



CONSERVATION COMMISSION MEETING MINUTES– May 6, 2019

Present: Laurie Freeman- Chair, Paul Hall- Vice Chair, Bob Mosher, John Mooney, Jacqueline Zane and Bob Hidell- Commissioners, Loni Fournier- Conservation Officer, and Sylvia Schuler- Administrative Secretary

Absent: Frank Gaul

The meeting was called to order at 7:00 PM.

Approval of Minutes

Motion: Commissioner Mosher moved to approve the draft minutes from the April 22, 2019 meetings.

Second: Commissioner Hidell

In Favor: All

Opposed: None

Certificates of Compliance

191 Downer Avenue – DEP 034-1260, continued from 1/7/19

Applicant: Michael and Kerry Connolly

Excerpts from the staff memo: This discussion is continued from the 1/7/18 meeting to provide time for an augmented salt marsh planting plan to be implemented.

Meeting Documents & Exhibits: Staff memo

The C.O. informed the Commission that the consultant had contacted the office and is hoping to get the plantings in at the end of the week. Commissioner Hall asked if there was any condition for survivability and the C.O. explained that there is not and that this planting is being done after the initial plantings did not meet the 75 % survival rate. The upcoming planting will use a little different methodology and the Commission had previously decided that just the attempt to get the plantings to take was enough.

Motion: Commissioner Hall moved to continue the discussion for 191 Downer Avenue, DEP 034-1260 to June 3, 2019.

Second: Commissioner Mosher

In Favor: All

Opposed: None

247 Gardner Street – DEP 034-1024, continued from 4/8/19

Applicant: Old Colony Montessori School, Inc.

Excerpts from the staff memo: This discussion is continued from the 4/8/19 meeting to give the applicant more time to complete several items identified during the 2/6/19 staff site visit, including the removal of leaves and other landscaping debris that was dumped within the buffer zone and on top of both level spreaders, the removal of a black corrugated pipe within the resource area, and the removal of plastic netting from the straw wattles that were installed for erosion and sedimentation control. Staff revisited the site on 4/16/19 and all of these items were resolved. Additionally, regarding condition #39, staff received confirmation that an oil and gas trap was installed in the site's lone deep sump catch basin. Regarding condition #41, staff received proof that the catch basins and manholes have been inspected and cleaned within the last six months.

Meeting Documents & Exhibits: Staff memo

Motion: Commissioner Hidell moved to issue a Certificate of Compliance for 247 Gardner Street, DEP 034-1024.

Second: Commissioner Mosher

In Favor: All

Opposed: None

Old Derby Street – DEP 034-0354

Applicant: Old Derby Nominee Trust

Excerpts from the staff memo: An Order of Conditions was issued in October 1991 to construct a new roadway and utilities as part of a proposed subdivision. The Order expired in 1994. Work never commenced on the project and the applicant is seeking to close out the file with a Certificate of Compliance. Given the size of the parcel, staff reviewed aerial photos on 5/1/19 to confirm that no work was completed.

Meeting Documents & Exhibits: Staff memo

Motion: Commissioner Zane moved to issue a Certificate of Compliance for Old Derby Street, DEP 034-0354.

Second: Commissioner Hall

In Favor: All

Opposed: None

Old Derby Street – DEP 034-0510

Applicant: Old Derby Nominee Trust

Excerpts from the staff memo: An Order of Conditions was issued in December 1997 to construct an assisted living facility, stormwater management, access and parking lots, grading, and associated utilities. An Extension was issued subsequently, but expired in December 2003. Work never commenced on the project and the applicant is seeking to close out the file with a Certificate of Compliance. Staff notes that a portion of the lot and areas where work was previously proposed has since been sold and a car dealership has been constructed on the site under a separate Order of Conditions (DEP 034-1147), which is still valid. Given the size of the parcel, and the alterations that occurred as a result of the more recent Order, staff reviewed aerial photos on 5/1/19 to confirm that no work outside of the scope of that Order was completed.

Meeting Documents & Exhibits: Staff memo

Motion: Commissioner Hall moved to issue a Certificate of Compliance for Old Derby Street, DEP 034-0510.

