

**Town of Scituate
Conservation Commission
Town Hall Selectmen's Hearing Room
Meeting Minutes
May 6, 2015**

Meeting was called to order at 6:15 p.m.

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

Also Present: Patrick Gallivan, Agent, Selectman Maura Curran

Agenda: Motion to amend the agenda to discuss question of MBTA regarding knotweed removal, handout for coastal advisory membership and how members are being recruited, tree cutting on Damon property off Clapp Road, Scout that has a kayak project proposing off of Bailey's Causeway Mr. Parys. Second Mr. Harding. Motion passed by unanimous vote.

Update: Inner Harbor Road/Peggotty Beach Road: Discussion with Board of Selectmen and residents as to what could take place there; hold on planting and fence; some plants will die if not planted. Before anything can go forward, Selectmen want to know if there is enough access for the public. Will require a new Notice of Intent with the town included. If the vote is to go ahead and plant, we can go out and find the area to plant that won't cause concern for any parties. There will be a discussion at the Selectmen's meeting.

ORAD for Toll Brothers/Goulston property last year and it was left there could be a vernal pool. Applicant's and town's wetland scientists went out to the site and found a vernal pool on the Irving Road side, which they will certify. When they submit their Notice of Intent they will revise the wetland lines on the plans. Area K is a vernal pool and C is not, but it is a BVW. Commission members have made a couple of site visits, one with our wetland scientist. Motion to accept the revisions to the ORAD plan as specified that a vernal pool is at Irving or area K and C is only a BVW, not a vernal pool Mr. Harding. Second Mr. Parys. Motion passed by unanimous vote. Atty. DeLisi: Mark Manganello actually said C is an isolated wetland not a BVW.

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

This hearing will be continued to the next meeting. Brad Holmes will go out Monday to check on a possible vernal pool. John Chessia is going to do the stormwater revisions, but can't do that until the vernal pool situation is determined. Stormwater is under the Planning Board, but we can have input. Mr. Snow: went out with Pat and Tom Liddy; it certainly has the classic characteristics of a vernal pool, minus some inhabitants. Motion to continue the hearing to May 20, 2015 at 6:30 p.m. Mr. Harding. Second Mr. Parys. Motion passed by unanimous vote.

Request for Determination: Serani, 5 Irving Street (retaining wall 75' x 30 replace fence/plant tolerant species/re-sod lawn)*

Michael Leshner from Landscaping by J. Michael was present at the hearing. Along the riverfront is an existing fence holding back the soil; everything is eroding. Proposing a techno block wall to shore up that side of the property. Existing height is 18" and proposed will be the same, but down 12" for more support. Will place a silt fence along the river. He also wants to re-sod the lawn and plant on east side of property. Mr. Snow: Are there any detailed sections of the wall? No, but have picture of what the wall looks like. There is no wall now, just 2 x 12 railroad ties. Commission didn't think it was that high. Measured the highest section and will follow the same grade. This is not a velocity and there are no forcible waves and it is better than what exists. Also driveway is pervious; replaced with gravel. Mr. Leshner: Existing picket fence will be replicated by Armstrong Fence. Mr. Parys: Stone will be better than pressure treated material. 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)." Mr. Harding. Second Mr. Parys. Motion passed by unanimous vote.

UPDATES: 31 Candlewood: Spoke with the property owner; he will work with another wetland scientist to establish the line. Will have a report and one last look, then it will go to court.

Spoke with Martha Rheinhardt re: Glades marsh. They will be filing a Notice of Intent to see if Mosquito Control could clear a new channel. Has to go through four state agencies. Trying to close out the enforcement order. Think we were satisfied as to what they are going to do. Will have to run it by National Heritage and Audubon before we can close this out. Mr. Snow: Can we do a new channel this summer? Probably not, but mosquito control may be able to do a little flushing, but long term there needs to be a new channel.

Mr. Snow: Richard sent an e-mail regarding Shipshape Day seemed to go fantastically around town. In the marsh area between 7th & 10th Ave., a poor scout took it on as a life project, they pulled out so much debris that DPW had to send a backhoe and a 10 wheeler to load the stuff and they still don't have it all. There were 4 refrigerators, picnic table, TVs, etc. Still a big pile in the back of 8th Ave. Mike Breen was really helpful; he had the hockey team picking up stuff other places. Sean McCarthy: they were working as fast as they could. It may take some time to pick up the bags from Shipshape Day.

