

**Town of Scituate
Conservation Commission
Town Hall Selectmen's Hearing Room
Meeting Minutes
March 2, 2016**

Meeting was called to order at 6:22 p.m.

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

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

Agenda: Motion to amend the agenda to include informal discussion Paul Armstrong and a boathouse opposite 242 Central Ave., and a collaborative with the Recreation Department about hiking Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Discussion: Rowles, Dog Park overview

Andrew Boyle and Adrian Rowles were present. There is a citizens group committed to bringing a dog park to Scituate at a low cost to tax payers. Asking if the Commission could suggest any locations. Kim Stewart looked at the Driftway toward the sewer plant, it is a cleared area; not looking to use treed land, but looking for town owned open space. We were looking at Ant Hill on the Driftway, near the parking lot, more toward the area where they dump leaves, near the windmill. Town had a small nursery there. Park at the Driftway then walk up the bike path. Commission felt that was a good place for many types of activities and it would be hard to have a dog park there too; also parking is a bit limited and there is a dune area near. Ant Hill is Conservation, but the former tree farm might be DPW. Ideally looking for about 2 acres for 2 parks, 1 for large and 1 for small dogs. There could be up to 15 or 20 dogs at a time; would like to see it used by handicaps and seniors, but don't want it in a residential area. Ideally it would be a piece of property under utilized and with the least amount of impact. Area would be fenced and double gated. Don't want to select a site before the town has input. Golf course and beaches become off limits during the summer and there are worries of coyotes. Mr. Snow: what about the safety building, they had to clear an area on the other side of Mann Lot for the septic, fairly descent in size maybe the small dog area, adjacent to the dog shelter and there is the grassed helicopter landing area that is supposed to be kept mowed possibly for the large dog area. Plenty of parking at the site, but not our jurisdiction. Either area would have to be discussed with police and fire. Mr. Schmid: would be happy to help. Since being on the Beach Committee an alternative to the beach would be great. They are working with Al Bangert, Kim Stewart, DPW and facilities people on how to make this work. Mr. Bjorklund: what about the old Stockbridge Road dump site? Think the animal shelter looked at that originally. Mr. Snow: one of the toughest problems we have is people not picking up after their dogs or leaving it behind if they do pick it up. Doing research on recent parks as to what is and isn't working. Kim Stewart came to the Beach Commission last week, she is working on new signage and bags. People that use it, will police it too and rules will be posted. There are successful parks; looking for grant money to be sure those issues are properly funded.

Discussion: Hassett, 1 Orchard Road

Jim and Cheryl Hassett were present. Live adjacent to a couple of newly approved projects. Phippen, 35 Dreamwold and 174 Branch Street with access from Curtis. Back yard is extremely flooded. Have been involved from the beginning and the concerns we had, have actually happened. Pictures were shown to the Commission. Now probably five to six feet closer to the house than the pictures show. Have four full time sump pumps running; trying to get resolution. Lot of clearing was done. We are asking the Commission to halt the projects and look at them again. Don't think they have been addressed properly. They have had thousands of dollars worth of damage. Ms. Scott-Pipes: the backyard is really bad, but don't know if it is runoff; we have been told there is a pipe that might be clogged. It has to be solved; it can't continue. We haven't had any bad weather and if it rains this week, water will be coming in the door. Doesn't seem right that it is groundwater. In 9 years never had this problem. Mr. Gallivan: Stormwater permits on both projects, but work is not completed and the erosion controls seem to be working well. Looking into the pipe might be the first approach. Gas company might have broken it when they put the line in and it could be blocked. The gas company did the work prior to the development. Ms. Caisse: something has to be done right away to find where the water is coming from. Mr. Harding: is there a way to dewater? Kevin Cafferty and Mike Breen were setting that up today; may not be enough, soon enough. The pumping might take a few days or even a week. Can't tell what is going on with the pipe until the water is down and there are no records for it. Mike Breen recommended a headwall, but that wasn't part of the permit. He was also contacting the gas company. Greg Morse responded right away and was asked if a temporary basin or trench to the other basin would help. Would prefer a cease and desist, so it could be figured out, otherwise work will be done and contractors will be gone. No more pumps can be added without a new electric panel; we are maxed out. Mr. Snow: Mike Breen snaked the pipe today, got in about 1-1/2' and hit something solid and felt it was the gas line. Water line was put in too, but could be coming from other sources. Not sure stopping work would be in your best interest. We have to issue a Certificate of Compliance before they can sell the houses. Not necessarily, too many times Orders on properties aren't caught. But if they are stopped, everyone will work on it. Looking for a long-term remedy. Mr. Bjorklund: Familiar with this project, partner tried to snake the pipe a number of months ago, clogged solid. There is a lot of different work going on in that area. If something has to be constructed who will be responsible? Commission's consulting engineer and environmental person reviewed and agreed the design should work. It seems like a broken water main is the only place that much water could come from. If it isn't a broken water main, at what point do you relook at the plans? Don't think the drain pipe was every addressed by either engineer. Mr. Bjorklund: basin on Phippen's is higher than the basin where the wetland is; don't think it is a good suggestion to dig a trench and tie into his system, it's too small. Mr. Harding: you certainly got people's attention. Everybody has been amazing; Penny, Frank, Pat, Kevin and Mike have all come out.

