



CONSERVATION COMMISSION MEETING MINUTES – January 9, 2017

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

Absent: John Morrissey

The meeting was called to order at 7:12 PM.

Approval of Minutes

Motion: Commissioner Hidell motioned to approve the minutes from the December 19, 2016 Commission meeting.

Second: Commissioner Mosher **In Favor:** All **Opposed:** None

Requests for Determination of Applicability

10 Black Horse Lane

Applicant: Alexander Dasco

Representative: John Bradley, Jr., J & J Yardcare, Inc.

Proposed: Tree removal, wall repair & construction of shed, patio & 2 walkways

The applicant, Alexander Dasco, contacted the office and requested to continue to the April 10, 2017 meeting so they may have time to finalize all the aspects of their plans.

Commissioner Mclsaac read the Public Hearing Notice of Intent.

Notices of Intent

6 Berkley Circle – DEP 034-1277, continued from 12/19/16

Applicant: Mary Griffin

Representative: Joan Deely

Proposed: Phragmites removal

This hearing is continued from the December 19, 2016 meeting, during which the Conservation Officer requested time to coordinate with MassDEP before finalizing the Order of Conditions. MassDEP has since recommended that the project be approved as an Ecological Restoration Limited Project (ERLP). The applicant has submitted additional paperwork with MassDEP and a notice with the Environmental Monitor (to be published on January 11, 2017) in order to meet the ERLP requirements.

Neither the applicant nor the representative, Joan Deely were present. The Conservation Officer said that it was not critical; questions regarding the actual project were answered in the first meeting and this meeting would be chiefly administrative. The Conservation Officer explained one condition requiring submittal of the Herbicide Applicator's license prior to work commencing was added and all is in order. Commissioner Hidell confirmed with the other Commissioners that no one had any further questions regarding the project before proceeding with a motion.

Motion: Commissioner Hidell motioned to issue an Order of Conditions for the proposed work at 6 Berkley Circle, as shown on the submitted plans, and adopt the findings of fact a and b, and special conditions 1 through 14 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), as an Ecological Restoration Limited Project, 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 project 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. The applicant shall provide the Conservation Commission with a copy of the BRP WM04 Herbicide Application License prior to the commencement of any herbicide application in the management area.
5. Any debris, which falls into any resource area, shall be removed immediately by hand.
6. Any on site dumpsters shall not be located within 25 feet of any resource area.
7. There shall be no stockpiling of soil or other materials within 25 feet of any resource area.
8. 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.
9. No vehicle, or other machinery, refueling, lubrication or maintenance shall take place within 25 feet of any resource area.
10. 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.
11. All vegetation cut within the management area shall be properly disposed of at an off-site location.
12. A report of invasive species management shall be submitted to the Conservation Commission after each treatment of the management area.
13. 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.
14. Prior to the issuance of a Certificate of Compliance, a final report detailing the condition of the management area shall be submitted to the Conservation Commission.

Second: Commissioner Hall

In Favor: All

Opposed: None

73 Abington Street – DEP 034-1275, continued from 12/19/16

Applicant: MDC Properties – Abington Street LLC

Representative: Gabe Crocker

Proposed: Day care facility

The applicant is proposing to construct a day care facility at 73/0 Abington Street. The facility will consist of a 10,000 sf building with a playground area, a parking lot, a main entrance driveway, and an emergency access driveway. The total impervious area that will be added to the site is 38,684 sf. The facility will be serviced by a new septic system, public water, propane or natural gas, electricity, and telecommunications. A number of stormwater BMPs have been proposed for the site.

At the last meeting, the Commission and the applicant agreed to continue the hearing to January 9, 2017 in order to give Paul Brogna, the selected peer reviewer, time to review the application materials and assemble preliminary comments.

Representing the 73 Abington Street project was Attorney Adam Brodsky and Project Engineer Dan Saley from CHA Consulting Inc. They received Mr. Brogna's written peer review and will formally respond to his comments at the January 23, 2017 meeting, but had the following information on the project to present. Mr. Brodsky stated:

- CHA met with Captain Damstra who stated that the emergency access road could be eliminated and that his preference was for the proposed main drive.
- They propose incorporating headwalls at the wetlands crossing to reduce impact. They also revised their plan for 15 inch culverts to larger partially buried 18 inch pipes.
- They are in a Zone A and will be filing a water quality certificate request when they submit updated plans to the Conservation Commission.
- In response to one concern from the peer review, they have been in touch with DPW to discuss measures to mitigate runoff on Abington Street due to the driveway layout.

