



CONSERVATION COMMISSION MEETING MINUTES – April 12, 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 # 895-6889-6064

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 22, 2021 meeting.

Second: Comm'r Mosher

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

Certificates of Compliance

12 Studley Road – DEP 034 1270, continued from 12/21/20

Applicant: Gerard Rankin

Meeting Documents & Exhibits: Staff memo

Excerpts from the staff memo: This discussion is continued from the 12/21/20 Commission meeting to give the applicant additional time to install native plantings in lieu of removing invasive species, as originally proposed and approved. Staff has not received an update from the applicant since December. The Commission may vote to continue the discussion again or deny the Certificate of Compliance.

No one was present on the call to represent the application. The Chair summarized the history of the request. The Commission was in agreement to deny.

Motion: Chair Freeman moved to deny a Certificate of Compliance for 12 Studley Road, MA DEP 034-1270.

Second: Comm'r Mosher

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

23 Beach Road – DEP 034 1279, continued from 3/8/21

Applicant: John Kennedy

Meeting Documents & Exhibits: Staff memo

Excerpts from the staff memo: This discussion is continued from the 3/8/21 Commission meeting, where the applicant's modifications to the skirting installed around the foundation were reviewed and determined to be insufficient. On 4/8/21, staff received an update from the applicant, indicating that six traditional flood vents were installed on the north, west, and south sides of the structure. These six flood vents meet the minimum flood-resistant construction standards.

The Chair summarized the last hearing and that the applicants had since worked to resolve the Commission's concerns. The Commission expressed their satisfaction with the new flood vents.

Motion: Chair Freeman moved to issue a Certificate of Compliance for 23 Beach Road, DEP 034 1279.

Second: Comm'r Mosher

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

49 Abington Street (formerly 0/73 Abington Street) – DEP 034 1275

Applicant: Frank Polak, MDC Properties, Abington Street LLC

Meeting Documents & Exhibits: Staff memo and As-built Plan 5/17/19

Excerpts from the staff memo: An Order of Conditions was issued in March 2017 for the construction of 10,000sqft day care facility, including a driveway (wetlands crossing), parking area, and all associated utilities and improvements. A large mitigation, buffer zone restoration, and wetland replication plan were also proposed and approved. Staff visited the site on 4/6/21 and observed several issues, which were relayed to the applicant and representative. Several additional issues were identified during a partial file review. Staff recommends continuing this discussion to May 3, 2021 to allow the applicant and representative additional time to resolve the site issues, and staff to complete a full file review, as well as a second site inspection.

Chair Freeman noted that there was more work to be done in order for a COC to be issued and the applicants (not present on the call) were in agreement to continue to the next meeting.

Motion: Chair Freeman moved to continue consideration of 49 Abington Street, DEP 034-1275, to May 3, 2021.

Second: Comm'r Mosher

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

64 Wompatuck Road – DEP 034 1938

Applicant: Kieran & Karen Guinan

Meeting Documents & Exhibits: Staff memo, Compliance Letter 3/30/21, As-built Plan 3/21, and Revised As-built Plan 4/7/21

Excerpts from the staff memo: An Order of Conditions was issued in January 2008 for the installation of an above-ground swimming pool. The pool was installed east of its approved location, partially due to zoning setbacks, but seemingly no closer to the resource area than approved. Staff visited the site on 4/6/21 and did not observe any significant discrepancies from the final approved plan. Staff notes that the letter and as-built plan submitted with this request were stamped and signed by the applicant, who is a registered professional electrical engineer. Staff notified the applicant that, typically, letters and as-built plans are submitted by the firm of record and signed and stamped by a registered professional civil engineer and/or land surveyor. The applicant indicated that they were having trouble reaching the firm of record as of 3/31/21, but then as of 4/5/21, had managed to reach the firm and a revised as-built plan was anticipated by 4/9/21. If the revised as-built plan is received by 4/12/21 and the Commission is satisfied, a Certificate of Compliance may be issued.

Chair Freeman summarized the staff memo and noted that a revised As-Built had been received and staff had no further concerns. The Commission was in agreement to approve.

Motion: Chair Freeman moved to issue a Certificate of Compliance to 64 Wompatuck Road, MA DEP 034-1938.

Second: Comm'r Mosher

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

Requests for Determination of Applicability

38 New Bridge Street

Applicant: Robert Tomsho

Proposed: Construction of a retaining wall and repair of driveway

Meeting Documents & Exhibits: Staff memo, Narrative and Original Retaining Wall and Driveway Repair Plan 11/20/20

Excerpts from the staff memo: The retaining wall is proposed at the top of a very steep slope. A hazardous tree was recently removed from the slope in accordance with the Commission's Tree Removal and Replacement Policy; no other trees are proposed to be removed. While the area surrounding the tree stump appeared to be open, with very little understory vegetation observed, the applicant indicated that a dense stand of Japanese knotweed grows on the slope and is routinely cut back by hand. The remaining portion of the buffer zone, east of the driveway, is naturally vegetated. The driveway was noticeably cracked and sunken in several locations. The parking area consisted of compacted gravel

and it was lower than the surrounding grade on the eastern and southern sides. Stormwater runoff from the parking area likely flows towards the driveway (west/southwest), then onto New Bridge Street.

Staff initially suggested additional mitigation, in the form of plantings, on the steep slope in the vicinity of the tree stump, in order to meet the Commission's standard for mitigating new impervious area in the 50ft and 100ft buffer zone. In this case, it would mean a total of 650sqft of plantings, or 550sqft more than proposed. However, given the presence of Japanese knotweed, staff does not recommend any mitigation plantings in that area. Alternatively, staff recommends stormwater improvements to capture, slow, and potentially infiltrate runoff from the driveway and parking area before it reaches New Bridge Street. Staff discussed a stone infiltration trench or vegetated swale with the applicant and they are amenable to this form of mitigation.

