

**Town of Scituate
Conservation Commission
Selectmen's Hearing Room
Meeting Minutes
November 20, 2017**

Meeting was called to order at 6:06 p.m.

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

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

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

Request for Determination: Joost, 17 Kings Way (septic repair)*

Greg Morse from Morse Engineering was present at the hearing. Project is a septic system repair. The plan shows the property line in bold; existing 4 bedroom house and at the rear of the property is a bordering vegetated wetland (BVW) delineated by Brad Holmes. Off the wetland is the 50' buffer shown in red and the 100' buffer in green. Existing system is located in back partially within the 50' buffer. Proposing a new septic tank in back and new leaching system on the northern side; all outside the 50' buffer in lawn area; will be restored as lawn. Received an e-mail from Ms. Walkey regarding the off site Satuit Brook. The riverfront does extend onto the property, but the project is exempt from the Rivers Protection Act. The river is 100' back from the BVW line. Ms. Walkey: repair of a failed system is good, but asked for a notation regarding the riverfront to be added to the plan; also not accepting the wetland boundaries. BOH has not reviewed. Mr. Harding: any erosion control? At the limit of work is a silt fence. Submitted to BOH November 3; they have 45 days to review. 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)." This project is pending Board of Health approval. Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Request for Determination: Marathas, 17 Common Street (septic repair)*

Greg Morse from Morse Engineering was present at the hearing. Project is a septic system upgrade. Property line is in bold. Access driveway is into the Wheeler Park complex. Proposing to replace the failed septic system with a new tank and leaching bed. Resources: BVW offsite to the west; BVW offsite to the south on the opposite side of the Wheeler Park driveway. Septic is greater than 100' from wetland, but grading goes to within 90'. All work is in a lawn area and it will be returned as lawn. BOH is waiting for Conservation. 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)." This project is pending Board of Health approval. Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Request for Determination: Doyle, 67 Greenfield Lane (septic repair)*

Greg Morse from Morse Engineering was present at the hearing. Property line is in bold. Resource area is a salt marsh on the opposite side of Greenfield Lane. The 100' buffer is shown in green; the 50' buffer in red. Septic tank and leaching chamber bed is in the front. All work is outside the 50' buffer. Existing lawn area would go back. Limit of work consists of a straw waddle. Ms. Walkey: across Greenfield Lane is a dumping area down an embankment, used by more than one resident. Ms. Scott-Pipes: most likely a landscaper that thinks it is private dumping ground. Remember Pat was on this; it came up a few years ago. It is a good opportunity for people to cooperate. Possibly remove it, even though it is not on the Doyle's property. Mr. Harding: would like to know if the Doyles hire them. Mr. Parys: homeowner is not responsible for where they dump; person who dumped is the offender. Don't want to put it on one property owner. Mr. Morse: don't know who owns the property across the road or if the Doyles are responsible or even if we'd have permission to go in and remove it. They might be able to give you some information. Mr. Parys: whoever is dumping, didn't stop when asked before. Wouldn't be difficult to find out who owns the land. Mr. Harding: don't think we can require them to remove the material, but any help they could give would be great. Not healthy for the marsh across the street. Board of Health has not reviewed. 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)." This project is pending Board of Health approval. Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

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

Applicants requested a continuance to December 11, 2017. Motion to continue the hearing to December 11, 2017 at 6:15 p.m. Ms. Scott-Pipes. Second Mr. Parys. 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 January 8, 2018 at 6:25 p.m. Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Request for Determination: Driscoll, 149 Edward Foster Road (covered porch)*

Paul Mirabito from Ross Engineering was present at the hearing. This property is directly across from the new seawall. The orange line on the plan is the 100' buffer zone from the top of the seawall. They are proposing a covered porch across the front, out 10', with the closest point to the seawall 82' at one corner and 88.7' at the other corner, separated from the resource area by the public way. Proposing silt sock; poured concrete frost wall, with a small portion of a bay window just inside the 100' buffer.

