

**Town of Scituate  
Conservation Commission  
Town Hall Selectmen's Hearing Room  
Meeting Minutes  
August 3, 2016**

Meeting was called to order at 6:19 p.m.

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

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

**Agenda:** Motion to amend the agenda to include Extension for: 23A, B, B1 & C Henry Lane; Certificate of Compliance for 14 Hawthorne and 27 Collier; Discuss: Museum beach storage of kayaks, canoes and boats; Gannett Marsh violation rebar for tying boat; Central Ave. parking on marsh side of street and advertising as private parking Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

**Coastal Advisory Commission Update / Mr. Harding:** Meeting next on Tuesday to set up another neighborhood meeting for Egypt & Minot, but we won't know when until we meet at 6:00 p.m. Tuesday at the Maritime Center; regular open meeting.

**Beach Committee Update / Mr. Schmid:** meeting next Tuesday. Received a lot of feedback on the surveys and if they want their voice heard to fill out the surveys, because we are paying attention. Then Richard and Bill will coordinate a meeting with Egypt, Minot and North Scituate beach associations and come up with some dates.

**New Member:** Welcome to new member Attorney Matthew Mitchell.

**Update on Trails:** Ms. Scott-Pipes: Paul Scott is waiting for Greg Morse to get back to him so the RFPs can get out for the parking areas. Mr. Snow: e-mail exchange between a couple of the volunteers in the midst of all the heat, they were walking and found a tree down, hacked it apart to get it off the trail and he didn't bother to go to the gym that day. Volunteers are out there making sure things are clear, we are pretty fortunate.

Ms. Scott-Pipes: Wildlands Trust are reviewing. It isn't just 1 parcel they are reviewing, but 13 parcels; they have all those deeds. Most towns come in with one plot. They have all the land that has been bought since 2001. They are still reviewing; not to worry. Mr. Snow: with the acquisition of open space, supposed to have CRs within a certain period of time. Need a CR holder; a land group. Maxwell Trust is a land group that has been holding the property, but we are looking for a larger entity. Hopefully we can put together some of these pieces. Access roads, parking and trails, is an on-going process. Penny has been working with the Wildlands Trust. It takes time. Mr. Snow has pestered the engineer a couple of times.

Mr. Snow: Anything at the Spit? Authorized to release some money. How much? The money that was identified by Nancy Holt. All of it? No. Don't know the dollar amount. Haven't heard back from TA. Mr. Schmid: what is that going to entail? Looking for more weekend patrols at peak hours. Nests was destroyed intentionally. Through Audubon and Fish & Wildlife we need to be part of that. Our Police have been stepping up patrols. Bill have you looked into the cameras? No, waiting for some kind of green light, then will follow through. Hingham Harbormaster is doing it now; has feedback to the local stations; not all that expensive and can do infrared at night too. Theoretically can use the pictures to prosecute. Critical a few years ago when things were going on out there and we received letters from Mass Fish & Wildlife to make sure we were doing our part; responsibility gets passed down.

CRS Meeting (last night): Mr. Harding: whether it is Coastal Resource, Beach or Coastal Advisory, there are always a few new people. Fire Chief gave a great presentation, Rebecca Haney gave a nice presentation on safety issues; most people aren't aware of how much detail goes into it. Lisa was there also. Great meeting room.

Town is supposed to be using new maps. Have to adopt them before the first of November. They may ask us to vote into our regs. Probably have it on an agenda in September. Won't be a town bylaw, but a regulation. Zoning article would need to be a town meeting article. Has to be in somebody's regulation, easiest is us.

**Longmeadow Road/Gates:** sent out an e-mail to walk the site. There was a pond that was supposedly dug. Going Wednesday; long dispute.

**Border Street:** long time violation; culvert on top of ledge under a driveway. Supposed to get engineered plans, but nothing done. Heard from an abutter again. Flooding again? No, it is just that it wasn't taken care of. Mr. Schmid: thought we had taken that as far as we could. Met on site with engineer; spoke to him and he hasn't heard anything. See what's up with the owner. Another letter.

