



## CONSERVATION COMMISSION MEETING MINUTES –October 24, 2022

**Present:** Carolyn Nielsen -Vice Chair, Nina Villanova, Bob Mosher, and Tom Roby - Commissioners, and Loni Fournier- Interim Conservation Officer (ICO)

**Absent:** Crystal Kelly, Laurie Freeman and Bob Hidell

The remote meeting was held via Zoom with Dial in #929-205-6099, Meeting ID # 869 1150 5231

**The meeting was called to order at 7:05 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.

### Approval of Minutes

**October 3, 2022**

**Motion:** Comm'r Mosher moved to approve the draft minutes for the October 3, 2022 meeting.

**Second:** Comm'r Villanova

**Roll Call:** Comm'r Mosher: aye, Comm'r Roby: aye, Comm'r Villanova: aye and Comm'r Nielsen: aye

### **Certificates of Compliance**

**33 Hobart Street** – DEP 034-1187, cont'd from 8/1/22

Applicant: Brian Murphy, Demos Realty Trust

*Meeting Documents & Exhibits: none*

No representative or applicant was present for the meeting. The ICO reported that her review of file showed that at the last hearing, a 1930sf invasive species and native planting area had been agreed upon and due to the drought, it was continued to the fall. Brief discussion followed regarding what meeting to continue to.

**Motion:** Comm'r Villanova moved to continue consideration of 33 Hobart Street, MA DEP 034-1187, to 12/12/22.

**Second:** Comm'r Mosher

**Roll Call:** Comm'r Mosher: aye, Comm'r Roby: aye, Comm'r Villanova: aye and Comm'r Nielsen: aye

**197 Hersey Street** – DEP 034-1397, cont'd from 8/1/22

Applicant: Gabriel Padilla, Morse Engineering, Inc.

*Meeting Documents & Exhibits: Staff memo and ACO email*

Gabriel Padilla was present on the call, explained that from the last hearing the only issue was to let a no mow zone revegetate between the planting bed and existing vegetation and stated that it is now in compliance. The ICO stated that the former ACO had confirmed that everything was satisfactory to her in regards to the no mow zone and that a partial Certificate of Compliance could be issued. Brief discussion followed about when it would be eligible for a complete Certificate of Compliance with the ICO clarifying that at the earliest, it would be Fall 2023.

**Motion:** Comm'r Mosher moved to issue a Partial Certificate of Compliance for 197 Hersey Street, MA DEP 034-1397.

**Second:** Comm'r Villanova

**Roll Call:** Comm'r Mosher: aye, Comm'r Roby: aye, Comm'r Villanova: aye and Comm'r Nielsen: aye

**60 Research Road**– DEP 034-1388 cont'd from 9/12/22

Applicant: Kevin Gill

Representative: Gabe Crocker, Crocker Design Group, LLC

The applicant had submitted a request to continue to the 11/7/22 meeting.

**Motion:** Comm'r Mosher moved to continue 60 Research Road, MA DEP 034-1388, to the 11/7/22 meeting.

**Second:** Comm'r Villanova

**Roll Call:** Comm'r Mosher: aye, Comm'r Roby: aye, Comm'r Villanova: aye and Comm'r Nielsen: aye

**11 Steamboat Lane**– DEP 034-1327

Applicant: Denise Rhodes

Representative: Rob Carlezon, Grady Consulting, Inc.

Meeting Documents & Exhibits: Staff memo

Applicant Denise Rhodes was present on the call with representative, Rob Carlezon from Grady Consulting. Responding to a question and comments from D. Rhodes, the ICO clarified the options. Should the applicant wish to retain the stone patio that was installed, mitigation would be required with a two growing season survival condition and there would be a delay getting a Certificate of Compliance. Alternatively, if the stone patio was removed and the area restored to the previously grassed condition, there would not be a two year delay of a Certificate of Compliance. Brief discussion followed with D. Rhodes suggesting that they'd likely just put the grass back. Vice Chair Nielsen explained that the Commission would want to see those actions taken before issuing a Certificate of Compliance. The applicant and representative requested to continue to the next meeting.

**Motion:** Comm'r Villanova moved to continue consideration of 11 Steamboat Lane, MA DEP 034-1327, to 11/7/22.

**Second:** Comm'r Mosher

**Roll Call:** Comm'r Mosher: aye, Comm'r Roby: aye, Comm'r Villanova: aye and Comm'r Nielsen: aye

**Requests for Determination of Applicability**

**Whiting Street at Accord Lane**

Applicant: Massachusetts Department of Transportation

Representative: Susan McArthur, Jacobs

Meeting Documents & Exhibits: Staff memo, RDA submittal and Site Plan (9/29/22)

Excerpts from the staff memo: Staff visited the site on 10/20/22. Accord Brook is located east of the work area, on the opposite side of the residential lot on the corner of Whiting Street and Accord Lane. A Bordering Vegetated Wetland is located across Whiting Street from the work area. The resource areas were not flagged due to "the minor project activities." Instead, their locations were estimated on the submitted plans using MassGIS data layers and other data sources. Staff is comfortable with these estimations given the fairly level work area and the limited disturbance proposed within existing paved and lawn areas. All disturbed areas will be repaved or loamed and seeded as part of the scope of work. Mulch logs and silt sacks are proposed for erosion and sedimentation control.

The representative Susan McArthur, of Jacobs, was present on the call representing MA DOT, shared her screen with the site plan, and explained the purpose of the work; street and sidewalk ADA improvements. She described the existing conditions; 4ft wide sidewalk with sloped granite curbing. She pointed out the resource areas noting that they had not delineated the wetlands and therefore MA DOT not looking for confirmation of the wetlands delineation. The proposed work consists of retrofitting the existing sidewalk and extending the sidewalk into areas that are currently grassed, the granite curbing and sidewalks will be redone, ADA ramps will be installed and there will be some grading. Two silt sacks will be used in the two catch basins, a mulch log for erosion control, and any disturbed areas will be loamed and seeded.

