



## CONSERVATION COMMISSION MEETING MINUTES –April 10, 2023

**Present:** Crystal Kelly – Chair, Carolyn Nielsen- Vice Chair, Bob Hidell, Bob Mosher, Tom Roby, and Laurie Freeman, – Commissioners and Loni Fournier- Interim Conservation Officer (ICO)

**Absent:** Nina Villanova

The remote meeting was held via Zoom with Dial in #929-205-6099, Meeting ID # 899-3334-4865

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

This meeting is being held remotely as an alternate means of public access pursuant to Chapter 2 of the Acts of 2023 and all other applicable laws temporarily amending certain provisions of the Open Meeting Law. You are hereby advised that this meeting and all communications during this meeting may be recorded by the Town of Hingham in accordance with the Open Meeting Law. If any participant wishes to record this meeting, please notify the chair at the start of the meeting in accordance with M.G.L. c. 30A, § 20(f) so that the chair may inform all other participants of said recording.

### **Approval of Minutes**

**March 27, 2023**

**Motion:** Comm'r Hidell moved to approve the 3/27/23 draft meeting minutes.

**Second:** Comm'r Nielsen

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

### **Certificates of Compliance**

**11 Steamboat Lane** – DEP 034-1327, cont'd from 12/12/22, cont'd to 5/1/23

Applicant: Denise Rhodes

Representative: Rob Carlezon, Grady Consulting LLC

Prior to the posting of the agenda, the representative had submitted a request to continue the hearing to the Commission's 5/1/23 meeting.

**Motion:** Comm'r Nielsen moved to continue 11 Steamboat Lane, DEP 034-1327 to May 1, 2023.

**Second:** Comm'r Mosher

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

**171 Prospect Street** – DEP 034-1235, cont'd from 3/27/23

Applicant: Megan & Wesley Farish

Representative: Gregory Morse, Morse Engineering Co., Inc.

**Meeting Documents & Exhibits:** Staff memo,

*Excerpts from the Staff memo: An Order of Conditions was issued in October 2015 for the construction of a 1,685sf addition, only 619sf of which fell within the 100ft Buffer Zone. The scope of work was completed and in addition, a swimming pool, patio, and fence were removed. The Order was never recorded and the property was purchased by the applicants, who coincidentally filed a new Notice of Intent for the repair of the existing septic system. Following the recommendation of staff, the applicants recorded this Order and filed a Request for Certificate of Compliance.*

*The Order includes the following condition: "A mitigation plan shall be submitted for review to the Conservation Department prior to planting." It is not clear whether this relates to the new impervious area on the property or an abutter's concern relative to increased stormwater running towards and across their driveway. In either case, a plan was*

never submitted and during the site inspection, staff did not observe any obvious planting areas. The total impervious area on the property increased by 2sf (1,942sf pre-2015 and 1,944sf current). The project file does not contain any record of a complaint since the Order was issued.

Staff visited the site on 3/20/23 and found it to be stable, aside from a few test pits that were performed for the proposed septic system. Staff identified yard waste within the buffer zone and a patio and hot tub that were not included on the original proposed septic design plan, which is serving as the as-built plan for this request. In response to staff comments, the representative submitted a revised plan that includes these improvements.

Staff and the representative are in agreement to pursue a resolution to the yard waste and unpermitted hot tub in the new Notice of Intent for the repair of the existing septic system.

Homeowner Wesley Farish was present on the call and explained that the plans had been updated to include the patio in the back and the ICO had updated her recommendation. The ICO briefly gave some history on the old order and noted the updated As Built plan. She explained that with the removal of the pool, the difference in impervious square footage was a de minimis 2sf, and that a neighbor's concerns at the time had been prevention of runoff which appears to have been satisfied as there were no complaints relative to that issue. The ICO explained that other items that need to be officially permitted can be resolved with the Notice of Intent filed for the septic system, and this Order of Conditions can be closed out and the COC recorded. The Commission had no comments.

