



CONSERVATION COMMISSION MEETING MINUTES –August 1, 2022

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

Absent: none

The remote meeting was held via Zoom with Dial in #929-205-6099, Meeting ID # 829 2571 5311

The meeting was called to order at 7:06 PM.

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

Approval of Minutes

6/6/22 Joint Meeting with Planning Board

Draft meeting minutes were not distributed. No vote was held on the 6/6/22 meeting minutes.

6/27/22

Chair Kelly called for a Roll Call vote to approve the 6/27/22 draft meeting minutes.

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

Certificates of Compliance

60 Research Road – DEP 034-1388, **cont'd from 7/11/22**

Applicant: Kevin Gill

Representative: Gabe Crocker, Crocker Design Group

Meeting Documents & Exhibits: Staff memo and "Proposed Buffer Mitigation Exhibit", dated 7/5/22

Excerpts from the staff memo: Staff visited the site again with the project engineers and a representative from a landscape design company on 6/14/22, and reviewed the areas to be restored and/or planted, and appropriate types and quantities of species. Since then, a plan for additional mitigation (dated 7/5/22) has been submitted based on this meeting, including cleaning debris, and planting a mix of native trees and shrubs.

The ACO briefly recapped the issues; a Request for partial Certificate of Compliance had been submitted but then it was noticed that a mitigation area wasn't done. The engineer and landscape designer came up with a plan which accomplished exactly what was wanted; a mix of native trees and shrubs and removal of debris. The plan was shared to screen. The ACO recommended approving the additional mitigation plan, and continuing the item to allow time for plantings to be installed, before they would be eligible for a partial. The ACO described in further detail the new mitigation area noting that both the applicant and owner took it seriously to rectify the issues.

Motion: Comm'r Mosher moved to approve the additional mitigation as detailed in the "Proposed Buffer Mitigation Exhibit", dated 7/5/22 and prepared by Crocker Design Group, and to continue the Request for Certificate of Compliance for 60 Research Road (DEP File #034-1388) to September 12, 2022.

Second: Comm'r Villanova

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

299 Rockland Street – DEP 034-1373, **cont'd from 7/11/22**

Applicant: Stephen & Jessica Govoni

Meeting Documents & Exhibits: staff memo, Engineer letter (7/28/22) and 2 Site As-Builts (both dated 3/11/22, one showing drywell location)

Excerpts from the staff memo: Staff visited the site on 6/15/2022 and confirmed that downspouts are connected to drywells and a rain barrel, mitigation plantings were installed, and flood vents were installed. The applicant has submitted a certificate of elevation as required per condition #40.

Property owner and applicant Steve Govoni, was present on the call. He briefly explained that they'd done all of the proposals that were put in place and described the plantings on the side and front, drywells, captured all the gutters, one gutter off the back they put a rain barrel and the bare soil was grassed in. He stated that they'd submitted an elevation certificate and the engineer's letter. The CO stated that she'd confirmed the mitigation plantings, drywells, all downspouts attached to drywell and the one that isn't goes into a rainbarrel. The completed project is in good standing.

Motion: Comm'r Nielsen moved to issue a complete Certificate of Compliance for 299 Rockland Street (DEP 034-1373), with the following ongoing condition:

37. 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.

Second: Comm'r Freeman

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

64 Howe Street – DEP 034-1333, **cont'd from 7/11/22**

Applicant: Sharp Development LLC

Meeting Documents & Exhibits: staff memo, Request for COC application and As-Built Plan (4/29/22)

Excerpts from the staff memo: An Order of Conditions was issued in February 2019 for the demolition of an existing single family house and construction a new single family house and associated amenities. The new home was approved on piles, but a foundation was approved for the garage. A total of eight (8) flood vents were approved for the structure. Staff visited the site on 6/16/2022 and had the following questions for the applicant's representative:

- **Plantings:** *It seems like all of the plantings on the planting plan have not been installed. Please provide an as-built for the planting plan.*
- **Skirting:** *Skirting was installed along the northern side (ocean facing side) of the structure without flood vents. The project narrative submitted with the NOI stated that "the north side [of the structure], which faces Hingham Bay, will be open and will consist of 8 foundational piers". The skirting is not approved.*

Staff recommends that the Commission make a determination on the skirting, and then continue this item to allow time for other project aspects to be resolved.

Builder Theo Sharpe was on the call. He stated that it had been over 2 years since the project was completed and therefore has had 2 growing seasons. He explained that he didn't know about the plantings and that the landscaper responsible had been contacted. Regarding the skirting, he stated that it was in place when the former CO had signed off on the Certificate of Occupancy. He compared it to other projects and stated that they were going to put flood vents in and that calculations result in 4 more in the front but they would do more if the Commission preferred. Discussion followed about the skirting and what had been proposed and permitted. The CO stated that the narrative submitted with the NOI said that the ocean side would be open and consist of piers. Several commissioners expressed that what was proposed with no skirting should be held to. Responding to a commissioner question, T. Sharp stated that the Order of Conditions did not specifically provide for skirting. He added that as the plans developed, the narrative was not updated and subsequent elevation plans showed the skirting. The CO stated that the former CO had been meticulous about documenting field changes and had notes on the planting but nothing regarding skirting. The Commission concluded to continue the matter, see if the former ACO could provide any information and await information on the plantings.

Motion: Comm'r Hidell moved to continue the Request for Certificate of Compliance for 64 Howe Street (DEP File #034-1333) to August 22, 2022.