Chair Freeman reviewed the resource areas and briefly described the proposal. R. Tomsho was present on the call and described the project. He stated that for the main part of the driveway the dimensions wouldn't change. There is a compacted gravel portion that would also remain the same dimensions, but they'd like to pave that. Towards the rear of the house they'd like to place a retaining wall as the ground under the driveway is collapsing and the driveway with it. There would be a landscaping strip between the end of the pavement and the retaining wall.

The Chair asked if they had considered using a pervious surface, grass pavers or permeable pavers, for the current gravel section rather than paving it. R. Tomsho responded that their preference would be to pave it all but had discussed options with the CO. He added that the gravel is not ideal when being snow plowed and gets pushed all over.

The Chair noted that with the gravel being compacted it is likely acting as impervious now and perhaps the Commission could possibly make a finding. Brief discussion followed regarding the consideration of permeable pavers and, if used, that the approximately 200 sf mitigation would not be required. The CO explained that staff had recommended the infiltration system as mitigation rather than plantings as there is Japanese knotweed that would make plantings difficult. The Commission concluded to add a new finding 'd'.

Motion: Chair Freeman moved to to issue a Negative Determination of Applicability for the proposed work at 38 New Bridge Street, as shown on the submitted plan, and adopt the findings of fact a through d, and conditions 1 through 7 of the staff report.

(findings below reflect the addition of a fourth condition 'd')

Findings:

- a. This project meets the requirements of Part 1, Section 7.1 of the Town of Hingham Wetland Regulations governing procedures for a Request for Determination of Applicability.
- b. The work described is within an area subject to protection under the Wetlands Protection Act (M.G.L. c. 131, § 40) and the Town of Hingham Wetland Regulations, and will not alter or adversely affect the area subject to protection under the Act or the Regulations.
- c. For the purpose of this filing, the Commission makes no finding as to the exact boundaries of wetland resource areas.
- d. The existing gravel parking area is heavily compacted and as a result, has reduced permeability. Paving this area, as proposed, will not worsen the existing conditions. Therefore, for this specific property, the project is consistent with the Town of Hingham Wetland Regulations' intent on minimizing adverse impacts to resource areas.

Conditions:

1. Prior to the start of work, a list of native species to be planted in the 100sqft mitigation area, identified as a "Proposed 3' Landscape Strip" on the final approved plan, shall be submitted to the Commission for review and approval. No cultivars, non-native species, or invasive species shall be allowed.
2. 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.
3. Erosion and sediment controls shall remain in place until all disturbed or exposed areas have been stabilized with a final vegetative cover or the Commission has authorized their removal.
4. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.
5. All excavated material shall be properly disposed of at an off-site location.
6. Driveway and parking area runoff shall be mitigated on site, using a stone infiltration trench, vegetated swale, or alternative method approved in advance by the Commission. If the parking area is resurfaced with a permeable

material, such as gravel, grass pavers, or permeable pavers, instead of asphalt, this mitigation requirement may be waived by the Commission.

7. The Conservation Department shall be notified to any changes in plans prior to proceeding with said changed plans.

Second: Comm'r Mosher

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

52 Union Street

Applicant: Alex Knight

Proposed: Installation of a crushed stone turnaround and lawn

Meeting Documents & Exhibits: Staff memo, Narrative and Original Submitted Plan

*Excerpts from the staff memo: Staff visited the site on 3/25/21. Wetland resource areas were confirmed in an Order of Conditions issued in May 2019. The area where work is proposed currently consists of a mix of dirt/mud and grass, and is relatively flat. A vehicle was parking in the area at the time of the site visit, and tire tracks were apparent in the vicinity. Aerial imagery (2008), as well as a 2019 site visit, indicates the area has been maintained as lawn in the recent past. If the Commission allows the work to proceed as proposed, staff recommends requiring **mitigation plantings** at a 1:1 ratio for the turnaround, consistent with other projects. Staff recommends consideration of a **grass paver** to minimize the loss of vegetation in the 50ft buffer.*

Chair Freeman reviewed the resource areas and briefly described the proposal. A. Knight, present on the call after some delay, described the difficulty of backing up onto Union Street especially with school traffic. He described the area for the turnaround and stated they would like to add some shrubbery and sod next to it. Chair Freeman noted that the area is next to an undisturbed wetland and asked if they had considered permeable pavers. Brief discussion regarding permeable pavers followed, with A. Knight opting to continue to the next meeting in order to research the permeable pavers and aesthetics.

Motion: Chair Freeman moved to continue consideration of 52 Union Street to May 3, 2021.

Second: Comm'r Mosher

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

19 Bucket Mill Lane

Applicant: Christopher Barry

Proposed: Construction of a sunroom and patio

Meeting Documents & Exhibits: Staff memo, Narrative and Original Submitted Plans

Excerpts from the staff memo: Behind the existing house, there is approximately 30ft of maintained lawn, which ends at the top of a very steep, naturally vegetated slope. The BVW begins at approximately the toe of slope, which staff estimates is 40-45ft further away. Beyond the BVW, the clear channel of the Crooked Meadow River is visible on aerial imagery, approximately 160ft from the limit of work. Within the limit of work, the area is fairly flat and improved with gravel or maintained as lawn. The gravel was added to the site following the demolition of a deck and will remain in place under the proposed sunroom.

Staff suggested additional mitigation, in the form of native plantings, at the top of the steep slope/limit of lawn or in the vicinity of an existing set of timber steps that lead down the slope to the resource area, in order to meet the Commission's standard for mitigating new impervious area in the 100ft buffer zone. In this case, it would mean a total of 472sqft of native plantings, or 348sqft more than proposed. The applicant has indicated that they are amenable to this additional mitigation.