Mr. Brogna explained that he had worked on the 73 Abington site two years previously (March 2015) for perc testing, which failed in many areas of the site and he was also present for further testing in August 2016. He noted that the design and effort CHA has put into the plan has been based on these previous tests showing the soil/groundwater issues and also the wetlands challenges of the site. Mr. Brogna then went through his written assessment of the 10 stormwater standards. (Notes below refer only to any additional verbal comments/questions; not what was simply read from the report.)

- Standard 1, Untreated stormwater – Commissioner Hidell asked for clarification of the percentage of untreated stormwater. Mr. Brogna responded that, as the project is proposed, the bottom 130-140 ft of driveway is below the grade of the filter strip for the proposed rain garden therefore making about 45 % of the driveway untreated.
- Standard 2, Peak rate attenuation – Mr. Brogna emphasized the desire to see as much reduction as possible from pre development flows to post development flows, especially in regards to the 2 year storm (from his experience and education, 90-95% of our storm events are the two year storm or less – 3 to 3.75 inches of rain/24 hour period).
- Standard 3, Recharge to groundwater – With the 2 major design systems, the plan provides 21 to 2200 cubic feet of recharge to groundwater; the requirement is only half that.
- Standard 4, Water Quality – There is still a question on the bottom part of the driveway; the assumption is that CHA will address this.
- Standard 6, Critical Areas – It is written in the peer review “there is over 1,650 square feet located in the Zone A which does not appear to get treated.” Mr. Brogna stated that the area is closer to 3,000 square feet. As proposed, there would be a direct discharge and link into the Swamp River as stormwater comes down the driveway.

Mr. Brogna provided further comment on his 'Other Comments' section of the peer review report:

- He questioned the 'approximate' delineation of the existing stream channel.
- He questioned the effectiveness of the 15 inch pipes and suggested that an open box culvert might be more efficient. Mr. Saley explained that they were not considering a box culvert; current plans provide two 15 inch pipes buried 6 inches down, however, they are now considering burying 18 or 21 inch pipes to better convey the flow. Commissioner Hidell asked Mr. Saley if CHA had done any calculations on maximum flow. Mr. Saley said that flow going to that point is 7.6 cfs based on a 25 year storm event. The available capacity of each 15 inch pipe is 4.58 cfs, so with two pipes it would provide over 9 cfs. However, as Mr. Brogna pointed out, when you bury the pipe some of that capacity can be lost and so CHA was changing the diameter of the pipe in order to offset that loss.
- Mr. Brogna stated his concern about the sensitivity of the site, the 6% grade of the driveway and the time of year that construction may occur. He felt that the traffic plan will need to be fine-tuned to avoid erosion into resource areas and on Abington Street. Commissioner Hidell clarified that the traffic plan should be coordinated with the SWPPP.

- Commissioner Hidell asked what the groundwater elevation was of the test pits. Mr. Brogna explained that there was modelling on virtually all. The test pits on the parcel closest to the parking lot for South Shore Collaborative modelled at +/- 2.5 feet. Mr. Saley added that on the 73 Abington Street parcel there was modelling only on one test pit. The Frimpter method was used on all. Mr. Brogna stated where the building and parking lot are proposed it was moist at 138 inches and 110 inches. Testing was done in August 2016 and Commissioner Hidell pointed out that it was in the midst of intense drought. Mr. Brogna proposes 1-2 more test pits in the area of the infiltration systems.

Mr. Brogna concluded his summary and extra comments on his written peer review report and invited any questions.

Commissioner Mclsaac confirmed that there would be curbs on the sloped driveway, therefore water would travel right down to Abington Street. He asked where the nearest catch basin or drainage system was. Mr. Brogna explained that coming out of the proposed driveway, to the right towards Rockland it goes downhill and there is no system to catch it. The river crossing goes under Abington Street a little further to the south. The untreated runoff will go to the sides of the road and get in to the river eventually. Mr. Brogna suggested looking in to pervious pavement. Mr. Saley explained that they had looked in to pervious pavement but that the slope, being in a Zone A, and other factors were an issue.

