



CONSERVATION COMMISSION MEETING MINUTES –February 14, 2022

Present: Carolyn Nielsen Acting Chair/Vice Chair, Bob Hidell, Bob Mosher, and Nina Villanova - Commissioners, Emily Sullivan-Conservation Officer and Heather Charles-Lis-Assistant Conservation Officer

Absent: Chair Crystal Kelly and Commissioner Thomas Roby

The remote meeting was held via Zoom with Dial in #929-205-6099, Meeting ID # 870-5555-3996

The meeting was called to order at 7:05 PM.

Acting Chair Nielsen 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

Only two Commissioners present had been at the 1/31/22 meeting. Approval of the minutes was moved to the 3/7/22 meeting agenda.

Certificates of Compliance

15 Porters Cove Road - DEP 034-1301, cont'd from 1/31/22

Applicant: Tivon Sidorsky

Acting Chair Nielsen explained that the Commission was in the same situation as happened at the prior meeting, with only 3 Commissioners able to vote. She noted that the applicant had been notified of the situation.

Motion: Comm'r Villanova moved to continue the matter of 15 Porters Cove Road to 3/7/22.

Second: Comm'r Mosher

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

Requests for Determination of Applicability

150 Beal Street/Hingham Woods

Applicant: Hingham Woods Condominium Association

Representative: John Cavanaro, Cavanaro Consulting

Proposed: Repaving parking areas, sidewalks and portion of roads

Meeting Documents & Exhibits: Staff memo, Request for Determination of Applicability application and Site Plan revised 2/8/22.

Excerpts from the staff memo: Staff visited the site on 2/9/22 with the representative. Wetland resource areas were not flagged, however for the purposes of this filing and scope of work, staff does not feel a formal delineation is necessary. The Potential Vernal Pool was clearly visible and may also act as Isolated Land Subject to Flooding, however calculations were not done to confirm this. Two other wetland areas were observed including a large Bordering Vegetated Wetland, with associated floodplain outside the proposed work area.

Staff discussed existing drainage and stormwater management with the representative, including maintenance and potential improvements. The site has an Order of Conditions from 1984 that had conditions requiring adequate sumps to trap sand and debris, and gas traps or similar, on the catch basins, and concrete pipe flared ends instead of headwalls at outfalls. A COC was issued, but no later documentation could be found. Visual inspection of some of the existing catch

basins and outfalls indicated that hoods may be present, but cleaning is very needed, and additional rip rap may be beneficial at outfalls. Concrete pipe flared ends were observed at some outlets. Staff included draft conditions requiring inspection, maintenance, and retrofitting as needed. The Commission can consider whether to request additional stormwater improvements.

The old Order also included one perpetual condition that “Snow and ice control on the proposed roadways, drives, and parking areas shall not include the use of salt or de-icing chemicals.” It appears that salt or chemicals are likely in use and there is no signage noting these restrictions near sensitive areas, as is commonly required now. Staff recommends that the Commission discuss options moving forward with the applicant.

Representative John Cavanaro, from Cavanaro Consulting, was present on the call on behalf of Hingham Woods Condominium Association. He described the locus; a condominium complex with private roadways, parking lots and sidewalks and explained that they wish to repave all the existing paved surfaces. The Site Plan was shared to the screen and J.Cavanaro pointed out the resource areas, noting that a small portion of the complex falls under Conservation jurisdiction. The Site Plan had all areas within Conservation jurisdiction identified. J. Cavanaro stated that the plan is to keep all existing footprints and essentially remove and replace the existing materials. Roadways will be reclaimed; the existing asphalt would be ground up in place and new pavement on top. The parking lots would be replaced with new material. He added that there would be a program to inspect all drainage areas and inspect outlets to make sure they’re in working order.

The ACO stated that the main concern, preventing erosion during construction, could be managed. She added that, given the scope of the project, stormwater management should, at a minimum, include inspection and cleaning. Brief discussion followed regarding the catchbasins and stormwater standards and the CO pointed out draft condition #7 (see #8) for the Commission’s consideration. She also pointed out that draft condition #8 (see #9) was drafted to address maintenance going forward. There is currently no Operation & Maintenance (O&M) plan and it doesn’t appear that there has been regular maintenance; she’d noted the depth of sediment was high. Discussion followed regarding the stormwater system and a maintenance program. J. Cavanaro suggested that they could put together an O&M plan and the property manager would then have that to work from.

