



CONSERVATION COMMISSION MEETING MINUTES– February 25, 2019

Present: Laurie Freeman- Chair, Paul Hall- Vice Chair, Jacqueline Zane, John Mooney, Bob Mosher*- Commissioners, Loni Fournier- Conservation Officer, Heather Charles-Lis, Assistant Conservation Officer and Sylvia Schuler- Administrative Secretary

Absent: Bob Hidell and Frank Gaul

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

* Commissioner Mosher exited the meeting at 9:45 pm after the hearing for 231 Otis Street.

**The hearings were held in the order on the Agenda with the exception of 231 Otis Street (Request for Determination of Applicability) which was held after the hearing for 2 Beach Lane (Notice of Intent), when the applicants were present. For clarity, the minutes below keep all the hearings in the order on the Agenda.

Approval of Minutes

Motion: Commissioner Hall moved to approve the draft minutes from the January 28, 2019 and February 11, 2019 meetings.

Second: Commissioner Zane

In Favor: All

Opposed: None

Certificates of Compliance

247 Gardner Street - DEP 034-1024, continued from 2/11/19

Applicant: Old Colony Montessori School, Inc.

Excerpts from the staff memo An Order of Conditions was issued in May 2010 for the construction of a new building, an expanded driveway and parking area, and associated stormwater management improvements. The as-built plan adheres to the final approved plan, with only slight differences in grading.

Staff visited the site on 2/6/19. A number of items were identified for follow-up, including the removal of leaves and other landscaping debris that was dumped within the buffer zone and on top of both level spreaders, the removal of a black corrugated pipe within the resource area, and the removal of plastic netting from the straw wattles that were installed for erosion and sedimentation control. Additionally, regarding condition #39, staff requested confirmation that an oil and gas trap was installed in the site's lone deep sump catch basin; one was not visible from the grate. Regarding condition #41, staff requested proof that the catch basins and manholes have been inspected and cleaned within the last six months and a receipt dated November 2018 was provided, indicating that three catch basins on the property were cleaned. (The applicant indicated that the catch basins are cleaned annually.) Staff requested additional information about the maintenance of the fourth catch basin on the property. Regarding condition #43, staff located a peer review letter in the project file recommending changes to the original O&M Plan. A revised plan was not found in the project file, however staff worked with the applicant's representative to secure a revised O&M Plan that addresses the peer reviewer's comments and satisfies the condition. Staff recommends continuing the hearing to April 8, 2019 to give the applicant time to complete the follow-up items mentioned above.

Meeting Documents & Exhibits: Staff memo

Motion: Commissioner Mooney moved to continue the hearing for 247 Gardner Street, DEP 034-1024 to April 8, 2019.

Second: Commissioner Mosher

In Favor: All

Opposed: None

16 Thaxter Street - DEP 034-1191

Applicant: Thomas and Linda Ricciardelli

Excerpts from the staff memo: An Order of Conditions was issued in April 2014 for the demolition and re-construction of a detached garage. The as-built plan adheres to the final approved plan in terms of the footprint and location of the new garage, which was constructed just outside the 50ft buffer zone. Unfortunately, neither the final approved plan nor the as-built plan includes the location of the driveway or topographic information. Historical aerial imagery shows a small expansion of the end of the driveway to access the new garage, but no change in the rest of the driveway. The driveway is composed of permeable peastone. Staff visited the site on 2/14/19. Although there was some snow on the ground, staff could determine that the area around the garage is stable, and with the exception of a few small pieces of equipment and firewood, the area has naturally revegetated. The old garage has been removed, however the garage slab is still in place and is currently being used. The applicant had originally proposed to remove the slab, however there was no discussion of this portion of the work during the meetings, and no condition requiring its removal in the Order. Staff recommends issuing a Certificate of Compliance.

Meeting Documents & Exhibits: Staff memo

Motion: Commissioner Zane moved to issue a Certificate of Compliance for 16 Thaxter Street, DEP 034-1191.

Second: Commissioner Mooney

In Favor: All

Opposed: None

Requests for Determination of Applicability

Easement between 13 and 15 Ocean View Drive, continued from 2/11/19

Applicant: Hingham Sewer Department

Proposed: Clearing of easement to inspect and repair infrastructure

Excerpts from the staff memo: The Town's sewer pump station located at 0 Bel Air Road (between 53 and 57 Bel Air Road) is routinely overwhelmed by treatment volumes during storm and flooding events. The Sewer Department is proposing to investigate a section of sewer pipe east/southeast of the pump station, within an easement located between 13 and 15 Ocean View Drive, for inflow and infiltration. The easement will be cleared of existing vegetation and the pipe will be bypassed for the investigation phase of the work. An approximately 200ft long, 20ft wide corridor will be cleared as part of the project; the vegetation will be chipped and left on site. In the event that a repair is required, a liner will resolve most issues with no resource area impacts. The most disruptive repair, if necessary, will involve replacing the entire section of pipe. Once the project is complete, natural vegetation will be allowed to regrow within the easement. Staff visited the site on 2/6/19. The easement was surveyed and staked. The southern half of the easement overlaps with the driveway of 15 Ocean View Drive, reducing the amount of vegetation that needs to be cleared. The northern half of the easement contains mostly brush. One pine tree located close to the pump station will need to be removed; no other mature trees were identified.

Meeting Documents & Exhibits: Staff memo

Stephen Dempsey, Head of the Sewer Department, was present and described the project, explaining the scope of work and potential outcomes of their pipe investigation. He explained that the amount of area they've applied to clear is likely above and beyond what will be needed. They will clear approximately 30 ft of green briars and one tree and will investigate the pipe with a camera. He explained that they are trying to resolve an ongoing problem with that station, have been trying to improve the situation with no success, and have this one remaining section to investigate.

Motion: Commissioner Mosher moved to issue a Negative Determination of Applicability for the proposed work at 13/15 Ocean View Drive and adopt the findings of fact a and b, and conditions 1 through 4 of the staff report.

Findings:

- a. The 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.

Conditions:

1. Any manmade debris, which falls into any resource area, shall be removed immediately by hand.
2. Prior to replacing the pipe, if warranted, erosion and sediment controls shall be installed and inspected by an agent of the Commission; straw wattles and/or hay bales will 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. The Commission shall be notified to any changes in plans prior to proceeding with said changed plans.

Second: Commissioner Mooney

In Favor: All

Opposed: None

231 Otis Street

Applicant: Richard Madigan and Judy Applebaum

Proposed: Improvements to existing seawall and installation of flagpoles and landscaping

Excerpts from the staff memo: The applicants have improved the existing seawall on their property and, per the request of the Commission, filed a Request for Determination of Applicability to obtain formal approval for the work. Two pressure treated wooden beams were placed on top of the seawall and secured with mortar, thin strips of wood, and lag bolts. The beams added 9in to the height to the seawall. The Base Flood Elevation on this property is 10ft. Based on a 2009 as-built plan of the property, the top of the seawall was approximately 8.5ft. Cracks within the seawall were also repaired with mortar. Finally, additional pressure treated wooden beams were placed along the eastern property line, in some locations replacing an existing railroad tie wall. The beams were secured with thin strips of wood and rebar. The height of these beams ranges from 11in, closest to the water, to 16.5in, closest to the existing house. The elevations in these areas range from 7.8ft to 8.8ft, respectively.

The applicants included two additional projects with their application, per the recommendation of staff. First, they would like to install two, 2.5in diameter flagpoles in 8in diameter footings near the top of the seawall. They would also like to install a flower bed along the eastern property line. Approximately 3 cu yds of loam will be required.

