

**Town of Scituate
Conservation Commission
Selectmen's Hearing Room
Meeting Minutes
Monday, January 6, 2020**

Members Present: Chairman Mr. Frank Snow Jen Foley, Ms. Penny Scott-Pipes, Mr. Doug Aaberg, Mr. Andy Gallagher, Mr. Brendan Collins

Not Present: Mr. Richard Harding

Also Present: Amy Walkey, Conservation and Natural Resource Officer

Ms. Penny Scott-Pipes made motion to accept agenda with addition of topics to discuss. Mr. Doug Aaberg second. Unanimous vote accepted. (6-0)

***EXECUTIVE SESSION - To discuss strategy with respect to litigation and will be detrimental to discuss in open session. (33 Oceanside Dr.)**

Motion go into executive session 6:22pm Ms. Penny Scott-Pipes motion at 6:22 pm to go into executive session to. Mr. Doug Aaberg second motion. Roll call vote: Penny Scott-Pipes, Yes; Frank Snow, Yes; Andrew Gallagher, Yes. Jen Foley, Yes, Doug Aaberg, Yes, Brendan Collins, Yes. Unanimous individual vote in favor to go into executive session (6-0).

Ms. Penny Scott-Pipes motion at 6:38pm to come out of executive session to. Ms. Jen Foley second motion. Roll call vote: Penny Scott-Pipes, Yes; Frank Snow, Yes; Andrew Gallagher, Yes. Jen Foley, Yes, Doug Aaberg, Yes, Brendan Collins, yes. Unanimous individual vote in favor to end executive session (6-0).

DISCUSSION/ UPDATE:

PUBLIC HEARINGS NOI/ANRAD

115 Grove St. (new single family dwelling), Applicant: Henry Holmes, Representative: Jeff Hassett, P.E., Morse Engineering, DEP#: 68-2835 (See applicants request to continue to February 10, 2020)

Ms. Penny Scott-Pipes motion to continue 115 Grove St. to Monday, February 10, 2020 at 6:20pm. Ms. Jen Foley second. Unanimous all in favor (6-0).

780 First Parish Rd. (new dwelling/ SW review), Applicant: Gerald & Linda Dwight, Representative: Jeff Hassett, P.E., Morse Engineering Co., Inc., DEP#: 68- 2812 (cont'd from 12/16/19)

Greg Morse, Morse Engineering, continued hearing for stormwater permit for new single family dwelling. Dec 9 submitted revised plans. Brad Holmes revised planting plans and revised replication area. Review sent today from Art Allen. He wants additional detail to silt sock added to plan and DEP form 3, owe revised forms listing updates (listing alteration and replication area on the form) on forms. Reviewed other suggestions from Art Allen, including crush stone trench on driveway. If loose SW basin 2, takes sw from first third of driveway and treats prior to water going to wetland. If used crushed stone trench, would loose basin and would need waiver from conservation to stormwater permit. December 30th submitted letter, limited access project, which allowed applicant to cross wetland, if have substantial (buildable) upland to access. Required to look at alternatives. It is an island of uplands in the middle of wetlands, 3+ acres of upland. Penny – so much of disturbance in the 100 ft buffer, which is big deal for new build. Large home – 5 bedrooms, not small cottage. Would like to see mitigation. Doug – squeezed in spot. Jen – also would like to see more mitigation. Also, would like to see conservation markers used. Amy – Art's comments are dated January 3. Art also suggested providing monitor reporting on regular progress in the 100Ft buffer. It is a limited project – Commission may approve, not must approve. BOH waiting for confirmation from Conservation. Road cut permission. Need to file for curb cut. Greg – this is most suitable location to request DPW to cut curb. Less

impact in buffer would be preferred. If look at Chessia letter, stormwater not 100% met. Frank – last meeting discussed adding vegetation to depression, vs trench. More vegetation would bring some habitat. Greg – can do that. If do trench, can suggest upland plantings. Greg – before do planting plan, comfortable regrading, or do you want to trench along driveway, and leave lawn area alone, no grading, but will vegetate. Frank – running a trench is somewhat less disturbance. Would like to see plan with less mature trees suggested, and instead other types of coverage, emergent plants. How can we protect it, so later someone does not clear more of lot? Greg – we can add deed restrictions to portions; he can talk to the applicant. Greg – can work with Brad Holmes on that – maybe berry producing shrubs, establish more habitat. Penny- such a sensitive area, important to protect since swamp is right there. Don't want it to be a clear cut.