Glyphosates: Jenn Keefe, Board of Health Director was present. The Commission has an application proposing to use glyphosate for phragmites and we wanted the members to know what they are talking about. In Jenn's previous life she worked on an EIS for a FEMA project, toxicity assessment for several endangered species – reptiles, amphibians, plants, and freshwater fish. She offered her help; can provide material ahead of the March 16th meeting. Mr. Snow: part of the mitigation for the MBTA was to remove knotweed and it was a concern then. There are invasives we would like cleaned up, but don't want irresponsible treatment. This application is extensive. Information that Jenn did see was that there is a Natural Heritage area somewhat nearby; they seem to know what the species are, but she hasn't found out,

so that would be a great question. Two potential chemicals are being used, seems to show two different doses. Would like to know the toxicity per dose. The Commission can continue the hearing again because they don't want to do this application until the fall.

Informal: Fred Hayden and Paul Armstrong were present. There is a pier constructed opposite 242 Central Ave. and the owners would like to put in a boathouse. It would be elevated 4' with a removable aluminum ramp. It would be used for storing a 13' whaler on a trailer, fishing gear, and other equipment throughout the season, otherwise it is left all over the riverbank. It would be 200' from the edge of the pavement to where the pier starts. There is no requirement for Chapter 91. How big? 24' x 26'. Mr. Gallivan: a lot to this one. Floodplain and tidelines; believe it is half V and half A flood zone. Did you see the building department? Neil is fine with it as long as it is under 1,000 square feet. There are other things that will have to be looked at. It is not a dune; all beach cobble. It is still a resource area; barrier beach. Need a more definitive plan and a lot more information.