While no Riverfront Area calculations were provided, staff is confident that up to 5,000sqft of alteration would be allowed and there appears to be approximately 1,500sqft of alteration existing. The additional footprint of the sunroom and patio would be well within the permissible amount of alteration. There is also already a 100ft wide area of undisturbed vegetation, and stormwater is being managed through the proposed gravel splash pads and perimeter plantings.

Chair Freeman reviewed the resource areas and briefly described the proposal. Chris Barry was present on the call and confirmed the Chair's summary adding that there would be a door from the sunroom leading to stairs down to the patio and that bluestone was their preferred patio material. There would be plantings around those areas and C. Barry confirmed he was agreeable to the 472 sf of mitigation plantings. After confirmation that runoff was being

mitigated with gutters and downspouts and that submission of a planting plan was included as a condition, the Commission was satisfied with the proposal.

Motion: Chair Freeman moved to issue a Negative Determination of Applicability for the proposed work at 19 Bucket Mill Lane, as shown on the submitted plans, and adopt the findings of fact a through c, and conditions 1 through 8 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. 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 issuance of a building permit, a mitigation planting plan shall be submitted to the Commission for review and approval. The planting plan shall include a minimum of 472 square feet of plantings, including a mix of shrubs and herbaceous species. All mitigation plantings shall be native species; no cultivars, non-native species, or invasive species shall be allowed.
2. Prior to the issuance of a building permit, erosion and sediment controls shall be installed 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.
3. Erosion and sediment controls shall remain in place until all disturbed or exposed areas have been stabilized with a final vegetative cover or the Commission has authorized their removal.
4. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.
5. All excavated material shall be properly disposed of at an off-site location.
6. Rooftop runoff from the approved addition shall be directed to gravel splash pads or an alternative means of infiltration approved in advance by the Commission.
7. Prior to the issuance of a Certificate of Occupancy, mitigation plantings shall be installed in accordance with the final approved mitigation planting plan.
8. The Conservation Department shall be notified to any changes in plans prior to proceeding with said changed plans.

Second: Comm'r Mosher

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

Chair Freeman read the Public Hearing Notice of Intent.

Notices of Intent

304 Whiting Street DEP 034-XXXX, continued from 3/8/21

Applicant: Noreen Browne, South Shore Habitat for Humanity

Representative: Gary James, James Engineering, Inc.

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

Meeting Documents & Exhibits: no new materials had been received

Excerpts from the staff memo: no staff memo was prepared

The CO explained that she had received an email just ahead of the meeting requesting a continuance. No one for the project was present on the call and the Commission, noting that a DEP number had not yet been issued and that more work needed to be done, concluded to continue the hearing to the May 17, 2021 meeting.

Motion: Chair Freeman moved to continue consideration of 304 Whiting Street to May 17, 2021.

Second: Comm'r Mosher

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

19 Ringbolt Road – DEP 034-1401, continued from 3/22/21

Applicant: Mason Butler

Representative: Scott Fanara, Grady Consulting, LLC

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

Meeting Documents & Exhibits: Staff memo, Response to Comments [submitted 3/19/21], Revised Plot Plan 3/19/21, Landscape Plan 3/17/21, Response to Comments [submitted 4/7/21], Revised Plot Plan 4/7/21, and Revised Landscape Plan 4/5/21

Excerpts from the staff memo: This hearing is continued from the 3/22/21 meeting to allow time for staff to review recently submitted materials and the representative to address additional comments from the hearing. Since then, staff has provided follow up comments, and the representative has submitted a response to comments (dated 4/7/21), revised site plan (dated 4/7/21), and revised landscape plan (dated 4/5/21). All materials are posted on the Pending Applications website. Staff has no additional comments or concerns at this point.

Chair Freeman briefly summarized the revisions provided by the applicants, noting that they satisfied all the revisions requested at the previous meeting. The Commission expressed appreciation for this and satisfaction with the proposal.

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 19 Ringbolt Road (DEP 034-1401), as shown on the submitted plans, and adopt the findings of fact a through c, and special conditions 21 through 44 of the staff report.

- a. The project meets the submittal requirements for issuance of an Order of Conditions under the Wetlands Protection Act (M.G.L. c. 131, § 40) and the Town of Hingham Wetland Regulations.
- b. The work described is within an area subject to protection under the Wetlands Protection Act (M.G.L. c. 131, § 40) and the Town of Hingham Wetland Regulations, and will not alter or adversely affect the area subject to protection under the Act or the Regulations.
- c. For the purpose of this filing, the Commission confirms the delineation of Bordering Vegetated Wetland flags A3 to A5, but makes no finding as to the exact boundaries of other wetland resource areas.

Special Conditions:

21. The applicant shall notify the Hingham Conservation Commission in writing of the name, address, and telephone number(s) of the project supervisor or contractor who shall be responsible for ensuring compliance with this Order and shall notify the Commission, by telephone or writing, at least 48 hours prior to commencement of work on the site.
22. This document shall be included in all construction contracts and subcontracts dealing with the work and shall supersede all other contract requirements.
23. The project supervisor or contractor in charge of the work shall have a copy of this Order available on the site at all times.
24. Prior to the start of any excavation or construction, there shall be a pre-construction conference on the site between the project supervisor or contractor responsible for the work and an agent of the Commission to ensure that the requirements of this Order are understood.
25. Prior to the start of any excavation or construction, erosion and sediment controls shall be installed, as shown on the final approved plan, and inspected by an agent of the Commission; straw wattles and/or hay bales shall not be used as a form of erosion and sediment control.
26. Erosion and sediment controls shall remain in place until all disturbed or exposed areas have been stabilized with a final vegetative cover or the Commission has authorized their removal.
27. During all phases of construction, all disturbed or exposed areas shall be brought to a finished grade and either a) loamed and seeded for permanent stabilization, or b) stabilized in another way approved by the Commission.
28. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.
29. All demolition and excavated material shall be properly disposed of at an off-site location.

