



CONSERVATION COMMISSION MEETING MINUTES –February 13, 2023

Present: Crystal Kelly – Chair, Carolyn Nielsen- Vice Chair, Bob Hidell, Bob Mosher, Tom Roby and Nina Villanova– Commissioners and Loni Fournier- Interim Conservation Officer (ICO)

Absent: Laurie Freeman

The remote meeting was held via Zoom with Dial in #929-205-6099, Meeting ID # 885 5986 5193

The meeting was called to order at 7:04 PM.

Chair Kelly stated that the meeting is being held remotely as an alternate means of public access pursuant to Chapter 107 of the Acts of 2022 and all other applicable laws temporarily amending certain provisions of the Open Meeting Law. You are hereby advised that this meeting and all communications during this meeting may be recorded by the Town of Hingham in accordance with the Open Meeting Law. If any participant wishes to record this meeting, please notify the chair at the start of the meeting in accordance with M.G.L. c. 30A, § 20(f) so that the chair may inform all other participants of said recording. No participants expressed a wish to record the meeting.

Approval of Minutes

Draft minutes for the 1/30 meeting were not available for review.

Certificates of Compliance

230 Ward Street – DEP 034-1049, cont'd from 1/9/23

Applicant: McKenzie Engineering Group, Inc.

Representative: Austin Chartier, McKenzie Engineering Group, Inc.

Meeting Documents & Exhibits: Staff memo, Revised Site Plan (1/17/23), Watershed Plan (1/16/23), HydroCAD Report (2/2/2023), Maintenance Logs, and photos of installed trenches.

Excerpts from the Staff memo: Since the last discussion, the representative submitted a revised as-built plan, a watershed plan, HydroCAD calculations, photos of site corrections, and recent maintenance logs (all of which are posted on GIS).

Representative Austin Chartier from Mckenzie Engineering Group, Inc. and property owner Maureen Trifone were present on the call. A. Chartier briefly reviewed the permitting history of the property, the COC filing and explained that since the last meeting Iaria had been to the property to install trenches. He shared the revised Site Plan to the screen and pointed out the infiltrator trenches that were installed at paddock 1 and 2 as well as along the concrete wash station. He stated that they hadn't gotten into the existing calculations but had submitted Hydrocad calculations. He showed the limit of the unconstructed basin and stated that the applicant asked that it not be required based on the fact that the site is stabilized and there is no excessive erosion. He suggested that the stormwater infiltrators that were installed under the equestrian arena are handling the 100 year storm. He explained that he modeled that and provided those calculations.

The ICO asked about his analysis, noting that Comm'r Hidell had requested information based on what the infiltrators under the barn had been rated for. A.Chartier stated that he'd looked at the site with today's rainfall data in the As Built condition today. In his opinion, based on today's rainfall rate, there would not be significant erosion. He described that overflow from the barn would enter the riprap, de-energizing it, and then there is a 50ft grass strip down towards the wetlands. A. Chartier stated there would be 1cfs coming out of the pipes and, in the 100 year storm, including all of the grassed area and driveway, there is about 3700 cf of volume draining there which is not a substantial amount given the amount of area. Brief discussion followed regarding cubic feet versus gallons; calculations were done and Comm'r Hidell concluded that there would be almost 32000 gallons and stated that he struggles with that being considered inconsequential. A.Chartier stated that would be in a 100 year storm and from what they see on site is

evidence that it's not creating any rutting or erosion. Discussion followed about how the system that is in place works and the cubic volume of the chambers.

Responding to a Commission question, A. Chartier briefly described the area with the berm. Comm'r Hidell stated that it appeared that there is not a runoff problem to which A. Chartier agreed. A. Chartier stated that he would guess the slope to the stream is under 2%.

