

**Town of Scituate
Conservation Commission
Selectmen's Hearing Room
Meeting Minutes
September 25, 2017**

Meeting was called to order at 6:02 p.m.

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

Also Present: Amy Walkey, Agent and Carol Logue, Secretary

Agenda: Motion to amend the agenda to include a Certificate of Compliance for 160 Indian Trail and discuss Driftway Park Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Request for Determination: Sweeney, 208 Mann Lot Road (septic repair)*

Paul Seabrook from Grady Consulting and Mr. Sweeney were present at the hearing. Abutter's notification was submitted. Project is to repair an existing septic. BVW runs along rear and another wetland across the street. 1500 gallon tank behind the house, pump chamber and leaching chamber completely outside the 100' buffer. Closing the septic in the 100' buffer. Ms. Walkey: went out to site; great improvement, but shouldn't except the wetland line. When or if a large project is proposed, we would require review of the line. Work is in the buffer with Town property adjacent. No Board of Health approval. Motion for a positive 2b and negative 2 and 3 - Positive 2b: The boundaries of resource areas listed below are not confirmed by this Determination, regardless of whether such boundaries are contained on the plans attached to this Determination or to the Request for Determination. Negative 2: "The work described in the Request is within an area subject to protection under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent." Negative 3: "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)." This project is pending Board of Health approval. Ms. Scott-Pipes. Won't be heard before October 13th. No work before approval. If there are changes we would need a revised plan. Second Mr. Harding. Motion passed by unanimous vote.

Request for Determination: Columbia Gas, Tilden Ave. (install gas main)*

Dana Altobello from Merrill Engineers was present at the hearing. Proposing 735 lf of gas main replacement. All work in existng paved roadways. Portions in buffer of a coastal beach, subject to coastal storm flowage. Contractor will not leave an open trench over night. They trench only what they install in a day and no work during wet weather. Erosion controls will be installed within limit of work. Some of the town projects have gone arye. Who oversees this? Ask them to stop by. This is pretty straight forward. The entire area is sensitive. Field engineers travel around and check the projects. We don't usually look for a preconstruction with an RDA, but could request one. They are very responsive if a mistake is made. Motion for a negative 2 and 3 determination. Negative 2: "The work described in the Request is within an area subject to protection under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent." Negative 3: "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)." Call the office for a preconstruction. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

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

Paul Seabrook from Grady Consulting was present at the hearing. ZBA approved the plan. Commission was waiting for Zoning approval. Didn't have erosion controls on the plan; discussed extending them around the permieter. Add a special order; Erosion controls, using a silt sock, shall be added around the perimeter of the property to delineate the project work area. Stamped piling plan was submitted. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Agent's Report / Ms. Walkey: Open space plan is being looked at by Brad Washburn. There has been some movement. Received a filing for the seawall amendment. Mr. Snow: watch the staging area. Spoke to Sean last week. He had spoken to the contractor to remove some material from the marsh. They were doing pre-storm preparations; just temporary. Tomorrow night coastal vulnerability at the library, part of our CRS. Also meeting on the new TA, tonight and tomorrow night.

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

Charles Ruddy and Mary Beaulieu were present at the hearing. Abutters' notification was submitted. Razing instead of elevating. The plot plan says concrete, but definitely using wooden pilings. Issued orders in July, but decided to raze and rebuild. Expiration date does not change. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

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

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

Wetlands Hearing: Fitzpatrick, 43 Collier Road (raze/rebuild)*

Paul Mirabito from Ross Engineering, Atty. Steve Guard and Kenny Fitzpatrick were present at the hearing. Abutters' notification was submitted. Raze/reblnd and relocate on driven pilings. 12,312 sq. ft. lot in FEMA V flood zone, elevation 17' and AE elevation 16'. Area in green are open decks and porches, with stairs at the back of the house. The lot will be regraded; it is

16' at the street to 6' at the back of lot. There is a large stone revetment and an existing stonewall at the lower portion 4' to 5' high that will remain; will act as a buffer and sediment barrier; both sides of the lot will have silt socks. Garage will be on a pile foundation. There is a three sided retaining wall and another smaller wall for grading purposes on the north side and another smaller one on the south side. Filed with North River Commission because of a small section of stairs that fall under their jurisdiction. Top of proposed piles will be at 19.1', which meets the FEMA code. Height of the first floor will be approximately 21'. Pile foundation plan submitted. Did not file a stormwater permit; increase of impervious is just under 25%. Small portion of driveway will be paved and front apron will be pervious pavers. Underneath and around the house will be planted with salt tolerant plants. No landscape plan at this time. They thought they'd hire a landscape architect after the grading was done. Meet local bylaw of work in coastal storm flowage. Activity does not increase elevation of flood water; water flows from the street to ocean and will continue. First floor is more than 1' above base flood elevation, actually 4' above; no poured foundation, and driveway will be a pervious surface with no septic; serviced by town sewer.

