

**Town of Scituate  
Conservation Commission  
Selectmen's Hearing Room  
Meeting Minutes  
January 8, 2018**

Meeting was called to order at 6:20 p.m.

**Members Present:** Mr. Snow, Chairman, Ms. Caisse, Ms. Foley, 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 Bridge/boardwalk at Higgins MacAllister property, South Swamp walk, signage for Ellis property regarding picking up after dogs, and additional Certificate of Compliance for Drew, 32R Driftway Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

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

Applicant's representative requested to continue the hearing for one month. Motion to continue the hearing to February 21, 2018 at 6:15 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

**Wetlands Hearing:** Millennium Maintenance & Power Sweeping / Ross, Intersection of CJCH (3A) & Mann Lot Road\*

Applicant was delayed in traffic, will open later in the evening.

**Certificate of Compliance:** Drew, 32R (aka 46) Driftway 68-464 – OK

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Atty. Bill Ohrenberger was present. Ms. Walkey looked at the site. This property is in back of Dunkin Donuts off Driftway. Old file from 1986 - 68-464; with a one year extension, it expired in '90. It is a contractors yard, surrounded by salt marsh. There was an Enforcement Order in the past; not current. We received the request and a statement from an engineer. Mr. Snow: it was a contractors' yard before this; hasn't changed. There is a little bit of a buffer around the back that is vegetated. A marsh replacement was done by the MBTA. Single family home or apartment there too. The buses are stored on the Totman property. Wasn't around to know what was discussed. Ms. Walkey: OK to issue. It was the early stages of WPA and Commission. Orders are bare bones.

Van Fleet, 73 Seaside Road 68-2569 – (replace shed 10'x19'6")

This was a single family home. Received request, engineer's verification, as-built and photos; complete submittal. OK to issue.

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

Applicant's representative requested to continue the hearing until February 5, 2018. Motion to continue the hearing to February 5, 2018 at 6:15 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote. Mr. Snow: any progress? Mr. Morse was present and stated that Lucss did make it out to flag the wetlands line. There are three different and now determinining which line to use. John Richardson's, Chris Lucas', or Brad Holmes. They are all about the same; so some progress.

**Wetlands Hearing:** McKay, 20 & 22 Ocean Front Street. (repair fence/add fence/backfill/restore dune)\*

Jeremy Packard from CLE was present at the hearing. Abutters' notificaiton was submitted. Mr. Packard is representing Kathleen McKay and Robert Morel. These are two houses are litterly between a rock and a hard place. Seawall on one side and rip rap on the other. Built a drift fence, with a manmade dune on cobble. Since then hired CLE, met with DEP and discussed with Amy Walkey. Trying to protect the homes and septs. DEP shut down seawall or hard surfaces, however, will allow backfill with a heavier material; 6" riverstone cobble; rounded stone. This is an effort in proactive permitting. Dune is established, just want a permit in place so when the drift fence gets exposed they will be able to repair any sections necessary. Proposing to repair and leave as is, extend 33' to the south on the McKay property. After we install two rows of fence about 5' apart, we will install 4' of riverstone cobble; add material and replant. It is between a hard and soft structure. Received comment from DEP to remove the Geotextile fabric because it may become dislodged after erosion and become debris. NHESP has time of year restrictions (no work during April 1-August 31) and size of sediment (similar grain size as currently present). Ms. Walkey: also #4 the applicant is responsible to protect breeding Piping Plovers and terns and allow regular monitoring and fencing, warning signs and twine fencing as directed by the Division. Do you need to submit a monitoring plan? Get some clarificaiton about that comment. It is manmade habitat. Mr. Snow: all sand shall be similar size, but you are proposing a riverstone. It is not all sand, it is a variety of material. Plovers won't nest on cobble. The riverstone is buried. Install the sacrificial fence and cobble and put sand back on. Mr. Gallivan gave Jeremy the plan for the pilot program. Ms. Caisse: elevation? Top of berm is 20'; top of fence is at 14'. Mr. Harding and Ms. Scott-Pipes thibk it is a good project; houses on foundations. Ms. Walkey also in support; looks good; meets the requirements of the regulations. Hesitate on closing the hearing to wait for clarification about the monitoring comment from NHESP. Order of Conditions will have the NHESP orders spelled out. Using Court Street for assess. No mats, just rake out and restore. Motion to continue for two weeks; just close without Jeremy. North end has had some Plovers. Motion to continue the hearing to January 22, 2018 at 6:40 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote. Mr. Snow recused himself. Mr. Harding took over as chairman.

