

**Town of Scituate
Conservation Commission
Selectmen's Hearing Room
Meeting Minutes
October 21, 2019**

Members Present: Chairman Mr. Frank Snow, Jen Foley, Ms. Lisa Caisse, Mr. Doug Aaberg

Not Present: Ms. Penny Scott-Pipes, Mr. Richard Harding

Also Present: Amy Walkey, Conservation and Natural Resource Officer

Mr. Doug Aaberg made motion to accept agenda with addition extension request 18 Tenth, & 44 Atlantic, and discussion of 35 Bayberry discussion. Ms. Jen Foley second. Unanimous vote accepted. (4-0)

DISCUSSION/ UPDATE:

PUBLIC HEARINGS NOI/ANRAD

0 Country Way (drainage basin), Applicant: Bradford Merritt, Representative: Kevin Grady, Grady Consulting, LLC, DEP#: 68-2805 (cont'd from 8/19/19) (**See Applicants Request to Continue to November 18th**)

Ms. Jen Foley motion to continue 0 Country Way to November 18, 2019 at 6:20pm. 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)

James Garfield, Morse Engineering, reviewed project. Required peer review for wetland. Still need comments for stormwater review. Waited for stormwater review to start until had comments for wetland. Amy – peer review on wetlands identified for changes from engineer regarding resource area and replication area. John Chessia is reviewing stormwater. Once he is done with stormwater, wetland scientist will provide final comments as well. Frank – do we have time frame for peer reviewers to respond? We do. Typically 3 weeks.

Ms. Jen Foley motion to continue 780 First Parish Rd to November 6, 2019 at 6:20pm. Ms. Lisa Caisse second. Unanimous all in favor (4-0).

ANRAD 115 Grove / 577 First Parish Rd, Applicant: Henry Holmes, Representative: Jeff Hassett, Morse Engineering, DEP#: 68-2822

Re-opened hearing. James Garfield, Morse Engineering, ANRAD to confirm resource areas on properties. Art Allen did peer review. Brad Holmes flagged originally. Reviewed where properties are located. On properties there are three BVWs; 3rd and 2nd connected via intermittent stream; and one IVW. First Herring Brook and mean high water line from brook are on plan. Doug – do they have to show river front area? Amy – just showing resource, not buffers. Frank – from aerials there looks to still be a intermittent stream. Amy – on site visit, intermittent stream has been culverted on 577 First Parish. Lisa – have we heard from DEP? Amy – we have a DEP file number, but pertaining to violation that did not get feedback on that matter. Wetland scientist pointed out intermittent stream culverted through 57 R First Parish. Did reach out to state to ask if resolving enforcement issue should be separate from issuing ORAD – have not heard back. Asked state how to handle enforcement matter and issuing ORAD. Insight would be to close it and make notation on form but up to commission to decide. Frank – explained what ANRAD application is – asking for approval of resource areas on plan – then can move forward with notice of intent once wetlands are known and file project. So important that everything on plan are correct before move forward. Important, because once agree on it, it is what has to be used when project submitted in NOI. If they try to reconfigure lots, needs each lot to have sufficient amount of uploads, so important correct on ORAD. His concern is the culvert area, what would it be like there if that was not done? Maybe that wetlands was larger. Clear to him filled recently, since Wetland Protection Act. Need to make sure each lot has sufficient uplands. Another tributary not on plan, would not change buffer already there. Frank thinks all resource area should be on plan and issues resolved before accept

ANRAD. Amy said could reference it on ORAD. Was there a buffer associated with stream that would affect what is shown on this plan? Do we have Brad and Art do some auguring? Yes, so can see if wetland material underneath of fill. Important to know before accept ANRAD. Amy – enforcement would want to take is separate from filing. This is just agreeing on resource area. Frank – but if an intermittent stream was drawn on plan it would have a buffer, right now we have culvert. Because we don't know how much was around it. Carl Moonigian, 577 First Parish, thinks about 6 in. of fill. Looks larger from aerial photo because had trees taken down that were not healthy that could land on his house or power lines. They were replaced with 13 new trees. Thinks just loom brought in. Frank – if that is all less equipment needed to test soil. Steve Bjorkland – working with applicant, Mr. Holmes, for project. We did make all changes to plan Art Allen mentioned. Frank – would like to have an idea how much what was done. Amy – this whole area ROW land, so significant to drinking water supply and which has significant impact to other boards and committees decisions that protect drinking water. Frank – tributaries being on plan significant because effects involvement of other boards.