FEMA flood zone X and AE 15'; all work is outside the FEMA flood zone. Ms. Caisse: couldn't see access. Driveway was pointed out. Ms. Scott-Pipes: what is the pink line? FEMA flood zone. Don't see the 50' line? It is in the street; not on the plan. Mr. Parys: lawn area now? Yes and not changing the grade. Ms. Walkey: substantial distance from coastal bank as defined by the wall; not delineating the resource area. Mr. Harding: is the porch raised? There are a set of stairs that go up 20' to the first floor, ground is 18'; porch is about 2-1/2' above the ground. Foundation is reinforced concrete, down 4'. 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. Parys. Motion passed by unanimous vote.

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

Applicant's representative requested a continuance to December 11, 2017 to review the peer report. Motion to continue the hearing to December 11, 2017 at 6:35 p.m. Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

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

Sunset was scheduled for December 4, 2017, but the meeting was cancelled due to the lack of a quorum. Motion to continue the hearing to December 11, 2017 at 6:20 p.m. Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Wetlands Hearing: Hehir, 7 Milton Street (septic repair)

Bob Crawford from E.E.T., Inc. was present at the hearing. Abutters' notification was submitted. This is a mandated replacement of a cesspool. It is a small lot between River Street and the ocean. Resource areas: 100' riverfront inner riparian, coastal dune, coastal storm flowage, FEMA AE flood zone, elevation 13'. Replacing failed cesspool with a 1000 gallon tank and 448 sq ft of leaching chambers. About 3187 sq. ft. of the 3200 sq. ft. are in the inner riparian zone. Work is approximately 400 sq. ft. Five variances requested; BOH hearing November 27, 2017. Ms. Scott-Pipes: no other place to put it. Ms. Walkey: big improvement. We can close subject to BOH approval. Motion to close Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Wetlands Hearing: Coletti, 28A Cherry Lane (septic repair)*

Greg Morse from Morse Engineering and Mr. and Mrs. Colletti were present at the hearing. Abutters' notification was submitted. Septic repair. Property line is shown in bold, salt marsh runs along the eastern border and wraps around the northern side. Off of that the 50' buffer is shown in red; 100' buffer in green; FEMA AE flood zone runs right through the house. Failed cesspool is in the back yard. Planning on rerouting plumbing to a new tank and leaching system in the front yard, 58' from the salt marsh and in the flood zone. Not changing the grade. All work is within existing lawn, straw waddle will be installed down gradient of the work. BOH has approved. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Minutes: October 10, 2017 and October 23, 2017.

Motion to accept the minutes of October 10, 2017 and October 23, 2017 Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Mr. Harding: Parking lots were all approved and funded at town meeting. Cudos to Frank & Penny for working so hard; they were the driving force. Ms. Scott-Pipes: it got a little nerve wracking. Want the RFP out by the first of the year because Crosbie's should be done while the ground is frozen. Hopefully by spring we will have parking areas. Mapping got approved also. It's been a long time coming; property was specifically bought for recreation; they include ADA. Hoping that in time, there may be some of out of towners enjoying the properties. The new North Scituate playground is a mob scene every weekend.

Wetlands Hearing: Town of Scituate/Harbormaster, 100 Cole Parkway (marina rehabilitation)*

