

DTM LAW, P.C.

ATTORNEYS AT LAW
175 DERBY STREET, SUITE 30
HINGHAM, MASSACHUSETTS 02043
Telephone: (781) 749-7200 ~ Facsimile (781) 740-4335
www.dtm-law.com

SCOTT GOLDING
sgolding@dtm-law.com

August 5, 2026

Via Hand-Delivery and E-Mail

Shannon Palmer
Conservation Officer
Hingham Conservation Commission
210 Central Street
Hingham, MA 02043

Sylvia Schuler
Asst. Conservation Officer
Hingham Conservation Commission
210 Central Street
Hingham, MA 02043

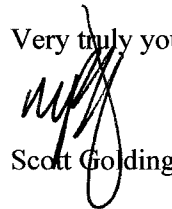
Re: **Hingham Shipyard Marinas
Requests for Certificate of Compliance**

Dear Shannon and Sylvia:

As you are aware, we are working to close out certain Orders of Conditions that relate to the properties within the Hingham Shipyard. Enclosed for filing please find a Request for Certificate of Compliance and supporting materials for DEP File No. 34-0700. Submitted herewith is also a check made payable to Town of Hingham in the amount \$100, representing the filing fee for the Request. The materials do not include the voluntary 21-day waiver form; however, we are certainly amenable to providing the waiver with an extension date better fits the Commission's agenda schedule.

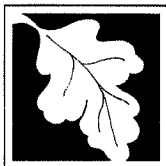
Thank you again for your work and assistance regarding this matter. This project has provided us with a great opportunity to clean up a significant number of open files. Please feel free to reach out to me with any questions or comments.

Very truly yours,



Scott Golding

Enclosure(s)



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 8A – Request for Certificate of Compliance
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

34-700

Provided by DEP

A. Project Information

Important:

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

1. This request is being made by:

DTM Law, P.C., on behalf of Hingham Launch Property LLC and Hingham Shipyard Marinas

Name

175 Derby Street; Suite 30

Mailing Address

Hingham

MA

02043

City/Town

State

Zip Code

781-749-7200

Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:

Sea Chain LLC, c/o Paul Trendowicz

Applicant

1/28/2003

34-700

Dated

DEP File Number

3. The project site is located at:

349 Lincoln Street

Hingham

Street Address

City/Town

See Attachment A to Order of Conditions

See Attachment A

Assessors Map/Plat Number

Parcel/Lot Number

4. The final Order of Conditions was recorded at the Registry of Deeds for:

See Property Ownership Table - Attachment A to Order of Conditions

Property Owner (if different)

Plymouth

32060

344

County

Book

Page

Certificate (if registered land)

5. This request is for certification that (check one):

☐ the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.

☐ the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).

☒ the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 8A – Request for Certificate of Compliance
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

34-700

Provided by DEP

A. Project Information (cont.)

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

☐ Yes

If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

☒ No

B. Submittal Requirements

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).



TOWN OF HINGHAM CONSERVATION COMMISSION

APPLICATION CHECKLIST REQUEST FOR CERTIFICATE OF COMPLIANCE (COC)

Please submit the following when requesting a Certificate of Compliance under the MA Wetlands Protection Act and Hingham Wetlands Protection By-Law. Submit one (1) copy of the following to the Conservation Office and an electronic copy of the complete request to conservation@hingham-ma.gov. A complete Request will be added to the next available Conservation Commission agenda.

- ☒ WPA Form 8A: Request for Certificate of Compliance
- ☒ A check payable to the town of Hingham for the Town of Hingham Wetlands Protection Bylaw fee
 - \$50 for Residential
 - \$100 for Commercial
 - Please redact bank account information from photocopies
- ☐ A letter from a registered professional engineer, surveyor, architect, or landscape architect, as applicable, certifying substantial compliance with the approved plans and describing what deviations, if any, exist from the plans approved in the Order of Conditions. The letter should also document compliance with any applicable special conditions. A certification letter without the requested information will be deemed incomplete.
- ☐ Post construction site photos of the completed work including established vegetation where required.
- ☒ The Conservation Commission's Policy on Receipt of Information
- ☐ Optional – Voluntary 21 Day Waiver (COC)

If required pursuant to Special Conditions of the Order of Conditions (any other required documentation not listed below should also be included):

- ☐ Mitigation Planting Area progress report to include status of plantings, photos of planting area, and dates of installation.
- ☐ Final As-built Plan signed and stamped by a Massachusetts Registered Professional Engineer or Land Surveyor showing post-construction conditions within all areas under the jurisdiction of the MA Wetlands Protection Act and the Hingham Wetlands Protection By-Law. This plan shall include at a minimum:
 - All wetland resource area boundaries with associated buffer zones and regulatory setback areas taken from the plan(s) approved in this Order of Conditions;
 - Locations and elevations of all stormwater management conveyances, structures and best management designs, including foundation drains, constructed under this Order within any wetland resource area or buffer zone;
 - Distances from any structures constructed under this Order to wetland resource areas - "structures" include, but are not limited to, all buildings, septic system components, wells, utility lines, fences, retaining walls, and roads/driveways;
 - A line delineating the limit of work - "work" includes any filling, excavating and/or disturbance of soils or vegetation approved under this Order;
 - Mitigation planting areas constructed under this Order, as applicable.