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

Applicant's representative requested a continuance for two months. Ms. Scott-Pipes: after much thought, feel we should continue the hearing, it was just sprung on us at the last meeting. Nothing will happen with the Enforcement Order (EO) in the winter anyway; too frozen. Won't hear the Notice of Intent until the EO is taken care of. Give them until spring for the Notice of Intent. Ms. Walkey: consulted Town Counsel and they suggested, why not give it to them because nothing will happen in the winter. Recommend to continue to March 19, 2018. Commission was in agreement. Ms. Scott-Pipes: it is the right thing to do. Motion to continue the hearing to March 19, 2018 at 6:15 p.m. 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 to continue the hearing for one month. Mr. Snow: two things; submission of a plan and also an Enforcement Order for cutting vegetation; have been waiting for a while. Ms. Walkey: assurance from the engineer that progress is being made. Greg Morse was present: majority of the work was done on the neighbors' property; working with them. Ms. Caisse: when did this happen? In the summer. They did stabilize the area, but we requested plantings. Motion to continue the hearing to February 21, 2018 at 6:20 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

**Wetlands Hearing:** Young, 18 Lowell Street (raze/rebuild) (cont.)

Applicant's representative requested to continue the hearing to the next meeting; waiting for foundation plans. It originally started as a 7 bedroom septic with a 1 story addition; it is now a raze and rebuild on pilings. The Notice of Intent will be revised and will be readvertised. Motion to continue the hearing to January 22, 2018 at 6:45 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

**Wetlands Hearing:** Toll Bros., Hatherly & Tilden (142 units / 10 single family homes) (cont.)

Applicant's representative requested to continue the hearing to February 5, 2018 to allow the stormwater review process to be completed. They are making progress with the Planing Board. Motion to continue the hearing to February 5, 2018 at 6:20 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

**Wetlands Hearing:** Millennium Maintenance & Power Sweeping / Ross, Intersection of CJCH (3A) & Mann Lot Road\*

Delayed in traffic. John Harvey from Wilcox & Barton, Inc. was present at the hearing. Abutters' notification was submitted. Small area on Rt 3A near the public safety building has been contaminated. Millennium hired my company to clean up the property. There was a gas spill as a result of a traffic accident in November of 2016; not a big spill and not a lot of contamination; would have liked it done by now. Did quite a bit of assessment; delineated the extent of contaminated soil, 4' deep and approximately 10' x 10'. Think the best course of action would be to get in there when it is dry and dig out the shallow soil. Ms. Scott-Pipes: why did it go down so far, was it because of the wetland? Can't really say, but contamination will travel faster through coarser material. It is best to remove the soil. Mr. Harding: do you replace the soil? Not all the time. Will bring clean fill in here and add a layer of peat. Ms. Walkey: just for consistency for submissions, lacking some information; not recommending closing until we receive a little more information with respect to the resource delineation. The wetland is a bordering vegetated wetland (BVW) not an isolated wetland; replication should be part of the plan; we will accept 1:1 instead of 2:1 in this area; we don't want to slow things down. Amy will provide a list of other missing information missing. DEP had a question on a Water Quality Certification (WQC), which depends on how confident you are that the 10' x 10' is the extent of contamination. It may trigger digging in the resource area and that would trigger a WQC. Minimally if you are digging in a resource area you are required to replace in kind and monitor what you replaced. A professional wetland scientist could help you with that. Fairly confident as to size, maybe 12' x 15', 12' x 12' or possibly 8' x 8'. Tighten up on the site plan; show limit of work and silt sock. We have a wealth of information about this property, because it is in relation to the public safety complex; useful wetland flags and report from LEC. Mr. Snow: you are going to excavate the area and obviously be on site to be sure you have reached all the contamination. Once satisfied remove the contaminated soil and replace with similar material. As Amy said you should show the limit of work and maybe give it a buffer in case excavation needs to be extended. Staging area looks like it is on the side of the road. Yes, for the equipment. Wonder if you could show the restoration on the plan. Doesn't have to be a separate report. Details, not only to remove the soil, but also to restore it. Monitor the plantings for a year or two. Should be planted out, rather than left bare. If it warms up, area does receive runoff from the roadway. They were lucky to do the fire station in a dry season. At the same time we don't want it to migrate any further. As soon as we get the OK from Mass DOT, we will move on it right away, once it dries out. Going to a subcontractor for the restoration, already talked to Amy. Continue for a month. Motion to continue the hearing to February 5, 2018 at 6:25 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

