

**Town of Scituate
Conservation Commission
Selectmen's Hearing Room
Meeting Minutes
August 5, 2019**

Members Present: Chairman Mr. Frank Snow, Ms. Penny Scott-Pipes, Jen Foley, Mr. Paul Parys, Ms. Lisa Caisse, Mr. Doug Aaberg, Mr. Richard Harding

Not Present:

Also Present: Amy Walkey, Conservation and Natural Resource Officer

DISCUSSION/ UPDATE:

Ms. Penny Scott-Pipes made motion to accept agenda with add-ons of Partial Certificate of Compliance for 304 Clapp Rd. Mr. Doug Aaberg second. Unanimous vote accepted. (6-0)

Frank – Amy and him met new Environmental Police Office, Office Keefe

PUBLIC HEARINGS NOI/ANRAD

2 Dickens Row (boulders on lot line), Applicant: Lane Walsh, Representative: Greg Morse, Morse Engineering, DEP# 68-2784 (cont'd from 6/17/19)

Stan Humphries, coastal geologist, ECR, following up for someone to look at impact of boulders in area. Located in AE zone, not VE. So, in land subject to coastal storm flowage. Has correction to letter from July 29- regarding number of boulders. About 20 linear feet total between them. Heavy enough that not expected to move. Only 1 of 5 standards apply to this project. Does not see direction of flow being changed by boulders. Penny – would rather have seen something allowing mother nature to do its things, something less invasive to mother nature so definitely free flow there. They get a lot of cobble there after a storm. Does not believe they won't affect flow in that area. Doug – concern about boulders trapping in cobble. Letter did not address that. Stan – thinks there is enough space between boulders. Suggest order to ensure put back to previous condition before storm that might deposit cobble there. Not going to make things worse. Might be more attractive way to delineating line, but all we can do is address environmental impact and not what might have been more conducive to the neighborhood. Richard – echo others. Paul – other methods might have been better to achieve same result, but concern was making sure boulders would allow flowage. Listed a few ideas. Main thing is spacing is adequate so doesn't act like a wall. Lisa – respect want property line protected, not dealing with velocity zone, as long as not a wall and space in between, or a fence or guardrail would do the same thing. Jen – share sentiment as Penny. Concerned about cobble that comes over and the maintenance when cobble comes in and need to remove and return cobble to beach. Would rather have seen other ways of delineating property. Amy – we have been waiting for professional opinion. Clearly material comes through the area. We have been talking about this property since beginning of year. Property rights and civil issues are more of a concern voiced then protecting wetland act. Sticking to Wetland Protection Act, this area is impacted by storms; material comes over seawall; we have documentation that shows storm activity. It is a private way so residence that live there need to manage storm damage clean up.

Eric Sax – 4 Dickens Row – Road is narrowed by boulders on road. Discussed how when road was considered to become town road, it was not wide enough, so these boulders make it even more narrowed. Would like to understand how these boulders are not a sea wall. Stan – they are not designed or arranged to act like a seawall. With such a large space between the boulders, they will not act like a seawall. Eric – thinks the boulders are going to move and disagrees with statement that they won't move. He has seen asphalt from his front yard removed by a storm. Was this properly permitted? Frank – this is after-the-fact. When it was filed with us, it was also filed with DEP, and DEP issued a number with no comments. After commission gives a ruling on project, it can be appealed to the state, by the abutters or applicant. Stan – they might not have a comment because they do not have any regulations for this area, only local by-law. Eric- any information gathered from other town departments. Amy – was told emergency vehicles could turn around. Eric – concerned boulders will slow them down.

Kurt Hauman– 10 Dickens Row – feels same way as Eric- even small storms there is cobble to clear and all pitch in to have cleaned up and other services getting access. If it really is to mark his land, should have just removed pavement, not put in boulders. Unfortunate, owner cannot show up for meetings and is not here in winter to see and

experience winter damage and effort to clean up. Frank – does the applicant participate in clean? Both abutters say they have helped to clean up and that the Walsh's access the house from a different side, as respect to the Colonel who is an older gentleman.

