



## CONSERVATION COMMISSION MEETING MINUTES –May 15, 2023

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

**Absent:** Nina Villanova

The remote meeting was held via Zoom with Dial in #929-205-6099, Meeting ID # 857-9069-0160

### **The meeting was called to order at 7:01 PM.**

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

### **Approval of Minutes**

**May 1, 2023**

**Motion:** Comm’r Freeman moved to approve the 5/1/23 draft meeting minutes.

**Second:** Comm’r Mosher

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

### **Requests for Determination of Applicability**

#### **159 Black Rock Drive**

Applicant: Lelah Manz

Representative: Paul Seaberg, Grady Consulting, LLC

Proposed: Installation of patio and plantings

*Meeting Documents & Exhibits: Staff memo, Request for Determination of Applicability application, and Site Plan (4/18/23)*

*Excerpts from the Staff memo: The area where the mitigation plantings are proposed (>3.5:1 ratio, where 1:1 is required) is primarily wooded, but lacking understory vegetation, so the plantings would benefit the area. Staff confirmed with the representative that the applicant has permission to install and maintain the plantings located outside of the “exclusive use area.”*

Paul Seaberg from Grady Consulting was present on the call, shared his screen with the site plan, and pointed out the existing features on site and the Bordering Vegetated Wetland located in the rear. He described the proposal to remove a patio area and construct a new square patio with roof structure resulting in an increase of 143sf of impervious. They propose 527sf of mitigation plantings and have a silt sock for erosion control.

The ICO confirmed that the applicant has permission from the condominium association to plant and maintain the proposed mitigation area. She commended the mitigation area, stating that it went above and beyond what is required per the commission’s mitigation policy and will be a benefit to the area. The Commission confirmed that the new patio is sited just outside of the 50ft buffer and expressed appreciation for the extent of the mitigation plantings.

**Motion:** Comm’r Nielsen moved to issue a Negative Determination of Applicability for the proposed work at 159 Black Rock Drive, as shown on the submitted plan, and adopt the findings of fact a through c, and conditions 1 through 9 of the staff report.

Findings:

- a. The project meets the submittal requirements for issuance of a Determination of Applicability 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.

Conditions:

1. Prior to the start of work, erosion and sediment controls shall be installed, as shown on the final approved plan, and inspected by an agent of the Commission; straw wattles and/or hay bales shall not be used as a form of erosion and sediment control.
2. Erosion and sediment controls shall remain in place until all disturbed or exposed areas have been stabilized with a final vegetative cover or the Commission has authorized their removal.
3. All demolition and excavated material shall be properly disposed of at an off-site location.
4. Any on site dumpsters shall not be located within 50 feet of any resource area.
5. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.
6. 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.
7. No vehicle or other machinery refueling, lubrication, or maintenance, including concrete washout, or storage of fuel or maintenance chemicals shall take place within 50 feet of any resource area.
8. Prior to the expiration of this permit, the mitigation area plantings shall be installed in accordance with the final approved plan.
9. 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.

**Second:** Comm'r Freeman

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

Chair Kelly read the Notice of Intent statement.

**Request for Extension of Order of Conditions**

**73 Abington Street** – DEP 034-1320

Applicant: Gill Research Drive, LLC

Representative: Maggie Laracy, Crocker Design Group, LLC

*Meeting Documents & Exhibits: Letter Request for Extension and Site Plan*

*Excerpts from the Staff memo: no staff memo prepared*

Maggie Laracy from Crocker Design Group was present on the call, representing Gill Research Drive LLC, seeking a one year extension to the Order of Conditions. She shared her screen with the site plan and reviewed the project for the Commission, explaining that the original project was with a different owner, and that the new owner had received an Amended Order of Conditions for changes in the plan in December. She pointed out the features of the proposal on the plan, noted that a site visit with the ICO had conducted a month prior, and that the site was cleared and construction begun. The ICO noted that the reasons to deny an extension would not apply and the Commission was in agreement to issue a one year extension to June 5, 2024.

**Motion:** Comm'r Nielsen moved to issue an extension for 73 Abington Street, Mass DEP 034-1320 to June 5, 2024.

**Second:** Comm'r Mosher

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

## **Notices of Intent**

### **6 & 8 Berkley Circle** – DEP 034-1468, continued from 5/1/23

Applicant: Joan & Joseph Iovino

Proposed: Invasive Species Management

*Meeting Documents & Exhibits: Staff memo, Notice of Intent for Ecological Restoration, and Invasive Plant Management Plan (1/5/23)*

*Excerpts from the Staff memo: This hearing is continued from the 5/1/23 Commission meeting. As of 5/12/23, a revised management plan has not yet been submitted (addressing staff comments, below) and a DEP file number has not yet been issued. If these outstanding items are resolved in time for the meeting, the Commission could vote on the project. If not, the hearing will have to be continued to the 6/5/23 Commission meeting.*

Applicant Joan Iovino was present on the call and briefly described the project. The ICO commented that a DEP # had been issued with no comments on the project from MA DEP and explained that an updated final plan, with the edits she'd requested, had not been submitted. She reminded the Commission that for this type of Order of Conditions, the final plan takes the place of any special conditions the Commission might add. The Commission and applicant were in agreement to continue the hearing to June 5<sup>th</sup>.

