

**Town of Scituate
Conservation Commission
Town Hall Selectmen's Hearing Room
Meeting Minutes
January 4, 2017**

Meeting was called to order at 6:16 p.m.

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

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

Agenda: Motion to amend the agenda to discuss MACC pipeline letter and cobble over wash on Central Ave. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Mr. Harding announced that Stewartia Realty Trust, both Summer Street lots are going to be continued to February 1, 2017.

Minutes: October 26, 2016 and November 2, 2016

Motion to approve the minutes of October 26, 2016 and November 2, 2016 Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Coastal Advisory Committee: Mr. Harding: Have not met. Not sure when the next meeting is scheduled. The last one was posted.

Beach Committee: Bill Schmid: invited John Denahy to the next meeting. Received funding for beach mats for handicapped accessibility at the beaches. Meeting with some of the Board of Selectmen on it next week.

21 Peggotty Beach: Believe the address is now 19. Three test holes were done and found lead in one of them. Now everything is on hold. There will be additional testing done. Sent a letter to the 30 Peggotty Beach that received the material; invited them in for a meeting either tonight or next meeting.

Another contamination area: gas spill near Mann Lot Road and 3A. DEP was notified. Company doing clean-up are going to dig . test wells. Town may ask that it all be dug out. Will have better update on the 18th.

Request for Determination: Marchione, 101 Booth Hill Road (septic)*

Greg Morse from Morse Engineering was present at the hearing representing James Marchione. Bordering Vegetated Wetland line shown with a blue line, 50' red and 100' green; entire site is in the 100' buffer. Cesspool is in the front. Proposing a new 1500 gallon septic tank, distribution box and leaching bed in the front. All work outside the 50' buffer. State makes a finding that if it is outside the 50' buffer, it meets all the performance standards. Found well draining material; there will be no significant grading; not mounded; groundwater was 80" down. No Board of Health approval yet. Mr. Gallivan: Any erosion control for the property on the left? Can put some in. Want to wait for BOH approval? Mr. Morse was comfortable closing. Motion for a neg. 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)." - Erosion controls shall be installed to the left of the disturbance for the septic system. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

MACC Request for support regarding Pipelines: can make copies – give it some thought through the meeting. Letters from various commissions supporting the line not be built. Letter is very general and vague. Don't know enough about it to know the impacts. Letter could be sent from the majority, doesn't necessarily have to be unanimous. They are asking Commissions to stand against pipelines wherever they are being put in.

Wetlands Hearing: Hummrl, 91 Surfside Road (rip rap) (cont.)

Requested a continuance for two weeks. Motion to continue the hearing to January 18, 2017 at 6:30 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Handicap Accessibility: Pat, Penny and Frank are meeting with the Disabilities Committee next week to get some input on what is needed to work some accessibility into the new areas where the parking will be built and also to include in the Open Space Plan. Want to be sure to follow their rules and regs. Trying to make more accessibility when we can. There are multiple agencies and Commissions that regulate. Question from Laura as to how we might fund some of this. Have to get Open Space Plan in quickly and approved. Send an e-mail to Karen Connolly, see if they can use administrative money. Hoping to work with Planning, Recreation. These are on ConCom controlled properties. Got the checklist of needs to be done and no where did it say that we had to have more accessibility. As far as the Open Space Plan goes accessibility is exactly the same as 2009. A couple of the new parking areas are pretty flat for some accessibility. From what Karen was saying, whether it is a bike path or whatever, we should have a little write-up that we are working with Disabilities and working toward more accessibility. Two parts: what there is currently available and what might be coming. Mr. Snow: if we are building new, a portion of that has to be accessible; don't have the option; you have to comply. We have to have at a minimum some parking and some degree of accessible trails. Will have to hire someone to do the plans; very detailed. Disability Committee meets at St. Lukes at either 7:00 or 7:30 p.m.

