



CONSERVATION COMMISSION MEETING MINUTES – March 8, 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 # 828-5776-5588

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 22, 2021 meeting.

Second: Comm'r Mooney

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

Certificates of Compliance

23 Beach Road – DEP 034-1279

Applicant: John Kennedy

Meeting Documents & Exhibits: 23 Beach Road Appendices submitted 3/4

Excerpts from the staff memo: no staff memo

This hearing was tabled to the end of the meeting to give the applicant or representative time to join the meeting but ultimately, no applicant nor representative were present on the call. The CO explained that the design approved by the Commission for the Order of Conditions had allowed for the free flow of floodwaters and, in following up for a Request for Certificate of Compliance, it was learned that skirting had been added. The CO suggested the Commission discuss the applicant's proposed solution to make the skirting meet the regulations and FEMA standards to allow floodwaters to pass. The photos and diagram submitted by the applicant were shared on the screen. Discussion followed regarding the spacing, number, functionality and durability of the swinging cutout boards with the Commission concluding that the proposed solution is not satisfactory. They asked the CO to communicate to the applicant that another solution, ie flood vents, is needed and that the applicant should attend the next meeting to discuss it with the Commission.

Motion: Chair Freeman moved to continue consideration of 23 Beach Road, DEP 034-1279, to the April 12, 2021 meeting.

Second: Comm'r Mosher

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

Requests for Determination of Applicability

0 Off Martins Lane (World's End)

Applicant: The Trustees of Reservations

Proposed: Pollinator habitat improvements

Meeting Documents & Exhibits: Staff memo, Narrative and Pollinator Habitat Enhancement Plan for World's End
Excerpts from the staff memo: Staff visited the site on 3/4/21. Wetland resource areas were not flagged for this filing, however as they are extensive and surround the entire property and work is within existing maintained fields, staff does not feel this is necessary. Fields are located on drumlins throughout the World's End property and typically they slope gradually or more steeply towards resource areas, with varying widths of naturally vegetated buffer zones and sometimes maintained walking paths between the two. Fields are actively maintained and staff observed a mix of grass species, forbs and woody vegetation, including non-native invasive plant species.

Comm'r Hidell recused himself as he is an abutter. Chair Freeman noted that a response to staff comments had arrived on Friday. Wayne Ciullo, Stewardship Manager for the Trustees on the South Shore, was present on the call along with Julie Richburg, Lead Ecologist for the Trustees. W. Ciullo described the project; they propose in some, not all, of the fields in World's end, to remove invasive species and install wildflower, pollinator friendly strips. This would be primarily in the non-hay 'wildlife' fields. They would use a boom sprayer to kill all vegetation in the strips and would be at least 50 ft away from the resource area but ideally 75 ft away of the resource area and slope will be taken into account. They would do one spraying in the fall, again in the spring and then seed drill in the fall. There would be no tree removals although it was one of the recommended actions in the Pollinator Habitat Management Plan developed by a third party; they've chosen not to pursue that. He noted that these are the best practices, developed with the Natural Resources Conservation Service (NRCS), to improve the habitat of the fields.

Responding to a question regarding the herbicide use, W. Ciullo explained he is a certified pesticide applicator and that they would be using a full kill herbicide but should be well away from the resource area and it is the only way to ensure successful germination of the seeds. J. Richburg, also a certified licensed herbicide applicator, explained that the long term goal is to have the wildflower meadows established; they would use the herbicides with this enhancement plan and then revert back to controlling invasive species with as little chemicals as they can.

The ACO stated that she had reviewed and is satisfied with the responses to her comments. Brief discussion followed regarding removal of two of the draft conditions before a vote.

Motion: Chair Freeman moved to waive the by-law fee and issue a Negative Determination of Applicability for the proposed work at 0 Off Martins Lane, as shown on the submitted plans, and adopt the findings of fact a through c, and conditions 1 through 7 of the staff report and as discussed at the meeting.

(conditions below reflect the removal of two draft conditions)

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 in areas within Priority and Estimated Habitat of Rare Species, documentation shall be provided to the Commission from the Natural Heritage and Endangered Species Program, indicating that work is in compliance with the Massachusetts Endangered Species Act.
2. Erosion and sediment controls shall be installed, as necessary, to prevent erosion or sedimentation into wetland resource areas or buffer zones; straw wattles and/or hay bales shall not be used as a form of erosion or sediment control.
3. Erosion and sediment controls, once established, 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. No vehicle or other machinery, refueling, lubrication or maintenance, shall take place within 100 feet of any resource area.

6. Monitoring reports shall be submitted to the Commission at the end of each growing season documenting work completed, quantifying the native pollinator plant community and its condition, and describing any recommendations for revisions to the proposed plan.
7. 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 Kelly: aye, Comm'r Mooney: aye and Comm'r Roby: aye

Chair Freeman read the Public Hearing Notice of Intent.

Notices of Intent

279 North Street DEP 034-1399, continued from 2/22/21

Applicant: Julie & Daniel Palmer

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

Proposed: Construction of a swimming pool

Meeting Documents & Exhibits: Staff memo

Excerpts from the staff memo: *This hearing is continued from the 2/22/21 meeting due to the fact than an NOI number had not yet been issued. All other project-related comments and questions were resolved.*

Chair Freeman briefly summarized the resource areas, described the proposal and stated that the Commission had discussed the project at the prior meeting and a DEP number had since been issued.

