

**Town of Scituate
Conservation Commission
Town Hall Selectmen's Hearing Room
Meeting Minutes
September 2, 2015**

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

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

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

Agenda: Motion to amend the agenda to include discussion of Appleton Field, series of Maps, Trails at Old Oaken Bucket Road, and Mallard Decoy Island in the marsh Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Request for Determination: Flaherty, 100 Tilden Road (septic repair)*

Greg Morse from Morse Engineering was present at the hearing. Replacing a failed system in the back yard with a 1500 gallon septic tank and 1,000 pump chamber, outside the 50' buffer; 62' from the BVW. Plan shows 50' buffer in red and 100' buffer in green, with straw wattle for erosion controls. All in lawn area; replanted as lawn. Mr. Gallivan: good to replace cesspool, but applicant cleared in wetland and buffer; spoke to owner. Some has started to grow back, but lawn seems close to the 50' buffer. Needed to get to the trees and trim some branches. Demarcate the 50' buffer by either posts or bushes; Brad Holmes might have some ideas. Make the property owner aware of the rules. Will put in a condition regarding markers, posts or bushes and no disturbance; will visit the site at a later date. Bushes are better than a fence. Mr. Snow: talked the other day about what is appropriate for an RDA vs. an NOI to give engineers some guidance. A Request for Determination could be for homes with preexisting septic in an already disturbed area, but if not disturbed maybe a Notice of Intent. Mr. Gallivan: some are within the 50'. Replacing a pool or shed may need a Notice. 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)." A line of non-invasive bushes shall be planted along the 50' buffer line and posts with signs stating Conservation Restricted Area, No disturbance beyond this point. Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Request for Determination: Scituate Historical Society, 16 Country Way (install 7 steps for public access)*

Opened hearing but met with Dave Ball at the Gristmill. A scout is interested in an Eagle project. Right side of Gristmill has some access, but wanted to be able to walk around the whole area. Water Resource Committee and the Water Dept. need to address any problems because of the proximity to the water and brook. It is an impoundment; a dam. A few years ago, the Water Dept. wanted to clear vegetation around the reservoir, should take a look at how that was permitted; will get back to the Historical Society. Continue so they don't have to readvertise. Motion to continue the hearing to November 18, 2015 Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Old Oaken Bucket House Trail: Gave Connor Hodges a Minor Activities Permit for a trail at the homestead. It is a trail that goes to the huge buttonwood tree; there is bare ground to the tree; he has suggested putting down some 4' x 4' planking in the few areas. He is the same scout that cleaned up the Ellis property for us. Historical Society is doing better with scouts than we are.

Wetlands Hearing: Lindberg, 265 Central Ave. (elevate) (cont.)

Applicants requested a continuance, they have hired Cavanaro Consulting. Motion to continue to September 16, 2015 at 7:30 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: Venti/Vaughn/Walker/Knier/Thomas, 47, 49, 51, 53, 55 Surfside Road (maintain revetment) (cont.)

Received DEP File #68-2562. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

NOAA, end of Sunset Road (parking area): Greg Morse: Before involved with this project, DEP had asked for a Stormwater checklist; sent it Monday, but now it is being reviewed by a different person, because of all the retirements. Mr. Snow: Sunset Road is crushed gravel, really dusty, would they ever allow crushed asphalt? Dealing with the same thing in Humarock. All in an A flood zone. Periodically they put crusher run down; DEP is against asphalt materials. Try to find out what is allowed. Maybe put asphalt on the upper part. We should have in our regs.

Wetlands Hearing: Sutton, 174 Branch Street (access Curtis – Lot 4 – new build/septic) (cont.)

