

**Town of Scituate
Conservation Commission
Town Hall Selectmen's Hearing Room
Meeting Minutes
April 1, 2015**

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

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

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

Agenda: Motion to amend the agenda to discuss: 15 Newell Street, River Street, 41 Cavanagh, 24 Webster, 64 Moorland, Irving, 6 Emerson, 126 Central, Deer in Wampatuck and a letter to Selectmen Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Request for Determination: Franzen, 76A First Parish Road (septic repair)*

Steve Hassett from Morse Engineering was present at the hearing. Upgrading failed cesspool 30' from wetland, 1-1/2' down to groundwater. Existing single family 11,000 sq. ft. lot. BVW in the back shown in blue, 50' setback in red, 100' buffer in green. Hoot treatment system, 1500 pump chamber, 600 sq. ft. leaching field, 10' off the property line, 90' from the wetland, tanks are 72' from the wetland. Closest work pertains to the pipe that leaves the house. Straw waddles will be used for erosion controls. Board of Health has approved. Septic is 140' from Satuit Brook and Board of Health wants it shown on the plan, even though septic is exempt, but in case they want to do an addition. This is a treatment tank and pump chamber. Actual groundwater is at 16". Noticed a hose running out into the wetland. Would like that moved. Direct out the back toward the straw waddle area. 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)." Wetland flags delineated the BVW only there is also Riverfront area covering most of this site. Any future filings with Conservation shall show the riverfront delineation. Any pumping from the structure should not be directed toward the BVW. It should be directed toward the east behind the garage and in an upland area for better infiltration. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Request for Determination: Town of Scituate, 66 Old Forge Road (new emergency generator Well 22)*

Decided Sean McCarthy from DPW didn't have to stay for the hearing. This is installation of a new emergency generator. Building a concrete pad, running a gas line into it, installing erosion controls, generator and gas line. Line is going under the shoulder of the road, then underneath the paved driveway. 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. Harding. Motion passed by unanimous vote.

Discussion: Middle School

Jon Richardson, Shane Nolan, OPM; Mark Manganello, LEC; Don Walter, Brian Bacon, Brown-Sardina Landscape; and Jennifer Johnson, Nitsch Engineering, civil engineer were present at the meeting. Before finishing the design they wanted to make sure their approach was on target. Flagged and surveyed the wetlands. The building is 136' off the vernal pool, however, other work is closer. Brian Bacon: dark gray on the plan is the new road and main drop-off. Next drop-off is on the west. Beige color is the sidewalk. Blue area takes storm runoff and pushes it into the retention basin. There is also a rain garden. Because of drop off at the front there needs to be a 35' road and 25' for the sidewalk. Eliminated a wall and pushed things back from the vernal pool. Can't get further away because of the handicap parking. Existing field within the setback and the new road will be quite a bit closer than the existing one. Need to separate high school traffic from middle school traffic; shared busses now. After construction, mowed lawn around the perimeter of building is 65' from the vernal pool. Using two different seed mixes for the basins and wildlife seed mixture 35' to 40' of restoration around the vernal pool and it won't be mowed. Is there any reason they can't all be rain gardens? Shallow, not deep and vegetated. Any other plantings proposed? Number of trees and shrubs on northern edge of basin and along the road. Enhancing the area between the junior high and vernal pool? Real enhancement, hopefully to use as an outdoor classroom? Raised planters and working on a dock over the pool. Don't want to see kids going every which way. We can delineate with mowed lawn and the seed mix. Jennifer Johnson: west the existing drainage is toward 3A, second is driveway toward First Parish, third vernal pool, fourth is on north side. There is a wetland on north side of the track, with a closed drainage system. Looking to not increase stormwater. Stormwater will have treatment for mitigation. There is no treatment now. Vernal pool has an existing pipe, we believe that is what is keeping the water level; not changing that. We're keeping this a low impact development as much as possible. Treating runoff as close to the source as possible. Enhancing the esthetics of the site. After the water is captured and treated, recharging to groundwater. Two at the front, one proposed at the back, capture and treat water from back parking area. This is a unique vernal pool, it is thriving, but gets mowed periodically. Our concern is if it becomes too pure or somehow impacted; we don't want to lose it. Looking at balancing the water. Complying with the standards using the natural basins. How do subsurface systems work? Can be chambers or pipes, 4' below grade, with crushed stone a void space and more stone with pavement on top. Designing above and beyond the standards. With a development of this size, we gear toward DEP standards, which are high standards to reach. Looking for 95% of what falls on the site will be going into the ground. Stormwater is currently discharging into a wetland near the track. Is there a plan to improve that water quality? No, only what is within the limit of work. Mr. Snow: Had an informal meeting last year. Already have a lot of preexisting issues. If this were an undisturbed site, the buffer to the vernal pool would be a minimum of 125' undisturbed. Surprised to see how close the access road got. Wonder if we could enhance the area more. We are looking into car counts and parent drop-offs; need a large enough area; that's how they ended up where they are. Try to mitigate that. Look into enhancing the plantings to create a denser, more protected area; all the way around the vernal pool needs more plant species. Wouldn't be just grass, need more bushes to protect it. Budget gets to be an issue. Can plant small bushes, they will develop into larger ones. The more things planted, the more it will be protected. Delineate between lawn and restored vegetation. Suggested they come back sooner than later with more details. Need bushes and trees to create a habitat. Curious what is going out at the other wetland. We would be looking at