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

Motion: Chair Freeman moved to issue an Order of Conditions for the proposed work at 279 North Street (DEP 034-1399), as shown on the submitted plans, and adopt the findings of fact a through c, and special conditions 21 through 42 of the staff report.

Findings:

- a. The project meets the submittal requirements for issuance of an Order of Conditions under the Wetlands Protection Act (M.G.L. c. 131, § 40) and the Town of Hingham Wetland Regulations.
- b. The work described is within an area subject to protection under the Wetlands Protection Act (M.G.L. c. 131, § 40) and the Town of Hingham Wetland Regulations, and will not alter or adversely affect the area subject to protection under the Act or the Regulations.
- c. For the purpose of this filing, the Commission makes no finding as to the exact boundaries of wetland resource areas.

Special Conditions:

21. The applicant shall notify the Hingham Conservation Commission in writing of the name, address, and telephone number(s) of the project supervisor or contractor who shall be responsible for ensuring compliance with this Order and shall notify the Commission, by telephone or writing, at least 48 hours prior to commencement of work on the site.
22. This document shall be included in all construction contracts and subcontracts dealing with the work and shall supersede all other contract requirements.
23. The project supervisor or contractor in charge of the work shall have a copy of this Order available on the site at all times.
24. Prior to the start of any excavation or construction, there shall be a pre-construction conference on the site between the project supervisor or contractor responsible for the work and an agent of the Commission to ensure that the requirements of this Order are understood.
25. Prior to the start of any excavation or construction, erosion and sediment controls shall be installed, as shown on the final approved plan, and inspected by an agent of the Commission; straw wattles and/or hay bales shall not be used as a form of erosion and sediment control.
26. Erosion and sediment controls shall remain in place until all disturbed or exposed areas have been stabilized with a final vegetative cover or the Commission has authorized their removal.

27. 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.
28. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.
29. All tree debris shall be properly disposed of at an off-site location; no chipped or mulched material shall remain on the property.
30. All excavated material shall be properly disposed of at an off-site location.
31. Any on site dumpsters shall not be located within 100 feet of any resource area.
32. There shall be no stockpiling of soil or other materials within 100 feet of any resource area. All stockpiles that are not used for more than five days shall be covered and surrounded by erosion and sediment controls; straw wattles and/or hay bales shall not be used as a form of erosion and sediment control.
33. 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.
34. Any dewatering activities on the project in which water will be released into any resource area or storm drain shall make use of a stilling pond or similar device to remove sediment before the water is released. Prior to construction, plans for the stilling pond or similar device shall be submitted to the Commission for review and approval.
35. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 100 feet of any resource area.
36. The area under the approved outdoor shower shall be treated with a minimum of 24 inches of ¾"-1½" crushed stone.
37. 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.
38. There shall be no discharge of any pool water or backwash within 100 feet of any resource area. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
39. 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.
40. 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.
41. Prior to the issuance of a Certificate of Compliance, the replanting/mitigation area plantings (1,600sqft total) shall survive at least two full growing seasons with a minimum of 75% survival rate. If a 75% survival rate is not achieved, replacement plantings of the same species shall be made by the applicant.
42. The replanting/mitigation planting area (1,600sqft total) shall be maintained with native plantings or shall be allowed to naturally revegetate with native species following planting and remain as naturally vegetated. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.

Second: Comm'r Mooney

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

60 Research Rd./73 Abington St./0 SE Expy. – DEP 034-1388, cont'd from 2/22/21

Applicant: Kevin Gill, Gill Research Drive, LLC

Representative: Gabe Crocker, Crocker Design Group, LLC

Proposed: Construction of a warehouse and parking area

Meeting Documents & Exhibits: Staff memo, Response to Conservation Comments including revised sections of Stormwater Report 2/23/21, Revised O&M Plan 2/18/21, and Revised Plan Set 2/23/21

Excerpts from the staff memo: The purpose of this Notice of Intent is to evaluate the potential impacts of constructing a new 30,500 sf warehouse on an existing developed commercial site, expanding an existing parking lot for vehicles and trailer parking, including filling and adding a retaining wall and stormwater management improvements, as well as temporary construction access and an 8-inch water main extension. Restoration plantings and tree replacement plantings are also proposed. Portions of the work are on an adjacent parcel that has recently been acquired by the property owner. A portion of the parking lot work and the retaining wall are in the 100ft buffer to BVW and/or Riverfront Area to an unnamed stream, located just off property. A small portion of the stormwater management improvements are within the 50ft buffer to BVW.

Chair Freeman summarized the resource areas and described some of the changes made since the last hearing, noting that the peer reviewer had not yet reviewed the changes and that staff noted a concern regarding the Total Suspended Solids (TSS) equipment in the staff memo.

Scott Golding from Drohan, Tocchio & Morgan, Maggie Laracy from Crocker Design Group, and Scott Burns and Kevin Gill for the applicant, were on the call. S.Golding reviewed some of the permitting history and changes that had been made and noted that Gabe Crocker of Crocker Design Group had sent a letter to the Commission that evening, and they are hoping the the outstanding issues can be addressed as conditions in the Order. Specifically, in regards to the ACO's concern and suggestions regarding the TSS units, the applicant is agreeable to either one of those, and propose that it be conditioned that they work with the peer reviewer and ACO to come to an agreement on which one would be preferable.

