

**Town of Scituate  
Conservation Commission  
Town Hall Selectmen's Hearing Room  
Meeting Minutes  
January 18, 2017**

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

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

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

**Agenda:** Motion to amend the agenda to discuss 274 Central Ave. request to review a revised septic plan, already approved; 3A spill in November by the Safety Building and monitoring wells; 8 Holmes, raze and rebuild question regarding stormwater permit; discuss one of the houses on Aquinnah; and invoices for CPC projects for Mr. Snow to sign. Motion to accept the amended agenda Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

**Request for Determination:** Historical Society, 16 Country Way (install 7 steps for access to Gristmill) (cont.)  
Dave Ball and Steve Litchfield were present at the hearing. This project has been continued since 2015 for steps an Eagle Scout was interested in constructing for access around the Gristmill, however, there is no scout available right now. Approved a negative determination, then Pat called to say had to rescind the approval because the issue came up that work on the mill was within 150' of the Greenbush Pond and in the Water Resource Protection District. Regs state: 1. no earth disturbance; 2. no vegetation removal or cutting; 3. no permanent structures, other than associated with providing public water; 4. no surface or sub-surface discharge. Also wanted a licensed applicator to apply herbicide to the knotweed, put together by Samantha Woods and Marshfield, but it was decided it couldn't be done, but still have the knotweed problem. Mr. Snow: Can't believe that maintenance is not allowed. Bob Vogel thinks he found something in Zoning that would allow cutting. Way back Vinny Kalishes signed a waiver for the knotweed to be treated when the MBTA was treating other areas. Is that a dam at Greenbush Pond? Heard once, it was the oldest dam, built in 1640. Maybe Pat could talk to Bob Vogel and the water dept. We could probably allow you to go ahead and cut the knotweed, but not spray. Regarding the stairs, the only concern was the stability of the bank. Frank thanked Steve Litchfield for going out with Wildlands Trust and showing them the property. Need to get some trails out there also. We gave the approval; don't have to continue.

**Request for Determination:** Marchione, 101 Booth Hill Road (septic) (cont.)  
There will be a Board of Health meeting Monday. Motion to continue the hearing to February 1, 2017 Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

**Request to Accept a Revised Plan:** 144 Turner Road  
Michael Hayes and Gardner Oleson were present. They want to add a deck that requires two footings. Could they do this with a Minor Activity Permit or an Amended Order? They can do a revised plan since there is an open order and it is too minor for an Amendment; mostly out of the 100'. Motion to accept a revised plan Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

**Wetlands Hearing:** Hummel, 91 Surfside Road (repair rip rap) (cont.)  
Paul Mirabito asked to continue this one more time; the client is out of the country. Motion to continue the hearing to February 15, 2017 at 6:30 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

**Modify Planting Plan:** 189 Glades Road  
Mr. Bjorklund was present. Original approved footprint of the house was almost double of what was built. Most of the lot is rock ledge. Original planting plan had two small areas that would remove existing vegetation to plant new vegetation. One area is right at the fire truck turnaround and the other area is between the house and the turnaround. Neither area has been touched and looks pretty good. Septic area will be planted. Asking to leave the two small areas toward the top as is, because of less disturbance with the smaller house. There will be a little lawn area where house was going to be. Should get something on a plan, sketch plan or revised plan to show the two areas left undisturbed. Areas agreed to should be clearly defined.

**Minutes:** November 16, 2016, December 7, 2016 and December 14, 2016  
Motion to accept the minutes of November 16, 2016, December 7, 2016, and December 14, 201 Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

**Order of Conditions:** Martin, 264 Clapp Road (remove trees/debris/replant/hot tub/hardscape)  
Motion to condition the project Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

**Order of Conditions:** Kelly, 11 Tilden Road (addition)

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

**Order of Conditions:** Town of Scituate, Oceanside Drive 7<sup>th</sup> to 10<sup>th</sup> (seawall)

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

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

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

**Discuss Determination:** Stormwater Permit: 18/22 Tichnor Court

Commission issued a negative 3 determination and put in a stormwater piece. There are two houses, but only one is in Commission jurisdiction. Septic is in the right place and there is roof drainage; they did everything we asked. Morse wanted to be sure the stormwater requirement was satisfactory. Motion that the stormwater requirements are in compliance Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

**Coastal Advisory:** No meeting, but have to get back to a couple of issues. Mr. Snow talks to Nancy Durfee fairly regularly, keeps us updated on progress of seawalls. She was talking about moving forward looking for monies to continue seawall work along Lighthouse; there is a lot going on. One question came up. Tim Kelly moved, but would it make sense to try and allow people with certain expertise to remain on a committee? Not our issue, but will need a new member.