Staff visited the site on 2/19/19. While it was covered in snow, staff is familiar with the site and knows from previous visits that the majority of the area behind the existing house is maintained as lawn, and is fairly level. Staff does not believe the addition of two flagpoles or a flower bed will negatively impact the resource area. The work performed on the seawall should have a minimal impact on floodwaters, as the new height is still below the Base Flood Elevation. Major impacts to the coastal beach vegetation, as a result of the work being performed from the seaward side of the wall, were also likely avoided due to the fact that construction occurred in early December.

Meeting Documents & Exhibits: Staff memo

Richard Madigan and Judy Applebaum were present for the hearing. The C.O. described the application, that the additional lumber had already been added to the seawall and yet was still below base flood elevation and the proposed flagpoles and garden bed have not been constructed. Commissioner Hall commented that even if the added lumber were not at flood elevation, that they would obstruct water which would be displaced to other properties. He questioned that the Commission should allow that.

R. Madigan stated that the purpose of the additional lumber was for flood protection, however, their property is lower than all the neighbors and the water still comes around and ends up on his property. Discussion followed about the Hingham Regulations. The Commission then specifically discussed the Performance Standard Part 2, Section 20.1 (d)(6)(b) regarding Land Subject to Coastal Storm Flowage (LSCSF) and whether what was added to the seawall constituted an expansion of a coastal engineering structure. Commissioner Hall commented that if lumber is incrementally added on and added on, would there be any limit. He added that if someone is expressly building something for flood protection then that water is being diverted elsewhere. The Commission and staff discussed it further and considered other past projects and decisions. Commissioner Freeman noted that Commission jurisdiction is limited to protecting wetland values and suggested the Commission needed additional regulatory basis for objecting to this project. Reviewing the regulations, Commissioner Hall pointed out that 'flood control' and 'storm damage prevention, including coastal storm flowage' are wetland values listed for Land Subject to Coastal Storm Flowage (LSCSF). Discussion followed analyzing this specific situation, how much was added to the wall, the flood elevation, and whether this was an 'expansion' of a coastal engineering structure.

Commissioner Hall and Zane noted that in the regulations, Part 2, Section 20.1 (d)(6)(b) regarding Performance Standards for AE zones, one of the activities that is likely to have an adverse effect on the protected values and is therefore prohibited is "New or proposed expansions of coastal engineering structures unless such structures are of a loose sloped-stone design". Commissioner Hall stated that had this come before the Commission before the installation, the Commission would have likely denied it. The C.O. checked to see if there was a definition in the regulations for 'Expansion' and there was none adding that it's difficult to say if expansion meant footprint or height.

The Commission discussed the height of the existing seawall, how much was added to it and what other permitting might have been required. Commissioner Hall confirmed that this area is in an AE zone and reread the Performance Standard Part 2, Section 20.1 (d)(6)(b). Commissioner Zane commented that had the applicant come

before the Commission asking to add the lumber to the top, the Commission would have considered it an expansion. Discussion followed whether any of the exceptions in the regulations, specifically Section 20.1(d)(7)(e), would apply here concluding that building on top of the wall would not be necessary to maintain the structural integrity or stability of the existing seawall.

A motion was brought by Commissioner Mosher to issue a Negative Determination but the motion did not pass. The C.O. suggested that an alternative motion would need to be presented, offering a Positive Determination, at which point, that prompts the applicants to have to file a Notice of Intent for the work. A new motion was brought by Commissioner Hall.

Motion: Commissioner Hall moved to issue a Positive Determination of Applicability for the proposed work at 231 Otis Street and adopt the findings of fact a and b as follows.

Findings:

- a. The 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 alter or adversely affect the area subject to protection under the Act or the Regulations and in particular Regulation 20.1 (d)(6)(b).

Second: Commr. Zane **In Favor:** Commr.s Zane, Freeman & Hall **Opposed:** Commr.s Mosher & Mooney

Commissioner Freeman read the Public Hearing Notice of Intent.

Notices of Intent

73 Abington Street – DEP 034-1320, continued from 2/11/19

Applicant: MDC Properties Abington St., LLC

Representative: Jesse Johnson, Bohler Engineering

Proposed: Construction of three new buildings and associated utilities

Excerpts from the staff memo: This hearing is continued from February 11, 2019. The applicant is proposing to develop the western end of 73 Abington Street with three new commercial buildings totaling nearly 50,000sf of storage, warehouse, and office space. A new stormwater management system is also proposed. New driveways, parking and loading areas, utilities, lighting, and landscaping complete the proposed development. Only a small portion of the project falls within the Commission’s jurisdiction. The applicant last presented to the Commission on September 10, 2018. The applicant simultaneously applied with the Planning Board and has been working with their peer review engineer to ensure compliance with the Massachusetts Stormwater Standards. A summary of the changes that were made within the Commission’s jurisdiction follows:

- *On the eastern end of the site, additional clearing and grading will take place within the 100ft buffer zone. This additional work will accommodate the construction of a new detention basin. This area will be revegetated with a “steep slope” seed mix.*
- *On the western end of the site, the proposed infiltration basin within the 100ft buffer zone has been replaced with a water quality swale. New, additional riprap will be placed along Abington Street to capture stormwater, a portion of which extends into the 50ft buffer zone. Finally, only one driveway will be constructed, which has been shifted slightly east and reduces the amount of impervious surface in this area. The water quality swale will be revegetated with a New England wet seed mix and the surrounding area will be planted with a mix trees and bushes, with the understory being hydroseeded.*

Meeting Documents & Exhibits: Staff memo, final peer review letter and revised plan set

Jesse Johnson of Bohler Engineering was present and described the location, wetlands, and proposal. He added that since the first hearing, they had received a Negative Determination with conditions for installation of a water line.

J. Johnson stated that the design for the buildings has not changed. He summarized the changes that they’d made since they were last before the Commission in September 2018.

They have consolidated access points to have one main driveway rather than two, and in doing so, removed more impervious surface.

He stated that there had been a lot of back and forth with the Planning Board's Peer Reviewer, John Chessia, and additional soil testing was done to confirm that all the assumptions used in the drainage analysis were as tight as possible.

J. Johnson described the existing high groundwater situation (18"-24" in the front area), and drainage problems on Abington Street. He stated that the revised plans actually reduce the rate and volume of runoff going through Abington Street and the overflow point.

J. Johnson described how a good part of the runoff generated by the roof and the parking in the rear goes into a catchbasin water quality inlet, and then thru an underground infiltration structure. He explained that any overflow from that treatment train is directed to a 'splash' pool in order to reduce the rate of the runoff, ensuring that there is no erosion before it's ultimately discharged to the wetland system in the back. The addition of the 'splash' pool will require the removal of a few more trees within the 50-100 ft buffer. J. Johnson also described the water quality swale proposed for out front which will clean and slowly infiltrate runoff.

J. Johnson explained that they have a design for both a primary septic system and should that fail, a reserve septic system. J. Johnson stated that the Peer Review consultant for the Board of Health had said there was a possibility that the Board of Health might consider asking them to install the reserve septic at the same time as they install the primary. He added that they will try to demonstrate to the BOH that they had designed the primary septic system very conservatively and that it would be sufficient to handle the flow going to it and has the public interest in mind. He indicated on the plan where the limit of clearing would be if they were required to install the reserve septic. The plans submitted to the Conservation department do not have that.

The C.O. stated that she had incorporated the recommendations from the last peer review letter for the stormwater into the draft conditions and that J. Johnson was amenable to all.