**Motion:** Comm'r Freeman moved to issue a Certificate of Compliance for 171 Prospect Street, MA DEP 034-1235.

**Second:** Comm'r Mosher

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

Chair Kelly read the Notice of Intent statement.

### **Notices of Intent**

**213 & 215 Cushing Street** – DEP 034-1459, cont'd from 3/6/23

Applicant: James Bristol, WV Cushing, LLC

Representative: Chris Mulrey, Crocker Design Group, LLC

*Meeting Documents & Exhibits:* Staff memo, Definitive FRD Plan Set (3/27/23), Stormwater Report including Operation and Maintenance Plan (3/27/23)

*Excerpts from the Staff memo:* This hearing is continued from the 2/13/23 Commission meeting. Since that time, the applicant has revised their plans in response to peer review and staff comments. The resource area impacts stand as follows:

#### ***Disturbance within the 100ft BVW Buffer Zone***

*Original – 26,249sqft total (24,293sqft pervious, 1,956sqft impervious), mitigation 0sqft*

*Revised – 22,366sqft total (22,253sqft pervious, 113sqft impervious), mitigation 0sqft*

*\*Staff notes that if mitigation is required (1:1 ratio), there is an opportunity to install pervious patios at dwellings #3 and/or #4. Draft condition #50 addresses this point.*

#### ***Tree removals within the 100ft BVW Buffer Zone***

*Original – 79 (replacement within the Buffer Zone 12, replacement elsewhere 67)*

*Revised – 65 (replacement within the Buffer Zone 20, replacement elsewhere 45)*

*\*Staff notes that one cultivar and one non-native tree are proposed in the Buffer Zone. Draft condition #28 addresses this point as well as other minor edits to the landscape plans (sheets L1 and L2).*

#### ***Natural open space trail***

*Original – bark mulch surface*

*Revised – natural surface with an agreement to install vernal pool educational signage*

*\*Draft conditions #52, #57, and #58 address the design, installation, and maintenance of the signage and maintenance of the trail.*

*Additionally, all of the Planning Board's peer review engineer's comments have been addressed and at the request of staff, drywells have been added to the rear yards of the two dwellings that fall within the Commission's jurisdiction (#3 and #4). In the previous plans, rooftop runoff from these dwellings was designed to sheet flow to the proposed infiltration basin.*

Taylor Corsano and Chris Mulrey from Crocker Design Group were present on the call along with property owner Jim Bristol. C. Mulrey shared his screen with the revised site plan and T. Corsano explained that since they were before the Commission last, they hadn't made many design changes for the overall layout, but had addressed some outstanding peer review comments related to plan details and utilities. T. Corsano explained that they'd been working with the ICO and as requested had added some drywells behind units 3 and 4 to capture some of the roof runoff.

The ICO briefly described that units 3 and 4 are the units that fall within the Commission's jurisdiction and as previously proposed, the runoff was going to sheetflow towards the infiltration basin and she felt that the drywells would be an improvement. The ICO reviewed some of the differences from the original proposal to the current proposal that she'd summarized in the staff memo. She noted that they had originally proposed almost 2000sf of new impervious within the Commission's jurisdiction which has been reduced to 113sf. The ICO added that there was no mitigation proposed and she suggested that the Commission could consider requiring the patios associated with units 3 and 4 to be pervious.

The ICO reviewed the changes in the tree removal numbers; originally 79 and the revised proposal 65. She explained that she'd asked for minor changes to the landscape plan. Regarding trees, there was one cultivar and one non-native tree proposed within the Commission's jurisdiction and she requested those to be switched out to native trees. She'd also requested that the meadow seed mix for the infiltration basin be more specific; ideally it would be a seed mix that doesn't need any more than annual mowing and for that to be clearly defined in the O & M plan. She explained that the open space trail had initially been proposed as a bark mulch surface and is now proposed to be simply the natural surface; the applicants had agreed to signage and there is a draft condition regarding maintenance of the trail and signs.

