

**Town of Scituate
Conservation Commission
Selectmen's Hearing Room
Meeting Minutes
April 23, 2018**

Meeting was called to order at 6:18 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 a vote to support the land swap at Tack Factory Pond for the Ellis Property. Discuss possible Partial CofC for Diamond Development, 101, 103, 105 Hatherly Road and Trails Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

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

Atty. Bill Ohrenberger, Jeff Delisa Ohrenberger Associates; Scott Miccilie, Dave Buckley, and Mark Manganello were present at the hearing. Mark Mangello provided a set of conditions usually used, plus Amy Ball's suggestions. Mr. Snow: This is one of the largest projects with environmental issues; we are working toward a list; fairly close to putting those things together. Intent is to protect as much of the wetlands as we can. Laid out to the developer what was important, think it has worked well. Applicant wants the ability to discuss the orders. Ms. Walkey: turtle habitat, concrete east of Hatherly Road, clean up vernal pool (VP), signage, clean up the marsh between Hatherly & Oceanside, (scouts cleaned up and got 10 truck loads out), plantings which are covered in the replication plan, interim as-builts, peer review paid for by applicant, O&M plan part of the Order of Conditions and phased grubbing. There is permanent open space controlled by the Homeowners Association; no public access. It is a liability, would need extensive insurance. Sure the public will be using it. Ms. Scott-Pipes: 5 years from now, would like to go out and make sure the replication is doing well. Commission members always have access. Replication is important. Mr. Ohrenberger: #22 covers turtles, adopted their language verbatim. The concrete on the east side is shown in the stormwater plan. As far as cleaning up the marsh, the applicant is in the process of an agreement with Seletmen regarding water, sewer, a ballfield at Wampatuck School, and bathrooms at the beach. In addition, defer to the town as to how they will handle the extra acreage. Either A: it is going to be under care and custody of the Commission; will have to go to town meeting to accept as a gift. Mr. Snow: in terms of mitigation for the project; worked with the isolated wetland issues, some units are at or within the 50' buffer; there is a good amount of replication for that intrusion. Our purvue is open space and wetland issues. Also want to be sure the marsh is protected. Atty. DeLisi: one of the requirements that the Planning Board talks about is ensuring that the Open Space parcels are protected. Some provision in the Homeowners' Association regarding the Common areas. Ms. Scott-Pipes: there will be a lot of manpower out there to clean up the marsh. Mr. Ohrenberger: could be an ongoing condition that if anyone wants to hand remove debris, they have permission. Looking for our guys to do that? Would think the developer would do that; will discuss. Concrete crushing machine? No, will be hauled offsite and crushed. Mr. Manganello: one time cleanup for the VP and install signage to discourage people from putting debris in there. Potentially use the town's right of way for the signs. Bonding company will issue a surety bond for the Planning Board; bonding the entire project. DPW and Horsley will price how much it will cost. During the process, when there are sales, we will come back for a Partial Certificate of Compliance. As part of the infrastructure, the replication is included. Phase I is work furthest to the east on Hatherly Road, more than half to two thirds; do all Phase I and go back to Planning Board for Phase II. Replication is all in Phase I. Phase II is the Wampatuck ballfield. Mr. Snow: waiting for an answer from the TA and Director of Planing regarding dealing with Satuit Brook clean up; do a study that we could use to move forward for grants. Horsley could review the brook and make recommendations. Sounds like we have to quantifty what we are talking about; Satuit Brook is several miles long. See if we can pull something together. Have been asking the question for a while. There is a lot not in front of our board; trying to look out for Commission issues and trying to work on the Orders. Mr. Ohrenberger: work on the 40 conditions at the next meeting, 36 are fine; two issues east side marsh and west side brook. Have to make sure the language is such that it is not a deal breaker. Mr. Snow: do we want to follow the Mark orders? Mark did that for a jump start. Ms. Walkey: we are unable to take action at the next meeting, need to cross reference with Planning. Mr. DeLisi: if there is any modification, it should be minor. Ms. Scott-Pipes: we are going to add more. That's understood. We will send commentary to Amy. Mr. Snow: by what day? So they can get their commentary back? Can we respond to this by Thursday or Friday? Ms. Walkey: by Monday we should have something together. Mr. Ohrenberger: next meeting go through the conditions and vote. Planning Board has 95 conditions, many deal with stormwater (SW); wouldn't want a conflict. Good idea to look at the Planning Board conditions. Motion to continue the hearing to May 7, 2018 at 6:20 p.m. Mr. Harding. Second Mr. Parys. Motion passed by unanimous vote.