**Beach Committee:** Still working on the mats, some mention of engineering needed. In Mr. Schmid's new position he will be traveling a lot and will be looking for someone to fill in at meetings when he is not around. Ms. Caisse will fill in. Extending the mats at Egypt Beach, but ran into issues with engineering.

**Enforcement:** 21 Peggotty Beach. The property owner passed away this week. Soil testing conversation is between Jenn Keefe, Board of Health and the soil testing group. Bob Galvin is the attorney for the estate. They don't believe a lot of extra soil testing is needed. Jenn thinks more should be done to be sure it is clean before a house is allowed to be built. Holding off on signing any building permit until something gets resolved. The testing showed a borderline of lead, but enough to trigger notification to DEP. Talked to 30 Peggotty Beach Road where some of the fill went. He knows what was found, but he was waiting to see what was going to happen next. Ms. Caisse: maybe put silt sock around it so at least it doesn't wash into the marsh. Silt sock would probably be washed into the marsh too; or maybe put it in a dumpster.

**Handicap Trail Accessibility:** Mr. Snow and Ms. Scott-Pipes attended the Commission on Disabilities meeting. Discussed the new parking areas and after discussing those, discussed the possibility of having some trails. Found out you could just do hard pack as long as you have the right width. Penny was only thinking of wheelchairs, but it encompasses a blind or deaf person. Hard packed areas would be for wheelchairs; would have to have a turnaround every 200 yards. Every parking area built has to have a minimum of 1 handicapped parking space closest to the entrance. Even if you don't have handicap trails, you still have to have one handicap parking spot, which can be gravel. Plans for the parking areas are about 75% complete. The sooner we get these going, the better. Once the CRs are put on it is more limited on what can be done.

**28 River Road:** This was recently approved for a raze and rebuild; they are now looking to do vista pruning. Going to be going there tomorrow; it is way down Central Ave. where it splits.

**48 Ocean Ave.** (paved driveway)

Originally this came in as Request for Certificate of Compliance. Everything was done except the driveway was paved. Pat told them couldn't issue a Certificate, so they have requested time to come in and discuss options. Other things were done that didn't have to be done, so believe that is the approach they will take.

**Aquinnah:** 3 lots off of Mann Hill. We didn't do the stormwater permit even though there was one near the water because it was a common driveway so Planning took it. For the Order of Conditions we had a planting plan required and we wanted the gutter systems to be put into the ground. Don't know if they are just drywells or if there are infiltrators. Will have to take a look at the as-built plan. Think they will be looking for a Partial Certificate of Compliance because there is a sale coming up.

**Certificate of Compliance:** 8 Holmes: Raze and rebuild on pilings. Applicant said didn't usually have stormwater permits on single family homes and wondered if anything had to be done. It's all sand and there isn't any way to infiltrate. OK to issue.

Invoices for CPC for work performed by Morse Engineering – Mr. Snow needs to sign. Related to: survey, site plan, and vegetative narrative for the parking areas. Paul Scott and Mr. Snow met with Tricia and she approved the additional work. Make a copy and confirm with Paul Scott.

**Accept Revised Plan:** 274 Central septic plan: approved three years ago. Came back in with a revised plan. Board of Health thinks it is a better system and it is in the same footprint. Motion to accept a revised plan Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

**3A Spill:** They called us and TA, but they are supposed to call Board of Health. They did call DEP. Some was on the edge of the wetlands and they blotted some up with mats, but there was still some in there and they are now going to do 4 monitoring wells. They will have to do a little digging and they want to get started right away. Told them they would have to at least submit a Request for Determination. Jenn talked to DEP today and they just want it done quickly. If monitoring wells show anything bad they would have to come back with a Notice of Intent. How much of a spill. They think about 30 gallons. A street sweeper got hit and turned over.

