

**Town of Scituate
Conservation Commission
Town Hall Selectmen's Hearing Room
Meeting Minutes
November 2, 2016**

Meeting was called to order at 6:18 p.m.

Members Present: Mr. Snow, Mr. Harding, Ms. Caisse, Mr. Mitchell, and Ms. Scott-Pipes.

Also Present: Patrick Gallivan, Agent and Carol Logue, Secretary

Agenda: Motion to accept the agenda Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Informal: Trail Maintenance:

Richard & Marla Minier and Howard Matthew were present. Mr. Snow: Howard and Rich do 99.9% of the trail maintenance. Rich jumped in a couple years ago. Trails on Ellis and Bates Lane are fantastic. Appreciate the work done, it is huge. When there is a storm Howard is out there the next day and reports back by e-mails. GREAT job. Marla would like to move it up a notch. When on the CPC, major complaint was the public didn't have access. Would like to cut some new trails, as well as maintain what we have. Would like to do some research at other south shore towns using Frank's name as representing the Commission. Need more people helping out; maybe 10 working in teams, reporting back to a central database. Mr. Snow: think it is a great idea. Pat helped with the maps in Hanover. Maybe have folks adopt a trail that would be willing to get back to us. Work to get that network together, especially the reporting. Ms. Scott-Pipes: people came in a couple of years ago to discuss, but then only one person came back after that. Find out who is really interested and get it coordinated. It's fine if you want to go out to other towns to see what attracts people; perhaps develop a plan. Mr. Harding: Is there any reason she couldn't be an Associate Member? Need a point person. No reason. Some of the towns seniors can work so many hours, but that would be a question of reporting to the town. Takes a town employee or representative to get hours recorded. Meeting with Paul Scott to get the parking areas going; supposed to meet with TA tomorrow morning. Then will have access to Crosbie, Damon, and Higgins/McAlister. Indian Trail out to Gannett is almost finished. Might need an inspection and a little tuning up. Howard: ask the towns how they lay out the new trails. Saw a little at the Wildlands Trust and then overlay them on a map. Maybe we could find somebody that has the skills to do that. Historic trails on website that Lisa Fenton put together. If you can get people involved, Pat has a couple of contacts. Motion to make Marla Minier an associate member Mr. Harding. Second Ms. Caisse. Motion passed by unanimous vote.

Request for Determination: Town of Scituate, 119 Edward Foster Road (shed for electrical & retail)*

Steven Moan, Scituate Harbormaster was present at the hearing. Proposing a 10'x14' shed to house the electrical system. Existing shed has been flooded in the past; it is a safety hazard; someone could get electrocuted; will make it a lot safer; there will be some trenching involved. Retail is just for boating people. Mr. Harding: would building be demolished? Probably removed. It would open up the area. Mr. Snow: do you really want to remove it? Mr. Gallivan: it is part of the agreement. How will it be secured? Will get more detail from building. There will be a wheelchair ramp up to the entrance and possibly put in flood vents. Mr. Harding: Do we need anything more formal? As long as we get a detail of how it will be secured; under 200 sq. ft doesn't require a permit. Motion for a negative 3 determination - "The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions (if any)." - Detail of how shed will be secured shall be submitted to the Conservation Commission for approval. Ms. Scott-Pipes. Second Mr. Harding Motion passed by unanimous vote. When doing a trenching be careful of the loose soils.

Wetlands Hearing: Martin, 264 Clapp Road (remove dead, storm damaged trees & debris and replant native vegetation) (cont.)

Applicant requested a continuance to the next meeting. Motion to continue to November 16, 2016 at 6:50 Mr. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote. Send something that says no more work. Sent an e-mail this week. Ms. Caisse: needs to be clear.