The ICO explained to the Commission that a problem that sometimes occurs with larger developments is that the project is completed but a Certificate of Compliance is not applied for. A draft condition addresses this with a link to final occupancy permit. She noted the conflict between this draft condition and the draft condition requiring tree survival for two full growing seasons and asked the Commission to weigh in on if there is a better way to ensure that the Certificate of Compliance is requested. Brief discussion followed.

The applicant's representative, T. Corsano, spoke of the proposed trees within the buffer and four in another area, stating that the project would start from the outside and working in, allowing the installation of those trees to start on the two years survival. She stated that there are about 18 trees close to the homes that wouldn't be planted until construction. T. Corsano stated that the applicant would be willing to do a tree bond, until the trees survive. The landscape plan was shared to the screen and discussion followed.

The Commission discussed the tree bond suggestion and agreed it seemed a suitable path. The ICO added that the tree bond would be tied to replacing trees and would not be returned until a Request for Certificate of Compliance is filed. T. Corsano added that it would eliminate the need for the Certificate of Compliance for final occupancy.

Referring to draft condition 54, Comm'r Nielsen spoke of her concern of enforceability of conditions such as deicing materials and of her experience of homeowner's associations not being aware of conditions nor of the need for a Certificate of Compliance or an Operations and Maintenance (O&M) Plan. Brief discussion followed about how to ensure that residents receive the information. T. Corsano stated that they do have an Operations and Maintenance Plan and that every house would get a copy.

The ICO shared her screen with the draft conditions in the staff memo. Going through the highlighted conditions, she explained that draft condition 29 requests edits to the O&M plan to include a section on snow removal and for language to be updated for use of fertilizers and deicing materials. She spoke briefly on the infiltration basin and how it should be maintained. The ICO reviewed other draft conditions including requiring permeable patios at units 3 and 4, vernal pool signs, and that conditions 59 and 60 would need cleaning up as those would potentially be replaced to establish a bond. The Commission was in agreement regarding draft condition 50, that requiring the usual mitigation would be appropriate, and T. Corsano and applicant J. Bristol both expressed agreement. The Commission felt draft conditions 57 and 58 were consistent with what had been discussed before.

Regarding draft condition 59, discussion followed about tree bond language with the suggestion that another sentence be added to ensure an amount. Comm'r Hidell suggested 'a tree bond in the amount of \_\_\_\_\_ shall not be released until a Certificate of Compliance has been recorded.' Discussion followed between the Commission, J. Bristol, the representatives and the ICO, about how best to determine the amount of a tree bond. Chair Kelly clarified that the bond would be needed for the entirety of the trees at issue and recommended that the hearing be continued while a

bond amount could be calculated. The applicant was amenable to apply a bond and tie it to the survival of the trees and recording of a Certificate of Compliance.

Brief discussion followed regarding the pending expiration of the ANRAD for the property. The ICO noted that there would be a 2-3 week lapse and an Order of Conditions would reconfirm the wetland line for another three years. She stated that she was still comfortable with Finding C and the Commission was in agreement. All were in agreement to continue the hearing.

No members of the public expressed a wish to comment.

**Motion:** Comm'r Hidell moved to continue the hearing for 213 & 215 Cushing Street, DEP 034-1459, to May 1, 2023.

**Second:** Comm'r Mosher

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

**166 Downer Avenue** – DEP 034-1462, cont'd from 3/27/23

Applicant: Robert & Lisa Delmonico

Representative: Paul Seaberg, Grady Consulting, LLC

Proposed: Construction of a single family home

*Meeting Documents & Exhibits: Staff memo, Site Plan revised (4/6/23), and Letter (4/6/23) detailing revision for Conservation Commission*

