

**Town of Scituate
Conservation Commission
Town Hall Selectmen's Hearing Room
Meeting Minutes
April 20, 2016**

Meeting was called to order at 6:16 p.m.

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

Also Present: Patrick Gallivan, Agent, Carol Logue, Secretary

Agenda: Motion to amend the agenda to discuss the Open House for Boards & Commissions, May 5, at Jenkins School to explain what we do and discuss quorum issue for May 4th meeting Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Request for Determination: Historical Society, 16 Country Way (in stall 7 steps to complete access to Gristmill) (cont.) Motion to continue the hearing to June 1, 2016 Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Request for Determination: First Parish Road Co./Warner, 23 Mill Wharf Plaza (repair bulkhead)*

Dave Crispin from BSC and Steve Warner were present at the hearing. The crushed stone is washing out from between the granite wall and the timber crib. Core some holes and pump concrete in various levels and shore up. Contractor is ready to start. Protection on the outside like a boom? Not going to be digging. Drill 6" holes on top, put in filter fabric and nail plywood forms on the inside of the piles and pour concrete to fill the voids. Mr. Schmid: no army corp or Chapter 91? Run it by the Harbormaster to see if it triggers Chap 91. Outside of our jurisdiction. Steve Warner talked to the harbormaster and he is OK as long as not outside the wall. Chapter 91 is good for 99 years. 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.

Mr. Gallivan: Stormwater regs: voted at town meeting. Changes in grade and a lot of procedural changes. Hard to understand the stormwater. The person that has spent the most time with it is Steve Bjorklund. How many square feet will trigger and that varies, percentage of a lot, sometimes total square footage, slope changed from 25 to 15. Spent a lot of time working with Greg Morse, Josh Bows, Laura Harbottle, Steve Bjorklund and myself. Better than it was, still needs some revisions, but can be worked out in the regs.

Fines: don't know how long that will take. As far as ConCom is concerned just the agent can issue fines. Mr. Snow reminded the members to call Pat or another member and make it clear that you feel there is a violation and you will follow up on it and they may have to correct the situation. Mr. Schmid: also important that you don't go on private property. Mr. Snow: people are supposed to have a DEP sign up or a Minor Activity Permit. Can you show me what you have for a permit? If they don't have that, that's a start. See what happens with the fines. Mr. Schmid: might have a little more teeth with fines.

Mr. Harding: Coastal Advisory: Nancy sent out an updated list of coastal plans and projects. Really working more educational coastal plans, plans for revetments; bringing in experts from all over. Schedule for meetings. Coastal meeting the 28th. Lisa sent out an e-mail to as many people as possible. Important meeting 6-8:00 Scituate High School April 28th. John Ramsey will discuss four major categories for the coastal changes. Only a percentage gets the grant. Ms. Scott-Pipes: why would they be denied? Need to be severe repetitive losses. Rosemary: when the meetings are scheduled could you send it out? May 17th is the next one.

Mr. Schmid: Beach Commission: Police met with Board of Health and previously met with DPW. Big discussion was the Spit and the enforcement of the Spit area; will be stepped up this year; setting the standard early. The Spit is difficult to patrol. Audubon said nesting was starting. There is a lot of debris that needs to be removed.

Wetlands Hearing: Woo, 27 Seaside Road (elevate/FEMA) (cont.)

Greg Tansey from Ross Engineering was present at the hearing. Abutters' notification was submitted. There was a notification issue so the hearing was continued. Existing dwelling, doesn't conform to the FEMA regs. Want to raise the structure on driven pilings above the proposed 2016 flood zone; the lowest horizontal member is 2' above the FEMA elevation; proposing top of pile at 19.1', first floor at 21.27'. Footprint will not be enlarged; just an elevation. Completely in the velocity zone now. Foundation plans have been submitted. If it isn't raised, he will be slapped with huge insurance rates. It will be moved onto existing lawn area while piles are being driven and then moved back. May have to take down the existing garage; garage is in tough shape. If he wants to rebuild the garage he should include in this filing. Can close, continue, or come back. Might decide to get rid of it. If he was going to knock it down we could accept a revised plan. Mr. Gallivan: existing lawn would remain as is. Yes. What is the surface under the pilings? Going to remain the same grade as it is now. Probably crushed stone. Natural state would be fine. Mr. Snow: Is there a concrete foundation? It will be completely removed and disposed of properly. Should be part of the orders to remove it. Going to leave retaining wall on the ocean side and the existing concrete parallel wall. Portion of the concrete is not on his property. Kathleen Graham: on plan existing elevation is 15.6', adding 6'? Elevation is from sea level. Kevin Powers and Marie Carey, 29 Seaside Road: they all have concerns regarding the water that comes over runs down the driveway to a grassy area, to a pipe under the driveway that flows into the pond. Nervous on how that is going to change when the foundation isn't there. There is a shared right of way for 3 or 4 houses; concern is when the flow is disrupted what happens if that road is blown out and we don't have access to the properties. Mr. Snow: elevations are recommendations from the state and Feds. Mr. Tansey: There is a seawall in front, that will remain in place and takes the brunt of storm surge. Don't believe there would be much of a difference. If worse came to worse it is a gravel drive and it can be restored. The water will continue to go the same way. Ms. Scott-Pipes: It should be more of an even flow; less velocity. Kathleen Graham: is there concern about the amount of rocks going to the wetlands? It will change. State's and FEMA's goal is to have nature do what it does. Grading will remain the same. In the event of all that pounding, what if we have trouble with our foundations and seawall? Not the