Second: Comm'r Mosher

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

33 Hobart Street – DEP 034-0745, cont'd from 7/11/22

Applicant: Brian Murphy, Demos Realty Trust

Representative: Al Loomis, McKenzie Engineering Group

Meeting Documents & Exhibits: staff memo and Request for COC application including photos and Existing Conditions plans (6/16/2022)

Excerpts from the staff memo: An Order of Conditions was issued in May 2004 for the construction of a single family house, utilities, driveway, and a wetlands crossing. Wetland replication was proposed for the crossing. In April 2007 the Commission granted a one year extension for the OOC. Another extension was requested in 2008, which the Commission denied. The only work completed under this OOC was the construction of the wetland crossing. When the OOC expired in 2008, a new Notice of Intent was filed and subsequent Order of Conditions issued for the same scope of work (DEP 034-1187).

Al Loomis from McKenzie Engineering was present on the call. He reviewed the Order of Conditions issuance history; the crossing of the intermittent stream and utility sleeves were all installed but no house was constructed. In the interim the project grew and all work originally proposed was carried forward into another Order of Conditions. The CO suggested that it might make sense to issue the COC's together as it was similar work. The CO further described how the project morphed with a wider common drive needed and additional wetland replication area required but not installed.

The CO explained that a mitigation plan has been proposed. It is not wetland replication but is mitigation and falls in line with the current mitigation policy and consists of invasive plant removal and native plantings. She noted that the back deck was larger than approved but the mitigation plan is sufficient to make up for the larger deck. Comm'r Nielsen commented, for the record, that it is concerning that they built it larger than approved and unfortunate that the Commission has to see this. The CO stated that the approved deck was 215sf and the deck built is 364sf. The Commission expressed their frustration that this occurs despite the standard language requiring any changes to the approved plans be submitted for approval beforehand. Brief discussion followed with Brian Murphy in the future he would definitely watch out for that. The Commission was in agreement that the proposed mitigation is acceptable. Comm'r Nielsen noted that the process was not followed but the result is appropriate.

The CO stated that the new mitigation area has not yet been planted. Only DEP 034-0745 would receive a Certificate of Compliance.

Motion: Comm'r Hidell moved to issue a Certificate of Compliance for MA DEP 034-0745.

Second: Comm'r Villanova

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

33 Hobart Street – DEP 034-1187, cont'd from 7/11/22

Applicant: Brian Murphy, Demos Realty Trust

Representative: Al Loomis, McKenzie Engineering Group

Meeting Documents & Exhibits: staff memo, Request for COC application, and Existing Conditions plans (6/16/2022)

Excerpts from the staff memo: Staff visited the site on 7/6/2022 and observed that the 1,250sqft replication area was installed and functioning, the vegetated stormwater detention basin was installed and functioning, but that the 750sqft replication area had not been installed. Staff had the following questions for the applicant's representative:

1) 750sqft Replication Area: Through the amendment process, the Commission approved additional impervious in the 50ft buffer (for the wider driveway) but required additional mitigation in the form of 750sqft of wetland replication area near the flared end outlet adjacent to the wetland crossing. This 750sqft replication area is in addition to the 1,250qft replication area required for the wetlands crossing. This replication area was not installed. Instead, the applicant is now proposing an invasive removal and mitigation plan. The applicant is proposing to remove 1,930sqft of invasive species and replant the area with native shrubs. Additionally, the applicant is proposing 6 new native trees along the invasive removal/native planting area.

2) Porch: The back porch is larger than what was permitted. The OOC approved a 215sqft deck, including stairs, 5.4ft from the 50ft buffer. The existing deck is 364sqft, including stairs, and is 5.7ft from the 50ft buffer. The applicant is proposing to mitigate for this larger deck through the 1,930sqft invasive removal/native planting area. The Commission should determine whether the invasive removal and native planting mitigation plan is acceptable. Staff recommends continuing this item to allow time for the invasive removal and native planting work to be completed if the Commission finds the plan acceptable.

Much of the discussion for this item occurred concurrently with the 33 Hobart Street DEP 034-0745 discussion. The Commission and applicant agreed that due to the drought, that planting later, in the fall, made more sense and that the matter could be continued to the 10/24/22 meeting.

Motion: Comm'r Freeman moved to continue the Request for Certificate of Compliance for 33 Hobart Street (DEP File #034-1187) to October 24, 2022.

Second: Comm'r Villanova

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

35 Hobart Street – DEP 034-1309, cont'd from 7/11/22

Applicant: Brian Murphy, Demos Realty Trust

Representative: Al Loomis, McKenzie Engineering Group

Meeting Documents & Exhibits: Staff memo, Request for COC application and Existing Conditions plans (6/16/2022)
Excerpts from the staff memo: An Order of Conditions was issued in May 2018 for the construction of a driveway, single family home, and septic system at 35 Hobart Street. The property is mostly outside of conservation jurisdiction, except for the edges of the front yard area, on either side of the driveway. Staff visited the site on 7/6/2022 and confirmed that the site was constructed as approved by the Commission. The common driveway and vegetated stormwater detention basin (approved under 034-1187A) are managed jointly by the property owners of 33 Hobart Street and 35 Hobart Street.

Al Loomis, McKenzie Engineering Group, reviewed the completed project and noted that the plantings were thriving and the site stabilized. The CO had no additional comments and felt it is ready for a Certificate of Compliance. The Commission was in agreement.

Motion: Comm'r Nielsen moved to issue a complete Certificate of Compliance for 35 Hobart Street (DEP 034-1309), with the following ongoing condition:

35. There shall be no application of road salt or deicing chemicals, except for calcium magnesium acetate, a.k.a. CMA, or other alternative approved by the Conservation Department, onto the driveway because of the importance of the site and its resource areas to the groundwater supply. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.