Wetlands Hearing: Martin, 264 Clapp Road (remove dead, storm damaged trees & debris and replant native vegetation) (cont.) Amy Martin was present at the hearing. Plan shown is the as-built covering everything done and what is being requested. Boulder line was put on; everything is planted, except milkweed and trees; added additional buffer plantings. Mentioned the hot tub last meeting, moved it as far as possible outside the 100' buffer. Blue line is the 50' buffer. If this was new lot, we wouldn't have allowed all this work. Are you requesting any more work in the 50'? No. Ms. Scott-Pipes: find this a very disturbing project. Steve Ivas was there in 2008 for the addition and told you to stay out of the buffer, then unfortunately you went in and cleared and came back when it was all done. Is the 50' marked with posts? No. Want to state, whatever has been done will stop now. Ms. Caisse: thought we had an understanding that there would be no additional blue stone pavers. Don't remember that. They were on a previous plan. But they weren't approved. Things just kept multiplying. Mr. Gallivan: talking about to the right of the fish pond. Just switched the type of material. A lot more invasion and disturbance than the original. Mr. Mitchell: it has exploded from 2008 to now without Commission approval. Ms. Caisse: more and more things were done, also planted what you wanted. It was her understanding that she could continue to plant. First looked at the trees cut, didn't look much at the fish pond. Ms. Scott-Pipes: just kept snowballing. There was no blue stone at the pergola. Mr. Snow: back up a little bit. Sent a letter when tree work was being done; looked at the property and found some disturbances in the wetland area. Debris was removed, but the other point is, it was probably filled before the wetlands act. Look at the corrective measures taken. Are the plantings better than if it was a lawn? Should address the additional hardscape. Have been encouraging revegetation, but it is frustrating when work is done and then you come to the Commission. Would like to see stakes demarcating the area. Where would you propose? Across the area we call the rock wall put 4 x 4 posts with placards stating that this is a protected area, no disturbances beyond this point. Only question is if invasives start? She would have to come back. If anything has to be done in the back, call first. Put posts with placards in the orders. Motion to close the hearing Mr. Schmid. Second Mr. Harding. Motion passed by unanimous vote.

