



CONSERVATION COMMISSION MEETING MINUTES – March 22, 2021

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

Absent: John Mooney

The remote meeting was held via Zoom with Dial in #929-205-6099, Meeting ID # 821-5289-5561

The meeting was called to order at 7:02 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 March 8, 2021 meeting.

Second: Comm'r Hidell

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

Requests for Determination of Applicability

Route 3A and Kilby Street Intersection

Applicant: MassDOT – Highway Division

Representative: Susan McArthur, BSC Group, Inc.

Proposed: Safety improvements

Meeting Documents & Exhibits: Staff memo, Narrative and Original Plan Set [plotted 3/8/21] and Revised Plan Set [plotted 3/15/21]

*Excerpts from the staff memo: The areas where work is proposed are either existing paved roadway or disturbed or lawn areas adjacent to the roadway, and are mostly level. Remaining comments include asking for an explanation of why shallow catch basins with only a 2ft sump may be used, and **whether deep sump catch basins with 4ft sumps and hoods are feasible.** Staff also had a question about the **schedule of maintenance of the drainage infrastructure** going forward, and relayed that the existing catch basin at the southwestern corner of the intersection was completely covered by a thick layer of dirt and leaves at the time of the site visit and should ideally be cleaned now, unless construction will be starting very soon.*

Chair Freeman reviewed the resource areas and briefly described the proposal. Susan McArthur from BSC group was present on the call with Melissa Lenker from Ma DOT Environmental and Stephen Simoglou, the design engineer from Ma DOT.

S. McArthur described the location as fairly rural with just a few houses near the intersection and with level topography; a sidewalk exists on the west side of Kilby Street and there is an existing crosswalk. The proposal would extend the sidewalks and add a crosswalk with flashing beacons. They would replace a drainage manhole on each side with catchbasins to catch roadway runoff. Right hand turn lanes from Kilby Street onto 3A, from each direction, would be added and triangular medians also added to ensure the correct turning. Upon completion of the project, they would loam and seed areas that are shown as hatched on the plan. All the work is proposed within existing paved areas and no trees need to be removed. She briefly described the planned erosion controls.

S. Simoglou confirmed that the islands are raised with a sloped granite edging between the street level and the island. M. Lenker stated that some of the sidewalk will be extending into area that is not currently paved. Responding to a question from the ACO, S. McArthur stated that the catch basins could be changed to a 4 ft deep sump rather than 2 ft; she added that Ma DOT typically puts hoods on catch basins to collect trash, and as this is not a commercial area, hoods are not proposed here.

Responding to a question regarding scheduled maintenance, M. Lenker confirmed that the catch basins would be inspected annually and cleaned as needed. S. McArthur stated that a Ma DOT crew had been out to the intersection and cleaned the accumulated leaves and dirt from the grates. The Commission agreed to the waiver of fee request and the S. McArthur agreed to submit a revised plan set showing the catchbasins as 4ft deep sump catchbasins.

Abutters, Dorothy and Ron Hutchins of 30 Cliff Road asked to speak. R. Hutchins questioned the proposed design of the intersection and asked had they considered a set of lights, as there used to be, at that intersection. Chair Freeman explained that the Conservation Commission's jurisdiction is protecting the wetland resource areas and that there would be another venue, perhaps the Planning Board, involved with design and traffic flow.

Motion: Chair Freeman moved to waive the local bylaw fee and issue a Negative Determination of Applicability for the proposed work at Route 3A and Kilby Street, as shown on the submitted plans, and adopt the findings of fact a through d, and conditions 1 through 6 of the staff report.

Findings:

- a. This project meets the requirements of Part 1, Section 7.1 of the Town of Hingham Wetland Regulations governing procedures for a Request for Determination of Applicability.
- b. The work described is within an area subject to protection under the Wetlands Protection Act (M.G.L. c. 131, § 40) and the Town of Hingham Wetland Regulations, and will not alter or adversely affect the area subject to protection under the Act or the Regulations.
- c. This project qualifies as a limited project under 310 CMR 10.53 (3)(f).
- d. For the purpose of this filing, the Commission makes no finding as to the exact boundaries of wetland resource areas.

