



CONSERVATION COMMISSION MEETING MINUTES –January 31, 2022

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

Absent: Bob Mosher and Nina Villanova

The remote meeting was held via Zoom with Dial in #929-205-6099, Meeting ID # 862-4015-0503

The meeting was called to order at 7:00 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 Kelly moved to approve the draft minutes from the January 10, 2022 meeting.

Second: Comm'r Nielsen

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

Certificates of Compliance

15 Porters Cove Road

Applicant: Tivon Sidorsky

Meeting Documents & Exhibits: Staff memo, Request for Certificate of Compliance application and Monitoring Report dated September 28, 2021.

Excerpts from the staff memo: An Order of Conditions was issued in November 2017 for a new seasonal gangway and float. The project included salt marsh restoration in a location where a float had historically been located. A partial Certificate of Compliance was issued in October 2019 for the dock work, and the owners were directed to complete additional salt marsh plantings as the 75% survival rate had not been met. In the fall of 2021 a monitoring report was completed by the wetlands scientist associated with the project. The report indicates that additional plugs were installed after 2019 and have survived and are beginning to expand coverage in the restoration area, and that there is now a 75% coverage of native salt marsh species. Staff visited the site on 1/15/22. Although only a portion of the restoration area was visible due to ice and snow cover, staff confirmed that there were additional plants that appeared well established. Other salt marsh species are also beginning to colonize the area.

Commissioner Hidell stated that he would abstain from voting as his property looks across to the applicant's property. Applicant and homeowner Tivon Sidorsky was present on the line. T. Sidorsky explained that they'd received an Order of Conditions in 2017 when installing a seasonal gangway and float and they had received a partial Certificate of Compliance for the work in 2019. The previous owners' float had affected the plants in the area and the Sidorsky's Order of Conditions required replanting of that area. At the time of issuance of the partial COC, 75% coverage of the area had not been achieved but they had since done additional plantings. To date it covers 75 % of the area and seems to be holding.

The ACO stated that she had no further comments than what was in the staff memo. The Commission was satisfied with the information presented, however, with an insufficient number of Commissioners to vote to issue a Certificate of Compliance, the Commission, staff and applicant concluded to continue to the next meeting on 2/14/22.

Motion: Comm'r Nielsen moved to continue the matter of 15 Porters Cove Road to 2/14/22.

Second: Comm'r Hidell

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

Chair Kelly read the Public Hearing Notice of Intent.

Notices of Intent

41 Jarvis Avenue – DEP 034-1432, cont'd from 12/20/21

Applicant: Jeffrey Greenman

Representative: Angela Botto, Merrill Inc.

Proposed: Construction of an addition & driveway and installation of a swimming pool & seasonal moored float

Meeting Documents & Exhibits: Staff memo, Notice of Intent application, and

*Excerpts from the staff memo: **Dock and boat storage plan.** The plan has been revised with Note 16, detailing the seasonal dock storage plan. The seasonal dock will be installed after April 1st and removed by November 1st annually. Dock installation and removal will be performed by Aquamarine Services or another qualified marine service provider, and the dock will be stored at an offsite facility. Installation and removal will be accessed through the water access location at the intersection of Howe Street and Parker Driveway and shall not be dragged across salt marsh or other resource areas. **Section 10A permit through the Harbormaster's Office** The applicant submitted a Section 10A permit application with the Harbormaster's Office. The Harbormaster will assess the project's impact on shellfish habitat and determine a shellfish mitigation fee.*

Angela Botto, Merrill Inc., was present on the call, along with the applicant Jeffrey Greenman. A. Botto reviewed the items that they had resolved since the last hearing; their application for the 10A permit had been submitted, they'd submitted revised plans to the Conservation office with revisions including a notation for use of a salt tolerant seed mix, removal of the notation regarding skirting under the decks, and a storage plan for the floating dock. The homeowner will contract with Aquamarine Services for installation, removal and offsite storage of the float.

The CO noted that she had spoken to the harbormaster and the decision is pending while the application is under review. Brief discussion followed regarding the draft conditions and the 10A permit. The Commission concluded to add one condition and amend draft condition #30.

