



CONSERVATION COMMISSION MEETING MINUTES –August 22, 2022

Present: Carolyn Nielsen -Vice Chair, Bob Hidell, Tom Roby, Laurie Freeman and Bob Mosher - Commissioners, Emily Sullivan-Conservation Officer, and Heather Charles-Lis-Assistant Conservation Officer

Absent: Chair Crystal Kelly and Nina Villanova

The remote meeting was held via Zoom with Dial in #929-205-6099, Meeting ID # 871 6060 4553

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

Vice Chair Nielsen stated that the meeting is being held in person and/or remotely as an alternate means of public access pursuant to Chapter 107 of the Acts of 2022 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. No participants expressed a wish to record the meeting.

Deer Season Lottery:

The ACO stated that 33 hunters had applied to be in the lottery and that 17 tickets were to be selected. Comm'r Mosher drew the names of 17 hunters.

Approval of Minutes

No meeting minutes were voted on.

Certificates of Compliance

64 Howe Street – DEP 034-1333, cont'd from 8/1/22

Applicant: Sharp Development LLC

Meeting Documents & Exhibits: Staff memo and Mitigation Planting As-Built plan.

*Excerpts from the staff memo: Since the 8/1/2022 meeting, staff has received as-built planting information. The OOC conditioned that a minimum of 2 native trees, 15 native shrubs, and 36sqft of native perennials be planted onsite. The as-built confirms that 4 native trees, 29 shrubs, and 40sqft of native perennials were planted – exceeding the requirements of the OOC. Most plantings were planted in 2019. In 2020, one native tree (*Juniperus Virginiana*) and two native shrubs (*Juniperus communis*) were planted. In 2022, 10sqft of native grasses (*Panicum Virgatum*) were planted. 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 explicitly approved, nor explicitly prohibited in the permit. No skirting was called out on the site or structural plans. However, skirting was shown on the architectural plan set submitted with the NOI. The Commission should determine whether the skirting would be acceptable if flood vents are installed, or whether the skirting should be removed. Staff recommends that the Commission allow the skirting with flood vents because the architectural plan set submitted with the NOI showed skirting.*

Builder Theo Sharp was present on the call, gave a brief summary, and agreed with the recommendation in the staff memo. He noted that at the time of his project, skirting was typically allowed provided it had correct flood vents and that it seems that more recently the Commission has moved to not allow skirting.

The CO explained that the two outstanding issues discussed at the last meeting were plantings and skirting. A planting As-Built was submitted. The plantings were phased, with most planted in 2019, and the 2 year monitoring

requirement completed for the 2019 plantings; the Commission could consider a full or partial COC due to when the later plants were planted.

Regarding skirting, the CO pointed out that the Order of Conditions didn't include or deny skirting. Skirting was shown on only one plan set submitted with the Notice of Intent. T.Sharp noted that it was the architectural plan that had the skirting. The Commission briefly discussed both the plantings, the skirting and installation of flood vents, concluding to approve the Certificate of Compliance with the assurance that appropriate flood vents would be installed in the skirting. Comm'r Nielsen expressed her preference to see flood vents actually installed.

Motion: Comm'r Hidell moved to issue a complete Certificate of Compliance for 64 Howe Street (DEP 034-1333), with the following ongoing conditions:

38. The use of de-icing chemicals, except for calcium magnesium acetate, a.k.a. CMA, or other alternative approved by the Commission, shall be prohibited on this property's driveway because of its proximity to Hingham Harbor, which is a state-listed 303(d) impaired waterway, and the importance of the surrounding resource areas to water quality and sensitive coastal and marine habitats. This condition shall apply in perpetuity and shall not expire with the issuance of a Certificate of Compliance.

39. The use of pesticides and fertilizers shall be prohibited on this property because of its proximity to Hingham Harbor, which is a state-listed 303(d) impaired waterway, and the importance of the surrounding resource areas to water quality and sensitive coastal and marine habitats. This condition shall apply in perpetuity and shall not expire with the issuance of a Certificate of Compliance.

40. No coastal engineering structure, such as a bulkhead, revetment or seawall, shall be permitted on this property at any time in the future to protect the project allowed in this Order of Conditions. 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 Freeman: aye, Comm'r Hidell: aye, Comm'r Mosher: aye, Comm'r Roby: aye & Comm'r Nielsen: aye

Requests for Determination of Applicability

361 Main Street cont'd from 8/1/22, WITHDRAWN

Applicant: Wendy & Robert Kirk

Proposed: Hardscaping & landscaping

15 Howland Lane

Applicant: Lauren Carabelli

Proposed: Tree removals

Meeting Documents & Exhibits: Staff memo and RDA submittal with photos

Excerpts from the staff memo: Staff visited the site on 8/16/22. Wetland resource areas were not flagged for this filing but there is an abrupt transition from the BVW to maintained lawn. Of the trees proposed for removal, two are large Oaks, one with a very large burl at the base, and one with cracking on the trunk. An arborist has recommended removing these. The remaining eight trees are White Pines of varying sizes. None of them appear to be in poor health, however the arborist has also recommended their removal due to their heavy canopy and shallow roots and proximity to the house and a relatively new play structure. Staff communicated with the applicant regarding the tree policy.