Conditions:

1. Prior to the start of work, erosion and sediment controls shall be installed, as shown on the final approved plan, and inspected by an agent of the Commission; straw wattles and/or hay bales shall not be used as a form of erosion or sediment control.
2. Erosion and sediment controls shall remain in place until all disturbed or exposed areas have been stabilized with a final vegetative cover or the Commission has authorized their removal.
3. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.
4. All excavated material shall be properly disposed of at an off-site location.
5. The Conservation Department shall be notified to any changes in plans prior to proceeding with said changed plans.
6. The Conservation Department will be contacted to schedule a post-construction meeting.

Second: Comm'r Mosher

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

Chair Freeman read the Public Hearing Notice of Intent.

Requests for Extension of Order of Conditions

24 Shipyard Drive – DEP 034-1063

Applicant: Cherie Rudzinsky/Hingham Shipyard Marinas, LLC

Meeting Documents & Exhibits: Staff memo

Excerpts from the staff memo: The original Order of Conditions for 24 Shipyard Drive (DEP 034-1063) was issued in 2011 for the rehabilitation of the existing pier. The Order was automatically extended to 4/7/18 due to the Permit Extension Act. The applicant requested, and was granted, a three-year extension in March 2018. With the Order set to expire again next month, and more work yet to be completed, the applicant is requesting another three-year extension.

In speaking with the applicant, staff learned why the project is taking so long to complete: several commercial fishermen structures are located on the pier. In order to complete the rehabilitation work, the structures need to be moved to a different part of the pier, the necessary repairs are then made to the pier, and the structures are returned to their original locations. The structures cannot be relocated while they are in use, which limits the number of months during any given year when the pier rehabilitation work can be completed. The circumstances under which the Commission could deny this request do not apply to this project. Staff recommends issuing a three-year extension to 24 Shipyard Drive (DEP 034-1063).

Chair Freeman reviewed the staff memo and the CO stated that she'd spoken with the applicant earlier who explained that she may be unable to join the meeting due to technical difficulties.

Motion: Chair Freeman moved to issue a three-year Extension Permit for the Order of Conditions issued to 24 Shipyard Drive (DEP 034-1063) with the new expiration date of April 7, 2024.

Second: Comm'r Mosher

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

Notices of Intent

100 Industrial Park Road DEP 034-1361, continued from 2/22/21

Applicant: Timothy Casey, JEB Group, LLC

Representative: Kevin Hixson, BL Companies

Proposed: Warehouse renovation and demolition, and site improvements

Meeting Documents & Exhibits: Staff memo

Excerpts from the staff memo: This hearing is continued from the 12/21/20 meeting to allow time for additional plan revisions along Commerce Road and submission of a revised Soil Management Plan (SMP). Since then the representative has submitted the revised SMP (dated 3/5/21), revised plans (dated 3/5/21), an exhibit of Wetland Buffer Encroachments (dated 3/4/21), and a letter summarizing the revisions (dated 3/5/21).

The additional work proposed along Commerce Road includes widening the southerly driveway into the site, road widening, road repaving, water main work, and replacement of an existing catch basin with a water quality unit. Most of these changes were made in response to comments received from the traffic peer reviewer for the Planning Board. In addition, staff identified additional Bordering Vegetated Wetlands across the street and these have been added to the plans and buffer zone impacts adjusted accordingly.

Staff revised the draft conditions to ensure that the temporary disturbance to the 50ft buffer along Commerce Road would not result in the loss of any woody vegetation, and the area would be seeded appropriately following construction. See sentence added to condition #5, and new condition #16.

Chair Freeman briefly summarized the resource areas and described the proposal and recent new and revised submissions to the Commission. Robert Roles, Senior Engineer with BL Companies as well as Civil Site Engineer of Record for the project, was present on the call along with Alex Klose, Engineer with BL Companies, and, Matthew Heil, LSP from Sanborn Head.