Second: Comm'r Villanova

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

86 Pleasant Street – DEP 034-1274, cont'd from 7/11/22

Applicant: Jaime Connolly

Representative: Brendan Sullivan, Cavanaro Consulting

Meeting Documents & Exhibits: Staff memo, Request for COC application, Wetland Monitoring Report (6/13/22) and AsBuilt plan (Rev. 7/8/2022)

Excerpts from the staff memo: An Order of Conditions was issued in March 2017 for the resurfacing of an open riding ring and replication of a filled Isolated Vegetated Wetland through the installation of a 1,100sqft replication area. Staff visited the site on 7/6/2022. The restoration of the Isolated Vegetated Wetland was completed in September 2019 and monitoring reports conducted by a professional wetland scientist confirmed that the plantings installed have survived two full growing seasons at a minimum 75% survival rate, per the Order of Conditions.

The CO explained that the representative was unable to attend the meeting. The CO summarized the project, explained that a Partial COC had been issued with outstanding conditions regarding the replication area. The growing seasons have passed, the monitoring report submitted with confirmation that the area looks good and the CO agrees and believes the project is ready to be closed out. The Commission and CO had no additional comments.

Motion: Comm'r Hidell moved to issue a complete Certificate of Compliance for 86 Pleasant Street (DEP 034-1274), with the following ongoing condition:

39. There shall be no additional alteration, including replacement material of any kind or quantity, of the surface of the open riding ring without the review and approval of the Commission. This condition shall apply in perpetuity and shall not expire with the issuance of a Certificate of Compliance.

Second: Comm'r Villanova

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

14R & 16R Friend Street – DEP 034-798

Applicant: Bruce Issadore, Mgr, 14R Friend St LLC

Meeting Documents & Exhibits: Staff memo

Excerpts from the staff memo: An Order of Conditions (OOC) was issued in February 2005 for demolishing an existing house and garage and constructing a new single-family house, installing a new septic system and other utilities, and plantings. An abutter appealed the OOC in March 2005, and MassDEP issued a Superseding Order of Conditions (SOOC) in July 2005, affirming the Commission's decision and accepting a revised plan. MassDEP subsequently issued an Amended SOOC at the applicant's request in May 2007, and finally issued an Extension Permit in May 2008 extending the permit expiration till July 13, 2011. Work did not start under this permit (DEP 034-798), and the SOOC has since expired. Although MassDEP issues Certificates of Compliance for SOOCs, since the original OOC issued by the Commission was recorded at the Registry of Deeds, the current owner also needs to request a COC from the Commission to clear the property deed of this OOC. Staff has confirmed this with MassDEP.

Bruce Issadore, manager for 14R Friend St LLC was present, briefly reviewed the situation, stated that no work had been done under this order and noted that they had already received a Certificate of Compliance from Ma DEP. The ACO confirmed the situation, added that the property had since been permitted and told B.Issadore that she could speak to him of that work outside the meeting. The Commission was in agreement to approve the COC.

Motion: Comm'r Freeman moved to issue a Certificate of Compliance indicating that work never commenced under DEP 034-798, and the Order has lapsed and is no longer valid.

Second: Comm'r Mosher

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

197 Hersey Street – DEP 034-1397

Applicant: Gabriel Padilla, Grady Consulting

Meeting Documents & Exhibits: Staff memo, Request for partial COC application, As-Built Plan (7/5/22), Response to Comments, and Native Planting List

Excerpts from the staff memo: Staff visited the site on 7/13/22. The site is completely stable. The proposed outdoor shower was not installed, but is planned to be installed in the future outside Commission jurisdiction. A small hose was observed exiting the pool area to temporarily drain excess rainwater that had pooled on the pool auto cover. The consultant confirmed a drywell has been installed for pool water. A white PVC pipe was observed extending under the new fence with an outlet in the naturally vegetated buffer. The consultant responded that "This is an overflow for the downspout drainage system. It is not shown on the plan, but we typically install them so there aren't any issues with the system backing up. It is not connected to the drywell for the pool."

Almost all the mitigation plantings were installed in November 2021, and seem to be doing well, however the overall mitigation planting areas are smaller than proposed, particularly for the plantings near the front of the property, where the trees and shrubs are in a mulched planting bed separated from the naturally vegetated area by a wide grass strip. The intent per the approved plan was to have this area abutting the woods and ultimately extend the naturally vegetated area. The consultant gave this update: "The new impervious area is 1,607 square feet, the area behind the pavilion accounts for 785 sf of mitigation and the front area accounts for 882 sf of mitigation, for a total of 1,666 sf of new planting areas within the 100' buffer zone. The lawn strip behind the plants was installed to maintain some separation between the existing vegetation and the new plants being installed. There was concern that the vegetation along the property line would grow into the new plants. Plants have been installed per the sizes that are on the plans/proposal. The

Ilex vert. were plants larger at #3 opposed to the #2 called for. If leaving a grass strip is not to the satisfaction of the Commission, the area will be expanded to abut the woods.”

Staff recommends that the Commission consider whether to require additional mitigation (ceasing mowing in an area and/or plantings). If so, this item could be continued till any plantings are installed or mowing ceases, or the Commission could issue a partial Certificate of Compliance.

Gabriel Padilla, Grady Consulting, was present on the call, shared his screen with the As Built plan, and reviewed aspects of the plan, pointing out the areas of mitigation plantings and noting that the outdoor shower was not installed as planned but would be installed in the future, but outside the 100ft buffer. He stated that the plantings had been just installed this year and so requires another growing season before a complete COC can be requested.