The ICO stated there were some outstanding items for discussion, one being the concrete wash pads. Chair Kelly noted that the concrete wash stalls were not included on the plan in 2009 and trench drains had recently been installed around them. Brief discussion about the concrete wash pad followed and a photo was shared to the screen. A. Chartier stated that the trench drain is lined with filter fabric and uses 2 inch crushed stone. Comm'r Nielsen received confirmation that the wash pad was an after the fact addition to the project and was not permitted in 2009. She stated for the record that she was on the Commission at the time of the previous permit, is disappointed to see something added that wasn't permitted, and noted that the property has a history of non-compliance. She stated that when a permit is issued it is expected to be followed and that it is better to come back to the Commission before installation.

The ICO noted that one other outstanding requirement was submittal of maintenance reports. Work was done and annual maintenance reports were required but 8 years of reports were not submitted; the maintenance reports that were recently submitted were for the past couple months only. Discussion followed. Responding to a question regarding manure management, the ICO stated that the location and vessel for storage onsite seemed to be carried out to the Commission expectations. Discussion followed regarding potentially issuing a partial Certificate of Compliance and, with a year submittal of logs, they would consider a full Certificate of Compliance. Further discussion concluded with the applicant M. Trifone expressing her preference to continue the matter for a year when she might qualify for a full COC, rather than have a partial COC issued now. The Commission and applicant were in agreement to continue to the last meeting of the year at which the matter can be continued to an appropriate 2024 date.

Motion: Comm'r Hidell moved to continue consideration of 230 Ward Street (MA DEP 034-1049) to December 18, 2023.

Second: Comm'r Mosher

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

196 North Street – DEP 034-1348

Applicant: Hadley & Jack Walsh

Meeting Documents & Exhibits: Staff memo & Request for Certificate of Compliance

Excerpts from the Staff memo: An Order of Conditions was issued in November 2019 for the construction of three small additions, a small landing with stairs, an outdoor shower, and a large drywell to accept runoff from the existing single-family home. During construction, the applicants decided to reduce their scope of work and only constructed one small addition, a covered porch/entry, in the same location as an existing covered porch/entry and brick walkway. Given the reduced scope of work, several special conditions no longer apply (#34, 35, 36, and 37). Staff visited the site on 2/2/23 and found that the applicants fulfilled special conditions #38 (removing old silt fence) and 39 (no longer mowing next to the stream). Staff recommends waiving special condition #42, which is perpetual, but refers to the infiltration system that was never constructed, and issuing a Certificate of Compliance.

Neither the applicant nor representative were present on the call. The ICO stated that she was comfortable speaking to the Commission regarding the work. She described the project that was originally proposed and explained that the homeowners had scaled back the project. She shared photos from the staff memo to the screen. The ICO noted that many of the OOC conditions were related to the riverfront area. She stated that the applicants had removed the old silt fence by the perennial stream and stopped mowing on the other side of the fence. She pointed out that condition #42 [sic] is not ongoing due to the scaled back work. The Commission was in agreement that a Certificate of Compliance could be issued.

NOTE: The motion below is corrected to reflect the correct condition # regarding the infiltration system.

Motion: Comm'r Nielsen moved to waive condition #41 of the Order of Conditions and issue a Certificate of Compliance for 196 North Street, MA DEP 034-1348.

Second: Comm'r Mosher

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

4 Knoll Road – DEP 034-1345

Applicant: Justin & Marie Vogel

Representative: Cameron Larson, ECR, LLC

Meeting Documents & Exhibits: Staff memo & Request for Certificate of Compliance

Excerpts from the Staff memo: 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 Commission issued a Partial Certificate of Compliance in January 2021, with the survivability of the native planting area and the monitoring of driveway runoff as ongoing conditions. Project updates were submitted by the representative in May and October 2021. Staff also approved the relocation of a fence on the property as a field change in October 2021. Staff visited the site on 2/6/23. The existing retaining wall next to the driveway was extended by 1-2 feet, and a trench drain added, to resolve the Commission's concerns regarding the driveway runoff. The native planting area was fully vegetated and stable. And the fence appeared to have been relocated without impacting any resource areas or the native planting area.