Homeowner Lauren Carabelli was present and summarized her request to remove the trees and expressed her preference to replant oaks, maple, or birch; not as many as they are removing because the area is not large. Site photos were shared to the screen and the ACO pointed out the fence, existing vegetation and the pond. She explained that the of the two oaks proposed for removal, it seemed reasonable not to require replacements; all the remaining trees are white pines, none of which are in obvious decline. Discussion followed about replacement trees/shrubs, possible locations and quantities. The ACO noted for the commission a correction to the staff memo that the applicants had prior tree removals in the past solely with one application, not two. She confirmed that an arborist letter had been submitted and it was shared to the screen. L. Carabelli explained that there were 2 damaged oaks and a cluster of white pines with their tops entangled with the oaks; all pines are within striking distance of the house.

The Commission further discussed mitigation. The Commission concluded; that the buffer area could be enhanced by mitigation, that 8 (eight) replacement tree species could be mixed to potentially include evergreen and understory trees, and that 16 (sixteen) shrubs, a mix of 2-3 species for diversity, could be planted, prioritizing the outside of the fence closer to the water. The ACO briefly reviewed the draft conditions noting that often the Commission

doesn't want to see stumps ground but she felt in this location it would not be a problem for them to be ground. L. Carabelli was amenable to the plantings and was told that the office could provide her with more guidance on native plants.

Motion: Comm'r Freeman moved to issue a Negative Determination of Applicability for the proposed work at 15 Howland Lane, as shown on the submitted plans, and adopt the findings of fact a through c, and conditions 1 through 5 of the staff report.

(Conditions below reflect the edits 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 the start of work, a mitigation planting plan shall be submitted to the Commission for review and approval. The planting plan shall include eight (8) mitigation tree plantings, including a mix of Oaks and other native deciduous and coniferous trees, and 16 (sixteen) mitigation shrub plantings, including a mix of native species, for the approved tree removals, in accordance with the Commission's Tree Removal and Replacement Policy (adopted 11/4/19). 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. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.
3. All tree debris shall be properly disposed of at an off-site location; no chipped or mulched material shall remain on the property. Tree stumps and roots shall not be ground or removed without prior approval by Commission staff, and installation of erosion controls as deemed necessary by staff.
4. Mitigation plantings shall be installed in accordance with the final approved mitigation planting plan.
5. 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 Freeman: aye, Comm'r Hidell: aye, Comm'r Mosher: aye, Comm'r Roby: aye & Comm'r Nielsen: aye

11 Howard Road

Applicant: Richard Walsh

Proposed: Deck replacement & covered porch

Meeting Documents & Exhibits: Staff memo, RDA submittal, Architectural Plans A1-A4 and site photos

Excerpts from the staff memo: The property owner is proposing to rebuild the porch and add a minor expansion due to damage the porch sustained during a storm last year. The porch is located above an existing impervious patio. The western portion of the porch will be converted to a screen porch. No stormwater management is proposed for the screened porch. The property owner is proposing minor filling to level the tiered impervious patio below the porch. The patio will be realigned to accommodate the new stairway from the porch to the patio.

Homeowner Richard Walsh was present on the call and briefly summarized the proposal. The plan was shared to the screen. He stated that he'd spoken with the CO and understood that mitigation planting would be required.

The CO stated that there would be no increase in impervious with this project due to the increase in deck and decrease in patio. She explained that 78sf of mitigation planting would be appropriate per the Commission policy and had added a condition requiring submittal of a planting plan, enhancing the buffer of the coastal bank. Responding to a Commission question, the CO stated that there does not appear to be any erosion happening to the coastal bank currently but it would be helpful to add buffer habitat. Responding to a Commission question, R. Walsh stated that stormwater from the new roof would flow to a gutter and then downspouts and agreed that splashpads could be at the bottom of the downspouts. The Commission had no further questions.

Motion: Comm’r Hidell moved to issue a Negative Determination of Applicability for the proposed work at 11 Howard Road, as shown on the submitted plans, and adopt the findings of fact a through c, and conditions 1 through 10 of the staff report and as discussed at the meeting.

(Conditions below reflect the edits 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 the issuance of a building permit, a mitigation planting plan shall be submitted to the Commission for review and approval. The planting plan shall include a minimum of 78 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 along the top of coastal bank, 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 25 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. Rooftop runoff from the enclosed deck 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.
9. Prior to the issuance of a Certificate of Occupancy and/or final building sign off, mitigation area plantings shall be installed in accordance with the final approved mitigation planting plan.
10. 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 Freeman: aye, Comm’r Hidell: aye, Comm’r Mosher: aye, Comm’r Roby: aye & Comm’r Nielsen: aye

Abbreviated Notice of Resource Area Delineation

210 East Street DEP 034-XXXX, cont’d from 8/1/22

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 9/12.

Motion: Comm’r Mosher moved to continue the matter of 210 East Street to the 9/12/22 meeting.

Second: Comm’r Hidell

Roll Call: Comm’r Freeman: aye, Comm’r Hidell: aye, Comm’r Mosher: aye, Comm’r Roby: aye & Comm’r Nielsen: aye

Request for Amended Order of Conditions

361 Main Street

Applicant: Wendy & Robert Kirk

Proposed: Hardscaping & landscaping

Meeting Documents & Exhibits: staff memo, Request for Amended Order of Conditions, Site Plan w/ revision date 8/27/20, and Planting Plan dated 7/22/21

Excerpts from the staff memo: **Hardscaping** The applicant is proposing two impervious patios. The project approved under MassDEP #034-1379 resulted in a net decrease of 2,609sqft of impervious surface. With the additional proposed patios, the net decrease of impervious surface is 1,984sqft. **Landscaping** Most of the plantings proposed onsite, both within the 100ft buffer and outside of the 100ft buffer, are either non-native or native cultivars. The Commission should discuss whether the plantings proposed along the 50ft buffer should be native, and whether all plantings within the 100ft should be native.