Informal: Christopher Harrison, contractor and Maureen Condon (Seastrand), 97 Edward Foster Road were present. Building a 24' x 24' addition and received a Minor Activity Permit to move some material dug out for the addition to a depression in the lawn. Received an e-mail that there was concern that there was more material left in the lower area. It is not finished and it is not all staying. Excavator chose to put the material on solid ground; it was a driveway many years ago. Tomorrow it will be pulled out and put where it is meant to go. Trying to use as much of the material from the addition as possible in the yard. Mr. Snow: recall you wanted to fill a small area around the statute. Drove by and saw material spread across the whole yard. Fairly big violation and absolutely should not have happened. Mr. Gallivan: the intent was to put it in a soggy area. Looks a lot worse than what it will look. Will only put it where we agreed and remove the rest. Mr. Snow: Didn't agree on that as a stockpile area; it is spread across the whole yard. Doesn't the picture look like it? Commission agreed. Where the driveway was, it's thinned out, but he couldn't get it raked out to plant grass. May not be the best lawn, but put rye grass seed down. There should be some erosion controls, either haybales or silt sock around it and bring it up the road some so silt doesn't go into the marsh. We set up the Minor Activity Permits for small projects, not to be used for extensive projects. Mr. Harding: appreciate you coming in. Mr. Snow: Do they need a Request for Determination for the work? It is out of the 50' buffer.

Informal: 34 Bailey's Causeway: Jeff Doolyn: question on the raze and rebuild and pouring a new foundation. This has an Order of Conditions, but before going too far the elevation is 10' at one corner and 8' at the other. In front is a mounded septic system also at 10'. Would like to level out and bring all to 10' no farther than the new deck. House is between the 50' and 100' and in the floodplain. Existing vegetation and invasive species will be removed and replaced with suggested species. DEP was asked and fill was allowed on Tenth Ave., however, they decided to put in a retaining wall. Have to make sure it doesn't cause any off site flooding. Mr. Snow: think we could entertain

some regrading. Maybe accept a revised plan with topography, so when a Certificate of Compliance is requested it won't be different than the original plan. Sketch or revised plan for the fill; need something that shows what you are doing. Also give an idea of how much material will be used. When we see the sketch we could vote. At the preconstruction with Pat, make sure everything is in place.

Informal: Revised proposal for Roach Field Parking: Applicant requested a continuance to the next meeting.

Informal: 39 Surfside: Jeff Robards was present. Looking at acquiring the house, but would like to build a garage with a 2nd story. Brought some sketches, but before developing more detailed plans would like to know if it is possible. There will be no bathroom, but will be insulated and have electric. Mr. Snow: need to be careful, usually the applicant goes to an engineer to look for feasibility. If we say we think it could work and there is something we missed tonight . . . Not trying to get all answers, just want some comfort. Next step would be to talk to an architect, engineer, and builder, but I know I would be taking a risk. Lateral expansion to a home is treated differently; it would require Planning and Zoning Board approval. If detached it is a whole different set of requirements. Don't want the ocean to be blocked. Would like access from the house. We would exit the house, cross the stone patio, under a covered walkway adjacent to a door; stairs will be interior. It is in an AO flood zone. We've allowed garages in lower elevations, but it would have to be on piles or piers with a ramp; needs to be open underneath to allow the water to go through. We can't give too much direction. Probably should talk to Zoning. Sounds like there is not an easy answer. Mr. Harding: No, not a simple process. Can look around and see what other people have done. Mr. Mitchell: living space changes it dramatically. Zoning determines the impact on a lot.

Informal: 25 Bayberry: John Barron, 14 Bayberry Road. As an abutter, would like to raise a little more awareness. Saw very heavy pile driving machinery close to the marsh, thought I would be notified of a public hearing. Commission should come down to the site. The work is within the 50' buffer, some within 10'; close to the saltmarsh line; fully within floodplain and wetlands protection district with tidal flow regularly. Lot was almost full of water, except where the house is at present. Potential for more flooding during storms. As of now water does not get to his house. Where the water goes is critical to the street and neighborhood. Mr. Snow: things mentioned tonight are important. They will file with the Commission, will have to meet criteria for a foundation and can't shed or direct water to other people's property. This is a preexisting home, if this was a lot that had nothing on it, it would be different, but people have the right to change or elevate, if all the issues can be addressed. Machines were trying to find out if there is peat or fill to determine the type of foundation. If the work is invasive they could file a Request for Determination. They were very close to the marsh with the heavy machinery. Pat was out there, work was done on the existing lawn. They thought it would be less impact to reach with the larger equipment; he did come in and ask. Usually test to some degree without a lot of excavating. It was invasive and disturbing it was in the saltmarsh.