30. Any on site dumpsters shall not be located within 50 feet of any resource area.
31. There shall be no stockpiling of soil or other materials within 50 feet of any resource area. All stockpiles that are not used for more than five days shall be covered and surrounded by erosion and sediment controls; straw wattles and/or hay bales shall not be used as a form of erosion and sediment control.
32. Issuance of these conditions does not in any way imply or certify that the site or downstream areas will not be subject to flooding, storm damage, or any other form of damage due to wetness.
33. Any dewatering activities on the project in which water will be released into any resource area or storm drain shall make use of a stilling pond or similar device to remove sediment before the water is released. Prior to construction, plans for the stilling pond or similar device shall be submitted to the Commission for review and approval.
34. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 50 feet of any resource area.
35. The area under the approved deck shall be treated with six inches of ¾"-1½" crushed stone.
36. The approved outdoor shower shall drain into the crushed stone under the deck.
37. The mitigation area plantings shall be installed, and seeding completed, in accordance with the final approved landscape plan.
38. Before executing any change from the plan of record, the applicant must have the Commission's written approval. Any errors found in the plans or information submitted by the applicant shall be considered as changes. Approval from other Town Agents or Inspectors does not relieve the applicant from obtaining approval from the Commission.
39. There shall be no discharge of any backwash within 100 feet of any resource area. There shall be no discharge of any pool water within 100 feet of any resource area, unless discharge has been directed through a charcoal filter first. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
40. The use of pesticides, herbicides, and fertilizers shall be prohibited on this property because of its proximity to Hingham Bay, 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.
41. 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.
42. 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.
43. 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.
44. The mitigation planting area shall be allowed to naturally revegetate with native species following planting and remain as naturally vegetated. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.

Second: Comm'r Mosher

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

59 Garrison Road – DEP 034-1404, continued from 3/22/21

Applicant: Aimee & Zachary Sargent

Representative: James Garfield, Morse Engineering, Inc

Proposed: Construction of a swimming pool

Meeting Documents & Exhibits: Staff memo

Excerpts from the staff memo: This hearing is continued from the 3/22/21 Commission meeting where the project was reviewed and ready for approval, however a DEP number had not yet been assigned. Since then, a DEP number has been assigned. The draft findings and conditions presented below match those from the 3/22/21 staff memo.

Chair Freeman briefly summarized the resource areas and proposal, noted a DEP number had been issued.

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 59 Garrison Road (DEP 034-1404), as shown on the submitted plans, and adopt the findings of fact a through c, and special conditions 21 through 44 of the staff report.

Findings:

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

Special Conditions:

21. The applicant shall notify the Hingham Conservation Commission in writing of the name, address, and telephone number(s) of the project supervisor or contractor who shall be responsible for ensuring compliance with this Order and shall notify the Commission, by telephone or writing, at least 48 hours prior to commencement of work on the site.
22. This document shall be included in all construction contracts and subcontracts dealing with the work and shall supersede all other contract requirements.
23. The project supervisor or contractor in charge of the work shall have a copy of this Order available on the site at all times.
24. Prior to the start of any excavation or construction, there shall be a pre-construction conference on the site between the project supervisor or contractor responsible for the work and an agent of the Commission to ensure that the requirements of this Order are understood.
25. Prior to the start of any excavation or construction, erosion and sediment controls shall be installed, as shown on the final approved plan, and inspected by an agent of the Commission; straw wattles and/or hay bales shall not be used as a form of erosion and sediment control.
26. Erosion and sediment controls shall remain in place until all disturbed or exposed areas have been stabilized with a final vegetative cover or the Commission has authorized their removal.
27. Prior to the start of any excavation or construction, a mitigation planting plan shall be submitted to the Commission for review and approval. The planting plan shall include a minimum of 1,611sqft square feet of plantings, including a mix of shrubs and herbaceous species. All mitigation plantings shall be native species; no cultivars, non-native species, or invasive species shall be allowed.
28. During all phases of construction, all disturbed or exposed areas shall be brought to a finished grade and either a) loamed and seeded for permanent stabilization, or b) stabilized in another way approved by the Commission.
29. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.
30. All demolition and excavated material shall be properly disposed of at an off-site location.
31. Any on site dumpsters shall not be located within 100 feet of any resource area.
32. There shall be no stockpiling of soil or other materials within 100 feet of any resource area. All stockpiles that are not used for more than five days shall be covered and surrounded by erosion and sediment controls; straw wattles and/or hay bales shall not be used as a form of erosion and sediment control.
33. Issuance of these conditions does not in any way imply or certify that the site or downstream areas will not be subject to flooding, storm damage, or any other form of damage due to wetness.

34. Any dewatering activities on the project in which water will be released into any resource area or storm drain shall make use of a stilling pond or similar device to remove sediment before the water is released. Prior to construction, plans for the stilling pond or similar device shall be submitted to the Commission for review and approval.
35. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 100 feet of any resource area.
36. Rooftop runoff from the approved addition (506sqft) shall be infiltrated on site, using either drywells, infiltration chambers, or drip edge stone trenches.
37. The mitigation area plantings shall be installed in accordance with the final approved mitigation planting plan.
38. Before executing any change from the plan of record, the applicant must have the Commission's written approval. Any errors found in the plans or information submitted by the applicant shall be considered as changes. Approval from other Town Agents or Inspectors does not relieve the applicant from obtaining approval from the Commission.
39. There shall be no discharge of any pool water or backwash within 100 feet of any resource area. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
40. 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.
41. 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.
42. 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.
43. 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.
44. 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. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.

