

**Town of Scituate
Conservation Commission
Town Hall Selectmen's Hearing Room
Meeting Minutes
March 1, 2017**

Meeting was called to order at 6:15 p.m.

Members Present: Mr. Snow, Ms. Caisse, Mr. Harding, Mr. Mitchell, Mr. Parys, and Mr. Schmid.

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

Agenda: Motion to amend the agenda to include Police Fire update, informal for 36 Border Street and 23 Sunset will be continued Mr. Harding. Second Mr. Schmid. Motion passed by unanimous vote.

INFORMAL: Anne Gilbert, 36 Border Street was present. There is an approved septic system plan from five or six years ago; have an as-built. Would like to put up a dog fence between the wetland and the 50' buffer and a 10' x 20' shed; showed two possible locations. There is a lot of disturbance on this property. Want to remove the non-native vegetation and replace with native. There will be work in the buffer zone; house isn't built yet; mitigation area goes right up to the flags. House is smaller and on top of ledge outcrop; also there is an intermittent stream. Orders are extended. Mr. Schmid: don't want to see anything in the 50' or on the wetlands line. Part of the reason it was allowed is because it was the only place to put the house. Part of the house is in the 50' buffer. There is mitigation for working inside the 50' buffer. There is still work to be done in the disturbed area. Ms. Caisse: need to make a site visit. If the shed is a problem, would still want the fence? We should see how close the fence is to the intermittent stream. Definitely requires a revised plan. Concrete and debris will be removed. As long as putting up the fence won't impede cleanup. Will clean up first. Staying 10' back from the wetland flags. Get the shed as far away from the wetlands as possible. Will require erosion controls. Vines have killed trees, may be too far gone. (Check if there is an extension.)

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

Frank Snow recused himself. Applicant's representative requested a continuance for two weeks. Motion to continue the hearing to March 15, 2017 at 6:30 p.m. Mr. Schmid. Second Mr. Parys. Motion passed by unanimous vote.

Request for Determination: Piasecky, 133 Maple Street (septic)*

Greg Morse from Morse Engineering was present at the hearing. Abutters' notification was submitted. Septic upgrade for the Nancy Litchfield estate; approximately a half acre. Offsite there is a bordering vegetated wetland in blue, off that there is a 50' buffer shown in red and 100' shown in green. Also offsite is a perennial river to the south; mapped the mean annual high water mark; 200' riverfront area encompasses the whole lot. House is 4 bedrooms, cesspool in back inside the 100' buffer. Proposing a new four bedroom septic in the back with a 1500 gallon tank, 1,000 pump chamber, and a pressure dosed soil absorption mounded system 90' from the BVW. Grading extends 60' from the BVW; all lawn surface. Down gradient limit of work proposing a straw waddle. Riverfront standards exempt for septic upgrades. The river is a tributary to the drinking water supply, therefore it is a Zone A and has a 200' setback. Board of Health can wave to 100'. Outside the 100', but inside 200'. Health is reviewing, looking for a determination pending their review. If oversized it would have to comply with the 200' setback. Hoping the assumption can be made that 90' and grading 60' from BVW will be acceptable. Mr. Harding: don't see a lot of alternatives. Mr. Gallivan: complicated. How did you decide to file an RDA? Presumption that a repair outside the 50' buffer meets all the performance standards. That covers the wetlands, but also it is a tributary to a drinking water supply. There is a big area in front where you could be out of the 100' and maybe even the tributary and no percs were done. Lot next door had two failed percs in front. Given the size of the mound and grading, didn't see that it was fitting. Is it planned as a knockdown? As far as Greg knows Mr. Piasecky is moving into that house. Might be important to see if Board of Health and DEP would recommend moving it farther away. This came in as an Request for Determination (RDA), but typically it would be a Notice of Intent (NOI); probably would have been better. Mr. Snow: marginal soil in that area, would be at a loss to place a septic in the front; very sensitive area. What would DEP consider? Notification to abutters, Order of Conditions, and might want to see elevations; no wetland report, or soil samples. With an NOI we would have that information. Mr. Parys: could ask for the items you want, but septic is a huge improvement. Mr. Snow: don't usually ask to confirm the wetlands line for a single family. Soils and vegetation are usually done. Discussed driveway runoff to the wetland; look for improvements. Stream goes right to Herring Brook. Can provide a wetland report and look into the driveway. Mr. Snow: if we are going to give a positive determination don't want to wait two weeks. Have DEP and BOH weigh in. A continuance was requested. Motion to continue the hearing to March 15, 2015 Mr. Harding. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: Defilippo, 119 River Street (septic repair) (cont.)