Request for Determination: Historical Society, 16 Country Way (install 7 steps to complete access to Gristmill) (cont.)
Motion to continue the hearing to March 16, 2016 Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Princi, 134 Humarock Beach Road (replace garage with 2nd story guest house) (cont.)
Motion to continue the hearing to March 16 at 7:00 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: Sheerin, 39 Otis Road (raze/rebuild)*
Added order for stormwater report before work begins. Close and issue the same night, but file under the stormwater bylaw. The other question was under the building code could they expand? OK under the building code. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Order of Conditions: Sheerin, 39 Otis Road (raze/rebuild)*
Motion to condition the project as discussed above Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: Trachtenberg, 246 Gannett Road (timber pier & seasonal float system)*
Atty. Adam Brodsky, Jeremy Packard from CLE, and Mr. Trackenberg were present at the hearing. Abutters' notification was submitted. This is a pier project for a single family home. One small twist, a portion of this will cross an odd portion of marsh owned by the Scituate Land Trust. Had some discussions with Penny about reviving the trust; may be some help to the Commission if you want to take it over. Secured an easement over the trust property. This is a 180' x 3-1/2' pile supported timber pier, ends at a seasonal gang way and two floats, which would be used April to October. Resource areas: land subject to coastal storm flowage, saltmarsh, land under water bodies, riverfront, BVW. It won't impede any flows; solid piles; no storm damage increase. Using six galvanized steel pipes, small impact, there will be at least 2-1/2' of water under the floats at all times. There will be sunlight to the vegetation by orientation and also providing 1" space between the planks. Exempt from riverfront because they are subject to Chapter 91 license. Construction: will use temporary timber crane mats to drive on. The mats are then removed and all the salt marsh grass is replanted, only lasting impact will be piles themselves. Using Greenheart piles, but were asked to drill three soil borings, two at the end and one in the center. Marine Fisheries' concern was the sunlight. Have revised plans showing a beveled edge on the planks that allows more sunlight to get through. Commission asked them to find the shortest distance to the marsh. Project crosses a little BVW with an 8'x8' platform; gangway down to a seasonal float supported by pipes. This is the smallest structure to accommodate the client's desire. There are two removable floats 6'x10' and a small landing platform. Can not be built from the water. Mr. Gallivan: who delineated the BVW and saltmarsh? Brad Holmes. Which flood maps were used? 2012; AE elevation 7'. Any Natural Heritage? Not on this site. Any alternative analysis? Riverfront area has specific exemption for a Chapter 91; provided an alternative, but there is no legal requirement for one. Replanting some salt marsh, but will replant any area impacted. Marine Fisheries letter includes certain things that can be part of the orders. All of their issues were addressed. Everything has been designed to minimize impacts. It is a very expensive project with all the environmental materials used. Mr. Gallivan: if we didn't close, could run a couple of things by Fisheries. Mr. Snow: on other applications on the Gulf, the Gulf Association has weighed in, but there is no regulatory requirement. This is a substantial pier. Mr. Brodsky had long conversations with Carlos Pena on this and that was the minimum size of the piles he would sign off on and stamp. Two piles this size every 10', you could tie up the Queen Mary. Mr. Gallivan: any seasonal concerns when building? No time of year restriction. Want to get 25' into the ground; 9' to the deck, and 12-1-2' above. That's why soil borings are required. Can close at the next meeting and set orders. Pat will run it by Marine Fisheries and look at any old orders on this site; want to make sure there are no restrictions. Motion to continue to March 16, 2016 at 7:10 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: Biviano, 196 Central Ave. (12' deck on 3 sides)*
Michael Biviano was present at the hearing. Abutters' notification was submitted. Building a 12' open deck on 3 sides of the home on wood pilings. South side there is a concrete patio and a small walkway out front with a set of stairs. Removable stairs that go to the beach. Held back structural beam 2' for removable stairs for the summer. Three concrete steps, 18" down from the top of the floor. Won't be taking concrete out; been there for 50 years. Will put a condition in the orders to make sure the Building Department is OK with the project. How many pilings? 12. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Order of Conditions: Adams, 108 Edward Foster Road (elevate)
Mike Adams was present. DEP had comments on the file number. Mr. Adams reached out to DEP to explain that he was going up a foot with cut outs on the bottom. Greg DeCeaere's comment: any time there is a barrier beach, it was suggested to use pilings, but not a requirement unless it was a substantial improvement. Just elevating from existing. Not proposing anything on the ocean side of the wall. Behind the seawall will be put 6" angular stone surrounded by filter fabric with larger boulders, flat side up. Also planting beach grass and maybe rosa rosga. Elevation work is minimal. There is a walkway to get around the house. Motion to condition the project Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Enforcement: 24 Webster: Adam Brodsky and Isaac Shweky were present. Received a letter regarding concrete walls repaired and rebuilt when the house was reconstructed; there is an existing Order of Conditions. Seems to be confusion of what was allowed to remain and seems the plans are inconsistent. Cavanaro's site plan shows the walls and there are no notes regarding removal. Looked at architectural plans by Rockwood and they seem to disagree in some respects and the discussion at the meeting was mostly about paving the driveway. Highlighted

