

**Town of Scituate
Conservation Commission
Selectmen's Hearing Room
Meeting Minutes
February 21, 2018**

Meeting was called to order at 6:26 p.m. by Mr. Harding, Acting Chairman.

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

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

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

Wetlands Hearing: Hatherly Country Club, 667 Hatherly Road (septic) (cont.)
Applicant's representative requested to withdraw the project.

Order of Conditions: Seaver, 28 Gilson (addition & deck)
Motion to condition the project Ms. Scott-Pipes. Second Ms. Caisse. Motion passed by unanimous vote.

Agents Report: it is a continuing challenge with the amount of continued hearings from meeting to meeting. In order to consolidate the continuances, let's schedule all of them to 6:20 p.m. and new hearings would be scheduled after that. Tonight there is a blank half hour. Ms. Scott-Pipes: this is the first time in 9 or 10 years that so many have continued for a long period of time. Why did some of them put their Notices in so soon? Mr. Harding: conceivably tonight we would have continued six to 6:20 p.m.; potentially the room might get filled up, but based on how many we have, it seems like a plan. As new filings come in give them a certain time; rarely we are on time anyway.

White Ash Farm: basically we need a vote to accept 6.25 acres. It is part of an open space project; not current. Ms. Scott-Pipes: do we want to take responsibility for this parcel or do we want them to put a CR on it? Ms. Walkey: since it is in the Water Resource Protection District, it would be beneficial and it is adjacent to other open space properties and very close to the reservoir. There have not been a lot of flexible open space developments and this was an oversight. The town planner just identified it. Once we accept it, it then goes to the Board of Selectmen, but under care and custody of Conservation. Motion to accept 6.52 acres at 305 Country Way Ms. Scott-Pipes. Second Ms. Caisse. Motion passed by unanimous vote.

Telephone call was made to Mr. Snow.

Wetlands Hearing: Fitzpatrick, 43 Collier Road (raze/rebuild) (cont.)
Applicant's representation requested a continuance. Motion to continue the hearing to March 5, 2018 at 6:20 p.m. Ms. Scott-Pipes. Second Ms. Caisse. Motion passed by unanimous vote.

Wetlands Hearing: Town of Scituate/DPW, Bailey's Causeway (replace culvert) (cont.)
Applicant requested a continuance. Motion to continue the hearing to March 19, 2018 at 6:20 p.m. Ms. Scott-Pipes. Second Ms. Caisse. Motion passed by unanimous vote.

Wetlands Hearing: Town of Scituate/DPW, Gilson Road (replace culvert) (cont.)
Applicant requested a continuance. Motion to continue the hearing to March 19, 2018 at 6:20 p.m. Ms. Scott-Pipes. Second Ms. Foley. Motion passed by unanimous vote.

Minutes: February 5, 2018

Motion to accept the minutes of February 5, 2018 Ms. Scott Pipes. Second Ms. Caisse. Motion passed by unanimous vote.

Wetlands Hearing: Ayers, 2 Prospect Ave. (retaining walls/parking & lawn)*
Paul Mirabito from Ross Engineering Company was present at the hearing. Abutters' notification was submitted. Applicant owns land across the street. An Abbreviated Notice of Resource Delineation was submitted two or three years ago and approved. Brad Holmes reflagged the line, which did not change. Work is proposed between the 50' and 100' buffer. There is a retaining wall required for landscaping purposes. Would like to store two boats on a driveway. House will be razed and rebuilt all outside the buffer zone; very little grade change. Only one set of stairs down to the buffer zone. Mrs. Hillman was present and informed the Commission that she was deaf and needed a cart and that the state requires towns to have them available for the hearing impaired. There was a headset available, but she stated she was unable to wear a headset; town could not obtain a cart. She requested the Commission to wait for her lawyer. Mr. Harding stated that the Commission is on time and it is up to the lawyer to be here. Mr. Mirabito: about 1' of fill will be brought in. Removing subsoil and putting gravel in so boats won't sink; minor grading around the walls and against the stairs. Elevations stay the same. Ms. Caisse: how much fill? About 30 yards. Ms. Walkey: clearly there is a lot of work being done on the property, but only a small amount in our jurisdiction; work seems pretty straightforward. It is in AE flood zone, elevation 15' and also in Land Subject to Coastal Storm Flowage; does have an updated resource delineation. Would like to see additional detail on the walls and the subsurface details put on the plan; construction details. Also need to check whether or not the stormwater bylaw is triggered. How much land are you disturbing, not just within the 100', but also on the property itself; requested calculations and the amount of fill. Ms. Scott-Pipes: silt socks around? Yes. Since stormwater is triggered through this Commission, we are the issuing authority responsible for the entire site. Threshold is 15,000 sq. ft. of disturbance or more and the lot

