

**Town of Scituate
Conservation Commission
Town Hall Selectmen's Hearing Room
Meeting Minutes
October 26, 2016**

Meeting was called to order at 6:17 p.m.

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

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

Agenda: Motion to accept the agenda with discussion on Certificates of Compliance for 100 Greenfield, 70 Crescent, 23 Parker, 90-94 Glades, Lot 4 (174) Branch Street Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Request for Determination: Scituate Recreation Dept., 15 Henry Turner Bailey Road (playground) (cont.)

Maura Glancy and Allan Kazlousky were present at the hearing. Natural Heritage agreed there was an error, there is no habitat in the parking lot or playground area. There was an issue on that and the outer riparian, but there is no cutting involved. Floodplain is toward the existing parking lot. 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).” Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Informal: Tedeschi, 26 Ann Vinal Road

John Tedeschi requested to do clearing on Ann Vinal Road for perc testing. Wetlands are flagged, but no ANRAD or RDA. Usually we have something on file before we allow cutting; usually don't do it this way. Mr. Snow told him the same thing. Has to be out of the buffer zone, but if he clears an area, in doing that we lose the opportunity to see vegetation; plus we'd have some sort of scope of work. Should have the ANRAD confirmed. May come to the meeting next week.

Coastal Advisory Commission Update: Mr. Harding next meeting the 8th.

Beach Committee Update: Mr. Schmid met with CPC for some initiatives. Improvements for the beach access for handicap. There is a mesh product that can be rolled out and tacked down and removed when season ends. Also discussed shade structures; good projects to enhance the beach areas.

Mr. Snow - Trails: next week couple of folks to will be coming in to discuss maintaining the trails.

Guidelines for moving excess cobble from manmade piles: Atlantic Ave. / Barrett beach access. Allow a dune to be created, turns out the fencing may restrict trucks from bringing sand and cobble back to the beach. Some of it was snow fence. Mr. Harding: that wasn't one of the entrances. It was always at the other end of Atlantic, so don't think that should be an issue; not a normal entrance. Entrance is only 20 yards away. Dune is building up nicely with the fence. But if there is snow fencing on the walkway, maybe we do something about that.

Minutes August 3, 2016 and August 17, 2016:

Motion to accept the minutes of August 3, 2016 and August 17, 2016 Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Updates: Lot 4 – now known as 57 Curtis. Met with Frank, engineer and property owner on site. Concern was area where we wanted some replanting and wanted stormwater calcs, also they are requesting a Certificate of Compliance. Engineered information has been given to Merrill, to see if the change of location of the driveway and cutting has made any difference. Plantings are in, would want them to be guaranteed to survive; may want to get some money in escrow. Stormwater isn't done yet. Mr. Snow: went through all the pieces, think getting closer to resolving. They understand our position on this.

Wetlands Hearing: Meade, Lots 1A & 2A (704) Country Way (new build) (cont.)

Gregory Morse from Morse Engineering and Peter Palmieri, Commission's consultant from Merrill were present at the hearing. Project: Construction of common driveway and single family. Didn't receive requests for revisions, but were awaiting Merrill's comments on stormwater. Received initial review October 18th; we made several rather minor revisions and minor revisions for Board of Health. Planning has approved the common driveway. Submitted detail of extended crushed stone trench 20' along northeast side of driveway to capture runoff; added a berm and increased the height from 2" to 6" to help direct runoff; provided TSS suspended solid calcs for Merrill to review; performed two tests pits, one for roof runoff and one for the trench; and Board of Health requested an additional row of chambers for the three bedroom septic in the front. Associated with Planning, closed up the other driveway and will install curbing along Country Way in that area. Notes were added about test pits to be done during construction around the drywell system and the crushed stone trench. Understood it was a concern so dug them today and sent to Merrill. TSS removal originally omitted from the stormwater package; now provided showing 80% removal for driveway runoff; minimum is 80%. He also had comments regarding the driveway; site distance and curbing along Country Way, which is under the Planning Board and approved already, but included those comments. Provided trench detail and check dams to be installed at 10' intervals to retain water in the trench and keep it from running to the end. Roof drywell system had discrepancy between the plan and the hydrogad; that was corrected. Plan was revised to remove driveway from the calculations to the existing garage. Did soil tests today and they are confirmed. Four test pits were done on the site with two next door, witnessed by Board of Health; consisted of loamy sand; submitted soil logs; consistent soils. Groundwater was deep enough at about 2-1/2' below the leaching chambers. Merrill was comfortable with the

