

**Town of Scituate  
Conservation Commission  
Town Hall Selectmen's Hearing Room  
Meeting Minutes  
September 21, 2016**

Meeting was called to order at 6:18 p.m. Meeting on October 19<sup>th</sup> conflicts with Town meeting.

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

**Also Present:** Patrick Gallivan, Agent, Joan Schmid, Acting Secretary

**Agenda:** Motion was made to accept the amended agenda regarding a question on a Glades project, date change for meeting - conflicts with Town Meeting, seconded with unanimous approval.

**Wetlands Hearing:** Town of Scituate/DPW, Mordecai Lincoln Road (remove Hunter's Pond Dam)\*

Al Bangert, Kris Houle from Fish & Game the Division of Ecological Restoration, and Paul Woodworth from Princeton Hydro were present at the hearing. Abutter's notification was submitted. Background: Town of Scituate DPW wanted to put in new waterlines and pave Mordecai Lincoln Road. Found that the culvert was collapsing and it was part of the dam structure. The owner did not have the funds to do the safety inspection required, so the Town began looking at the project. Inspection was made and cost to remove the dam included benefits and far less costly than repairing it; have received a series of grants. We have worked on this for the past four plus years. Kris Houle: included in this project are: Bill Bennet, U.S. Fish & Wildlife Service; Eric Kutchen, Restoration Center; Jason Burtner, CZM and Sarah Grady, Mass Bay Estuary Program. It is in the final design stages and hope to implement the project next summer if we have enough funding. In 2014 Al got in touch with us and it was accepted as a priority project. We except projects with the highest ecological value; part of a system to categorize and rate the dams in the state and this ranked in the 95% percentile. Removing dam would allow access for river herring and other species up to 5 river miles with 200 miles of spawning habitat, including Lilly Pond and Aaron River. This would be the last piece of restoration for Bound Brook. It is the head of a tide dam; unique habitat. Removing the dam would improve natural processes, water quality, as well as, lowering stream temperatures, benefiting cold water species. Dam is in poor condition and a safety issue. Removal would help reduce flooding upstream and maintenance burdens for the town. Paul Woodworth did a photo tour of the sight and the dam during the seasons, looking at vegetation and flood events, also closeups of the fishway that are non-functioning, which is benefit to removing the dam. In 2008 and 2010 there were aerial photos. Project is broken out into different stages. Did sediment sampling; design elements included: native plants upstream, no adverse impacts anticipated; and TOY restrictions. Historic Commission ruled no additional review required. Fish ladders to remain in place; cut in middle, but not removed; fishways on the side. Natural upstream project and not extensive construction to repair culverts. Remove old water main and replace; no change to the floodplain. Will then be riverfront area around the channel. Showed the bordering wetlands and the rest of the waterway, hydrology and hydraulic tidal influence at low tide, medium high and highest predictable tide; showed existing and proposed flood conditions; very little change in elevation. Water elevation: 100 yr 0.3 ft drop, 50 yr 1.2 ft, 10 yr 1.7 ft. Bridge scour analysis was presented; no major changes to scour. Sediment investigation and proposed management plan. Metals and PAHs low levels, do not perseive as a problem. This gave recommendations for natural reformation of the channel. Mr. Schmid: Natural revegetation or replanting? Natural. Mr. Snow: think there will be more invasive plants? Not a lot in the perimeter; will treat before the removal of dam. Discussed alternatives. Dam is in terrible condition, estimated to repair and install dam and new fishway would be \$385,000-\$560,000. Removal of spillway and restoration of channel/floodplain, not considered because flow for fish would be impeded, also all trees would be removed from the berm. Mr. Gallivan: how do you decide between active and passive sediment? Bridge does not allow for accumulation; contaminant levels not enough for removal. Sediment is needed for certain species. Mr. Mitchell: sampling of the sediment? How far down? 1-3 ft., sampled and sent to the lab. Winter contaminants to the stream and habitat? No run off patterns are considered now. Frank Snow asked that the run off and overflow from the catch basin be taken care of. Can it be part of the project or will it change Federal funding? DPW can come back after they resurface the road? Part of the dam is in Cohasset and we need sign off? Dam safety permits is the next step. Any water flow for the mill? Non-functioning. Turbine was put in in early 1800, working elements are gone. Can we close? Revisit the drainage piece with DPW. DPW is seeking funding on the application today, not including paving or storm drainage. There is a spring that pops up in middle of the road, which is a bigger issue than catch basin and paving. Motion to close, seconded with all in favor. ( Paul Woodworth will send his powerpoint slides to Pat)