The ACO noted that there was a perpetual condition in the original Order of Conditions, when the condominium complex was constructed, in regards to snow and ice control. Discussion followed regarding the use of salt and deicing chemicals. J. Cavanaro stated that the property manager had told him that their current practice is to use Calcium Magnesium Acetate (CMA) as it is pet and landscape friendly, versus a Sodium Chloride product. He added that they are cognizant of the need to use something environmentally friendly but they also have safety needs. The ACO commented that CMA is one of the safest products to be used and noted that sand would not be ideal with the proximity to the vernal pool. The ACO read aloud an additional condition she had drafted to address the concerns, “Prior to the start of work, a long-term operation and maintenance plan for the stormwater infrastructure shall be submitted to the Conservation Commission for review and approval. The plan shall indicate that salt and 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.”

Motion: Comm’r Hidell moved to issue a Negative Determination of Applicability for the proposed work at 150 Beal Street with conditions as discussed.

(conditions below reflect the additional condition [#2] as discussed)

Findings:

- a. This project meets the requirements of Part 1, Section 7.1 of the Town of Hingham Wetland Regulations governing procedures for a Request for Determination of Applicability.
- b. The work described is within an area subject to protection under the 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.

Conditions:

1. Prior to the start of work, 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 or sediment control.

2. Prior to the start of work, a long-term operation and maintenance plan for the stormwater infrastructure shall be submitted to the Conservation Commission for review and approval. The plan shall indicate that salt and 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.
3. 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.
4. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.
5. All excavated material shall be properly disposed of at an off-site location.
6. 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.
7. 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.
8. Prior to the completion of the project, all stormwater infrastructure taking runoff from the project area shall be inspected, maintained and cleaned, and shall be repaired or replaced as needed. Hoods/gas traps shall be added or replaced on any catch basin without a hood in good working condition. Catch basins with sumps less than two (2) feet shall be replaced with deep sump catch basins. Outfalls shall be inspected and rip rap added if there is evidence of scouring or sedimentation below the outlets. No vegetation shall be removed without prior approval from the Commission. Documentation of catch basin cleaning, sump depths, and any other stormwater infrastructure maintenance, repairs or replacements shall be submitted to the Commission.
9. Catch basins shall be inspected on a regular basis and cleaned at a minimum whenever the depth of deposits is greater than or equal to one half the depth from the bottom of the invert of the lowest pipe in the basin.
10. The Conservation Department shall be notified to any changes in plans prior to proceeding with said changed plans.

Second: Comm'r Mosher

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

299 North Street

Applicant: Amanda Egan

Representative: John Zimmer, South River Environmental

Proposed: Removal of attached garage & deck, Construction of detached garage, addition, decks & patio

Meeting Documents & Exhibits: Staff memo, Request for Determination of Applicability application, and revised Site Plan dated 2/8/2022

Excerpts from the staff memo: *The purpose of this Request for Determination of Applicability is to evaluate the potential impacts of constructing an addition, two decks, detached garage, and permeable paver patio off the rear of the dwelling. An existing deck and attached garage will be demolished to accommodate the proposed design. The project also proposes to remove invasive species and install a restoration planting area.*

Although the project proposes to reduce impervious area within the 100ft buffer by 130sqft, the applicant is still proposing a restoration planting. The applicant is proposing an approximately 1,600sqft restoration area located within the 50-foot buffer adjacent to the intermittent stream. This area has a predominance of invasive species including multiflora rose and honeysuckle, so the project also proposes invasive removal. The removal method includes physical removal, such as hand removal and the use of a small machine (bobcat or equivalent) to remove root systems. This project proposals the removal of one tree.

John Zimmer, representative from South River Environmental, was present on the call along with applicant Amanda Egan. The Site plan was shared to the screen and J. Zimmer reviewed the proposal; add a detached garage, install a pervious patio, demolish the existing detached garage and replace it with a small addition and 2 small decks with landings down to the yard.

