

**Town of Scituate
Conservation Commission
Selectmen's Hearing Room
Meeting Minutes
September 6, 2017**

Meeting was called to order at 6:05 p.m.

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

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

Agenda: Motion to amend the agenda to discuss Driftway Park and access parking for open space, 38 Central, and Hunters' Dam Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Introduction: Brad Washburn, Director of Planning & Development

Introduced himself; wondered if there were any questions. The planner recently left; there are a lot of Planning Board activities. There will be more internal coordination. Mr. Snow: supportive of the position; there is a lot going on in Scituate. Need someone to coordinate all the projects; expertise will help. Ms. Scott-Pipes: came from CZM? Yes, 8 years as assistant director. Previously Jason Burtner's boss. Was in Easton for a couple of years, with short stints in the private sector. Live in Norwell with 2 small kids. Mr. Harding: what are the top 2 or 3 priorities? Right now getting situated and getting to know boards and committees. Trying to get up to speed with Toll Bros. Project going forward is the Master Plan. Not trying to move too quickly, trying to do it right. See any plans for upgrading the IT dept.? Doesn't know if that is under his purview. New departmental structure includes Planning, Zoning, Building, Concom and Coastal; trying to figure out; it is new and exciting. Mr. Snow: There are a lot of changes in town hall. Positive things happening; Hunter's Pond dedication was amazing to see how many people turned out. Ms. Scott-Pipes: it was interesting; involved 16 different agencies; didn't realize so many were involved. The people involved needed to be educated, then realized the environmental improvement. By and large it will be very nice. The middle is dying off already and new plants are coming in. It will be better for the fish too. Ms. Walkey: from a perspective it was a feel good part of the job; some of the time it is quite negative. It was not a cheap project, but no money came out of local taxpayers. Involve the right people; that's how you get the money. Congratulations on the new position.

Show Cause Hearing: Kelleher, 10 Pin Oak (clearing in buffer)

Engineer is getting together a Notice of Intent. File and be at the next meeting. Both Pat and Frank have been to the site; close to the wetlands; certainly in the buffer. It has taken a while to push along. Mr. Gallivan: think they wanted to look into building a garage. Mr. Snow: may as well roll it all together. Once we see the wetlands line we will know where the buffer lies. After they realized they had done wrong, they did straighten it out and stabilize the area. Be at the next meeting; file tomorrow.

Enforcement Order (EO): 0 Mann Hill Ext.

Sent an Enforcement Order and received a letter back; do not agree with violator's point of view about the tennis court. Aerial photos do not show a tennis court. Want to ratify the EO and resend. Are we fining also? Ms. Walkey: No. There is a process. Requesting one more time to file. At that point we need to touch base with Town Counsel to see if this is something that should be pursued. It is in a marsh, think it is a critical one; it's in a resource area. Mr. Snow: this owner has been warned before about work done in that location. Ms. Scott-Pipes: in the letter when you ask him to file put a deadline; need to hear from you; subject to legal action or fines and tell him what follows. Mr. Snow: received calls from people in the area asking how can someone just build a parking lot there? Motion to ratify the EO Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Levoy, 35 Brunswick Street (raze/rebuild)

Paul Mirabito from Ross Engineering and George Levoy were present at the hearing. Abutters' notification was submitted. 5,600 sq. ft. of land. Have been to Zoning to increase floor area. Proposing to raze the dwelling with an open deck to the rear and covered porch in front and side; on the east and south. Proposed permeable paver driveway to garage. Septic to rear remains in place and no change in the number of bedrooms. Using wood driven pilings on a barrier beach, 2' above base flood elevation. Flood zone AE elevation 13'; slopes to street from 13' to 14'. Elevation of 1st floor will be 18'; no changes in grades; grounds stay natural; infiltrators on each side for stormwater; structural plans submitted by Rivermoor. Performance standards of coastal storm flowage have been met under the bylaw; see narrative. First floor more than 1' above flood elevation, no concrete foundation, pervious driveway; basement will be eliminated; project will not destroy the barrier beach. Ocean is to the right. Mr. Harding: footprint being changed? Yes. Existing house doesn't have a garage, deck or covered porches. Existing house is 1334 sq. ft., proposed is 1988 sq. ft.; 644 sq. ft. increase. Covered porches cause the increase. Increase of more than 20% that's why had to go to Zoning. Site is all sand. Meets all the required setbacks. Ms. Walkey: feel the project meets the requirements. Abutter letter received; concerned about pile driving and construction process causing damage to her home. Susan O'Brien: showed pictures. Spoke to Mr. Levoy and sent a letter. A friend told her his house was listed for sale, if approved, they will pass the permit on to a new buyer. Mr. Snow: appreciate your concerns for your home. Commission looks at work in a protected area. Requirement is to elevate, if possible and preferred foundation by the state is driven piles, rather than concrete piers. Sometimes concrete piers are used if the house can't be moved. No harm can be brought to abutting properties. Our concern is to see where any runoff will go and how that will be controlled and the increase of impervious area. Suggest you go to the Building Dept. to deal with the issue of piles. Been there, but they didn't have piling information. This type of activity is a positive one that allows water to run freely under the house, but the size is quite extensive. Zoning doesn't have an issue with the size. There might be dune grass that gets disturbed; we would usually ask for additional plantings. Mr. Mirabito: they could add plantings along the left and right side and behind back deck; could condition a planting plan. Ms. Walkey thinks it could be submitted prior to issuance of the Order. Ms. O'Brien: not answering the question about the vibration of the piles. We promote pilings in this type