**Order of Conditions:** Sheerin, 25 Bayberry Road (raze/rebuild)

Wanted to see the Zoning's approval. Basically it says the expansion they asked for can be done. Mr. Schmid gave a synopsis to Maura Curran. It is one that you would think the town could have a little more leeway, but even with all the regulations it still is a gray area. Do we want an engineer to review the applicant's engineered calcs? Condition: All the calcs supplied can be substantiated prior to any building permit or preconstruction. It was closed telling him we wanted the numbers. Give a list of what is being removed and what is being added and a total of what is being removed and what is being added "pervious" vs "impervious". House vs. house plus garage is an 18.9% increase, disregarding the decks. Impervious is increasing by approximately 350 sq. ft. We are going to allow 1921 sq. ft. of impervious surface to 2284 sq. ft. and if he does that, we are good. But if it isn't, they are going to have to find a way to get it to those numbers. Condition increase of mitigation. Frank said the Commission had to decide if the mitigation offered was adequate for the expansion. Do we want additional mitigation? Existing house is not compliant at all; new build will be compliant. Much easier to permit a preexisting site. There is additional impact in the 50' buffer; want 2 to 1 mitigation. Do not see any value planting in the marsh out back. Proposed mitigation planting would be under water. Except for 12' at the front the whole lot was under water. Do we want some mitigation offsite? Would need to be relevant to what we are looking for. If you move offsite what would be possible? Runoff from the parking areas at Minot go directly into the marsh; maybe settling basins or some erosion controls, what would be the benefit? Is there a way to clean up material left on the parking lot; at least to do some filtering. Could talk with Public Works, have to have some parameters. Maybe something could be done right on Bayberry. Right now anything that anyone puts on the lawn will go right into the marsh, the higher the nitrogen, the greater chance for algae bloom; have to restrict fertilizer. How do we measure the 2 to 1 mitigation; it will be difficult. They might wonder what kind of permit they would need for the other phase, an Order of Conditions or maybe Public Works could come in or submit an RDA. Plant a few blueberry bushes, plus some offsite mitigation. The increase allowed shall be 1921 sq. ft. to 2284 sq. ft. Can't increase the impervious area more than 363 sq. ft. List of existing impervious vs. proposed impervious. All the calcs supplied can be substantiated prior to any building permit or preconstruction. Combination of plant material being removed and off site mitigation equaling a dollar amount. What is the value of plantings? We were looking for more plantings than what they offered; at least double. Find out what it would cost for a first flush basin. Could be subject to approval of a mutually agreeable offsite mitigation plan. Motion to condition the project as discussed Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

**Certificate of Compliance:**

Cotter, 67 Surfside Road – OK

**CORRESPONDENCE**

**January 5, 2017 – January 18, 2017**

1. Board of Health Agenda for January 9, 2017
2. Commission on Disabilities Agenda for January 11, 2017 – 7:30 p.m. St. Lukes
3. Recording of CofC for 46 Woodland Road C 123773 (in file)
4. Planning Board Agenda for January 12, 2017
5. DEP re: 68-2593 – 290 Hatherly Road - Amended Superseding Order – changes: concrete to pervious pavers for driveway and walkway; mitigation plantings on both sides of the house; split rail fence. (in file)
6. Recording of 68-2593 – 290 Hatherly Road – Amended Superseding Order – bk 47977 pg 329 (in file)
7. Recording of 68-2593 – 290 Hatherly Road – Bylaw – bk 47977 pg 312 (in file)
8. Mitigation Plan, 25 Bayberry Road – 68-2643 (in file)
9. 4 Postscript Lane re: start of work on Chapter 91 pier January 9, 2017 by Mark Stevenson (781) 258-5777 (in file)
10. MACC Environmental Conference March 4, 2017 – Holy Cross, Worcester
11. Zoning Special Permit Granted to Boyajian, 94 Marion Road for an addition (in past file)
12. Zoning Special Permit Granted to Hubbard, 28 River Road for reconstruction of a dwelling. (in file)
13. Revised December 30, 2016 Septic Plans for 68-2328 - 274 Central Ave. Sheets 1 of 2 & 2 of 2 (in file)
14. Issuance of Chapter 91 Waterways License to Trachtenberg, 246 Gannett Road (in file)
15. Request for a CoC for 68-1287 – Cotter, 67 Surfside Road (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