J. Zimmer explained that the intermittent stream was part of the drainage system for the Baker Hill development to the north and flows down to, then under, North Street through a culvert. He stated that there is no associated Bordering Vegetated Wetland (BVW) associated with it. There is a berm along bank that looks like excavated material perhaps from when the intermittent stream was created. The areas along the stream bank have been

colonized with invasive species such as multiflora rose & honeysuckle. The proposal includes removal of about 1600sf of invasive species and replanting with about 60 native sweet pepperbush and native highbush blueberry shrubs to improve the function of the buffer zone.

J. Zimmer stated that the property is entirely within Bordering Land Subject to Flooding (BLSF) as shown on the floodplain map but there is a flood study which identified the base flood elevation at 16.7 so there is actually only a small corner, in the southern portion of the property, located in the flood plain. There is no work proposed within BLSF.

J. Zimmer stated that there is one 15" tree proposed for removal. He pointed out that the proposed shrub plantings complies with the Commission's Tree Removal Policy. He noted that no work is closer to the wetland resource area than the current existing condition. Roof drains from the garage and addition will be directed to downspouts which will have energy dissipators so there will be no channelization of storm water. The decks will be permeable and have a crushed stone base beneath.

The CO commented that the invasive species removal method is mechanical, by hand removal or a bobcat type backhoe for root systems, and that the area proposed for restoration would greatly benefit from it. She agreed with the wetland delineation. She suggested that although only a corner of the property is considered flood zone, the commission could require an elevation certificate. Brief discussion followed with the Commission in agreement that an elevation certificate be submitted when the work is complete; it was noted that it would also be required by the Building Department.

Motion: Comm'r Villanova moved to issue a Negative Determination of Applicability for the proposed work at 299 North Street under the parameters discussed.

Findings:

- a. This project meets the requirements of Part 1, Section 7.1 of the Town of Hingham Wetland Regulations governing procedures for a Request for Determination of Applicability.
- b. The work described is within an area subject to protection under the Wetlands Protection Act (M.G.L. c. 131, § 40) and the Town of Hingham Wetland Regulations, and will not alter or adversely affect the area subject to protection under the Act or the Regulations.
- c. For the purpose of this filing, the Commission confirms the delineation of BVW flags WFIB1 to WFIB9, but makes no finding as to the exact boundaries of other wetland resource areas.

Conditions:

1. Prior to the issuance of a building permit, a restoration planting plan shall be submitted to the Commission for review and approval. The planting plan shall include a minimum of 1,600sqft of plantings, including a mix of shrubs and herbaceous species, in accordance with the Commission's Buffer Zone Mitigation Policy (adopted 9/27/21). Locations closest to the resource areas shall be prioritized for planting, as detailed on the final approved plan. All mitigation plantings shall be native species; no cultivars, non-native species, or invasive species shall be allowed.
2. Prior to the issuance of a building permit, 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 or sediment control.
3. 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.
4. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.
5. All tree debris shall be properly disposed of at an off-site location; no chipped or mulched material shall remain on the property.
6. All demolition and excavated material shall be properly disposed of at an off-site location.
7. There shall be no stockpiling of soil or other materials within 75 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.
8. 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.
9. Rooftop runoff from the approved additions shall be directed to lawn or other vegetated areas and not to paved surfaces, and downspouts shall first be directed to splash blocks or crushed stone for scour protection.

10. The approved patio shall be constructed to be permeable, with permeable joints and an appropriate permeable subbase. Documentation shall be submitted from the contractor or installer confirming that the patio has been installed to be permeable in accordance with the manufacturer specifications, and in accordance with the final approved plans. The permeable patio shall be maintained according to manufacturer recommendations.
11. The area under the approved deck shall be 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.
12. Prior to final building sign off, the restoration planting area shall be installed, and seeding completed, in accordance with the final approved plan.
13. Invasive plant management shall be completed in accordance with the final approved plan and narrative. Work shall be conducted by a qualified professional.
14. Prior to the issuance of a Certificate of Occupancy or final building sign-off, an Elevation Certificate shall be prepared and submitted to the Commission for review.
15. The Conservation Department shall be notified to any changes in plans prior to proceeding with said changed plans.

