

**Town of Scituate
Conservation Commission
Town Hall Selectmen's Hearing Room
Meeting Minutes
December 14, 2016**

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

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

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

Agenda: Motion to accept the agenda Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Informal regarding Certificate of Compliance for 79 Gilson Road

Janet Fogarty and Tim Kelly were present. 2003 raze and rebuild project at the edge of cliff. The issue is plantings required along the edge of the cliff; not as shown in the plan. Mr. Gallivan: there were concerns about the house being razed and rebuilt. Did borings and a lot of testing. Commission wanted plantings toward the bank; Rosa Rogaza is there with grasses on left. There was talk about installing fabric on the slope to stabilize. That was done. Ms. Scott-Pipes: stabilization of bank is the top concern. Mr. Harding: any evidence of shifting? No. Looked like the Commission requested a planting plan. There is a legend of proposed plants and a second planting area requested; it is grass. There are two plans; the recorded one is different. Applicant was surprised the Order was still outstanding after 12 years. Remember the former agent Mr. Kalishes had been to the house, don't know who he met with, but didn't think there was an issue. Those are the original Rosa Rugosa with a good root system and there has been no issue with the cliff. There is an extensive report from Stan Humphries. Ms. Scott-Pipes: it does look stable; with nothing impervious in the area; wanted to keep the traffic down close to the cliff. Tim Kelly: rosa rugosa is amazing at holding the top of the bank; slope is toward the house; actually gaining beach. If the Commission feels the plantings are sufficient, can issue. Foundation plan has been stamped. Encourage new owners of the importance of keeping the plantings. New owners grew up on 3rd Cliff; well aware of the situation. Cliff is basically made of glacial till and when disturbed it gets mushy. Motion to issue a Certificate of Compliance Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote. Tim has been a great speaker for the Coastal Committee.

Informal: Cavanaro, 101 Glades Road

John Cavanaro was present. Property is shortly after the old store with salt marsh to the rear. Finger of dune vegetation between the two homes, but not functioning as a dune. There is a lawn and parking area with a concrete driveway. Existing house is an elevated two story; owner would like to add a second story addition on piles over existing gravel area. Showed pictures of area; the fence is not the property line, it is the dune. The whole property is within the 50' buffer; 52' from the salt marsh; the finger of dune creates an AE flood zone; 18' to the 1st floor. Mr. Schmid: only thing on the ground is the pilings? What is the disturbed area outside the fence? Grass, gravel and concrete. Would file a Notice of Intent. Ms. Scott-Pipes: seems doable, but have to get to the nitty gritty. Septic is under the house; not adding bedrooms; talked to Board of Health and Zoning. Mr. Snow: know this is old salt marsh. Will need foundation plan for the footings. Will it stay open underneath? Yes. No dune is being disturbed.

Informal: Spath, 41 Cavanagh Road

Phil and Andrew Spath were present at the hearing. Looking for a Certificate of Compliance. Mr. Gallivan reviewed and some things are missing. Extensive planting plan was supposed to be along the side; natural and thick now. Put plantings in another location to pick up some of the proposed. The other issue is the stormwater plan that was to be put under the foundation, which didn't make sense because of the ledge. Andrew put in roof drains to get the water back to the wetland. There is a 3' x 3' stone sump, in a 6" low area to let it disperse. Initially put in a fence along the 50' buffer, didn't make sense, placed the fence closer to the house and put two signs no disturbance beyond this area. Replace the planting plan. Mr. Gallivan and Mr. Snow looked at the property the other day. The biggest issues were the appropriate plantings, fence, demarcation posts, and take care of runoff. Property owner proposed the project and another person developed it. Once stormwater calcs are done, we need to be sure the settling basin size is sufficient for filtering roof runoff; project is very close to a wetland. Mr. Schmid: are these modification what you were looking for? Ms. Scott-Pipes: as long as the calcs are right. Thought there was supposed to be a rain garden. Mr. Snow: there have been a couple of sites that rain gardens couldn't go in. Show planting area and find an open area to put the arrowwood. Add up the plants and think about a few more. Quantity of plants are there. Add high bush blueberries and come up with a little sketch and numbers. Will add two or three more bushes. Will probably come back this spring with an as-built plan. Wants a lawn area for his kids who love soccer, etc. You have to remember that the proposed work is in a sensitive area. When they want our approval, they give us the world. We approve on what was proposed. In this particular area the idea was to benefit wildlife. If there is an equivalent number of plantings or if they will compensate, take the area that makes the most sense and go over with Pat.