Wetlands Hearing: DPW/GZA, Central Ave./Cliff Road/Beach Way (removal of storm over wash)

Sean McCarthy from DPW Engineering Division was present at the hearing. This is an NOI to handle storm clean up on Central Ave. for emergency vehicles. There have been some concerns from abutters of Central Ave. and we have looked at those comments, but every storm is going to be different and this past year was extreme. Some storms will cause more washover than others. The ability to excavate the material and take it to the north end of Central Ave., where we have permission to deposit it, is what we'd like to continue without creating piles on the sides of the roadway. Also would like to create trenching to alluviate water when it reaches Central, especially when piles do exist. We're trying to create guidelines. Over the years DPW has handled it in different ways. Less stacking on the right and move it to the north end.

Proposing to set up meetings with DPW and the contractors so everybody knows what their responsibility is. Mr. Snow: Did you reclude yourself Lisa? Yes, I'm the secretary right now. We don't have a quorum so we cannot close the hearing tonight; will need to continue. Mr. Harding: There is not going to be any material stacked on the river side? No, minimal anyway. And there will be less piles on the ocean side? Yes. And you are going to make cuts to alleviate the water. Yes. Ms. Caisse: there are naturally draining spots that should be maintained. With those draining, however, the road is eroding. Is there a way to support it so when it washes over it doesn't take the road with it? Can take a look at that. There are several areas where the road is falling into the west side. The Commission appreciates minimizing material put on people's property and moving it back to the beach, at least up to the north part. Have had permission in the past to return stones back to the beach and we hope to do this again. Discussed easements to access the beach. Mr. Gallivan: houses get flooded when its path is blocked. The less we impact property owners the better. We are issuing MAP for homeowners to return cobble back onto beach. We have 60 MAP permits to date. CZM will be discussing what may work and DEP will discuss what will be allowed on June 16 at the High School Auditorium. Nancy Durfee has e-mail people on her list and the information will be on the website. There are a lot of summer people that not have returned, so they will not be notified. Selectwoman Curran: will access a list from the assessors office to notify people.

7:00pm – Bill Schmidt joined the meeting.

Can the Commission vote tonight? No because Mr. Schmid was not at the beginning of the meeting. Diane Bennett/Cassarino: 230 Central, representing her house and her son's. Gave permission for a storm easement to DPW to go between the Roches and their house or Akerblom's and our house to put the rocks back on the beach. Commission expects that would have to be done formally. Not happy with town administrators response to her email. If the town had put up rip-rap we would not have wash over problems, but the town did not listen. The mounds of sand and stone were 15' high. If the town would just return the stones back onto the beach the road would not be such a disaster all winter long. Stop spending the time to drive down to bottom of 4th Cliff to return cobble. Mr. Snow: when there is a barrier beach, unless there was a revetment before, rules change; only the state can change the rules. We can't permit foreshore protection, we can permit beach nourishment. The town is trying to get the state involved. Abutters concur the rocks should go back on the beach. Rosemary Boyle: You said the state won't let the town remove the rocks off the marsh. If someone from the state saw how high the rocks are they would probably agree to remove the rocks. The street is now a valley and there is no way for the water to flow to the river. The rocks along the riverside have been plowed there, not just put there naturally. Mr. Snow: Rocks that have been placed by man can be removed. The guard rails need to be returned to keep trucks from plowing. Will the paper streets be maintained once cut? Will the cobble be returned to the beach via easements over neighbors properties? Tonight we are trying to deal with the emergency clean up; this filing is for the storm cleanup. The town has hired Nancy Durfee to work toward other solutions. How do we start the process of easements? There are benefits from the stones being returned to the beach. Mr. McCarthy: this is private property. Town funds cannot be used on private property without public benefit. But the town is dumping material on private property from the road. Cannot return stones to private property, just along town-owned land and on Beach Way going North under 4th Cliff because that is Federal Land. The area along the road where the cobble is plowed is town owned. Ms. Caisse: land surveyor stated yesterday that the town property is at the edge of the paved road. The whole area the town dumped on is in fact private property and the location causes property damage to many homes. DPW spends more town dollars replowing cobble and sand that keeps washing back down on the road and filling the marsh.

