

**Town of Scituate
Conservation Commission
Selectmen's Hearing Room
Meeting Minutes
October 23, 2017**

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

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

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

Mr. Harding announced that Mr. Snow would be a little late this evening, so he would get started as Vice Chairman.

Agenda: Motion to accept the agenda Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Request for Determination: Marshall, 17 Nelson Road (accessory bldg./finished shed)*
Applicants withdrew the filing.

Request for Determination: Brown, 15 Ocean Ave. (rebuild two decks)*

Mark Brown was present at the hearing. This is an after-the-fact RDA because he got the building permit and somehow it got by Conservation; had no idea it needed Conservation permission. Project is repair of two decks. One on the east side, construction is on a 2' x 4' concrete slab; no footings required; on the ocean side. This property is on the ocean side on a central part of the street. Existing rear footings are cinder blocks into the ground 18", replaced with poured concrete 12" footings; deck not framed yet. There was a small expansion on the rear 3.5' closer to the west and 1' in the southern direction; neither one close to the property line. On the south side it goes into their driveway a little more. Ms. Scott-Pipes: basically replaced? Front did not get larger; the rear got approximately 60 sq ft. bigger on the river side. Posts will be 6' x 6' on top of footings. The only obstacle to the expansion was the septic tank. Spoke with Board of Health agent to ensure the footings were not right against the septic tank. Kept them 6" away as requested by her. Ms. Walkey: this is on a barrier beach, V flood zone and the back is in an A zone. Qualifies for a negative 2 determination. Motion for a negative 2 determination - "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." Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Request for Determination: White, 35 Peggotty Beach Road (deck)*

Patrick Donnelly contractor and Maura White were present at the hearing. On the left side of the house we are proposing a set of stairs to a deck that will be built over the front first floor covered porch. Will need footings to build the stairs on the left; 4' deep 12" concrete footings. Ms. Walkey: in this case in V zone elevation 17'. Recommend a negative 2 and 5. It is a conversion of lawn to deck stairs. Mr. Harding: how far do the stairs come out? Coming out 6' off the house and going back about 14'. Removing some plantings. Could any be replaced after the work is done? Typically when vegetation is lost, we like some mitigation. Ms. White: will go back to the way her Grandmother had it when she was there; it was lovely. It may be part of the determination. Ms. Walkey: received a letter regarding no notification to abutters. RDA does not require abutter notification. Motion for a negative 2 and 5 – 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 5: The area described in the Request is subject to protection under the Act. Since the work described therein meets the requirements for the following exemption, as specified in the Act and the regulations, no Notice of Intent is required. Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

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

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

Certificate of Compliance: Ms. Walkey - recommend issuing a Certificate for 2 Cairo Circle and 308 Central Ave.; both old. 250 Gannett Road: was hesitate because of a 2009 special condition calling for the drainage pipe to be pulled back, but spoke to the purchaser of the house who talked to the engineer and apparently at the time the system was constructed it was agreed the pipe could stay. Mr. Snow: they are limited to what they can do because of the interceptor trench and shallow groundwater. Don't think it is a big deal if the engineer felt it had to stay.

MAP: Flanagan, 171 Turner Road – moving sand back to the beach with a small bobcat.

Coastal Advisory: Mr. Harding: not on committee anymore. They elected a chairman and a vice chairman. Next meeting is the 14th at 6:00 p.m.. Will be quick one before town meeting.

The Beach Committee is bringing a project to CPC.

Anything changed on Peggotty Beach? Haven't heard anything new. MAP was issued for the last two houses to move 6" of sand for access. Gibbs wanted to do more sculpting of dunes, but that has been settled for now; she is out of town. Recommended that an engineer provide oversight. Haven't heard anything.