Mr. Doug Aaberg motion to continue 115 Grove / 577 First Parish Rd. at November 6, 2019, 6:20pm. Ms. Lisa Caisse second. Unanimous all in favor (4-0).

ANRAD 0 Rear Summer St, Applicant: Genevieve & George Davis, Representative: Grady Consulting, DEP #: 68-2816

Nicholas Leing, Grady Consulting, representing owners, reviewed plan showing delineated wetland. Part of lot is in Scituate and part in Norwell. 0 Rear Summer in Scituate; Norwell address is 302 Summer St. Changes from peer review, by EcoTec, reflected on plan. Already have approval from Norwell. Amy – does not think fees are correct. Norwell Agent and peer reviewer also thinks fees should be based on different fee category – same way they did in Norwell. They filed based on septic repair in Scituate, not project and project is on the horizon, according to Norwell. Think most of project would be in Norwell. DEP said there is no mechanism to collect fees after-the-fact. Steve Bjorkland, thinks fee is probably right, that they are doing a septic repair. There are some flags on the plan on his property – can those flags be agreed upon as correct in this ORAD? Amy – Commission is agreeing to flags only on the applicant's property who filed application. They did not walk that area – they flags are there for observation. Nic – they did not walk on Mr. Bjorklund's property. They were asked to tie into that wetland lines and so did on the plans. Discussion about fees. Frank - Why would you do an ANRAD for a septic repair and not just file an NOI?

Jamie Spencer Forest, 159 Summer St, Scituate, thoughts on construction happening in Scituate? Frank – most of land in Scituate is swamp.

Ms. Jen Foley motion to close ANRAD for 0 Rear Summer St. Ms. Lisa Caisse second. Unanimous all in favor (4-0).

38 Inner Harbor Rd. (septic), Applicant: Jane Everett, Representative: Darren Grady, Grady Consulting, DEP #: 68-2815

Abutter notification handed in. Darren Grady, Grady Consulting, on behalf of homeowner, septic review project. Land Subject to Storm Flowage and coastal dune resource areas. BOH approved last week. Improvement to cesspool currently there.

Ms. Jen Foley motion to close 38 Inner Harbor Rd. Ms. Lisa Caisse second. Unanimous all in favor (4-0).

67 Border St (dock), Applicant: Peter & Monica Martin, Representative: Carmen Hudson, Cavanaro Consulting, DEP #: 68-2821

John Cavanaro, Cavanaro Consulting, handed in abutter notification, reviewed project and lot. Owner Monica Martin present. House is currently under construction. Reviewed where and how currently access water. 5 acre parcel. Proposed plan to add seasonal access with small floating dock. Public access to mean high water, as code requires, since in public lands, waters of the US. Small doc criteria for removable ramp and doc. No impact to flood plain. Conservation Commission is first step. Frank – have you heard anything from Gulf Association? Frank – what about Water Ways Commission? As a courtesy – we should send something to Steve Mone so know this is happenings. He knows this is not the location they are most worried about because traffic is so limited. Amy – most of work is covered by permitting of other agencies, Chapter 91, Army Corp. Will be using best management practices to minimize disruption of marsh. Most of work done on land side. All similar to ones permitted in Humarock.

Ms. Jen Foley motion to close 67 Border St. Ms. Lisa Caisse second. Unanimous all in favor (4-0).

60 New Driftway (repair existing bulkhead and access road), Applicant: Herring River Marina, Representative: Greg Morse, Morse Engineering, DEP #: 68-2825

James Garfield, Morse Engineering, representing applicant. There is a chapter 91 license that allows for maintenance of all structures within marina. Handed pictures into commission showing damage to bulkhead. In FEMA flood zone, AE elevation 16. Wall acts as coastal bank. Wall is in rough shape due to eroded soil behind it. Excavate soil behind wall and replace timber piles in front of wall and straighten timber beam, bring in crushed stone and replace soil take out, re-stabilize area behind wall. All work done on landward side. No barges brought in on water side. No need for soil stockpile are. Applicant will work around high tide. Applicant will install filter fabric on landward side of face wall as sediment control for anything stirred up during excavation. Doug – they are replacing wood piles? Yes, but the wall itself will be repaired. Mike McDonough, contractor for project, sister-up pilings with existing piling to re-enforce, on water side. Described order of events to project. 40 foot piles, driven. Walkway will be removed and replaced including guardrail, same way it is now. Doug – are their structural plans for tie backs? Structural plans are included with plans. Jen – do we have all that detail mentioned documented? Amy – James sent in additional information today – sent in Chapter 91 License and narrative. Construction sequence is on the plan. Do not have dewatering plan and sedimentation plan. Maybe a boom should be available? Amy – should soil be tested before removed? People might want to know. Asked Jim O’Connell about peer review. He passed on review and provided some input.