Request for Determination: Libertine Realty Trust, 240 Central Ave (replace 3 concrete footings with 3 piles)*

Mark McLaughlin was present at the hearing. During the March storm, the deck fell; proposing driven piles. Deck will be repaired and reinstalled with an additional three new concrete footings; presently there are five. Replacing footings 1, 3 & 5. 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. Harding. Motion passed by unanimous vote.

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

Applicant requested a continuance. Motion to continue the hearing to May 7, 2018 at 6:20 Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Swan, 31 Common Street (demolish & reconstruct) (cont.)

Applicant's representative requested a continuance. Motion to continue the hearing May 7, 2018 at 6:20 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote. RH

Wetlands Hearing: Heap, 62 Glades Road (septic (cont.))

Applicant's representative requested a continuance. Scheduled for a Board of Health hearing April 30. Motion to continue the hearing to May 7, 2018 at 6:20 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

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

Bruce Adams from Weston & Sampson was present at the hearing. Both culvert projects are basically being held together.

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

Culverts are deteriorated corrugated metal structures. The intent is to replace with concrete structures mostly in the same location to improve saltmarsh habitat; there is no free flow of water. Both roads will be closed for several months. Area immediate upstream and downstream will use coffer dams, either sheet pilings or large bags to temporarily dam the areas. Extent of those is minimal; they are placed several feet beyond the culverts so impacts to saltmarsh habitat is minimal and just outside of that are silt curtains. During the course of the work a temporary pipe at same elevation would pass water up and down stream. Culverts are 3' tall by 6' wide; optimized design. Also height is restricted by gravity sewer and a future water main. After closing the road the contractor will excavate the pavement and soil, remove existing culvert, widen area, install crushed stone and compact it. Set the precast concrete culverts and wing walls, backfill area, compact the soil, repave. Once everything is established, remove silt curtain and coffer dam; remove temporary pipe, which has the most impact on the marsh habitat. Soils will be removed, stored and put back. When finished there should be no permanent impact to the habitat. Bailey's does pass some flows. New culvert at Gilson will pass a lot more water and will flush upstream area. Not sure if done simultaneously or one after the other. Intent is to do it in late fall or early winter. Also public safety is considered in determining time of year. Ms. Walkey: projects are big improvements for the salt marsh habitat and should solve drainage problems in those areas. Over a year ago met out there to come up with a solution. Was hopeful for a larger ecological project; possible dredging of channels that may have been filled in with overwash. Not sure how you prove the culverts will drain fast enough and what type of flow was considered? Interests of the WPA that were identified: storm damage prevention, flood control and habitat loss. DEP commented about the project meeting the newest stream crossing standards. Discussed peer review for flow data, but DPW and Weston & Sampson feel their data is supported by their modeling. Performed hydraulic analysis on both culverts to understand how fast the water would move. We looked at the ability to move the water and the elevation difference. Bailey's Causeway fairly well tracts the tidal cycle; not much of a restriction if pipe is not blocked with debris. Gilson on the other hand acts as a dam. In the analysis we show that by changing that small culvert, there were a few inches of differential between the upstream and downstream; water will move much faster. That's how we optimized the 3' x 6' size. Mr. Kennedy, 34 Foxwell Lane: why wait till the fall to start? Where is it going to empty into the culvert? What is the culvert going to do to help me? Any way to raise Gilson Road, it has been flooded over and over again? Mr. Snow: in both situations the roads are relatively low; our concern was by making the culverts larger would it actually cause more flooding inland. What happens when there are severe tides, roads get overtopped, but with the large culverts water can drain out faster. Salt water will be moving back into areas for mosquito control and invasive species. This isn't designed to stop flooding. Simply it is for the water to flow more easily and flow out quicker. If the road gets elevated, they wouldn't be that effective. It is a matter of trying to let that water move more freely. Rose Kennedy: years ago there was an opening on the other side going toward the golf course and that has all overgrown, the opening is closed and it can't go under the road. It drained into an area that is already marsh. Amelie Loyot, 26 Gilson Road: of course concerned about flooding. Biggest problem is that it comes in and has no way to get out; brought some pictures. Peggotty Beach side, the debris is really bad. We clean every Ship Shape day. Bob Feeney, why wait till the fall? Permitting process and the season has to do with the habitat. Army Corp Water Quality Certification takes several months. Seasonally less traffic, less impact having the road closed. Ted Kent, Foxwell Lane: a year and a half ago when Plymouth County Mosquito Control came, he dug out some of the trenches and said it was the worse marsh he'd ever seen. DEP and CZM are discussing the drainage between Kent Street and Town Way area. A lot of creeks are filled; there is a whole series of creeks that have to drain, a lot were filled with overwash. Mosquito Control has ongoing permission to dig those trenches. Everything is connected. Commission is very much in favor of getting this done. Josephine McGuire, Foxwell Lane: channels are all built up. Mr. Snow: there are a lot of groups that look at this. We all are trying to work together. Jennifer Stockbridge, Gilson: spoke to Sean McCarthy about possibly more storm drains. He said drains are easy to install. Is the money there? Town meeting appropriated it about a year ago. Used for the design; now design and construct; both in place. Know it is frustrating; Town understands it is a problem. Salt water helps control mosquitos and algae. Maybe do new trenches toward Kent Street. Who is the point of contact? DPW. We've encouraged this, it is better for the marshes. Gilson is the priority. It isn't going help with the flooding; it is the health of the marsh issue. Ask Sean about the other culvert that would go to the golf course. Can we call Mosquito Control? Yes. Everyone should call. Ms. Walkey: we'd like to talk to them about a more direct route in one area. Also, we are looking for a second phase for ecological restoration; a Notice of Intent. Need to wait for other agencies to weigh in. One comment from Army Corp. raising the bottom of the culvert makes it less detrimental, but that limits us. If needed, we could accept a revised plan. Close pending comments. Just close it and other agencies can do their job. Motion to close Bailey's Causeway Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Motion to close Gilson Road Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Diamond Development, 53 Border Street (raze one dwelling & new build) (cont.)