Wetlands Hearing: Kibbee, 12 Revere Street (septic)*

Bob Crawford from E.E.T. was present at the hearing. Abutters' notification was submitted. This lot runs between Revere and Postscript. Existing septic tank is leaking due to a seam or a hole at the bottom. Contractor was supposed to fill and didn't. Existing 1,000 gallon tank will be replaced with a 1500 gallon tank. Property is coastal dune, barrier beach, land subject to coastal storm flowage, FEMA flood zone AE elevation 13'. New septic tank will be located to provide proper clearance over the groundwater. Ms. Walkey: pretty level site, beneficial to upgrade the system. Would like to see the limit of work on the plans, but in this case the houses are pretty tight. No Board of Health approval. Motion to close subject to Board of Health approval Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Hatherly Country Club, 667 Hatherly Road (septic)*

Requested a continuance to November 20, 2017. Mr. Snow: have to be careful of quorums. Mr. Snow won't be at the meeting on the 20th. Think that Toll Bros. is the main quorum problem. Motion to continue the hearing to November 20, 2017 at 6:15 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Order of Conditions: Llewellyn, 8 Hawthorne Street (septic repair)*

Still pending Board of Health approval. Motion to condition the project Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vot.

Order of Conditions: Town of Scituate/DPW/McCarthy, Oceanside Drive 7th-10th Ave. (116 lf of seawall)

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

Order of Conditions: Tornetta, 2 Atlantic Drive (relocate snow fence)

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

Order of Conditions: Dispesa, 537 Hatherly Road (raze/rebuild)

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

Access & Parking: Ms. Scott-Pipes and Mr. Snow attended the Selectmen's meeting last week. In the end one Selectmen still questioned the price. Advisory Board gave their support. Just a few things to do to get ready for town meeting. We have done everything we can, if the townspeople want the parking, it will go forward. Ask your friends and neighbors for support for the parking and access projects. Also Disabilities Committee is having a workshop 11:00 to 2:00 at the Community Building in the Harbor to discuss their recommendations for input. Mr. Snow explained to Jen Foley the funds needed from CPC to create four parking areas to the open space acquired since 2003. Higgins/McAllister on Holly Crest off of Booth Hill; Damon property on the south side of Clapp, which has a small access road; down Clapp to Bates Lane, core of our open space where parking will be down about 700' on the right with a hard packed road and another picnic area and Crosbie and Appleton Field on the south side. When Crosbie agreed to sell, the stipulation was to relinquish use of the right-of-way; that is the most expensive, \$310,000, but prices won't go down. Access is extensive because we have to cross wetlands and replicate. Appleton Field was purchased previously and could be used by a commercial farmer or a town farming operation and it also provides access to existing paths. All will be gated and have handicap spaces and signage. Website has the maps and applications. Next is mapping out the trails and having electronic and paper maps. Other components are boardwalks and bridges; there is a lot to it; hopefully town meeting will agree. Looking for support; please come to town meeting It is a wonderful project, been acquiring open space since 2003.

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

Applicant requested a continuance. Did they give a date? No. Design work is done. Motion to continue to November 20, 2017 at 6:20 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Turcotte, 61 Seaside Road (raze/rebuild)*

Atty. Jeff DeLisi from Ohrenberger's office and Mr. Turcotte wre present at the hearing. Paul Mirabito was supposed to be here, but he picked up the incorrect file. He has the abutter's notification to abutters.

Enforcement (EO): Mr. Snow: Outstanding – 24 Webster is in litigation.

26 Gardiner – meeting this afternoon, question where the drainage will go. Two components: our EO for clearing and alteration and at the same time drainage is not in the right place. Trying to keep them separate; ultimately it will get resolved. Hopefully we can get more wetlands information. Ms. Scott-Pipes: who is looking at it for us? I think Lucas Environmental. Then drainage will be up to DPW; already have a filing. Not simple.

Rousseau, 0 Rear Driftway: Letter was sent 10/23. Ms. Scott-Pipes met with them in the spring; thought it was going to move.

31 Candlewood: letter going out tomorrow. No other work since Frank and Amy were out there. He has boundaries established. It is up to him to hire a wetlands specialist for a planting plan. We know where the property line is.