Mr. Snow: The residents can at their own expense take the stones and put them back on the beach. Possibly this winter some material was placed on private property. But wasn't the excess stone taken to the base of fourth cliff by DPW? Yes, because we have permission from the state and Conservation to do that. We can allow DPW to put the stones in different areas, but whether they can physically do it or legally do it is another question. When there is a hearing, we are supposed to include all the parties that are involved or affected. Ms. Caisse: You don't return the stone back to the beach because it is a private beach rather than a public beach? Yes. The Beach Way is at the most Northern point of Central Ave. Considerably more man hours are used to move the materials to the end, (which costs the town more money) and the small area fills up fast and work must stop even though the emergency clearing is not complete. This happened many times this winter and the roads were not cleared, homeowners were trapped in their homes, emergency vehicles did not have access. I contacted our attorney and asked if a storm easement could be drawn up that would protect the town. If they could deposit it between houses, it doesn't mean they have to spread it. The attorney said the town could be protected with the correct verbiage to reference seasonal storm easements for the purpose of returning cobble and sand back to the beach. This is a much faster means to get the job done in half the time. The town saves money and the homeowners do not have their basements flooded from stormwater hitting cobble walls and sending the water back into the house, it's a win win situation. Mr. Gallivan explained the Minor Activity Permit. If there is stone either under the house or to put back on the beach, we can issue a MAP, which can be done through e-mail. Contractor can put the MAP # on his machine or in your window which shows you contacted the Commission and you have permission to do the work. We just don't want abutters impacted. Mr. Gallivan can make up some draft orders regarding where we are now, we can always amend. Will talk to town counsel regarding access between houses. Mr. Parys: we could write an order to cover easements if they are worked out. Motion to continue the hearing to May 20, 2015 at 6:45 p.m. Mr. Harding. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: McNiece, 8 Dunbar Lane (2 additions)*

Paul Mirabito from Ross Engineering was present at the hearing. Abutter's notification was submitted. Proposing one addition at each end of the dwelling. Resource areas: inland bank; riverfront, the entire site is located within 200' of the top of bank to Satuit Brook, and BVW 100' and 50' buffers are shown on the plan. Proposing to remove 1581 sf of pavement currently located in the 50' buffer and convert to lawn. Then adding 250 sf of pavement in the 50' buffer. No proposed work is within the 100' of the inland bank with the exception of removing the existing driveway and converting to lawn. With respect to the riverfront area, this is a redevelopment project. Most of pavement and junk is cleaned up near the water. The addition is not any closer to the river. Mr. Harding: What is the square footage of the additions? 180 + 200 = 380 sq. ft. What is the square footage of impervious? Additional 500 sq. ft. of impervious, but 1534 sq. ft. of concrete will become lawn. They need to submit a small planting plan. Motion to close the hearing Mr. Schmid. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Griffin, 111 Turner Road (FEMA elevation)*

Paul Mirabito from Ross Engineering and owner Christa Griffin were present at the hearing. Abutters' notification was submitted. The 2013 flood map is at elevation 16'; top of concrete will be at 16' and the 1st floor will be at 17'. Structural plans were submitted and prepared by Rivermoor Associates. This property is in an AE flood zone, therefore the foundation will be reinforced concrete with breakout panels for flood protection. There will be no change to the ground elevation, it rises approximately 1' to the rear of the house; it is a fairly flat lot. Same

footprint. Break out panels equalize the pressure so the foundation doesn't collapse. All utilities are on the 1st or 2nd floor. Ms. Griffin: concerned about the time the process takes. Motion to close the hearing Mr. Parys. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Benelli, 46 Atlantic Drive (remove & replace seawall)*

