



## CONSERVATION COMMISSION MEETING MINUTES – August 23, 2021

**Present:** Laurie Freeman-Chair, Bob Mosher, Thomas Roby, and Bob Hidell-Commissioners, Loni Fournier-Conservation Officer and Heather Charles-Lis-Assistant Conservation Officer

**Absent:** Crystal Kelly-Vice Chair

The remote meeting was held via Zoom with Dial in #929-205-6099, Meeting ID # 844-3774-3293

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

Chair Freeman 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.

### **2021 Deer Season Permit Lottery**

Comm'r Mosher drew 14 tickets out of 41 potential deer hunters.

### **Approval of Minutes**

Approval of the 8/2/21 draft minutes was continued to the September 13<sup>th</sup> meeting.

### **Certificates of Compliance**

**236 Ward Street** – DEP 034-1352, **continued to 12/20/21**

Applicant: McKenzie Engineering Group, Inc.

**74 Abington Street** – DEP 034-0935, continued from 8/2/21

Applicant: Christopher Julian, Trustee, Mad River Realty Trust

Representative: Bradley McKenzie, McKenzie Engineering Group, Inc.

*Meeting Documents & Exhibits: none*

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

Chair Freeman stated that staff was still waiting for more info and would need to conduct a site visit.

**Motion:** Chair Freeman moved to continue consideration of 74 Abington Street, DEP 034-0935, to September 13.

**Second:** Comm'r Mosher

**Roll Call:** Comm'r Hidell: aye and Comm'r Roby: aye and Chair Freeman: aye

**Chair Freeman read the Public Hearing Notice of Intent.**

### **Notices of Intent**

**6 Catha Lane** – DEP 034-1419, continued from 8/2/21

Applicant: George & Nesima Bartlett

Representative: Cameron Larson, Environmental Consulting and Restoration, LLC

Proposed: Installation of a pool and associated improvements, an irrigation well, and garage addition

Meeting Documents & Exhibits: Staff memo, Pervious vs Impervious Document, and Revised Landscape-Permitting Plan Set (8/6/21)

Excerpts from the staff memo: The purpose of this Notice of Intent is to evaluate the potential impacts of installing a pool, spa, permeable patio, deck, outdoor shower, reconstructed deck, retaining wall, fencing, expanded garage and associated expanded paved driveway, irrigation well, and plantings, including mitigation plantings. Most of the work would take place in the 100ft buffer to a Bordering Vegetated Wetland, with the exception of the well, which would be roughly 47ft from the BVW, and mitigation plantings. There would be 1,281 sf of new impervious structures/hardscape in the 100ft buffer, and 1,475 sf of new pervious surfaces. A mitigation planting area of 2,950 sf is proposed, consisting of 875 sf of shrub plantings, and 2,075 sf of herbaceous plantings.

This hearing is continued from the 8/2/21 meeting to allow time for staff to review recently submitted materials, and the representative to respond to comments. Since then the representative has submitted multiple additional revisions (plan set last revised 8/6/21), with staff providing further comments. Staff has no additional comments.

Chair Freeman briefly summarized the project and wetland resource areas and invited the representative to present any updates. Representative Cameron Larson was present on the call and explained that they had worked with staff to resolve their comments including having relocated the irrigation well as far away from the wetland as possible while maintaining the setback from the septic system.

The Commission nor staff had any further comments on the project.