The ICO stated that she had reached out to the DPW and the Engineer's office and neither had any problems with the proposal. She added that she'd confirmed with the representative that work would begin in spring at earliest start date. S. McArthur stated that it could even be early summer before work would begin.

The Commission had no questions and confirmed that they would waive any fees for the work.

**Motion:** Comm’r Mosher moved to waive the local bylaw fee and issue a Negative Determination of Applicability for the proposed work at Whiting Street and Accord Lane, as shown on the submitted plan, and adopt the findings of fact a through d, and conditions 1 through 5 of the staff report.

Findings:

- a. This project meets the requirements of Part 1, Section 7.1 of the Town of Hingham Wetland Regulations governing procedures for a Request for Determination of Applicability.
- b. The work described is within an area subject to protection under the Wetlands Protection Act (M.G.L. c. 131, § 40) and the Town of Hingham Wetland Regulations, and will not alter or adversely affect the area subject to protection under the Act or the Regulations.
- c. This project qualifies as a limited project under 310 CMR 10.53 (3)(f).
- d. For the purpose of this filing, the Commission makes no finding as to the exact boundaries of wetland resource areas.

Conditions:

1. Prior to the start of work, erosion and sediment controls shall be installed, as shown on the final approved plan, and inspected by an agent of the Commission; straw wattles and/or hay bales shall **not** be used as a form of erosion or sediment control.
2. Erosion and sediment controls shall remain in place until all disturbed or exposed areas have been stabilized with a final vegetative cover or the Commission has authorized their removal.
3. Any debris, which falls into any resource area, shall be removed immediately by hand and properly disposed of at an off-site location.
4. All excavated material shall be properly disposed of at an off-site location.
5. The Conservation Department shall be notified to any changes in plans prior to proceeding with said changed plans.

**Second:** Comm’r Villanova

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

### **86 Pleasant Street**

Applicant: Jaime Fotique

Representative: Brendan Sullivan, Cavanaro Consulting/Merrill Corp.

Proposed: Grading and installation of lawn

*Meeting Documents & Exhibits: Staff memo, RDA submittal and Site Plan (10/6/22)*

*Excerpts from the staff memo: Staff visited the site on 10/17/22. The Bordering Vegetated Wetland and Inland Bank flags were not reviewed, as the information on the submitted plan was carried over from the 2017 plan. The applicant was present and indicated that the lawn seed will be a mix of native species that will be mowed short, as a traditional lawn. In a 4,300sqft portion of the riding area, closest to the resource areas, a New England Showy Wildflower seed mix will be used instead. The applicant indicated that this area will not be mowed as regularly.*

*Staff notes that while the regulations prohibit the creation of “new lawn” within 50ft of a resource area, on this property, lawn already exists within the 50ft Buffer Zone. The proposed new lawn will not extend any closer to the resource areas than the existing.*

*Additionally, since the 4,300sqft wildflower meadow area is being proposed as mitigation within the Riverfront Area, as part of a project that would be considered redevelopment, the area should be maintained as wildflower meadow in perpetuity. Negative Determinations of Applicability do not contain ongoing conditions, however the Commission may consider requiring the installation of permanent markers along the boundary of the wildflower meadow area, to help ensure that it is not converted to lawn in the future.*

Applicant Jaime Fotique was present on the call, explained that a riding ring had approved by the Commission and installed before they bought the house. They do not have horses and would like to return the area back to meadow and lawn. The old riding ring material had been let go and they propose to till the earth, bury the material, bringing the lower soil up, and seed it with meadow and flowers.

The ICO stated she’d raised issues in the staff memo for the Commission’s consideration, the primary one being if the Commission feels comfortable with the material being tilled in. She added that in previous meetings the Commission had determined that the material is not toxic but it had concerns about that it would respond in a flood

event. She noted that there had not as yet been an opportunity to see what the effect would be in that situation and added that it currently all seems to be contained within the riding ring. She read aloud the perpetual condition from the Order of Conditions when the riding ring surface was first approved, 'No additional alteration, including replacement material of any kind or quantity, of the surface of the riding ring without the review and approval of the Commission will be allowed.'

Representative Brendan Sullivan, from Merrill Associates, commented on the fibers in the riding ring and the concern of suspension in a flood event, adding that, as the homeowner stated, they would be buried; he stated that he'd looked at the FEMA flood study for the area, for the Weir River, and with the 100yr floodplain, the velocity in that area would be ½ ft/second and that the typical scour over a lawn area is anywhere over 5ft/second, for bare ground between 2-3ft/second and so this would be well below that. He reiterated that the material will be buried below grade, is nontoxic, and shouldn't have an adverse effect on the Weir River.

Brief discussion followed with the Commission commending the use of native seed mix and wildflowers. Responding to Commission questions, J. Fotique further described the method for burying the material, stated that they would not be adding material and there would be no severe grading differences.

The Commission and ICO discussed the draft conditions, eliminating two of them; one to do with removal off site of the riding ring material, and two regarding any fill brought in to be clean fill. The ICO noted that, considering that the project is in the floodplain, the draft condition regarding grading should remain.

J. Fotique, commenting on draft condition #7, explained that their preference would be not to fence the wildflower area but to edge it as one would with landscaping and they would be initiating the work very soon to get the seed down now in order for it to be flowering next year. Discussion followed with the applicant describing the area as very easy to distinguish. Responding to a question from the ICO, J. Fotique explained that she thought a 1ft or 2 ft boulder to mark the corner and then the other end is marked by the fence, where it cuts back at a 90 degree angle, adding that it would be a very clear line. The ICO agreed that given the way the fence is laid out, it is obvious where the demarcation would be, but she thinks the addition of a stone, where the fence doesn't have a notch in it, would be helpful.

**Motion:** Comm'r Villanova moved to issue a Negative Determination of Applicability for the proposed work at 86 Pleasant Street, as shown on the submitted plans, and adopt the findings of fact a through c, and conditions 1 through 8 of the staff report.