The C.O. added that the area designated for the reserve system is undisturbed buffer zone, therefore it provides the most valuable protection for the surrounding significant wetlands which include potential vernal pools; if the buffer area were lawn, she would be less concerned. Considering that the reserve area might never be used since the primary system has been designed as J. Johnson described, she recommended that the Commission consider adding a condition calling out the undisturbed buffer area and encourage the Board of Health to only require the construction of the primary system. Discussion followed about the two septic systems and how and should the Commission communicate to the Board of Health their concern and the value of this undisturbed buffer area. Discussion followed about the primary system and flow, the disruption installation of the reserve system would cause to the buffer, and the options the Commission had for communicating their concern. Commissioner Mooney stated that he did not think the Commission should call out a separate condition and that the Commission should approve the plans with both. The C.O. explained that the current plans only call for the primary. Further discussion followed with the Commission concluding to add a condition describing the significance and value of the undisturbed buffer to the wetlands and requiring the applicant to apply for an Amended Order of Conditions should they have to install the reserve system.

Commissioner Freeman invited any comments from the public. With no comments from the public, Commission Freeman closed the hearing to public comment.

Motion: Commissioner Hall moved to issue an Order of Conditions for the proposed work at 73 Abington Street (DEP 034-1320), as shown on the submitted plans, and adopt the findings of fact a and b, and special conditions 1 through 26 of the staff report and as discussed at the meeting'

The conditions below reflect the addition of a condition (see #13) added as a result of discussion at the hearing.

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.

Conditions:

1. The applicant shall notify the Hingham Conservation Commission in writing of the name, address, and telephone number(s) of the project supervisor or contractor who shall be responsible for ensuring compliance with this

Order and shall notify the Commission, by telephone or writing, at least 48 hours prior to commencement of work on the site.

2. This document shall be included in all construction contracts and subcontracts dealing with the work and shall supersede all other contract requirements.
3. The project supervisor or contractor in charge of the work shall have a copy of this Order available on the site at all times.
4. Prior to the start of any excavation or construction, there shall be a pre-construction conference on the site between the project supervisor or contractor responsible for the work and an agent of the Commission to ensure that the requirements of this Order are understood.
5. Prior to the start of any excavation or construction, erosion and sediment controls shall be installed, as shown on the final approved plan, and inspected by an agent of the Commission; **straw wattles and/or hay bales will not be used as a form of erosion or sediment control.**
6. Erosion and sediment controls shall remain in place until all disturbed or exposed areas have been stabilized with a final vegetative cover or the Commission has authorized their removal.
7. Prior to the start of any excavation or construction, the applicant shall submit additional data to the Commission on the volume of untreated runoff from the driveway and a description of why it is not feasible to capture and treat the runoff as Stormwater Standard 1 requires.
8. Prior to the start of any excavation or construction, the applicant shall submit pipe outlet protection sizing calculations to the Commission in order to ensure that the design meets Stormwater Standard 1.
9. Prior to the start of any excavation or construction, the applicant shall submit revised storm sewer calculations to the Commission for the 100-year storm and revised plans for an updated design to accommodate the 100-year storm, if required, to ensure that the design meets Stormwater Standard 2.
10. Prior to the start of any excavation or construction, the applicant shall submit additional information to the Commission on groundwater depth in the location of the infiltration systems to ensure that the design meets Stormwater Standards 2 and 3. Where data is not currently available, additional testing shall be completed. Revised plans and analyses shall be submitted if it is determined that less than four feet of separation exists between the systems and groundwater.
11. Prior to the start of any excavation or construction, the applicant shall submit additional data on the water quality swales to the Commission to ensure that the design meets Stormwater Standard 4.
12. One month prior to the start of construction, a SWPPP shall be submitted to the Commission for review and approval.
13. The applicant shall apply for an Amended Order of Conditions if the reserve septic system is required to be constructed. The reserve septic system, as proposed, will encroach into a naturally vegetated, undisturbed buffer zone that provides the following wetland values: protection of surface water and groundwater, flood control, erosion and sedimentation control, prevention and abatement of water pollution, and protection of wildlife and wildlife habitat. Construction activities will impact these wetland values and must be reviewed in detail by the Commission.
14. 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.
15. Any debris, which falls into any resource area, shall be removed immediately by hand.
16. Any on site dumpsters shall not be located within 100 feet of any resource area.
17. There shall be no stockpiling of soil or other materials within 50 feet of any resource area.
18. 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.
19. 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.
20. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 100 feet of any resource area.
21. Ground covers and plantings shall be installed in accordance with the final approved plans.
22. Before executing any change from the plan of record, the applicant must have the Commission's written approval. Any errors found in the plans or information submitted by the applicant shall be considered as

changes. Approval from other Town Agents or Inspectors does not relieve the applicant from obtaining approval from the Commission.

23. Prior to the issuance of a Certificate of Compliance, the applicant shall submit a signed illicit discharge statement to the Commission in order to meet Stormwater Standard 10.
24. It is the sole responsibility of the owner of record to maintain drainage structures at all times. The property owner shall comply with the approved Stormwater Operation and Maintenance Plan, submitted by Bohler Engineering on January 18, 2019 and revised through the same date. 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.
25. 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.
26. 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: Commissioner Zane

In Favor: All

Opposed: None

2 Beach Lane – DEP 034-1330, continued from 2/11/19

Applicant: Robert Thompson

Representative: Paul Seaberg, Grady Consulting, LLC

Proposed: Demolition and reconstruction of single family home

Excerpts from the staff memo: This hearing is continued from 1/7/19 to give the applicant time to respond to comments and questions raised by staff and the Commission. Staff met with the applicant and their representative multiple times in the interim. The applicant submitted a formal response letter, revised plans, and a revised stormwater report with a long term operations and maintenance plan to the Commission on 1/30/19; an electronic copy of these materials was forwarded to the Commission on 2/4/19. The applicant submitted one additional piece of information that same day, clarifying information presented in the revised O&M plan and on page 4 of the site plan.

Staff supports the proposed changes, including those related to the wetland delineation and limit of work. Significant improvements have been made to the plans with regard to flooding mitigation, as well as stormwater management, since the initial submittal. Less fill is being proposed than initially. The revised plans allow for flood waters to reach the property at a lower elevation and provide for more flood storage under the house and garage. Staff encouraged the applicant to reduce the amount of concrete slab under the house as much as possible and this is also addressed in the revisions. The Commission will need to determine whether the regulations for flood zone and filling have been met with the revisions.

The applicant has also proposed 475sqft of native plantings as mitigation for proposed structures within the 50ft buffer zone, for a ratio of just over 2:1. The landscape plan does not specify species; staff recommends all native species within the 100ft buffer zone. The landscape plan shows plantings in several beds around the property; staff recommends that the mitigation plantings be as close as possible to the resource areas, i.e. adjacent to the bank/revetment.

Meeting Documents & Exhibits: Staff memo and full size revised plan set.

Rick Grady of Grady Consulting and Applicant Rob Thompson were present. R. Grady summarized that at the conclusion of the first hearing, the Commission had asked for foundation details, test holes for the roof drainage systems, provide calculations for the roof drainage system, and look into plantings for mitigation.

He explained they did two test holes and discovered soils were different than what was called for on the soil conservation service maps; instead of a loamy sand they found a sandy loam so basically the soils were not as pervious as they had hoped. As a result, the new drainage calculations called for doubling the size of the roof infiltration. The revised calculations demonstrate that there is sufficient capacity for the proposed roof area in order to not increase runoff for the post development condition.

R. Grady stated that flooding from rainstorms will be accommodated by the roof infiltration systems. For coastal flooding, he explained that they have a series of flood vents and to provide additional flood compensation they would fill in below the lower portion of the foundation with crushed stone and then pour a slab to keep things tidy beneath the

home. Under the garage, they propose a series of precast concrete leaching chambers. He described how the floodwaters would enter and ultimately exit the various structures.

