

**Town of Scituate
Conservation Commission
Town Hall Selectmen's Hearing Room
Meeting Minutes
February 15, 2017**

Meeting was called to order at 6:19 p.m.

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

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

Agenda: Motion to amend the agenda to include withdrawal of 91 Surfside Road, Public Safety Update, Fish Ladder Restoration, and Open Space Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: Hummel, 91 Surfside Road (repair rip rap) (cont.)
Applicant's representative requested to withdraw the Notice of Intent.

Trail Maintenance: there is a group of folks organizing trail work. Trying to ramp up more participation and more trails. Went to other Commissions to get a consensus of how things are done. Put together research; quite comprehensive. Last page is the proposed plan and sequence for Scituate. Hopefully we will have more news on how we are progressing with parking and roads. Ask them to come in to next meeting. Get them in early at 6:15. Frank will send an e-mail.

Mr. Snow: Access roads and parking (Bates Lane, Higgins/MacAllister; Damon & Crosbie): Trying to go forward with access roads and parking areas; working on plans. Can use CPC money for both parking and trail work, but the motions at town meeting weren't clear that the funds would be used for roads and parking, therefore, funds we thought we could use, we really can't. We didn't pay as much for the land as appropriated, so we would turn back the outstanding money to CPC and revote at Town Meeting. Can't do it right now; probably won't be done until the fall. Paul Scott is working on these projects and wants to go out to bid for all four together. Just found out a week ago that you had to be really specific. Also the money was appropriated 5 or 6 years ago and we want to do the ADA portion. Everything changes when the projects sit for a while. Ms. Scott-Pipes: CPC is 100% behind this, but it has to go back to town meeting.

Reservoir project: Tetra Tech and the town has a grant to raise the level of the reservoir and reestablish the fish run. Filing a Notice of Intent within the next month. You dam it up and still make it accessible to the fish? Gates are adjustable. It will be higher when the fish need to leave. Raising about 1-1/2' 38.9 to 40.4. Acreage including tack factor pond is going from 70 acres to 83. Al Bangert is the point person.

Coastal Advisory still no meeting.

Mr. Schmid: still working on the mats and Lisa is working with Nancy Fay.

19/21 Peggotty Beach: they need to file with DEP. 30 Peggotty is the recipient of the material. The lower property might have been impacted by some of the storm surges. Working with Jenn Keefe on this and according to her they both will have to file.

Great Rock Island: got snowed out last week. Putting down erosion controls and starting to cut trees.

24 Webster: talked with Brandon Moss who spoke to Atty. Brodsky, attorney for property owner. It's been suggested to make a site visit, but that got snowed out too. Don't think it will be this week and Monday is a holiday.

Gilson Road: culvert on DEP's list of priority projects because it is clogged and choking out the marsh in the back. Jason Burtner was meeting with Corps of Engineer. Don't know if Kevin Cafferty is going to meet with them or just see what Jason has to say. It is out for a design and we don't want it to be a pipe, it should be a bottomless culvert; Nancy Durfee is involved also.

Wetlands Hearing: Hummel, 91 Surfside Road (repair rip rap)
Motion to accept the withdrawal of the Notice of Intent Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: Defilippo, 119 River Street (septic repair)*
Greg Morse from Morse Engineering was present at the hearing. Abutters' notification was not available. Request a continuance to verify abutter notification. Also awaiting Board of Health approval. Motion to continue to March 1, 2017 at 7:00 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Enforcement: Rousseau: nothing new. Letter is started; not finished.

New lot at 190 Glades Road – 189 was the house across the street. Needs new well or water line. Talk of 190 & 189 coming in. It will take 900' to reach one of the properties. 190 is scheduled for enforcement for March 1; isolated vegetated wetland was cut. All staked out for a house.

7 Gannett Road – property will be taking fence (wooden wall) out. Supposed to have it done last week.

30 Peggotty Beach Road had the soil tested himself. Low levels of lead. We believe it should go to the state.

Certificate of Compliance: 48 Ocean Ave.

