



CONSERVATION COMMISSION MEETING MINUTES – February 6, 2017

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

Absent: Adrienne DuBois, Paul Hall

The meeting was called to order at 7:00 PM.

Approval of Minutes

Motion: Commissioner Morrissey motioned to approve the minutes from the January 23, 2017 Commission meeting.

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

Certificate of Compliance

58 Union St – DEP 034-1204

Applicant: Bruce Zaro

An Order of Conditions was issued in September 2014 for the construction a garage and workshop. Staff visited the site on 1/30/17. The garage adheres to the final approved plans. The workshop was constructed approximately 4 feet further south than originally approved, placing it farther away from the resource area. Staff does not believe the new location of the workshop will negatively impact the resource area.

The applicant proposed to replace several (12-15) trees that were removed prior to filing the Notice of Intent. The original replacement trees did not survive the drought and new trees have since been planted. The applicant also intended to cut and replace (annually) one or two pine trees around the holiday season. The applicant no longer intends to harvest any trees for personal use.

Staff noted yard waste, in the form of tree debris as well as stones and lumber, within the 50 foot buffer zone. Staff requests the applicant remove the debris outside of the buffer zone as soon as possible. Overall, the as-built plans adhere to the final approved plans.

Motion: Commissioner Freeman motioned to issue a Certificate of Compliance for 58 Union Street, DEP 034-1204.

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

Request for Determination of Applicability

33 Mast Hill Road

Applicant: Tamil and Diane Mohamed

Representative: Tish Campbell, Amy Martin Landscape Design

Proposed: Patio rebuild and regrading

The applicant is proposing to rebuild an existing 765 ft² brick patio at the rear of the house, 200 ft² of which falls within the 50 foot buffer zone. The new 777 ft² patio will consist of concrete pavers on a flex-based system with polymeric sand joints. The new patio will only extend 100 ft² into the 50 foot buffer zone. A crushed stone swale will run along the northern edge of the new patio, within the 50 foot buffer zone, to decrease the flow of runoff. A railing will also be installed on concrete footers along the northern edge of the patio for safety.

On the western edge of the patio, where an existing stairway, brick pathway, and retaining wall exist, the applicant is proposing to construct a 300 ft² deck in the 100 foot buffer zone. The retaining wall will be rebuilt and expanded, and back-filled with crushed stone to help with the drainage. Further west of the proposed deck, a boulder retaining wall will be constructed to extend the existing grade and lawn area to the 50 foot buffer zone.

On the eastern side of the property, the grade will be reduced by approximately 3 ft by removing approximately 600 ft² of construction fill in the 100 foot buffer zone. The area will be converted to lawn and the excavated material will be removed from the site.

On the north side of the patio, within the 50 foot buffer zone, invasive species will be removed and a large native planting bed will be created. To remove some of the invasive plants, a small excavator will be used. The replanted area will be covered with composted leaf mulch and under planted with native sedge plugs. The landscaping on the entire property will also be improved, with over 500 plants proposed.

Staff visited the site on 1/30/17. The rear of the property is very steep leading to the resource area. The slope is supported by terrace like steps, retaining walls and planting beds. Between the disturbed areas and the resource area, a dense layer of brush exists, part of which will be removed. There was evidence of at least four trees being removed from the eastern side of the house, within the 100 foot buffer zone.

Tish Campbell, from Amy Martin Landscape Design, reviewed the project. She stated that for child safety there would be a railing on the edge of the patio. There will be 2 layers of erosion control barriers between the work and the resource area. There is a steep hummock at the side of the house which will be regraded allowing the children to circle the house, as well as slow down any water runoff allowing better percolation. She stated that material generated from removal of the steep hummock would be removed.

The Conservation officer observed that the work is taking place in an area already disturbed. She also suggested that she could add a 6th condition to remove any excavated materials offsite.

Motion: Commissioner Freeman motioned to issue a Negative Determination of Applicability for the work proposed at 33 Mast Hill Road, as shown on the submitted plans, and adopt the findings of fact a and b, and conditions 1-6 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 any excavation or construction, erosion and sediment controls shall be installed, as shown on the final approved plan; 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.
3. There shall be no stockpiling of soil or other materials within 50 feet of any resource area.
4. Subsequent efforts to control invasive species within 50 feet of any resource area shall be performed by hand.
5. The Conservation Department shall be notified to any changes in plans prior to proceeding with said changed plans.
6. All materials excavated and cleared from the site shall be properly disposed of at an off-site location.

