

**Town of Scituate
Conservation Commission
Town Hall Selectmen's Hearing Room
Meeting Minutes
December 9, 2013**

Meeting was called to order at 6:30 p.m.

Members Present: Mr. Snow, Chairman, Ms. Caisse, Mr. Parys, and Mr. Schmid.

Also Present: Patrick Gallivan and Carol Logue, Secretary

Agenda: Motion to amend the agenda to include proposed water line work and update on 305 Country Way Mr. Schmid. Second Mr. Parys. Motion passed by unanimous vote.

Wetlands Hearing: Fitzpatrick, 121 Indian Trail (retaining wall/minor septic work)
Mr. Snow recused himself. There is no quorum to hear this project, nor do we have a consultant's report. Motion to continue the hearing to December 18, 2013 at 6:30 p.m. Ms. Caisse. Second Mr. Parys. Motion passed by unanimous vote.

Wetlands Hearing: Duval, 87 Maple Street (restoration and replication of disturbed wetlands)
Applicant's representative requested a continuance. Motion to continue to December 18, 2013 at 6:20 p.m. Motion to continue to December 18, 2013 at 7:00 p.m. Mr. Parys. Second Ms. Caisse. Motion passed by unanimous vote.

The Glenn Trails – present Dave Johnson, Beals & Thomas, Laura Harbottle, Planner, Howard Mathews, and Cynde Robbins
Dave Johnson was present for an informal discussion regarding trails to be created for a flexible open space development at 89 Summer Street approved in 2008 and 2009, which is going to be starting. Orders call for a walking trail from Summer Street to Bates Lane. Proposed a conceptual trail plan. Difficult area due to wetland resources; could be a lot of disruption; trying to complement the existing trail system. Received a trail map from Cynde Robbins and sketched it onto this plan following the color scheme. Area is delineated by stone walls; creating a break in a stone wall to follow the path of least resistance. Applicant will be purchasing signs and benches for rest areas. The trust has arranged to go out with a landscape architect and anyone else that is interested. This trail is not a definitive location; can determine locations out in the field. When the wetlands were delineated, trail locations were estimated. Mass GIS shows wetlands coming onto the property. The open space is under a Conservation Restriction held by Maxwell Trust. Need to know whether to go ahead with this; wondering if this can be accepted as a field change rather than submitting a new Notice of Intent. Will have to go back to the Planning Board with an acceptable plan; Planning Board mirrored the Commission's language. Mr. Snow: any parking areas to be created? No. This seems a lot more environmentally intrusive. Right now there is parking at Mount Hope and hoping to create parking on Bates Lane and maybe Booth Hill. There is an entrance off of Indian Winds, but it is through someone's side yard and a lot of folks are not aware of it. The only piece the town didn't get was 1 acre on the north side. Seems like the trail should be a little closer to the subdivision, for better access. If Mr. Mathews is willing, maybe he could flag the area and you could pick it up by GPS. Ms. Harbottle suggested going to the south more. Located the potential vernal pools and tried to keep all trails out of buffer zones and the 250' buffer. Mr. Snow: It would be nice, however, if people could see some diversity. Point is well made. Mr. Bjorklund: commission member at the time, but abstained from voting, reasonably familiar with the project. There was conversation regarding the trail from Bates Lane to Summer Street. The Commission may have the opportunity to continue the trail to Wompatuck Park. Maxwell Trust and Howard do a great job with the trails. The intent was to keep an exit to Summer Street through the subdivision. Makes sense to come out to Summer Street. The whole trail system, gets extremely close to vernal pools, don't think it would be a detriment. Laura Harbottle: would like to see more than 1 trail to get more use out of this large parcel. It seems worthwhile to consider making good use of the property; more interesting for the public to connect to different trails. Cynde Robbins: it can be uncomfortable for hikers to go by people's property, keep in perspective, close to 22 acres. Mr. Snow: some people don't want to be out of site of a house. We do have a scout coming in that could do some work. Sometimes there are natural features that lend themselves to trails. Fair to say we would give this serious consideration, if Howard was willing to map it out a little bit; meet out there with the landscape architect. Don't want to come back with a GPS trail if you are not interested. Could we not go through a Notice of Intent? Are the orders still open? Have it within the scope of the project? Laura spoke of the trail offered at 214 Clapp Road. Trail at that subdivision is just for the owners; usually don't have intrusion through subdivisions. Mr. Bjorklund: looking at the plan for 214 Clapp, there is no connection to Clapp Road – solely for the residents of that subdivision. Mr. Snow: They are going to improve the trail through the property given to the town. Mr. Bjorklund: Gave open space at two subdivisions and there are entrances within 20' of the houses. Seems like bad planning not to have new subdivisions give public access to open space. Abutters might want some close access; will remember this in the future. Mr. Johnson: All subdivisions are different, in this particular place there is no parking to get to the open space. Mr. Snow: At the time of the hearing the trail wasn't discussed that much. Mr. Schmid: if we are open to looking at different configurations, how are we going to do that? We need a public hearing, with public input. Cynde Robbins: if you consider the lower area where the trail was supposed to start, it is very very wet; would need a boardwalk. Laura: thinking on some of these developments, most likely you wouldn't have the general public using the access very much anyway; wouldn't serve the greater public. To have more than the 1 trail for more access through this big area would be nice. Mr. Snow: Proceed; trust Mr. Mathews to work with you to use natural features and topography to lend itself to a trail. No trees were removed for percs; can go between trees finding the path of least resistance.