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 41 Jarvis Avenue (DEP 034-1432), as shown on the submitted plans, and adopt the findings of fact a through b, and special conditions 21 through 57 of the staff report, with one additional condition added and edits to condition #30, as discussed.

(Conditions below reflect the added condition [#31] and edit to condition #30)

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.

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, any comments received from the Department of Environmental Protection and Division of Marine Fisheries shall be addressed.
26. Prior to the start of any excavation or construction, any comments received from the Hingham Harbormaster shall be addressed.
27. 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.
28. 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.
29. 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.
30. 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.
31. Prior to the start of any work related to the floating dock, the applicant shall obtain approval for the dock from the Harbormaster through a 10A permit. The approved 10A permit shall be submitted to the Commission for review.
32. Only alkaline copper quarternary (ACQ) or non-chromated copper arsenate (CCA) treated materials may be used in the construction of the new float. No creosote materials may be used. Wood preservative, if used, must be dry before the treated wood is used in construction.
33. **Plank spacing on the new float shall be a minimum of ¾ inch.**
34. The DEP permit number shall be placed permanently and conspicuously on the seasonal dock.
35. Storage of the seasonal dock and associated material, and boats must be stored in an area outside of any wetland resource area and transported thereto without causing damage to any resource area per the approved storage plan. Dock and associated material storage shall be managed according to the final approved plan as detailed in Note #16.
36. The seasonal dock and all supporting materials are not allowed in place in any wetland resource area prior to April 1 of each year and must be removed prior to November 1 of each year.
37. 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.
38. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.
39. All demolition and excavated material shall be properly disposed of at an off-site location.
40. Any on site dumpsters shall not be located within 100 feet of any resource area.
41. 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.
42. 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.
43. 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.
44. 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.
45. 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.
46. Rooftop runoff from the approved addition shall be infiltrated on site through the two drywells detailed on the final approved plan.

47. The area under the approved deck shall **treated with a minimum of three inches of ¾"-1½"** crushed stone and there shall be spacing between deck boards or planks to allow passage of runoff.
48. The area under the approved decks shall not be enclosed and shall remain open and free of all obstructions with no storage of materials permitted, to allow for the passage of floodwaters.
49. The 1,600sqft 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.
50. 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.
51. 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.
52. 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 and sensitive coastal and marine habitats. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
53. 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 and sensitive coastal and marine habitats. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
54. 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.
55. 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.
56. Prior to the issuance of a Certificate of Compliance, an Elevation Certificate shall be prepared and submitted to the Commission for review.
57. 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.
58. The 1,600sqft 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 Hidell

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

19 Fulling Mill Lane – DEP 034-1435

Applicant: Sara and Adam Gordon

Representative: Brendan Sullivan, Cavanaro Consulting

Proposed: Hardscaping and construction of an addition

Meeting Documents & Exhibits: Staff memo, Notice of Intent application,

Excerpts from the staff memo: The purpose of this Notice of Intent is to evaluate the potential impacts of removing an existing deck and stairs, constructing a ~294 sf addition, ~130 sf pervious deck, and ~430 sf pervious patio all at the rear of the existing single family house, adding a new covered entry and walkway at the front, relocating a bulkhead, removing an existing deck and sets of stairs, removing an existing pergola and restoring the area, and mitigation

including invasive species removal and native plantings. The invasive species is Japanese knotweed that has been sprouting in a mulched planting bed, and it would continue to be removed by hand with no chemicals used. Rooftop runoff from the addition would be directed to a new drywell.

The representative, Brendan Sullivan, from Cavanaro Consulting, was present on the call along with the applicants Sara and Adam Gordon. B. Sullivan shared the plan to the screen, described the resource areas, and pointed out the aspects of the proposal; a 300sf addition which would be outside the 50 ft buffer and between the 100ft and 200ft Riverfront Area; a deck with stairs down to an 18' X24' pervious patio, a portion of which would be in the 50ft buffer.

