

**Town of Scituate
Conservation Commission
Selectmen's Hearing Room
Meeting Minutes
August 19, 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 (joined late)

Also Present: Amy Walkey, Conservation and Natural Resource Officer

DISCUSSION/ UPDATE:

Ms. Penny Scott-Pipes made motion to accept agenda as written. Mr. Doug Aaberg second. Unanimous vote accepted. (6-0)

PUBLIC HEARINGS NOI/ANRAD

Richard Harding joined meeting.

61 Seaside Rd. (shed), Applicant: Paul Turcotte, Representative: Paul Mirabito, Ross Engineering, DEP# 68-2798 (cont'd from 6/17/19)

Ms. Penny Scott-Pipes motion to continue 61 Seaside (shed) to September 30, 2019 at 6:20pm. Mr. Paul Parys second. Unanimous all in favor (7-0).

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

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

Ms. Penny Scott-Pipes motion to continue 36 & 36R Bailey's Causeway to Sept 9, 2019 at 6:20pm. Mr. Doug Aaberg second. Unanimous all in favor (7-0).

119 Kent St (new build), Applicant: Scott Herzog, Representative: Greg Morse, Morse Engineering, DEP#: 68-2807
Greg Morse, Morse Engineering, representing owner, new single family home project presented at previous meeting. Submitted revised site plan, structural plans, and FEMA certificate. Reviewed revisions made to plan. First floor is proposed at 16.2 ft above. Foundation equipped with 11 flood vents. Penny – what is purpose of concrete pads – Greg – they are being removed. Doug – where is outfall of drain under driveway? Greg – it is leaching, no outfall specifically. Erosion control will be around entire property.

Ms. Penny Scott-Pipes motion to close 119 Kent St. Mr. Doug Aaberg second. Unanimous all in favor (7-0).

0 Country Way (drainage basin), Applicant: Bradford Merritt, Representative: Kevin Grady, Grady Consulting, LLC, DEP#: 68-2805 **(See Applicants request to Continue to September 9, 2019)**

Ms. Penny Scott-Pipes motion to continue 0 Country Way to September 9, 2019 at 6:20pm. Mr. Doug Aaberg second. Unanimous all in favor (7-0).

86 Humarock Bch Rd.(addition, deck, garage), Applicant: Peter Huie, Representative: Robert Crawford, EET, Inc., DEP#: 68-2808 Paul Parys recuse himself from this hearing.

Robert Crawford, EET, representing owners. Handed in abutter notification in advance. Heidi – residential designers. Reviewed plan. Proposed new garage on piers, addition – enclosed one area, open deck on piers. Existing deck will be removed. Deck on side for A/C unit and generator. AE flood. Different elevations needed at different parts of lot. Part of lot required filing with Natural Heritage for rare species.

Penny – Likes that wooded deck is not touching seawall as current one is. Good that garage has ramp up to access like project down street.

Doug – are we concerned about expansion on impervious area? Garage is larger? Larger roof? Do we let people do this? Do we take the expansion into account? Heidi – there will be gutters for house. Garage is currently on slab, and proposed garage to be on piers, so off ground. New deck is higher. Handed in current photos of house. Also handed in photo of proposed garage. Richard – what is intended use of garage? Park car. Ramp stays within property lines.

Currently used for storage and one car could fit in it now. Lisa – being elevated is good. How high is garage? 2.5 ft.

Jen – asked about ramp effecting water flow. Explained that ramp is wood and also explained construction of ramp with breakaway panels.

Amy – NOI was missing some information and in the last couple days received information – structural plans, elevation certificate from 2004. Need an updated elevation certificate. Triggered natural heritage review. We have that they filed, but do not have findings letter from Natural Heritage yet. Barrier beach, coastal dune, gaining some compliance with raising.

Joan Walsh 36 Brunswick St – seen vegetation removed from their property. So water does not go down passageway as it should, ricochet to other properties

Doug Shillington – 37 Hawthorne – concerned that conditions from prior projects have not been met. Water diverted to his house and hits Jamie Fords house, and Halisee house. Would like efforts from previous conditions met because neighbors adversely affected. Contention is mound was man-made. There was a small mound around telephone poll and said he added to it. They would like the debris out of there Reviewed inspection from previous filing.

Jack Sullivan – 19 School Way, Marshfield, representing brother at 85 Humarock Beach Rd – worked for FEMA previously for 21 years. Confirmed coastal A zone and thinks the plans call for considerable construction. Even when built to compliance, still huge risk for any structure in that coastal A zone. This is putting community more in risk, because adding more. Can't control what people put in their garage. Concern about water flow – the berm effects water. You have flood plain management to be concerned about and take into account. Photos of planting being put in and fill in special flood hazard area. Would like to make things right there before more action is taken.

Penny – DEP came out and ruled on the passage way being a coastal dune. Doug – what is the specific suggestion –

Jack – correct fill that was brought in. Put right-away back to original width, prior to fill. Doug – so issue you are talking about is not on this plan.