Paul Sheerin was present. Talked last time about a couple of options. Driveway was paved and was supposed to be shells. Could either leave driveway and do other mitigation or remove driveway and put in shells. The house was finished in November 2015 and for some reason thought it was OK to pave the driveway. Miscommunication or what, but applicant takes full responsibility. Preference would be to do off site mitigation. Mr. Harding: similar situation a couple of months ago. Could ask for the driveway to be taken out altogether or first 8' to 10' have pavers, but something has to be done. Ultimately with the previous situation it was combination of removing some driveway and putting in some plantings. Mr. Snow: That's one of the options also talked about off site mitigation. If we were to get mitigation to clean up runoff. Mr. Gallivan: didn't talk about off site; trying to keep most work on site if possible. Mr. Snow: This lot was questionable; conditioned for previous owners; it was debated very heavily. Swale and invasives were cleaned up and drain pipe improvements look good. Don't have a problem with offsite mitigation. The runoff from that driveway goes to the marsh. There is a huge parking lot looking for some sedimentation clean up. Right now everything leaves the lot unchecked; even place some rip rap to stop erosion, because lot can be totally flooded. Think it is a perfect time to look at that. Ms. Scott-Pipes: the mitigation that has been done is an exceptionable job, biggest credit, but at the back of property when it goes into that drain it does go across the street. What are you actually thinking of having him do? Thinking of the larger parking lot. The grading after they paved it all heads west, goes to the end of the parking lot and right into the marsh. Could install some simple drainage. Try and get something worthwhile out of this. It is something we have been looking to correct. Ms. Caisse: received two phone calls. First question there was a resident with an Order of Conditions that wasn't allowed to pave their driveway; they put down stones. He wants to put down a driveway and he's waiting for the outcome of this to see if he is going to ask. If we issue an Oof C and we don't enforce, we put it all on ourselves to revisit it again. Do what you want, because if you ask you know you would be denied. How do I answer that? Mr. Schmid: certainly it is within our right to have it removed. We need to weight what is the most beneficial. We would ask them to remove it, because it wasn't permitted. It will cost the homeowner some money, but they need to understand we are not turning a blind eye. There was a mistake made and this is how we want to correct it. There is a difference between asking and having an Order of Conditions. Mr. Gallivan: agree with a lot of what Lisa is saying. Once we have an Order of Conditions in place we expect to see it followed. What is fair to do at this point? We don't want to set a precedence. Mr. Snow: we've tried to work with people in the past. Understand hardship; that is certainly different, but we have the ability to be discreminatory; flood zones are different and we need to go by case by case. The property owner files the Notice of Intent to build a house, so they can sell the property; the next person comes in, but at that point they should come back and amend the Orders. Will will get far bigger value with the offsite mitigation and it is relatively an expensive project. Ms. Scott-Pipes: he's not getting off scott free. He's going to give us valuable mitigation; feel strongly that if you'd been to the lot previously and what it is today with the pipe on one side, culvert on the other and raingardens, he helped the neighbor. Would like everyone to do the work that was done there. Not rewarding him; he is going to benefit the environment with these parking lots. Have to take every case individually. It is a sensitive area, but its not like it is sitting on the beach. Get together with DPW and get some plans to know what the mitigation and when work has to be finished. Have a vote on March 1 and come up with something definite.

Wetlands Hearing: Kwiatkowski, 19 Hillcrest Road (swimming pool)*

Greg Morse from Morse Engineering was preset at the hearing. Abutters' notification was submitted. New construction in 2012. At that time the wetland line was reviewed by Brad Holmes. North side (right side yard) outside the 50' buffer zone the project is a 16' x 26' pool, 55' from wetlands from the edge of patio; pool is excess of 60'. Around sides and back of house chain linked fence. House was permitted a distance of 50'; 10' back yard. Fence will prevent any encroachment. Can't come closer to the road, right at the 30' setback. From wetlands to pool itself is 59'. Mr. Schmid: how much impervious area are you adding? What is the perimeter either concrete or paver? 5' skirt. 26' x 36'. Account for runoff? Don't have to account for it; no immediate runoff to abutting properties. Prefer pavers. Mr. Gallivan: met with owners, no drainage toward wetland – salt water. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote. Condition with pavers for the skirt.