Greg Morse from Morse Engineering and Daniel Sutton were present at the hearing. Mr. Gallivan: received Josh Bow's response to the stormwater revisions; he seems OK. Why are you removing the trees on the north side of the driveway? It is a sloping area that would require a significant retaining wall and if the trees were left the wall would be close to the edge of the driveway. If vegetation was left there would be less stormwater structures. Have to flatten the driveway to make up the difference in grade or put in a retaining wall. Required slope in the Water Resource area is 4 to 1. Mr. Schmid: What was the main revision to the site plan? Changed to a front load garage and revised driveway. Required to remove 80% of the TSS prior to discharge to the wetlands; expecting 90%. Between the infiltration trench and the wetland there is a large vegetated area. Peter McGowan: it is a fairly severe slope. Looks like they are clear cutting the slope, leading to more runoff and erosion and leaving trees where it is flat. Submitted a letter relating to existing conditions over the years. There is a crushed stone trench along the driveway, drywells for roof runoff and immediately in front of garage runoff goes to a rain garden. After the development, primarily the runoff will go to the driveway and the trench along the edge and ultimately when everything overtops, it will run downgradient to the wetland at the Hassett and Phippen property. Not increasing the volumes to the down gradient properties. Mr. Snow: the whole purpose of a review engineer is to end up with what they feel will work. Our consultant is saying they met the stormwater conditions. Typically we like to see as little clearing as possible, but in order to meet stormwater criteria, they are forced to clear more. Mr. Parys: the project was designed to follow

the regs. Ms. Scott-Pipes: thought we had asked for plantings. Is there a possibility for plantings on the slope? It is outside the 100' buffer. Or on the back slope? Designed as 100% lawn. Stormwater calcs are based on all lawn. Did discuss some mitigation, three quarters of the work is in the 100' buffer. Can we have an order stating subject to an approved planting plan? Typically we would look for plantings between the buffer and wetlands. Outside the 100' would be more of a request. Close next week and have orders the same night. Only other thing, build a small retaining wall and leave 10' or 20' at the bottom. Motion to continue the hearing to September 16, 2015 at 7:35 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: Bradlee, 10 Montvale (gravel turnaround/drainage/plantings) (cont.)

Greg Morse from Morse Engineering and Chris Bradlee were present at the hearing. Revised plans were submitted eliminating the turnaround. Have a crushed stone drainage trench to an existing catch basin and plantings where previously disturbed. Planting plan by Brad Holmes; 320' of switch grasses with another location for eastern red cedar trees and shrub plantings for habitat improvement that will cover more than the area originally disturbed. At the end of Montvale at the edge of existing gravel, removing a 4' x 20' portion of lawn and putting down gravel for a circular area to allow for two cars and more room to back around and a little more area for snow. It is slowly becoming a turnaround. Just want to extend the gravel closer to the pond. Requesting to cut phragmites by hand, shown in the shaded area, but not removing. How do you dispose of it? Driftway will accept, but don't know if there is a certain time of year. Could cut, drop and rot. What about the granite rocks shoring up the revetment? Moved them from the driveway to repair existing revetment to control erosion. Didn't have permission to move the stones either. Abutter used to launch a boat into the pond, now there is a new wall and no access for boats. The opening is where it used to be, but it can be moved. Mr. Gallivan: if a revetment has to be shored up, an engineered plan and a permit is required. It's not that it can't be done, but it needs permission, also can't block public access. Mr Parys: best course of action might be to make a site visit with three members and look at all the issues and possibly close and set orders the same night. Schedule field trip within the next two weeks. Abutters requested to be notified. Motion to continue the hearing to September 16, 2015 at 7:40 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: Town of Scituate, Chief Justice Cushing Hwy. (middle school)* No BOH

Jennifer Johnson, Don Walter, John Richardson, and Mark Manganello were present at the hearing. Received reports, but wanted to see the Planning Board stormwater piece. Reviewed by Josh Bows and Peter Palmieri from Merrill Associates and received all the information we requested. Water Resource Protection District was addressed to Laura Harbottle point by point. Addressed vernal pool with additional plantings for double protection, the viewing platform and the size. Platform might come later, but definitely planning on the piece leading to it. Mr. Gallivan: platform will need to be conditioned for size and material. Appreciate how much work has gone on back and forth. Mr. Snow: do you think there will be any changes from Planning Board? There may be minor changes. Suggest a condition to submit updated stormwater calcs. Roadway cuts right along the 125' setback to the vernal pool, but won't take down the wooded area. We could continue it and develop our orders in case of any changes. Don't expect the stormwater calcs will change. We typically don't close until we hear from other boards. Could send draft orders. Motion to continue the hearing to September 16, 2015 at 6:30 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: Amari, 135 Old Oaken Bucket Road (Lot 2A) (new build)