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

Frank Snow recused himself. Mr. Harding, Acting Chairman explained that the Commission looks at resource areas only and we are not the only board that needs to give approval. Greg Morse from Morse Engineering, Atty. Chris Fein, Commission's consultant Bob Gray from Sabatia and Atty. Brandon Moss were present at the hearing. Mr. Gallivan: this is the first time looking at existing conditions, soil report and wetland report. Bob Gray has identified additional resource areas. There is a lot of past history to this site, but we are looking at existing conditions for a new single family home. Brad Holmes reviewed the wetlands for applicant. Appears that Brad and Bob are in substantial agreement at this point, but the bank and coastal dune need to be delineated. Mr. Morse: will add to the plan. Property line is in bold; 4.79 acre parcel with Sunset Road on the left; Scituate Harbor bottom left. Delineated a Bordering Vegetated Wetland (BVW) C series, an A series at the south and Isolated Vegetated Wetland (IVW) in the middle. Single family will be in the northeast area of the property. Replicating the IVW 2 to 1, but well outside the 100'. Just delineated near the subject area, which is in Land Subject to Coastal Storm Flowage, elevation 15'. Proposing to elevate on pilings at elevation 17'. Bob Gray: December 22 visited the site with Brad Holmes and Pat. Art Allan, soils person had been there in the past. Checked the entire site, had some concerns with wetland areas not reflected on the plan; need evaluating. Even though they are showing one house, concerned that it is property divided into 6 sublots; should lock in all the wetlands on the site. Wetland replication is in an upland, BVW flagging is off site; essentially a phragmites stand; not sure about a permit; it was recently mowed. The C series parallels McLean Drive and goes to the old agricultural field; suggested from C9 to bring line straight across and meet up with the other A series and call it all BVW. In Brad's report from 2012 there was an ARAD filing with an ORAD issued. DEP made a determination that the lower area was BVW; IVW is only under bylaw. A DEP produced map has a coastal dune which is evident on the site; asked Brad to flag a portion of that to see if any of the work would be within 100'. Off to the right, offsite is a salt marsh. Also mentioned is a potential coastal bank. Lot behind has a house and a slope that goes from 12' to 17', don't know if it is greater than a 10 to 1 slope. Where the flood elevation comes to the slope, it is a coastal bank under DEP policy, then top of bank will need to be decided. Not knowing where the bottom or top of bank is, not sure if the outer portion of the pilings might be in the bank or below the toe of the bank. Ms. Scott-Pipes: up to McLean Drive is all BVW? Yes. Don't know when McLean Drive was put in, different from the fill material; very abused site. If the road wasn't there it wouldn't be an isolated wetland, it would all be BVW. Before the site was abused, salt marsh extended well onto the site. Gave a soil map that actually shows the houses and has a series of soils from salt marsh to tideland soils. Couple of maps show salt marsh through the site; area was likely filled with dredge spoils, which don't have good drainage. Wasn't able to determine when all the filling took place. If this is determined to be former tidelands, may be interaction with waterways or filling of tidelands and would have to obtain a license. Don't know if you can chase back. Went to google maps, went back in time; it was probably filled in the 1990s. If the filling occurred before the WPA, then it might not be possible to do anything; only possibility might be Chapter 91 if it is Commonwealth tidelands. Greg Morse: looked at all the historical maps, Guzzle depicted on GIS and CZM has an overlay of historic tidelines. Guzzle does not show where his proposed work will be, nor does it fall under Chapter 91. A Guzzle is a term associated with drainage issues in the marsh, no regulatory function, couldn't find a scientific definition. Before all the drainage got changed with the filling, the guzzle flowed through the smaller channels. Ms. Scott-Pipes: most of the filling was done in the late 50s or 60s with dredge spoils. The question is when was the gravel put in McLean Drive without a permit, maybe 1999. If you dig down 4 or 5 feet, the whole place would be a BVW. Wetlands were delineated by a combination of soils and vegetation. Because these areas reflect past disturbances, the IVW area has some upland species intermixed in a couple areas. Based on soils, vegetation wasn't natural to the site; not an easy site to define. As you progress the lower portion of the larger field seems to get wetter. Is it feasible to have testing under the gravel? Think we will have discussions of what comes next. Mr. Morse: Intent is to fit one single family house, and don't think the A to C series will be effected. Delineating the landward portion of the site; would ask not to delineate lower field, it is several 100 feet away. Proposing a huge mitigation package and there will be only one house, with a deed restriction; which should solve the issue of delineating the whole property. Mr. Gallivan: will be looking at past permits. Ms. Caisse: it is a big plus to leave the rest of the property natural. Mr. Gray: Not sure the soil sampling will solve the dilemma. If the paper road was not filled, wetlands would probably been connected, then the house would be proposed in a BVW. Proposing 2,500 sq. ft. of fill with mitigation of 5,000. Based on Art Allen/Eco Tech he feels that if a series of soil borings were done in the C series in McLean Drive, you would probably find intersection of peat; old salt marsh. If filling occurred with a permit, it would make things very interesting. Have to try and pin down if a permit was issued, who issued and how it was issued or if it was done without a permit and take a look at filling after the WPA went into effect. Believe it was 1999 and haven't found anywhere that it was permitted. Need to dig up some more information and bring