Goff, 19 Wood Island Road (reduce footprint & remove tree)

Mr. Goff submitted a revised plan. Mr. Gallivan went through the proposal. Found ledge and is proposing a net decrease in roofed area of approximately 405 sq. ft., also would like to take down a dead tree. Motion to accept the revised plan and remove and replace the tree Ms. Caisse. Second Mr. Parys. Motion passed by unanimous vote.

Wetlands Hearing: Connell, Great Rock Islands (new build)*

Paul Mirabito from Ross Engineering, Atty. Bill Ohrenberger, Betsey and Gerald Connell were present at the hearing. Abutter's notification was submitted. Extensive development proposed in the past. This is an existing lot coming off an existing road. Proposing to build one single-family dwelling in the middle and upper portion of the island. The ANRAD on this coastal bank is still in effect, because of the Extension Act. The Connell's own both islands, Great Rock and Little Rock. Right of way is 12' wide. Proposing to build a paved driveway with a hammerhead for emergency vehicles to turn around. Prior applicant confirmed through an ANRAD the BVW and top of coastal bank. Plan shows 50' setback from coastal bank and the 100' buffer. Area could accommodate up to 25 bedrooms, proposing an 8 bedroom dwelling. Septic tank in front and gravity line going to leaching area, 50' back from the coastal bank. Stormwater permit was filed separately; stormwater calcs have been submitted. Proposing stormwater quality swales along the driveway, storm septer, and stilling basin. Green areas on plan are the water quality swales, to catch basin, then to storm septer, and small stilling basin, then into salt marsh. Water would be treated before leaving site. Small pipe under the road will take water to stilling basin. Meet all the rules and regs. Insuring no water leaves the site. This is a fairly straight forward project. Pavement goes through the BVW, coastal bank, and flood zone, but this is one house on a 7.5 acre parcel. Mr. Schmid: is the septic system inside the buffer? It is between the 50' and 100'. It was the only area that had suitable soil. Setback on title 5 is 50'. Septic has been approved by Board of Health. Driveway would all be new? Yes. Two homes use the access road. Mr. Parys: looking at contour lines, are you going to need to fill? Yes. Marshy? No. Mr. Ohrenberger: on the south side there is an easement through the marsh for access to Little Rock Island, could build right over the resource area, this project is much better. Nothing is proposed for Little Rock Island. Mr. Gallivan: made a site visit today, it was difficult to find out where the driveway would be. It will be to the left of the dilapidated house. For all projects we request minimal vegetation removal. Can the septic be moved? No, too much ledge. Any alternative system that could be tried? This is a standard gravity system. Mr. Ohrenberger: a single-family house seems like a modest utilization of the site. Mr. Gallivan: A & R on this? Didn't need one, it was a preexisting lot. Not much detail on the ORAD, doesn't talk about salt marsh at all. There is 133,000 sq. ft. of disturbance with the driveway, grading and septic system. That's stormwater impacts, not the buffer zone. Mr. Snow: Disturbing over 2 acres? Mr. Gallivan: some in the 100' and some outside the 100' buffer. Stormwater calcs account for all of that? Mr. Mirabito: Yes. Not filling any wetland or saltmarsh for the project. One reason for the turn around, talked with the fire chief and Neil Duggan, it would benefit the whole neighborhood in storm events. Fill proposed for the driveway in the calcs too? Yes. Mr. Snow: are the utility trenches at the north of the proposed house and leaching