



## CONSERVATION COMMISSION MEETING MINUTES – March 7, 2016

**Present:** Scott McIsaac- Chair, Eldon Abbott- Vice Chair, Frank Gaul, Bob Mosher, Laurie Freeman, Michael Ide and Loni Fournier- Conservation Officer

**Absent:** John Morrissey

**Meeting was called to order at 7:02 PM.**

### Approval of Minutes

**Motion:** Commissioner Abbott motioned to approve the minutes, as amended, from the February 22, 2016 Commission meeting.

**Second:** Commissioner Mosher

**In Favor:** All

**Opposed:** None

### Requests for Determination of Applicability

#### 0 South Pleasant Street

Applicant: Aquarion Water Company Representative: Stephen Olson

Proposed: Water main replacement and associated work

John Morse, VP of Operations for Aquarion Water Company introduced Jeff Farrell, Director of Operations for Massachusetts, Ronit Goldstein, Manager of Community Relations, and their Consultant, Steve Olson. Mr. Morse described the current raw water system and the need to make improvements to the infrastructure in order to move more raw water through the system and meet the demands of the community.

The applicant is proposing to install a new raw water main, which will run parallel to the existing raw water main, from 764 Main Street to 0 South Pleasant Street. The existing raw water main is constricted by mineral deposits. The new raw water main will be installed within the existing roadway and is not expected to disturb any of the resource areas. After the installation of the water main, bituminous concrete pavement will be restored. The applicant is proposing to start the project in April 2016 and finish it by summer.

Mr. Morse indicated that the trench will be paved at the end of every day, unless the town is agreeable to less frequent paving, at which point a steel plate will be used to cover the trench. Mr. Morse also stated that filter socks and silt socks will be used within the 100 foot buffer zone.

Staff visited site on 3/1/16. The proposed area for excavation will be located within a previously disturbed buffer zone. With the appropriate erosion and sediment controls, there should be no adverse impacts on the resource area from the proposed project.

Commissioner Ide asked what the long range plan is to fulfill the capacity requirements for the town and how long this particular project will satisfy the needs of the town. Mr. Morse indicated that this project will increase the capacity and reliability of the system, and that it addresses a "max day" issue, when there is high demand for water. As for the longer term water supply issue, there is a limit set by MassDEP on how much water can be withdrawn each calendar year and the town has been close to that limit for the last ten years. Resolving that issue involves fixing the leaks in the system and looking at additional sources of water beyond what is currently used.

Commissioner Abbott asked if the new pipe will be installed with a trench box, as there was no indication of one on the plans. Mr. Morse stated that they will use a trench box.

Commissioner Mclsaac asked if this project will help eliminate leaks in the system, because the pressure will be reduced with two pipes. Mr. Morse clarified that the leaks he referenced earlier were part of the distribution system and this piping is separate from that system. However, leaks can occur in the raw water system and they are a concern because any water taken out of the ground counts towards the MassDEP limit.

Commissioner Abbott asked about dewatering during the project. Mr. Morse stated that any water that needs to be pumped out will go through silt socks.

**Motion:** Commissioner Freeman motioned to issue a Negative Determination of Applicability for the work proposed at 0 South Pleasant Street and adopt the findings of fact a and b and conditions 1-5 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.

**Conditions:**

1. Prior to the start of construction, erosion and sedimentation controls shall be installed, and inspected by the Conservation Department; straw wattles and/or hay bales will not be used as a form of erosion control.
2. Erosion and sedimentation controls will remain in place until construction is complete.
3. Any debris that falls into the resource areas shall be removed immediately by hand.
4. Any dewatering activities on the project in which water will be released to any resource area or storm drains shall make use of dewatering bags to remove sediment before the water is released.
5. The Conservation Department shall be notified of any changes in plans prior to proceeding with said changed plans.

**Second:** Commissioner Ide

**In Favor:** All

**Opposed:** None

**Commissioner Mclsaac read the Public Hearing Notice of Intent.**

**Notices of Intent**

**246 Lazell Street – DEP 034-1245**, continued from 2/22/2016

Applicant: James McGorry & Alicia Secor      Representative: Brad Holmes

Proposed: Driveway and associated improvements

This hearing is continued from 2/22/16. The plans for the proposed driveway were discussed. The Commission requested information about the applicant's current driveway.