Kathy Sullivan – 85 Humarock Bch Rd – showed pictures of 1985/1986 showed how it used to look. There is supposed to be a 20 ft passage way. Right now there is about 3 feet for people to walk. Showed picture from 2005. Mentioned fence gets moved farther into path . Ocean comes through differently now also and effects. Is garage only one level? Will have attic above, but will not be living area. Height at top of garage is 22 feet.

Carrie Hughes – Brunswick extension. Uses passage way to beach regularly. No problems using passage way. Never had an issue accessing beach.

Robert Galvin – attorney representing Huie's. Representing them for previous case others have addressed. No one has been critical of current proposed project. They were issued certificate of compliance in 2010. Reviewed some of history of that project and passageway. Vegetation helps flood control, doesn't hurt flood control. Current proposed plan does not go against issued CofC. Previous issues should not be revisited.

John Boltan- 72 Old Fordge Road – spoke in favor of proposed project.

Frank – is compliant to use piers for deck? Thinks we should talk to building inspection. Maybe should be driven piles, considering location. Need to check that for the deck. Garage is benefit, concrete slab will be removed. Have used conditions in orders regarding what is in garage, not sure how effective that is, but have done it before. Amy – structural were just delivered yesterday. With concern for erosion and vegetation - we endorse plantings done where can be done and would discouraged removal. In process doing work, any ting destabilized is re-vegetated. Things are going to be altered getting equipment on site. Bob – no erosion control on plan. Frank – even silt fence helps to make sure activity stays on property. Add silt fence on two sides with neighbors. Seawall already on one side and will need other for access. Amy – would like to see information on how going to do installation.

Frank – would like to know more – how process is going forward, plan for dumpster, plan for garage, after area dug up how will it be stabilized, excavation for support, etc.

Doug Shillington – 37 Hawthorne – spoke about how required plantings from previous orders, were to be on his property, no in passage way. The commission would never order someone to do something not on their property.

Heidi invited board to walk property if would like.

Ms. Penny Scott-Pipes motion to continue 86 Humarock Beach Rd to September 9, 2019 at 6:20pm. Ms. Jen Foley second. Unanimous all in favor (6-0).

175 Old Oaken Bucket Rd (pave driveway), Applicant: Laura & Thomas McNeice, Representative: Paul, Mirabito, Ross Engineering, DEP#: 68-2809

Greg Tansey, Ross Engineering, reviewed project. Property abuts cranberry bog. Would like to replace current driveway with paved driveway. Penny – would like the swale added to the plan. Do not want water running to bog. Swale gives change to filter water. Doug – some sort of mitigation would be good to clean water before gets to resource area. Greg - Replacing impervious area with impervious area so do performance standards to go by. Can add to plan grass and where will loom and seed. Lisa – concerned about chemicals in asphalt going into bog. Jen – is this all out of the 50? Is there a condition or discussion from when house was built? Frank did not think there was. Greg thought it was more of an economic decision at the time. Amy – discussed how originally filed and withdrawn because triggered stormwater because was filed under Popes Cranberry as applicant. Now filed as single family residential, so different standards. DEP issued file number and no comments for this filing. Discussed thought process of concern from past of driveways and current thoughts of managing driveway. Jamie – 38 Marilyn Road – What is purpose of paving if can improve what is there? Is there going to be extension of what is there. Greg – dust and erosion control by paving. Not being extending farther. Carrie Hennigan – 37 Marilyn Road – backside of project. Concerned about extending road later. Jeanie Nelson – 30 Marilyn Road – there has been a lot of interest to extend road to 10 acres of land there. Will condition that submit revised plan with swale and sediment control.

Ms. Penny Scott-Pipes motion to close 175 Old Oaken Bucket Rd. Mr. Doug Aaberg second. Unanimous all in favor (7-0).

9 Bay Ridge Rd (addition), Applicant: Adam Whitman, Representative: Jeff Hassett, Morse Engineering
Handed in abutter notifications.

Greg Morse, Morse Engineer, representing owner. Reviewed proposed plan. Located in FEMA zone 15. Replacing paved driveway with gravel driveway. Raise to 16.4 ft. Doug – confirmed garage is assessor's can be built at grade. Amy – no DEP number so cannot close yet. Abutters curious about any landscaping. Looking for construction entrance and detail for silt sock.

Ms. Penny Scott-Pipes motion to continue 9 Bay Ridge Rd. to September 9, 2019 at 6:20pm. Ms. Jen Foley second. Unanimous all in favor (7-0).

20 Foxwell Lane (addition), Applicant: James Foley, Representative: Greg Morse, Morse Engineering
Handed in abutter notifications.

Greg Morse, Morse Engineering, representing owner, James Foley present. Reviewed project. BVW, delineated by Brad Holmes. Existing deck and porch, in poor structural condition. Pilings and sonotube foundation for new deck and addition where porch is located. Brought some photographs of site. No fill required, no grade change. Amy – House was built 30-40 years ago. Project in 50. Frank – looks pretty vegetated. Explained that currently do not allow in 50 ft buffer, but understand this was done before rules, usually ask for people to be concerned about how treat backyard and don't encroach more on wetland. Neighbors wrote in positive comments supporting project.

