

**Town of Scituate
Conservation Commission
Town Hall Selectmen's Hearing Room
Meeting Minutes
April 5, 2017**

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

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

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

Agenda: Motion to amend the agenda to include request for Extension of Order of Conditions for Raftery, 135 River Street, MAP or RDA to remove footings for deck at 85 Rebecca Road, and discuss Peggotty Beach Soils Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Trails: Richard & Marla Minier and Howard Mathews

Ms. Minier: Since the last meeting, we visited five different communities. E-mailed response from Pembroke and spoke with Cohasset, Norwell, Hanover, and Duxbury. Submitted a list of questions and most important is #12 with the proposed plan and sequence for Scituate. Howard: each town is different with different situations; some have 4 or 5 miles of trails and some have a 100. Plan: install parking areas and kiosks on Crosbie, Damon, Bates Lane and Higgins/MacAllister; walk to locate potential routes for new trails; flag routes and have ConCom walk and approve. Mr. Snow: It is interesting to see how other towns operate. Duxbury doesn't own the beaches, but Scituate has to balance both. Excited about the acquisition of this open space, now we have to make it more accessible. As we move forward we should have group walks. Some people are intimidated by the woods; heard people were doing paint ball. It is a slow process to get access roads and trails. Paul Scott is working with our engineer regarding the parking areas. Advertise and set up a meeting maybe at the Mount Hope Improvement Society to let people know about the new access areas, so anyone with interest can sign up to help. Also educate people to be sure they understand what is needed. It is important to know how to use chain saws. In Norwell they have a training program through the insurance company and limit use to people that are certified. Howard is certified for the National Forest and for Trustees; it is an excellent program. Need to find people confident to map trails with GPS; hoping to hire a company or person. Talked with IT people, they could overlay on a map; proposing CPC for monies. Ms. Scott-Pipes took groups out from recreation in the spring and fall, several times; need a younger generation to get involved. Howard: there are adopt a trail programs, but volunteers should report to just one person. Maybe seniors could help out. Work parties could get together on the weekends; looking at mostly footpaths. Mr. Snow: along with the access, we are working with disabilities and want to add that component. Commission agreed it was a thorough report and thanked them for their hard work. Mr. Gallivan: may need money for signage and equipment. There is a man in Hanover that was very good with GPS. Mr. Snow: will set up the meeting within a month, hopefully. There are a couple of places that could be flagged. Let us know what we can do to help. Post something on the website. Bill will follow up with that.

Request for Determination: Flynn-Poppey, 70 Crescent Ave. (deck & fence)

Melissa Flynn-Poppey and Tom Poppy were present. Bought an antique home had two french doors that went no where, no steps and old basement entrance. Result is a safety issue. Proposing to add 7' x 12' deck over the existing basement using two concrete footers. There was a deck there at some point. Also proposing fence right and left side by the street. Actually there are still some concrete posts there. Have photos of previous fence. Not sure we will put it on both sides. Looking at a 4' picket, not stockade; have two friendly dogs. Won't be putting it where the coastal bank is. Everything that is being done was previously there. Talked to a fence company, were told not to do cement. Maybe use some of the old posts cause they are granite. 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.

Wetlands Hearing: Town of Scituate/DPW, 26 & 32 Gardiner Road (drainage easement)*

Dan Smith from DPW was present at the hearing. Abutters' notification was submitted. Long history. 26 has an open order. Asked to move the drainage years ago when the road was accepted, a plan was prepared. It was constructed in the wrong spot; missed by 14'. Taking out and abandoning what is there and replacing what should have been there in the first place. 3200 sq. ft. of wetland disturbance. Only own the easement, maintain drainage only; easement is not centered on property. The other issue the wetland line is from 2002; weren't allowed to go on the Ayer property to reflag. Mr. Snow: DPW is trying to correct a pipe that was placed in the wrong location and move it where the easement exists. There is an Enforcement Order for clearing on 26 Gardiner. Mr. Gallivan: haven't had the wetlands delineated yet. Would like to have Lucas Environmental look at the amount of disturbance on the easement itself. There may not be an area to replicate. Why are there stakes in the marsh? Staked the easement area. Green line on plan is the edge of marsh and lot line not the easement is staked. There is a lot of slope in the swale and pipe. There are check dams and gabions along the way that will slow the water down. Mr. Snow: moving pipe closer to 26, piped past the leaching area? Any benefit for the pipe to go past their property, but not right down to the marsh? Maybe 30' or 40' beyond the deck? Not our purvue. That can be done. Mr. Gallivan: intent is to slow down the water; at least get it beyond the house. Any thought into an oil trap or sediment trap? Yes, but won't do anything to help the velocity. Not creating more erosion; no real mitigation to offer. Some clean up of the water; BMP swale with check dams. Even if we have a storm septer, need a forebay at the end. Jason Catlendar, 26 Gardiner: respectfully look at the proposal, our property is impacted the most. Commission will need an environmental person to look at this. Easement goes 2' to left and 18' to the right. Ms. Scott-Pipes: why is it 18' on his property? There was a strip of land conveyed; lot line moved. Mr. Morse: represents Phil Ayer. Excited to see some movement, that will alleviate some of Mr. Ayer's concerns. The gabions if extended another 40' or more will be in the 100' floodplain. Mr. Ayer requests to know when someone will be on his property for flagging. Dan Smith: The original plan had no pipe. Pipe was placed more in a natural location in the low area. Things have changed on 26 over the years. Property line changed, but the easement didn't. Whoever was building the road kicked the pipe over even though that wasn't the easement. Conveyed that piece of