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

**Motion:** Chair Freeman moved to issue an Order of Conditions for the proposed work at 6 Catha Lane (DEP 034-1419), as shown on the submitted plans, and adopt the findings of fact a through c, and special conditions 21 through 47 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 A-1 to A-8, 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 plans, 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 lawn waste, brush, leaves, or other materials dumped in any resource area, including the buffer zone, in particular near flags A-2 and A-8, shall be removed by hand and properly disposed of at an off-site location, and the practice discontinued, in accordance with Section 23.6 of the Hingham Wetland Regulations.
30. All tree debris shall be properly disposed of at an off-site location; no chipped or mulched material shall remain on the property.
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. 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.
35. 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.
36. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 100 feet of any resource area.
37. Rooftop runoff for the garage addition shall be directed to downspouts with splash pads or crushed stone for scour protection, and then to adjacent lawn or landscaped areas, not to driveway. Alternatively, rooftop runoff may be infiltrated on site.
38. 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.
39. The area under the approved decks shall consist of pea stone and crushed stone, in accordance with the final approved plans, and there shall be spacing between deck planks to allow passage of runoff.
40. Drainage from the approved outdoor shower shall be directed to interior plumbing, in accordance with the final approved plans.
41. The mitigation area plantings shall be installed, and seeding completed, in accordance with the final approved plans.
42. Before executing any change from the plan of record, the applicant must have the Commission's written approval. Any errors found in the plans or information submitted by the applicant shall be considered as changes. Approval from other Town Agents or Inspectors does not relieve the applicant from obtaining approval from the Commission.
43. There shall be no discharge of any pool or spa water or backwash within 100 feet of any resource area. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
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, 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.

47. The mitigation planting area shall be maintained with native plantings or shall be allowed to naturally revegetate with native species following planting and remain as naturally vegetated. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.

**Second:** Comm'r Mosher

**Roll Call:** Comm'r Hidell: aye and Comm'r Roby: aye and Chair Freeman: aye

**227 Otis Street** – DEP 034-1420, continued from 8/2/21

Applicant: Kathryn Curran

Representative: Alan Loomis, McKenzie Engineering Group, Inc.

Proposed: Reconstruction of an existing dock and construction of a new ramp and float

*Meeting Documents & Exhibits: Staff memo, Plan dated 7/8/21, and revised Narrative submitted 7/29*

*Excerpts from the staff memo: This hearing is continued from the 8/2/21 meeting to allow time for staff to review recently submitted materials, and the representative to respond to comments. Since then staff has reviewed the materials and no additional revisions were requested.*

*The new float and the fixed pier to be repaired are both proposed to use alkaline copper quaternary (ACQ) pressure-treated lumber. The docks and piers regulations focus on using non-chromated copper arsenate (CCA) material, presumably as opposed to chromated copper arsenate, which has documented risks to human health, aquatic invertebrates, and plants. The regulations also prohibit lead cap and creosote materials, which are not proposed for this project. Although ACQ is not directly addressed in the regulations, it is registered with the Environmental Protection Agency (EPA) and is currently a widely used wood preservative for residential applications including marine pilings, sea walls, and decking, with relatively low risks per the EPA.*

*The upper end of the proposed ramp will likely cross over a very small area of Salt Marsh consisting of *Spartina alterniflora* (cordgrass), however given the height of the ramp at this point and the location relative to the plants, staff does not think any Salt Marsh will be eliminated or disturbed.*

Chair Freeman briefly summarized the project and resource areas noting that revisions had been submitted. Representative Al Loomis was present on the call. The ACO commented that staff had not yet received comments from the Division of Marine Fisheries but there is a draft condition requiring any DMF comments to be addressed. Similarly, whatever filing with MA DEP under Chapter 91 might be needed, that is also incorporated in the conditions. The Commission had no comments.

Chair Freeman invited any comments from the public. With no comments from the public, Chair Freeman closed the hearing to public comment.

**Motion:** Chair Freeman moved to issue an Order of Conditions for the proposed work at 227 Otis Street (DEP 034-1420), as shown on the submitted plans, and adopt the findings of fact a through c, and special conditions 21 through 39 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 Coastal Bank and Land Subject to Coastal Storm Flowage (Flood Zone AE, el. 10), 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, any comments received from the Department of Environmental Protection and Division of Marine Fisheries shall be addressed.
26. Prior to the start of any excavation or construction, and in consultation with the Town's Harbormaster, who also functions as the Town's Shellfish Constable, the applicant shall contribute \$42.00 to the shellfish mitigation fund in accordance with the formula for contribution established by the Harbormaster.
27. Prior to the start of any excavation or construction, copies of all federal, state, and local permits, certifications, and approvals, as applicable, shall be submitted to the Commission for review.
  