Bob Gray back. Meet with the applicant; look at the history; find out if dates come into play and if it was 1999. Dave Crocker, CHA Consulting for Jim & Mary Bristol, Sunset Road.; echo Mr. Gray's presentation. Look at the entire site with all the resources both shown and not shown. Why entire NOI for the whole property if there is a deed restriction? Heard the mitigation proposed to not build on nonbuildable lots, but where is that headed? Why would we need an NOI for the whole property if none of the lower portions would come into play. No determination has been made west of A9. Brandon Moss: haven't reviewed the NOI filing. Without an ANRAD can run into issues of resources being missed. Carol FitzGibbons, curious about deed restriction. Different owners of the other lots. Would like affidavits from them that their lots will be restricted and they agree. Brandon Moss, if there is a restriction, it would be held by the town and if future owners tried to build, the town would know. Bob Gray: one thing, none of the owners have signed the NOI. Might want to get a written statement to know they are aware of the NOI. Three different owners, one being an estate. Get more info on the history of the coastal bank; should meet between now and then; have info from first hearing. Motion to continue the hearing to February 1, 2017 at 6:30 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

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

Revised septic to be reviewed. Applicant's representative requested a continuance to February 1, 2017. Motion to continue the hearing to February 1, 2017 at 7:30 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

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

Revised septic to be reviewed. Applicant's representative requested a continuance to February 1, 2017. Motion to continue the hearing to February 1, 2017 at 7:30 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Amendment: Marquardt, 129 Turner Road (expand deck) (cont.)

Hans Marquardt was present at the hearing. Abutters' notification was submitted. Recently finished elevation, happy to be done; it was a good move. Now looking to do some of the other projects. Proposing to expand deck on the front side, using five sonotubes. The intent is to have it look right and be more functional. Replace small section, square off, and bring stairs through the deck. Mr. Harding: are you going hinge the stairs? Thought of that. Originally requested to review a revised plan, but with the additional sonotubes and additional stairs, thought an amendment would be better. Stairs are just relocated. Motion to approve the amendment Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: Kelly, 11 Tilden Road (addition) (cont.)

Greg Morse from Morse Engineering and Richard and Barbara Kelly were present at the hearing. Wetland consultant Steve Ivas submitted a report. The wetland resources on the property are: Bordering Vegetated Wetland, Satuit River (Rivers Protection Act), Bordering Land Subject to Flood and AE flood zone, elevation 22'. He ran through an alternative analysis, but the proposed area is the best. It is outside the 50' buffer in an existing lawn. In the riverfront area there is an allowance to disturb up to 10%, this project is at 9.7%. Property line goes down the middle of the river. It will be on a concrete foundation at elevation 22'; 10' higher than the flood plain. FEMA really screwed up this one. LOMR has technically been done. A lot of debris is in the wetlands, we ask people to remove it. Send alternative analysis to DEP. Mr. & Mrs. Kelly: some people have asked if there is some sort of restoration of Satuit Brook to make it a flowable stream again; keep looking into grants. Used to fish there. Look into Trout Unlimited. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: Sheerin, 25 Bayberry Road (raze/rebuild) (cont.)