**Museum Beach:** kyacks, canoes, and boats sitting on the beach grass; 17 of them. People wondered if that was something that could be left that way. Some places build racks. Should think about. Maybe we have people file an RDA. Mr. Schmid: we were also going to bring it up to the coastal commissions and beach commissions to see if they had any ideas. Mr. Gallivan will send a memo to both committees tomorrow.

**Gannett Road:** police received a complaint regarding rebars driven into the marsh and boat tied up to it. Contacted the harbormaster. Think we have dealt with the people in the past. Police think it is a certain address and they gave it to Pat. Rebars are in the marsh. Haven't seen it at all tides, but think they couldn't get it back to where they usually keep it because of the tide. Waterways doesn't go for that. Mr. Snow: If someone is allowed to throw out an anchor – Mr. Schmid: the rebar would be more like a mooring, that would have to be permitted by the harbormaster. Give them a call maybe they didn't realize they couldn't do it.

**Parking in Humarock:** we denied a request for putting boats, etc. on the marsh side of Central Ave. Now there is an area further down that has a sign for residents to park for such and such a cottage. Saltmarsh and tidelands should be under Zoning, but it is a resource area. Mr. Parys: but why is the left side different than the right side. Could see if it was dunes and sand, but if it is cobble it's the same as the other side, so shouldn't let them park anywhere. Mr. Gallivan: also a barrier beach. It all falls to us to decide. The area restricted before was beach grass. In the bylaw you can get a permit for public parking in that zone. Maybe open to the public it is a benefit, but private isn't allowed. It is a zoning issue too. We will see if we can get them to act on it. Ms. Caisse: also observed, almost toward the V, carved out the paper streets and made piles and then people thought it was fun to park on top of the piles and then cars are parking on the grass, nobody differentiates. One guy got stuck in the marsh. All posted for no parking.

**Informal:** 83 Surfside Road

Steve Leitch from Northern Oak and Kathy Egan and Jane Degooseman were present. There is an open order. Hamilton & Finch did the foundation. Ms. Egan showed a couple of pictures; one shows the outdoor shower that comes down during the winter, but the base stays. Want to put a 2' wall around the front of the yard. The surf washes out both sides of the house every winter. Trying to create a usable space under the deck. Thought a 2' double-faced fieldstone wall that would enclose the area like a patio; made with flat stones behind the wall. Mr. Gallivan: asked if this would be possible, but everything we heard from the DEP and CZM, even at the presentation last night, seems they don't want anything parallel to the ocean to possibly direct the water to other people's property or channelizing. Mr. Snow: the piece in front of the house, the house is already deflecting the water. Maybe could put it in line with the house. If it comes around the structure, there is a second barrier in the way. Seems like the state wouldn't allow. Water goes by the shower and it's like a river in front of the house and it is effecting the new foundation. Ms. Scott-Pipes: no problem with the patio, but we are making other people take out walls; wall should be at grade. We have to follow the rules. Mr. Harding: big issue with having any impediment with the natural water flow. Ms. Caisse: understands what's she is going through. Ms. Egan showed a pile that the town puts in front of the house. Not impeding the flow we are trying to protect our foundation. Mr. Gallivan: we go around and around with the state too. They showed films with a lot of examples last night. Mr. Snow: understand if the wall went beyond the house it would project water to other areas, but if they were to build the wall across and not go beyond the house. But the water would go through if the wall wasn't there. Mr. Gallivan: People have made calls to DEP; we can give you some names. There is a current order for the foundation work; could amend. Get information from DEP. Can take a look at what we conditioned. Never built the deck on the ocean side. Give the same question(s) to CZM or DEP. Request an amendment to the plan and think seriously what would be allowed. Walls off the house will not be allowed. Rebecca Haney is a coastal geologist and she presents from a practical point of view, but she doesn't have authority, however, we take her opinion. If they found you had a violation they would kick it back to us. If we divert the water, we are only diverting back to us. Trying to follow all the rules the best we can for coastal issues. A lot of walls have created problems for abutters. You can try and come up with something that might be a positive thing. Have seen all types of things done to try and protect properties, but in the long term they don't work. What about large boulders? Maybe with plantings. Nothing will grow there. Try and do something more natural for the patio, more pervious. In 4 years we haven't had a filing like this; haven't approved any. They are really discouraging anything like this.