Wetlands Hearing: Turcotte, 61 Seaside Road (raze/rebuild)*

Paul Mirabito from Ross Engineering and Atty. Jeff DeLisi were present at the hearing. Abutters' notification was submitted. Mr. DeLisi: straight forward as it gets for a raze and rebuild. Below the FEMA elevation on piles, footprint is increasing from 1291 sq. ft. to 1472 sq. ft. Mr. Mirabito: this is a 20,430 sq. ft. lot. Yellow on plan outlines the lot. Several resource areas: FEMA flood zone across Egypt Ave. is AE 16' and the site is VE elevation 17'. Existing pond on property on southerly end. Small amount of upland. Coastal dune all the way to Seaside Road, identified by Brad Holmes. Show the 50' and 100' buffers to pond. Existing house is reinforced concrete foundation. Totally remove and piles would be at 19.2', 7' to 9' above the ground with no changes in the grade. Access to site would be from Driftwood Lane, coming through an easement. Serviced by town sewer, water and gas. Zoning Board approved the project. Increase of house is 14%, 8.8% impervious, well under the stormwater bylaw. Have structural plan and show erosion controls of silt sock. Covered porch on ocean side and a couple of decks. Ms. Scott-Pipes: watched the Zoning meeting, how was the staircase resolved that goes into the paper street. Samoset Ave. is a paper street;

property is deemed to own to the middle of the street. owner the house was designed steps coming off the porch area and those steps for egress protruded into the street. Zoning asked if they could grant steps into a paper street. Property does not include Samoset Ave., but deemed to own to the middle of road. Plan will be changed to reflect that steps will not be going into Samoset Ave. and plans will reflect that, but the slight change will not affect this Commission at all. Basically it was approved with the concept the stairs would not go into Samoset. Ms. Walkey: don't have anything. Don Green, 63 Seaside Road: live next door. It is great; house is older and the only in the whole vicinity that isn't on piles; all for it. Lot will not be regraded after removal of the foundation. Mr. Snow: breaks in silt sock to allow for access? Breaks are for truck access and driveway access to house. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Mr. Green: several years ago there was discussion about a bridge across the old railroad bridge. Would love to see that happen. Project was started, then derailed. Discussion about going back to that. A lot of people would enjoy, but the bridge is complicated; you are going over a navigable way, etc. Have to work through. Did some testing and preliminary plans. Hopefully next year we can get back to the Driftway Park and include that as part of the Driftway plan.

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

Gary James was present at the hearing. Board of Health has approved both 16 & 21 Trysting Place. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Harding Motion passed by unanimous vote.

Wetlands Hearing: Falvey, 21 Trysting Place (septic) (cont.)

Motion to close the hearing Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Order of Conditions: Chesley, 16 Trysting Place (septic)

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

Order of Conditions: Falvey, 21 Trysting Place (septic)

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

Wetlands Hearing: Toll Bros., Seaside in Scituate, Hatherly & Tilden Roads (142 units / 10 town houses) (cont.)

Applicant's representative requested a continuance to November 6. Mr. Snow: what will the discussion be about? Will we have information ahead of time? It is a complex project. Requested the Toll Team a status update. We could be filled in with the process with or without the peer review. They may file another continuance on the November 6. We need any new information a week ahead of the meeting. Motion to continue. Elise Kline, 625 Chief Justice Cushing Hwy. Water use under our purview. Planning Board hearings have a much greater purview. Joint meeting is to deal with stormwater. Commission deals with wetland protection on the property. Planning Board touches on more pieces than we do. Want Jeff DeLisi to explain what the thoughts are for the agenda. Don't want to have discussion or debate. Will send some correspondence of what his thoughts are. Motion to continue the hearing to November 6, 2017 at 6:30 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Devane, 19 Dartmouth Street (septic)*

Tom Devane was present at the hearing. Abutters' notification was submitted. This is a failed septic system. Resource areas: barrier beach, land subject to coastal storm flowage, and FEMA V flood zone; constrained site. Any beach grass or vegetation? If any vegetation gets disturbed, try and put it back. Mr. Snow: any need for erosion control? Ms. Walkey: lot is pretty level, would say no. Commission agreed that the project is a positive move. Stone concrete fence all the way around it. Some 3' high and some 2' high. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Mr. Stanton was present and asked about the Orders for 2 Atlantic Drive. Commission stated they were done already. Requested to look at them tomorrow.