Wetlands Hearing: Asaff, 22 Hatherly Road (new build)*

Gteg Morse from Morse Engineering and Jan and Adrien Asaff were present at the hearing. Abutters' notification was submitted. Property line shown in bold. Bordering vegetated wetland delineated by Brad Holmes; 50' and 100' buffers are shown. Portion of property is in FEMA floodplain AE. Was previously cleared and existing treeline was cleared. Proposing to construct new house 54' from BVW in existing lawn area, with flood vents. Driveway outside 100' buffer. Municipal sewer and water. Slab foundation at elevation 15'. Crawl space with additional 2' above that. Garage slab at 14.1'; existing contour is 13'. All utilities above flood plain elevation. Not proposing any work within the 50' buffer. Maintain existing lawn and existing tree line Ms. Scott-Pipes: what is the gravel on the side? The neighbor had put in for a swing set. Will not cut anymore trees in the 50' buffer; will not increase lawn in the back. Mr. Schmid: current maps used? Yes. Because a neighbor cleared this area that entitles the new property owner to leave it that way? In the flood zone you can require mitigation. Probably done before the Wetlands Protection Act. This doesn't trigger stormwater; just under the threshold. Ms. Caisse: was there a house there before? No. Will install mitigation plantings along the stream. If there are invasives, you can remove and plant something else. Need about 150 yards of fill. Intermittent stream goes through the back and is right where the BVW starts. Think the plants would stabilize the soil and increase habitat. Don't remove briars, don't get that close. The lawn goes right up to the BVW. Put a 10' planting strip. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

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

Greg Morse from Morse Engineering and Rolf Gjestebj, Chairman and Leonora Jenkins, Vice Chairman of the Cohasset Water Department were present at the hearing. Since the last meeting sent in a request to withdraw Lot 2; also heard from several abutters. Had a site walk with Bruce Bouck from the state, Pat and Frank. He found an unmarked tributary and confirmed the presence of two intermittent streams; tributaries that drain to Cohasset reservoir; highlighted on right side of the plan. Ultimately drain into a perennial river before going to Aaron River. Off a tributary is Zone A, which has a 200' setback for a septic system and for wetlands that border a tributary there is a 100' setback; proposed septic is outside both. Relocated position of new house 60' from any resource area. The limit of work has been reduced in size to eliminate the stormwater permit. Ms. Scott-Pipes: gone

from two houses to one. Same huge lot, probably biggest concern is the small envelope to build and how to prevent the owners from encroaching. That will be a major problem. Proposing posts at the 50' buffer at distances not to exceed 50'. Ms. Caisse: At this point there is no Lot 2. Everything on Lot 1 in the same place? Pushed to the south to get it farther away from the tributary. Mr. Snow: what is lot size now? 13.5 acres 6.2 upland acres. Mr. Gallivan: on the 200' setback isn't there a no touch? The state doesn't have one, Zoning has a 150' setback. Board of Health is also looking at the need for a well; there is another well is across the street. Mr. Gjestebly: have not been informed of any of this; very concerned. Concerned about lawn treatment and pesticides right into our main body of water. Would like to see more protection. Not heard of a 50' buffer. The only 50' buffer is purely under the local bylaw. What is the rule for protecting water supplies? Zone A, 200' setback for septic. Secondary any wetland that touches that tributary has a 100' setback to septic. Local Zoning bylaw, 150' from a tributary to Tack Factory Pond Reservoir. Mr. Snow: our concern is everybody's drinking water. Spent a good deal of time on site, walked the property thoroughly with Bruce Bouck and he is the person that decides where a tributary starts and stops. We had questions about one stream that had channeling, then it went underground and even though it seemed like it was connected hydrology wise, it doesn't meet a tributary definition. Lenore Jenkins: Norwell came to our water dept. before their plans got to a certain point. We have a bylaw, no chemicals can be used on the property, nothing but organic products. Maybe we could get a copy of that. Also invited to a meeting February 28 at 10:00 a.m. at the Water Dept. Have Greg Morse present to the Board. This project has changed a lot; there was more development proposed; the tributaries hindered the building. During this summer's drought, Cohasset offered Scituate to tap into their water supply. Maybe get the two town managers together to know there is a certain protocol when projects come up like this. There is just so much development. Will get Cohasset a copy of the plan. Send to Brenda and she will forward to everyone else. Not closing this. Kevin and Sean are planning on going to the Cohasset meeting. In the future will look at any areas that might impact Cohasset and Norwell and make sure they are aware of what is going on. There is a lot of information that can be forwarded to Cohasset. The house will be sold with all the acreage. Debra Rosen, 57 Highland: Her property backs up to this property; concerned about the watershed; serious issue. They are acting like it is nothing; minimizing the importance of the streams. We had the person from the state come out and a wetland person check the wetlands. Only one intermittent tributary. Originally it was going to trigger the stormwater bylaw and with that it would have triggered another engineer. Mr. Snow: used to walk that property before Judges Hill and Highland Crossing was built; showed Mr. Morse a few things. What about the upland area that abutts her? If and when the house is built, suggesting some granite dividers be considered; more permanent. Other concern if what could be done behind her house? They are also in a buffer area; doesn't leave much room to do too much with, but forestry is allowed in wetlands. No guarantee against someone coming in and building another house; can't guarantee the use of the property. We are taking this very seriously; giving it a lot of scrutiny. Motion to continue to March 1, 2017 at 7:10 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