Request for Determination: O'Brien, 19 Kenilworth Road (asphalt drive/concrete had been removed) (cont.)

Kevin McDougough and Barry O'Brien were present at the hearing. New plan submitted to shorten up asphalt driveway in width and length and plant flowers along the whole edge. AE flood zone. There was a previous permit for a septic, an existing driveway and he didn't ask to replace it. The Orders say it will not be paved. If he had asked at the time, Commission would have allowed. Willing to make it 6' shorter and leave 2' on the right edge for plantings along the whole length. Old driveway went to the wood fence, well beyond the front steps and continued toward the street. If necessary, could put pavers in a 10' section. Mr. Gallivan: big mixup. Mr. Schmid: essentially gaining some back and some plantings. Mr. Harding: offer of pavers back to the foundation, wish the whole driveway was pavers. From the house to the right edge of driveway was 12' will be 10' with 10' of pavers where you enter house. Motion for a negative 3 determination with the conditions discussed - "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 asphalt driveway shall be 10’ wide x 56’ long with 2’ of planting along the entire length. There shall be 10’ of pavers (not set in concrete) at the front of the driveway, by the house entrance. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: McCarthy, 10 Country Club Circle (garage bay/relocate deck/pave) (cont.)

Frank Ahern and John Rogers, possible new owner were present at the hearing. Revised plans were submitted. Added a couple of other components, patio and room above garage, Frank met with the engineer; added notes to the plan. Elevating house which wasn’t part of the original Notice. Mr. Gallivan: All in the flood zone that’s why they filed. Spoke to Zoning; they have primary jurisdiction because of the flood zone. Addition is raised to the same level as dwelling with flood vents. There was some miscommunication between departments. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Sheerin, 25 Bayberry Road (raze/rebuild)*