Greg Morse from Morse Engineering was present at the hearing. Abutters' notification was submitted to office earlier in the day and received revised plans that Board of Health was waiting for. It is in a resource area, land subject to coastal storm flowage. Existing three bedroom that will tie into a 1500 gallon septic tank, distribution box and a series of leaching chambers; cesspool now. Blue line shows the AE flood zone, elevation 14' where the whole system lies. Not proposing any grade changes, diverting any stormwater, or offsetting flood storage. Pending Board of Health approval, but Jenn didn't think there was going to be any issues. Motion to close the hearing Mr. Harding. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: McElvey, 89 Edward Foster Road (raze/rebuild)*

Paul Mirabito from Ross Engineering and William G. McElvery were present at the hearing. Abutters' notification was submitted. Project is a raze and reconstruct; site plan submitted. Yellow line shows the perimeter of the property; bordered by Scituate Harbor to the north, coastal BVW to rear in pink; also shown is the 50' and 100' buffer. Flood zone is AE elevation 15'.

Patio just above elevation 15'. Existing gravel driveways to existing garages and one other gravel driveway will be eliminated. Front garage has some pavement and a small pervious circular driveway; pervious pavers under the house. Additional driveways on each side of the house will have pavers just wide enough for tires and will not be used continuously for the garages in back and under the house. Green area is proposed lawn. Regrading behind the house. Harbor side of wetland is a lawn area; proposing a series of plantings. Resource area is Land Subject to Coastal Storm Flowage, work will not have any impact on resources. No stormwater work being presented, less than 25% increase. Submitted plans explaining calculations and showing impervious coverage. Left side shows existing plan and represents the impervious areas. 3,677 sq. ft. multiple 1.25 = 4,596 sq. ft. If that number is exceeded, it would trigger stormwater; proposed impervious area is 24.5%. Plan shows proposed house over existing house. There is one driveway that is impervious. Mr. Harding: does it have to be a concrete driveway? Mr. McElvery will go with pavers. Small section of pavers in the 50'. Everything yellow is impervious. No work in the town's 10' contour floodplain, except proposed plantings. Run the 10' contour by Zoning, but plantings are a positive. Any swales to keep water off abutters on either side? There will be a swale on each side as part of the lawn area. Motion to close the hearing Mr. Harding. Second Mr. Parys. Motion passed by unanimous.