R. Grady explained that they lowered the grades around the proposed structure. He described the existing condition with the source of coastal flooding being Hingham Bay, it enters the property in two different ways. He indicated one area being at elevation 9.1-9.3, where some water comes around the revetment reaching the property once it reaches 9.3. The grades on the lot are roughly 8. The second area where the water comes on to the property is when it comes down Wompatuck Road and comes over the 'berm' at the end of Wompatuck Road which is at approximately elevation 9 at the crest. He listed some spot elevations along Beach Road including an existing wall. They propose to remove a section of that wall, lowering it to elevation 8, therefore taking on the flood storage at a lower stage than exists today. He added that they are providing equal compensatory flood storage volume as there is today.

R. Grady explained that a portion of the driveway would be ramped up and a pipe installed below that would connect to a flood vent in a small stone wall near the street with a grade of roughly 8.5. He explained that they lowered the grades along the east side of the property as well, there will be no swale and the existing grades will remain the same all along that side property line.

The C.O. commented that she had been honest with the applicant from the beginning and told them that what they proposed didn't meet the vision she had for the property in terms of accommodating floodwaters. While that's still the case, they had made a lot of adjustments to the plan to accommodate floodwater and the proposal offers a little improvement over existing conditions. Commissioner Freeman asked the C.O. if the proposal, by virtue of not changing the floodwater, can be interpreted to abide by the regulations, and the C.O. stated yes.

Commissioner Hall asked if there was any change at all in the storage capacity and R. Grady said that it is approximately the same from existing to proposed and further described the flood storage; the voids in the crushed stone (which will be below the existing ground elevation) and the eight large chambers (5' by 8' by 3' deep) below the garage slab. He added that the full footprint of the proposed house will be 2.5 ft below existing grade and by removing 2.5 ft of soil and replacing with crushed stone, they're gaining flood capacity.

He stated that with the previous plan they had a loss of 1800 cubic ft flood storage and with the revised plan they've eliminated that loss with the grading change and the detail change to the foundation.

Commissioner Mooney asked about condition #19 and how difficult it would be for a homeowner to maintain. R. Grady explained that it would essentially mean keeping the drains free and clear of debris. For the roof drain system it would mean keeping the gutters from getting clogged. For the flood vents it means keeping them clear of debris and not to over mulch, blocking them.

Commissioner Freeman invited any comments from the public.

Stacey Page, 12 Beach Lane, asked about the maintenance required by the homeowner (drains inspected twice a year and after every big storm) and how that works. The C.O. replied that language might have been from an earlier staff memo, that something similar would be covered by condition #19 to maintain everything in accordance to the Operation and Maintenance Plan (O&M); there is an O&M Plan that the new homeowner would receive. Should there ever be a complaint to the conservation office that things weren't working properly, the office could respond and request maintenance records from the homeowner; if the maintenance hadn't been done, and because there is a condition in the order, it's an enforceable action and the property owner would need to do the maintenance and bring the property into compliance. S. Page summarized that it's up to the owner to maintain, the neighbors to report and no one regularly goes to inspect. The C.O. confirmed that and explained that with the number of active sites in town, there is not the staffing to inspect them all but the conservation office would respond to any problem when reported and that the condition allows for enforcement of that in perpetuity.

Kyle von Iderstein, 3 Beach Lane, asked what happens after a big storm and does the stormwater have to be pumped out.

R. Grady responded that the O&M plan has more to do with roof system and the day to day events, not major flood events. There will be flooding and the floodwaters will flow through the flood vents. He estimated that once the water recedes, the flood waters might take 1 to 2 days for it to completely drain, likely similar to what happens currently.

David Page, 12 Beach Lane, talked about 2 Beach Lane being the lowest point in the neighborhood and read out the part of the O&M plan that called for roof drains and driveway inlet grate to be inspected twice a year and after every

major storm event; they shall be cleaned twice a year and kept free of leaves and debris. He questioned the expectation that neighbors are supposed to monitor and report mulch being too high and pointed out how, in twenty or thirty years, the sea level could be up by 6-12 inches. He questioned, with a foundation that large, where is the water going to go and how will that work twenty years from now.

Commissioner Freeman explained that it is not a perfect process, however, the Commission relies on professionals and the town bylaws as well as the state regulations to guide them. She added that if the property owner is not doing anything to violate the regulations or change the existing conditions, then the Commission is limited in its ability to make things better for the future and there is an existing house on the property. She continued and stated that the proposal is being presented as allowing for the same amount of flood storage currently, and the Commission can't expect an applicant to make a situation better, it can only make sure that it won't be any worse.

D. Page stated that he didn't expect them to improve the neighborhood situation but wasn't sure that there wouldn't be a negative impact on the neighborhood. He wants the applicant to build something but it's a special lot and requires an appropriate house.

R. Grady responded with comparisons of foundation detail & coverage, from the proposed house to the Page's house at 12 Beach Lane, and stated that the proposed drainage systems for 12 Beach Road are taking on roof runoff from neighboring houses. Commissioner Freeman confirmed with R. Grady that he is presenting that, because of the proposed design, there will not be additional flooding coming onto the roads or other homes than there currently is.

The C.O. stated again that the proposed house was not what she had initially envisioned for the lot but, in working with the applicants, she learned a lot about the engineering that they put into the proposed house and she is confident that, with the amount of flood vents proposed and the gravel base foundation, it will absorb the floodwaters as it would have were it proposed on pilings. She added that working through the math and understanding how high the coastal water needs to be to breach the revetment at the back of the house as well as the 'dune' at the end of Wompatuck Rd., and that the front of the house would now be lower and allow for an earlier, lower, and easier path for the water to get on the lot, and thinking critically about the grades, led her to believe that the flood storage would not be any worse than it is now. The neighborhood situation will not be improved by this house but not worsened.

D. Page stated again that he doesn't expect it to be improved but just doesn't want adverse effects and expressed his concern that once something is done, if it doesn't work as expected, what then.

Ernie Parkes, 199 Wompatuck Rd., has concerns particularly with the wording in condition #20 regarding perpetuity. He stated that ultimately a future homeowner could start hauling in stuff that shouldn't be on the revetment. He added that the previous homeowner had brought in oversized rocks and cobble that exceeded what they were permitted to do. He stated that there were complaints lodged about it and, while acknowledging that it likely predated the present Commission and the C.O., he questioned why the neighbors should believe that a complaint about someone trying to change it in the future would be addressed when it never was by anyone in the past.

Commissioner Freeman answered that since she's been on the Commission, multiple times people have brought in concerns and complaints and the conservation office has been very responsive with a site visit and takes appropriate action and she is confident that this will continue in the future. The C.O. added that Kathleen Fitzgerald had submitted old photos of the beach and house before the revetment ever went in. She stated that for this particular application it was hard to condition it any further than they already have as the revetment was not part of the application. The C.O. described her research on the inappropriate materials that had been brought in and while not yet certain how to remedy that, she is certain that if any project or proposal came forward with future homeowners to do any work on the revetment, that would be something that she would view as critically important for the site. She further described the regulations specific to revetments.

K. Von Iderstein commented that he too would like to see a new house there but wants it to be the right house and pointed out other new houses recently built in the vicinity that were up on pilings. He doesn't want any adverse effects.

Commissioner Mosher asked the C.O. if she didn't see a difference between what is proposed and if they put it up on pilings. The C.O. briefly explained that she does feel that they have shown that it would be equal flood storage to be what exists today and meets that minimum threshold. She explained what her personal vision had been for 2 Beach Lane and used the new house on pilings at 23 Beach Road as an example of an application submitted with plans on pilings, refreshing in its acknowledgment of the force of nature, that floods are going to happen and the severity of living on the coast. She stated that this plan for 2 Beach Lane is different, however, they have reached the same minimum numbers for flood storage.