The Chair invited the ACO to comment while noting that she was under no obligation to create conditions on the spot. The ACO stated that she'd received G.Crocker's letter and there had been good conversations that day and she had additional draft conditions ready should the Commission wish to proceed. She briefly described the draft conditions; 2 items in the staff memo were minor and conditions were easy; in regards to the stormwater, except for the O&M plan which is straightforward, the additional plans would be subject to peer review; and finally, in regards to the proprietary units, she expressed her reservations that it is not clear to her whether either of the two noted units will be acceptable and that a third unit might be needed, therefore she drafted the condition so that the proprietary unit needs to be swapped out for something that has been certified with at least 50% TSS removal. M. Laracy stated that it would be achievable and they would work with the peer reviewer, whether the unit is one of the two proposed, or a third unit, to get to the design preferable to him. Kevin Gill stated that the applicant also agrees.

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

The ACO read aloud the three new conditions to be added.

Motion: Chair Freeman moved to issue an Order of Conditions for the proposed work at 60 Research Road (DEP 034-1388), as shown on the submitted plans, and adopt the findings of fact a and b, and special conditions 1 through 38 of the staff report and as amended at the meeting.

(condition #s 9,10 & 11 below reflect the 3 additional conditions as discussed)

Findings:

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

Special 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 shall not be used as a form of erosion and 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, catch basins within the vicinity of the work, including within 100 feet of wetland resource areas, shall be protected with silt sacks or equivalent.
8. Silt sacks shall be maintained and regularly cleaned of sediments until stabilization is achieved and/or until the Commission has formally approved their removal.
9. Prior to the start of any excavation or construction, the Site Development Plans Set, dated 10/19/20 last revised 2/23/21, or as may be revised by conditions herein, and the revised Stormwater Report Section 3 (Proposed Hydrology and Watershed Maps) dated 2/23/21, shall be subject to review by the peer review engineer of record, and all remaining stormwater comments from the peer review engineer shall be addressed to the satisfaction of the Commission. Post-development peak rates of discharge shall not exceed pre-development peak rates of discharge for all points of analysis (PD1, PD2, Stream) for the 2-year, 10-year, 25-year, or 100-year storms. The two proprietary stormwater treatment units proposed along the eastern side of the site shall be replaced with units that have been certified with at least 50% removal of Total Suspended Solids (TSS) by independent third-party testing through the MassDEP STEP process or the TARP process, to ensure TSS removal is to the maximum extent practicable.
10. Prior to the start of any excavation or construction, the Landscape Plan (sheet C-6.1), dated 1/29/21 last revised 2/23/21, shall be revised to reflect the revised retaining wall and drainage outlet configuration shown in the rest of the Site Development Plans Set, dated 10/19/21 last revised 2/23/21.
11. Prior to the start of any excavation or construction, the Long-Term Stormwater Operation & Maintenance Plan, dated revised 2/18/21, shall be revised to remove the section titled "Pest and Insect Control" to avoid conflicting information regarding the use of chemicals onsite.
12. Prior to the start of any excavation or construction, plans for the retaining walls shall be prepared by a Registered Professional Engineer (Structural) and shall be submitted to the Commission for review and approval.
13. Prior to the start of any excavation or construction, copies of all federal, state, and local permits, certifications, and approvals, as applicable, shall be submitted to the Commission for review.
14. One month prior to the start of any excavation or construction, a Stormwater Pollution and Prevention Plan (SWPPP) shall be submitted to the Commission for review and approval.
15. Beginning the first week of construction, in which construction activity occurs on site, and for as long thereafter as the ground remains unstabilized, the applicant shall have a weekly written report prepared by a Registered Professional Engineer (Civil) or approved wetland scientist and available for review by the Commission. The inspector shall certify that to the best of his/her knowledge and belief, based upon careful site inspections (conducted during work hours at the site not less than weekly), all work is being performed in compliance with this Order. If the work is not in compliance, he/she will note where a deviation from the Order occurred. These reports may be stopped if construction activity ceases for a period of more than five days.
16. The project supervisor or contractor in charge of the work shall follow the final approved SWPPP during all phases of construction. A copy of both documents shall be kept on site at all times.
17. 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.
18. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.
19. Trash and man-made debris in the buffer zone shall be removed by hand.

20. All tree debris shall be properly disposed of at an off-site location; no chipped or mulched material shall remain on the property.
21. All excavated material shall be properly disposed of at an off-site location.
22. Any on site dumpsters shall not be located within 100 feet of any resource area.
23. There shall be no stockpiling of soil or other materials within 50 feet of any resource area. All stockpiles that are not used for more than five days shall be covered and surrounded by erosion and sediment controls; straw wattles and/or hay bales shall not be used as a form of erosion and sediment control.
24. 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.
25. Any dewatering activities on the project in which water will be released into any resource area or storm drain shall make use of a stilling pond or similar device to remove sediment before the water is released. Prior to construction, plans for the stilling pond or similar device shall be submitted to the Commission for review and approval.
26. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 100 feet of any resource area and no fuel or maintenance chemicals related to this activity shall be stored within 100 feet of any resource area.
27. Stormwater Best Management Practices shall be installed and stormwater runoff shall be managed, in accordance with the final approved plans. The installation/construction of the subsurface infiltration and detention systems, and other drainage system components shall be witnessed by a Registered Professional Engineer (Civil). The engineer shall submit documentation to the Conservation Commission stating that the installation/construction of these components was conducted properly (in compliance with all conditions herein) and in accordance with the final approved plans and manufacturer specifications.
28. Mitigation tree plantings shall be installed, and seeding completed in accordance with the final approved landscape plans. Riverfront Area restoration shall be completed in accordance with the requirements at 310 CMR 10.58 (5)(f)(1) through (4), and in accordance with the final approved plans, including landscape plans.
29. 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.
30. 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 Old Swamp River, which is a state-listed 303(d) impaired waterway, and to a Surface Water Supply Protection Area (Zone A), and the importance of the surrounding resource areas to the surface water supply, groundwater supply and water quality. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
31. The use of pesticides, herbicides, and fertilizers shall be prohibited on this property because of its proximity to Old Swamp River, which is a state-listed 303(d) impaired waterway, and to a Surface Water Supply Protection Area (Zone A), and the importance of the surrounding resource areas to the surface water supply, groundwater supply and water quality. The Long-term Site Operation and Maintenance Plan shall be revised to reflect this condition. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
32. 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 Stormwater Operation and Maintenance Plan, prepared by Crocker Design Group, LLC and dated revised 2/18/21, or as may be revised by conditions herein. 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.
33. 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.
34. 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.