**Wetlands Hearing:** Feehily Investment Trust/eehily, 119 Jericho Road (raze/rebuild)\*

Greg Morse from Morse Engineering and Mike Feehily were present at the hearing. Abutters' notification was submitted. This is a raze and rebuild on the corner lot. On the opposite side there is a portion of Museum Beach fronting on Scituate Harbor. Associated with that we located the 100' buffer from the coastal dune and coastal beach from the edge of the beach grass. The entire lot is located in FEMA flood zone AE, elevation 15'. Majority of site is at elevation 12' or 13'. There is an existing house inside the 100' buffer. Outline of the new house is marked in bold on the plan and pulled out of the 100' buffer to the beach. Foundation plan included: 1<sup>st</sup> floor is at elevation 16.1' with more than 1' of freeboard and flood vents; poured concrete foundation, but has the necessary flood vents. No habitable space below flood elevation. Stormwater calculations show there is no increase in runoff pre- or post-development. Roof runoff is directed to 12 leaching drywells in the back. This is also in land subject to coastal storm flowage, but the ocean is determined to have infinite capacity. Mr. Harding: does the land slope down away from the ocean? Actually slopes down Damon Road. Site is fully developed with a lot of lawn, which will go back as lawn. Changing grades in front, only by +/- 6". Ms. Walkey: looks pretty straight forward. Need a peer review for stormwater. Will get that going. Put it out to a couple of engineering companies, hopefully can get done pretty quickly. Do like to see silt socks for limit of work, not wattle. Is there an elevation certificate? Haven't done one yet, but can provide. Will need for the building permit. Went through ZBA and got approval, lot is undersized, but preexisting. Continue to the next meeting and if that doesn't

work go to the next one. Motion to continue the hearing to January 22, 2018 at 6:50 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

**Order of Conditions:** Kuebler, 104 Edward Foster Road (extend crushed stone driveway)

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

**Agent's Report:** town experienced flooding with the storm last week; probably all of you have seen the footage. Definitely some areas that we will try to fix, like the seawall breach. Goes along with vulnerability and develop a town-wide strategy to address some of these areas. Lots of calls for the emergency response team; dedicated workers. Businesses were reopened quickly. Governor Baker came in to town. Ms. Scott-Pipes: Friends in South Carolina saw it all on the news. Mr. Snow: encouraging people to get a MAP for moving sand and cobble after this last storm. Some are minimal; some are mobilizing with equipment. Require at least a MAP. If it is a larger problem, talk to you to see if an RDA is needed; want to monitor to some degree. We have had a number of people call and stop in looking for Minor Activity Permits. Ms. Walkey: word from building was that the physical damage was minor. Lot of it is the cobble that washed up in Humarock and Oceanside. Same contractors that have done it before. MAP will have a time frame. Mr. Harding: conditioned a raze/rebuild on Cranewood, they were putting in pilings, and some were floating. They are in front of two or three houses. Have to keep in mind that it cleanup will take time; a month or two. Mr. Parys: boats on trailers that weren't tied down and several dumpsters washed away. Ms. Caisse: talked to Paul Armstrong regarding the corner of Central and Seaview had 8 piles wash over onto the marsh, chained together can't get them back because the whole road is blocked, full of cobble. That road has to be opened up. It will get done. Mr. Snow: there's a tree on power lines at the Ellis property; the power isn't out. There was very little water on the avenues. The wind was from the northwest, usually it is a nor'easter. Ms. Caisse: response time was incredible. Luckily storm was gone before we had a second tide. Ms. Walkey: doing post storm assessment with Jen Keefe; Peggotty and Humarock for septic systems. That is a priority. Mr. Parys: sometimes you have a storm that dumps more material and sometimes takes it all out.

Mr. Snow: hopefully moving forward on the parking areas. Need bridge and boardwalk at the Higgins / MacAllister property; they have located it where they want it go; need to see what is required to condition it. Think it should be a Notice of Intent. It is a 75' wide area. There is a channel and a good amount of wetlands. CPC funded the materials. Ms. Scott-Pipes: the parking is coming. Notice of Intent is all set, they want to do all the plans together.

Ellis property: folks maintaining the trails have reported dog droppings. Forwarded to Kim Stewart and she forwarded to the folks at the Animal Shelter. Kim also pointed out an area off of Country Way. Have to see if there is any good signage. Just try to encourage people to pick up. Could add something to the website.

Have to find the time to get out to the South Swamp. Try and set up a time. Pick a couple of spots, not a long, long walk. Some want to see the cedar stands. See what's good for the Commissoin; weekend or possibly weekday.

Maura Curran: thanks for the update on the trails. What is the cost for a CR, per acre or per parcel? Ms. Scott-Pipes: gave Al the information and contact; can't tell you, but it won't be that much money. There is a formula they use. Mr. Snow: Wildlands Trust is looking at it as a package. Talked to the Forest Foundation, but they problem with them was they wanted to be more aggressive with harvesting. That was one of the reasons to go to Wildlands Trust. They came up with a sum of money and broke it into different sections. They take the money and invest it so they can monitor it. They physically check the property. We make a list of what we want to do on the property and we can make sure what we want is included.