In summary, the project will alter approximately 1,400 ft<sup>2</sup> within the 50 foot buffer zone and approximately 3,160 ft<sup>2</sup> of vegetated mitigation has been proposed. The proposed rain garden has approximately 490 ft<sup>2</sup> of planting area, 307 ft<sup>2</sup> of which is dedicated to processing stormwater. "The discrepancy between the rain garden planting area and the stormwater processing area is that rain garden plantings extend beyond the actual limits of the portion used for stormwater processing (up to elevation 44.50) and extend up the grass swales to add additional vegetative treatment" (memo from Brad Holmes, dated 2/10/16). The grass swales will be located on either side of the proposed driveway. These swales will direct runoff from the driveway towards the existing Lazell Street swale and the proposed rain garden. Approximately 10 feet of stone wall will be altered for the proposed driveway. This component of the project will

require approval from the Town's Planning Board due to the fact that Lazell Street is a scenic road. No trees have been proposed to be removed.

Adam Brodsky, environmental lawyer, and Brad Holmes, wetland scientist, were present to continue discussing the proposed driveway and associated improvements.

Mr. Brodsky summarized aspects of the project that were discussed and, in the absence of any questions, asked the Commission to close the public hearing and vote to approve the project with special conditions.

Commissioner Mclsaac stated that he visited the site over the weekend and that it made a difference to see it in person.

Commissioner Ide asked if the project had been approved by the Planning Board. Mr. Brodsky responded that they had not yet been before the Planning Board.

Commissioner Mclsaac indicated that he no longer felt the current driveway was an issue that needed to be discussed however, if the applicants decided to remove some impervious surface for the betterment of the resources, the current driveway would be the place to do it.

Commissioner Mclsaac opened the discussion to public comment.

Peter Bickford, 65 Lazell Street, asked if there was a reason the common driveway was permitted in the first place and suggested the common driveway helped in approving the subdivision. Commissioner Mosher stated that if the Planning Board had a restriction on the driveway, they would bring it up at their meeting.

Commissioner Mclsaac closed the discussion to public comment.

**Motion:** Commissioner Mosher motioned to issue an Order of Conditions for the proposed work at 246 Lazell Street, as shown on the submitted plans, with conditions 1-13 and adopt the findings of fact a and b 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. Provided that native species are planted on the site and that erosion controls remain in place until the disturbed area is permanently stabilized, work will not adversely impact the resource areas of the Town of Hingham Wetland Regulations.

Conditions:

1. Prior to the start of construction, erosion controls shall be installed and inspected by the Conservation Department; straw wattles and/or hay bales will not be used as a form of erosion control.
2. No dumpsters or heavy machinery will be stored, parked or left to idle within the 50 foot buffer zone.
3. All materials removed from the site shall be stockpiled outside of the 100 foot buffer zone or immediately placed into dump trucks for offsite disposal.
4. Any debris which falls into the resource area during construction will be removed immediately by hand.
5. All disturbed areas, including the proposed swales and mitigation planting areas, shall be loamed and seeded, and where necessary, stabilized with jute netting. Mulch will not be used in the mitigation planting area.
6. Prior to the issuance of a Certificate of Compliance, the mitigation plantings shall survive at least two full growing seasons with a minimum of 75% survival rate.
7. The grass swales and culvert, and supporting drainage systems not in the public way, are the responsibility of the applicant/property owner, and shall be kept in good repair. This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.
8. The cobblestone apron at the end of the driveway shall be kept clean of sand and other materials so that water flowing down the driveway is directed laterally into the Lazell Street swale and rain garden. This condition shall

survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.

9. The rain garden shall be maintained pursuant to the Stormwater Operations and Maintenance Plan, submitted on February 2, 2016 as an addendum to the Notice of Intent. This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.
10. There shall be no dumping of leaves, grass clippings, brush or other debris into the wetland or the 50 foot buffer of the wetland. This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.
11. De-icing chemicals (except for calcium magnesium acetate, a.k.a. CMA, or other alternative approved by the Conservation Department) are prohibited on the driveway. This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.
12. Snow shall be removed towards the northern side of the driveway in order to limit the additional accumulation and storage of snow within the mitigation planting areas. This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.
13. The Conservation Department shall be notified of any changes in plans prior to proceeding with said changed plans.