size is 18,307 sq. ft. Did not calculate square footage, but on percentage there is only 21.1%, increase in impervious area, does not trigger the 25%. Just by eye would say it doesn't trigger stormwater. Changing grade out front, but 3,500 to 4,000 sq. ft. is not being touched. Ms. Walkey believes it does trigger stormwater, or if not, very close; need calculations, just eyeing isn't good enough. Commission would need to issue a permit; need stormwater evaluated. Atty. Gregory White: represent the Hillmans. Specifically the proposed gravel driveway. There is a drain right at the proposed boat ramp; drain is already gathering water; curvature is extremely concerning. Driveway is on the opposite end of the house, don't know why the boat can't go there. Busses and the Hillman's won't be able to see with a boat there. Boat ramp right at the big tree. Pictures were submitted. Water will impact the conservation area and there is a safety issue; showed the drainage pipe. The Hillmans are concerned for themselves, busses and children with no sidewalk. Why can't the other driveway be used? Mr. Harding: why aren't they putting it somewhere else? Ms. Scott-Pipes: the big tree coming out? Tree is probably within the layout of the street. Atty White: other issue is, it is the only egress for boats going through there. Did walk it and it is a real curve can't see beyond it; huge bush is blocking the view of the curve. Mr. Mirabito: driveway is for the vehicles for the house and fairly steep. This is land subject to coastal storm flowage, not going to increase flooding or impact any abutting properties; meets the performance standards. Mr. Harding: could it move back further and go to the right more? Can talk to the client. Cars can see him coming with the boat from both sides. Architect can show the details of the wall. Will check the stormwater. Check with clients to where the boat could be stored and total area of disturbance. Need to continue the hearing. Would like the next meeting. Next meeting is only in 10 days. Information is due Monday. Fine. Motion to continue the hearing to March 5, 2018 at 6:20 p.m. Ms. Scott-Pipes. Second Ms. Caisse. Motion passed by unanimous vote.

Frank Snow, Chairman arrived in the middle of 2 Prospect Street hearing.

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

Greg Morse from Morse Engineering and Daniel Kelleher were present at the hearing. This was started several months ago with Enforcement from clearing in the buffer zone. Planting plan was prepared by Brad Holmes: 22 shrub plantings highlighted in green on the plan. Some of the work was done on the McNulty property, he now has permission to restore their property. Proposing a garage on the easterly side and pave gravel driveway. John Chessia reviewed the stormwater permit, going over two revisions. Received his last review today. He requested verification of groundwater tables in respect to the rain garden. Two test pits were done in the back yard; did not do one at the front. Soil evaluation will be done in the front at the time of construction for the leaching chambers. Originally proposed a shallow grassed depression in the back; DEP does not recognize them for stormwater control, rather they recognize detention basins, typically not found on a single family home. DEP exempts single family homes for stormwater, Scituate does not. Part of the stormwater plan: roof runoff to drywalls in the front, runoff from drive had grassed depression at the back, now a rain garden with plantings, but cannot comply with DEP standards for groundwater separation of 4', have a little over 2'. Not a new construction site; don't have the ability to raise the back yard 2'. Rain garden is purely for asphaltting the driveway. In the event that we get a waiver would be willing to leave the driveway as recycled asphalt. There are no abutters immediately down gradient. Ms. Scott-Pipes: soils are very poor. Mr. Harding: any main reason for pavement? Plowing/maintenance. Ms. Walkey: has come a long way. Chessia's open-ended items may not be able to be met. Bylaw is meant for larger sites. Definitely incorporated a design to take care of the stormwater on the property. Probably standing water in the back yard; believe we can get through this with conditions. 2, 3 and 4 have not been met. Agree with possibly taking out the paved driveway, but if compacted material, probably already impervious; diversity of plantings in the rain garden; O&M plan will be part of the Order of Conditions. About the encroachment: proposing 22 new plants of descent size should be fine, needs to be monitored for two years. Install conservation markers to stay out of the no touch area. Mr. Snow: good follow-up and appreciate the work. In regard to the driveway, usually try not to add any impervious, but in terms of maintenance for a steep driveway, could be more beneficial; pros and cons; handle that with additional plantings. Ms. Walkey: think we can close. Close pending receipt of a revised plan with planting plan. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