Cameron Larson from Environmental Consulting and Restoration LLC was present on the call, gave an overview of the project and what aspects were completed, and stated that a Partial COC had been issued in 2019 with the only remaining items being mitigation area monitoring and installation of an infiltration trench at the driveway. ECR provided monitoring reports noting that the mitigation had done exceptionally well, with no die off and they had done some additional seeding. The trench had been installed, all stormwater is entering the trench and stone swale into the mitigation area, and there is no sedimentation or scouring. He explained that the fence had been relocated and provides a barrier, keeping the dogs out of the mitigation area and this had been administratively approved. The homeowner had provided photos that showed the silt sock had been removed and also showed the location of the outflow from the trench. The ICO confirmed she'd received the photos. There were no comments or questions from the Commission.

Motion: Comm'r Nielsen moved to issue a Certificate of Compliance for 4 Knoll Road, MA DEP 034-1345.

Second: Comm'r Mosher

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

Chair Kelly read the Notice of Intent statement.

Notices of Intent

10 Parker Driveway – DEP 034-1461, cont'd from 1/30/23

Applicant: Richard and Jill Blake

Representative: Laura Krause, BETA Group, Inc

Proposed: Seawall rehabilitation

Meeting Documents & Exhibits: Staff memo, Notice of Intent application, Operation & Maintenance Plan, and Site Plan (12/2/2022)

Excerpts from the Staff memo: This hearing was continued from the 1/30/23 Commission meeting due to the lack of a DEP file number, which has since been issued. At the 1/30/23 Commission meeting, the representatives presented the project and responded to all questions and comments.

Chair Kelly remarked that the Commission had heard a substantial presentation on the application at the prior hearing. The ICO confirmed that the homeowner was present on the call. The Commission had no further questions or comments.

Chair Kelly invited any members of the public to comment. No members of the public wished to speak.

Motion: Comm'r Mosher moved to issue an Order of Conditions for the proposed work at 10 Parker Driveway (DEP 034-1461), as shown on the submitted plans, and adopt the findings of fact a through c, and special conditions 21 through 42 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 but makes no finding as to the exact boundaries of wetland resource areas.

Special Conditions:

- 21. The applicant shall notify the 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 by telephone or writing, of the commencement of work on the site, at least 48 hours in advance of said work.
- 22. This Order shall be included in all construction contracts and subcontracts dealing with the work and shall supersede all other contract requirements.
- 23. 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.
- 24. Prior to the start of any excavation or construction, erosion and sediment controls shall be installed on the landward side of the patio gate 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.
- 25. 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.
- 26. 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.
- 27. The project supervisor or contractor responsible for the work shall have a copy of this Order available on the site at all times.
- 28. 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.
- 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 25 feet of any resource area.
- 31. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.
- 32. 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.
- 33. Changes in the elevation of the seawall, patio, landward retaining wall, stairs, and ramp are prohibited.
- 34. All work, with the exception of removing PVC drainpipes and filling voids in the seawall, shall take place from the landward side of the seawall.
- 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 25 feet of any resource area.
- 38. At the end of each workday, the project supervisor or contractor responsible for the work shall mechanically or manually sweep sediments from all paved surfaces, unless tracking and sediment is not evident.
- 39. 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.

40. It is the sole responsibility of the owner of record to maintain the patio and associated masonry walls. The property owner shall comply with the approved Operation and Maintenance Plan, prepared by BETA Group, Inc. and dated January 23, 2023. 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.
41. 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.
42. 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 Hidell

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

213 and 215 Cushing Street – DEP 034-1459, cont’d from 1/30/23

Applicant: James Bristol, WV Cushing, LLC

Representative: Chris Mulrey, Crocker Design Group, LLC

Proposed: Subdivision

Meeting Documents & Exhibits: Summary of Plan Changes from Crocker Design Group (2/10/23), Revised Narrative, Revised Definitive FRD plan set (2/9/23), and Stormwater Management Report(2/9/23)

Excerpts from the Staff memo: no staff memo was prepared

Representative Chris Mulrey was present on the call along with Gabe Crocker and Taylor Corsano, all of Crocker Design Group. C. Mulrey shared his screen with the existing conditions plan, briefly talked about the existing conditions and explained that they had made revisions since the 1/9 meeting based on the comments from the Conservation Commission and other departments. He described the locus and pointed out the wetland resource areas; a Vernal Pool in the northwest and Bordering Vegetated Wetlands (BVW) on the western and southern property lines.