changes. Mr. Gallivan: didn't get a lot of this information until today. At this point it looks like Merrill is satisfied. Would like to get information a week in advance. Peter Palmeiri: Greg summarized the concerns. There were some discrepancies that have been corrected. Testing was done in the area of the BMPs; information was submitted this afternoon and groundwater was deep enough for separation. Mr. Gallivan: want to explain the buffer enhancement area in back at the limit of work? Two existing sheds have fallen, will be removed along with the debris and plant a 10' buffer running the entire width. Would except a condition to provide a planting plan. The rest would be grassed lawn. Not proposing fill or changing grade. Mr. Snow: would it make sense for demarcation posts? There is a stonewall that runs along; could replace some stones and put a couple of ConCom posts. Ms. Scott-Pipes It is not usable, steep hill, but it wouldn't hurt. Motion to close the hearing Ms. Scott-Pipes with the condition waiting for approval of demarcations on the plan and a planting plan. Second Mr. Parys. Motion passed by unanimous vote.

Wetlands Hearing: Norton, 23 Sunset Road/McLean Drive (new build) (cont.)

Mr. Snow recused himself. Greg Morse from Morse Engineering was present at the hearing. New single family house at end of Sunset / McLean Drive. Last meeting was continued without taking any testimony. Sign-in sheet was handed out. Renotified abutters. This is a 4.79 acre parcel, broken up into several assessors's parcels, one parcel owned individually, other parcels owned by other family members; 7.9 acre total. House location is highlighted in orange, up against Sunset Road. Several wetland resources: Bordering Vegetated Wetlands (BVW). Brad Holmes delineated in 2012, 2014 and 2015. BVW on western side and other side of McLean Drive, both state regulated. Off of those is the 100' buffer shown in green and Scituate's 50' no disturb zone shown in red. Two scientists looked at the site, Brad Holmes and Art Allen. Under local bylaw the blue line shows the Isolated Vegetated Wetland (IVW), and the FEMA flood zone is AE elevation 15'. Ground contours were at elevation 14' to the low side being at sea level, all work is between the 10' to 14' range. NOAA's new parking lot is across the street with access to McLean Drive. It will be a pile foundation with 1st floor at 17', gravel driveway off of Sunset, with a stub for public sewer, water and electricity; grading is minor, within 6" of existing elevation. Least disruptive is a single family house, tried to locate in an area to minimize impacts; comply with the 50' setback; don't feel it will have any impact on the wetlands. Proposing 2' above base elevation at 17', with free passage of water under the house. Altering approximately 2500 sq. ft. of IVW, which is maximum under the bylaw; replicating 5,000 sq. ft. for 2 to 1. This is similar to other construction allowed elsewhere; also providing increased habitat value by the 2 to 1 replication; ecological improvement by limiting the site to one single family home; will have a deed restriction. Ms. Scott-Pipes: this property has been in and out of this office over the years. Years ago DEP came out and did soil tests and denied building in the field. Concerned that filling the paper street created the IVW; believe it used to be all connected as a BVW. Would like to know who put the road in and who gave permission. If the road was removed it would all be a BVW; question she needs answered. Mr. Schmid: about 90% of the house is in the 100 buffer? Yes. Mr. Parys: is the road from when they were going to develop previously, or is it access to the property now? It is access to the property. Greg can look into the legal history of the gravel paper road, but knows it has been there for quite a while. Does it get used now? Just to get to the property; it is a maintained meadow, previously used for farming, etc. Mr. Mitchell: which side is the 5,000 sq. ft. of replication? South side. It is the shaded area on the plan. Replicating in an upland area next to the other IVW. Mr. Gallivan: challenge is to have the wetland lines confirmed. Talked to three different wetland scientists, trying to get someone familiar with all the different resources and possibly one with soil experience too. May need to move some soil to see if it is covering any salt marsh. Some of this information is dated 2012; the delineation in 2009 was challenged. Need to go through boxes of files. We have legal counsel determining how far back we can go to look at the filled areas. Because of the size of the property it doesn't trigger local stormwater. Need Zoning confirmation for the floodplain. Mr. Schmid: Natural Heritage? No. AE flood zone requires flood vents, went above that to piles. This project is outside the Scituate floodplain. Mr. Gallivan: under our bylaw we can't deny, as long as it is on pilings. Abutter: Jim and Mary Bristol, 19 Sunset Road and speaking on behalf of neighbors, Nick & Regina DiMascio, 16 Roberts Drive: all of us are opposed to this project. In 1999 watched gravel being brought in to make McLean Drive, several different times; witnessed putting the water line in, somewhere along the line MacDonalds were asked to submit plans to DPW and Planning Board, but never did. When they were digging the water line, 3' to 4' down there was peat, showing marsh evidence. Second: we also watched Barry Joseph bring in several hundred yards of loam, that went on top of the wetland, raising the grade to where it is now. Thirdly: when doing the sewer easement, half was on their land and the other half on land in question and they also ran into peat. Soils that were dredged from the harbor evidently covered the marsh. Requesting Commission to look at carefully, not an appropriate place to build a house. The fact that the gravel road is there has made a dam, the isolated wetland is not connected to the rest of the wetland. If the gravel road wasn't there it would be all one wetland. Nick DeMasio, 16 Roberts Drive: we echo what Jim said; clearly opposed. Carol FitzGibbons, 1st Cliff Association: 59 families on 1st cliff; majority are opposed. Allegedly in 1959 the MacDonald's wanted to subdivide the property; it didn't happen. In 1974 they went before Conservation and Zoning wanting to fill the property above the watershed. Also at the time there was a stream called the Guzzle that ran under the lots into the harbor. They were turned down by both boards infactically because it would cause flooding. In 1999 it was found that the MacDonalds were illegally filling. There was a stop work order issued, but by that time, the Guzzle was completely covered, which broke up the wetlands. One of the concerns is that it is very unfair that people should benefit from illegal activity, because now you have elevations that you didn't have before. The area does flood. This is brand new construction, nevermind global warming and sea level rise. As a public policy, it is a dangerous route to go down. It will happen in other areas of Scituate. With the Doherty case on Edward Foster Road, elevations were actually higher and the court said that the Town had every right to deny due to flooding. Doherty case was under the local floodplain overlay district, this project is not. Will look into the construction of McLean Drive, but not using it for access; it doesn't effect the proposal. Commission needs to review the wetlands, soils and old files. Is there a full report on Art Allan's review in 2012? Yes. If any abutters have any information they want to submit, please do. Susan Bates: while Mr. Morse and the Commission are gathering information, will the abutters have access to any of that information? If it is here, absolutely, it is all public information. Motion to continue the hearing to December 7, 2016 at 6:30 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Extension Request for Order of Conditions: Fern Properties, LLC, 214 Thomas Clapp Road