Second: Commissioner Morrissey

In Favor: All

Opposed: None

Extensions of Order of Conditions

35 Hobart Street – DEP 034-1187

Applicant: Brian Murphy, Demos Realty Trust

The original Order of Conditions for 35 Hobart Street was issued in 2004 (DEP 034-745) for the construction of a single family house along with a garage, driveway, septic system, utilities, grading, wetland crossing and wetland replication area. The applicant received a one-year extension and before the expiration of that extension (2008), requested a three-year extension, which was denied by the Commission; it is not clear why. The applicant refiled in 2014 (DEP 034-1187) and was issued an Order, which expires this month. To date, the wetland crossing and wetland replication work has been completed, however no other work has commenced. The applicant anticipates filing for building permits this spring and is requesting a three-year extension to the Order.

Staff recommends issuing a three-year extension to 35 Hobart Street (DEP 034-1187). The new expiration date for the Order of Conditions will be February 26, 2020.

Motion: Commissioner Morrissey motioned to issue a three-year Extension Permit for the Order of Conditions issued to 35 Hobart Street (DEP 034-1187).

Second: Commissioner Hidell

In Favor: All

Opposed: None

90 Chief Justice Cushing Highway – DEP 034-1021

Applicant: Thomas Iaria

The Order of Conditions for 90 Chief Justice Cushing Highway was issued in April 2010 for the construction of a half-acre cranberry bog, including an access roadway, water supply well and pump house. The Permit Extension Act pushed the expiration of the Order to April 2017. The applicant has started work on the bog, but needs additional time to install the irrigation well, apply the last layer of sand on the bog, and vegetate the bog. The applicant is requesting a two-year extension to the Order.

Staff recommends issuing a two-year extension to 90 Chief Justice Cushing Highway (DEP 034-1021). The new expiration date for the Order of Conditions will be April 22, 2019.

Motion: Commissioner Mosher motioned to issue a two-year Extension Permit for the Order of Conditions issued to 90 Chief Justice Cushing Highway (DEP 034-1021).

Second: Commissioner Hidell

In Favor: All

Opposed: None

151 Leavitt Street – DEP 034-1184

Applicant: John Farrell

The Order of Conditions for 151 Leavitt Street was issued on February 26, 2014 for the construction of a single family house along with a driveway and utility connections. The applicant has finished the majority of work, but still has to complete the landscaping and buffer zone plantings, which cannot be carried out in the winter. The applicant is requesting a one-year extension to the Order of Conditions.

Staff recommends issuing a one-year extension to 151 Leavitt Street (DEP 034-1184). The new expiration date for the Order of Conditions will be February 26, 2018.

Motion: Commissioner Hidell motioned to issue a one-year Extension Permit for the Order of Conditions issued to 151 Leavitt Street (DEP 034-1184).

Second: Commissioner Freeman

In Favor: All

Opposed: None

Commissioner McIsaac read the Public Hearing Notice of Intent.

Notices of Intent

86 Pleasant Street – DEP 034-1274, continued from 12/19/16

Applicant: Capell, LLC

Representative: John Cavanaro, Cavanaro Consulting

Proposed: Replacement of an existing corral with a covered riding ring

In November 2016, the applicant submitted a proposal to remove an existing covered corral and open riding ring, and construct a new covered riding ring. After meeting with concerned abutters and learning more about the history of the property, the applicant has significantly scaled down their proposal. The existing structures will remain on the site and no new structures will be built. Instead, the applicant is proposing to resurface the open riding ring (currently sand) with a mixture of sand and textiles.

The applicant is also proposing to replace an isolated vegetated wetland (IVW) that was recently and inadvertently filled on the property. A new 1,100 ft² IVW will be constructed in the northeast corner of the property, within the 100 foot buffer zone and Riverfront Area. The site will be cleared, excavated, backfilled with wetland soils and planted under the supervision of a wetland scientist. Forty-five native plants, including trees and shrubs, have been identified for the area. The applicant has proposed to monitor the area for the first two growing seasons and submit monitoring reports to the Conservation Department no later than December 15th of each year. The goal is to achieve 75% re-establishment within two years. Staff is fully supportive of the wetland replication work.

On Friday, 2/3/17, the applicant's representative met on site with the arena installer, who, upon learning that the proposal was no longer for a covered riding ring, recommended using GGT (German Geo Textile) rather than a previously suggested product, TruStride. Concerns staff had with TruStride apply similarly to the newly proposed GGT material: the likelihood that the product will float in standing water, the composition of the textiles, and impacts on the resource area, if the product disperses in a flood. Staff also had several questions regarding the conversion of the open riding ring from a sand surface to the GGT surface: 1) Will the existing sand serve as a base for the new material or will it be excavated? 2) Will a new base be required for the new material? If so, what will be used?