Mr. Snow announced that Toll Brothers and 32 Gardiner Road will be continued.

Ms. Scott-Pipes: this is a big house. Mr. Harding: would prefer to see some sort of a planting plan before any approval. Part of driveway will be pavement? Yes, right in front of the garage. Why wouldn't you continue the pavers? Mr. Fitzpatrick: probably could be all gravel. That would be better. Ms. Walkey: looked like it was mapped in the priority habitat. Did you file with Natural Heritage and get a response from them? No, didn't file. The actual site is out; right on the edge. Looked marginal, could go either way. Mr. Snow: that it is pretty marginal. Line follows the revetment. Ms. Walkey: Roof runoff? Typically roof drains go to drywells. Could put in some infiltrators. Clean roof water will go to the ocean. Paul Bowers, 7 Lincoln Ave.: showed some photos and discussed the right-of-way/easement. Steve Debrusk: past president of the 3rd Cliff Association also spoke of the importance of the right-of-way to people in the area. Atty. Guard: stated that previous owner Gail MacCracken changed the right-of-way in 1996. The original one had a 4' concrete wall that ran directly across the end. Showed Commission a picture that clearly shows the old right of way and the new right of way in 2002. Basic law states the easement holder has the right to relocate it. Mr. Snow: easements are not within the Commissions jurisdiction. Mr. Fitzpatrick: have lived there off and on for 25 years; we love it. Have bought the house multiple times. We love the people coming down. Everyone can use the relocated right of way. Mr. Snow: need to stick to Commissions' issues. Removing impervious and benefit for water flow, but covering a much larger area. Erosion is a concern, this area gets flooded; stay as stabilized as possible. Mr. Harding: important to know how this will be graded and planted. Chris Young, 14 Collier Road: access to beach has been addressed? Mr. Snow: Yes. Commission's purview is disturbance, flooding, and water displacement. Height is covered by the Building Department. Carolyn Debrish, Collier: larger building? Existing impervious is 3,447 sq. ft., proposed 4,275 sq. ft., increase of 821 sq. ft.; 24%. Ms. Walkey: need more detailed evaluation of how the percentage was calculated or ask that stormwater report is submitted. The planting plan could also incorporate a subsurface drywell to deal with some of the water. Would probably use infiltrators because they are shallower. Still you are so close to triggering stormwater. Could add infiltrators and details. Mr. Snow: with removal of foundation and garage, not sure infiltrators are needed; put effort into plantings. Ms. Walkey: maybe shallow swales. Mr. Snow: proposed open deck is extending over the concrete wall. Believe it will be cantilevered. Can see piles on the other side of the wall. Ms. Walkey: no bituminous concrete, all gravel; Might do pervious pavers at the end. Mr. Mirabito: will check about the piles on the other side of the wall. Sort out planting plan and foundation plan. Also put erosion on the plan. Look at salt tolerate plantings. Motion to continue to October 10, 2017 at 6:40 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

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

Applicant representative requested a continuance to October 23, 2017. Motion to continue the hearing to October 23, 2017 at 7:00 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.)

Applicant requested a continuance. Motion to continue the hearing to October 10, 2017 at 7:00 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Dipesa, 537 Hatherly Road (raze/rebuild) (cont.)

