

**Town of Scituate
Conservation Commission
Town Hall Selectmen's Hearing Room
Meeting Minutes
September 16, 2013**

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

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

Also Present: Patrick Gallivan and Carol Logue, Secretary

Agenda: Motion to amend the agenda to possibly discuss: Certificate of Compliance for 107 Border, 36 Brunswick updates, jurisdiction over trails, water main work on Glades Road Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Request for Determination: Walsh, 2 Dickens Row (deck)

John P. Walsh was present at the hearing. Cantilevered a deck in front after '78 storm; removed deck this week. Intention is to build a double deck 10' x 32' that requires 5 posts on the outer perimeter with the other side attached to the house. It is more than 50' from the wetlands. Used the same plot plan as '08 for an addition; 50' buffer barely touches the corner of the property; 20' back from the town way. Mr. Schmid: what deck was taken down? The 20' deck on the 3rd floor. Concrete topping is at 18.65', floor level 19.65', going up from there to the second story. The deck will cover the front of the house. What are you using for posts? 6x6 pressure treated boards. Mr. Parys: road is between you and the wetlands? Mr. Gallivan: these are current flood lines. Make sure you check with Neil Duggan regarding the posts. Already put in a building permit. 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. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: Adams, 59 Townsend (septic) (cont.)

This project requires a Board of Health hearing. Motion to continue the hearing to September 30, 2013 at 6:30 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Enforcement: 87 Maple: Town Council wants to see the site; need plans; several departments are involved, zoning issues and planning issues.

101 Ann Vinal and 28 Gardiner sent out tickets. After 21 days goes to the Police Department for a follow-up, Chief has the tickets, but we may need to remind him. Think they went out in mid-August.

36 Indian Trail: abutter came in again. Waiting for the engineer's plan showing the current situation and elevations, nothing has been received. Ms. Scott-Pipes: thought they were supposed to be in before the last meeting. Yes they were. The fact that the engineer contacted the office and said he was working on them. Hope by next Monday; he said they would be in this week.

Lot 57 Crescent: found a few conditions on site that they weren't expecting; former engineer is out of the picture. New people working on it. Need an update on the stormwater on this one. An abutter concerned feels project is impacting his property. DPW wasn't aware. Need more information.

242 (Lot 31A) Central: Letter sent in early August. Haven't heard from property owner. Plans for a dock out into the river. Mr. Bloomstein's lot. Need to have him move stuff off marsh. We usually give people a reasonable amount of time to respond, than write a violation letter. It's been more than 3 weeks, need to do that. No contact at all.

12 Ocean Drive: met on site with the property owner. House and a small house with an empty lot, the owner removed sand from that lot and beach grass. Tough to do the planting now; agreed to replant the area. Mr. Snow: anything they can do to mitigate any disturbance? I don't know. Mr. Schmid: talked to him about getting into the property a different way; very cooperative. Mr. Snow: Any serious erosion problem. Mr. Gallivan: The sand and rocks out front probably will be OK to leave until spring. Have a before and after photo.

31 Candlewood: former agent worked with property owner. Buffer area is a commercial tree operation. Going out tomorrow to meet with the property owner and what we talked about last time was to put in 50' buffer posts and anything within the 50' has to be taken out so that it is permanently marked. I guess the plantings look good in the wetland area, will know more tomorrow.

111 Summer Street: 2 houses on the lot, found clearing in the buffer right up to the edge of the wetland. Went out to the site the other day, but no one was home. Need to send a letter. All the brush and shrubs were taken.

6 Clapp Road: next to trail that goes to Whitcomb Pines. Met with the homeowner and they had tree work done and it was dumped on the trail. We had the neighbor come in and he wanted him to clean up to his trees and we allowed him to as long as he was sensitive to the buffer. Mr. Snow: The trail is mitigation for the Whitcomb Pines project. Should we give a time frame to clean up? Give them a month. It is a buffer to a wetland and also blocking the trail. Make it clear that that they do not push it back further? Yes. Give them until mid-October.

Water main work on Glades Road: Mr. Snow spoke to Kevin Cafferty about that. They want to replace the water line from the Post Office to the gates at Glades. Thought maybe an RDA should be filed. Check what we did with the gas company. All contained under the pavement. Hoping to dig and fill the same day. Ms. Scott-Pipes: when they are done will it be ready for this winter. There was so much damage last year. Mr. Snow: At this time of year you get overwash, don't want material going into the marsh. Will not open the trench all at once; will check the gas company filing.

Wetlands Hearing: Clark, Central Ave. (park boat trailers & floats on property) (cont.)

