

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

Meeting was called to order at 6:25 P.M.

**Members Present:** Mr. Snow, Chairman, 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 Mr. Harding. Motion passed by unanimous vote.

**Request for Determination:** Mass Electric Co., 399 First Parish Road (replace 2 wooden utility structures with steel)\*

Collen Duncan, from TRC was present at the hearing. Maintenance and replacement of two poles in buffer zone. One part shield wire will attach to the tops of the poles to protect from lightning strikes. Maintenance project under the WPA, however, under Scituate bylaw. Second part is to replace two poles with larger poles to support the system. Steel cason installations with foundation also geotechnical probes to look at any other conditions to support the poles. Overall shield wire necessary to cross 6 wetlands. Temporary crossing measures, swamp mat or use low pressure ground equipment. Depends on time of year for the least disruption. No permanent filling for pole installation. Probably will be next year; not sure what season, frozen or dry season. No building associated with this. Ms. Walkey: pretty straight forward project, BMPs in place for low impact. Negative determination. Mr. Snow: less power outages? Don't know about that. Do they notify the Commission? Think it would be possible to notify. Motion for 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.

Mr. Snow recused himself. Mr. Harding took over as chairman.

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

The applicant withdrew the project without prejudice.

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

Applicant requested to continue the hearing to June 18, 2018. Motion to continue the hearing to June 18, 2018 at 6:20 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Can we take Certificate of Compliance out of order? Yes.

**Certificate of Compliance:** Solimando, 8 Dartmouth Street (ramp)

Mike Solimando was present at the hearing. Mr. Gallivan: this filing represents only the work on the ramp; thought there were a couple of deviations from what was approved that he could explain. Called for five 2' wide planks; did two covering cover 10'. Six footers and 4 footers. Extends ramp down into the water. Ms. Caisse and Mr. Gallivan went down at dead low tide and there are two new sections. When Mr. Harding and Mr. Gallivan went down the tide wasn't low enough. If someone wants to use it, it is public, but there is no public parking. Can unload boat and find another place to park; can go to the public parking lot. The whole area needs to be dredged. Mr. Gallivan: CLE report is not listed in the Order; signage is missing. Public ramp, could be danger at low tide. Ms. Scott-Pipes: would it go on Central Ave.? Mr. Harding: maybe the corner of Webster Street, left hand side, facing people heading north. Then another sign to tell people where to go. Ms. Caisse: the public benefit was not limited to this. Mr. Snow: ramp goes at an angle; everybody on Webster has access. Can't be putting it on someone's private property; has to be on town property. Mr. Caisse: also make reference to the public bathroom. That was separate from the ramp. Just Certificate of Compliance for the ramp and the new piece of the ramp; not for the dock. Install public ramp, access, and caution signs. Ms. Caisse: this was supposed to be a public benefit. Slips are open to the public; don't remember opening the whole thing. Ms. Scott-Pipes: bathroom was for the boats coming in. Not part of the Certificate for this one. Mr. Snow: ramp is in a public way, who is maintaining it? Being maintained by dock people that use it the most. Holding Certificate until the signs are in.

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

Atty. Ohrenberger, Pete Martin, Paul Mirabiotto, Ross Engineering and Tish Campbell, landscape designer. Received John Chessia's review comments. Don't see anything in there that can't be conditioned. Think we've covered everything. John Chessia has three minor conditions: roof leaders will come down under the deck, operation & maintenance plan would reference inspection of infiltration trench twice a year with a report back to the Commission, and from the edge of pavement to the front steps of the driveway there would probably be some type of hardscape, he suggested pervious pavers, it is a very small area. He's also asking that the tree box will filter the water coming off the driveway and overflow will go to the ponding area; plan dated 5/10/18. He is asking for a test pit to be sure it is deep enough, prior to construction, but if it had to be moved there is plenty of room to do it. After the first review the board granted a waiver for peak rate of runoff leaving the site and John implied that the Commission should issue a waiver for the increase of volume because the water is going into a tidal area; can't have one without the other. SW review came down to how stormwater will be treated on site. Can't treat ocean water; asking the Commission to vote on a waiver for volume running off the site even though there isn't any. Mr. Harding: read his comments quickly and didn't see anything major, except requirements for maintenance, which can also be conditioned. Ms. Scott-Pipes: don't see anything major, but we did just get

