

**Town of Scituate
Conservation Commission
Town Hall Selectmen's Hearing Room
Meeting Minutes
November 18, 2015**

Meeting was called to order at 6:25 p.m.

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

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

Agenda: Motion to amend the agenda to include an informal discussion for a Certificate of Compliance for 11 Eisenhower Lane Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Scituate Water Resource Conservation Plan:

Shirley Young from the Water Resource Committee was present. Two weeks ago the Commission was given the Water Conservation Plan and the Water Resource Committee would like ConCom's support. Mr. Snow: Supports what we have been doing. The only area concerned with is on the private wells and honoring the water ban. Believe this needs more discussion. Everyone is using water from the the same aquifer. This would only be effect during a drought situation, not normal use. When irrigation restriction is in effect, we are suggesting private wells follow the same restriction. Currently the Board of Health is trying to set up rules and regs for that. We are also promoting using reclaimed water. The other part is enforcement, unless people put signs up that they have a well, don't know if they are using town or well water; difficult to regulate. Trying to encourage people that use more irrigation, to not waste drinking water, not saying to not use it at all. Personally it is not a recommendation that Mr. Snow would endorse. Trying to encourage the community to conserve water. NSRWA sent out a good piece. Should we put something in writing to the Water Resource Committee or invite John Clarkson in for a discussion. On the whole it is really excellent, except that one piece. Could have a workshop or discuss next meeting. Should have support letter by January 4, 2016.

Request for Determination: Historical Society, 16 Country Way (install 7 steps to complete access to Gristmill) (cont.)

Applicant requested a continuance. Motion to continue the hearing to December 2, 2015 Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Request for Determination: Gaughan, 11 Kings Way (septic repair)*

Phil Spath from Spath Engineering was present at the hearing. Wetlands surround the property, pulled as much out of the 50' buffer as possible. Tank and pump chamber is tight. Existing pipe goes out of the back of the house. 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. Wetlands flagged and data forms in the file.

Request for Determination: Smith, 643 First Parish Road (septic repair)*

Phil Spath from Spath Engineering was present at the hearing. Pulled everything out as far as possible from the 50' buffer. Better system and out of the 50' buffer. 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.

Wetlands Hearing: BTZ Realty Trust/Costello, Lots 31—32 Fieldstone Road (concrete driveway for access) (cont.)

Greg Morse from Morse Engineering and Leo Costello were present at the hearing. Provided a planting plan, but the site plan remains unchanged for a 16' wide bituminous driveway off Longmeadow Road to build two single family homes. Plan shows the wetlands line, 50' and 100' buffer. Project requires a wetland crossing, with a 2:1 proposed replication depicted on the site plan and Brad Holmes' report. Walked site with Pat. Alternatives were looked at with possible access from the end of Bittersweet Circle or off Longmeadow Road; not viable; can not have a driveway off a cul-de-sac and the third alternative was this access; thought it was the best. Replicating in the same watershed and at same elevations. Not proposing any other resource alterations. Providing a culvert so current flows will remain the same after the work is completed. Demonstrated that it is not within the Water Resource Protection District, under the town limit of 2500 sq. ft., and provides wetland replication, a written narrative, and a plan. Didn't receive any requests for more information. Mr. Gallivan: this is not an undeveloped parcel. We are being asked to allow a wetland crossing after the applicant has chosen other development and closed off access to this property. This parcel could have been accessed without any crossing. Why don't you go to Zoning and ask for a waiver? DEP regs state: avoid, minimize, and replicate. Mr. Snow: We asked for an overlay of the whole lot and that hasn't been provided. Would like to see the whole scope. Last page gives a little bit of an overview. In total we are talking 25 acres; mostly upland. Consensus of the Commission was to approach the Zoning Board of Appeals. Seems like you created your own hardship, by dividing it in a way that left the two lots in a tough spot. Need to see the whole picture; the amount of disturbance. Mr. Snow: Would hate to say to somebody, can't go that way and then see them remove 250' of woods. If the applicant goes to Zoning, would the Commission write a letter of support? One reason they might not allow a drive off a cul-d-sac is that it would be a longer dead end road, close to a 1000'. We are here to protect the wetlands. Other projects try to limit disturbance, for the least amount of impact; can't see that with this plan. Motion to continue the hearing to December 16, 2015 at 6:40 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Smith, 151 Border Street (garage) (cont.)