Russell Clark was present at the hearing. Mr. Snow: after last hearing there was a question whether or not a person on this Commission should act on a person from another board. Mr. Snow called the ethics Commission, but did not get an answer back. He doesn't have a problem recusing himself, if that is a question. There is potential that he would have to deal with whole Board of Health. Thinks it is a legitimate question. Mr. Snow recused himself. Mr. Harding: has any paperwork come in? Mr. Gallivan: No. There was going to be a wetland plan and a NOI. Mr. Clark: going to withdraw the NOI. Commission needs to see something in writing. Mr. Harding: how do we do that? Mr. Gallivan: that's a good question. Do we close the hearing? Ms. Scott-Pipes: would we go back to the Enforcement Order to get everything out of there. Everything has been removed. Ms. Caisse can attest to that. Mr. Gallivan: don't know under the WPA the timing of a withdrawal. Don't know if we go ahead with the hearing. It may be that because the hearing isn't closed, you have that time to withdraw. Mr. Harding: could continue to next meeting to consider the withdrawal. Mr. Parys: why are you not allowing the withdrawal? Ms. Scott-Pipes: because Pat said we had nothing submitted before the meeting Mr. Tufts: as long as the stuff has been removed that's what we wanted. Mr. Harding entertained a motion to continue to the next meeting for the appropriate notice, but would love to accept right now, just don't know if it is procedurally correct. We have to have sufficient notice on everything. Mr. Gallivan: sounds logical. People are entitled to withdraw. Ms. Scott-Pipes: do want to accept it. Mr. Schmid: will not be going forward. Ms. Caisse: he didn't bring in information, can we deny? Denial would close it out. Ms. Scott-Pipes: he has a right to withdraw the whole thing. Mr. Gallivan: thinks timing is OK. Mr. Bjorklund: routinely at the Zoning there are withdrawals just like this. Just past a note. Can either act at the next meeting or accept it now. Motion to accept withdrawal without prejudice Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Wetlands Hearing: Roche, 232 Central Ave. (enlarge deck) (cont.)

Applicant's representative requested a continuance. Motion to continue to the hearing to September 30, 2013 at 6:35 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: O'Hearn, 64 Oceanside Drive (elevate)

Matthew O'Hearn was present at the hearing. Abutters' notification was submitted. Sustained significant damage the last 2 storms; going to elevate approximately 2' with the FEMA grant. There are no changes in the flood zone with the new maps. Ms. Scott-Pipes: not going to save the garage are you? Not intending to. Currently the driveway goes below grade, just planning on filling in to grade with crushed stone. There is no deck to the seawall. Laura Harbottle was present. People who are elevating are trying to get out of harm's way and elevating to the new flood maps. Mr. Snow: Appreciate Laura's hard work. There are standing orders, depending on the complications we issue orders at the next meeting; hopefully you can beat the weather. There is a set of rules and regs that they all have to go by with FEMA and the building department regarding foundations. Depending on the area some might have full foundations with breakaway panels, concrete piers or wood pilings. Some will literally just lift the house. They do need a structural engineer and a surveyor to shoot the elevation. Ms. Harbottle: the grant covers just elevating the house, no other changes. From the grant's standpoint they would need to make two filings if they wanted to make other improvements and that might jeopardize getting the grant. In the AE flood zone they can have a solid foundation, but in the Velocity zone they have to go on pilings, but they will get 100% reimbursement. FEMA reviews the plans after the building permit is issued. In that process, if they see something they don't like they won't approve the work. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Johnson, 119 Turner Road (elevate)

Paul Mirabito from Ross Engineering and Phil Johnson were present at the hearing. Abutters' notification was submitted. Proposing to elevate in accordance with the preliminary flood Maps with the FEMA grant. Existing is 17.5' and proposing top of piles at 21.2'; approximately 4' above existing house. No available room on either side to work. This was rebuilt after the '78 storm. Mr. Gallivan: existing foundation will be removed? Yes. Mr. Snow: there are issues with decks going right to the seawall. In the future when the town has to repair the seawall there is a question on how they will deal with the decks. Had a discussion with the building inspector and he doesn't think we have total discretion, is there a way we can? Mr. Gallivan: probably have to look at the regulations. For this project we are just looking at the living space. They may want a deck that isn't part of the project. Decks can be below flood elevation. Mr. Snow: The deck is all on the plan. Laura does the grant cover decks as well? Whatever is there is covered. It can't be reconstructed, but it can be elevated. Not going to rebuild, but lifting it. Piers are sufficient just extending the height. Mr. Gallivan: if existing they are not asking for anything different. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Mr. Snow: Laura, have you had any discussions with Al or Neil about decks and seawalls? Think they want an easement.