of location. Across the street and next door they built on concrete piers. When they built the one on the seawall the upstairs door frame cracked and basement stairs moved; beam is not a solid beam. Mr. Snow: don't know what we can do about the concern of 31 Brunswick. Could require pictures before and after. Send a letter to the building as well, expressing those concerns. Motion to close the hearing Ms. Scott-Pipes, subject to a planting plan. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Foley, 212 Central Ave. (septic repair)*

Bob Crawford from EET, Inc. and Mr. Foley were present at the hearing representing Mr. Casey the owner of the property. Abutters' notification was submitted. This is a 50' wide lot, encumbered by water main, doesn't leave much room to put in a septic system that conforms with the regulations of the Board of Health; granted four setback variances. Setback from house allows for a 1,000 gal tank, 3 bedrooms, 660 affluent per day, Replacing existing cesspool. 144 linear ft. of plastic chambers and proposing to replace 24" of cobblestone on the beach. Resource areas: land subject to coastal storm flowage, coastal dune, barrier beach, and within riparian zone of the South River. Mr. Foley maintains the property: opening of a sink hole to the septic, had a breach in it; doing the right thing by replacing the system. Ms. Walkey: great improvement; thanks for moving forward; improvement for the river and the area. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Toll Bros., Hatherly Road (142 units / 10 town houses) (cont.)

Applicant's representative requested a continuance to September 25, 2017. Motion to continue the hearing to September 25, 2017 at 6:30 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

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

DPW requested a continuance. Motion to continue the hearing to September 25, 2017 at 6:35 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Norton, 23 Sunset Road (new build) (cont.)

Applicant's representative requested a continuance for one month. Motion to continue the hearing to October 11, 2017 at 6:15 p.m. Ms. Scott-Pipes. Second Ms. Caisse. Motion passed by unanimous vote.

Motion to rescind vote Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous. Motion to continue the hearing to October 10, 2017 at 6:15 p.m. Ms. Scott-Pipes. Second Ms. Caisse. Motion passed by unanimous vote.