Second: Comm'r Mosher

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

349 Main Street - DEP 034-1403, continued from 3/22/21

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, Revised Site Plan 3/25/21 and Long-term Stormwater Operation and Maintenance Plan [submitted 3/25/21]*

Excerpts from the staff memo: *This hearing is continued from the 3/22/21 Commission meeting where the project was reviewed and ready for approval, however a DEP number had not yet been assigned. Since then, a DEP number has been assigned and the representative submitted a revised plan, including 1,000sqft of mitigation, and a Long-term Stormwater Operation and Maintenance Plan. One draft condition included in the 3/22/21 staff memo, requiring the submittal of a revised site plan, has been eliminated below and conditions #36 and #38 have been modified, based on this submitted information.*

Chair Freeman briefly summarized the resource areas and proposal, noting that requested items had been submitted and, like the previous agenda item, a DEP number had been issued.

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 349 Main Street (DEP 034-1403), as shown on the submitted plans, and adopt the findings of fact a through c, and special conditions 21 through 42 of the staff report.

Findings:

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

Special Conditions:

21. The applicant shall notify the Hingham Conservation Commission in writing of the name, address, and telephone number(s) of the project supervisor or contractor who shall be responsible for ensuring compliance with this Order and shall notify the Commission, by telephone or writing, at least 48 hours prior to commencement of work on the site.
22. This document shall be included in all construction contracts and subcontracts dealing with the work and shall supersede all other contract requirements.
23. The project supervisor or contractor in charge of the work shall have a copy of this Order available on the site at all times.
24. Prior to the start of any excavation or construction, there shall be a pre-construction conference on the site between the project supervisor or contractor responsible for the work and an agent of the Commission to ensure that the requirements of this Order are understood.
25. Prior to the start of any excavation or construction, erosion and sediment controls shall be installed, as shown on the final approved plan, and inspected by an agent of the Commission; straw wattles and/or hay bales shall not be used as a form of erosion and sediment control.
26. Erosion and sediment controls shall remain in place until all disturbed or exposed areas have been stabilized with a final vegetative cover or the Commission has authorized their removal.
27. During all phases of construction, all disturbed or exposed areas shall be brought to a finished grade and either a) loamed and seeded for permanent stabilization, or b) stabilized in another way approved by the Commission.
28. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.
29. All demolition and excavated material shall be properly disposed of at an off-site location.
30. Any on site dumpsters shall not be located within 50 feet of any resource area.
31. There shall be no stockpiling of soil or other materials within 50 feet of any resource area. All stockpiles that are not used for more than five days shall be covered and surrounded by erosion and sediment controls; straw wattles and/or hay bales shall not be used as a form of erosion and sediment control.
32. Issuance of these conditions does not in any way imply or certify that the site or downstream areas will not be subject to flooding, storm damage, or any other form of damage due to wetness.
33. Any dewatering activities on the project in which water will be released into any resource area or storm drain shall make use of a stilling pond or similar device to remove sediment before the water is released. Prior to construction, plans for the stilling pond or similar device shall be submitted to the Commission for review and approval.
34. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 50 feet of any resource area.
35. Rooftop runoff from the approved 1,100sqft addition and garage shall be infiltrated on site, using either drywells, infiltration beds or chambers, or drip edge stone trenches.
36. The mitigation area plantings shall be installed, and seeding completed, in accordance with the final approved plan. A mix of shrubs and herbaceous species is preferred, in order to more quickly establish a robust, naturally vegetated buffer and deter future encroachment into the planting area.

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. 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 Operation and Maintenance Plan, submitted by Cavanaro Consulting, Inc. on March 25, 2021. 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.
39. The applicant shall apply for a Certificate of Compliance as soon as work has been completed and prior to the expiration of this Order. If work cannot be completed prior to the expiration of this Order, the applicant shall contact the Commission in writing to apply for an extension at least thirty days prior to the expiration date.
40. The applicant shall submit an "as built" plan to the Commission upon completion of this project. The plan shall be signed by the professional engineer of record, who shall certify that the work has been done in accordance with the approved plans and this Order. This plan must be submitted prior to the issuance of a Certificate of Compliance by the Commission.
41. Prior to the issuance of a Certificate of Compliance, the 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.
42. The mitigation planting area(s) 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 Mosher

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

9 Chestnut Place - DEP 034-1406

Applicant: Sonny Searles

Representative: Brad Holmes, Environmental Consulting and Restoration

Proposed: Construction of a deck and balcony

Meeting Documents & Exhibits: Staff memo, Narrative, Original Site Plan 3/12/21, and Original Proposed Riverfront Area and Buffer Zone Mitigation Plan [submitted 3/26/21]

Excerpts from the staff memo: Staff visited the site on 3/31/21. Wetland resource areas, including Bordering Vegetated Wetlands, were flagged by a wetlands scientist in February 2021. Staff agrees with the flagging, but would characterize the BVW as Salt Marsh, which the wetland scientist did not have an issue with. Coastal Bank and Riverfront Area were determined by a land surveyor using required methods and data per the state regulations or policies. The area where work is proposed currently consists of a steep ledge Coastal Bank. Below this there is an upland area and then the Salt Marsh. Mitigation plantings are proposed in a flat lawn area adjacent to another steep Bank abutting Salt Marsh. Staff relayed a number of comments and questions to the representative on 4/2/21 and received initial responses, and is anticipating minor plan revisions and additional information on the remaining items, which include additional details on how Coastal Bank and Mean High Water were determined, adding 50 and 100ft buffer zones to the plans and making the Coastal Bank line more clear, adding a construction detail for the erosion controls, and providing additional details on the deck/balcony construction, including height, type and number of posts/footings and installation details.

