



CONSERVATION COMMISSION MEETING MINUTES –April 11, 2022

Present: Chair Crystal Kelly- Chair, Carolyn Nielsen -Vice Chair, Bob Hidell, Nina Villanova, and Bob Mosher - Commissioners, Emily Sullivan-Conservation Officer

Absent: Tom Roby

The remote meeting was held via Zoom with Dial in #929-205-6099, Meeting ID # 854-8963-2682

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

Chair Kelly stated that the meeting was being held remotely as an alternate means of public access pursuant to Chapter 20 of the Acts of 2021 temporarily amending certain provisions of the Open Meeting Law. She advised that the meeting and all communications during the meeting may be recorded by the Town of Hingham in accordance with the Open Meeting Law. She stated that if any participant wished to record the meeting, to notify her in accordance with M.G.L. c. 30A, § 20(f) so that she could inform all other participants of the recording. No participants expressed a wish to record the meeting.

Approval of Minutes from 2/14/22 and 3/28/22

Vote on the 2/14/22 draft meeting minutes. Minutes from 3/28/22 were not finalized, therefore there was no vote.

Motion: Comm'r Hidell moved to approve the draft minutes from the 2/14/22 Commission meeting.

Second: Comm'r Nielsen

Roll Call: Comm'r Hidell: aye, Comm'r Villanova: aye, Comm'r Mosher: aye, and Comm'r Nielsen: aye

Requests for Determination of Applicability

2 Feeley Lane, cont'd from 3/28/22

Applicant: Sarah and Daniel Bravo c/o K&E Construction

Representative: Jeffrey Hassett, Morse Engineering Co., Inc.

Proposed: Proposed grading & installation of driveway & utilities

Ahead of the meeting, the representative requested to continue the hearing.

Motion: Comm'r Villanova moved to continue the hearing for 2 Feeley Lane to May 2, 2022.

Second: Comm'r Mosher

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

6 Feeley Lane, cont'd from 3/28/22

Applicant: Nicholas & Kerrie Keller c/o K&E Construction

Representative: Jeffrey Hassett, Morse Engineering Co., Inc.

Proposed: Proposed grading

Ahead of the meeting, the representative requested to continue the hearing.

Motion: Comm'r Nielsen moved to continue the hearing for 6 Feeley Lane to May 2, 2022.

Second: Comm'r Mosher

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

Chair Kelly read the Public Hearing Notice of Intent.

Notices of Intent

4 Pine Grove Road – DEP 034-1441

Applicant: K&E Construction

Representative: Jeffrey Hassett, P.E., Morse Engineering Co, Inc.

Proposed: Paving of existing gravel driveway & installation of stone drainage trench

The representative had submitted a request to continue the hearing to the 5/2/22 meeting. Chair Kelly requested that any member of the public wishing to comment on the application, to hold their comments to the next meeting.

Motion: Comm’r Mosher moved to continue the hearing for 4 Pine Grove Road to the 5/2/22 meeting.

Second: Comm’r Villanova

Roll Call: Comm’r Kelly: aye, Comm’r Hidell: aye, Comm’r Mosher; aye, Comm’r Nielsen: aye, and Comm’r Villanova: aye,

15 Plymouth River Road – DEP 034-1440

Applicant: Julie Browne

Representative: Caroline Rees, Cavanaro Consulting, Inc.

Proposed: Garage addition & reconfiguration of driveway

Meeting Documents & Exhibits: Staff memo, Site Plan revised 4/8/22 and Notice of Intent packet

Excerpts from the staff memo: Staff visited the site on 3/30/22. Wetlands were flagged by a wetland scientist in June 2021. Staff felt one flag (#7) needed to be moved to capture an additional wetland area, and they agreed and the plan and impervious coverage table were revised accordingly. Given that almost all the flags are located off-property, staff recommends making no finding regarding the delineation. The area where work is proposed currently consists mainly of pavement and lawn. One small magnolia tree and several juniper and forsythia shrubs would be removed. Mitigation plantings would be mostly in the 50ft buffer in areas that are currently pavement, a small retaining wall to be removed, or just outside the existing driveway in sparsely vegetated areas. Staff provided a few additional comments, mainly related to stormwater management and moving the infiltration system out of the 50ft buffer. Staff has no other comments.

Representative Caroline Rees from Cavanaro Consulting and homeowner Julie Browne were present on the call. C. Rees explained that the proposal is for an addition on the west side of the lot and the driveway would be reconfigured to access the garage. The lot is irregular in shape and the buffer zone from a Bordering Vegetated Wetland (BVW) encompasses 92% of the lot. She explained that work does extend into the 50 ft buffer but lies over existing impervious. The work results in an overall decrease of impervious within the 50 ft buffer and a 650sf increase in impervious in the 100ft buffer. They have proposed 685sf of plantings and the list of plantings has been provided. C. Rees explained that an infiltration system is proposed under the driveway to collect runoff from the addition and some of the driveway, improving infiltration to the BVW.