35. Prior to the issuance of a Certificate of Compliance, the mitigation area plantings shall survive at least two full growing seasons with a minimum of 75% survival rate. If a 75% survival rate is not achieved, replacement plantings of the same species shall be made by the applicant.
36. Prior to the issuance of a Certificate of Compliance, the applicant shall demonstrate the Riverfront Area restoration has been successfully completed for at least two full growing seasons.
37. The mitigation planting area and Riverfront Area restoration shall be allowed to naturally revegetate with native species following planting and remain as naturally vegetated. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
38. In accordance with 310 CMR 10.58(5)(h), further alteration within the restored Riverfront Area is prohibited, except as may be required to maintain the area in its restored condition. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.

Second: Comm'r Mosher

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

4 Oakcrest Road – DEP 034-1398, cont'd from 2/22/21

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

Excerpts from the staff memo: *This hearing was continued from the 2/22/21 meeting since MassDEP had not yet issued a file number, which has subsequently happened. Since the last meeting, staff made another site visit to view the site with less snow cover, including the pipe outlet discharging near the wetland. Staff observed more evidence of the unauthorized clearing that occurred recently in the buffer zone and still feels that the proposed restoration is appropriate and will benefit the resource area. Staff also observed that there is a small amount of rocks under the pipe outlet and some sediment that has discharged to the slope just outside the wetland, which suggests the driveway runoff is likely going to this outlet. Staff recommends that the Commission require additional stone to be placed at the outlet to reduce the risk of scouring and erosion in this sensitive area (see condition #37).*

Chair Freeman reviewed the resource areas and described the project. She noted the ACO's return visit and the suggested additional condition. The applicant was amenable to the additional condition.

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

Motion: Chair Freeman moved to issue an Order of Conditions for the proposed work at 4 Oakcrest Road (DEP 034-1398), as shown on the submitted plans, and adopt the findings of fact a through c, and special conditions 21 through 47 of the staff report.

Findings:

- a. The project meets the submittal requirements for issuance of an Order of Conditions under the Wetlands Protection Act (M.G.L. c. 131, § 40) and the Town of Hingham Wetland Regulations.
- b. The work described is within an area subject to protection under the Wetlands Protection Act (M.G.L. c. 131, § 40) and the Town of Hingham Wetland Regulations, and will not alter or adversely affect the area subject to protection under the Act or the Regulations.
- c. For the purpose of this filing, the Commission confirms the delineation of Bordering Vegetated Wetland flags KT-3 to KT-14, but makes no finding as to the exact boundaries of other wetland resource areas.

Special Conditions:

21. The applicant shall notify the Hingham Conservation Commission in writing of the name, address, and telephone number(s) of the project supervisor or contractor who shall be responsible for ensuring compliance with this Order and shall notify the Commission, by telephone or writing, at least 48 hours prior to commencement of work on the site.

22. This document shall be included in all construction contracts and subcontracts dealing with the work and shall supersede all other contract requirements.
23. The project supervisor or contractor in charge of the work shall have a copy of this Order available on the site at all times.
24. Prior to the start of any excavation or construction, there shall be a pre-construction conference on the site between the project supervisor or contractor responsible for the work and an agent of the Commission to ensure that the requirements of this Order are understood.
25. Prior to the start of any excavation or construction, erosion and sediment controls shall be installed, as shown on the final approved plan, and inspected by an agent of the Commission; straw wattles and/or hay bales shall not be used as a form of erosion and sediment control.
26. Erosion and sediment controls shall remain in place until all disturbed or exposed areas have been stabilized with a final vegetative cover or the Commission has authorized their removal.
27. Prior to the start of any excavation or construction, revised plans and construction details indicating the location and method of rooftop runoff infiltration, in accordance with condition #37, shall be submitted to the Commission for review and approval.
28. Prior to the start of any excavation or construction, a contract for proper removal and disposal of hot tub water, in accordance with condition #42, shall be submitted to the Commission.

