

**Town of Scituate  
Conservation Commission  
Selectmen's Hearing Room  
Meeting Minutes  
May 7, 2018**

Meeting was called to order at 6:19 P.M.

**Members Present:** Mr. Snow, Chairman, Ms. Caisse, Mr. Harding, Mr. Parys, and Ms. Scott-Pipes.

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

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

**Support Letters:** Brad Washburn was present. Looking for two letters of support: one for the Open Space & Recreation Plan. Mr. Snow: any word on pursuing any more open space? It is critical to this Commission. There are a lot of state grants, but we need the Open Space Plan in place. We appreciate your efforts; will definitely give a support letter. Also a letter for a Grant Application: Executive Office of Energy and Environmental Affairs' Municipal Vulnerability Preparedness Grant. It is a prerequisite to other grant programs. Action goals: coastal business district, how we make the waterfront more resilient; infrastructure; discussion with residents regarding coastal issues, look at facilities and wastewater facility for engineering and design; very broad. Consultant putting application together, next time will tell the exact project and cost. Commission will support.

**Order of Conditions:** Town of Scituate, Bailey's Causeway (culvert)

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

**Order of Conditions:** Town of Scituate, Gilson Road (culvert)

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

**Order of Conditions:** Diamond Development, 53 Border Street (raze dwelling & rebuild in another area)

Standard order with special conditions that were discussed. Require planting plan, take up the acceptance of the plan at a meeting. Adding that the holly tree will not be removed. Mr. Snow: will decide mitigation and if they don't agree, their recourse would be to appeal. Motion to condition the project Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

**Request for Determination:** Haqherly Country Club, 667 Hatherly Road (replace irrigation system)

Bill Ohrenberger, Rich Coffey, and Brad Vinchesi, irrigation consultant. Replacing 24 to 26 year old antiquated system. Areas of concern: perennial stream mostly hole #11, cross that in three places; directional bore will go under wetland; will take less than a day. Crossing under the bridge; the pipe is too small; same support structure, not working on the bridge. Considerable work in the buffer of fresh and salt water wetland. All work is conducted in maintained turf. Strip 250' of sod, put in the pipe and put the sod back, limited to a 250' linear trench open at one time. Will do about 2,000 feet a day. Hardpressed to see where the existing pipe is; will do borings. Fluid project with very little environmental impact. The three borings are the main concern, but area is not rocky. Will go down the cart path, but have to dig up the street; no room on either side; crossing at Gannett Road. The wetland is close there; right under the cart path. Mr. Parys: will you remove the existing pipe? Will remove everything that is seen, but anything under will remain. This will save a lot of water because it is much more efficient. Ms. Walkey: seems to meet the requirement of a negative determination. No erosion control? Wattle between perennial and machine work; will be 30' back from stream. Motion for a negative 3 determination "The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions (if any)." Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

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

Applicant requested a continuance to May 21, 2018. Motion to continue the hearing to May 21, 2018 at 6:20 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

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

Atty. Ohrenberger, Paul Mirabito, Ross Engineering and Monica Martin were present at the hearing. Understand John Chessia is still reviewing the stormwater (SW) calcs. Lucas Environmental is finished with his review of the environmental aspects of the project. Decided to move cul-de-sac over approximately 6'. Former retaining wall was curved, changed to a straight line starting at the house and join up with the other wall. Will try and save a tree and eliminate chipping of ledge. No changes to roadway elevations. Had a meeting on March 21, Lucas was asking that whoever reviewed the SW, check the riverfront. We object to that. Understanding was that John Chessia was instructed to review SW. Request that John be given very clear direction. Not sure of the purpose of SW review, at the last meeting summary was we weren't close to tipping the thresholds because there is less impervious. Ask the Commission not to have John Chessia review the work that was done by Lucas. Don't think client should have to pay for it. Did give John a copy of the plan today; simple change. Mr. Harding: beneficial change. Confused about the SW calcs or need. Ms. Walkey: think I'm confused too. Lucas reviewed everything and approved, except the SW calcs. Tom Liddy indicated everything was fine. At the 11<sup>th</sup> hour, we don't want to get into a battle of consultants. John Chessia is looking at SW; just a second set of eyes on the riverfront numbers; overlaps from an engineering standpoint. Don't think the additional need of consultants is fair to the