28. Only alkaline copper quaternary (ACQ) or non-chromated copper arsenate (CCA) treated materials may be used in the repair of the existing fixed pier and the construction of the new float. No creosote materials may be used. Wood preservative, if used, must be dry before the treated wood is used in construction.
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 material shall be properly disposed of at an off-site location.
31. Any on site dumpsters shall not be located within 50 feet of any resource area.
32. There shall be no stockpiling of 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, as appropriate; 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. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 50 feet of any resource area.
35. Plank spacing on the repaired fixed pier and the new float shall be a minimum of  $\frac{3}{4}$  inch.
36. Before executing any change from the plan of record, the applicant must have the Commission's written approval. Any errors found in the plans or information submitted by the applicant shall be considered as changes. Approval from other Town Agents or Inspectors does not relieve the applicant from obtaining approval from the Commission.
  
37. The approved float and ramp shall be stored outside of any wetland resource area during the offseason, in accordance with the approved storage plan, and transported thereto without causing damage to any resource areas. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
38. 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.
39. 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.

**Second:** Comm'r Hidell

**Roll Call:** Comm'r Mosher: aye and Comm'r Roby: aye and Chair Freeman: aye

**122 Downer Avenue** – DEP 034-1422

Applicant: Gregory Sowyrda

Representative: Carmen Hudson, Cavanaro Consulting, Inc.

Proposed: Demolition and reconstruction of a single family house

Meeting Documents & Exhibits: Staff memo and Revised Site Plan dated 8/11/21

*Excerpts from the staff memo:* Staff visited the site on 8/11/21. Salt Marsh is located across Downer Avenue from the property and it was not flagged. Instead, the limit of Salt Marsh was estimated using an aerial photo at low tide. Staff is comfortable with this approach, and the associated Buffer Zones as shown on the plan, given the distance between the Salt Marsh and the proposed improvements.

The existing house is perched above Downer Avenue on exposed ledge. The topography on the north, east, and south sides of the property is very steep. Kilmer Road, a partially paved private way, provides access to the west side of the property, which is less steep. The entire property is maintained as structure, hardscaping, landscaping, and lawn. Staff noted the presence of gutters and downspouts on the existing house, which discharged at grade, and a stockade fence along the eastern property line, which had a minimal gap at the bottom.

**Work within the 100ft Buffer Zone.** The Commission will need to decide whether the overall reduction in the amount of permanent structures and improvements in the 100ft Buffer Zone is satisfactory, or if mitigation for the 100sf of proposed patio, deck, and retaining wall within the 100ft Buffer Zone is required.

**Alteration of LSCSF.** The Commission will need to decide whether the proposed alterations within LSCSF are de minimis, or should be reduced or eliminated. Staff notes that the Commission has not typically required compensatory flood storage for LSCSF, however in those instances, the property was situated directly on the harbor. In this case, private properties that are also within LSCSF about the locus property.

Chair Freeman summarized the project and resource areas. Representative, John Cavanaro of Cavanaro Consulting was present on the call along with homeowner Gregory Sowyrda. J.Cavanaro shared his screen with the site plan and pointed out the wetlands; saltmarsh in the cove with the 50-100 ft buffer from that, and a portion of the flood plain AE comes into the property. The small house would be demolished and a new single family house constructed, shifted a little away from the wetland. J. Cavanaro described the elevations on the site and stated that the proposal results in a grade elevation from front to back that they'd like to reconcile with creating a small area of level lawn in the back portion as far away from Walton Cove as possible. He explained the design of two, tiered, retaining walls, in order to allow the applicant and family to have level lawn in the back of the house. One wall would be about 2 ft high and a second would be 1 ft high creating a pedestrian path from the lower area up a narrow, level lawn area. He pointed out the area to be filled in, the location of the two walls, with a vegetated buffer in between the walls, and added that it was due to the narrowness and small footprint of the lot and to create level area.

Chair Freeman stated that a couple of the issues raised in the staff memo were, one, the question of mitigation for new impervious and two, compensatory flood storage. She stated that, in her opinion, for the minimal amount of new impervious there should be no mitigation required. She noted that, typically, providing flood storage is not required for the LSCSF, however, when the property is on the harbor, with close abutters, the concern is that abutters will receive water when before they wouldn't have. The CO added, for discussion, that the Commission had recently revised its regulations to comply with FEMA and there's new language in the intent of the regulations that was included in the staff memo, "The purposes of Additional Protection of Special Flood Hazard Zones are to...Reduce damage to public and private property resulting from flooding waters." She noted that in the past for the AE or VE zones, the Commission has considered houses directly on the water, whereas in this location, the lot is nestled in a residential neighborhood and across a street from the nearest harbor outlet for the floodwaters.