Paul Sheerin and Paul Mirabito were present at the hearing. Abutter’s notification was submitted. There is an existing house on a shared septic with two other houses and two open decks. Coastal vegetated wetland; 50’ buffer and 100’ shown on plan; lawn area in the front to the shared system. Project is a raze and rebuild and a garage with a clam shell driveway to Bayberry. The house is farther from the wetland with mitigation to the rear approximately 70 listed plants. Flood zone is AE, elevation 15’; will be a poured concrete foundation with crawl space and flow through panels at 15.1’ to meet the bylaw. Area in green will be lawn. Decks will be elevated. After construction there will be a decrease of 10%. Pushed house back from street 6’, less nonconforming than the original. Change of grade is less than 1’. Silt sock will be installed. Mr. Schmid: at site today, flood tide with back yard and deck under water. My understanding is, a solid foundation with a net decrease? Amount of structure at ground level, a garage, expanding footprint and there is a decrease? Mr. Mirabito’s point is existing decks are right on the ground; new decks are at 9’. Left side deck was on pilings. Why not pilings? Pilings are not required in AE zone. How much fill will be brought in? Not filling any lawn. Top of foundation is at 16’. What type of slope? Slope has to be at least 2’. Fill is to slope away from foundation; plus or minus a foot. Ms. Scott-Pipes: made 35 Bayberry go up on pilings, in the exact same footprint. Wish it would stay in the exact same footprint. Mr. Harding: little confused. Pushing house back from the street and away from the wetlands; don’t really understand how the footprint is less. It is the square footage of the structures on the ground and how much there is at ground level after construction; that’s why you have a reduction of 10%. Mr. Gallivan: did you bring any results of the borings or the total amount of fill to support the outside of the foundation? Maybe 30 yards of fill. The other reason for the fill is the flow vents have to be 1’ above the ground. Do you know the elevation of the slab and foundation? Should be able to tell us the amount of fill. Need to look at coastal storm flowage; a lot of water was on site today. State doesn’t have standards for coastal storm flowage because there is no velocity to do damage to wetland resources or abutting properties. Land slopes from the road back to the marsh. Originally proposed on pilings, but did borings and hit ledge at 12’; engineer found suitable soils at 4’ to 5’; it is also budgetary. Mr. Parys: won’t be a lot of fill because floor will basically be at grade. Mr. Schmid: where are you with Zoning? Zoning has approved, structure will be less nonconforming and required a waiver or variance for the Saltmarsh and Tideland Conservation District. It is just outside the town’s flood plain zone. Commission needs to see something from Zoning. Pre-existing, already developed lot, nothing is being done that would trigger the bylaw. 25% increase in structure itself, 10% decrease of structure on the ground. Look at the deck area a little differently than the house. A lot regs at play into this with building code and FEMA construction standards. The increase is coming from the garage - 510 sq. ft. John Barren, 14 Bayberry Road: significant ambiguity in size; existing is an elevated deck, the pilings are collapsing; this house is on pilings. Every other house has been required to be on pilings. Mr. Barren stated he was not formally notified and he didn’t think the neighbor was either. Mr. Snow: what concerns us is what is on the ground. There is a lot of ambiguity. Don’t have the 50’ buffer or the salt marsh line on the plan; also concerned that it is not on pilings. Saw it flooded on a normal high tide. There was no problem until the shared septic went in; problem was exacerbated when a sewer pipe was put in to keep water off his property. The only exit for the water is Bayberry Road Extension, which washes out. Precedence will be set with this house; 29 Bayberry Road was allowed to expand their footprint, but they removed a garage. Need information of what they have for decks and what is proposed and the amount of increased footprint. Mr. Mirabito: it meets the performance standards. Mr. Baron: there has to be an area where vehicles are parked during construction. Will show that to ZBA tomorrow. Historical Commission approved the demolition. Motion to continue the hearing to January 4, 2017. If no impediments would it be possible to have an Order of Conditions that night? We need more information from Zoning and Building. Need information on how much fill, height, square footage, adverse effects, first floor footprint compared to the proposed and foundation plan. This is a very sensitive area. Motion to continue the hearing to January 4, 2017 at 7:00 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: Town of Scituate, Oceanside Drive 7th to 10th Ave. (replace 640’ of seawall)*

Jeremy Packard from CLE was present at the hearing. Abutters’ notification was submitted. Reconstruction of seawall, between 7th and 10th Ave.; previous filing was from 4th to 6th, this section is a continuation. Area is north of open lot, no impact to any of the homes. Replacing 640’ sq. ft., mostly within the existing footprint, raising about 2’, a couple of inches above the current flood zone. Open lot behind wall will be used for a staging area. Same company may win the bid on this section, but if not they will have to have similar access so they don’t get in each others way. If there is storm forecast, they will pack up and leave. There is a health and safety plan in place. They work on 24’ sections with all rebar on site and concrete on order. Ms. Scott-Pipes: are they working all winter? When it gets too cold, they don’t like to pour concrete. There may be a moratorium in February and March. Mr. Gallivan: Orders will have the same items we usually ask for including Marine Fisheries comments. Same footprint, staging area not in tidal zone, no armoring stone stored in the intertidal zone, as much work as possible done from the upland, no refueling on the beach, etc. Should look at the health and safety plan. Fuel spills and a lot of other information is covered in the plan. Don’t want any concrete thrown to the side. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: Stewartia Realty Trust, Lot 1 Summer Street (new build) (cont.)

Wetlands Hearing: Stewartia Realty Trust, Lot 2 Summer Street (new build) (cont.)