Ms. Penny Scott-Pipes motion to continue 20 Foxwell Lane to September 9, 2019 at 6:20pm. Ms. Jen Foley second. Unanimous all in favor (7-0).

780 First Parish Rd. (new dwelling/ SW review), Applicant: Gerald & Linda Dwight, Representative: Jeff Hassett, Morse Engineering Co., Inc.

Handed in abutter notifications. Greg Morse, Morse Engineering, representing owner. Owner present. Peer reviews being scheduled for both delineation and stormwater. Previous orders expired. Proposed driveway would cross wetland. Use culvert under driveway at wetland crossing. Planting plan will be submitted. Replication also proposed. Septic system outside of the 100. House is between 100 and 50 ft buffer. Stormwater permit applied for also. Proposing asphalt driveway. Berm on either side of driveway so would go to upland area first, then to wetland. Amy – asked about file number because file we found was from 2004.

Gerald Dwight – owner, Marshfield – applied for permits in past, but expired.

Ms. Penny Scott-Pipes motion to continue 780 First Parish Rd. to September 9, 2019 at 6:20pm Mr. Paul Parys second. Unanimous all in favor (7-0).

PUBLIC MEETINGS/ADMINISTRATIVE, ENFORCEMENT / PERMITS and OTHER REQUESTS

SUBCOMMITTEE/ PROJECT UPDATES / MISCELLANEOUS / OLD BUSINESS:

Request for minor modification: 246 Gannett Rd, pier project: Off Shore Marine requested change in material and modify float. Amy spoke to Dave Hill of Chapter 91 – is this a significant enough change that people from state should be notified? From environmental stand point, impact is smaller. Orders are still open. Want to modify float and use different material for pilings (fiberglass instead of wood). Should cc the state on change as well. They should submit updated plan to us and state.

Penny Motion accept minor modification on 246 Gannett Road. Second by Mr. Doug Aaberg. Unanimous all in favor (7-0).

NEW BUSINESS: Correspondence, Agent's Report, Violation and Enforcement Orders

Discuss: Amy did talk to CZM about movement of material in area. Not sure it will flow through there easily. Frank – does it meet performance standards? Doug – suggested 2:1 ratio. So 4 foot wide boulder needs 2 feet between. Frank – CZM has policy of not having obstructions in these areas. But they are trying to delineated their property and if put fence up, fence could wash away in storm.

Cannot put up row of stones that will impede flow. Jen – concerned that we are making allowances because after-the-fact. Paul – changing water flow not always detrimental. Jen – concerned setting precedence of space between rocks. Discussed appropriate space between boulder to approve. Either set number of feet between or ratio. Suggested of 5 ft gap between rocks. 30 days to comply. Rocks needs to be maintained. Penny motion, Paul second (5,2)

OOO: Well 17A Tack Factory Pond Road

Ms. Penny Scott-Pipes Motion to accept orders as written for Well 17A Tack Factory Pond Road. Second by Mr. Doug Aaberg. Unanimous all in favor (7-0).

OOO: 91 Gilson Rd

Ms. Penny Scott-Pipes Motion to accept orders as written for 91 Gilson Rd. Second by Mr. Doug Aaberg. Unanimous all in favor (7-0).

Certificate of Compliance issued:

Issue following certificates of compliance:

7 Barry's Landing

16 Trysting

138 River St.

Agent report –

62 Glades Rd - they have fixed the deck so no longer attached to sea wall. Trying to get occupancy. Came in today about parking issue. Plantings needs to be done in front of house.

Toll Brothers – they are going into phase II as of today. Need to finish letter and include deadline. Frank and Amy need to write letter.

Herring Brook – pre-construction meeting coming. 60 rental apartments.

Man Lot CR – Penny – said it looks like activity on property. Frank did think there was one-acre parcel not protected. Amy thought otherwise.

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
August 5, 2019 - August 19, 2019

1. Planning Board Agenda Aug 22, 2019
2. Recording info 4 Garfield CofC 8/13/19, Bk 51498, Pg 151
3. MA Division Fisheries and Wildlife No. 2, 2019
4. Revised Proposed Well plan 537 Hatherly Rd
5. Request for CofC 68-2739 23 Oceanside to DEP
6. Recoding info OofC 27-31 Hood Rd 8/7/19, Bk 51476 Pg280
7. Agenda Board of Health August 12, 2019
8. Email from Amy Ball re: Seaside at Scituate, wetland replication
9. CofC request for 16 Trysting
10. CofC request for 138 River St
11. RDA 146 First Parish filing rec'd
12. RDA 180 Central Ave filing rec'd
13. Recording info CofC 56 Edward Foster Rd 68-1764 , 68-1019, 8/7/19
14. Letter from National Grid about upcoming projects in Scituate
15. Photos from abutters of 86 Humarock Rd