**Request for Determination:** Scituate Recreation Dept., 15 Henry Turner Bailey Rd. (playground with walking path)

Maura Glancy, Director of Scituate Recreation, Al Kazlousky and Michael Westort were present at the hearing. Started in 2010 with CPC funds. Originally was behind the town hall, then decided to look for a new place. Pat: boarders wetlands, but flood zone isn't up to the playground; impacts are minimal. CPC funds cover design; most of the budget is for site preparation. Hired a playground specialist and landscape designer. Once approved a civil engineer will do more tests. Digging down 12" for a paved walking path to meet ADA standards, pitched to avoid any issues. Frank: hard to see resource areas with the pictures; would like a better map. Pat: Planning will be looking at stormwater and surface water issues. No vegetation needs to be cut. Michael Westort: trying to cut costs. Frank: Commission has hearings for all projects and they have to meet the same standards. No issues but want clearer lines on the plan to make a better decision. Pat: can work with them. Motion to continue, seconded with all in favor to continue to next meeting October 5<sup>th</sup>.

**Finalize Orders:** Reynolds, 7 Elm Park (new septic/vacant land)

Brenden Sullivan from Cavanaro Consulting was present. Closed the Order of Conditions for the WPA, but proposed minor changes to a basin and the swales. Four page letter from Merrill Associates addressing the concerns. Added detail of the drainage swale and splash pad. Moved the entire project south 5' to allow for more landscape room from 11 Elm Park. Resized both detentions basins so everything but the patio is going through the infiltration beds. Merrill is satisfied. Soil testing was required for the basins. Matt: understood the groundwater was very high, even through drought conditions. Between 30" and 38", varies from 30" to as deep as 60". Poor soil conditions, adjusted the fields

a little bigger and narrower to accommodate the conditions. Pat: Stormwater is also included as part of the Order of Conditions. All components of the stormwater permit have to be met. Motion to accept the stormwater report, seconded with all in favor.

**Request for Determination:** Historical Society, 16 Country Way (install 7 steps to complete access to Gristmill) (cont.)  
Motion to continue the hearing to November 16<sup>th</sup>, seconded with all in favor.

**Request for Determination:** Kennedy's Country Gardens, 85 CJCH (goatscaping)

Chris Kennedy was present at the hearing. Chris proposed keeping goats on the property to eat phragmites and other invasive species; not sure how far they will go, but they do not like water. Trying to be environmentally sensitive and hopefully in the future plant native species for a show garden for the public. A website Kennedy's is affiliated with shows what plants we can get; also working with National Wildlife Federation. Have to make sure phragmites will not come back and possibly other areas may be better for planting. Only asking for the goats today for an experiment to see how it works; not asking for planting permit at this time. Richard Harding: where will the waste go since it is wetland area? They have been used at many golf courses. Paul Parys: we have approved chemical use; it will be interesting to see. Lisa Caisse: believes everything about the goats is positive. Knows several people in Duxbury who have used them. One neighbor used them, the next saw the results, and the next, etc. They even put pieces of dock in the water so the goats wouldn't get their feet wet to reach more. Mr. Gallivan: should stake out the area in case it does not work and you need permission to spray. There will be no impacts to good vegetation. John Polcari, Marshfield: have two goats, they take care of a lot of property. Motion made, seconded with all in favor - 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)." The goatscaped area shall be staked out and if chemicals need to be used the Commission shall be notified.

