

**Town of Scituate
Conservation Commission
Town Hall Selectmen's Hearing Room
Meeting Minutes
January 13, 2014**

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

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

Also Present: Patrick Gallivan and Carol Logue, Secretary

Agenda: Motion to amend the agenda to exclude the words Vote to Accept: Lind property and 26 Shadwell Road. Lind property was accepted at Town Meeting and 26 Shadwell Road was previously accepted; discuss NSRW Shipshape Day Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Request for Determination: Town of Scituate/DPW, various streets (replace water main)*

Mel Higgins from Weston & Sampson was present at the hearing. Proposing replacement of water mains along a number of streets; Country Way, Hatherly Road, Lighthouse, Rebecca, and Kent Street among others. Work is being done in part because of the brown water situation. No work within a wetland area, except land subject to coastal flowage. Erosion controls will be used when near resource areas. Proposing work in the spring of 2014 and completion in the fall, however, if not finished, will finish the following year. No work during winter months due to flooding issues. All work is within the roadway, no new impacts to resource areas. Exempt from NOI, but wanted to submit RDA for awareness. Ms. Scott-Pipes: other work done on Hatherly Road had some issues with erosion controls. Request you have extra provisions on site. Mr. Harding: priorities scheduled? Not yet. Discussing first phase roads now; can submit a list when finalized. Mr. Snow: NOI requires a sequence of work, dates, and times; should be a preconstruction so everyone is on the same page. Will there be dewatering? Unclear if that will be necessary. If dewatering is required, protect catch basins, etc. Mr. Schmid: other work done on Hatherly removed and stockpiled soil elsewhere. The plan is to dig and backfill, unless there is something obviously wrong with the material. Mr. Snow: sewer work stockpiled material at a construction yard that was close to wetlands, it is important to know if a staging area is needed. If there are stockpiles they will be surrounded by straw wattles. Have you ever dug in Scituate? Some material just is not good for backfill. Ms. Caisse: if work will continue until the end of October, there could be a storm. At the end of the day the trenches will be backfilled or covered with a metal seal. Mr. Snow: with the water line work they may have to stop sooner; they need time to get things secured. Is Weston and Sampson going to oversee? Not sure. Need an engineer on the project to oversee the work. 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)." Set up preconstruction to inform the Conservation agent of the time frame schedule; street priority; staging area; and contact person. Have extra erosion controls readily available. Submit bi-weekly updates. Contact office if any dewatering is required. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Request for Determination: Scituate Harbor Yacht Club, 84 Jericho road (replace portions of sewer line/install grease trap)*

Phil Spath was present at the hearing. Sewer department has requested installation of a grease trap. Project is in flood zone AE, elevation 12'. Grease trap will be located between Jericho Road and the restaurant; shoreline is at the back of the restaurant. A 3,000 gallon grease trap is dropped below grade about 1-1/2'. All work is in the pavement. 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)." Beware of weather conditions. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: Connell, Great Rock Island (new build) (cont.)

Applicant's representative requested a continuance to January 22, 2014. Motion to continue the hearing to January 22, 2014 at 7:10 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: Fitzpatrick, 121 Indian Trail (retaining wall/minor septic work) (cont.)