Second: Commissioner Hidell

In Favor: All

Opposed: None

357 Main Street – DEP 034-1251

Applicant: Sharon and Bryan Prohm

Excerpts from the staff memo: An Order of Conditions was issued in March 2016 for landscape improvement activities, including stabilizing an eroding slope above an isolated vegetated wetland, removing non-native invasive species, landscaping, and replacing an existing patio. A portion of the patio has been replaced, however the other work permitted by the Order was never completed. The Order has expired as of March 2019. Given the limited scope of work completed, staff waived the requirements for a letter from an engineer or other professional and an as-built plan. Staff visited the site on 4/29/19. A brick inlay has been installed in a circular patio in the same size and location shown on the final approved plans. An adjacent blue stone patio appears to have remained the same with no replacement or change in configuration. The slope shows some erosion, particularly where a large tree fell into the isolated vegetated wetland, but no new erosion issues were noted. Some Japanese knotweed shoots were observed growing on the slope and in the vicinity. The Order contains a condition requiring proposed plantings to survive at least two growing seasons, however staff recommends waiving this requirement since the plantings were not completed or proposed as mitigation.

Meeting Documents & Exhibits: Staff memo

Motion: Commissioner Mooney moved to issue a Certificate of Compliance for 357 Main Street, MA DEP 034-1251.

Second: Commissioner Mosher

In Favor: All

Opposed: None

Request for Determination of Applicability

271 North Street

Applicant: Robert Petrie, 271 North Street Trust

Proposed: Paving of existing gravel parking area

Excerpts from the staff memo: The applicant is proposing to pave an existing gravel parking area and driveway, which extends to two garages at the rear of a four-unit condominium building. The applicant is not proposing to expand the parking area or driveway. The purpose is to address maintenance and safety concerns related to the existing gravel surface, including gravel being removed during snowplowing and exposing the underlying dirt, and significant icing in the winter. The work will be within the 50 and 100ft buffer zones to the inland bank of an intermittent stream. In some areas, work will extend close to the stream. The applicant has proposed a 2ft crushed stone apron between the stream and the rear portion of the driveway (along approximately 75ft) to address runoff. An Order of Conditions was issued in 2006 for an addition to the existing dwelling, an expansion of the gravel driveway and parking area, a four-car garage, and relocation of the stream and culvert. Wetlands-wildlife enhancement areas were also proposed up and downstream of the culvert. A reconfigured driveway and two, two-car garages (versus a four-car) were later approved as a minor modification. A Certificate of Compliance was issued in 2009. Staff recommends requiring that paving not extend beyond the limit of the driveway and parking area as shown on the as-built plan from 2009. Given that gravel has migrated outside of this area, the original limit will need to be marked prior to paving.

Staff also recommends that the proposed stone apron be constructed as a stone trench to promote more infiltration. The as-built plan shows a vegetated strip between the stream and the driveway, thus staff recommends that the area between the stream and the stone trench continue to be maintained in a vegetated state. Upstream of the culvert, the as-built plan shows a vegetated buffer and a number of trees. Currently, the northern stream bank in this area has a narrow, naturally vegetated buffer, while the southern stream bank is maintained as lawn and several trees are no longer present. Staff recommends that, at a minimum, a naturally vegetated buffer be maintained in this area.

Staff does not believe the proposed work will have a negative impact on the resource areas, provided that erosion controls are installed and maintained throughout construction, and the applicant complies with the other recommended conditions below.

Meeting Documents & Exhibits: Staff memo

Applicant Rob Petrie, a trustee of 271 North Street, was present and summarized the proposal for the Commission. R. Petrie explained that currently the gravel surface gets pushed off the parking area by snow plows and the remaining surface is extremely compacted and they would like to pave it. Commissioner Freeman commented that usually the Commission prefers gravel surfaces when close to a resource area but it seems that in this case the concern is the gravel entering the wetland. The C.O. stated that it hasn't yet, but that it is close, and is clearly migrating outside of the area where it's intended to be.