**Wetlands Hearing:** Hummel, 91 Surfide Road (repair rip rap) (cont.)

Motion to continue to next meeting October 5<sup>th</sup> 6:30 p.m., seconded. All in favor

**Wetlands Hearing:** Stocks, 365 Chief Justice Cushing Hwy. (septic repair)

Board of Health is reviewing. Applicant's representative requested a continuance. Motion to continue the hearing to 6:35 p.m. October 5<sup>th</sup>. All in favor with the exception of Mr. Mitchell who abstained from voting.

**Wetlands Hearing:** Schindler Revocable Trust, 15 Tenth Ave. (raze/rebuild)

Brad Holmes, Jerry & Maureen Schindler and family, and Shawn Hardy. Abutters' notification was submitted. Single family home reconstruction; 9,000 sq ft lot. BVW system in the back corner of the lot, land subject to coastal storm flowage, and FEMA flood zone elevation 16 ft. Reconstruct house and moving it back to comply with zoning; will be above the FEMA 16 ft. requirement. In order to do that will bring fill in. Foundation will have a crawl space. Richard Harding: current house is within the 100 ft. buffer now, but a corner of it will be going into the 50 ft. buffer. Anyway to avoid that? Shawn Hardy: undersized lot and building said the only way to comply with zoning was to move it back. Matt Mitchell: what's the current foundation? Concrete block. Richard: Understand this is going to be a solid foundation? Bringing in fill the the ground around will be above base flood elevation. Mr. Solimando discussed project with building today and they were fine with it. Entire site is developed. There will have to be a request for a map revision. Lisa: what is the new map elevation? 15'. Don't like anything into the 50' buffer. Will prepare a mitigation proposal. Bill: is it acceptable to fill? Bringing in fill to the 50'. Lisa: volume of fill? No idea- no calculation. Maintained lawn, bringing elevation up to 16'. Pat- Commission requires a full set of plans, not just small. Town has a storm water bylaw. Bringing in fill to get out of a flood zone is not something seen in the town, would need a stormwater permit. Frank- need plan with adjacent houses and setback of houses in the area. Scituate has town bylaw for average set back and may not need to move the house. Want to keep out of the 50 ft. buffer and if there is a reason not to move it back, would solve the problem; revisit. Concerned slope to neighbor on the right. Lisa- what is the distance to the other houses? Does not know, but could be 8' on right and 10' on left. Pat- need stormwater permit before we make decision. Jerry Schindler- trying to avoid the bunker look and cosmetic look, slope will be planted; spoke to the neighbors and they are positive. Frank- neighbors may be positive, but Conservation's rule to keep out of 50' buffer. Want to see improved homes out of floodplain. Not being allowed in the current location, not sure that is true. Revise plans. Pat- stormwater permit to be reviewed by engineer. Need to be assured with all of the fill. Motion made and seconded with all in favor to continue to October 5<sup>th</sup> at 6:45pm- and get more feedback with full size plans with different scales. Also how much fill will be part of the stormwater permit.

**Wetlands Hearing:** Polcari, 44 Atlantic Drive (reconstruct retaining wall)\*

John Polcari was present at the hearing. Abutters' notification was submitted. Two items to change on the plan: existing wall from neighbor will go straight across 1 ft higher than the wall was before to match abutter to the south. This will go to the state for approval. The wall north was replaced two years ago. Pat- when did this wall fail? 2015. Seawall was put up in the 50s and there were no houses beside them, and the wall was built around the corner. Then when the neighbor built his wall it went to his wall and the corner was left, that's why it failed now. Pat: support for the walls- is there rip rap to help support the wall? Make sure it doesn't fail. Many walls with boulders in the front, at an angle with splash pads to protect against scour. Also pinning the walls to either the side, patio coming out to the wall again? This is not a typical design without the large boulders. John- no patio- backfilled with sand and cobble for the 3 footings for the elevated porch. Patio was before the house was raised. Privately owned wall from the beginning. His wall comes to the property line and does not want to connect to his neighbor to the north, but will to the south. Frank: It is essentially replacing the wall with better footings. Would encourage placing large stones to the front after the walls are put in place. John- would like to get it done soon. Frank:- could condition the project to receive a letter from your neighbor that he acknowledges you are attaching to his wall; no pinning on the north. Paul- we have nothing to do with property rights. Motion to close, seconded with condition of written notification from abutter, all in favor