*(Conditions below reflect the changes 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, erosion and sediment controls shall be installed along the eastern edge of the limit of work and inspected by an agent of the Commission; straw wattles and/or hay bales shall not be used as a form of erosion or sediment control.
2. Erosion and sediment controls shall remain in place until all disturbed or exposed areas have been stabilized with a final vegetative cover or the Commission has authorized their removal.
3. Minor grading and leveling are permitted as part of this project, however substantial changes in the existing grade are prohibited.
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. There shall be no stockpiling of soil or other materials within the 50ft or 100ft Buffer Zones. All stockpiles that are not used for more than five days shall be covered and surrounded by erosion and sediment controls; straw wattles and/or hay bales shall not be used as a form of erosion and sediment control.
6. No vehicle or other machinery refueling, lubrication or maintenance, including concrete washout, or storage of fuel or maintenance chemicals, shall take place within the 50ft or 100ft Buffer Zones.

7. To facilitate the long-term maintenance of the 4,300sqft wildflower meadow, permanent markers such as iron or steel rods, stone boulders, or cedar posts shall be installed along the western edge of the meadow. The type of permanent marker shall be approved in advance by the Commission.
8. The Conservation Department shall be notified to any changes in plans prior to proceeding with said changed plans.

**Second:** Comm'r Mosher

**Roll Call:** Comm'r Mosher: aye, Comm'r Roby: aye, Comm'r Villanova: aye and Comm'r Nielsen: aye

### **Request for an Extension**

**60 & 66 Charles Street** – DEP 034-1312

Applicant: Stuart Eicoff

Representative: SOLitude Lake Management

Proposed: Maintenance of aquatic vegetation

*Meeting Documents & Exhibits: Staff memo*

*Excerpts from the staff memo: Staff visited the site on 10/17/22. There was no vegetation or algae visible on the surface of the pond and the majority of the shoreline was naturally vegetated. The project file contains multiple "notification of treatment" letters from 2019 (2) and 2022 (8), with the most recent treatment taking place on 10/6/22. It is not clear whether any treatments occurred in 2020 and 2021. Staff requested year-end reports for the last three years and as of 10/20/22, has not received a response. Year-end reports were not required as part of the Order, however the Notice of Intent indicated that they would be prepared.*

Shawn McCarthy, from SOLitude Lake Management, was on the call, representing 60 & 66 Charles Street, and explained that they were seeking an extension of the Order of Conditions in order to continue management of the nuisance and non-native vegetation on the pond. He described their work standards, gave a brief history of the treatment of the pond, and explained that it currently has decent water quality and they only treat it as needed. They are under contract to visit it every two weeks.

The ICO stated that it's helpful to hear that treatment is not happening every year and added that the conservation office had not received any year end management reports. She noted that the Order of Conditions is set to expire in the next week.

The Commission had no comments.

**Motion:** Comm'r Villanova moved to issue a three-year Extension Permit for the Order of Conditions issued to 60 & 66 Charles Street (DEP 034-1312) with the new expiration date of October 31, 2025.

**Second:** Comm'r Mosher

**Roll Call:** Comm'r Mosher: aye, Comm'r Roby: aye, Comm'r Villanova: aye and Comm'r Nielsen: aye

**Chair Kelly read the Public Hearing Notice of Intent statement.**

### **Request for Amended Order of Conditions**

**73 Abington Street** – DEP 034-1320

Applicant: Gill Research Drive, LLC

Representative: Maggie Laracy, Crocker Design Group, LLC

Proposed: Revised buildings and stormwater management

*Meeting Documents & Exhibits: Request for Amended OOC submittal and Site Plan (10/7/22)*

Maggie Laracy and Gabe Crocker, from Crocker Design Group were present on the call on behalf of the applicant Gill Research Drive LLC. M.Laracy shared her screen with the Existing Site Plan, pointed out the wetland resources, the locations of abutting parcels, noting that the two residential houses on the Existing Site Plan no longer exist, and pointed out that a water main loop was created from Little Sprouts into the McCusker-Gill site.

The originally permitted Site Plan was shared to the screen showing the three building configuration with one 15,000sf office/warehouse building, a 5,000sf office/warehouse building, and a 90,000sf warehouse building. She pointed out the access drive, 58 parking spots, septic area, and drainage system including 3 underground chamber systems, an open basin and 2 water quality swales.

The proposed Site Plan was shared to the screen and M. Laracy explained that they want to construct a 2 building configuration, one, 90,000sf and the other 20,000sf, the parking would be reduced to 57 spots, the curb cuts

and access drive would remain the same, the water quality swales will stay the same. The previously secured access drive will remain the same except that it will no longer be secure; M.Laracy explained that the Hingham Police & Fire Department had asked that an emergency connection be made to the 60 Research Road property; it will be gated access. She explained that they had condensed the stormwater system to 2 open basins and one underground system and kept the water quality swales by the entrance exactly the same. She shared the landscaping plan to the screen and stated that the landscaping plan previously approved had also stayed the same but they have added some plantings to the area abutting the residences to the south.

She shared the grading and drainage plan to the screen and pointed out on the plan where the wetland impacts were; on a small portion of building and basin in the 50-100ft buffer to the east and, on the west side, the 100ft buffer extends into the access drive. She noted that the site ultimately discharges to the Old Swamp River, considered a critical area, and they designed to the 1" water quality volume, as required by stormwater standards.

M.Laracy stated that they'd reviewed the Order of Conditions and have tried to address some of the outstanding conditions including the de minimus stormwater discharge at the driveway and the outlets at the road. She added that the Commission had also asked that outlet protection sizing be included and stormwater calculations for the 100yr storm; with this submission they have provided that and have gone beyond that and designed to the NOAA 14 rainfall rates. They also performed additional test pits at the infiltration areas to confirm they had groundwater separation which confirmed they have more than enough. She explained that they had also submitted to the planning and zoning boards and the stormwater report is being peer reviewed.