Mr. Snow recused himself. Joe Iantosca, manager of Fern Properties was present to request an extension to the Order of Conditions dated November 19, 2013. Ninety-five percent complete with the exception of the infrastructure, street trees, and final of course of road pavement to be done after construction. A Partial Certificate of Compliance was issued in 2015 and recorded it at the Registry of Deeds. Five items were outstanding. 1. Investigation of rear infiltration, due to lack of infiltration; will continue; no significant rainfall; 2. installing grate at the rear outlet basin; 3. top course of pavement, after work is complete; 4. street trees; and 5. Reduce the size of the east culvert on the other side of Clapp Road. Currently there is a dispute on the location of the culverts and sediment traps. Litigation underway with the abutter; hearing date scheduled for November and hopefully find resolution. Mr. Gallivan: spoke to legal counsel, no reason to stop the project. Looking for a 3 year extension. Ms. Scott-Pipes: did you ever fix the crack in the front rain garden outlet control structure? Believe it was fixed. Attorney

Jeff DeLisi: represent the abutter on the south side, Frank Snow: view this extension request as an opportunity for the Commission to get it right. There is new information that was not available. The new information shows the drainage pits on the south side are in fact on Mr. Snow's property; submitted a surveyed plan and he was never made part of this filing. When this issue was raised, the statement was made, thank you very much, but an appeal should have been filed at the appropriate time. There is work needing to take place on Mr. Snow's property as Mr. Iatosca mentioned and Mr. Snow should be an applicant. The Notice of Intent plan does not delineate Mr. Snow's property and instead shows it apparently in the road layout. Although it is standard, it is an opportunity to let the Orders expire and have the applicant come back with a Notice of Intent to allow the property owner to have some input; think it would go a long way to stay out of court. Mr. Gallivan: nothing is confirmed right now, it is still under dispute. There is no final decision. Atty. Brandon Moss recommended work continuing; we should honor that. Atty. Dave DeLuca from Murphy/Hesse: there may be some facts in dispute, but that dispute is for another quorum and another day, should allow the dispute to play out. Consider the extension on the merits only. Matter pending in court is separate. Commission has the authority to make this determination. The fact is the approved plan does not delineate any other than Fern property. The culvert and the drainage pits on the other side are not on this project location; work is not on Fern property. What work is going to be done is in the 50' buffer to the wetland. Good portion of the work has been done. Atty. DeLuca: there are decisions made, sometimes new facts are revealed; not a basis for the Commission to reverse itself. If a new application was submitted, could consider it then. Motion to extend the Order of Conditions for 3 years Mr. Schmid. Second Mr. Parys. Motion passed by a 4 to 1 vote with one abstention.

Wetlands Hearing: Martin, 264 Clapp Road (remove dead, storm damaged trees & debris and replant native vegetation) (cont.) Received DEP File # 68-2635. Penny went out today and the boulders were moved along the determined no disturb zone, but there was more hardscape. Planted all grass from the bayberry bushes to the house and put more blue stones around the fish pond. Dug out another 2', not sure for what reason. The whole area is the 50' buffer. Overstepping her bounds with the hardscape. Pat said she could move the boulders and plant some. Just afraid what might happen in two more weeks. Thrilled the boulders were moved. Mr. Snow: This has been going on since May. There are violations there, hardscape that are not on the plan. Make it clear immediately, no more work and get clear what exactly is happening there; have tried to work with her. Tell her stop and continue the hearing to next week. Mr. Mitchell: if she is continuing to do more work isn't this appropriate for an Enforcement Order. Just call her and tell her to stop. Motion to continue the hearing to November 2, 2016 at 6:30 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: Raphael, 12 Blanchard Road (unattached garage/in-law apartment above)* Dave Raphael and Bob Crowell from Land Planing were present at the hearing. Abutters' notification was submitted. Salt marsh off property; AE flood zone, elevation 12'. Proposing a 28' x 28' garage with