The Approved Plan was shared to the screen and the ACO pointed out and described her concerns about the mitigation plantings and offered suggestions as to how the plantings, specifically the plantings separated from existing vegetation by a grass strip, could be brought more in line with the intent of the Commission’s Order of Conditions. The Commission discussed the mitigation area and options, concluding that the grass strip should be allowed to grow out. The photo of that specific area was shared to the screen. G.Padilla indicated that the owner was willing to let that grow out. The ACO suggested to the Commission that the grass be allowed to grow out before issuing the partial COC. She also suggested that the edge of the area to be grown out be demarcated in some manner, adding edging or removing a small part of lawn, in order to make it clear for landscapers that it is not to be mowed. The Commission agreed and deferred to staff to work out the demarcation with the applicant.

Motion: Comm’r Freeman moved to continue the Request for Certificate of Compliance for 197 Hersey Street to October 24, 2022.

Second: Comm’r Mosher

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

Requests for Determination of Applicability

74 Clubhouse Drive, cont’d from 7/11/22

Applicant: Catherine Varitek

Proposed: Replace & extend existing deck

Meeting Documents & Exhibits: Staff memo, RDA application and Revised Plan (7/19/22)

Excerpts from the staff memo: The applicant has reduced the scope of work compared to the original proposal. The applicant originally proposed that a ceiling be constructed under the deck, but has since removed the ceiling from the project scope. The decking will be spaced for runoff. The applicant has also relocated the proposed stairs to the eastern side of the deck and reduced their footprint. Revised architectural plans (dated 7/19/22) were received. The applicant has not submitted a mitigation planting plan, but is aware of the Commission’s Buffer Zone Mitigation Policy. At a 1:1 ratio, this would mean ~300 sf of mitigation planting area, however given the site constraints with limited planting area, the Commission could consider a lower amount. Staff recommends condition #1 to address the mitigation planting plan.

Homeowner Catherine Varitek, was present on the call and presented the details of the proposed work. The ACO explained that she’d been to the site, spoken with the contractor, the plans evolved and an updated plan had been submitted that had even a little less impact on the buffer zone. The ACO and Commission discussed mitigation quantity and location, concluding that 200sf of mitigation would be permitted.

Motion: Comm’r Hidell moved to issue a Negative Determination of Applicability for the proposed work at 74 Clubhouse Drive, as shown on the submitted plans, and adopt the findings of fact a through c, and conditions 1 through 9 of the staff report and as discussed at the meeting.

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 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 200 square feet of plantings, including a mix of shrubs and herbaceous species, in accordance with the Commission's Buffer Zone Mitigation Policy (adopted 9/27/21). Locations closest to the resource areas shall be prioritized for planting. 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, between the work area and the wetlands, 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 demolition and excavated material shall be 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 100 feet of any resource area.
8. Prior to the issuance of a Certificate of Occupancy or final building sign off, mitigation area plantings shall be installed, and seeding completed, in accordance with the final approved mitigation planting plan.
9. The Conservation Department shall be notified to any changes in plans prior to proceeding with said changed plans.

Second: Comm'r Villanova

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

Otis Street at Governor Long Road, cont'd from 7/11/22

Applicant: Massachusetts Bay Transportation Authority

Representative: Samantha Hogan, WSP

Proposed: Bus stop improvements

Meeting Documents & Exhibits: Staff memo, RDA application and Plan No. 17, sheet G1 and Plan No. 16, sheet B1

Excerpts from the staff memo: Staff visited the site on 6/15/2022. No formal wetland delineation was conducted for this project. GIS data was used to approximate distances from the project work to resource areas. For this reason, staff recommends that the Commission make no finding as to the exact boundaries of wetland resource areas.

Jeremy Fontaine, an MBTA Environmental Compliance Officer, was present on the call, and turned it over to the consultant Corinne Tobias of Green International Affiliates, Inc. C.Tobias introduced the project explaining that it is part of an accessibility project, to improve ADA compliance in a number of spots in Hingham. She shared her screen with an overview of the existing stops and the new location where they can provide compliant landing areas. She shared the screen with a more detailed plan, pointing out and explaining various details. Responding to a question, she stated that the project is to provide safety and accessibility. The CO explained that it is exempt from the local bylaw and noted that there was no formal wetland delineation but that work was outside the 50ft buffer and out of the floodplain. She stated that the catchbasin work would be coordinated with the Department of Public Works.

The Commission had no concerns and agreed it was suitable for a Negative Determination.

Motion: Comm'r Freeman moved to issue a Negative Determination of Applicability for the proposed work at Otis Street at Governor Long Road, as shown on the submitted plans, and adopt the findings of fact a through b, and conditions 1 through 8 of the staff report.

Findings:

- a. The work described is within an area subject to protection under the Wetlands Protection Act (M.G.L. c. 131, § 40) and will not alter or adversely affect the area subject to protection under the Act.
- b. 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 along the northern limit of work, 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.
2. Prior to the start of work, catch basins within the vicinity of the work, including within 100 feet of wetland resource areas, shall be protected with silt sacks or equivalent. Silt sacks shall be maintained and cleaned as needed.
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. 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 100 feet of any resource area.
8. The Conservation Department shall be notified to any changes in plans prior to proceeding with said changed plans.

Second: Comm'r Nielsen

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

0 Union Street (Wompatuck State Park), cont'd from 7/11/22

Applicant: Department of Conservation & Recreation

Representative: Kevin Grady, Grady Consulting

Proposed: Reconstruct shed over Mt. Blue Spring

Meeting Documents & Exhibits: Staff memo and Revised Site Plan (7/11/22)

Excerpts from the staff memo: The project includes demolishing the concrete "dog house" over the spring box and removing the existing fill station building, sealing the spring box cover to seal the spring from animal access, upgrading the water system equipment and piping, replacing fencing, building a new shed with exterior fill taps under an overhang, and providing suitable ADA access with reconfigured parking (re-painting and signage) and replacing a wooden deck/bridge over a drainage swale with pavement and a culvert. Electrical conduit under the parking lot may be replaced if needed. Work would take place within the 50-ft buffer zone to BVW on both sides of the parking lot and spring, coming to within ~4 ft of the wetland, with 1,400 sf of temporary disturbance. The new shed would be in the same footprint as the existing and on the same foundation, with the overhang over an area that is currently a concrete walkway, and supported by new sonotubes. The parking lot would not increase in size. No trees would be removed and disturbed areas would be loamed and seeded with a conservation/wildlife seed mix.