Mike – as far as environmental – from what he understands, all fuel tanks have been removed from when James Landing owned it. Did tests pit at that seems to be sand that settled. Do not see leakage. Amy – given historical use, contractor on site should be looking for contamination as digging up. Frank – any 21 E’s done on property? Often done when changing mortgages done when changed ownership. Only public if something was found. Otherwise, private. Mike – do you want a debris boom? Or sediment? Frank – in case need to dewater, need way to separate. or if rushing out through wall, make sure not drawing sediment. Marina owns wall, condo association owns from the wall back. Does condo association of info on 21 Es?

Amy – need to use good on site management while excavating. Usually petroleum contamination will have an odor, so in that case, if you smell something, stop working, and call license site professional.

Paul Brogen, has contract with home owners association to be on site occasionally during construction. Will be out there to represent home owners association. Make sure things go smoothly.

Ms. Jen Foley motion to close 60 New Driftway. Ms. Lisa Caisse second. Unanimous all in favor (4-0).

18 Cliff Road South (elevate), Applicant: Doug & Lisa Roeder, Representative: Greg Morse, Morse Engineering, DEP#: 68-2823

James Garfield, Morse Engineering, representing applicant and owner. Reviewed project near 4th Cliff end of Humarock. Want to elevate on pilings. Coastal bank is resource area. Outside of flood. Would like copy of proposal before authorizing peer review. Sea wall runs across property. Sea wall is not coastal bank, it is the land form. Is coastal bank acting as sediment source or buffer or both? Jim O’Connell, coastal geologist, will review 18 & 20 Cliff Road South. Having coastal bank correct in this area is important because of impact on future projects along that part of the cliff, considering cliff is eroding at rate that at least observable. Coastal bank might extend beyond sea wall. Amy – we want coastal bank accurately depicted on plan. Had asked for additional information – narrative and more contours on plan – they don’t just end at property line. Sea wall and then revetment to beach. Coastal bank delineation policy is engineer review of contours, that are not on plan. Flood zone V to top of wall and then x, and there is not a presumption that you have to accept that unless it is correct. Peer review would also confirm flood. Frank – explained how different land forms why sea wall is not always the coastal bank line. Lisa – how far back from sea wall are pilings? Approx. 20 ft. Tight tank already.

Ms. Jen Foley motion to continue 18 Cliff Road South to November 18, 2019 at 6:20pm. Ms. Lisa Caisse second. Unanimous all in favor (4-0).

20 Cliff Road South (elevate), Applicant: Doug & Lisa Roeder, Representative: Greg Morse, Morse Engineering, DEP#: 68-2824

James Garfield, Morse Engineering, representing applicant and owner. Reviewed project, raze/rebuild, and septic. Would like copy of proposal for peer review before authorization. Concrete foundation currently there.

New proposed house on wooden piles, with septic under pilings. Currently, concrete foundation and cesspool. 18 Cliff has tight tank already. Amy – we have structural for one, but not for other. James – read message from Greg – concern about cost of structural at this point in permitting. Frank – understands and agrees expensive, but need all information at hearing to correctly condition. Narrative piece is important.

Ms. Jen Foley motion to continue 20 Cliff Road South to November 18 at 6:20pm. Ms. Lisa Caisse second. Unanimous all in favor (4-0).

73 Border St (pool & patio), Applicant: Joseph & Lynn Durkin, Representative: John Cavanaro, Cavanaro Consulting, DEP #: 68-2826

