

**Town of Scituate  
Conservation Commission  
Town Hall Selectmen's Hearing Room  
Meeting Minutes  
June 1, 2016**

Meeting was called to order at 6:17 p.m.

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

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

**Agenda:** Motion to amend the agenda to discuss CRs, Kenilworth parking, update on Toll Brothers, Heritage Trail, site visit to Gardiner, and Stockbridge Road cut trees Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

**Request for Determination:** Historical Society, 16 Country Way (install 7 steps to complete access to Gristmill) (cont.)  
Motion to continue to June 29, 2016 Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

**Beach Committee:** Mr. Schmid – haven't met since Commission's last meeting. Chair has gone around to all the beaches and made some observations which will need to be followed up on.

**Coastal Advisory:** Frank Snow – had a meeting at the Maritime Center the other night and discussed CZM stormsmart pieces and handouts. Great information, more user friendly. Next large meeting will be June 16 at Scituate High School Cafeteria 6:00 p.m. – 8:00 p.m.

**Trails:** Paul Scott, Frank Snow, Vin Bucca, and Pat Gallivan walked the Crosby property. Paul Scott will be getting information to the engineer. Trying to keep it moving forward, but it's not fast enough; also parking for Bates Lane. Heritage Trail area as a possibility, people offered land to the town. Little uplands along Heritage; Selectmen want to know. One plan showed an easement. File is out in the office; take a look. Would like parking close to the street. Town forest had a bunch of trees down; DPW cleaned up and found a lot of trash; leaves a big area to park; kids go up there at night; there are several trails. Talk to Mike Breen. Did talk to Kevin Cafferty, might have to reduce the parking area with fencing. Maybe even cut down trees so when the police go by they can see. That's one advantage to Heritage Trail. At Crosbie will have a gate for the larger parking area and if there are problems we can shut it and there will be a couple of parking spots on the street. Need to get back to the Heritage people soon.

**Spit:** Bill Schmid – have been approached by a couple of people. Sent article about Hingham using cameras. Don't know what type of support there is for cameras. Mr. Snow: has any other investigation been done to see how those eggs got broken? Haven't heard anything more. State and feds are involved. Have they talked about additional patrols? Environmental Police may be able to use a quad to get out there and then there is the danger of running over the nests. Need a quick way to get out there, but it is a difficult place to get to. Police were ticketing up on the Cliff. All the fencing in place? Yes. Lot of liter, bottles and cans.

Walnut Hill report from a former homeowner that they had to do a large planting of blueberry, etc. and new owner seems to have cleared the area. May want to start with a letter and a site visit. We have to get posts up. But people take them down.

Gardiner Road on-site with DEP tomorrow at 2:30 p.m. Jim Toomey and probably their attorney and engineer will attend.

Toll Brothers: buildings are abandoned and there has been more vandalism. Toll brothers will be doing demo, but not disturbing the slab. Getting a demo permit from building. Should come in with an RDA for that work, wetlands are right around the area.