Wetlands Hearing: Tornetta, 2 Atlantic (relocate snow fence)*

Wetlands Hearing: Dobie, 128 Central Ave. (relocate snow fence)*

Atty. Steve Guard and Don Monroe from Coastal Engineering and Keith Dobie were present at the hearing. Dr. Tornetta could not make it. Abutters notification was submitted. Open together or take separately? Mr. Gallivan: each would have their own Order of Conditions. Richard Wood, 144 Central Ave. People on Central only have 2 accesses. Mr. Snow: we are discussing whether to hold both of these hearings together. Will hold together. Atty. Guard: project is a snow fence on Barratt Ave. to direct pedestrian traffic over the new replenished dunes built by Mr. Tornetta and Mr. Dobie. The plan has already been revised based on the comments received from one of the neighbors and will ask Don to show the differences. We expect to ask for a continuance after getting the Commission's comments to revise a final plan and hopefully without any abutters' concerns. Mr. Monroe: resource areas: coastal beach, coastal dune, and barrier beach. Reason they were put in is to keep elevation of dune to protect Barratt from flooding. Proposed on amended plan was to remove wing and remove five sections of the fence to the south along Dobie's property and add two S fences down along the dune to make sure foot traffic doesn't impact the dune. Keep northern fence; on plan currently. Had a discussion in the hall prior to the meeting remove section of fence down to the dark portion on the plan. Remove a couple of other sections and put Tornetta's along the property line. Section in front will be from property to property line. The only place it changes is right over the dune. There was a fence in those locations years ago. Fence was there when Tornetta's house was built in 1999. Think we have an agreement on that, but want the Commission's comments. Mr. Harding: live in Humarock. There has never been an issue that access to beach was going to be denied. Issue is the fence was not part of the original proposal and whether or not it was on private property; that is how we got to this point. What he sees now is how it was in previous years. Atty. Guard: neither applicant is looking to deny access to the beach. It is an expensive dune and it needs protection. People could walk around the fence, it is just a guide to try and keep foot traffic off the dunes. Ms. Scott-Pipes: wanted people to be able to get to the beach comfortably. Ms. Caisse: what will the width be? Currently proposing 4'. Ms. Walkey: protects dune area. Meets the requirements of the WPA and bylaw and it would be appropriate to amend the Orders. Comfortable with the width? Trying to keep people focused in one area. Topography lends itself to a curve shape, otherwise it would straight down; all 4' wide. Mr. Snow: fence will run closer to Tornetta's property and a small gray section will be eliminated on Mr. Dobie's. Purpose of the fence is trying to avoid traffic and damage to the dune. The fence is easily removable; not a permanent fence. Mr. Dobie: do not agree with taking extra set of fence out on his side. Protects Tornetta's, but not his. Both fences on on the north side of Barratt, both on Tornetta's side. Mr. Dobie thought he had given up enough. Mr. Snow: why isn't some of the fence being left on the south side?. Because the neighbor expressed the desire to have the fence as it was before. Property line on Dobies' side would be up on the dune, promoting walking on the dune. The fact that we have a continuation, we can have more discussion with Keith. Mr. Snow: Looking to amend a set of orders. Orders did not include the fence. Fence was not part of the original Notice of Intent. Mr. Dobie: if you look at FEMA's guide from Florida to New Jersey, access should not be wider than 4' or 6'. Atty. Adam Brodsky, representing Mr. Stanton. He is grateful the plan was modified and supports the access and considers it the right balance. Also supports a continuance. Can see positive steps taken. Commission wants to see the dunes protected; balance met to protect the dunes and access. At the garage, their dune is very narrow. Mr. Dobie's is 4' above Barratt Street and over the years beach grass has grown in the street. Believe slope and beach grass should be protected. Partially natural and partially constructed, mostly after '78. Richard Wood, 144 Central: owns a beach lot and fence was put across the road so nobody could go through. Always 20' so emergency vehicles could enter. Some people bring grandchildren with carts; one woman couldn't get through. Mr. Snow: want to keep these meetings respectful. Want to see the dune protected, not necessary for vehicles entrance. Hopefully people will work together respectfully. Motion to continue to October 11, 2017 at 6:30 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Motion to rescind the vote Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote. Motion to continue to October 10, 2017 at 6:30 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Dipesa, 537 Hatherly Road (rqze/rebuild)*

Applicant and representative requested a continuance. The abutters' notification was submitted. Motion to continue the hearing to September 25, 2017 at 6:45 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Cole, 31 Kings Way (2 story addition)*

Elaine and David Cole were present at the hearing. Abutters' notification was submitted. Proposing to connect a two story addition to the existing garage. Ms. Walkey: entire property is within the riverfront area (perennial stream); house constructed in 1968 predating the regulations. Doesn't appear there would be adverse impacts. Mr. Snow: try to protect the riverfront as best we can. A lot of the houses in that area never got built. What about a nice row of plantings along the back of the property behind the sheds. No problem. It is consistent with other mitigation we ask for. Submit a simple sketch showing the plantings continuing. No erosion controls needed. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Request for Amendment: Beaulieu, 77 Rebecca Road (raze / rebuild instead of elevate & renovate)

Mary Beaulieu was present. Have an Order of Conditions to renovate. After talking to builders, have been persuaded that it makes more sense to raze and rebuild and put on wooden pilings, raising 2'. Can it be down under the current conditions. Need a set of plans with the planings. Amy: just the formal request. Either accept the amendment or a new NOI. Charlie Ruddy: use wooden pilings rather than change requires an amendment or within scope of project. Not changing the footprint. RH: need a new set of pilings. Need a plans. Will have to go Zoning. Going to 20'. 7' under the maximum building height. Motion to accept the request for an amendment PSP. Second RH. Unanimous. 6:20

Request for Extension: Biviano, 198, 200, 202, 204 & 206 Central Ave. (revetment repair)

Already built an OoC in march of 11 completed in 2013 and the Order extended under the Extension Act. Applicant is the general contractor 5 Central. Talking about this before the meeting, extend the orders, suggest that they requires the description. Should have filed for maintenance. Do a one year extension. That way it triggers a public hearing. Motion to give an extension for 1 year PSP. Second RH. Unanimous. Letting them know they need to request an amendment.