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

Atty. Bill Ohrenberger; Paul Mirabito, Ross Engineering; Brad Holmes, Environmental Consulting; Tish Campbell, Landscape Designer; Tom Liddy, Lucas Environmental; and Peter and Monica Martin were present at the hearing. Mr. Mirabito: submitted a small revised plan. Explained existing conditions plan. Submitted three plans, plus the landscape plan. Property contains 4.75 acres, outlined in yellow. Existing dwelling is shown in brown. Lower line is the existing BVW, 50' & 100' buffer. Blue line is the top of the coastal bank. Essentially the whole site is in the riverfront area. House at ground level is in the flood plain. Lawn, shed, small pond, not state or locally regulated. There is an existing tennis court which will remain and leaching area installed 7 or 8 years ago. Proposing to raze and rebuild the house with open decks and a garage shown in blue; moving further from the resource areas. Removing pavement and putting in new driveway. Proposed conditions plan shows the same resource areas. Can see the proposed driveway; large ledge outcrop. Bringing driveway over that portion of the ledge. Areas landscaped now will be enhanced. Shed will stay in the same location. Septic tank will be moved and pumped to the existing leaching area. Decreasing impervious by 1100 sq. ft.; will be more environmentally friendly than what is there now. Along the driveway is a proposed wall and fill will be placed to grade down to the lawn area. Plan has been reviewed by Tom Liddy; still in process of reviewing with him. Meets the BMPs for stormwater for the driveway. Water quality swale will treat the water. No work proposed where the pond or ledge is. Ms. Scott-Pipes: busy plan, quite a spectacular site. Are we going to get the exact difference in square footage of the houses? #24 on the plan: existing is 2,306 sq. ft., with decks 3,374. Proposed 3,322, with decks 4,579 sq. ft.; 1200 sq. ft. more. Proposed house will be at elevation 23.2'; existing house is at 1' or 2' feet below flood elevation. It will be a poured concrete foundation. Mr. Harding: asphalt driveway? Yes. What will happen to current driveway? Removed and become lawn and landscape area. How much fill for the new driveway? Haven't calculated. Nothing in the regs that precludes us from doing the fill work, the bottom line is that it has to be an enhancement from what is there now for the riverfront regs. Fill is for elevation of the house; meets the performance standards. Ms. Caisse: any fill going in the 50' buffer? About 1' to grade around the driveway and replaces the driveway; the 50' buffer is already disturbed; house was built in 1958. Ms. Foley: expecting to blast any ledge? No, putting fill on top; bringing utility lines through there. Ms. Walkey: pretty complicated site; more complicated than most. What is the total area of disturbance? Threshold is 15,000 sq. ft. of disturbance; need to resolve that. Mr. Mirabito: note on plan that says we don't trigger that. But not for total area of disturbance. Disagree. If you look at the definition of what is disturbance, putting fill in is not considered disturbance. Basically bringing lawn up; just under it, by design. This is also in Land Subject to Coastal Storm Flowage. Not changing drainage patterns; maintaining same drainage patterns throughout the site. Ms. Scott-Pipes: disturbance, you are removing a big section of