Commissioner Dubois noted that eliminating the gravel drive would put a greater strain on the main road. Mr. Saley repeated that they had met with Captain Damstra, who said that it was not necessary as an emergency drive. Mr. Brodsky stated that it was a public fire safety issue and that the shorter main drive was preferred. Commissioner Hall asked just how strong Capt. Damstra's preference was. Mr. Brodsky stated that there were other reasons as well: minimizing impact on existing vegetation and reducing impact on the neighbors. Discussion followed with the Commission recalling that the suggestion to use the gravel drive as the main drive had come up at the previous meeting and yet a compelling reason for not using it was not provided. Commissioners Dubois and Hidell pointed out that the proposed driveway would require extensive mitigation, be more impactful and more expensive. Further discussion followed in regards to traffic and the concern for the neighbors; Mr. Saley estimated the gravel road would be 50 feet from the houses. The Commission asked the applicants to consider their concerns as they prepare further changes to the plan.

Commissioner Mclsaac opened the hearing to public comment. There was none, but Mr. Brogna offered two closing comments.

- He expressed his safety concerns in regards to parent drop off and pickup, driving down an icy 6% slope, snow removal and where to put the snow. He knows the plan for snow removal will be fine-tuned as the plans evolve, but he pointed out that some plow drivers may try to push the snow downhill and across the road.
- His second concern is less of a conservation concern but a public safety concern in regards to the playground being behind the building. As proposed, the playground location provides limited access for emergency vehicles and one could assume that accidents will occur on the playground. He also raised the question of who would be the first responder in the event of an emergency: Hingham or Weymouth.

Motion: Commissioner Hall motioned to continue the Notice of Intent hearing for 73 Abington Street DEP 034-1275 to January 23, 2017.

Second: Commissioner Freeman **In Favor:** All **Opposed:** None

171 Otis Street – DEP 034-1282

Applicant: Gary Jacobson

Representatives: David Ray, Land Surveyor & Engineer and Attorney Adam Brodsky

Proposed: Reconfiguration of existing pier & floating docks

The applicant is proposing to reconstruct the existing pier at 171 Otis Street (dimensions not provided) into an 18 ft x 42 ft pier with a 20 ft long gangway that will lead to four seasonal floats, each 8 ft x 24 ft. Based on the submitted plans, it appears as though the proposed pier will be constructed closer to the existing retaining wall. The existing pier's pilings and concrete footers will be removed and replaced with 24 traditional pilings, at least six of which will be driven into

existing salt marsh. The floats will be bottom anchored and rest on 18 in. skids during low tide. The applicant has not proposed any mitigation.

Staff visited the site on 1/3/17. The existing pier is in poor condition, with a piling missing, some unstable, and the decking is in need of replacement. Currently, there is no visible spacing between planks; there is a noticeable break in the salt marsh as a result. As this is a full reconstruction project, staff believes the proposed pier should comply with all of the HWR performance standards for docks and piers.

Staff also contacted the Harbormaster for comments. He recommended the applicant to submit a 10A Moored Float Permit Application to the Harbormaster's Office for review and comment prior to the Commission making a decision.

Adam Brodsky introduced David Ray, the Land Surveyor & Engineer, and the property owner, Gary Jacobson. Mr. Brodsky described the project and suggested that mitigation for the 5 square feet of salt marsh disturbance would include: Thruflow decking, complete removal of the 3-4 ft wide concrete footings (they sit on the beach, no deeper), and raising the pier 6-9 feet in height. If the Commission required salt marsh grass planting, they would take that into consideration. Mr. Brodsky explained that the floats are 8 by 24 feet, wooden with Styrofoam filling, anchored with 5 bottom mushroom anchors, and that they could be towed to a marina for removal and be stored offsite if that were required in the conditions.

Commissioner Hidell further questioned the applicant and the answers included: there would be a boat seasonally moored at the end of the dock, there would be no lateral storage of boats along the dock, there is 2 feet of mean low water at the end of the dock, and at low tide, no water.

The Conservation Officer explained that all seasonal floats are permitted through the Harbormaster's Office. She had shared the NOI application with the Harbormaster to get his opinion and he requested that a 10A Moored Float Permit Application be submitted to be formally reviewed by his office. Mr. Brodsky disagreed; as part of their Chapter 91 license application they have requested a license for the floats. So, if DEP licenses the floats there is no need for a 10A permit. He added that the Harbormaster had commented on the Chapter 91 license application. Results from the Chapter 91 license application have not yet been received because they need to have an Order of Conditions and also a special permit from the Zoning Board of Appeals; when these two items are completed, then DEP will act on their application.