Order of Conditions: Cray, 87 Glades Road (septic repair)

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

Order of Conditions: Sheerin, 109 Glades Road (cut vegetation)

Motion to condition the project Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote. Maybe will be finalized by Board of Health tonight.

Order of Conditions: Schechter / Roberts, 34 Christopher Lane (septic repair)

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

Minor Activity Permits Issued:

Valdez, 10 Meadow Road (cut vegetation)_
McClaren, 56 Oceanside Drive (8' gas line)
Gates, 28 Longmeadow Road (invasive management)

Valdez, 10 meadow lane, vegetation still there. Did observe no trespassing signs on Meadow Road.

Certificate of Compliance: Dwyer, 26A Newport Street (68-1983) & (68-2625) - OK

Discussion: 38 Atlantic Former owner Cote has a proposal for planting dune grass around the large shed. Not recommending to issue a Certificate of Compliance without an escrow holdback. She would like to move forward. Some progress has been made. Now provided from ECR to plant the grass and asking if ConCom would consider an escrow and monitor the success of the grass to allow issuance of compliance. Brad Holmes suggested 1-1/2 to 2 times the dollar amount of the proposal. Not sure what you've done in the past. Mr. Gallivan: have done a Partial Certificate and escrow. Ms. Scott-Pipes: this has not been an easy piece of property. Ms. Caisse: a lot of things were left undone; poor tract record. Mr. Gallivan: maybe shed should be measured. Mr. Harding: just looking, it appears to be the right size. Plant by May 1, 2018. Once escrow is received OK for Partial.

Minutes: May 17, 2017 and July 13, 2017

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

Motion to accept the minutes of July 13, 2017 Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Coastal Advisory Meeting: Had a meeting in South Humarock pretty constructive meeting. More constructive than previous meetings. Ms. Caisse: have to answer people's questions. Brad Washburn should be helpful.

Open Space Parking areas: Ms. Scott-Pipes – have been asked by the Selectmen to break request down for each property and prioritize. Damon, Higgins, Bates Lane, & Crosbie. \$320,000 unexpended; thought that money would get returned to CPC in hopes they would fund all the projects. To do all those projects it is \$500,000 half million. CPC felt should go for all of the money. Selectmen were surprised it would be that much money. Priority: road and access to Crosbie, has no access at all and Bates Lane, because it is well used. Higgins McAlister and Damon are the least expensive; would like to see them all done; we will be working on. Special Town Meeting is Tuesday the 14th. Deadline is September 19th for warrant articles. CPC is not voting until the 25th.

Mr. Snow: Driftway Park – the pier is deteriorating pretty quickly. Former member of the Commission served while developing plans for Driftway Park is willing to work on that piece; told him that would be helpful. Horsley Witten did a study under a former agent. He will look at some of the recommendation. Ms. Scott-Pipes: all the CRs are with the state now. Drafts have been sent in. There are on the list, could be up to a year. Scott McFadden, Wildlands Trust has been wonderful to work with.

Ms. Walkey: starting Oceanside seawall extension. Last night Kevin asked for additional funding and received it, now that they have the additional funding, want to do the additional work. How do we keep the project moving without slowing them down. What type of approval do they need from us? After-the-fact Amended Order? He wants a Minor Activity Permit. Could be a revised site plan; they don't want to stop. Can explore. Could call DEP to see if it could be a modification. It is the same methodology to extend the wall. Could possibly encompass into the existing orders. They have a verbal right now to continue. Mr. Snow: Town should be following the same guidelines as anyone else, except they are moving along as a public good. Motion to accept a request to Amend the Order of Conditions for Oceanside seawall extension Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Kammin's property: Ms. Walkey: went out with Pat, Lisa with tape measures in hand. Evident that the work, rock pile and disturbance is on town land. Jerry admitted the rocks were on town property. Agreed to move rocks onto his property. To what extent and what effect to repair the area of disturbance. Could have him bring the wetland scientist back. Abutting properties also threw stuff in the wetlands. He is putting fence up. Don't want him to go back in there. Will talk about at the next meeting.