Atty. Adam Brodsky, Carmen Hudson from Cavanaro Consulting, Don Smith, and Sean Pappas, landscape architect were present at the hearing. Proposed garage on a previous altered outer riparian zone to the Gulf River. May have been some misunderstandings. Actually have

met the performance standards as well as riverfront regulations. It was a large lot when the house, pool and other improvements were constructed and disturbance was less than 10% and complied with the performance standards. Divided the lot in 2011. Certificate of Compliance was issued before the division. Carmen spoke to DEP and they support the use of minor activity for expansion of a single family house. Mr. Gallivan: Can't have any new disturbance; this property is maxed out and is in excess of riverfront disturbance, since subdivided. Riverfront guidance was changed in 2005 and there is a requirement to provide 2:1 mitigation. Revised plan shows 2:1 mitigation within the inner riparian zone. The dog pen is beyond the 200' riverfront area where the garage is going, but in a smaller footprint, in a previously disturbed area; allowed as redevelopment. Applicant is also providing a net improvement of wildlife habitat. Pat discussed with DEP also, but didn't talk about the minor activity exemption. It might have complied before, but maxed out now and the dog pen wasn't on a plan and don't believe it is a degraded area; DEP didn't feel the dog pen was a fair trade. Landscape plan shows the dog pen. Commission recommended removal of some impervious material the same distance from the riverfront as the garage and much of the vegetation has been removed from the inner riparian zone; owner can not alter vegetation going forward. Also need to come to the Commission for any vista pruning. There is no proposal to alter vegetation in the 100' inner riparian zone. Mr. Snow: Pat you are saying they don't have any more room for expansion; all they can do is take a previously altered area for an accessory use? Yes. We concede we can't have any more new development, but with the minor activity exemption there is no limitation for redevelopment. Is a garage a minor activity exemption? It is not limited to specific items. It's surprising the DEP expert on riverfront didn't agree. If this wasn't a riverfront area, there would be no problem; this pertains to the amount of disturbance allowed. Ms. Hudson: If you look further regarding the 10%, you can go beyond that as long as you provide 2:1 mitigation for redevelopment. Mr. Brodsky: with a minor exempt activity you are not required to provide 2:1 mitigation. If we were 25' from the river, makes sense to change impervious surfaces, but over 100' from the river, outside the buffer zone, it doesn't. Mr. Snow: if we close the hearing we can't accept any new information. This looks like a division of a lot that shouldn't have happened. If we do close, the apron to the garage should certainly be pavers. There are two distinct areas of mitigation each having similar species. Part of the idea is to keep a corridor for animals to be able to move back and forth. Looking for some sort of plantings that would enhance that corridor. Is there any way to do a little more? This project is a bit outside of what we would normally permit. What if the plantings were dispersed in the inner riparian; more cover for birds; maybe some plantings that are low, but still create a cover. Disperse the same quantity of plants, but revegetate the entire area. Allow this to become more natural. Hopefully we can meet somewhere in the middle. Reducing the pervious would be a 3-1/2 to 1 ratio of mitigation. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: O'Brien, 19 Kenilworth Street (septic)*

This is scheduled for a Board of Health hearing. Motion to continue the hearing to December 2, 2015 at 6:30 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Morrissey, 240 Clapp Road (new build)*

Greg Morse from Morse Engineering and Shan Morrissey were present at the hearing. Abutters' notification was submitted. This project is a new single family home accessed by a common driveway. The resources at the site are a Bordering Vegetated Wetland and within that resource is a Certified Vernal Pool. Plan shows the 50' and 100' setback from the BVW and the 100' setback from the vernal pool. Work for the house is within 55' to the BVW and 100' of the vernal pool. Septic is in front, outside the 100' buffer. Runoff from roof areas will go to subsurface drywells and there is a rain garden or shallow depression in front to collect stormwater. Majority of the site is lightly wooded. Also this property is located in priority habitat. Waiting to hear from Natural Heritage regarding endangered species; no comments to date. DEP has not issued a file #. Mr. Gallivan: we have a minimum of 125' buffer to a vernal pool. Should be able to make a revision to accommodate that setback. Is there any narrative or data forms? Will submit. Someone should verify the wetlands line. There is also a question on how much of the lot needs to be upland versus wetland. Does it trigger stormwater? Yes; can provide calculations. Mr. Snow: Do we need two different people one for wetlands and one for stormwater? If we get the information requested, maybe we wouldn't need both. Motion to continue the hearing to December 2, 2015 at 6:40 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing to Amend the Order of Conditions: Town of Scituate/DPW, 68-2529 Central Ave./Cliff Road/Beach Way (over wash removal)*