R. Roles briefly reviewed some of the recent changes and submissions. He noted that they'd provided a letter detailing the minor changes resulting from the traffic peer review comments including: the widening of the southerly drive and exit on Commerce Road to accommodate WB-67 trucks exiting the site without crossing over the centerline of the road, this change would entail a 1:1 tree replacement for the removal of one white pine. He noted that the permanent impacts from the additional paved area are less than 1000 sf and existing runoff from Commerce Road is discharged currently, untreated, to the northeast wetlands. Under proposed conditions, the runoff will be treated. Additionally, they have proposed an overall reduction in parking from 452 stalls to 447 stalls with the reduced impervious area added to the rain garden. He summarized that they had satisfied all the technical peer review comments, believed they'd addressed all the Commission's concerns, had no objections to the 39 draft conditions and had also provided a letter relative to their rights for the offsite work. R. Roles reiterated that what is proposed vastly improves current conditions and briefly reviewed several of the improvements.

The Commission was in agreement that they had no further concerns or questions. The ACO stated that all her comments had been addressed and staff suggested some minor edits to conditions #14, #21, and #26 to specify the revision date of March 5, 2021 of the Soil Management Plan.

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

Motion: Chair Freeman moved to issue an Order of Conditions for the proposed work at 100 Industrial Park Road (DEP 034-1361), as shown on the submitted plans, and adopt the findings of fact a through c, and special conditions 1 through 39 of the staff report and as amended at the meeting.

(conditions below reflect the edits to conditions #14, #21 and #26)

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. The project meets MassDEP Stormwater Management Standard 3 to the “maximum extent practicable.” The project is a partial redevelopment, and includes a significant increase in impervious area, however the entire site has an Activity and Use Limitation (AUL) that precludes inducing runoff to the groundwater, pursuant to M.G.L. Chapter 21E and the Massachusetts Contingency Plan (310 CMR 40). In accordance with the MassDEP Stormwater Handbook, Vol. 1, Ch. 1, infiltration is only required to the maximum extent practicable due to the risk that infiltrating the required recharge volume may cause or contribute to groundwater contamination. A Licensed Site Professional (LSP) identified specific areas of this site that would not be suitable for infiltration. Remaining areas of the site were deemed not suitable for infiltration due to either site constraints such as ledge, high groundwater or unsuitable soils as determined by test pits, or proximity to the proposed septic system, the existing building to remain, or a drainage swale within the Route 3 ROW.

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. Erosion controls along the southern side of Commerce Road shall be installed at the edge of the roadway in existing lawn or herbaceous vegetation; no removal of woody vegetation, including shrubs or trees, is permitted. The Commission reserves the right to require additional erosion and/or damage prevention controls if deemed necessary. These may be required by the Commission or an agent of the Commission at any time when deemed appropriate.
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, revised plans showing the final location and construction details for the outlet structures, including full dimension data, shall be submitted to the Commission for review and approval.

10. 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.
11. 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.
12. 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.
13. 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.
14. The project supervisor or contractor in charge of the work shall follow the final approved SWPPP, and Soil Management Plan, dated revised March 5, 2021, during all phases of construction. A copy of both documents shall be kept on site at all times.
15. 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.
16. No trees or woody vegetation shall be removed from the 50-foot buffer zone on the southern side of Commerce Road without prior approval from the Commission. The area of temporary disturbance shall be seeded with a conservation seed mix following completion of work in this area.
17. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.
18. Trash and man-made debris in the vicinity of the two existing headwalls to the southwest of the existing leaching field, shall be removed by hand.
19. All tree debris shall be properly disposed of at an off-site location; no chipped or mulched material shall remain on the property.
20. All excavated material shall be properly disposed of at an off-site location. Evidence, such as a manifest or bill of lading, shall be provided to the Commission documenting the legal disposal of concrete, asphalt, and/or other materials removed from the site, including that material removed in dumpsters.
21. Excavated soils shall be handled in accordance with the final approved Soil Management Plan, dated revised March 5, 2021. Upon the completion of earthwork activities, documentation shall be provided to the Commission from a Licensed Site Professional (LSP) indicating whether there was any on-site re-use of excavated soils, and whether any remediation wastes were identified during soil excavations, and confirming that a condition of No Significant Risk continues to be maintained on the site. Evidence shall also be provided to the Commission documenting the legal disposal of any soils removed from the site.
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 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.
24. At the end of each workday, the applicant shall mechanically or manually sweep sediments from all paved surfaces, unless tracking and sediment is not evident.
25. 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.
26. 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. Any removal of remedial wastewater shall be handled in accordance with the final approved Soil Management Plan, dated revised March 5, 2021.