HINGHAM WETLAND REGULATIONS

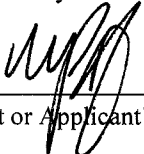
APPENDIX C

Policy on Receipt of Information

(Revised March 4, 2024)

1. New applications/filings must be submitted to the Conservation office (by certified mail or hand delivery) two weeks prior to the meeting date, on Monday by noon, to facilitate the placement of the legal ad and to allow timely review by the Conservation Officer (if the office is closed on Monday due to a holiday, then the information is due on the preceding Friday by noon). Conservation staff will review the application for administrative completeness. Upon receipt of a complete application, a hearing or meeting will be scheduled in accordance with the 310 CMR 10.05(5) and the Wetland Regulations, Section 7.6.
2. If deemed necessary, based on the Commission's meeting schedule, Conservation staff may request the applicant *voluntarily* waive the 21 day statutory deadline for holding a public hearing or issuing a Determination of Applicability.
3. Requests for additional information may be made by the Commission members or their agent to clarify the scope of the project or determine compliance with the 310 CMR 10.00 and/or the Hingham Wetland Regulations. Such requests, if not made at the public hearing, will be communicated to the applicant or their representative as promptly as possible.
4. Additional information requested by the Commission or their agent in accordance with No.3, must be submitted to the Conservation office a minimum of 7 days prior to the meeting date, on Monday by noon. If the office is closed on Monday due to a holiday, the information is due on the preceding Friday by noon. *Revisions submitted after the established deadline may not receive a review, thereby resulting in a continuance to the next available meeting.*
5. The Commission may engage the peer review services of an outside consultant as provided by M.G.L. Ch. 44, § 53G, to be paid for by the applicant, for specific expert review deemed necessary to come to a final decision on a submitted application. Specific consultant services may include but are not limited to, review of a Notice of Intent, Wetland Resource Area Delineation, Stormwater/Drainage Reports, etc. The consultant shall be chosen by the Conservation Commission by vote at the public hearing, and report only to the Commission or its agent. *Requested additional information/revisions by the peer reviewer is required a minimum of two weeks prior to the hearing date.*
5. All supplemental documentation and revised plans must include a revision date and must be date stamped by the Conservation office upon receipt. If this information is not present, the documents may be considered incomplete and may not receive a timely review, thereby resulting in a continuance to the next available meeting.
6. Please note that all supplemental documentation and revised plans submitted to the Commission for a pending application, subject to the MA Wetlands Protection Act, must also be sent to the DEP Southeast Regional Office, 20 Riverside Dr., Lakeville, MA 02347

The Hingham Conservation Commission is committed to a thorough and timely review of each application and an efficient hearing process. Cooperation with this policy is appreciated to facilitate these efforts. Exceptions to this policy may be made by the Conservation staff if deemed warranted. Please sign and include with your filing. Thank you.


Applicant or Applicant's Representative Signature

8/4/26
Date

DEP File No. 34-700 – Hingham Shipyard Redevelopment

Project:

Redevelopment of the Hingham Shipyard.

Dates:

OOB issued 1/28/2003; Amended OOB (Weber Dodge) issued 1/27/2004; Amended OOB (Marina Building) issued 9/28/2004; Extension (issued 12/22/2005) to 1/28/2009; Amended OOB (Stormwater) issued 1/19/2006; Amended OOB (Samuels & Sea Chain Redev. Changes) 6/21/2007; Extension to 1/28/2012 (Book 36569, Page 47); Permit Extension Act to 1/28/2014; Partial COC issued 3/24/2015.

Applicant / Owner:

Sea Chain, LLC

Location (based on documents submitted in file):

Lincoln Street

Compliance / Comments:

The project was constructed in phases over an extended period with multiple amendments and extensions.

On March 24, 2015, the Commission issued a Partial Certificate of Compliance (the "Partial COC") that provides that the area or work that have been completed and are released from the Order all of the work had been completed and was released from the Order with the exception of the unconstructed buildings within Samuels' portion of the overall project. Specifically, the Partial COC certified that the project area and work that has been completed and are released from the Order are: "all conditions relating to all buildings, grading, utilities, and project areas with the exclusion of buildings RM & RS & Trader Joes @ 5 Essington, Hingham." See Attached Partial COC, recorded 5/21/2015, Book 45570, Page 323.