Kevin Cafferty and Sean McCarthy from Scituate DPW and Maura Curran, Selectmen were present at the hearing. Abutters' notification was submitted. Mr. Gallivan: went through the process with the Selectmen last night. Commission tried to develop an Order of Conditions to protect the marsh as well as the residents. Mr. Cafferty: This is being considered a pilot project this year. Going to make some inlets to allow water to flow across Central Ave.; will do the best we can at least in three locations. If flooding is worse may need more suitable spots. Saw two areas where we could enter the beach, at Seaview and at Lisa Caisse's house at 242 Central. Going through a temporary easement process. Selectmen made it clear that the cobble can be piled on the beach, but not spread. Next week meeting with the contractors, including an owner and their area manager; we are going to be strict. If they do not do the work correctly, they will not be allowed to bid again. Copy of Order of Conditions will be in the equipment. Another pilot plan is to dig some trenches. Get out right away on the marsh side to alleviate the water. Existing paper streets will be trenched and cleaned out, and a decision will be made for the best area. Ms. Caisse: so you are going to clear the road, put the material on the sides of the road, then return it to the beach? Not necessarily, we will follow the policy of what the selectmen decide. Could you not put cobble in people's driveways? They will do everything possible to not pile up at the driveways. Mr. Snow: when the town is plowing anywhere in town snow or whatever goes in everybody's driveway. Trying to keep the roads open, then there is a day or so clearing out hydrants, then if a tidal surge, have to wait for the water to go down; can't physically work. Selectperson Ms. Curran: trying to remedy the problems we had last year. Don't know how much control we have over these drivers. Certainly understand what you are saying. Also asking the town to keep the storm drains clean, maybe flag the locations. Do you think material will be put back on the beach after every storm? Probably not, Selectmen will make the policy. Maura Curran: roads will be cleared in emergency situations. Trying to put together a pilot project it was trying for everyone last year; lot of restrictions that we have to speak to. Would like to move forward with some of these pilot actions and hope they work and build on them. Rosemary Dobie: some residents want to keep the cobble. One letter is being sent to the 90 homeowners, asking if they want it left or removed. They have until December 14 to respond. Once they choose, they can't change their minds after a storm. Together with the idea of a couple of easements where material can go back on the beach, might alleviate some clearing of driveways, which in some cases material leaves the town and it shouldn't. But the town can't have someone out there all the time. There is a place to dump right at Cliff Road provided Pat is OK. Jean Akerbloom, 228 Central pictures, we are not flooded when the storm is in effect, but after the storm. Have to hurry and move the material, otherwise we flood. The piled up cobble redirects the water so when a storm comes water rips at her property in a direction it doesn't usually go. She showed pictures to the members. Have to be careful who is allowed to keep the fill. Maybe a red placard could be put out if you want to keep the material. Don Hourihan: have to put fill

back in front of the houses, have to keep the berm up. Chris Robbins, 10 Cliff Road: not going to spread it on the beach this year, but would be nice to clean up metal and plastic bottles. Wayne Booker, 280 Central Ave. 17' wall, still comes over the wall and causes damages. Pilot program have to figure out what works and what doesn't. Ms. Caisse: I could share with residents any info via e-mail. Do my best to be as unbiased as possible. To at least let the town know what works or what doesn't; work as a team. DPW encourages that. But during storms with phone calls, not always checking e-mail, but usually there is coverage in the office. Rosemary Boyle: town needs a waiver to drive on the beach. Did it years ago after every storm. Put it into the trucks, didn't spread it. Think 20 people just put it back where it came from. Took 4 months to get 7 easements. Unreasonable to ask every resident to sign an easement, if we just have 2 or 3 areas. Lisa: would be happy to ask 10 neighbors north and south. If we have easements in place, gives the town more advantage to try for grants for beach nourishment. Not a seasonable storm easement; a permanent easement. Changes to take place: there will be a meeting held with contractors each fall to tell them what is expected; DPW will supervise; storm overwash is piled along the east side of Central; and the town shall excavate some channels. Prior to the storm season trenches will be identified and some material may go back on the beach if possible. Motion to accept the amendments made in numbers 25-32 Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Request for Determination: Barrow, 109 Booth Hill Road (septic repair)*