27. 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.
28. 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 constructed stormwater detention basin, subsurface detention system, 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.
29. Prior to the discharge of stormwater runoff to the post-construction stormwater Best Management Practices, an Illicit Discharge Compliance Statement and supporting documentation shall be submitted to the Commission for review and approval, to ensure compliance with MassDEP Stormwater Management Standard 10. **No Certificate of Compliance shall be issued until this statement has been submitted and reviewed and it is verified that there are no illicit discharges at the site.**
30. Detention basin plantings and supplemental buffer plantings shall be installed, and seeding completed, in accordance with the final approved landscape plans. The entire former leaching bed area shall be restored.
31. 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.
32. 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.
33. 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.
34. 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 Site Operation and Maintenance Plan, prepared by BL Companies and dated November 4, 2020, 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.
35. The detention area shall be maintained with native plantings, and the supplemental buffer plantings areas 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.
36. 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.
37. 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.
38. Prior to the issuance of a Certificate of Compliance, the Long-term Site Operation and Maintenance Plan shall be revised to indicate that 1) snow storage shall be prohibited in the constructed stormwater detention basin, wetland resource areas, or wetland buffer zones and 2) the detention area shall be maintained with native

plantings and the supplemental buffer plantings areas shall be allowed to naturally revegetate with native species following planting and remain as naturally vegetated.

39. Prior to the issuance of a Certificate of Compliance, the detention area and supplemental buffer plantings areas 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.

Second: Comm'r Mosher

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

19 Ringbolt Road – DEP 034-1401

Applicant: Mason Butler

Representative: Scott Fanara, Grady Consulting, LLC

Proposed: Construction of a pool, deck, patio and retaining wall

Meeting Documents & Exhibits: Staff memo, Narrative and Original Plot Plan 2/19/21

Excerpts from the staff memo: *The purpose of this Notice of Intent is to evaluate the potential impacts of constructing a 13ft x 7ft pool, deck, stone patio and stone steps, new retaining wall (fieldstone or boulder wall) and repair of an existing boulder wall, outdoor shower, fencing, grading, and landscaping, including raised planter beds. The existing boulder wall to be repaired and landscaping would be within the 50ft buffer to a Salt Marsh. A large portion of the remaining work would be within the 100ft buffer to either Salt Marsh or BVW, with a portion of the proposed deck, stairs and landscaping out of the buffer zone. There is Land Subject to Coastal Storm Flowage in the northeastern corner of the property, but no work is proposed in this area.*

The area where work is currently proposed consists of a brick patio surrounded by a stone retaining wall, stone steps, a boulder slope/wall, an existing fence, planting beds, and lawn. It does not appear that any trees would be removed for the project.

Chair Freeman briefly summarized the resource areas and described the proposal noting that most of the work is in the 100 ft buffer and the work proposed in the 50 ft buffer is repair and landscaping. Representatives Rick Grady and Scott Fanara from Grady Consulting and Sean Papich of Sean Papich Landscape Design, and Mason Butler, homeowner, were present on the call. S. Fanara shared his screen and pointed out all the existing elements on the plan and explained what is proposed:

- The existing brick patio will be replaced with decking which will have appropriate space between boards to allow for water to run through and crushed stone below.
- The small pool will use a cartridge filter and not require backwashing.
- The outdoor shower will be infiltrated by directing the runoff to the crushed stone under the deck.
- The existing fence line will be extended.
- He pointed out the dirt path and paved drive that exist between the resource areas and the proposed work.
- A silt sock is proposed and he pointed out the proposed construction access point.
- He noted that the impervious coverage table had been updated since the deck had initially been included in the impervious calculations but will now be pervious.
- A wildflower seed mix is proposed for mitigation; no trees are proposed for removal.

Responding to a question from the ACO, S. Papich explained that the pool/spa is relatively small and will be used over the winter and so will not be drained. He acknowledged that the spa water is treated but that any water needing to be removed would get directed to the crushed stone under the deck. Comm'r Hidell suggested that they could also use a charcoal filter to clean the water as it is drained. In regards to the decking material, S.Papich stated that the deck will be an Ipe deck, will not be oiled and simply age.