The status of the three excluded buildings (Buildings RM, RS & Trader Joes) is below.

Building RM

Building RM remains unbuilt. It is the pad site that is located between the parcels now known as 10 Shipyard Drive and 18 Shipyard Drive. the Order has lapsed and is no longer valid. See Attached aerial.

Building RS

In 2017, a Request for Determination of Applicability to construct the previously permitted Building RS (now Brio) was submitted by Perry BAC Shipyard, LLC. On April 24, 2017, the Commission issued a Negative Determination of Applicability for the proposed work. The meeting minutes provide the following description:

The development of the Hingham Shipyard was permitted under an Order of Conditions (DEP 034-0700) issued to Sea Chain, LLC in January 2003. The Order expired in January 2016, however all of the associated infrastructure, including

earthwork, roads, utilities and associated mitigation were completed, resulting in a “pad ready” site for this project. The applicant would like to move forward with the construction of a redesigned, 77-unit residential condominium on the prepared site. The new design will reduce the impervious area on the site by 4,160 sf from the original design, with 174 sf less in the 100 ft buffer zone. Only 5,218 sf of the project is situated within the 100 ft buffer zone.

The Commission issued a Negative Determination with conditions related to the work. See Attached April 24, 2017 meeting minutes.

Trader Joes

The work related to Trader Joes, which was not part of the original Order or amendments thereto, was undertaken pursuant to a separate Order of Condition (MassDEP File #34-1135).

The Order has lapsed and is no longer valid. As such, the Applicant requests that a Certificate of Compliance be issued indicating that the remaining work under the Order has lapsed and is therefore no longer valid, and that the work regulated by it was never started (or completed under separate Order).



2015 00036828

Bk: 45570 Pg: 323 Page: 1 of 4
 Recorded: 05/21/2015 11:18 AM
 ATTEST: John R. Buckley, Jr. Register
 Plymouth County Registry of Deeds

M.R. BOOK 24438
 PAGE 39



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 8B – Certificate of Compliance
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:
 034-0700
 349 Lincoln St
 Provided by DEP

A. Project Information

Important:
 When filling out
 forms on the
 computer, use
 only the tab key
 to move your
 cursor - do not
 use the return
 key.



1. This Certificate of Compliance is issued to:

Lennar Northeast Urban, Lennar Hingham Holdings LLC

Name

100 USS Amesbury Drive

Mailing Address

Hingham

City/Town

MA

State

02043

Zip Code

2. This Certificate of Compliance is issued for work regulated by a final Order of Conditions issued to:

Sea Chain LLC, c/o Paul Trendowicz

Name

1/28/03

Dated

SE 034-0700

DEP File Number

3. The project site is located at:

349 Lincoln Street

Street Address

See attachment A

Assessors Map/Plat Number

Hingham, MA

City/Town

See attachment A

Parcel/Lot Number

the final Order of Condition was recorded at the Registry of Deeds for:

See attachment A for Property Owners

Property Owner (if different)

Plymouth

County

32060

Book

344-347

Page

Certificate

4. A site inspection was made in the presence of the applicant, or the applicant's agent, on:

December 31, 2014

Date



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 8B – Certificate of Compliance
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:
 034-0700
 349 Lincoln St
 Provided by DEP

B. Certification

Check all that apply:

☐ **Complete Certification:** It is hereby certified that the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.

☒ **Partial Certification:** It is hereby certified that only the following portions of work regulated by the above-referenced Order of Conditions have been satisfactorily completed. The project areas or work subject to this partial certification that have been completed and are released from this Order are:

all conditions relating to all buildings, grading utilities, & project areas with the exclusion of buildings RM+RS +

☐ **Invalid Order of Conditions:** It is hereby certified that the work regulated by the above-referenced Order of Conditions never commenced. The Order of Conditions has lapsed and is therefore no longer valid. No future work subject to regulation under the Wetlands Protection Act may commence without filing a new Notice of Intent and receiving a new Order of Conditions. *Trader does @ 5 Essington Hingham*

☒ **Ongoing Conditions:** The following conditions of the Order shall continue: (Include any conditions contained in the Final Order, such as maintenance or monitoring that should continue for a longer period).

Condition Numbers:

35, #36, #43, #53 & #62

C. Authorization

Issued by:

Hingham

Conservation Commission

3/24/15
 Date of Issuance

This Certificate must be signed by a majority of the Conservation Commission and a copy sent to the applicant and appropriate DEP Regional Office (See <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).