living space above. Garage will have slab at elevation 13'. All work is between the 55' to 100' buffer. Mr. Gallivan: Think the 2012 flood zone was used; need to use 2016 maps, which is actually AE elevation 14'. Mr. Snow: wouldn't that mean flood panels? They are already in the design and on the plans; Zoning has approved. Ms. Scott-Pipes: how long has the shed been there? It was an existing shed and rebuilt in the same spot. Went to building and they said no problem. Mr. Gallivan: actually it is in Land Subject to Coastal Storm Flowage. Change the FEMA line to AE 14' and check LSCSF in the application. We are removing the deck and the garage will be partly in the LSCSF. Driveway remains, just adding more impervious, but out of the 100' buffer. Mr. Harding: could have less impervious. Mr. Gallivan: fair to ask what percentage is the impervious increasing? Is there an area of driveway that could be reduced? Could do pavers. Mr. Snow: Grade change between garage and driveway? 1' rise; should be paved; relatively steep. No problem with putting down pavers. Could probably even do an apron into the garage with pavers. If you are raising the garage you will be bringing in a lot of fill. Existing grade is 10', slab is at 13'. This is a basin that runs from Scituate Harbor out into the ocean. Had discussions before about that amount of material having impacts. Need foundation plan? There is a swale along the side of the garage. No water has ever made it up to the back yard. Motion to continue the hearing to November 2, 2016 at 6:40 p.m. 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 and Margaret Nash were present at the hearing. Abutters' notification was submitted. Deck is in disrepair and want to replace it. Purchased the house a month ago. Need stamped documents and wetlands line. Mr. Schmid: same existing footprint? Mr. Snow: Architect took Morse's plan and superimposed the changes; this plan was drawn for a septic, not this proposal; need a stamped plan. You are within 20' of a wetland; wetlands right behind the house. Because there was a deck and patio, could allow, but need the proper information. Mr. Schmid: don't see any impacts if in the same footprint. Mr. Parys: we need engineered drawings for Notices. Mr. Gallivan: could allow a wetland report from 3 years ago. You can look in the septic file to see if there is anything. Going to use a machine? There is no room; there is a garage, a small walkway and a shed. The other side has no egress for a machine either. Think they will be dug by hand. Mr. Gallivan: taking a risk by stamping someone else's plan. Motion to continue the hearing to November 2, 2016 at 6:45 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: McCarthy, 10 Country Club Circle (garage bay/living space/relocate deck/pave)* John and MaryEllen Rogers from 42 Mary's Lane, Pat McCarthy and Frank Ahern, contractor were present at the hearing. Abutters' notification was submitted. Consolidating houses; adding a garage bay with living space above and move the porch to the end of existing home. There will be additional pavement, but the majority is outside the 100' buffer; no need to extend it beyond the existing garage. Mr. Gallivan: AE flood zone, elevation 11', that's why they filed. Made a site visit and the house is in the process of being elevated. They were told because it wasn't a new footprint they didn't have to file. Elevating in a flood zone triggers a Notice of Intent; check with building about the height. Frank Ahern: walls are going up 4'. We didn't intentionally not file for the elevation. Garage has to meet flood standards with breakout panels. It does. No wetland flagging was done; looks like an intermittent stream. Someone marked the top of the bank. BVW on the side of the bank that is not shown. Wetlands should be flagged with limits shown. Only show limits from the top of the bank; we don't know where the wetland line is. Mr. Bjorklund: should go by the 2012 maps, Commission's rules and regs have to change. They are changed. Submit an Amended filing for the elevation, have the wetlands flagged and put on plan and notify the abutters again. Motion to continue the hearing to November 2, 2016 at 6:50 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Request for Determination: O'Brien, 19 Kenilworth (asphalt drive where concrete had been removed)* No one attended. Mr. Gallivan explained. When septic was repaired, ripped up the driveway. He received advice to not mix up the driveway with the septic. There was an Order stating not to put any asphalt down. He wants to pave where he had pavement before. He will make it a