Commissioner Hall asked the C.O. about the recommendation for plantings along the toe of the revetment in her staff memo and asked if she felt it should be stronger language. She explained that she had included a condition #16 that called for prioritizing planting closest to the resource area without actually requiring it. She stated that staff felt it is the requirement for the type of species (native) and survivability that will provide the most benefit. The Asst. C.O. agreed, adding that there is a requirement for a planting plan to be submitted.

Commissioner Mooney stated that he was not convinced that the plan would not alter or adversely affect the neighborhood. Commissioner Mosher confirmed with the C.O. that the applicant doesn't have to make the situation better, they only have to be sure it won't make it worse. The C.O. stated that the Commission could request a peer review and the applicant bears the cost. Commissioner Mooney stated he is not convinced that they will not make it worse and that a peer review would be a prudent path to take. Commissioner Freeman reviewed the vote options that the Commission could make, explained that she was prepared to approve and invited further discussion to try to answer any open questions. The C.O. offered an example of a project approved by the Commission for a non-pile supported house at 25 Beach Road (23 Beach Road next door was also approved but on pilings). She explained that 25 Beach Road opted for concrete piers with breakaway panels. The C.O. asked R. Grady to compare the difference between that style of design and the foundation walls with flood vents. R. Grady stated that all of those styles are meant to allow water to flow below the house. He stated that pilings are the simplest to envision. Breakaway panels are a little more complicated and have to be maintained and not permanently closed or latched. He stated that they find the smart vents to be reliable, tamper proof, and one vent per 200 sq ft is what is needed to maintain flow. For this 2 Beach Lane design they have about 4 extra. He added that these are all methods to maintain flow under a structure. The C.O. pointed out that 23 and 25 Beach Road are in the same AE floodplain as 2 Beach Lane and all have the same base flood elevation 11.

With no further comments from the public, Commission Freeman closed the hearing to public comment.

Motion: Commissioner Zane moved to issue an Order of Conditions for the proposed work at 2 Beach Lane (DEP 034-1330), as shown on the submitted plans, and adopt the findings of fact a and b, and special conditions 1 through 23 of the staff report.

Findings:

- a. The project meets the submittal requirements for issuance of an Order of Conditions under the Wetlands Protection Act (M.G.L. c. 131, § 40) and the Town of Hingham Wetland Regulations.
- b. The work described is within an area subject to protection under the Wetlands Protection Act (M.G.L. c. 131, § 40) and the Town of Hingham Wetland Regulations, and will not alter or adversely affect the area subject to protection under the Act or the Regulations.

Conditions:

1. The applicant shall notify the Hingham Conservation Commission in writing of the name, address, and telephone number(s) of the project supervisor or contractor who shall be responsible for ensuring compliance with this Order and shall notify the Commission, by telephone or writing, at least 48 hours prior to commencement of work on the site.
2. This document shall be included in all construction contracts and subcontracts dealing with the work and shall supersede all other contract requirements.
3. The project supervisor or contractor in charge of the work shall have a copy of this Order available on the site at all times.
4. Prior to the start of any excavation or construction, there shall be a pre-construction conference on the site between the project supervisor or contractor responsible for the work and an agent of the Commission to ensure that the requirements of this Order are understood.
5. Prior to the start of any excavation or construction, erosion and sediment controls shall be installed and inspected by an agent of the Commission; straw wattles and/or hay bales will not be used as a form of erosion or sediment control.
6. Erosion and sediment controls shall remain in place until all disturbed or exposed areas have been stabilized with a final vegetative cover or the Commission has authorized their removal.
7. During all phases of construction, all disturbed or exposed areas shall be brought to a finished grade and either a) loamed and seeded for permanent stabilization, or b) stabilized in another way approved by the Commission.

8. Any debris, which falls into any resource area, shall be removed immediately by hand.
9. Any on site dumpsters shall not be located within 50 feet of the Coastal Bank.
10. There shall be no stockpiling of soil or other materials within 50 feet of the Coastal Bank.
11. 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.
12. 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.
13. No vehicle, or other machinery, refueling, lubrication or maintenance shall take place within 50 feet of the Coastal Bank.
14. Before executing any change from the plan of record, the applicant must have the Commission's written approval. Any errors found in the plans or information submitted by the applicant shall be considered as changes. Approval from other Town Agents or Inspectors does not relieve the applicant from obtaining approval from the Commission.
15. Rooftop runoff shall be directed to an underground infiltration system and driveway runoff shall be directed to a crushed stone trench drain and perforated pipe for overflow.
16. Prior to the issuance of a Certificate of Occupancy, a planting plan shall be submitted to the Commission for review and approval. The planting plan shall include a minimum of 475 square feet of native plantings, including a mix of trees, shrubs, and perennials, within the 50ft buffer zone. Locations closest to the resource areas shall be prioritized for planting. All species within the 100ft buffer zone shall be native species.
17. 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's driveway because of its proximity to Hingham Harbor, which is a state-listed 303(d) impaired waterway, and the importance of the surrounding resource areas to water quality and sensitive coastal and marine habitats. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
18. The use of pesticides, herbicides, and fertilizers shall be prohibited on this property because of its proximity to Hingham Harbor, which is a state-listed 303(d) impaired waterway, and the importance of the surrounding resource areas to water quality and sensitive coastal and marine habitats. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
19. It is the sole responsibility of the owner of record to maintain drainage structures at all times. The property owner shall comply with the approved Operation and Maintenance Plan, submitted by Grady Consulting, L.L.C. on January 30, 2019 and revised via a separate memo dated February 4, 2019. 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.
20. The existing coastal engineering structure, consisting of a partially vegetated stone revetment, may be maintained, repaired, or replaced, but not substantially changed or enlarged in order to protect the project allowed by this Order of Conditions. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
21. The applicant shall apply for a Certificate of Compliance as soon as work has been completed and prior to the expiration of this Order. If work cannot be completed prior to the expiration of this Order, the applicant shall contact the Commission in writing to apply for an extension at least thirty days prior to the expiration date.
22. The applicant shall submit an "as built" plan to the Commission upon completion of this project. The plan shall be signed by the professional engineer of record, who shall certify that the work has been done in accordance with the approved plans and this Order. This plan must be submitted prior to the issuance of a Certificate of Compliance by the Commission.
23. Prior to the issuance of a Certificate of Compliance, the mitigation plantings specified in the approved planting plan shall survive at least two full growing seasons with a minimum of 75% survival rate.

Second: Commissioner Hall

In Favor: Commr.s Mosher and Freeman

Opposed: Commr. Mooney

11 Steamboat Lane – DEP 034-1327, continued from 2/11/19

Applicant: Denise Rhodes

Representative: Robert Carlezon, Grady Consulting, LLC

Proposed: Repair of existing boat ramp and installation of new riprap

Excerpts from the staff memo: This hearing is continued from 1/28/19 to give the applicant time to respond to comments from staff and the Commission. Since then, the applicant has submitted a revised application and plans, proposing only the boat ramp repair work and removing the previously proposed rip rap slope from the scope of work. No additional changes were made to the proposed ramp work, however additional details were added to the plan as requested. In addition, in response to Commission comments, the existing concrete on the ramp was cut to investigate the conditions and materials underneath. The applicant has also requested a refund of a portion of the fees due to the change in scope of work. Although the filing fees would have been lower if only the boat ramp work had been proposed originally, this is a change in scope of work that is being made partway through the permitting process and following review and input by staff and the Commission.

