

**Town of Scituate
Conservation Commission
Selectmen's Hearing Room
Meeting Minutes
Wednesday, November 6, 2019**

Members Present: Jen Foley, Ms. Lisa Caisse, Ms. Penny Scott-Pipes, Mr. Richard Harding

Not Present: Mr. Doug Aaberg

Arrived Late: Chairman Mr. Frank Snow

Also Present: Amy Walkey, Conservation and Natural Resource Officer

Ms. Penny Scott-Pipes made motion to accept agenda as written with changes of adding CofC 73 Border, 29 Bayberry, 35 Bayberry, and 101, 103, 105 Hatherly. Ms. Lisa Caisse second. Unanimous vote accepted. (4-0)

DISCUSSION/ UPDATE:

PUBLIC HEARINGS NOI/ANRAD

86 Humarock Bch Rd. (addition, deck, garage), Applicant: Peter Huie, Representative: Robert Crawford, EET, Inc., DEP#: 68-2808 (cont'd from Oct 8, 2019)

Continued from last hearing so sufficient time for submitted documents pertaining to proposed project to be reviewed. Atty Robert Galvin, representing owner. No new information. Emailed photos of area for the file in regards to pathway allegations. Photos dating back to the 1990's showing condition of pathway. Penny – no questions. Jen – no questions. Lisa – no questions. They have not received zoning waiver. Understand that if they close, and Zoning requests changes, they will have to refile. Zoning hearing is November 25, 2019.

James Ford, 31 Hawthorne St., reviewed Huie's continuing conditions to finish orders by planting seagrass from previous project. Showed photos from over the years of the area including next to garage over septic, eastern side of house, and pathway demonstrating that Mr. Huie has not been in compliance. Believes pertains to this situation because of ongoing condition #50 to have seagrass planted over septic system and in other locations on property. Ongoing condition #50, to vegetation above septic system, was not in compliance according to photos shown, since certificate issued. Not extending on westerly side of passageway.

Handed in photos, from over last decade showing change in vegetation in areas mentioned, and comments to Amy for the record.

Frank Snow, arrived.

Robert Galvin – responded to comments made, that we are here for a home improvement project, not a passageway. We have a final certificate of compliance.

Stan Humphries, pertaining to vegetation, thinks commission has chance to have mitigation of additional dune area. Suggesting deny deck and have grass plantings in that area. Thinks that this is the proper way to handle storm damage prevention.

Ms. Penny Scott-Pipes **motion to close 86 Humarock Bch Rd. Ms. Lisa Caisse second. Unanimous all in favor (4-0).**

780 First Parish Rd. (new dwelling/ SW review), Applicant: Gerald & Linda Dwight, Representative: Jeff Hassett, Morse Engineering Co., Inc., DEP#: 68- 2812 (cont'd from 8/19/19)

Ms. Penny Scott-Pipes **motion to continue 780 First Parish Rd November 18, 2019 at 6:20pm. Mr. Richard Harding second. Unanimous all in favor (5-0).**

ANRAD 115 Grove / 577 First Parish Rd, Applicant: Henry Holmes, Representative: Jeff Hassett, Morse Engineering, DEP#: 68-2822 (cont'd from 10/21/19)

Amy – Met at site with Frank, property owner 577 First Parish and Art Allen, peer reviewer. Can close and issue. Mentioned things to add to ORAD about intermittent stream and enforcement issues. Suggested notations to add to ORAD below mean annual high water line shown there are additional tributaries and site is in water protection district, which is significant to future development of property and that possibly perusing enforcement under restoration plan of intermittent stream, that is now the lawn. Frank – want to make sure all outstanding issues are noted. After meeting they had, seems these things mentioned should be noted on itS since ANRAD will be used in future and want to make sure all resource areas and outstanding issues on property are noted. Other than intermittent stream that has been placed in culvert doesn't seem to change anything significantly. We can see what plan they submit and if it impacts it, we can address it then, as long as on the ORAD. Amy – NOI plan will include more detail.

Ms. Penny Scott-Pipes **motion to close 115 Grove / 577 First Parish Rd. Ms. Lisa Caisse second. Unanimous all in favor (5-0).**

Ms. Penny Scott-Pipes **motion to issue orders for ORAD for 115 Grove / 577 First Parish Rd. Ms. Lisa Caisse second. Unanimous all in favor (5-0).**

1 King's Way (septic), Applicant: Joseph Casey, Representative: Kevin Grady, Grady Consulting, DEP#:68-2827

Kevin Grady, Grady Consulting, reviewed septic repair project. Existing system failed Title V. John Zimmer delineated property. Not cutting down any trees in woods, working in lawn area. bringing some fill in to elevate system higher above water level. Improvement to property having a compliant system. Do not know if BOH approval. He is OK with closing before hear from BOH.

