

**Town of Scituate
Conservation Commission
Town Hall Selectmen's Hearing Room
Meeting Minutes
December 7, 2016**

Meeting was called to order at 6:22 p.m.

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

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

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

Boyscouts Troop 7: Mike Clancy, troop leader; Nick Flanagan, Eagle Scout now, but his life badge was for the 7th to 10th Ave. clean up that took the town a year to pick up the trash; Chris Clancy; Sean Styles; not present is Garrett South who started Hubbel Trail to Gannett from Indian Trail. Sean is on the last leg of the trail. Hubbell property, is a combination of Conservation land and acquired property by CPC. Great trail going through ledgey areas and very pretty. The Scouts have done so many different projects in Scituate. Working on Teak Sherman Park now. A day didn't go by when Frank started getting e-mails on what a nice job was being done. Also Derek O'Leary cleaned up Ellis parking area. A lot of these projects wouldn't get done; we are very fortunate and very thankful to have these scouts take these projects on. Ms. Caisse: not only do they donate their time, but they do it so well. When people see it so neat and well done they just want to check it out. Access for places that people wouldn't be able to get to. Each Commission member thanked the Scouts.

Informal: Fennelly, Ballfield Parking at Beaver Dam

Dan Fennelly with Scituate Little League was present. A revised plan was handed out with an ortho photo. The size of the project was reduced. Room for approximately 20 cars, located 15' from the fence at right center field. Parking does not go into the woods and that was the goal. May have to remove one small tree. Using mostly grassed area and moving batting cage to center field. Significantly improves parking with handicapped parking close to street and field. Does not change nature of area; no additional disturbance. Also keeps the small gateway to the neighborhood. Commission jurisdiction is toward left field. Border of property is along Thomas Ave. There is remnants of a stream; planning on keeping 50' away from that. Will use the space that used to be parking, that was taken over by weeds and grass. Will clean up of the intermittent stream. Seems like pumps discharge to it and there is a lot of yard waste from the neighbors. Planning Board required a survey plan. There is a lot less tree removal with this plan. Mr. Snow: ADA parking probably needs to be a combo of pavement and gravel. Trying to figure that out. No additional paving, just what exists. New area will be 42' x 200', with a combination of grass and gravel. Still have to deal with stormwater. This is still only preliminary. Ms. Scott-Pipes: much better plan than the original. Abutters had some good suggestions. Could we ask for a letter of approval / support on the concept, conditional on the final plan? Yes.

Wetlands Hearing: McCarthy, 10 Country Club Circle (garage bay/relocate deck/pave) (cont.)

Elevation too. Mike Doody, 6 Country Club Circle. Notified originally. What follow-up is there to notify abutters? Should notify again at lease a letter signed by all of them. Once we start a meeting we continue it to date and time certain. Motion to continue the hearing to December 14, 2016 at 6:30 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

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

Mr. Snow recused himself. Greg Morse from Morse Engineering and Attorney Chris Fein were present at the hearing. Sign in sheet was passed out. At the last meeting the Commission was to hire a consultant and a deposit was provided. Interested to know timeline of services. Haven't been in touch with consultant yet. Any schedule for that? Hoping to get out there within a week. Not sure if that is possible. Would like to continue to the first meeting in January to allow time to look at site and make any revisions. The Notice of Intent is incomplete unless we have all the owners listed. Property is made up of several individual lots. Did include a list of the deeds and owners. Do they have to sign off? Atty. Fein representing Paul Norton individually and fiduciary for at least two estates, therefore he speaks for the two estates and they are identified. May have to run by legal counsel for the town. There is a lot of information from prior filings. Identify the parcel that needs to be reviewed. Start by looking at the wetlands. If there are general procedural questions. Carol FitzGibbons, 3 Roberts Drive: who makes the review of all the history. We will review and our legal counsel will get involved. He actually is the attorney that is familiar with the history. So much went on at this site. Motion to continue the hearing to January 4, 2017 at 6:40 p.m. Ms. Scott-Pipes. Second Ms. Caisse. Motion passed by unanimous vote.

