

**Town of Scituate
Conservation Commission
Selectmen's Hearing Room
Meeting Minutes
July 15, 2019**

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

Not Present: Mr. Doug Aaberg, Mr. Richard Harding

Also Present: Amy Walkey, Conservation and Natural Resource Officer

DISCUSSION/ UPDATE:

Ms. Penny Scott-Pipes made motion to accept amended agenda with discussion ad-ons of scout projects and go green and Driftway platform. Ms. Jen Foley second. Unanimous vote accepted. (5-0)

Eagle Scout project – several requests for projects. Any ideas? Frank – boardwalk, trail repair work, kiosk at Ellis. Maybe we let them know ideas and then have them come to meeting with their idea and present for a permit for the project.

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)

Ms. Penny Scott-Pipes motion to continue 2 Dickens Row to August 5, 2019 at 6:20p.m. Ms. Lisa Caisse second. Unanimous all in favor (5-0).

61 Seaside Rd, (shed), Applicant, Paul Turcotte, Representative: Paul Mirabito, Ross Engineering, DEP# 68-2798

Ms. Penny Scott-Pipes motion to continue 61 Seaside Rd to August 19, 2019 at 6:20pm. Ms. Lisa Caisse second. Unanimous all in favor (5-0).

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 July 15, 2019 at 6:20pm. Mr. Richard Harding second. Unanimous all in favor (5-0).

Hear both properties together. Greg Morse, engineer with Morse Engineering. Second hearing for NOI to rebuild new dwellings. Peer review had been request. Since last meeting, site visit has been conducted. Revised plan and letter submitted July 8 since site visit. Shared proposed plan and salt marsh delineation, that is across the street, and added to plan. Questions on western lawn area vegetation. Considered vegetation and elevation that needed to be looked into further. This area proposed for driveway for both houses and septic. Replication area would be done as well. Added split rail fence to mark area, added retraining wall around septic, which should reduce grading needed and then reduce amount of fill needed to be brought to sight. Met with abutter as well to discuss her concerns in regards to placement of house and swale, also met with board of health. BOH would like to do a site visit. They wanted to know if conservation was approving the limits of salt marsh on plan.

Bob Gray – Sabatis, professional wetland scientist. Has visited site twice. Reviewed original NOI, plan and reviewed revised plan and planting plan. Original concern on west side of property became noticeable when saw DEP wetland change maps, which showed water course through property. First visit unable to find culvert from north to suspect wetland on south end of street. On second visit, if that area was receiving salt water flow and had salt water tolerant plan, then would be considered salt marsh. Have not been able to establish salt water flow. No evidence. Whatever water connection that was mapped, has changed or was a mistake. The DEP maps are to be

used as guidance to do due diligence, not for wetland delineation. Trying to figure out why salt tolerant plants there. Site floods. Flooding on storm tides, not spring tides. As flood water recedes, enough stays behind so there are salt tolerant vegetation. He does not think it is a regulatory salt marsh – does not fit the definition. Is it best location for soil absorption system? That is up to the board of health. OK with delineations. Biggest plus, based on current plan, elimination of driveway on left of the house, which will now be 2200 sq ft + of buffer plantings. Planting plan needs title and address reference. It is going to continue to flood during storms- concerned about plant choices, which are not great for the type of flooding that happens there. Made suggestions for planting list that are more salt tolerant for flooding of that area.