**Minutes:** December 11, 2017

Motion to accept the minutes of December 11, 2017 Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

### **CORRESPONDENCE**

**December 12, 2017 – January 6, 2018**

1. Zoning Board re: Go Green Landscape, 161 Driftway - letter from attorney on behalf of Theresa Nielsen and response from Bob Vogel. Also attached is the Lease Agreement.
2. Stormwater Magazine
3. Fisheries & Wildlife re: 20 & 22 Ocean Street – re: Drift fence, cobble, and nourishment (in file)
4. DEP File #68-2700 – Kuebler, 104 Edward Foster Road (in file)
5. DEP File #68-2701 – Millennium Maintenance & Power Sweeping, 3A & Mann Lot Road – Additional requirements: Water Quality is not required if: no more than 5,000 sq. ft. of wetlands are lost and/or dredging of more than 100 cu. yds. of Land Under Water; the final requires at least 1:1 replacement of BVW; dredged or fill material does not go to any Outstanding Resource Water, rare & endangered species habitat; loss of any salt marsh; activities subject to an individual 404 permit. (in file)
6. Zoning Board re: addition at 15 Hazel Ave. – GRANTED.
7. Board of Health agenda – December 18, 2017
8. Planning Board agenda – December 21, 2017
9. Recording of OofC for Kibbee, 12 Revere Street – C 121321 Bk 00606 Pg. 121 (in file)
10. Board of Health re: septic system failure at 1 Tilden Avenue
11. Amended Planning Board Agenda – clarifying the meeting location
12. Zoning Board re: 11 Bunny Lane – addition more than 20% - GRANTED
13. Letter requesting Bourne Consulting file 100 Cole Parkway OofC for 68-2692 – rehab pier, gangway, seawall (in file)

14. Division of Marine Fisheries re: 68-2692 - 100 Cole Parkway – no recommendations for sequencing or timing methods (in file)
15. Notification to Abutters re: Feehily Investment Trust, 119 Jericho Road (in file)
16. DEP Waterways re: Application by John F. Owens, 224 Central Ave. to amend the Chapter 91 License #13013 to maintain the location of the existing ramp and float. Accept written comments 30 days from December 29, 2017 (“Notification Date”) (file downstairs CofC)
17. Waiver signed Kuebler, 104 Edward Foster Road – ATTACHED Notification to Abutters Slips (in file)
18. CLE Engineering re: 20 & 22 Ocean Front Street – Proposed Drift Fence Restoration Project: revised plans removed underlayer of MIRAFAI fabric – DEP felt it could become dislodged after erosion and become debris. NHESP incomplete – work on 3 properties – 2 private and Court Street (in file)
19. 12 Revere Street – Contractor Kevin Powell, 1485 Ocean Street, Marshfield 781-837-6633 – starting 12/28/17 weather permitting (in file)
20. Jim O’Connell 2<sup>nd</sup> Supplemental Report re: 43 Collier Road – dated December 23, 2017 (in file)
21. Notification to Abutters – Millennium Maintenance and Power Sweeping – CJCH & Mann Lot Road (in file)
22. Recording of OofC for 68-2694 – Hehir, 7 Milton Street – C 120568 Bk 00602 pg. 168 (in file)
23. Board of Health Agenda for January 3, 2018
24. DEP File #68-2702 – Feehily Investment, 119 Jericho Road (in file)
25. Planning Board re: Accessory Dwelling Special Permit Application – 105 Hatherly Road – 1 story, 1 bedroom approximately 672 gross sq. ft. Less than 750 sq. ft. so it is allowed by the bylaw. COMMENTS by January 18, 2018. (gave to Amy)
26. Stormwater Magazine
27. Zoning Board re: 143 Tilden Road and 171 Utility Road – both additions. Appreciate any comments on or before January 26, 2018 (gave to Amy)
28. The Beacon
29. Revised plans for 43 Collier Road – Revised 12/29/17 (in file)
30. Request to continue Hatherly Country Club, 667 Hatherly Road for 1 month (in file)
31. Request to continue Norton, 23 Sunset Road for 2 months (in file)
32. Request to continue Kelleher, 10 Pin Oak for 1 month (in file)
33. Request for a CofC for 68-464 – Drew, 32R Driftway (formerly 46 Driftway) (in file)
34. Planning Board Agenda for January 11, 2018
35. Request to continue Toll Bros. (Seaside at Scituate), Hatherly & Tilden Roads to February 5, 2018. (in file)
36. Request to continue 18 Lowell Road to the next meeting – awaiting pile foundation plan layout; then will revise the NOI and readvertise and subsequent fees. (in file)
37. Request to continue 26 & 32 Gardiner Road to February 5, 2018. (in file)
38. Fisheries & Wildlife re: 20 & 22 Ocean Front St. 68-2697 – 5 conditions (in file)

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

Meeting adjourned 7:40 p.m.

Respectfully submitted,  
Carol Logue, Secretary