Commissioner Mclsaac asked the Conservation Officer about the rebuild aspect of the project. The Conservation Officer repeated her view that with the entire existing structure being removed and the proposal of a brand new structure, the expectation should be that they adhere to the town's regulations. Chairman Mclsaac asked if doing so would reduce their footprint to which the Conservation Officer replied not necessarily, that the applicant could go as far as 150 feet out with the pier (currently their proposal is for 130 feet) but that the width would be reduced to 4 feet. Discussion followed regarding the purpose of regulations, existing piers, and length of pier.

The Division of Marine Fisheries sent a letter to the Conservation Office earlier in the day. Copies of the letter were distributed to the applicants. Mr. Brodsky said that they could do a shellfish study if required. Commissioner Hidell pointed out that one problem from a regulatory point of view is that the floats, at low tide, will sit on the ground and potentially on the shellfish beds, leaving their imprint. Mr. Brodsky explained that the floats will sit on 4 inch wide skids.

Commissioner Mclsaac asked about effects on the salt marsh and Mr. Brodsky expressed his belief that the salt marsh will benefit from the Flowthru decking, the height of the pier and removal of the concrete footings. Commissioner Hidell asked the Conservation Officer about any precedents. The Conservation Officer brought up 186 Otis (brand new pier) and 191 Downer Ave (kept pilings and improved decking).

The Conservation Officer expressed her concern with the number and size of floats. Chairman Mclsaac stated that it seemed less intrusive in overall length and eliminated the need for pilings. Discussion followed regarding scouring, chains and anchors (mushroom and helix), lateral movement, piling installation being a onetime disturbance versus continuous disturbance with moving floats.

Commissioner Freeman observed that the Commission has very detailed, specific regulations that it should be implementing. While conceding that there might be good low impact components with this proposal, she had reservations about making decisions not consistent with what is laid out in the regulations and that if regulations are reduced to 'vague guidelines' and only loosely followed, then the Commission should perhaps revisit the regulations.

Commissioner Hidell proffered that if the floating docks were linked with a band of aluminum and 3 pilings were driven in on each side, it would eliminate sideways movement and reduce scouring. He stated that by eliminating the chains, it minimizes a lot of damage that is anticipated in the regulations. With this suggestion the pilings would remain in place and if high enough, could be anchored above ice flow. He pointed out the need to minimize disturbance to sediment; pilings do not disturb sediment.

Mr. Ray explained that his reluctance to use permanent pilings is because of frost heaves; he would prefer to install a seasonal system to minimize winter damage. He stated he had tried to minimize the number of mushroom anchors. He then presented another option; to change to a series of helix anchors, positioned tight in to the float and connected to the docks with short heavy chains would almost eliminate lateral movement.

The Conservation Officer asked if there had ever been seasonal floats permitted at the property in the past. Mr. Brodsky responded that the license contained a seasonal float option. Gary Jacobson stated that the previous owners had floats in the water.

The Conservation Officer asked if the Commission would be interested in restricting the width of the pier so that 6 new pilings are not driven into healthy salt marsh. Mr. Ray stated that the new Flowthru deck would be slightly smaller in area than the existing deck, be closer to the shoreline and he believes that salt marsh will migrate underneath the new decking. Chairman Mclsaac asked if there was any knowledge of how well 191 Downer Avenue's attempt at salt marsh restoration was progressing; it was a part of their conditions. The Conservation Officer explained that the supply of salt grass ran out so there is no progress reported back as yet.

Commissioner Freeman asked for clarification on the dimensions of the old pier, new pier and what the regulations state for new piers. Mr. Ray could not provide the old pier dimensions, but stated that the proposed pier dimensions are 18 by 42. The Conservation Officer referred to the regulation on pier sizing and pointed out that the regulations make no exception for 'new' piers or docks; they simply refer to 'all' docks. Discussion continued regarding dimensions, regulations, the Chapter 91 license for the original pier, and existing versus new construction.

Mr. Brodsky confirmed with the Commission that they will continue the hearing and return with a revised plan with helical anchor system.