the whole site if it was a commercial site, so if that could be improved, it would be beneficial. Need a full-fledged stormwater report. Want to stay true to what exists for the vernal pool. Mark Manganello: sensitive toward the vernal pool. Obvious we need restoration plan around it, think habitat will improve. Send in a plan and we can go over it and send questions.

Request for Determination: Gilligan, 64 Booth Hill Road (remove asphalt, reconfigure drive, install stone wall, patio and plantings)* Michael Gilligan was present at the hearing. Project: Reconfigure the driveway and remove 1700 sq. ft. of asphalt; should help with drainage. Installing crushed stone toward the barn to help with runoff. Adding plantings, cobblestone aprons where mailbox is and heading into reconfigured driveway. Couple areas adding stone walls also where mailbox area is and adding a patio, probably using bluestone. Large decrease in impervious surface. At flags A5 and 4 put some erosion controls, where the driveway is close to the wetlands. 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)." Erosion controls shall be placed between the work and Flags 4 and 5 in the upland area. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Informal: Roht, 12 Chief Justice Cushing Hwy. (modifications)

Kevin McGuire and Erich Roht were present at the hearing. Lost 8 of the 9 piles that were holding the marina together. Since they have to drive piles, would like to do modifications to the floats. Two float layouts, A & B. Float layout A: move 24' out into the river, within reconfiguration zone, approved by DEP and Army Corp., but not the Commission. Since doing dredging, suggested we do a reconfiguration. Item 2: remove existing float that is behind float layout and bring it along the end of existing floats along the ramp, will tie into the floats that were pushed out. Right now off a pier and ramp, remove ramp, no access from ramp. 3. Remove existing ramp, add a new 5' x 24' float to the end of the line at the boat ramp; 24' is parallel to the river. Went to the North River Commission they approved the change, hopefully if you approve, we can then notify the Army Corp and DEP. Lined up a pile driver to vibrant the piles in. One pile is still standing, others are mostly gone, and one is lying down, but can't be seen unless there is a real low tide. Next change is the float layout A & B: take finger floats, bring around and behind the new A. Same number of slips, different location, but two additional boats can fit. Mean water doesn't get any lower than 6' or 8'. There is about 130' of width going through the bridge. Originally had 9 piles holding both sets of floats. Asking for 9 additional piles to go behind float layout B. Of those 9 additional, 5 are out front of float layout B. They are called Pivot piles so the larger boats will have an easier time of getting out of their slips. Has this been discussed with the harbormaster? Have had joint meeting with both Marshfield and Scituate harbormasters. Chapter 91 and Army Corp won't sign off until Harbormaster. Marshfield and Scituate are going to keep a patrol boat here. Is the bridge opening the new bridge? Yes. Does not go beyond the line of the rip rap. Mr. Gallivan: we can call it a request to approve a revised plan. Mr. Snow: Since we are the custodians of the Spit, and the marina rents out boats, maybe you could work with us to make people more aware of the environmental issues and how sensitive the area is with signage about the plovers and dune, etc. Mr. Roht is willing to help and has the space for signage. Try and get together some of the signage we have. Be aware of anything to encourage them to keep the river clean. Want people to enjoy, but also be stewards and guardians of our sensitive areas. Update when talking with both harbormasters for better signage. Marina has cameras if there are any dangerous situations, if we need police. We plan on getting larger signs regarding no wake and erosion. In fact with rental boats we could have a little brochure. The Marina is the center point for disaster on the river, we have had training, deployed booms across the river, and know where the emergency trucks are parked. We rehearsed in case of emergency; oranges were used to see how well they could collect them. Huge conservation thing. Motion to endorse the changes in the plans Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote. Something will be written up approved.

