

**Town of Scituate
Conservation Commission
Selectmen's Hearing Room
Meeting Minutes
August 16, 2017**

Meeting was called to order at 6:10 p.m.

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

Also Present: Amy Walkey, Agent, Patrick Gallivan, Part-time Agent and Carol Logue, Secretary

Agenda: Motion to accept the amended agenda to include 216 Central Ave. for a Certificate of Compliance, illegal mooring in the South River, Egypt Beach Road update, and five more violation letters will be done tomorrow Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Coastal Advisory Meeting: easement discussion - South River facility, August 30th at 7:00 p.m.

Minutes:

Motion to accept the minutes of May 17, 2017 Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Request for Determination: Carr, 60 Surfside Road (replace chain linked fence with vinyl)*

Applicant did not attend the hearing. Ms. Scott-Pipes: is the fence going in the exact same location? Does not show the pond's location. Did they file for the original fence? Ms. Walkey: not aware of other filings. Some of the houses were built before the WPA. Fence could be grandfathered in. Not seeing enough information. Mr. Gallivan: met with them, the house is older; clearly on a barrier beach, possible storm flowage being blocked. It is in the buffer, but not on top of the pond. It is a replacement fence. Mr. Harding: could be raised for clearance. Ask them to leave some space. No specs for the fence. Mr. Parys: could say 4" to 6" off the ground. No good mechanism to track. Ms. Walkey: it is an established lawn; little disruption, but not delineating any wetland boundaries. Motion to issue 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 replacement vinyl fence shall be installed 4" to 6" above ground to allow flow of water underneath. Ms. Scott-Pipes. Second with condition 4 to 6" for flow underneath. Second Mr. Parys. Motion passed by unanimous vote.

Request for Determination: Martin, 67 Border Street (renovating garage)*

Paul Mirabito from Ross Engineering was present at the hearing. Renovating the interior and exterior of the garage, new siding, new roof and change windows; existing stairway eliminated only access is from inside the house. Silt sock will be used for erosion control. Wetlands flagged by Brad Holmes, 50' buffer shown. No other ground work except for the stairs. All existing lawn. Ms. Walkey: we are not confirming the wetland line or accepting it for future projects. 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. Harding. Motion passed by unanimous vote.

Ms. Caisse: not filling in for the Beach Committee anymore.

Access Parking: Ms. Scott-Pipes: hoping for approval for the projects at Special Town Meeting in November; go in front of Selectmen September 5 and CPC meeting Monday night. The project is more expensive. Crosbie to access Appleton Field, need to cross wetlands; improvement and parking at Bates Lane, including handicapped walking area up Bates Lane; access and parking at Damon with disabilities hardpacked trail; Higgins/McAlister at the end of Holly Crest; quite a large project. If funds are not used they get returned back to the general fund. Have been held for those projects for some time; some was for access and trails and some of the money wasn't spent on the land. Each one of those parcels is a few hundred thousands of dollars. Close to a half million dollars. Penny and Frank are working with the consultant for the town. Shall we reduce the projects? Other two could happen at a later date. Crosbie and Bates Lane are the most important. Estimates were a lot more than expected. How much new money? Approximately \$200,000. \$317,000 went back to CPC. The nine CPC members all thought should go for the whole thing. Will get more expensive when you break it up and will spend more money in the end. Would like support from the Commission. Selectmen have been talking about access for a long time. Approximately \$9,000,000,000 has been put out for open space. When a couple of these projects were started 6 or 7 years ago, handicap access wasn't part of it. Mr. Snow: if we build them, we have to build them compliment. Do we want to ask for \$200,000 more or just complete Crosbie & Bates Lane to make sure we get these two long time accesses? Ms. Scott-Pipes: don't want to get shot down by asking for more. Mr. Parys: it is a judgment call. Design is almost finished. Moving forward; really want to get this going. Got a call from Maura Curran wondered if there was any hot topics. She hasn't had a chance to think about, but the first thought was to do them all. Mr. Harding: three years from now it will be \$300,000. Ms. Scott-Pipes: it is in the townspeople ball park. Want it done; next spring have parking, roadways, trail system and markings done; everything has come together now. Mr. Snow: also need to revisit Driftway Park for rejuvenation. CPC has opened up now; taking quite a few projects in the fall. People do like nature. All these projects are in the West End. CPC has been used for a wide variety of things; want our fair share, but don't want to over do it either. Ms. Scott-Pipes: let's complete this, then work on the next one; don't want to short change this project. Next CPC meeting is the September 11th. Have to make the presentation and they want to see the plan. Motion to support all the parking areas at this time and go for the extra \$200,000 of new monies Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Valdez, 10 Meadow Road (remove vegetation/grade for drainage)*
Hold off for a little.