little smaller; look at the minutes. Motion to continue the hearing to November 16, 2016 Mr. Harding. Second Mr. Parys. Motion passed by unanimous vote.

Vote Mediation under the Bylaw Order of Conditions: Diamond Development, 290 Hatherly Road (new build)

Steve Bjorklund was present. Commission denied project and wanted to wait until DEP gave a Superceding Order of Conditions. Requested mediation. Steve Bjorklund and Mark Winchester met with Frank, Penny, Pat and Town Counsel. Majority of the mediation is shown on the planting plan. Originally proposed a lot of mitigation with a lot of planting, but after meeting, it was decided not to go in and upset anything at the back of the house and do something closer to the house and the street. Previously proposed 9 plants, now 24; adding a continuous split rail fence at the limit of work and three ConCom posts stating no further intrusion. Originally proposed impervious driveway; now it will either be gravel, pavers, or pervious pavement. Did add walkway from front door to the driveway also pervious pavers. Limiting the backyard area to not more than 20' with fencing. If the Commission votes to allow the work have to Amend the Superceding Order, because DEP still has jurisdiction over the whole project. Have to put another notice in the newspaper. Appreciate the fact that it was a difficult site. Hope the Commission agrees with mediation. Would still like to give Robert Reardon a new shed relocated on his property; old shed will be removed. Mr. Gallivan: the main denial was for the inner 100' riparian zone. It is now being protected; it was true mediation. Site plan is from Ross Engineering dated Ocober 24 and Brad Holmes plan dated January 6, with 5 to 1 mitigation. Motion to accept the results of the mediation Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Order of Conditions: Stocks, 365 Chief Justice Cushing Hwy. (septic)

Motion to condition the project Ms. Scott-Pipes. Second Mr. Parys. Motion passed by a 6 to 1 vote with Mr. Mitchell abstaining.

Order of Conditions: Schindler Revocable Trust, 15 Tenth Ave. (raze/rebuild)

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

Order of Conditions: Shea, 9 Pond View Ave. (raze/rebuild)

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

Vote to Accept Land: 0 Rear Metacommet Road

Selectmen asked all boards to comment on this property. Could possibly be some sort of a well site off Satuit Trail. It is a donattion; critical area. Motion to accept 0 Metacommet Road Mr. Parys. Second Mr. Harding. Motion passed by unanimous vote.