Mr. Snow recused himself. Marta Nover, Atty. Bill Ohrenberger, Barbara Thissell and Josh Bows were present at the hearing. Revised plan had been submitted. Marta and Pat Gallivan met on site December 30, looked at the wetland boundary and the flag that delineated the vernal pool. Looked at the soils, but too wet to see colors. Adjusted flag #2 approximately 10' and #4 8' both toward the project. Project still meets the setback of the bylaw. Both the pool and the vegetated wetland were full of water. Took a picture, looked like a classic vernal pool. Also the adjacent wetland in all likelihood is a vernal pool, depending on the amount of rain. Mr. Harding: How far from the project itself are the pools. 131' from the system. Ms. Scott-Pipes: are there a lot of trees being removed for the leaching field? No. The erosion control barrier would be a no cut zone, leaves quite a bit of protection. Most of Josh Bows' comments have been addressed and he is asking for a few conditions as well. The front basin was modified to drain away from the abutters' property, as well as any overflow. Erosion control line will be limit of cutting in perpetuity. Ms. Scott-Pipes: will be asking for permanent markers when all work is done. Josh Bows: basin needed to drain fully after every storm with no standing water; revision corrected that. Erosion control plan and long-term maintenance plan for the system should be included in the Order of Conditions. Ms. Scott-Pipes: how do you feel about the 125' from vernal pool? The review was limited to stormwater issues. Board of Health has approved septic. Barbara Thissell: septic is very hi-tech, Hoot system, cleans before it gets to the field; appropriate for the site. Mr. Gallivan handed out vernal pool information to the Commission and stated, the main pool is 125' from work, but other years the pool could be larger. Thinks what Marta submitted is accurate. Ms. Scott-Pipes: feel comfortable with the Hoot system and the vernal pool; no one can say what the best distance is for work near a vernal pool. They are valuable resources and need protection, but need the permanent markers. Mr. Schmid: Are we looking at some type of retaining wall? Want to use rocks from the site. Gary Banks, 128 Indian Trail: What mechanisms are in place to avoid what happened at 136 Indian Trail? Barbara Thissell: an as-built will be required and engineer's certification. What is going to keep 2nd and 3rd owners from cutting down the posts? Mr. Schmid: continuing

conditions on the title. Ms. Scott-Pipes: people have to let us know what is going on. It is an unfortunate situation down the street. We will be watching this. Mr. Banks: On the reserve area there is a lovely big oak tree, could it be left? Will save as many trees as possible. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: Duval, 87 Maple Street (restoration and replication of disturbed wetlands) (cont.)

Mr. Snow has been trying to set up a meeting with the TA. Motion to continue the hearing to January 22, at 7:30 Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote. Because the property is town-owned, we have to come to an agreement as to what to do.

Order of Conditions: Fitzpatrick, 121 Indian Trail (retaining wall/septic)

O & M plan, permanent markers, limit of work area is the erosion control line, no clearing beyond the posts in perpetuity. Mr. Harding: what if we leave something out? If it has been discussed, should be fine. #24 is outside the resource areas, remove. Motion to condition and include consultant's recommendations and discussed items Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote. Motion to accept the stormwater bylaw Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Discussed DPW Order of Conditions for storm emergencies: Met with DPW. We cannot order them to move the stones back on the beach because it is a budgetary conflict, but they can't take the material away either. Plow toward the ocean side of the street. Mr. Schmid: when they are plowing in a storm there is 2' of water on the road and they can't tell where they are. Ms. Caisse: Dumped 4' wall of cobble in the marsh. Huge piles of cobble are in driveways; water hits the cobble and runs down the road. When stones are piled on the ocean side, water goes under houses and stones go into the street then they put them on the river side. There are five people with 15' high piles. What does a homeowner do? Just to move a small pile was \$550. It is not right to expect a homeowner to have to have them moved. Videotaped the water trying to get across the street to the river. If they would clear a couple of paths, the water would go right into the river. Believe that would be less work for DPW. What does someone do if they can't remove these stones? How do you deny someone access to their homes? Mr. Gallivan: our orders don't address all the issues. It costs approximately \$60,000 to \$70,000 per storm; that money just doesn't exist. Mr. Snow: we can't require DPW to put them back on the beach if they don't have the money. Ms. Caisse: do an estimate and credit the taxpayers and they will move them themselves. Mr. Snow: don't think our orders to put back on the beach are enforceable, but we do have to protect the resource area. Mr. Gallivan: This is probably something for the Selectmen's agenda.

Musquahicut berm took a beating. Ordering river stone and patching up a couple areas for about \$200,000; limited budget; will apply for grants. Mr. Snow: If it breaches at Mann Hill Beach between Mann Hill Road and Egypt Beach it will fill a whole estuary on Hatherly Road and flow all the way to Cohasset. Mr. Gallivan: They will have to file a Notice of Intent, even if it is after-the-fact. Told Kevin Cafferty that he could get started on the project. Going out to bid, it will be February before they do anything. Mr. Snow: we should look for any existing orders for other projects allowed. Around Surfside we conditioned some gabion baskets and other filings at Mann Hill.

Also there is a dredging project being talked about that could be used for beach nourishment and one of the target beaches is on the north end of Humarock; there is a lot of cobble at the mouth of the river. Marshfield and Scituate are looking at that, up toward the cliff.