With the detail planting plan shared on the screen, S.Papich listed the plants and shrubs chosen for mitigation and noted that a substantial square footage will be planted with a wildflower seed mix. He stated that there are some boulders in place, a bit like riprap with heavily eroded slopes, and they plan to rehabilitate that and make it stronger to retain the grade, and then extend it with either fieldstone or boulders within the 50-100ft buffer

The ACO explained that she had not had a chance to look at the revised plans in detail, but felt the proposed construction access could be managed in a safe manner, with perhaps stone at the construction entrance, and have that included on the plan. The Commission had no comments or questions, and as staff had not yet reviewed the responses, nor prepared draft conditions, brief discussion followed regarding continuing to the next meeting.

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

Motion: Chair Freeman moved to continue the hearing for 19 Ringbolt Road (DEP 024-1401) to April 12, 2021.

Second: Comm'r Mosher

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

357 Main Street – DEP 034-1402

Applicant: Christopher Bleck

Representative: Scott Fanara, Grady Consulting, LLC

Proposed: Landscape improvements

Meeting Documents & Exhibits: Staff memo, Narrative, Original Plot Plan 2/24/21, Original Master Plan 3/4/21, Response to Comments [submitted 3/18/21], Revised Plot Plan 3/18/21, and Revised Master Plan 3/17/21

Excerpts from the staff memo: The area where the turnaround is proposed is currently maintained as lawn. The existing driveway is narrow and the property is located on a busy, curved section of Main Street, which makes it challenging to exit the driveway safely. Staff has no concerns related to the installation of the turnaround. The proposed work in the 50ft buffer zone would largely improve upon the existing conditions by reducing the amount of impervious area, stabilizing an unvegetated steep slope, and replacing some fencing that is in disrepair.

Chair Freeman briefly summarized the resource areas and described the proposal noting that the proposal represents an overall decrease of impervious area of 32sf. She also noted that a portion of the work would occur on the neighboring property and the neighbors have signed off on it.

Representative Scott Fanara of Grady Consulting, Patricia Van Buskirk of Patricia Van Buskirk Landscape Architecture and homeowners Kelsey Skomorowski and Christopher Bleck were present on the call. S. Fanara explained the purpose of the proposal was to address an unstable area of slope as well as to rework the landscaping in the rear of the house. He briefly described the proposed planting plan, stated that they are requesting some lawn area within the 50ft buffer, and pointed out they have proposed a significant amount of vegetation between the proposed work and the isolated vegetated wetland.

Chair Freeman expressed her satisfaction with most of the proposal but stated her concern regarding the proposed lawn, noting that the Commission has a hard prohibition of new lawn in the 50ft buffer and in this instance there is the extra sensitivity of the resource area being a potential vernal pool. S. Fanara stated that the area proposed for lawn is in an area that is already developed, including some pavers that they would remove. Discussion followed about the regulation and the existing conditions. The CO stated that ideally there would be a naturally vegetated groundcover in that location, and although the area is already disturbed, the typical maintenance associated with lawn including fertilizers and chemicals and dumping of lawn clippings are perennial problems. The preferred option would be to use a low to the ground vegetation, that can withstand foot traffic, or other permeable solution ie. gravel. The Commission was in agreement that they were not willing to start a precedent by permitting lawn within the 50ft buffer. Extensive discussion followed with various suggestions and ideas floated for the area. Discussion included consideration of perhaps permitting use of a non-native, but non-invasive, species in this instance. P. Van Buskirk asked if it would be permissible to add more stepping stones with wide joints and a steppable ground cover. The CO cautioned that would be acceptable as long as they did not exceed the impervious sf of the existing conditions; should the impervious area go over that amount then mitigation would be expected. Brief discussion followed with the Commission concluding to tweak the language of condition #27 to conclude with 'All new plantings within the 50 ft buffer zone shall not be an invasive species.' The CO noted that condition #27 also directs the two non-native Kousa dogwoods on the plan to be replaced and T. Van Buskirk received permission to make the change from Kousa to one Eastern Redbud tree and one Amelanchier tree.

Chair Freeman invited any comments from the public. With no comments from the public, she closed the hearing to public comment.

Motion: Chair Freeman moved to issue an Order of Conditions for the proposed work at 357 Main Street (DEP 034-1402), as shown on the submitted plans, and adopt the findings of fact a through c, and special conditions 21 through 41 of the staff report and as amended at the meeting.