Illegal mooring in South River, someone got the number of the boat. Harbormaster is going to order the boat off and we will write a letter about the pole and any marsh damage.

Follow-up visit on Egypt Beach Road for disturbance in the wetland. Much is done, but not finished. Planted a lot of wildflower seeds; some bushes weren't put in. Will be sending an e-mail of what is left to do. Plan calls for Conservation posts and they are wondering if they can put a fence in instead. If it had the markers it would probably be OK. Mr. Harding: what type of fence? Post and rail? Don't have that information. Ms. Scott-Pipes: if not a lot of bushes, there is no guarantee that the flower seed mix will come up next year. Would like to have seen more plantings. Twenty (20) plants not in place. This is a good time to plant. Give a drop dead date of when plantings will be done; it has been too long.

31 Candlewood: spoken with previous engineer that has an approved plan, going to have property surveyed. He says there is a peg there that we could measure from. Mr. Gallivan can go and measure. Mr. Snow: Amy will want to see this place. E-mail Commission if Thursday is going to be the day.

Ms. Walkey: Received a response from Massa, Mann Hill Road Extension re: Enforcement Order and letter for the clearing for a parking area; will distribute to everyone. Probably be going to Town Counsel. Asked for a submittal of a document to restore the area. The owner would like to resolve fair and reasonable for all concerned. Seems willing to work in the right direction.

Wetlands Hearing: Putnam, 79 Glades Road (raze/rebuild 79 / attach garage to 81)*
Brendon Sullivan from Cavanaro Consulting was present at the hearing. Abutters' notification was submitted. A 20' x 44' house at 79 has been condemned; under court order for not paying taxes. Abutters want to buy the lot and tear it down and attach a garage to 81. Received approval from ZBA. Salt marsh doesn't come on to the property, elevation ranges between 9' and 10'; flood zone elevation is 15'; existing house at 81 is at 15.7'; new attached garage will be at 10.5' and flood compliant. All work is being constructed on 79 Glades. Mr. Snow: any building plans. Foundation plan was submitted; 1 car garage, with 2nd story. Flood zone is AE, elevation 15'. In the past it might have been an AO. Velocity with elevation 20' is just on the other side of the street. Ms. Walkey: do we know where the cesspool is and will it be abandoned? Yes. Could be under the house, but there is no record of where it is. Believe next week the asbestos will be taken care of. Nothing will be stored in dumpsters? No. Recommend standard order can vote to close and issue. Brenden this is the last permit other than the demolition. The applicant is Putnam, but they are not the owners yet. Can get Orders out before our next meeting. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Order of Conditions: Putnam, 79 Glades Road (raze/rebuild 79 / attach garage to 81)
No special orders; can review before it goes out the door. Motion to accept a standard set of orders for this type of project Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Crary, 87 Glades Road (septic repair)*
Jeff Hasset from Morse Engineering was present at the hearing. Abutters' notification was submitted. FEMA AE flood zone, elevation 15'; multi-family that takes up most of the property. Tight tank, in failure. Board of Health has approved. Alarm system when at 3/5ths capacity. Mr. Harding: any access issues. There is an access way between the two buildings; delivery truck can get in and drop the tank in; it is feasible. Ms. Walkey: there is no limit of work on the plan; generally would like to establish limit of work. Limit of work is the property line. Most of the work will be done in one day. It is all sand and cobble, not much vegetation. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Enforcement: Mann Hill. Had said there was a tennis court that had grown over. Work was done in a resource area. Even if they say they want to work with us, don't know if they know that they may not be able to keep it; has to file a Notice of Intent. Could be violations in other departments, maybe Planning and Zoning Enforcement. Town Counsel will probably have to write a strong letter. Ms. Scott-Pipes: there were two cars in there this weekend. Doesn't mean you can bring in fill there should have been a discussion in the first place. At some point can we kick in fines. Amy can ask. This isn't like I messed up a little bit; someone built a parking area in a resource area. Should he file within two weeks? The on-site with him had no willingness to cooperate at all. Typically we would engage with people if we can work with them in a friendly manner. The letter seemed positive; intending on gifting the property to the town. Town Counsel would have a good idea which way to go. Mr. Parys: good ideas to discuss the time line. The Town Administrator has been brought into this. A letter from Town Counsel will give more direction. Don't want to be waiting a month or six weeks.