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

John Cavanaro from Cavanaro Consulting, Architect Heidi Condon and Mary Whitley were present at the hearing. New information just came in today. Just recently found out about previous Orders issued several years ago. Plan is to resurrect the proposed mitigation and add to it. Looking at a sonotube type foundation. Flood zone is going up about 4'. Going from a structure that is about 100 sq. ft. of solid footprint to proposing about a 400 sq. ft. structure, increasing on ground structure by about 300 sq. ft. with 600 sq. ft. of mitigation plantings. Apologize material just came in today. Sent out electronically earlier, hard copies submitted tonight. All consistent with discussion of last meeting. Ms. Scott-Pipes: In the minutes back on the old filing, there was to be absolutely nothing else in this 50' buffer. Now with only 7 sq. ft. difference, thinking it isn't too bad. Getting rid of the greenhouse that is on the ground. Big concern was not only the 50' buffer, but the steep hill down to the wetlands. Gaining buffer and flood storage. Work was done, but mitigation wasn't. Greenhouse is removed, but still impervious area. Pervious underneath and can put in down spouts. Still have plenty of room before the steep area. Ms. Caisse: planting plan? Identified type, size, quantity, and species, running almost the width of the property; leaving a small lawn path. Mr. Schmid: what you managed to accomplish in a short period of time is remarkable. Mr. Snow: where is the phragmites eradication? Between her and her neighbor, running along the rock wall. 78% is the neighbor, and 20 something percent at 9 Lightship. Foundation detail? First floor of the house is at 17' elevation; closest point above grade to the brick is 3'6" and pier closest to the marsh is 7' high. More like a lattice, no storage; semi-open area; above flood elevation right now. There will be water storage, air flow, drywell and removing lawn. Mr. Gallivan: there was a restriction for no more intrusion, but piles are being used. There will be some excavation for footings and probably crushed stone under the addition. Mr. Schmid: given the outstanding Order of Conditions and mitigation that wasn't done, we need to weigh what is the net benefit. This is a unique situation, it does lessen the impact. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote. Put drainage in the orders.

**Wetlands Hearing:** Bard, 8 Holmes Street (raze/rebuild)\*

Jeff Hassett from Morse Engineering, Atty. Jeff DeLisi, and Phillip Bard were present at the hearing. Abutters' notification was submitted. Entire site is altered. There is minimal vegetation with a couple of landscape beds. House needs a lot of improvement. Dwelling sits on a concrete foundation, putting it on pilings with a slightly different footprint, a little farther from the river. Basically not flood compliant. There will be recharge underneath the building. Had Brad Holmes look at the property. The plan's blue line is the limit of the transition from coastal dune to coastal beach; also shown is mean high tide and limit of 100' riverfront area with the other resource area being land subject to coastal storm flowage. Proposed a straw wattle for erosion control. Removing the old house, driving wooden piles; deck 6' closer to the river. Septic system is designed for four bedrooms, but not being replaced. Brad Holmes came up with a mitigation planting plan along the river; beach grass plugs, beach plums, northern bayberries and sweet ferns. There is also a little retaining wall; may go under water in big storms. Mr. Schmid: overall square footage increasing? Footprint of house is basically the same, only extension is the deck; all riverfront; mostly in the inner 100', but pulling the foundation and elevating; won't require stormwater. There is a shed on the property that sits on the septic. Haven't produced the runoff plan, but the plan is to run it under the building, which isn't happening presently. Mr. Gallivan: Wooden pilings? Yes, 12" wooden piles. Also showing concrete to support stair structures. Stairs and deck sit on sonotubes with big foots and cross bracing. Mr. Gallivan: request silt sock rather than the wattles on the riverside anyway. Is there enough area to work with silt sock inside the vegetated area? Yes. Going to the Zoning Board in two weeks. From a Zoning perspective think it is pretty simple. Mr. Snow: where Holmes Street is a gravel road, is it feasible that silt could run further? Yes, but can't put anything across Holmes Street. Run it down the road. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

There are lots of different way to think of pilings. Sometimes you can't move the house, plus the ground material has to be looked at. In Duxbury tear downs and rebuilds prefer to use concrete piers with footings, but they discourage continuing footings, even if there are just a few feet between. Concrete piers are preferred, but in some areas better for piles.

**Wetlands Hearing:** Olschan/Shweky, 24 Webster St. (concrete walls (cont.))

We were going to have a site visit last Friday. Rebecca Haney is strongly against these walls. Applicant's representative requested a continuance to the next available hearing date. Motion to continue the hearing to June 29, 2016 at 6:30 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

**Order of Conditions:** Rapczynski, 43 Surfside Road (repair concrete pad/rebuild stairs/stone parking and plantings)

Only question we don't have answered is the concrete stairway. If they own the seawall, it's no problem. Believe it is a private seawall; let them worry about it. Motion to condition the project Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

**Certificate of Compliance:** Leonard, 20 Brunswick Street (septic)

Old filing for a septic. There is language about plantings, but didn't say what or where and there is no plan. Not much room, only 5' on one side of the house. OK.

