

**Town of Scituate
Conservation Commission
Selectmen's Hearing Room
Meeting Minutes
April 22, 2019**

Members Present: Chairman Mr. Frank Snow (late), Ms. Penny Scott-Pipes, Ms. Jen Foley, Ms. Lisa Caisse, and Mr. Mr. Richard Harding, Mr. Paul Parys

Not Present: Doug Aaberg

Also Present: Amy Walkey, Conservation and Natural Resource Officer

DISCUSSION/ UPDATE:

6:15PM: Call to Order and Agenda Acceptance

Ms. Penny Scott-Pipes made motion to accept agenda with as written. Mrs. Lisa Caisse second. Unanimous vote accepted. (5-0)

PUBLIC HEARINGS NOI/ANRAD

2 Dickens Row (boulders on lot line), Applicant: Lane Walsh, Representative: Greg Morse, Morse Engineering, DEP #68-2784 (cont'd from March 18, 2019)

Gregory Morse representing owner. Reviewed filing. Showed photo of property with boulders and photos of other areas in town where boulders have been used to mark lot lines. Would like clear direction on next steps. Mentioned coastal geologist. What analysis and scope of work would you like coastal geologist to perform? FEMA zone AE. No building going on. Boulders have been verified on the property by field instrument survey. Concern is if we have a nor'easter like we often have, will cobble get through or will it contribute to blocking the road for other neighbors and vehicles. As long as surveyed and on his property, then the only thing conservation can speak to is if the cobble and water can get through. Jen - Other roads showed in pictures are different roads that are wider to begin with. Amy - Enough of a study to show that it meets the requirement of the Wetland Protection Act for storm damage prevention and flood control. Those were the interests that we were most concerned about. Rich – and that the plan is as good as it can be, to ensure that it does not damage the neighbors by having a negative impact on them.

Eric Sax – 4 Dickens Row. Boulders are very close together. And thinks will block cobble during storms. Does not think rocks should be allowed on road.

Frank Snow joined meeting.

Kathleen Lucchetti – 15 Town Way Ext. For 2 winters lived on Town Way Extension not sure if fire truck could make full turn. Paul Lucchetti– 15 Town Way Ext. fire trucks that come down Town Way Extension, have to back out and turn around on Dickens Row. The entrance to Town Way Ext. is different then in years past. He drove trucks and is familiar with maneuvering. When he tried to get permit for project at his house, denied. Concerned that will cobble would go into marsh – which was reason his project was denied. Could boulders be reduced in size and moved onto lawn, for the sake of the neighbors. Also, is there concern the boulders he places in his yard will be washed into marsh?

Frank – although not a wall, might impede flow. Greg – more of a boundary wall then for storm damages. Greg Morse will follow up with information as requested from coastal geologist.

Ms. Penny Scott-Pipes motion to continue 2 Dickens Row to May 20, 2019 at 6:20pm. Ms. Lisa Caisse second. Unanimous all in favor (6-0).

3 Driftway AMENDMENT (coastal bank stabilization), Applicant: Hayes, Representative: Paul Mirabito, Ross Engineering, DEP #68-2751 (cont'd from March 18, 2019)

Stan Humphries, handed in abutter notification cards and Greg Tansey, Ross Engineering. Reviewed project from fall and last hearing. Stormwater issues are part of amendment as well. In field agreed upon, enough energy from waves that needs to be more of a structural support on bottom. Coconut fiber logs to work, size of fill

might need to increase. Variety of plantings listed in plans. No trees, ground cover, grasses, shrubs. Penny – CZM came to sight correct? And you worked with their suggestions? Stan – CZM approaches these projects with more plants than with structures. Greg Tansey - here to discuss amendments to storm water control. Still permeable pavement driveway and recharging it. Since new plan calls for well near where previous plan had shallow basin, change in layout needed, so not near standing water. Reviewed new plan. Merrill reviewed amended stormwater and asked for O&M for drywell. Amy confirmed set with Merrill regarding stormwater. Jen – do we have opinion on irrigation wells on coastal bank? Amy – we usually don't permit irrigation wells on coastal banks, it is not preferred and that is why it is written into orders. This would be an exception.