Rick Grady from Grady Consulting and Robert Amari were present at the hearing. There was cutting and grubbing before approval. Commission explained no work can take place before approval. Did this in another town and it wasn't an issue. Need to see if stormwater was triggered; show how you arrived at the 14,000 sq. ft. of disturbance. Mr. Snow: erosion control up? No. Silt sock should be installed immediately. Also an area to the northeast of the lot, and along Old Oaken Bucket Road assumed vegetation would stay right up to the 50' buffer. Mr. Schmid: was the tree cutting in the area that would have been in the scope? Most of it. Brush was between the 50' and 100' buffer and brush holds soil, it is habitat and buffer from the road. Should be replanted or will it come back? Stake erosion controls uphill of the proposed plantings and condition any trees outside of that line that would need to be replaced and maybe expand. Once it is staked, we can see what work was outside the intended area. Limit of work should be the silt sock; concerned if work is beyond that. If earth is disturbed, want it within the siltation area. Mr. Gallivan: what type of vegetation? Ms. Mooney was present and stated: there should be no blueberry or raspberry bushes near cranberry bogs because of the birds. Maybe talk about plantings in combination with Grady, applicant and landscaper. It has always been a grassed lawn. But now it is a disturbed area with a home. Mr. Gallivan: need to check on erosion, new possible planting plan, replenishment of the bushes, and stormwater calculations. Enter Mr. Greenberg's letter into the file. Motion to continue the hearing to September 16, 2015 at 7:20 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: Downing, 102 River Street (septic repair)*

Rick Savant from Stenbeck and Taylor was present at the hearing. Abutters' notification was submitted. This is a septic repair to an existing home located on a barrier beach in a AE flood zone and in the outer repairian zone of the South River. Board of Health has approved. Installing tank and leaching field; cesspool filled in accordance with Title 5. No DEP file number has been issued. Motion to continue the hearing to September 16, 2015 at 6:45 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: Inglis, 32R Brunswick Street (raze/rebuild)*

Rick Grady from Grady Consulting and Mike Inglis were present at the hearing. Abutters' notification was submitted. Project is to raze and rebuild out of the AO flood zone, depth of 2' on concrete piers, as well as build a covered porch with steps down to grade. Septic was done a few years ago. Same footprint except for the covered porches. Whole project is on a barrier beach. Rivermoor did the foundation plan. Shed will stay and existing driveway will remain gravel. A lot of beach grass on the property; replace. No DEP File number. Continue and set orders at the next meeting. Motion to continue the hearing to September 16, 2015 at 7:50 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: Vozzella, 31 Lowell Street (raze/rebuild)*

Rick Grady from Grady Consulting and Stanley Vozzella were present at the hearing. Abutters' notification was submitted. Raze and elevate above VE flood zone, elevation 19', behind the seawall, with AO flood zone inland of VE. Installing wood piles at 20', 1' above base flood. There are a series of decks around back with stairs down to grade; upgrading septic system too. Ms. Scott-Pipes: How much bigger is the footprint? Six feet on each end. Existing home is on a foundation. Mr. Snow: piles driven right next to the existing seawall? We are asking to pull decks back in case the seawall needs repair. DPW is asking for 10'. Mr. Parys: we haven't done that in Humarock; deck will be above the

seawall. Mr. Schmid: are you going by the new FEMA maps? Going by the July 2012 maps. Structural plans? Coming through the Campbell Smith office; have 1 sheet. Need a little bit more information on the foundation. At least talk to DPW about the proximity to the seawall. No Board of Health approval. Holding off with perc tests until time of construction. Orders would say pending Board of Health approval. Page 2 checked off as buffer zone, but land subject to coastal storm flowage should be added. Will have structurals at the next meeting. Motion to continue the hearing to September 16, 2015 at 7:55 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

304 Clapp Rod – should establish an escrow account; settled on \$5,000, but hasn't submitted yet. John Zimmer is coming up with a planting plan. Lots of trees were cut.