Signatures:

[Handwritten signatures of Conservation Commission members]

[Handwritten signature of Thomas J. Glavin]



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 8B – Certificate of Compliance

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

034-0700

349 Lincoln St

Provided by DEP

D. Recording Confirmation

The applicant is responsible for ensuring that this Certificate of Compliance is recorded in the Registry of Deeds or the Land Court for the district in which the land is located.

Detach on dotted line and submit to the Conservation Commission.

To:

Hingham

Conservation Commission

Please be advised that the Certificate of Compliance for the project at:

349 Lincoln Street

Project Location

SE 034-0700

DEP File Number

Has been recorded at the Registry of Deeds of:

Plymouth

County

for:

Property Owner

and has been noted in the chain of title of the affected property on:

Date

Book

Page

If recorded land, the instrument number which identifies this transaction is:

If registered land, the document number which identifies this transaction is:

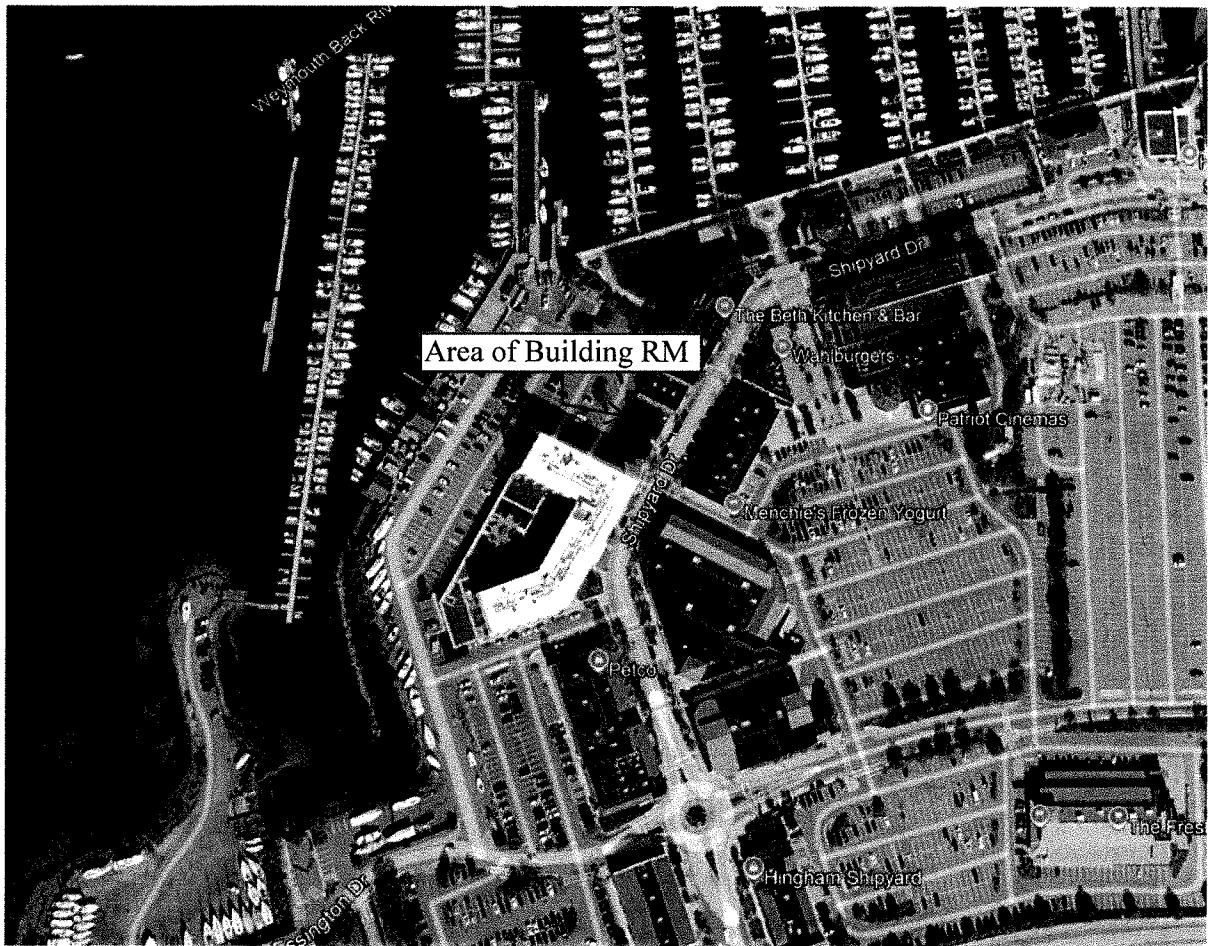
Document Number

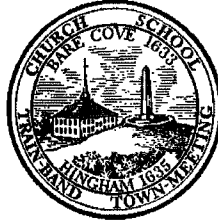
Signature of Applicant

ATTACHMENT "A"