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

Greg Morse from Morse Engineering was present at the meeting. No changes have been made to the plan since the last meeting. Updated the Commission last time about the site visit with Board of Health, Bruce Bouck, Pat and Frank and Greg. Submitted revised plans for the septic setback, reduced scale of project to one single family home. Cohasset Water Department had common interest in the project. Yesterday presented project to Cohasset Water Commission, Town Manager, Conservation Agent, Board of Health Agent, and others. Overall, they appreciated bringing the project to their attention and they didn't have any major concerns and no changes were requested, however, they did request to be informed earlier of any development around their Water Resource District. BOH is still reviewing the septic. Septic is outside the 100' buffer zone. Note #5 has been on the plan since the beginning. The project was reviewed with Neil Duggan and it was decided that the project is not in the Floodplain and Watershed Overlay District, if it had been, a single family could not be built. It is however in the Scituate Water Resource Protection District, therefore, can't be more than 15% impervious land area. Tributary has been reviewed by DEP. Mr. Schmid: looked on GIS layers and it showed a lot of the property was in that district. GIS mapping is not correct. Using the 1972 map from Zoning. Property is 220' from the brook. Further back it expands and map references the 100' contour with respect to mean sea level. Lowest elevation was at 108'. Ms. Caisse: the different setbacks makes this qualify for one lot? Yes. Mr. Gallivan: at this point we need BOH's approval; we will need to stay outside the 200'. Our GIS shows a much expanded area that would have changed this project a lot. Showed floodplain, which is a zoning district; paper map from 1972 is hard to read. Going to sit down with Neil Duggan and Bob Vogel, they don't know we are talking about feet and inches. DEP required information from Greg and they are going to update the GIS website with the tributary. Zoning map does show the district expanding onto this property. One showed a river running through Ms. Close's house. Did speak to BOH, nothing will change the septic system from going into the 100' or 200' tributary setback. Professional land surveyor will stake out the septic, then will take measurement from brook. First time using this 1972 map inland along a river. Doreene Close, 132 Summer Street.: Floodplain goes onto the site a lot, not just a little and the septic is right in the middle. Doesn't understand to go back 50 years to use a hand drawn map, when she holds the official map. Haven't had a chance to talk to Neil Duggan, would like that opportunity. Mr. Snow: will probably ask for a letter from building/zoning regarding the floodplain. Need to deal with issues under the WPA; not floodplain. We have overlapping issues, makes it complicated. They were supposed to notify the abutters. Abutters directly across the street 157 weren't notified; not on list. List is generated by the town. Been asking repeatedly, nobody is looking at Vernal Pools (VP) or endangered species. Would like you to look at these issues before they ruin a beautiful piece of land. Get Heritage to designate VP and endangered species; requesting you ask Heritage to look at this. Two wetland scientists reviewed the whole site. It is a sensitive area. Mr. Snow: we all agree it is a sensitive area, but we rely on professionals. Pat, any report from Natural Heritage? No. There is an area across the street. No way they could visit the site and not find vernal pools; there are many out there. There is a little bit of upland they are trying to squeeze into; it is so tight. The swamp was just one big piece. Trees suck up a ton of water. All the trees that will be cut down will send 10,000 to 200,000 gallons of water through her property. She is in a floodplain; they are in a floodplain. The first criteria is do no harm to the people that are there. We have an engineer review calculations. All the development we are approving is causing flooding for everybody; have to understand the whole big pictures. We've looked at a number of things. Project is pared down considerably. There is always two sides, including people's rights to use their property. We ask the applicant to go through all those pieces; they are going through the process. When we make a decision that decision can be appealed in either direction. We can deny the project and the state issues superceding orders. The state isn't always the white knight, we can usually end up with a better situation. Our bylaws are more stringent than the states'. Respect you guys, but there is a huge habitat out there. Filled in the swamp to build Summer Street, considered an enpoundment; clearly a dam, the swamp has been damned. Mr. Snow: the roads certainly alter the way water flows. Don't see how Summer Street doesn't qualified for a dam. Mr. Corbin told her it was all filled. We have to trust the experts. Would like to hear from BOH. Plan submitted early February; they have 45 days to review. Mr. Gallivan: there is information we need to make our decision. Beverly Sullivan, 114 Summer Street: look out at the back yard and see water where they are going to build. There are two streams behind Ms. Close, will she get more water? Not going to argue about trees getting cut down; look at the bigger picture. Septic for a 3 bedroom? What is square footage, probably 3,000? Mr. Harding: understand Greg would like to close, but need measurement from edge of septic for the 200'. There is no leeway for this system. Stake off septic system. Professional land surveyor would be required to measure off the 200'. Motion to continue the hearing to March 15, 2017 at 6:50 Mr. Harding. Second Ms. Caisse. Mr. Mitchell: believe applicant has met his burden. Motion passed by a 4 to 1 vote. Mr. Parys stepped out.