The Commission discussed the proposed walls and work in the LSCSF while J. Cavanaro pointed out the elevations and contours on the site plan shared to the screen. G. Sowyrda stated that in the eight years he'd been there, flood waters had never crested Downer Avenue. J. Cavanaro suggested that, by creating the level lawn over ledge, they are hopefully adding infiltration by elevating and creating more vegetated cover. Responding to a question, J. Cavanaro stated that the walls would most likely be made of reinforced concrete and would have weep holes. Noting the existing elevation on the property, Comm'r Hidell stated he didn't feel there would be any significant water being pushed to either side. Comm'rs Mosher and Roby agreed that they did not feel it would be a problem.

Chair Freeman invited any comments from the public.

Emily Anderson, 126 Downer Avenue, stated that she did not have a problem but wanted make the Commission aware, in terms of flood history, that in a huge March storm in 2018 when she'd first moved in, water crossed Downer Avenue to the edge of her property and she has a town storm drain in her yard and that flooded to the side of her house. Discussion and questions followed regarding the nature of the floodwater on her property. Comm'r Hidell suggested that water had flowed up from the drain, and that the flooding in her yard probably did not come from the neighboring

property. E. Anderson agreed that water was coming up from the drain and had spoken to DPW about it. Further discussion followed. Chair Freeman pointed out that this flooding event was before any change to 122 Downer Avenue. Comm'r Hidell stated that the proposed changes would not have made a difference.

The CO asked J. Cavanaro if any alternative designs, with not as much lawn and more flood storage capacity to remain on the lot, had been considered. J. Cavanaro explained some of the challenges on the lot in regards to the Hatfield amendment; that elevated decks, open underneath, within the setback are not protected by the Hatfield amendment. The CO asked if they'd considered reducing the rear lawn; for example if the rear lawn area is 20 ft wide, instead, make that 10 ft. Discussion followed with J. Cavanaro noting that it's a family with young children and a desire to make use of as much of the area as possible. G. Sowrda added that they wished for a safe play area away from Downer Avenue. Brief discussion followed with J. Cavanaro suggesting that should they come in 3 ft, that 450 sf would be gained. The Chair commented that if it's not going to have an impact and if the neighbor is not concerned, then she doesn't feel compelled to further constrain the property owner. The abutter, E. Anderson stated that it sounded like a minimal issue, that water was coming onto her property from the cove and she had no issue with it as proposed and would leave it to the Commission. The Commission was in agreement to approve the project as proposed.

With no further comments from the public, the Chair closed the hearing to public comment.

With the Commission unanimous that no mitigation would be required, the CO explained that the four draft conditions related to mitigation should be removed.

**Motion:** Chair Freeman moved to issue an Order of Conditions for the proposed work at 122 Downer Avenue (DEP 034-1422), as shown on the submitted plans, and adopt the findings of fact a through c, and special conditions 21 through 39 of the staff report as discussed at the hearing.

*(Conditions below reflect the discussion at the meeting)*

Findings:

- a. The project meets the submittal requirements for issuance of an Order of Conditions under the Wetlands Protection Act (M.G.L. c. 131, § 40) and the Town of Hingham Wetland Regulations.
- b. The work described is within an area subject to protection under the Wetlands Protection Act (M.G.L. c. 131, § 40) and the Town of Hingham Wetland Regulations, and will not alter or adversely affect the area subject to protection under the Act or the Regulations.
- c. For the purpose of this filing, the Commission confirms the delineation of Land Subject to Coastal Storm Flowage (Flood Zone AE, el. 10), 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 Salt Marsh.
31. There shall be no stockpiling of soil or other materials within 100 feet of Salt Marsh. All stockpiles that are not used for more than five days shall be covered and surrounded by erosion and sediment controls; straw wattles and/or hay bales shall not be used as a form of erosion and sediment control.
32. Issuance of these conditions does not in any way imply or certify that the site or downstream areas will not be subject to flooding, storm damage, or any other form of damage due to wetness.
33. Any dewatering activities on the project in which water will be released into any resource area or storm drain shall make use of a stilling pond or similar device to remove sediment before the water is released. Prior to construction, plans for the stilling pond or similar device shall be submitted to the Commission for review and approval.
34. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 100 feet of Salt Marsh.
35. Before executing any change from the plan of record, the applicant must have the Commission's written approval. Any errors found in the plans or information submitted by the applicant shall be considered as changes. Approval from other Town Agents or Inspectors does not relieve the applicant from obtaining approval from the Commission.
36. 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 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.
37. The use of pesticides, herbicides, 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.
38. 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.
39. 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.

**Second:** Comm'r Mosher

**Roll Call:** Comm'r Hidell: aye and Comm'r Roby: aye and Chair Freeman: aye

**289 Whiting Street** – DEP 034-1421

Applicant: New Boston Golf Club

Representative: Sarah Stearns, Beals and Thomas, Inc.

Proposed: Construction of a building, gravel cart parking, site grading, and blasting of a ledge knob

*Meeting Documents & Exhibits: Staff memo, Response to comments submitted 8/19, Plan Set, and Notice of Intent w/Narrative*

*Excerpts from the staff memo: Staff visited the site on 7/15, as part of a pre-filing meeting, then again on 8/16 and 8/18. The resource areas were delineated by a consultant with Beals and Thomas, Inc. in May 2021. Only a portion of the flags were reviewed by staff and it appeared as though some flags were also missing, or were difficult to locate given the ideal growing conditions since the flagging was completed.*

*The proposed project can be divided into three separate parts, although each relates to the existing practice facilities on the property. The area where the larger of the two infiltration systems is proposed is naturally wooded and steeply*



sloped, leading to wetland areas and an unnamed perennial stream. This area is immediately adjacent to a "short game" practice area, which is largely maintained as turf grass. The area where the building and golf cart path and parking is proposed, immediately adjacent to the driving range, is at the toe of this steep slope, which is largely naturally wooded. Proposed grading in the vicinity overlaps with maintained turf grass and native vegetation. Finally, on the opposite side of the unnamed perennial stream, additional grading is proposed within a more gently sloping area that consists of maintained turf grass and native vegetation. This northwestern side of the stream is where the ledge "knob" is located. The "knob" is a visual barrier to the larger open area to aim golf balls and as a result, golf balls are frequently lost in the native vegetation and wetland areas on the north side of the limit of work. (Annotated pictures are included on pages 3-4 of this memo.)

Staff sent a number of comments to the representative on 8/13 and 8/17, and received a response on 8/19 (see attached). Revised plans are also anticipated.

The project also received a DEP Number on 8/19, with the following comments:

The MassDEP Wetland Change database indicates there is a Wetland Change (WC) either on or near the project site: WC2-13-14; WC2-13-15; WC2-13-16 & WC3B-131-2. Please investigate the status of this WC and whether it was authorized by a local Order of Conditions. The Wetland Change areas are shown on the MASSGIS website at [http://maps.massgis.state.ma.us/map\\_ol/oliver.php](http://maps.massgis.state.ma.us/map_ol/oliver.php) in the data layer titled "theme maps" under the subfolder "MASSDEP Wetland and Wetland Change Areas."

Chair Freeman summarized the proposal and the wetland resource areas and noted that a similar project was approved back in 2010 but was never built, has received a COC and is all closed out. Staff received responses to comments in the past week and will need further time to review. She invited the representatives to present their project. Sarah Stearns and Nick Santangelo, representatives from Beals and Thomas, were present on the call along with representatives from the golf club.

S. Stearns described the locus of the club and the area on the property where the proposed project would be. The CO shared the screen with the site plan. S. Stearns described the project as a renovation project of the existing driving range. Specifically, they would create a small building with hitting bays on the existing turf area using the existing hillside, tucking the building in close as much as possible to minimize grading and make better use of the area for practice. S. Stearns pointed out the gravel cart parking proposed to accommodate electric golf carts and would not be for vehicular use. They have proposed grading and the larger component of the project is blasting, necessary to change the grade on the far side of the perennial stream where there is a significant ledge outcrop. The intent of the grading is to maximize the existing range and minimize impact, making it a softer grade whereas currently at the top of the grade at the narrowest point is bedrock at the surface.