**Enforcement:**

174 Branch planting plan, scheduled to come in and discuss.

Gardiner on-site tomorrow as mentioned above.

12 Rebecca Road has filed.

Rousseau: Attorney asked for a little more time to meet with the other two attorneys. Stormwater is not treated. Has Board of Health weighed in on this? No. Should be a 21E done. Mr. Snow: site and buffer zones should be cleaned. There is a pile of concrete mix. Is there no restriction in the original order? This is a commercially zoned contractor yard. When the train was built, the MBTA took half the property and pushed the marsh up against their property, but think we need stormwater dealt with. Mike Clark might have some info on that. Might be worth asking him what went on with Rousseau mitigation. Will have it scheduled sometime in June.

Musquashicut dumping. No name yet.

Stockbridge Road: Trees removed adjacent to Solimando's affordable house lot. Looked like clearing behind the property. Already erosion controls up. Will need a few site visits before the next meeting.

58 Satuit Trail wants to do something in the riverfront area; clean up a pipe.

Rosemary Dobie regarding cobble movement down to another property or off Humarock. Couple of different things on Central: if cobble is being moved from the street to the beach, it is strighforward. If someone else wants it, are we robbing the north end of Central? They can't take it off Humarock. Ms. Caisse: not one, but two dump trucks full of cobble headed south, don't know where it is going. No reason these guys have to fill dump trucks with cobble. Mr. Schmid: do we require a MAP? Now we are realizing we need two; one receiving the cobble and the one where it is taken from. Ms. Caisse: this contractor didn't pull a permit and put the cobble in front of a property he owns. Mr. Schmid: have to have a permit in order to move cobble and have to know where and when it is going. Mr. Gallivan: Last year town had money left to put cobble back on the beach. If you have to move it, move it north. Ms. Caisse: there is no reason to have dump trucks on the coast. There are enough locations to move the cobble back to the beach if they go north; if there is no access, they will dump it on the marsh. Need to know if the paper streets are owned by the abutting properties. The town cleared the paper streets for drainage purposes and because they are wider people are using them as parking; need to know what to do. Mr. Snow: ownership could go a number of different ways. Bigger question is, if it is a resource area and is undisturbed, there shouldn't be parking. At River and Kenilworth half the lot is owned by Conservation, people are parking. Talked to Mike Stewart. There is a "No Parking Sign", he said the police can enforce if there is a sign. Ms. Dobie: used to be a guardrail there. There have been efforts to protect the area. These were lots previously owned by Russell Clark. Research showed it can be used for parking through Zoning. Someone put gravel there at some point.

Fieldstone/ Costello: DEP ruled in favor of the applicant, with Superceding conditions that aren't great. Talked to Jim Toomey today, retiring end of June. Told him about some conditions we'd like to have to mediate. Pat will get the wording to him. If Leo says OK, we should be good, but if he says no, it may go to court.

Concord off Central: First five houses want to fill potholes with small rounded cobble. To make it simple they should get the abutters' signatures and we can issue a Minor Activity Permit, but should remain cobble or shells. Dartmouth neighbors regravell certain areas every year.

Bird protection: Nancy Holt is looking into money. E-mailed Sarah Grady & Samatha Woods, see if a quad would be good. Could get out there more often and at night. See what money is available and see about cameras.

Ms. Scott-Pipes: Have all the materials needed for the Conservation Restrictions. Wildlands Trust meets in mid-July. They were so impressed with our land; took seven out last week. Moving forward, but it is a long process. There is a meeting or some sort of outing next Wednesday. They loved what Howard Mathews did with the little signs for trail markers. New England Forest Foundation is having a meeting on Saturday, but Wildlands Trust is more in line with what we want to do with our properties. Looked at these couple of different entities. Economic Development sent something regarding tree cutting and making money. New England Forestry suggested we talk to Wildlands Trust. Selectwoman Maura Curran: What about splitting between the two? Don't think so, Forestry is looking for really big forests, so we are small time to them, whereas, Wildlands doesn't have a problem with some cutting and to us we feel we have a lot of open space. Could possibly cut some trees that are mature and are apt to fall and generate a little income to possibly do some Conservation projects and in that process would allow for lower growth. Thought it would be quick, not quick, but it is very interesting.

