

**Town of Scituate
Conservation Commission
Selectmen's Hearing Room
Meeting Minutes
September 9, 2019**

Members Present: Chairman Mr. Frank Snow, Jen Foley, Ms. Lisa Caisse, Mr. Doug Aaberg, Mr. Richard Harding (joined late)

Not Present: Mr. Paul Parys, Ms. Penny Scott-Pipes

Also Present: Amy Walkey, Conservation and Natural Resource Officer

DISCUSSION/ UPDATE:

Mr. Richard Harding made motion to accept agenda as written. Mr. Doug Aaberg second. Unanimous vote accepted. (5-0)

PUBLIC HEARINGS NOI/ANRAD

0 Country Way (drainage basin), Applicant: Bradford Merritt, Representative: Kevin Grady, Grady Consulting, LLC, DEP#: 68-2805

Mr. Richard Harding motion to continue 0 Country Way to September 30, 2019 at 6:20pm. Mr. Doug Aaberg second. Unanimous all in favor (5-0).

86 Humarock Bch Rd. (addition, deck, garage), Applicant: Peter Huie, Representative: Robert Crawford, EET, Inc., DEP#: 68-2808

Mr. Richard Harding motion to continue 86 Humarock Beach Rd to October 8, 2019 at 6:20pm. Ms. Lisa Caisse second. Unanimous all in favor (5-0).

9 Bay Ridge Rd (addition), Applicant: Adam Whitman, Representative: Jeff Hassett, Morse Engineering, DEP#: 68-2811

**Mr. Richard Harding motion to close 9 Bay Ridge Road. Ms. Lisa Caisse second. Unanimous all in favor (5-0).
Mr. Richard Harding motion to issue 9 Bay Ridge Road. Ms. Lisa Caisse second. Unanimous all in favor (5-0).**

20 Foxwell Lane (addition), Applicant: James Foley, Representative: Greg Morse, Morse Engineering, DEP#: 68-2810

**Mr. Richard Harding motion to close 20 Foxwell Lane. Ms. Lisa Caisse second. Unanimous all in favor (5-0).
Mr. Richard Harding motion to issue 20 Foxwell Lane Ms. Lisa Caisse second. Unanimous all in favor (5-0).**

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

Ms. Penny Scott-Pipes motion to continue 780 First Parish Rd.to September 30, 2019 at 6:20pm. Ms. Lisa Caisse second. Unanimous all in favor (5-0).

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)

Mr. Richard Harding motion to continue 36 & 36R Bailey's Causeway to Sept 30, 2019 at 6:20pm. Ms. Lisa Caisse second. Unanimous all in favor (5-0).

160 Indian Trail (phragmites management), Applicant: Marguerite Borden, Representative: SOLitude Lake Management DEP #:68-2813

Keith Gazel, SOLitude Lake Management, representing owner. Reviewed project. Propose areas on property to manage phragmites with herbicide application. Mentioned products planning on using for treatment. Discussed this time of year being a good time of year to treat plants. Takes about 3 years of application before smaller scale applications can be used. Two growing season before see native plants establish. Discussion of how application technique is important to keep it from effecting more then what intended. No soil activity with this ingredient and application technique. Needs to be applied on day without rain because no activity in water and soil. Difference between this active ingredient and Round Up are that Round-Up is ready to use mixture so other surfactants, which often are more toxic then the active ingredient, vs this product, although same active ingredient, works differently. Amy – had questions about deeds, proof of publication in environmental monitor and deeds. Also would be useful to have MSDS. DEP comments condition that applicator needs to be licensed, which will include in conditions. Keith – that is another permit process they need to apply for, that goes through DEP office of Watershed Management. That is the next step in the process. Less than half an acre needing to be treated. Would like to start this fall. In this case, it would be a professional applying vs owner buying chemicals and applying to larger areas. They have worked in Salisbury, MA, RI for NRCS, Buzzards Bay Coalition.

Mr. Richard Harding motion to close pending receipt of needed information of 160 Indian Trail. Ms. Lisa Caisse second. Unanimous all in favor (5-0).

PUBLIC MEETINGS/ADMINISTRATIVE, ENFORCEMENT / PERMITS and OTHER REQUESTS

Requests for Determination of Applicability: 146 First Parish Rd. (deck)

Doug Aaberg, owner, recused self from voting, described project. Work is within 100 ft buffer, out of the 50 ft buffer. Hand dig 12 inch sonotubes. Consistent with negative determination. There is currently a partial deck existing.