Leo Stickney, Cobra Enterprises and James Benelli were present at the hearing. A butters' notification was submitted. The wall was undermined and half fell onto the beach. Structural plans submitted by McKinnon Associates to replace the wall within the existing footprint. Removing existing patio, there is a 4' to 4-1/2' void under it; removing the existing wall; there is approximately only 6' to bottom of footing, new wall will be deeper, approximately 13' and patio will go back. 260 and 264 Central have been repaired as they got undermined because they were too shallow and failed, then we put some rip rap in front. How do we know what is a private wall? It is part of the footprint of the house and on Benellis' property. How old is patio? Don't know. It was spot repaired in the storm of 2013. Needs a spread footing at the bottom for a wall that high. It will be the same height above the ground (6'), but deeper below the ground with rip rap in front. Need info on the revetment and on how he plans to support the patio. Won't close tonight. Will be ready to close with orders once we receive that information. Motion to continue to May 20, 2015 at 6:55 p.m. Mr. Schmid. Second Mr. Parys. Motion passed by unanimous vote. Would think the Building Department would be part of this project also.

Request for Determination: Mary Stacey, 82 Lighthouse Road (replace concrete deck)*

Jeff Bradford, Anne Billidow, and Mary Stacey were present at the hearing. Proposing to replace a 10' x 40' concrete slab with a 9' x 40' closer to the house, with a concrete ramp off the rocks to aluminum stairs to the water. Previous slab cracked, replacing with reinforced concrete. Mr. Snow: If nothing were there, the Commission would not approve a concrete slab. No concrete ramp will be allowed on top of the revetment. Usually things that go down to the ocean are somewhat removable. Slab will be 8" thick. The Commission can allow the concrete patio, but not the concrete ramp. You will need to come up with something else to access the beach. Abutter, Melissa Marram's letter was read. Mr. Gallivan: you could file an appeal to DEP, but he was pretty sure they would say to file Notice of Intent. The Commission could condition that if some type of removable walkway is proposed, it would be subject to approval. 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)." The concrete patio can be allowed as shown, but no concrete stairway or ramp will be allowed on the rock wall or down to the beach. If the homeowner would like an aluminum ramp or stairs (one that can be removed) it will need to be approved by the Conservation Department. Mr. Schmid. Second Mr. Parys. Motion passed by unanimous vote.

Request for Determination: Feeley, 286 Central Ave. (remove & replace deck)

Paul Armstrong and Pierce Galliger were present at the hearing. Existing house was built on pilings after the 91' storm. Small deck along the front received a little damage which he wants to continue along the front, which will make it safer and the elevated walkway was on sonotubes and they just washed out. Suggested pilings along the side. There is no vegetation, just beach cobble. Mr. Harding: some rubble and items not tied down that has to be removed. Motion for a negative 3 - "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)." Mr. Schmid. Second Mr. Harding. Motion passed by unanimous vote.

Request for Determination: Sullivan, 151 Turner Road (remove and replace deck and footings)

Request for Determination: Schwarz, 153 Turner Road*

Paul Armstrong was present for 151 and 153 Turner Road hearings. Both of these houses and decks were built after the Blizzard of '78. Paul showed pictures and field cards showing the decks. Remove and replace deck on footings in same footprints. Original piles were creosote and rotted; use pressure treated today. Dug out old piles with a mini excavator. Motion for a negative 3 determination for 151 Turner Road - "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)." Mr. Harding. Second Mr. Schmid. Motion passed by unanimous vote.

Motion for a negative 3 determination for 153 Turner Road - 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)." Mr. Harding. Second Mr. Schmid. Motion passed by unanimous vote.

Certificate of Compliance: 17 New Driftway. Mr. Burwick was present. Greg Morse sent in a letter and as-built. Seems the as-built is pretty close, some plantings got destroyed. The request just came in. OK with Mr. Gallivan's final review.

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

Owners have no recollection of have to move the trampoline. Will be straightened out by May 20, 2015. Motion to continue the hearing to May 20, 2015

6 Atlantic: Neighbor called to report a contractor working on the house stole sand and cobble and placed on Oceanside of this property. Homeowner still in Florida. Talked to property owner this week. Police report was file. The contractor was hired by Joseph Congelos. Wrote a violation to the owner; have the contractor's name. It is a big area. Maybe put in on the agenda for June 3.

Damon wood clearing: behind an abutter's house to the right. Looks like stuff has just fallen. Doubt there has been any cutting. Mr. Snow will look at.

Special Needs Summer Program will be starting. Best meeting we had last year when we had the kids come in and the parents were very appreciative also.