Homeowner Wendy Kirk was present on the call and shared the screen with the plan approved for the original Order of Conditions. She pointed out the previous driveway and a concrete patio that were both removed and then pointed out the relocation of the barn to outside the buffer zone. She explained that this resulted in a net increase of ±2000sf pervious area with that project. She shared to the screen the Planting Plan dated 7/22/21 and pointed out the locations of two proposed patios, noting that the proposed impervious surfaces would result in a net ±1864sf pervious. She stated that the plantings on the displayed plan would be revised to be native within the 50ft buffer.

Responding to Commission questions regarding the impervious patio, W. Kirk pointed out the slope for runoff and explained that polymeric sand would be used between pavers to reduce maintenance issues. Brief discussion followed about sloping the patio away from the pond and directing any runoff toward a little gravel bed. W.Kirk was amenable to the suggested gravel bed. The CO added that there is a topographic break between the patio and potential vernal pool providing some protection to the pool.

Discussion followed about the planting plan, the proposed fences and wildlife gaps, and the mitigation policy. The CO noted that per the migration policy, the Commission doesn't have to require mitigation but could advocate for native plantings in certain sections of the yard. W. Kirk pointed out the area where she had planned to plant her favorite hostas and other non-natives and would replace with native plants. The ACO commented that, in the past, for landscape beds, the Commission had asked for a predominance of native plantings. W. Kirk stated that bearberry, bayberry and pepperbush were proposed for the sloped area. The Commission further discussed mitigation and concluded that, as W. Kirk was already agreeing to plant more natives, and that the Commission had latitude as mitigation was not required per the policy, they would take out the mitigation term and remove the minimum amount. W.Kirk confirmed that she was fine with including a gravel trench for patio runoff.

Vice Chair Nielsen invited members of the public to comment. No member of the public chose to comment. Vice Chair Nielsen closed the public comment portion of the hearing.

Motion: Comm'r Freeman moved to issue an Amended Order of Conditions for the proposed work at 361 Main St (DEP 034-1379), as shown on the submitted plans, and adopt the findings of fact a, b and c, and additional special conditions 40 through 49 of the staff report.

(Conditions below reflect the edits discussed at the meeting)

Findings:

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

Additional special conditions:

40. Prior to the start of work, a final planting plan shall be submitted to the Commission for review and approval. A predominance of the proposed plantings along the 50ft buffer shall be native species; no cultivars, non-native species, or invasive species shall be allowed.

41. Prior to the start of work, new erosion and sediment controls shall be installed to replace the old erosion and sediment controls, 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.
42. 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.
43. The fence proposed along the 50ft buffer shall be installed with sections of six-inch minimum gaps at the bottom to allow for the passage of wildlife.
44. A crushed stone or gravel trench shall be installed along eastern edge of the northern patio to manage stormwater runoff from the patios.
45. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.
46. All excavated material shall be properly disposed of at an off-site location.
47. There shall be no stockpiling of soil or other materials within 100 feet of any resource area. All stockpiles that are not used for more than five days shall be covered and surrounded by erosion and sediment controls; straw wattles and/or hay bales shall not be used as a form of erosion and sediment control.
48. 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.
49. 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 Freeman: aye, Comm'r Hidell: aye, Comm'r Mosher: aye, Comm'r Roby: aye & Comm'r Nielsen: aye

Vice Chair Nielsen read the Public Hearing Notice of Intent.

Notices of Intent

4 Puritan Road – DEP 034-1442, cont'd from 8/1/22

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 Hidell moved to continue the hearing for 4 Puritan Road to the 9/12/22 meeting.

Second: Comm'r Mosher

Roll Call: Comm'r Freeman: aye, Comm'r Hidell: aye, Comm'r Mosher: aye, Comm'r Roby: aye & Comm'r Nielsen: aye

14 Seal Cove Road – DEP 034-1445, cont'd from 8/1/22

Applicant: Leonard Monfredo

Representative: Joseph Hannon, Atlantic Coast Engineering

Proposed: Covered boat lift

Meeting Documents & Exhibits: *Staff memo, Memo from applicant's attorneys, and a Revised Boat Lift Plan (7/22/22)*

Excerpts from the staff memo: *The purpose of this Notice of Intent is to evaluate the potential impacts of constructing a new 14' x 12.5' boat lift roof, accessory to an existing pier, ramp, and float at a single-family residence. The boat lift would be installed on four new 10-inch diameter piles. The applicant has removed the originally proposed boat lift roof from the project scope.*

Representative Jed Hannon from Atlantic Coast Engineering, was present on the call, along with homeowner Len Monfredo, wetland scientist Brad Holmes of ECR, and Attorney Kathleen Heffernan of Sullivan & Comerford, P.C..