The ICO commented that she'd met with the applicants regarding general changes ahead of filing, agreed that it seems better than the earlier design and that it would be good to have a peer reviewer sign off on the stormwater plan. Responding to an ICO question about the septic system area and the differences from the former plan to the new design, G.Crocker stated that it was now designed to accommodate the prime and the reserve, noting also that the new building layout had more warehouse and less office space therefore a smaller septic was needed. The ICO raised a discussion point regarding the fact that the Commission's Tree policy was not in place when the initial project was proposed, and noted there were some minor tree removals particularly on the eastern side. The landscaping plan was shared to the screen. G. Crocker stated that he didn't feel there was much in the way of tree removals as the corridor is mostly being excavated for the water main, but they will assess it. G. Crocker suggested that they would meet the intent of the policy as they will be adding a ton of trees; he noted that they are cognizant of the water main. The ICO pointed out that the shaded areas on the plan are where a conservation seed mix will be used versus traditional landscaping or lawn, and she assumed that much of those areas would be allowed to revegetate and be maintained naturally. She added that there would be a certain amount of maintenance needed for the septic areas and drainage basin.

The Commission had no questions. Vice Chair Nielsen agreed that a peer review of the stormwater was appropriate and noted the substantial grading on the southern side. She suggested that the addition of a seed mix and the plantings there would help with sheeting from the parking lot and asked for confirmation that they'd considered that, as well as for the entry road, sheeting off to Abington Street.

G. Crocker pointed out on the lower right of the plan where they'd tried to keep the slope away from the abutting neighbors' lots explaining that there are two residential homes in the industrial park. He stated that the former plan had no plantings in that area and they have designed it to have a good flat buffer between the back of the home/yard, add plantings to buffer the neighbors, and so the slope is tucked as far back as possible.

G. Crocker explained that at the front of the lot, they've kept the initial design of a unique vegetated swale and credited Bohler Engineering for the design. He explained how the driveway area is challenging and the swale design allowed them to collect and treat more of it, rather than none of it. G.Crocker stated that, as part of the Order of Conditions, the Commission had wanted a letter from the engineer at the time, confirming that the remaining small segment of driveway unable to be captured is considered de minimis; M.Laracy had gone through the stormwater exercise, and they've included it in their resubmittal. The Commission had no further questions and brief scheduling discussion followed.

**Motion:** Comm'r Villanova moved to continue the hearing for 73 Abington Street, DEP 034-1320, to 11/21/22.

**Second:** Comm'r Mosher

**Roll Call:** Comm'r Mosher: aye, Comm'r Roby: aye, Comm'r Villanova: aye and Comm'r Nielsen: aye

## **Abbreviated Notice of Resource Area Delineation**

**210 East Street** – DEP 034-1452, cont'd from 10/3/22

Applicant: Michael Cushing

Representative: Colin McSweeney

The applicant had requested to continue to the 11/7/22 meeting. Brief discussion followed with the Commission in agreement to let applicant know that they may want to withdraw if not ready to bring something substantive for the next hearing.

**Motion:** Comm'r Mosher moved to continue consideration of 210 East Street to 11/7/22.

**Second:** Comm'r Villanova

**Roll Call:** Comm'r Mosher: aye, Comm'r Roby: aye, Comm'r Villanova: aye and Comm'r Nielsen: aye

**Vice Chair Nielsen read the Public Hearing Notice of Intent.**

## **Notices of Intent**

**14 Seal Cove Road** – DEP 034-1445, cont'd from 10/3/22

Applicant: Leonard Monfredo

Representative: Joseph Hannon, Atlantic Coast Engineering, LLC

**Meeting Documents & Exhibits:** *Staff memo, Dock Renovation Plan Options sheets 01 and 02 (signed & stamped), and Abutter Letter*

**Excerpts from the staff memo:** *Following multiple public hearings on the proposal to construct a boat lift as an accessory to an existing dock, gangway, and float at a single-family residence, the following draft findings and special conditions have been prepared for the Commission's consideration.*

Vice Chair Nielsen asked staff for confirmation that the Commission had quorum. The Admin stated that all had been present at the last hearing. The applicant's representative, Jed Hannon from Atlantic Coast Engineering was present on the call, along with the property owner Leonard Monfredo. J. Hannon shared his screen with the Dock Renovation Plan and briefly reviewed the prior iterations of the proposal, noting they had made several changes in an effort to comply with the bylaw regulations with respect to the float size of 10' by 20'; they've changed the existing float size to 10' by 10' and reduced significantly the proposed pile supported boat lift to be 10' by 10' also. Between the lift and the float, the square footage complies with the town bylaw. The boat lift would be supported by 4 piles and pointed out the plan, General note #3, the bottom of the structural elements where the boat would go, would be 2 feet above the VE 11. He noted that this is typically required for pile supported structures in coastal areas for homes and they believe it prudent to do so here; in the event of a major hurricane, it's well above the FEMA guidelines. He pointed out on the plan the detail showing the dimensions of the boat lift and also the notations on the elevation areas on the property. He concluded that these were the updates they'd made based on input and guidance from the Commission at the last hearing.

The ICO did not have any comments other than the staff memo had included draft findings and conditions. She pointed out draft condition #31 that requires the plank spacing on the new float to be 3/4 inch. L. Monfredo was in agreement, noting that the dock itself has the same spacing.

Comm'r Mosher stated that he had a couple comments and noted for the record that his wife plays pickleball at the McGrath's at 8 Seal Cove Road; he's been there to watch her play, but discussion of the boat lift has never come up between him and the McGraths. He commented that the regulations bother him to some extent; he recalled that the Commission had rejected a float because the planking wasn't 3/4 of an inch and yet the plastic flotation devices underneath that would completely block sun. He noted that the Commission has heard that when the regulations were originally drawn up, they thought to ban boat lifts but that it was never specifically stated. If the Commission allows the lift to go forward, then they can anticipate a lot more boat lifts; he thinks the Commission would be opening Pandora's Box. No other Commissioners had comments.

Vice Chair Nielsen commented that should the Commission grant this application an Order of Conditions, it would be receiving an Order under the Commission's current regulations. She stated that regulations are reviewed and changed from time to time, and whichever regulations have been adopted, at the time a project comes to the office, are the regulations which are used. If changes were made to boat lift regulations, this project would be grandfathered. She noted that she'd spoken before in prior meetings of the intention of the regulations was to permit docks and piers and floats and they wrote extensive regulations about them and intended that boat lifts would not be permitted.

