance with Section 23.6 of the Hingham Wetland Regulations.
10. All landscaping debris shall be properly disposed of at an off-site location; no chipped or mulched material shall remain on the property.
11. All excavated material shall be properly disposed of at an off-site location.
12. Any on site dumpsters shall not be located within 100 feet of any resource area.
13. 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.
14. 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.
15. 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.
16. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 100 feet of any resource area.
17. Mitigation plantings shall be installed and invasive species removed in accordance with the final approved plans and narrative.
18. Before executing any change from the plan 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.
19. 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.
20. 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.
21. 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.
22. 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.
23. 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. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.

Second: Comm'r Mooney

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

6 New Towne Drive

Applicant: Donald MacKinnon, Atlantic Development

Representative: Gabe Crocker, Crocker Design Group, LLC

Meeting Documents & Exhibits: Staff memo, Narrative and Original Plan Set 12/28/20

Excerpts from the staff memo: Staff visited the site on 12/30/20. The existing driveway is noticeably steep at the bottom and is supported by a retaining wall on the western edge, where a steep vegetated slope leads down to the proposed location for the relocated driveway. There is a fairly wide open area, which appeared to be mostly lawn and moss, at the toe of this slope, leading to a narrow forested buffer of the intermittent stream, which is located off-property. Formal flagging of the inland bank was completed, and staff agrees with the delineation, however because the resource area is located off-property, staff recommends that the Commission make no finding regarding the exact location of the boundaries.

Staff recommends continuing this discussion to the 2/1/21 meeting to allow the representative additional time to respond to comments and questions.

Chair Freeman summarized the staff memo. Gabe Crocker and Maggie Laracy of Crocker Design Group, homeowners Andrew and Taylor Howell, and applicant DJ Mackinnon were present on the call. G. Crocker explained that the existing driveway is steep, over 6 ft in elevation and presents a safety issue in winter conditions. An added difficulty with the existing driveway is that at the top of the slope, an immediate 90 degree turn is required to get into the garage. What is proposed would address both issues. By relocating the driveway into the side yard, extending the length of it and accessing the back area, it adds length to the slope bringing it down to just under 8 %.

G. Crocker shared his screen with photos and the plan and stated that they can propose some enhancement in the yard. He also pointed out where they would be removing existing pavement, leaving enough for a turnaround. There is an existing town sewer line that drains the subdivision and they've been working with the sewer commission to see if the driveway relocation would be allowed as there is an easement there. They've been given conditional approval to proceed with the plans, with the understanding that they had to go to the DPW for final approval and signoff.

G. Crocker explained that the driveway would be 12 ft wide coming up through the neck and then gets wider at the corner. They propose a small amount of work in the 50 ft buffer; a retaining wall just enters the 50 ft buffer with about 131 sf of encroachment. They had considered a different plan that kept the wall out of the 50 ft buffer but the DPW and Sewer Commission were not in favor of it as the wall height increased to 9 ft versus the 6 ft in the current plan.

G. Crocker stated that between the driveway and the retaining wall they are proposing a stone infiltration trench along the entire side to help capture the stormwater runoff and give it an opportunity to percolate into the ground before running off into the road. They also propose a planting plan with evergreen hedges, a series of trees, and a New England Conservation Seed Mix in all those areas.

G. Crocker stated that they had received comments from the CO and would address those and return with a revised plan. He spoke briefly on each of the CO's comments. On the question relating to the treeline, he doesn't think the tree line was accurately shown on the plan as all work happens in open lawn area; they will have Hoyt revise the plan. He agreed with the comment regarding the viability of the tree in between the two areas and stated they could do a series of trees along the property line. He added that they could include the wetland seed mix in that area instead of the lawn. G. Crocker stated that they had considered porous pavers but ruled them out because the slope would still be about 8% which is too steep to use the porous product. He stated that they will identify the tree species proposed for removal in order to match the species. They do have areas where they can do further mitigation enhancements to meet if not exceed the 1:1 ratio.

G. Crocker described the grading in detail while pointing out the areas on the plan. The retaining wall will vary between 3 ft and 6 ft in height and they will be matching existing grade on the back side of the wall. The area of the existing driveway to be removed will be grassed; a section of that driveway will remain as a turnaround. Responding to a request for clarification, G. Crocker stated that in the area of the existing driveway there will be only a stone trench, not a retaining wall, and it will drain vertically to capture runoff.

Brief discussion followed regarding the regulations and how this proposal (the actual driveway outside the 50ft buffer) is working towards meeting the Commission's standards and goals with infiltration and mitigation. Responding to a question, G. Crocker stated that they will take a finer look at pervious pavers however typically, to be effective, pervious pavers require a maximum 3% slope.