S. Stearns explained that they are currently working with an architect on the final design for the building; a photograph of a building that inspired them was shared to the screen. She briefly described the club's history of land maintenance. She explained that this application just focused on getting the footprint and site work in front of the Commission. As noted in the Notice of Intent, there is some work proposed in the 100 ft buffer zone to the Bordering Vegetated Wetland associated with the stream; it's being used as a driving range today and would continue to be used in the same manner.

Chair Freeman stated that she understood that they were still finalizing things but one thing the Commission will like to see on a plan is identification of any tree removals of 6" dbh trees. She also suggested that conservation staff will need the final design of the building and roof before they can evaluate it fully and draft conditions. Lastly, she asked if the club had considered other possibilities for building siting and other work, to keep it as far away as possible from resource areas.

S. Stearns responded that in regards to the building design, since it wasn't finalized when they were submitting the application, they've presented essentially the 'worst case' scenario for the stormwater management, for example, if the roof is impervious. At one point the club had toyed with the idea of a green roof, or metal, or wood, but as far as complying with the Act and Bylaw, in terms of stormwater management, what they've presented encapsulates whatever is ultimately decided for roof material. They can formalize the design more with staff, but the footprint, size-wise, has been established by the club for what they think they need, and the architectural details should not make a difference in how the stormwater is managed in this area nor the grading.

Responding to the Chair's question regarding trees, S. Stearns stated that it's overwhelming to think of the number of trees managed on the site as recreational space already; planting of trees and maintenance has always been

important to club's operation. She expressed uncertainty about how to label all the trees proposed for removal on the plan. The Commission expressed appreciation for what the club has done to date with the landscape, but emphasized that they would like to know the number of trees proposed for removal.

The CO shared a GIS satellite image of the overall golf course, zoomed in to the area of proposed work, and, with S. Stearns, pointed out the features of the proposal including where the two infiltration systems would be situated. The Commission had no further comments at this time.

The ACO commented that with the next revision she'll be carefully looking at the impacts to the inner riparian and noted the emphasis in the regulations on the importance of not disturbing naturally vegetated areas within that area if at all possible, and, if feasible, to increase that buffer. She added that there may be ways to minimize those impacts a little more. She also commented that the stormwater is fairly important in this location as it is a Zone 2 wellhead protection area for drinking water supplies and therefore the requirements are a little stricter. She noted that the comments from DEP would also need addressed and that another site visit will be needed. Commissioner Hidell expressed interest in participating in the next scheduled site visit.

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

**Motion:** Chair Freeman moved to continue the Notice of Intent hearing for 289 Whiting Street (DEP 034-1421) to September 13, 2021.

**Second:** Comm'r Mosher

**Roll Call:** Comm'r Hidell: aye and Comm'r Roby: aye and Chair Freeman: aye

Other Business:

- a. Discussion and vote re: request to dewater a portion of the intermittent stream located at 280R East Street (DEP 034-1318)

Chair Freeman summarized the request, to use sandbags to continue work on the culvert as the wet summer had interfered, and invited the representative, Attorney Tom Patch, and property owner, Jay Peraino, to give further details.

T. Patch provided some background regarding the two Orders of Conditions issued and described the intermittent stream as a drainage ditch and gave some background as to the history and how the water drains in the area. He described the culvert as 14 ft wide, 6 ft deep with a 3.5 ft opening. The proposed dewatering would take place on one side of the culvert. J. Peraino has proposed to put sandbags on the 'Hingham' side of the culvert and then on the other side, place sandbags about 10 ft out, and then drain that water, in order to excavate and install the new water line. T. Patch added that he believes that what they are proposing is within the language of the Order of Conditions.

T. Patch explained that they propose to direct the water into the wooded area north of the culvert, on J. Peraino's property, and allow the water to infiltrate from there, back to the 'Hingham' side of the culvert. T. Patch held up a map to give the Commission its bearings on the site and pointed out the various features and the CO shared a GIS satellite image of the site.