Wetlands Hearing: Pitts, 94 Crescent Ave. (raze/rebuild)*

Paul Mirabito from Ross Engineering and Karen Pitts were present at the hearing. Abutters's notification was submitted. Stone revetment east of the property line, which is also the top of coastal bank. The 50' and 100' buffers are shown. Keeping existing concrete driveway that goes to the edge of the lawn, except for a portion that will be removed for a small retaining wall; adding about a foot of fill behind the wall. House will be built 4' to 5' closer to the street and farther from the 50' buffer. Grassed swale along the edge of the property so the water goes down to the overwash area and eventually to the rip rap. There is a 24.2% increase in impervious area. Existing impervious is 2,909 sq. ft. proposed 3,614 sq. ft. If it was 25% the total would be 3,636. 22 sq. ft. to trigger stormwater. There is very little regrading required and also property is on town sewer. Ms. Caisse: how high is the retaining wall? Elevation 23'. Will be about 2' to 3' above the ground and 4' deep, to hold the grade for the driveway. Portion

of wall is in VE 18'. Mr. Mitchell: is the top of the retaining wall in the calcs? Yes, 81 sq. ft. Mr. Gallivan: How the coastal bank was calculated? Slope over 25% then you are on a coastal bank. Elevation 12' for rip rap that jumps to 21.8'. Top of coastal bank is the first observable break. Grade goes up flattens out then goes down. New foundation is 50' off of the coastal bank. Built to FEMA standards. Mr. Gallivan: sloped toward neighbor to north, will swale cover roof runoff and driveway? Yes. Will the row of rosa rosga stay? Some will probably go, but could put them back. Any roof drainage? May have gutters. Not sure what the architect is planning. Wall will help deter the water from the neighbor. Used the current flood map. With future sea level rise, we can only encourage applicants to go higher. Mr. Snow: basement is at 22.7', finished floor is at 30.6. Understand the driveway is paved now. Right now the driveway pitches toward the retaining wall. Would like to something at the end of the driveway – raingarden or something. Could cut pavement and put some infiltrators. Much larger home and more impervious surface. Any water could destabilize the bank. Put a small trench at the end of the driveway. Worried about stormwater, Pat is going to check calcs to make stormwater is not triggered. Motion to close the hearing Mr. Harding. Second Mr. Parys. Motion passed by unanimous vote.

Extension: Host, 1 Great Rock Island (expires 3/20/17)

Mr. Host was present. Looked at less impact than he saw on the plan. Owns both islands Little Rock and Great Rock. Made the decision to buy, but didn't have a vision. Went out there for about 30 walks, year around to get a feel for it. Motion to extend the Order of Conditions for 3 years Mr. Harding. Second Mr. Schmid. Motion passed by unanimous vote.

Coastal Advisory Commission: Mr. Harding: Meeting is scheduled for March 14.

Beach Committee: Mr. Schmid: Pat and I sat in on an elevation meeting run by Nancy Durfee and Bob Vogel. Answered some questions about FEMA and Grants.

19/21 Peggotty Beach: Pat has a meeting with Jenn tomorrow.

30 Peggotty Beach: Piles down by the beach are still there and there is a lot of junk in those.

24 Webster Street: had a meeting and site visit. Waiting to hear back from property owner.

Gilson Road (culvert replacement): Kevin sent it out to a design engineer. Jason Burtner from CZM will make sure it meets all codes. This is design money only right now, no construction. At one point Kevin was going to try to take out of budget.

Trails: Frank and Penny met with Miners and Matthews. They have done a ton of work bunch of ideas and going to formalize and meet with us later in March. They have ideas for new volunteers. Spent time looking over their thoughts. Looking forward to working with a new group of people. We are going to have a public meeting talking about access and parking. Bad news the monies appropriated through CPC weren't clear enough to be used for parking areas. Best way is to return the money and ask for it to be revoted at Town Meeting.

Private Well Irrigation: Think it is something we need to talk about. We are not the Water Resource Commission, but Conservation has a big part in that. Spend more time outside a regular meeting having some conservation with our Water Department, Water Resource Committee, and Water Commissioners; maybe a workshop group. Mr. Schmid: with the lack of snow cover we may be in the same boat of a drought next year. Selectman Curran: Becky Malamut, is the chair and Mike Clark is the vice chair.

Order of Conditions: Kwiatkowski, 19 Hillcrest Road (swimming pool)

Motion to condition the project Mr. Harding. Second Ms. Caisse. Motion passed by unanimous vote.

Order of Conditions: Asaff, 22 Hatherly Road (new build)

Motion to condition the project Mr. Harding. Second Mr. Schmid. Motion passed by unanimous vote.