*Excerpts from the Staff memo: This hearing is continued from the 2/13/23 Commission meeting. Since that time, the applicant has presented to the Planning Board and responded to the majority of their comments. The last plan set presented to the Board is dated 4/3/23 and it includes revisions that are outside of the Commission's jurisdiction. The Commission received a plan set dated 3/14/23, which depicts a smaller front porch (reducing the proposed impervious area within the 100ft Buffer Zone) and reconfigured and slightly larger mitigation areas. These revisions are also shown on the 4/3/23 plan set. On 4/7/23, the representative submitted a (final) revised plan set, dated 4/6/23, to the Board and the Commission and it captures all of the revisions to date, as well as some edits to the proposed landscaping outside of the Commission's jurisdiction.*

*At this point, all staff questions and comments have been addressed. At the last hearing, concerns relative to the loss in flood storage were raised. Staff notes that this project will still result in a loss in flood storage, however in the past, the Commission has not required compensatory flood storage in a coastal setting. Additional concerns relative to the infiltration system being partially located within the flood zone were raised. Staff notes that following the excavation of a test pit, the elevation of the infiltration system was raised to provide the minimum required separation from groundwater, however this did not remove the system from the flood zone. Additional information is located on page 5 of the plan set. Finally, in response to a question about stormwater runoff from the proposed driveway outside of the Commission's jurisdiction, the representative indicated that the runoff would be surface drainage, however staff notes that there is a pipe connecting the proposed trench drain to the infiltration system.*

Paul Seaberg from Grady Consulting was present on the call, along with property owner Rob Delmonico, and shared the revised site plan to the screen, described the changes in mitigation plantings providing for better variety and configuration, and pointed out on the plan the locations of the 634sf mitigation. He noted that they'd received approval from the Planning board and invited any questions or comments.

The ICO stated that all staff comments had been addressed with the revised plan and briefly summarized her comments on flood storage and infiltration. Chair Kelly asked if there was a possible workaround regarding the infiltration system in the flood zone and P. Seaberg replied that there really wasn't another location on the lot. Comm'r Nielsen noted that in the regulations for Land Subject to Coastal Storm Flowage there is a prohibition against new structures in the flood zone. She expressed her concern that, with sea level rise, the increasing severity of storms and flooding, a flood structure would be non-functional if flooded. She asked if it would be possible to move the infiltration unit out of the flood zone or if they could consider a rain garden instead and then there wouldn't be the issue of hard structure in the flood zone. P. Seaberg responded, suggesting that 'structure' in this regulation is referring to a building or something like that, and not a subsurface structure. He added that when the elevations come up with the tide, the water would reach an elevation, for example elevation 15, and it would follow that elevation contour. He stated that by filling the site slightly, they are not changing the volume of water going elsewhere or causing the that elevation to rise. The subsurface chambers would essentially provide volume, and floodwaters would enter those chambers. He added

that if it were to flood, the infiltration system wouldn't function and there wouldn't be any place for the drainage to go. All the houses around there would have their roof leaders draining down and there wouldn't be anywhere for it to go; the drainage structures in the road wouldn't be able to handle the tidal waters. He concluded by saying that they are not redirecting the floodwaters, for that volume, to anywhere on the site or to adjacent properties.

The Commission had no further questions.

Chair Kelly invited any members of the public to comment. No members of the public expressed a wish to comment.