Steve Bjorklund was present at the hearing. Last Thursday at Zoning, opened, closed and got approval. Just discussed the SW permit. If they deem we need stormwater it would be a Planning Board permit. Ms. Scott-Pipes: would like not to see any more disturbance on the property. Either razing and rebuilding the existing dwelling or building a new dwelling have pros and cons. Mr. Harding: in a quandry. Existing dwelling does not have a concrete slab. Mr. Parys: tough property; see benefits to rebuilding existing dwelling, but unusual for us to allow building on a bank. Can you move it further away from the resource area? Don't think it is more detrimental than building right where it is. Ms. Caisse: either way pros and cons on disturbance. No longer strongly against the new build. Limit of work is not realistic, seems really tight to some of the proposed structures. Mr. Bjorklund: appreciate the comments, but it boils down to mitigation, can do more if the board would like. Personally believe it is a good project with an overall asset. Mitigation limit of

work is different. Limit of work is the top of coastal bank. Ms. Scott-Pipes: not going to be lawn where the house is; definitely needs to be in the order, no lawn in the no disturb area. Ms. Caisse: didn't think it was going to be all that lawn. Thought it was supposed to be natural. Brad Holmes picked natural plantings. Mr. Parys and Ms. Scott-Pipes want a more robust planting plan. Concerned about the amount of fill required. Basement floor is at a height to make the it usable; drives how much fill is in the front. With the walk out basement, no fill required in the back. No matter where the house is placed, the septic stays where it is located; leaching area has to be at a certain height. If the house were lower, basement would not be usable. It is a slab foundation, which has to be 20' from the leaching field; reduces the amount of grading. Heard 8' of fill. At one side we don't change grade. Neighbor's grade is higher. Will file an RDA or NOI to work with the neighbor to remove the wall or reduce it to make back yard better; hoping to remove the valley between neighbors. Elevation 35' for leaching field; house is at 34'. Reduced fill by bringing house down. The way the driveway comes in it is basically flat so water won't go into the garage. Will continue grade lines to hit his hill. There is a swale that doesn't control water on his site. Jim Spellman, 49 Border St.: original plan did call for considerable grading on his piece of the property. If he eliminates the retaining wall, will be adding 14,000 sq. ft. of yard and it will trigger SW regs. Offered to put in retaining wall to eliminate grade. Grade at garage corner is 16'. This is the fourth time I have stood up in opposition. Reminded on how difficult your job is. Vested interest to see the project correctly done. Wetlands flags were deliberating moved twice. Jim O'Connell's amended quite a different plan. We rely on experts; need to take their advice. Ms. Spellman: what has been presented, a lot is not true. Mr. Snow: wetlands delineation lines are correct. Originally flagged by Brad Holmes and Lucas Environmental checked for the Commission. Met with Jim O'Connell on site. He agnoized over the bank; wanted to be sure there is a definitive line, because there is no natural break. We went through it very carefully. It is harder to determine than a wetland line. Don't think you'd find a more responsible and reputable person than Jim. Mr. Spellman: bringing in over 1,000 ft. of fill; cutting down to bedrock; taking down most of the trees. It is a dilmena moving the house back, today we wouldn't condition the existing home. But we have a situation that there is a home there and it is necessary to disturb the area. Even the Lucas report mentioned that environmentally why can't he use the present site. But to Penny's point if we allow the new build, there would be natural vegetation installed. When we close this hearing, we will put together a set of orders. We could deny it or approve with conditions. The applicant can accept or appeal and/or an abutter can appeal. Think we have all the information we need; can close the hearing. Mr. Bjorklund: accused of moving wetland flags, did not move or remove; added more flags with Mr. Speallman with his OK. Bringing in the least amount of material. Resource areas were reviewed by consultants and deemed to be correct. Been doing this for 