Requests for Certificate of Compliance:

Village at South River: gone between Zoning, Planning, Harbormaster and Conservation. Strictly looking at stormwater, comparing the original order with what exists now. There is some money in the building department that will be switched to Conservation. We are hiring Pat Brennan to look at Grady's as-built. Will start there. Other things going on related to Chapter 91, someone will be contacting DEP about that.

Glancy, 250 First Parish Road: There was an area of trees to be removed and a meadow planting plan, but the trees were not cut and the meadow not created. Will make a site visit Monday or Tuesday to look at what was approved and what exists. There are lobster pots being stored and if they were removed and a planting plan submitted with the types of plants and dimensions, maybe in the area parallel with the existing shed, that might be alright. Nothing to the left of the back yard? Don't think so. Put the plantings in the area where it juts in, 10' x 20'? Yes. Hold escrow of \$1,000 or \$2,000. Motion to issue a Certificate of Compliance with the aforesaid conditions and bring plans up to where the Commission is satisfied Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Mr. Snow: We received a letter from the tenant farmer from Appleton Field. We agreed when we bought the Crosbie property we would build a new access road. Mr. Bucca has not been able to access the field. Between storm delays and issues with the town, it hasn't been built. Discussed an extension for the farmer. He has equipment and fencing up there and he is looking to end his lease, he wants access to pull out his equipment or reimbursement. Tried to reach him a couple of times. We could give him another year if he is interested. He didn't plant this spring. Would he prefer to keep it? Don't know. Need to push DPW to review the plan, they have had it for a couple of months and haven't responded so we can put that out to bid. Possibly we can reach Mr. Bucca to see if he wants to do something like an extension. Know there is interest from other farmers and the school, but in fairness we should talk to Mr. Bucca first. It has to be organic gardening.

Ms. Scott-Pipes has informed CPC she won't be available for the meeting Monday, September 14. It is more like a project update meeting, think they need updates from Mr. Snow.

Mr. Snow left the meeting.

Request for a Partial Certificate of Compliance: Studley Farm, 214 Clapp Road re: the roadway and stormwater