Meeting Documents & Exhibits: Staff memo and revised plan set

Representative Rob Carlezon of Grady Consulting was present with applicant Denise Rhodes. R. Carlezon explained the changes to the proposal; they would like to limit the work to the boat ramp and no longer include the revetment work. He further explained that they had dug through the existing asphalt and concrete surface of the ramp and found compact crushed stone underneath which they feel is ideal for placing the concrete boat ramp panels on. They propose to remove the surface asphalt and concrete. All the work would be done on the upland side of the ramp. They adjusted the location of the silt sock for erosion control based on the new scope of work and the work would be done at low tide. The C.O. pointed out that she had included a condition with other options should the time period of work extend beyond low tide.

Commissioner Hall raised the subject of the request for return of fees due to the reduced scope of work. The C.O. explained that, following MA DEP's position on the matter, since extensive review work had already been done on the proposal as originally submitted, the Commission was under no obligation to return the fees. The Commission chose to not return the fee.

Commissioner Freeman invited any comments from the public. With no comments from the public, Commission Freeman closed the hearing to public comment.

Motion: Commissioner Hall moved to issue an Order of Conditions for the proposed work at 11 Steamboat Lane (DEP 034-1327), as shown on the submitted plans, and adopt the findings of fact a and b, and special conditions 1 through 17 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.

Conditions:

1. The applicant shall notify the Hingham Conservation Commission in writing of the name, address, and telephone number(s) of the project supervisor or contractor who shall be responsible for ensuring compliance with this Order and shall notify the Commission, by telephone or writing, at least 48 hours prior to commencement of work on the site.
2. This document shall be included in all construction contracts and subcontracts dealing with the work and shall supersede all other contract requirements.
3. The project supervisor or contractor in charge of the work shall have a copy of this Order available on the site at all times.
4. Prior to the start of any excavation or construction, there shall be a pre-construction conference on the site between the project supervisor or contractor responsible for the work and an agent of the Commission to ensure that the requirements of this Order are understood.
5. Prior to the start of any excavation or construction, erosion and sediment controls shall be installed, as shown on the final approved plan, and inspected by an agent of the Commission; straw wattles and/or hay bales will not be used as a form of erosion or sediment control. Additional Best Management Practices, such as a silt

curtain or cofferdam, shall be used to contain disturbed sediments if work on the boat ramp cannot be completed during low tide.

6. Erosion and sediment controls shall remain in place until all disturbed or exposed areas have been stabilized with a final vegetative cover or the Commission has authorized their removal.
7. During all phases of construction, all disturbed or exposed areas shall be brought to a finished grade and either a) loamed and seeded for permanent stabilization, or b) stabilized in another way approved by the Commission.
8. Any debris, which falls into any resource area, shall be removed immediately by hand.
9. Any on site dumpsters shall not be located within 50 feet of any resource area.
10. There shall be no stockpiling of soil or other materials within 50 feet of any resource area.
11. 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.
12. 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.
13. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 50 feet of any resource area.
14. All work shall take place from the upland side of the boat ramp and no equipment shall be allowed in the resource areas, with the exception of Land Subject to Coastal Storm Flowage.
15. Before executing any change from the plan of record, the applicant must have the Commission's written approval. Any errors found in the plans or information submitted by the applicant shall be considered as changes. Approval from other Town Agents or Inspectors does not relieve the applicant from obtaining approval from the Commission.
16. 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.
17. 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: Commissioner Mooney

In Favor: All

Opposed: None

30 Shipyard Drive – DEP 034-1335, continued from 2/11/19

Applicant: Department of Conservation and Recreation

Representative: Jack Vaccaro, Epsilon Associates

Proposed: Boat ramp, parking lot, and landscape improvements

Excerpts from the staff memo: The applicant is proposing to completely demolish an existing, deteriorated boat ramp, including the remnants of a former ramp and timber piles, and replace it with a 36ft wide x 100ft long reinforced concrete ramp with a 15% grade, surrounded by a 12ft wide rip rap area. Adjacent to the existing ramp is a concrete walled and earthen filled finger pier, which will remain; the proposed rip rap will also extend along the face of this pier. The property also contains an existing building, which will not be changing, and an existing parking lot, equipment storage area, and other gravel and paved areas adjacent to the building. The applicant is proposing to reconfigure the parking lot and pedestrian areas for better access, accessibility, circulation, storage for boats and equipment, maximized onsite parking, and improved waterfront access to the public. This work will include regrading the entire parking lot to raise it 1-3ft so the existing garage doors, which are elevated above the existing grade, can be utilized, and incorporating significant stormwater improvements for parking lot runoff. Between the building and the resource areas, an outdoor passenger waiting area will be created for the adjacent passenger ferry, as well as areas of lawn and beach grass. Between the building and the street, sidewalk improvements and planting areas are proposed. Finally, a predominantly gravel-surfaced equipment storage area that is adjacent to the existing parking lot will be removed and converted to lawn and plantings, which will become part of the adjacent park. The ramp work will affect Coastal Bank, Coastal Beach, and Land Containing Shellfish, and work will be close to Land Under the Ocean. The lot borders on the Weymouth Back

River, thus a portion of the ramp work and the majority of the remaining work is also located within Riverfront Area. Nearly all of the work on the site will be located within Land Subject to Coastal Storm Flowage (Flood Zone VE). Staff visited the site on 1/30/19. Staff agrees with the delineation of wetland resource areas on the property. The property houses a Department of Conservation and Recreation (DCR) headquarters building. The boat ramp is used by the DCR and Environmental Police. The existing parking lot is in poor condition with cracked and patched asphalt. The existing ramp is significantly deteriorated and staff understands it is not usable except at very high tides. Much of the remaining area surrounding the building is comprised of impervious surfaces such as concrete, asphalt, and compacted gravel, with the remaining area consisting of small sections of grass. Stormwater runoff currently flows untreated into the Weymouth Back River.

Meeting Documents & Exhibits: Staff memo and small colored plan distributed by J. Vaccaro (plan is short one lightpole)

Stella Lensing, project manager from DCR, Jack Vaccaro from Epsilon Associates, and Engineer Mark Gabriel from Nitsch Engineering, were present to discuss the application. S. Lensing described the location and how DCR currently uses the Building 45 and how they would like to change it in order to improve the use of the building in particular, being able to easily bring boats in and out of the building for maintenance.

J. Vaccaro stated that as a state agency, this project for DCR is only obligated by the State WPA, not the local Hingham Bylaw. He described the project as having three aspects; the parking lot changes, the boat ramp work, and landscape improvements. He stated that overall there will be a decrease in impervious surface.

J. Vaccaro described the existing boat ramp as being in significant disrepair with exposed rebar and unused pile field. They would remove the piles as well as the ramp and replace and also shorten up the ramp. They would install a cofferdam structure so they can dewater the area around the ramp before demolition. They would also install a silt curtain around the entire work zone inclusive of the pile field; the water from the within the cofferdam would be dewatered within the silt curtain to catch any sediment.

The parking lot work includes bringing the grades up to match the building and the bay doors; it would be graded up gradually from the sidewalk to enable them to get the boats in and out of the building. It would mean a 3 ft elevation change and 800 cubic yards of material brought in. There would be a new entrance curb cut off of Shipyard Drive. There would be significant sidewalk improvements with sidewalk connectivity.

The expansion of 'Eugene F. Creeden Memorial Park' would include improvements with all native plantings including beach grass, roses and Tupelo trees.

Addressing the stormwater drainage, M. Gabriel explained that currently stormwater is sheeting out onto Shipyard Drive, untreated and uncontrolled. They propose to install two deep sump hooded catchbasins that go to a water quality unit and then out to a riprap dissipation bowl.

