



## CONSERVATION COMMISSION MEETING MINUTES – February 22, 2021

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

**Absent:** None

The remote meeting was held via Zoom with Dial in #929-205-6099, Meeting ID # 846-8755-1329

### **The meeting was called to order at 7:03 PM.**

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

### **Approval of Minutes**

**Motion:** Chair Freeman moved to approve the draft minutes from the February 1, 2021 meeting.

**Second:** Comm'r Hidell

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

### **Certificates of Compliance**

**23 Beach Road** – DEP 034-1279, continued to 3/8/21

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

#### **490 Cushing Street**

Applicant: Kristen Souza

Proposed: Construction of an addition and two decks

*Meeting Documents & Exhibits: Staff memo, Narrative and Original Plan of Land 12/31/20 and Revised Plan of Land 2/12/21*

*Excerpts from the staff memo: Staff visited the site on 2/11/21. The stream was flagged by an environmental consultant in January 2020 for a separate Administrative Review application for a new septic system. This flagging did not extend quite far enough to encompass the current proposed work. Based on the scope of work and distance from the stream, and staff's prior site visit, staff did not require the applicant to flag the remainder of the stream. Staff did re-inspect the area and determined that beyond the flags shown on the plan, the stream is further from the proposed work area and the buffer zone should come no closer than what is approximated on the plans. The area where work is proposed currently consists of lawn, driveway, and a small existing deck. Only proposed conditions are shown on the submitted plans.*

*Staff discussed the project with the applicant and the applicant is intending to plant some trees on the site in the future, which could mitigate for the increased structure in the buffer zone.*

Chair Freeman summarized the wetland resources and the proposal. Homeowner, Kristen Souza, was present on the call and explained that they had bought the house in the fall and wished to add a 2 car garage with a room above and add decks. Chair Freeman noted the staff memo reference to mitigation with tree planting and confirmed that there was a condition included in the Determination. K. Souza was amenable and had planned on doing some tree

planting anyhow and would confer with staff regarding recommended native trees. The ACO clarified that there would be 43 sf of additional impervious in the 100 ft buffer.

**Motion:** Chair Freeman moved to issue a Negative Determination of Applicability for the proposed work at 490 Cushing Street, as shown on the submitted plans, and adopt the findings of fact a through c, and conditions 1 through 10 of the staff report.

Findings:

- a. This project meets the requirements of Part 1, Section 7.1 of the Town of Hingham Wetland Regulations governing procedures for a Request for Determination of Applicability.
- b. The work described is within an area subject to protection under the 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 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 43 square feet of plantings, including a mix of trees and/or shrubs. Locations closest to the resource areas shall be prioritized for planting. 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, in the lawn area in between the work area and the stream, 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 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 any resource area.
7. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 100 feet of any resource area.
8. Rooftop runoff shall either be infiltrated on site or directed to lawn areas, and any downspouts shall first be directed to splash blocks or crushed stone for scour protection.
9. Prior to the issuance of a Certificate of Occupancy, mitigation plantings shall be installed in accordance with the final approved mitigation planting plan.
10. The Conservation Department shall be notified to any changes in plans prior to proceeding with said changed plans.

**Second:** Comm'r Mooney

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

**8 Crooked Meadow Lane**

Applicant: Sally and Marc Bousquet

Representative: Sean Papich, Sean Papich Landscape Architecture, LLC

Proposed: Reconstruction of a retaining wall and associated improvements

Meeting Documents & Exhibits: Staff memo, Narrative [from WPA Form 1], Original Site Plan 7/8/20, Original Landscape Plan 2/2/21, and Site Photos

Excerpts from the staff memo: Staff visited the site with the representative as part of a pre-application meeting on 11/5/20. At that time, the resource areas had also been flagged by a Professional Wetland Scientist (complete as of 5/30/20). Staff only reviewed the Bordering Vegetated Wetland flags and as such, recommends that the Commission only confirm that resource area delineation (draft finding c). Staff notes that a full wetlands report written by the Professional Wetland Scientist was submitted with this application, satisfying the Commission's Resource Area Delineation Policy. Staff believes that the proposed scope of work is an overall improvement to the existing conditions.