29. 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.
30. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.
31. All excavated material shall be properly disposed of at an off-site location.
32. Any on site dumpsters shall not be located within 50 feet of any resource area.
33. There shall be no stockpiling of soil or other materials within 50 feet of any resource area. All stockpiles that are not used for more than five days shall be covered and surrounded by erosion and sediment controls; straw wattles and/or hay bales shall not be used as a form of erosion and sediment control.
34. Issuance of these conditions does not in any way imply or certify that the site or downstream areas will not be subject to flooding, storm damage, or any other form of damage due to wetness.
35. Any dewatering activities on the project in which water will be released into any resource area or storm drain shall make use of a stilling pond or similar device to remove sediment before the water is released. Prior to construction, plans for the stilling pond or similar device shall be submitted to the Commission for review and approval.
36. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 50 feet of any resource area.
37. Crushed stone shall be added underneath the PVC pipe outlet on the slope to the north of the fenced backyard, to augment the existing stones and prevent erosion and scouring.
38. Rooftop runoff from the approved sunroom addition shall be infiltrated on site, using either a drywell or by directing downspouts to subsurface perforated pipes set in a stone infiltration trench. Alternative methods of infiltration are permitted but shall be approved in advance by the Commission.
39. The area under the approved deck shall be treated with a minimum of three inches of ¾"-1½" crushed stone.
40. Mitigation and restoration plantings shall be installed, and seeding completed, in accordance with the final approved plan.
41. 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.

42. There shall be no discharge of any hot tub water or backwash within 100 feet of any resource area. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.

43. It is the sole responsibility of the owner of record to maintain drainage structures at all times. The property owner is also responsible for retaining records of the maintenance and cleaning for review by the Commission. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
44. The applicant shall apply for a Certificate of Compliance as soon as work has been completed and prior to the expiration of this Order. If work cannot be completed prior to the expiration of this Order, the applicant shall contact the Commission in writing to apply for an extension at least thirty days prior to the expiration date.
45. The applicant shall submit an "as built" plan to the Commission upon completion of this project. The plan shall be signed by the professional engineer of record, who shall certify that the work has been done in accordance with the approved plans and this Order. This plan must be submitted prior to the issuance of a Certificate of Compliance by the Commission.
46. Prior to the issuance of a Certificate of Compliance, the mitigation and restoration area plantings shall survive at least two full growing seasons with a minimum of 75% survival rate. If a 75% survival rate is not achieved, replacement plantings of the same species shall be made by the applicant.
47. The mitigation and restoration planting areas shall be allowed to naturally revegetate with native species following planting and remain as naturally vegetated, and shall not be maintained as mowed or landscaped areas. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.

Second: Comm'r Mosher

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

197 Hersey Street – DEP 034-1397, continued from 2/22/21

Applicant: Gregory Waxman

Representative: Kevin Grady, Grady Consulting, LLC

Proposed: Construction of a swimming pool

Meeting Documents & Exhibits: Staff memo, Revised Plot Plan 2/22/21, Revised Master Plan including Front Yard 2/22/21, Project Calculations [submitted 2/22/21], Arborist's Letter 2/24/21, Response to Comments 3/5/21, Revised Plot Plan 3/4/21, and Revised Master Plan 3/4/21

Excerpts from the staff memo: This hearing was continued from the 2/22/21 meeting to allow time for staff to review recently submitted responses and revised plans (posted on the Pending Applications website), and the representative to respond to additional comments made at the meeting. Since then, the applicant had an arborist make an assessment of trees (see Arborist's Letter dated 2/24/21 on the Pending Applications website) and staff provided additional comments, as follows, on 2/25/21. Staff was anticipating revised materials on 3/4/21, but as of the close of business had not received any.

Chair Freeman summarized the resource areas and proposal and invited applicant to update. Gabriel Padilla from Grady Consulting was present on the call along with the applicant, Greg Waxman and landscape architect, Tricia Van Buskirk. G. Padilla stated that they'd had an arborist evaluate the condition of the trees and those are described in the arborist's letter, and some changes were made to the plans including; the relocation of the existing drywell, the drywell for the pool discharge will be moved outside the 100 ft buffer and the firepit will be moved out of the 100 ft buffer.

He shared his screen and pointed out on the revised plan the locations of the mitigation areas, one of which will be closer to the resource area. The mitigation for removal of 11 trees, most if not all are Norway maples and one, a dying choke cherry, would consist of 4 trees and multiple shrubs. They also propose mitigation for the 1518 sf increase in new impervious inside the 100 ft buffer and they propose mitigating that with 1885sf of planting area, which includes the additional 300sf for the tree mitigation. The Commission asked for clarification regarding the proposed mitigation and discussion followed. The Commission expressed their preference for more trees, rather than shrubs, for the replacement trees, if the site can accommodate them.

Applicant G. Waxman stated that they were open to adding some more trees and T. Van Buskirk stated that it would be fine to add two more trees to that bed. Responding to a question, G. Padilla stated that the mitigation for the trees and the mitigation for the impervious are separate and do not overlap.

The ACO and Commission composed an additional 'prior to construction' condition requiring submittal of revised plans and she further specified the location and number of trees.

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

Motion: Chair Freeman moved to issue an Order of Conditions for the proposed work at 197 Hersey Street (DEP 034-1397), as shown on the submitted plans, and adopt the findings of fact a through c, and special conditions 21 through 46 of the staff report and as discussed at the meeting.

(condition #27 below reflects the addition of one condition)

Findings:

- a. The project meets the submittal requirements for issuance of an Order of Conditions under the Wetlands Protection Act (M.G.L. c. 131, § 40) and the Town of Hingham Wetland Regulations.
- b. The work described is within an area subject to protection under the Wetlands Protection Act (M.G.L. c. 131, § 40) and the Town of Hingham Wetland Regulations, and will not alter or adversely affect the area subject to protection under the Act or the Regulations.
- c. For the purpose of this filing, the Commission confirms the delineation of Inland Bank flags IB2 to IB15, but makes no finding as to the exact boundaries of other wetland resource areas.

