

**Town of Scituate  
Conservation Commission  
Town Hall Selectmen's Hearing Room  
Meeting Minutes  
June 15, 2016**

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

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

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

**Agenda:** Motion to amend the agenda to include discussion of 31 Candlewood and 7 Dunbar Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

**Request for Determination:** Luczkow, 12 Rebecca Road (repair existing retaining wall)\*

Beatrice Currier and David Luczkow were present at the hearing. Mr. Gallivan: this is an after-the-fact filing. Received a call about a retaining wall being built in a flood zone. Told the workers that construction in this area required a permit. The reason it is a Request for Determination is because there was telephone pole wall that deteriorated in the past. Don't know when the original wall was built, but the new one is the same height. Trying to keep land from eroding any more. Marsh works its way up to the property, but hasn't reached the level of the land; don't see it having any impact. Ms. Scott-Pipes: never would be allowed now, but if it has been there for a long time and you are replacing it, the state tends to allow it. Mr. Parys: any backfill brought in? No. Pulled the wall in an inch or two toward the house; six inches from the property line, which was surveyed. Have been losing land for the past three years and the winter before last we knew we had to do something. Pat was out a couple of times. All the abutters have or had fences. Mr. Gallivan: the retaining wall is a contrast to what was there before. The property is in a basin and in a resource area; the Commission should look at the project before construction. When you add fill, it disperses water to other areas. The small amount of added material is not measurable. If there had a plan to bring in fill, you would need to file a Notice of Intent. Trying to encourage natural vegetation; all invasives in back. 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. Recommend RDA number be put on the fence or house.

**Request for Determination:** Murphy, 145 Captain Pierce Road (septic repair/leaching field)\*  
Board of Health is reviewing. Not sure if they are coming tonight.

**Request for Determination:** Leshner, 10 Berkshire Road (addition)\*

Michael and Stacey Leshner were present at the hearing. Currently there is a deck that they had always planned to turn into a room. Proposing to remove a deck and extend out 6' with a four season room. How far are you from the wetlands? Outside the 50' buffer; Mr. Gallivan came out and looked at the flagging that Michael Leshner did. There is no flood zone. What is the foundation? Concrete slab with a crawl space. 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.

**Informal:** Snow, 38 Gilson Road

Frank Snow left the room. Michael Snow was present. Did a quick drawing. Discussed adding a 21' room on sonotubes with a 3' to 4' deck 15' from the marsh and a stone walk another 2'. Everything off the house would be inside the 50' buffer and the riverfront area. Original house had a pool. Razed and rebuilt and reduced the amount of impervious; shell driveway, no closer to the marsh. Also a landscaping issue on the marsh side. An Notice of Intent would be required for the sonotubes. Riparian zone is triggered by a certain amount of impact. Would need a full set of plans, drainage proposal, documentation of all the impervious surfaces and the amount of disturbance; with no guarantees of approval. Going out toward the marsh would be a challenge. Everything would need to be spelled out, including mitigation; nothing will be easy on this house. Mr. Parys: if you are within a lawn area possibly, but the closer you get to the wetland the more difficult it becomes. How far out is the deck? Deck ends where the building is going to start. Deck was put on after the house was approved, without permission. These people bought it with the deck. Lawn goes right up to the wetland. Total impervious would be 930 sq. ft., now it is 535 sq. ft. The less it projects toward the wetland, the better. Pat will look into what DEP allows under the inner riparian zone. Minimum mitigation for disturbance would be a 2 to 1 ratio. Want to clean up the whole yard and do the planting phase first. Mr. Parys: Could do that with a Request for Determination. It is the room that is giving us pause. Could they do pervious pavers with an RDA? Yes; can do it in stages. It is a larger effort than they thought. Mr. Parys: Want to enhance the Buffer zone? A member and Pat should mark it with Michael. Looking for outdoor living space. Putting a pergola in a lawn area probably wouldn't be a big problem. Want to shield next door.

**Wetlands Hearing:** Hummel, 91 Surfside Road (repair rip rap) (cont.)

Applicant's representative requested a continuance. Motion to continue the hearing to July 20, 2016 at 6:30 p.m. Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