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. Prior to the start of any excavation or construction, a revised Plot Plan and Master Plan shall be submitted to the Commission for review and approval. The plans shall a) remove the note relative to the acceptance of the resource area delineation on the abutting property, 349 Main Street; b) replace the proposed kousa dogwood trees in the 50ft buffer zone with a native species; and c) replace the proposed lawn in the 50ft buffer zone with an alternative, naturally vegetated or permeable product. All new plantings within the 50ft buffer zone shall not be an invasive species.
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 demolition and excavated material shall be properly disposed of at an off-site location.
31. Any on site dumpsters shall not be located within 25 feet of any resource area.
32. There shall be no stockpiling of soil or other materials within 25 feet of any resource area. All stockpiles that are not used for more than five days shall be covered and surrounded by erosion and sediment controls; straw wattles and/or hay bales shall not be used as a form of erosion and sediment control.
33. 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 50 feet of any resource area.
36. The proposed plantings shall be installed, and seeding completed, in accordance with the final approved Plot Plan and Master Plan.

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. 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.
39. 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.
40. Prior to the issuance of a Certificate of Compliance, the proposed plantings within the 50ft buffer zone 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.
41. The steep slope adjacent to the resource area, which will be planted with a mix of native trees, shrubs, and seed mix, 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 Hidell

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

59 Garrison Road – DEP 034-XXXX

Applicant: Aimee & Zachary Sargent

Representative: James Garfield, Morse Engineering, Inc

Proposed: Construction of a swimming pool

Meeting Documents & Exhibits: Staff memo, Narrative, Original Proposed Pool Plan 3/3/21, Response to Comments 3/18/21, and Revised Proposed Pool Plan 3/18/21

Excerpts from the staff memo: The limit of work is entirely disturbed with structure, hardscaping, landscaping, and lawn. The property is fairly flat from the front of the house to the back, then at about the northern limit of the existing patio, there is a very steep slope, partially supported by a retaining wall. At the bottom of the slope, the property is fairly flat again. Staff observed several tree stumps on the property, however two appeared to be very old and the third, while also not brand new, was questionable as to whether it was located in the Commission's jurisdiction.

Staff sent several comments and questions to the representative and received a formal response and a revised plan, both of which are dated 3/18/21 and posted on the Pending Applications website. Staff has no further comments or questions, but does recommend that a more detailed planting plan be submitted for review and approval prior to the start of work (Condition #28).

Chair Freeman briefly summarized the resource areas, described the proposal and noted that the representatives had provided a formal response that satisfied staff concerns.

Gregory Morse, Registered Engineer from Morse Engineering was present on the call along with the homeowner, Aimee Sargent. He briefly described the wetland resource areas, delineated by Brad Holmes, ECR, and the 50 and 100 ft buffer zones. He explained that the approximately 506 sf addition will have roof top runoff directed into infiltrator chambers to recharge stormwater. A pool and bluestone patio are proposed in the rear yard which is entirely previously disturbed. They propose to mitigate for the project with erosion controls and, post construction, 1611sf of mitigation plantings, noting that they have specified the areas for mitigation plantings but have not yet specified the species.

The Commission expressed their satisfaction with the proposal. The CO clarified that a planting plan would need to be submitted ahead of construction per draft condition #27. Without a DEP #, the hearing would need to be continued.

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

Motion: Chair Freeman moved to continue the hearing for 59 Garrison Road to April 12, 2021.

Second: Comm'r Mosher

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

349 Main Street - DEP 034-XXXX

Applicant: Richard & Nora Decembrele

Representative: Brendan Sullivan, Cavanaro Consulting, Inc.

Proposed: Demolition of a garage and construction of an addition

Meeting Documents & Exhibits: Staff memo, Narrative, Original Site Plan 3/5/21, and Revised Site Plan 3/17/21

Excerpts from the staff memo: The limit of work is entirely disturbed with structure, hardscaping, landscaping, and lawn. While the property is fairly flat from Main Street towards and including the existing garage, behind the existing garage, the property slopes down towards the resource area. Most of the northern and eastern sides of the resource area have been altered with landscaping and lawn; the western and a portion of the southern sides remain naturally vegetated. A row of arborvitae shrubs have been added to the northern and eastern sides of the resource area. The proposed linear mitigation area (currently 425sqft) would be situated upslope of these shrubs, in an area that is maintained as lawn. Staff sent several comments and questions to the representative and received the revised plans, dated 3/17/21 and posted on the Pending Applications website, in response.