Jeff Hassett from Morse Engineering and Sue Dipesa were present at the hearing. Filed a Notice of Intent and Stormwater Permit. Lot is about 13,000 sq. ft. in FEMA AE flood zone, elevation 11' and 13'; no vegetated wetlands; only resource is the floodplain on the westerly side of Hatherly. New build will be in the same general location. There will be 2' of fill in front of the foundation; will have no impact on flood storage capacity; driveway will be paved. Reconnecting to same facilities; gas, water and sewer. There are three separate drywell systems for roof runoff, also front yard and driveway will pitch to a rain garden. Dropped off response to Merrill today with a revised stormwater application and revised location plan; provided more calcs and details. There will be a 4' high crawl space with concrete walls and flood vents to be in compliance with FEMA, 2' above the floodplain; no adverse impact on resource area; replacing a non-compliant dwelling. Removing and replacing three trees. Erosion controls of silt fence will be downgradient around the perimeter. Ms. Scott-Piper: what is the driveway now? Gravel and paved next to the house. Ms. Walkey: recommend waiting to close until the review is complete. Could potentially close and set orders on the 10th if peer review is completed; this is a busy site. Motion to continue the hearing to October 10, 2017 at 7:10 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Kelleher, 10 Pin Oak Drive (attached garage)*

Jeff Hassett from Morse Engineering and Dan Kelleher were present at the hearing. Abutters' notification was submitted. Lot is about a half acre with a gravel driveway. Proposing a 24' x 26' garage at the end of the house, partially within the driveway, 85' from the wetland. Providing a mulch sock for erosion control. Wetlands were delineated by Brad Holmes. Plan shows wetlands line in blue, 50' buffer in red and 100' in green. There are no other resource areas. Ms. Scott-Pipes: clearing was done and trees removed; not addressed at all in this application. We need a planting plan. What was removed from the the buffer? Mr. Harding and Mr. Parys: no other issues; garage looks good. Ms. Caisse: how much was removed? Ms. Scott-Pipes: Pat went out, I didn't. I remember Pat said he was in the 50' buffer and possibly clearing in the wetlands, but can't say for sure. Jeff Hassett: according to the survey there was no work in the wetlands. Mr. Snow: I went out. Got a call about disturbance at this site. Clearing in the back yard about to the tree-lined stonewall; some trees down and some disturbance to the left and some grubbing. Mr. Gallivan

contacted Dan Kelleher to cease and desist. Asked him to stabilize the site. They cleaned it up, put in erosion controls and seeded. Wetlands were further back, except for a small piece. Don't think it would hurt to get additional plantings along that edge. They understand their mistake. Six ash and oak trees were taken down professionally and stumps removed. Applicant would be glad to replant. Plant some good trees. Ms. Walkey: need some additional information. Plan lacking Water Resource Protection District and whether it triggers the stormwater bylaw. A quick calc seems like more than 25% impervious. Need amount of buffer zone alteration to come up with a planting plan and/or restoration plan; need a qualified professional; bring Brad Holmes back. The 50' buffer could have been lawn for a long time. You'd be surprised what aerial photos show. Look at the soils, and stormwater; the additional disturbance could bring it to 30%. Would like a nice yard for the kids. Motion to continue the hearing to October 23, 2017 at 6:15 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Chesley, 16 Trysting Place (septic repair)

Gary James from James Engineering was present at the hearing. Abutters' notification was submitted. Proposed septic repair for an existing 3 bedroom. Currently a cesspool with a small leaching trench. Installing a septic with secondary treatment. Resources top of coastal bank and BVW way down below that just couldn't get to and top of inland bank on the other side and stream on Hatherly Country Club side. There is sheer cliff with exposed ledge; SAS is about 90' from the edge. Existing leaching field will be filled; quite a bit of fill is required. Need a temporary access road to get back there; about 7 trees that have to come down. Flags were set by Paul Shea, Independent Environmental. Will add who flagged and date of flagging. Showed erosion controls on plan. Exposed ledge in the front yard, but quite flat. Pending Board of Health approval; waiting for comments. Motion to continue the hearing to October 10, 2017 at 7:20 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Falvey, 21 Trysting Place (septic repair)*

Gary James from James Engineering was present at the hearing. Abutters' notification was submitted. Brought a revised plan stating it is a 4 bedroom house. This is the house to left of 16. Paul Shea flagged edge of ledge at top of coastal bank. Elevation is about 40' higher than the coastal bank. Proposed system with secondary treatment is going in the same location as the existing system. They will be built concurrently. SAS is around 28' off the coastal bank. Only coastal bank because there is no break. Looked around the lot for different place for a leaching area. Waiting for Board of Health approval. Motion to continue the hearing to October 10, 2017 at 7:25 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Order of Conditions: Levoy, 35 Brunswick Street (raze/rebuild)

Motion to condition the project Ms. Scott-Pipes. Second RH Unanimous

Order of Conditions: Foley, 212 Central Ave. (septic repair)

Motion to condition the project Ms. Scott-Pipes. Second RH. Unanimous.