Greg Morse from Morse Engineering was present at the hearing. Abutters' notification was submitted. Property line shown in bold. Existing 4 bedroom. Resource area is a bordering vegetated wetland flagged by John Zinner. The 50' buffer and 100' buffer are shown on the plan. Upgrading a septic system with a septic tank and leaching chambers located in the front yard. 77.3' from the BVW, keeping it in the front lawn area. Limited area; basically in the same location. All work is on a flat 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)." Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Request for Determination: Town of Scituate/DPW, Jericho Road (memorial benches)*

Sean McCarthy from DPW was present at the hearing. Memorial bench policy was set back in 2010 by the Selectmen. About 20 locations throughout town were established through the policy. Reviewed at that time with the agent. They are located at the rear of the sidewalk. These five happen to be on Jericho Road. When the locations were picked there was no need for the filing. Now that they are installed, this is an after-the-fact filing, because they are within a resource area. Should not remove beach grass. We have had a lot of complaints. Should go through the public process. 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.

Request for Determination: Town of Scituate/DPW, 66 Old Forge Road (clear existing 20' path between wells 22 & 19)*

Sean McCarthy from DPW was present at the hearing. Well is located across from the Town Hall that connects with well on Old Forge. Corridor is where the water main is and the communication lines. This past winter some dead trees fell. They are quite large so will need to cut them up and move them with a bulldozer. Ms. Scott-Pipes: this would be a good time for a maintenance plan. Mr. Gallivan: Need to start at Old Forge and cut through to Chief Justice Cushing Hwy. Does it have to be 20' wide? Typically use it to walk between the two wells. Keep it to a minimum. 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)." 1. The width of the path between Wells 19 & 20 shall be kept to a minimum now and in the future. 2. This determination shall be in effect for 5 years for maintenance purposes. In 2020 there shall be a request for an extension. 3. Any heavy equipment used for moving logs should enter from Old Forge so that it will not be necessary to cross the stream at the Chief Justice Cushing Hwy. end of the project. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Request for Determination: Town of Scituate/DPW, 68 Captain Peirce Road (25' x 40' storage building.)*

Sean McCarthy from DPW was present at the hearing. Project is to install a 25' x 40' arched building for storage of equipment. There are four trailers located in this location. Grading will not change, added a new storm septic. Building has a finished grade about 3" higher. Mr. Snow: Any siltation? Pavement pitches to the storm septic. Can put haybales along the back edge. There is debris in the wetlands, metal, etc. Pat and Sean will make a site visit. 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)." 1. Haybales shall be placed to avoid any sedimentation leaching into the wetlands or storm septic. 2. There shall be an on-site scheduled with the Conservation Agent to determine wetland clean up procedures. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Chamberlain Management Co./Abbott, 0 (aka 1000) Glades Road (repair concrete seawall & install revetment)*

John Chessia was present at the hearing. Abutters' notification was submitted. Seawall and revetment shown on plan. Shows access route. A section has been rebuilt. Wall has fallen and rocks are displaced. Wall is massive, would like to patch and repair revetment where it has fallen down. Eroded in some areas. Mean high water is actually below the footing. Plan is come in as soon as possible to repair, and next year put the stones back. Mr. Harding: when doing work does equipment have to go on the beach. Can build a little ramp over the ledge. Put the same stone back. They are 1-1/2-2 ton stones. Watch for timing of tides. DEP wants applicant to contact Chapter 91. Work is all above the high tide line. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Informal for 11 Eisenhower Lane Certificate of Compliance: Mike Hayes was present representing the Coleman's who moved to So. Carolina. House was sold, title search done and an Order of Conditions was found that never received a Certificate of Compliance. There are some problems there. The Coleman's asked if there could be a compromise, but if they are forced to remove the driveway it would be a huge monetary problem. Willing to pay a fine, remove a portion of the driveway, do plantings or enhancement; otherwise will lose the sale of the house. Orders called for a gravel drive and deck is much bigger. When you drive in, there is a large turnaround that would be the area for a compromise to remove a portion and replace with gravel, or pervious pavers. Could remove 10' from the end to get it further away from the wetlands. Another reason is the buyers have a recreational vehicle that needs a paved surface. They will not buy the house if the paved driveway is removed. Mark Duffy, abutter: they cleaned up the site; they just tried to make it neat. But, this is a large driveway right in the wetlands. House was built before the Wetland's Protection Act. Could they do plantings to mitigate for the enlarged deck? If he'd come to us