Special Conditions:

21. The applicant shall notify the Hingham Conservation Commission in writing of the name, address, and telephone number(s) of the project supervisor or contractor who shall be responsible for ensuring compliance with this Order and shall notify the Commission, by telephone or writing, at least 48 hours prior to commencement of work on the site.
22. This document shall be included in all construction contracts and subcontracts dealing with the work and shall supersede all other contract requirements.
23. The project supervisor or contractor in charge of the work shall have a copy of this Order available on the site at all times.
24. Prior to the start of any excavation or construction, there shall be a pre-construction conference on the site between the project supervisor or contractor responsible for the work and an agent of the Commission to ensure that the requirements of this Order are understood.
25. Prior to the start of any excavation or construction, erosion and sediment controls shall be installed, as shown on the final approved plan, and inspected by an agent of the Commission; straw wattles and/or hay bales shall not be used as a form of erosion and sediment control.
26. Erosion and sediment controls shall remain in place until all disturbed or exposed areas have been stabilized with a final vegetative cover or the Commission has authorized their removal.
27. Prior to the start of any excavation or construction, a revised mitigation planting plan and revised site plan shall be submitted to the Commission for review and approval by the Commission or an agent of the Commission. The plans shall include a minimum of 1,518 square feet of plantings, including a mix of trees, shrubs and herbaceous species. In addition, the plans shall include tree replacements, including an additional two mitigation tree plantings, for the approved tree removals, in accordance with the Commission's Tree Removal and Replacement Policy (adopted 11/4/19). The two additional trees shall be located in the planting area in the vicinity of wetland flags IB2 through IB6. All mitigation plantings shall be native species; no cultivars, non-native species, or invasive species shall be allowed.
28. During all phases of construction, all disturbed or exposed areas shall be brought to a finished grade and either a) loamed and seeded for permanent stabilization, or b) stabilized in another way approved by the Commission.
29. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.
30. All tree debris shall be properly disposed of at an off-site location; no chipped or mulched material shall remain on the property.
31. All demolition and excavated material shall be properly disposed of at an off-site location.
32. Any on site dumpsters shall not be located within 50 feet of any resource area.
33. There shall be no stockpiling of soil or other materials within 50 feet of any resource area. All stockpiles that are not used for more than five days shall be covered and surrounded by erosion and sediment controls; straw wattles and/or hay bales shall not be used as a form of erosion and sediment control.

34. Issuance of these conditions does not in any way imply or certify that the site or downstream areas will not be subject to flooding, storm damage, or any other form of damage due to wetness.
35. Any dewatering activities on the project in which water will be released into any resource area or storm drain shall make use of a stilling pond or similar device to remove sediment before the water is released. Prior to construction, plans for the stilling pond or similar device shall be submitted to the Commission for review and approval.
36. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 50 feet of any resource area.
37. Runoff from the approved outdoor shower shall be directed to a drywell, with a minimum depth of 24 inches of ¾"-1½" crushed stone, as shown on the final approved plan.
38. The mitigation areas plantings shall be installed, and seeding completed, in accordance with the final approved landscape plan.
39. The temporary construction entrance area shall be removed following construction and the area restored to lawn or other vegetation, with no changes in grade permitted.
40. 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.
41. There shall be no discharge of any pool water or backwash within 100 feet of any resource area. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
42. It is the sole responsibility of the owner of record to maintain drainage structures at all times. The property owner is also responsible for retaining records of the maintenance and cleaning for review by the Commission. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
43. 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.
44. 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.
45. Prior to the issuance of a Certificate of Compliance, the mitigation area plantings shall survive at least two full growing seasons with a minimum of 75% survival rate. If a 75% survival rate is not achieved, replacement plantings of the same species shall be made by the applicant.
46. The mitigation planting areas within landscape beds in the fenced portion of the yard shall be maintained with native plantings, and the mitigation planting areas adjacent to the naturally vegetated buffer zone outside the fenced yard shall be allowed to naturally revegetate with native species following planting and remain as naturally vegetated. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.

Second: Comm'r Mosher

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

14 Arnold Road - DEP 034-1400

Applicant: Alissa Jones Design

Representative: Brad Holmes, Environmental Consulting & Restoration, LLC

Proposed: Demolition of a garage and construction of an addition

Meeting Documents & Exhibits: Staff memo, Narrative, Original Site Plan 2/18/21, Original Proposed Mitigation Plan 2/19/21, Revised Narrative 3/2/21, Revised Site Plan 3/2/21, and Revised Mitigation Plan 3/2/21

Excerpts from the staff memo: Staff visited the site on 2/25/21. A bordering vegetated wetland was delineated by a wetland scientist in March 2020 and confirmed by a second wetland scientist for this filing. No wetland flag numbers are shown on the plans, however staff is comfortable with the delineation as shown, but recommends making no finding given the lack of flag numbers and the fact that the wetland is off site. Staff also observed outfalls and an intermittent

stream within the wetland. The area where work is proposed is relatively flat and currently consists of pavement, lawn, and a portion of an existing deck and stairs. A small ornamental tree would be removed but no other vegetation besides lawn. Staff observed that offsite there is a significant amount of invasive Japanese knotweed in the buffer zone and a large amount of yard waste (branches, leaves) abutting the stream channel, and encouraged the applicant to work with the owner to remove the yard waste if possible.