Chair Freeman invited any comments from the public. There were no comments from the public.

Motion: Chair Freeman moved to continue the hearing for 6 New Towne Drive to February 1, 2021.

Second: Comm'r Mosher

Roll Call: Comm'r Hidell: aye, Comm'r Mooney: aye, and Comm'r Roby: aye

Other Business:

a) Discussion and approval of Eagle Scout project at Triphammer Pond

Ryan Sherwin, from Troop 4 in Hingham presented to the Commission his proposal for his Eagle Scout project. The project entails installing a bench facing Triphammer Pond, encouraging trail use and benefitting the area. The bench would be made of precast concrete legs with a wooden back rest and seat. Due to the proximity to the pond, the bench would sit on top of a small patio base made out of permeable pavers or pavers with wide unmortared joints. As part of the project, R. Sherwin also plans to install an informational sign on an existing fence near the location where the mill was. There had, at one time, been a picnic table and a sign, both of which are no longer there. Once the project is approved by the Boy Scouts, the plan would be to begin work at the site in February.

The CO shared her screen with a GIS map, pointing out the location of the proposed bench within the 50 ft buffer, in an area not naturally vegetated due to foot traffic. The Commission expressed its appreciation and, with only 20-25 sf of permeable base under the bench, agreed to waive the need for a filing for a Request for Determination of Applicability.

Commissioner Mosher added to the historical aspect of Triphammer Pond, stating that there used to be a house on the island, a camp owned by Russ Burr, and the rubble foundation is still there, and he would email the Commission and the Boy Scouts a photograph of the house.

b) Presentation and discussion of the DRAFT Tree Bylaw

Priya Howell, representative from the Tree Preservation Study Committee (TPSC) was present on the call and described the formation of the committee and its purpose to study the need for additional tree preservation regulations and review existing regulations to decide if what is currently in place is enough or what the residents' want. She added that the existence of a tree fund is currently missing.

P. Howell explained that there are a lot of regulations already regarding tree removals. A tree fund would provide a tool, for example when a person's property can no longer sustain tree plantings, to require a contribution to a tree fund for the town to plant trees elsewhere. A tree fund allows all permitting boards to get a net tree gain for the town. Other towns with tree funds include Concord, Wellesley and Newton.

P. Howell explained that to start a conversation with boards and commissions, the TPSC had created a draft bylaw with a tree fund being a key component. They proposed that the tree bylaw would only get triggered when a site requires site plan review. Discussion followed with the Commission considering its own jurisdiction, its Tree Policy versus a townwide tree policy, and the use of fines. P. Howell noted that it could start limited to the site plan review trigger then expand if appropriate. Brief discussion followed regarding the best way and timing for the TPSC to receive feedback from the Commission.

c) Discussion of improvements to Hingham Harbor/Town Pier wharf walls

Chair Freeman welcomed the Harbor Development Committee (HDC) and summarized the work proposed to the wharf walls as presented at the ConCom meeting on December 7, 2020. She conveyed that the Commission supports addressing climate adaptation issues. Questions and concerns were raised by staff and the Commission at that meeting as well as after the meeting. The concerns centered on a variety of issues including; the efficacy of the project as designed, data reliability and changing scientific predictions, analysis to be done on inland flooding, and the Commission's restraints due to wetland regulations which are currently being reviewed for amendments.

Bill Reardon, Chair of the HDC, was present on the call, along with 6 of 7 members of the HDC, and B.Reardon opened his HDC meeting. B.Reardon explained that the purpose of the meeting was to continue discussion begun on December 7 and that the HDC principal focus is to begin work on the first wharf -Town Pier. Since the last meeting the HDC provided a DRAFT NOI as a vehicle for the Commission to analyze where there is a conflict between the regulations and proposal to raise the wharf walls. He stated that also since the last hearing the CO had provided questions for the HDC and JR Frey, the Town Engineer, had submitted a brief response the day of this meeting.

B. Reardon stated that, recognizing that much of the conversation surrounded current available information, the HDC has sought updated information from Kleinfelder and the Woods Hole Geographic Institute to provide more current tidal data as well as data regarding the impact of waves against an increased height structure. He added that the HDC's objective is to enter into a joint process with the Commission to address concerns, the regulatory hurdles and how to work through them to allow this to be actionable in this year's Town Meeting cycle. He added that he'd discussed with Town Counsel regarding a generic draft warrant article as well as confirmed with the CO that the Commission has the ability to modify their own regulations without the necessity of going to Town Meeting.