J. Hannon explained that they had revised the layout of boatlift system by removing the proposed roof from the plan allowing for more natural light to flow through. He noted that the Harbormaster and Shellfish warden have had no negative comments on the design. He stated that the existing pier including the gangway and float, is approximately 140 ft long, leaving additional length still to use for the boat lift. He added that the boatlift is independent of the pier. Comm'r Hidell confirmed with J. Hannon that the boat lift would be a totally separate structure with its own four pilings.

J. Hannon commented on two items mentioned in the memo submitted by the applicant's attorney; one, that the existing pier is permitted to have a boat adjacent to the seasonal float and so there is no change in the plan view, and two, the bylaws list ramps, walkways, floats, etc. and uses the term 'including' not 'limited to'. They'd thoroughly reviewed the town's bylaws, language and definitions, and couldn't find where boat lifts were not allowed. He added that they work with different municipalities and Barnstable, for example, has regulations that specifically state that boat lifts are not allowed.

Responding to a question from K. Heffernan, the CO stated that all guidance by Town Counsel had been summarized in the staff memos and there is no independent document from Town Counsel. K. Heffernan confirmed with the Commission that all had received her memo. K. Heffernan spoke of the language of the regulations and the definitions of pier, dock, float, etc., pointing out how all are structures that a person can walk on, and feels there is no way that their boat lift could be considered one of those structures, as it is has a large open space with no way to walk on it. She emphasized that, unlike some boatlift designs, theirs is separate and not a part of the pier or float.

Referring to prior meeting notes, K. Heffernan stated that there is no exclusion for boatlifts in the bylaws. She spoke at length about the Commission's jurisdiction, the Wetlands Protection Act, the interpretation of the regulations, and different communities' regulations, specifically Barnstable, that has similar definitions of piers and docks, but also has a specific exclusion for boat lifts. She stated that the Commission should address this boat lift as unique and by itself, in regards to the applicable resource areas pointed out by their consultant.

Brad Holmes of ECR, stated that, as revised without the roof, the boat lift includes four piles and the cribbing system. The resource areas are *Coastal Beach/Tidal Flat* and *Land Containing Shellfish*. The boat lift would be landward of the Mean Low Water Line and seaward of the Mean High Water Line. At mid to low tide the boat would be sitting on the tidal flat. With the boat lift, the boat would be elevated off the tidal flat reducing the impact to the resource area. The removal of the roof means there are no shading or aesthetic impacts. As redesigned, the impacts to the resource areas are impacted only by the four piles, therefore 4sf. He spoke of reasons why communities might prohibit boat lifts, preventing people from skirting the low water requirement by using a boat lift instead of a float, and noted that that is not the case here, where there is already an existing pier and float. B. Holmes stated that there is currently the impact of the boat sitting on the tidal flat and that there is also a suction effect from the tide going in and out causing more tidal flat impact. He noted that they'd submitted a performance standard analysis for the two resource areas.

J. Hannon stated that the boat lift did address the resource area concern in terms of the FEMA flood elevation and the boat and boatlift system would be above the FEMA flood elevation. He said that they'd reached out to DEP regarding whether they would support this type of system and they had indicated support for the system, it being more environmentally friendly than boats resting on the mud. J. Hannon explained that the system works with electric winches that are remote operated, no real oils associated with them, and a lot of the components are stainless steel which last in a saltwater environment.

The CO commented that the staff memo outlined staff's interpretation of the Hingham Wetlands Regulations with guidance from Town Counsel. Staff believes that the list of docks, piers, and things regulated under that section, is not an exclusive list, and is just representative of different structures that should be regulated under the dock and pier section of the regulations. From staff's perspective, the boat lift is dependent on the dock, one can't use it without a dock or pier and so must be calculated in all the dimensional requirements listed under the dock and pier performance standards. She summarized that the 14' x 12 ½' boat lift would be in noncompliance with the dock and pier regulations.

Commissioner Hidell and K. Heffernan briefly discussed whether the boat lift structure could be built independently and on its own. Vice Chair Nielsen suggested that there was no need to pursue that particular matter further as the Commission is not in a position to adjudicate it. She pointed out that the language in the bylaw states that the Commission 'may allow at its discretion' and that in this instance, the Commission will be using its judgement and discretion. The Commission confirmed that this structure, without a pier, is not something that would be built independently.

Referring to J. Hannon's mention about DEP's favorable comment regarding the boat lift, Commissioner Hidell asked if DEP would issue a statement, which the Commission could have in its record, on the environmental favorability of the project. Brief discussion followed. The CO stated that DEP had not included any comments when the DEP # had been issued. B. Holmes stated that DEP won't comment much until it gets to an appeal process. He expanded further on why other communities might prohibit boat lifts. The Commission noted that different communities have different situations and that it is inappropriate to speculate on what DEP may or may not rule in the future.

Vice Chair Nielsen stated that Town Counsel advised the Commission that they can make a determination that it's part of the dock and pier. Commissioner Mosher asked if the pier did not exist, would the applicant put a boat lift in. Homeowner L. Monfredo stated that he would like the boat lift because he has three young sons and it would make it easier for them to get on the boat and go boating and that if he didn't have a pier, he would still put in a boat lift. He explained that he had a mooring but he didn't get a boat because he didn't want to go out on a little dinghy with three young children to get to the boat; the boat lift would keep the boat from going to the mud, keep it out of the mud, and make it easier for the family to get on the boat.