Chair Freeman briefly summarized the resource areas and described the proposal. Representative, Brad Holmes of ECR, was present on the call along with the applicant and homeowner, Sonny Searles. B. Holmes described the locus. He explained that they want to place an elevated deck that will be pinned into the existing ledge outcroppings and the proposed 2nd floor balcony would be cantilevered off the house with no supports needed. They propose to remove an area of lawn within the yard and replace with 350 sf of mitigation plantings which will eliminate any need to use fertilizers. He stated that there would be no adverse impact to the coastal bank because of the ledge.

Discussion followed with the Chair noting that it's an advantage that the deck and balcony are above the resource areas but that the posts would be in the resource area. B. Holmes elaborated that it would be a 6" by 6" post and would be pinned into the ledge adding that this eliminates sonotubes and excavation activity. The dimensions of

the deck would be 12' and 18' (alongside the house) with two 6" by 6" posts and an LVL support beam; the deck would also be cantilevered off the house. Brief discussion regarding stability of the pinned posts followed. Responding to staff's observation that the ownership deed listed in the application was for the prior owner, B. Holmes assured the Commission that S. Searles was the current owner and the deed information would be provided. Brief discussion regarding vegetation removal followed. The ACO recommended some edits to the draft conditions:

- Add new condition after #24, "Prior to the start of any excavation or construction, construction details for the deck posts and installation, including exact location, size, and method of securing to the ledge, shall be provide to the Commission for review and approval. Posts shall be anchored to the ledge.
- Revise condition #38 (formerly #37) to include an additional sentence at the end "No trees shall be removed without prior approval of the Commission."

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 9 Chestnut Place (DEP 034-1406), as shown on the submitted plans, and adopt the findings of fact a through c, and special conditions 21 through 44 of the staff report and as amended 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 confirms the delineation of wetland (Salt Marsh) flags A-4 to A-7, and the Coastal Bank on the 9 Chestnut Place parcel, but makes no finding as to the exact boundaries of other wetland resource areas.

Special Conditions:

21. The applicant shall notify the Hingham Conservation Commission in writing of the name, address, and telephone number(s) of the project supervisor or contractor who shall be responsible for ensuring compliance with this Order and shall notify the Commission, by telephone or writing, at least 48 hours prior to commencement of work on the site.
22. This document shall be included in all construction contracts and subcontracts dealing with the work and shall supersede all other contract requirements.
23. The project supervisor or contractor in charge of the work shall have a copy of this Order available on the site at all times.
24. Prior to the start of any excavation or construction, there shall be a pre-construction conference on the site between the project supervisor or contractor responsible for the work and an agent of the Commission to ensure that the requirements of this Order are understood.
25. Prior to the start of any excavation or construction, construction details for the deck posts and installation, including exact location, size, and method of securing to the ledge, shall be provide to the Commission for review and approval. Posts shall be anchored to the ledge.
26. 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.
27. 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.
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 lawn waste, brush, leaves, or other materials dumped in any resource area, including the buffer zone, in particular upgradient of wetland flags A3 to A5, 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.
31. Any tree debris shall be properly disposed of at an off-site location; no chipped or mulched material shall remain on the property.
32. All excavated material shall be properly disposed of at an off-site location.
33. Any on site dumpsters shall not be located within 50 feet of any resource area.
34. 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.
35. 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.
36. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 50 feet of any resource area.
37. The deck and balcony shall be constructed with a minimum $\frac{3}{4}$ " gaps between deck boards to minimize blocking sunlight and to allow stormwater drainage.
38. The area under the approved deck and balcony shall be left as undisturbed ledge or as naturally vegetated with the exception of the installation of posts. No trees shall be removed without prior approval of the Commission.
39. The mitigation area plantings shall be installed, and seeding completed, in accordance with the final approved landscape plan.
40. Before executing any change from the plan of record, the applicant must have the Commission's written approval. Any errors found in the plans or information submitted by the applicant shall be considered as changes. Approval from other Town Agents or Inspectors does not relieve the applicant from obtaining approval from the Commission.
41. 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.
42. 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.
43. 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.
44. The mitigation planting area shall be allowed to naturally revegetate with native species following planting and remain as naturally vegetated. In accordance with 310 CMR 10.58, promulgated under M.G.L. c. 131, § 40, further alteration within the mitigation area is prohibited, except as may be required to maintain the area in its mitigated condition. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.

Second: Comm'r Mosher

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

10 Taurasi Road - DEP 034-1407

Applicant: Adam Fleury, APF Development Group, LLC

Representative: Brendan Sullivan, Cavanaro Consulting Inc

Proposed: Demolition and reconstruction of a single family house

Meeting Documents & Exhibits: Staff memo, Narrative, Original Site Plan 3/29/21, and Revised Site Plan 4/8/21

Excerpts from the staff memo: Staff visited the site on 3/31/21. Wetland resource areas, consisting of Bordering Vegetated Wetlands, were flagged by a wetland scientist in December 2020. Staff agrees with the delineation and recommends the Commission confirm the flags on property, but make no finding regarding BLSF given the lack of

elevation data and FEMA's proposed changes. Staff did observe that the lot slopes downwards towards this area. The area where work is proposed currently consists of the existing house and associated features, and lawn.

Staff relayed a number of comments to the representative on 4/2/21, received responses, sent follow up comments, and received a plan revision (dated 4/8/21). All materials are posted on the Pending Applications website. The revisions include infiltration of rooftop runoff, removal of a sump pump/foundation drain pipe currently discharging near the wetland, infiltration of sump pump discharge, a change from an impervious to a pervious patio, inclusion of both shrubs and herbaceous species in the mitigation planting area, and removal of yard waste at the wetland edge. Staff also asked about driveway mitigation, however the new driveway will be in the same location as the existing driveway and will pitch to the street. Staff has also requested basic sizing information for the infiltration chambers and submission of an Operation and Maintenance Plan (see condition #27 for O&M plan), pervious paver details (see condition #28), and final planting details (see condition #29). Staff has no additional comments at this point.