**Wetlands Hearing:** Martin, 264 Clapp Road (remove dead, storm damaged trees & debris and replant native vegetation) (cont.)

Amy Martin and husband Edwin Henneken were present at the hearing. Ms. Scott-Pipes: we were out there the other day, there are concerns with the plantings you want to do. A lot of it is in the wetland, plus clippings, branches, pallets, all kinds of debris that doesn't belong, lots of clearing and boulders that should be pulled forward for demarcation; bring up to the edge of the wetland. Have exception with the pond in the 50' buffer and shouldn't be doing anything in the wetlands. It is very clear that some trees had been cut down. Since you have been in there, clean it out and pull boulders up; nobody should go back there again. Majority of the back yard is in the 50' buffer. Most of the side plants were supposed to be done a long time ago. Mr. Schmid: defer to people that went out, but everything in the wetlands should be pulled out. Mr. Harding: did not go out, but Penny's summary makes sense. Mr. Parys: a couple of filings, one for a septic and one for the addition. The pond was added in between those filings. The pond did not appear on the septic plan, but it was on the plan with the addition. Concrete and debris was removed at some point from the wetlands. Trees fell and the boulders were original. The little that is left in the driveway is a third of what was pulled out. There was a tree fort, concrete footing, old wood fence, a chair, old farm equipment, metal, a footed bathtub and tile; big dumping ground. Kind of cleaned it out, but didn't finish. We don't want it anything other than natural. Didn't know what to do with the boulders that are there, but a great idea to make a boundary. Ms. Caisse: plantings that are there are established, any forecasted plantings shouldn't go in the wetlands or buffer. Mr. Gallivan: put some plants in and whatever grows, grows. Get out the piles of debris and throw wetland plants in and mark with the rocks and let it grow. Mr. Mitchell: boulders for demarcation was a good idea. Actually it was Pat's. Mr. Snow: getting a lot of that stuff out was good, but it would have been better to have filed prior to the work. When we did walk out there, there were stumps to the left that were pulled, but not totally pulled. Any organics are just going to rot away; get any disruption cleaned up. Row of rocks, already a row of plants, meet out there again and mark out some things at the hedge, so no one goes back in there. People over the years encroach into the wetlands. Stop putting more, even yard waste, establish plants outside the area. Might be worthwhile to meet to show the line. Sometimes when we have new filings, we ask for posts with no disturbance beyond this area signs. Want to come up with a demarcation. Easy over time that the line slides. Circle to the right of the pond, gravel, big slabs on the ground. Switching to blue stone. Mr. Gallivan: boulders would line up at the pink flags, right behind the boxwoods. Boxwoods are way up. Better to look at the site together; work out a time. Give us a drawing / sketch. In the meantime keep the line where we said, same with the stumps. Meet next week. Better not to have a machine in there. Debris is small enough to remove by hand. Deer mowed the boxwood. Motion to continue the hearing to September 7, 2016 at 6:30 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

**Enforcement:**

No one attended. Gillispie, Lot 4, 174 Branch (access from Curtis): Stormwater calcs and a revised stormwater plan is needed. Buffer zone is identified, cleared and plantings need to be done on the slope. Recommend a fine. Ms. Scott-Pipes: they cut the trees down on the other people's property that would involve stormwater. Original plan called for cutting, apple trees would definitely effect the stormwater. Would be up to the other property – Morse company was going to recalculate. Need an Enforcement Order and a daily fine. Sounds good. New enforcement arm. And a person to do do. 5 to 10 hours a week to help with Enforcement issues. Quick attention. Look into to see how it works.

