

**Town of Scituate
Conservation Commission
Town Hall Selectmen's Hearing Room
Meeting Minutes
April 15, 2015**

Meeting was called to order at 6:20 p.m.

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

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

Agenda: Motion to amend the agenda to discuss: Wills Island, Mr. Hannon, Scouts, update Crosbie, Minutes of April 1 Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Informal: Hayes / Schlosser, 117 Lawson Road (revised plans)

Attorney Michael Hayes was present representing Fran and Vickie Schlosser. There is an existing Order for a garage on the property. Request is to allow them to pave their driveway to deal with a hardship for Mrs. Schlosser and daughter. In 2008 conditioned a garage, wetlands are in back, existing gravel driveway was going to remain; 10' into the 50' buffer; approximately 200 sq. ft. Planted birch trees in a cluster and siltation is up. Peter McEachern put the foundation in before the bad weather. Contour doesn't show too well, water will shed toward the left of the garage. Commission suggested a swale be created and a rain garden, so runoff wouldn't go directly into the wetlands, because the wetlands is right at the edge of the yard. Slope from garage is going to be pretty steep. Swale and plantings should go to the left of the garage. Thought maybe this could just be a field change, but what do you want for documentation for the rain garden? An as-built. This family has gone from point A to point B with uninsured medical bills. It would be better if it could be something that wouldn't require an as-built. Mr. Gallivan: revised plan to change garage to a storage shed, now back to a garage; same plan as originally approved. Will put a note in the file so when a Certificate of Compliance is requested we will know what happened. Need a plan, but don't think it has to be engineered; we will work with them, but want some of the drainage picked up. Asphalt will be the same size as existing driveway? Yes. Believe this could be a request to review a revised plan. Have Bob Crawford do an as-built and have Peter McEachern get in touch with us. Motion to request a revised plan and accept the revisions for a swale, paved driveway, preconstruction meeting, and rain garden Mr. Schmid. Second Ms. Scott-Pipes. Motion passed by unanimous vote.

Request for Determination: Howe, 92 Clapp Road (deck) (cont.)

Motion to continue the hearing to May 6, 2015 Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Request for Determination: Cote, 38 Atlantic Drive & Central Ave. (replace deck/soil tests)*

Paul Mirabito from Ross Engineering, Inc. was present at the hearing. The plan submitted shows the existing deck that was lost during the storm. Below the deck, the leaching area was lost; septic tank is at the front of the lot where it will remain. Requesting to replace the deck in the same footprint, replacing one footing and perform soil evaluations on the Central Ave. lot. Will design the leaching area, submit a Notice of Intent and address the existing violation on Central Ave. Sent a memo in January, but in the meantime they lost the septic. Need two test pits and one perc on Central Ave. lot. Mr. Snow: Pat and a couple members should go out to see the finished grading. Some of the finished grading will be dictated by the septic. Rosemary Dobie: thought parking was an issue; can they park over a leaching field? Yes, if you do the right type of leaching field. Motion for a negative 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)." Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: Phippen Trust, 35 Dreamwold Road (total of 3 new lots)