property because it was upland; didn't pick the right spot. Continue the hearing and have Lucas Environmental take a look. Motion to continue the hearing to May 3, 2017 at 6:30 Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Request for Determination: Piaseckyj, 133 Maple Street (septic) (cont.)

Greg Morse was present at the hearing. Board of Health has approved. Asked to look at siting system in the front yard. Two additional front percs failed. Septic upgrade; not adding any flow. State makes the presumption that septic meets the performance standards, no work proposed in the 50' buffer, except for some grading. South of site is a perennial river; proposing erosion controls. Ms. Scott-Pipes: unfortunate you couldn't perk somewhere else. Mr. Gallivan: A town person witnessed percs. Main concern was the tributary to drinking water. Any other requirements? Asked for a local upgrade at the 100' to the tributary; no further restriction except deed restriction to the number of bedrooms. 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.

Wetlands Hearing: Grant, 161 Glades Road (12' x 15.6' addition)

Need to go to Board of Health if the addition is a bedroom. Just had to put the wetland lines on the plan. There was a question about the marsh and if work is within the 100', and it wasn't. Pat feels the plans are complete. Bedroom count would change the septic design. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Request for Determination: Stewartia, 0 Summer St. (drill well)

Greg Morse from Morse Engineering was present at the hearing. Board of Health is reviewing. Well was included with the NOI and will be covered by the Order of Conditions. Prior to issuing a building permit will make sure it is suitable quality and quantity; 75' away from the wetlands. Mr. Morse stated Board of Health was OK. Will have erosion controls during installation. Outside the 50' buffer and not within the proximity to the river, 200' away; septic was the main concern. Same presumption for wells as septic. Small area of stonewall needs to be removed and needs scenic road hearing. Jenn Keefe and Pat were out to site this week. Other town departments cover wells; this is for drinking water. Doreen Close, 132 Summer Street: assumption that you are dismissing the overlay map. All in a floodplain and watershed protection district; not a good idea. 1972 old map should apply. In the bylaw, it states that if there is a conflict, the more restrictive shall apply. Denying that it is in a floodplain. You as a Conservation should want to be more restrictive. Met with Mr. Vogle and Pat. Mr. Gallivan: in this case the Watershed Protection District is the most restrictive, which is under Zoning; we do not have jurisdiction. Have to follow the rules of all departments. Debra Rosenau, 57 Highland Crossing: just drinking water, how would they be restricted for irrigation? Ongoing process as to how that is dealt with in a fair and reasonable way. State actually has superseding regulations and looking at just how people can use their wells for other than drinking water. Town can place restrictions on town water and is looking into possible regs. We are giving them the authority to go ahead, they can disturb the area, but if it doesn't work out, there won't be a house there; that's the first thing they want to know. Regulations will come in from other entities, not from Conservation. Water Resource Committee, Water Department, and Board of Health. Some people have wells that aren't tested. Mr. Schmid: provisions to restore temporary removal of stonewall? Put down woodchips; woodchips come out and the wall goes back in place. How many trees removed? Area of 14,900 sq. ft., including the well location. Area for the well is 16' x 10'. Anyone look into Highland aquifer? Believe Board of Health is reviewing; Jenn makes the decision. Motion for 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.