Chair Freeman summarized the resource areas and described the proposal. Representative Sean Papich of Sean Papich Landscape Architecture was present on the call along with homeowners, Sally and Marc Bousquet. While the CO shared her screen with the plan, S.Papich pointed out the various areas of the property and detailed aspects of the proposal. He noted existing wooden steps, in disrepair, that descend to a shed and described a number of invasive species on the slope, including Norway maples, oriental bittersweet and multiflora rose. He stated that at the bottom of the steep slope were some existing native trees, cherry and red oaks, to remain. At the top of the hill they intend to replace the two timber walls on the left hand side of the stairs and one to the right of the stairs, with a segmental concrete block wall. On the left, the wall will be replaced in essentially the same location as existing, and on the right the proposed wall will extend out over the grade a little in order to fit in a crushed stone parking and turnaround area and existing trees near that area will remain. There will be some regrading in the area below the retaining wall and they propose vegetating it heavily with native shrubs and a large area of native wildflower and grasses seed mix.

Above the wall, in the area considered the yard, they propose more inkberry shrubs, virginia rose and large beds of mixed native perennials. An existing vinyl fence will be replaced with a cedar frame/mesh fence. Further details included that the wooden stairs will be replaced in the same location using the same footings and rebuilt with a pressure treated frame and composite decking. The 6' by 8' shed will be removed. At the top of the hill there will be large stones (bluestone) with large gaps in an 'organic' terrace area with a stepping stone pathway leading to the stairs.

The Commission was satisfied with the improvements and the proposal. The CO pointed out two of the draft conditions were tied to the building permit process as there would be a building permit involved in the construction of the wall and that she had discussed with S.Papich that there would need to be a structural engineer review, stamp or proposal for the final design of the retaining wall.

**Motion:** Chair Freeman to issue a Negative Determination of Applicability for the proposed work at 8 Crooked Meadow Lane, as shown on the submitted plans, and adopt the findings of fact a through c, and conditions 1 through 10 of the staff report.

Findings:

- a. This project meets the requirements of Part 1, Section 7.1 of the Town of Hingham Wetland Regulations governing procedures for a Request for Determination of Applicability.
- b. The work described is within an area subject to protection under the 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 KT-2 to KT-12, but makes no finding as to the exact boundaries of other wetland resource areas.

Conditions:

1. 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.
2. 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.
3. All tree and other natural debris shall be properly disposed of at an off-site location; no chipped or mulched material shall remain on the property.
4. All manmade debris located in the vicinity of the existing shed, or which falls into any resource area during construction, shall be removed by hand and properly disposed of at an off-site location.
5. All demolition and excavated material shall be properly disposed of at an off-site location.
6. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
7. There shall be no stockpiling of soil or other materials within 50 feet any resource area.
8. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 50 feet of any resource area.
9. Prior to the issuance of a Certificate of Occupancy (final inspection), all plantings shall be installed in accordance with the final approved plan.

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 Kelly: aye, Comm'r Mooney: aye and Comm'r Roby: aye

### **215 Hersey Street**

Applicant: Robb Giardino

Proposed: Reconstruction of a retaining wall and installation of a fence

*Meeting Documents & Exhibits: Staff memo, Narrative and Original Submitted Plan*

*Excerpts from the staff memo: Staff visited the site on 2/11/21. The stream was flagged by a wetlands scientist for a prior Notice of Intent, presumably in 2017. Staff does not believe the delineation would have changed significantly since that time, given that the stream is in a well-defined channel, with no associated BVW in the vicinity of the proposed work. The existing house is situated above the existing rip rap slope and the 50ft buffer slopes gradually from the base of the slope to the stream and is partially wooded. No trees or shrubs would need to be removed for the work.*

*Under the prior Order, following construction of the house, a vertical boulder wall was proposed approximately 52 ft from the wetland, and was approved. A COC was issued in August 2018 and the letter from the surveyor, which was submitted with the Request for COC, notes minor alterations to the project, including the change from a vertical boulder wall to a tiered design with mulch infill, as well as a riprap slope. The letter notes the changes were made to allow for the continued growth of an existing tree just outside the 50ft buffer, to decrease the amount of fill within the 100ft buffer, and to provide slope stabilization in the case of the riprap portion of the slope. The tree was later removed, with staff approval, as a safety hazard due to damage and rot.*