Gerald Dwight – owner and applicant - Asking for 5 bedroom, so have the option. It would not be bigger, could be less. Not sure if he is building or not. Original portion was 20 acres. Subdivided 10 years ago. When doing this, didn't try to maximize area; several acres each lot.

Continue pending revised plan with trench detail, planting plan, and then talk about conditions at next meeting.

Ms. Penny Scott-Pipes motion to continue 780 First Parish Rd. to Wednesday, January 22, 2020 at 6:20pm.

Mr. Doug Aaberg second. Unanimous all in favor (6-0).

47 Town Way Ext. (reconstruction & deck), Applicant: Bill & Ruth Slocum, Representative: Jeff Hassett, P.E., Morse Engineering, DEP#: 68-2837 (see applicant request to continue to January 22, 2020)

Ms. Penny Scott-Pipes motion to continue 47 Town Way Ext. to Wednesday, January 22, 2020 at 6:20pm.

Ms. Jen Foley second. Unanimous all in favor (6-0).

48 Town Way Ext. (reconstruction, deck & septic), Applicant: Bill & Ruth Slocum, Representative: Jeff Hassett, P.E., Morse Engineering, DEP#: 68-2838 (see applicant request to continue to January 22, 2020)

Ms. Penny Scott-Pipes motion to continue 48 Town Way Ext. to Wednesday, January 22, 2020 at 6:20pm.

Ms. Jen Foley second. Unanimous all in favor (6-0).

169 Border St. (dock), Applicant: Kevin Leary, Representative: Carmen Hudson, Cavanaro Consulting, DEP#: 68-2839. Just waiting for DEP number, which was not issued at last meeting. Can close tonight. No comments.

Ms. Penny Scott-Pipes motion to close 169 Border St. Ms. Jen Foley second. Unanimous all in favor (5-0).

115 Jericho Rd (proposed dwelling), Applicant: Terry McCarthy, Representative: Jeffrey Hassett, P.E., Morse Engineering, DEP#: 68-2840

Greg Morse, Morse Engineering, handed in abutter notification cards. Reviewed project. Has existing home on lot. Public water, electric, and sewer. Resource areas – coastal dune resource associated with Museum beach across street and sidewalk. 100 ft buffer located middle of site. Land subject to coastal storm flowage, FEMA flood zone at elevation 15. Take down existing house and construct new home. Set back 10 ft farther than existing, proposed to be 81 ft from resource area. Detached garage proposed off Damon Rd, accessed through existing driveway. Most of driveway off Jericho would be turned back to lawn. Foundation with flood vents on all sides of foundation. Top of foundation 3 foot above FEMA recommendation. Does not trigger stormwater, but proposing fry wells. Shed stays in back. Amy – approvable project. Since they are adding fill and grading, but only show limit work around portion of site – would like to see around entire site and construction entrance identified on plan, which is consistent with what we have required for other new builds. Frank – explain driveway a bit more. Held back by railroad ties. Is it being replaced or add to it? Greg – see them adding to driveway and using for construction until project complete. Will add crush stone pad during construction to area off Damon Road and will add limit of work around entire site. Close with conditions.

Ms. Penny Scott-Pipes motion to close 115 Jericho Rd. Ms. Jen Foley second. Unanimous all in favor (6-0).

58 Satuit Trail (r/r, & addition), Applicant: Todd & Mary Ellen Farmer, Representative: Gregory Morse, P.E., Morse Engineering Co., Inc., DEP#: 68-2841

Greg Morse, Morse Engineering, with client, property owner, Todd & Mary Ellen Farmer. Reviewed project on site plan. Brooke Monroe, professional wetland scientist, delineated site in September 2019. First Herring Brook, which has 200 ft buffer. BVW. Intermittent stream, ending up in First Herring Brook. In FEMA flood zone, elevation 18. Proposal, add additions to home. No change of grading on site. Decrease in impervious surface, because removing concrete patio on back and on driveway. Penny – concerned about deck in 50. Doug – looks like better than what is there now. Already deck with concrete under it, getting rid of concrete there. Amy – did not see alternative analysis. Complicated site with resource area. Build in 1960, so predates waterfront regs and wetland regs. They are offering planting plan, but does flood there. What about roof drains, since adding to roof runoff? Greg – alternative analysis needed when new development. Not increasing disturbed area, actually decreasing. As far as mitigation, open. Not changing grades. Riverfront standards, this site predates this standard, so capped where are today, cannot increase. Proposing to decrease degraded area. Removing portion of driveway, and replacing with roof, which is considered clean run off. Frank - can something be done to clean up pipe drain that goes directly to brook. Pull stuff stored so close to brook (like boat). Anything to enhance and clean up area. Soils and vegetation used to delineate. Frank – concern is to protect water.

