

**Town of Scituate
Conservation Commission
Selectmen's Hearing Room
Meeting Minutes
January 22, 2018**

Meeting was called to order at 6:19 p.m.

Members Present: Mr. Snow, Chairman, Ms. Caisse, Ms. Foley, and Mr. Harding.

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

Agenda: Motion to accept the agenda Mr. Harding. Second Ms. Caisse. Motion passed by unanimous vote.

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

Paul Mirabito from Ross Engineering, Atty. Steven Guard and Ken Fitzpatrick were present at the hearing. No new documentation to discuss; submitted a revised plan, but not submitted a week in advance. Will give an update on the revised plan. Since the last meeting responded to Jim O'Connell. Regraded the contours under the house to stay the same. There is fill where there are two stairways, fill for the lawn area in the front and fill for the driveway. Submitted a new planting plan from Brad Holmes. That came in Thursday or Friday afternoon. Merrill is looking at the type of fill. They will be rendering an opinion of flow onto abutting properties; waiting for that report. Hopefully will have for the next meeting. Requesting to continue for two weeks. Received final report from Jim last Wednesday or Thursday. Could go to Wednesday the 21st, rather than February 5th. We are firm for submittal of new information one week ahead. Motion to continue the hearing to February 21, 2018 at 6:25 p.m. Mr. Harding. Second Ms. Caisse. Motion passed by unanimous vote.

Wetlands Hearing: Jacob Hatch Condo/Scanzillo, 10 New Driftway (add additional parking)*

Paul Mirabito, Joe Scanzillo and Russ Anderson were present at the hearing. Ms. Walkey: received some new information last week; has not reviewed it yet. Has been sent out for a proposal for the stormwater review; don't think there is much to discuss tonight. Mr. Mirabito: since the last meeting had a site walk with Amy and showed the stormwater basin and the play area up against the wetlands. Looked into putting parking in another place, but there is no viable alternative for a number of reasons. Added the amount of disturbance in the buffer zone, which is 2800 sq. ft. between the wall and the silt sock with a temporary disturbance of 1700 sq. ft. The stormwater system in the Notice of Intent (NOI) is the same. The parking will be pervious pavement. There are two catch basins, but the water from the new parking will go into the existing drainage system. The NOI identifies the performance standards for the BMPs in the area of expansion; all will be contained by a proposed reinforced concrete wall, designed by a structural engineer before going for a building permit. Approximately 900 cu. yds. of gravel will be under the pavement and compacted in 12" layers. Brad Holmes did a planting plan for the area between the wall and the disturbance. Brad reflagged the wetlands. They were flagged in 2015 and then again at the end of December; no change from 2015. The wetland line described at the very first meeting was taken from the original site plan from 2002. Isolated wetland is in orange with the 100' and 50' buffers and the blue line is the BVW. Ms. Walkey: wetlands line surveyed? No. That is an example of something that is missing. Why is that necessary if they are the same as 2015? Probably consistent, but ideally would like the data forms too and flags surveyed on the plan. Mr. Snow: if this was an Abbreviated Notice of Resource Area Delineation (ANRAD), the wetland line would only be good for three years; this is almost 20 years old. Twenty years is sufficient time for a wetlands to change. When they did wetlands back then it was done by vegetation, now they also checking soils; gives a more accurate line. In 2015 and 2016 he had the original plan, then came out and flagged it and basically came up to the conclusion that everything was the same. That's why don't understand why we have to have them surveyed again and go through that expense. What if he certifies they are in the same location as before? Ms. Walkey: we want to get it right, not sure if what he flagged is depicted on the plan; area could have shifted and the calculations would be different. Also that is what these applications consist of, locations of the wetlands on the plan. There should be an analysis of the project in respect to keeping the parking outside the buffer, to be sure there is no other areas available. On review of the Planning and ConCon 2000 files, it shows an area in front of the building that is outside the buffer that had a note for future parking spots. Mr. Scanzillo: that note was prior to Planning Board approval. There is the prospect of only four spots that need to park diagonally, which would cause the necessity to back into the fire lane. Four spots would only be a fraction of what is needed; need 12 to 15 additional spots. The Planning Board wanted it the gateway to Scituate, didn't want to see cars and trucks parked in front of the building; this is the only remaining place. Have you filed with the Planning Board? No, we do not believe we need to, not changing the use, expanding or adding any additional square footage; clearly not doing anything that requires Planning Board approval. Planning Board correspondence originally indicates they knew if there was an overburden situation, it was encumbant upon us to address the situation and makes no mention of going back to Planning again. Ms. Walkey: the approved site plan shows parking on that side of the building; not our call, it's a Planning Board issue, but it is something we should have to meet all the requirements. We need an analysis of areas outside the buffer. You have a complete set of site drawings in the office; look at the entire site, not going to draw the same drawings that you already have. You've looked, we've looked and if we can't come up with any other area for 12 to 15 spots, that is the only place available. Ms. Caisse: approved site plan showed parking in front; you say the town didn't want parking in front, but the parking is shown on the approved plan, therefore the parking must have been approved. Mr. Scanzillo: the note on the drawing said for possible future parking and it was drawn on there at the beginning of the project, if only a few were needed; that is where we would seek to put them, but it became clear we should not disturb the front. Approval process took approximately 1-1/2 to 2 years. Mr. Snow: try to work with other boards, there is a number of sign offs required for a building permits. Planning Board should be aware of it., but we need to look at what is under our jurisdiction. This building was