Mr. Gallivan: 21 Peggotty Beach, Haufler's property. They have an Order of Conditions. They are outside the 10' contour. Started clearing the lot, limit of work, cleared the vegetation. They may want to revise the plan, but I told them they would have to come back for a hearing. At this point want clean fill for the wetland replication and the house, don't want bad fill left in place. Mr. Morse said done some looking at the soils, but we may want to make sure the soils are clean. Don't know the best way to go about that; wanted to have a discussion with them. Brad White for owner: will be filing for a building permit when the plans get in line. Mr. Morse dug three tests pits, no contaminants; there were some bottles and bricks, but no contaminants. The soil was removed, but Mr. Haufler had no idea where it went and did not gain any benefit from the soil removal. His agreement with the landscaper was to clear, clean and remove. Pat: biggest concern is what type of testing do we want on the soil that remains in place. What information do we want. Bill: what is Greg doing with the soil samples. Want something

written up by someone who knows. Up to us if we are going to allow to stay in place. Greg might know someone. Some sort of analysis. Test at the place it the soil was taken.

**Informal:** Steve Bjorklund, regarding: OofC 189 Glades Road known as Lot 1 –

Steve Bjorklund and Dave Nash were present. Pat- Not for a vote, just advice. If agreeable could have a revised plan for the next hearing. Originally came in as two lots beyond the gate. This is Lot 1. Construction is going on now. Foundation is modified tremendously; approved footprint was 4,743 sq. ft., new footprint is 2632 sq. ft., a reduction of 2,111'. Lot of mitigation plantings that went with this. Trying to reduce some of them. Two areas in front of the house are not disturbed; native soils; see if we can eliminate those two areas of plantings and one other issue, a rain garden was designed to handle all the stormwater from the site. Obviously, with over 2,000 less sq. ft. there isn't as much runoff. Would like to put a couple small infiltrators behind the garage just to pick up the rainwater from the back of the garage, therefore the rain garden will be over designed for what it will handle for water, instead of piping all the way around the garage to the rain garden. Trying to find out if it is within the scope of the project or if we have to file an amendment. Vegetation is natural in the areas that were to be planted. Also less impact of a driveway, they are not doing a circular driveway now. The original Order went for a house 8500 sq. ft. Paul- is the new house further away from the resource? A little. There was a stormwater permit issued but not sure if it Planning or Conservation. Pat: just wonder if stormwater changes. Don't think we'd have to do new calculations. Maybe take a look at the plans. Compare disturbance in the jurisdictional areas. Frank- amendable to look at to make sure why some of these pieces were done. Its been too long. Look at the orders and the plans submitted. Schedule a request to review a revised plan.

**Certificate of Compliance:** Schaul, 57 Seaside Road 68-58 (68-190 has a certificate) OK order from 1977 and followed deed from now until closing. Same owners from 1977, buyers attorney found an Order of Condition. A motion was made and seconded with all in favor for to issue a Certificate of Compliance.

**Informal:** Hutchinson, 27 Ann Vinal Road (addition)

Mark Hutchinson was present. re: 68-2532. Order of Conditions in place. Approved for a 5' x 22' bumpout on back of house. Looking to extend another 4' instead of 5'ft to make it 9' in the 100 ft buffer, lawn area now, using sonotubes and deck would be extended 2' closer to the wetlands by reducing the deck. Increasing size of the kitchen, reducing deck. Motion was made and seconded with all in favor to accept the revised plan to expand as shown provided applicant gives the Commission a revised plan.

**Wetlands Hearing:** Martin, 264 Clapp Road (replant native vegetation, etc.)

Penny was out there. Applicant needs to follow up with the Notice of Intent to DEP. Confused last time regarding RDA or Notice and a Notice had been filed.