Gabriel Padilla from Grady Consulting was present on the call and shared his screen with the Site Plan. He pointed out and explained the details of the proposal including; the spring box will be covered for no more seepage, adjustment of the taps to be ADA compliant, new fence, sidewalk, and an overhang supported by sonotubes.

The ACO commented that all her comments from the previous staff memo had been addressed. She noted that the existing wooden deck will be converted to an impervious surface but said it was a small impact and the applicants were willing to reduce the area of lawn to make up for it, allowing for more of a vegetated buffer. She added that there is a small stand of Japanese knotweed and this presents a good opportunity to get that out and stop the spread. The Commission had no comments and all were in agreement to approve.

Motion: Comm'r Villanova moved to issue a Negative Determination of Applicability for the proposed work at 0 Union Street, as shown on the submitted plans, and adopt the findings of fact a through c, and conditions 1 through 9 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 confirms the delineation of Bordering Vegetated Wetland flags A1 to A23, and B1 to B15, but makes no finding as to the exact boundaries of other wetland resource areas.

Conditions:

1. Prior to the start of work and issuance of a building permit, 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.
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. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.
4. All demolition and excavated material shall be properly disposed of at an off-site location.
5. There shall be no stockpiling of soil or other materials outside the existing paved parking lot. 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.
6. No vehicle or other machinery refueling, lubrication or maintenance, including concrete washout, or storage of fuel or maintenance chemicals, shall take place outside the existing paved parking lot of any resource area.
7. Rooftop runoff from the approved shed shall be directed to lawn or other vegetated areas and not to paved surfaces, and downspouts shall first be directed to splash blocks or crushed stone for scour protection.
8. Posts shall be installed in the grass strips to the east and west of the parking lot with signage indicating "Conservation Area – No activity beyond this point". Posts shall be located between the edge of pavement and the wetlands such that a portion of the currently mowed area is allowed to naturally revegetate.
9. 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 Kelly: aye, Comm'r Nielsen: aye, Comm'r Hidell: aye, Comm'r Roby, Comm'r Mosher: aye, Comm'r Villanova: aye, and Comm'r Freeman: aye

21 Chamberlain Run, cont'd from 7/11/22

Applicant: Vanessa & Stewart Lewack

Proposed: Replace existing retaining wall, install fence and hot tub

Meeting Documents & Exhibits: Staff memo, photos, Retaining wall plans S1.1 & S2.1, RDA submittal documents and Site Plan of Land (6/22/22)

Excerpts from the staff memo: Staff visited the site on 7/6/2022 and agrees with the wetland delineation. The condition of the site is a safety concern, as portions of the retaining wall have started to fail due to lateral stress as land subsides toward the wetland and river. The wall needs to be rebuilt. If no action is taken then the property's backyard, including an existing pool, will fail and migrate towards the wetland and river. The area where the work is proposed currently consists mostly of an existing wall, tiered planting area, patio, and lawn.

The applicants were unable to attend the meeting and the CO reviewed the details of the proposal for the Commission including; reconstruction of the retaining wall, the pool safety issue, removal of the tiered planting beds, and the proposed hot tub over existing impervious patio. Per the policy, no mitigation necessary. The Commission was in agreement with the CO that the proposal was suitable for a Negative Determination.

Motion: Comm'r Nielsen moved to issue a Negative Determination of Applicability for the proposed work at 21 Chamberlain Run, 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 confirms the delineation of wetland flags WF-5 to WF-1, but makes no finding as to the exact boundaries of other wetland resource areas.

Conditions:

- 1. Prior to the start of work, erosion and sediment controls shall be installed, between the limit of work and resource area, 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.
- 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. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.
- 4. All demolition and excavated material shall be properly disposed of at an off-site location.
- 5. 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.
- 6. No vehicle or other machinery refueling, lubrication or maintenance, including concrete washout, or storage of fuel or maintenance chemicals, shall take place within 100 feet of any resource area.
- 7. There shall be no discharge of any pool or hot tub water or backwash within 100 feet of any resource area.
- 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 Kelly: aye, Comm'r Mosher: aye, Comm'r Villanova: aye, Comm'r Nielsen: aye, Comm'r Hidell: aye, Comm'r Freeman: aye, and Comm'r Roby: aye

361 Main Street

Applicant: Wendy & Robert Kirk

Proposed: Hardscaping & landscaping

Meeting Documents & Exhibits: Staff memo, RDA application, and Planting Plan (7/29/22)

Excerpts from the staff memo: The purpose of this Request for Determination of Applicability is to evaluate the potential impacts of installing two patios, a section of fencing, and landscaping within the 100ft buffer. No work is proposed within the 50ft buffer. The first proposed patio is 115sqft, and the second proposed patio is 510sqft, for a total of 625sqft of patio space. Both patios are proposed in areas that are currently dirt/lawn.

Applicants Wendy and Robert Kirk were present on the call and explained they'd finished up a good sized renovation on their property that was permitted through an Order of Conditions and were now moving on to a landscaping project. They shared the plan to the screen and pointed out the two patios fencing and landscaping. Extensive discussion followed regarding the impervious patios, native plantings, mitigation and that the initial renovation project resulted in a net decrease in impervious.

Discussion continued regarding the application submitted, the fact that the initial renovation project OOC was still open and that the applicant might look into incorporating this project into the open OOC or revise the current mitigation plan. Scheduling and continuance discussion followed.