Amendment of Order of Conditions: Marquardt, 129 Turner Road (expand deck)*

Hans Marquardt was present at the hearing. Elevated last year, but FEMA doesn't let you do any additional projects. Pictures of what the house looks like and a plan. Not taking any information tonight. No abutters' notification. Motion to continue the hearing to January 4, 2017 at 6:45 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: Stewartia Realty Trust, Lot 1 Summer Street (new build)*

Opening Lot 1 and Lot 2 separately. Greg Morse from Morse Engineering was present at the hearing. Abutters' notification was submitted. Chuck Garabedian, 122 Sumer and Doreene Close never got notified. Will send a second notification to Ms. Close. Presented plan, overlay of entire property, a little over 11 acres; using all the property. Form A will be done through the Planning Board. Wetlands have been delineated. There are three separate BVW lines. There is a large wetland in the middle, with an upland island at the top. Proposing a single family house on Lot 1 along Summer Street with a typical septic system. No work is proposed at the rear of the lot. A Series wetland is shown with a blue line, off of that is the 50' buffer in red and 100' in green. Set back is 56', clearing to the 50' buffer; driveway off Summer Street; drywell at the back of the house; swale along front and side. Reviewed as-built plans from across the street; delineation was done in 1996. Puts 50' and

100' out onto Summer Street. Lucas Environmental reviewed wetlands for the Commission. Some discrepancies; there will be a second site visit with both consultants. There will be a staked silt sock at the limit of work. Mr. Gallivan: first of all the wetland line hasn't been confirmed. There are a couple areas that our consultant Lucas Environmental doesn't agree with. A few intermittent streams, but don't have to worry about them if work is not within 50' or 100'. Perennial streams run all year and have more protection. Property lines are determined by an "Approval Not Required" from the Planning Board, but before the property lines are determined the wetlands need to be confirmed, then the applicant can have the property lines confirmed. Both scientists will go out and do a lot more soil samples; a lot were done already, but difficult site because of so many boulders. Both scientists will be present at the next meeting. Mr. Schmid: what is the total square footage of the house and disturbance? Believe it triggers stormwater review for both lots. Town would hire an engineer to review stormwater, but wetland line and property lines should be established first. John Chessia possibly will review the stormwater, but he hasn't seen anything yet. Applicant has to have 40,000 sq. ft of upland; Lot 1 is 56,000. There are a lot of wetlands and need to know that all resource areas are correct and confirmed. Upland doesn't have to be contiguous? No. Just need enough. Will confirm that. Mary Merritt, 104 Summer: looked at the plans and also saw a Lot 3, between Norwell and Scituate. Wouldn't that impose runoff too? Lot 2 is large enough could be split into two lots. A prior filing was withdrawn. Don't know if Lot 3 is buildable or not. There is significant land at the back in Norwell. Understand concern, but have to address what is in front of us. John Marino, 349 Summer: they thought they had a right of way to Lot 3 through his property for frontage off Summer Street, but they don't. We have had multiple lawyers involved, and they don't have access. Commission is not confirming wetlands on Lot 3. Followed the line for lot 2, but don't usually go off property. Mr. Snow: Mr. Gallivan suggested the applicant file an Abbreviated Notice of Resource Area Delineation, but applicant elected not to; Need to be sure if all the wetlands lines are correct and will state which areas have been reviewed. Dorreene Close, 132 Summer Street: incredible property very low lying, it would have been swaamp. Half of the west end's water goes into the Cohasset reservoir. The water table is changing, you think building doesn't effect it? The perc test was done at the worst time of year and the worst drought in history. It's a little hill with muck all around it. Please go with them and walk it. Water pours onto her land. Were you there when they did the perc test? A town representative was. They broke down stonewalls and never fixed them. Mr. Snow: There are multiple facets to approve this project. ConCom is dealing with wetland issues and stormwater; Board of Health deals with perc tests; stonewalls fall under the jurisdiction of Planning. Pat has walked the property. Ms. Close stated she would be more than happy to walk the property with the Commission. You would have to get permission from the owner; we can ask. Marlin Hawthorne, 353 Summer, Norwell: Kathleen D. Donohue is the owner. Whoever the people were, they prowled around his property, peered in the barn and scared his son. They wouldn't identify themselves; called the police. That was before Commission's consultant was out there. Crossing potential wetlands. Not wetlands to get to the property; crossing of a wetland is another issue. Commission has 100' jurisdiction and a 50' can't touch zone. Ms. Close: Tough sell with a road in between; South Swamp across the street. Already have a huge water problem. You have the right to hold them to 100'. Mr. Snow: this Commission will do their best and follow the state regs and town bylaws. We have denied projects in the past and the state overturns us. Town of Scituate can impose stricter guidelines, if we were to deny the applicant, they can appeal to the state. The state doesn't come in and deny these projects. Normally approve with less strict guidelines. Want to work with folks, want to go through the process. Ms. Close: If the owner won't give me permission to walk the property, do abutters have the opportunity to hire an engineer? Agent and members can go on property. The goal is to go back to Planning on the 22nd. Motion to continue the hearing to December 14, 2016 at 7:05 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote. There is a stream near the front that doesn't show up on the map. Will have to look into.