Staff relayed several comments to the representative on 2/26/21 and received a revised narrative and revised plans that addressed the comments and are reflected in this memo. Staff has no remaining concerns.

Chair Freeman summarized the resource areas and the project, noting that there is a net decrease of impervious surface. Cameron Larson of Environmental Consulting and Restoration was present on the call along with applicant Alissa Jones of Alissa Jones Design and property owners, Adam & Kylie Dunn. C. Larson reviewed the existing conditions and wetland resource areas. He described the proposal, an addition and reconfiguration of the driveway, all on the south of the property within the 100ft buffer. They propose to raze and remove the existing garage and remove a large portion of pavement resulting in a 315 sf decrease in impervious surface. They will have erosion controls in place, provide an infiltration system for the roof runoff and stone infiltration trench on the edge of the driveway, all disturbed areas will be restored. They propose native plantings and a small mitigation native vegetated buffer area for work happening in the 50 ft buffer.

The ACO had nothing further to add to C.Larson's description but noted that a DEP # had been issued.

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

Motion: Chair Freeman moved to issue an Order of Conditions for the proposed work at 14 Arnold Road (DEP 034-1400), as shown on the submitted plans, and adopt the findings of fact a through c, and special conditions 21 through 43 of the staff report.

Findings:

- a. The project meets the submittal requirements for issuance of an Order of Conditions under the Wetlands Protection Act (M.G.L. c. 131, § 40) and the Town of Hingham Wetland Regulations.
- b. The work described is within an area subject to protection under the Wetlands Protection Act (M.G.L. c. 131, § 40) and the Town of Hingham Wetland Regulations, and will not alter or adversely affect the area subject to protection under the Act or the Regulations.
- c. For the purpose of this filing, the Commission makes no finding as to the exact boundaries of wetland resource areas.

Special Conditions:

21. The applicant shall notify the Hingham Conservation Commission in writing of the name, address, and telephone number(s) of the project supervisor or contractor who shall be responsible for ensuring compliance with this Order and shall notify the Commission, by telephone or writing, at least 48 hours prior to commencement of work on the site.
22. This document shall be included in all construction contracts and subcontracts dealing with the work and shall supersede all other contract requirements.
23. The project supervisor or contractor in charge of the work shall have a copy of this Order available on the site at all times.
24. Prior to the start of any excavation or construction, there shall be a pre-construction conference on the site between the project supervisor or contractor responsible for the work and an agent of the Commission to ensure that the requirements of this Order are understood.
25. Prior to the start of any excavation or construction, erosion and sediment controls shall be installed, as shown on the final approved site plan and final approved mitigation plan, and inspected by an agent of the Commission; straw wattles and/or hay bales shall not be used as a form of erosion and sediment control.
26. Erosion and sediment controls shall remain in place until all disturbed or exposed areas have been stabilized with a final vegetative cover or the Commission has authorized their removal.
27. 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.

28. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.
29. All demolition and excavated material shall be properly disposed of at an off-site location.
30. Any on site dumpsters shall not be located within 50 feet of any resource area.
31. There shall be no stockpiling of soil or other materials within 50 feet of any resource area. All stockpiles that are not used for more than five days shall be covered and surrounded by erosion and sediment controls; straw wattles and/or hay bales shall not be used as a form of erosion and sediment control.
32. 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.
33. Any dewatering activities on the project in which water will be released into any resource area or storm drain shall make use of a stilling pond or similar device to remove sediment before the water is released. Prior to construction, plans for the stilling pond or similar device shall be submitted to the Commission for review and approval.
34. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 50 feet of any resource area.
35. Rooftop runoff from the approved garage addition shall be infiltrated on site, using infiltration chambers as shown on the final approved plans. Alternative methods of infiltration are permitted, but must be approved in advance by the Commission.
36. Driveway runoff shall be infiltrated on site, using a stone infiltration trench as shown on the final approved plans.
37. The mitigation area plantings shall be installed, and seeding completed, in accordance with the final approved mitigation plan, and as further described in the project description (revised 3/2/21).
38. 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.
39. It is the sole responsibility of the owner of record to maintain drainage structures at all times. The property owner is also responsible for retaining records of the maintenance and cleaning for review by the Commission. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
40. 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.
41. 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.
42. Prior to the issuance of a Certificate of Compliance, the mitigation area plantings shall survive at least two full growing seasons with a minimum of 75% survival rate. If a 75% survival rate is not achieved, replacement plantings of the same species shall be made by the applicant.
43. The mitigation planting area shall be maintained with native plantings or shall be allowed to naturally revegetate following planting and remain as naturally vegetated. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.

Second: Comm'r Mosher

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

304 Whiting Street – DEP 034-XXXX

Applicant: Noreen Browne, South Shore Habitat for Humanity

Representative: Gary James, James Engineering, Inc.

Proposed: Demolition of a house and construction of two houses and a common drive

Meeting Documents & Exhibits: Staff memo, Narrative and Original Plan Set 2/15/21

Excerpts from the staff memo: The purpose of this Notice of Intent is to evaluate the potential impacts of demolishing an existing single-family home and septic system, and constructing two new single-family homes and septic systems, stormwater improvements, a retaining wall, grading, landscaping, and utilities. The demolition work will take place in the 100ft buffer zone and Inner Riparian Zone, with the area to be restored/replanted afterwards. The remaining work will take place in the Outer Riparian Zone, and beyond. Staff observed manmade debris and a bamboo stand, potentially a non-native invasive species, in the 50ft buffer zone and is anticipating some additional work in connection with those observations.