Wetlands Hearing: Sheerin, 109 Glades Road (septic repair)*
Jeff Hasset from Morse Engineering was present at the hearing. Abutters' notification was submitted. Septic repair for a single family on a 4800 sq. ft. lot with detached garage in the back. Failed septic. Salt marsh: plan shows 50' buffer in red 100' in green, FEMA zone AE, whole area barrier beach. Conventional system, leaching field, and distribution box. Silt fence at down gradient. Able to keep system greater than 50' from the salt marsh. Mr. Snow: anything to hold the tank down? Usually pour concrete or ballast around it. Part of the orders should be for ballast for the tank. Silt fence or silk sock? Ms. Walkey: good improvement; straw waddle or silt fence should be adequate. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Harding. Motion passed. Unanimous.

Wetlands Hearing: Schechter / Robert, 34 Christopher Lane (septic repair)*
Jeff Hasset from Morse Engineering was present at the hearing. Abutters' notification was submitted. Septic repair. Mr. Snow: Mr. Roberts was a customer sometime in the past. Revised plan was submitted. Had wetlands flagged by South River Environmental. Moved tanks a little farther from wetland; bordering vegetated wetland at rear. Septic in lawn area in back yard. Failed Title V; leaching failed. Big improvement, taking leaching out of the groundwater, also in lawn area. One tree has to be

removed. Ms. Walkey: looks good; thanks for revising the plan and getting wetlands flagged; definite improvement. Mr. Snow: continue erosion control a little farther south. Motion to close the hearing Mr. Harding. Second Ms. Scott-Pipes. Motion passed by unanimous vote.

Wetlands Hearing: Valdez, 10 Meadow Road (remove vegetation/grade for drainage)*

No notification to abutters. Technically we are supposed to have proof that you notified abutters. They could be in the truck or they are at home, a half hour away. Ms. Walkey: had a conversation today and discussed withdrawing the Notice of Intent, so maybe that is the course to go down. Would like to see what can be accomplished so far without another filing. Mr. Valdez left to check his truck.

Order of Conditions: Town of Scituate/DPW, 430 Chief Justice Cushing Hwy (reservoir)

Motion to accept the denial Ms. Scott-Pipes. Second Mr. Harding. Sent a draft to Tetra Tech to see if that is what they were looking for. Motion passed by unanimous vote.

Certificate of Compliance: Farinella, 216 Central 68-1371

OK to issue

Balzano, 121 Glades Road

OK to issue

Wetlands Hearing: Valdez, 10 Meadow Road (remove vegetation/grade for drainage)*

Mr. Valdez returned and doesn't have the notification to abutters. Mr. Snow: sometimes because we have advertised it, we open and continue to give you an opportunity to get the notifications in, that way it doesn't have to be readvertised. Mr. Valdez questioned whether it falls within a ConCom zone. Mr. Snow: clarify that we are now going to have an informal discussion. Are we better off continuing to the next meeting? Ms. Walkey: believe it is OK to discuss informally, because he needs some guidance, but in fairness to scheduled applicants, we should go back to the public hearings and discuss this after. Mr. Snow: going to open and continue your actual hearing. Ms. Walkey: not without the green cards. Mr. Parys: if we open and do not discuss and he has his green cards at the next meeting, the abutters will have the ability to comment. If he doesn't have them, we will have to readvertise. Ms. Caisse: but if we are having an informal discussion the abutters won't be able to hear that either. Ms. Scott-Pipes: informl discusson is not posted. Mr. Snow: but project was on the agenda. Mr. Gallivan: you could look at it as an incomplete application. Mr. Snow: OK, so we won't open it.