Penny – can irrigation be closer to road. Greg – not preferred to have a well near road – could get damaged from traffic, salt from road, too close to foundation. It is out of 50 foot buffer in proposed location.

Frank – remembers with neighbors project required watering so everything established. Understands issue if need to water, could have issue over summer, so understand why need access to water so can water bank so new plants can establish. Will there be irrigation system? Greg – has not seen plan for irrigation system.

Motivation factor was to make sure plantings on bank established. Frank – maybe incorporate in orders that well is for bank only. Frank –if basin overflows, looks like will go to neighbors. Want to make sure not adversely affecting neighbor. Greg – high point is adjacent to neighbors, so flowing towards street. This stormwater system has been designed and reviewed with that in mind. Lesser volume of water going to street with this system vs pre-development condition. What is smaller square area? – flat area. Frank –concern someone has to be careful putting this together. Greg suggests we as-built it and stake it while building.

Ms. Penny Scott-Pipes motion to close Amendment to 3 Driftway. Mr. Paul Parys second. Unanimous all in favor (6-0).

44 Captain Peirce (upgrade existing barn to single family dwelling), Applicant: Bethany Versoy, Representative: Greg Morse, Morse Engineering, SC#19-9 (Local By-Law Only) (cont'd from April 1, 2019)

Frank reclude from this hearing. Richard will chair. Greg Morse representing owner. Reviewed project. Board of Health approved system. Amy – verified BOH closed on it. Also, confirmed, this is the only lot that needed to file with conservation. Other two lots with projects not in buffer. Recommend close and issue tonight.

Ms. Penny Scott-Pipes motion to close 44 Captain Peirce. Ms. Lisa Caisse second. Unanimous all in favor (6-0).

Ms. Penny Scott-Pipes motion to issue orders for 44 Captain Peirce. Ms. Lisa Caisse second. Unanimous all in favor (6-0).

182 Central Ave (expand deck), Applicant: Richard Bronstein, Representative, Robert Crawford, EET, Inc. DEP#:68-2778

Richard Bronstein reviewed project. Add 4 pilings to extend deck while replacing existing deck. Amy – meets requirements of wetlands act with piers. Area over septic concerning. Rick – might not go that far, but will make sure know exactly where the septic is before any work done.

Ms. Penny Scott-Pipes motion to close 182 Central Ave. Mr. Richard Harding second. Unanimous all in favor (6-0).

59 Glades (raze and rebuild and septic), Applicant: 59 Glades Rd, LLC, Representative: Greg Morse, Morse Engineering, DEP#:68-2788

Greg Morse, Morse Engineering, representing owner. Reviewed project. Take down existing garage and house. Garage moving out of 50ft buffer also and will restore that area with loom and seed. New house outside of 50 foot buffer. House is in FEMA flood zone, will have flood vents. Inside 100 ft buffer new pool, septic in front yard and is outside of 100 foot salt marsh, but within 100 of seawall. Brad verified salt marsh location. Penny – question about line being verified vs just eyeballed, because not always correct. Referred to issue with deciding line for 97 Edward Foster. Greg showed photo of lot. Jen – not well maintained - so much junk so hard to see area. Concerned about pool on coastal bank. Amy – did receive letter from ECR with opinion on this resource area. Amy thinks should have peer review to discuss boundary and to confirm accurate. Big project, would be beneficial to have line confirmed. Pool is greater than 100 feet from coastal bank. Penny –

no patio going in? Correct – loom and seed. Amy – would be a benefit to clean up lot. Greg – new property owner, so assume will clean up especially since building new home. Certainly can have peer review.

Ms. Penny Scott-Pipes motion to continue 59 Glades Rd. to May 6, 2019 at 6:20 Mr. Richard Harding second. Unanimous all in favor (6-0).