same as if you were blasting; never heard of a problem. Seawall in front of their dwelling is ready to fall down. What if it does? Don't know the answer. Some of the questions could be answered by the Building Dept. Rich Goldmount: We share a driveway. Are they coming in from the back of the house or the shared driveway? Understanding is they would come through the shared driveway; they will use the least intrusive way. Issues about right of ways is not Commission jurisdiction. Maybe it is something you can work out with the owner. Make sure no debris gets into the marsh. Need erosion controls also in the back corner; it is a lower grade. Not intending on altering that area, but if anything happens, it will be restored. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Bates Lane/Moncy: The town will be the proud owner, voted to purchase at Town meeting. Have to go through a survey and appraisal and hopefully everyone will agree on the appraisal. It is a great asset. Appraisal was originally done as a huge plot and has to be redone; that's the word from CPC.

Ms. Scott-Pipes: CRs moving forward with Wildlands Trust. Both New England Forest Foundation and Wildlands Trust are non-profits and have board of directors who decide if the property is a good fit for them. Will be going out to the properties in mid-May. We can see what the best solution is or best match. Mr. Schmid: whoever holds the CRs have different ideas? We can see if they meet with our thoughts and goals. Mr. Gallivan: do they ever share a CR? Could, but more complicated; want similar philosophies on use. Important we get input as a committee. Steve Bjorklund: looking for one entity to have the CR on the whole Bates Lane area? Probably Bates lane area, Hubble, Damon, may even want to roll onto other Commission property. Ms. Scott-Pipes: will walk every property CPC has purchased. Get their feedback. Interesting to talk to these folks. Both organizations have been impressed.

Herringbrook Bridge: Mike Clark was asking what funding was left. There is \$47,000 still in CPC. Mr. Snow: in the past there were various plans put together for the Driftway area; lots of different improvements, including discussion of a foot bridge over the Herring Brook. Started some design work, then the Selectmen asked us to stop working on it because of the 40B project on the south side, which could have some conflict. Have a preliminary plan, some test borings, and inquiries from other folks asking if this might go forward. First ask the Selectmen if it could proceed, then look into the feasibility. One of the selectmen asked if we could get this project going. A former member Mike Clark has offered to assist. Railroad bed all the way to the North River is owned by town. Bob Drews property on one side and then the Rousseau piece and then beyond that is the Rousseau mitigation on either side of the railroad bed. Town owns the strip in the middle. There is a significant amount of junk. Whatever happens with those two properties wouldn't impede us or them. If there is encroachment the town / Commission could take steps. Mr. Schmid offered to help out too.

Wetlands Hearing: Olschan/Shweky, 24 Webster Street Street (concrete walls)*
No show.

Wetlands Hearing: Town of Scituate DPW/McCarthy, Oceanside Dr. (11th to Kenneth) (585+/- seawall & revetment repair)*
Jeremy Packard from CLE was present at the hearing. Abutters' notification was submitted. Seawall and revetment repair from 11th to Kenneth, but not a full replacement. Took core samples and compression tests that had a little 5,000 psi on the average, pretty good strength overall. Seawall was capped in 1993 and built in the 30s. We will pull the revetment out and drive 20' sheeting 3' wide, interlocking and coated with epoxy at the toe, then put the cap along the top that will raise it 2' and bring it to the FEMA flood elevation of VE 19'. A splash pad will go on the back and rebuild the revetment in the front. Resource areas: Coastal beach and land subject to coastal storm flowage. Site is totally open, owned by the town. All staging will be on site. Would like permission to do a temporary ramp over the wall if we need to. Work is mainly within the existing footprint. Check with Army Corp regarding Chapter 91. Construction will be both from upland and beach. Mr. Harding: who built the original wall? Don't know. No insignia on top? No. Mr. Gallivan: lot of good information, a whole section on construction methodology and how they will protect the interests of the act; include as conditions. They covered about everything we would ask for. If you would let us know the decision from the Corp and Chapter 91 that would be good. Mr. Bjorklund: does it require NIFTIES permit? Not sure. Dick Horn: 114 Indian Trail. 720 days, don't have to between a year and 2 years. National Pollution ---- Discharge. Motion to close the hearing PSP. Second BS.