Jacqueline Walsh – lives at 2 Dickens Row. They had checked with other departments in town before placing the rocks and had not been made aware until after boulders were placed that it was needed to apply for permit from conservation. Once they were told, they did.

Ms. Penny Scott-Pipes motion to close 2 Dickens Row. Ms. Lisa Caisse second. Unanimous all in favor (5-2).

Motion to continue 61 Seaside

Mr. Frank Snow, motion to continue 61 Seaside (shed) to August 19, 2019 at 6:20pm. Mr. Paul Parys second. Unanimous all in favor (7-0).

36 Bailey's Causeway (r/r), Applicant: Richard & Janet Walden, Representative: Greg Morse, Morse Engineering, DEP # 68-2797 (cont'd from 6/3/19)

36R Bailey's Causeway(r/r), Applicant: Richard & Janet Walden, Representative: Greg Morse, Morse Engineering, DEP # 68-2796 (cont'd from 6/3/19)

Ms. Penny Scott-Pipes motion to continue 36 & 36R Bailey's Causeway to August 19, 2019 at 6:20pm. Mr. Richard Harding second. Unanimous all in favor (7-0).

Ms. Penny Scott-Pipes motion to continue 36 & 36R Bailey's Causeway(r/r) to August 19, 2019 at 6:20pm. Mr. Paul Parys second. Unanimous all in favor (7-0).

Tack Factory Pond Well 17A (new water treatment plant), Applicant: Town of Scituate, Representative: Tighe & Bond, DEP#:68-2803

Amanda Houle and Ryan Pavlica from Tighe & Bond, here on behalf of Scituate DPW - have had several meetings with abutters regarding their concerns of design and discussion with planning board. Ryan – goals of project, improve water quality in town of Scituate. This well known to have high level of iron and manganese. This will allow to remove before water goes to distribution center. Second goal, separate source, so acts as a stand-alone source. So if Old Oaken Bucket has to be closed for maintenance, have this new one available. Currently, transmitted to Old Oaken Bucket Road (OOB) and treated and current treatment plant OOB. Spoke to design of project and main goals of project. Amanda – reviewed project site plan. Site is constrained by resource areas. BVW, river front, trying to stay out of 50 ft and out of river front area. Discussed project. New access point for better grade access for trucks. Stormwater management will be needed for this project as well. Showed in more detail buildings, generator, propane tanks and plantings. Doug – a significant grade change. To east of proposed building, fill is going in, up to property line? Right. Who owns other side of that line. It is treed area. They are using screening trees near other property lines. Planting plan is included. Amy – project was well reviewed before came to conservation. Appears to meet interest of acts. Stormwater reviewed and design tweaked as a result, and O&M plan will be part of Orders to project. Files twice because so many changes. No DEP comments. Parking area is asphalt, which is outside the 100. Road going into well will be graveled. This project is needed and will be helpful to reduce brown water to homes. Frank – asked to be ecological friendly as possible with retention area, like the one at safety building, which is well done.

Ms. Penny Scott-Pipes motion to close Tack Factory Pond Well 17A. Ms. Lisa Caisse second. Unanimous all in favor (7-0).

6:25 PM 91 Gilson Rd (stabilize slope), Applicant Steven & Meghan Helle, Representative: Design Consultants, Inc., DEP #68-2806

Mike Clark, Design Consultant and Michaela Heffernan, representing owners. Erosion problems and invasive species on slope. Showed area had slope failure. Reviewed project and condition of lot. Plantings will also give erosion protection. Red vertical lines shows where condition of slope changes. Reviewed invasive plantings needed to be managed and removed. Control plan included with filing to control invasive species so do not spread to other parts of site. Not pulling native trees like black cherry. Would like to be able to have condition to continue management of invasive plants. Doug – no peer review? Amy and Frank explained that the NOI was detailed, no new structures, no new home, smaller project then other one we saw that required peer review.

Planting plan was included. Amy – DEP issued a file number with no comments. Also mentioned that other project referred to, we had comments and site visit from CZM, not peer review. This project is in line with their recommendations. No deed on this land, as typical to not have deed on this land on cliff, but is required for NOI. Concerned because working on someone else's land, just don't know whose land, so at your own risk. Frank – someone is willing to protect and stabilize slope and in accordance to what CZM wants done. Not easy site to manage and maintain.