**Enforcement:**

30 Peggotty Beach Road where the fill went from 21 Peggotty Beach. Went into a flood zone. Violation letter going out. Frank: we want that fill out yesterday. It is not going to stay for 30 years. Paul: who was the contractor, do you know. Yes. Told them they would be part of this whole thing. They called and asked if they could talk.

**Order on Conditions:**

Oleson, 144 Turner- agreed to do 10 rosa rogasa. Motion made and seconded with all in favor of accepting.

Dwyer, 26A Newport Street- Motion made and seconded with all in favor of accepting.

Town of Scituate/DPW, between 74 Glades Road and 35 Surfside- Motion made and seconded with all in favor of accepting.

**Finalized orders:** Allman, 3 Jawl Ave- need new signed page

Need a new signature page because there was only three signatures.

**Bylaw Order of Conditions:** BTZ Realty Trust/Costello, Lots 31 & 32 Fieldstone-

Motion was made and seconded to accept Bylaw order. All in favor with exception of Mr. Schmid who abstained from voting.

**Public Safety Building,** 800 Chief Justice Cushing Hwy.: meeting today. One of the lanes was eliminated that was proposed, it would have left much more visibility for fire trucks, now we have to discuss and approve a vegetation plan to allow for more visibility. Pat will bring plan to next meeting. Go back to the approved plan to see what they could cut and maybe even remove some. How much do they have to clear. Want site angle, denied the light at Mann Lot. There will be a flashing light closer to the station. Not in the wetland, but I told them to minimize. See how much they are approved for. Paul- Overlay what they want to take out, then we can see exactly what they want. Don't know if it has to be done before our next meeting. Frank- don't think they have cleared the trail yet, don't think they have done the berm either. Hopefully we can bring to the next meeting.

**Enforcement:** Gillispie, Lot 4, 174 Branch access from Curtis: issued Enforcement Order. Haven't heard anything. The fine is going to be \$100, which hasn't been issued yet. Have to get the ticket from the police. In the meantime hoping to come in for a Certificate of Compliance. Told Greg Morse not going to issue – it's the whole stormwater issue and replanting.

Olscham/Sweky, 24 Webster (walls)- Ratify and sign the Enforcement Order. Pat read what the Order stated. Voted to issue at last meeting, just needs to be signed.

Carter, Pond View Ave. & Mitchell Ave. (concrete fence)

He asked if he should come tonight and Pat told him he didn't have to. He took out four poured concrete areas and took out some fencing and left some fencing to prevent anyone falling into culvert. Need to find out if he owns the property and needs file and submit a plan of what was done and what he wants to do.

Duffy, 271 Central Ave.: some cleaning up and meeting pending with Mrs. Duffy. Richard- looked like some had been cleaned up, but other stuff dumped off to the north, not a lot, but some. Still work to do there.

Rousseau, Contractors yard off New Driftway: attorney's meeting with rest of the families. They agreed to set up a meeting with us.

Triglia, Tr., 140 River Street: DEP is involved. Paul- originally DEP called and asked us to look at a complaint that a seawall was in the river. Joe Urbanski looked at it in about 2006.

25 Egypt Beach Road: Brad Holmes has flagged, but hasn't sent in the plan. Would like to see what the soil results were, before going out there. There is flagging on the dirt where there used to be vegetation. Owner agreed to work with him for a restoration plan. Will ask owner to attend meeting with a plan.

31 Candlewood: measured and looks like the 25' buffer would include 15 or 16 existing planted pear trees; 1 row. Instead of 25' from the wetland, he is 20'. Compromised to 25' buffer. There are 80 trees in the 50' buffer. Frank- If any mitigation out there, suggest we ask him to remove some of the phragmites, non-chemical removal. Paul- be careful of any work in the wetlands. Bill- there are different schools of thought. Pat- Also setting a precedent to people who may also violate. Lisa- yes, send a message that if you violate you are rewarded by being to keep it. Bill- but let's not lose site as to the tremendous work that has been accomplished there in terms of restoration. There are always different circumstances.