Wetlands Hearing: Whitley, 9 Lightship Lane (addition)*

John Cavanaro from Cavanaro Consulting, Mary Whitley and Heidi Condon were present at the hearing. Abutters' notification was submitted. The lot is a little under an acre. Resource areas: land subject to coastal storm flowage, 2012 flood map elevation AE10', retaining wall at back side of septic, salt marsh wraps the perimeter of the property and the 50' and 100' buffer from salt marsh is shown on the plan. Expansion of existing bumpout, greenhouse that has a full foundation brickfaced; about 100' sq. ft. Bump out would be 8' toward the resource area, the entire proposed addition is about 360 sq. ft., an increase of 260 sq. ft. Proposing to offset by 600 sq. ft. of buffer plantings between the wall and the resource area. Pull out some lawn and replace some invasives with salt tolerant plants. Letter from immediate abutter was read into the record and submitted. Ms. Scott-Pipes: lawn area and greenhouse already, but not crazy about going into the 50' with new development even with 2 to 1 mitigation and the only reason even consider is because it is an already disturbed area. Mr. Schmid: increased square footage in the 50' doesn't make any sense. Mr. Parys: agree with Penny, normally we don't allow, but it is already a lawn area and a bump out on the house. Ms. Caisse: clearing any trees? No, all lawn. Disturbed property with a disturbed salt marsh. Don't like anything increased in the 50' buffer. Mr. Gallivan: there were previous filings and conditions on this property, with appeals and court dates. Do you know if they were closed out? Don't believe anything was found in the title search. How long ago did the driveway and lawn area in front go in? Dick Horn, 114 Indian Trail: a long time ago. Mr. Gallivan: couple of districts that come into play at this property and suggested John run a couple of things by Neil Duggan. Mr. Cavanaro: property lies in the Town of Scituate Floodplain & Watershed Protection District, section of the bylaw that determines if work is authorized or exempt from going to the Zoning Board. Neil felt this satisfied the bylaw exemption and was not a substantial addition. Also Pat talked to Neil about the salt marsh district / tidal district and suggested John get a determination from Neil about that too. Flood zone elevations submitted using the 2012 maps. DEP is asking Commissions to go by the latest, 2016 maps, however, building code allows the 2012 maps before the maps are officially changed. To use any other map would require a variance to use any other map, because the 2012 map is in your bylaw. Also, this will be flood compliant; going up by 4'; first floor is at 17.5'. Part of the reason to use the 2016 maps is for the applicant's protection. When something is permitted under the current regulations you are protected. All we can do is go by what the regulations are now. Pull the files and check the old conditions. When was this house built? 1955. Is the mitigation area part of the previous filing for phragmites eradication? No. Not doing any work in the resource area. Maybe look at the area for the replication and see what the denial was about. Motion to continue to May 11, 2016 7:15 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote. Salt marsh and tideland issue with Neil, check out the old orders, and set up site visit.

May 4 meeting Paul, Bill, Penny and Carol are out. Motion to change the meeting from May 4 to May 11, 2016 Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Olschan/Shweky, 24 Webster Street Street (concrete walls)*

Opened hearing and immediately continued to May 11, 2016 at 7:30 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Extension: Town of Marshfield & Scituate, South River Dredging (near Sea Street Bridge)

Motion to extend 68-2456 South River Dredging for 3 years Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Order of Conditions: Princi, 134 Humarock Beach (garage)

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

Order of Conditions: Diamond Development, 290 Hatherly Road (new build)