Vice Chair Nielsen noted that this proposal had been modified substantially and she appreciated that the structure at the end of the pier, had been reduced down to a size that complies. She noted that there was no draft condition restricting construction to only those months when fish are not spawning. The ICO explained that draft plans get sent to the Division of Marine Fisheries (DMF) for comments, and it's when they respond with seasonal restrictions that a condition such as that is included. DMF had not recommended anything in regards to seasonality.

Vice Chair Nielsen noted that a letter had been received from an abutter and invited the applicant to respond to the letter. Responding to comments in the letter, J. Hannon stated that there are boat lifts permitted in other harbors, the largest commercially available capacity for a 10' by 10' boat lift is 12,500lbs, L.Monfredo's intention is for a 25ft Boston Whaler or similar, and they have tried to be the least aesthetically impactful as possible. Responding to a comment from Comm'r Mosher, L.Monfredo confirmed that he would not be storing the boat there. J.Hannon stated that it would only be there during the boating season, May thru October for example. Responding to the comments in the letter regarding the engineering, oversight and inspection of the structure, J. Hannon stated that his company is a licensed & insured engineering company, they will be part of the construction process, the permit approval through the building department will be followed, and an As-Built will be done upon completion of the work to ensure that it complies with what was proposed. Finally, in regards to the comments in the letter about Barnstable, J. Hannon agreed that those regulations do specifically preclude the construction of boatlifts, however, he is aware of other towns in the Commonwealth that do allow boatlifts and have no language disallowing them.

Invited to comment on the McGrath's letter, the ICO stated that she did not have much to add beyond J. Hannon's comments, other than to say that the matter of lighting had reached her and that the change in Conservation staff had complicated the Conservation's normal response time. She considers it a separate, enforcement issue from the current project, and she'll be following up with L. Monfredo.

Vice Chair Nielsen and Comm'r Mosher briefly spoke, confirming that it is up to the Commission, as the regulatory board, to decide if the boat lift is permitted by the regulations.

Vice Chair Nielsen invited any member of the public to comment.

Ed McGrath, of 8 Seal Cove Road and co-author, with Michelle McGrath, of the submitted abutter letter, was present on the call and commented that he would be interested in seeing any examples of lifts in nearby towns that have been designed by Atlantic Coast Engineering and permitted. He stated his concern in bringing up the dimensions is, the highest high tide that one has to plan for, and probably higher than that, is 15ft, and the top of a 25ft Whaler with a T-top, is going to probably be close to 25ft above the ground; he added that this is a boat that's sitting on carpeted bunks and generally for boat lifts, there's nothing holding it down when it's in there, it is held down by the weight. He stated that they see 50 plus mph winds at their house and he's interested to hear what is guaranteed to hold the boat down in a 60mph wind with a T-top 25ft off the ground.

J. Hannon responded to the question, stating that as they've proposed all along, this particular boat lift system is rated for a Category 5 hurricane and so is capable of handling wind speeds well over 100mph. E.McGrath commented that he's sure it will hold in strength but what happens with a 60mph wind under a T-top, on a 25ft boat sitting on a carpeted bunk, what will keep that from blowing the whole boat off the lift. J.Hannon commented he's unaware if L.Monfredo intends to have a T-top on the boat or not. L. Monfredo added that he would assume the boat lift company would have some recommendations or data on what boats would work on a Cat.5 rated boat lift system. J. Hannon agreed and described the boat lift as having a safety factor of 5 which means that if it is rated for 25,000lb capacity, the rigging can actually handle 5 times that capacity. E.McGrath explained that he is an engineer and that he is not concerned about the downforce or the strength of the posts, he is more worried about the up force. He added that he'd just returned from Naples, FL where there had just been a hurricane and there were boats all over, and some of them had been on hurricane graded lifts; the lifts are fine, the boats are not. Responding to a question, E.McGrath stated that there were also boats all over that hadn't been on a boat lift, but added that at least a boat tied to a dock or a mooring has something holding it in place. L.Monfredo commented that in a Category 5 hurricane it wouldn't make a difference that the dock and the boat will end up in on the beach regardless. E. McGrath stated that he's more concerned with the 60mph winds that happen every year. L. Monfredo pointed out that it's rated to Category 5 which would be 180-220mph winds. E.McGrath stated that what is rated to Category 5 is the structure itself, and they would be interested to see something that says that a boat sitting on that is not going to blow off in a 60mph wind, but doubted that that is something the boat lift company would specify; they specify the strength of the posts and strength of the lift.

J.Hannon thanked him for his comments and stated that the best information they can go by is what is commercially available, they are using best practices, and according to their sources, it meets the requirements of how they designed it.

E. McGrath stated that this is his major concern at this point; the overhang of the boat on the lift, and at 25ft, it would likely hang 10ft over the lift on one side and 5 ft probably in the stern, and, if it has a T-top, he claims that it will be unstable, sitting 25ft off the ground. Vice Chair Nielsen thanked him for his comments.

There were no other members of the public who wished to comment.

The ICO informed the Vice-Chair that the Admin had researched the quorum issue and the Commission did not have quorum to vote on the project; it was short one. Brief discussion followed with the Vice Chair announcing that they will keep the public comment open. The Commission and the applicant agreed to continue to the next meeting.