C. Mulrey shared his screen with the revised site plan. Describing the changes from the former design, C. Mulrey stated that they had eliminated individual house lots and gone back to a condominium layout, which was preferred by the Board of Health as well. They’ve reduced the impact on the buffer zone by moving Unit 3 up closer to the cul de sac; the former location was 64ft from the Bordering Vegetated Wetland (BVW) and it is now 102ft away. They eliminated the infiltration basin proposed in the 100ft buffer, pulled the tree line in, and redirected the water down to the larger basin. He stated that they’d also pulled up the tree line behind Units 6 and 7 and reduced the impact on the buffer by approximately 4000sf. The remaining impact consists mostly of lawn and only one infiltration basin. They’ve reduced the proposed impervious area in the 100ft buffer by almost 1800sf, leaving just a small portion of a patio and a roof, totaling 113sf of proposed impervious.

C. Mulrey stated that the new layout allowed them to save 14 more trees than the previous design and they had revised the landscape plan to show more plantings; 8 more trees are proposed in the buffer for a total of 20 replacement trees.

C. Mulrey briefly described the Open Space calculations and how the redesign improved the amount of open space preserved. Upon recommendation of the Planning Board’s peer reviewer, all wetlands were removed from the open space calculation.

Further describing plan changes, C. Mulrey explained that they’d shortened the roadway a bit and pulled one drywell out of the 100ft buffer. He stated that for the proposed walking path, rather than a bark mulch surface as previously proposed, they now propose to just mark trees to delineate a path; the path would meander around trees and no tree removals would be necessary.

The ICO noted that revised materials had been submitted the previous Friday and that overall there were some positive improvements responding to the main request to reduce impact in the Commission’s jurisdiction. She stated that the project is also under review by the Planning Board which is sharing with the Commission the peer review and the Commission will need more feedback from the peer review whether the single basin will work or not.

The ICO stated that she was pleased about the removal of the bark mulch from the path design, however still has reservations about the vernal pool as a path that would draw people back to the pool. She reiterated one concern regarding off-leash dogs and suggested that there could possibly be some small educational signs; it will be important to leave the pool undisturbed.

Chair Kelly stated that the plan seemed greatly improved and she agreed with the sign idea and felt it would be a benefit to the property; allowing access while preserving habitat.

Comm'r Nielsen suggested that in order to keep dogs out of the vernal pool, a prohibition against off-leash dogs could be included in the condominium rules. She added that, in her condo complex, at the entrance to the trails, a sign is posted that reads, 'Thank you for picking up after your dog'.

Responding to a question regarding the septic systems, C. Mulrey stated that there would be one shared system located behind Units 5 and 4, and noted that neither the leaching field nor the reserve area are in the 100ft buffer. The Commissioners had no further questions.

The Chair invited any members of the public to comment. No members of the public had a comment.

Brief scheduling discussion followed, concluding with the representatives from Crocker Design Group and the Commission in agreement to continue to March 6th.

Motion: Comm'r Hidell moved to continue 213 and 215 Cushing Street, MA DEP 034-1459 to March 6, 2023.

Second: Comm'r Villanova

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

166 Downer Avenue – DEP 034-1462

Applicant: Robert & Lisa Delmonico

Representative: Paul Seaberg, Grady Consulting, LLC

Proposed: Single family home

Meeting Documents & Exhibits: Staff memo, Revised Site Plan(2/8/23), and Response to Comments letter(2/8/23)

Excerpts from the Staff memo: While the majority of the property will be disturbed as part of this project, only a small portion of the work falls within the Commission's jurisdiction: two tree removals, the construction of a porch, the installation of an infiltration system, grading, and landscaping. The portion of the property where this work will take place is currently maintained as lawn and landscaping, and it gently slopes down towards Downer Avenue.