Humarock re: Central Ave/Cliff Road/Beach Way for the removal of wash over. Had the meeting with Rebecca Haney and Jim Mahala and TA wants them to come back for education of what the state is saying about the movement of sand and what can and can't be done. It should be sometime in April or early May. Have one before and one after the summer people arrive. Rebecca Haney and Jim Mahala are happy to come out. Coastal Committee has a report coming out, which seems more flexible. Draft report of 100 pages; asking for comments from the town until April 7. As far as the cleaning up, some are hiring their own people; Cobra Enterprises, Mike Biviano, and Jason Geary.

It looks like 126 Central doubled the size of the driveway and took material out. Rosemary Dobie: dune is the same, they just pushed a set of stairs that washed in. Biagini had two vehicles out there, he was working under Biviano, but they shouldn't touch vegetation or impact a neighbor. Mr. Snow: once we get enough people to follow the rules, likely more will follow.

Peggotty Beach: all the sand has been moved away from the marsh side. Six homes have sand in front of them. Kevin Cafferty, DPW was able to put in \$5,000 of FEMA money, for snow fencing and beach grass. Selectmen had concerns about the height and width of the dune. Is somebody going to refile? At the minimum we should have an amendment. Get the season started, then worry about it.

Site Visits: Need to go to 158 Border and Ingrid Lane to see where the existing piles of material are in relation to the wetlands, but last time it was difficult to see where the flags were. Going to call him and get some times for next week.

6 Emerson on the river side: Paul, Lisa and Pat went to site. Concrete wall, collapsing piers on lawn area. NOI or RDA? Maybe an RDA, since the same footprint.

Irving: redid the house, the wall along the property line fell down, wants to replace in the same footprint at the edge of the lawn. No higher and no closer to the river. File an RDA.

River Street: way at the end of Humarock. 6' of pavement has fallen in. DPW considers it a private road so they will not do anything. What is our involvement, seems like a safety issue? Contacting public works or police. If they want to do something, they will need to file. You would think the town would take care of the paved part.

24 Webster one of the houses burned down. Looking for a Certificate of Compliance. Couple of conditions regarding septic, but did not put in a new septic. House is on pilings, no plantings, retaining wall they wanted to keep is caving in on the south side. Patio and stairs are eroding that lead up to the house. Not quite ready for a Certificate. Needs to be cleaned up. 2005 was the last report Board of Health had.

64 Moorland planting plan goes right up against the marsh. They want to order the right number, but Kennedy's said trees wouldn't work on the slope. Order #37 says in addition to proposed mitigation plan, 6 trees shall be planted; need both. Submit plan with trees.

Cavanagh off of Indian Trail – Hubbell - Seoane – big house, before they come for a Certificate, Morse Engineering wanted to know if they are ready. Some of the changes are fairly large. Deck 23' x 16' supposed to be cantilevered. Cantilevered just means the deck extends beyond the footings. Have to go back for more plantings and post and rail fence. Looked like big boulders along the edge. Original plan had rain gardens. No subsurface area for runoff, although that might have been an amendment. That's a sensitive spot.