field in the 50' to 100' buffer? We will have to have someone review the stormwater calcs and drainage. Ms. Caisse: will you have to do blasting? If any blasting, it would mostly be for the house. Mr. Snow: You will have to run water and power up to the house, so you will need a trench for that. Don't know if there is gas in the area. Power will probably have to go overhead and then some underground. Proposing a well behind the house. Mr. Gallivan: proposed tree line? Yes. Storage area will be the back yard. Any old reports? Stan Humphries did the bank report for the ANRAD. All we have is a half-page letter from John Richardson. Wetland line shows, but no narrative. This was reviewed by Lenore White. Mr. Bjorklund: the original file has all the reports. There were 100 transects of the coastal bank done; all solid rock ledge. Mr. Schmid: how much square footage does the house go into the 100' buffer? Percentage wise 8 to 10%. How many square feet is the house? 30' x 120' with the garage. Mr. Snow: safe to assume this is the footprint, otherwise they will come back with an amendment. Any mitigation proposed for the work in the buffer zones? Doing landscaping around the house and along the driveway, but no final plans. Mr. Gallivan: Good to get an idea of disturbance and fill in the buffer. Recommend an engineer's review of the stormwater calculations. This is a big project with a septic close to the salt marsh. Percs were done 8 or 9 years ago. Mr. Bjorklund: this is a 10,000' zone; the amount of open space left around this house should be enough mitigation. Mr. Snow: Get a proposal from an engineer. Mr. Ohrenberger: would you be in a position to close? Don't know. Mr. Gallivan: Would be good to have some flags put back locating the coastal bank. Wetlands were well reviewed previously. Too bad the septic has to be located where it is. Motion to continue the hearing to January 6, 2014 at 6:30 p.m. Mr. Parys. Second Mr. Schmid. Motion passed by unanimous vote.

22 Jenkins Place – cleaned up the stream. Took the tree house down and cleaned up the stream OK for a Certificate of Compliance.

43 Oceanside 68-2222: This was a raze and rebuild with a Superseding Order by DEP and an Amendment in 2012 to shrink footprint with one driveway and go from wooden piles to foundation; looks like foundation has breakaway panels. DEP upheld the Commission. They are now looking for a Certificate of Compliance. OK to issue.

136 Indian Trail: plans given to Pat Brennan. We have the proposal. They are just dragging their feet. Mr. Snow: This started back in the summer, if we don't get something soon, we should issue a cease and desist. We should get the money in this week.

31 Candlewood: property owner thinks he is all done. We need to have a meeting with a wetland person, maybe Walter Hewitson. There are three properties he can look at.

Duval, 87 Maple Street: sit down with Brad Holmes. Mr. Snow: have to get some information from Trisha. In the front corner would we want to allow them to clear more of the town property? Would like to talk more about emerging habitat; would like to experiment. Wetlands need to be restored. How do we determine the value of the town property? It would be our responsibility to try to figure out how to be compensated. Is there a value of timber? This was not malicious – ask them to replace trees as large as possible, or fine him, or is there something that can be done to be more beneficial? Look at the Conway report. The TA thinks it is her responsibility, but Mr. Snow feels we should be part of it. We may want to hire a forester; there are no stumps left. Ms. Caisse: did we ever get the original site plan? We just asked for restoration plan.