Wetlands Hearing: Curreri, 139 Turner Road (elevate)*

Paul Mirabito from Ross Engineering and Mr. & Mrs. Curreri were present at the hearing. Abutters' notification was submitted. Proposing to elevate to the preliminary FEMA flood maps. At the front of the house there is a small open deck, on the west and ocean side there is a porch with a deck at the seawall. Planning on moving the house to the property to the east, installing concrete piers, and elevating the existing decks and porch as well. Ms. Caisse: looks like the deck is new. Deck has been repaired. Mr. Schmid: perimeter is staying the same? Yes. Mr. Gallivan: looks like the lot to the right is all sand. Won't be disturbing any vegetation on the empty lot. Mr. Bjorklund: He has the empty lot with the shrub near the street that won't be affected. After the overwash it grades itself. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Fern Properties, 214 Clapp Road (9 lot subdivision) (cont.)

Frank Snow and Carol Logue recused themselves. Please see CD of meeting or listen to tape. Motion to continue to September 30, 2013 at 8:00 p.m. Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Wetlands Hearing: Mirabito, Trs., 23A, B, B1 & C Henry Lane (elevate 4 dwellings)*

Paul Mirabito from Ross Engineering was present at the hearing. Abutters' notification was submitted. There are four small houses on 2-1/2 acres of land on 68 concrete piers. FEMA changed maps from elevation 16' to a Velocity zone of 17'. Applied for grant and will extend concrete piers vertically to 18.1 to the top of piles, with first floor about 2' above that. Existing first floors vary from 12' to 13'. All will be on the same footprints and all elevated to the same height. Piers will be about 3' above grades. Mr. Gallivan: no grading changes? No. Use erosion controls. Yes. Motion to close the hearing Mr. Harding. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: Marquardt, 129 Turner Road (elevate)*

Greg Morse, Morse Engineering was present at the hearing. Abutters' notification was submitted. Applied for FEMA grant to elevate. No horizontal changes, just vertical lift. Existing dwelling is on piles at 15.3' in a Velocity zone, elevation 17'. New Velocity zone is elevation 19'. Raising from 15.3' to 21.3' with 2' of freeboard. All of the work will be done from under the house and proposing silt fence around limit of work. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Motyl, 48 Oceanside Drive (elevate)*

Paul Mirabito from Ross Engineering was present at the hearing. Abutters' notification was submitted. Elevate existing dwelling on concrete piers, extending existing piers to be in compliance with the preliminary FEMA maps. House will be put on cribbing and set back down. All utilities extended as necessary. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Egan, 131 Glades Road (elevate)

Paul Mirabito from Ross Engineering and Mr. & Mrs. Egan were present at the hearing. Abutters' notification was submitted. House is situated at the rear of the lot. There is a wall made of concrete block. Installing concrete piers under; no piers now. Proposed flood zone is AE elevation 17'; right now it is in an AO depth 2' flood zone. First floor is at 14.2', no basement. Proposed top of pile elevation 19.2'. Ms. Scott-Pipes: Cement wall staying? They are going to line cut that. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: Daly, 161 Turner Road (elevate)

Michael Biviano was present at the hearing. Abutters' notification was brought into the office. Elevation is under the grant program. First floor at elevation 14.1'; elevating to 21.3', two feet plus above the new flood maps. Piers will go on top of foundation wall with buttresses, than do cutouts. The deck was cut back as requested. It will be about 9' to 10' away from the seawall, but will be creating a removable landing. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Mr. Bjorklund: Laura is the best he's seen at helping people with the flood grants.

Order of Conditions: Goff, 19 Wood Island Road (raze/rebuild)

Motion to condition the project Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Certificate of Compliance: 107 Border Street is closing this week. Figure a few Commissioners should take a look at. Mr. Snow: Think we need to go there.

36 Brunswick: 2 open orders – Paul Mirabito submitted a request for Certificate of Compliance for work that was done. Biggest issue was driveway was supposed to be on the other side. Walkway, etc. there are a whole bunch of issues. Actually looked OK, but more to come.