Martins. Definitely from time to time there are overlapping consultants. Just a set of numbers of what is considered pervious or impervious; don't think the task is huge. Mr. Snow: Tom Liddy is asking for additional information if we want to be more comfortable. Have spent time on the site and met with different consultants. Went to the meeting with John Chessia, getting this moved along as fast as possible. There are significant changes, want to be sure to get our piece correct. Resource areas are agreed on. Is it a function of confirming sq. footage? Engineers have the software for calcs. Mr. Mirabito: when Tom looks at riverfront regs he has to determine how much of the site will be degraded. In this case the site is ledge. Our calcs clearly show and Tom broke out every sq. ft of the site that was going to be degraded. Based on those numbers, it is less than what is there now. Removing the driveway and coming over the ledge with it and planting along side of it. Even though we didn't have to provide mitigation, we did with plantings. John Chessia agreed because of the grading and less impervious there will be less water shedding off the site. Met the threshold, that's why we didn't think we needed SW. Tom didn't have the same type of software to confirm. All he had to do was take the square footage of impervious surfaces. Doesn't have to be reviewed by John Chessia. Spending a lot of money to review the work. Ms. Walkey: told John to come up with comments and if he had any, send to the engineer. Think he is moving along quite well; believe he is almost done. Atty. Ohrenberger: engineer has been very prompt, but the basis which we agreed to is already out the window. Mr. Snow: had this discussion. Project is taking time, but the past storms were out of our control. There were pieces on the plan that were not clear. Mr. Ohrenberger: recognize consultants are overwork. But it would be very helpful to close the meeting and vote orders. Ms. Walkey: will talk with Tom Liddy for an explanation, assuming that is solved, can close and vote. Mr. Snow: revised plan has an insignificant change. Right on the gulf river; we need to be sure we have done our due process. We will do the best we can. Ms. Walkey: on-site the other day, talked to the engineer about staking the driveway; it would be helpful for the Commission to see it identified in the field; it is not to slow down the project. Everything has to be staked prior to construction. Would it be helpful, yes, would it change the outcome of the project? No. Mr. Mirabito: will complete the drainage calcs to John. Motion to continue to May 21, at 6:20 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; Mark Manganello, and Dave Buckley were present at the hearing. Atty. Ohrenberger: Mark submitted draft conditions. Vast majority of orders don't need discussion. Some have to do with language and others just questions. #2. make clear expiration of appeal periods. Won't commence construction until all appeals are up. Would like the option to prep the site. No cutting or excavation. Mr. Snow: installing erosion control usually has a preconstruction. #3: preconstruction shall be held with the Conservation Commission. This is going to be a Town Board preconstruction. Construction schedule is standard. Town consultant is still involved? Yes, and will be involved. #11. If there is a stop work order want the reason. Mr. Snow: if there is an issue on site which is detrimental, they have to run back to town hall and write a letter. We can halt work anytime. #20. In order to put in silt socks, clearing will need to be done in jurisdictional areas. Erosion controls would take place prior to the preconstruction meeting. #22. No compensatory storage areas in this project. Majority will be done in the first stage, then one in second phase. #32. Three growing season instead of five. If after 3 growing seasons 75% complete, we are requesting a Partial CofC, at that point if there is an issue Commission can say no if not successful. #37. By reference herein. #40. Three growing seasons. Old #38 is too broad. Is Horsley & Witten the continuing consultant? Ms. Walkey: don't know if that has been decided. Don't want a battle of consultants. Definitely there is