Remand Vote on Bylaw Order of Conditions: BTZ Realty Trust / Costello, Lots 31 & 32 Fieldstone

Voted on this before, however, we voted before it came back from court. Mr. Mitchell: it was appealed under the bylaw and the judge kicked it back. Discussed putting it off a week until we know exactly how to vote; get something from Town Counsel. Motion to accept the Bylaw Order of Conditions Ms. Scott-Pipes. Just revoting what we voted before. Motion to approve the Bylaw Order of Conditions for BTZ Realty Trust, Lots 1 and 2 as previously voted Mr. Mitchell. Second Mr. Parys. Motion passed with a 5 to 1 with 1 abstention..

Enforcement:

Kamman, 31 Candlewood Drive: Ms. Scott-Pipes: One row of trees need to come out; this started in 1999. These trees were put in after everything was settled; should not give in. Been going on too long, it is the principle now. Mr. Gallivan: He fully expected to lose a row that night we were out there; he was hoping he wouldn't lose more. Mr. Snow: It was a fairly large violation of the 25' buffer. First row of trees is at the 20' instead of 25'. Question is do we make him remove that row of trees? It's not a deck or a structure. Do we want him to go back and do more restoration? Understand it is a principle and frustrating, but he spent a lot time and money restoring some of the area. We have concrete, retaining walls, and all sorts of things built a lot closer. Mr. Parys: agrees with everything Penny says; if it goes on long enough, they get what they want, but we can't rely on the state to back us up. Motion to remove 1 row of trees in the 25' buffer Ms. Scott-Pipes. No second. No motion carried.

Gillespie, Lot 4, 174 Branch (access from Curtis). Just received stormwater report. Josh Bows agrees with Greg's changes. The plantings have been put in, but we may want to get a little escrow money.

Mr. Bjorklund: were you going to finish Kamman by making another motion to allow him to keep all the trees and fill all the wetlands and that's OK, or is it done? Mr. Parys: what is the status? Mr. Gallivan: under an Enforcement Order and we said we'd go out one more time get line in place and tell him the final step. It was a 50' buffer and the previous agent worked with him for a 25' buffer. Just want to say, the next time you want to go for a sonotube on the beach, you have to think about wiping out acres in wetlands. Mr. Snow: they did restore a lot of it and we are not talking about a structure, we are talking about planting trees. Been painful for both sides. He has spent a lot of money getting people out there. We paid the last \$1400 to get the engineer out of there, out of our budget. Mr. Bjorklund: the five of you should vote to say it is OK? Mr. Snow: state determined we were incorrect with Steve's project where we didn't think a house should be built and in the wetland crossing at Fieldstone. Mr. Scott-Pipes: the next call that comes in about Mr. Kamman Frank can take care of it. Motion to accept the work that he has done as a result of the Enforceent Order Mr. Harding. Second Mr. Parys. Motion passed by a 5 to 1 vote.

Carter, Pond View Ave. & Mitchell Ave. (concrete fence): pulled out some, wants to keep some, is going to file will tell him what he can and cannot do.

Olscham/Sweky, 24 Webster Street (walls): met with legal council on this, there may have been an incorrect filing with the court. That will bide some time and we can see if we can get DEP to take another look at this.

Duffy, 271 Central Ave.: lot of the debris is removed, yard is pretty clean. Would like to pave, but doesn't have the money. Some of the trees are growing. May be able to take the floats out and put then on the rocks, but the wall changes the course of the water.

Rousseau, Contractors yard off New Driftway: meeting proposed next week. Will try for Tuesday morning.

25 Egypt Beach Road: waiting for Morse engineering to put wetland line on a plan. Brad Holmes flagged the wetlands. Need a time period.

Certificate of Compliance:

100 Greenfield Lane (partial): No
 70 Crescent: No
 23 Parker: No
 90-94 Glades: No
 6 Peggotty Beach Road (4): OK
 Lot 4 (174 Branch Street, access from Curtis: No
 138 Edward Foster Road: OK

Revised plan: 246 Gannett pier and dock; CLE was the engineer; Commission approved and set Order of Conditions. They applied for Chapter 91 license and were requested to make the project smaller. Because it is smaller the Commission could vote to accept a revised plan. Motion to accept the revised plan to reduce the size of the pier Mr. Schmid. Second Mr. Parys. Motion passed by unanimous vote.