**Second:** Commissioner Abbott

**In Favor:** All

**Opposed:** None

**0 Lazell Street – DEP 034-1252**

Applicant: Falconeiri Construction

Representative: Brad Holmes

Proposed: Well installation and associated piping

Brad Holmes, wetland scientist, presented the plans to the Commission.

The applicant is proposing to install a drinking well and associated piping. The proposed well site is within the 100 foot buffer zone. Some vegetation will need to be cleared to allow a drill rig to access the proposed well site. The cleared vegetation will be removed from the 100 foot buffer zone. The piping will be installed from the well to a proposed single family home by digging and excavating a 2-3 foot wide and 4 foot deep trench with a small excavator. Vegetation will be cleared to allow equipment access. Once the piping is installed, the trench will be backfilled, tamped and covered with clean loam. The trench is located mostly within the 50 foot buffer zone.

To restore the cleared areas, the applicant proposes to cover them with clean loam and hand seed with a New England conservation/wildlife seed mix. In addition, four different native plantings will be planted within the disturbed 50 foot buffer zone. The plantings will be mulched with 1-2 inches of thick leaf litter or other natural organic mulch. If a soil stockpile is needed, the location will be outside of the 100 foot buffer zone.

Staff visited the site on 3/1/16. Staff agrees with the wetland delineation lines. The property is covered with overgrown brush, some small trees, and some larger trees. There is a stone wall that runs through the property. A small brook, which flows through a culvert under Lazell Street, empties onto the property and contributes to some of the wetlands on the property. The project also falls within Priority Habitat for Rare Species, which is managed by the Natural Heritage & Endangered Species Program (NHESP).

Commissioner Ide asked if the well would be the primary source of water for the home. Mr. Holmes stated that it would be.

Commissioner Mosher asked Mr. Holmes if he knew what the rare species was. Mr. Holmes indicated that he did not know for sure, but he suspected it was the eastern box turtle.

Commissioner McIsaac asked the Conservation Officer if she had any thoughts or concerns. The Conservation Officer stated that her only concern was that the NHESP determination letter was missing and she felt it was in the

Commission's best interest to wait to hear from the NHESP until any decisions are made, especially given the time of the year.

Commissioner Mclsaac asked if 83 Lazell Street was reviewed by the NHESP. Mr. Holmes responded that it was permitted under a Determination of Applicability, therefore it did not require filing with the NHESP.

Commissioner Abbott asked if it would be a two inch line from the well to the house, 4-5 feet deep. Mr. Holmes stated that was correct and that the plan was to cover the trench as the pipe was installed, and then spread loam and a wildlife seed mix over the disturbed area. Any disturbance within the 50 foot buffer would be planted with native shrubs.

Commissioner Mclsaac opened the discussion to public comment.

Peter Bickford, 65 Lazell Street, stated that the wells are not simply put in and often times require a drill truck or fracking in order to get more water. Mr. Bickford indicated that his well has not been a temporary disturbance, but a continual disturbance. His well has been hit by lightning twice, the pump failed once and the water line has failed once. On four different occasions, heavy equipment had to be used to repair the well.

Mr. Bickford stated that he is concerned about the distance of the proposed well to the house and the damage that would be caused to the forest and wetland. Mr. Bickford also expressed concerns related to zoning, specifically the lot shape factor and if the lot was buildable. He asked the Commission to consult with the Zoning Board of Appeals or the Building Commission.

Gerard Gigon, 105 Lazell Street, asked where the driveway will be located. He was concerned that it would follow a 39 foot strip that was adjacent to his property and very close to his well. Mr. Gigon stated that there was rock ledge in the area and if blasting was necessary, it could impact the water supply to his house. Mr. Holmes indicated that access to Lazell Street would be through the strip adjacent to 105 Lazell Street.

Mr. Gigon asked if the wetlands would be crossed each time the well needed to be repaired. Mr. Holmes stated that they would be crossed, but the Conservation Commission would need to be notified each time.

Shelly Creager, 80 Lazell Street, stated that she also had a well. Since 1991, her well was hit by lightning and fracked, and it required a lot of maintenance. She reiterated that it was not simple process to install a well and it often required heavy machinery; her lawn was ripped up and repaired many times.

Commission Mclsaac asked Mr. Holmes how deep they were planning to drill. Mr. Holmes stated that he did not have that information yet.

Commissioner Abbott asked if the electric line will be installed in the same trench as the water line. Mr. Holmes stated that was correct.