it today. Ms. Walkey: haven't had an opportunity to review John's comments. There have been a couple responses from John which had to do with SW; think you have to concentrate on resource areas and the no touch zone. They are definitely close, if not there. Need the combination of both reviews to come up with special conditions. Need to look at encroachments into different areas and make sure there is enough mitigation. Discussed the length of time it took to get to this point. There were storms and cancellations of meetings. Atty. Ohrenberger would like to close and condition. What is the best way at this stage to get this project on the ground. Agree that John Chessia's remarks will be included in the orders. Ms. Walkey: could close tonight and sign the order at the June 4<sup>th</sup> meeting. If we completed the orders before that can have the members come in and sign. But you may want to discuss the special conditions and the only way to do that is at a public meeting. Next meeting is not even two weeks away. Either can close and issue at the next meeting and if something is missing you have the opportunity to ask for it; if it is closed, you lose that opportunity. Mr. Mirabito: with all the details on the plan at this point it is a straightforward project. Atty. Ohrenberger: between now and the 4<sup>th</sup> could we see and work on the orders before the next meeting, close, vote and set the orders? Mr. Snow: first phase would be to demolish the existing house. Does the Commission have the ability to give permission to get the erosion controls in and allow demolition of the house? Ms. Walkey: if the goal is to knock down the house and there is no ground work, you could demo the house. Cost of the building permit would be split up. Not sure it is a building inspector question, but Amy can sign off; start installing all the erosion controls. Mr. Snow: as long as you are not removing an old foundation and no clearing of any trees in the buffer. Atty. Ohrenberger: vote and sign next meeting. Tom Liddy reviewed the resource area, agrees what they put on the plan. Motion to continue to June 4, 2018 at 6:20 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

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

Atty. Ohrenberger, Jeff DeLisi, Mark Manganello, Scot Miccille, and Dave Buckley were present at the hearing. Planning Board has made its final decision on the SW permit, submitted copy. In agreement with everything in the Orders, except one item #50. Last meeting the Commission requested a separate surety bond for the replication. Mark Manganello priced it at \$65,000. Went back and forth with thought process. Backdrop is Toll Bros is mobilized and ready to go. The pressure point is the appeal period. Planning Board's period is over in 14 days; Bylaw period is 60 days, so we can't start construction. Whole bunch of construction things that will lose the season, so we went right to a \$120,000 surety bond just for the sake of closing, voting, and signing it in order to get the appeal period started so don't run into stabilization problems in November. Ms. Scott-Pipes: would much rather be over than under. Ms. Caisse: only concern is issuing a Partial Certificate (PCofC) just for the completion of the replication plantings. Usually there is a time period for establishment and to make sure they will survive. When you issue a PCofC that's what you leave the replication as still outstanding. But some can be returned after planting. Ms. Walkey: in agreement that this is the only issue. The number should be subject to validation by the Commission's consulting engineer. No specialist; think definitely in the ballpark and as far as protection, but if the entity for the project went away you are still left with ensuring that the replication stays for three years. Hesitate on giving back funds once they are planted. If you keep money in Town of Scituate's bank account, you can make sure that money goes to the replication. They could have the option of giving us a check for the 25%. Atty. Ohrenberger: how about if 75% of these funds are returned after planting and 25% remains upon completion of three growing seasons. Mr. Snow: it's not money going back to you because it is a bond. but to be truthful when I saw \$65,000 thought it was a fairly low number; it is a pretty big area, and concerned that we were going to get the amount of replication we anticipated. Let's hope the economy is good; there has been situations where the project hasn't happened and everything is torn up. If the project doesn't get built, that's not our problem, but we want to make sure the replication is taken care of. Essentially doubling the amount gives us a reasonable amount of money to be sure not only that you plant it, but it actually grows. Order #50. Prior to the start of construction at the site the applicant or property owner shall submit a surety bond or check in the amount of \$120,000.00 to assure the replication plantings are established on the site. The Town of Scituate Treasurer/Collector will hold the bond or check, and seventy-five percent of these funds or security shall be returned to the applicant upon the satisfactory completion of replication plantings as confirmed by the Town's consulting engineers, and the remainder will be released at the end of the 3<sup>rd</sup> season of growth as confirmed by the Town's consulting engineers. Still the ability to hold the CofC. Motion to close the hearing and issue the Order of Conditions Ms. Scott-Pipes. We don't have it ready to go. Second Mr. Harding. Motion passed by unanimous vote.

**Order of Conditions:** Toll Bros., Hatherly & Tilden Roads (142 units / 10 single family homes)

Motion to condition the project and accept the orders as written with the new #50 Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

**Wetlands Hearing:** Nelson, 127 Ann Vinal Road (septic repair)\*

Applicant's representative requested a continuance. Motion to continue to June 4, 2018 at 6:20 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

If they intend to do other work, it should be part of the Notice of Intent; house is in jurisdiction as well as the septic. Ms. Walkey will mention that to the engineer. Paul Mendes, Steve Coombs were present. Mr. Snow: received notice from applicant that they weren't prepared to present anything. Can't have open discussion without the applicant being here. We announced the continuance of the public hearing and can be discussed then.