Commissioner Freeman stated that staff and Town Counsel had offered a reasonable interpretation of the Hingham regulations in that the boat lift should be regulated under the performance standards Section 23. Her comments included; the purpose of the regulations is to keep docks as small and low as possible; what is proposed is a component of the dock; the illustrative list in the regulations might not specify boat lifts but they do refer to methods of storing and protecting a boat; and, referring to K. Heffernan's comments, there are other things listed in the regulations that cannot be walked on. She suggested that the applicant consider the untenable position the Commission would be in, were this permitted, when another resident might request an extra foot to their dock or a slightly larger float. She added that the Commission should, in the future, look into the issue as far as the potential benefits to the resource areas, but currently the Commission is tied by its regulations.

Vice Chair Nielsen stated that she'd read the staff memo, and the applicant's attorney's memo, cross referencing it with pertinent portions of the regulations, and is not persuaded by the arguments presented and agrees that the boat lift is subject to the pier and dock regulations.

Vice Chair Nielsen invited members of the public to comment. No member of the public wished to comment and the Vice Chair closed the public comment portion of the meeting. Vice Chair Nielsen asked the Commission if they felt they had enough information in order to vote on the matter, and if not, to please speak up. No Commissioner responded.

Representative J. Hannon had a question to ask, before the Commission voted. He asked, if the applicant were to reduce the boat lift plan view footprint to 10' x 10', thereby complying with the 150ft length, how would the Commission consider it. Vice Chair Nielsen stated that the Commission would have to consider how it would comply with the regulations. J. Hannon confirmed with L. Monfredo that he would want to revise the layout to comply with the dimensional requirements. Vice Chair Nielsen stated, for clarity, that the Commission would look at it with concern and consideration but cautioned that a change in size would not guarantee approval. L. Monfredo summarized the suggested revision: reducing the size of the dock and instead of having the boat lift on the side, have it at the front of the dock, and try to keep the footprint 150ft according to the bylaw. Vice Chair Nielsen informed the applicant that if they were to request a continuance, the Commission would be amenable to that, however they would still be taking a chance on whether or not the Commission would be amenable to approving the boatlift. B. Holmes also commented, suggesting that the components might be brought closer into compliance while providing a significant improvement. Vice Chair Nielsen reiterated, that if they ask for a continuance, and new information, then the Commission will certainly look at it and give it due consideration.

Motion: Comm'r Mosher moved to continue the hearing for 14 Seal Cove Road to 9/12/22.

Second: Comm'r Hidell

Roll Call: Comm'r Freeman: aye, Comm'r Hidell: aye, Comm'r Mosher: aye, Comm'r Roby: aye & Comm'r Nielsen: aye

24 Raynor Drive – DEP 034-1447

Applicant: Matthew & Lauren Frazier

Representative: Scott Fanara, Grady Consulting

Proposed: Installation of hardscaping & putting green

Meeting Documents & Exhibits: Staff memo, Site Plan (8/29/22) and Notice of Intent submittal documents

Scott Fanara from Grady Consulting was present on the call, along with applicant Matthew Frazier. S. Fanara shared his screen with the site plan and described the locus and proposal; rear yard improvements in a previously disturbed site including; pervious paver patio, impervious kitchen and stairs, pervious putting green, golf cart garage, enclosing an existing deck into a 3-season room, and mitigation planting.

The CO briefly reviewed the proposal noting the multiple components. She confirmed with S. Fanara that the gutters connected to downspouts would be directed to dissipaters Commission discussion followed regarding the amount of mitigation planting and the addition of a condition requiring submittal of a mitigation plan. Responding to a

Commission question, S. Fanara shared to the screen an installation detail of the astroturf showing the rock drainage layer beneath, and noted that it is outside the 50ft buffer.

Vice Chair Nielsen invited members of the public to comment. No member of the public wished to comment and she closed the public comment section of the hearing.

The Commission briefly discussed additional conditions.

Motion: Comm'r Freeman moved to issue an Order of Conditions for the proposed work at 24 Raynor Drive (DEP 034-1447), as shown on the submitted plans, and adopt the findings of fact a through c, and special conditions 21 through 46 of the staff report and as discussed.

(Conditions below reflect the edits discussed at the meeting)

Findings:

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

Special conditions:

21. The applicant shall notify the Hingham Conservation Commission in writing of the name, address, and telephone number(s) of the project supervisor or contractor who shall be responsible for ensuring compliance with this Order and shall notify the Commission, by telephone or writing, at least 48 hours prior to commencement of work on the site.
22. This document shall be included in all construction contracts and subcontracts dealing with the work and shall supersede all other contract requirements.
23. The project supervisor or contractor in charge of the work shall have a copy of this Order available on the site at all times.
24. Prior to the start of any excavation or construction, there shall be a pre-construction conference on the site between the project supervisor or contractor responsible for the work and an agent of the Commission to ensure that the requirements of this Order are understood.
25. Prior to the start of any excavation or construction, erosion and sediment controls shall be installed, as shown on the final approved plan, and inspected by an agent of the Commission; straw wattles and/or hay bales shall not be used as a form of erosion and sediment control.
26. Erosion and sediment controls shall remain in place until all disturbed or exposed areas have been stabilized with a final vegetative cover or the Commission has authorized their removal.
27. Prior to the start of any excavation or construction, a mitigation planting plan shall be submitted to the Commission for review and approval. The planting plan shall include a minimum of 885 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.
28. During all phases of construction, all disturbed or exposed areas shall be brought to a finished grade and either a) loamed and seeded for permanent stabilization, or b) stabilized in another way approved by the Commission.
29. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.
30. All demolition and excavated material shall be properly disposed of at an off-site location.
31. Any on site dumpsters shall not be located within 100 feet of any resource area.
32. There shall be no stockpiling of soil or other materials within 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.
33. Issuance of these conditions does not in any way imply or certify that the site or downstream areas will not be subject to flooding, storm damage, or any other form of damage due to wetness.