Hingham Shipyard Property Ownership Table

Hingham Tax Assessors Map/Lot	Property Owner	Title Reference	Registered Plans Lot Designation	Street Address
Map 35, Lot 5	Samuels & Associates Hingham, LLC	Book 32846, Page 122 Book 36169, Page 78	P3	2 Shipyard Drive
Map 35, Lot 8	Samuels & Associates Hingham, LLC	Book 32846, Page 122 Book 36169, Page 78	P10	6 Shipyard Drive
Map 35, Lot 51	Samuels & Associates Hingham, LLC	Book 32846, Page 122 Book 36169, Page 78	P11	10 Shipyard Drive
Map 35, Lot 54	Samuels & Associates Hingham, LLC	Book 32846, Page 122 Book 36169, Page 78	P15	18 Shipyard Drive
Map 35, Lot 53	Samuels & Associates Hingham, LLC	Book 32846, Page 122 Book 36169, Page 78	P16	22 Shipyard Drive
Map 35, Lot 52	Samuels & Associates Hingham, LLC	Book 32846, Page 122 Book 36169, Page 78	P17	23 Shipyard Drive
Map 35, Lot 10	Samuels & Associates Hingham, LLC	Book 32846, Page 122 Book 36169, Page 78	P12	9 Shipyard Drive
Map 35, Lot 4	Samuels & Associates Hingham, LLC	Book 32846, Page 122 Book 36169, Page 78	P4	1 Shipyard Drive
Map 35, Lot 50	Samuels & Associates Hingham, LLC	Book 32846, Page 122 Book 36169, Page 78	P5	11 HMS Essington Street
Map 36, Lot 162	Samuels & Associates Hingham, LLC	Book 32846, Page 122	P6A & P6B	350 Lincoln Street
Map 36, Lot 108	MS Rialto Hingham MA, LLC	Book 35343, Page 246	P19	0 Shipyard Drive
Map 36, Lot 107	MS Rialto Hingham MA, LLC	Book 36169, Page 68	P19A	0 Shipyard Drive
Map 36, Lot 109	MS Rialto Hingham MA, LLC	Book 36169, Page 24	P19B	0 Shipyard Drive
Map 36, Lot 156	Avalon Shipyard, LLC	Book 36169, Page 29	P13A	0 Shipyard Drive
Map 36, Lot 158	Avalon Shipyard, LLC	Book 36169, Page 29	P13B	0 Shipyard Drive
Map 36, Lot 159	Avalon Shipyard, LLC	Book 32846, Page 159	P13	349 Lincoln Street
Map 36, Lot 160	Avalon Shipyard, LLC	Book 32846, Page 112	P14	349 Lincoln Street
Map 35, Lot 2	Hingham Shipyard Marina LLC	Book 36169, Page 18 Book 34014, Page 53	P8	433 Lincoln Street
Map 35, Lot 55	Hingham Shipyard Marina LLC	Book 36169, Page 18 Book 34014, Page 53	P9	24 Shipyard Drive
Map 36	Hingham Shipyard Marina LLC	Book 36169, Page 18 Book 34014, Page 53	P20	Land Under Water
Map 35, Lot 18	Rocky Reach LLC C/O Weber Dodge	Book 28115, Page 39	P2	421 Lincoln Street
Map 35, Lot 9	Rocky Reach LLC C/O Weber Dodge	Book 28115, Page 39	P1	405 Lincoln Street
Map 35, Lot 59	Commonwealth of Massachusetts MBTA	Reg. Book 274, Page 173	P21A	0 Shipyard Drive
Map 36, Lot 151	Commonwealth of Massachusetts MBTA	Reg. Book 545, Page 164	P21B	0 Shipyard Drive
Map 36, Lot 154	Commonwealth of Massachusetts MBTA	Book 36169, Page 24	P21	349 Lincoln Street
Map 35, Lot 11	HCM Marinas LLC	Book 36169, Page 135 Book 14476, Page 8	P18 & P18D	0 Shipyard Drive
Map 36, Lot 150	HCM Marinas LLC	Book 36169, Page 135	P18A	0 Shipyard Drive
Map 36, Lot 161	HCM Marinas LLC	Book 36169, Page 17 Book 29868, Page 302	P7	150 USS Amesbury Street





CONSERVATION COMMISSION MEETING MINUTES – April 24, 2017

Present: Scott McIsaac- Chair, Bob Mosher, Bob Hidell, Laurie Freeman, Adrienne DuBois, Paul Hall, John Morrissey, Loni Fournier- Conservation Officer

Absent: None

The meeting was called to order at 6:06 PM.