Chair Freeman briefly summarized the resource areas and described the proposal. She noted there had been two different iterations of staff comments, and responses, and listed the changes made to their proposal to satisfy staff concerns. Brendan Sullivan of Cavanaro Consulting, was present on the call, briefly reviewed the project and noted that even when they decreased the amount of impervious by making the patio a pervious material, they kept the same 1400sf of mitigation. The Commission expressed their satisfaction with the proposal and the ACO had no further comments. B.Sullivan expressed his appreciation for the work with staff and the Commission.

Chair Freeman invited any comments from the public.

Joanne and Jim Rocheleau, 8 Taurasi Road, asked about the sump pumps outside the house and where the water will go. It was explained that there will be an infiltration chamber underground in the back yard with a grate, if it overtops the grate, it will flow to the wetlands. On the west side, the rooftop runoff will also be infiltrated and with an overflow grate and if overtopped, will run over the lawn to the wetlands. Jim Rocheleau asked about the plans for the gravel piles on site. B.Sullivan stated that the owner of the site had stockpiled the structural fill in anticipation of backfilling the foundation; he added that there had been administrative approval for that and erosion controls set up around the piles and whatever doesn't get used will be removed from the site. Responding to a question from Joanne Rocheleau, B. Sullivan stated that the current foundation is 100.5 and the new basement will be 100.6, so no deeper than the current foundation; it will be a crawl space. He confirmed that the gravel is not being used to build up or grade the property up. Jim Rocheleau asked if the septic had passed Title V as the prior owner had lots of problem with the septic. B. Sullivan stated that it had passed Title V and doesn't know the date of it but there is a new system in place with a tank and pump chamber in the back and it goes into the septic field on the east side of the house.

Lori Sherwin, 6 Taurasi Rd. expressed her concern about the problems with the septic for 10 Taurasi Rd, noting that there had only been one person in that house for a long time, and would like to know what is the town doing to make sure that it won't be a problem when it's larger with three bedrooms. The ACO stated that septic can be within the Commission's jurisdiction but in this case, where no change is being proposed, it would be more a Board of Health question. B. Sullivan stated that when the septic was repaired it was redesigned in the early 2000's for a 3 bedroom house and if only one person has been living there, it has been underutilized which would be good for the septic system. The current owner Adam Fleury clarified that before he purchased the property the septic had been completely repaired 6 months prior.

L. Sherwin expressed her concern for the wetlands and the wildlife and Chair Freeman explained the buffer zone distances and what is in the Commission's jurisdiction.

With no further 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 10 Taurasi Road (DEP 034-1407), as shown on the submitted plans, and adopt the findings of fact a through c, and special conditions 21 through 48 of the staff report.

Findings:

- a. The project meets the submittal requirements for issuance of an Order of Conditions under the Wetlands Protection Act (M.G.L. c. 131, § 40) and the Town of Hingham Wetland Regulations.
- b. The work described is within an area subject to protection under the Wetlands Protection Act (M.G.L. c. 131, § 40) and the Town of Hingham Wetland Regulations, and will not alter or adversely affect the area subject to protection under the Act or the Regulations.
- c. For the purpose of this filing, the Commission confirms the delineation of Bordering Vegetated Wetland flags 7 to 17, but makes no finding as to the exact boundaries of Bordering Land Subject to Flooding.

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 Long-term Operation and Maintenance plan for the infiltration chambers for rooftop runoff and sump pump discharge, in accordance with condition #44, shall be submitted to the Commission for review and approval.
28. Prior to the start of any excavation or construction, manufacturer specifications and/or construction details for the patio, in accordance with condition #41, shall be submitted for review and approval by the Commission.
29. Prior to the start of any excavation or construction, additional mitigation planting plan details, including number and size of the approved shrub species, and placement within the approved mitigation planting area, in accordance with condition #42, shall be submitted to the Commission for review and approval. 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 lawn waste, brush, leaves, or other materials dumped in any resource area, including the buffer zone, particularly near wetland flags 6 and 7, 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 demolition and excavated material shall be properly disposed of at an off-site location.
34. Any on site dumpsters shall not be located within 50 feet of any resource area.
35. There shall be no stockpiling of soil or other materials within 40 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.
36. 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.
37. 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.

38. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 50 feet of any resource area.
39. Rooftop runoff from the approved house and garage shall be infiltrated on site, using infiltration chambers, as shown on the final approved plan.
40. Sump pump discharge shall be infiltrated on site, using infiltration chambers, as shown on the final approved plan.
41. The approved patio shall be constructed with pervious pavers and an appropriate permeable subbase.
42. The mitigation area plantings shall be installed, and seeding completed, in accordance with the final approved mitigation planting plan.
43. 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.
44. 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 Operation and Maintenance Plan. 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.
45. 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.
46. 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.
47. 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.
48. The mitigation planting area shall be allowed to naturally revegetate with native species following planting and remain as naturally vegetated. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.