JR Frey stated that his responses submitted to the CO were qualitative but he realizes that the Conservation Commission is looking for a more quantitative analysis therefore the Town is looking to contract with Kleinfelder or the Woods Hole Institute directly to get updated models on flood updates, sea level rise and applying those to the existing and proposed conditions. If the updated models indicate a different path then the project would change. JR Frey briefly went through his responses to the concerns/questions raised in the memo from the CO, concluding with the reiteration that the newly updated models will provide the quantitative information needed.

Discussion followed regarding protection of town assets, wave action and impact of vertical walls, the viability of repair and reconstruction only, potential for a broader analysis including other towns and cost. B. Reardon expanded on the subject of cost, explaining that a very substantial part of the cost for the total project as proposed is for dewatering and a coffer dam, both of which would be needed for a repair as well. B.Reardon stated that he'd spoken to other towns' committees and based on their geography and topography to the ocean, the impact in the local area of Hingham Harbor is not going to project to other towns.

Responding to a question regarding the proposed foundation, Dan Gagne of Beals and Thomas explained that the cast-in-place concrete footings would extend in front of the wall a bit so the force is distributed appropriately, and the face of the wall is going to sit where the existing wall is. The spread footing will be 4 ft below grade and above that will be the face of the wall; the existing wall will be removed. He explained that they did test pits and did not find any footings under the existing wall. The new foundation will support up to 12.5 ft of stone. Brief discussion regarding the choice of stone followed with D. Gagne stating that they would be mortared blocks the same size.

Discussion followed regarding the process of getting the data from Kleinfelder. JR Frey explained that they anticipate the proposal to come from Kleinfelder in a week, and from there, assuming there is funding in the existing permitting budget, and the contract approved, it would be a matter of weeks. JR Frey summarized that the work that they've requested from Kleinfelder is to evaluate the exact flooding and energy impacts of the proposal and the limit of those effects and how the change in

conditions affect abutters, as well as if they are mitigating that appropriately through the design. JR Frey stated that they did not include study of inland flooding in the request. Discussion about this followed concluding with acknowledgement that the capacity of the wetlands to absorb both increased freshwater flooding from climate change induced storms and water overflowing from the ocean, remains a problem.

The CO explained that her main concerns stem from whether or not the proposed wall is the appropriate height. She requested that all plans and descriptions of the project use the same form of elevation measurement. While Woods Hole is doing its work she will refresh her physics knowledge but added that she has observed end effect erosion after storms in Hingham and it's of serious concern. She noted that the open areas that remain, for example the gazebo parcel, are all below 12 ft elevation and wonders what effect the proposed wall at 12 ft or higher, will have on those areas. The CO stated she is not convinced that there won't be impacts from wave action from a wall height that is lower than the base flood elevation right now. She gave examples of neighboring towns experiencing waves crashing into and over walls with enough energy to break glass on buildings and, even with Hingham's more protected harbor, she doesn't see that that the cost of constructing the wall will outweigh the damages that will still occur with water coming over the top and around the sides. She acknowledged that a lot of time and thought had been put into the proposal, but suggested that consideration be made to only restoring the walls as they are and investing time, effort, energy and money into something that is set back from the walls to protect Route 3A infrastructure. If something were stepped back from the wharf walls, perhaps that would not be considered a coastal engineering structure, and if that were the case, the Commission might avoid making a rushed change to their regulations. The CO concluded that she has trouble envisioning the level of protection they'll get from the proposal as it's framed right now.

Commissioner Hidell concurred with the CO adding that the information they get from Kleinfelder and Woods Hole will be critical. Chair Freeman suggested asking Woods Hole for their recommendation for the best solution rather than asking for only their assessment of this particular proposal. JR Frey stated that is potentially part of the scope and added that part of the discussion with Woods Hole was what a phased approach of adaptation options would look like, even with construction of a seawall, and what would be the costs and benefits to each of those options.

Brief discussion followed with Chair Freeman expressing her interest in hearing the Woods Hole analysis and suggestions, Comm'r Hidell encouraging the Commission to start work on the regulations, and B. Reardon explaining the process the HDC has gone through with the consultants Beals and Thomas. Chair Freeman summarized that the Commission agrees it is an issue that needs to be addressed. Marco Boer of the HDC commented on the cost issue, noting that if the wall is not built to a certain minimum height standard, they will not qualify for grant money. Joe Fisher from the Board of Selectman was present on the call and expressed his appreciation for the Conservation Commission's time and effort.

The Harbor Development Committee adjourned their meeting.

Chair Freeman adjourned the meeting at 10:34 pm.

Submitted, _____
Sylvia Schuler, Administrative Secretary

Approved on February 1, 2021

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