Approval of Minutes

Motion: Commissioner Morrissey motioned to approve the minutes from the April 10, 2017 Commission meeting.

Second: Commissioner Hidell

In Favor: All

Opposed: None

Certificates of Compliance

5 Windsong Way – DEP 034-0999

An Order of Conditions was issued in April 2009 for the construction of a pool and patio. Staff visited the site on 4/12/17. The construction largely adhered to the final approved plans. The approved fence was installed approximately nine feet closer to the resource area (a total of 41 feet away from the resource area). A letter and as-built plan were submitted. The applicant was not present at the meeting. The Commission discussed the fence intrusion into the 50 ft buffer zone. The Commission agreed to continue the hearing in order to find out why the fence was installed differently than proposed.

Motion: Commissioner Hall motioned to continue the Certificate of Compliance hearing for 5 Windsong Way, DEP 034-0999, to May 8, 2017.

Second: Commissioner Morrissey

In Favor: All

Opposed: None

1073 Main Street – DEP 034-1218

An Order of Conditions was issued in June 2015 for the redevelopment of the athletic fields and the construction of related amenities. Staff visited the site on 4/12/17. Staff did not see the wetland seed mixes growing and there were areas of bare soil, where grass had not yet been established, however there are no conditions in the Order that require full establishment of plantings or grass. Staff requests that the applicant maintain all erosion and sedimentation controls until the grass is established. The as-built plans adhere to the final approved plans. A letter was also submitted.

Motion: Commissioner Morrissey motioned to issue a Certificate of Compliance for 1073 Main Street, DEP 034-1218.

Second: Commissioner Mosher

In Favor: All

Opposed: None

23 Wanders Drive – DEP 034-0882

Commissioner Morrissey recused himself from the hearing.

An Order of Conditions was issued in December 2006 for the construction of single family house, detached barn, driveway, and associated utilities. The constructed single family home adheres to the as-built plans, but differs from the final approved plans. However, the discrepancy is insignificant since with the new design, the house is almost completely outside of the 100 foot buffer zone and it is completely outside of the Riverfront Area. The proposed barn and gravel driveway have not been constructed and the applicant does not wish to pursue those projects.

Staff visited the site on 4/12/17. Staff did not see any plantings in the approved wetland replication area. The Order included the following conditions relative to the replication area:

#35 Prior to any work relative to the proposed wetland replacement areas, a plan and narrative shall be submitted to the Conservation Commission for approval describing the proposed work. The plan shall include, but not be limited to, a proposed work sequence and methods, location, configuration, elevations or replacement areas, vegetation type/establishment scheme, and arrangements to monitor the area through two full growing seasons, and shall include provisions for supervision.

#41 Plantings in the replication area shall include herbaceous plants and a combination of the following ferns such as royal, marsh, wood, interrupted, and/or cinnamon ferns, wetland sedges (wool grasses, nut grasses), wetland rushes, steeplebush, marsh marigold, etc. Suggested shrubs should include winterberry, speckled alder, Amelanchier spp., buttonbush, maleberry, elderberry, Red osier dogwood, Carpinus caroliniana, etc.

#44 A planting plan will be provided to the Conservation Commission depicting the planting schedule and grading, and a plan for the wetland replication area adjacent to the existing wetlands. The proposed work will be approved by the Conservation Commission prior to the commencement of work.

#48 Precaution shall be taken to prevent the introduction of invasive plant species into the wetland replication area.

Planting plans were never submitted to the Conservation Office. The Conservation Officer explained that there was no condition in the Order stating that the planting had to survive for a certain length of time. Whether the applicant went ahead with a mitigation plan and all the plants died, or the applicant did not do the mitigation because the plans changed, is unclear. Commissioner Hidell posited that the mitigation was not done because the applicant did not go forward with the work closest to the resource area. The C.O. explained that the work that was done was almost entirely outside of the Commission's jurisdiction; only a portion of the house and porch was in the 100 ft buffer zone. Staff exchanged emails with the engineer originally involved in the project, but the applicant has not communicated with the Conservation Office outside of the initial COC application.

Commissioner McIsaac asked if the project would have required a filing, had it been proposed as constructed. The C.O. replied that it still would have required a filing, but not necessarily as a NOI; an RDA could have been filed and required mitigation, if any, would have been minimal.

The Commission looked at the plans and after discussion about the Order of Conditions and compliance decided to continue in order to give the applicant a chance to explain what they intend to do.

Motion: Commissioner Freeman motioned to continue the Certificate of Compliance hearing for 23 Wanders Drive, DEP 034-0882, to May 8, 2017.