35 years. Moved it further from the coastal bank, not a sediment source, no down hill beach. Not touching the bank for storm damage prevention. Under local buffer the 50' buffer will be used for enhancement. As far as the SW, not avoiding the bylaw, never said anything about avoiding the bylaw. Under 15,000 sq. ft. If moved further down the hill, it would require more fill. Ms. Caisse: would like to know how much lawn and how many trees will be cut down. No problem with replacing trees. Whatever the Commission is comfortable with for mitigation. Trying to balance view with the neighbors. Setback line is more than double; 34.9'. Zoning Board said use anywhere within the dotted line area. And the 14.4' from the sideline is not an issue. The reason for Zoning was the 50' frontage and more than 20% larger than the original house. If it boils down to mitigation; no problem. Need proposed locations for roof drywells. Mr. Spellman: don't know how you can cut down 200 year old trees. Mr. Snow: in a lot of cases they have out lived their lifespan. Know it doesn't look good out of the gate; we don't like to see it either. In terms of wildlife, not going to replace with small trees. Possibly if the 4' wall between neighbors is done, they might have to deal with SW. Ms. Walkey: could trigger SW, but focus on wetland. Mr. Spellman: struggled with the Lilly property now owned by Lipmans. To my knowledge, no one was happy with that project. They made every effort you asked for as well and it is an unmitigated disaster. Border is a scenic road. Mr. Bjorklund: believe the house in front is completely outside the resource areas. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Parys. Motion passed by a 5 to 1 vote..

Wetlands Hearing: Skolnick, 4 Postscript Lane (r/r/septic)*

John Cavanaro from Cavanaro Consulting, Heidi Condon, Landscape Architect, and Rod and Michele Skolnick were present at the hearing. Abutters' notification was submitted. Board of Health hearing is scheduled for April 20, 2018. Small 480 sq. ft. lot that faces the South River with a narrow gravel road that deadends at the house. Small 700 sq. ft. footprint; nonflood compliant with a failed septic. Bonus features are new titat V septic and flood compliant house. Flood waters go through the house. Resource areas: salt marsh, coastal beach, Rivers Protection Act, and dune up against the structure with opportunity for it to grow. Footprint is increasing over 20%; filing with Zoning. Reality is increase of onground footprint; replacing with 40 piles. Only other expansion is decks. Deck in front is growing in the easterly direction. Second floor overhang does not go beyond the deck that sits on the ground. Narrowing some of the footpaths; parking on side and front; removing some of the gravel for the designated parking on the easterly side closer to the stairs of the existing house. Revegetate property with beach grass. Ms. Condon: going from 720' on slab, to 917' with two stories. Maintaining the dune and the grasses and pulled it away from the river, also allowing water to flow. Septic is along the side. Commission agreed that it was a huge improvement. Still waiting for Board of Health meeting Monday. Ms. Walkey: this is a sensitive area. Also waiting for ZBA. On other projects we usually wait for BOH and ZBA. Mr. Snow: who did the resource areas? John Zimmer. Driveway gravel? Yes. Designing to 2018 FEMA? Yes and structural drawings are to the newest regs. Motion to continue the hearing to May 7, 2018 at 6:20 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Order of Conditions: Young, 18 Lowell Street (7 bedroom septic/add 1 story)

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

Order of Conditions: Ayers, 2 Prospect Street (landscaping/retaining walls/parking/lawn)

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

Order of Conditions: Burwick, Lot 2 – 25 Torrey's lane (new build)

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

Order of Conditions: Town of Scituate/McCarthy, Cedar Point (replace gravity sewer system)

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

Order of Conditions: Monaco, 6 Brookline Road (new garage / driveway)

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

Order of Conditions: Hurley, 125 River Street (new foundation under portion of dwelling)

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

Certificate of Compliance: Kibbie, 12 Revere Street (septic) OK.