Atty. Watsky suggested holding off on the RDA. Mr. Iantosca and Mr. Snow are in the hallway to see if an agreement can be reached about the south side of Clapp Road. Applicant requested to start with the Certificate request: Joe Iantosca, representing Fern Properties, Deb Keller, from McKenzie Engineering, Atty. Mathew Watsky, David Iantosca, and Paul Bourque were present. Mr. Iantosca: there have been different stages starting with wetland delineation 2010-2011; in 2013 there was litigation that was settled between the Board and Fern Properties with an agreement of what the board would like to see for the development. A couple requirements were a wet basin in front and replace and install two culverts one on the easterly and one westerly side of Clapp which are covered under paragraphs 6, 7, 8 of the settlement, signed by the board and legally recorded. One of the requirements prior to transfer of any building lot that a Partial Certificate be obtained. Design was before the Planning Board and Commission and based upon peer review was approved and an Order of Conditions (OofC) set and recorded in February 2014. There are approximately 70 items. #49 requires applicant to apply for Certificate of Compliance once the construction work has been completed. Majority of site work started June of last year; stabilized the area and planted everything. Went to the Planning Board in November and all lots were released and recorded at the registry. Bond posted for \$76,000-\$78,000. Plantings were required in the wet basin and this spring plantings were completed and dead ones replaced. Brad Holmes made an inspection and provided his recommendations for maintenance to Planning and ConCom. Prior to starting construction or requesting building permits, felt we would like the subdivision infrastructure inspected and an as-built plan put in place to fulfill the conditions. Pat Gallivan and Planning Board have made several site visits, as well as Pat Brennan. Based on review there are 4 or 5 items that need to be addressed. At this point we feel 95% of the work has been done in compliance with OofC and plans. There is also some concern about the outlet pipes and sediment traps that were replaced for the town on the south side. Mr. Snow believes they are on his property. His attorney Jeff DeLisi and surveyor Greg Morse are present. These were part of the agreement in 2013 and requested by DPW, but not because they were a part of the drainage system. Replaced existing culverts because of possible street flooding and freezing. Initially the town installed the catch basin with no treatment. Items not included in the Certificate: rear basin infiltration function ongoing investigation, have done some testing; grate on rear basin outlet structure; reduce the size of the sediment riprap trap at the east culvert outlet; continued maintenance on basins and rain gardens per O&M plan; final top pavement, adjust drainage structures accordingly; and installation of street trees. Those are the exceptions. Mr. Gallivan: we have reports from Brad Holmes and Pat Brennan. Pat went through each basin; one of the issues was the continual pumping of the front basin back to the rear temporary construction basin. He felt there could be a Partial Certificate of Compliance issued and seemed in agreement with the way things were built. Jim Toomey suggested that if we were comfortable with the stormwater piece and if there was no legal issues, would we usually issue a partial? The answer is yes. One of the confusing areas is street drainage and street overflow and if they contain what they are supposed to on site; in other words are the stormwater calcs correct? Over time we will see if the basins function properly. Ms. Scott-Pipes: no expert, but know nothing worked this winter, have issues; they haven't cleared yet and once cleared, runoff will be much greater. It did not work properly with just the roadway and not just the basin out back. Have been on several site visits; not too happy. This needs to prove itself a little bit better before I could issue any Partial Certificate of Compliance. Don't know how the one across the street will be fixed, could be years down the road. Not trying to stop the project, but until those basins work better, not comfortable. Mr. Gallivan: Peter Dillon did a couple soil evaluations on the upper basins and his report came in this past week. Mr. Schmid: we walked the site and it was wet everywhere. Deb Keller: part of the recommendation for the rear basin was to evaluate through the fall and spring. Can't correct the basin across the street until the legal issue is settled. Mr. Iantosca: the main function of the drainage basin on the back side is to collect water from the top of hill; designed to hold water for 72 hours after a storm event. It was holding a lot longer than 72 hours. Understood, and that was discussed back in

June. Geo people said basin had to be 100% dry in order to see what was going on. Also we were required to put a wet basin in front, that was supposed to be a continuous 2' to 2-1/2' of standing water in order for the plants to survive. Had to keep the water low enough and there was a 2" pump that pumped a 100,000 gallons a day to the upper basin, which could have caused some problems with the upper basin. Performed soil evaluations and it was decided that the basins were constructed correctly and don't change them, but monitor. As far as the basins out front they are designed correctly and we haven't had to go back and fix them. As far as the outfalls, we were required to build them and that's what is put in place and we have complied with the OofC. Atty. Watsky: entitled to a Partial with all the work that has been completed. Acknowledge that there are things that you want looked at later. Mr. Payrs: would be in total agreement not to issue if this was a final Certificate. The problems have been identified and minor corrections made. Monitoring and cleaning will be part of the next couple years. They have the right to get a partial, they didn't know they were in the wrong place across the street. Understand what Penny is saying, but we are not waving our ability to deal with this. Atty. Watsky: not going to get into the south side, but don't agree that it was built wrong and if we have to we will defend that. Ms. Scott-Pipes: Our expert and their expert thought the original calcs would work, they are not always perfect. Asking to see if the corrections work. Ms. Caisse: If we issue a Partial Certificate, what is our recourse? We can put a stop work order if impacting a resource area and if corrections are not made, it would be an enforcement issue. Why do you want a Partial Certificate of Compliance? Because we can move forward.