Jeff Hassett from Morse Engineering and Kim Stewart were present at the hearing representing the Susan Phippin Trust, which is made up of Kim Stewart and Atty. Maureen Hurley. This is a 5 acre parcel, 4.7 acres of upland with an existing house. Wetlands delineated by Brad Holmes in November. Not in a flood plain, no priority habitat, and no certified or potential vernal pools. Upland portion above the BVW 100' buffer is not usable. Divided into 4 lots with an A&R subdivision plan. Two 50' frontage lots, granted by ZBA. Lot 1 outside the 100' buffer not accessed by the common driveway. Lot 2 is the existing house, outbuildings, pool, and driveway will remain, with a portion of it being converted into a common driveway to service two new houses. Driveway width 16', then 14', then 12' with a 20' x 45' hammerhead turnaround. Associated grading and utilities all outside the 50' buffer, with the exception of the rain gardens that are in the lawn area of the 50' buffer. Wanted to preserve as many trees as possible. Driveway and rain gardens were aligned to save just about all the trees. Most of the houses and septic are outside the 100' buffer; provided erosion controls. Stormwater calcs are going to be reviewed by the Planning Board because of the common driveway. Pat mentioned that there could be a vernal pool. Brad took a look at it yesterday, can't tell too much by one visit, but didn't hear anything or see egg masses, but would have to analyze over the next couple months. Rather not put the project on hold. Was thinking we could really enhance the buffer zone to treat it more than a BVW. Ms. Scott-Pipes: but if it is a vernal pool, setback is 125'. Mr. Schmid: there will be a new driveway and that goes through the 100' buffer by how much? Green line is 100' buffer. Paved driveway? Yes. Mr. Gallivan: Stormwater bylaw applies, usually if there are wetlands, the Commission hires the review engineer, but I guess Planning will take care of it, but can't close until that issue is taken care of. Mr. Snow: seems to run contradictory to what had been decided when the stormwater bylaw was enacted. If there were wetlands on the site, Conservation would do the stormwater review, if no wetlands, Planning would do the review. Don't need a turf war, but people and engineers should know where this is going. Have an issue, should get this clarified before we say this is ultimately what is going to happen. Believe because of the shared driveway they are required to do some sort of stormwater review. We can get a consultant for both. If the driveway wasn't in our jurisdiction, the applicant wouldn't be filing with us at all and the Planning Board probably wouldn't care about a vernal pool because it is not part of their review. Glad to discuss with the Planning Board, but we do need to maintain consistency. Walked the site and know it isn't a certified vernal pool, but it has a lot of the characteristics and didn't see any outlet; needs clarification. Pat & Frank had some trouble following some of the wetland flags, but wetland goes beyond the

property line; couldn't see the ones that run toward the house. Brad's flags are pink and black striped. Typically with division of land like this we have someone else review the wetland line. Regarding the 125' buffer to the vernal pool, might be a hard and fast 125' for tree clearing or it might not, because it is lawn. Maybe a tradeoff of plantings for reduced lawn area. Want to figure out the stormwater piece and get someone to look at the line. Talk to Brad about what he saw at the potential vernal pool and to see if there is an outlet. If it does go somewhere, would have to be going into the storm drain. There was a pipe coming in from that direction when Jeff popped the manhole cover, but it may be blocked. Did Planning Board set a date? May 14. We should continue to May 20. George Kelly, abutter on Country Way: Ms. Phippin spent a lot of money for no encroachment; disappointed that all the land she bought to protect, which is a spectacular piece of property, is now going to be broken up and developed into what is possibly allowable. Seems that this is totally different from what she was establishing and what her dream was. Sad in a way, was this her wishes, I don't know. Kim Stewart, Trustee. 35 Brook, Co-Trustee: Proceeds from this sale will go to the Animal Shelter and Community Christmas. Susan was not specific, but we have the responsibility to get the best price for this property we can. We feel this plan was ethically pleasing and it wasn't a subdivision, we didn't tear down the house to put in more houses, we did what we thought was the best, because she was not specific. All we were told was to get the best price we could for the two charities. Sorry, we were a little surprised ourselves. Mr. Bjorklund, 15 Captain Daniel Litchfield: talked to Sue a number of years ago, when I was thinking of buying the antique cape and building on the additional land in back. She called and asked if she could buy it and indicated at some point in time it would be developed. Motion to continue to May 6, 2015 at 6:30 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote. In the meantime we will get in touch with a wetland scientist and discuss stormwater with the Planning Board. Will have Brad Holmes look for the inlet and outlet for the vernal pool.

Wetlands Hearing: Stewart, 160 Chief Justice Cushing Hwy. (raze/rebuild) (cont.)

Motion to continue the hearing to May 20, 2015 at 6:30 Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Other Administrative Items:

82 Lighthouse Road: Mary Stacey and Ann Belitto, Beneficiaries of the Trust were present. Mr. Gallivan: received a call that it appeared concrete was about to be poured. Machine was moving stones around; rip rap might be compromised. They didn't realize a permit was required; building said they didn't need one. Requested them to look into some other kind of material other than poured concrete. Need to file a Notice of Intent, can't pour concrete. The concrete has been removed, it was being undermined, but the patio has been there since 1973 and the forms are still in place in the same perimeter. As part of this filing, the rip rap wall should be looked at. Property is in the A flood zone. The reason it was getting undermined was two bottom stairs were never replaced; it is a safety issue; same number of footings; not trying to bypass the Commission. Was it damaged during storms this winter? No, have never had flooding. Daughter is in a wheel chair. If this were in a velocity zone, Commission would discourage folks from putting concrete back. If it hadn't been there, you never would be able to pour it today; want to make sure it is done right and not impacting the wall. File a Request for Determination with detailed drawings. Include a plot plan showing where it is on the lot, some of the property lines, how thick the slab will be and some detail as to what you are doing along the seawall. Make the plan detailed enough to show how the work will be done; may need some filter fabric. Should take some time with this sketch. Chris Silver will be doing the work. If he's worked in Scituate before, he should have known he had to file. There is a marriage on June 6, family coming to the house. One of the owners is a civil engineer. Submit the filing.

Ayes, 64 Moorland Road: Chris Kennedy, Kate Ayers and Paul Mirabito were present. A few years back submitted a Notice of Intent and as part of the approval a planting plan was required. Brad Holmes did a planting plan and now they are ready to install the plants and hired Chris Kennedy. Came up with a much better mix of plants to stabilize the bank more substantially, conducive to the environment. Chris did not see the original plan until he met with Pat the other day. It didn't make sense to plant 3-1/2" caliper trees on the slope. Mr. Snow: When we conditioned this project, they brought the deck closer to the edge of the marsh on the first floor and also a second floor deck. Prior to the filing, trees had been cut down; some were 6" to 8" and a larger pine. If you try and dig out the stumps the slope will be weakened. That was one of the reasons the Commission requested trees. Bank is pretty destabilized now. Not a good spot for the trees, but by bringing out the deck, the owner created the problem. The owner doesn't have a problem planting trees, but thought the trees had to go in the bank. Species should be deep rooted for stabilization. Looked at other areas on the lot, but there are quite a few trees now. Commission noticed a lot of cedars. Can't start out with a large root balls. Maybe 3' cedars and put them along with the other bushes. But they can get up to 25' or 30'. Chris thinks there is room for larger caliper trees on the flat area. If we did smaller cedars eventually they will ruin their view, would they have the right to prune. Probably vista pruning. The things he is proposing impede the view on the lower level, but they will have to sacrifice some of that to appease the Commission. Don't think the tree removal was related to the project. Ms. Scott-Pipes: project has taken so long the bank has deteriorated more; need to replace some trees. Chris: Seedlings that grew into the bank probably came in at all angles. His thought was to increase the amount of shrubs and decrease the amount of trees. Mix with Brad's plans, add a couple of trees and maybe a few smaller cedars. Will order the plants quickly. Mr. Snow: looking for stabilization and habitat. Noticed there are some bricks and debris right at and in the marsh, maybe it could be cleaned up. Also the 6" PVC drain pipe discharging right into the marsh. Looks like a fairly new pipe. Mr. Mirabito will check into that. Shouldn't just discharge like that. Thinks it's from the driveway. That might mean an oil leak right into the marsh. In addition get the plan to Pat and take care of debris, pipe and submit a letter report.

May 2 - Shipshape Day.

Minutes: March 18, 2015 and April 1, 2015

Motion to accept the minutes of March 18, 2015 Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Motion to accept the minutes of April 1, 2015 Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Coastal Advisory Commission: looking for people. Trying to get Rebecca Haney on it. Start out slow. Will scan the information regarding the committee and forward to the Commission. Seawall Committee is phased out and this is in its place, but broader; all encompassing, including seawall issues.

April 21, 6:00-8:00 p.m. Open House for persons interested in volunteering for Boards and Commissions at the Scituate Harbor Community Building.

Presentation with CZM and DEP will be in June after our May meeting on Central Ave. and before the summer.

Rosemary: in terms of notifying people in Humarock area that Conservation exists and rules have to be followed. What about a mailing to the northern end in particular? Need to reach people at different addresses. If they had an official notice, maybe some of this stuff wouldn't be going on. We do have a bunch of the contractors that know. Mr. Parys: All the contractors know what they should do; they just try to get by.

Certificate of Compliance: Christenson, 25 Surfside Road – OK. Proposed pool didn't get put in.