Steve Moan, Harbormaster, Brad Saunders and Varoujan Hagopian from GEI were present at the hearing. Abutters' notification was submitted. GEI was hired to do an inspection and recommend rehabilitation. Found that the existing fixed timber pier was at the end of its useful life and existing gangway is not ADA compliant. Found seawall segments are becoming undermined and cracking. Float system is held in place by block and chain anchoring, which shifts. Measurements of the surface area of floats is 14,360 sq. ft. and there are existing permits that allow up to 16,000+/- . Proposed improvements: address the existing fixed pier and deal with ADA compliance. Only way to do that is to remove the fixed pier vertically from the shoreline and run new pier horizontally; 16' x 30' which allows enough room to have an 80' long gangway to provide the slope needed. Resurface the damaged portions of the seawall and repair the toe. Replace the 60 blocks and chains holding floats in place; at lower tide conditions, chains score the bottom. Installing 47 piles instead of 60; the blocks cover 960 sq. ft of harbor bottom, the piles will cover 37 sq. ft.; a huge reduction of direct disturbance. Blocks are 4' x 4' x 4'. Lastly, some of the floats will be increased; finger floats will go from 2' wide to 3'; width of main floats from 7' to 8'. One issue, have federal navigation anchorage, which includes part of the float system and we can't encroach any further into that area, therefore, increase in widths will be outside of that. Received letter from the Corp that says proposal is consistent with the previous approvals; no additional permits from Army Corp are necessary. We do have some flexibility for reconfiguration of floats. Showed pictures of the damage and deterioration of the seawall; pier will be sitting over the rip rap. Have Division of Marine Fisheries letter; no recommendations. Ms. Scott-Pipes: floats will stay in the water all year and not stored in the parking lot? Yes. It is a lot of work to move the floats in and out and costly. Subject to MESA review by Natural Heritage; waiting to hear from them. Will be submitting a Chapter 91 license and Corps of Engineers as well. Mr. Harding: how will the stone be removed and where will it go? Dismantle it, stockpile and ask the town if they want it; if they don't, it will be part of the bid to dispose of it. Chain will be taken out for scrape metal. Ms. Caisse: what are the pilings made of? Doing an analysis. There is greenheart, steel, or composite; not going to use pressure treated wood; probably steel or composite. Mr. Harding: How will the piles be installed? Will be driven. Did a soil analysis and next week will do more probes, want them down 15'. About 47 for the floats and 6 for the fixed pier. Also doing deicing; keeps water moving. Ms. Foley: approved for 16,000, are you using the 2000 again? Yes, with the enlargement of the finger piers and the main floats by 1 foot each, will be back to 16,300 sq. ft. Ms. Walkey: looks like a thorough application. Wonder if we can close pending receipt of MESA approval and other agency approvals; DEP didn't have any comments. We will be filing a preconstruction notification with the Corp and CZM will be involved. Did have a meeting on site with engineer from Corp navigation and Dave Hill from DEP. Ms. Scott-Pipes: When do you expect MESA? Would have expected it by now, typically it takes 30 days. Expect

to start construction either in the spring or after the season in the fall. Chapter 91 approval takes the longest. Can do the entire construction in two months. Motion to close the hearing pending MESA and other authorities approvals 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 continuance to the second hearing in December, however, there is only one in December. Motion to continue the hearing to December 11, 2017 at 6:25 p.m. Ms. Scott-Pipes. Second Ms. Caisse. Motion passed by unanimous vote.

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

Applicant's representative requested a continuance to December 11, 2017. Motion to continue the hearing to December 11, 2017 at 7:00 p.m. Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote. Right now Mr. Parys is working, but will certainly try to be available.

Outstanding Enforcements: things are happening. 31 Candlewood, nobody wants to work out there. Not our problem, but trying to facilitate matters.

Gardiner Road: 9:15 a.m. Wednesday.

24 Webster with legal; nothing has been done.

New violations keep popping up. This time of year you can really see, so if you do see something, take pictures and we will send a letter. Ms. Scott-Pipes: if a letter is sent, does that give you, as agent, the right to go on the property? No. Guidance recommends developing a report with property owner to have them invite you on. Short of that it goes to notice of violation, then to an EO. Ms. Caisse came up with a fabulous suggestion for members if they have interest in certain areas, they could do special projects. She has started a spreadsheet of violations. Ms. Caisse: there will be tabs to click into and you will see the history. Ms. Walkey: one area is once orders are issued, they don't always start constructing right away. Keep a spreadsheet on the current projects.

Mr. Harding: from now the meetings will start at 6:15 p.m. Secondly need waivers signed for the December 20 to January 8, 2018 meetings.