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

Greg Morse from Morse Engineering was present at the meeting. Heard from Natural Heritage: because the site is not within Priority Habitat, which is their only trigger, they don't get involved in reviewing a project and there are no pending potential Vernal Pools, or recent rare species observations. Septic was relocated. Taped out measurements from all different directions. Jenn Keefe was at the site regarding septic setback to the tributary and wellhead, 206' from the staked corner of the leaching field. Distances discussed were physically measured. It doesn't fall under the stormwater bylaw. Board of Health has approved the septic. Beverly Sullivan, 114 Summer Street: It's at a higher elevation, how do we assure what happens downgradient? When under construction they put erosion controls in place which holds back water, silt, and runoff. Once the property has been revegetated it should be stabilized. There is no permanent buffer. Can look into putting in signs/conservation markers. Doreen Close: everyone who has been here is concerned about flooding. One 10" tree removed = 10,000 gallons of water. Don't know what we can do in a floodplain to not do harm to the neighbors. Water table is rising. In regard to vernal pools, all she gets is no answer, no answer, no answer. Don't know why Natural Heritage is not coming out; the agent is responsible. Two wetland scientists did not see vernal pools. Want something in writing from the engineer that says that there are no VP out there. Sometimes you have to trust the town's people. Remember, this project started out as two lots. Ms. Caisse: there is a vernal pool certification process and forms are sent to Natural Heritage for confirmation. There are at least three designating factors: Fairy shrimp, wood frogs or salamander, if there are fish, it can't be a VP. We have to follow the rules. Mr. Gallivan: there could be VPs out of the jurisdiction to the project area.. There is an appeal process for Order of Conditions and Determinations. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Request for Determination: Machione, 101 Booth Hill Road (remove shed/add 2 decks)

Jose Martina was present at the hearing. Add 9' x 5' deck on right side and porch on front of house; remove the shed. Front porch is outside the 50' buffer. Pat met with Jose he is removing shed and adding three sonotubes for deck. Any erosion controls? Digging in front of house. Slopes down. Will take a ride by to see if there is need for erosion controls. 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)." The Conservation Agent will make a site visit to determine if erosion controls are required. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Higgins, 2 Kane Drive (septic)*

Gary James from James Engineering was present at the hearing. Abutters' notification was submitted. Incorporated some revisions. Board of Health is reviewing revised plan. Within 100' of stream that runs parallel to MBTA tracks and another culvert that comes

across Kane Drive. Flags were set by Paul Shea, Independent Consultant. This is a Presby system; closest point to BVW is 86'. Proposing mulch logs for erosion controls. Tree demarcated staying or going? One might have fallen already. Where septic is going, nothing really changes. Close pending Board of Health approval. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: Hogan, opposite 204 Central Ave. (ramp, pier, canoe & kayak rack, etc.)

Kevin McGuire and Michael Biviano were present at the hearing. Abutters' notification was submitted. River lot across the street. At the same time filed the NOI, dropped off plan to the harbormaster. Reviewed piers, concerned it might be blocking a little of the channel. Pulled the float back a bit and he was fine with it. Technically the float can't sit in mud. Commission is the first step to a Chapter 91. We need to look at impacts of wetland resource areas and access. Ms. Caisse: access will be difficult. Mike will go to DPW to ask to open up a section of guardrail. Asked shellfish constable to review the site. There is no eelgrass and no endangered species. Driving 10" piles and 12" at the end; southern yellow pine. All cobble, no vegetation. Mr. Schmid: do you know that you can get the piles down as much as you need. Want 2/3 of pile in the ground. Ice is the biggest enemy for 2-1/2' piers. Do have a revised plan and cover letter. Mr. Galliger: did a very complete NOI and also the least amount of disruption. Rosemary Dobie: the last 3 years after a big storm, rogue floats end up on their property and sometimes they float away on a higher tide. Could the Order of Condition have a plate on the float with owner? The harbormaster has a requirement to put plaques with number of house on float and on the last pile. Gangway will be pulled up and floats will be put on top of the railings so they are not in danger of resting on the marsh. The harbormaster is the #1 person to go to; ConCom issues a Order of Conditions, then to Planning and to the Building Inspector, then can file for the Chapter 91 license. Once the license is received, they have to renotify everyone. Marine fisheries is in the middle of all this. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: Carrier, 101 Glades Road (addition)*