Paul Mirabito from Ross Engineering was present at the hearing. No Board of Health approval. There will be 150 cu. yds. of fill; with increase in the footprint of house. Majority of that is due to the proposed garage. New house will have one deck off the 2nd floor; no walk out basement. The fill would be placed at the front of the house, proposed wall up to the foundation to reduce the number of stairs. Stairs on both side; clam shell driveway. Top of wall is 11', ground level 8' approx. 3'; 70 yds. of fill for the driveway. Green area will stay the same. Wall and walkway in front does it redirect water? No. Ms. Scott-Pipes: problem with the mitigation, offering 2 to 1. If you left it in the same footprint 2 to 1 would be OK, but would like to see a lot more. Proposed mitigation is not required. You are in the 50' buffer. The project meets all the FEMA and building requirements. Existing house is well into the flood plain. Could add more plants in the back; adding pervious material for the driveway; and pushing house closer to the street. Zoning issued a finding to allow the structure. Mr. Schmid: this is the exact type of project that should be stopped; building larger footprints in an area which is clearly going to flood. Ms. Caisse: watched the Zoning meeting. It is a non-conforming lot and they can do it. If Zoning was to be changed, would need to go to town meeting. Mr. Snow: This is already nonconforming, no basis to deny. They do have the right to keep the same footprint, but we are trying to protect the resources. If we feel this house is more detrimental than the existing house, then we would have concern. State building code doesn't want to see existing house stay, way too low. When you build a new house the foundation has to be much stronger. Mr. Schmid: adding more impervious with a poured foundation. Mr. Harding: would be much happier if it was on pilings. Found ledge at 12'. Concrete is better with flood vents. Not directing water toward abutters. Same footprint, on piers, would be good. Water slowly rises at this location; this application is straightforward for Zoning. Mr. Snow: garage is additional impervious. House does not trigger stormwater at 18.9%. Did not use the decks in the calcs. Mr. Schmid: The house is bigger and adding a garage, how can the impervious be smaller? It is more impervious area, but it is under 25%. Have to look at existing and proposed impervious area. Total existing is 1,921 sq. ft. walkways and wall areas; new is 18% more. Garage and house are vented. Mr. Snow: house is deteriorating, tearing it down makes the most sense. House will be safer, more elevated. Do they have the right to enlarge? Because they want to expand 18.9% they are offering mitigation. Should we have more mitigation? Is there something we can suggest to protect the resource area? Don't see the point of plantings in a flood area. Flags were underwater by about 20'. Garage can be below base flood. Does it have to be that big? Yes. Can't understand how by making the house bigger and having a garage there is less impervious. Decks are not included. Foundation is 9' above the ground. Mr. Snow: what about skirting like other houses, so area wouldn't have to be filled? AE flood zone doesn't have momentum. Commission is thoughtfully confused by impervious calcs. Adding to house and garage, under 25% may be light. All the numbers are located on ground surveys. We meet the performance standards, it is safer; conforms to FEMA standards and not going into the salt marsh. Mr. Snow: is expansion of footprint and the resource area going from 1580 to 2000 increasing 500 sq. ft. in the resource area, is that something you would allow with sufficient mitigation? Would this house on some sort of piers or piles make it more environmentally friendly? Or

would it be more fill? Mr. Mitchell: feasibility of the mitigation; what would be achieved? At the end of Bayberry Lane, conditioned a project in a depressed area; allowed them to build the house, clean up the area and mitigate. They had to redo the storm drain and more than a little bit of planting. Once these issues are brought to the attention of the applicant they can be considered for the orders. Paul Mirabito: task of the Commission is to meet performance standards to work in these areas. Mr. Mirabito: We are offering mitigation even though we don't have to. 100% certainty applicant would prevail on the appeal. Increase of footprint is very small; larger increases other places. Mitigation may have to come off the table. To deny we would have to come up with why it doesn't meet the performance standards. Want a Brad Holmes stamp and know these plants are going to work. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Mr. Mirabito: Cote, Atlantic Drive: they want to reconstruct and elevate the decks before next summer; work hasn't started, but project has been conditioned, however, it will be a different type of setup. New pilings are on the same plans. Difficult to discuss without seeing the plan. Go over with Pat.

Valdez, 164 Turner Road: Received a call last week about someone dumping stones on Town Way Ext. from Jericho Road. Sent a letter to attend a Conservation meeting to explain. Own two homes in Scituate. Every high tide surf comes over the seawall and stones come across with a lot of sand right in front of the marsh, at the edge of the parking lot. Removed any debris and threw them in the truck. Asked a lot of people if they thought it was OK and nobody had a problem. Basically they are from the same beach; only been there once. One lady that lives way out on the Town Way Extension was upset and called the police. Police said just make sure you go to Conservation and get a letter. If people get cobble, they may put them back on beach, but they shouldn't move them. Only moved about 10 of stones. Rocks will eventually find their way to the marsh. Next time the situation happens, we have a Minor Activity Permit which Pat can explain and you can put them back on the beach behind the seawall. There was no sign that said private way. Private property owner in front accepts them.