Mr. Richard Harding motion for -3 determination for 146 First Parish Rd. Ms. Lisa Caisse second. Unanimous all in favor (4-0).

Requests for Determination of Applicability: 180 Central Ave (move rocks property across street)

Robert Graci, owner, described project. Retaining wall that has been deteriorating L-shape wall. Would like to fix/patch. Move rocks back into place. The only additional material would be mortar used to hold rocks together as was originally made. Has historic value going back to when area was boatyard. Manually move rocks back into location. No heavy equipment needed. Amy – straight forward project, stacking what was there, manually. If do end up needing to use machine to move rocks, let agent know before work begins. Hopes to finish this project this year. Reminder to post permit on site.

Mr. Richard Harding motion for -3 determination for 180 Central Ave. Md. Doug Aaberg second. Unanimous all in favor (5-0).

Requests for Determination of Applicability: 262-276 CJC Hwy, (improvements for Well 17A)

Ryan Pavlica, Tighe and Bond, working with DPW on this project. This project is in conjunction with project recently approved in Conservation. Reviewed project and purpose of new line. Project area subject to flooding and 100ft buffer. Project is in buffer, but already disturbed area. New water treatment plant proposed, not on this plan shown – we are intercepting that main and diverting that flow to existing pipe. Amy – exempt under state regs, but not under Scituate By-Laws.

Mr. Richard Harding motion for -3 determination for 262-276 CJC Hwy. Ms. Lisa Caisse second. Unanimous all in favor (5-0).

Requests for Determination of Applicability: 27 Hood Rd (National Grid)

James , TRC, on behalf of MA electric company. Described project. Remove and replace 4 utility poles part of routine maintenance. One new utility pole. National Grid will cut pole, remove what is there at base, put new pole in and back fill. About 4 days worth of work. Consistent with negative finding.

Mr. Richard Harding motion for -3 determination for 27 Hood Rd. Ms. Lisa Caisse second. Unanimous all in favor (5-0).

Requests for Determination of Applicability: 86 Scituate Ave (after-the-fact, parking area, SBA)

Pete Minich, managing facility role at SBA, former president, Adam Conrad, SBA, John McConnell, president SBA. Did work last year at ball field and was under impression this work had been approved at that point in permitting. So went ahead and filled in significant puddles/depression in parking lot. Showed photo of area and area that filled in. 12 yards of material used for fill. Richard – confirmed project is done as it is now, no enlargement of parking lot. Going forward would like to be able to maintain area used for parking lot. Parking lot is for parking for SBA for beach and for events at SBA. Not monitoring who uses parking lot. Jen F – given proximity to the marsh, we would normally see a plan more formalized with buffers on it. Would an as-built be practical to have so know where buffer is, given sensitive area? Amy – gave a little history to the request and that she had spoken to SBA a year ago about needing to come to Conservation for permitting, which resulted in them going to Planning Board. So they knew they needed permitting from Conservation. Concern that description is overly broad. Has not seen a deed for this parcel. Has been used by SBA, but has not seen deed showing not Town Owned property. Would like there to be no brush cutting since BVW and flood zone. Boat trailers should be removed and not parked in there in future. Debris should be removed. Also, add conservation plaques so parking lot doesn't grow. Lisa suggested 2 rail fence or snow fence to help delineate area. Adam – concerned about fence going in because of flooding. Pete – there are large rocks already there.

Della Shepherd, 70 Scituate Ave, abutter, concerned impact of work on salt marsh. A lot of cars there, a lot of fill dumped there. Brought picture of what area used to look like in 1995, from Google Earth. Area is carved out for parking. There was a project in 2007 of the Town to keep marsh area healthy. Concerned about how close want cars parking in this marsh area. Should be trying to protect salt marsh and seasonal pools. Area floods especially during winter storms. Not just SBA, all around the marsh, people have been putting pressure on the marsh in that area. Steve Shephard, 70 Scituate Ave., if they don't own land, who do you put conditions on for project? Frank – explained purpose of filing and examples of other work done in Scituate of paving parking lots for beach use and trying to control run-off, and how can make more of a group effort to get marsh in better place, but also allow to use the area. Like to look at ways to minimize run off from parking area to marsh. Mentioned again putting posts in with conservation plaques. If we issue negative determination, need to agree on location of posts and (additional vegetation). Amy would like to be present for determining location of posts.

Mr. Richard Harding motion for -3 determination with condition for posts for 86 Scituate Ave. Ms. Lisa Caisse second. Unanimous all in favor (5-0).