The CO commented that the proposal includes sufficient mitigation planting areas per the policy and stormwater will be directed to the infiltration trench. The driveway will use the existing curb cut. The Commission suggested that an additional condition be included that the path between the mitigation areas should remain pervious and that the applicant could work out specifics with staff.

Chair Kelly invited members of the public to comment. No member of the public wished to comment.

Motion: Comm’r Hidell moved to issue an Order of Conditions for the proposed work at 15 Plymouth River Road (DEP 034-1440), as shown on the submitted plans, and adopt the findings of fact a through c, and special conditions 21 through 50 of the staff report and as discussed at the meeting.

(Conditions below reflect the discussion 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, the catch basin adjacent to the driveway in front of the house, shall be protected with a silt sack or equivalent.
28. The silt sack shall be maintained and regularly cleaned of sediments until stabilization is achieved and/or until the Commission has authorized their removal.
29. Prior to the start of any excavation or construction, a final mitigation planting plan shall be submitted to the Commission for review and approval. The planting plan shall include species, quantities and sizes, and locations within the approved mitigation planting areas, totaling 685 sf in accordance with the Commission's Buffer Zone Mitigation Policy (adopted 9/27/21). The plan shall also specify the materials and construction details for the pathway through the mitigation areas, which shall be constructed to be pervious using one of the following: (1) vegetation and/or vegetation with stepping stones/pavers, (2) pervious pavers, (3) gravel, or (4) wood chips. All mitigation plantings shall be native species; no cultivars, non-native species, or invasive species shall be allowed.
30. 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.
31. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.
32. All yard waste or man-made materials dumped in any resource area, including the buffer zone, in particular near wetland flags #6 to #8, shall be removed by hand and properly disposed of at an off-site location, and the practice discontinued, in accordance with Section 23.6 of the Hingham Wetland Regulations.
33. All tree debris shall be properly disposed of at an off-site location; no chipped or mulched material shall remain on the property.
34. All demolition and excavated material shall be properly disposed of at an off-site location.
35. Any on site dumpsters shall not be located within 50 feet of any resource area.
36. 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.
37. 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.
38. 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.
39. 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.

40. No vehicle or other machinery refueling, lubrication or maintenance, including concrete washout, or storage of fuel or maintenance chemicals, shall take place within 50 feet of any resource area.
41. Rooftop runoff from the approved garage addition shall be infiltrated on site, using subsurface infiltration chambers in accordance with the approved plan, or an alternative method approved in advance by the Commission.
42. Driveway runoff shall be infiltrated on site, using a trench drain to direct runoff to subsurface infiltration chambers in accordance with the approved plan, or an alternative method approved in advance by the Commission. The driveway shall be properly pitched to direct runoff to be infiltrated, not to the street.
43. The mitigation area plantings shall be installed, and seeding completed, in accordance with the final approved mitigation planting plan.
44. The pathway through the mitigation areas shall be constructed in accordance with final approved plan per condition #29, and shall remain pervious.
45. 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.

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 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.
48. 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.
49. 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.
50. The mitigation planting area shall be maintained with native plantings or shall be allowed to naturally revegetate with native species following planting and remain as naturally vegetated, and shall not be mown or otherwise maintained. 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 Kelly: aye, Comm'r Nielsen: aye, Comm'r Villanova: aye, Comm'r Mosher: aye, and Comm'r Hidell: aye

4 Puritan Road

Applicant: Ryan Novak

Representative: Kenneth Thomson

Proposed: Construction of an addition

The representative had submitted a request to continue the hearing to the 5/2/22 meeting. Chair Kelly requested that any member of the public wishing to comment on the application, to hold their comments to the next meeting.

Motion: Comm'r Villanova moved to continue the hearing for 4 Puritan Road to the 5/2/22 meeting.

Second: Comm'r Mosher

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

Other Business:

a. **Discussion of the 2021 hunting season and violations**

Meeting Documents & Exhibits: Staff memorandum

The CO reviewed the ACO's summary of the 2021 hunting season. The Commission briefly discussed some of the issues that occurred and suggested that it would perhaps be good to do some public outreach and education on the hunting program.

b. Discussion of coastal permitting – Mass DEP updates

The CO explained that MA DEP will be updating the coastal permitting regulations, adding performance standards for Land Subject to Coastal Storm Flowage, and revising the stormwater handbook. She shared powerpoint slides reviewing aspects of various coastal permitting topics. MA DEP's Stormwater Handbook draft revisions are expected to be available this spring, there will be a public comment period and the update would go into effect toward the end of the year. She stated that it is a similar time line for the creation of performance standards for Land Subject to Coastal Storm Flowage. Changes will be taking into consideration sea level rise and climate change and she anticipates that MA DEP will keep producing policies and guidance materials that can help the Commission consider climate change in permitting.

Motion: Comm'r Hidell moved to adjourn at 7:48 pm.

Second: Comm'r Mosher

Submitted, _____
Sylvia Schuler, Administrative Assistant

Approved on May 2, 2022

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