Minot kayak ramp. Jake Foley did the original cleanup for his life badge. Believe he went to recreation and DPW. Don't know who has jurisdiction over the parking lot. Will check to see where it is being built. What do we want to ask him to file? An RDA? His pictures are unbelievable. We have been asking the town to do something about the runoff from the parking lot to the marsh. Take a look at isn't going to be subject to other changes. We want to endorse this. Contact should be with the kids.

EAGLE SCOUT PROJECT – Tables and benches someplace, but can't remember where.

Mr. Snow has pictures of the clean up on Shipshape Day and some from Mike Breen he wants to send to the Mariner. It was unbelievable how they all jumped in.

Coastal Advisory Committee: Looking for membership, but Nancy thought it might get bumped back to the fall, they weren't sure if it needed a town meeting vote. This basically replaces the Seawall Committee. There is a lot of interest. Mr. Harding applied. Maura Curran is the main person to recommend people for the committee.

Appleton Field and Crosbie: yesterday somebody cut all the deer fencing. Mr. Bucca called the police and they took pictures. Police can do something if they know who did it. Mr. Snow: sympathizes with him, unfortunately, it is not part of our agreement, it is the Scituate Police that have to investigate any vandalism. We are going to have a bigger problem, he won't have access to the field for some time. No way will the new access road be ready. Mr. Gallivan: Through CPC is there any funding for maintenance of these properties? We can talk about that. He can apply. Going to have to sit down with Vinny Bucca. There should be a use of public funds. Open up to anybody.

Bill Schmid wanted to thank the Hockey team for their participation and pitching in and helping on Shipshape Day at the beach and Mike Breen for rounding them up.

EXECUTIVE SESSION: To discuss and consider the purchase, exchange, lease or value of real property because an open meeting may have a detrimental effect on the Commission's negotiation position. The board will not return to regular session.

Motion to move into Executive Session Mr. Schmid. Second Mr. Harding.

Roll Call Vote: Bill Schmid, Yes; Richard Harding, Yes; Paul Parys, Yes; Lisa Caisse, Yes; Frank Snow, Yes.

Motion to leave Executive Session Mr. Schmid. Second Mr. Parys.

Roll Call Vote: Bill Schmid, Yes; Richard Harding, Yes; Paul Parys, Yes; Lisa Caisse, Yes; Frank Snow, Yes.

Motion to authorize Mr. Snow to proceed as discussed in Executive Session Mr. Harding. Second Mr. Parys. Motion passed by unanimous vote.

CORRESPONDENCE
April 16, 2015 – May 6, 2015

1. Notification to Abutters re: McNiece, 8 Dunbar Lane (in file)
2. DEP File # 68-2534 – McNiece, 8 Dunbar (in file)
3. ENF for Mazzola, 30 Inner Harbor Road (in file)
4. ENF for Bound Brook Restoration Project Hunters Pond Dam Removal (in file)
5. Recording of CofC for 68-2361 – Christenson, 25 Surfside Road (in file)
6. Mallard Decoy Club, Inc. – letter – Wills Island
7. Planning Board re: reorganization – Stephen Pritchard – Liaison
8. Information from Charlestown, RI re: Pollution from fertilizers and pesticides, water pollution & stormwater
9. ECR/Brad Holmes re: BVW, 35 Dreamwold re: potential vernal pool – not likely. Another site visit in 10 days (in file)
10. DEP File #68-2535 – Griffin Realty Trust, 111 Turner Road (in file)
11. Revised plans for 111 Turner Road - e-mailed to members (in file)
12. DEP File #68-2536 – Benelli, 46 Atlantic Drive (in file)
13. Request for CofC 68-2356 – 17 New Driftway – Request, Check, as-built (in file)
14. Ohrenberger re: 214 Thomas Clapp Road and 199-201 Clapp Road (encroachment with stormwater discharges)
15. DEP re: 401 Water Quality Certificate / Amendment #3 and Extension: Condition 1: no new ditches; 2. Other conditions remain in effect. Issued to surrounding 10 towns.
16. Request for Public Records 61 Border Street – Lilly – Pat found 1 piece of correspondence.

Meeting adjourned 9:40 p.m.

Respectfully submitted,
Lisa Caisse and Carol Logue, Secretary