Ms. Penny Scott-Pipes motion to close 91 Gilson Rd to Ms. Jen Foley second. Unanimous all in favor (7-0).

6:30 PM 119 Kent St (new build), Applicant: Scott Herzog, Representative: Greg Morse, Morse Engineering, DEP# 68-2807

James Garfield, engineer Morse Engineering, representing applicant. Reviewed plan. Proposed single family home. Previously multi-family bed and breakfast on lot which was razed last year. Discussed resources in area. In flood zone, work is outside of 100 ft. buffer, and in land subject to coastal storm flowage. Water from roof will be directed to 4 different roofwell systems. Reasoning not applying for stormwater is in areas with less than 2 feet of grade change, that area is excluded from calculation, then under the 15,000 sq ft requirement. He calculates that it is only about 9,000 sq ft being disturbed. Amy – does think they are disturbing enough for stormwater, but good that they are putting in 4 infiltrators. Need elevation certificate and structural plans. Cannot close because waiting for a few more pieces. Did not include structural plans for foundation. Will be an improvement to community. Meets interest of the Act. Changes to plan were handed in today and have not been reviewed by commission. Amy – you won't get O&M plan without stormwater review. Would like structural plans. Doug will check calculations regarding. James confirmed he thought it was a crawlspace, not a basement.

Steve Bjorklund – even when constructing houses not in flood zone, still included basins to catch water as standard of construction.

Ms. Penny Scott-Pipes motion to continue 119 Kent St to August 19, 2019 at 6:20pm. Ms. Jen Foley second. Unanimous all in favor (7-0).

PUBLIC MEETINGS/ADMINISTRATIVE, ENFORCEMENT / PERMITS and OTHER REQUESTS

Requests for Determination of Applicability 49 Border St (cont'd from July 1, 2019)

Steve Bjorklund – filing RDA to see if area depicted on plan is subject to wetland protection act and if subject to local by-law. Discussed buildings on property concerned constructed on fill in BVW. Resource areas are not delineated with this filing, we are just deciding if work is within conservation jurisdiction. Resource line known because recently approved project on lot next door. Amy – on a request determination for applicability you can ask whether or not the area is subject to jurisdiction to the act. We are not delineating under this request. We know it is because of delineation from work done on property next to it.

Jim Spelman – 49 Border St. – moved into home 1982 and has seen how things have changed. Deed describes area as upland. Bjorklund is in process of buying house next door and they are in the process of appealing the orders for that project. Concerned what happened with the answer from tonight.

Lynne Maloney – what he is pointing to is a garden that has been there for 30 plus years. Currently it has been flooding in the last couple years. Other thing is a vegetable garden and with salt water flooding, probably needs to move. Shed on rock, not anchored to ground. Mentioned they are in the process of appealing work proposed on property next to them and the Steve Bjorklund is applicant of that project. Frank – typically a shed even if does not require permitting from building, if in a resource area, requires permission from Conservation Commission. Things like gardening have not been an issue in that type of area. When projects go forward, then wetland delineations are made around property and we find issues – filling, buildings, come to light as part of other projects. Commission can look at it and decide whether or not if something has to happen. First question is, is the area in the jurisdiction of conservation. Conservation can decide to do enforcement or not, but first decide if in jurisdiction at the Act and by-law. Other issues will take up a different night and then can discuss what needs to be done.

Michelle – owns 53 Border St. Greenhouse has not been there for 30+ years.

Ms. Penny Scott-Pipes motion for one and a five for all five questions for 49 Border St. Mr. Paul Parys second. Unanimous all in favor (7-0).

Requests for Determination of Applicability: 108 Lawson Rd (septic)

James Garfield, engineer with Morse Engineering, representing applicant. Reviewed plan. Repairing failed septic system. Reviewed resource delineation. Also septic components outside of 50 ft buffer. Not sure if have BOH approval yet. Not accepting the resource line

Ms. Penny Scott-Pipes motion for negative 2. determination to for 108 Lawson Rd. Ms. Jen Foley second. Unanimous all in favor (7-0).