Ms. Caisse: if rip rap was put in, it would make such a difference to keep the stones from coming over and cut down on expenses. Ms. Scott-Pipes: don't think the state will allow rip rap. Mr. Parys: Down at Hawthorne the beach has a shallow gradient; the waves break out farther so when they get to the beach the wave energy is dissipated. The slope is a steep gradient at Central and the waves don't break until they hit the houses. So if you change the gradient that would make a lot of difference. Ms. Caisse: where are we with what DPW is doing? Mr. Gallivan: If money is required it will have to go to the Selectmen. Ms. Scott-Pipes: understanding at the end of the season, in the spring they would be putting the cobble back on the beach. Did it happen last year? Ms. Caisse: no. Mr. Harding: some was put back, but the private citizens did most of it. Mr. Gallivan: they are not saying they wouldn't put it back on the beach; they just don't have the money. Mr. Parys: we condition how we want it done, but we have no say regarding the budget. Mr. Snow: We can tell them they can't put it in the river and put it back on the beach and they will try to do that at the end of every season. Mr. Gallivan: the issue is – are they putting the materials in the wrong place? Commission and the state are in favor of putting the material on the beach. Ms. Scott-Pipes: a lot of people filed and they have 5 year orders.

129 Turner Road: Planned on driven piles, but found out there wasn't room to move the house. Need to change to concrete piers in the same location. Get full set of plans, then discuss.

57 Crescent Ave. – abutters want to have a chance to talk about this before it is closed out because they think they are getting more stormwater. Mr. Snow: There is an asphalt swale in the back and there is a question of where it drains. Supposedly when they were excavating there was piping they didn't know about. Mr. Gallivan: Maybe ask the property owner and the abutter to come to the next meeting to discuss.

136 Indian Trail: Pat Brennan is reviewing, there wasn't much detail. Existing slope will be very hard to stabilize; didn't address the tree removal. Also the abutter is out of town and he would like to attend the meeting. Have Mr. Petrocelli and also our consultant, Pat Brennan come to the next meeting. Mr. Snow: If they don't show up on the 22nd, we should tell them we will issue a cease and desist. Grady's plan shows predevelopment conditions and existing conditions. What Grady should give us is what was originally approved. Approved vs. what exists. Don't have a plan showing the variations. Mr. Brennan said he didn't believe the swale could be constructed and the rain garden wasn't sufficient. In all fairness to the abutters, it's gone on too long, they started in July and nothing has been done. Will send a letter requesting their presence at the January 22nd meeting, if they can't make it, we will issue a cease and desist.

NSRW want to collaborate on Ship Shape Day and River Cleanup Day – OK if they are at Driftway Park? Yes, we always say yes.

Mr. Snow: pretty messy at Driftway Park, met with Jake Foley and his dad, he's ready to go. They only have so many scouts and a 6 hour period. They are going to start at the parking lot and go as far as they can. E-mailed a couple of pictures of trees with Christmas decorations. Issue came up about leaving the ornaments. Noticed they looked like they had been there from last year. They do need to be removed from year to year.

19 Hillcrest Road: Took out the debris. Ms. Scott-Pipes: did a real good job, was very impressed.

214 Thomas Clapp Road: Planning Board sent out their draft conditions.

DEP On-sites: Wednesday, 214 Clapp 10:45 a.m. – going to withdraw without prejudice. Thursday, 305 Country Way 10:00 a.m.

Conservation Workshop Meeting, Wednesday, 4:00 p.m. at the WPA building.

Great Rock site visit at 3:00 p.m., park along the seawall.

Minutes of November 13, 2013; November 18, 2013; November 25 2013

Motion to accept the minutes of November 13, November 18, and November 25, 2013 Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Received call today about test pits being done at the Proving Grounds. Ms. Scott-Pipes: Testing in back yard of an abutter on Marion Road Ext. Not supposed to be near wetlands. Ms. Scott-Pipes: there should be a full plan of the wetlands.