The Asst. C.O. commented that she has no remaining concerns regarding resource area impacts. She stated that the payment to the Shellfish mitigation fund was not as yet resolved but that is something to be further discussed with the Shellfish Constable. She noted that there is a lot of fill being brought in and asked if they had considered ramps to access the bays. J. Vaccaro commented on the quantity of fill, stated that they had considered ramps but ramps would require a longer dimension which would steal space from the parking lot and if shortened, the ramps would be too steep.

The Asst. C.O. described the sensitivity of the area and although it was largely a redevelopment and the applicant had addressed many stormwater aspects, she asked if the applicant could consider more infiltration and more TSS removal. She acknowledged that the applicant was offering even more plantings that originally proposed.

M. Gabriel stated that with the inverts of the drainage system, the regulatory high tide, and being in a velocity zone, they'd found it challenging to meet the requirements of separation to groundwater and they chose to follow suit with what was previously approved for adjacent properties which were the deep sump hooded catchbasins and water quality units.

S. Lensing reviewed the proposed building renovations and described the benefits.

The C.O. asked what the worst case flooding was like in the past 2 years and J. Vaccaro stated it was the entire site. She also asked if they would be cutting the steel coffer dam at the flat and would it be possible to remove it altogether. J. Vaccaro responded that there is too much sediment dispersal by pulling it out.

The C.O. noted that Condition #16 regarding the Division of Marine Fisheries comments are just related to the ramp work.

Commissioner Freeman invited any comments from the public. With no comments from the public, Commission Freeman closed the hearing to public comment.

Motion: Commissioner Hall moved to issue an Order of Conditions for the proposed work at 30 Shipyard Drive (DEP 034-1335), as shown on the submitted plans, and adopt the findings of fact a and b, and special conditions 1 through 28 of the staff report and as discussed.

Condition #16 below is amended as discussed at the hearing to include the language 'associated with the ramp work'.

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.

Conditions:

1. The applicant shall notify the Hingham Conservation Commission in writing of the name, address, and telephone number(s) of the project supervisor or contractor who shall be responsible for ensuring compliance with this Order and shall notify the Commission, by telephone or writing, at least 48 hours prior to commencement of work on the site.
2. This document shall be included in all construction contracts and subcontracts dealing with the work and shall supersede all other contract requirements.
3. The project supervisor or contractor in charge of the work shall have a copy of this Order available on the site at all times.
4. Prior to the start of any excavation or construction, there shall be a pre-construction conference on the site between the project supervisor or contractor responsible for the work and an agent of the Commission to ensure that the requirements of this Order are understood.
5. Prior to the start of any excavation or construction, erosion and sediment controls shall be installed, as shown on the final approved plan, and inspected by an agent of the Commission; straw wattles and/or hay bales will not be used as a form of erosion or sediment control.
6. Prior to the start of any excavation or construction, copies of all applicable federal, state, and local permits, certifications, and approvals shall be submitted to the Commission.
7. Prior to the start of any excavation or construction, and in consultation with the Town's Harbormaster, who also functions as the Town's Shellfish Constable, the applicant shall contribute a sum of money to the shellfish mitigation fund in accordance with the formula for contribution established by the Town's Harbormaster.
8. 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. For the boat ramp work, the silt curtain and steel sheetpile cofferdam shall remain in place until all ramp work has been completed.
9. 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.
10. Any debris, which falls into any resource area, shall be removed immediately by hand.
11. Any on site dumpsters shall not be located within 50 feet of Coastal Bank.
12. There shall be no stockpiling of soil or other materials within 50 feet of Coastal Bank.
13. 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.
14. 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. Dewatering related to the boat ramp work shall use diffusers at the discharge point and water shall only be discharged within the silt curtain.
15. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 50 feet of Coastal Bank.

16. Per the Division of Marine Fisheries, all silt- and noise-producing activities associated with the ramp work shall be avoided during the most sensitive time periods from February 15 to September 30 for the protection of fisheries and shellfish species.
17. Per the Division of Marine Fisheries, piles shall be fully extracted whenever possible. If breakage makes full extraction problematic, piles should be cut at least a foot below the mudline.
18. The applicant is responsible for the containment and proper disposal of all unearthed soils, clays, and other organic debris, including dredged material, as well as the construction waste associated with this project.
19. Plantings shall be installed in accordance with the final approved plans.
20. Stormwater management infrastructure and best management practices (BMPs) shall be installed in accordance with the final approved plans.
21. Before executing any change from the plan of record, the applicant must have the Commission's written approval. Any errors found in the plans or information submitted by the applicant shall be considered as changes. Approval from other Town Agents or Inspectors does not relieve the applicant from obtaining approval from the Commission.
22. The use of de-icing chemicals, except for calcium magnesium acetate, a.k.a. CMA, or other alternative approved by the Commission, shall be prohibited on this property because of its proximity to the Weymouth Back River, which is a state-listed 303(d) impaired waterway, and the importance of the surrounding resource areas to water quality and sensitive coastal and marine habitats. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
23. The use of pesticides, herbicides, and fertilizers shall be prohibited on this property because of its proximity to the Weymouth Back River, which is a state-listed 303(d) impaired waterway, and the importance of the surrounding resource areas to water quality and sensitive coastal and marine habitats. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
24. Prior to the issuance of a Certificate of Compliance, the applicant shall submit a signed illicit discharge statement to the Commission in order to meet MassDEP Stormwater Management Standard #10.
25. It is the sole responsibility of the owner of record to maintain drainage structures at all times. The property owner shall comply with the approved Long-term Pollution Prevention Plan and Stormwater Operation and Maintenance Plan, prepared by Nitsch Engineering and submitted by Epsilon Associates Inc., dated 1/28/19. 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.
26. 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.
27. 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.
28. Prior to the issuance of a Certificate of Compliance, the plantings identified on the final approved plans shall survive at least two full growing seasons with a minimum of 75% survival rate.

Second: Commissioner Mooney

In Favor: All

Opposed: None

17 Martins Cove Road – DEP 034-1336

Applicant: Martins Cove Road Nominee Trust

Representative: Carmen Hudson, Cavanaro Consulting, Inc.

Proposed: Landscape improvements for flood control

Excerpts from the staff memo: The applicant is proposing to raise the elevation of an existing stone apron, which is located directly behind an existing seawall, and the existing rear lawn approximately one to two feet above the existing elevations in order to reduce coastal flooding on the property. Approximately 29,500 sq ft of area will be raised and

regraded with approximately 1,093 cu yds of fill. Behind the improved stone apron, the applicant is proposing to establish a more sustainable vegetated cover with a large number of native shrub and grass plantings in mulch beds that will extend along most of the existing seawall.

Although a significant amount of fill is proposed, the new grades will be below the Base Flood Elevation. The Commission will need to determine whether the regulations for Land Subject to Coastal Storm Flowage and Filling have been met. Finally, repointing the seawall is permissible as a maintenance activity, however since the Salt Marsh extends to the base of the seawall, staff recommends requiring that work take place from the landward side of the seawall to avoid damaging sensitive marsh vegetation.

Meeting Documents & Exhibits: Staff memo and plan set

John Cavanaro, engineer and Sean Papich, landscape architect, were present. J. Cavanaro described the location. He described the lawn as being unsustainable and in that area is at a low point. They would like to grade it so that it would be a stable continuous slope and that the grading would direct any water towards the seawall and not to properties on either side.

S. Papich described the plantings as encompassing 1800 sq ft with waves of Virginia rose, beach grass and switch grass. There would also be tuck pointing on the existing seawall. The C.O. explained that because that would be a lot of exposed soil, erosion controls would be required and she stressed that they must contact the conservation office for erosion control inspection when it's installed. The Asst. C.O. asked if the seawall maintenance work would be possible from only the landward side and J. Cavanaro stated that the majority of it would be and that there would be no materials placed on the seaward side.