*Staff feels that changing to a vertical wall will not be an issue if the wall is properly constructed for stability, with drainage addressed as proposed. However, **the Commission should determine whether to allow a small encroachment into the 50ft buffer for a portion of the length of wall.***

Chair Freeman summarized the resource areas and the proposal. The homeowner, Robb Giardino, was present on the call and explained that they'd bought the house 2 yrs ago and briefly described the change in the wall style as well as the removal of the tree. He stated that they're getting a dog and trying to expand what lawn they can and propose to install a vertical retaining wall with timbers, not to exceed 48 inches, and put a fence at the top. In speaking with the building department he knows that anything over 24 inches requires a review from an engineer. Responding to a question from the Commission, R. Giardino stated that the wall's encroachment into the 50ft buffer is less than a foot. The Commission agreed that it was a de minimis amount and had no further concerns with the proposal.

**Motion:** Chair Freeman moved to issue a Negative Determination of Applicability for the proposed work at 215 Hersey Street, as shown on the submitted plans, and adopt the findings of fact a through c, and conditions 1 through 5 of the staff report.

#### **Findings:**

- a. This project meets the requirements of Part 1, Section 7.1 of the Town of Hingham Wetland Regulations governing procedures for a Request for Determination of Applicability.
- b. The work described is within an area subject to protection under the 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, between the work area and the stream, 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. 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.
3. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.
4. There shall be no stockpiling of soil or other materials within 50 feet any resource area.

5. 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 Kelly: aye, Comm'r Mooney: aye and Comm'r Roby: aye

### **Abbreviated Notices of Resource Area Delineation**

#### **274 South Street** – DEP 034-1396

Applicant: Kevin Whalen, South Shore Country Club

Representative: Jeff Couture, SITEC Engineering & Environmental Consultants, Inc.

*Meeting Documents & Exhibits: Staff memo, Wetland Delineation Memo 12/13/19 and Original ANRAD Existing Conditions and Wetlands Resource Area Plan 1/27/21 and Revised ANRAD Existing Conditions and Wetlands Resource Area Plan 2/18/21*

*Excerpts from the staff memo: An ANRAD was submitted for a portion of the Town-owned South Shore Country Club in the vicinity of the existing maintenance buildings near the main entrance on South Street. A wetland scientist delineated Bordering Vegetated Wetlands (466 linear feet) associated with Intermittent Streams/drainage ditches in December 2019, and Bordering Land Subject to Flooding (851 linear feet) was located on the plans by elevation. Inland Bank (275 linear feet) to an Intermittent Stream was delineated off property, with the 50 and 100 foot buffer zones extending onto the property.*

*Staff visited the site on 2/17/21 and requested a modification to one of the wetland flags, and asked that additional notes be added to the plan to clarify which areas are the subject of this ANRAD. A revised plan was submitted on 2/18/21.*

*The off property Inland Bank was located by a survey crew. Staff could only view a portion due to its location behind a fence on MBTA property, but the topography is distinct and staff has no concerns. Although the Commission cannot confirm the off property delineation, staff recommends making a finding regarding the accuracy of the buffer zone on property.*

#### **RECOMMENDATION AND FINDINGS**

*Based on evidence provided, staff recommends the Hingham Conservation Commission find that:*

- a. The filing meets the submittal requirements for issuance of an Order of Resource Area Delineation under the Wetlands Protection Act (M.G.L. c. 131, § 40) and the Town of Hingham Wetland Regulations.*
- b. For the purpose of this filing, the Commission confirms the delineation of Bordering Vegetated Wetland flags A1 to A12 and B1 to B12, Bordering Land Subject to Flooding (el. 19-21), and Buffer Zone to Bordering Vegetated Wetlands and Inland Bank, but makes no finding as to the exact boundaries of other wetland resource areas and buffer zones, including for the area to the north of the paved driveway off South Street, the area to the west and south of the B series wetland, and the intermittent stream and floodplain located off property to the west.*