34. Any dewatering activities on the project in which water will be released into any resource area or storm drain shall make use of a stilling pond or similar device to remove sediment before the water is released. Prior to construction, plans for the stilling pond or similar device shall be submitted to the Commission for review and approval.
35. No vehicle or other machinery refueling, lubrication or maintenance, including concrete washout, or storage of fuel or maintenance chemicals, shall take place within 100 feet of any resource area.
36. Rooftop runoff from the 3 season room 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.
37. 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.
38. The mitigation area plantings shall be installed, and seeding completed, in accordance with the final approved plan.
39. 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.

40. The use of de-icing chemicals, except for calcium magnesium acetate, a.k.a. CMA, or other alternative approved by the Commission, shall be prohibited on this property because of its proximity to Plymouth River, which is a state-listed 303(d) impaired waterway and location in a Wellhead Protection Area, and the importance of the surrounding resource areas to the groundwater/surface water supply and water quality This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
41. The use of pesticides, herbicides, fungicides, and fertilizers shall be prohibited on this property because of its proximity to Plymouth River, which is a state-listed 303(d) impaired waterway and location in a Wellhead Protection Area, and the importance of the surrounding resource areas to the groundwater/surface water supply and water. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
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, an Elevation Certificate shall be prepared and submitted to the Commission for review.
45. 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.
46. The mitigation planting area shall be maintained with native plantings or shall be allowed to naturally revegetate with native species following planting and remain as naturally vegetated, and shall not be mown or otherwise maintained. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.

Second: Comm'r Mosher

Roll Call: Comm'r Freeman: aye, Comm'r Hidell: aye, Comm'r Mosher: aye, Comm'r Roby: aye & Comm'r Nielsen: aye

626 Main Street – DEP 034-XXXX

Applicant: Doug Kangos

Representative: Terry McGovern, Zenith Land Surveyors, LLC

Proposed: Construction of patio, fire pit, and retaining wall

Meeting Documents & Exhibits: Staff memo, Site Plan (Rev.8-12-22), Wetland Delineation (8/1/22) and Notice of Intent application

Excerpts from the staff memo: The purpose of this Notice of Intent is to evaluate the potential impacts of constructing a patio, fire pit, and retaining wall within the 200ft Riverfront Area. To mitigate for the 718sqft increase in impervious area due to the patio and fire pit, the applicant is proposing to plant 1,900sqft of mitigation planting area within the 50ft and 100ft buffer, along the 100ft Riverfront Area boundary. Additionally, the applicant is proposing to install a stone trench downhill of the proposed patio to catch any additional runoff caused by the patio.

All hardscaping work is outside of the 50ft and 100ft buffers, but within the 200ft Riverfront Area. The mitigation planting is proposed within the 50 and 100ft buffers, and 200ft Riverfront Area. No work is proposed within the 100ft Riverfront Area.

Terry McGovern from Zenith Land Surveyors, LLC was present on the call, shared the site plan to the screen and presented the project, noting that it had partially begun with the installation of a retaining wall and some initial work on the patio. He pointed out on the plan where the impervious stone patio and fire pit would be; the area was previously a sloping lawn. They leveled the area out. For mitigation for the patio work he described a stone infiltration trench down gradient of the paver area. He pointed out a detail for the trench on the plan and described it, noting that they are including a perforated pipe as well.

T. McGovern described the area proposed for mitigation plantings near the river, and stated that it would be essentially a living fence providing habitat as well as slope stability. He noted that there have been no trees cut in that area but it could use infill and shading. He stated that the remainder of the yard would be loamed and seeded after the drought ends. His suggestion to the homeowner was that the plantings be monitored to make sure they take.

The CO noted that the project work was entirely within the outer riparian and no work, except mitigation would take place within the inner riparian. She pointed out that the mitigation plantings are sufficient with 718sf of patio in the resource area and ±1900sf of plantings proposed. She added that a stone trench to manage runoff from the patio is also proposed downslope of the patio. Brief discussion followed with the CO adding that the new wall is already installed and the Commission expressing their satisfaction with the project as well as the good mitigation plan. With no DEP # issued, the Commission chose to continue the hearing to the next meeting.

Vice Chair Nielsen invited members of the public to comment. No member of the public wished to comment and she closed the public comment portion of the hearing.

Motion: Comm'r Hidell moved to continue 626 Main Street (no MA DEP #) to the September 12th meeting.