47 Surfside: bought house last year, lost his deck and wanted to know if he could create parking just off the street, which is currently lawn. Went out there and told him he would have to file something. Everybody along the road has paved or concrete driveways; can't park on the street. He wants to rip of the driveway and put pervious pavers, then put some concrete. He needs to file.

Haufler, Peggotty Beach Road.

His attorney wrote to the Town Administrator saying they have a plan for this land and they want to sit down with us. Pat told the TA we have an Enforcement Order and shouldn't go for any plan until all that stuff is taken out of there. There is a lot out there and we haven't heard back from them. This has been going on for years just like Kamman, 31 Candlewood. Shall we talk about that at the next meeting? Yes.

Peggotty Beach: There was a pre-meeting before the town meeting that the Selectmen had. Called Pat and Adam Brodsky up. It will come back with us. We will have them refile a new Notice of Intent and have the town part of the filing. May need an engineered plan instead of a sketched drawing. In the meantime they were told to lower the dune, and then they were told not to do anything. They were told not to put the fence in, but they did anyway. Nobody can block access to a public beach.

Requests from 3 or 4 scouts for life badges, asked a couple to go back to the Driftway and Ellis parking lot. Edge of private and public property 41 Clapp Road. It is all cleared and there is a lot of junk, oil tanks, etc. Can't make the new owners do it; they didn't create it. They are out of our jurisdiction for the septic. Frank will ask. It is about 6 hours of work for about half dozen scouts. Can two scouts get a badge for one job? Don't know. Oceanside there is a lot of debris in the marshes and debris. Maybe they could drag out to the street and DPW could pick up, unless the stuff is too big.

Crosbie's contract is finally approved; the engineer is working on access, went before the Planning Board for scenic road, which was approved.

CORRESPONDENCE

April 2, 2015 – April 15, 2015

1. 4/1/15 Picture of 24 Webster Street – no plantings (in file)
2. 4/8/15 Picture of machinery at 28 or 29 Newport
3. Board of Health re: 292 Central Ave. – requires Title 5 inspection and repair if necessary
4. Permit Extension Act re: 68-2245 for Town Way Ext. Residents – 5 year order - Slocum, 48 Town Way Extension extends to 2019. (in file)
5. Signed proposals for Morse Engineering at Crosbie Property, Clapp Road; Higgins, McAllister, Holly Crest Road; Damon Property, Clapp Road (in appropriate files – land draw)
6. e-mail – Lisa Caisse re: Humarock issues sent to Pat Gallivan, Nancy Durfee, and Sean McCarthy entitled: Private beach nourishment
7. Green International Affiliates, Inc. re: Proposed Bartlett Fields Project – Preliminary Traffic Access Review – Booth Hill Road is feasible, 3A would be better. More detailed traffic studies need to be conducted. (in ANRAD file)
8. DEP File #68-2533 – Phippen Trust, 35 Dreamwold Road (in file)
9. Mallard Décoy Club, Inc. – re: Wills Island. Commission requested Right to First Refusal if land was going to be sold. Approximately 4.5 acres. Please reply by June 3, 2015. (sent to Frank)
10. LEC re: Potential VP at “Seaside at Scituate”, Hatherly & Tilden. Study has begun at Wetland C. Evaluation will include documenting the presence or absence of Obligate and/or Facultative VP species and physical conditions, depth and area of standing water. (in file)
11. Planning Board approval of stone wall removal on Clapp Road at Crosbie parcel. (in file)
12. Your Land, Your Legacy Magazine
13. Planning Board re: Form A Plan Phippen Trust, 35 Dreamwold Road – approved. Held in escrow by the Town Planner until proof of the recording of ZBA special permit and common driveway special permit and wetland line is approved by Conservation. (in file)
14. From Mass Land Trust Coalition – U.S. to halt expanded use of some insecticides amid honey bee decline (sent to members)
15. The Beacon
16. RiverWatch Newsletter
17. Board of Health re: septic system at 67 Greenfield Lane – system in failure. Immediate attention is required.
18. Planning Board Agenda for Thursday, April 23, 2015
19. Pictures of Boyle's residence, 254 Central Ave.
20. Pictures of Cote's deck, 38 Atlantic Ave. (in file)

Meeting adjourned 8:00 p.m.

Respectfully submitted,
Carol Logue, Secretary