*and that the Commission issue an Order of Resource Area Delineation confirming the boundaries of wetland resource areas, as modified from the plan contained in the Abbreviated Notice of Resource Area Delineation and shown on the revised plan.*

Chair Freeman briefly summarized the resource areas and noted that staff is satisfied with the revised plan submitted for the ANRAD. Brad Holmes, of ECR, assisting SITEC, was present on the call along with Kevin Whalen, Executive Director of the South Shore Country Club (SSCC). B. Holmes described briefly the small area of the SSCC that had been delineated and the resource areas involved. As an abutter to the SSCC, Commissioner Mooney notified the Chair that he would abstain. The Commission expressed their satisfaction with the boundary delineation and their willingness to waive the bylaw fee.

Abutter, Chris Jones, of 2 Del Prete Drive asked for clarification of where the area of delineation had been done as he and neighbors had noticed there had been a lot of surveying occurring in the area near the vernal pool. K. Whalen explained that the delineations were for two different projects simultaneously; one, the maintenance facility which the current ANRAD is for, and two, the design of the pool on the tennis courts. B. Holmes further explained that the delineation for the current ANRAD had been done a while back and was recently just confirmed and at the same time they had done further surveying near the tennis court. The Chair explained that the ANRAD was only the wetland delineation and doesn't include any other aspects of the future project.

There were no further comments or questions.

**Motion:** Chair Freeman moved to waive the local by-law fees and issue an Order of Resource Area Delineation for 274 South Street (DEP 034-1396), as shown on the revised plan, and adopt the findings of fact a and b of the staff report.

Findings:

- a. The filing meets the submittal requirements for issuance of an Order of Resource Area Delineation under the Wetlands Protection Act (M.G.L. c. 131, § 40) and the Town of Hingham Wetland Regulations.
- b. For the purpose of this filing, the Commission confirms the delineation of Bordering Vegetated Wetland flags A1 to A12 and B1 to B12, Bordering Land Subject to Flooding (el. 19-21), and Buffer Zone to Bordering Vegetated Wetlands and Inland Bank, but makes no finding as to the exact boundaries of other wetland resource areas and buffer zones, including for the area to the north of the paved driveway off South Street, the area to the west and south of the B series wetland, and the intermittent stream and floodplain located off property to the west.

Second: Comm'r Mosher

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

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

**Request for an Extension of Order of Conditions**

**29 Canterbury Street** – DEP 034-1292

Applicant: John Woodin, Canterbury Street, LLC

Representative: Gary James, James Engineering, Inc.

*Meeting Documents & Exhibits: Letter of Request for an Extension of Order of Conditions*

*Excerpts from the staff memo: no staff memo*

Chair Freeman stated that the application was a request for a 2 year extension for 29 Canterbury St (the Patterson Pond Estates subdivision). Representative Gary James, of James Engineering Inc, was present on the call and explained that blasting was taking too long. He noted that the drainage system is pretty much all in and is functioning and protecting the resource areas. They are completing the development of the homes themselves and then what's left is to complete the roadway. The only area within the 100 ft buffer that still needs work is right at the outfall, from the subdivision, down by the pond. He added that all of the measures are in place and the site has been very stable.

**Motion:** Chair Freeman moved to issue a two year extension of the Order of Conditions for 29 Canterbury Street (DEP 034-1292).

Second: Comm'r Mosher

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

**Notices of Intent**

**100 Industrial Park Road – DEP 034-1361, continued from 2/1/21**

Applicant: Timothy Casey, JEB Group, LLC

Representative: Kevin Hixson, BL Companies

Proposed: Warehouse renovation and demolition, and site improvements

*Meeting Documents & Exhibits: no new documents*

*Excerpts from the staff memo: no staff memo*

Chair Freeman summarized the resource areas and proposed improvements. She summarized the discussion of the previous meeting on February 1 which had concluded with the Commission requesting additional time to review the LSP report and applicant responses, and have an opportunity to ask questions.