CORRESPONDENCE

August 17, 2017 – September 6, 2017

1. Recording of OofC for 68-2661 – Cotter, 72 Surfside Road (aka Lot 9A) – 112913 Bk 00564 Pg 113 (in file)
2. Recording of OofC for 68-2662 – Cotter, 70 Surfside Road (aka Lot 10) – Bk 48802, Pg 133; Certificate 112913 (in file)
3. Planning Board re: installation of small cell equipment – Pole #236/1 adjacent to 26 Kenilworth (to Amy)
4. Board of Health re: 65 Hollett Street – need reports of O&M visits reported. Most recent report 10/10/15 indicated the blower was not operating and had likely failed. Letter 3/15/17 gave you 30 days to repair. Matter will be discussed if not repaired by 9/18/17.
5. Recording of OofC for 68-2669 – Burwick, 17 New Driftway – Bk 48768 Pg 96 (in file)
6. BOH Meeting canceled for August 21, 2017
7. Request for CofC for 68-2625 – 26A Newport St. - #27. Area devoid of vegetation follow system repair has not been planted, but naturally revegetated about 70%. As-built – engineer's verification, but no check (in file)
8. Request for CofC for 68-1983 – 26A Newport St. - #44. Only sparse grass and weeds existed in the disturbed area; does not appear that item #44 specified vegetation was ever planted, since none currently exists. As-built from 1/31/07, engineer's letter 2017, no check (in file)
9. 10 Meadow Road - Sample of notification to abutters from NOI (in file)
10. Planning Board re: Form A Application – Hatherly Road – Goulston property – discussing August 24, 2017 (to Amy)
11. Planning Board Agenda for August 24, 2017 – Town Library 7:00 p.m.
12. Planning Board Amended Agenda – August 24, 2017 – Town Library – 7:00 p.m.
13. Ohrenberger re: "Seaside by (at) Scituate" Special Permit & ANR Applications – Lots 1-13 10 of which are buildable. (e-mailed to Frank) (in file)
14. Board of Health re: septic system in failure at 1 Tilden Avenue
15. DEP File #68-2675 – Putnam, 79 Glades Road (in file)
16. DEP File #68-2676 – Levoy, 35 Brunswick Street (in file)
17. DEP File #68-2677 – Johnston, 112 Central Ave. (in file)
18. Board of Health re: 124 Grove Street: complaints re: rubbish and debris.
19. Board of Health re: 74C Glades Road – complaints re: animal feces accumulating. Conditions have satisfactorily been addressed.
20. Notification to abutters for Amended OofC for Dobie, 128 Central Ave. – fence relocation. (in file)
21. Workshop to introduce Conservation Agents, Administrators, & Commissioners to the newly completed Coastal Manual entitled – Applying the MA Coastal Wetlands Regulations: A Practical . . . OCTOBER 3, Stellwagen Bank National Marine Sanctuary Annex, 175 Edward Foster Road, Scituate – 9:00 a.m. to 1:00 p.m. (8:30 to 9:00 sign in and coffee) RSVP to: Jason.burtner@state.ma.us or calling 781-546-6012.
22. Recording of OofC for 68-2670 – Bard, 8 Holmes Street (in file)
23. Request for a continuance for 32 Gardiner Road (in file)
24. Elevation certificate for 50 River Street (in the file with other elevation certificates)
25. Requested a continuance for 537 Hatherly Road (needs stormwater review) - Abutters' notification for 537 Hatherly Road – DO NOT HAVE TO READVERTISE (in file)
26. Requested a continuance for Toll Bros to September 25, 2017. (in file)
27. Requested a continuance for Norton, 23 Sunset Road for one month. (in file)
28. Letter from Susan O'Brien, 31 Brunswick concern for her house with the vibration putting in a pile foundation. (in file)
29. Cote, 38 Central Ave. - in agreement with proposal from Brad Holmes (\$1,640.00) & the approved planting plan. (to Amy & file)
30. Planning Board re: Installation of small cell equipment Pole #245/4 adjacent to 32 Harvard St. – Verizon Wireless
31. Planning Board re: Installation of small cell equipment Pole #E.E. CO-BR #A adjacent to 14 Allen Place – Verizon Wireless

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

Meeting adjourned 8:10 p.m.

Respectfully submitted,
Carol Logue, Secretary