General discussion: when we piggy back with engineers with Planning, we might want more things. This place has a wetland person on staff. Don't have to use that wetland person. Not fair to the applicant. We need to spell out exactly what we want. Dan gave a good explanation. Asked Stacey to speak. We should lay out what information we need before we cause more expense for the applicant. Ms. Scott-Pipes: Vernal Pools. Would like our expert to go out and give us a better feeling. Shouldn't be our concern that it costs the applicant money. Do we want to be put out to bid? Mr. Gallivan will put together a draft. Mr. Snow: get all your ideas and questions together and put forward. Do we feel the engineer has been given substantial information or do we need verification from an outside engineer? Unreasonable to get multiple people involved. Mr. Gallivan: There is free information through Natural Heritage. Ms. Caisse: substantiate info from Natural Heritage. Mr. Bjorklund: on that particular project, Planning Board has the stormwater; applicant has to do it for the subdivision review. Looking for someone to fight for the vernal pools. Steve Ivas did a good job on McSharry's First Parish Road. He is low-key, knows the area, he's local and knows the West End. Mr. Parys: think he's right the 250' is jurisdictional, but not a no build zone. Think about what would make you feel better, for example selective cutting of the big trees. Basically want to know how we can protect the vernal pools. There is an article that Penny will pass out to the members telling how the salamanders get cut off. There is a serious problem with losing them. Mr. Snow: we were talking in generalities about getting consultants, so Mr. Harding can field this conservation. Mr. Gallivan: address when 125' is reasonable or when 250' is needed. Need to measure distance from off-site pool. Make a list of questions. Mr. Tufts has concerns as well.

Ms. Scott-Pipes: Mirabito's 4 little cottages: Are we supposed to be storing propane tanks under the house? That's a good question. There are a bunch of tanks for gas grills under C.

Order of Conditions: Biviano, 6 Cliff Road (septic)

Motion to condition the project Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Order of Conditions: Gordon, Ocean Ave. (new build & septic)

Motion to condition the project Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Mr. Snow: Do we have any input with Plymouth Mosquito. Town parking lot is strewn with debris. Any contact with them? Think we do have a contact. Town is going to straighten out south side of Bailey's Causeway, but the discharge on the north side is still all clogged up.

Order of Conditions: Whittle, 22 Indian Trail (septic)

Motion to condition the project Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Order of Conditions: Leabman, 2 Lighthouse Road (remove dwelling #1 & expand #2)

Motion to condition the project Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Order of Conditions: O'Hearn, 64 Oceanside Drive (elevate)

Motion to condition the project Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Order of Conditions: Johnson, 119 Turner Road (elevate)

Motion to condition the project Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Order of Conditions: Curreri, 139 Turner Road (elevate)

Motion to condition the project Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Order of Conditions: Mirabito, Trs., 23A, B, B1 & C Henry Lane (elevate 4 dwellings)

Motion to condition the project Ms. Scott-Pipes. Second Mr. Tufts. Motion passed by unanimous vote.

Order of Conditions: Marquardt, 129 Turner Road (elevate)

Motion to condition the project Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Order of Conditions: Egan, 131 Glades Road (elevate)

Motion to condition the project Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Order of Conditions: Daly, 161 Turner Road (elevate)

Motion to condition the project Ms. Scott-Pipes. Second Mr. Tufts. Motion passed by unanimous vote.

Order of Conditions: Sandonato, 0 Wood Island Road (vista pruning)

Motion to condition the project Ms. Scott-Pipes. Second Mr. Tufts. Motion passed by unanimous vote.

CORRESPONDENCE

September 6, 2013 – September 16, 2013

1. Beals & Thomas – Engineering Review – 214 Thomas Clapp Road (in file)
2. Notification to Abutters re: Margaret Mortyl, 48 Oceanside Drive (in file)
3. DEP re: On-site 27 Collier Road – for CofC (in file)
4. Plymouth & South Association of Realtors re: CRS (in file)
5. Amended Agenda for Scituate Planning Board
6. Zoning Board of Appeals – Request to Modify Comprehensive Permit for Walden Woods
7. Zoning Board Agenda for September 19, 2013
8. DEP File #68-2485 – Egan, 131 Glades Road (in file)
9. DEP File #68-2486 – Curreri, 139 Turner Road (in file)
10. DEP File #68-2487 – Motyl, 48 Oceanside Drive (in file)
11. DEP File #68-2488 – Johnson, 119 Turner Road (in file)
12. DEP File #68-2489 – BC N Realty Trust, 23A, B, B1 & C Henry Lane (in file)
13. DEP File #68-2490 – O'Hearn, 64 Oceanside Drive (in file)
14. DEP File #68-2491 – Marquardt, 129 Turner Road (in file)
15. Request for continuance re: Roche, 232 Central Ave. (in file)
16. DPW re: 214 Thomas Clapp Road (in file)
17. Planning Board re: Request to continue the hearing to October 10, 2013 at 7:30 p.m. (in file)

Meeting adjourned 9:30 p.m.

Respectfully submitted,

Carol Logue, Secretary