Second: Comm'r Mosher

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

5 Willow Circle - DEP 034-XXXX

Applicant: Paul Kelly

Representative: Steve Ivas, Ivas Environmental

Proposed: Construction of a swimming pool

Meeting Documents & Exhibits: Staff memo, Narrative, Original Study Plan (Sheet 1) 3/26/21, Original Study Plan (Sheet 2) 3/25/21, and Original Pool Design Figures [submitted 3/29/21]

Excerpts from the staff memo: The purpose of this Notice of Intent is to evaluate the potential impacts of adding a 558 sf inground pool, concrete pool deck, retaining wall and associated fill, fencing, drywell for pool discharge, and removal of a tree and some other vegetation. The work would be within the Riverfront Area to the Plymouth River, which abuts the property, with the pool and most of the remaining work within the 100ft Inner Riparian Zone. The pool would be 50ft from the BVW at its closest point and a portion of the pool deck, retaining wall and fill would be within the 50ft buffer. One large oak tree is proposed for removal and is located in the Outer Riparian Zone and outside the 100ft buffer to BVW. Some shrubs and possibly small trees would need to be removed from the Inner Riparian Zone for the retaining wall and a lawn area. There is also Bordering Land Subject to Flooding (Zone AE, el. 58) in the vicinity, however work is not proposed in this area.

Chair Freeman briefly summarized the resource areas and described the proposal noting that a DEP # had not yet been issued. Paul Kelly, the homeowner, was present on the call. He described the locus and stated that there were some changes to the plan to be made. He explained that they could bring the retaining wall in a bit closer to the pool but explained that the invasive plants near the top corner of the pool are more or less laying on their sides with the roots further away than it appears. He stated that there are plenty of areas where they could do additional planting. There would be some concrete surround around the pool and a drywell close to the cul de sac for any draining off of the pool. The fence will be angled in so it won't go into the shrub area so much.

The ACO stated that she had no comments at this time but suggested it would be helpful if the applicant included stakes marking the edge of the pool as well as stakes showing the limit of work.

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

Motion: Chair Freeman moved to continue consideration of 5 Willow Circle to May 3, 2021.

Second: Comm'r Mosher

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

Other Business:

- a. Vote to adopt FEMA required changes to Part 2, Section 24.0 of the HWR.

Motion: Chair Freeman moved to adopt Section 24.0 of the HWR as amended.

Second: Comm'r Mosher

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

- b. Discussion of 93 Kimball Beach Road seawall repairs.

Chair Freeman summarized the CO's concern with the way the seawall was repaired; that it was not as she anticipated based on the engineer's approved sketch and narrative. Much more than minimal riprap was added to the slope. The CO's concerns included that there could possibly be more severe wave action due to less exposure of the cap and the steepness of the slope as well as concerns of the stones closer to or in the marsh. The Chair also noted that the engineer for the project, had submitted a letter late in the day indicating that it was a good repair and is what should have been done and it will settle and level out.

The CO added that from the initial point when neighbors raised their concerns and she'd done a site visit with site representatives, a lot of time passed and construction started and she received no letter from the engineer. She could see that access was getting closed off due to the house construction, should the Commission want the repaired condition changed at all.

P.J. Antonik of Oak DD stated that the cap is more robust, reinforced with lots of steel rods. He stated that they'd used as many existing stones as possible that were impeding on the eel grass but there were pockets of the wall that were thin and they thought they were being responsible to add 2 six wheeler loads of stone to fill it in. He described the stone and weep holes and filter fabric used, adding that the entire property is sloped to the wall so water doesn't go to neighbors.

The CO stated that she was not surprised that the letter by a representative on the project did not say anything bad about the work on the project. She was surprised by the volume of stone that came in. She stated that her biggest concern is to make sure that the toe of slope is not any closer to the salt marsh than it was originally. She noted that the design and repair meets the Commission's requirement for loose sloped stone and she does think it will settle. But she expressed her concern that the change in slope could cause a different reaction of the waves, and get deflected back towards the salt marsh and if the toe of slope is closer to the salt marsh there could be a potential loss in resources; velocity at the toe of slope is strong.

PJ. Antonik described the top of wall as severely undermined. It had pulled away from the neighbor's wall. So when the new cap was poured level, there was a big discrepancy 3-4 inches higher, and that was one reason they brought in more stone. He briefly described the neighbors' concerns about the use easement and stated that the neighbors are now able to walk at low tide.

The CO shared photos on the screen of the old wall & cap and what is there currently. Commissioner Hidell stated that technically, they'd done the right thing and deflected that energy. The Chair opened the discussion to members of the public.

Jean Garrity, 25 Kimball Beach Road, stated that the rock that was onsite when Oak DD had bought the property had been illegally placed there after the blizzard of '78 and was not riprap, it was dropped there when the house was demolished. This is on their deeded easement.

Guy Stadig, 27 Kimball Beach Road expressed his concern about the toe of slope being close to the marsh and who could give permission to build the rip rap on the association property/easement?

Commissioner Hidell recalled from the prior hearings that the discussions related to concerns about the integrity of the seawall, that it would do its job and to be sure the developer would recap and secure the wall. He added that without rocks the wall would fail. Chair Freeman stated that the neighbors might have valid grievances but this is not the venue nor the Commission's jurisdiction. The Commission was in agreement that what's been done is appropriate.

c. Discussion of the 2020 hunting season and violations

The CO gave a a brief backstory on the specific property where a neighbor was able to walk with the CO on the conservation property and point out violations which she was then able to confirm. The Commission had a discussion about the violations and the regulations and options for action. It concluded with issuing of warning letters to some for certain infractions, banning the hunter who'd left his/her stand up past the permissible period, and a letter regarding the screw in steps and that they are not allowed.

d. Discussion of National Wetlands Conditions Assessment and vote to authorize access to the Lehner Conservation Area

The CO explained that the request had been made for general research and would have limited impact. The CO will provide them with some specific access guidance to the property. The wetland of interest is the BVW not the vernal pool in that area.

Motion: Chair Freeman moved to authorize Conservation staff to authorize access to the Lehner Conservation Area for a National Wetlands Condition Assessment by ESS Group.

Second: Comm'r Mosher

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

Chair Freeman adjourned the meeting at 9:47 pm.

Submitted, _____
Sylvia Schuler, Administrative Secretary

Approved on May 3, 2021

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