Second: Comm'r Mosher

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

3 Emerald Street

Applicant: Tory Jaskoviak

Proposed: Installation of a shed and fence

Meeting Documents & Exhibits: Staff memo, Request for Determination of Applicability application, and Plot Plan dated 1/20/22.

Excerpts from the staff memo: The purpose of this Request for Determination of Applicability is to evaluate the potential impacts of constructing a shed, fence, and installing landscaping. The proposed shed is 168sqft. The applicant is proposing to install a 338sqft mitigation planting area per the Commission's Buffer Zone Mitigation Policy.

The mitigation area is proposed along the wetland boundary, in an area that is currently lawn. The proposed fence is located within the 50ft buffer, approximately 5-10ft from the flagged wetlands. The proposed mitigation would be planted behind the fence, closest to the wetlands.

The applicant, Tory Jaskoviak, was present on the call, shared his screen and pointed out the project components; installation of a shed, a fence and the mitigation planting area. He explained that the fence would be a chain link fence connecting across the back yard to two existing stockade fences. The mitigation planting area would create a greater boundary between the lawn and the wetland.

The CO commented that the fence would be within the 50ft buffer, there is lawn right up to the wetland and any area behind the fence would become vegetated over time. Photos of the back yard were shared to the screen and the Commission considered the CO's question about pulling the fence in. Vice Chair Nielsen expressed her concerns and ambivalence about the fence location and the remaining three commissioners felt that it was okay as proposed. After brief discussion regarding draft condition #4 that requires the fence location to be staked out before installation, the Commission agreed the condition was appropriate.

Motion: Comm'r Hidell moved to issue a Negative Determination of Applicability for the work proposed at 3 Emerald Street as shown on the plans and with conditions as discussed.

Findings:

- a. This project meets the requirements of Part 1, Section 7.1 of the Town of Hingham Wetland Regulations governing procedures for a Request for Determination of Applicability.
- b. The work described is within an area subject to protection under the Wetlands Protection Act (M.G.L. c. 131, § 40) and the Town of Hingham Wetland Regulations, and will not alter or adversely affect the area subject to protection under the Act or the Regulations.
- c. For the purpose of this filing, the Commission confirms the delineation of wetlands flags KT-1 to KT-8, but makes no finding as to the exact boundaries of other wetland resource areas.

Conditions:

1. Prior to the issuance of a building permit, a mitigation planting plan shall be submitted to the Commission for review and approval. The planting plan shall include a minimum of 338sqft of plantings, including a mix of shrubs

and herbaceous species, in accordance with the Commission's Buffer Zone Mitigation Policy (adopted 9/27/21). Locations closest to the resource areas shall be prioritized for planting, as detailed on the final approved plan. All mitigation plantings shall be native species; no cultivars, non-native species, or invasive species shall be allowed.

2. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.
3. All lawn waste, brush, leaves, or other materials dumped in any resource area, including the buffer zone, in particular near wetland flags KT-8 (the Christmas tree), shall be removed by hand and properly disposed of at an off-site location, and the practice discontinued, in accordance with Section 23.6 of the Hingham Wetland Regulations.
4. Prior to the start of any excavation or construction, the fence location shall be staked and inspected by an agent of the Commission. The fence shall be installed within the existing lawn area within the 50-foot buffer, and no natural vegetation within the 50-foot buffer zone shall be removed to facilitate the installation of the fence.
5. All excavated material shall be properly disposed of at an off-site location.
6. 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.
7. Prior to final building sign off, the mitigation area plantings shall be installed in accordance with the final approved mitigation planting plan.
8. The Conservation Department shall be notified to any changes in plans prior to proceeding with said changed plans.

Second: Comm'r Mosher

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

Vice Chair Nielsen read the Public Hearing Notice of Intent.

Notices of Intent

36 East Street & 0 R Rockwood Road – DEP 034-1431, cont'd to 3/28/22

Applicant: Christine and Gregory Fletcher

Representative: Jeffrey Hassett, Morse Engineering

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

Acting Chair Nielsen confirmed that the applicant had requested to continue to 3/28/22.