Kamman, 31 Candlewood Drive: Merrill engineering did a plan within 25' of the wetland. Green is the wetland flagging, blue 25' off the flagging, disturbed area calculated 1900 sq. ft. Surveyed, measured off property line. Limited disturbance is the red line. Between the 25 and

wetlands is disturbed. 3 rows of pear trees. Some were removed. Only area is a small strip. Green line is the wetlands' line. Some disturbance in the buffer zone. Should be undisturbed up to the blue line. Could be 1 or 2 rows of trees. FS: was that an agreement that there would be nothing in the 25'. LCC: should go back out there and mark it out. It was the 25' instead of the 50'. Some wetlands plantings have been done, some have made it some have not. PG: check with Peter to see which the best way to do this. RH: a lot more done in 4 years. BS: some has been done already. PG: before we were winging where the 25' is. 3 rows were planted 3 years ago. Would like to be able to move them in November to salvage the trees. Pick a day. Sometime in August.

Extension: 23A, B, B1 & C Henry Lane: Motion to extend the orders 3 years PSP. Second RH. Unanimous.

#### **Certificates of Compliance:**

Sanchez, 14 Hawthorne: not closing for a few weeks.

Collier 27 – representing the buyer. Superseding OofC – former member Mark Stewart. Property owner received CofC – lot of conditions in place still open. Something has to be cleared up. DEP was OK. Went out conservation restriction no further disturbance into the buffer, instead of making a PSP: question is don't remember didn't want any more work out back. After the project was done, felt as though they did everywhere we wanted. Kathy Munsey represent the buyer. Wanted to know going forward there was an order, ongoing condition provision new owner 3 ongoing condition, no erosion, cr and no work in another area. Restriction itself, wanted clarification there is a CofC. State affirmed our order. List it in the deed. Think it was a choice of words. On-going conditions.

Duffy, 271 Central Ave.: appeared that it wasn't being constructed according to the Order of Conditions. Also there are few things I want to do. A few things have been done and few things haven't been done. EO or expect to see you at the next meeting. Invite her back with an enforcement. Next time is it.

**Certificate of Compliance:** Sherman, 315 Central Ave: OK

Clouser/Campbell, 160 Jericho Road: OK

Shared driveway – 90% done at 154 Jericho; cobble was put down between the houses; washed away.

McCormack, 43 Wampatuck: extra driveway. Looked like in a flood zone; put decks on; sonotubes for a porch; second paved driveway. New set of stairs in front and a new driveway. Makes sense to have a driveway to the garage. OK.

Rousseau, Contractors yard off New Driftway (behind South Shore Auto)