91 Surfside Rd to 79 Seaside, Egypt –Mann Hill Beach (cobble berm), Applicant: DPW, Town of Scituate,

Representative: John Ramsey, Applied Coastal Research and Engineering, DEP#: 68-2787

Handed in abutter notification cards. John Ramsey, applied coastal representing Town of Scituate. Want to return berm to design from 1979. A lot of material has overwashed to pond. Planning to bring in 25,000 lbs. of material for the project. Not able to use material that washed away into pond. About 2/3 would bring in over next year because FEMA has approved 2/3 of the money. If rest of funding comes in sooner, hopefully this year, will do all at once. Town will need to get easements to complete those portions for 8 houses with private beach in front of house. Trying to get permits to do all of it, but needs to get easements for areas in front of private residence. Access would be Surfside and Penny – from Surfside road to Stanton, correct? Will do town property now because have funding. Yes. If easement received, FEMA funding can be sought and pay for rest of project. Amy – See project as public benefit for town. We should have condition on sourcing of material.

John Ramsey- Putting bid package together. Probably will not start working until fall.

Richard Sweeney – 80 Surfside Road – handed in petition of neighbors support to include graded walking path with blue mat. Last few years getting access over cobble difficult, we would like to request conservation, DPW, anyone else involved, to include graded walking path at end of Surfside Road over burn with blue mat. Frank – is this public access at that point? Yes

Kathy Egan – 83 Surfside – what will the easement involve? What asking for of home owners? Sean – a lot of properties have ownership to low tide mark. So to get funding for public benefit, need to have public access. Using Surfside for truck access. How long will project take? Planning for it to take 1-2 months once start after source material.

Richard Harding– reminder that it means can walk across beach and sit on beach, but cannot use property by house to access beach – need to use public access.

Chris Goodman - 3 Sea Gate Cir – more information for equipment? John – not planning to stockpile. Equipment will stay on berm during project. Will be removed to safe place if storm. Concern about work undoing work they are currently doing to house.

Louise Pfund – 20 Stanton Lane – there is no plan to create parking? Correct – no plan to create parking with this project. Benefits of pulling out cobble from pond, can that be challenged? Still not pulling it from pond? Frank Snow– we had lengthy conversation about this with DEP about it blocking channels, blocking marsh. DEP was not bending to that approach of not taking it out of area it moved into. If 2/3 of money covered by other agencies, we have to follow their regulations. John R– adding material helps delay, but the idea is let the beach migrate, not move it back.

Chris Goodman - 3 Sea Gate – between his property and the berm, there is a gully; he maintains it because things fill in there, which impedes it from working correctly. John – do not want to change drainage pattern. Maybe put in condition in contract that restore – but part of issue is it was not restored after March 2018 storm correctly. Frank – can we make it more effective? Mary Bishop – 2 Sea Gate – water doesn't flow – gate to pond not open. Expected to be corrected last year. Flows into yards. Concern about all trucks going too fast down road. Frank – town project, people will be watching it done correctly.

Frank Snow– Mann Hill road not an access point? Suggest asking for it to be part of conditions now. Because another public access, even though challenging.

Steve O'Neill - 14 Stanton Lane – impact to Stanton lane? What will happen to wave energy with new berms?

John Ramsey– issue is overwash, more than storm surge. Having an opening between parts of the berm will not redirect water.

What is berm profile – depends on where you are. Showed description in plan.

Ross Brightman– 14 Sea Gate – concern difficulty getting over now. If getting higher, is there way to preserve path? John R – that end of berm is getting least amount of fill. If angular path made, will be hard to maintain.

Frank – we can condition berm, but with condition that would allow access to be maintain.

Kathy Egan – 83 Surfside – who should we get in touch with to make access easier currently? Frank – that is not part of this project so cannot direct that. In term of access – we are only dealing with this project (talk to beach commission). Either work into conditions for access or separate permit to create. Should be reestablished and maintained. Stan– if going to build up both sides, if don't connect, is adverse effect? Frank – explained difference between seawall and berm. And with large gap. John R – elevation of berm will manage flooding. But overwash will splash over. Still water rise is not going to adversely affect area not fixed. Wave action goes up and back down, doesn't look for break or path of least resistance. Frank - reminder if berm breached, damage would be significant, so important to the area. Stan – description – return to high level water of 1979/ John – rather than go back to location of 1979 berm, but building back up to that height and width. John – trying to stay in existing crest of berm as exists today. Stan - concern is house is in front of crest of berm.