Coastal Advisory Commission: brief meeting Frank and Mr. Harding's wife discussed assignments of who would do what in the committee. Lynda is doing the web stuff. December 20th is the next meeting.

CORRESPONDENCE

November 7, 2017 – November 20, 2017

1. Recording of OofC for 68-2690 – Devane, 19 Dartmouth Street (Bk 49151 Pg. 107) (in file)
2. Massachusetts Wildlife Magazine
3. DEP File #68-2692 – Town of Scituate/Harbormaster, 100 Cole Parkway (in file)
4. DEP File #68-2693 – Brown, 178 Central Avenue (in file)
5. DEP File #68-2694 – Hehir, 7 Milton Street (in file)
6. Board of Health Agenda for 11/13/17
7. Recording of OofC for 68-2693 - Brown, 178 Central Ave. (Bk 49154 Pg. 222) (in file)
8. Abutter Notification from Norwell re: 328 Summer Street – setback not 50', seek to add shed dormers to structure.
9. Recording of OofC for 68-2677 – Johnston, 112 Central Ave. (Cert. 99537 Bk. 49169 Pg. 272) (in file)
10. Planning Board letter of support for access, parking and creation of trails and mapping for Crosbie, Bates Lane, Higgins/McAllister and Damon property.
11. Pictures of 94 Crescent Ave. – preconstruction with Pat Gallivan 10/31/17 (in file)
12. Pictures of 16 Trysting Place – preconstruction with Pat Gallivan 11/2/17 (in file)
13. Pictures of 21 Trysting Place – preconstruction with Pat Gallivan 11/2/17 (in file)
14. Division of Marine Fisheries re: NOI, 100 Cole Parkway. Pile-supported better than concrete mooring blocks. No recommendations (in file)
15. Waiver signed for 20 & 22 Ocean Front Street – re: scheduling hearing to January 8, 2018 (in file)
16. Zoning Board decision re: 50 frontage for 568 First Parish Road – Granted.
17. Request for CofC for 68-1813 – 131 Tilden Road (Sam Tilden Farm Subdivision) (in file)
18. 38 Atlantic Drive - American Beach Grass Planting (in file)
19. Consultant report / Jim O'Connell re: 43 Collier Road forwarded to members (in file)
20. Request for continuance to December 11, 2017 for 68-2658 - Toll Bros., Hatherly & Tilden (in file)
21. Request for continuance to December 11, 2017 for 68-2681 – 43 Collier Road (in file)
22. Zoning submittal for Herring Brook Meadows, 126 & 132 CJCH – Amendment of Comprehensive Permit
23. Board of Hearing for November 27, 2017
24. Recording of OofC for 68-2644 - Oceanside Drive – 7th to 10th Ave. (in file)
25. 25 Peggotty Beach Road - FEMA LOMR Flood Zone X
26. DEP Notice of Environmental Sampling – Chief Justice (100 feet north of Mann Lot Road) – MAP previously issued (filed under Ch. Justice)
27. Waiver signed for 18 Lowell Street – re: scheduling hearing to January 8, 2018 (in file)
28. Request to continue 26 & 32 Gardiner to January 8, 2018 (in file)

29. 155 Humarock Beach CofC – new owners Humarock Beach Escape, LLC/Michael Rawdon & Deborah Becker, 425 Farley St., Mountain View, CA 94043. (in file)
30. Request to continue 10 Pin Oak Drive from 11/20 until December 11, 2017 (in file)
31. Vernal Pool – Gates School Information (in file)
32. Request for Proposals? Trail Mapping & Signage – Scope summery of work to be performed
33. Zoning Board re: 61 Seaside Road – “Requested Relief” = Granted
34. Revised plans for Joost, 17 Kings Way (revised plans – dated 11/20/17) (in file)
35. 157 Summer Street (aka Lot 1) – limit of work staked in field (in file)

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

Meeting adjourned 7:30 p.m.

Respectfully submitted,
Carol Logue, Secretary