about the deck, it probably would have been approved. Ms. Scott-Pipes: he had an approved plan to follow; deck is probably 3 times the size and driveway wasn't supposed to be paved. They basically did what they wanted. Now they come and expect us to ignore all the violations. Mr. Snow: Could do some plantings for the increased size of the deck and convert a portion of driveway to gravel or pavers. Sometimes a paved driveway is better if the vehicle is leaking oil, it doesn't end up in the ground. If there is to be a compromise, make it good for the site. Comfortable working out something. Ms. Scott-Pipes and Ms. Caisse don't understand why we are compromising. He filed for a deck and put the driveway in after that, he knew he had wetlands. Come up with a plan that the board can say yes or no to. Mr. Gallivan: understand what Penny and Lisa are saying.

Order of Conditions: McKinnon, 168 Central Ave. (add to existing concrete wall)
Motion to condition the project Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Order of Conditions: Davis, Tr., 111 Humarock Beach Road (r/r due to fire)
Motion to condition the project Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Order of Conditions: SMJJ Real Estate/Daileader, 12 Graves Road (elevate & additions)
Motion to condition the project Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Order of Conditions: Shores, 304 Clapp Road (garage/addition/septic)
Board of Health is reviewing the project. Motion to condition the project with the submission of \$5,000 for plantings Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

31 Mary's Lane: Pinebrook has flagged the property – sent report to members.

Lot 2 Peggotty Beach: Request to extend ORAD. Research and bring for a vote December 2, 2015

Staging area Lawson Road: Enforcement Order will be written up to DPW and contractor.

24 Webster: applicant heard he could keep a portion of a wall and then built a wall all around; should come down. Site visit tomorrow at 4:00 p.m. New owner now.

Dodge Road: bricks on private way 60' x 40' like a paved road. Mr. Harding will stay out of that one, but can get the name to Pat.

11 Concord Ave.: poured concrete no forms wall. Letter will go out for the next meeting. This is second violation. We should be sending the letters to the contractors too.

Minutes of September 16, 2015:
Motion to accept the minutes of September 16, 2015 Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

CofC: Harding, 84 Central Ave.: There was no structural engineered plan and he removed quite a bit of impervious surface, so asked him to have the contractor look at the plans and see if there was any difference between the plans and the as-built. OK for Certificate.

CORRESPONDENCE

November 5, 2015 – November 18, 2015

1. Recording of OofC for 68-2572 – 87 Maple Street (in file)
2. 31 Mary's Lane - Wetland Delineation report – Pinebrook Consulting – BVW extends into the established/maintained lawn, where some clearing occurred. (in file)
3. Recording of Amended OofC for 68-2478 – 15 Seagate Circle (in file)
4. Emily Holt of Natural Heritage received MESA checklist for 304 Clapp but not check for \$300. Copy of check attached. (in file)
5. Recording of CofC for 68-2472 – 208 Front Street – pier (in file)
6. Recording of CofC for 68-2486 – 139 Turner Road (in file)
7. Revised Site Plan for 111 Humarock Beach Road (in file)
8. Recording of CofC for 68-889 – 12 Newport Street (in file)
9. DEP File #68-2576 – 0 (1000) Glades Road (in file)
10. Thank you from NVNA & Hospice acknowledging contribution in memory of William Schmid.
11. Selectmen's agenda for discussion of OofC for Central Ave & Peggotty Beach.
12. Division of Fisheries & Wildlife re: 304 Clapp Road – will not result in a prohibited "take". (in file)
13. 151 Border Street - Revised Site Plan and Landscape Plan (submitted 11/17/15) (in file)
14. The Beacon
15. Request for CofC for 84 Central Ave. 68-1588 (in file)
16. Request for an Extension of ORAD 68-2136 – 21 Peggotty Beach Road (in file)
17. ECR report re: Lots 31 & 32 Fieldstone Road (in file)

Motion to adjourn Ms. Scott-Pipes. Second Ms. Caisse. Motion passed by unanimous vote.

Meeting adjourned 9:52 p.m.

Respectfully submitted,
Carol Logue, Secretary