wall comments in the minutes. Ms. Hudson explained the house would be on pilings and the walls would remain. Pictures were shown. Some of the walls were damaged and the mason added several courses on the east side facing the beach. Left hand corner cinder block walls, southeast corner beach side 4 original courses, added 2 additional courses. Problem with the wall parallel with the beach, want the 2 additional courses removed. Mr. Shweky: there was a fire, didn't ask to have to rebuild, it's the same way the house has sat for years with a full basement, held the dirt that was there and water went to both sides; bot changing water flow. Take it down to the preexisting condition. Nobody asked for the walls to be taken out. South side wall perpendicular to the beach was not added to; it was 9 courses. Mr. Gallivan: originally it was more like a fortress. Didn't have the height to the wall. The Certificate of Compliance was issued and the wall was done after that. Admit the mason went too high on the east side. Relevant performance standard is only Land Subject to Coastal Storm Flowage, no state performance standard. DEP doesn't really regulate walls. Portion of the property is in the V flood zone and part in the AO flood zone. Our bylaw prohibits new parallel walls. At the very least it requires a Notice of Intent. On the north and east side willing to take down the added courses; was allowed to maintain. This wasn't done after the fact. Drove up from Connecticut and saw the mason and told him not to paint it. Not saying you did anything intentionally. Mr. Brodsky: can do the work under the Enforcement Order and suggested a Request for Determination filing. Two other sides were added. Damaged the wall when the fire department was there. North & east side are the only sides added. The additional 2 courses on the North side meet your performance standards. The mason was only supposed to repair, not add, not authorized to do that work. Mr. Harding: little ambivalent about the side, maybe because we have so many of these. Ms. Caisse: leaving the existing wall is very different than adding to an existing wall. South was damaged and rebuilt, but there was no talk about adding to an existing wall. For the sake of consistency need the after-the-fact filing and figure what to do about the additions on the other side. Mr. Schmid: could we get it corrected under the current Enforcement Order to remove the 2 courses? Don't see any upside to discussing any further. Mr. Gallivan: glad to discuss with DEP. Do an RDA requesting the ability to remove additional courses on the east side and permission to retain the 2 courses on the North side. The only reason, the house burned and a new wall wouldn't have been permitted. Prepared to submit the RDA

Certificate of Compliance: Iordanopolous, 647 First Parish Road (68-981)
Order was never recorded.

Lot 5 Merritt Wood Lane (aka 65 Forest Lane) 68-575 - OK

Edmonson-Smith, 7 Oliver – 68-1113 - OK

Enforcement:

392 Tilden: Brad Holmes flagged coming in with a restoration plan; 31 Mary's Lane: Brook Monroe flagged; owner will be in on the 16th; 11 Concord Street: removing one wall and restoring another and planting beach grass; will be filing; 12 Rebecca: is going to file; 0 Rear Driftway: Atty. Michael Loring has come in and is setting up site visit in the next few weeks; 140 Humarock/Dodge Road: brick road. They were going to file. Check to see if the material is pervious, but they will have to prove it to us.

Coastal Advisory: Mr. Harding: no meeting since two weeks ago.
Mr. Schmid: met with DPW.

174 Branch Street access from Curtis: certified letter came back and there is no answer at Welby. Was out at site the other day and he wasn't there. If he has a building permit, check with the building department, should be a contact number. There was cutting in the buffer and starting without a preconstruction and it is at 1 Orchard with all the water problems. All the erosion controls looked in good shape.

DeVoisin swap: after that last public meeting there has been some movement. Think it would be a good idea to get back with him, Mrs. Barlett and a couple of the Selectmen maybe that were most interested in the swap. Won't be on this town meeting warrant.