**Order of Conditions:** Swan, 31 Common Street (raze/rebuild)

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

**Order of Conditions:** Heap, 62 Glades Road (septic)

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

**Order of Conditions:** Skolnick, 4 Postscript Lane (r/r/septic)

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

**Order of Conditions:** Fleming 7 Surfside Road (relocate elevate house & garage)  
Motion to condition the project Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

**Extension:** RJB Development, 35 Dreamwold Road – 68-2533 (2 years)  
Motion to extend the Order of Conditions for 2 years Ms. Scott-Pipes. Second Mr. Harding. Unanimous.

**Certificate of Compliance:** Bruno, 248 Central Ave. (elevate add utility enclosure) - OK

Walden Woods, Lot 1 Stenbeck Place (no work done) - OK

Reynolds, 7 Elm Street (septic) - OK

Motyl, 48 Oceanside Drive (elevate) - OK

Murphy, 5 Jason's Lane (garage with porch) - OK

**Minutes:**

Motion to approve the minutes of April 11, 2018 Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

**CORRESPONDENCE**  
**May 8, 2018 – May 21, 2018**

1. 67 Border Street - Response to Peer Review dated 5/14/18. (4 copies – no electronic) (in file)
2. Recording of 68-2506 Extension Permit – 135 River Street – C 102356 Bk. 00511 Pg. 156 (in file)
3. North & South Rivers Watershed Asso. letter to DEP re: Water Pollution Control Groundwater Discharge Permit #870-1 Herring Brook Meadow, 126 & 132 CJCH. Applaud decision to suspend the permit for wastewater discharge at the site. We urge DEP to vigorously revisit the ability of the site to receive this discharge without harming the downstream water resources. (in file)
4. Request for CofC for 68-2487 – Shrair, 48 Oceanside Drive – Request, Engineer's letter, as-built, check (in file)
5. Zoning Board of Appeals – 67 Border Street - Granted approval. Condition to modify Note 2 shown on the amended Plot Plan so as to indicate that the Property lies in the FPWP District (in file)
6. Zoning Board of Appeals – 53 Border Street – Granted approval as long it does not exceed 66.4% from what exists. (in file)
7. Board of Health Agenda for Monday, May 14, 2018
8. Planning Board 7 Elm Park – Approved with Conditions – 12 Findings of Fact; 10 conditions. (in ConCom's 7 Elm Park file)
9. Request for CofC for Murphy, 5 Jason's Lane – 68-2667 (in file)
10. Request for Extension for 68-2533 – RJB Development, 35 Dreamwold Road (in file)
11. DEP re: Stockbridge II Realty Trust, Stockbridge Landing Discharge Permit SE#880-0: the Dept. approves the final modifications subject to 16 conditions.
12. 7 Elm Park – Accessory Dwelling Application – construction will have no increase in volume or peak flow offsite. (in file)
13. 67 Border Street – SW info. Requirements – Site Plan Sheet 2 of 2 - Revised 4/6/18 – (in file)
14. Bailey's Island Cover Letter for CofC - 68-1055 (in file - \$25 additional fee is required)
15. Bailey's Island Cover Letter for CofC - 68-1245 (in file - \$25 additional fee is required)
16. Stormwater Magazine
17. DEP File #68-2724 – Same Cloth Ventures, LLC, 127 Ann Vinal Road (in file)
18. Planning Board re: Site Plan Waiver – Scanzillo, Jacob Hatch Condo Tr., 10 New Driftway (to Amy)
19. Request to continue 10 New Driftway to June 18, 2018 (in file)
20. Request for CofC for 68-936 – Raftery, 135 River Street (in file)
21. Recording of Extension Permit for 68-2506 – Raftery, 135 River Street (in file)
22. Planning Board Agenda for May 24, 2018
23. Planning Board re: Hatherly & Tilden Road – Approved with conditions (in file)
24. Planning Board Conditions for Special Permit – Residential Cluster District & SW, Seaside at Scituate – Toll Bros. Hatherly & Tilden Roads (in file)
25. 67 Border – Chessia, 67 Border Street – Supplemental Engineering Review (in file)
26. 121 Glades Road – deck project – Preconstruction request – would like to start as soon as possible (in file)
27. Recording of CofC for Kibbee, 12 Revere Street – C 121321 Bk. 00606 Pg. 121 (in file)
28. Recording of OofC for Lindberg, 265 Central Ave. – C 4437 Bk. 00423 Pg. 37 (in file)
29. Request to withdraw Norton, 23 Sunset Road without prejudice (in file) – 5:10 p.m. 5/21/18

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

Meeting adjourned at 7:45 p.m.

Respectfully submitted,  
Carol Logue, Secretary