Mr. Gallivan: also looking for potential property for fields. Walked one site off Chief Justice where a field could go, but not parking, so we do consider potential areas. Maura Curran: what about the 16 acres that we bought off of Clapp Road? Mr. Snow: we have to get out there and walk it, which we did when there was consideration of trading it. Opposite side we walked and there has been some interest from other people to walk it, but potential narrow egress. Have the Dog Park people come in to see you? Believe they are interested in the grassed area on the Driftway, Ant Hill. Concerned about that parcel because already see a lot of people using for other purposes. Would also have to expand parking. There is a small grassed area closer to the wind turbine. Mentioned the Safety Building leaching area across the road, right adjacent to the animal shelter. Would it be sufficient? The other place discussed was the large clearing adjacent to the landing pad. Commission is receptive to the dog park. Dog people were talking about two areas. One for small dogs and one for large.

### **CORRESPONDENCE**

**May 19, 2016 – June 1, 2016**

1. Recording of OofC for 68-2597 – Teague, 0 Lightship Lane (in file)
2. Planning Board Agenda for May 26, 2016
3. Superseding OofC for 68-2566 – BTZ RT/Costello, Lots 31 & 32 Fieldstone Road (in file)
4. Elevation Certificate for Apicella, 6 Peggotty Beach Road (in latest file)
5. DEP on site at 32 Gardiner Road – Thursday, June 2, 2016 at 2:30 p.m. (in file)
6. Recording of OofC for 68-2613 - Clifford, 43 Whittier Drive (in file)
7. Design Review Committee Agenda for June 7, 2016
8. Zoning Board Decision for 135 Humarock Beach Road – raze/rebuild - GRANTED
9. Zoning Board Decision for 34 Bailey's Causeway – raze/rebuild – GRANTED
10. Zoning Board Decision for 138 Stockbridge Road – not subject to flooding GRANTED to construct a single family
11. Zoning Board Decision for 155 Edward Foster Road – 2 story attached garage – GRANTED Special Permit
12. Marine Fisheries Comments for: 214 Central Ave – pile-supported dock, gangway & float – use float stops for a 2-1/2' separation between bottom & float; use alternative materials other than chemically-treated wood. (in file)
13. Kathleen O'Donnell re: CPC – files dropped off and CRs.
14. Zoning Request for Special Permits/Findings: 83 Surfside Road; 8 Holmes Street; 134 Humarock Beach Road – June 16, 7:00 p.m.
15. 8 Holmes – Structural plans (in file)
16. DEP on-site at 290 Hatherly Road for the appeal – Thursday, June 9, 2016 at 3:00 p.m. (in file)
17. Recording of OofC 68-2610 – Gioioso, 0 Central Ave. (across from 214) (in file)
18. Pictures of 181 Edward Foster Road (in file)
19. Zoning Board re: Stenbeck Place – Reduce width of sidewalk from 5' to 4'; 9 visitor parking spaces in grassy bet. 25 & 26 approx. 18' deep x 81' long. Granted the sidewalk; applicant withdrew the parking request. (in file)
20. Notification to Abutters – Norwell re: June 7, 2016 7:00 p.m. - 322 Old Oaken Bucket Road – land of Cross & Winter Street – confirmation of wetland resource area boundaries.
21. Request to continue Shweky, 24 Webster Street to the next available hearing date. (in file)
22. DEP File #68-2615 – Bard, 8 Holmes Street (in file)

Motion to adjourn 8:00 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Respectfully submitted,  
Carol Logue  
Secretary