driveway, new driveway and house; there is disturbance, even though you don't consider bringing in fill a disturbance. Spent a lot of time on the plan going through all the regulations. Tom Liddy: asked to do a peer review. Verified wetland resource areas, missing flags Brad went out and replaced, wetlands followed a well-defined line around the lawn. It is all resource area, salt marsh, Land Subject to Coastal Storm Flowage, entire property is in riverfront; it is a sensitive area. There is some work in the no touch 50' buffer, but house is already there anyway. In the riverfront you are always looking for improvement over existing conditions; reduction in impervious. There is a new garage, new patio, footprint is expanding a bit; asked for calculations. Impervious reduction from just the driveway, or a combination for a reduction? Just eyeballing the footprint; asked for calculation. Reference to a stormwater swale, but didn't see detail on the plan. Maybe detail on the swale and what it consists of. Looks like an area bumped out into the 50' buffer and 10' of a retaining wall and looks like a couple of trees that might come down. In terms of performance in the riverfront area, looks like there is a plan that overlays the existing house over the proposed. Site is so constrained, no matter what you do you are going to be in the riverfront area, just look at how you limit the alteration. Looks like they did that, but maybe some more information on how they got to the footprint. How do you limit alteration? Maybe show some alternative analysis. Is there more in the 50' buffer now or how it compares, however, it is mostly lawn. Might want to look at mitigation for cutting the trees. Those are the main points. Working through a lot of those issues. Tish Campbell, Landscape Architect: west corner is a deck, not a house foundation. Along wetlands area, defining the area with native grasses, low growing native plants; circulate all the way around the property, primarily lawn; did a small landscape area to enjoy the beauty and views. Crushed stone with larger flag stones within two pieces of ledge with a fire pit. They have a fabulous deck. Native trees around the built structures. Eastern cedars, tulip tree, etc. Can give a detail list of the plants. Going through the ledge area there will be a small pathway of stone dust or similar material to get to the pond; wanted to maintain the native feel of the area. Ms. Foley: black stone patio in the 50'? Yes. Mr. Holmes: lot that was development before the riverfront regs; this is redevelopment. Redevelopment regs: any degraded area on the site you can redevelop up to that existing amount of degraded area. Actually can go beyond the degraded area; restore the area with a 1 to 1 ratio; for instance if you removed a portion of the tennis court or driveway, you'd then provide mitigation with a 2 to 1 ratio. Actually don't have to go to that level of mitigation because we have less degraded area. Mr. Snow: big question is the percentage for stormwater. Did you (Amy) and Tom talk about that? No. Ms. Walkey: will work through that piece. Still working on Tom's comments. Mr. Ohrenberger: Greg Tansey gave first wave of response to Tom's review; want this all wrapped up together. Anything from Commissions' standpoint? Tish will get a planting list, but would like to close at the next meeting. Mr. Harding: is the existing garage staying? Yes. Ms. Scott-Pipes: fire pit will go on the plan? Yes. Mr. Snow: there is a lot of information here. Overall trying to work within the guidelines we have. Tom Liddy: wall between the new garage and the patio 10' high wall. It will be part of the patio. Patio is at the 1st floor. Tom thought it was a raised deck. Elevation is 14', jumps to 17' or 18'. Coming up on the ledge will be about 20'; about 6' above the ground, as it goes up you see less. Is the deck elevated? Yes. It is to walk from the garage. Grade is about 18.6', first floor is at 23.3', 22.6' to the top of slab, will slope down to the garage at 20.7'. Ledge will hide most of the wall. Elevation of patio is at 22.6' – may put a couple of steps. Walk from the garage to the house. Ms. Caisse: in an earlier version the garage was in a different location. Why was it moved? Moved it to be able to reduce the wall and reduced some of the grading. Originally the garage was attached. Shortened walls about 80'. Previous or proposed garage location is not in the 50' buffer. Ms. Walkey: clearly this is a work in progress. Helpful to have a clear indication of just what is proposed to be altered on the property. The plan shows the basics, but it doesn't show the setbacks to the resource areas. Motion to continue the hearing to March 19, 2018 at 6:20 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Turner, 121 Glades Road (deck)*