Enforcement Orders:

31 Candlewood Drive: waiting for wetland specialist. Was a time frame given as to how long he had? Track record is not there for getting things done in a timely fashion. Ms. Walkey: letter has not been mailed; will add a time frame.

Glades Lot 2: Pat Gallivan's note to Mr. Snow stated a letter will go out this week

23 Sunset Road: Ms Walkey: invited them to the next meeting to discuss the Enforcement Order.

19 Peggotty Beach Road: because of the contaminated soils Board of Health, DEP and Conservation are all involved. Ms. Walkey: believe the applicant is working with an environmental company and they are making progress on the clean up.

Mr. Harding: back to 23 Sunset? They are going to be responding to the Enforcement Order? Ms. Walkey: they have been invited to talk about the EO. If they don't show at the next meeting, we will come up with a plan of action. That's another one to be careful on quorum, because Frank has to recuse himself.

Reussow, Gilson Road: letter to owner? Ms. Walkey doesn't know much about it. It is at the end of Gilson, right after rehab house. There is all sorts of junk in the wetlands we want out; may have other violations with the town.

Duffy, Central Ave.: new letter going out.

Spath, 106-108 Stockbridge Road: Thought that had been moving along. Has a new owner, Pat & Frank were out there, construction equipment and grinding stumps pushed way over and pulled back. Have markers up. Think they are moving forward. Might not hurt to get a little update. It was all organics, but still needed to be cleaned up.

Stockbridge Road – 40B: Amended Superseding Order of Conditions. Ms. Walkey: think that one has had a letter sent. Believes the letter holds up the project for some leverage there. Thinks there was filling in the buffer.

Kellewher, 10 Pin Oak Drive – supposed to be in here tonight, but it got continued. Next meeting they will have some mitigation.

25 Egypt Beach Road: Ms. Scott-Pipes: it started last year, cleared and left it wide open all winter. They were told to replant. Did replant some, but not enough; should have been done in the spring. Ms. Caisse: what can we do differently to stop this? Sit down, decide what to do, and do it. Ms. Scott-Pipes: we work with people, but that doesn't mean a year from now we get somewhere. Ms. Caisse: Also don't give dates, sort of open-ended. . Can we draft something up, put deadlines and start fining people? Mr. Parys: the monkey is not on their back if we don't give them a date and after that you will be fiend. Ms. Scott-Pipes: this has to stop. Ms. Walkey: we can threaten to fine them, but fining them is quite a process. DEP has their Enforcement Manual and a flow chart of what steps to take. There is a hefty sounding fine that can be implemented, depending on the severity of the infraction, we do have the right to go after it, but we can't win them all, have to pick the ones that are most severe. Mr. Parys: don't think we are talking about the ones we go after, but how to handle the ones we do go after. Ms. Walkey: agree with a deadline; should be prioritized. Amy will do a little research as to what style of letter works. There isn't follow-up when there should be. Mr. Snow: most of these Mr. Gallivan will continue to follow-up on and Lisa will follow up with Pat.

Chief Justice Cushing Hwy.: Sunoco Station trees cut in back Again was it a resource area or buffer. Mr. Scarsilloni called and said he would do what was necessary. Ms. Scott-Pipes and Ms. Caisse will work on that; he needs direction. Mr. Snow: need to find out if there was a violation.

0 Mann Hill Extension: Ms. Walkey: in town counsel's office with a letter being drafted.

Glades, Ames on-going with Martha Rhinhart. Thought it was wrapped up. Mosquito trenching.

Pond View: wall in wetland. Ms. Walkey: we have to prioritize. Some are clearly worse than others.

Ms. Caisse: as part of the spread sheet for enforcement – have the location of the violation and prioritize them within the 50' or 100' and set up a tickler file with the date of the initial infraction. Ms. Walkey: have been trying to refine our approach so not everyone get a heavy hand right away. Different approaches for different infractions. Prioritize, deadline and a little more information. Would like a weekly update.

Ms. Scott-Pipes: on a positive note, Sunday was the official opening of the North Scituate playground. It used to be a playground, then the T came in. There were millions of kids, starting at 9:00, 50 sets of kids and parents. Elementary to little ones. It is fabulous. Penny tried everything out during construction. Good to see a community come together.