19 Fulling Mill Lane– DEP 034-1435, cont'd from 1/31/22

Applicant: Sara and Adam Gordon

Representative: Brendan Sullivan, Cavanaro Consulting

Proposed: Hardscaping and construction of an addition

Meeting Documents & Exhibits: Staff memo and Revised Site Plan dated 2/9/22

Excerpts from the staff memo: This hearing was continued from the 1/31/22 meeting to allow time for staff to review revisions and the representative to respond to comments. Since then a revised plan (dated revised 2/9/22), revised NOI form with corrected Riverfront Area impacts, and a potential construction detail for the patio, have been received. The infiltration chamber has been moved out of the 50ft buffer as requested by the Commission, and mitigation planting details have been added.

Brendan Sullivan from Cavanaro Consulting was present on the call with the applicant and homeowner, Sara Gordon. He detailed the revisions made to the plan; the infiltration system was relocated outside of the buffer zone and they had added a planting plan. He noted that they also supplied the Conservation office with a detail for the pervious patio and revised NOI information as requested at the last meeting. The ACO stated that all her comments had been addressed. She explained to the Commission the reasons for draft condition #43. Behind the pergola there is a compost pile and she feels it would be sufficient to remove the pile and put some of the seed mix there. The other part of the condition refers to changes in quantity of plantings; it is to clarify a note on the plan that existing rhododendrons might be pruned and affect the number of plantings. She also pointed out that draft conditions #45 and #46 prohibit the use of chemicals on the property due to it being in a well head protection area.

The Commission had no further comments.

Acting Chair Nielsen invited members of the public to comment. There were no members of the public present on the call who wished to comment.

Motion: Comm'r Villanova moved to issue an Order of Conditions for the proposed work at 19 Fulling Mill Lane, DEP 034-1435, with findings and conditions as discussed.

Findings:

- a. The project meets the submittal requirements for issuance of an Order of Conditions under the Wetlands Protection Act (M.G.L. c. 131, § 40) and the Town of Hingham Wetland Regulations.
- b. The work described is within an area subject to protection under the Wetlands Protection Act (M.G.L. c. 131, § 40) and the Town of Hingham Wetland Regulations, and will not alter or adversely affect the area subject to protection under the Act or the Regulations.
- c. For the purpose of this filing, the Commission confirms the delineation of Bordering Vegetated Wetland flags 1 to 18, but makes no finding as to the exact boundaries of Riverfront Area or Bordering Land Subject to Flooding.

Conditions:

21. The applicant shall notify the Hingham Conservation Commission in writing of the name, address, and telephone number(s) of the project supervisor or contractor who shall be responsible for ensuring compliance with this Order and shall notify the Commission, by telephone or writing, at least 48 hours prior to commencement of work on the site.
22. This document shall be included in all construction contracts and subcontracts dealing with the work and shall supersede all other contract requirements.
23. The project supervisor or contractor in charge of the work shall have a copy of this Order available on the site at all times.
24. Prior to the start of any excavation or construction, there shall be a pre-construction conference on the site between the project supervisor or contractor responsible for the work and an agent of the Commission to ensure that the requirements of this Order are understood.
25. Prior to the start of any excavation or construction, erosion and sediment controls shall be installed, as shown on the final approved plan, and inspected by an agent of the Commission; straw wattles and/or hay bales shall not be used as a form of erosion and sediment control. Extra erosion controls shall be available on site, stored in an unexposed location or covered.
26. Erosion and sediment controls shall remain in place until all disturbed or exposed areas have been stabilized with a final vegetative cover or the Commission has authorized their removal.
27. Prior to the start of any excavation or construction, final manufacturer specifications and/or construction details for the pervious patio shall be submitted to the Commission for review and approval.
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. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.
30. All lawn waste, brush, leaves or other materials dumped in any resource area, including the buffer zone, and including the compost pile behind the existing pergola, shall be removed by hand and properly disposed of at an off-site location, and the practice discontinued, in accordance with Section 23.6 of the Hingham Wetland Regulations.
31. All demolition and excavated material shall be properly disposed of at an off-site location.
32. Any on site dumpsters shall not be located within 50 feet of any resource area.
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. At the end of each workday, the applicant shall mechanically or manually sweep sediments from all paved surfaces, unless tracking and sediment is not evident.
35. Issuance of these conditions does not in any way imply or certify that the site or downstream areas will not be subject to flooding, storm damage, or any other form of damage due to wetness.