Mr. Holmes requested a continuance for two weeks in order to get information from the NHESP and address the other concerns that were discussed. Commissioner Mclsaac suggested that Mr. Holmes have Terry McSweeney available to discuss long term maintenance issues and plans at the next meeting.

**Motion:** Commissioner Mosher motioned to continue the Notice of Intent hearing for 0 Lazell Street to March 21, 2016.

**Second:** Commissioner Gaul

**In Favor:** All

**Opposed:** None

**91 Lazell Street – DEP 034-1250**

Applicant: Falconeiri Construction

Representative: Brad Holmes

Proposed: Well installation and associated piping

Brad Holmes, wetland scientist, presented the plans to the Commission.

The applicant is proposing to install a drinking well and associated piping. The proposed well site is within the 100 foot buffer zone. Some vegetation will need to be cleared to allow a drill rig to access the proposed well site. The cleared vegetation will be removed from the 100 foot buffer zone. The piping will be installed from the well to a proposed single family home by digging and excavating a 2-3 foot wide and 4 foot deep trench with a small excavator. Vegetation will be cleared to allow equipment access. Once the piping is installed, the trench will be backfilled, tamped and covered with clean loam. The trench is located mostly within the 100 foot buffer, but will be crossing into the 50 foot buffer at some points.

To restore the cleared areas, the applicant proposes to cover them with clean loam and hand seed with a New England conservation/wildlife seed mix. In addition, four different native plantings will be planted within the disturbed 50 foot buffer zone. The plantings will be mulched with 1-2 inches of thick leaf litter or other natural organic mulch. If a soil stockpile is needed, the location will be outside of the 100 foot buffer zone.

Staff visited the site on 3/1/16. Staff agrees with the wetland delineation lines. The property is covered with overgrown brush, some small trees, and some larger trees. There is a stone wall that runs through the property. A small brook, which flows through a culvert under Lazell Street, empties onto the property and contributes to some of the wetlands on the property. The project also falls within Priority Habitat for Rare Species, which is managed by the Natural Heritage & Endangered Species Program (NHESP).

Commissioner Mclsaac opened the discussion to public comment.

Peter Bickford, 65 Lazell Street, restated his concerns related to ongoing maintenance issues with the well and zoning issues with the parcel, and encouraged the Commission to consult with the Building Department and the Zoning Board. Mr. Bickford stated that he plans to write a letter to all of the boards discussing his concerns.

Commissioner Abbott asked Mr. Holmes how it was possible for him to be before the Commission for the well without having looked into the plans for the rest of the parcel. Mr. Holmes stated that the rest of the plans for development are outside of the Commission's jurisdiction.

Darrell Doe, 99 Lazell Street, stated he has lived at his property for three years and has already fracked his well and it has been struck by lightning.

Commissioner Abbott asked Mr. Doe what he meant by his well being struck by lightning. Mr. Doe replied that there was a lightning storm and afterwards he had no water. Commissioner Abbott stated that most likely the house was hit by lightening and it shorted out the pump because it was part of the electrical system.

Commissioner Mclsaac closed the discussion to public comment.

**Motion:** Commissioner Freeman motioned to continue the Notice of Intent hearing for 91 Lazell Street to March 21, 2016.

**Second:** Commissioner Abbott

**In Favor:** All

**Opposed:** None

**357 Main Street – DEP 034-1251**

Applicant: Bryan & Sarah Prohm

Representative: Brad Holmes

Proposed: Restoration of embankment

Brad Holmes introduced Bryan Prohm, property owner at 357 Main Street, and presented the project plans to the Commission.

The applicants are proposing to stabilize the slope on the northwestern side of their property by removing the existing debris and compost and disposing of it offsite. In addition, the invasive Japanese knotweed, which is established on the

site, will be identified and treated with herbicide by a licensed pesticide applicator. The treatment will most likely take place between late August and the beginning of September for optimal results. The cleared slope will be covered with a light application of clean loam and, where possible, covered with jute netting for stabilization. The area will then be seeded with a New England erosion control/restoration mix for dry sites.

At the top of the slope, the applicants have proposed landscaping improvements. A 12 inch coir log will be installed along the top of the slope for erosion control. This coir log will be secured with 3 foot wooden stakes and will act as a natural retaining wall. The area in front of the coir log will be backfilled with new loam and a 3 foot wide planting bed will be established. The planting bed will contain a total of 12 native plantings. The area in the rear of the house, between the coir log and an existing patio, will also be re-landscaped using pervious materials such as mulch, pea-stone and possibly other plantings.