There are two sets of conditions, an approval and a denial. Motion to deny on the 50' buffer and the riverfront issues Ms. Scott-Pipes. Second Mr. Harding. Any further discussion? No. Motion passed by unanimous vote for a denial. Based on riverfront act and some issues listed around land subject to coastal flowage. Need to list all of the reasons. Ms. Scott-Pipes: there are always some pieces that just shouldn't be built on; there are too many issues; coastal storm flowage, riverfront, and 50' buffer. Mr. Schmid: part of our job is to protect these areas and pretty much without exception I am going to stick to the 50' buffer. Mr. Harding: preponderance of reasons, not a single issue; don't like denying it, but too many reasons that can't be overcome. Mr. Parys: complex property. Ms. Caisse: multiple reasons. Mr. Snow: magnitude of the project within the 50' whether disturbed or non-disturbed site and the resource areas that it affects are all taken into account. We do have the ability to allow things in the 50'. The Commission does have the discretion over the 50' buffer, but we have to be clear why or why not something is or is not allowed. Mr. Gallivan: under the state act and local bylaw, the 50' buffer is there to protect the wetland values. Inner 100' riparian zone is supposed to remain untouched. In this case it was pretty much going to be cleared and replanted, maybe better plants, maybe not. Land subject to coastal storm flowage is being used the best right now or being cleared and replanted does that make things worse? These are state regs. The state could overrule us or they could say that is what the regulation was intended for.

Order of Conditions: Brian, 11 & 12 Concord Street (concrete walls)

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

Order of Conditions: Murphy, 91 Humarock Beach (r/r larger & garage)

Motion to condition the project Ms. Scott-Pipes. Needs to get approval from Zoning. Second Mr. Harding. Motion passed by unanimous vote.

Order of Conditions: Teague/Whitley, 0 & 9 Lightship Lane (phragmites removal)

Heard from Natural Heritage and they gave us a list of things we should include in the Orders. No particular species that would be impacted by it, so the Natural Heritage person was OK with it. Jenn from Board of Health suggested a couple of things that are included. Mr. Snow: the concern of the Commission is the use of glyphosate and that the treatment of this that it be done properly. Send information on specifics about the application. Motion to condition the project Ms. Scott-Pipes. What happens after treatment? Hope the native plants will come back. They do a follow-up 2nd and 3rd year, historically it is 99% successful within the 3rd year of treatment. Tend to notice the natural marsh species return. Mr. Horn: in favor of getting rid of it. The story has it that Lightship has a stream and there is not enough salt water, but don't want to see mud flats. Second Mr. Harding. Motion passed by unanimous vote.

Order of Conditions: RDP Realty, LLC, 138 Stockbridge Road (new build)

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

Certificates of Compliance:

Morrissey, 238 & 240 Clapp Road (no work) OK.

Motion to issue a Certificate of Compliance Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Morrissey, 240 Clapp Road (no work – refiled) OK

Motion to issue a Certificate of Compliance Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Gardiner Road: the attorney contacted the town and wants the drainage ripped out and moved. DEP went out there and took a walk and said they'd get back to us on the wetland issue. Two people from DEP have decided to get involved.

Musquashicut debris: debris thrown into the pond. It is next to a condo project so it is difficult to know who did it. Someone called and saw who did it, will write a letter, but looked like a lot had been cleared up.

0 Rear Driftway: Pile of tailings where Totman's busses are parked. Walked it with Mr. Loring. Will write a letter and having them come to a meeting. Mr. Schmid took some pictures of the site, it is draining right into the salt marsh. Mr. Snow: we have been chasing this one for some time, do we want to get DEP involved? Would like to get them in to look at the plans that were approved years ago. It had detention basins, grass swales, etc., but couldn't find any of those things out there. It's just a pipe, looked like there was supposed to be a settling area too. Don't know who the engineer was on the original project.

Hennessey fence & bounds: looked through the orders and the wire fence has to be removed. Far as bounds didn't ask them to put bounds in. Get a letter off to the owners with the section of the orders. Beals and Thomas were the engineers for Hennesseys. Original buyers left and now it is Fiore's. Lot of work to remove all that fence.

61 Collier: is filing

93-97 First Parish Road: letter sent to the Commission by an abutter with a couple of pictures. Complemented project 3 or 4 single family homes. It is the triangle between Common Street and First Parish. Not sure if there are wetlands up there, but we should look at. Think about the topo runs down to First Parish creates a channel, you could see at times water would run between two homes. Picture showed bare raised roots, surprised there is any wetlands even isolated, but it probably is an area where water would have a tendency to channel. If there are going to be several homes would assume that would trigger stormwater.

Site Visits: West end for a couple of things and Cavannagh and 309 Central Ave. Meet at town hall at noon.