Order of Conditions: Fern Properties, 214 Clapp Road

Replication is based on square footage of disturbance. Brad Holmes sent in the square footage figure; about 200 sq. ft.; \$1,600.00 should cover. It is not for the vegetation of the stormwater basins; Planning Board is going to take care of that. The disturbance is right at Clapp Road to replace the stormwater pipe. All the condition numbers changed. There were three different orders Mr. Gallivan asked Atty. Toomey for input and the wording was sent in. Two were put in word for word; the third we or the applicant couldn't understand, but it turned out it was just one word regarding registration or recording. Mr. Harding: are these ready to go? Yes. Ms. Scott-Pipes: #49 and 53 these are in perpetuity, how do we make the homeowners read them? That is one of our big problems. Is there anyway, they go into the Homeowners Association? It will go into the Homeowner Association and there are four of the houses that have to file with the Commission. Mr. Gallivan: the stormwater calcs are based on disturbance and impervious surfaces, and we can only deal with the trees in our jurisdiction, but because it is an open space development Planning Board can deal with the other trees. If they clear the trees, the stormwater calcs would change. New homeowner at 172 Cornet Stetson Road knew about the orders. We are done with changes. Motion to accept the revisions as discussed Mr. Schmid. Second Mr. Parys. Motion passed by a 4 to 1 with one abstention.

CORRESPONDENCE

December 19, 2013 – January 13, 2014

1. NFIP/CRS Update – Courtesy reviews always available
2. Planning Board re: Accessory Dwelling Special Permit at 275 Chief Justice Cushing Hwy. (in file)
3. Recording of CofC for 68-2123 – Vickers, 6 Town Way (in file)
4. FEMA re: appeal – found technical approach used was technically incorrect. BFEs and SFHA boundary for the Mass Bay area around PL-40 and PL-49 are correct as shown on the preliminary FIRM. (letter dated 12/13/13)
5. FEMA re: appeal – technical info was submitted for BFEs for transects PL-32 & PL-35. Additional data is required to resolve this appeal within 30 days. (letter dated 12/13/13)
6. Request for CofC for 68-2433 – Marinilli, 19 Hillcrest Road (in file)
7. US Army Corp violation letter to Triglia, 140 River Street – respond within 30 days with information requested. If no response may seek immediate legal action (e-mailed to members) (in file)
8. Town of Norwell re: Scenic Road Bylaw for a proposal to remove one tree outside of fence at 299 Old Oaken Bucket Road.
9. Request for an Amendment for 129 Turner Road for concrete piers instead of driven piles. Lot is not wide enough. (in file)
10. Atty. Hayes re: Request for a Superseding Determination of Applicability, 305 Country Way. 68-2444 (in file)
11. Coastal Services – “How Trees are Helping Baltimore Adapt to Climate Change” – a lot of dark roofs and impervious hard surfaces that add to the problem; “Bringing Tsunami preparedness to the forefront in Maine”.
12. Mass Audubon – Year in Review – Annual Report 2013
13. Peer Review – 121 Indian Trail – Satisfied Merrill's concerns (in file)
14. Scituate Planning Board Agenda for January 9, 2014
15. DEP Appeal Meeting On Site for Superseding ORAD (already did that), Wednesday, January 15, 2014 at 10:45 A.M. (in file)
16. DEP Appeal Meeting On Site for Superseding DOA, Thursday, January 16, 2014 at 10:00 a.m. (in file)
17. The Beacon
18. Review by Amory Engineers re: 136 Indian Trail 68-2282 – e-mailed to members (in file)
19. DEP – Extension Permit for Stockbridge Realty Trust – 96 & 100 Stockbridge Road (in file)
20. RiverWatch Newsletter
21. Revised plan for 121 Indian Trail – revised January 2, 2014 wetland flag locations (in file)
22. Article – “A tree falls in the forest” e-mailed to members
34. Orders – 3 orders from Toomey re: 214 Clapp Road (in file)
35. Abutter to Great Rock & Little Rock Islands e-mail: 5 reasons for denying the project. Requested to forward to members (did) (in file)
36. Recording of CofC for Morrissey, 126 Captain Peirce Road – 68-877 (in file)
37. Amory Report re: 136 Indian Trail – believe slope will be difficult to stabilize (in file)
38. Atty. Nysten re: Triglia, 140 River Street – Joint Stipulation of Dismissal without Prejudice. (in file)
39. Town Administrator – Comments on ENF for 214 Clapp Road (in file)
40. Nover-Armstrong report on 121 Indian Trail – 68-2497 (in file)

Meeting adjourned 8:30 p.m.

Respectfully submitted,

Carol Logue, Secretary