Request for Determination: O'Brien, 8 Bonnie Briar Circle (family room extension/landing/steps/front porch)*
Bob Vogel, 22 Mann Lot Road was present at the hearing. Designing a family room extension, landing, steps and front porch for the O'Briens. Simple project: there was a breezeway that was made into a three season breezeway, slab on grade. Will take that out and create a new family room 22' x 12'. The 50' buffer comes quite close to the new construction. In order to make sure 50' isn't impacted, the construction is cantilevered with the rest on sonotubes. The steps are the closest, one step is a few feet away. There is existing lawn in back. Wetlands line was established in 2011 when the septic was replaced. Mr. Snow: addition is between house and existing garage anyway. Mr. Gallivan: check box D under the bylaw and pull out the lawn clippings and tree branches from the left side. Also there is a big area of gravel, if it has been there for a long time leave it, but don't add to it. Motion for a negative 3 determination - "The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions (if any)." - Lawn clippings and debris shall be removed from the back of the house on the left next to the wetland. No further debris shall be placed there. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: McCarthy, 10 Country Club Circle (garage bay/living space/relocate deck/pave)*
A continuance was requested. Motion to continue the hearing to November 16, 2016 at 7:00 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Raphael, 12 Blanchard Road (unattached garage/in-law apartment above) (cont.)
Steven Wry with Land Planning and Dave Raphael were present at the hearing. Discussed comments from last meeting with Pat regarding elevation and impervious surfaces and came up with a revised plan. Handed out revised plans. Show new elevation of 14'. Would like to keep driveway asphalt because it is asphalt now; we feel it would be a wash out problem if it wasn't pavement. Existing impervious areas is about 2337', including the shed, driveway and house and proposed is an additional 784' for the garage and 256' for the driveway for just over a 1,000 sq. ft. Existing impervious coverage is about 15% proposed is 21%. Did not provide any subsurface infiltration system for the roof runoff; didn't think it was appropriate. Plan meets federal and state requirements for flood protection. Talked to a botanist about a mitigation plan for wildlife value around the marsh. Planting 6 beach plums across the back. Received a special permit from the Planning Board. Mr. Gallivan: seems like the pavement will work better in this case. Mr. Harding: any strong feelings about roof runoff? No, there is a trench on the north side. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Nash, 22 Indian Trail (remove deck/same footprint kitchen/porch/deck)*
James Nash was present at the hearing. Project: tear down an existing deck, rebuild with a kitchen extension, deck and screened porch. Plans weren't up to specification. Brought site plan to an engineer to verify all his calculations and wetlands delineation was approved for a septic project. Contacted Mr. Holmes, who then e-mailed Pat and explained his methodology for that delineation. Mr. Gallivan: he didn't use the dateforms or a narrative. Line looks good, but we could say if there was any future work the wetlands should be reflagged. Wetlands are hanging off the back porch. The other question was machinery; will not use a bobcat everything will be hand dug. Indicated silt sock for erosion controls on the plans. Could probably get away with a silt fence; maybe place 10' off the work area. There is no stockpile area. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Bylaw Order of Conditions: Diamond Development, 290 Hatherly Road
Motion to condition the project Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Order of Conditions: Meade, Lots 1A & 2A (704) Country Way (new build)

Motion to condition the project Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Coastal Advisory Commission Update: Mr. Harding: Meeting next Tuesday, but can't be there. Mr. Snow will try to be there.

Beach Committee Update: No update.

Update: Peer Review for 23 Sunset Road: contacted wetland review person from down the cape and he wanted to know how much old file work he would have to go through and there is quite a bit. May want to have two people and a bidding on this, recommend someone outside of town. Ms. Scott-Pipes: thought you wanted someone with soils experience. Horsley Whitten has both wetlands and soils; will call tomorrow. The hearing is December 7. Seems like a key decision how that wetlands became isolated; go with the ones that can give us the information we need. Mr. Snow: made no comment.