conditioned with a lot of wetland and resource areas; everybody worked hard to get it approved. Let's look at this as if this was requested originally, we would be looking for some relief for the buffer zone. Typically we want to know what is being offered for mitigation, if the project is conditioned. What would we think would be appropriate? Thought there is still a lot of knotweed on the property. We have been extremely successful; went through a two year program; it has been fantastic. Question is what can be done on this site that would be better for the wetlands. Suggest that we could continue with knotweed removal. We would need to apply to the Commission again, believe approval expired last year. Ms. Walkey: need to make sure analysis for additional parking is thorough. Need to get some feedback from the Water Resource Committee and the Planning Board, maybe even the Fire Department, if new spots could be recommended. Can't really move forward without other departments input. Basic start is surveying flags on the plan. We have a narrative of what Brad saw in the field, which was the same as before. Flags need to be on the plan. Also, if others did not intend parking in front, we need documentation. Seems really easy to resolve. The burden is on them to show us that there is no other place for parking, before we go down the road of mitigation. Russ Anderson representing the unit owners: started to elude to how things change over time. Issue has magnified over the last two or three years. Medical offices have changed and the amount of people there at any given time has increased. Believe in 2008 or 2009 there was a strong desire to do nothing else in the front. Mr. Snow: this is an historic home and it was restored. Still have to make sure we follow the process and get it right. Don't know, but can't see another spot for parking, but there is the question of the wetlands line. Mr. Scanzillo: property services a lot of children and elderly, 400 to 500 a day and because of the parking situation, some park across the street, which is also a safety issue. Mr. Snow: encourage you to think about what our concerns are. Mr. Harding: understand the issue, but we have the responsibility to see that it is done correctly and thoroughly. But we are not disturbing any wetlands. When do you think you will have information? Decided to March. Requested Ms. Walkey to send a list of what they need, which she already did. Motion to continue the hearing to March 19, 2018 at 6:20 p.m. Mr. Harding. Second Ms. Caisse. Motion passed by unanimous vote.

Wetlands Hearing: Town of Scituate/DPW, Bailey's Causeway (replace culvert)*

Applicant requested a continuance. Again there are reviews happening. Motion to continue the hearing to February 21, 2018 at 6:30 p.m. Mr. Harding. Second Ms. Caisse. Motion passed by unanimous vote.

Wetlands Hearing: Town of Scituate/DPW, Gilson Road (replace culvert)*

Applicant requested a continuance. Motion to continue the hearing to February 21, 2018 at 6:35 p.m. Mr. Harding. Second Mr. Caisse. Motion passed by unanimous vote.

Wetlands Hearing: Lindberg, 265 Central Ave. (remove/replace approximately 24 lf of foundation)*

Brandon Sullivan from Cavanaro was present at the hearing. Abutters' notification was submitted. Proposing to remove and replace a portion of the foundation; no expansion. Mr. Snow: did they come before us a while back to raze/rebuild? Yes, but they didn't have the funds. Filed for elevation grant, but didn't receive it. Ms. Walkey: would prefer the house did go up. Mr. Snow: that is a completely different filing. Can ask the clients if they want to close it out. Would think they might want to keep it open, maybe even extend. Take a look at when it expires and extend it. It is poured concrete, just replacing what is there. Motion to close the hearing Mr. Harding. Second Ms. Caisse. Motion passed by unanimous vote.