Flood maps came in today, only the ones that changed from 2012..

Ms. Scott-Pipes: Recreation's event at Widow's Walk was good. Starting to set up some walks; did many walks years ago.

Minutes: January 4, 2016 and January 13, 2016

Motion to approve the minutes of January 4, 2016 Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Motion to approve the minutes of January 13, 2016 Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

CORRESPONDENCE

February 18, 2016 – March 2, 2016

1. Zoning Board re: Stockbridge II Realty Trust, 96-100 Stockbridge Road – granted 2/10/03 and modified 1/18/13. Request insubstantial – voted to modify paragraph 17: shall expire within 3 years of the date decision becomes final; final when filed with Town Clerk if no appeal.
2. Zoning Board re: extension of pre-existing non-conforming dwelling at 54 Dreamwold Road – 80.2% increase – Granted.
3. Zoning: Request for special permits/findings 304 Clapp Road & 11 Chet Way – Thursday, March 17, 2016 at 7:00 p.m.
4. Recording of OofC for 68-1979 – Webb/Webb Builders, Inc., 111 (Lot 1 – 149) Old Oaken Bucket Road (in file)
5. Living Shoreline Solutions, Inc. – Wave Attenuating Device (WAD)
6. Recording of Country Way for 68-2580 - (multi-use trail) (in file)
7. Planning Board Agenda for February 25, 2016 – Stormwater Bylaw & Regs; Reconsider CPC letter of support on Maxwell land
8. Draft Amended Final Order of Conditions for 96 & 100 Stockbridge Road
9. Stockbridge II Realty Trust – Settlement Agreement – 68-1577
10. DEP File #68-2596 – Teague & Whitley, 0 & 9 Lightship Lane (in file)

11. NSRWA - 2016 Gardening Green Expo – April 4 – 10-4:00 p.m. Kennedy’s Country Gardens & April 16 1:00-4:00 Pembroke Public Library – Phragmites; Knotweed, Purple Loosestrife or other invasive (e-mailed to members) (scanner broken right now)
12. DEP File #68-2598 – Trachtenberg, 246 Gannett Road (in file)
13. DEP File #68-2599 – Biviano, 196 Central Ave. (in file)
14. Request for Superseding Order of Condition – Lots 31 & 32 Fieldstone Road – BTZ Realty Trust (in file)
15. Request for Appeal of Local Bylaw for the denial of Lots 31 & 32 Fieldstone Road be resolved through mediation. (in file)
16. Recording of OofC for 68-2594 – 12 Postscript Lane – Cert 112237 Bk 561 pg 37 (in file)
17. Revised NOI pages & Wetland Fee Transmittal Form -18” x 24” Location Plan Showing Rebuilt Garage (in file)
18. Recording of OofC – 68-2588 – Brennan, 8 Aquinnah Path – Cert: 114607 – Bk 573 pg 7 (in file)
19. Recording of OofC – 68-2591 – Forde, 31 Hawthorne Street – Cert. 118125 Bk 590 pg 125 (in file)
20. Diamond Development re: 50 OOB 68-2578 – starting work; contact people Bjorklund, 781-820-4700
21. 246 Gannett Road (timber pier & seasonal float system) – Marine Fisheries – 6 comments (in file)
22. DEP Extension for OofC – 68-1988 – Herring Brook Meadow, 126 & 132 CJCH – extended until 3/27/19 (in file upstairs)
23. Recording of CofC for 68-2262 – O’Keefe, 273 CJCH – Bk 46627 pg 152 (in file)
24. Form A application – 3 Louise Lane/167 Captain Peirce Road – change of lot line between properties, doesn’t change existing frontage of either lot or create any new buildable lots.
25. 290 Hatherly Road – 68-2593 – letter and resume from Normal Hayes (in file)

Motion to adjourn 9:20 Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Meeting adjourned 9:20 p.m.

Respectfully submitted,
Carol Logue, Secretary