Representative Paul Seaberg from Grady Consulting LLC was present on the call, shared his screen with the site plan and gave an overview of the proposal to raze and construct a new single family home. He described the locus, existing conditions and pointed out the work proposed within the buffer zone. It includes a small portion of the house, a porch, set of stairs, a driveway, stormwater infiltration system and utility connections for water, gas and sewer. He described the work closest to the resource area; a driveway with a cobblestone apron, paver strips and a grassed central median.

P. Seaberg explained that currently stormwater is directed to the right front corner of the property at Downer Avenue. They propose installation of a subsurface infiltration system for the increase in impervious area so that post development runoff rates do not exceed current runoff rates to Downer Avenue. P. Seaberg stated that the project would disturb 3189sf within Land Subject to Coastal Storm Flowage (LSCSF) and that approximately 2200 cubic feet of fill is proposed. He stated that the LSCSF would be altered but not to the extent that it would raise the flood elevation or project any additional runoff to adjacent properties. He noted that there would be a silt sock erosion control and the construction entrance made up of riprap and crushed stone in the area where the existing driveway meets Downer Avenue.

P. Seaberg stated that the existing coverage within the buffer zone is currently 828sf and they are proposing 984sf for an additional 156sf of impervious coverage. He shared the landscape plan to the screen. He pointed out the mitigation planting areas in the front and along the right side as well as the addition of a red maple amounting to approximately 600sf of mitigation. P. Seaberg pointed out that there are two large trees, a beech and an oak, in the front of the property for which they've submitted an arborist report that states the trees are in poor health. The applicant is willing to plant a replacement beech and an oak tree within the 100ft buffer. He stated that the proposal will also be before the Planning Board for major site plan review and peer review comments.

The ICO stated that she was pleased that the proposed infiltration system was moved further from the tree that will be preserved on the site, and also that there is willingness to plant the two trees for mitigation. She stated that she could follow up with the representative offline regarding questions she has about the impervious calculations. The ICO stated that she could also work with the representative on the mitigation plans, as what is proposed up close to the house seems to be something that would be maintained more as a traditional landscaping areas and there could be an opportunity on the site where there could be the Commission's more typically naturally vegetated mitigation area. The ICO noted that she had asked the representative if every effort was made to make the improvements as small as possible and as far back on the lot and the response provided had been related to changes in grade. She clarified her question, stating that she was interested to know if the proposed house is as small as what the applicant needs and that she'd like to see impacts avoided before having to be mitigated.

P. Seaberg responded that it is a relatively small lot, 19,000sf, and challenging with the big elevation grade. He noted that they need to keep the basement slab up due to groundwater. Regarding the size of the house, P. Seaberg deferred to the applicants, Rob and Lisa Delmonico, who were present on the call. Chair Kelly invited the applicant to comment on the possibility to get the project further out of the Commission's jurisdiction. P. Seaberg stated that they do have the ability to shift it back 5ft toward the top of the hill but they do run into grading issues and a need to maintain a turning radius to get into the garage. R. Delmonico stated that on the north side, the neighbors' driveway is actually 2ft on their property and with that slope, it really can't be pushed back any further.

Comm'r Nielsen commented that she could see on the plan that there is a triangular section in the flood zone where substantial grading is proposed and noted that the Commission would want to be certain that there isn't any loss in flood storage, potentially sending floodwaters to abutters. Brief discussion followed. P. Seaberg stated that being a coastal flood zone based on tidal waters, if the elevation of the tide were to rise to elevation 12, it would not project floodwaters anywhere else; it would reach that elevation everywhere. .