Chair Freeman briefly summarized the resource areas and described the proposal. Representative Brendan Sullivan, of Cavanaro Consulting, was present on the call along with the architect and the homeowners, Richard and Nora Decembrele. B. Sullivan briefly shared his screen and pointed out the various aspects of the existing conditions and proposed projects. He noted that they have increased the amount of mitigation to 980 sf to meet the required mitigation ratio and have a suggested planting shrub list and wildflower conservation mix. He pointed out on the plan two potential areas for mitigation. B. Sullivan stated that rooftop runoff would be directed to an underground infiltration behind the garage.

Responding to a Commission question regarding increased impervious in the 50ft buffer with the garage addition, B. Sullivan stated that the garage would have a crawl space with a 4 ft frost wall and the rest of the addition will have a full foundation. Discussion followed regarding frost walls, foundation walls and crawl space.

The Commission expressed their satisfaction with the proposal. The CO confirmed with the representative and homeowners that they were comfortable with the draft condition requiring maintenance of the infiltration bed and gutters and downspouts that lead to it. B. Sullivan added that he could provide an Operation & Maintenance Plan for the homeowners and R. Decembrele agreed they could commit to that maintenance.

Without a DEP #, the hearing would need to be continued.

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

Motion: Chair Freeman moved to continue the hearing for 349 Main Street to April 12, 2021.

Second: Comm'r Mosher

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

274 South Street – DEP 034-XXXX

Applicant: Kevin Whalen, South Shore Country Club

Representative: Lauren Gluck, Pare Corporation

Proposed: Construction of a maintenance facility

Meeting Documents & Exhibits: Staff memo, Narrative and Original Plan Set 2/12/21

Excerpts from the staff memo: The purpose of this Notice of Intent is to evaluate the potential impacts of demolishing an existing maintenance administration building and removing storage containers and materials stockpiles, and constructing a new equipment storage building, wash down area, equipment maintenance and administration building, bulk storage area, access drive, stormwater management, other utilities, grading, landscaping and buffer zone restoration. Within the 50ft buffer zone, there would be a small portion of the demolition work, a new drainage pipe and outlet, grading, and buffer zone restoration and plantings. Within the 100ft buffer zone, there would be the wash down and bulk storage areas, a portion of both of the new buildings, new pavement, a portion of the stormwater system,

grading and landscaping. Bordering Land Subject to Flooding is located in the vicinity of the site, but no work is proposed within this area. Work would take place within a 1.2 acre area within the South Shore Country Club property. Staff recommends continuing the hearing to allow time for the representative to address comments, for additional project review, and for a DEP file number to be issued. Staff also recommends that the Commission hire a stormwater peer review consultant; the Commission would need to vote to authorize the peer review.

Chair Freeman briefly summarized the resource areas and described the proposal. Kevin Whalen, Executive Director of the South Shore Country Club, JR Frey the Town Engineer, and representatives, Jim Jackson and Lauren Gluck from Pare Corporation were present on the call.

K. Whalen, explained that what is proposed is a 128ft by 55 ft maintenance and storage building because the current maintenance building is under the pool, which has had foundation issues, and is a potential safety hazard.

J. Jackson shared the site plan set to the screen and pointed out the area of proposed work and some of the existing features including an existing house being used as an Administration building. He pointed out features of the proposed plan including the 7000sf Equipment Storage building and 4000sf Maintenance & Administration building and a 1200sf Wash down building. He pointed out where there would be two catchbasins and a Stormceptor water quality unit installed, with the water then coming down to two manholes, into a bioretention area, to be infiltrated into the ground, and overflow would come out to the intermittent stream. He pointed out the location of the intermittent stream and explained that in the existing conditions, the sheetflow is going to one catchbasin and piped to the stream. J. Jackson stated that a second Stormceptor water quality unit is proposed to treat some flow from the parking lot that is currently untreated.