**Certificate of Compliance:** 119 Turner. Elevation, question to building, all slats underneath with space. It will get washed out. OK. Motion was made and second with all in favor to issue a Certificate of Compliance.

8 (aka 12) Pond View Ext. – There was a mistake on the as-built. Motion was made and seconded with all in favor of a Certificate of Compliance with a condition to submit an as-built plan, seconded with all in favor.

100 Greenfield Lane: Site had a pool from 2012 and debris in two or three locations. Planted area done and another can't tell. Want to contact the previous owner to see if it was done or not. No Certificate of Compliance now.

161 Turner Road- Motion was made and seconded with all in favor of accepting the Certificate of Compliance.

**Coastal Advisory Commission Update / Mr. Harding:** Next meeting is next week. Richard's not around. Tuesday, Maritime Center.

**Beach Committee Update / Mr. Schmid:** Spoke to John Denahey last week, he's coming to next meeting. Compiling the extensive survey.

**Trails:** Frank: got a couple of reports from the guys that take of the trails. Happy to get out there with the cooler weather, they are knocking back brush. Howard and Rich are doing a great job. They have seen a lot of activity and a lot of cars in the parking lots.

Just met with another scout that wants to do another trail on the Hubble property.

**Change Meeting Date:** Motion was made and seconded with all in favor to change meeting from October 19<sup>th</sup> to October 26<sup>th</sup>

### CORRESPONDENCE

#### **September 8, 2016 – September 21, 2016**

1. DEP File #68-2628 – Schindler, 15 Tenth Ave. (in file)
2. Revised Plans for 144 Turner Road: 10 Rosa Rugosa; concrete piers added to plan; 1<sup>st</sup> floor elevation added to plan (in file)
3. Fisheries & Wildlife re: Hunter's Pond Dam – will not adversely affect the actual Resource Area Habitat (in file)
4. MACC Fall Conference Sat., Oc. 29 9-4 Holyoke Community College \$95. Learn about WPA requirements for forestry
5. Cavanaro, 7 Elm Park – Response to Review Comments Dated 9/1/16 – Stormwater Permit Application (in file)
6. Request for CofC 68-58 – 57 Seaside Road (in file)
7. Request for CofC 68-2478 – 15 Seagate (in file)
8. Lucas proposal for review of Clapp Road (Bartlett)
9. Liaison list from Board of Selectmen
10. Fisheries & Wildlife re: North Scituate Beach Nourishment – will not adversely affect the actual Resource Area Habitat (in file)
11. Request for CofC for 68-2538 – 138 Edward Foster Road (in file)
12. Merrill Stormwater Permit Application – 7 Elm Park – Recommendations 9/14/16 (in file)
13. Delineation update at 25 Egypt Beach Road
14. Pictures across from 18 & 17 Pond View
15. Recording of OofC for 68-2618 - Amelang, 27 Mordecai Lincoln Road Bk. 47428, pg 1 (in file)
16. Zoning Board minutes from August 18, 2016
17. Abutters' Notification for Lots 1A & 2A Country Way (in file)
18. 7 Elm Street - Site Plan to accompany NOI Stormwater Permit (in file)
19. Request for C of C for 68-2429 - 100 Greenfield Lane (in file)
20. Planning – Form A Application 196 Tilden Road
21. Request for CofC for 68-2596 – Adams, 108 Edward Foster Road – request, as-built, engineer's letter, check (in file)
22. Request to continue 365 CJCH – John Keefe away Oct. 5. (in file)
23. Revised plans for Lots 1A & 2A Country Way – Common Driveway & Stormwater Permit & Septic System (in file)
24. Request to continue Hummel, 91 Surfside Road (in file)
25. DEP File #68-2629 – Polcari, 44 Atlantic Drive (in file) 4:40 p.m.

Motion to adjourn 9:43 p.m. Mr. Schmid. Second Mr. Harding.

Respectfully submitted,  
Joan Schmid, Acting Secretary