overlap with Planning and Conservation. The intent is not to duplicate their efforts. Planning Board does not cover the Wetland Scientist. We would want an independent. There has been discussion of not using the consultant. Mr. Snow: would think we would use the same ones unless people are unhappy with their work. If the town decides on different consultant, agree with Amy it could be anyone. There is an enormous surety bond that will cover this. Will not get a bond reduction if the consultant doesn't feel everything looks good. Mr. Snow: can see the need for a possible third party. Mark Manganello: frequency of this environmental monitor would typically be by-weekly to do their monitoring and report to the commission. Ms. Walkey: might want to tie monitoring to a rain event for stability of site. The need will go up when the construction is heavy. Bi-weekly don't see that for the duration of the project. Mark: there will be some engineering oversight. Dave Buckley: scope of duration for work as it relates to restoration work; replanting and revegetating areas. Environmentl oversight during restoration and replication areas and rain events. The Commission can accept reporting from Planning Board engineer. Want this person to also report to the Commission and should be referenced in our order. #48. Markers shall be 4" x 4" x 36" pressure treated posts appearing at least two feet above ground spaced every 100 feet to permanently mark the Conservation Area. Toll Bros are doing something very unusual. Enormous surety bond is posted in the beginning. Don't like the concept so many overlapping jurisdictional issues, that the bond cannot be reduced, and no partial Certificate of Compliance until the entire status of the project is done. Don't want dualing bond issues. Mr. Snow: our concerns are wetlands and buffer zones. Amy had some discussion with town accountant. She has not had great experience with overlapping surety. We need to know that it work will get done. The Commission can exert leverage. If project doesn't get completed we are left with a whole disturbed area. We need to know how to get things somewhat restored. The answer is the master surety bond. Do we have that information? We need to see the mechanism that the Planning Board is approving. To see if we have a piece in it. Ms. Walkey: instructed by finance director and TA to go for a separate cash amount based on the construction costs. Keeping them separate is very important. The advantage to cash, they could get an amount back. Mr. Ohrenberger: we won't agree to that. Under local bylaw it can be a bond; surety bonds reduce all the time. Already went up and down the road with Planning Board. Cash isn't king here. It is a protection mechanism. Under Chapter 41 of general law, it is the applicant who decides. Section 7 same parallel. Mr. Snow: we have a discrepancy with TA and town accountant. Mr. Ohrenberger: Dual jurisdiction without duplication. With Planning bonding the entire project. Mr. Snow: we asked what the construction costs for replication. Ms. Walkey: maybe there is a legal reason in municipal finance why they should be separate. How do you do this without duplicating costs. By deriving that number for the wetland replication pieces. You are going to tell us what you think it will cost and HW will look at. Don't think it is that hard to separate. Jeff DeLisi: Benjamin Studley was \$1600 that you required to assure wetland replaction. Ms. Walkey: that project was 400 sq. ft. of replication. Benefit to keeping them separate buffer zone piece is much smaller. Ms. Scott-Pipes: making a huge issue. Why can't you take \$100,000 for ConCom. We are looking for the replication area. Are there multiple bonds? Post a surety bond for \$100,000 for wetland replication. Just looking for a surety bond for our replication. Atty. Ohrenberger: upon successful installation the funds would be returned. We would prefer cash. Ms. Caisse: where is the money when the plantings die? Discussed certifying the vernal pool (VP) for added mitigation. Atty. DeLisi: treating a a VP, doing clean up to restore wildlife habitat. Doesn't seem that there is any legal reason to certify. Mr. Snow: it is just one more guarantee that the VP is protected.