Jeff DeLisi and Greg Morse were present representing Frank Snow. Just on this one issue, not a good idea issuing a Partial with all these exceptions if any one of these lots is conveyed to a third party, it becomes part of the homeowner's association and someone who doesn't have the knowledge to make a decision; this is potentially a repeat of the Walnut Tree Hill. The whole reason for this OofC is the drainage. Either the drainage works and you issue a Certificate without excepting excluded items or you don't. Previously submitted a letter to the Commission with issues and a copy of the plan that Morse did. Work began in February and it wasn't until the summertime when the culvert work started. Mr. Snow immediately called the applicant, Pat, and hired Morse Engineering to find out if it was on his property. He was not made a party of the Notice of Intent (NOI) and not bound by the OofC. When an applicant files a NOI they have to get property owner permission. Now there are structures on Frank's property. There are no other plans that show anything different than Morse's plans. There is actually a letter stating that the engineers did not perform the detailed title and survey work to establish the property lines between the road and Mr. Snow's land on the opposite side of the subdivision. This is not just an issue of is it on the property or isn't it, it is also an issue about the operation & maintenance plan and the OofC itself. There are at least 7 conditions that are not and can not be complied with. For instance: Condition #5 and #17 requires the property owner to also be the applicant; #27 pertains to drainage facilities, #51 requires maintenance and is the responsibility of the owner; #59, #60 & #72 pertain to the homeowners operation and maintenance plan, that specifically applies to the applicant's property. Demanded to have them removed and if they are removed, does the work this order covers actually function correctly. Amory's letter, second page details two culverts. West culvert had a 12" pipe now two 15", east side now three 15" pipes. The whole purpose of the settlement agreement in the town's perspective was to prevent water sheeting over the road. Now not sheeting over the road, but concentrated in two areas creating wetlands and augmenting existing wetlands. If a Partial CofC is issued it basically says these structures on the other side are OK. Statement was made that neither one of these culverts contributes to the drainage of the subdivision; they are what the town wanted. Discharge from basin #1 is routed through these culverts, directly to Frank's property. Runoff is collected and discharged in a concentrated location and it is actually affecting the property. Water is being put into one or two different spots instead of being disbursed. Shouldn't be released until legal issues are cleaned up. How can they be maintained and repaired properly if a Partial CofC is issued. Mr. Schmid: can any lot be transferred with a Partial? Yes. Issue of the RDA is equally related to it. If a house gets built, they will want to sell it. Could have a maintenance issue that has nothing to do with ownership, particularly with the Planning Board. Didn't have the owner of across the street part of the filing because the property lines were not surveyed correctly. Deb Keller: both culverts are controlled by an inlet structure; we can control the flow; collects in the town's catch basin, as well as two 15" pipes. Built consistent with the plans and the orders; disagree there is any excess water; it is a property rights issue. Ownership is not the Commission's issue. Commission's own peer review engineer feels it is consistent with the permit and the plans. Ms. Caisse: if we issue this CofC and property is transferred to a new owner, will the developer still be responsible? Think both parties will be; both will be responsible as part of homeowners association.

Mr. Iantosca: built several 100 homes, plus subdivision; if there is any drainage issue, there are surety bonds and cash bonds and that money gets used. Plus the homeowner's association, but if there was remaining work to be done it would reflect on his company; there would no reason to walk away. Believe have complied with all requests. Atty. Watsky: developer is the homeowner's association until the majority of the lots have been built and sold. What does a Partial CofC allow you to do that you couldn't without it? Still be able to sell lots? From experience, when there is a Partial CofC all of the lots in the entire project would be allowed to transfer. Certain lots within buffers would either require an RDA or NOI filing. Ms. Scott-Pipes: never once had a developer come in until the whole development is done or sold. Stockbridge hasn't come in a PCofC. Want to see the stormwater basins work; nobody is perfect; they can go ahead and start building; have to build them before they sell them; can't be done in 2 weeks. Build the house and come back. Atty. Watsky: specifically in the settlement agreement. Obligated to issue, just can't pick something out of the air.

Ms. Caisse: no anticipation of the basin failing, corrections were made, just looking to see that they will work. Not being stopped from building. You have to meet our satisfaction. Atty. DeLisi: parties have had some discussion over the legal issue, with a little extra time things might be resolved. If the outlets have to be taken out across the street, where will the runoff go? Area flooded all the time. Mr. Parys: Missing another member tonight, would you consider continuing until the next meeting? Mr. Iantosca: no way without having clear cut goals and performance standards to adhere to. Once it is built there are as-builts required. Without a defined set of standards, I wouldn't build one or multiple houses. Might just say you don't like the way the grass is growing. Amory spelled out the issues that need to be addressed before a full CofC is released and some of those issues should be addressed within the next 24 months. Vote on issuing a Partial CofC with the agreed list of remaining work. Motion to grant a Partial Certificate of Compliance with the existing exceptions and on-going conditions Mr. Schmid. Slow Second Ms. Caisse. Vote was two to two. No majority, no action taken.