The applicants are also proposing to replace and reconfigure the existing patio. The new patio will remain within and not exceed the current 300 ft<sup>2</sup> footprint. The new patio will have gaps between the stones to allow for water infiltration. The existing picket fence will be replaced in rear of the property. All proposed improvements are located within the 50 foot buffer of an isolated vegetated wetland and within 100 feet of a potential vernal pool.

Staff visited the site on 3/1/16. There is a small stone patio in the backyard and a white picket fence surrounding the yard. Behind the fence is a steep slope leading to a small pond. A large tree, located on the slope, recently fell and destabilized the slope. For the safety of the homeowners, conservation of their property and protection of the resource areas, it is important and necessary for the applicants to stabilize this slope. The proposed improvements should not have an adverse effect on the resource areas.

The Conservation Officer asked Mr. Holmes how the work on the slope would be managed so that sediment would not wash into the resource area and why he decided not to put an additional erosion control at the bottom of the slope. Mr. Holmes stated that there will be a coir log at the top of the slope, which will act as a silt sock. Laborers will be focused on the remaining area, which was small, removing the knotweed and replacing it with jute netting and loam. Mr. Holmes indicated that straw wattles or hay bales could be kept on site in the event there was runoff into the resource area.

The Conservation Officer asked Mr. Holmes if he could give a rough estimate of the area on the slope that is behind the landscaping work. Mr. Holmes indicated that it was, at most, ten feet to the wetland.

The Conservation Officer stated that she would prefer an alternative to straw wattles or hay bales as the erosion control. Mr. Holmes stated that he would install silt fence, if necessary. The Conservation Officer recommended that it be added as a fifth condition.

**Motion:** Commissioner Ide motioned to issue an Order of Conditions for the proposed work at 357 Main Street, as shown on the submitted plans, and adopt the findings of fact a and b, and conditions 1 through 5 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. Provided that erosion controls remain in place until the disturbed area is permanently stabilized, work will not adversely impact the wetland values of the Town of Hingham Wetlands Regulations.

**Conditions:**

1. Prior to the start of construction, erosion and sedimentation controls shall be installed, and inspected by the Conservation Department; straw wattles and/or hay bales will not be used as a form of erosion control.
2. All disturbed areas shall be loamed and seeded, and where necessary, stabilized with jute netting.
3. Any debris that falls into the resource area shall be removed immediately by hand.
4. Prior to issuance of a Certificate of Compliance, the proposed plantings shall survive at least two full growing seasons with a minimum of 75% survival rate.

5. The Conservation Department shall be notified of any changes in plans prior to proceeding with said changed plans.

**Second:** Commissioner Abbott

**In Favor:** All

**Opposed:** None

**Other Business**

The Conservation Officer spoke about the Lehner property appraisal. The appraisal came in at \$5,600 and last time it was discussed, the Commission was very specific about not going over \$5,000. The Conservation Officer asked the Commission to approve an additional \$600 from the Conservation Fund in order to pay the appraiser.

**Motion:** Commissioner Abbott motioned to allocate \$600 from the Conservation Fund to pay for the Lehner property appraisal.

**Second:** Commissioner Ide

**In Favor:** All

**Opposed:** None

The Conservation Officer also discussed letters that were mailed to affected homeowners regarding the new FEMA flood zones that were adopted in August 2015. The letters describe the fact that a warrant article will be heard at town meeting that will incorporate the new flood zones into the town's zoning by-law.

Commissioner Ide asked if it was the homeowner's responsibility to notify their insurance company if their property was more vulnerable to flooding. The Conservation Officer stated that in this case, most of the homeowners saw a reduction in the flood zones on their property, so she expected them to be more than willing to contact their insurance company.

The Conservation Officer announced that the town's Open Space and Recreation Plan is expiring this June and she has begun working on a timeline to get a new plan approved by the state by June. In order to qualify for state grants related to acquiring open space, such as the Lehner property, an updated plan needs to be in place. The public process associated with updating the plan will be the top priority over the next few months. A kickoff meeting will likely be held in late March.

**The meeting adjourned at 8:50 PM.**

Submitted,

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Elizabeth Berry, Administrative Assistant

Approved as amended on March 21, 2016.