B. Sullivan explained that for mitigation they propose a 1200 sf area of mitigation which will include removal of an existing pergola from the 50 ft buffer, removal of knotweed, and use of a seed mix and plantings. He added that they would likely cut back a large rhododendron and would not create new lawn or mulched landscape areas in the 50 ft buffer.

B. Sullivan stated that he'd received comments from the ACO but had not returned responses in time to be incorporated into the staff memo. One comment received was to include a Riverfront Area chart to the plan noting what's existing, proposed and the increase in square footage. Another comment had been a suggestion to move the infiltration bed a little further away from the wetlands. B. Sullivan explained that he'd placed the infiltration bed where he did due to an older septic system on the west side of the house which he didn't want to get too close to.

The ACO stated that she agreed with the wetland delineation as the red maple swamp was very clear. She explained that for the Riverfront Area, the inland bank had not been flagged, likely as it was off property, and therefore the riverfront delineation was not completely accurate as the measurements were based only on aerial imagery. The ACO detailed the riverfront performance standards and stated that even if the delineation were significantly off, the project would still not exceed any of the thresholds for what is permitted and she believes the inner riparian line would not move into any of the areas where the work is happening. She added that the Commission could require flagging of the inland bank, or, based on her review, not confirm the delineation of inland bank in the Order of Conditions (OOC).

The ACO suggested that she could speak with the representative the following day regarding what she was looking for in regards to the temporary versus permanent alteration information. She stated that her last comments were for items that could be conditioned; provision of a construction detail for the pervious pavers and, for the plantings, she stated that use of herbaceous and woody species are recommended for Riverfront Area. Lastly, the ACO commended the homeowners on their efforts to eradicate the knotweed.

Chair Kelly stated that it was her inclination to not confirm inland bank in the OOC and supported the use of the New England Showy Wildflower seed mix. Vice Chair Nielsen asked for more information on the infiltration system and whether there were alternatives for managing the roof runoff. B. Sullivan pointed out on the plan the location of the septic and tank, and discussion followed regarding setbacks, grading, and soils. Responding to questions, B. Sullivan stated that he's placed the drywell 20 ft away from the septic, the drywell is sized for the roof addition runoff, and the soil mapping indicates A soils. He stated that he had not done soil testing but given the age of the system and that it had passed Title V, he presumes good soils. The Commission concurred that their preference is to have the drywell outside of the 50 ft buffer. The Commission agreed that staff could review a mitigation planting plan. Brief discussion followed regarding needed revisions to the plan.

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

Motion: Comm'r Hidell moved to continue the hearing for 19 Fulling Mill Lane to 2/14/22.

Second: Comm'r Nielsen

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

Other Business

- a. Historical Commission presentation to Conservation Commission regarding Burns Memorial Park/Tranquility Grove project idea

Steven Jiranek, representing the Hingham Historical Commission, was present on the call to speak to about the Burns Memorial Park which is a Conservation property. He described the Tranquility Grove Abolitionist event of 1844 that occurred at Tranquility Grove within the park and presented ideas to memorialize that event. Ideas included signage for both historical and ecological information, improved

trails, and possibly a boardwalk access into the park from Central Street. The Commission conveyed overall support of the idea to memorialize the event but also conveyed that they would be cautious regarding impacts to the wetlands and feasibility.

The CO explained that this Conservation Commission's park has significant amount of space that falls under the Commission's jurisdiction. It also has some specific deed restrictions based on when the Commission purchased the property; for watershed protection, habitat value, must in perpetuity be called Burns Memorial Park and is also Article 97 land. Any design would have to adhere to those protections.

The Commission encouraged the Historical Commission to get the wetlands delineated and flagged and then return with a more specific plan or concept drawings for the Conservation Commission to consider. The Chair suggested that Town Counsel could review for the deed restrictions and make sure it complies. Discussion continued briefly and Martha Reardon Bewick, local author of Tranquility Grove, spoke with supportive comments.

Adjourn

Motion: Comm'r Hidell moved to adjourn the meeting at 8:09 pm.

Second: Comm'r Nielsen

Submitted, _____
Sylvia Schuler, Administrative Assistant

Approved on March 7, 2022

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