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

Board of Health has approved the tight tank. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Order of Conditions: McMillan, 105 Glades Road (septic)

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

Mann Lot & 3A: An edger spilled gas in the area and now they want to do test wells. Phone meeting tomorrow. Board of Health, TA, perpetrator and Conservtion.

Enforcement:

Rousseau, Contractors yard off New Driftway (behind South Shore Auto) Got information from Al Bangerg regarding MBTA Mitigation. Will get lawyer and engineer involved again.

25 Egypt Beach Road: Morse asked about a survey plan. Owner is responsible for keeping silt on site; nothing has been done. Top soils are eroding. Will call. Should be fined.

New Lot on Glades Road: Burick built the house – wetland cleared. John Cavanaro is working for property owner. Small isolated wetland was cleared.

7 Gannett Road Coastal Wall: fence structure 4 x 4s; sent letter; Blocks the water. Not allowed to block water – fine them.

30 Peggotty Beach Road: accepted fill from Haufler. The fill has lead in it. Need to do more testing out there.

Town Way Extension: done

Pond View Ave./Mitchell Ave. remove or file.

Certificate of Compliance:

Digan, 104 Edward Foster Road: house next to Mike Adams house. Selling. OK to issue.

Dreamwold existing house: selling; will write a letter stating that there are no outstanding conditions related to this preexisting dwelling with exception of some future work on the common driveway and stormwater basin.

Central Ave. cobble overwash: letter was sent out from Public Works, now there is a question on easements for beach nourishment. If DPW gets a grant they could move it back to the beach, but if they don't, material stays there. The wording of the letter could have been revised.

Pipline let's not set a precedence regardless how you feel about the pipelines; don't like the wording, very vague. Don't want them in a wetland, but not in favor of signing a letter; way too vague.

CORRESPONDENCE

December 15, 2016 – January 4, 2017

1. Revised landscaping Plans for 41 Cavanagh Road (in file)
2. Recording of OofC for 68-2636 – 22 Indian Trail (in file)
3. 22 Indian Trail starting work next week – (received e-mail 12/16/16) – picture showing DEP sign and boundary fence as requested (in file)

4. Picture of 328 Central Ave. brick drive
5. Lucas Environmental received revised Plan of Land in Scituate & Norwell dated 12/12/16 (in file)
6. 189 Glades Road – dwelling reduced from 4,340 s.f. to 2,840 s.f. – 35% decrease; will result in less runoff (in file)
7. DEP re: Minor Project Modification Ocean Drive 7th to 10th Ave. Seawall – revetment approx.. 14,600 s.f., portion of revetment seaward is approx.. 4,900 s.f. considered a minor project modification (in file)
8. Revised Site Plan for 25 Bayberry Road – 12/15/16 – added chart (in file)
9. Recorded Extension Permit 214 Clapp Road – 68-2474 - Bk 47911 pg 270 (in file)
10. Dog Park Update (in file)
11. Recording of CofC for 68-1517 – 16 Hawthorne Street (in file)
12. Request for CofC for 104 Edward Foster Road – Request, as-built, engineer's letter, check (in file)
13. Sabatia, Inc. – Bob Gray report re: 23 Sunset Road & McLean Drive (in file)
14. DPW re: Residents of Central Ave. – removal of Stone Storm Debris
15. 11 Tilden Road – Ivas Environmental Report (in file)
16. Building Dept. re: Adams, 108 Edward Foster Road – violations – 18 new posts on footings for decks – does allow footings for new construction on coastal dunes. Authorization was not obtained from Conservation (in file)
17. Recording of OofC for 68-2640 – 28 River Road – Certificate 123573 Bk 617 pg 173 (in file)
18. The Beacon
19. Request to continue Lots 1 & 2 Summer Street to February 1, 2017 (in file)

Motion to adjourn Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.
Meeting adjourned 9:30 p.m.

Respectfully submitted,
Carol Logue, Secretary