This is a 40B project and as such, has been reviewed by the Zoning Board of Appeals (ZBA) and granted a Comprehensive Permit (Permit). Typically, the ZBA acts as the Conservation Commission during the hearing process, reviewing requested waivers from the Hingham Wetland Regulations (HWR), seeking input from staff and peer reviewers, as needed, and including conditions and granted waivers in the Permit. For this project, only two waivers were granted: Part 1, Section 7.4(b)(8), related to identifying all trees 6" or greater in DBH being shown on the plans and Part 2, Section 21.1(d)(4), related to the delineation of Riverfront Area. The representative has verbally indicated to staff that the remaining applicable sections of the HWR are expected to be applied during the Commission's review process, in addition the applicable sections of Massachusetts Wetlands Protection Regulations (310 CMR 10.00).

Chair Freeman summarized the resource areas and various aspects of the proposal. She noted that it improves existing conditions by removing the existing house and septic from the inner riparian buffer and entirely out of the 100 ft buffer of the Bordering Vegetated Wetland (BVW). The only Commission jurisdiction the project would remain in would be the outer riparian. She noted that staff requires more information as detailed in the staff memo.

Gary James, of James Engineering, Inc. was present on the call. G. James described some of the history of the lot and explained that he has been involved since 2015 when the wetlands were flagged. He gave a brief overview; the unoccupied existing house will be taken down, they will build further away. He noted that up at the top there are still scars of the Derby Brook work, still a lack of grass and a lot of gravel. The second proposed house will be totally out of the riparian zones and out of the Commission jurisdiction.

G. James reviewed some of the issues raised in the staff memo:

- That there is an area in the inner riparian with some bamboo that will need attention.
- There are remainders of the walls that used to be down to the sauna in the area of the second rain garden by Derby Brook.
- He will need to come up with a planting schedule with staff
- And how to delineate the buffer line so that the homeowner doesn't encroach on the inner riparian
- He noted that there is no DEP # yet.
- He has not had time to respond to staff comments yet.

Chair Freeman stated that there was a lot of basic information needed still. The CO commented on the bamboo and directed G. James to the last page of the staff memo with a photo of the bamboo stand and described the location. She noted that if the wetland scientist who had done the delineation in 2015 had any feedback or strategy for dealing with that, the information would be welcome.

Confirming with G. James the presence of a sauna, Comm'r Mosher shared with the Commission that in the late 1800's and early 1900's, upper Cushing Street and part of Gardner Street was a historically Finnish section of Hingham.

Chair Freeman invited any comments from the public.

An abutter, Michael Fisher, of 20 Derby Brook Way, one owner in the 20 condominiums that were built in 2009, was present on the call. He stated that his understanding is that the Zoning Board of Appeals' approval pertained to the local wetlands regulations, but did not permit the state wetlands regulations and that it's his understanding from the CO that the Commonwealth regulations are not any more restrictive than the local regulations.

M. Fisher briefly commented that the Derby Brook condos were built as a 40 B project and all five separate septic systems were built outside of the 200ft riparian zone. Five years later, in 2014, the Board of Selectmen declined to build the public safety facility at that location due to insufficient setbacks and potential damage to the stream and the wetlands; this is noted in the 2014 Town Warrant. He stated that the Board of Health identified potential health issues via the 2 proposed septic systems with their proximity to both the stream and the Nickerson's potable well and recommended not approving the project; the Zoning Board of Appeals overruled the Board of Health. He concluded his comments noting that there are 21 abutter families and all 21 are on record against the project.

M. Fisher stated that they have three questions he would like answered. One, will the Commission or some other entity test the Derby Brook stream so that there is a baseline for comparison down the road. Two, who should be called if there is a change in coloration or smell of the brook or wetlands. Three, if there is contamination, who is responsible to remediate it and who will pay for the remediation.

He concluded by acknowledging that they do not own the property where the work is proposed but noted that Derby Brook stream and its associated wetlands are on the Derby Brook condominiums property, whoever authorizes the project should take responsibility if anything adverse happens to the wetlands, and they recommend against the project.

Chair Freeman thanked M. Fisher for bringing his concerns to the Commission and explained that the Commission's process is specifically set up to evaluate any potential impacts on the resource areas.

There were no further comments from the public.

The Commission and representative coordinated the most suitable date for the next hearing.

Motion: Chair Freeman moved to continue the hearing for 304 Whiting Street to April 12, 2021.

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 explained that the documents she had emailed to the Commission included a draft Hingham Wetland Regulations Section 24 document that she had compiled which included all track changes necessary based on updates from FEMA map updates, the Model Bylaw, and captures all the additional edits recommended by Town Counsel. She stated that she did not include any substantive changes but focused on the changes needed to still qualify to be in the National Flood Insurance Program. The CO briefly pointed out two comments and highlights in the document for the Commission to consider and give their feedback on. Discussion followed about the regulations and language.

Chair Freeman adjourned the meeting at 9:40 pm.

Submitted, _____
Sylvia Schuler, Administrative Secretary

Approved on March 22, 2021

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