Greg Morse from Morse Engineering and Tom Liddy from Lucas Environmental were present at the hearing. Lucas Environmental reviewed the wetland line delineated by Brad Holmes. Tom Liddy and Brad Holmes met on site and made some adjustments and plan was updated. Lot 1 adjust flags A16 and A21 a couple feet upland; flags A12 & A9 moved further into the wetland. C series flags C16 & C11 were adjusted, not significantly. Tom Liddy: intent was to solidify wetland line. Pat and he went to the site December 2 then back out Brad last Friday and came to an agreement. Know there were a few other issues. Off property wetlands is approximately 70’ away, no 50’ no disturb zone on the site. Question of stream down the street, but over 200’ away; doesn’t effect the property. There is a stream in the interior of the property. Typically won’t delineate interior streams unless there is a crossing proposed. Was surprised how wet it was out there. Mr. Schmid: intermittent

stream is only triggered if a crossing is proposed? Right, or within the buffer zone. All we are saying now is that both wetland scientists agree on the line. Yes. Usually an Abbreviated Notice for Resource Area Delineation is filed. Did a lot of auger soil samples. Mr. Snow: a lot of folks have concerns. Debra Rosen, Highland Crossing: under the impression the stream went to the Cohasset's water supply. Can't answer if it is a feeder to the Cohasset supply. Maybe ask Water Resource Committee. If it is a wetland we are going to protect it. Tributaries fall under Zoning regulations. Mr. Schmid: if it was a feeder to Cohasset, does it give it a different level of protection? We protect it because it is in a wetland. There is an aquifer; you can tell that just by looking at Highland Crossing; should also be a consideration. It is very wet and we have had a drought. If it was protected area it would be on a map; it is not designated as being in Zone A or an aquifer. Beverly Sullivan, 114 Summer: stream flows from Highland to Summer. Goes from Cedar Street all the way to Clapp Road. Stream that was mentioned is further offsite. River Protection Act has 200' protection, this stream is 225' away, there is no baring on what they are doing. Already have water behind house; afraid there will be more. They will do a very complex plan for stormwater. Debra has water now too. This land was put up for the town to buy. Not very many properties this large any more. Mr. Snow: offered to CPC, but at the time there were a lot of properties available to protect resource areas; other properties had higher priorities, that's why it wasn't selected at the time. Kind of a shame given the drought situation, and possibly asking Cohasset for water. If they wanted to offer to CPC they'd have to come back. Doreene Close: this map is so rudimentary, nothing about brooks or streams. The intermittent stream is important and it is not only an intermittent, when it rains it overflows into her land. You don't understand how much trees suck up water. 225' to the intermittent stream where is that measured from? From corner of property to the culvert. Most restrictive is the vegetative buffer; not saying an intermittent stream doesn't exist. Flagged most upgradient wetland on the site. Intermittent stream doesn't cross the wetland. Did they delineate the wetlands from the backside? Chuck Garabedian, 122 Summer Street: stream takes a left behind Doreene's house and goes to the back of the property. They are cherry picking where they measure from. Mr. Snow: what they are planning to impact is further away. Don't know yet where the disturbance will necessarily be. There is a stream that isn't mapped, flowing toward Clapp Road; originates on site. It is more than 200' from back property line. Jonathan Mariano, 349 Summer Street: actual stream is closer. Mr. Morse: measured from the culvert under Summer Street and it is over 200'. Frank asked where the channel continued, what they are showing on the map is that it runs north and connects to a perennial stream between Itchy's Corner and Highland. He is the engineer with a stamp. Tom didn't measure. Maybe we could have someone else measure; backside should be measured too. USGS doesn't show anything; no dimensions. Request a better job all along the stream. Robert Sullivan, 114 Summer Street: everybody is worried about the water going into their cellar. In a heavy rain, it becomes a river and water stands in the back yard for 3 days. Very downstream from project. Streams on 3 sides of Doreene's house. Have to make sure it is clear or the back yard fills up. It is a swamp; house will be in a swamp. It will kill her property. Nobody ever mentions wildlife, would like to talk about the habitat. Should look at the plants in their growing seasons. Cannot tell you enough how punky and swampy it is. Debra agrees about the vegetation. Tom looked at vegetation and soils. Debra: with the drought we've had, seems odd that building can happen now. Planning Board meeting December 22. Applicant would like the stormwater review to begin. Legal Counsel recommended no stormwater until we know the portion of the lot where the house will be located. On the December 22 will confirm the lot lines. We have to get a stormwater consultant on board. Mr. Gallivan: This is an ongoing process. Right now their consultant marked wetlands and our consultant agreed. Property line issue that is a Planning Board review. Then we will get into stormwater. Believe the stream is within the vegetated line. Greg Morse is willing to go out and measure again. Pat and Frank will go back too. Motion to continue Lot 1 & 2 Summer Street to January 4, 2017 at 7:05 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: McMillan, 105 Glades Road (septic tank) (cont.)