SUBCOMMITTEE/ PROJECT UPDATES / MISCELLANEOUS / OLD BUSINESS:

Request for minor modification:

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

Discuss:

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

Mr. Richard Harding Motion to accept orders as written for **119 Kent St. Second by Mr. Doug Aaberg. Unanimous all in favor (5-0).**

OOB: **175 Old Oaken Bucket Rd** (pave driveway), Applicant: Laura & Thomas McNeice, DEP#: 68-2809

Mr. Richard Harding Motion to accept orders as written **175 Old Oaken Bucket Rd. Second by Ms. Lisa Caisse. Unanimous all in favor (5-0).**

Certificate of Compliance issued:

38 Atlantic Dr. 68-2540

Request for Extension of Order of Conditions: 290 Hatherly Rd., 68- for one year.

Mr. Richard Harding Motion to issue extension to orders for one year for **290 Hatherly Rd. Second by Mr. Doug Aaberg. Unanimous all in favor (5-0).**

Agent report –

Newel St- dead whale on Humarock Beach. Kevin Cafferty, DPW, said scientist from aquarium said to dig hole and bury it next to where it is. Amy would like to get advice from Duxbury and Marshfield. By tomorrow, tide might move it, but will be hard to bury it at current location because in tidal area. Not sure how will access beach with equipment.

Frank and Penny went to Waterways Meeting. There was some discussion at the meeting at approved plans of project in Maritime area. Penny had noticed that area not kept up, need to look at orders approved. Shed and other this Frank does not recall being part of project. Path used to be ADA compliant – now it is overgrown. Question as to who has responsibility to maintain and pay for maintenance. Lisa – suggested posting who is responsible for maintenance.

Site visit to 31 Candlewood tomorrow.

Motion to adjourn

Mr. Richard Harding motion to adjourn at 7:50 pm Mr. Doug Aaberg second motion. Unanimous vote in favor (5-0).

Respectfully submitted,

Jennifer Smith
Recording Secretary

CORRESPONDENCE

August 19, 2019 – September 9, 2019

1. Email from Scott Salvucci, Woodard & Curran, to Bob Vogel re: Herring Brook Meadow, 8/19/19, noting outstanding items the applicant's team has not yet provided.
2. Construction Period Erosion and Sedimentation Control Plan (revised July 2018)Herring Brook Meadow
3. Scituate Harbor Resiliency Master Plan Focus Group Meeting agenda and About the Project Summary
4. Extension request for Order of Conditions for 290 Hatherly Rd
5. Proposed Well Plan 537 Hatherly Road 7/3/19
6. Email from Nathan Wilson, Stateside Construction Group, Herring Brook project – attachments: Construction Mitigation Plan, SWPPP, and approved DEP Permit extension
7. Letter from MA DEP about accepting modified plan for 246 Gannett Road pier project
8. Recording info for 182 Central Ave, 68-2778, OofC 9/3/19, Bk 127901, Pg 101
9. Recording info 38 Atlantic 68-1814, CofC doc#00069986, Bk 51560, Pg 222
10. Recording info 2 Dickens Row OofC 68-2784, 8/29/19, Bk 51567, Pg 247
11. Recording info 138 River St CofC 68-1317, 8/28/19, Cert 128997
12. DMF News 2019 Vol 43
13. Email from Robert Galvin 8/29/19, atty for Huie at 86 Humarock Beach with attachment of decision from Appeals Court from 6/27/11

14. RDA filing for 17 Mordecai Lincoln Rd (phragmites)
15. RDA filing for 1 Hollett Rd (septic)
16. ANRAD filing for 115 Grove / First Parish Rd
17. NOI filing for 97 Booth Hill Rd. (septic)
18. Planning Board meeting agenda Sept 12, 2019
19. Board of Health meeting agenda, Sept 9, 2019
20. BOH letter to 51 Williamsburg Lane re: septic system failure
21. BOH agenda August 26, 2019
22. Planning Board granted Special permit – Common Driveway 443-461 Chief Justice Cushing Hwy
23. Planning Board Site Plan Waiver for 27 Hood Rd – conditions to follow
24. Planning Board response- Stormwater Permit – 203 Old Oaken Bucket Rd lot 2
25. Planning Board Decision - 247 Driftway – mixed use special permit in Village Business Overlay District – approved with conditions
26. Planning Board Form A Application for 97 Edward Foster Rd.
27. Letter from Building Department to Sean McCarthy, Engineering – re: Musquashicut Cobble Berm Repair
28. Letter from abutter to Scituate Beach Association
29. RDA filing 134 Judge Cushing (trees)