John Cavanaro was present at the hearing. Abutters' notification was submitted. Flood zone AE 15', 2 story house 1st level is storage. 1600' to 1800' single story addition, elevated on piles; Rivermoor put a foundation plan together. Total square footage doubled. Extend dune type vegetation behind fence. Existing 2 bedroom septic system; no additional bedrooms. Falls below threshold of substantial improvements. Enable the homeowner to reconfigure space and eliminate spiral staircase. Mr. Schmid: the whole property is within the 50' buffer of the coastal dune. What are we adding to the 50'? 50 sq. ft. Don't know if the mitigation is the most effective. Mr. Gallivan: thinks it would be a good area; all in the AE zone. Project narrative was very thorough. Make sure nothing triggers anything with Board of Health. Rosa Rugosa is very hardy. Salt meadow type grasses just to the outline of the fence; won't be converted into a turf lawn. Mr. Harding: totally mitigate all the way around the fence. Added 3 species, all salt tolerant. Mr. Snow: meets the requirements, but look for a little more mitigation in the back. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: Whelan, 57 Seaside Road (deck)*

Paul Mirabito was present at the hearing. Abutters' notification was submitted. Existing house, existing covered deck on ocean side, open deck on front. Adding 6 to 8 piles in a V flood zone, elevation 17'; also a coastal bank and two or three years ago it was classified as a coastal dune. No changes in the grade. Deck cannot be attached to the house; there will be two rows of piles. Adding 6' to 8 sq. ft. on the ground; ground elevation is 13', top of piles will be 17'. The house is on the beach, going into the dune. Open decks can go right to the property line. Deck goes out 14'. This is also land subject to coastal storm flowage, but no performance standards. Structural plans show 15'. All the activity is well off the ground. No negative impact from pilings. Not proposing any stairs, only access would be from the back of the house. House is at 18.6'; 18.2' for the deck. Mr. Snow: look to see if there are any earlier filings; looked cantelivered. Not cantelevered. No DEP file number. Who delineated the coastal dune? Mr. Gallivan: coastal bank and coastal beach should be shown, and the limit of the coastal dune isn't shown. Showed coastal dune and buffer. Want it on the plan. How would you delineate a dune? Need someone qualified. Pat will write up how to proceed and give to Paul. Want a few things added to the plan. Motion to continue the hearing to May 3, 2017 at 6:40 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Informal: 138 Gilson Road

Carolyn & Matt Gallon and Tammy Downs were present. Potential buyers with an open Order of Conditions, want to make sure the Tea House can stay. There is a big house, a little Tea House from 1850. A 3 car garage, longer driveway and an in ground pool were proposed, but never built. Had Merrill come out to see what had to be done. Original OofC asked for the Tea House to be torned down, but building said if the kitchen was removed it could stay; the kitchen has been removed. Mr. Snow: you would have to come back with a revised plan, showing what you are planning on doing, showing the change in impervious surface, and the owners did pave the driveway when it was supposed to be gravel. Someone has to look at to show pervious vs impervious. Supposed to be a rain garden and a grass swale. Without the garage and pool, change is fairly substantial, so rain garden and swale may not function the same or something may have to be created. Also may want to think what you might want to do with the property so that can be incorporated. Mr. Gallivan: owner was hoping for a Certificate of Compliance. Asked Merrill to look at for stormwater, they wrote a couple of good memos and said whatever you do next will need an amendment now that pool and garage are not being built; we are mainly looking at impervious surface, capturing the stormwater. The only thing they have asked for is a dog fence. Mr. Schmid: removing 2nd driveway for the amended Order? Engineer will need to take a look at. Would like to put a dog fence behind the shed, lots of brush back there. Be careful, maybe makes more sense to put it in front of the shed. Mr. Gallivan: There is a brush line, can't get into that, maybe so many feet off the brush line - follow the tree line.

85 Rebecca: patio is right up against the seawall; house is surrounded by concrete; wants to remove attachment. Can issue a Minor Activity Permit if he is able to cut it out or saw cut around the footing, then pour a new one. Submit a Request for Determination if the patio is going to be ripped up.

Peggotty Beach Soils: Board of Health sent a letter to DEP about what if something shows up in soils what is DEP's role what is the town's role. Soils are still sitting in the same location.

Coastal Advisory Committee: Meeting next Tuesday.

Rouseau contractor yard: calling tomorrow.

Sunset was continued to the 26th: Due to town meeting we could meet at 5:00 p.m. and just continue the hearing.

Minutes: Motion to accept the minutes of March 1, 2017 Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Beach Association: parking area used for staging by DPW. It is getting cleaned out, gravel being put down. If they want to make any further changes they will need to file.