Motion: Comm'r Nielsen moved to continue the hearing for 361 Main Street to the 8/22 meeting.

Second: Comm'r Villanova

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

27 Cushing Street

Applicant: Rory McGarry

Proposed: Install fence

Meeting Documents & Exhibits: Staff memo, RDA application, Site plan with fence line hand drawn(2/10/22) and photos

Excerpts from the staff memo: Staff visited the site on 7/19/2022. Staff could not locate resource area flags, and therefore recommends that the Commission does not confirm the delineations.

The project proposes to install approximately 190 linear feet of fencing along and within the 50ft buffer. The area where fencing is proposed is currently lawn. Lawn will not be expanded as part of this project. The Commission does not typically require mitigation for fencing.

Applicants Rory McGarry and Anna Ploch were present on the call. R. McGarry briefly described wanting to close in the side of the property for their dog and small children. The fence they propose is in their lawn but falls within the 50 ft buffer. The plan was shared to the screen. The fence would be an aluminum metal four foot fence. An image was shared to the screen. The CO noted that the project was solely a fence application in existing lawn; the shed expansion had been removed from the scope of work. The Commission commented that it typically doesn't like fences within the 50ft buffer but noted in this case the area is existing lawn and cautioned the applicant to keep an eye out for turtles or other wildlife getting caught in the fence. The Commission was in agreement to approve.

Motion: Comm'r Freeman moved to issue a Negative Determination of Applicability for the proposed work at 27 Cushing Street, as shown on the submitted plans, and adopt the findings of fact a through c, and conditions 1 through 3 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 start of work, the fence location shall be staked and inspected by an agent of the Commission. The fence shall be installed within the existing lawn area within the 50-foot buffer, and no natural vegetation within the 50-foot buffer zone shall be removed to facilitate the installation of the fence.
2. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.
3. The Conservation Department shall be notified to any changes in plans prior to proceeding with said changed plans.

Second: Comm'r Villanova

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

Abbreviated Notice of Resource Area Delineation

210 East Street DEP 034-XXXX, cont'd from 7/11/22

Applicant: Michael Cushing

Representative: Colin McSweeney, McSweeney Associates, Inc

Meeting Documents & Exhibits: none

The Chair noted that there was no DEP # and that ahead of the meeting, the applicant had requested to continue to the next meeting on 8/22.

Motion: Comm'r Hidell moved to continue the matter of 210 East Street to August 22, 2022.

Second: Comm'r Mosher

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

Chair Kelly read the Public Hearing Notice of Intent.

4 Puritan Road – DEP 034-1442, cont'd from 7/11/22

Applicant: Ryan Novak

Representative: Kenneth Thomson
Proposed: Construction of an addition

Meeting Documents & Exhibits:

Excerpts from the staff memo: no staff memo was prepared as no new materials were submitted

Ahead of the meeting, the applicant's representative had requested to continue to the next meeting.

Motion: Comm'r Nielsen moved to continue the hearing for 4 Puritan Road, DEP 034-1442 to the August 22, 2022 meeting.

Second: Comm'r Villanova

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

14 Seal Cove Road – DEP 034-1445, cont'd from 7/11/22

Applicant: Leonard Monfredo

Representative: Joseph Hannon, Atlantic Coast Engineering

Proposed: Covered boat lift

Meeting Documents & Exhibits: none

Excerpts from the staff memo: none

Motion: Comm'r Hidell moved to continue the hearing for 14 Seal Cove Road to August 22, 2022.

Second: Comm'r Mosher

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

155 Black Rock Drive – DEP 034-1446, cont'd from 7/11/22

Applicant: James Fitzgerald, J.E., J.E. Fitzgerald Housesmith, Inc

Representative: Paul Mirabito, Ross Engineering

Proposed: Golf cart bay, covered porch, & deck expansion with patio

Meeting Documents & Exhibits: Staff memo, Notice of Intent application, Site Plan dated 7/27/22 and Mitigation plan dated 7/8/22.

Excerpts from the staff memo: Staff visited the site on 7/5/22. Bordering Vegetated Wetlands and Inland Bank were flagged by a wetlands scientist on 4/5/22. Staff reviewed the delineation and is in agreement. The areas where work is proposed currently consists of either lawn or mulched planting beds with a variety of shrubs and small trees. Work areas are relatively flat or sloping gently to the wetlands. Staff relayed a number of comments to the representative regarding Riverfront Area impacts, stormwater, patio construction, mitigation, fire pit, and debris in the woods. Since then, the representative has submitted revised site plans (dated revised 7/27/22) and a mitigation plan (dated revised 7/8/22). Most notably, the area of existing lawn within the inner riparian will be restored with removal of lawn and installation of native plantings and seedings. This area is approximately 1,225 sf. The patio will be permeable, a natural gas fire pit will be within the patio, roof runoff from the golf cart will be directed to an existing subsurface infiltration system, and an old silt fence in the woods will be removed to the extent feasible.

Representative Paul Mirabito from Ross Engineering was present on the call. The CO shared the Site Plan to the screen. He explained that since the last meeting they made revisions to the plan. Part of the previous proposal included a covered porch addition and that has been eliminated. He described the proposed golf cart bay, the rear of the house open deck and patio (pervious pavers) and a firepit that will be serviced by natural gas. He described the proposed 1225sf mitigation plantings below the patio at the wetland line; he noted that they'd submitted a separate mitigation planting plan prepared by Environmental Consulting and Restoration. He added that there's an old silt sock visible, possibly from the original work, and they have a note for that to be removed by hand.

The ACO agreed with P. Mirabito's summary, felt all her comments had been addressed, and commended the mitigation plan. The Commission was in agreement that the proposal and mitigation was straightforward.