Claude Vistar, curious to see what the plan was. Amy – this is a good example of one that could in future be filed as Determination, rather than NOI- upgrades, in buffer, but working in lawn, not much else can be done, will simplify process for applicant. Will receive less of a plan in conservation, but BOH would still require engineered plans.

Ms. Penny Scott-Pipes **motion to close pending BOH approval 1 King's Way. Mr. Richard Harding second. Unanimous all in favor (5-0).**

19 Sixth Ave (r/r and garage), Applicant: Michael Ahern, Representative: Joseph Webby, Webby Engineering, Inc., DEP#:68-2828

Submitted stormwater calculations and revised plans today. AE elevation 15, demolish existing building, build single family dwelling in same footprint, and install garage behind house, which would be only increase in impervious area. Added roof drains for both structures, using pervious pavers for driveway. Rich – how big is garage and difference in impervious – 630 sq ft is garage and is the increase in impervious. Currently driveway is not paved. Showed foundation, with flood panels on each side. Two piers in middle of foundation. First floor elevation 19. Amy – received information requested today including structural and stormwater calculations, which triggers administrative review or peer review to make sure stormwater addressed appropriately. 4 dry wells connected to roof drains seems like a good solution to roof run off. Not changing grading; pretty flat lot. On new builds we like to see construction entrance and silt sock and any location for stock piles. Would like to have area surrounded and building materials secure. If use silt sock, stake it and prepare to roll it up if storm is coming. House is already excavated, but foundation still there. It is in bad shape. Add limit of work to plan and comments about crushed stone with process of installing permeable paver driveway. Also, asked consider flood vents in foundation of garage. Owner did not mind adding those, if wanted.

Ms. Penny Scott-Pipes **motion to continue 19 Sixth Ave. November 18, 2019 at 6:20pm. Mr. Richard Harding second. Unanimous all in favor (5-0).**

PUBLIC MEETINGS/ADMINISTRATIVE, ENFORCEMENT / PERMITS and OTHER REQUESTS

Requests for Determination of Applicability: 4th Cliff (utility hook-ups), Applicant: USAF, Representative: Jay Harris, Colony Construction, contractor for job.

Scott Sheehan, AF Natural Resource Officer. Reviewed plan to move 3 RV site 25 ft farther from water. Moving utility pole about 25 ft from water. Trench from new pole location to RV area. Trench will be open about 2 days. Job should take about 2 weeks.

Scott – showed commission photos. Retreating away from the cliff until have a solution. Not altering any resource areas or any work on cliff. Richard - do you have a sense when will do project for area. Scott – two solutions are out there. Have conceptual drawing of one solution. One solution full erosion control. Other solution is to dissolve ownership. Either are to solve liability issue with property. Had conceptual drawing went through several reviews. Concept proposed CZM said not permittable bc said were reclaiming land. Working on new plan. Idea is move road 10 ft back and design out from there. Need to finish NEPA first.

Amy – thinks consistent with -2 finding. Frank – we are interested what planning to do in that area. Important to town. Mentioned town perspective of erosion leading to having to dredge. Balancing act with other agencies that want that sediment to erode as it does for habitat.

Email documents to them.

Ms. Penny Scott-Pipes motion to issue negative 2 for 4th Cliff. Ms. Lisa Caisse second. Unanimous all in favor (5-0).

SUBCOMMITTEE/ PROJECT UPDATES / MISCELLANEOUS / OLD BUSINESS:

Trails: Working clearing trails to get re-opened and safe.

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

OOC: **67 Border St.,** DEP#: 68-2821 (dock)

Ms. Penny Scott-Pipes Motion to accept orders as written for 67 Border St. **Second by Ms. Jen Foley. Unanimous all in favor (5-0).**

OOC: **73 Border St.,** DEP#: 68-2826 (pool)

Ms. Penny Scott-Pipes Motion to accept orders as written for 73 Border St. **Second by Ms. Jen Foley. Unanimous all in favor (5-0).**

OOC: **38 Inner Harbor Rd.,** DEP#: 68-2815 (septic)

Ms. Penny Scott-Pipes Motion to accept orders as written for 38 Inner Harbor Rd. **Second by Ms. Jen Foley. Unanimous all in favor (5-0).**

ORAD: **ANRAD 0 Rear Summer St.,** DEP #: 68-2816

Ms. Penny Scott-Pipes Motion to accept orders as written for 0 Rear Summer St. **Second by Mr. Doug Aaberg. Unanimous all in favor (5-0).**

ORAD: **ANRAD 60 New Driftway,** DEP #: 68-2825

Ms. Penny Scott-Pipes Motion to accept orders as written for 60 New Driftway St. **Second by Mr. Doug Aaberg. Unanimous all in favor (5-0).**

Certificate of Compliance issued:

25 Bayberry, DEP#: 68-2160, 68-2643, 68-1541

29 Bayberry, DEP#: 68-2087, 68-2157

35 Bayberry, DEP # 68-2158

73 Border St., DEP # 68-2182

105 Hatherly Rd.- applicant showed proof final application of knotweed management done, so can issue final CofC and return funds.