Penny – It floods there, but house is going up. It is the marsh, not ocean. Jen – appreciated explanations of delineation and planting suggestions and why. Confirmed that both houses are larger than the current houses there. Greg reviewed differences in size and reminded that going up on pilings. Lisa – thinks it is positive going on pilings. Plantings plan looks good with suggested additions. Paul – no questions. Frank – typically we don't close until BOH approves system. Amy – BOH want us to confirm resource areas. Frank – spring tide seems to be a moving target to understand. Bob – since Greg has provided other cases nearby, going forward, projects that contain or abuts salt marsh – ask for vegetation delineation, but that the plan include highest spring tide of the year. Eventually, should be able to go to CZM and ask why have discrepancies and see if they can give explanation. Thinks the pictures presented that are showing tides at storm events. Frank – berm was created around site a while ago. Do you think it is effective? Detrimental? Better to leave it alone? Considering houses are going on pilings. Bob – effective to keep some of the salt water from marsh off property, maybe, but not going to help during storms. Worth investigating handling with this project going on. Fill being brought in is in regards to septic system, not to manage flood water. Frank – currently cesspool, so this proposed system is an improvement. Concerned that since larger houses, even if same bedroom number, could end up being more flow, especially if used year round, in already marginal area. Bob – have to consider the negatives right now – two cesspools, driveway next to marsh, whatever in basements if getting flooded goes into water system. Post construction, a lot of positives. Fill – no lateral displacement, flood won't be higher because of fill, water won't go onto abutter's property because of fill. Swale should be designed so that on a fresh water event, it is not conveying water onto abutting property or onto Bailey Causeway. Frank – if BOH was looking to see if commission approved delineation.

Greg – will go back to them on July 22, would ask for continuance now that conservation is ok with delineation and then they can look at proposed septic system.

Amy – Proposed driveway is gravel, typically when over septic, usually best to have it paved. Would that impact what the thoughts are for the project? Thoughts on berm and how to handle? Would like more detail for swale. Can we get swale in bigger scale? Greg – can get more detail and enlarge. Also, need updated planting plans. Will have Brad talk to Bob regarding suggested plantings.

Ms. Penny Scott-Pipes motion to continue 36 & 36R Bailey's Causeway(r/r) to August 5, 2019 at 6:20pm. Mr. Paul Parys second. Unanimous all in favor (5-0).

27-31 Hood Rd., Applicant: St. Mary & St. George Coptic Orthodox Church, Representative: Hazem Dani, CHA Consulting, Inc., DEP# 68-2801(continued from June 17, 2019)

Hazem Dani, CHA Consulting, representing church. Attending Fr Bishoy of the church. Chris Lucas from Lucas Environmental. Overview of projects proposed. Since last hearing had stormwater comments needing addressing. Received second letter from Merrill Engineers. Merrill had not agreed with water shed delineation. Revised watershed and Merrill agreed with update. Final review letter from Merrill, which he stated plans .

Chris Lucas, Lucas Environmental, registered professional soil scientist and professional wetland scientists. As project expanded, came back out to site to review. Reviewed wetlands identified on site. DEP concurred upon site visit. Concurs with delineation of site.

Art Allen, EcoTech, certified wetland scientist, certified professional soil scientist – consulting from town, July 27 walked the site and performed about 20 ag borings, sampled soils, noted vegetation. Arial photos of DEP layers are guidelines to review before visiting site, but for definitive answer, need to review on foot on the ground and sample. Agreed with delineation, found well-defined bvw lower left, found pockets in wetland c, and wetland b, soils had some features, but were not fully developed. Outside of delineated area, did not find additional areas to be vegetated wetlands. Frank reviewed some of the history of review of that area (wetland b), even when land was being marketed for sale. Amy – we did just receive today form Merrill that CHA had met all their concerns. Up to you if want to keep open so have time to review comments that came in today.

As far as delineation, considering all the site visits and professionals involved, feel comfortable to resource and SW being met.

Anthony Panebianco – attorney for Chris Scanzillo – could art provide more detail on where borings were done. Art – showed areas on plans where they augured. Focused on wetlands and buffer areas. Trenching – clearing observed in October is not depicted in plans. If the area had not been cleared, would it have shown differently? Art – it has regrown quite a bit. Upland vegetation indicators. Gave several examples. Soils were non-hydraulic. Discussion of plants that were seen in the area in back of school building, where was wet, but soil.

Anthony – question about procedures of permitting and review by Planning Board as well. Frank – explained that since wetland area, SW is being done by conservation, process by town is hold hearings together and Planning will not also. Amy – Adam Brodsky, atty, spoke to Karen Joseph. Seek site plan waiver after get through conservation process. Either site plan review or apply for a waiver.