36. Any dewatering activities on the project in which water will be released into any resource area or storm drain shall make use of a stilling pond or similar device to remove sediment before the water is released. Prior to construction, plans for the stilling pond or similar device shall be submitted to the Commission for review and approval.
37. No vehicle or other machinery refueling, lubrication or maintenance, including concrete washout, or storage of fuel or maintenance chemicals, shall take place within 100 feet of any resource area.
38. Rooftop runoff from the approved addition shall be infiltrated on site, using infiltration chambers as shown on the final approved plan, or an alternative method approved in advance by the Commission.
39. The approved patio shall be constructed to be permeable, with permeable joints and an appropriate permeable subbase. Documentation shall be submitted from the contractor or installer confirming that the patio has been installed to be permeable in accordance with the final approved design.
40. The area under the approved deck shall be 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.
41. The area under the approved deck 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.
42. Invasive plant management shall be completed, in accordance with the final approved plan and narrative. Japanese knotweed shall be removed by hand, without the use of herbicides, and shall be properly disposed of at an off-site location.
43. The 1,200 square foot mitigation planting area shall be installed, and seeding completed, in accordance with the final approved mitigation planting plan. Any changes in the quantities or species of plants installed, including any changes based on retaining or pruning existing rhododendrons, shall be approved in advance by the Commission. The area under the existing compost pile behind the pergola shall be restored by planting native species and/or seeding with a wildlife conservation seed mix.
44. 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.
45. 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 location in a Wellhead Protection Area and proximity to Fulling Mill Pond, and the importance of the surrounding resource areas to the groundwater/surface water supply and water quality. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
46. The use of pesticides, herbicides, fungicides, and fertilizers shall be prohibited on this property because of its location in a Wellhead Protection Area and proximity to Fulling Mill Pond, and the importance of the surrounding resource areas to the groundwater/surface water supply and water quality. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
47. 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.
48. 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.
49. 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.
50. 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.
51. The 1,200 square foot mitigation planting area shall be maintained with native plantings or shall be allowed to naturally revegetate with native species following planting and remain as naturally vegetated, and shall not be

mown or otherwise maintained. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.

Second: Comm'r Mosher

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

2 Mast Hill Road – DEP 034-1436

Applicant: Elizabeth Hurley

Representative: Kevin Grady, Grady Consulting LLC

Proposed: Construction of an inground pool, grading, fencing & landscaping

Meeting Documents & Exhibits: Staff memo, Notice of Intent application package and Revised Plan dated 2/9/22

Excerpts from the staff memo: The purpose of this Notice of Intent is to evaluate the potential impacts of constructing a pool, patio, fence, associated hardscaping, and installing landscaping. The pool, patio, fence, hardscaping, and a majority of the landscaping is proposed within the 100ft buffer but outside the 50ft buffer. Some landscaping is proposed within the 50ft buffer, approximately 45ft from the wetlands.

The project proposes to increase impervious area within the 100ft buffer by approximately 570sqft due to the construction of the pool. The patio is proposed to be permeable. To mitigate for this increase, the project proposes to plant a 1,421sqft mitigation planting area with 7 native trees and 31 native shrubs including river birch, eastern hemlock, smooth arrowwood, sweet-pepperbush, and highbush blueberry. The location of the proposed mitigation area is currently lawn. No trees are proposed for removal.

Pool drawdown will be managed using a drywell located outside of the 100ft buffer.

Grady Consulting representatives, Kevin Grady and Cody Buckman, were present on the call along with the applicant Elizabeth Hurley. The site plan was shared to the screen and K. Grady described the resource areas and the proposal. The wetland resource areas were delineated by South River Environmental. The proposal includes installation of an inground pool, a portion of which would be within the 100 ft buffer, mitigation planting and patios. The pool would be located outside the 50ft buffer and the existing area is currently lawn. Describing the planting plan, K. Grady stated that all plants would be native species and the planting area proposed is the equivalent of the site coverage. A pool safety fence is proposed around the pool and maintained yard. Silt sock erosion controls are proposed on the downhill side of the project to protect the resource area. K. Grady pointed out the construction entrance and stockpile area both of which would be outside the buffer zone. A drywell for any pool drawdown was added to the plan and is outside the 100 ft buffer.