Agent report –

290 Hatherly Rd– notice of site inspection from state regarding extension of orders.

2020 meeting schedule

Ms. Penny Scott-Pipes motion to accept 2020 Meeting Schedule.

Herring Brook Meadow site. Amy visited site today. Property has been cleared. Conservation denied original project. They have superseding orders for project. Remediation of phragmitis going on. Need technical assistance if just tubular is enough or if more. Did tests pits there today.

Stockbridge Landing – 40B getting ready to start. Made some requests for certain things before start. Piles related to former owner, is not on this property. Frank – does the town have consultant to monitor either of these new projects? Yes, for Herring the consultant is contracted through the owner. Inspection schedule is pretty modified, so going to end up change orders. 40Bs are under jurisdiction to zoning board, so conservation has limited oversight. Contract is through Zoning Board. Piece deals with environmental issues. Will be similar set up with Stockbridge.

Collier road – neighbors concerned about building fence and lawn in easement. Confirmed that easement is still there.

NOI for next hearing, abutters notified it was a You-Pick blueberry, which in an error, which will be discussed at hearing. Abutters concerned about commercial business in residential neighborhood.

Bids opening happened for trails. Will be reviewed by engineers, but looks like we will be able to proceed with Bates, Crosbie, and Higgins. Damon will be add alternate. Might need to modify those plans to have something happen on that trail. If all works out, Selectman can sign contract at next meeting.

Museum Beach – kayaks and small boats on beach – some stored for winter (which should be in people's yards for at least the winter), some wash up and are damaged and abandoned. What is the solution? Should we publish a notice saying to move boats? Jen – shouldn't be leaving on town property – their or Driftway. Penny – we should just take them away. Amy – not sure we have the authority to take boats away - should we be the only ones to make the call to hull people's property away. Maybe we work with Harbormaster. Amy – it would be good to get word out that by certain date, get your boats off the beach by certain date. Frank – let's clarify who needs to do notifying. Maybe we need to talk to TA about how want to handle these situations of people using town property under jurisdiction of conservation. Get signage ordered so ready for Spring, etc. We should look at deed for beach to see if anything in deed about rights to store boats. Amy will ask Assessor office.

Jen F – working on getting estimate for maintenance work at Driftway Park. Fixing piers and areas on trails that get too muddy which effects its accessibility. Amy – could be opportunity for grants for some of work needed at Driftway Trail to be ADA compliant. Grant might be too restrictive, but something to consider. Frank – gave history of park. MBTA funded a lot, but would not do bridge.

Amy – reminder about upcoming meetings for workshops for Master Plan for Town.

Other properties with encroachment – Townsend another example.

Motion to adjourn

Ms. Penny Scott-Pipes **motion to adjourn at 7:45 pm Ms. Lisa Caisse second motion. Unanimous vote in favor (5-0).**

Respectfully submitted,

Jennifer Smith
Recording Secretary

CORRESPONDENCE
October 21, 2019 – November 6, 2019

1. Recording info for Extension for 44 Atlantic Ave 10/28/19 Bk 51851 Pg 343
2. Letter certifying erosion control barrier at Herring Brook Meadow project
3. Recording info for 36 Bailey's Causeway Order of Conditions 10/29/19 Bk 51862 Pg 161
4. Recording info for 36 Rear Bailey's Causeway Order of Conditions 10/29/19 Bk 51862 Pg 143
5. Special Permit application for common driveway for 443-461 Chief Justice Cushing Hwy, third version of plans
6. Zoning Board request for special permits and findings agenda for November 21, 2019
7. Subdivision Plan for One Buckeye Lane and #261, 253, 251, & 225 Stockbridge Rd from Planning Board
8. Recording info CofC 9 Lightship Lane – 68-2609 7/22/19 Bk 51394 Pg 273
9. Cape Cod Organic Farm for Seagrass information mailer
10. Civil & Environmental Consultants, Inc. CEC in Raynham, MA postcard advertisement
11. Recording info for 96 Humarock Beach OofC 68-2820 Bk 51870 Pg 228
12. 7 MacDonald Ter Subdivision plan from Planning Board
13. Recording info 25 Rebecca 68-2818 OofC 10/25/19 Bk 51849 Pg 177
14. NOI 314 Central Ave (septic)
15. NOI 153 Glades Rd (septic)
16. RDA 16 Gannett Rd (foundation to porch)
17. Abutter notification to 153 Glades Rd.
18. Letter from DEP about site inspection re: extension for 290 Hatherly Rd
19. Abutter notification for 132 Maple St
20. Letter from Division of Marine Fisheries re: Town of Scituate Reservoir Dam Water storage and Fish Passage Improvement Project, Oct 25, 2019
21. ZBA applications for 86 Humarock, 16 Gannett, 275 Clapp, 236 Central Ave, 69 Collier
22. Request for return of GD funds for 101, 103, 105 Hatherly Rd