Next Thursday, April 9 at 7:30 p.m. is the Planning Board hearing for the stonewall opening at Crosbie's on Clapp Road.

Dog officer's last e-mail had a lot of details. She wants us to hold off on getting in touch with the Mariner. They might have realized the dogs are not our issue. Could ask Ruth to do something on all Conservation areas.

A lot of trash and debris washed up at Oceanside, 4th and 10th Ave. Shipshape Day is coming. Some buried in the marshes. It is a lot of hand work and labor.

Central Ave – seawalls or revetments got moved. Jay Geary and Joe Scanzillo want to know the rules on this. There are no rules. Can you put new hard engineering on old hard engineering. Can you get feedback from DEP? Another one the revetment has slowly sunk into the sand and they want to add revetment. If you start digging it up, it will compromise seawalls on either side.

Haufler, Peggotty Beach Road – wrote to attorney – hasn't gotten back to us.

Bulrush – tractor in the marsh. Setup on site.

392 Tilden Road: Lobsterman cleared backyard, but he is willing to do whatever planting is required.

Talked with Jennifer Keefe deer hunting piece in Hingham. Trying to open Wampatuck for deer hunting and encourage people to allow them to let hunters get closer to their property. Talked about pros and cons. Western Mass went down a lot; Eastern zones are bad.

15 Newell: someone is trying to buy the house. Trees and vegetation cut several years ago; may have grown back. It may be a case that it was created as a lawn; take a look at; see if it can be let go.

Minutes: March 4, 2015

Motion to accept the minutes of March 4, 2015 Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Enforcement: Haufler, Lot 2 Peggotty Beach Road – sent letter to Atty. Galvin; in discussion at this point. That won't end easily.

CORRESPONDENCE

March 19, 2015 – April 1, 2015

1. Planning Board re: Form A Application for 26 & 28 Mordecai Lincoln Road. No new buildable lots are proposed. COMMENTS no later than March 25, 2015.
2. Stormwater Magazine
3. Legal Ad for Scenic Road hearing for 255 Clapp Road – Crosbie new access – two 20' sections of stone wall will be removed April 9 at 7:30 p.m. (in file)
4. Scenic Road Hearing for 255 Clapp Road – see #3 above – Any COMMENTS submit to Planning
5. Recording of OofC for 68-2482 – Daly, 161 Turner Road (in file)
6. Modifications for North River Marina – dredging and other improvements, 12 CJCH – Plans, Chapter 91, Army Corp. and plans - informal with Commission 4/1/15
7. Commonwealth of MA – Department of Agricultural Resources - Notice of a YOP for railroad rights-of-way has been submitted – public review – Comment period ends May 8.
8. Cronin pictures of 8 Dartmouth Street – aka 33 Central Ave.
9. Lisa's Picture of 282 Central Ave.
10. Recording of OofC for 68-2526 – Fraser, 136 Old Forge Road (in file)
11. Recording of OofC for 68-2531 - Skolnick, 4 Postscript Lane (in file)
12. Recording of Extension for 68-2152 – Roht, North River Marina, 12 CJCH (in file)
13. Recording of 68-2523 – Fagan, 24 Oliver Street (in file)
14. Planning Board re: Phippen, 35 Dreamwold Road – 3 new buildable lots – COMMENTS no later than 4/7/15
15. Planning Board re: Library, 85 Branch Street – Site Plan Administrative Review - approved with conditions.
16. Planning Board re: Inly School, 46 Watch Hill Drive - Site Plan Administrative Review – meeting 4/23/15 – COMMENTS by 4/16/15.
17. Planning Board re: Stormwater Permit – 31 Mann Hill Road – Lots 5, 6 & 15 38,000 sq. ft. proposed to be disturbed – post development impervious area of 13,619 sq. ft. LID. COMMENTS by 4/15/15
18. River Street photos – safety issue
19. Revised plans for 76A First Parish Road – septic

Meeting adjourned 8:30 p.m.

Respectfully submitted,
Carol Logue, Secretary