Second: Comm'r Freeman

Roll Call: Comm'r Freeman: aye, Comm'r Hidell: aye, Comm'r Mosher: aye, Comm'r Roby: aye & Comm'r Nielsen: aye

16 South Pleasant Street – DEP 034-1449

Applicant: Matthew & Whitney Benson

Representative: Caroline Rees, Cavanaro Consulting

Proposed: Construction of an addition

Meeting Documents & Exhibits: Staff memo, Notice of Intent application, and Site Plan (Rev. 8/17/22)

Excerpts from the staff memo: The proposed addition is 815sqft and would be constructed over existing lawn and hardscaping within the 100ft buffer. The total increase in impervious surface due to the addition is 540sqft. In order to mitigate for the new impervious surface in the 100ft buffer, the applicant is proposing to install three mitigation planting areas. All runoff from the addition will be directed to an underground infiltration chamber. The project also proposes to remove and replace an existing deck within its existing footprint. When staff went to site, staff observed that areas of flagged wetlands had recently been mowed. Staff appreciates that the proposed mitigation planting plan proposes to add vegetated buffers along the areas where wetlands had been mowed.

Caroline Rees of Cavanaro Consulting (now Merrill Engineering) was present on the call representing homeowners Whitney and Matthew Benson. She shared her screen with the site plan (rev. 8/17/22) and described and identified the wetland resource areas as well as the slope. C. Rees described the proposal noting that an infiltration system was designed for rooftop runoff, 540sf of mitigation plantings are proposed in two areas along the BVW (Bordering Vegetated Wetland), and two tulip trees will be planted to compensate for a damaged tree that was removed.

The CO reviewed the project, adding that it complies with the Commission's mitigation policy. She stated that portions of the wetlands had been mowed, pointing out the photos included in the staff memo, and added that the mitigation planting areas will hopefully protect and buffer those areas that have been mowed. She asked if the Commission was interested in going beyond a vegetated buffer, by adding signage of 'no mow zone' or granite posts. The CO added that no Operation and Maintenance plan was provided for the infiltration chambers, and suggested a condition could be included to require the property owner to maintain them per the manufacturer's specifications. Responding to a Commission question, the CO clarified that the mitigation is proposed along the wetland line, not directly in the wetland area, and would act as a vegetative boundary allowing the mowed wetland vegetation to grow behind it, protected. C. Rees confirmed that the mitigation plantings would create a barrier. The Commission was in agreement that no further signage should be needed.

Vice Chair Nielsen invited members of the public to comment. No member of the public wished to comment and she closed the public comment portion of the hearing.

Motion: Comm'r Freeman moved to issue an Order of Conditions for the proposed work at 16 South Pleasant Street (DEP 034-1449), as shown on the submitted plans, and adopt the findings of fact a through c, and special conditions 21 through 48 of the staff report.

(condition #43 below to be filled in upon receipt of the O&M plan)

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 [resource area] flags WF-5 to WF-22, but makes no finding as to the exact boundaries of [other] wetland resource areas.

Special conditions:

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

32. Issuance of these conditions does not in any way imply or certify that the site or downstream areas will not be subject to flooding, storm damage, or any other form of damage due to wetness.
33. Any dewatering activities on the project in which water will be released into any resource area or storm drain shall make use of a stilling pond or similar device to remove sediment before the water is released. Prior to construction, plans for the stilling pond or similar device shall be submitted to the Commission for review and approval.
34. No vehicle or other machinery refueling, lubrication or maintenance, including concrete washout, or storage of fuel or maintenance chemicals, shall take place within 100 feet of any resource area.
35. Stormwater Best Management Practices shall be installed and stormwater runoff shall be managed, in accordance with the final approved plans. The installation/construction of the infiltration chamber and other drainage system components shall be witnessed by a Registered Professional Engineer (Civil). The engineer shall submit documentation to the Conservation Commission stating that the installation/construction of these components was conducted properly (in compliance with all conditions herein) and in accordance with the final approved plans and manufacturer specifications.
36. The infiltration area(s) shall be roped off during construction to prevent vehicles and equipment from compacting soils.
37. Rooftop runoff from the approved addition shall be infiltrated on site, using infiltration chambers or an alternative method approved in advance by the Commission.
38. The area under the approved deck shall be treated with a minimum of three inches of $\frac{3}{4}$ "-1 $\frac{1}{2}$ " crushed stone and there shall be spacing between deck boards or planks to allow passage of runoff.
39. The mitigation area plantings shall be installed, and seeding completed, in accordance with the final approved plan.
40. 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.
41. The use of de-icing chemicals, except for calcium magnesium acetate, a.k.a. CMA, or other alternative approved by the Commission, shall be prohibited on this property because of its location in a Wellhead Protection Area, and the importance of the surrounding resource areas to the groundwater/surface water supply and water quality. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
42. The use of pesticides, herbicides, fungicides, and fertilizers shall be prohibited on this property because of its location in a Wellhead Protection Area, and the importance of the surrounding resource areas to the groundwater/surface water supply and water quality. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
43. It is the sole responsibility of the owner of record to maintain drainage structures at all times. The property owner shall comply with the approved Operation and Maintenance Plan, prepared by X and dated X XX, 20XX. 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.
44. 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.
45. 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.
46. Prior to the issuance of a Certificate of Compliance, an Elevation Certificate shall be prepared and submitted to the Commission for review.

47. Prior to the issuance of a Certificate of Compliance, the 550sqft mitigation area plantings shall survive at least two full growing seasons with a minimum of 75% survival rate. If a 75% survival rate is not achieved, replacement plantings of the same species shall be made by the applicant.
48. The mitigation planting area shall be maintained with native plantings or shall be allowed to naturally revegetate with native species following planting and remain as naturally vegetated, and shall not be mown or otherwise maintained. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.