Greg Morse, Morse engineering, representing Chris Scanzillo – this property typically drains to Ingrid lane – along western side of Ingrid lane there is a swale, not depicted, wanted to make sure it is not overflowed so can continue to work to overflow the road. Did not see any calculations regarding it.

Jennifer Way, 17 Hood Road, abutter. Propane tanks are already in; additional new ones are not going in. Frank – reviewed why those are in that location and approval from fire department. They went in lawn area that has been lawn since St. Francis was the church. If this plan is approved, does this go to planning board? Concerned about lighting. Amy – this will need some sort of approval from planning. How far away is playground and any work being done? Hazen, playground is about 155 ft from closest corner of property. And keeping 35 feet buffer from border. Amy – Merrill specifically wrote that neighbor would not be affected by plans.

Hatherly road abutter – Scituate should be thankful that another church bought the property. They were very welcoming and met with neighbors and even reduced scope of project in response to abutters.

Ms. Penny Scott-Pipes motion to close 27-31 Hood Rd. Ms. Jen Foley second. Unanimous all in favor (5-0).

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

Ms. Penny Scott-Pipes motion to continue Tack Factory Pond Well 17A to August 5, 2019 at 6:20pm. Ms. Lisa Caisse second. Unanimous all in favor (5-0).

52 Central Ave, Applicant: Mary Louise Green, TR, Representative: John Keefe, PLS/SE, Keefe Associates, DEP#: 68-2804

James Green, spouse of Mary Louise Green, who owns property. 4 bedroom summer cottage. Would like to replace cesspool with septic system. Board of Health as approved system. In flood zone. Would like to replace asphalt driveway with crushed stone. Robert Hannigan, professional engineer – Amy – appears to meet requirements of act. Plans show asphalt driveway, would like to replace with crushed stone.

Ms. Penny Scott-Pipes motion to close 52 Central Ave. to Ms. Jen Foley second. Unanimous all in favor (5-0).

PUBLIC MEETINGS/ADMINISTRATIVE, ENFORCEMENT / PERMITS and OTHER REQUESTS

Requests for Determination of Applicability: 331 Gannett Rd (Anderson Fuel, paving)

Greg Morse, Morse Engineering, project proposed to repave parking at office building. Described resource area around project location. Erosion controls proposed. Not dredging or adding fill. Amy – other requests handled by RDAs. Would be a good opportunity to get some stormwater improvement. Frank – they did some improvements with previous projects. Recommend -2.

Frank recusing from voting

Ms. Penny Scott-Pipes motion for -2 to for 331 Gannett Rd. Ms. Jen Foley second. Unanimous all in favor (4-0).

Requests for Determination of Applicability: 280 Gannett Rd.

Michael Lane, owner, described project. Would like to add deck that would go over where driveway wraps around house, so driveway will no longer be wrap around. 4 pilings. Would like to put a wall or fill by deck to help redirect water. That part of request not approved. Jen – what is happening to rest of driveway? Will remove rocks so driveway ends at deck and will not wrap around anymore. Amy Meets requirements.

Ms. Penny Scott-Pipes motion for -3 determination for 280 Gannett Rd. Mr. Paul Parys second. Unanimous all in favor (5-0).

Requests for Determination of Applicability: 54 Moorland Rd.

Cyndy Risku, owner, recent new owners. Wants to improve the yard and landscaping. Upon talking to the neighbors to discuss her idea for trees along property line. Discussed removing cedar trees currently there and plant shrubs to provide privacy. Amy – explained that property is jurisdictional for several reasons. Spoke about process of conservation permitting. Spoke about North River association and made a few suggestions to prepare for before going to that meeting. Amy – before you do the work, get approval from North River Commission. We can give determination. Frank – suggest gets site plan with buffer and resource area.

Ms. Penny Scott-Pipes motion for -3 determination for 54 Moorland Rd. Ms. Jen Foley second. Unanimous all in favor (5-0).

SUBCOMMITTEE/ PROJECT UPDATES / MISCELLANEOUS / OLD BUSINESS:

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

Enforcement Order – Amy – house was permitted not too long ago, people have observed working in buffer. 10 – 28 around house before 50 ft buffer. Not sure how extensive. First step is probably to access area and come up with plan to restore it.