Second: Commissioner Hidell

In Favor: All

Opposed: None

Requests for Determination of Applicability

0, 10, & 18 Shipyard Drive

Applicant: Perry BAC Shipyard, LLC

Representative: Gabe Crocker

Proposed: Construction of previously permitted building

The development of the Hingham Shipyard was permitted under an Order of Conditions (DEP 034-0700) issued to Sea Chain, LLC in January 2003. The Order expired in January 2016, however all of the associated infrastructure, including earthwork, roads, utilities and associated mitigation were completed, resulting in a "pad ready" site for this project. The applicant would like to move forward with the construction of a redesigned, 77-unit residential condominium on the prepared site. The new design will reduce the impervious area on the site by 4,160 sf from the original design, with 174 sf less in the 100 ft buffer zone. Only 5,218 sf of the project is situated within the 100 ft buffer zone.

Staff visited the site on 4/12/17. The site is fairly flat and surrounded by development on all sides. The area within the 100 ft buffer zone is already disturbed and staff does not believe the proposed project will negatively impact the resource areas.

Motion: Commissioner Hidell motioned to issue a Negative Determination for the proposed work at 0, 10 and 18 Shipyard Drive and adopt the findings of fact a and b, and conditions 1 through 6 of the staff report.

Findings:

- a. The 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.

Conditions:

1. Prior to the start of any excavation or construction, erosion and sediment controls shall be installed; straw wattles and/or hay bales will 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. 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.
4. There shall be no stockpiling of soil or other materials within 100 feet of the resource area.
5. Any debris that falls into the resource area shall be removed immediately by hand.
6. The Conservation Department shall be notified of any changes in plans prior to proceeding with said changed plans.

Second: Commissioner Hall

In Favor: All

Opposed: None

69 Gilford Road

Applicant: John Maxwell

Proposed: Installation of seasonal moored float

Commissioner Hidell recused himself from the hearing.

The applicant is proposing to construct a seasonal, moored 10'x16' float in Porters Cove, east of the property and near an existing permitted boat mooring. The float will be constructed of pressure treated pine. Skids have not been included in the initial design, however the applicant is willing to add them if the Commission feels they are necessary. The applicant has contracted with Aquamarine Services of Hull to construct, install, service, remove and store the float.

Staff visited the site on 4/12/17. The rear yard is slightly sloped with a low wooden and rock retaining wall. The wall separates the lawn from the salt marsh. The float is proposed beyond the salt marsh. There is no structure on the property that provides elevated access to the proposed float location. The area may be within Priority Habitat for Rare Species. It is entirely within the Weir River Area of Critical Environmental Concern.

The Hingham Wetland Regulations define a dock or pier (used interchangeably) as "the entire structure of any pier, dock, wharf, walkway, bulkhead or float, and any part thereof including pilings, ramps, walkways, floats and/or tie-off pilings attached to the shore." Staff recommends that the following performance standards for piers be discussed as part of the hearing (Part 2, Section 23.4):

- (c)(1)...only one float no greater than 10 feet by 20 feet, if satisfied that mitigation required in the Order of Conditions is sufficient to protect the Resource Area.
- (c)(8) A storage plan for seasonal pier material must be included in the application.
- (c)(9) Floats must be at least 18" from the bottom measured at low tide. They shall be supported either by piles or skids.

- (c)(12) Notwithstanding any other provisions contained herein, no new construction or expansion of an existing dock shall be permitted within an ACEC (Area of Critical Environmental Concern).
- (c)(14) A shellfish study is required.

The Conservation Officer suggested that the Commission discuss whether a single, seasonal, moored float met the definition of a dock or pier; she felt that the project met the definition. John Maxwell interpreted the definition of dock or pier as something that was attached to the shore. He stated that he had no intention of ever trying to attach the float to the shore.

Discussion regarding shellfish studies followed. Commissioner McIsaac stated his opinion that requiring a shellfish study for a single seasonal float seemed excessive.

Commissioner DuBois asked if there should be concern over the float's location in an ACEC. The C.O. stated that the materials would meet the regulations for docks and piers (for example, no creosote). When Commissioner McIsaac pointed out that the two Priority Habitat boundaries were not connected, the C.O. stated that it was likely that the Priority Habitat is in reference to an upland species rather than aquatic.

Commissioner Hall asked if there was a precedent for floats being included in the definition of a dock or pier. The C.O. explained that in her time as C.O., she'd never seen an application for a single float come through; any applications with floats always had other components that elevated the application to a Notice of Intent.

Commissioner Morrissey asked if this float would comply with the dock or pier provisions. The C.O. explained that the dimensions were okay, a storage plan could be conditioned, and skids could be conditioned. Although it was still within an ACEC.