Kevin Hixson of BL Companies, the Licensed Site Professional (LSP) Matthew Heil, and the applicant's representative Michael Giaimo were present on the call. Comm'r Hidell described in detail his concerns regarding the identification of hazardous materials and the reliability, under certain circumstances, of the methods for identification. M. Heil and Comm'r Hidell discussed in great detail the use and limitations of a Photo Ionization Detector (PID), one tool which M.Heil stated would be used on this site. Comm'r Hidell confirmed with M. Heil that PIDs are affected by moisture. Comm'r Hidell explained his concern that, with more intense rainfall, and open areas of underlying and varied contaminated sediment, migration could occur and stated that PIDs are not so accurate with moisture. If contaminants are missed there will be migration to the wetland in the Commission's jurisdiction and also, the Weymouth public water

supply has a feed from an area near the property. He suggested that each technology that is going to be utilized be included in the soil management plan.

M. Heil explained that the letter he'd submitted was an overview and not the full RAM (*Risk Assessment Method Statement*) of the proposal. He stated that, in his experience, he doesn't believe that metals migration or other contaminant migration is going to be a significant transport mechanism. He noted that the site had been cleaned up historically in multiple locations, not just the ± 6,000 tons of foundry sand. He also described the limited time window when the site will be open and that it will have proper stockpile management. He added that another comfort is that on the down gradient property, which has a Temporary Solution, they have monitored and continue to periodically monitor for contaminants and will be able to tell if things have changed.

Comm'r Hidell stated that he would like to see the RAM in the complete status; he'd like to see how they're going to monitor it. Discussion followed about the status of the RAM and that it is not fully fledged as RAMS are not typically done until there is a project. Chair Freeman asked what does a 'limited' time period mean for the exposed soil and K. Hixson answered that typically the construction would be a six month duration, possibly shorter depending on the weather. Comm'r Kelly stated that her concerns were addressed at the last meeting in regards to the AUL.

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

The discussion continued with Comm'r Hidell suggesting that if the applicant could issue a section to focus on the RAM, he could review it and expedite it through the board. Comm'r Mosher commented that he would like to know that Comm'r Hidell is satisfied as he has the expertise. Chair Freeman noted that monitoring is DEPs bailiwick but by the time they find out that contaminants have leaked, it's too late. Comm'r Hidell reiterated his concern and concluded that he would like to see the other technologies in the soil management plan so that the science is as good as it gets.

M. Giaimo suggested that would be something that could be included in a condition. Discussion followed regarding the Commission request for further information and whether or not it could simply be conditioned and expedited. The Commission concluded that their preference was to receive the requested information.

**Motion:** Chair Freeman moved to continue the hearing on 100 Industrial Park Road to March 22<sup>nd</sup>.

**Second:** Comm'r Mosher

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

**60 Research Road, 73 Abington Street, 0 SE Expy.** – DEP 034-1388, **continued to 3/8/21**

Applicant: Kevin Gill, Gill Research Drive, LLC

Representative: Gabe Crocker, Crocker Design Group, LLC

Proposed: Construction of a warehouse and parking area

**197 Hersey Street** – DEP 034-1397

Applicant: Gregory Waxman

Proposed: Construction of a swimming pool

*Meeting Documents & Exhibits: Staff memo, Narrative, Original Plot Plan 2/3/21 and Original Master Plan 1/29/21*  
*Excerpts from the staff memo: Staff visited the site on 2/11/21. Wetland resource areas were flagged by a wetland scientist in December 2020. Staff confirmed the delineation, but would like to review the wetlands report for additional details. An unnamed Intermittent Stream meanders along the side of the property with an associated BVW area. A large portion of the 50ft buffer zone is wooded, though the northerly end of the stream has only a narrow vegetated buffer with lawn beyond. The area where work is proposed currently consists of lawn, with the exception of a strip of wooded buffer zone that would be removed to accommodate the new fence and landscaping or lawn.*