No Board of Health approval. Motion to continue the hearing to January 4, 2017 at 7:10 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Request for Determination: Cote, 14 Atlantic Drive (remove 12" sand 30' x 18' replace with gravel for parking)*

Paul Mirabito from Ross Engineering was present at the hearing. Requesting to take out some sand and replace with processed gravel for parking. Water comes right up under the house and buries the road. Put the sand back on the beach. Don't think it will make a huge difference. What about compacted crushed shells? Whatever is there is going will be washed out anyway. Mr. Parys: my driveway has crushed stone over sand. Mr. Gallivan: as long as it is not taken off Humarock or put on dune grass. 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.

Request for Determination, Kuklis, 15 Longmeadow Road (septic)*

Paul Mirabito from Ross Engineering was present at the hearing. Septic upgrade, wetlands are offsite, but wasn't allowed on that site. Leaching area is estimated to be approximately 80' to 100' from wetland. Leaching field is to replace failed system. Why can't you move it forward toward the tree? It is easily accessible and there would be an option to add on to the house. Issue of wetland came up after work was done. Zero impact to the wetland. Title V wants at least 50' from a wetland. 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: October 5, 2016

Motion to accept the minutes of October 5, 2016 Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Order of Conditions: McCarthy, 10 Country Club Circle (garage bay/relocate deck/pave)

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

Enforcement:

Rousseau, Contractors yard off New Driftway:

25 Egypt Beach Road: Brad Holmes suggested wood chips and plant in the spring.

New lot Glades Road: Burek site. Went out and he had cleared - violation

Gannett Road Coastal Wall: right on the beach where Gannett hits Glades, built a big wall.

77 Cedar Street: Landscaper will be doing filing.

Barrett Fence: Rosemary thought Dr. Tornetta's landscaper put the fence in. did it. Person who has a problem should just remove it.

Certificate of Compliance:

8 Aquinah – off Mann Hill looking for a Partial Certificate of Compliance. Cleared out all the vines, but a different engineer signed the as-built. All the roof runoff is going to the lawn, no drywall system, no retaining wall. Many plants put into buffer, some still in driveway. Make it clear there are a lot of things missing.

CORRESPONDENCE

December 8, 2016 – December 14, 2016

1. 8 Aquinnah Path – Buffer Zone Restoration Memo – Work Completed 41 native saplings and shrubs were planted (in file)
2. DEP File #68-2643 – Marvell Homes/Sheerin, 25 Bayberry Road (in file)
3. DEP File #68-2644 – Town of Scituate, Oceanside Drive 7th to 11th Ave. (in file)
4. Marine Fisheries re: Oceanside Drive 7th to 10th Ave. 6 Comments: same footprint; no equipment in the intertidal area; no stones in the intertidal area; work from upland side as much as possible; no washing of concrete vehicles on site; refueling-need containment and clean up material (in file)
5. Lots 1 & 2 Summer Street - Mass Stream Stats and USGS Map (in file)
6. The Beacon
7. Lots 1 & 2 Summer St. – 68-2638 & 68-2639 – Plans showing revised wetland line, septic system design plan for both lots (in file)
8. Recording of CofC for 68-2538 – Town of Scituate, 138 Edward Foster Road
9. Hunter's Pond Dam – removed several weir boards from the Dam. Also DPW is considering removing 2 trees growing through the spillway to facilitate future spillway removal. (in file)
10. Revised plans 10 Country Club Circle (in file)
11. Wills Island letter – copied for Frank

Motion to adjourn Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.
Meeting adjourned 9:35 p.m.

Respectfully submitted,
Carol Logue, Secretary