Commissioner Freeman asked if there were any concerns about turning the existing pervious surface into an impervious surface. The C.O. stated that the applicant had proposed, in his initial application, a gravel apron in the back left corner of the parking area, where it's closest to the stream, and staff recommended that it be made deeper (2 ft wide by 2 ft deep) in order to capture some more stormwater and protect the vegetated area from erosion. The trench will run 75-100ft long. She summarized that in the most critical area of the driveway, the additional impervious surface is accounted for by the gravel trench. R. Petrie commented that the base of the parking area is extremely compacted so the water isn't really going through it as it is. He added that the draft conditions of the staff memo were perfectly fine and that they will add some new plantings north of the culvert.

Motion: Commissioner Mosher moved to issue a Negative Determination of Applicability for the work proposed at 271 North Street, as shown on the submitted plans, and adopt the findings of fact a and b, 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.

Conditions:

1. Prior to the start of work, erosion and sediment controls shall be installed as directed by an agent of the Commission; straw wattles and/or hay bales will not be used as a form of erosion or sediment control.
2. Prior to the start of work, the limits of paving shall be marked and inspected by an agent of the Commission. Paving shall not extend beyond the limits identified on the "Notice of Intent As-Built Plan – Order of Conditions DEP File # 34-0856," dated 10/7/09, stamped and signed by Steven D. Gioiosa.
3. Existing gravel that is outside the limits of paving shall be removed by hand and properly disposed of at an off-site location.
4. Any debris, which falls into any resource area, shall be removed immediately by hand.
5. A stone trench, two (2) feet wide by two (2) feet deep, shall be installed at the edge of the pavement as shown on the submitted plan; the driveway in this area shall be pitched to direct runoff into the trench.
6. A five (5) foot wide vegetated strip, consisting of lawn or native plantings, shall be maintained along the portion of the stream downstream of the culvert. A five (5) foot wide naturally vegetated strip shall be restored and maintained along the portion of the stream upstream of the culvert.
7. 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.
8. The Conservation Department shall be notified to any changes in plans prior to proceeding with said changed plans.

Second: Commissioner Zane

In Favor: All

Opposed: None

Notice of Intent

111 Weir Street (formerly #105) – DEP 034-1326, continued to 7/8/19

Applicant: John Woodin

Representative: Gary James, James Engineering, Inc.

Proposed: Construction of new single family home and driveway

Other Business

- a. Review and approve relocation of POW-MIA Memorial at Hingham Harbor

Meeting Documents & Exhibits: A summary of the origins of the memorial was distributed by Keith Jermyn

Keith Jermyn, Director of Veteran Services for the Town of Hingham and Robert Beal, Vietnam Veteran and former Conservation Commission Chair, resident at 71 Elm Street, were present to ask the Commission's support for the relocation of the POW-MIA Memorial.

K. Jermyn explained the need to move the POW-MIA Memorial. The Harbor Development Committee is planning future work on the revetments and currently the memorial is located on the Harbor Park parcel to the right of Whitney Wharf and would be affected by the construction. A temporary place for the memorial was proposed, however, K. Jermyn expressed the preference to move it, only once, to a permanent location on the grassed area on the Whitney Wharf. R. Beal, who initiated the creation of the memorial, described the history and purpose of the memorial, and the numerous people who contributed to its construction and dedication.

Commissioner Freeman asked the C.O. what aspects of the proposal are factors as far as the Commission's jurisdiction is concerned. The C.O. noted that the monument sits at grade and asked R. Beal to describe the base. R. Beal stated that it sits on a concrete base and it's their intent to dig it all out but an exploratory dig would be needed to see what the situation is. When asked if he knew how deep the base was, R. Beal stated that it's never tipped and thought it must be close to the frost line. The C.O. pointed out that what is proposed is within the Commission's jurisdiction but that

the Commission could waive any filing as it would be a temporary excavation. Commissioner Hidell asked if they would be pouring a new base. R. Beal stated that if the existing concrete base is connected to the memorial then they would likely be moving it in total.