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

**Motion:** Comm'r Freeman moved to continue consideration of the project for 6 & 8 Berkley Circle, DEP 034-1468, to June 5, 2023.

**Second:** Comm'r Roby

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

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

Applicant: Matthew Falconeiri, Falconeiri Construction, Inc.

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

*Meeting Documents & Exhibits: Response to Comments (5/8/23), Revised Site Plan 5/5/23, and Tree snag photo*

*Excerpts from the Staff memo: Staff initially visited the site on 1/4/23 with the Professional Wetland Scientist to review the preliminary flags (established in October 2022) and site plan. Staff recommended a few minor changes, which were incorporated into the submitted plan. Staff visited the site a second time on 3/29/23, after receiving the current application. The majority of the existing and proposed development is situated on 28 Union Street, which is fairly flat and includes the existing house, maintained lawn, and on the eastern end of the property, woodland. A Bordering Vegetated Wetland dominates 32 Union Street, with both woodland and maintained lawn within the Buffer Zone. This property gradually slopes down, from north to south, towards the resource area. Staff noted small amounts of manmade debris in the vicinity of WF A21, WF A25, and WF A27.*

Representative Brendan Sullivan from Merrill Engineering was present on the call along with the applicant, Matt Falconeiri. B. Sullivan shared his screen with the site plan and described the proposal; razing an existing house and constructing a new 5 bedroom single family home. The wetland resource areas are a Bordering Vegetated Wetland (BVW) on the southern portion, associated with a brook, as well as floodplain, elevation 26. Most of the existing dwelling is within the 100ft buffer; a good portion of the proposal is outside the 100ft buffer and the driveway will be moved outside of the 50ft buffer.

B.Sullivan explained that they would be removing 550sf of impervious in the 50ft buffer and there will be a net decrease in impervious of 22sf within the 50-100ft buffer. He noted they were not proposing to infiltrate the entire roof, and that the shaded portions of the roof on the plan are the areas being infiltrated. He stated that it's a class A soil and perk tests were good.

B.Sullivan stated that an arborist had surveyed the trees. He described an area in the buffer where they propose to drop some dead wood and hanging trees. These would not be removed but simply dropped and left for habitat.

The ICO stated that overall the trees on the site have been the primary focus and the site visit was helpful. She noted that a nice restoration area is proposed and suggested that it be somehow demarcated as a no mow area. She reviewed her list of questions for the applicants and brief discussion followed regarding the following items:

- Resolving parcel dimensions. B. Sullivan explained the dimensions on the plan and stated he could add the clarifying information.
- The ICO had found two other smaller areas of debris to be cleaned up; B.Sullivan agreed to add a labels/circles to be sure they're captured.
- The current driveway will be planted with trees and conservation seed mix as there is no new lawn permitted in the 50ft buffer; the applicant was amenable to either a small split rail fence or markers to indicate that it is a no mow area.
- The porch out front will be covered, will have gutters and the porch gutters can also connect to be infiltrated; almost everything within the Commission's jurisdiction will be captured.
- The ICO, Commission and applicant discussed the arborist report including comments on the large white pines towards the front, Norway maples and the arborist report ranking of the risks.
- The ICO, Commission and applicant discussed the dead trees in the wetlands, noting also 3 large pines and 2 big dead cedars. Discussion followed regarding the number of trees proposed for removal
- B. Sullivan stated that groundwater is 2.5-3 ft down and they are class A soils

Further discussion followed regarding the trees for removal. The ICO clarified for the record that there were two healthy trees in the 100ft buffer to be removed, everything else is considered hazardous or dead, and the applicant is proposing 8 replacement trees near the front entrance. Brief discussion followed about the number of tree removals, tree replacements, and Planning Board expectations. The ICO was pleased with the 8 replacement trees, and it is best if they don't drop below that.

She noted that there were 2 healthy trees coming down southwest of the house, and would there be any positioning of the retaining wall where those could be preserved. B. Sullivan stated that they'd looked at different iterations but they are giant arborvitae and would be too close to the house.

Discussion followed regarding the snags and whether to leave them standing or drop them. The Commission was in agreement that if it is a safety concern that dropping the trees would be preferable. Comm'r Nielsen commented that she has a bias for maintaining snags however if safety is a concern then she could accept the ones on the periphery being removed however ones further in could just remain. M. Falconeiri stated that they could use a crane to guide the fall of the trees rather than risk potentially harming other trees. The Commission was in agreement The ICO asked the applicant for an estimate of how many trees in that area. B. Sullivan stated 6-8 and noted that none of them would be within the wetland resource area. The ICO asked for those to be indicated on the site plan.

The Commission and applicant were in agreement to continue to the next meeting.

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

**Motion:** Comm'r Mosher moved to continue the Notice of Intent hearing for 28 and 32 Union Street (DEP 034-1465) to June 5, 2023.

**Second:** Comm'r Freeman

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

### **Adjourn**

**Motion:** Comm'r Mosher moved to adjourn the meeting at 7:54 pm.

**Second:** Comm'r Nielsen

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

Submitted, \_\_\_\_\_  
Sylvia Schuler, Administrative Assistant

Approved on June 5, 2023

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