200 to septic, wetland that holds the tributary 100 setback no touch.

25 Egypt Beach Road: Abutter Bill Schmid recused himself.

Proposed mitigation for 25 Egypt Beach Road – Morse Engineering surveyed it. Restoration plan put together by Brad Holmes. Part of 50' buffer was lawn. Clearing went beyond lot line. Looks like wetland plantings with conservation posts on the corners. All seed mix in one section. Dealt with just an Enforcement Order. Just doing plantings, shouldn't have to file a Notice of Intent. Is the planting adequate for what is there? Cleared poison ivy, briars, financed bought house from grandmother. Thought the wall was the lot line. Trying to bring back the back yard for the dog. Have to get 12 more haybales. Poison sumac has to be chipped up and removed. Move stonewall onto property line.

CORRESPONDENCE

February 2 – February 15, 2017

1. Board of Health Agenda - February 6, 2017
2. Recording of CofC for 68-2285 – Bulman, 206 Front Street (in file)
3. Planning Board Agenda – February 9, 2017
4. Notification to abutters – Asaff, 22 Hatherly Road (in file)
5. Revised plans for 68-2638 – Lot 1 - 0 Summer Street (in file)
6. Recording of OofC for McMillen, 105 Glades Road – Bk 48061 pg 250 (in file)
7. The Beacon
8. Recording of Partial CofC for Scituate Glen / Peter Fiore, 89 Summer Street – Bk 48092 pg 207 (in file)
9. Cohasset Water Dept. letter re: 17-4-28 – Summer Street (in file)
10. Recording of OofC for 68-2635 – Martin, 264 Clapp Road – Bk 48099 pg 158 (in file)
11. Recording of OofC for 68-2643 – Marvell Homes/Paul Sheerin, 25 Bayberry Road C: 91597, Bk 457 pg 197 (in file)
12. Recording of Restoration OofC for 68-2633 – Town of Scituate/DPW, Mordecai Lincoln Road / Hunters's Pond – Bk 47715 pg 20 (in file)
13. DEP File #68-2645 – Defilippo, 119 River Street (in file)
14. Planning Board re: Accessory Dwelling Special Permit Application for 3 Garden Road (gave to Pat)
15. Planning Board Agenda for February 16, 2017
16. Restoration plan for 25 Egypt Beach Road & off Egypt Beach Road (in file)
17. Request for CofC for 77 Elm Street (aka Lot 11, 21 Evangeline Drive) (in file)
18. Hummel, 91 Surfside Road – WITHDRAWN (in file)

Motion to adjourn Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.
Meeting adjourned 8:09 p.m.

Respectfully submitted,
Carol Logue, Secretary