Commissioner Hall commented that the proposed location is elevated making the plaque not so easily readable. R. Beal stated that people will still be able to go up and walk to the memorial. The current flagpole is aluminum and they would be purchasing a new white flagpole to match the other four poles existing on the Wharf. He further described how the addition of this fifth pole is appropriate and fulfills the intent of the poles representing the branches of the military as none of the existing four poles on Whitney Wharf represent the Coast Guard. There would be a rededication. Commissioner Hall asked if there would be lighting running to the flagpole and K. Jermyn and R. Beal agreed that there shouldn't be, that there is enough light at the wharf to qualify as illumination.

R. Beal stated that there is a granite bench that was installed near the memorial at a later date which is often used and also has a dedication on it, however, they are not proposing to move that at this time.

Motion: Commissioner Hidell made a motion that the Conservation Commission supports the intended removal and reinstallation of the POW-MIA memorial monument and flagpole, such site work to be undertaken as necessary, and the Conservation Commission specifically waives all required applications.

Second: Commissioner Mosher **In Favor:** All **Opposed:** None

b. Review and approve installation of interpretive signs at Hingham Harbor

Meeting Documents & Exhibits: 2 page packet including Beals + Thomas proposed sign locations & KVO cross section of sign

Bruce Macavoy of the Hingham Harbor Development Committee was present. With Greenbush funding, the HHDC, along with the Historical Society and Bathing Beach, has developed a proposal to install historical interpretive signs along the harbor, from the Lobster Pound down to Steamboat Wharf. The project spans from now to 2035 when Hingham celebrates 400 years. They anticipate a lot of construction work, for the wharves and for Rt 3A, over the next 5-10 years. They currently have the first three signs done, and have applied for Greenbush funding for the next 3 signs which are in the design process. To date, they have gotten approval from all other committees necessary, aside from getting permission to actually put them in the ground.

Initially they had thought to just put signs only along the Bathing Beach walkway, but the scope expanded because working with the Hingham Historical Society, they realized that there is so much information to put on a sign to transfer the knowledge of what's happened in Hingham Harbor over generations; from a source of industry to the current recreational use. Brief discussion followed regarding some of that history. B. Macavoy explained that the signs will be linked to a website to be managed by the Historic Districts Commission.

The C.O. clarified that of the three signs, the one proposed for Harbor Park (1C as indicated on the handout) is not only jurisdictional but would also be on land owned by the Conservation Commission.

B. Macavoy described the signs as 24" by 42" in National Park standard aluminum frames with a black powder finish and they get set in the ground in two holes about 42 inches apart, approximately 12-16 inches in diameter, 24 inches deep with concrete and one rebar and goes below the frost; strong enough to lean on but not to sit on. One sign will be up by the Grove (by the old bathhouse), the second sign will be at the end of Whitney Wharf between the Compass Rose and the Veteran's memorial, and the last sign will be near where the POW-MIA memorial is today. Commissioner Hall asked about the last sign and how it would be affected by future revetment work. B. Macavoy explained that it would be set back and closer to the road. The C.O. clarified to the Commission that the NOI application has not yet been submitted for the proposed revetment work. B. Macavoy stated that the idea is to have 12-18 signs that go all the way to Steamboat Wharf. B. Macavoy summarized the timeline of sign creation and installation with a goal of getting them in the ground by July 4th.

Discussion followed about further signage, cost and durability of the signs, and information on the signs. B. Macavoy clarified that, as these signs were funded with Greenbush grant funds, the information is historical information.

Motion: Commissioner Hall moved to approve a sign to be installed on Commission owned land and waive the filing requirements for the 6 holes that will be needed for three signs.

Second: Commissioner Mosher **In Favor:** All **Opposed:** None

c. Request for a field change at 4 Pond Park Road

Meeting Documents & Exhibits: Revised Plan set dated 5/2/19 and Proposed Pavement Exhibit Plan dated 5/2/19

The C.O. explained to the Commission that it had approved an RDA in early 2018, allowing for site improvements to an office park location; parking and improvements to the building in terms of meeting accessibility standards. The owners are trying to get potential tenants, and a common concern is that there are not enough parking spaces to meet the needs of some ideal tenants.