Commissioner Mclsaac invited any comments from the public. With no public comment, Commissioner Mclsaac closed the hearing to public comment.

Motion: Commissioner Freeman motioned to continue the hearing for 171 Otis Street January 23, 2017.

Second: Commissioner Mosher **In Favor:** All **Opposed:** None

39 Eldridge Court – DEP 034-1280

Applicant: Deborah Tompkins Smith

Representative: Carmen Hudson and John Cavanaro

Proposed: Demolition & reconstruction of a single family house

The applicant is proposing to demolish and reconstruct a single family house and construct a detached garage at 39 Eldridge Court. The proposed house and deck will be constructed almost entirely within the footprint of the existing house, driveway and lawn. Approximately half of the proposed house is outside of the 100 ft buffer zone; the remaining portion and proposed deck are within the 100 ft buffer zone. The proposed garage will be constructed over the existing

driveway and lawn, and within the 100 ft buffer zone. Approximately 122 sq ft of the proposed garage and a relocated 60 sq ft spa will be located within the flood zone. The applicant has proposed 182 sq ft of compensatory flood storage within the 50 ft buffer zone. An existing chicken coop will be relocated within the 100 ft buffer zone and an existing garden at the edge of the resource area will remain in the same location.

Staff visited the site on 1/3/17. The existing driveway is gravel and the lawn is fairly flat, with the last 25 ft leading to the salt marsh being slightly steeper. Phragmites is growing in the salt marsh. Staff noticed leaves and other lawn debris along the edge of the salt marsh. Section 23.6 (e) of the Town of Hingham Wetland Regulations states, "Dumping of lawn wastes, brush or leaves or other materials or debris is not permitted in any Resource Area." The leaves and lawn debris should be removed from the edge of the salt marsh and properly disposed of, and the dumping should be discontinued. Staff recommends relocating the existing garden farther away from the resource area and outside of the AE flood zone.

The area of the proposed house, compared to the existing house was not provided, nor were the dimensions of the new deck, however staff does not believe the reconstruction of the proposed house and deck will negatively impact the resource area. The dimensions for the proposed garage were also not provided, however staff believes the proposed compensatory flood storage is adequate and the proposed garage will not adversely impact the resource area. The creation of a depression within the 50 ft buffer zone to provide for compensatory flood storage should not have an impact on the resource area. Staff also recommends positioning and constructing the depression in a way that preserves the nearby trees and their root systems.

Representative John Cavanaro reviewed the project. The Conservation Officer and Mr. Cavanaro discussed the construction of the flood storage area and the maintenance of the spa. Mr. Cavanaro said that he didn't envision a problem with the tree roots as the depression is only 6 inches deep. The Conservation Officer noted that special condition #14 requests that the soil be removed from the site.

Commissioner Dubois asked about the debris mentioned in the memo. The Conservation Officer described it, asked the applicant about their composting and gardening plans, and explained the Commission's preference for a designated composting system. The applicant stated that they had already been looking in to that.

Commissioner Mclsaac invited any comments from the public. Neighbor Thomas Lesko of 37 Eldridge Court spoke up in support of the project. With no further public comment, Commissioner Mclsaac closed the hearing to public comment.

Motion: Commissioner Freeman motioned to issue an Order of Conditions for the proposed work at 39 Eldridge Court, as shown on the submitted plans, and adopt the findings of fact a and b, and special conditions 1 through 17 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. 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.
8. Any debris, which falls into any resource area, shall be removed immediately by hand.
9. Any on site dumpsters shall not be located within 50 feet of any resource area.
10. There shall be no stockpiling of soil or other materials within 50 feet of any resource area.
11. 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.
12. No vehicle, or other machinery, refueling, lubrication or maintenance shall take place within 100 feet of any resource area.
13. 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.
14. The soil excavated from the compensatory flood storage area shall be properly disposed of at an off-site location.
15. There shall be no discharge of any pool or spa water within 100 feet of any resource area. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
16. 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.
17. 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: Commissioner Mosher

In Favor: All

Opposed: None

23 Beach Road – DEP 034-1279

Applicant: John & Grace Kennedy

Representative: Kenneth Thomson

Proposed: Demolition and construction of a single family house & driveway

The applicant is proposing to demolish and reconstruct a single family house at 23 Beach Road. The existing house has a wall foundation with a full basement. The proposed house will be constructed on pilings to allow for the free passage of flood waters. A gravel pad is proposed under the house to allow infiltration of rain and flood waters. The footprint of the house will increase from 860 sqft to 1,163 sqft (an increase of 303 sqft). The increase is mostly within the 50 ft buffer zone, however the proposed house will not be any closer to the resource area than the existing house.