Responding to a question from Comm'r Hidell regarding runoff and drainage, P. Seaberg state that the infiltration area is catching the runoff from the majority of the impervious porch roof and a portion of the front of the house. Responding to a question regarding the driveway and garage, P. Seaberg stated that they propose to slope it so that the runoff will run down the right side of the property toward the front right corner of the property as it does currently, but they also propose a catchdrain in front of the garage. P. Seaberg confirmed that this will be surface drainage and not directed to the infiltration unit out front. P. Seaberg stated that the top right corner of the property is elevation 27 and it goes all the way down to elevation 10 in the front right corner of the property. Responding to a questions, P. Seaberg confirmed that the infiltration area will be primarily in a filled area. He stated that the fill will be tied into the natural soils below; there will be crushed stone surrounding the concrete chambers to store and infiltrate the water; there will be a 12" layer of crushed stone below the chamber system; and the concrete chambers are open to the soils below.

Chair Kelly invited any members of the public to comment.

Bill Rockford, 9 Cushing Avenue, asked for clarification of the design and intent for the driveway currently off of Downer Avenue. P. Seaberg confirmed that it will have cobblestones but have a grass median strip and will serve as additional parking for guests.

There were no other members of the public who wished to comment.

Brief scheduling discussion followed, concluding with all in agreement to continue to the Commission's March 6th meeting.

Motion: Comm'r Villanova moved to continue 166 Downer Avenue MA DEP 034-1462 to 3/6/23.

Second: Comm'r Mosher

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

6 Village Lane – DEP 034-1456, cont'd from 1/30/23

Applicant: Sachindra & Melanie Nimboorkar

Representative: Joseph Hannon, Atlantic Coast Engineering, LLC

Proposed: Deck and hardscaping

Meeting Documents & Exhibits: none

Ahead of the meeting, the applicant's representative had requested to continue to the 3/6/23 Commission meeting. The Chair requested any members of the public who wish to be heard relative to this item, to please hold any comments to the Commission's March 6th meeting, when the Commission will be substantively taking up the hearing.

Motion: Comm'r Hidell moved to continue the Notice of Intent hearing for 6 Village Lane (DEP 034-1456) to March 6, 2023.

Second: Comm'r Mosher

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

52 Union Street – DEP 034-1460, cont'd from 1/30/23

Applicant: Gregory Morse, Morse Engineering Company, Inc.

Proposed: Construction of a farmers porch and addition

Meeting Documents & Exhibits: Staff memo, Revised Site Plan(2/6/23) and Revised Planting Plan(2/6/23)

Excerpts from the Staff memo: The areas where the two additions are proposed, within the 100ft Buffer Zone, are fairly flat and consist of lawn, landscaping, walkway, or structure (porch/deck). The revised site plan, dated 1/30/23, includes an infiltration system for the rooftop runoff from both additions. A mitigation planting area, including native trees, shrubs, and seed mix, is proposed within the 50ft Buffer Zone (see revised mitigation plan dated 2/6/23). The area is fairly flat and maintained as a mix of lawn, moss, and exposed, but stable, soil. During the site visit, staff observed a heavily disturbed area next to the existing driveway (50ft Buffer Zone), as well as an outdoor shower (100ft Buffer Zone). The representative addressed both of these issues in consultation with staff and via the revised site plan.

Representative, Gregory Morse, from Morse Engineering Company, was present on the call, shared his screen with the site plan, reviewed the proposal and pointed out the existing features and wetland resource areas including the Bordering Vegetated Wetland (BVW), buffer to the BVW, and a small area of floodplain. He noted that all work is outside the area of floodplain.

G. Morse described the 2 additions. On the front of the house, the proposed wraparound farmer's porch would be in an area of existing lawn. At the back of the house, the 20' by 20' addition would be located where an existing deck is currently. Both additions would be outside the 50ft buffer. He described the proposed small gravel turnaround by the driveway and how the area currently is used as a turnaround and turns to mud.