John Cavanaro, Cavanaro Consulting, representing owner, present. Reviewed project. About 10 years ago delineated for addition project. Resource areas are river, riverfront, salt marsh, BVW. Reviewed buffer zones. Currently septic tank and system. Current proposed project is pool in between 100 and 50 foot buffer. Some grading in 50 ft for septic so not working where leaching field is. Not working in flood plain or riverfront. Doug – will hit ledge? Yes. Don't think will blast, but hydraulic. Jen – estimate on how much to be removed? Depends on how deep need to go. Not sure at this point. Could 100yds, could be 5 yards. Lisa – How much of pool in 50? None. No work in 50. Amy – addition previously required some conditions. CofC filed for. Need to do bounds, and plantings. Maybe wrap those into these conditions or issue partial. Concerned about accumulating disturbance if stormwater. Maybe need infiltrators? Did not see all BVW flags out there. John – this current proposed project does not trigger stormwater, did not consider previous addition in calculations. Frank – for example, projects can be accumulated for stormwater calculation of impervious area being added, coupled with previous project. Doug – how big was previous addition? It was a master bedroom. Looked at plans from previous filings. Plantings and bounds could be taken care of. Frank – need to know where would empty when need to. John – don't get emptied completely like used to do in past. Amy – conditions for plantings was very specific from previous filing. Doug – discussed not doing concrete marker. Thinks that is a hazard. Can we come up with another idea. Maybe plantings? Something that looks nice. Will work with Amy on planting plan

Ms. Jen Foley motion to close 73 Border St. Ms. Lisa Caisse second. Unanimous all in favor (4-0).

PUBLIC MEETINGS/ADMINISTRATIVE, ENFORCEMENT / PERMITS and OTHER REQUESTS

28 Standish Ave (r/r portion of dwelling), RDA - 19

Paul Mirabito, Ross Engineering, representing owners and applicant. Been to zoning board and historic commission – did not want house destroyed. Flat lot. Small amount work in buffer zone. Silt Sock on plan around perimeter. Never had a driveway and she does not want one. Amy – top of coastal bank as top of revetment, then a negative 3. Frank – can we issue -3, but say not accepting top of coastal bank line? Yes.

Ms. Jen Foley motion to issue negative 3 for 28 Standish Ave. Ms. Lisa Caisse second. Unanimous all in favor (4-0).

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*

Discuss:

OOC: 96 Humarock Beach, Applicant: Robert Engel, DEP#: 68-2820

Ms. Lisa Caisse Motion to accept orders as written for 96 Humarock Beach. Second by Mr. Doug Aaberg. Unanimous all in favor (4-0).

Requests for Extensions: 44 Atlantic Ave.
16 Tenth Ave.

Ms. Jen Foley Motion to extend Orders one year as written for **16 Tenth Ave. and 44 Atlantic Ave. Second by Ms. Lisa Caisse. (4-0).**

Certificate of Compliance discussed: 25 Bayberry, DEP#: 68-2160, 68-2643, 68-1541
29 Bayberry, DEP#: 68-2087, 68-2157 (pending)
35 Bayberry, DEP # 68-

Shared septic system project. Special account for maintenance for shared septic .Each property supposed to contribute each year. Seems to be in compliance with funding, held by Town of Scituate Finance. One of addresses is not in compliance with stormwater. Owner mentioned maybe providing funding instead of doing mitigation. Although could sign off and funding stormwater conditions, might be signs missing. Can we re-condition it? Changing minds on previous condition is result of more information. Now we have a stormwater bylaw, that handles some of the complicated conditions that used to be issued. Frank and Amy will meet with Paul Sheerin to work out mitigation.

Motion to adjourn

Mr. Doug Aaberg motion to adjourn at 8:45 pm **Ms. Lisa Caisse** second motion. **Unanimous vote in favor (4-0).**

Respectfully submitted,

Jennifer Smith
Recording Secretary

CORRESPONDENCE

October 8, 2019 – October 21, 2019

1. Recording info Order of Conditions 10/16/19 23 Bradford Ave – Bk 51796 Pg 13
2. Abutter notifications 0 Rear Summer St ANRAD
3. Recording info CofC 68-1701, 77 Lighthouse Rd., 10/09/19, Bk 51771, Pg 204
4. Abutter notification 1 Kings Way
5. 31 Candlewood Rd, John Zimmer, SRE, Monitoring Report, Sept 23, 2019
6. Recording info Order of Conditions 175 Old Oaken Bucket Rd 68-2609 10/1/19, Bk 51731 Pg 187
7. Planning Board Amended Agenda Oct 10, 2019
8. Email for Shipyard Sign project 7 Barry's Landing update from Caleb Estabrooks
9. Updated Plans from Toll Brother for Seaside for Scituate – change
10. Planning Board agenda October 24, 2019
11. Economic Development Commission Meeting agenda Mon, Oct 21
12. Recording info for CofC 12 Concord St 68-987, 10/21/19, Bk 51817 Pg 39

Minor Activity Permits

#34 - 272 Central Ave – return storm damage cobble