Rosemary Dobie: there are mounds of cobble on the northern end in front of family homes. Since the town has reneged on the agreement to take it back to the beach, the rocks are heading out of town. Maybe notify each of the homeowners who still have rocks that material can't leave the area. Mr. Snow: Town submitted a Notice of Intent that said the material would be removed at the end of the season and put back on the beach. There was a clause "if funding is available". We cleared the town to allow them to move it back to the beach, but we can't require that. Mr. Parys: we could also say you are not allowed to build a berm to disrupt the flow of water on people's property and that isn't acceptable; that has nothing to do with a budget. Will look at the order again. If it was our understanding that the material would be removed at the end of the season then they are not in compliance with the Orders. At the time we could not require removal, because it is a budget issue. If it isn't acceptable, budget has nothing to do with it. Ms. Caisse: There are also 10' to 15' of cobble that is being pushed into and choking the marsh. The first 4' is town owned, but the other 10' is privately owned. Mr. Snow will do his best to get to Humarock at 9:00 on Friday. At some point we can discuss those orders. In fairness to everybody else, we issue a set of orders, granted sometimes it doesn't get done sometimes, but there is nothing in the orders stating that if you don't have the funding available, you don't have to do it. House side make cuts and marsh side make cuts. Want to be sure we are clear about it. Rosemary: there isn't an end to the season until everybody comes back and sees what's in their yards. Cannot hire someone to take the material out of town. Motion to adjourn Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

CORRESPONDENCE

April 7, 2016 – April 20, 2016

1. Recording of CofC for 68-2510 – Serani, 5 Irving Street (in file)
2. Flyer re: Assessment of Coastal Erosion meeting – Thursday, April 28th 6-8 p.m., Scituate High School Cafeteria
3. Abutter Notification for Woo, 27 Seaside Road (in file)
4. Superseding CofC for 68-2521 – Mazzola, 30 Inner Harbor Road (in file)
5. Surface Water Quality Conference & Expo – 8/22-8/25 – Indiana Convention Center
6. Planning Board re: Form A Application 50-56 Common Street – convey small parcel to allow cesspools to be on 50 Common. No new buildable lots are being created. Discussing 4/28/16. Comments by 4/27/16.
7. Recording of OofC for 68-2589 – DeConciliis, 142 Humarock Beach bk 46572, pg 1 Recorded 2/9/16 (in file)
8. Galvin & Galvin – all record request for 15 Seagate Circle (in file)
9. DEP File #68-2607 – Olschan/Shweky, 24 Webster Street (in file)
11. DEP File #68-2608 – Town of Scituate, 0 Oceanside Drive (in file)
12. Request for CofC for 68-2502 - 141 (aka Lot 3) Old Oaken Bucket Road – Engineer's certification, check, Request, Site photos, post construction. Copy of Recorded OofC; as-built plan. (in file)
13. Zoning Board re: 11 Chet Way addition – GRANTED
14. Zoning Board re: 800 CJCH – radio transmission tower to a height of 85' at the new Public Safety Complex – GRANTED
15. Request for CofC – 68-971 – Morrissey, 238 Clapp Road – project at 240 Clapp Road new build (work never done) (in file)
16. Request for CofC – 68-1017 – Morrissey, 238 Clapp Road – project: addition & breezeway (work never done) (in file)
17. Merrill re: proposed Middle School inspection of Subsurface Infiltration System #2 (in file)
18. North River Commission re: 7 Barry's Landing – Remove existing stonewall & proposed stonewall – April 28, 7:45 p.m. Norwell Town Offices (lower level) (in file)
19. Request for CofC for 68-1521 – 65 Ocean Drive – Request, check, picture, E.E.T. will submit engineer's information (in file)
20. Request for CofC for 68-2098 – Leonard, 20 Brunswick St. – Submitted check and request – 2008 engineer's verification from E.E.T., Inc. and as-built was in file (request in file)
21. Plymouth Superior Court Civil Action re: Lots 31 & 32 Fieldstone (in file)
22. Division of Marine Fisheries re: 0 Oceanside Drive rehabilitation of approximately 550 lf of seawall: limit to footprint; no equipment in intertidal area; no armoring stones to be stored in intertidal zone; conduct work from upland to minimize impacts; no washing of equipment; refueling clean up material on site (in file)
23. The Beacon
24. Zoning re: Scituate Rod & Gun Club for a "50 yard Dynamic Range" – Granted
25. Request for the extension of Order of Conditions for South River Dredging – 68-2456

Motion to adjourn 8:30 p.m.

Respectfully submitted,
Carol Logue, Secretary