Wetlands Hearing: Martin, 67 Border Street (raze/rebuild)*

Applicant requested a continuance for a peer review of the wetlands. Abutters' notification was submitted. Motion to continue the hearing to February 21, 2018 at 6:46 p.m. Mr. Harding. Second Ms. Caisse. Motion passed by unanimous vote.

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

Received NHESP comments regarding the their Order about Plovers and Terns: "The intent of the condition is to ensure that the property owners are aware that state and federally protected species may nest on this section of beach. If piping plovers are nesting then the property owner must allow for those nests to be fenced in accordance with the Guidelines (*Guidelines for Managing Recreational Use of Beaches to Protect Piping Plovers, Terns and Their Habitats*). It does not require the property owner to do anything other than allow the monitoring and, if necessary, allow establishment of symbolic fencing necessary to protect any nests, scrapes or unfledged chicks. Motion to close the hearing and include the NHESP order regarding Plovers and Terns Mr. Harding. Second Ms. Caisse. Motion passed by unanimous vote.

Wetlands Hearing: Freeman, 115 Glades Road (septic repair)*

Jeff Hassett from Morse Engineering was present at the hearing. Abutters' notification was submitted. Property is located on a barrier beach. There is a plastic tank on a deck, they are trying to sell and it is a deterrent to potential buyers. Proposing to install a traditional 1500 gallon concrete tank; it is all sand and cobble and will take about a day. Don't see any sediment running off in this area. Only outstanding issue is approval from Conservation. This septic will have a filter; right now sewage is on the first floor and pumps into the tank. Mr. Snow: should that tank have a spreader at the bottom in case of flooding? Usually don't unless tank is in groundwater; this tank is above the water table; the water channels around it. During times of flooding, the tank would be full. If you want to condition it that way, it won't be a problem. Know that area will have overwash at different time. In 1992 FEMA called it a V zone; now reduced to an A zone. What is the elevation? 15', under the house is 12'. Potentially could be 3' of water. It is tucked behind the house. Pretty level with the marsh. Mr. Harding: should be part of the conditions. They have to dig a little bigger hole, but they should be able to do it. Ms. Walkey: will put in a special condition for a 1' extended base. Can you revise the plan to show that? Yes. Motion to close the hearing Mr. Harding. Second Ms. Caisse. Motion passed by unanimous vote.

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

Applicant will be refile for a raze and rebuild. Motion to continue the hearing to February 5, 2018 at 6:30 p.m. Mr. Harding. Second Ms. Caisse. Motion passed by unanimous vote.

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

Applicant's representative requested a continuance as the project is under review for stormwater. Motion to continue the hearing to February 5, 2018 at 6:35 p.m. Mr. Harding. Second Ms. Caisse. Motion passed by unanimous vote.

Date change from April 9th due to Town Meeting to April 11th Wednesday.

Agent's Report:

Dog Park: Tentative meeting with DHB, who is trying to get project going. Saw the proposed plan and proximity to the buffer area and resource area; coming forward with a NOI. Should move forward with a stormwater review. Looking to file quickly, hopefully have stormwater report in hand. They would like to have a connection trail to the other trails on the Driftway parcels. Mr. Snow: positive about the dog park. It seems situated more toward the Driftway Park and parking area. Didn't want them to use the open field, wanted it moved more toward the harbor. DPW used to use it for a nursery for plants. They don't have any strong feelings about it. Need to know how it all orients with the windmill. Are they coming back with a survey? To build this the size they want looks like they will be in the dune area and other resources. It is a strange area; it was dug out years ago. Boston Sand & Gravel took sand out and revegetated with scrub pine, which is a different habitat than usually seen in Scituate. Get them toward the wind turbine as much as possible. Maybe we should meet with them. See what they have for a survey and exactly where the site is located. Leave area in the back alone. A lot of the use of the trails are by dog walkers; would become a bigger part of the trail use. Need to be respectful and hopefully they will be. When leaving the trail system there is a muddy area. Maybe when the NOI comes in, the muddy area could be filled it, it wouldn't be too costly, it is just a little settling area, not hard to correct. Trails get cleaned up by some of the kids at the high school. Maybe we could work with DPW about a little fill. Need to discuss with the group of how they are going to police it and seek better use of the trails. Ms. Walkey: if you don't create a trail, people will make their own. Mr. Snow: e-mailed animal control officer about the Ellis property and cleaning it up. It is not just folks from animal shelter that walk dogs there. We need to get some signs put up. It was a Laura Harbottle project that shifted to Sean McCarthy. Ms. Walkey: the lease with Go Green is complicated. They have extended into the area of the dog park. Need to meet with the operator and get them to remove what they have dumped. Not sure where our care and jurisdiction starts and stops. Need to figure where the line is.