0 & 23 Parker Road: Amended Order they are in for a Certificate of Compliance. There are a lot of changes from the original to the Amended. It is a little complicated. Need to sit down to go through with the property owner or his attorney and someone from the Commission. They were going to have a huge retaining wall. There was a small wetlands at the base of the wall; had a lot of hearings and discussion and maybe even lost a member over that one. There are a lot of conditions. The original request was to bring a level lawn out to the drop off, but it would be so expensive for all the fill needed, they terraced it instead. Went by there, a lot of area down below that was wetland was untouched; believe there is a small wall at the bottom. Will try and get it back for the November 16th hearing.

Enforcement Discussion & Updates:

Rousseau, Contractors yard off NewDriftway (behind South Shore Auto): Had a good meeting with rep and attorney from Burns & Levinson. They want MBTA history and what Rousseau is supposed to do on the site. The Order is clear; he understands Board of Health looked at the site. Mr. Snow: Anything he can do immediately? He wants to try to get the person renting the property to do some of this work. Mr. Mitchell: is it a 21E issue? It was at one time. Still petroleum out there. Yes. Mr. Snow: Are we comfortable that there is nothing migrating toward the marsh? Storm drain is capped. If there are pollutants there now, isn't there something we can make them move on now? Want to look at the approved stormwater. There are big piles of ground up asphalt that will need to be moved. Tried to stress it couldn't just could sit.

25 Egypt Beach Road: clearing - will write an e-mail this week. Obvious where he cleared. Need a wetland person and a planting plan. Wetland person gave to the engineering firm to survey the flags. Pretty soon nothing can be planted. There is possibly silt running toward the wetland. Install haybales or silt sock and plant with something to hold it for the winter.

Certificate of Compliance:

100 Greenfield Lane (partial): wanted to look at the planting plan, recommended 12 original plants, a couple of ConCom posts; railroad ties will be removed. Not issuing.

46 Woodland Road (no restriction recorded and no \$7500): they have the right number of plantings,. They have planted. And they removed a big pile of debris from the woods. Contingent on plants being in the right place.

261 Central Ave.: OK

Lot 4, 174 Branch access from Curtis (now 57 Curtis): plantings have been done. Need to make sure they take for a couple of years. Get something in escrow. Stormwater was done by Merrill, impacts won't be any worse than they would have been. Make it \$1,000.00. OK once we get the money.

CORRESPONDENCE

October 27, 2016 – November 2, 2016

1. Recording of OofC (after work complete) 68-2543 – Sutton (Welby Builders), Lot 4-174 Branch (access off Curtis) NOW 57 Curtis (in file)
2. Recording of OofC for 68-2631 – Shea, 9 Pond View Ave. (in file)
3. Notice of Appearance of Brandon Moss for Scituate re: Olschan – 24 Webster Street (in file)
4. Amended Planning Board Agenda for Oct. 27, 2016
5. re: Lot 4 – 174 Branch (access from Curtis) e-mail from Josh Bows, Merrill stating mitigation of stormwater is essentially the same as originally proposed (in file)
6. Dept. of Army re: Ames, Glades Marsh, 1000 Glades Road – relocate drainage ditch – authorization expires 2/4/20. Must be commenced or have under contract by 2/4/20 and work complete by 2/4/21 (in file)
7. Planning Board re: Roach Field revisions – approved with conditions (with other correspondence)
8. Design Review Committee Agenda for November 1 – Discussion 4 Union Street
9. Notification to Abutters for Hubbard, 28 River Road, Humarock (in file)
10. EcoTec, Inc. re: 68-2619 – CJCH – Wetland Remediation & Restoration Completion Report (in file)
11. Recording of CofC for 68-2596 – Adams, 108 Edward Foster Road (in file)
12. CPC Fund Request for Scituate Little League – Roach Field – Beaver Dam Road (in file)
13. Revised Plan (11/1/16) for 68-2634 – Raphel, 12 Blanchard Road – Conservation Filing Plan for Proposed Garage (one copy in file)

Motion to adjourn the meeting Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Meeting adjourned 8:05 p.m.

Respectfully submitted,
Carol Logue, Secretary