The Commission asked how long it would take to get the work done noting that the CO was interested in limiting the timeframe. T. Patch gave the dimensions of the area, explained that he calculated that there would be roughly 675 gallons of water, and that J. Peraino would be using a pump that can pump 61 gallons a minute therefore, about 11 minutes for the dewatering. Responding to a question if the hose would be a fire hose, J. Peraino confirmed it would be like a firehose. J. Peraino went into further detail regarding the pump and hose but his audio was not audible.

Discussion followed regarding flow in the culvert. T. Patch stated that when there's a lot of water in it, it does move very slowly, but when the outfall pipe at the intersection has no water coming out of it, there is no flow; flow only occurs when there is a big rain event and the water is essentially pushed out by new water.

Responding to a question, T. Patch explained that for this particular work, they would need to dewater once. He added that as part of the proposal to maintain the integrity of the culvert structure itself; they'd received approval from the Commission to put a preformed concrete sleeve on top, through which the electric will be run. He suggested that the condition in the Order of Conditions might arguably apply to that work as

well, as they will need to dig footings on both sides, in the road, to support the concrete sleeve. He noted that it might not be needed, as the mulch logs would catch any dirt being thrown. But if, when it gets to that point, if the Commission preferred there to not be any water in there at that time, then they could potentially dewater it again. The CO shared the approved plan for the culvert. T. Patch stated that there had been concern regarding the weight of a cement truck going in to pour the foundation and so the culvert engineer had proposed this solution.

The CO had some questions. She asked if they would be able to place the sandbags by hand or, with a mini-excavator from the roadway reaching over to place them, avoiding the trees so that no part of the forested area near the intermittent stream channel will be removed. She added that shade from trees is important to intermittent streams. J. Peraino said that he could do that. He stated that there is one 4 inch diameter tree where the underground pipe would run underneath, but that no other trees would be removed and the mini excavator can reach from the road. The CO confirmed that this applied if placing sandbags further down the stream channel.

The CO added there the condition that relates to dewatering, requires the use of a stilling pond or something similar to prevent sediments that may be sucked up through the hose and going to the wetland area. Even if they are proposing to discharge the end of the hose to a wooded area, at 61 gallons per minute, that velocity could cause erosion. She asked if they would use a dewatering bag (essentially a perforated bag that allows water out but keeps sediment contained), attached to the end of the hose, to keep back silt and solids. J. Peraino agreed to use a dewatering bag. The ACO added that outside of the dewatering of the work area, they should be prepared for dewatering part of the upstream area as well, depending on the flow as it would not be good to have water backing up at the sandbags.

The Commission was in agreement to permit the dewatering.

b. Discussion of Hingham High School Rowing Association programs and access at Bare Cove Park

The Hingham High School Rowing Association requested to reschedule the discussion to a future date, as yet to be determined.

c. Discussion of proposed changes to the Bow Hunting Regulations

Ahead of the meeting, the Commission had been provided with a marked up copy of the proposed changes. The ACO briefly reviewed the few changes and the reasons for each. The Commission agreed with the changes with only one clarification that should a hunter put up a stand or blind too early, then they forfeit their permit for that season. The CO suggested that a vote be held off until the next meeting when the subject could be on the agenda as open for public comment.

d. Discussion of the Draft Buffer Zone Mitigation Policy

Chair Freeman stated that she had read through the draft Policy, had no edits or revisions and expressed her appreciation for the staff's hard work. The Commission and staff briefly discussed the section on patios, surfaces, impervious vs. pervious and structures. The ACO clarified that the surfaces and structures language in the policy was to make it clear, for the applicant, that the Commission takes those into consideration. Further discussion followed regarding patios, materials, and permeability, with the Commission concluding to leave the language in the policy as drafted.

**Motion:** Chair Freeman moved to adjourn the meeting at 8:59 pm.

**Second:** Comm'r Hidell

**Roll Call:** Comm'r Mosher: aye and Comm'r Roby: aye and Chair Freeman: aye

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

Approved on September 13, 2021

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