**Motion:** Comm'r Mosher moved to issue an Order of Conditions for the proposed work at 166 Downer Avenue (DEP 034-1462), as shown on the submitted plan(s), and adopt the findings of fact a through c, and special conditions 21 through 50 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 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 by telephone or writing, of the commencement of work on the site, at least 48 hours in advance of said work.
22. This Order shall be included in all construction contracts and subcontracts dealing with the work and shall supersede all other contract requirements.
23. 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.
24. Prior to the start of any excavation or construction, erosion and sediment controls shall be installed, as shown on the final approved plan(s), and inspected by an agent of the Commission; straw wattles and/or hay bales shall not be used as a form of erosion and sediment control. Extra erosion controls shall be available on site and stored in an unexposed location or covered.
25. 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.
26. Prior to the start of any excavation or construction, catch basins within 100 feet of the property shall be protected with silt sacks.
27. Silt sacks shall be maintained and regularly cleaned of sediments until stabilization is achieved or the Commission has authorized their removal.
28. Prior to the start of any excavation or construction, all areas on the site designed to infiltrate stormwater shall be surrounded by construction fencing to prevent vehicles and equipment from compacting the soils.
29. The infiltration area(s) shall be field marked and protected from vehicles and other equipment until all construction is complete.
30. The project supervisor or contractor responsible for the work shall have a copy of this Order available on the site at all times.
31. 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.
32. All demolition and excavated material shall be properly disposed of at an off-site location.
33. Any on site dumpsters shall not be located within 100 feet of any resource area.
34. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.

35. All tree debris shall be properly disposed of at an off-site location; no chipped or mulched material shall remain on the property.
36. 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.
37. 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.
38. 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.
39. No vehicle or other machinery refueling, lubrication, or maintenance, including concrete washout, or storage of fuel or maintenance chemicals shall take place within 100 feet of any resource area.
40. The temporary construction access and vehicle tracking pad shall be properly maintained during construction and shall be removed following construction and the area restored to lawn and hardscaping, as shown on the final approved plan(s).
41. At the end of each workday, the project supervisor or contractor responsible for the work shall mechanically or manually sweep sediments from all paved surfaces, unless tracking and sediment is not evident.
42. Rooftop runoff from the approved dwelling shall be infiltrated on site using infiltration chambers as shown on the final approved plan(s), or an alternative method approved in advance by the Commission.
43. The mitigation area and tree replacement plantings shall be installed in accordance with the final approved plan(s).
44. Before executing any change from the plan(s) of record, the applicant must have the Commission's written approval. Any errors found in the plans or information submitted by the applicant shall be considered as changes. Approval from other Town Agents or Inspectors does not relieve the applicant from obtaining approval from the Commission.
45. The use of pesticides, herbicides, fungicides, and fertilizers shall be prohibited on this property because of its proximity to Hingham Harbor, which is a state-listed 303(d) impaired waterway, and the importance of the surrounding resource areas to water quality and sensitive coastal and marine habitats. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
46. 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.
47. The mitigation planting areas shall be maintained with native plantings, or be allowed to naturally revegetate with native species following planting and remain as naturally vegetated, and shall not be mown or otherwise maintained, except for the use of untreated and undyed mulch or an alternative product approved in advance by the Commission. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
48. 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. The tree replacement plantings shall survive at least two full growing seasons at a 100% survival rate. If a 100% survival rate is not achieved, replacement plantings of the same species shall be made by the applicant.
49. The applicant shall apply for a Certificate of Compliance as soon as all conditions of this Order have been fulfilled and prior to the expiration of this Order. If all conditions cannot be fulfilled 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.
50. The applicant shall submit an "as built" plan to the Commission as part of the Request for Certificate of Compliance. The plan shall be signed by the professional engineer of record, who shall certify that the work has been done in accordance with the final approved plan(s) and this Order.

**Second:** Comm'r Freeman

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

**171 Prospect Street** – DEP 034-1464, cont'd from 3/27/23, cont'd to 5/1/23

Applicant: Megan & Wesley Farish

Representative: Gregory Morse, Morse Engineering Co., Inc.

Proposed: Replacement of a septic system

Meeting Documents & Exhibits: none

Excerpts from the Staff memo: none

Prior to the posting of the agenda, the applicant had submitted a request to continue the hearing to the Commission's 5/1/23 meeting. Chair Kelly asked for any members of the public to please hold any comments until 5/1/23.