**Wetlands Hearing:** Cote, 135 Humarock Beach (raze/rebuild)\*

Jeff Hasset from Morse Engineering and Arthur Cote were present at the hearing. Abutters' notification was submitted. The project is to raze and rebuild the house in the same general area. Lot is 11,000 sq. ft. in size. House is set back about 190' from the seawall. Building is currently in an AO flood zone with 2' of moving water above the ground surface. On the preliminary maps the house is in two flood zones, AE 13 and VE 16 that go right through the house. It will be on wooden pilings with top of piles at elevation 16', 1<sup>st</sup> floor 18'. It is at the top of

the floodplain on the preliminary maps, which are not in effect at this time, rather than going up 2' higher under your regs, but the reason is, the back of house will be 9' above the ground. The homeowner is aware of flood insurance rates and resale value. Project has Zoning Board approval. Septic is in the rear yard and is fairly new. Mr. Harding: is all the growth in front staying? Footprint extends closer to the ocean; coming forward 15'; rear has area to replicate. Ms. Scott-Pipes: covered porch on pilings, not cantilevered? On pilings. Existing 3 bedroom, no added bedrooms. Existing house is 1500 sq. ft., new will be 2300 sq. ft. The 35' height limit will have to confirm; it is a two story house. Our regs call for 1' above base flood, building says 2'. They are telling us to use the new maps. The first horizontal member is at 16'. Town of Scituate looks to have it higher. Half of the house is in AE 13', the other half is V 16'. Mr. Harding: if vegetation is removed, we want it replaced in the back. Encouraging elevation and mitigation plantings. Don't know if they run it by CZM or DEP. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

**Request for Determination:** Murphy, 145 Captain Peirce Road (septic/leaching field)\*

No one attended the hearing. The Commission opened and immediately continued. This is definitely beyond the 50' buffer and there is debris in the wetland. There is no approval from Board of Health. Motion to continue the hearing to June 29, 2010 Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

**Order of Conditions:** Bard, 8 Holmes Street (raze/rebuild)

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

**Order of Conditions:** Whitley, 9 Lightship Lane (addition)

Mitigation was specific on the plan, but nothing on the plans regarding drainage. Create stricter, more specific wording regarding roof drainage for Order #40. Order #41 states they will get Planning and Zoning approvals. On all of these we leave it up to the applicant to follow through with the other boards. Don't want to get into the requirements of other boards. Motion to condition the project with rewording/clarification of Order #40 regarding drainage Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

**Mr. Harding - Coastal Advisory Committee:** there hasn't been another meeting scheduled till after tomorrow nights meeting (June 16) 6:00-8:00 at the Scituate High School cafeteria. Probably schedule within the next 10 days and hopefully somewhere in or near Humarock. The last one was very good and this one will have recommendations.

**Ms. Caisse - Beach Committee Update:** Harbormaster attended last night and it was discussed where the harbormaster starts and ends and when the police take over in case there were any issues that had to be enforced; need to be more clear on policy. Discussed what type of shade structures should be used and the possibility of a couple of benches. He also mentioned last night that canoes, kyacks or floats are not allowed on a public beach because there is the chance of hitting a swimmer.

Mr. Gallivan: Talked to the harbormaster about floats and piers being left on the marsh or beach; wants to set up some rules and policies.

The Spit bird issue: still looking into accounts for flexible money to help out with patrols at the Spit; Audubon is waiting to hear from us.

Ms. Caisse: was told Mary's boatyard is going to be delivery food to the Spit, which means more trash. It wouldn't be a surprise. Mr. Parys: Will ask. One year a guy was building a structure on the beach and had generators and a porta-potty on a barge. He couldn't understand what the problem was.

Mr. Snow - Trails: Moving slowly. Ms. Scott-Pipes give Paul Scott a call, he is ready to sit down and meet before he sends the information to Greg Morse. He can sit down maybe on a Tuesday night or whenever when Sean is here. Wants to make sure everything is in line.

Mr. Snow: Went up to Indian Trail and blazed another section with a scout. We found a little pond and a dam. It is beautiful in there.

Mr. Gallivan: Al Bangert came in today regarding trails and areas where they may be handicapped accessible. Mr. Snow: Went on a trail marking piece with Wildlands Trust, and one person asked about accessibility. Right now the only place is near Dunkin Donuts with the picnic area and walkway. Did that with hardpacked material so people could use a wheelchair. When we get to Bates Lane, at a minimum we will try and put some hard pack on a piece coming off the parking area. That is an area we should make usable and do the same thing at Crosbie. Takes time, but finally moving forward on these things; will happen sooner than later.

Mr. Gallivan: Branch Street: down there today, whole bunch of fill was brought in, trying to level off. Will talk to him tomorrow, nothing else can be done until things are cleared up. Think we just did a violation letter. Meet with him out there maybe Friday morning and go over everything, including the issue of the driveway. Ms. Scott-Pipes: they have put down at least one layer of asphalt; don't care if they have to tear it up. Driveway was supposed to be to the left. The whole stormwater was based on where it was and the trees. We have to stand hard and fast. When they first cut down the apple trees, you told them it wasn't right. Apple trees were outside our jurisdiction and the other guy said they could. Need to call him to task before he sells it and other people are in there. Will try to set it up for Friday.