Minutes:

Motion to accept the minutes of June 21, 2017 Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Motion to accept the minutes of August 16, 2017 Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

CORRESPONDENCE

October 11, 2017 – October 23, 2017

1. Request for CofC re: 68-2188 – Squire, 250 Gannett Road (in file)
2. Agenda for BOH Monday, October 16, 2017
3. Review Invoice Horsley Witten Group re: Toll Bros., Hatherly & Tilden Roads, Notice of Intent Review Amy Ball - \$65.00 (in file)
4. Request for CofC for DeAngelis, 308 Central Ave. (in file)
5. DEP re: 68-2665 – Reservoir Elevation: Required MEPA review. ENF issued 7/21/17; requires an EIR and proponent is directed to submit a Draft EIR. DEP will issue a Superseding OofC within 40 days of the issuance of a statement by the Secretary of EOEEA. (in file)
6. Request for CofC for 68-2568 - Smith, 151 Border Street – as-built, engineer's letter, check (in file)
7. Recording of CofC for 68-862 - Botchie, 22 Tenth Ave. Cert. 82569 Bk 00412, pg. 169 (in file)
8. Request for CofC for 68-1787 - Clements, 2 Cairo Circle – engineer's letter, as-built, NEED CHECK (in file)
9. Sabatia, Inc. Proposal for 68-2681, Fitzpatrick, 43 Collier Road \$2,250.00-\$2,500.00 (in file)
10. Zoning Board re: 112 Central Ave. raze/rebuild – GRANTED if no more non-conformities are created and if they are created will not be more detrimental to the neighborhood.
11. Zoning Board re: 164 Turner Road increasing structure by more than 20%. Granted
12. DEP File #68-2687 – Hatherly Country Club, 667 Hatherly Road (in file)
13. DEP File #68-2689 – Turcotte, 61 Seaside Road (in file) (who is 68-2688? – 19 Dartmouth?)
14. Plan for 68-2275 Owens, 224 Central Ave. – note: The owner's name and address is to be affixed to the end of the pier, on the ramp & float per Harbormaster CofC issued (in file)
15. Sara Gibbs letter to Murphy, Hesse, Toomey & Lehane – apology letter for the unintentional violation of OofC 68-2237. (in file)
16. Support letter for a Planning Assistance Grant, 2017 Floodplain & Watershed Protection Bylaw for Nancy Durfee.
17. Planning Board re: Form A Plan for Swan, 88 Stockbridge Road and owner Scituate Etrusco Association of 1 Common St.
18. Herring Brook Meadow Highlighted Plan Changes –site plan
19. DEP File #68-2689 – Turcotte, 61 Seaside Road (in file)
20. Request to continue Seaside at Scituate, Hatherly & Tilden Roads to November 6 (in file)
21. Request to continue Town of Scituate/DPW, 26 & 32 Gardiner Road (drainage easement) (in file)
22. Request for CofC for 68-551 - 5 Lincoln – as-built, engineer's verification, pictures, check (in file)

23. Response to Comments to Seaside at Scituate, Hatherly & Tilden Roads Regarding Remediation Plans (in file)
24. Board of Health re: Septic system in failure, 62 Glades Road
25. Form A – 84 Branch Street – lot being divided (to Amy)
26. Planning Board agenda for October 26, 2017
27. Request for postponement of RDA for Lack of Abutter Notification: for 35 Peggotty Beach Road (told him there is no notification required for a RDA, I also told him the Commission would probably not ask the applicants to continue, it sounded like he wanted the applicants to request a continuance) (scanned and sent to members)
28. Revised plan for 21 Trysting dated 10/15/17 (in file)
29. Request for continuance for 68-2684 - Kelleher, 10 Pin Oak to Nov. 6 (in file)
30. Request for continuance for 68-2687 - Hatherly Country, 667 Hatherly Road to Nov. 6 (in file)
31. Revised plans for 68-2685 - Llewellyn, 8 Hawthorne Street (in file)
32. Withdrawal of RDA for Heather Marshall, 17 Nelson Road (in file)

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

Meeting adjourned 7:45 p.m.

Respectfully submitted,
Carol Logue, Secretary