Chair Freeman summarized the resource areas and proposal and noted that a response to staff comments had only arrived that day. Gabriel Padilla, an engineer with Grady Consulting, was present and representing the homeowner, Greg Waxman, who was also on the call. . G. Padilla shared his screen and pointed out the various aspects of the project on the screen. The plan he showed had highlighted the areas being mitigated within the buffer. He noted that per staff comments, the landscaping that is proposed in the naturally vegetated area will not be counted towards mitigation therefore they added 300sf more native planting. Regarding staff's comment on tree removals, G. Padilla stated that in the swingset area and fence location, the trees proposed for removal include a 15" diameter tree and three other

smaller trees; to mitigate for that they propose shrubs along the wall and a white oak to be planted. They eliminated the originally proposed pipe from the shower, the drywell will sit outside the 100 ft buffer, and the shower will have its own 2ft diameter drywell which has been detailed on the plan.

Comm'r Hidell asked about the physical condition and species of the trees proposed for removal. G. Padilla stated they had not done a study, and being winter it's difficult to determine the health; the purpose for removal is to have more space in that area. He believes the species are oak. Comm'r Hidell explained that, per the Commission's Tree Policy and when it can be a choice, maybe the playset could be located elsewhere rather than lose the trees. The Commission agreed that time was needed to look over the responses.

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

**Motion:** Chair Freeman moved to continue the hearing for 197 Hersey Street (DEP 034-1397) to March 8, 2021.

**Second:** Comm'r Mosher

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

### **279 North Street** - DEP 034-XXXX

Applicant: Julie and Daniel Palmer

Representative: Patricia Van Buskirk, Patricia Van Buskirk Landscape Architecture, LLC

Proposed: Construction of a swimming pool

*Meeting Documents & Exhibits: Staff memo, Narrative, Foundation As-built Plan 12/22/20, Original Base Plan 2/5/21, and Original Master Plan 2/4/21*

*Excerpts from the staff memo: Staff notes that the channel continues south on the property, and northeast off-property after a culvert, but **the buffer zones as depicted on the submitted plan would not expand any closer to the limit of work as a result of this additional information.** The Commission did not make any findings relative to the delineation of the intermittent stream in 2019 and staff recommends the same course of action for this application/project.*

*Staff discussed the proposed replanting/mitigation area with the representative and **confirmed that the entire 1,600sqft area is comprised of native species**, as the Commission would prefer. The twelve "Endless Summer Hydrangea" shrubs and one Japanese maple tree proposed at the southern and eastern limits of the area, respectively, were not included in the 1,600sqft area calculation. The Commission has not typically required native species in non-mitigation landscaping areas. For this project, there is a mix of both native and non-native species being used in non-mitigation landscaping areas.*

Chair Freeman summarized the resource areas and the project, noting that all of the proposed work is within the 100ft buffer except for some fencing and stepping stones. Landscape Architect and Representative, Tricia Van Buskirk was present on the call and shared her screen with the site plan. She oriented the Commission to the resource areas on the plan and the various aspects of the project; removal of boulders and regrading, relocation of the shed, planting areas, stepping stones, an outdoor shower, the pool and bluestone patio around the pool. She confirmed that the only proposed work within the 50 ft buffer area was to replace some existing fencing and the addition of some stepping stones.

She further explained that they propose to remove approximately 12, tall, spindly hemlock trees along the back property line that had been confirmed by an arborist as being in poor condition. They also propose removal of a cherry and a hawthorn tree on the hill and those would be mitigated with 4 River Birch along the back. She also pointed out an area where native shrubs would be planted as well as some native perennials down by the pool.

T. Van Buskirk stated that the outdoor shower would have a gravel basin for infiltration and when the pool water is lowered in winter, it would be dewatered outside of the 100ft buffer.

The Commission agreed with staff that there would be no negative impacts to the resource areas. The Chair noted that without a DEP number issued yet, the hearing would have to be continued.