Frank Snow – suggests Stan meet with DPW to discuss further after the meeting.

Stanton Lane – why would property owners give access if doesn't protect home and only wetland behind it?

Anna - 8 Stanton Lane – if receive easement, how far out to do work? Will depend on funding. Only have funding for certain part of project now anyway. John – if have easements, then when ask for FEMA funding, process moves faster when have everything before ask.

Frank- having all those things in place helps with the complications that go into doing project. Examples given of places where easement not granted and how effected projects.

Ms. Penny Scott-Pipes motion to close 91 Surfside Rd to 79 Seaside. Mr. Richard Harding second. Unanimous all in favor (6-0).

436 CJ Cushing Hwy (septic), Applicant: Ronald Reid & Cynthia Morgan, Representative: Morse Engineering, DEP#: 68-2789

Greg Morse, representing property owners. Reviewed project. Brad Holmes delineated vegetated wetlands. New septic in 100 of wetland, but out of 100 of another resource area. Board of Health not reviewed yet. An aerobic system--in which waste proceeds through an additional tank that hosts aerobic bacteria--helps break down pathogens before it delivers the waste to the drain fields. An aspirator is used to inject oxygen into the second tank to promote aerobic bacterial production. Chosen because of proximity to reservoir. Even though new system, considered a repair because already have system and house has to have septic. Amy – can close pending BOH approval. Maybe special condition, not confirming line, no project in future, need line confirmed.

Ms. Penny Scott-Pipes motion to close 436 CJ Cushing Hwy with. Mr. Richard Harding second. Unanimous all in favor (6-0).

133 Turner Rd (replace decks), Applicant: Lori Sanderson, Representative: Paul Mirabito, Ross Engineering, DEP#:68-2790

Greg Tansey, Ross Engineering, representing owner. Reviewed project. Not increasing deck, just replacing what was there before ruined with storm. Was on sonotubes. Proposing do the same. Can't get pile driving equipment back there. Rich – what is happening where front deck is being eliminated. Greg – not going to be paved. Lisa – what is there now under the portion of deck not being replaced. Greg showed photo of back of house sand and gravel, so would assume same. Does not know of plan to do anything with that area.

Ms. Penny Scott-Pipes motion to close 133 Turner Rd. Mr. Richard Harding second. Unanimous all in favor (6-0).

PUBLIC MEETINGS/ADMINISTRATIVE, ENFORCEMENT / PERMITS and OTHER REQUESTS

Enforcement:

New enforcement regarding pool that was installed.

Motion to accept minutes from March 18, 2019. Mr. Paul Parys second.

Movement on enforcement for 7 Dunbar.

Complaint on 44 Driftway, will be out tomorrow investigating site. May 6 meeting, Licensed Site Professional from owners will come to give update of status.

Frank - reminder about looking at Go Green encroachment on wetland. It's the town property that they leased. We should meet with them to hear from them. Frank gets calls and often has to explain to people not all that land is conservation land. Make sure no encroachment.

Stockbridge Road also need to follow up.

Gardiner road project is done regarding pipe – Frank would like to take a look at site. Not finished. Wants to make sure not going to leave how it is currently.

Spend the day learning about climate change in Norwell. If would like to attend, on Thursday, May 9. Let us know.

DEP visit on appeal of denial of 33 Oceanside. DEP upheld 23 Oceanside appeal of Orders.

Vernal Pool at Middle School. Spoke to two teachers that they can use platform, but cannot go in or around it. Stay on platform. Shared ideas of practical management. School is working with other agency on living classroom.

Requests for Determination of Applicability: 52 Central Ave (driveway)

Jason Garry, representing owners. Reviewed project. Remove pavement. Put stone with shells on top with railroad ties on one side to keep everything in.

Ms. Penny Scott-Pipes motion for -3 for 52 Central Ave St. Richard Harding second. Unanimous all in favor (6-0).