Concern that essentially two thirds is left unprotected. Think it is important to get it done; don't think it a significant cost. Clean up along the edge of the VP; Satuit Brook portion. Trying to find out an initial fee for a study to restore brook. We want to work with the whole town with sewer and water studies. Mark Mangello: spoke with a nonprofit, they said cost is hard to say without getting a first analysis. Feedback was \$5,000 to \$100,000 depending on level of data. The stream is about 2-1/2 miles long. Identify the watershed area, evaluate what type of restoration could be done. Possibly \$50,000 could do a lot. Ms. Walkey: \$25,000 should get a pretty good study; depends on the parameters. Ms. Caisse: want to certify the VP, and start with \$25,000 for Satuit Brook for the initial scope. Submit at the end of the appeal period on this project. Ms. Scott-Pipes: signage for VP. 10 signs 12" x 18" language to be approved; put within the property.

Atty. Ohrenberger: would like to see a clean version of the orders to make sure it is right. If any comments would like to close and vote; rewrite well advance of the meeting. Mr. Snow: next meeting could close and vote; get a number for mitigation and will incorporate. Bill Jacobucci: concerned with water between March & May behind Norwell Ave. most northeast corner of the project. See if Karen Joseph, she can show you how it will work. Motion to continue the hearing to May 21, 2018 at 6:20 p.m. 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 June 4, 2018 at 6:20 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

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

Greg Morse was present at the hearing. At last meeting presented the plan to raze/rebuild. Had Steve Ivas for a peer review of wetland line. He had a couple of additional flags and 2 at the VP. Added new flagging location to the plan and updated the buffer zones. Scope of work is identical. Taking down existing home inside the 50'. New house is 80' away. Existing lawn in the 50' buffer remains. Added a small 10' planting buffer area. Ms. Walkey: looks good; peer review added a buffer; probably an improvement. Does have Board of Health (BOH) approval. Perhaps a condition on monitoring the buffer to make sure it takes. There is grading into the buffer, but it is already disturbed. Strictly doesn't meet the Scituate bylaw, but we can take enhancement in exchange. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

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

Frank Westgate was present at the hearing. Had to go before BOH to approve a number of waivers. Working out the details with Jenn Keefe; have tentative approvals. Mr. Snow: any need for erosion controls? Looking at a sandy beach; probably not unless we get a real hurricane; everything is below grade; unless you have a policy. Very little area they can go. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

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

Rod & Michell Skolnick were present at the hearing. BOH approved. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

**Wetlands Hearing:** Fleming, 7 Surfside Road (relocate and elevate a dwelling/move garage on foundation wall)

Paul Mirabito from Ross Engineering was present at the hearing. Abutters' notification was submitted. This is a 26,879 sq. ft. lot. Dwelling has severe damage back in the March storm. Proposing to relocating the house and garage to a new location shown on the plan. Stone revetment and a piece of seawall is coming apart. Coastal bank, slopes from there to Surfside Road. Previous owner added a garage, which will be separated from the main house. House will have breakout panels and moved out of the 50' buffer. Moving as far back from the ocean as possible. Driveway shortened; will still be gravel. Detail sheet shows individual concrete piers. No proposed elevation changes Lawn area and portions of the buffer will be replaced. Height of house will 4' to 5' above the ground. It is an AE flood zone, elevation 16'; velocity is at 16'; too. Overwash did come in the area. It is on town sewer and water. Mr. Harding: how much further back? Back about 35' to 40'. Ms. Walkey: project is pretty straightforward; meets the WPA and bylaw. Mr. Snow: any need to review the coastal bank? On this project it is pretty straight forward. Accepting the delineation in this case. The trend is to retreat from the coastline. Mr. Snow: good to keep the house rather than raze it. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

**Certificate of Compliance:** Doherty, 95 River Street (68-1513) (septic) - OK

Lane, 280 Gannett Road (plantings only – has a Partial CofC) - OK.

Raftery, 135 River Street OK

Schechter, 34 Christopher Lane OK

**Minutes:** March 19, 2018

Motion to accept the minutes of March 19, 2018 Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

**CORRESPONDENCE**

**April 24, 2018 – May 7, 2018**

1. Complaint re: 130-132 Stockbridge Road – Abutting business encroaching on private property - BOH, ConCom, Bldg/Zoning met 4/18/18 on site. Abutter wants to know what to expect for enforcement.
2. Planning Board re: Approval for 31 Torrey's Lane – Lot 1 – 18 conditions.
3. Zoning re: public hearings: 4 Postscript Lane, 3 Driftway, 87 Glades Road – Comments on or before May 14. (to Amy)
4. Recording of OofC for 68-2721 - 6 Brookline Road – C 117288 Bk 00586 Pg ??-88 (in file)