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

Motion: Comm'r Freeman moved issue an Order of Conditions for the proposed work at 155 Black Rock Drive (DEP 034-1446), as shown on the submitted plans, and adopt the findings of fact a through c, and special conditions 21 through 45 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 WF A1 to WF A8, and Inland Bank flags WF IB1 to WF IB6 and associated Riverfront Area, 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. Prior to the start of work, manufacturer specifications and construction details for the permeable patio shall be submitted to the Commission for review and approval.
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. Old silt fence and any other man-made debris in any resource area, including the buffer zone, shall be removed by hand to the extent feasible, and properly disposed of at an off-site location.
31. All demolition and excavated material shall be properly disposed of at an off-site location.
32. Any on site dumpsters shall not be located within 100 feet of any resource area.
33. 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.
34. At the end of each workday, the applicant shall mechanically or manually sweep sediments from all paved surfaces, unless tracking and sediment is not evident.
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. 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.

37. No vehicle or other machinery refueling, lubrication or maintenance, including concrete washout, or storage of fuel or maintenance chemicals, shall take place within 100 feet of any resource area.
38. Rooftop runoff from the approved golf cart bay shall be infiltrated on site, using the existing subsurface infiltration system.
39. The approved patio shall be constructed to be permeable, with permeable joints and an appropriate permeable subbase. Documentation shall be submitted from the contractor or installer confirming that the patio has been installed to be permeable in accordance with the manufacturer specifications, and in accordance with the final approved plans.
40. The mitigation area plantings shall be installed, and seeding completed, in accordance with the final approved mitigation planting plan.
41. Before executing any change from the plan(s) of record, the applicant must have the Commission's written approval. Any errors found in the plans or information submitted by the applicant shall be considered as changes. Approval from other Town Agents or Inspectors does not relieve the applicant from obtaining approval from the Commission.
42. 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.
43. 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.
44. 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.
45. The mitigation planting area shall be allowed to naturally revegetate with native species following planting and remain as naturally vegetated, and shall not be mown or otherwise maintained. In accordance with 310 CMR 10.58, further alteration is prohibited within the mitigation area, 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 Kelly: aye, Comm'r Nielsen: aye, Comm'r Hidell: aye, Comm'r Mosher: aye, Comm'r Freeman: aye, Comm'r Villanova: aye, and Comm'r Roby: aye

55 Downer Avenue/Foster School – DEP 034-1448

Applicant: Town of Hingham

Representative: Raymond Design Associates

Proposed: Demo existing school, construct new school and amenities

Meeting Documents & Exhibits: Staff memo, applicant's Powerpoint presentation, and Notice of Intent submittal
Excerpts from the staff memo: The purpose of this Notice of Intent is to evaluate the potential impacts of demolishing the existing Foster Elementary School and constructing a new school, parking lots, fields, utilities, and other amenities.

Representative Ray Estes, 92 Fort Hill Street for the School Building Committee was present on the call along with Andy Street from Vertex Engineering, architect Gene Raymond, and other members of the project team.

R. Estes gave a brief overview of the project; a redevelopment, in partnership with MSBA (Massachusetts School Building Authority), of an existing elementary school in Crow Point on a 39 acres site with only 7 acres available for development due to various physical constraints. He gave a brief history of the School Building Committee's redevelopment research efforts in the past five years. He stated that the MSBA endorsed preferred option is an approximately 126,000sf 3-story building that will be situated to the North and East of the existing school and is designed for enrollment of 605 kindergarten through 5th grade students as well as an expanded Kids in Action and pre-kindergarten program. He added that the site's natural resources will be incorporated into a science curriculum. He concluded that the redevelopment will be an improvement in drainage infrastructure, treatment and preservation of jurisdictional resource areas and will also address future projected sea level rise and other floodplain concerns. They

have completed their schematic design phase and are engaged in design development with the MSBA board approval. He briefly summarized a projected timeline of permitting, bidding and construction. The old school would be demolished in late summer 2024 with the new school opening in September 2024.

R. Estes passed the presentation over to Andrew Street from Vertex Companies, the civil engineers for the project. The Existing Conditions Plan was shared to the screen and A. Street reviewed the various wetland resources and buffer zones depicted on the plan. He stated that they've developed improvements that adhere to the Commission's and MA DEP regulations and make the site better than the existing conditions. He gave an overview of the plan, pointing out the various lines indicating the resource areas and the existing infrastructure as it relates to the buffer zones. He added that from a stormwater perspective, there is no treatment or infiltration existing now, the water is simply directed right into the resource areas.

A. Street stated that the resource areas were delineated by PARE Corporation and their report was included in the NOI filing. He proceeded to describe the wetland resource areas individually, what the existing conditions are in relation to them and pointed out the wetland delineation and buffer zones related to each on the plan; the powerpoint presentation showed a zoomed in plan for each of the different wetland areas as he spoke. The wetland resource areas included Bordering Vegetated Wetlands (BVW), Riverfront, Salt Marsh, and Land Subject to Coastal Storm Flowage (LSCSF). He described the LSCSF as essentially the floodplain but subject to tidal influence and stated that it has an elevation of elevation 6, noting that portions of the existing parking lot are below elevation six. In terms of future floodplain, A. Street stated that there are several studies out there (Woods Hole, Kleinfelder) that they've referred to and consulted, and pointed out the line on the plan of the projected Woods Hole 2070 floodplain at elevation 14. He stated that, should that occur, with current conditions, portions of the building and the entire parking lot would be inundated and reiterated that there is no stormwater treatment or control of runoffs into the resource areas.