Greg Morse was present at the hearing. Abutters' notification was submitted. Property line is in bold. Pink is the limit of deck on the first floor; flood zone AE elevation 15'. Eight 10" sonotubes; installed with a mini excavator; material to remain on site and put under the house. Resource in back is in excess of 100', but there is Land Subject to Coastal Storm Flowage. Mr. Snow: What is the depth of footings? At least 4'. Ms. Walkey: is there limit of work on the plan? No. How long will project take? 1 day. Precast sonotubes, plopped in place. No setbacks on decks; within 6" of lot line. Appears to meet the requirements of WPA and bylaw. In the order specify sonotubes are backfilled the same day and all cleaned up. Not looking for any erosion control. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Bongarzone, 17 Gates Circle (addition and new porch)*

Greg Morse was present at the hearing. Abutters' notification was submitted. Proposed addition on back and a porch. Property line in bold; fifty foot buffer shown in red and 100' buffer in green. Existing house is located inside the 50' buffer. Pictures were passed out. Most of the addition is over the existing footprint. Separate 12' x 12' porch on sonotubes; both areas have existing buildings, lawn or gravel areas. Foundation will have a frost wall. Ms. Walkey: this is in the Water Resource Protection District and working within the resource area. House was built in 1966, definitely less than the 25% increase; impervious not triggering the stormwater bylaw. There is debris next to the house, would like to encourage it to be pulled out. Maybe could be part of the conditions. Mr. Snow: all in an area already disturbed. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: DPW/McCarthy, 167 Driftway (dog park)*

Sean McCarthy, Adrienne Rowles and Justin Lamoureux from Horsley Witten were present at the hearing. Abutters' notification was submitted. Project has been going on for approximately two years and is being funded through CPC and Stanton Foundation who have done parks in MA. It is situated just to the west of the sewage treatment plant and Go Green. There is a cleared area. Resource area was flagged in 2017. Submitted handout that showing the 50' buffer in orange and 100' in yellow. Project is out of the flood zone. Temporary disturbance in the 50' for the wall required for the parking area. Driftway path is to the north, near Scituate turbine, resource area to the west. Plan is similar to the original, one acre for the large dog area, half acre for the small dog area. There are two benches for each section. Seven dog waste receptacles in the proximity of the benches; thought it would help maintenance. Actual area entrances will be doubled gated and completely fenced. There will be handicap parking. Also two dog hydration bubblers and a dog wash station; some of which are Stanton Foundation requirements. There is ample site distance in both directions. Shouldn't see erosion with gravel parking lot; bio retention area under the parking lot. Dog parks are in a 3" to 6" depression. Plantings will be fescue, which doesn't need fertilizer, adding golden rod and other varieties. Overall it is environmentally friendly. Mature trees are mixed in that will not be removed for some shade. Dog areas are mulched. Ms. Walkey:

positive project, it is subject to our local regs, WPA, and Scituate Stormwater Bylaw. Knowing that, we asked for a peer review of the stormwater application. Findings came back with comments about the outfalls and additional soil testing at the time of the bio retention basin being installed. With receipt of the modified plan, it appears to meet the requirements of the regs. Mr. Snow: the working drawings with grades do they include any erosion controls? Yes, silt sock; work is defined. It was a thorough submittal. Motion to close the hearing Mr. Harding. Second Ms. Scott-Pipes. Motion passed by unanimous vote.