Rosemary Dobie: with winter upon us, we need a policy in place when there is over wash in Humarock. There is a problem of where to put the material. Rocks and cobble come over and the road has to be cleared for emergency vehicles. It is being put to the left, right, and in other places it has been spread over the marsh. Mr. Snow: in all fairness in a bad storm there are several feet of material on top of the road. Ms. Caisse: it just can't be left there. Ms. Dobie: it is understandable, if just temporary. Watched them push it out, out, out and flatten. Suggesting, there needs to be a policy. It happens every year. DPW has a maintenance order for all the streets in town. Mr. Gallivan: It has been taken out of our hands. Should have a meeting and set some guidelines. Someone has to oversee and it is DPW. Ms. Dobie: We did have one person that cleared the roads and he understood the rules, but somehow he doesn't do it anymore. Ms. Caisse: Asking for some meeting of the minds and would hope residents could have some input. Should involve the citizens and there is still PVC pipe in the river. Mr. Gallivan: we will find the Orders and will get something started with DPW.

Mr. Gallivan: There is a huge water line replacement project in the works and in many cases they are close to wetlands. Mr. Snow: Thought the gas company filed a Notice of Intent, but some might have been Requests, but more control when there are Orders attached. There were several issues with the sewer project on Hatherly Road. These projects are as intrusive as building a new home. Mr. Gallivan: Weston & Sampson is coming Wednesday morning at 11:00 to walk the areas. Mr. Snow: If we don't have that kind of control, don't want mistakes with a project in that magnitude.

305 Country Way – Issued a negative 4 & 6 Determination. It has been appealed to DEP. Mr. Snow: had discussion with Pat about this, think we are on the right path, but he is exercising his right. They differ where the bank is. Mr. Gallivan feels it is a baseless appeal.

Mr. Snow: Spoke to Kevin Tufts – he is in police training into February. After he graduates he thinks he will be able to attend.

Have acquired a bunch of open space and have money approved to create a parking area on Bates Lane. We need to institute some of those things, but I think we are better off having a separate meeting to discuss some issues. Mr. Gallivan: The Open Space plan should be done shortly.

CORRESPONDENCE

November 26, 2013 – December 9, 2013

1. Stormwater Solutions – Erosion Controls –Phase II Stormwater Products, Inc. – Mimic Nature with Biodegradable Products
2. Recording of Order of Conditions for 6-2487 – 48 Oceanside Drive (in file)
3. Notification to Abutters re: Great Rock Island (in file)
4. Request for Amended Order of Conditions 68-2466 – 700 Glades Road. Relocates proposed addition in line with existing foundation wall of dwelling, not porch as originally proposed. (in file)
5. Woodard & Curran – Directions Newsletter
6. Recording of Certification of Compliance for 68-2442 – Sceviour, 38 Gilson Road (in file)
7. Recording of Certification of Compliance for 68-2040 – McGrath, 14 Brunswick Street (in file)
8. Planning Board Amended Agenda for December 5, 2013
9. Planning Board Accessory Dwelling Special Permit Application 65 Hollett Street
10. Plan of Land (Crosbie) Showing Division of Assessor's Parcel, 23-1-2 Clapp Road into Parcels B & C to be conveyed to the Town of Scituate. – Sheet 1 of 1.
11. Planning Board – Foam A Application – Surfside Road (15-3-9) for two new buildable lots.
12. Recording of CofC for 68-2432 – Kent St. Corp./Duval, 25 Mill Wharf Plaza (in file)
13. Appeal – Fern Properties, 68-2474 – 214 Clapp Road (in yellow file folder)
14. Appeal on 305 Country Way – Krusell (in yellow file folder)
15. Beals & Thomas re: 68-2122 – The Glen – Trail copied for members (in file)
16. Merrill Engineers & Land Surveyors proposal for 121 Indian Trail – hard copy – original to be signed and returned
17. Northern Woodlands magazine - \$21.50 for 1 year.

Meeting adjourned 8:42 p.m.

Respectfully submitted,

Carol Logue, Secretary