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

**Motion:** Chair Freeman moved to continue the hearing for 279 North Street to the next meeting on March 8.

**Second:** Comm'r Mosher

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



#### **4 Oakcrest Road – DEP 034-XXXX**

Applicant: Shelley Fuller

Representative: David Newhall, Crocker Design Group, LLC

Proposed: Construction of a three-season room, hot tub, and deck

*Meeting Documents & Exhibits: Staff memo, Narrative and Original Site Plan 2/8/21*

*Excerpts from the staff memo: Staff visited the site on 2/11/21. Wetland resource areas were flagged by a wetland scientist/botanist in June 2020. Staff confirmed the delineation and notes the wetland contains an intermittent stream channel. The area where work is proposed currently consists of existing decks and lawn. The area is flat and the adjacent lawn is surrounded by a vinyl fence. Beyond the fence there is a short steep slope to the wetland.*

*A **mitigation planting area** totaling 575 sf is proposed in an existing lawn area in the 50ft buffer. This would be slightly more than a 2:1 ratio of mitigation plantings to area of new impervious structure/surface for the 271 sf sunroom. A mix of native trees, shrubs and seeding is proposed. **Stormwater management** for the new rooftop runoff was not proposed on the plans, however the representative has indicated they are in the process of determining how to manage this runoff, for example with a drywell or with downspouts being directed to perforated pipe in a stone trench. Conditions #27 and #37 address this. Regarding the **hot tub**, disposal of water is not feasible outside the 100ft buffer zone on this property, however the representative has indicated the applicant has contacted a company to prepare a contract for pumping the water, to be provided before the start of work. Conditions #28 and #41 address this. **The Commission should determine whether to allow the conversion of an existing deck to a sunroom in the 50ft buffer.***

***Buffer zone restoration** of a 1,768 sf area wrapping around the sides and rear of the property is also proposed, also with a mix of native trees, shrubs and seeding. Staff visited the site when there was snow cover and observed some signs of disturbance, and also reviewed aerial imagery. Although it's difficult to determine exactly what was cleared at this point, staff feels the proposed restoration is appropriate.*

Chair Freeman summarized the resource areas and project aspects including a 3 season sun room with a recessed hot tub and deck as well as mitigation and restoration plantings. Dave Newhall and Gabe Crocker of Crocker Design Group and homeowner Shelley Fuller, were present on the call. D. Newhall shared his screen to give an overview of the site plan, pointing out the existing conditions and the resource areas. He explained that the homeowners had recently moved to the property, had done some yard maintenance and pruning in the buffer zone and only learned of the conservation jurisdiction when needing to pull a building permit for the deck. Crocker Design Group had recommended restoring the buffer and the proposal includes a 1700sf buffer restoration plan to return it to a vegetated state. There is an existing deck of which 271sf would be converted into a 3 season room and the hot tub would be within the 3 season room; the hot tub will not be recessed, it will be right on the frame. They'll be rebuilding the deck in the same footprint as the existing deck. They have proposed 2:1 mitigation planting with a total of 575sf.

The Commission expressed their appreciation for the homeowners recognizing the encroachment and rectifying it and also noting that the proposed mitigation is slightly more than is required. The Chair noted that the draft conditions handle the subject of stormwater and that the applicants have made provisions for the hot tub water. Responding to a question regarding a discharge of blue tinged water from a pipe, D. Newhall explained that there is no plan that shows exactly where the pipe comes from. It could potentially be from the driveway trench or roof drains, and they had learned that the snowplow contractors had used an environmentally friendly deicing material safe for pets and the environment. The Commission had no further questions or concerns and the chair noted that without a DEP # the Commission would need to continue the hearing.

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

**Motion:** Chair Freeman moved to continue the hearing on 4 Oakcrest Road to the next meeting on March 8<sup>th</sup>.

**Second:** Comm'r Mosher

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

#### **Other Business:**

- a. Discussion of FEMA required changes to Part 2, Section 24.0 of the HWR.

The CO briefly updated the Commission on the town's upcoming adoption of new FEMA floodmaps and changes that will be necessary to the language in the Section 24 of the Hingham Wetland Regulations, per

FEMA's requirement to adopt its model Bylaw, in order for the town to stay in the National Flood Insurance program.

Chair Freeman adjourned the meeting at 8:59 pm.

Submitted, \_\_\_\_\_  
Sylvia Schuler, Administrative Secretary

Approved on March 8, 2021

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