Requests for Determination of Applicability: 133 Maple St. (pave driveway)

Greg Piaseckyj, owner, would like to pave driveway. Zone A surface area. Outside of 100. Frank – do we know where the brook is? What is distance to tributary? Amy – for water protection resource area – reviewed zoning for that area. We could permit this driveway given distance, but needs to stay under threshold of 15%. Or if increases to 20%, needs to do stormwater management. This calculation comes from pavers, because they charge per square foot. No need for erosion control.

Ms. Penny Scott-Pipes motion for -3 for 133 Maple St Mr. Richard Harding second. Unanimous all in favor (6-0).

Requests for Determination of Applicability: 27 Hood Rd.

Ms. Penny Scott-Pipes motion to continue 27 Hood Rd to May 6, 2019. Mr. Richard Harding second. Unanimous all in favor (6-0).

Requests for Determination of Applicability: 240 Clapp Rd. (pave driveway)

Greg Morse representing owners. Driveway for 240, 242 and 238 Clapp Road. Permitting back in 1995. Reviewed history of development houses. When plowed, plowed into wetlands. Would remain in limits of current gravel driveway.

Amy – reminder if permit it, would go against what another board decided. And reminder that 240 Clapp still has open orders. Frank – originally was permitted for one home, but now 3 homes using it. Amy – not that they can't do it, but will need storm water management, which is more than an RDA. Frank – if they can come back that this will work with, we should be ok with changing conditions from previous board.

Ms. Penny Scott-Pipes motion for positive for 240 Clapp Rd. Richard Harding second. Unanimous all in favor (6-0).

60 Townsend Rd., Jack Gates, Trespassing, encroachment and altering Conservation Land

Could not attend tonight, but will come to another meeting.

Frank – comes back to issue of taking care of open land, which means we are supposed to protect.

NEW BUSINESS: Correspondence, Agent's Report, Violation and Enforcement Orders, Minutes

Mr. Richard Harding Ms. Penny Scott-Pipes motion to accept minutes as written for March 4, 2019. Mr. Richard Harding second motion. Unanimous vote in favor (6-0)

ADMINISTRATIVE REVIEW:

SUBCOMMITTEE/ PROJECT UPDATES / MISCELLANEOUS

OLD BUSINESS:

OOB: 190 Glades Rd (new dwelling), Applicant: Jeffrey Burek, DEP #68-2779

Ms. Penny Scott-Pipes motion to accept orders as written for 190 Glades Rd. Mr. Richard Harding second motion. Unanimous vote in favor (6-0)

ORAD: 97 Edward Foster/ ANRAD, Applicant: Maureen Colvin, DEP #68-2782

Ms. Penny Scott-Pipes motion to accept ORAD as written for 97 Edward Foster. Mr. Richard Harding second motion. Unanimous vote in favor (6-0)

OOB: 278 Central Ave., (elevate house & expand deck) Applicant: Richard Campbell, DEP 68-2783

Ms. Penny Scott-Pipes motion to accept orders as written for 278 Central Ave. Mr. Richard Harding second motion. Unanimous vote in favor (6-0)

Certificate of Compliance:

6 Brookline Rd., DEP#:68-2721

126 Turner Rd., DEP#: 68-1177

Request for Extension of OofC

9 Lighthouse Lane

Ms. Penny Scott-Pipes motion for 3 year extension for 9 Lighthouse Lane. Mr. Richard Harding second motion. Unanimous vote in favor (6-0).

27, 39, 46, and 48 Town Way Extension 68-2245 (clearing road for access)

Ms. Penny Scott-Pipes motion for 3 year extension for 27, 39, 46, and 48 Town Way Ext. Mr. Richard Harding second motion. Unanimous vote in favor (6-0).

47 Town Way Ext. 68-2249 (clear rock/cobble under deck and immediate area)

Ms. Penny Scott-Pipes motion for 3 year extension for 47 Town Way Ext. 68-2249. Mr. Richard Harding second motion. Unanimous vote in favor (6-0).

39 Town Way Ext. 68-2261 (clear rock/cobble under deck and immediate area)

Ms. Penny Scott-Pipes motion for 3 year extension for 39 Town Way Ext. 68-2261. Mr. Richard Harding second motion. Unanimous vote in favor (6-0).