Wetlands Hearing: Stewartia Realty Trust, Lot 2 Summer Street (new build)*

Greg Morse from Morse Engineering was present at the hearing. Abutters' notification was submitted same at Lot 1. Construct single family dwelling at the corner of Summer, with septic. Blue line is the BVW, red 50' buffer, green 100'. Proposed distance is 56' away from wetlands, with drywell system along Summer. Staked sock for erosion. Wetland ConCom posts along the 50' buffer. Being review as well for wetlands and included in the stormwater permit. Once again want to hear from wetlands people. Mr. Gallivan: these wetlands aren't totally confirmed. Looks like house and everything is within the 100' buffer. We don't even know where we are going with this. Topp sjpws measurement going from 108' to 115'; fill will be part of the stormwater review. There will be infiltrators that pick up runoff from the roof and the site. Why was the prior plan pulled? Tried to get Lot 2 and approval for Lot 3. Don't have to give us a reason. If this property were to get redivided again we would have the same discussion. How would that work with the town line going through the property? Have spoken to the Nancy Hemngway, Norwell agent. Motion to continue the hearing to December 14, 2016 at 7:10 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: Hubbard, 28 River Road (raze/rebuild) (cont.)

Have Zoning Board approval. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: McMillan, 105 Glades Road (septic tank) (cont.)

No Board of Health approval. Motion to continue the hearing to December 14, 2016 at 7:15 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: Kelly, 11 Tilden Road (addition)*

Greg Morse from Morse Engineering and Robert and Barbara Kelly were present at the hearing. Abutters' notification was submitted. Proposing an addition on the back. A BVW borders Satuit Brook. The 100' buffer is marked in green, the 50' is red and the 100' inner riparian zone is marked; the entire site is in the riverfront area. Wetlands were delineated by Steve Ivas. Proposed addition is at the back with a covered porch and deck; entirely over lawn surface; outside the 50' buffer. The porch is 57' from the wetlands. Riverfront area allows 10% increase; ran existing calcs and it is below 10%, comes up to 9.7%. Did an alternatives analysis; looked at different locations; restricted out front. if put on the eastern side would go into the 50' buffer. Compliant with Zoning. Would like BVW data sheets. It is not a requirement, but do realize it can be helpful to review a wetlands line. If you want them will have Steve Ivas submit them. Could provide data sheets or give a narrative regarding top of bank, riverfront, bordering land subject to flooding and alternative analysis; there is no detail. DEP needs to know that these resources are part of the filing. Top of bank is where you get your inner and outer repairian. Existing house, driveway and deck is 2,105 sq. ft. Addition is 3,371, 300 sq. ft. Pat will do the measurements and see the alternative analysis. Motion to continue the hearing to January 4, 2017 at 6:50 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Request for Determination: Historical Society, 16 Country Way (install 7 steps to complete access to Gristmill) (cont.)

Motion to continue the hearing to January 18, 2017 Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Order of Conditions: Hubbard, 28 River Road (raze/rebuild)

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

Minutes: September 7, 2016 and September 21, 2016

Motion to accept the minutes of September 7, 2016 and September 21, 2016 Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Certificate of Compliance:

100 Greenfield Lane OK

48 Ocean Ave.: Pat made site visit today; off of Bailey's Causeway. Invasives were cleaned up; looks great, except paved driveway instead of shell or gravel. Roof drainage seems to be located under the driveway. Did a nice job, except for the driveway. Do not issue.

Mr. Snow: Spoke to Phil Spath's regarding 41 Cavanagh Road and the outstanding issues to be resolved for a Certificate of Compliance.

Coastal Advisory Commission Update: Mr. Harding not present. Ms. Caisse attended. There was a heated discussion focusing on easements on Humarock.