5. 67 Border 68-2804: 4 Stormwater Permit Reports, 4 Site Plans, 4 Pre & Post Development Watershed Plans- **1 copy only** (in file)
6. Request for CofC for 68-1010 – Lot 1 Stenbeck Place – Walden Woods Condo Trust (in file)
7. BOH re: 84 Mann Hill Road – call to schedule a date & time to meet for the next inspection of the site
8. 19 Peggotty Beach Road – **Public Notification** – Permanent Solution Statement with Conditions. In 2008 soils from 80 Front Street (approx.. 100 cu yds.) on property without prior testing. Testing had elevated concentrations of Lead and Benzo(a)pyrene (BAP) above reportable concentrations. Accessible soil across the site met the Method 1 Cleanup Standards. Interest in reviewing the PSSC, set up a file review appointment by calling SERO and go to website. (Pat has file)
9. Recording of OofC – 68-2715 – 224 Central Ave. – C 124747 Bk 00623 Pg 1 (hard to read) (in file)
10. Recording of OofC – 68-2708 – 2 Prospect Ave. – Bk 49726 Pg 336 (in file)
11. Complaint re: 127 Ann Vinal Road – 5 sonotubes; removed rear of building and reframed a back portion and attached – no permit
12. Complaint re: 108 Stockbridge Road – Excavators working processing materials on week nights & Sat until 7 pm. 8 Questions re: marsh contaminants, retaining wall added behind 122 Stockbridge legal?, natural flow of water changed? Will the state be notified? Will the wetlands be restored?
13. Chessia review of Lot 2 Torrey's Lane (in file)
14. 31 Common Street – 68-2717 ECR's response to Ivas, 5 recommendations (in file)
15. BOH re: 74B Glades Road – leaking pipe – required to hire a licensed plumber to address the problem and provide the BOH with documentation.
16. BOH Agenda for Monday, April 30, 2018
17. Request for CofC for 68-1055 – Bailey's Island – Request, Check, As-Built – no letter from engineer – called engineer (in file)
18. Request for CofC for 68-1245 – Bailey's Island – Request, Check, As-Built – no letter from engineer – called engineer (in file)
19. Zoning Board re: 41 Beaver Dam Road – addition – 133% increase – Granted
20. 31 Common Street – Response to Comments by Ivas: potential VP has been located and 125' buffer depicted; additional small depression as a wetland has been marked with 50' & 100' buffers. (in file)
21. 53 Border Street – possible landscape design (in file)
22. Recording of CofC for 68-1370 – Masefield, 155 Humarock Beach – Bk 49535 Pg. 156 (in file)
23. Chessia letter re: Peak Rate Control in Coastal Areas – 67 Border Street – Stormwater Permit (in file)
24. BOH re: 14 Tilden Ave. – have licensed operator inspect and make any necessary repairs to the system within 14 days. Documentation from licensed operator upon conclusion to the BOH.
25. Planning Board re: Form A Application re: 29 Longmeadow Road (to Amy)
26. Massachusetts Wildlife Magazine
27. Recording of OofC 68-2698 – Young, 18 Lowell Street (in file)
28. Lot 2 Torrey's Lane – Response to Comments – Stormwater Permit (in file)
29. Request to continue 68-2699 - Jacob Hatch, 10 New Driftway to May 21, 2018 (in file)
30. Letter re: 108 Stockbridge Road – raised several feet and trees cleared, plain view now; material located next to wetlands; stench from disposed clams. Total of 8 concerns.
31. DEP File #68-2723 – Fleming, 7 Surfside Road (in file)
32. Recording of Extension for 68-1654 - Lot 28 – Kimberly Road – Schwartz, 14 Kimberly Road Bk 49715 Pg 1 - 00029420 (in file)
33. Planning Board re: 10 Driftway: Accessory Dwelling Special Permit Application. Comments by 5/17/18 (to Amy)
34. Notification to abutters Nelson – 127 Ann Vinal Road (septic)
35. The Beacon
36. Request to continue the hearing for 26 & 32 Gardiner Road to June 4, 2018. (in file)
37. Revised Stormwater Permit Application May 3, 2018 for Lot 2 Torrey's Lane (in file)
38. Letter re: concern for saltmarshes, specifically the one sandwiched between Otis and Turner Roads at the neighborhood Sand Hills.
39. Recording of OofC for 68-2701 - Town of Scituate, Intersection of 3A & Mann Lot Road – Bk 49754 Pg 71 (in file)
40. Recording of OofC for 68-2714 – Sheerin, 90 Ann Vinal Road – Bk 49763 Pg 80 (in file)
41. Recording of OofC for 68-2681 – Fitzpatrick, 43 Collier Road – Bk 49762 Pg 297 (in file)
42. Planning Board Agenda for May 10, 2018
43. Economic Development Commission Agenda for May 9, 2018 7:00 p.m. WPA Building
44. DEP re: 19 Peggotty Beach Road – Permanent Solution Statement with Conditions for the Estate of Robert Christian Haufler, Jr. c/o Ms. Gayle McLaughlin.

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

Meeting adjourned 8:50 at p.m.

Respectfully submitted,  
Carol Logue, Secretary