**Motion:** Comm'r Mosher moved to continue the hearing for 14 Seal Cove Road (DEP 034-1445) to 11/7/22.

**Second:** Comm'r Villanova

**Roll Call:** Comm'r Mosher: aye, Comm'r Roby: aye, Comm'r Villanova: aye and Comm'r Nielsen: aye

#### **4 Puritan Road** – DEP 034-1442, cont'd from 10/3/22

Applicant: Ryan Novak

Representative: Kenneth Thomson

Proposed: Construct addition

*Meeting Documents & Exhibits: Staff memo, Revised Plot Plan (10/17/22), and Buffer Zone Restoration plan (2/28/22)*  
*Excerpts from the staff memo: This hearing is continued from the 10/3/22 meeting. The hearing has not yet been opened, and has continued for several months while the applicant and representative worked to address the performance standards for BLSF since the property is entirely within BLSF based on site-specific topography, and this was not initially included in the design. Staff visited the site on 3/30/22. The lot slopes from the street down to a low retaining wall and then a patio area adjacent to the river. Revised draft plans were submitted on 9/21/22 and staff provided the following comments to the representative. Final plans were submitted on 10/17/22 and nearly all of the comments were addressed; outstanding issues are in italics following each comment.*

- *Erosion & sediment controls need to be added to the plans, preferably with a construction detail. [There is no construction detail, but staff does not feel this is critical.]*
- *Please add flood vent locations to the site plan as well to avoid any confusion during construction and a note about the addition being on piles, and provide the cut & fill calcs. [The cut and fill table was eliminated due to the de minimus changes. Plan note 5 was added instead.]*
- *It looks like the Riverfront Area impacts will change a little, so please update this info. It would be great if you can provide a revised marked up plan like you did previously with the color-coded RA impacts, removal of impervious, and buffer zone mitigation – so easy to follow! Can you provide some additional detail on other altered (non-vegetated) areas in RA, not just impervious?*
- *Please specify on the buffer zone mitigation plan that the existing peastone/crushed stone next to the river will be removed from that area by hand prior to seeding, and a small amount of loam may be needed. [This information was not added to the plan, but has been included in a draft condition.]*
- *Also to avoid problems that we've seen in the past, it would be helpful to note on the plan that mulch is only allowed around individual plants during their establishment, and only natural, undyed mulch. [This information was not added to the plan, but has been included in a draft condition.]*
- *How is stormwater runoff from the new roof areas being handled?*

Ken Thomson, representative from 5 Wetlands was present on the call and the site plan was shared to the screen. He pointed out that the Fema Flood line on the plan is not correct and stated that the Elevation throughout the site is 98.7 or 98.9 and the entire property is within the 100yr flood plain. He pointed out the wetland line along the river and the 50ft and 100ft buffer zones and riverfront buffer zones. He stated that they'd redesigned the initial proposal to be smaller, incorporated piers under the proposed family room & deck, and they propose to extend the garage to give more upstairs living space which will require the garage to be walled; three flood vents are proposed.

In regards to Riverfront impacts, K. Thomson described the existing features created by a former owner; a firepit, stairs, 3 ft wall, and a leaf mulch & branch area; all of these features will be removed. He explained that they would be removing two patio areas (*a long narrow one to the left of the house and a square one in the yard behind the house, against the picket fence on the left*) to decrease their impact from impervious, however, they would like to keep the shed.

Describing the restoration plan, K. Thomson stated that they will remove the invasive species, plant with high bush blueberry and arrow wood and then seed with New England Wetland Plants semi-shade grass and forbs mix, and return that 2,175sf area to a naturalized area.

K. Thomson stated that they'd calculated all the existing hardscapes in the riverfront area, and after calculating the proposed hardscapes, there will be an increase of impervious in the Riverfront of 499sf.

They'll be removing a portion of the right side patio and grading it down to elevation 97 and a little bit of grading to the 98 and 99 Elevation in the front yard to comply with the floodplain. K. Thomson shared to the screen the Riverfront calculations, stated that they'd changed the design as best they could, by putting the addition on piers and installing flood vents, to allow for free flow of floodwaters, added that they'd infiltrated all the rooftop runoff from the new additions, and had provided mitigation for the riverfront impact.

The ICO stated that she had included in the staff memo the former ACO's shortlist of 6 items. She added that nearly all have been addressed with recent plans and for the remaining outstanding items, she'd included draft conditions to address them. She briefly reviewed the draft conditions.

The Commission had no further questions and Vice Chair Nielsen commended the proposed riverfront restoration.

Vice Chair Nielsen invited members of the public to comment. There were no comments from the public.

**Motion:** Comm'r Villanova moved to issue the Order of Conditions for 4 Puritan Road (DEP 034-1442), 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 Inland Bank flags BF-2 to BF-8, and Bordering Vegetated Wetland flags WF-2 to WF-6, 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 lawn waste, brush, leaves, or man-made materials dumped in any resource area, including the buffer zone, 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 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 the Eel River.
32. There shall be no stockpiling of soil or other materials within 100 feet of the Eel River. 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. At the end of each workday, the applicant shall mechanically or manually sweep sediments from all paved surfaces, unless tracking and sediment is not evident.
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, or storage of fuel or maintenance chemicals, shall take place within 100 feet of the Eel River.
37. The family room addition shall be constructed on piles and not on a wall-type foundation, and the garage shall be constructed with flood vents on three sides.
38. Rooftop runoff from the approved addition and garage shall be infiltrated on site, using either drywells or infiltration chambers, or an alternative method approved in advance by the Commission.
39. Buffer zone and riverfront area restoration work shall be completed in accordance with the final approved plan and narrative. The existing stone next to the river shall be removed from the area by hand prior to seeding. Natural, undyed mulch shall only be applied around individual plants during their establishment. All work shall be conducted under the supervision of a wetland scientist or other qualified professional approved in advance by the Commission. Monitoring reports shall be prepared by the wetland scientist or other professional and submitted to the Commission at the end of each growing season.
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 proximity to the Eel River, which is a Coldwater Fish Resource, and 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 proximity to the Eel River, which is a Coldwater Fish Resource, and 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. 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.
44. 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.

45. Prior to the issuance of a Certificate of Compliance, an Elevation Certificate shall be prepared and submitted to the Commission for review.
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. In accordance with 310 CMR 10.58(5)(f), the riverfront restoration area shall not be altered further, except as may be required to maintain the area in its restored condition. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.

**Second:** Comm'r Mosher

**Roll Call:** Comm'r Mosher: aye, Comm'r Roby: aye, Comm'r Villanova: aye and Comm'r Nielsen: aye

**222 South Pleasant Street** – DEP 034-1454

Applicant: Ryan Sillery, City Point Capital, LP

Representative: Paul Shea, Independent Environmental Consultants, Inc.