Ms. Penny Scott-Pipes motion to continue 58 Satuit Trail. Ms. Jen Foley second to Monday, February 10, 2020 at 6:20pm. Unanimous all in favor (6-0).

35 Gannett Rd. (r/r garage), Applicant: Brian O'Neill, Sr., Representative: Brendan Sullivan, P.E., Cavanaro Consulting, DEP#: 68-2843

Brendan Sullivan, Cavanaro Consulting, reviewed project. Abutter notification handed in in advance of meeting. Going to ZBA in a couple weeks.

Ms. Penny Scott-Pipes motion to close 35 Gannett Rd. Ms. Jen Foley second. Unanimous all in favor (6-0).

279 Old Oaken Bucket Rd (ANRAD), Applicant: Lovendale, LLC, Representative: Mark Casey, South Shore Survey Consultants, Inc., DEP#: 68-2842 (See applicants request to January 22, 2020)

Ms. Penny Scott-Pipes motion to continue 279 Old Oaken Bucket Rd. to Wednesday, January 22, 2020 at 6:20pm. Mr. Doug Aaberg second. Unanimous all in favor (6-0).

PUBLIC MEETINGS/ADMINISTRATIVE, ENFORCEMENT / PERMITS and OTHER REQUESTS

Requests for Determination of Applicability: 31 Strawberry Ln.

Greg Morse, Morse Engineering, representing owner Gerard Quirk. Reviewed project. Existing system in back yard, failed inspection. John Zimmer flagged resource and buffers. Proposed new tank, which will be outside 100, but leaching in buffer. At closest point 82 feet. All existing lawn and will go back to lawn when done. SIV analysis is when water table so high, goes to lab, and then state give categorization so know what to design for. Amy-Consistent with negative 3 and note not confirming wetland boundary in finding. More efficient leaching field than what was there before.

Ms. Penny Scott-Pipes motion to issue -3 for 31 Strawberry Ln. Ms. Jen Foley second. Unanimous all in favor (6-0).

Requests for Determination of Applicability: 694 Country Way

Greg Morse, Morse Engineering, representing owners. Septic system repair project. Described resource area. John Zimmer delineated resource areas. Proposed used septic tank, but reconstruct septic leaching field____. Erosion control down gradient of project. Existing lawn surface currently and will go back when project done. Consistent with negative 3 and note not confirming wetland boundary in finding. Could not move closer to house because need grading to be gravity system.

Ms. Penny Scott-Pipes motion to issue -3 determination 694 Country Way. Ms. Lisa Caisse second. Unanimous all in favor (6-0).

Agent's Report / enforcement discussion:

South Shore Quest – we need to vote on whether we want to participate with having a quest on one of our trails. Request to put fairy door quest on Hubble Trail. Some members concerned about maintenance and removing when complete. They are back in touch with us, because working on next book. Issues on other trails, like Driftway, where people set things up on trail, and do not come back to clean up. Look for what is already there, whether find it or not. Concern also, is other groups have asked to put things on trails. Also, concerned about new ways to engage people to come to trail. This organization is more established then others who have made requests to our commission. We are going to continue to get requests for different ways to use trails. Penny- also concerned this particular idea focuses on such small population. Andy – sees these used on other trails. Good to build allies of more people who enjoy the woods and going into woods. Frank – people need additional reasons. Many years ago, didn't need trails much less mapped. But that is what people want now. Frank would want to allow South Shore Quest to use Hubble Trail for one season, subject to our approval of what putting out there and report finding. Mr. Doug Aaberg second. (5-1)

Crosbie Status – hopefully tomorrow night BOS sign contract. They have already voted on it. Need pre-construction meeting. For Bates and Hollycrest – when people park there, really narrows road for access farther down road for larger vehicles, safety and construction. Can park at Mt. Hope and then access trails, probably need a few no parking signs in the area, especially before project begins. If don't use contingency money, hopefully can use that to finish up other parts of project not included in current contract.