Requests for Determination of Applicability: 7 Barry's Landing (posts and signs)

Caleb Estabrooks, 67 Washington St, Hanover, representing groups from historical society for five towns. Restoration projects for 10 historical signs. Originally installed in 1919. Already done Norwell signs. Signs are cast iron with raised lettering. Repainted 1998 by Eagle Scouts. Restoration of that will be done out of town. Use mini excavator and augured, which is needed especially to install new post. Use track map to access. Owner concerned because not his work, if damage to landscape, he will not be held liable. Amy – that is explained in permit, but we can give cover letter explaining. Frank – please let us know when doing the work so we can see project.

Ms. Penny Scott-Pipes motion for -3 to for 7 Barry's Landing. Ms. Jen Foley second. Unanimous all in favor (7-0).

Requests for Determination of Applicability: 44 Stockbridge (septic)

James Garfield, engineer with Morse Engineering, representing applicant. Reviewed project for septic repair. Failing system with cesspool. Proposing septic system with tank and leaching field. Not sure if it has Board of Health approval. Not accepting resource line for future projects.

Ms. Penny Scott-Pipes motion for -3 to for 44 Stockbridge Rd. Ms. Jen Foley second. Unanimous all in favor (7-0).

Requests for Determination of Applicability: 22 Newport St (deck)

Jason Quinlan, 19 Wall St., Bridgewater, MA, described projects. 5 sonotubes for footings for deck. Will be removing with his truck, no dumpster. Not going to stockpile on property. Deck is an additional 4 feet. Removing 3 posts. Amy – recommend negative finding.

Ms. Penny Scott-Pipes motion for -3 to for 22 Newport Mr. Paul Parys second. Unanimous all in favor (7-0).

SUBCOMMITTEE/ PROJECT UPDATES / MISCELLANEOUS / OLD BUSINESS:

NEW BUSINESS: Correspondence, Agent's Report, Violation and Enforcement Orders, Minutes 7/1/19

Enforcement Order –

Ms. Penny Scott-Pipes motion to accept minutes as written for July 15, 2019 meeting. Ms. Jen Foley second motion. Unanimous vote in favor (7-0)

OOC: 27-31 Hood Rd., 68-2801

Ms. Penny Scott-Pipes Motion to accept orders as written for 27-31 Hood Rd Mr. Doug Aaberg second. Unanimous all in favor (7-0).

OOC: 52 Central Ave., 68-2804

Ms. Penny Scott-Pipes Motion to accept orders as written for 52 Central Ave Mr. Doug Aaberg second. Unanimous all in favor (7-0).

Certificate of Compliance issued: 56 Edward Foster Rd., 68-1019 & 68-1764- issue

87 Scituate Ave., 68-2557 - issue

7 Barry's Landing, 68-2509 – HOLD. Check to see if there should be signage on property. Amy will take another look at file.

146 Tilden, 68-2337- issue

38 Atlantic , 68-1814- issue

4 Garfield, 68-2395- issue

87 Maple, 68-2572, 68-2496 – HOLD

304 Clapp Rd- PARTIAL – issue, but not release money held until 2 year window completed for planting.

Agent report – 385 CJC – does conservation want to have opinion. Reviewed history of deed. Frank – from commission – should not be allowed to be divided and should not change terms of deed restriction. Nothing has changed that is compelling to make change to deed.

Ms. Penny Scott-Pipes Motion to send letter to board of selectman opposing lifting deed restriction.

Unanimous all in favor of not lifting restriction (7-0).

Response sent to town council on law suite. Frank would like to see response.

Letter sent regarding 4th cliff projects. Discussion about decades of history of discussing this area.

Just received draft EIS for reservoir.

Wrote letter to owner of 156 Summer St. planning to do site visit.

Glades road house – working again with no permit.

Coastal advisory meeting - trying to work with town more. Good discussion about different aspect town is doing to protect coast and fire/police for evacuation issues, and all complicated issues that have to be dealt with.