Wetlands Hearing: Johnston, 112 Central Ave. (raze/rebuild)*

Paul Seaberg from Grady Consulting was present at the hearing. Abutters' notification was submitted. 8,600 sq. ft. lot, salt marsh, also coastal dune to left of property, FEMA V flood zone elevation 15'; wetlands flagged. Pile foundation and septic system. Silt sock will be used for erosion control; can be extended to Cranewood. Mr. Harding: great improvement. Ms. Walkey: need a special permit from Zoning; preexisting, nonconforming lot. There might be a chance something will change. Dick Rockwood: don't see any issues. Not going to Zoning until the end of September and there is a 20 day appeal period. If we continue you won't be delayed. We meet the 25th. If no changes don't need the engineer here. Driven piles, no grant. Top of piles will be at 17'. Deck on river side is lower; separate piles; not attached to the house; roof is within the height guidelines. Pile plan will be in for the next meeting. Motion to continue to September 25, 2017 at 6:15 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Valdez, 10 Meadow Road: requests to cut down vegetation or grass within the fenced yard. Retrieved tons of debris in the grass. Want to clean up the property. Mr. Snow: application was incomplete. No construction going on? Basically getting rid of brush and debris. Do we have any idea where the resource areas are? Ms. Walkey: clear where there is a resource area; it has phragmites and wetland vegetation; not an established lawn around the house, but weeds. If you want to clear vegetation in the perimeter of the fence, can do that with a Notice of Intent (NOI). But if you wanted to do what you put in the description: grade and clear all the vegetation that would require a NOI. In hindsight wanted to do everything as once. If there were ditches or slopes he figured he'd fill in the areas. Have to know where he is at cleaning up the debris and trash. Would use lawnmowers and weedwackers. Right now it is overgrown. And up by neighbors on Jericho Road the bushes are extremely tall. Showed pictures as of a week ago. Ms. Scott-Pipes: would like to know exactly where the wetlands are; nervous there will be more clearing than just crabgrass; could be within the 50' buffer. Ms. Walkey: don't want any miscommunication about what we are agreeing to, without a permit. There are designated fences along the property line. Mr. Harding: the problem even if you stay within the walls of the property, we still don't know where the wetland line is. Mr. Snow: all in favor of getting trash out of there. Is there a way to define where he can work? Ms. Walkey: In the immediate perimeter of the house. Mr. Gallivan: go to the edge of the phragmites, without cutting it. Without a wetland person reviewing it, don't know exactly where to say. Mr. Parys: if you are comfortable with area you could mark out and if he wants to go farther he will have to get a wetlands person. Mr. Gallivan: problem with grading, you are in a flood zone and you could impact a neighbor. Need an engineer to look at the amount of fill, etc. Had engineers out there twice and they said to let them know when it was cleared. Mr. Snow: it makes it difficult for a wetland person if the site has been altered and vegetation is removed. Could you mark the plan to show him where he could cut? Would that also include a couple of trees? No don't touch. Chain linked and plastic fence. All areas x'd out on plan, do not touch. If you wanted to do that, you could withdraw the NOI and we could give you a Minor Activity Permit for \$35.00. Mr. Valdez: When that work is all done, would like to come back with the filing. Ms. Walkey: there is quite a bit of work to be done; the plan was quite deficient. Need a wetland scientist and a stamped engineered plan. Have an engineer already on board. Need new information at least a week before the next hearing date. In the meantime get the information in.

Gilson Culvert: Mr. Gallivan: requests for an update for all the abutters. It's gone to engineering plans sent back to DPW for sizing the culvert. Question is when the money will come through; don't know that. Contacted Mosquito Control, to see if they could do some ditching on the inland side of Gilson; the marsh is really chocked off. Mr. Snow: that has been since 1978.

Flooded in and couldn't drain out, then flooded more. Rescued a horse out of a barn in the blizzard of '78 on Kent Street almost to old Driftway. Doesn't drain well at all, so any improvement there would be good.

CORRESPONDENCE

August 3, 2017 – August 16, 2017

1. Board of Health Agenda for August 7
2. Notification to abutters re: Putnam, 79 Glades Road (in file)
3. Planning Board Agenda for August 10
4. DEP re: Waterways Regulation Program – Hogan, 204 Central Ave. (maintain a pier, ramp & float). Written comments to Dave Hill – 2 notices (in file)
5. Division of Marine Fisheries re: Bard, 8 Holmes Street. Recommendations: 4 pilings with float stops set at least 2-1/2' above the substrate during low water; relocate to deeper water – longer seasonal ramp or an additional bent; no barge groundings (in file)
7. Notification to abutters re: Sheerin, 109 Glades Road (in file)
8. Notification to abutters re: Schechter, 34 Christopher's Lane (in file)
9. Request for CofC for 68-1814 Cote, 38 Atlantic Drive – request, check, letter (in file)
10. Request for CofC for 68-2540 Cote, 38 Atlantic Drive – request, check, letter, as-built (in file)
11. Recording of OofC for 68-2671 – White/Burke, 50 Surfside Road (in file)
12. DMF News
13. Zoning re: 35 Brunswick – raze/rebuild – GRANTED
14. Zoning re: 573 Country Way & 8 Hatchet Rock Road – dividing to create two lots; a fully conforming buildable lot and the so-called 50' frontage lot – GRANTED.
15. Request to extend OofC for 3 years for maintaining rip rap stone at 198, 200, 202, 204 & 206 Central Ave., Humarock (in file)
16. Board of Health re: septic system at 7 Milton Street, Humarock – system in failure
17. Letter from Robert Massa, 150 Mann Hill Road - in response to EO

Motion to Adjourn Mr. Harding. Second Ms. Scott-Pipes. Motion passed by unanimous vote.

Meeting adjourned 8:00 p.m.

Respectfully submitted,
Carol Logue, Secretary