Proposed: Raze and rebuild a single family house

*Meeting Documents & Exhibits: Staff memo, Notice of Intent package with initial plans (Architectural Plan set and Proposed Site Plan set), Project description, Pool infiltration information, Revised Landscape Plan (10/13/22), Revised Stormwater Plan (10/19/22), Revised Sheet 1A-Grading, Drainage and Utilities Plan (10/31/22)*

*Excerpts from the staff memo: Staff visited the site on 10/17/22. The existing single-family house sits on the high point of the lot. Behind the house are two noticeable changes in topography, nearly two tiers leading down to the resource area. Multiple sheds in poor condition are situated behind the house, at least one of which is located within the 100ft Buffer Zone. The Bordering Vegetated Wetland was flagged by a Professional Wetland Scientist in July 2021. Staff was able to find the majority of the flags and agrees with their placement. Staff observed a mowed, approximately 10ft wide path leading from the existing house to nearly the edge of the resource area in the vicinity of flag A6. Additionally, near flag A9, staff observed manmade debris. The Buffer Zone consists of a mix of large, mature trees and more open areas with a mix of understory vegetation. The trees proposed for removal were not marked in the field, but eastern white pine is the dominant species on the lot. Staff relayed the following questions and comments to the project representatives and received multiple written responses, as well as revised materials, which were submitted on 10/17/22 and 10/20/22. Staff has not completed the review of these materials.*

Representative Paul Shea of Independent Environmental Consultants, was present on the call along with Engineer Anthony Stella, Landscape Architect Sean Papich, Attorney Walter Sullivan and Applicant Ryan Sillery. P.Shea shared the Site plan to the screen and gave a brief overview of the project; raze an existing house, construct a new house with a garage, sport court, pool & poolhouse, new Title V septic system in front of the house, and a new driveway, along with landscape planting and a planting plan. He stated that there would be mitigation for some alterations in the upper portion of the buffer zone. He described the wetland resource area, a Bordering Vegetated Wetland (BVW), located at the toe of slope at the back of the property. He noted there were no alterations proposed within the 50ft buffer; alterations occur upslope from the wetlands and the limit of work line is 60ft from the edge of the wetlands. P.Shea noted that a large portion of the construction is completely out of the Commission's jurisdiction and that the Title V septic system is not within the buffer. They have proposed mitigation for tree removals.

Anthony Stella, civil engineer, briefly described the site and proposal, and the Existing conditions plan was shared to the screen. He stated that the predevelopment stormwater largely runs to the wetland in the rear and some runs to the street; they have designed a system that will generally imitate the same runoff patterns. A.Stella stated that they propose to pick up stormwater that's running off impervious surfaces and it will be conveyed by a storm drain system parallel along both sides of the house into a storm drain and be recharged in a Stormtech chamber unit. He noted that the sport court will have a porous pavement surface with a stone reservoir base; water will stay in place and percolate thru to the ground below. The septic system will be in front of the house, away from the stormwater management system and the wetlands. The stormwater sections of the plans were shared to the screen showing the stormwater cultech units, piping and catchbasins.

Sean Papich, landscape architect, shared the landscape plan to the screen, pointed out the wetland flag line, 50ft & 100ft buffer lines, and detailed what parts of the proposal fall within the buffers. He stated that no work was

proposed within the 50 ft buffer and that they'd given themselves a 10ft working space between the 50ft buffer and the proposed structures at 60ft. He explained that within Conservation jurisdiction, 9 trees (7 pine trees and 2 oak trees) are proposed for removal and they propose 16 trees as replacements; he pointed out the native plant list on the plan including the tree species as well as shrubs, plants and Conservation & Wildlife Seed Mix. He stated that proposed within the 50-100ft buffer is 2600sf impervious surface and 1250-1350sf of permeable surface. He stated that the proposed shrubs and trees work out to a 2:1 ratio and they also have proposed ±3900sf of Conservation native seed mix (forbs and grasses). This concluded the presentation.

The ICO explained that there had been active back and forth the prior week, but the last responses had come in late and she hadn't time to review the submitted materials. She stated that a DEP # had been issued and she would need additional time to review the submitted materials and added that she felt the proposal was on track to meet the Commission's regulations and policies. The Commissioners had no comments.

Vice Chair Nielsen invited members of the public to comment.

Joan Ostheimer, of 192 South Pleasant Street stated that her property shares the longest border with this very impressive proposal and does not believe that this parcel is the right property for this proposal because the flora and fauna that exist at 222 South Pleasant street should **not** be all removed. She commented that it sounds as if the applicants are planting more than what they're taking down, but one can't replace 100 year old pine trees or habitats for the animals. J. Ostheimer stated that they share wetlands on the western border and added that the impact the massive construction will have on the wetlands is being minimized. She stated that protecting the environment is very important to them and to Hingham. She fears what's going to happen as the water is kept clean because of the vegetation on that property and the water all eventually flows down to the town water supply. She would like to see the 100ft buffer respected. She cares about the environment, the water, the flora and the fauna and perhaps parts of the proposal could be minimized.

Vice Chair Nielsen asked the ICO to comment on whether or not there are other wetlands within jurisdictional reach. The ICO stated that she believes it is the continuation of the wetlands shown; they do not stop at the property line and continue north and south. She felt the wetlands were accurately flagged and the topography is very clear. Referring to the Landscape plan on the screen, and presuming that north is up on the plan, she stated that there are definitely no more wetlands on the western portion of the property. She confirmed J. Ostheimer's statement that the wetlands continue past the property line, however, for the Conservation Commission's jurisdiction on this property and for this project, she believes what is represented on the plans is accurate.

Karen Otto, of 234 South Pleasant Street, commented that she'd heard the representative state the numbers seven and nine in regards to the tree removals and would like to know which it is. She noted that the street has a Scenic Street designation and she feels this proposal could cause the street to lose that designation. Although not sure what contributes to the designation, she noted that this project will replace a single 1400sf building.