Attorney Michael Loring and John Rousseau were present. This is in the Estate of Lucian Rousseau; longest open estate in Plymouth County. Property was deeded out to the owners. Mr. Loring is probably the only one that knows anything about it however, needed and received permission from the other attorneys to represent the owners and John Rousseau. We will work with the Commission. The sister and brother died, which caused another mess. Mr. Snow: right now the tenant that rents the property, Russ Totman, is basically responsible. There were a couple things that needed to be taken care of right away. There was an oil slick going to catch basin. There is an Order of Conditions calling for stormwater management; crushed stone and swales. In relation to that we have some plans, but they are before the MBTA came in and took 90% of the land. What is left of Rousseau's property is 1.8 acres; ten acres of marsh; will work with Pat and the Commission. It was a construction yard before the MBTA came in. The MBTA needed to construct a marsh, they called it Rousseau mitigation. What is remaining is where there was contamination and stockpiles of stuff. Needed direction from the estate attorney. Bounds were put in; can see where the 50' buffer is. Totman will do whatever we request of him. There is a drain that goes half way into the marsh. Regrade into the basin and then into a trap. Mr. Gallivan: are you working with an engineer? John doesn't have the capacity to hire one. The other two attorneys do; they have paid the taxes all along. Probably going to call for an engineer to find out what is exactly there and get some sort of plans. There was some engineering done for the site. If the water was directed into the swale, it would make a big difference. How close is it to the trail? Is it on the property they own? Totman is going to try and locate the bounds. MBTA just took it, no topos, no leaps and bounds. This is not a pristine marsh. Meet with an engineer. Do we want money in escrow? Mr. Loring: will require some engineering and need to establish the lot line. Mr. Loring has a slight background in engineering. If it is a question of money, John doesn't have any; needs to be figured out. Get moving on some sort of plan and find out if any drainage was created; will need an engineered plan; want to get it up to specs. It will be a benefit to the town and the estate. Donovan property next door; new housing initiative; want to address this problem. Mr. Schmid: a lot is going on at this site; right on the marsh/river; abandoned boats, cars, 15 busses, etc. Good start to find out where the property lines are. Board of Health getting involved? Don't know. There is a huge pile of asphalt. Mr. Loring: this is not the way to do it; need to gain momentum quickly. When the estate took over, it was a tire company. Took 8,000 tires out of there. Ms. Caisse: do we need a paper trail? Atty. Loring is for Rousseau, not for the owners. Mr. Mitchell: need some sort of letter from the other attorneys stating that you can represent them.

Triglia, Tr., 140 River Street: the Commission signed off on the Enforcement Order 11/10/2010, but new work has been done. Would like to send information to the Army Corps. Have a feeling if the Corps gets involved we can take it off the agenda. Send an Enforcement Order.

#### **Certificate of Compliances:**

Ahern, 256 Central Ave.: Michael Biviano and Steve Guard representing the homeowner. Mr. Ahern passed away. Went under agreement rebuilt seawall in front of the house; 2007 project. When Pat went out, discovered a concrete patio right up to the seawall. The patio was preexisting. Backfilling cobble is all that was done. Filed an as-built plan which shows a patio, but the engineer can't certify it. Request it to remain in place; the patios connected. The patio that is there now is less in area. Three pictures show the cobble and the patio. Mr. Parys: People don't come for Certificate until they are passing. In the order the patio had to be removed; wording was to get rid of it. Two houses on either side have massive patios. Ms. Caisse: gravel would be a greater problem. Mr. Gallivan: OK, there are ways to saw cut it. Commission is trying to get rid of concrete.

Clarke, 258 Central Ave.: house next door. Concrete wall asked DEP to replace with rip rap stones; Jay Geary placed the stones. CLE says it's pretty close. Distance from the original wall 5' out further in one area. OK

Larson, 46 Woodland Road: encroached upon wetlands, gravel driveway, lawn and shed is probably 60' away; 50' buffer wasn't quite clear; major disturbance. Establish plantings in the 50' buffer. Confusing tree line on plan, there are no trees, believe there was no disturbance in the 50' but the whole tree area is gone. Clean up giant piles of stumps and brush. We were going to hold money. Another shed never approved. If outside the 50' we would have approved it. Deck is outside the 100'. Reestablish the 50'; don't issue until we get the money.

Town Way Extension: pilings and long history on this lot. Dozer on the beach; should just be fined; nothing to talk about. Write the Enforcement Order.