Beach Committee Update: Mr. Schmid – nothing

Ms. Scott-Pipes: Need to finalize Open Space Plan to keep us compliant for grants; 90% complete. Went through handicapped accessible trails in town listed in 2009, everything stayed exactly the same. Will hand it back to them, but parking lots will be going in to three areas; going out to bid sometime in January. Once the parking areas are in, there will be a few more areas made accessible, but not deep into the woods. Possibly Bates Lane center strip and maybe some thoughts regarding Crosbys' and Damon area, which are pretty flat. Contacted the Disabilities Committee. Frank and Penny are going to the January 11 meeting to tell them nothing has changed; we need a sign off from them. Would like to work with them for some possible boardwalks; at the moment there is a boardwalk out to the pier. Want to explore possibilities. Accessibility can get very technical and costly; will take a lot of planning. There is the Driftway trail, accessibility from Dunkin' Donuts all the way to the harbor and North Scituate along Gannett Road; ConCom projects. Will also look at Appleton, at least for a portion that gets people to the field. Mr. Snow: now is the time, while doing the parking areas to build access into the contracts. At least get one spot in town where the people can get into the woods. Part of the Open Space Plan is to protect our reservoir. The last drought showed we don't have enough water in town. All well fields lead to our reservoir. Some wells have been abandoned; need to look at drainage patterns; we should consider all water bodies. Cohasset has agreed to share water with us, if we need it. Why wouldn't we want to protect their water supply; it is just as important. Have expressed those concerns to the TA and DPW.

Enforcement:

Rousseau, Contractors yard off New Driftway: nothing new. They are asking for information.

25 Egypt Beach Road: did you tell them to plant something for the winter? Greg Morse has to submit the plans.

MACC is asking local Commission to oppose gas pipe line. Don't think we should discuss it. If we are going to send a letter, has to be a majority or could send two letters.

Chairman Harding will watch the video.

CORRESPONDENCE**November 17, 2016 – December 7, 2016**

1. Recording of CofC for 68-2543 – Lot 4 (174) Branch Street (now 57 Curtis Street) (in file)
2. Recording of CofC for 68-212 - Drea, 261 Central Ave. (in file)
3. Letter to all members re: 23 Sunset Road extensive background (in file)
4. Completed required work at 100 Greenfield Ln: removed construction debris, trees along stone wall marking rear side; planted 12 blueberry bushes; removed 2 chairs from wetlands; told new homeowners where wetland begin, they will not dump there. (in file)
5. 28 River Road has approval from Zoning (in file) orders ready
6. Recording of CofC for 68-2581 – Donovan, 8 (aka 12) Pond View Extension (in file)
7. Request for a CofC for 68-2464 – Sheerin, 48 Ocean Ave., Engineer's letter, as-built, check (in file)
8. Recording of OofC for 68-2634 – Raphael, 12 Blanchard Road Cert 119491 bk 00597 pg 91 (in file)
9. DEP File #68-2641 – McMillan, 105 Glades Road (in file)
10. Notice to Proceed to Morse Engineering re: Engineering Services for construction phase services CPC Conservation Driveways & Parking Lots (areas) for Crosbie, Higgins-McAllister, Bates Lane & Damon Preserve (in CPC file labeled CPC Parking Areas, etc.)
11. Recording of CofC for 68-2488 - Johnson, 119 Turner Road Bk 47768 pg 193 (in file)
12. Recording of OofC for 68-2612 – Smith, 151 Border Street – Cert. 121552 Bk 607 pg 152 (in file)
13. Recording of OofC for 68-2626 – Town of Scituate, between 74 Glades & 35 Surfside Road – bk 47838 pg 1 (in file)
14. Hunter's Pond Dam - Kris Houle – Town intends on removing the low-level outlet weir boards as early as 12/16/16. Dam removal is expected to begin June 2017. (in file)
15. Summer Street (Lots 1 & 2) – Wetland Review - Lucas Report (in file)
16. Recording of CofC for 68-2419 – Stearns, 62 Cornet Stetson Road – Bk 47801 pg 301 (in file)

17. DEP re: 68-2633 - Hunter's Pond Dam – combined Chapter 91 Permit 401 Water Quality Certification / Combined Permit for Dredging & Filling (in file)
18. 23 Sunset Road – cover letter: 1. revised site plan; 2. Town Floodplain & Watershed Protection Overlay District added to plan; 3. Proposing 5,000 s.f. to mitigate a proposed 2,500 s.f. alteration. (in file)
19. Planning Board re: 704 Country Way - Endorsement of Site Plan Administrative Plan for Common Drive & Stormwater Permit (in file)
20. Recording of CofC for Town of Scituate 68-2538 – 138 Edward Foster Road Bk 47739 pg 204 (in file)
21. Request for Partial CofC for 68-2588 – 8 Aquinnah Path – Request, engineer's letter, as-built and check (in file)

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

Meeting adjourned 8:45 p.m.

Respectfully submitted,
Carol Logue, Secretary