Joe Labresh – 138 Stockbridge Road – Frank – gave history of conditioning project with developer. Explained there should not be disturbance inside of 50ft. Joe – last year when received letter about pile of dirt in buffer, called and spoke to Amy and learned about buffer and how it works. Has not worked in the buffer since. Had cleared, but it has grown back. Frank – explained if there is a compelling reason to do something in the backyard, as long as consistent with wetland protection act and can demonstrate a reason for it. Lisa – there are nurseries that can give suggestions. Joe will follow up with Amy on possible plans in back yard.

Ms. Penny Scott-Pipes motion to accept minutes as written for July 1, 2019 meeting. Ms. Jen Foley second motion. Unanimous vote in favor (5-0)

Certificate of Compliance issued: 168 Vernon Rd., 68-1661

304 Clapp Road – requested full CofC. Partial was issued previously. Been speaking with contractor. Replication area was planted, but no documentation, but has filled in with knotweed, not just in replication, but throughout back of property. What do we want him to do? Remediation would be extensive if we ask for that. What about new owner controlling knotweed? Frank – maybe add a condition in CofC for future have permission to work on knotweed even if in buffer.

Go Green – Amy showed map that shows trails in area. There is no encroachment on conservation; trails are on selectman land. Frank – maybe we need to talk in front of selectman to let them know about trails in those locations. Amy will contact Lorraine about getting on agenda. Jim Boudreau had asked to confirm there was no encroachment of Go Green onto town property. We did receive letter form lawyer from abutter about environmental issue.

Senior Tax Worker for trails – ready, needs to do 100 hours by end of quarter. Maybe something when cooler. Amy sent information to Frank in an email.

Driftway platform – needs repair. Frank – looking for quotes to do some work on it. Replace some boards so it is safe. Doesn't need to be replaced, just repaired. Once access road and parking done, they commission should address Driftway Park. Amy – Sean McCarthy spoke with him about connecting trails to dog park.

Toll Brothers – meeting Thursday about going into phase II. Starting Wednesday to put up fence for limit of work and satisfying list of conditions of planning board. We are in the loop. Phase II means another substantial area of clearing. Replication pieces are being completed.

Motion to adjourn

Ms. Penny Scott-Pipes motion to adjourn at 8:30pm Mr. Paul Parys second motion. Unanimous vote in favor (5-0).

Respectfully submitted,

Jennifer Smith
Recording Secretary

CORRESPONDENCE
July 1, 2019 – July 15, 2019

1. Recording info 44 Captain Peirce OofC 7/3/19, Bk 51326 Pg 323
2. Agenda Economic Development Meeting July 15, 2019
3. Recording info 47 Town Way Extension, Ext of Orders 68-2245 and 68-2249
4. Recording info 119 Jericho Rd CofC 7/8/19, Cert 125362 Bk 00626 Pg162
5. Agenda Planning Board July 11, 2019
6. Agenda Design Review Committee 7/9/19
7. Recording info CofC 117 Circuit 7/3/19, Bk 51326 Pg 178
8. Press Release 6/12/19 from County Plymouth re: Plymouth County Commissioners' Dredge Clears the Way on Wychmere Channel Dredging
9. Recoding info CofC 68-2307 264 Central Ave, 7/2/19, Cert 12441
10. Recoding info CofC 28 Gilson Rd, 68-2706, 7/11/19, cert 118557
11. NOI filing 119 Kent St (stabilize slop and manage invasive plants)
12. NOI filing 91 Gilson (new build)
13. RDA filing 7 Barrys Landing (replace posts and restore historic markers)
14. RDA filing 108 Lawson Rd (septic)
15. RDA filing 44 Stockbridge
16. CofC request 168 Vernon Rd 68-1661
17. CofC request 56 Summer
18. Peer review response from CHA regarding 27 Hood Road.
19. Certificate of Action from Planning Board to accept applicant's action to withdraw SW permit application for 27 Hood Rd.
20. ZBA decision on 578 Hatherly Rd special permit
21. ZBA decision on 23 Bradford Ave special permit