Carmen Hudson (Cavanaro Consulting), Brad Holmes (ECR, LLC) and Allen St. Peter (applicant's representative) were present to discuss the revised plans.

Ms. Hudson explained the changes and stated that the replacement of the IVW would be in an area closer to existing wetlands and outside of a fenced area where it would be physically protected. The property is located in the riverfront of the Weir River and the riding ring is partially located within the 100 foot buffer zone. A silt sock would be used to protect the resource areas during the construction.

Ms. Hudson provided a sample of the GGT product. The existing sand in the riding ring would be removed before any additional materials were added, so the surface elevation would not change. She further explained that the fibers are cohesive; they serve as a mesh with the sand which allows rain to flow through, reduces dust, provides better cushioning for a fall, better footing for the horses and does not compact easily.

Commissioners Hidell and Freeman asked for clarification of the layers. Ms. Hudson explained: Top = 5 inches of sand and textiles (GGT polymer & fibers mixed with sand); Middle = layer of geotextile fabric, 6 ounce nonwoven filter fabric to allow water to flow through; Bottom = 5 inches of crushed stone.

Commissioner Hidell asked two questions: What happens to this material if it gets flooded? How often does this area get flooded and what is the velocity of the water when it floods? Ms. Hudson addressed the flood question first, stating that they don't normally study the velocity of a flood. She estimated that close to the river, it floods yearly and stated that the hundred year storm flood elevation is 26 feet. She stated that along with the new material, they will install ties or boards (approximately 8" by 8") around the riding ring, to provide additional protection from the potential dispersal of material.

Commissioner Mclsaac stated he has personally seen this area completely flooded twice since 2000, with 3 feet of water in the area of the riding ring which would totally overwhelm an 8 inch barrier. Discussion followed regarding this extreme flooding, the properties of the new material and its likelihood to float or sink. The Conservation Officer stated that since the new material was suggested, she had not had the time to investigate it in detail. She explained that with the TruStride product that was initially proposed, she had included a special condition that prohibited any replacement of material without clearance by the Conservation Commission, so that, in the event of a flood, if the material did not sink and stay in place as billed, it could not be replenished with more of the same. This same condition could be applied to the GGT material as well. (“There shall be no additional alteration, including replacement material of any kind or quantity, of the surface of the open riding ring without the review and approval of the Commission. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.”)

Mr. St. Peter stated that Michael Waidlich of East West Arena Construction recommended this GGT product as being more appropriate for an open air riding ring and mentioned some colleges in southeastern MA and CT that have used this product. Mr. St. Peter also clarified that the perimeter would have 2” by 8” pressure treated edge boards around the perimeter.

Ms. Hudson explained that the GGT is just the polymer and pieces of fabric, which is blended with a certain proportion of sand to create the desired blend. The blend proposed by the East West Arena Construction is Pleasure Blend (*post-meeting research clarifies that each ‘blend’ of GGT is actually defined by the proportion of geotextile to fiber. The Pleasure blend consists of 90 % nonwoven geotextile and 10% polyester fiber. This blend would then be combined with clean sand to reach the desired consistency*).

Mr. St. Peter explained that the whole installation process would take 4-5 days. Commissioner Mosher asked if the product arrives already blended with sand. Mr. St. Peter answered that he believed it would come already blended and ready to grade.

Commissioner Freeman inquired about the reasons for replacing the riding surface. Commissioner Hidell and Mr. St. Peter responded that pure sand is not ideal for the health of the horses.

Discussion followed regarding the potential benefits of this product and also about the unknown composition of this material. Commissioner Freeman commented that regardless of the benefits of this product to an arena, the Commission needs to be consistent and deal only with the facts and science of how it might affect the resource area. The Commission was in agreement that more knowledge of the composition of this product was necessary before a decision could be made. Ms. Hudson requested that, as the research progresses, if any information turns up that seems negative towards this product, the Conservation Officer might pass that information along to them so that they know to explore other options.

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 Notice of Intent hearing for 86 Pleasant Street, DEP 034-1274, to February 27, 2017.

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

73 Abington Street – DEP 034-1275, continued from 1/23/17

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.

The applicant continues to address Paul Brogna's peer review comments. As of February 2, 2017, the applicant had not submitted any new information to the Conservation Department. On Friday, February 3, 2017, the applicant emailed a request to continue the hearing to the February 27, 2017 meeting.

The meeting adjourned at 8:13 PM.

Submitted,

Sylvia Schuler, Administrative Secretary

Approved on February 27, 2017