Brief discussion followed about fill in the flood zone with the C.O. explaining why staff did not feel as if it was altering the flow of water. She clarified that this work is not modifying the coastal engineering structure, but does place fill. She stated that water was still able to flow over the existing seawall, over the lawn and then back out again, maintaining the same existing cycle. J. Cavanaro stated that the salt water would be slowed down by the salt tolerant plants rather than the lawn.

Commissioner Freeman invited any comments from the public. With no comments from the public, Commission Freeman closed the hearing to public comment.

Motion: Commissioner Mooney moved to issue an Order of Conditions for the proposed work at 17 Martins Cove Road (DEP 034-1336), as shown on the submitted plans, and adopt the findings of fact a and b, and special conditions 1 through 21 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.

Conditions:

1. The applicant shall notify the Hingham Conservation Commission in writing of the name, address, and telephone number(s) of the project supervisor or contractor who shall be responsible for ensuring compliance with this Order and shall notify the Commission, by telephone or writing, at least 48 hours prior to commencement of work on the site.
2. This document shall be included in all construction contracts and subcontracts dealing with the work and shall supersede all other contract requirements.
3. The project supervisor or contractor in charge of the work shall have a copy of this Order available on the site at all times.
4. Prior to the start of any excavation or construction, there shall be a pre-construction conference on the site between the project supervisor or contractor responsible for the work and an agent of the Commission to ensure that the requirements of this Order are understood.
5. Prior to the start of any excavation or construction, erosion and sediment controls shall be installed, as shown on the final approved plan, and inspected by an agent of the Commission; straw wattles and/or hay bales will not be used as a form of erosion or sediment control.

6. Erosion and sediment controls shall remain in place until all disturbed or exposed areas have been stabilized with a final vegetative cover or the Commission has authorized their removal.
7. During all phases of construction, all disturbed or exposed areas shall be brought to a finished grade and either a) loamed and seeded for permanent stabilization, or b) stabilized in another way approved by the Commission.
8. Any debris, which falls into any resource area, shall be removed immediately by hand.
9. Any on site dumpsters shall not be located within 100 feet of the Coastal Bank.
10. There shall be no stockpiling of soil or other materials within 50 feet of the Coastal Bank.
11. 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.
12. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 100 feet of the Coastal Bank.
13. All work, with the exception of cleaning the drainage outlet, shall take place from the landward side of the Coastal Bank.
14. No mechanical equipment shall be allowed in the resource areas, with the exception of Land Subject to Coastal Storm Flowage.
15. Before executing any change from the plan of record, the applicant must have the Commission's written approval. Any errors found in the plans or information submitted by the applicant shall be considered as changes. Approval from other Town Agents or Inspectors does not relieve the applicant from obtaining approval from the Commission.
16. Only untreated and undyed mulch, or another product approved by the Conservation Commission, shall be used in the planting beds identified on the final approved plans. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
17. The use of pesticides, herbicides, and fertilizers shall be prohibited on this property because of its proximity to Hingham Harbor, which is a state-listed 303(d) impaired waterway, and the importance of the surrounding resource areas to water quality and sensitive coastal and marine habitats. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
18. It is the sole responsibility of the owner of record to maintain the drainage structure at all times. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
19. 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.
20. 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.
21. Prior to the issuance of a Certificate of Compliance, the plantings identified on the final approved plans shall survive at least two full growing seasons with a minimum of 75% survival rate.

Second: Commissioner Zane

In Favor: All

Opposed: None

0 and 90 Ward Street – DEP 034-1337

Applicant: Black Rock Development

Representative: Carmen Hudson, Cavanaro Consulting, Inc.

Proposed: Demolition of existing structure and construction of three single family houses

Excerpts from the staff memo: The applicant is proposing to demolish an existing church, located at 90 Ward Street, and its associated parking lot, shed, septic system, and utilities and construct three new single family houses, only one of which is within the Commission's jurisdiction. A portion of the parking lot removal (approximately 1,200 sq ft) and landscaping work proposed on the other two house lots (Lots 1 and 2) will also be within the Commission's jurisdiction. Work associated with the jurisdictional single family house, located on Lot 3, includes a driveway, retaining wall, grading, and landscaping. Most of the proposed house and driveway will be just outside of the 50ft buffer zone. Grading and a proposed retaining wall will encroach into the 50ft buffer zone.

Meeting Documents & Exhibits: Staff memo and plan set

John Cavanaro of Cavanaro Consulting and applicant George McGoldrick of Black Rock Development were present. J. Cavanaro presented the proposal for 90 Ward Street. He explained that it has been approved by the Planning Board as a Flexible Residential Development which allows a development to 'densify' as long as they are leaving open space. Of the 6 acre site, 4.4 acres would remain permanent open space. He described one of the wetland resource areas as an intermittent stream that runs through the property and drains into a culvert under Ward Street and described it as being a manmade channel dug to provide drainage from when Autumn Circle was developed. He also described it as an undulating lot with a potential vernal pool. He pointed out on the plan where they would like to site the shared septic system and explained that area was selected because it was the furthest distance from adjacent drinking wells; they have to be 250 feet from existing wells. They would create a level spot to site the septic system. The leaching field would be outside 100 ft; there would be grading and filling within 100ft. They are still waiting to get waivers from the Board of Health to site the septic system in that location.

J. Cavanaro stated that even with the three houses and driveways there will be a net reduction in impervious surface. The houses and pavement would be all outside of the 50 ft buffer. There would be some grading within the 50 ft buffer (along the retaining wall and edges of driveway) and they would mitigate and seed that with a native blend (not lawn). He added that pedestrian access to the open space would be from Ward Street.

J. Cavanaro stated that he knew there was a question about delineation and some additional information needed to provide.

Commissioner Freeman asked what work was being done within the 50 ft buffer and the Asst. C.O. explained that there was a retaining wall, some grading, clearing of vegetation, and the septic pipes proposed within the 50 ft buffer. Commissioner Hall asked about the potential vernal pool and confirmed that it is not certified. Brief discussion followed regarding the fill and grading. The C.O. confirmed that the plan represents the building envelope only; they are not the actual house plan.

Commissioner Freeman invited any comments from the public.

Lisa Taylor, 16 Autumn Circle, asked about grading and asked how that might affect Autumn Circle. J. Cavanaro explained that the proposed grading is primarily on the sides of the driveways. No grading on the lots would direct any more water towards Autumn Circle. L. Taylor asked if there was any filling of the wetland and J. Cavanaro said that there would be no filling but there are 2 inch septic pipes. L. Taylor described how poorly the water flows through the channel and asked about would that be maintained and J. Cavanaro explained that the O&M plan for the houses would require maintenance of that. L. Taylor asked when grass and seeding would be done and he explained that it would happen as the houses get built. L. Taylor stated that the ground is so saturated in the back that the vegetation and trees is important.

Ed Johnson 108 Ward Street, asked what determines a vernal pool and the C.O. briefly explained. He expressed support for the project.

The few remaining neighbors, who did not sign in, expressed overall support for the proposal.

Motion: Commissioner Hall moved to continue the hearing for 0 and 90 Ward Street (DEP 034-1337) to March 11, 2019.

Second: Commissioner Zane

In Favor: All

Opposed: None

111 Weir Street (formerly #105) – DEP 034-1326, continued to 3/25/19

Applicant: John Woodin

Representative: Gary James, James Engineering, Inc.

Proposed: Construction of new single family home and driveway

Commissioner Freeman adjourned the meeting at 11:15 pm.

Submitted, _____

Sylvia Schuler, Administrative Secretary

Approved on March 11, 2019

Meetings are recorded. To obtain a copy of the recording, please contact the Conservation Office.