Minutes: January 8, 2018

Motion to accept the minutes of January 8, 2018 Mr. Harding. Second Ms. Caisse. Motion passed by unanimous vote.

CORRESPONDENCE**January 7, 2018 – January 22, 2018**

1. Planning & Development re: Draft Environmental Assessment – NOAA SBNMS Marine Operations Center at NOAA. Need to check with a variety of boards and commissions.
2. Recording of CofC for 68-2569 – Van Fleet, 73 Seaside Road (aka 66 Egypt Ave.) (in file)
3. DEP File # 68-2703 – Lindberg, 265 Central Ave. (in file)
4. Waiver Agreement – Lindberg, 265 Central Ave. (in file)
5. Board of Health Agenda for January 17, 2018
6. DEP re: Chapter 91 License for Scituate Harbor, 100 Cole Parkway – dated January 12, 2018 – 30 day comment period (marina rehab) (in file)
7. 10 New Driftway - Revised plans – No revision date, but received 1/11/18. (in file)
8. 43 Collier – Site Plan and Landscape plan last revision 12/29/17 (in file)
9. Department of Army re: 100 Cole Parkway – pile driving shall be performed using a vibratory hammer when practicable. If unable, a cushioned impact hammer will do. Slow start technique to ensure any marine species have time to leave the site prior to injury inducing noise levels being reached. (in file)
10. Recording of OofC 68-2674 – Crary, 87 Glades Road – Bk 49397 Pg 27 (in file)
11. Bailey's Causeway re: Updated Impact Page Pg 4 of 9 in NOI – Chapter 91 review suggested reducing impacts to salt marsh from 1,010 sf to 1,000; they reduced it to 997. (in file)
12. DEP Waterways Reg. Program re: DPW, Bailey's Causeway. Comments within 30 days of December 29, 2017 (in file)
13. DEP Waterways Reg. Program re: DPW, Gilson Road. Comments within 30 days of December 29, 2017 (in file)
14. Notification to abutters – Freeman, 115 Glades Road (in file)
15. Zoning Board of Appeals re: 9 Ocean Ave., addition – not more substantially nonconforming.
16. 10 New Driftway – Revised plans – No revision date, but received 1/16/18 (in file)
17. MACC re: Registration for Environmental Conference, March 3, 2018
18. Response from NHESP regarding the order letting owners know they would have to allow monitoring and possible fencing (in file)
19. DEP Waterways re: Town of Scituate, 100 Cole Parkway – will consider all written comments received within 30 days subsequent to "Notification Date" – 1/12/18 (in file)
20. 43 Collier Road – Final Report regarding raze/rebuild (in file)
21. Planning Board re: Form A Application – 3 Driftway (to Amy)
22. Zoning Board re: an addition at 143 Tilden Road – Granted
23. Request to continue Gilson Road & Baileys Causeway. 68-2695 & 68-2696 (in files)
24. Received Plans for 10 New Driftway – stamped in 1/18/18, but don't see a revision date and no electronic copy (in file)
25. Request to continue 18 Lowell to the February 5, 2018 hearing. (in file)
26. Request to continue 119 Jericho Road to the next available hearing. Under peer review for stormwater (in file)
27. Request for MAPs to clear driveways for 206, 208, 210, 212, 215, 217, 229, 222, and 224

- 28. Request for a MAP for 164 Tilden Road – The Grassman for Craig Valdez
- 29. Partial Septic As-built for Lot 1 Great Rock Island (in file)
- 30. 10 New Driftway – Same wetland delineation as 2000 - ECR – Brad Holmes (in file)
- 31. 10 Pin Oak Drive - Stormwater Permit Application (in file)

Motion to Adjourn the meeting Mr. Harding. Second Mr. Parys. Motion passed by unanimous vote.

Meeting adjourned 7:38 p.m.

Respectfully submitted,
Carol Logue, Secretary