7 Dunbar Lane: RDA with a cantilevered deck going to be mitigation, remove old shed and debris. Lawn was going to be planted, but now there is all sorts of fill, but not beyond where they were allowed to have the lawn. There are drainage trenches and pipes to the wetland. They were out of town so couldn't attend tonight. Will come in on the 29<sup>th</sup>.

31 Candlewood: Merrill picked up the plan the Ralph Cole had worked on a long time ago. Mr. Snow: thought we liked them. Told them one survey, one visit, no hearing job. On the 29<sup>th</sup> will close out the Enforcement Hearing.

Rousseau property: called the attorney thought he was coming tonight. Mr. Snow: Have to give him a deadline; this is fairly complicated; believe they will dance around; they need to address the issue, otherwise we should take the same route we took for Gardiner Road.

31 Mary's Lane: he was in the Virgin Islands, thought he was coming up today, meanwhile he is trying to sell part of that property to an abutter; told him to hold off.

Mr. Gallivan and Mr. Snow met at Longmeadow Road / Fieldstone: Mediation is allowed once the state makes their decision, which didn't agree with our conditions if we were to approve. Mr. Gallivan went back to the meeting minutes and wrote down the orders we discussed if we were going to approve it. Sat down with Leo and reps yesterday; 5 bulleted items. Mr. Snow: essentially did two sets of orders. 1. proposed wetland buffer replication submitted by Brad Holmes; 2. rather than the standard pipe, maybe some sort of flat bottom culvert, if it seems appropriate It is not really a stream. Think about the how The Glenn on Summer Street did their crossing, which if very similar. 3. Wetlands crossing limited to 16' wide with a grassed shoulder; limited tree removal with less than 2500' of wetland alteration. 4. no additional disturbance in the 50' buffer on the BTZ Realty Parcel, which is close to 7 acres. There is already cutting and fields established within that 50', but no more construction. They still have to come back for whatever they build there. Conservation or someone will handle the stormwater; they will have to follow the stormwater bylaw. They are agreeable to those pieces. Everybody got a little and nobody got everything. At some point we need a policy regarding number of votes. Voted with the majority of members at the time; could have asked the applicant if they wanted to hold off, but it didn't work out badly.

Steve Conley: 31 Mary's Lane: Brook Monroe delineated the wetland line. Wetland and buffer in the back yard also a lot of debris buried; a lot was dug out. Needed some type of restoration, but a case of what type of replanting. Looked like a large wetland beyond the wall. Low spot in the back yard where there is phragmites. Brook was going to submit a plan? No Mr. Conley didn't believe that was the plan; just submit a report. Haven't done anything, just let it grow back. Old farm equipment is still out there; used to be the Mann Hill Dairy Farm. When he bought the property it was pretty much cleared. All the junk is in a big pile and planning on removing it. That was the whole point, we were just trying to clean it up. Mr. Gallivan: think we want an area where it is allowed to grow back, rather than the whole area cleared to the wall. Maybe add some plantings where phragmites is being chopped down. Issued an Enforcement Order in 2015, but don't need a filing, if we get a line in the sand that we agree on where nothing can take place. Nothing was uprooted; it has all grown back; basically just vines and trees had fallen over the years. Will remove the pile of debris. Commission has Brook Monroe's report. Do we want posts put in to delineate no further intrusion? Commission want to go and look? Mr. Gallivan, Ms. Scott-Pipes and Mr. Harding will go out and then let Steve know. Should be worked out fairly soon.

**Minutes:** March 16 & April 6:

Motion to accept the Minutes of March 16, 2016 and April 6, 2016 Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

#### CORRESPONDENCE

**June 2, 2016 – June 15, 2016**

1. Recording of CofC for 68-1521 - 65 Ocean Drive (in file) – beach grass planting in spring - \$300.00 in escrow.
2. Planning Board Amended Agenda for Thursday, June 9, 2016
3. Zoning Board re: 304 Clapp Road – Special Permit Granted (in file)
4. The Beacon
5. Recording of CofC 68-2570 - 19 Kenilworth Street (in file)
6. MassWildlife Magazine
7. Request for CofC 68-2613 – 43 Whittier Drive (in file)
8. 135 Humarock Beach Road – Proposed Floor Plans A1-A3 (3 sets) (in file)
9. Chapter 91 Waterways License – Skolnick, South River, 4 Postscript Lane (in file)
10. DEP File #68-2616 – Cote, 135 Humarock Beach (Pat has file)
11. DEP File #68-2617 – Friedman, 134 Oceanside Drive (Pat has file)

Ms. Caisse: People are creating parking on the left side. There are areas of cobble where cars are parked, heading toward the cliff. How do you want to regulate this? Mr. Snow: it is all a resource area. If they are not parking on grass or dunes.

Motion to adjourn 8:00 p.m.

Respectfully submitted,  
Carol Logue, Secretary