Trail maintenance – Jen Foley reviewed current projects and maintenance. Maybe boy scouts can do some of the maintenance. Created spreadsheet of what is going on, who is lead, and which are priority. Frank – the trails group would like to get together to discuss trails, kiosks. Maybe have meeting with them separate from public meeting. Town Forest at Maple Street has trash and needs to be cleaned up. There are 15 Eagle Scouts possibly looking for projects, including cleaning up trails, maybe new gates. Penny – while we have people interested in projects, what about help cleaning up Museum Beach. Amy – Mark Thompson said he can help us with notifying people. Jen – she will identify what is there, what issues are, and take pictures. Museum Beach – more about how to execute plan to communicate message that removes debris and especially for off-season.

Toll Brothers – offered a donation of 15K to Conservation Commission for continued work on conservation properties. On agenda for BOS to accept donation. Should look at report from Horsley Witten about open space conservation issues.

Ms. Penny Scott-Pipes Motion to accept 15K from Toll Brothers to go into Conservation funding for conservation projects. Ms. Jen Foley second. Unanimous all in favor (6-0).

Glades – retaining walls on Glades property. They are in process of putting NOI together to repair retaining walls. Glades Trust, asked if can store material on Wattles Beach from blasting of site where building new house. NOI filing will probably happen soon. Maybe have him do RDA for storage of material so has permit. Or can do MAP to stockpile, and the NOI would include stockpiling materials. Amy will drive by and see if there is a spot less impacted by storms.

SUBCOMMITTEE/ PROJECT UPDATES / MISCELLANEOUS / OLD BUSINESS:

NEW BUSINESS: *Correspondence, Agent's Report, Violation and Enforcement Orders*
New commissioner Andy Gallagher did not vote on issuing order at this meeting.

OOO: 236 Central Ave. (rebuild and septic), Applicant: Paul Holland, DEP#: 68-2726
Request to issue amended order to 68-2726. Will withdraw 68-2832.

Ms. Penny Scott-Pipes Motion to accept orders as written for 236 Central Ave. **Second by Ms. Jen Foley**
Unanimous all in favor (6-0).

OOO: 152 Vernon Rd. (septic), Applicant: Mary Jane Curtis, DEP#: 68-2833

Ms. Penny Scott-Pipes Motion to accept orders as written for 152 Vernon Rd. **Second by Ms. Jen Foley**
Unanimous all in favor (6-0).

Request to issue Certificate of Compliance:

1 Kings Way (septic), DEP#: 68-2827

Agent report –

Motion to adjourn

Ms. Penny Scott-Pipes **motion to adjourn at 9pm Ms. Jen Foley second motion. Unanimous vote in favor (7-0).**

Respectfully submitted,

Jennifer Smith
Recording Secretary

CORRESPONDENCE

December 16, 2019 – January 6, 2020

1. ZBA decision for 236 Central Ave for granting special permit
2. Amended agenda for Planning Board meeting Dec 19, 2019
3. Recording info OofC 68-2834, 20 Ridge Hill Road B 52130 P 205
4. Certificate of Action 115 Grove St to remove 18 linear feet stone wall
5. 115 Grove St Common Driveway and Stormwater Site Plan Administrative Review motion to continue to March 13, 2020
6. Planning Board motion to accept continuing hearing for common driveway for 443-461 Chief Justice Cushing Hwy
7. Recording info 60 New Driftway OofC 68-2825 12/19/19, Bk 52119 Pg 157
8. BOH meeting cancelled 12/23/19
9. CofC request for 1 Kings Way
10. Recording info CofC 214 Thomas Clapp Rd 68-2474 12/12/19 Bk 52083 Pg 234
11. Planning Board Agenda January 9, 2020
12. Executive Action Request for Board of Selectman to accept donation to Scituate Conservation Commission from Toll MA Land III Partnership
13. Division of Fisheries comments on 67 Border St dock project
14. Change in ownership of lot next to 151 Border Street, Parcel 6-2-9.
15. Planting Plan for 7 Garfield from Steve Ivas
16. CofC request for 8 Newell St 68-969 and 68-1609
17. RDA for 8 Ocean Dr.
18. NOI 60 Hatherly Rd.

Minor Activity Permits

#1 - 224 Gannett Rd – removal diseased trees