The C.O. explained that the applicant had approached her to ask where and how many parking spaces they might add. They presented an initial plan of additional spaces that were inside the inner riparian as well as inside the 50 ft buffer and the C.O. told them it would be unlikely to be approved. They went back to the drawing board and submitted the plan currently before the Commission. With this plan, half of the additional spaces would be outside the Commission's jurisdiction and the other half are in already altered areas (within openings of the existing parking lot layout that they could fit spaces in) and they are also proposing to add two fairly large infiltration systems to capture and treat the stormwater from the entire parking lot.

Currently, the entire parking lot and driveway are untreated. As part of the original RDA improvement, part of the driveway and only that part of the parking lot within the Commission's jurisdiction was captured by a small treatment unit within the driveway. With this 'ask' for additional spaces, they propose to include and capture everything else on the lot. The C.O. suggested that, although it is an increase in impervious area, it is a win with the treatment they are proposing.

The C.O. explained that the Negative Determination was still valid and the Commission can decide if the scope of what is proposed is something they would approve as a field change or if there was additional information that they needed. The C.O. distributed the plan set and the Commission reviewed the proposed changes. Commissioner Hidell reviewed the proposed infiltration chambers and the C.O. clarified that the already approved small treatment unit within the driveway will remain. Commissioner Zane asked what the increase in impervious would be and the C.O. pointed out that there were some numbers provided on the plan but it was realized that those numbers are for the entire site. Commissioner Hall confirmed with the C.O. that what is proposed is occurring within the outer riparian in an area already developed as parking lot, outside the 50 ft buffer and a de minimis amount within the 100 ft buffer.

Motion: Commissioner Zane moved to approve, as a field change, the revisions, dated 5/2/19, to the site plan for 4 Pond Park Road.

Second: Commissioner Mosher

In Favor: All

Opposed: None

d. Selection of representative to Community Preservation Committee

Commissioner Mosher, the Commission's CPC representative for the last 3 years, gave a brief description of the committee and the obligations of being the representative. He agreed to continue for one more year as the Commission's representative to the CPC.

e. Discussion of changes to Wetland Regulations: Part 1, Section 4.0 Exceptions; Part 2, Section 23.0 Tree Replacement/Site Restoration; Part 2, Section 23.1 Septic Systems

f. Discussion of establishing environmentally sensitive areas within the Wetland Regulations

The C.O. explained that the other business items E and F had been continued to this meeting from the last time the regulations were discussed, 4/8/19. Commissioner Freeman noted that she had submitted comments for the previously scheduled discussion and Commissioner Zane and Hidell stated that the comments had been distributed but there had not been a lot of discussion.

The Commission discussed how they might focus on certain items, divvy up research and briefly touched on the rules regarding communications between commissioners. Commissioner Freeman noted that Commissioner Gaul would be resigning and discussion followed about the need and methods to recruit a commissioner.

Referring to a suggestion from the 4/8/19 meeting to look back over the past two years for examples, the C.O. suggested that they might not need to look back through two years, but to look back on previous agendas might trigger a memory of a project that was contentious, was challenging to approve or one they might have wished to handle differently.

Discussion about exceptions followed, with the C.O. pointing out that small projects like the ones before the Commission tonight, moving a flagpole or making two holes for a sign, currently require a filing. The C.O. pointed out a potential area of overlap with the state, and gave the example of the Commission approving fences within the buffer zone, in an area already lawn, allowing room for passage of wildlife or water, and yet the state already has exemptions for fences should they meet certain conditions. She added that's one instance where the Commission could look at the state language and see if it's applicable, and then, look back at past agenda items, e.g. a fence proposal, and seeing how the state language would have matched up with that and would there be any language that they would want to alter. The Commission agreed to move the discussion to the following meeting on 5/20/19 which has a light agenda.

Commissioner Freeman adjourned the meeting at 8:25 pm.

Submitted, _____
Sylvia Schuler, Administrative Secretary

Approved on May 20, 2019

Meetings are recorded. To obtain a copy of the recording, please contact the Conservation Office.