J. Jackson stated that, due to budget issues, they are proposing to do the project in phases. The first phase would consist of the Equipment Storage building construction (some of the maintenance would be put in that building), keep the existing Administration building in use, and the full proposed stormwater system would be put in place. The proposed Maintenance & Administration building and Wash down building and some of the paving would not be built until the budget allows.

L. Gluck, Senior Environmental Scientist from Pare Corp., reviewed the buffer zone impacts. The overall impact in the 50 ft buffer zone is 1774sf however they are reducing impervious by removing the existing building, a corner of which extends into the 50ft buffer and would be restored with vegetation. In the 100ft buffer zone there would be an increase of 3480sf; a lot of that work is in area disturbed with invasive species, lawn, etc. and much of the work involved is reconfiguring those disturbed areas. Knowing that there is mitigation involved for tree removals as well as the impervious work in the two buffer zones, they had provided a table with the breakdown. She pointed out on the plan the areas proposed for mitigation noting that in total it would provide an area of 5930sf, allowing for room to plant trees and shrubs, offsetting the trees being removed in the buffer zone as well as the impervious in the buffer zone.

L. Gluck explained that they had prepared a phased landscape plan showing Phase 1 and the corresponding mitigation for the Phase 1 impacts. She added that Phase 1 has substantially lower impacts than the later phases of the project. In total the change in impervious for Phase 1 would be 829sf, all of which would be in the 100 ft buffer zone; there would be a slight reduction of impervious in the 50ft (removal of gravel in the mitigation area to the North); and 10 trees would need to be removed which would be replaced both in the mitigation area and the surrounding site. She concluded that the proposed mitigation area during Phase 1 would be 3700sf. Mitigation for later phases of the project would be partially offset by the excess mitigation provided in Phase 1, and another mitigation area proposed in the west/southwest side of the site.

L. Gluck stated that they had submitted a response to ACO comments the previous Friday. Neither the ACO nor the Commission had had an opportunity to review the response. The ACO offered one comment regarding the phasing and the second proposed mitigation area in the west/southwest of the site; currently there are a lot of materials (large pipes, trash, stockpiled materials) in that area that, even if mitigation wasn't being proposed, the Commission would expect those materials to be removed. The ACO suggested that those would need to be removed much sooner than Phase 2.

Comm'r Hidell asked for more information about what is being washed down and where. J. Jackson replied that the lawn equipment is brought to the existing maintenance facility and is washed down periodically and K. Whalen confirmed that the equipment is being washed down outside. Comm'r Hidell expressed his concern that the wash down water contains herbicides and pesticides and is likely running downhill and to the intermittent stream.

J.R. Frey stated that they've had involved discussions regarding Best Management Practices (BMPs) and among those are mitigating water use as well as containing any of the chemicals used at the site. In addition to following BMPs,

it is intended, going forward, that they'll be looking into a closed loop water recycling system to be incorporated where all of the wash water will be captured, treated and recycled, rather than released. J.Jackson stated that in the plans for the proposed Wash down building they hadn't shown all the treatment systems and reuse on the plans, but that the building would be tied into a sewer and any washwater that would leave would go into an oil water separator and then into the sewer system. Responding to a question from Comm'r Hidell, Jake Silva, Golf Course Superintendent confirmed that pesticides are used on the golf course. J. Silva explained that the pesticides are kept separate and that machine is also kept separate from the wash pad. He stated that even with the proposed system, that machine is never washed as it has an onboard system where they are able to rinse it out in the field and then spray out onto the turf itself, rather than have it go down any drain.

Discussion followed regarding the use of a peer review consultant for the project and scheduling.

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

Motion: Chair Freeman moved to authorize the hiring of a peer review consultant in the matter of 274 South Street.

Second: Comm'r Mosher

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

Motion: Chair Freeman moved to continue the hearing for 274 South Street to May 3rd.

Second: Comm'r Mosher

Roll Call: Comm'r Hidell: aye, and Comm'r Kelly: 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 explained that she had sent to the Commission track changes on Section 24 and hoped to discuss them in order to be able to vote next meeting. The CO shared her screen, reviewed specific track changes, and distinguished items that were due to the Model Bylaw from some amendments for clarification. Commission discussion followed.

Chair Freeman adjourned the meeting at 9:18 pm.

Submitted, _____
Sylvia Schuler, Administrative Secretary

Approved on April 12, 2021

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