Wetlands Hearing: Tuck, 224 Central Ave. (reconstruct and enlarge deck)*

Rick Savant from Stenbeck & Taylor. Abutters' notification was submitted. Proposing to replace the existing deck and enlarge toward the street, plus build a new section on the right side of the house in 6' or 7' off the ground; using driven wood piles. Section of stairs and a deck 21' x 6' on right right. Installing an aluminum ramp that can be removed; will bring them from the stairs down to the beach. Septic is out front. Proposing 4 or 5 piles. Ms. Walkey: No DEP file #, can't close. Flood zone VE elevation 18', coastal dune, barrier beach and riverfront, Motion to continue the hearing to March 5, 2018 at 6:20 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

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

Greg Morse from Morse Engineering and Mike Feehily were present at the hearing. Property is at the corner of Damon & Jericho. It is in the flood plain. Has flood compliant vents; elevating the first floor. There is a Stormwater application, which was reviewed by John Chessia. Issued a subsequent review and made a couple of recommendations, concur with the recommendations for conditions. Collecting all roof runoff in a system in the back. On the western lot line there is a pervious driveway. Motion to close the hearing adding notes from John Chessia's memo to the orders Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

CORRESPONDENCE

February 6, 2018 – February 21, 2018

1. Stormwater permit for Toll Bros., Hatherly & Tilden Roads (142 townhouse units, clubhouse & pool, & 10 single-family homes. (in file)
2. Economic Development Commission Meeting February 12, 2018
3. Board of Health Meeting February 12, 2018
4. Notification to abutters re: dog park (in file)
5. Notification to abutters re: Bongarzone, 17 Gates Circle (in file)
6. Southeast Region Certificate of Compliance – 68-1119 – 17-19 Bassin Lane (in file)
7. 67 Border Street – 68-2704 Landscape plans (in file)
8. Recording of 68-2700 – Kuebler, 104 Edward Foster Road – Cert. 124709, Bk 00623, Pg. 109 (in file)
9. Revised plans for 573 Country Way (Lot 1) – Septic System Design Plan – not sure why we received this.
10. Abutters' list request for 34 Common Street (in file)
11. Lawson Green Apartments – Decision on Application for Amendment of 40B Application with conditions.
12. DMF News
13. 3A & Mann Lot Road - Notice of Environmental Sampling (in file)
14. DEP File #68-2708 – Ayers, 2 Prospect Ave. (in file)
15. DEP File #68-2709 – Turner, 121 Glades Road (in file)
16. DEP File #68-2710 - Bongarzone, 17 Gates Circle (in file)
17. 119 Jericho Road – 68-2702 – Stormwater Permit – Response to Comments (Morse) (in file)
18. Recording of OofC for 68-2691 - Brown, 28A Cherry Lane – Bk 49390 Pg. 27 (in file)
19. Request to withdraw without prejudice – 68-2687 - Hatherly Country Club, 667 Hatherly Road – septic (in file)
20. 67 Border Street, Martin – 68-2704 – Ross – Response to Comments (in file)
21. 53 Border Street 68-2707 – ECR Response to peer review (in file)
22. 10 Pin Oak Drive 68-2684 - Morse Response to Comments re: Stormwater (in file)
23. 167 Driftway, Town of Scituate 68-2712 – Merrill re: Stormwater Permit Application & NOI (in file)
24. DEP – Issuance of Chapter 91 License – Hogan, South River, 204 Central Ave. (in file)
25. Revised Site Plan – 68-2681 – 43 Collier Road – dated February 15, 2018 (in file)
26. Planning Board Agenda for February 22, 2018
27. Consultant Services – Goddard Consulting, 291 Main Street, Northborough, MA
28. DEP File #68-2711 – ROCO R.T./ Burwick, (31) Torrey's Lane – Lot 2 (in file)
29. DEP File #68-2712 – DPW, 167 Driftway (dog park) (in file)
30. DEP File #68-2713 – McLaughlin, 135 Glades Road (in file)
31. 90 Ann Vinal Road – Planning board – re: Approval of Definitive Subdivision Plan "Curtis Estates)
32. Request for a full CofC for 68-2560 – Public Safety Building, 800 CJCH (in file)
33. Request to continue 68-2681 – Fitzpatrick, 43 Collier to March 5, 2018 (in file)
34. Planning Board – Site Plan Administrative Review, Dog Park, 167 Driftway (to Amy)
35. BOH - 127 Ann Vinal Road – septic system failure.

Meeting adjourned 9:45 p.m.

Respectfully submitted,
Carol Logue, Secretary