The applicant will also be reconstructing a slightly larger deck (484 sqft, an increase of 284 sqft). The planking on the proposed deck and stairs will be spaced 1/4 inch apart to allow water to seep through and infiltrate the ground. A gravel pad is also proposed under the deck and stairs to allow for infiltration and minimize erosion. An existing 80 sqft walkway will be removed and replaced with gravel. The driveway will be gravel as well. Overall, the impervious area will increase by 223 sq ft.

Staff visited the site on 1/3/17. The lot is fairly flat and has been previously disturbed. The existing house is in disrepair. The existing driveway seems to have consisted of gravel in the past. The rear portion of the lot is maintained as lawn. A fence separates the lawn from an existing retaining wall and the coastal bank. There is evidence that a large tree has recently been removed from the rear portion of the lot, south of the existing deck. Staff recommends replacing this tree with a native tree species in the final landscaping. Overall, the proposed improvements should benefit the resource area by largely working within the existing footprint and accommodating for the passage of flood waters.

Ken Thomson, botanist and soil scientist, reviewed the proposal details for the Commission. The applicant proposed to mitigate the removal of the large tree by planting two native shad bushes.

Commissioner Mclsaac invited any comments from the public. A neighbor from 222 Wompatuck Road spoke up in support of the project and another neighbor from down the road was also there in support. With no further public comment, Commissioner Mclsaac closed the hearing to public comment.

Motion: Commissioner Dubois motioned to issue an Order of Conditions for the proposed work at 23 Beach Road, as shown on the submitted plans, and adopt the findings of fact a and b, and special conditions 1 through 16 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 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. 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.
8. Any debris, which falls into any resource area, shall be removed immediately by hand.
9. Any on site dumpsters shall not be located within 50 feet of the coastal bank.
10. There shall be no stockpiling of soil or other materials within 50 feet of the coastal bank.
11. 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.
12. No vehicle, or other machinery, refueling, lubrication or maintenance shall take place within 50 feet of the coastal bank.
13. 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.

14. 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.
15. 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.
16. Prior to the issuance of a Certificate of Compliance, the native tree planting shall survive at least two full growing seasons.

Second: Commissioner Freeman

In Favor: All

Opposed: None

4R Foley Beach Road – DEP 034-1281, continued to 1/23/17

Applicant: Theodore Sharp

Proposed: Demolition and construction of a single family house & driveway

The applicant mistakenly notified only the abutters within 100 feet of the project, rather than the required 300 feet (for a coastal project), and agreed to continue to the January 23, 2017 meeting in order to notify the additional abutters.

Other Business

1. Commissioner McIsaac asked if there had been any response from 190 North Street in regards to the Enforcement Order. The Conservation Officer explained that the office had not yet received the certified mail slip back from the post office indicating that it had been delivered.
2. The Conservation Officer presented the following changes to the "Revised Wetlands Bylaw Fees" handout:
 - The handout states that after-the-fact filing fees are doubled. No documentation regarding this fee or when it was added could be found in the office records. Instead of relying on that one piece of paper as the basis for that fee, the Conservation Officer thought it should be noted in the regulations before being placed on the fee schedule.
 - The handout placed Category 5 under Boundary Delineation. An updated handout would have it listed under NOI. Category 5 refers to docks and pier projects.
 - Boundary Delineations: there is a per foot charge for this and there is currently no cap on the amount. The fees can grow astronomical. The state has a cap on their fees: \$200 for residential and \$2,000 for all other projects. Both Norwell and Cohasset have the same caps as the state. Without a cap, the Commission will continue to be faced with applicants requesting waivers for excessive fees.
 - Without knowledge of the public notice requirements, the Conservation Officer didn't want to enact changes immediately, and offered to work on an agenda item for the next meeting.

The meeting adjourned at 9:17 PM.

Submitted,

Sylvia Schuler, Administrative Secretary

Approved on January 23, 2017