Diamond Development, 101, 103, 105 Hatherly Road (Partial CofC)

Ms. Walkey: the SW basin is in and vegetated. There was an order about treatment and removal of knotweed, which is not part of this Certificate request; it is specifically for the roadway and basin. We prefer not to issue partials, but if we do, we could ask for escrow for the plantings. With the backlog of Certificates, we did push this forward. Other houses are still under construction. Can talk to Steve and see if that is the way they want to handle it. Ms. Caisse: could we find out the square footage and a number to cover it? Could talk to the developer to see if an escrow would work.

Ms. Scott-Pipes: Looking for a support letter for Tack Factory Pond land swap. Write a letter by the end of week for the Attorney General. The land swap is for the 6 acres that was used for the Fire / Police Station at the Ellis property; it is double the size; 12 acres. It is at the back end of Tack Factory, it abuts other conservation property. Mr. Snow: it is a little trickier to get too; access is off Tack Factory Road. The Water Dept. has a well site off of Old Oaken Bucket Road. There are no trails. partly because it is part Water Dept. property. Thought it was the best parcel; there is frontage on 3A. It is a wonderful swap. Motion to write a letter of support Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Mr. Snow: Tomorrow night there is a meeting on trails at the Library. Discussing plotting the trails and colors for the trails signs.

Ms. Walkey: trying to have consistent applications and streamline hearings, not only for the office and staff, but also for the applicants. Developed a checklist. Hoping to endorse it and have it signed by applicant / engineer. Goes through the different things we look for and require so we don't have missing information, such as DEP data forms, or the property deed, etc. If not complete it won't get stamped in to start the 21 day time table. Need to get it to engineers we work with and up on the website. Motion to vote to get a checklist going Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Ms. Walkey: issued a cease and desist at 23 Oceanside. Went beyond what was allowed by the state's Emergency Declaration.

Waiting to hear from Mr. Kamman. Planting window and mud season too.

New action at the contractor's yard at Stockbridge Road. Infractions, but others thought it was getting better.

Looking for someone to step up for the SW workgroup. Mr. Snow is interested, but it would be good for another set of eyes. Probably a total of 4 or 5 meetings in the daytime; not just developers. Ms. Caisse: happy to coordinate. Frank is here a lot.

Minutes: February 21, 2018

Motion to accept the minutes of February 21, 2018 Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Look closely at 53 Border Street and revegetate area.

CORRESPONDENCE

April 12, 2018 – April 23, 2018

1. Recording of CofC for 68-1505 – Tedeschi, Lot 1 Northey Farm Road / aka 64 Cornet Stetson (in file)
2. Accessory Dwelling Special Permit Application for 184 Country Way – located in Water Resource Protection District. Accessory built in 2011; builder did not obtain permits. (to Amy)
3. Notification to Abutters from NORWELL – Winter Street, Cross Street & Old Oaken Bucket Road – 27-Lot subdivision. Public hearing May 1, 2018 at 8:00 p.m. – Norwell Town Hall, 345 Main Street, Room 112
4. Notification to Abutters re: 7 Surfside Road – relocate and elevate an existing single family on concrete piers. Relocate garage onto concrete foundation wall and restore lawn as necessary (in file)
5. 67 Border – Response to the second peer review and plan showing transects. Response to Comment 1 & 2 (in file)
6. Request for CofC for 34 Christopher Lane – 68-2672 – Engineer's verification, as-built, check (in file)
7. Planning Board Agenda for April 26, 2018
9. Request to continue 26 & 32 Gardiner Road (in file)
10. Pictures of Solomando, 8 Dartmouth/aka 33 Central Ave. – ramp (in file)
11. FEMA – CCO meeting at Dartmouth Town Hall (Room 304) 400 Slocum Road, Dartmouth, Wed., May 23, 2018 9:00 a.m. or afternoon session 1:00 p.m. at Kingston Town Hall (Room 200), 26 Evergreen Street, Kingston, MA
12. Nationalgrid re: Vegetation Management Plan (VMP) and approved 2018 Yearly Operational Plan (YOP) previously submitted.
13. Request to continue 31 Common Street to the next available hearing. Received Ivas Report 4/17/18; not sufficient time to review and respond. (in file)
14. Sustainable City Magazine
15. Recording of OofC for 68-2716 - Marshall, 17 Nelson Road (in file)

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

Meeting adjourned 9:25 at p.m.

Respectfully submitted,
Carol Logue, Secretary