Commissioner Freeman read through the definition of a dock/pier and, with confirmation from the C.O. that the float will bottom out at low tide, felt that it was not debatable that a single float fits the definition of a dock/pier. The C.O. clarified that the definition used in the staff memo was from the glossary portion of the regulations. With time constraints due to Town Meeting, all agreed to continue the hearing.

Motion: Commissioner Morrissey motioned to continue the Request for Determination of Applicability hearing for 69 Gilford Road to May 8, 2017.

Second: Commissioner Mosher

In Favor: All

Opposed: None

Commissioner McIsaac read the Public Hearing Notice of Intent.

Notices of Intent

2 Planter's Field Lane – DEP 034-1284, continued from 4/10/2017

Applicant: Feeley Realty Trust

Representative: Mark Manganello

Proposed: Subdivision

This hearing was continued from the April 10, 2017 meeting. Mark Manganello, Tom Pozerski and James Feeley, the applicant, were present. T. Pozerski reviewed the calculations of the 14.2 acre watershed; he found that 10.6 acres flowed through the culvert. He concluded that in all cases the culvert has capacity, fills up to approximately a foot, and has a foot of freeboard above that.

Commissioner Hidell asked if the road was raised up. T. Pozerski stated that the road is at elevation 13.

Paul Brogna reviewed the calculations and elevations and confirmed that he was satisfied with the changes made to the original plans. The road is raised up to elevation 13 and the culvert is at elevation 2.7. The road will be 3 feet higher than the curb cut at Planter's Field Lane.

T. Pozerski informed the Commission that 32 trees will be removed in the buffer zone and they will be replaced with 37 trees.

Commissioner McIsaac asked about the TMP and SWPPP plans. T. Pozerski stated that the TMP has been started but would be finalized with the contractor when the contract is awarded. He recommended that the TMP be a special condition. He further stated that they will have a long term pollution prevention plan and will also be filing a formal SWPPP.

The Conservation Officer asked if the Operation & Maintenance plan dated 12/28/16 had been updated. T. Pozerski replied that it had not, that the 12/28/16 plan was still in effect and the Commission will be provided with the EPA NOI and the SWPPP.

Motion: Commissioner Morrissey motioned to issue an Order of Conditions for the proposed work at 2 Planter's Field Lane, as shown on the submitted plans, and adopt the findings of fact a and b, and special conditions 1 through 23 of the staff report.

Findings:

- a. The project meets the 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.

Special Conditions:

1. 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.
2. This document shall be included in all construction contracts and subcontracts dealing with the work and shall supersede all other contract requirements.
3. The project supervisor or contractor in charge of the work shall have a copy of this Order available on the site at all times.
4. 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.
5. 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 will not be used as a form of erosion or sediment control.
6. 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.
7. One month prior to the start of construction, a SWPPP and Traffic Management Plan (TMP) shall be submitted to the Commission for review and approval.
8. 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.
9. Any debris, which falls into any resource area, shall be removed immediately by hand.
10. Any on site dumpsters shall not be located within 100 feet of any resource area.
11. 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 will not be used as a form of erosion or sediment control.
12. 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.
13. 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. Plans for the

stilling pond or similar device shall be submitted to the Commission for review and approval prior to the construction of said pond or device.

14. No vehicle, or other machinery, refueling, lubrication or maintenance shall take place within 100 feet of any resource area.
15. 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.
16. All work within and adjacent to, within 50 feet, the Bordering Vegetated Wetlands demarcated on the final approved plans shall be seasonally limited to July 1st through February 28th or February 29th each year. No work shall take place within and adjacent to these resource areas between March 1st and June 30th each year.
17. There shall be no application of road salt or deicing chemicals (except for calcium magnesium acetate, a.k.a. CMA, or other alternative approved by the Commission) onto the private roadway because of the importance of the site and its resource areas to the water supply. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
18. Slow release organic fertilizers are the only chemicals, including pesticides, that shall be applied on this property, because of the importance of the site and its resource areas to the water supply. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
19. The maintenance and repair of all stormwater management structures and components shall be the responsibility of the owner of record. The design capacity, stormwater management treatment capacity and structural integrity of these facilities must be maintained and inspected as detailed in the Operation and Maintenance Plan dated December 28, 2016. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
20. The wetland replication area shall be monitored for two full growing seasons following construction. Monitoring reports shall be submitted to the Commission no later than December 15th of each year.
21. 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.
22. 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.
23. Prior to the issuance of a Certificate of Compliance, the replication and mitigation area plantings shall survive at least two full growing seasons with a minimum of 75% survival rate.

Second: Commissioner Freeman

In Favor: All

Opposed: None

The meeting adjourned at 7:00 PM.

Submitted,

Sylvia Schuler, Administrative Secretary

Approved on May 8, 2017