Order of Conditions: Cole, 31 Kings Way (2 story addition)

Motion to condition the project Ms. Scott-Pipes. Second RH. Unanimous.

Certificate of Compliance: Green, 160 Indian Trail – OK

Coastal Advisory Meeting: trying to get chairman Maura Curran is looking into.

Vote to Endorse Access / Parking: Creation of Trails & Mapping

Ms. Scott-Pipes / Mr. Snow: went to CPC and once again they were very supportive for the \$500,000 for the four areas of access and parking. Recreation is going to give a letter of support. We are going to the Disabilities Commission to see if they want to add anything to the plans. Frank is still a little concerned. We could drop Higgins/MacAllister and Damon. Have to do Crosbie because there is no access. That is the most expensive because of a wetlands crossing and restoration and Bates Lane is where the majority of the trails are. It is about \$400,000 for those two; personally feel should go for the other \$100,000 for all of them. Mr. Snow: Article is sponsored by the Commission to request CPC funds. When we acquired that open space there was \$320,000 unused money that will be voted at Town Meeting to go back into the open space fund. Working with Penny and Paul Scott on new plans for all of them. Do we go forward or do we back down and go for only two at this time? People can see the benefit and it includes a disability piece with some 5' wide hardpacked paths. Desparately need Crosbie and want access to Bates Lane. Also need to get back to the Driftway; pier needs work; have other projects looming; CPC has a limited amount of money. Need the vote of this Commission. Mr. Parys: agree with Penny, looking at a project for \$500,000, but you are almost there. Ms. Scott-Pipes: know that other projects are coming, but would love to say trails and parking are done. Ms. Caisse: be nice to get something completed, rather than have one more thing incomplete. Mr. Harding: heard your presentation to the Selectmen and even heir response was that it would only get more expensive. Totally go for the whole amount. We thought the money left over from purchases could be used, but it has to be specifically earmarked. Total is \$528,000 for all four and then you have some flexibility. Talk to anybody you know that goes to town meeting, have to get the troops out, because it is a lot of money. Personally feel the public needs have access to get out there. Small fraction of what was paid for the Open Space. Mr. Parys: and if you don't do it all, it is still a lot of money. Mr. Snow: for various reasons, it's been pushed off, but we secured all that property at a good time when CPC was formed. Now is the time to get it accessible. Next we will talk about the trail piece and schedule walks with Recreation. Could be as popular as the Norris reservation. Motion that the Commission support /endorses \$528,000 for access and parking on Bates Lane, Crosbie, Higgins/MacAllister and Damon at the upcoming town meeting Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Trails and Mapping: \$52,000. The people that have been doing the trail maintenance: Howard Matthew Marla and Rich Minier are pushing to get the trail system up, with good mapping and signage, and boardwalks over a couple wetland areas. Also maintenance equipment, clippers, weed wackers, GIS equipment with the ability to use their phones and google maps and also markers for all the trails. Meeting tonight; think it is worthwhile. Requesting CPC funds. Both access and mapping compliment one another. Motion to support and endorse the mapping and trail creation, markings, and maintenance for the upcoming town meeting Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Ms. Walkey: Wednesday meeting with DEP on the appeal for the reservoir.

Activity on Well 17A water piping. Had an internal meeting with DPW. Was told DEP is weighing in on that for a Notice of Intent. They are trying to come up with their proposed plan; using a Wetland Scientist.

Herring Brook Meadow 40B: Engler Bros. new plans for condos or apartment buildings. They are in the process of getting plans together. They have a superceding order. Assume they will be filing for an amendment. Down scaled project to ZBA. Two buildings instead of three. Ms. Scott-Pipes: flood maps have changed, is that going to change anything? Do they have to reflag? Flood zone is a resource area. It is a little out of our hands, but we will be kept in the loop. Maybe DEP will send it back to us. From what she has heard, pretty nice version, better than previously proposed. There is an affordable component.