**Minutes:** June 1, 2016 & June 15, 2016:

Motion to accept the minutes of April 20, 2016 Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

**CORRESPONDENCE**  
**July 21, 2016 – August 3, 2016**

1. Issue between Gates vs. Craig/Bonomi, Longmeadow Road
2. The Beacon
3. Division of Marine Fisheries re: 246 Gannett Road – 6 bulleted items – (in file)
4. Zoning Minutes of June 16, 2016: 83 Surfside; 8 Holmes; 131 Glades; 134 Humarock Beach; 93-97 First Parish Road; Modification of Comprehensive Permit Stockbridge Woods: Stockbridge II Realty Trust
5. Planning Board Agenda for July 28, 2016 / Amended Agenda
6. Request for CofC for 258 Central Ave. – Request, Engineer's verification, as-built – NO CHECK (in file)
7. Recording of OofC for 68-2608 – 138 Stockbridge Road BK 47228 pg 275 – New Owner: Bob O'Neill, 617-594-6231, 103 Scituate Ave. e-mail [rvo123@comcast.net](mailto:rvo123@comcast.net) (in file)
8. Recording of OofC for 68-2620 – 101, 103, 105 Hatherly Road – Cert 123104 bk 00615 pg 104 (in file)
9. MassWildlife
10. Complaint re: 280 Gannett Road – numerous violations – marsh mowed, boat storage on marsh, furniture everywhere on the marsh.
11. Recording of OofC for 68-2619 227C CJCH - BK 47241 pg 77 and 234 CJCH – 47241 pg 94 (in file)
12. e-mail re: Starting work at 227C & 234 CJCH - Thursday (in file)
13. Notification to Abutters re: 3 Jawl Ave. – r/r (in file)
14. Wildlands Trust re: Community Stewardship Program – Let Us Help! Services: property management plans; trail design & construction & maintenance, amenity planning & construction (parking areas, kiosks, benches, boardwalks), historical and interpretive trail signage, custom trail maps and mobile apps, GIS mapping services, natural resource & wildlife inventories, baseline documentation reports, forestry plans, habitat restoration planning, wetland delineations & vernal pool certification, invasive species management, project permitting (ConCom, NHESP), mitigation planning, open space plans, volunteer recruitment & supervision, & grant preparation.
15. DEP Waterways Reg Program re: Trachtenberg, 246 Gannett Road (in file)
16. Planning Board Stormwater application August 11, 2016 at 8:15 p.m. re: Creelman Realty Trust consisting of 4 approval not required lots located at the intersection of Mann Lot Road & Creelman Drive as over 40,000 sq. ft. of land proposed for disturbance.
17. Request for CofC for 14 Hawthorne Street – Engineer's verification, as-built, \$100.00 (in file)
18. e-mail re: CofC for 90-94 Glades Road – send information that we require.
19. Zoning Board re: Request for Special Permits/Findings: 73 Marion Road & 14 Stone Ave. – August 18 at 7:00 p.m.
20. Request for 3 year Extension for 68-2489 - 23A, B, B1 & C Henry Lane (in file)
21. Request for CofC – 68-0000 - Ahern, 256 Central Ave. Engineer's letter (in file)
22. Brochure – Next Generation Stormwater Management Solutions (to Pat)
23. Request for CofC for 68-2284 – 41 Cavanagh Road – engineer's letter, as-built, \$100 (in file)
24. Recording of OofC for 68-2617 – 134 Oceanside Drive – C 122595 bk 612 pg 195 (in file)
25. Extension permit issued from DEP 68-1577 – Stockbridge II Realty Trust, 96 & 100 Stockbridge Road (in file)
26. Request for CofC for 68-2056 – 106 & 108 Stockbridge Road – engineer's letter, pictures, \$100 (in file)
27. Recording of OofC 68-2609 – Whitley, 9 Lightship Lane – bk 47253 pg 1 (in file)
28. Triglia Family re: 140 River Street – 10/10/10 WITHDRAWAL OF NOVEMBER 10, 2010 ENFORCEMENT ORDER signed by Conservation Commission December 23, 2013 – Frank, Richard, Penny, Kevin, Bill (in file)

Motion to adjourn 8:47 PSP. Second RH.

Motion to adjourn p.m.

Respectfully submitted,  
Carol Logue, Secretary