Order of Conditions: Winslow, 107 Jericho Road

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

Order of Conditions: Grant, 166 Glades Road

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

Extension: Gilbert, 36 Border Street:

Motion to extend the Order of Conditions for 3 years Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Extension: Davidson, 34 Bailey's Causeway:

Motion to extend the Order of Conditions for 3 years Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Certificate of Compliance: Friedman, 134 Oceanside Drive - OK

CORRESPONDENCE

March 16, 2017 – April 5, 2017

1. Planning Board Agenda for March 23, 2017
2. CHA re: 68-2632 – 23 Sunset Rd NOI. Concern re: Unpermitted Activities Planned within Coastal Bank (in file) (members have)
3. Board of Health re: Septic System Failure, 113 Glade Road
4. Stormwater Magazine
5. Revised plans for 119 River Street - septic repair – revised 3/17/17 (in file)
6. Recording of CofC for 68-1368 – Stocks, 365 CJCH (in file)
7. Request for Extension of 68-2515 – OofC 34 Bailey's Causeway (in file)
8. Keolis Commuter Services 2017 Yearly Operational Plan can be found at FDCERailroadvegetation.com.
9. DEP File #68-2652 – Higgins, 2 Kane Drive (in file)
10. The Scituation, The Changing Tides Edition Magazine
11. James & Mary Bristol re: 23 Sunset Road – 1. No new NOI submittal, 2. Five Separate parcels; 3. Contractor hired by MacDonald family installed water line and gravel road without permits. 4. Request former Barron Joseph lot be restored to before loam was added and lawn planted. 5. Sewer line was not in the coastal bank when it was installed. The bank has changed due to the floodplain change. 6. Crocker's 3/20/17 letter forwarded to ConCom? 7. Town's attorney's opinion on stormwater. 8. 3/15/17 it was mentioned with Morse & Town Counsel.
12. NHWC 1917 Conference 2017. Olympic Valley, California
13. Fisheries & Wildlife – Draft Priority Habitat Map of rare species available for public comment, April 3 – June 3.
14. NSRWA Kayak Raffle, April 1, 10-4 Gardening Green Expo, Kennedy's, Rain Barrel/Composter Sale.
15. Recording of Extension Permit 68-2499 – 1 Great Rock Island – Cert. 122328 Bk 00611 Pg 128 (in file)
16. Request for CofC for 68-2564 – Inglis, 32R Brunswick Street (in file)
17. Recording for OofC 68-2642 – 11 Tilden Road (in file)
18. Form A Application – 84 Branch St. Second filing re: new lot frontage on Manor Rd –COMMENTS no later than April 6.
19. Division of Marine Fisheries re: North Scituate Beach Nourishment Project. TOY restriction 5/1 to 11/1; consistent with Beach Nourishment Guide; additional survey data on any non-shellfish biota collected during the survey.
20. Request to put 138 Gilson on agenda for an informal discussion
21. BOH re: 61 Indian Trail septic – inspection 2015 system in failure. Work must proceed and residence cannot be occupied until septic system is repaired
22. Zoning Board re: 15 Buttonwood Lane – addition – Granted
23. Zoning Board re: 161 Glades Road – addition – Granted
24. Recording of CofC for Marvell Homes / Paul Sheerin, 48 Ocean Ave. 68-2464 – Bk 48252 pg 165
25. Notification to abutters 101 Glades Road
26. DEP File # 68-2653 – Hogan, 204 Central Ave. (across from – in file)
27. Recording of OofC 68-2648 – McKelvey, 89 Edward Foster Road
28. Request for CofC Owens, 224 Central Ave. 68-2275 – as built, engineer's report, photos, check
29. Recording of OofC for Pitts, 94 Crescent Ave. 68-2649
30. Request for a 3 year extension for Raftery, 135 River Street – 68-2506 (in file)
31. Support letter re: Poppey, 70 Crescent Avenue from Patricia & Paul Murphy, 78 Crescent Ave. (in file)
32. DEP File # 68-2654 – Carrier, 101 Glades Road (in file)
33. DEP File # 68-2655 – Town of Scituate/DPW, 26 & 32 Gardiner Road (drainage easement)* (in file)

Motion to adjourn the meeting Mr. Harding. Second Mr. Schmid. Motion passed by unanimous vote.

Meeting adjourned 9:53 p.m.

Respectfully submitted,
Carol Logue, Secretary