Motion to adjourn

Ms. Penny Scott-Pipes motion to adjourn at 8:30pm Mr. Paul Parys second motion. Unanimous vote in favor (7-0).

Respectfully submitted,

Jennifer Smith
Recording Secretary

CORRESPONDENCE

July 15, 2019 – August 5, 2019

1. 2018/2019 BPS Liaison position Update July 9, 2019
2. Coastal Advisory Commission meeting Tues, July 30, 2019, 6:30pm, Library
3. Recording info 48 Town Way Ext., Ext orders 6/26/19, cert 61365
4. Approval of Site Plan Administrative Review memo to Town Clerk, Well 17A Tack Factory Pond Drive, Certificate of Action
5. ZBA vote to grant new firehouse on 4 River St
6. BOH meeting cancelled for July 25, 2019
7. Correspondence re: Well 17A and question of vernal pool. Input from Merrill and question to Tighe and Bond
8. ZBA response granting accessory shed at 15A Collier Ave
9. Revised drinking well site plan at 67 Border St.
10. Landmark Highlights newsletter 2016/2017

11. Special Permit 443-461 CJC Hwy – 3 common driveway servicing 8 lots with 2 family dwellings
12. ZBA decision to grant special permit, and requested relief, re: nonconforming use on property at 14-16 Old Country Way
13. Recording info 37 Otis OofC 7/23/19, Bk 51397 Pg 45
14. South River Dredging update – photo included with DEP sign
15. NOI 86 Humarock Beach filing
16. Letter from Horsley Witten regarding July 25, 2019 site visit of Toll Brothers Seaside Scituate project.
17. Well 5 information at Seaside at Scituate
18. ZBA decision Granting permit to 56 Oceanside Dr.
19. Abutter notification for 0 Rear Country Way (behind 483 Country Way
20. Recording info for 83 Gilson Rd 7/26/19, Bk 51414, Pg 256
21. CofC request for 146 Tilden Rd, 68-2337
22. CofC request 87 Maple St, 68-2496
23. CofC 4 Garfield St 68-2395
24. Letter from Morse re: 36 & 36R Bailey Causeway revised plans
25. ZBA granting r/r 164 Turner Rd.
26. Email from Frank Snow to Amy Walkey and Sean McCarthy re Gardner Rd, Ayres, extending stone 10 ft from where currently is
27. Email from Gary James re 132 Maple St NOI filing – suggested changes to expect in revisions – no more U-pick blueberry, instead do wetland replication. Also about cart path and street visibility.
28. Letter from Building/Zoning to owner of land, Panse, with unpermitted tiny house
29. Email from John Zimmer about 304 Clapp Road regarding plantings done Sept 2018
30. SW peer review from Merrill to Tighe & Bond for Well 17A 7/25/19
31. Email from Alex Bouthillette, Tighe & Bond, to Deborah Keller, Merrill, regarding Well 17A SW application
32. Emailed comments from Sandra Bernardo re: 36 & 36R Bailey's Causeway
33. Recording info OofC 222 Central Ave, 7/11/19, cert 124958
34. Abutter notification 780 First Parish Rd
35. Recording info CofC 168 Vernon Rd 7/19/19, Bk 51382, Pg 146
36. Memo from LEC to Keith Curran, Toll Brothers, 7/25/19, construction monitoring associated with wetland replication areas at Seaside Scituate project
37. Letter to Scott Sheehan, Hanscom AFB, re: 4th Cliff conditions, from Frank Snow, Conservation.
38. Letter to Building/Zoning & Planning Board from Drohan, Tocchio, & Morgan attorneys at law, re: 27-31 Hood Rd request from abutter that Site Plan Review be obtained by the Planning Board
39. Notice of Environmental Sampling Rt 3A/Mann Lot Road – June 2019 ground and surface water sample collected.
40. Response letter to abutters of Well 17A project re: vernal pool
41. Planning Board agenda Aug 8, 2019
42. ZBA decision to Grant addition on 54 Mann Lot Road

Minor Activity Permits

- #25- 208 Front St., Town pier, replace pier
- #26 – 10 Meadow Road - cleaning yard