The CO's pointed out to the Commission that there are different shades of green on the plan; one shade indicates all native plants within the 100ft buffer. She added that the project increases impervious by 570 sf and the patio will be pervious. She noted that the slope down to the wetland is very steep and the rear of the property will benefit by the plantings. Brief discussion followed regarding potentially conditioning a gap for wildlife passage under the fence; the Commission decided against such a condition.

The Acting Chair commended the representative's organization of the project narrative; it stated each performance standard individually and then addressed them.

Acting Chair Nielsen invited members of the public to comment. There were no members of the public present on the call who wished to comment.

Motion: Comm'r Mosher moved to issue an Order of Conditions for the proposed work at 2 Mast Hill Road, DEP 034-1436, as shown on the plans and adopting findings and conditions as discussed.

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 does not confirm the delineation of BVW flags, or the exact boundaries of other wetland resource areas.

Conditions:

21. The applicant shall notify the Hingham Conservation Commission in writing of the name, address, and telephone number(s) of the project supervisor or contractor who shall be responsible for ensuring compliance with this Order and shall notify the Commission, by telephone or writing, at least 48 hours prior to commencement of work on the site.
22. This document shall be included in all construction contracts and subcontracts dealing with the work and shall supersede all other contract requirements.
23. The project supervisor or contractor in charge of the work shall have a copy of this Order available on the site at all times.
24. Prior to the start of any excavation or construction, there shall be a pre-construction conference on the site between the project supervisor or contractor responsible for the work and an agent of the Commission to ensure that the requirements of this Order are understood.
25. Prior to the start of any excavation or construction, erosion and sediment controls shall be installed, as shown on the final approved plan, and inspected by an agent of the Commission; straw wattles and/or hay bales shall not be used as a form of erosion and sediment control.
26. Erosion and sediment controls shall remain in place until all disturbed or exposed areas have been stabilized with a final vegetative cover or the Commission has authorized their removal.
27. Prior to the start of any excavation or construction, the fence location shall be staked and inspected by an agent of the Commission. The fence shall be installed within the existing lawn area, and no natural vegetation within the buffer zone shall be removed to facilitate the installation of the fence.
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. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.
30. All excavated material shall be properly disposed of at an off-site location.
31. Any on site dumpsters shall not be located within 100 feet of any resource area.
32. 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.
33. 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.
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 100 feet of any resource area.
37. The temporary construction access and vehicle tracking pad shall be properly maintained during construction and shall be removed following construction and the area restored to lawn or other vegetation, with no changes in grade permitted.
38. The 1,421sqft 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.
39. The approved patio shall be constructed to be permeable, with permeable joints and an appropriate permeable subbase. Documentation shall be submitted from the contractor or installer confirming that the patio has been installed to be permeable in accordance with the manufacturer specifications, and in accordance with the final approved plans.
40. 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.

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. 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.
43. It is the sole responsibility of the owner of record to maintain the permeable patio at all times. The property owner shall comply with the manufacturer's Operations Guide and Maintenance Plan for Unilock Thornbury Permeable Pavers. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
44. 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.
45. 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.
46. Prior to the issuance of a Certificate of Compliance, the 1,421 mitigation planting area 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.
47. The mitigation planting area shall be maintained with native plantings or shall be allowed to naturally revegetate with native species following planting and remain as naturally vegetated, and shall not be mown or otherwise maintained. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.

Second: Comm'r Villanova

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

10 Chestnut Place – DEP 034-1437

Applicant: Oak Development & Design

Representative: P.J. Antonik, Oak Development & Design

Proposed: Demolish and rebuild a single family house

Meeting Documents & Exhibits: Staff memo, Notice of Intent application, and Plan of Land (Rev. 1/28/22) and Mitigation Planting Plan (Rev. 1/28/22)

Excerpts from the staff memo: The purpose of this Notice of Intent is to evaluate the potential impacts of demolishing an existing single-family house and gravel drive, and rebuilding a single-family house including pervious patios, retaining wall and steps, pervious paver driveway, grading, removing trees, and mitigation plantings. All work would be within the outer riparian zone of the Riverfront Area to the Weir River and most of the work would also be within the 50ft buffer to Coastal Bank and Salt Marsh, except for the driveway and a small portion of the house. There is also Land Subject to Coastal Storm Flowage on the property, but no work is proposed within this area.