Second: Comm'r Mosher

Roll Call: Comm'r Freeman: aye, Comm'r Hidell: aye, Comm'r Mosher: aye, Comm'r Roby: aye & Comm'r Nielsen: aye

30 Mill Lane – DEP 034-XXXX

Applicant: Hugh Merryweather

Representative: Maggie Laracy, Crocker Design Group

Proposed: Raze and rebuild of garage

Meeting Documents & Exhibits: Staff memo, Site Plans (8/4/22) and Notice of Intent application

Excerpts from the staff memo: The purpose of this Notice of Intent is to evaluate the potential impacts of demolishing an existing detached garage, slab and garage driveway, and reconstructing a new garage, slab with footings and garage driveway, in the same locations with no increase in impervious area. Minor grading is proposed around the garage due to the new slab height. The total disturbance would be ~1,102 sf. Work is entirely within the 50ft buffer to BVW/Bank associated with Cushing Pond, and the inner riparian zone of the Riverfront Area to Crooked Meadow Brook.

Maggie Laracy from Crocker Design Group was present on the call along with homeowners Hugh and Liz Merryweather. M.Laracy shared her screen with a satellite aerial of the parcel, pointing out the garage that is in disrepair, explaining that it sits directly on Cushing Pond, and that there is Bordering Vegetated Wetland (BVW) as well as a perennial stream. She stated that the proposal is for demolition of the existing garage, reconstruction in the exact same footprint. The proposed work is within the 50ft buffer, is near flood plain but not in it, and is in the 200ft outer riparian. M.Laracy shared photos of the existing 100 yr old garage, followed by the Site Plan. She pointed out that the intent is to raise the slab 4 inches higher to prevent the same issues occurring now, slightly raising the grade so water runs away, and they'll replace the landscaped area as it will be destroyed during the demolition and construction. M. Laracy stated that the homeowners are amenable to using wetland plantings to improve the buffer. M.Laracy stated that she'd done an alternatives analysis but that of the two other possible areas, one would be in the septic area and the other would have great slopes therefore a larger impact.

The ACO stated that her only concern is that grading is going in to an area that is currently naturally vegetated, in order to get to proper grade to the slab. She stated that it's not a problem due to fill but she'd rather not lose that naturally vegetated buffer. The ACO stated that she'd included a draft condition requiring a certain number of shrubs to be planted, so that there is no loss of vegetation.

The Commission was satisfied with the proposal and felt the draft conditions and mitigation appropriate however with no DEP number issued, would need to continue the hearing.

Vice Chair Nielsen invited members of the public to comment. No member of the public wished to comment and she closed the public comment portion of the hearing.

Motion: Comm'r Hidell moved to continue the hearing for 30 Mill Lane (no DEP #) to the September 12, 2022 meeting.

Second: Comm'r Freeman

Roll Call: Comm'r Freeman: aye, Comm'r Hidell: aye, Comm'r Mosher: aye, Comm'r Roby: aye & Comm'r Nielsen: aye

Other Business:

- a. Request for field change at 10 Chestnut Place (DEP 034-1437)

Meeting Documents & Exhibits: Mitigation Plan (Rev 8/8/22) with proposed driveway & mitigation change and applicant's Memo to the Commission dated 8/16/22

PJ Antonik and Brad Holmes were present on the call. PJ Antonik shared his screen with the plan that was approved by the Commission in the spring. He explained that since demolishing the house and getting the

foundation in, they hadn't put thought in to the driveway and now propose to enlarge this area as much as they can to avoid cars in the street. He explained that they propose to remove the wall, use simple boulders to retain it, and increase the size of the pervious paver driveway by 162sf. They have updated and added mitigation to the plan to reflect the change; the mitigation has increased from 660sf to 991sf.

The ACO stated that the new mitigation plan looks good and complies with the mitigation policy. The ACO and Commission discussed the proposed pervious paver driveway expansion and the regulation prohibiting new lawns or driveways in the 50ft buffer. The Commission discussed the matter further and concluded that it would be an improvement to the existing situation, expands the functionality of the property, and the pervious pavers would help with runoff. The Commission discussed inclusion of a finding in the vote.

Motion: Comm'r Freeman moved to approve the proposed modified driveway and retaining walls as field changes to the approved plans for 10 Chestnut Place (DEP 034-1437), including a driveway expansion into the 50-foot buffer zone due to there being an existing driveway, the new driveway being constructed with permeable pavers, as opposed to being paved or gravel, and the existing conditions in the area where the driveway will be expanded being hardscape and a degraded former lawn area, and the removal of the concrete wall is an improvement.

Second: Comm'r Mosher

Roll Call: Comm'r Freeman: aye, Comm'r Hidell: aye, Comm'r Mosher: aye, Comm'r Roby: aye & Comm'r Nielsen: aye

b. Representative on the Community Preservation Committee, possible vote

The Commission briefly discussed who might be the Conservation representative for the Community Preservation Committee. It was decided that a decision and vote would be made at the next meeting on August 29th.

Adjourn

Motion: Comm'r Mosher moved to adjourn the meeting at 10:25 pm.

Second: Comm'r Freeman

Roll Call: Comm'r Freeman: aye, Comm'r Hidell: aye, Comm'r Mosher: aye, Comm'r Roby: aye & 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.