A. Street moved on to a new slide showing a high level view of proposed conditions (without resource areas shown) and gave an overview of how the layout works; the new school would be about 30ft behind the existing school. He explained that the intent is for the existing school to remain open as the new school is built. He pointed out the curb cuts, parking area, the relocated tennis courts, new ball field, driveway loop, play spaces, basketball courts and landscaping improvements. He also pointed out a walkway that comes down to a platform outdoor learning and environmental engagement space that's up against the resource area and will allow the students to interact and learn about nature. The site, on the whole, would be filled in and plateaued, the idea being to build up the area creating a usable site for educational and outdoor spaces and level area for students to go and plan, while keeping it high enough considering floodplain and LSCSF. He pointed out on the plan the topographical lines on the proposed conditions plan showing the upper area largely filled in and the 'terracing' as it gets closer to the wetlands and salt marsh.

A. Street shared a slide, Stormwater and Utilities, and pointed out the three colors indicating water and sewer and stormwater drainage network (red line) He briefly explained how the water and sewer would run on site and went into further detail on the stormwater drainage. Catchbasins and manholes will capture runoff from all the impervious surfaces. There will be two subsurface infiltration systems; one under the parking area and a second one on the eastern side of the site. He stated that both have been sized to meet water quality recharge volume to control peaks, so they're not exceeding the existing peaks that occur now, providing a dramatic improvement on water quality, on treatment, and on peak flow management. He added that there are overflow pipes that do head toward the resource areas, in the event that is needed. In addition, they are proposing two raingardens; one in the center island of the turnaround in front of the school and a second one behind the school. Both will provide treatment and remove some phosphorus but also be another area for students to learn about different plants and how that's managing rainwater. A. Street pointed out that the parking lot areas are pulled back further from the resource areas than the existing parking lot and that they've eliminated quite a bit of impervious surface and briefly described the areas of reduction.

A. Street explained that there are two proposed phases of the project. The first phase to prep the site, getting the road in and then the second phase, building the new school and tearing down the old. He explained to the Commission that there would be an interim phase which would begin as construction of the new school starts and the students lose all those play areas out back. He shared a slide 'Temporary Parking & Play Areas During Phases 1+2'. The interim phase would include the addition of parking up along Downer Avenue, expansion of the existing parking area, removal and replacement of the existing tennis courts with a multi play space. He stated that this would be temporary, but would be within the buffer zones. It would increase impervious of the parking lot within the resource area buffer zones but overall with a net decrease of impervious because the tennis courts will turn into a mulched play space for students before the flip to the new school.

A. Street pointed out, on the 'Bordering Vegetated Wetlands' slide, areas of proposed buffer zone mitigation areas, noting that per the Commission's policy, they're not required to provide mitigation as there is an overall net decrease in impervious surfaces within these buffer zones, however they see it as an opportunity to improve these disturbed areas with native plantings. Sharing the 'Riverfront' slide, he explained that there they do have some parking area in the 200ft buffer but, again, less impervious surface. He noted that there was an alternatives analysis submitted with the NOI filing and a lot of options for how to develop the site and this design was the one that allows the school to have the best program and works from a layout perspective and enhances the resource areas by the stormwater management and reduction in impervious. A. Street shared the 'Salt Marsh' slide, and pointed out that portions of the parking lot are in the 100ft buffer zone but noted that there's an overall net improvement as some impervious surfaces are converted to landscaped areas. Sharing the 'Land Subject to Coastal Storm Flowage' slide, A. Street pointed out the red line showing Elevation 6 currently. The green line shows Elevation 6 where it would be in the proposed condition. He pointed out areas of approximately 2500cubic feet of fill in the LSCSF noting that compensatory storage is not required as this is not 'non tidal floodplain'. He pointed out that the blue line on the slide is Elevation 14 in the proposed condition, noting that with the proposed fill and raising up of the area, the building has a finished floor at Elevation 17.25, well above the 2070 floodplain line. A. Street noted that there would be portions of the parking lot and portions of the landscaped areas in the South that would be within that floodplain. He emphasized that they would take great care to ensure that the site drains and prevent any areas where water would be impounded should the 2070 floodplain line happen and the area floods.

A. Street briefly spoke of the benefits of the proposed outdoor learning area and rain gardens. He summarized some of the of the highlights of his presentation, pointing out the areas by the outdoor learning area that would have 23 to 24,000sf of newly planted native vegetation and in the area southeast of the parking lot would be 30,000sf of mitigation. He noted that the proposed stormwater enhancements improve peak flow management, water quality and groundwater recharge, meeting both town and MA DEP standards on a site where those are not currently addressed, in particular with how close the discharge points and impervious surfaces are to the wetlands.

In regards to the proposed filling, A. Street stated that they've had to consider the future when the water is going to rise from Elevation 6 to potentially Elevation 14 should the Woods Hole/Kleinfelder study come to fruition. He added that they've done a lot to protect the building and site and allow the site to drain.

A. Street stated that they'd received comments from both the Conservation office and the peer reviewer and were working through those, but feels there's nothing that can't be addressed and worked on to improve the plan.

The Commission thanked the applicant for their presentation, had no questions at this time, noted that there was a lot of material to review and anticipated further information from the applicant. The CO, applicant and Commission discussed scheduling, concluding to hold a meeting on Monday August 15, 2022.

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

Motion: Comm'r Nielsen moved to continue the hearing for 55 Downer Avenue to August 15, 2022.

Second: Comm'r Hidell

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

Other Business: 2022 schedule: The CO said the discussion had taken place for 55 Downer Ave scheduling.

Adjourn

Motion: Comm'r Freeman moved to adjourn the meeting at 10:45 pm.

Second: Comm'r Nielsen

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

Submitted, _____
 Sylvia Schuler, Administrative Assistant

Approved on September 12, 2022

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