K.Otto stated that tree removal and the number of trees is their biggest concern. The removal of trees and vegetation, in order to build all of the proposed structures, will remove the natural barrier, protection & privacy provided by them, between the Otto's property and 222 South Pleasant Street and will be impossible to replace. She added that although there is an impressive number of replacement trees proposed, by the time they get to the size of the existing trees, everyone on the call will be dead; they are hundred year old trees and one can't expect any kind of shade or benefit from the replacement trees.

Vice Chair Nielsen thanked the abutters for their comments and invited S.Papich to address the abutters' concerns. S. Papich clarified that within the 50-100ft buffer there are 9 trees proposed for removal, 7 of which are pines and 2 are oak. There are other trees proposed for removal throughout the site for the construction of the house, driveway and some of the grading, but in terms of trees within the Conservation Commission's jurisdiction, there are 9, and they will be replaced with 16 trees. No trees within the 50ft buffer will be removed. He added that they are proposing a number of trees beyond what is required.

C. Nielsen briefly explained the Conservation Commission's jurisdiction and the differences of what is permitted between the 0-50ft buffer and the 50-100ft buffer.

There were no further comments from the public.

Brief discussion followed about scheduling and the applicant and Commission were in agreement to continue the hearing to the next meeting date on 11/7/22. The applicant's attorney, Walter Sullivan, stated that the applicant was willing to meet on site with any of the neighbors and provided contact information.

**Motion:** Comm'r Mosher moved to continue the hearing for 222 South Pleasant Street to 11/7/22.

**Second:** Comm'r Villanova

**Roll Call:** Comm'r Mosher: aye, Comm'r Roby: aye, Comm'r Villanova: aye and Comm'r Nielsen: aye

**123 Nokomis Road** – DEP 034-1453

Applicant: Bruna Rossetti, North America Development LLC

Representative: Kate O'Donnell & John Rockwood, Ecotec Inc.

Proposed: Construct a single family house

*Meeting Documents & Exhibits: Staff memo, NOI submittal including Stormwater Report, Operation & Maintenance Plan Excerpts from the staff memo: Staff visited the site on 10/17/22. The majority of the property is developed, including a single-family house, large garage/storage structure, and impervious patio. The lot slopes gently, from front to back, down to the resource area, which is located off-property. The Bordering Vegetated Wetland was flagged by a Professional Wetland Scientist in January 2022. Staff was able to find the majority of the flags and agrees with their placement. However, given their location off-property, staff does not recommend confirming the delineation. Staff notes that the Town holds a sewer easement adjacent to this property (at the rear); no work is proposed in this area. The sewer easement running through this property, which is proposed to be relocated, is a private easement. Work on the sewer infrastructure on this property is fairly typical for a redevelopment project. Staff contacted the Department of Public Works regarding the proposed work and there were no concerns, however the Superintendent noted that certain aspects of the work on the sewer line(s) would need to be witnessed by a representative from the Sewer Department. Staff also notes that the proposed improvements result in an overall reduction in impervious area within the 100ft Buffer Zone. As a result, mitigation is not required and has not been proposed.*

Kate O'Donnell from Ecotech, Inc was present on the call along with the applicant Bruna Rossetti, North America Development, LLC and project engineer, Guillermo Beltrend. K. O'Donnell briefly described the existing developed site. She stated that the nearest wetland resource area is offsite and located more than 50ft from any proposed work. The existing house will be demolished and a new one constructed with an attached garage. There will be stormwater infiltration provided in the driveway, an overall 13.5sf reduction in impervious area, and no trees are proposed for removal. The new house will be located about 77ft from the offsite wetlands. A 12" compost sock will be used for erosion control.

The ICO commended the submittal from Ecotech and stated she had only a few questions. Responding to a question regarding the work happening to a sewer line and how it relates to the Town's sewer easement, K.O'Donnell stated that any sewer work will be contained to the site itself. The ICO commented that for this property and others in the area, the lawn area encroaches on the easement and then beyond into the 50ft buffer. Given that it is lawn encroaching, she'd asked the applicant about demarcating the property line and they'd agreed to put up a fence with no gate. The ICO added that this would allow for some revegetation.

Vice Chair Nielsen also commended the detailed submittal and no other Commissioner had comments.

The Vice Chair invited any members of the public to comment. No members of the public had a comment.

**Motion:** Comm'r Villanova moved to issue an Order of Conditions for the proposed work at 123 Nokomis Road (DEP 034-1453), as shown on the submitted plans, and adopt the findings of fact a through c, and special conditions 21 through 41 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 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. 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. Rooftop runoff shall be infiltrated on site, using either drywells or infiltration chambers, or an alternative method approved in advance by the Commission.
36. Driveway runoff shall be infiltrated on site, using either a stone infiltration trench or trench drain, or an alternative method approved in advance by the Commission. The driveway shall be properly pitched to direct runoff to be infiltrated, not to the street.
37. To prevent future encroachment into the 100ft and 50ft buffer zones located beyond the boundaries of this property, an ungated fence (or other pre-approved demarcation) shall be erected at the rear lot line, at a minimum. No occupancy permit or final signoff shall occur prior to the fence (or other pre-approved demarcation) being installed. This demarcation shall be maintained in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
38. 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.
39. It is the sole responsibility of the owner of record to maintain drainage structures at all times. The property owner shall comply with the Operation and Maintenance Plan, prepared by Spruhan Engineering, P.C. and dated

October 4, 2022. 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.

40. 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.
41. 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 Mosher: aye, Comm'r Roby: aye, Comm'r Villanova: aye and Comm'r Nielsen: aye

Other Business:

- a. Discussion and possible vote regarding 2023 meeting dates.

The Commission was satisfied with the proposed meeting dates.

**Motion:** Comm'r Villanova moved to adopt the 2023 meeting schedule.

**Second:** Comm'r Mosher

**Roll Call:** Comm'r Mosher: aye, Comm'r Roby: aye, Comm'r Villanova: aye and Comm'r Nielsen: aye

### **Adjourn**

**Motion:** Comm'r Villanova moved to adjourn the meeting at 9:47 pm.

All Commissioners: aye

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

Approved on November 21, 2022

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