48 Town Way Ext. 68-2266 (clear rock/cobble under deck and immediate area)

Ms. Penny Scott-Pipes motion for 3 year extension for 48 Town Way Ext. 68-2266. Mr. Richard Harding second motion. Unanimous vote in favor (6-0).

AGENT REPORT:

Motion to adjourn

Ms. Penny Scott-Pipes motion to adjourn 9:15 p.m. Mr. Paul Parys second motion. Unanimous vote in favor (6-0).

Respectfully submitted,

Jennifer Smith
Recording Secretary

CORRESPONDENCE
April 1, 2019 – April 22, 2019

1. Recording info 48 Town Way Ext 68-2245 Extension OofC
2. Recommended Final Decision for 53 Border St from Jane Rothchild, Presiding Officer, making the SOC final
3. 53 Border St. Martin Suberg, Commissioner, letter stating he adopts the recommended final decision of the presiding officer, April 8, 2019
4. New owners of 11 Revere St, stating awareness of order of conditions on property
5. iExcel Program Community Breakfast April 25 at 9:30 in HS Library
6. Site meeting re: appeal of 33 Oceanside Dr OofC Wed, April 24, 2019 at 3pm
7. Planning Board Agenda for April 11, 2019
8. Recording info for extension of OofC for 246 Gannett Rd 4/1/19 Bk 50963 Pg 147
9. Abbuter notification for septic system upgrade at NOI 436 CJ Cushing Hwy
10. Abutter notification for NOI 59 Glades, new dwelling
11. Release Abatement Measure Status Report No. 6 prepared and submitted to DEP for 19 Union St
12. Recording info for OofC for 29 Gilson Rd 4/2/19, Bk 50968 Pg 16
13. Planning Board agenda April 25, 2019
14. Design Review Committee Agenda, May 7, 2018
15. Recording info 18 Evangeline Dr, 3/19/19, Bk 50914, Pg 165
16. Recording info 40 Central Ave, 4/18/19, Bk 51011 Pg 41
17. Letter from Division of Fisheries & Wildlife re: 214 Clapp Rd 9 lot subdivision
18. South Shore Climate Change Symposium, may 9, 2019, Cushing Memorial Hall, Norwell
19. ZBA decision re: 68 Seaview Ave increase sq ft by greater than 20%
20. Planning Board: application for accessory dwelling special permit for location 60 Marion Rd
21. ZBA decision on application for 8 Hillcrest Rd. for a special permit to allow addition
22. ZBA decision on application for 65 Marion Rd. for a special permit to allow addition
23. ZBA Boar of Appeals for 96-100 Stockbridge Rd to grant a modification to the comprehensive permit to the applicant for the proposed project.
24. Notice of Environmental Sampling on 3A near Mann Lot Road
25. Memo from ZBA about requests for special permits / findings:
 - a. 52 Otis Pl
 - b. 14-16 Old Country Way
 - c. 36 Bailey's Causeway
 - d. 36R Bailey's Causeway
26. Amended ZBA public hearing notice for April 25, 2019, 7pm
27. Memo from Ohrenberger, De Lisi, Harris re: 14 & 16 Old Country Way
28. Application for Public Hearing for 36 Bailey's Causeway to raze and rebuild pre-existing non-conforming home
29. Application for Public Hearing for 28 Cherry Lane to raze and rebuild pre-existing non-conforming home
30. Board of Health Agenda for April 17, 2019
31. Letter from Planning Board to Ms. Gardner, Town Clerk, about site plan administrative review for Well 17A 90 & 96 Tack Factory Pond Drive, that motion was voted favorable for motion to continue public meeting to May 9, 2019

Minor Activity Permits

- #3 - 12-14 Stanton Lane – clean up road
- #4 – 20 Stanton Lane – clean up road
- #5 – 691 Country Way – tree removal
- #7 – 210 Central Ave – move cobble
- #8 - 208 Central Ave – move cobble
- #9- 550 Hatherly Rd - emergency water repair