Request for Determination: Fern Properties, Lot 9 – 2 Studley Farm Road (new build) (cont.)

Joe Iantosca, representing Fern Properties, Deb Keller, from McKenzie Engineering, Atty. Mathew Watsky, David Iantosca, and Paul Bourque were present. First lot on the right is Lot 9. Board of Health has approved the septic. Limit of work. Location of septic and grading is exactly as the subdivision plan. Maintaining the two roof drywells. Shifted curb location 5' to the left. No disturbance in the 50' buffer zone to the offsite wetland. Open space easement to limit clearing. Small portion house and half of septic is in the 100' buffer. Dots on the plan show the tree line. Mr. Schmid: all wooded area now, are all trees going or is there some delineation? Everything inside the limit of work is

going to be cleared. Swale in back and everything in front goes to the roadway. This particular lot comes under the whole subdivision. Used to getting a Notice of Intent for a new build. Nothing in black and white. Don't need wetland delineation, out of the 50' buffer, and stormwater is taken care of. Depends on each individual project. 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.

Minutes of June 3, 2015:

Motion to accept the minutes of June 3, 2015 Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

168 Central: extended concrete wall. Mr. Gallivan talked to him and told him he had to come in.

Order of Conditions: Venti/Vaughn/Walker/Knier/Thomas, 47, 49, 51, 53, 55 Surfside Road (revetment maintenance)
Motion to condition the project Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

CORRESPONDENCE

August 20, 2015 – September 2, 2015

1. Planning Board agenda for 8/27/15 – Joint meeting with Conservation
2. Zoning Board re: Special Permits/Findings: 12 Graves Ave., 32R Brunswick Street; 31 Lowell Street, 12 Pond View Extension – 9/17/15 – COMMENTS (given to Pat)
3. Request to continue hearing for 265 Central Ave. – applicant hired Cavanaro Consulting (in file)
4. DEP File #68-2562 – Venti, etc., 47, 49, 51, 53 & 55 Surfside (in file)
5. Massachusetts Wildlife Magazine
6. MACC Accepting Workshop Proposals/Ideas for Annual Conference 2016 – deadline is 9/14/15
7. The Mass WPA – "How it Protects Our Wetlands, Floodplains & Riverfront Areas" – *What Property Owners Need to Know*. 15 cents a copy – 100 minimum order.
8. Vin Bucca's termination of Appleton Field license (in file)
9. 1 Tilden Ave. – Board of Health letter - Septic failure
10. Foreclosure – 138 Stockbridge Road 1.37 acres. 54-2-23C. Conservation has been named as a party who may have an interest in this proceeding. File a written appearance and answer, setting forth clearly your objections or defenses to said complaint - Unless appearance is filed, default will be recorded and may never be able to contest.
11. 174 Branch Street, Lot 4 - Response to Stormwater Review Comments (in file)
12. Atty. De Lisi - Benjamin Studley Farm Subdivision – "Limited As-Built Plan 199 Thomas Clapp Road – 24-2-31 – 1930 take decree and plan.
13. Revised plans for 135 Old Oaken Bucket Road (Lot 2A) – Site Plan (in file)
14. Planning Board re: Accessory Dwelling Special Permit Application 11 Elm Park. Would appreciate receiving comments by October 1, 2015.
15. Zoning re: 6 Turner Road – addition approved.
16. Zoning re: 165 Front Street – to raze/rebuild – approved
17. e-mail Shan Morrissey re: Fern Property – forwarded to members (copied) (in file)

Meeting adjourned 10:15 p.m.

Respectfully submitted,
Carol Logue, Secretary