P. J. Antonik of Oak Development & Design, was present on the call. The site plan was shared to the screen and P. Antonik described the existing condition; a poorly built house, overgrown trees, barren landscape, and concrete walls & timber walls in tough shape. He then described aspects of what is proposed; teardown existing house, rebuild in a footprint that's not much different, elimination of the existing deck, landscaping at the bottom, and use of pervious patio blocks for the rear patio (final design is not yet definite but considering 3'x3' flagstones with 3-4" grass strips between). He stated that the steps indicated on the plan are a 'placeholder', noted that the ACO had expressed concern about the closeness of Coastal Bank line, and stated that he willing to move them more towards the driveway. For the proposed retaining walls, he proposes to do the bare minimum to hold the earth back and create a staircase down; they would be poured concrete with weepholes. The pervious paver area up top (towards the front) would be the same 3'x3' intermittent flagstone with grass in between as the rear patio. For the driveway he would like to do some sort of solid block, possibly Techo-Bloc, with space in between so that it's pervious and can be snowplowed. There would be bare minimum walls to hold the driveway in. There would be a simple covered entry at the front.

P. Antonik stated that he's proposing to take three trees down. The one by the driveway and another in the front (one of these has a double trunk) and one in the back. His rationale on the ones in the front is that they are extremely large, overhanging the house, and he's worried about the longevity of them and the potential for damage to the house over time. He stated that the one on the water side is in extremely rough shape and he'd discussed it with Hansen Tree. It could be pruned but is in bad shape so he proposes to tear it down and then do an extremely thorough mitigation. Noting that the ACO had expressed concern about the bank, P. Antonik suggested that they could take the tree down and leave the stump in place so as to not disturb the bank; he'd be open to some other alternative method. The remaining landscaping would be mostly lawn and mitigation plantings. P. Antonik stated he'd worked with Brad Holmes, ECR, on the submitted mitigation plan and most of the plantings were on the left side of the lot. The plan was shared to the screen. P. Antonik expressed his willingness to work with the Commission to satisfy any concerns and invited the Commission to visit the site.

The ACO stated that the applicant had submitted responses to comments that day but she had not been able to respond. She commented that many aspects of the proposal are beneficial, for instance the mitigation plantings, stormwater mitigation, and pervious surfaces, but is concerned about where the limit of work actually extends to. The plan was again shared to the screen and the ACO explained that she is not convinced of the coastal bank delineation, briefly explained the topography, and stated it would be good to see that area, figure out exactly where the coastal bank is and where exactly the work is proposed. She added that currently some shrubs and sumacs are in that area. P. Antonik agreed and stated that he thought the steps on the plan go too far and they could bring them in a little so that they're within the stone wall.

The Commission agreed that the ACO should meet with P. Antonik on site to go over the details. Discussion followed about the oak tree on the Coastal Bank with the Commission suggesting pruning rather than removal. Acting Chair Nielsen suggested that planting of new young trees along the bank would allow their roots to get established, helping to stabilize the bank, should that oak eventually get so degraded it requires removal. P. Antonik stated that he was more concerned about the trees in the front and their longevity. The two trees out front were identified as oaks. Discussion followed and the Commission suggested that P. Antonik have his tree company assess them.

Acting Chair Nielsen invited members of the public to comment. There were no members of the public present on the call who wished to comment.

P. Antonik agreed to continue the hearing to March 7 and gave his permission for Commissioners to go on the property at any time for a site visit. Rather than going as a group, the Commissioners decided that they would each go at their convenience.

Motion: Comm'r Mosher moved to continue the hearing for 10 Chestnut Place to March 7, 2022.

Second: Comm'r Hidell

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

Adjourn

Motion: Comm'r Villanova moved to adjourn the meeting at 8:29 pm.

Second: Comm'r Hidell

All Commissioners were in favor.

Submitted, _____
Sylvia Schuler, Administrative Assistant

Approved on April 11, 2022

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