For mitigation, G. Morse described the use of erosion controls, installation of a drywell system connected to roof runoff from downspouts associated with the addition, and a planting area, currently maintained as lawn/mossy area, that would include 18 shrubs and 8 trees. He concluded by stating that MA DEP had no comments on the project and that he agreed with the recommendations in the staff memo.

The ICO provided some clarification on the proposed turnaround. Something similar was proposed a few years ago; at that time permeable pavers were proposed. She stated that apparently cost had interfered with the construction and nothing was constructed. She noted the muddy conditions and that a gravel turnaround should be more stable than the existing condition. A permeable surface would be expected and will give stabilization.

The ICO confirmed with the representative that both the porch and the rear addition will be connected to the infiltration system. She noted that the outdoor shower had been installed without a permit but the representative and homeowners had stated that it was constructed with 2ft of gravel underneath that area and would be maintained as such.

Comm'r Nielsen commented on the turnaround, stating that clearly crushed stone is better than the muddy existing condition. She suggested that special conditions might include a minimum depth of crushed stone and that the border have a railroad tie or cobble stone edging to keep the gravel in. P. Seaberg stated typically at the edge of that would be a railroad tie timber, cobblestone edging or iron edging, which is part of the plan, and that he expects no more than 4 inches in depth for the crushed stone.

Responding to a question from Comm'r Hidell regarding groundwater elevation, P. Seaberg stated that the 2018 Septic plan showed that the septic had a 4 ft depth and the septic in the front yard is 2ft below the ground surface, therefore the groundwater is approximately 6 ft below grade. The minimum for the drywells is that they be 2ft above groundwater and so they would comply with that. The Cultec plastic infiltrator chambers would be about a foot below the surface with crushed stone around them.

The Commission had no further questions.

The Chair invited any members of the public to comment. No members of the public had a comment.

Motion: Comm’r Nielsen moved to issue an Order of Conditions for the proposed work at 52 Union Street (DEP 034-1460), 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 makes no finding as to the exact boundaries of wetland resource areas.

Special conditions:

21. The applicant shall notify the 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 by telephone or writing, of the commencement of work on the site, at least 48 hours in advance of said work.
22. This Order shall be included in all construction contracts and subcontracts dealing with the work and shall supersede all other contract requirements.
23. 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.
24. Prior to the start of any excavation or construction, erosion and sediment controls shall be installed, as shown on the final approved plans, 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.
25. 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.
26. Prior to the start of any excavation or construction, the septic system components and infiltration area shall be roped or fenced off to prevent vehicles and equipment from damaging the components and compacting soils during construction.
27. The project supervisor or contractor responsible for the work shall have a copy of this Order available on the site at all times.
28. 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.
29. All demolition and excavated material shall be properly disposed of at an off-site location.
30. All landscaping debris shall be properly disposed of at an off-site location; no chipped or mulched material shall remain on the property.
31. Any on site dumpsters shall not be located within 50 feet of any resource area.
32. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.
33. 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.
34. 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.
35. 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.
36. 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.

37. At the end of each workday, the project supervisor or contractor responsible for the work shall mechanically or manually sweep sediments from all paved surfaces, unless tracking and sediment is not evident.
38. Rooftop runoff from the approved additions (farmer's porch and rear addition) shall be infiltrated on site, using infiltration chambers or an alternative method approved in advance by the Commission.
39. The area under the approved farmer's porch shall be treated with a minimum of three inches of ¾" -1½" crushed stone.
40. The mitigation area plantings (1,035sf) shall be installed, and seeding completed, in accordance with the final approved 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. 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.
43. Prior to the issuance of a Certificate of Compliance, the mitigation area plantings (1,035sf) 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.
44. The mitigation areas (1,035sf) 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.
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.

Second: Comm'r Mosher

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

Adjourn

Motion: Comm'r Mosher moved to adjourn the meeting at 8:46 pm.

Second: Comm'r Nielsen

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

Submitted, _____
Sylvia Schuler, Administrative Assistant

Approved on March 27, 2023

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