Peggotty Beach: Ms. Walkey: met with Town Counsel out on site. They will handle the initial comments with Gibbs. Mr. Snow: we adopted this fining process for serious infractions; both Peggotty and Mann Hill are serious violations. Mr. Parys: these have been going on for years. Talk to Town Counsel to see if we can do it sooner than later. Talked about it today, recommended DEP's avenue: work with the people to correct, come up with a plan to move forward if they show good faith. Mr. Parys: 30 days to clean this up. There is no incentive. Ms. Walkey: can't fight everyone. Ms. Caisse: we are talking major offenses. But as you give them heavier consequences they could push back and could end up in court. Try and work together to resolve the issue. Mr. Parys: that's what we do now, but nothing is actually happening. Look at fining. Better to work with people. Mr. Harding: if they are working with us, we can work it out. It's those that don't work with us. Pat has a list of 12 violations; he is on board to see those through. It takes a significant amount of time to get through to people and it is a lengthy process to actually collect. Ms. Caisse: need to switch it up and do something different. Ms. Walkey: the environment is becoming more and more front page news; I know it is frustrating. Ms. Scott-Pipes: there are habitual offenders. Neighbors want to know what is going on. Our friend is out there where he doesn't belong again. That neighbor is very frustrated. Do we have to go out there and baby sit every week? How do we handle those; those are the ones that are upsetting.

CORRESPONDENCE

September 7, 2017 – September 25, 2017

1. Planning Board re: 529-531 Country Way – Common Driveway – Site Plan Administrative Review 9/21/17 (to Amy)
2. The Beacon
3. Recording of OofC for 68-2638 – 0 Summer Street (Lot 1) (in file)
4. Dobie letter re: 128 Central Ave. – Barratt Street – re: fence to protect dune (in file)
5. Planning Board re: Form A Application – Kenneth Road Lot 39 adjacent to 105 Hatherly – no new buildable lot. Divide into four parcels to join existing lots on Kenneth Road (to Amy)
6. DEP File #68-2678 – Foley, 212 Central Ave. (in file)
7. DEP File #68-2679 – Cole, 31 Kings Way (in file)
8. DEP File #68-2680 – Dipesa, 537 Hatherly Road (in file)
9. DEP File #68-2681 – Fitzgerald, 43 Collier Road (in file)
10. Recording of OofC for 68-2672 – Schechter (Roberts), 34 Christopher Lane (in file)
11. Recording of CofC for 68-1983 – Dwyer, 26A Newport Street – bk
12. Recording of CofC for 68-2025 – Dwyer, 26A Newport Street – bk 47565 pg 328 (in file)
13. Ross re: Cote, 38 Atlantic Ave. CofC – agrees with Brad Holmes \$,1640.00 and a certain sum (typically 1.5 to 2 times the proposal amount) to be held by the Commission (in file) (no money yet)
14. DEP on-site for 68-2665 – 430 CJCH – Wednesday, September 20, 2017 at 3:30 p.m. RESCHEDULED TO 9/27/17 AT 2:00 P.M. IN DPW first (in file)
15. Stormwater Report Merrill Engineers & Land Surveyors re: 537 Hatherly Road (in file)
16. Revised Site Plan for Fitzpatrick, 43 Collier Road (4) (in file) (Penny needs one)
17. 25 Bayberry Proposed platform to support some mechanicals 5' wide by 16' (in file)
18. Toll Brothers – Wetland Replication and Restoration Plan (in file)
19. Planning Board re: Installation of small cell equipment – adjacent to 14 Allen Place (e-mail sent to file RDA unless there is a utility pole exemption)
20. Planning Board re: Installation of small cell equipment – adjacent to 32 Harvard Street (e-mail sent to file RDA unless there is a utility pole exemption)
21. Conceptual plans for Herring Brook Meadow
22. DEP File #68-2682 – Chesley, 16 Trysting Place (in file)
23. e-mail from Pat Gallivan to Jim Mahala re: Gardiner Road – anyway DEP could suggest to the property owner that it is in violation of state law under the WPA (in file)
24. Request for CofC for 68-2520 – Green, 160 Indian Trail (in file)
25. DEP File #68-2683 – Falvey, 21 Trysting Place (in file)
26. Revised plans for 35 Brunswick Street (in file)
27. Response to Merrill re: 537 Hatherly Road; Revised Stormwater Application and Revised Location Plan (in file) (e-mailed to members)
28. Request to continue 32 Gardiner Road – drainage improvements (in file)
29. Request for continuance for Toll Brothers to October 23, 2017 (in file)
30. Request from Keith Dobie, 128 Central to withdraw filing re: Barrett Street Fence Project.

Motion to adjourn Mr. Harding. Second Mr. Parys. Motion passed by unanimous vote.

Meeting adjourned 8:15 p.m.
Respectfully submitted,
Carol Logue, Secretary