Rousseau, Contractors yard off New Driftway:

Draft letters for the Commission and then can send them Friday or Monday.

Partial Certificate of Compliance: Public Safety Building, 800 Chief Justice Cushing Hwy.

Letter was forwarded to the Commission that requested a Partial Certificate. Stormwater is complete except for planting. Septic system is in. They need it for the occupancy permit. OK

48 Ocean Ave.: final language on this one was that he had to do off site mitigation. Meeting with us and DPW. Mr. Snow: Need to get this resolved. Take a look at what it might have cost him to do other things and come up with a figure; he might need to escrow some money. Ask him to escrow \$5,000 and issue.

Dredge Amendment: Marshfield has an Order of Conditions for dredging the river. They were pumping onto the beach, but that didn't work now they have to truck it through the towns. Abutters have not had a chance to weigh in on it. Need ramps to have stuff loaded on. Maybe we could just do a mailing instead of a meeting. Whole plan is the same. Mr. Harding: trucking would be on the Marshfield side of the river; they are not going to be in Scituate. Simple as long as people are notified. If they don't want it all, except this is all cobble.

Humarock meeting coming up the 28th. That is planning for getting stone and cobble out there. Raising the road up, etc.

Hunters Dam Pond: 8 state agencies want us to revise the Orders for time of year change. It was simply changed by 15 days. We put the letter in the file. Motion to accept revised plan with time of year change Mr. Schmid. Second Mr. Harding. Motion passed by unanimous vote.

Update on Spill at the corner of Mann Lot Road and 3A: Jenn Keefe has been meeting with them; Pat's been talking with them; 3 of the well were good, 1 wasn't. Pumping under a DEP emergency order. Mr. Snow: would make it better if they didn't park their truck in a wetland. It is the edge of the road, but technically it is a wetland.

CORRESPONDENCE

February 16 – March 1, 2017

1. Hunters Pond TOY Request – incursion of June 2017 for Phase 1 work to be completed. Reason: to use money that will expire on June 30, 2017. (in file)
2. Request for Partial CofC for 68-2560 - Public Safety Building, 800 CJCH (in file)
3. Reservoir Dam Water Storage & Fish Passage Improvement Project – meeting March 8, 2017 from 10:00 a.m. to 12:00 noon.
4. Board of Health Agenda February 22, 2017 6:00 p.m.
5. DEP File #68-2646 – Asaff, 22 Hatherly Road (in file)
6. DEP File #68-2647 – Kwiatkowski, 19 Hillcrest Road (in file)
7. Request for Extension of OofC for 68-2499 – (1) Great Rock Island (in file)
8. Private Irrigation Well Nonessential Use Restrictions in Massachusetts
9. Request for CofC 21 Evangeline Drive (Lot 11 of 77 Elm Street subdivision) (in file)
10. Notification to Abutters 89 Edward Foster Road (in file)
11. Request for CofC for 68-2617 – 134 Oceanside Drive – engineer's verification, as-built, check (in file)
12. Recording of OofC for 68-2644 – Oceanside Dr., 7th to 10th Ave. (seawall – Lots 26, 27, 28 & 29) C 80702 Bk 00403 Pg 102 (in file)
13. Well #22 Satellite Well/Replacement Well. New well 25' west of existing well and pumping station within the fenced area.
14. Planning Board re: Stewartia Realty Trust, Summer Street – approved removal of 20 linear feet of stonewall for a 12' wide driveway (in file)
15. Request to continue Sunset Road for 2 weeks (in file)
16. Request for a PCofC for Public Safety Building, 800 CJCH (in file)
17. Update from Jenn Keefe re: cleanup near intersection of 3A & Mann Lot Road
18. DEP File #68-2648 – McKelvey, 89 Edward Foster Road (in file)
19. DEP File #68-2649 – Pitts, 94 Crescent Ave. (in file)
20. Revised plans for 119 River Street (in file)

Motion to adjourn Mr. Schmid. Second Mr. Parys. Motion passed by unanimous vote.

Meeting adjourned 9:00 p.m.

Respectfully submitted,
Carol Logue, Secretary