Request for an Amendment: Marquardt, 129 Turner Road

Dwelling is elevated and now wants to extend the deck. Never had a hearing regarding this deck. Should he amend the Order or do we want to accept a revised plan? Orders are still open. Amend the Orders.

CORRESPONDENCE

October 6, 2016 – October 26, 2016

1. 24 Webster Street – Olscham vs Town of Scituate Conservation Commission, Plymouth Superior Court (in file)
2. Recording of OofC for 68-2625 – Dwyer, 26A Newport Street (in file)
3. Recording of OofC for 68-1563 – Lengen, 35 Walnut Hill Drive – Lot 33 (in file)
4. Recording of OofC for 68-2624 – Reynolds, 7 Elm Street (in file)
5. Recording of OofC for 68-2621 – Oleson, 144 Turner Road (in file)
6. The Beacon
7. DEP File #68-2632 – Norton, McLean Drive/Sunset Road (in file)
8. DEP File #68-2633 – Town of Scituate, Mordecai Lincoln Road (in file)
9. DEP File #68-2634 – Raphel, 12 Blanchard Road (in file)
10. Atty. Brodsky re: Olscham & Sweky - Request for mediation with Brian Mone at Commonwealth Mediation & Conciliation, Inc., Brockton with costs shared equally. (in file)
11. Zoning Board re: Greco, 319 Central – prior to filing finding a revised Certified Plot Plan showing all existing & proposed setbacks. Filing for addition & deck in 2011(believe it falls under the extension act)
12. Plymouth County Superior Court – Costello/BTZ Realty Trust, Lots 31 & 32 Fieldstone – remanded (in file)
13. Planning Board re: 704 Country Way – Lots 1A & 2A – approved with conditions (in file)
14. Request for CofC 68-693 – Ulanowski, 70 Crescent Ave. Request, check (in file)
15. Zoning Board re: Stockbridge Properties, LLC, 108 Stockbridge Road – 16' x 30' addition to the garage – granted (in file)
16. Recording of OofC for 68-2629 – Polcari, 44 Atlantic Drive (in file)
17. DEP File #68-2635 – Martin, 264 Clapp Road (in file)
18. DEP File #68-2636 – Nash, 22 Indian Trail (in file)
19. Planning Board Agenda for Thursday, October, 27, 2016
20. MACC Information - A Certificate Training Course – March 4 Conference - Dues 2% higher - \$552 plus \$60 per staff member
21. Planning Board re: Form A Application – vacant land off Summer Street – COMMENTS BY OCT. 26
22. Stormwater Magazine
23. Wildlands News
24. Recording of OofC for 68-2622 – Allman, 3 Jawl Ave. (in file)
25. Revised Site Plan for 290 Hatherly Road – Revised October 24, 2016 (in file)
26. DEP File #68-2637 – McCarthy, 10 Country Club Circle (in file)
27. e-mail re: 23 Sunset Road – changes throughout the years mostly without permits. Attempted projects denied in the past and hopes the Commission thoroughly reviews the past violations and land alterations as deemed fit. (in file)
28. Planning Board re: Site Plan Special Permit for Mixed Use Development in the Village Business Overlay District - 4 Union Street. Storage garage with 2 one-bedroom accessory Dwellings on 2nd floor – no change. Additional 24' x 40' bldg. with retail & office space with 2 one-bedroom apartments on the 2nd floor.
29. Revised plans for Lots 1A & 2A (704) Country Way – Common Driveway & Stormwater Permit Plan and Lot 2A Septic System Design Plan (in file)
30. Zoning Board re: 74R Brook Street; 7 Nelson Road and 28 River Road – scheduled for November 17.
31. Merrill report re: 704 Country Way – Stormwater Permit Application and Common Driveway (in file)
32. Picture fill – 97 Edward Foster Road – received a MAP, but seems to have expanded what was explained.
33. Amended Planning Board Agenda for October 27, 2016

Motion to adjourn the meeting Mr. Harding. Second Mr. Parys. Motion passed by unanimous vote.

Adjourned 9:45 p.m.

Respectfully submitted,
 Carol Logue, Secretary