**Motion:** Comm'r Nielsen moved to continue 171 Prospect Street, MA DEP 034-1464, to May 1, 2023.

**Second:** Comm'r Mosher

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

**28 and 32 Union Street** – DEP 034-1465, cont'd from 3/27/23, cont'd to 5/1/23

Applicant: Matthew Falconeiri, Falconeiri Construction, Inc.

Representative: Caroline Rees, Merrill Engineers and Land Surveyors, Inc.

Proposed: Demolition and rebuild of a single family home

Meeting Documents & Exhibits: none

Excerpts from the Staff memo: none

Prior to the posting of the agenda, the applicant had submitted a request to continue the hearing to the Commission's 5/1/23 meeting. Chair Kelly asked for any members of the public to please hold any comments until 5/1/23.

**Motion:** Comm'r Mosher moved to continue the hearing for 28 and 32 Union Street, Ma DEP 034-1465, to May 1, 2023.

**Second:** Comm'r Nielsen

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

Other Business:

a. Discussion and possible vote regarding constructed floats, CCA, and next steps for approved dock system at Barnes Wharf (DEP 034-1390)

J.R. Frey, the Town Engineer, and Daniel Gagne from Beals + Thomas were present on the call. J.R Frey explained that the issue to be addressed is that the project as originally approved had a condition that none of the timbers may be pressure treated with CCA. He asked if the Commission's concern regarding CCA had to do with human exposure or general environmental exposure and stated that the response might determine the path forward.

He explained that the floats are currently being constructed, delivery is expected on April 15, and the structural members on the water line and supporting the decking have a .60 CCA treatment; the actual decking is treated with MCA which is approved for residential use. He stated that should the Commission not be in favor of the allowing the treated timbers in this configuration, another option might be to coat the timbers; he noted that the EPA had done some testing on coating pressure treated wood to reduce the free access of material (arsenic) being released. This would probably require inspection of coated members and reapplication as required.

He stated that the last option would be that they would have to start over and rebuild the docks. He added that the Harbormaster was surprised by the requirement as pilings that go into dock construction have a much higher CCA of 2.65.

The Commission, ICO, Town Engineer, and D.Gagne, discussed cost, time, manufacturer's responsibility, the creation and intent of the prohibition, the potential to use the old floats, and who might provide more expertise on the matter. The Commission was in agreement that input from the Department of Marine Fisheries or a third party

professional opinion would be helpful and the ICO explained that depending on the input received, the matter might arise at a future meeting for a formal vote.

b. Review and approval of revised Weir River Stream Channel Maintenance Plan (authored by DMF)

The ICO explained that the Commission had previously approved the Weir River Stream Channel Maintenance Plan, and she had since worked with the Division of Marine Fisheries (DMF) to revise the plan to reflect the DMF's current policy, method, notification, and who can perform the work. She explained further that when people wish to work in streams they'll need to notify the office giving an opportunity for the office to intervene if the time of year is inappropriate. Comm'r Mosher shared that historically, the Weir River had been a nice little creek that held trout all year long, and had muskrats and mink too. The Commission did not hold a formal vote but commended the plan, adding that it was the best merger of those documents.

c. Preliminary discussion of amending Section 23.4 of the HWR, cont'd from 3/27/23

The Commission discussed:

- The volume of reading and information gathering still needed.
- The idea of a moratorium was floated but rejected in favor of simply prohibiting boat lifts with the understanding that when the Commission finishes its deliberations, they could then choose to regulate boatlifts or further prohibit them.
- That applications are subject to regulations in effect when the application is filed.
- That the current agenda is not specific enough to allow the vote at the current meeting
- The extent of public notice for when the Commission will have robust discussion on the subject, to allow for public comment.

Chair Kelly did not open the matter up to public comment.

**Adjourn**

**Motion:** Comm'r Freeman moved to adjourn the meeting at 8:58 pm.

**Second:** Comm'r Nielsen

The Commission was in favor.

Submitted, \_\_\_\_\_

Sylvia Schuler, Administrative Assistant

Approved on May 1, 2023

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