

**Town of Scituate  
Conservation Commission  
Selectmen's Hearing Room  
Meeting Minutes  
March 18, 2019**

**Members Present:** Chairman Mr. Frank Snow, Mr. Paul Parys, , Ms. Penny Scott-Pipes, Ms. Jen Foley, Ms. Lisa Caisse, Mr. Richard Harding and Mr. Doug Aaberg

**Not Present:**

**Also Present:** Amy Walkey, Conservation and Natural Resource Officer

**DISCUSSION/ UPDATE:**

**6:15PM:** Call to Order and Agenda Acceptance

**Ms. Penny Scott-Pipes made motion to accept agenda with as written. Mr. Paul Parys second. Unanimous vote accepted. (6-0)**

**PUBLIC HEARINGS NOI/ANRAD**

**109 Jericho Rd (raze/rebuild)**, Applicant: Wolf, Representative: Jeff Hassett, Morse Engineering, DEP #68-2774  
Frank recused himself. Richard Harding led as chairman.

Greg Morse, with Morse engineering. Raze and rebuild. Stormwater review completed and responded.

Condition about flood vents in foundation. Needs to be flood vent on each side. Need 1 sq in for each sq ft of basement area. Those calculations would be included in the building permit package. We can include in conditions to have that plan included as well.

**Ms. Penny Scott-Pipes motion to close 109 Jericho Rd. Mr. Doug Aaberg second. Unanimous all in favor (6-0).**

**Ms. Penny Scott-Pipes motion to issue orders for 109 Jericho Rd. Mr. Doug Aaberg second. Unanimous all in favor (7-0).**

**190 Glades Rd (new dwelling)**, Applicant: Jeffrey Burek, Representative: Brendan Sullivan, Cavanaro Consulting, DEP #68-2779

Brendan Sullivan, from Cavanaro Consulting representing owner. Showed old plan proposed several years ago. Orders issued in 2011 and planting/mitigation plan associated with those orders. Currently, re-delineated wetland. Clean out of isolated wetland done as part of old order, which has expired and order was never recorded. This plan includes buffer planting plan as well. Merrill engineers did the peer review for the stormwater. Isolated wetland created is planned to flow toward coast line, not to neighboring property or road. Comments from Merrill has been addressed. A couple updates need to be made based on conversation today of edits both of which will be submitted – updated plan and updated planting plan. The plan is less impervious then current since there is so much ledge there, which is not impervious. Discussion about creating more impervious area with lawn, etc. Need to put 18in of loom on top of ledge. Water table is high right now because of thawing of snow recently and rain recently – water table it higher now. Location for leaching field is same in this plan as old plan. Discussion of alterative ideas could be not paving driveway and having it impervious so disturb less ledge. However, Brenden, said if change lawn area, change flow of water to the rain garden. Water is cleaned better over grass then over rock, so water cleaned better on way to wetland. If don't do loom over ledge, will need to rethink planting and grading of project. Part of driveway that is in the 100 buffer, there is stone trench for that area. Amy – as Brenden said there is a history to this property including orders that were issued and enforcement order. We are waiting for updated plans because septic still in review with Board of Health. They are waiting on decommissioning of well next lot. Suggestion that maybe we schedule a site visit since several have not been out since last project permitted. Brendan will get us updated plans. Jen would like to know how much ledge is coming out. Revised planting plan, updated rain garden plan, quantity of ledge bring blasted and site inspection with a stakes for house.

**Ms. Penny Scott-Pipes motion to continue 190 Glades Rd. to April 1, 2019 at 6:20pm. Mr. Richard Harding second. Unanimous all in favor (7-0).**

**663 Hatherly Road**, Hatherly Country Club, Irrigation system, pond dredge DEP# 68-2761, Applicant: William Ohrenberger

Bill Ohrenberger, ODH, representing applicant. Confirmed peer review issues have been addressed. Amy – any special conditions for jurisdiction for irrigation pond. Mr. Ohrenberger suggested language and with a few tweaks, it could work.

**Ms. Penny Scott-Pipes motion to close 663 Hatherly Road. Mr. Richard Harding second. Unanimous all in favor (7-0).**

**Ms. Penny Scott-Pipes motion to issue orders on 663 Hatherly Road. Mr. Doug Aaberg second. Unanimous all in favor (7-0).**

**97 Edward Foster/ ANRAD**, Applicant: Maureen Colvin, Representative: Lucas Environmental, DEP #68-2782

**Ms. Penny Scott-Pipes motion to continue 97 Edward Foster to April 1, 2019 at 6:20pm. Mr. Richard Harding second. Unanimous all in favor (6-0).**

**43 Oceanside Dr.**, (Raze, Move dwelling), Applicant, Alfred Boyajian, Representative: Paul Mirabito, Ross Engineering DEP #68-2781

Paul Mirabito, Ross Engineering, representing applicant. Last meeting asked for revisions to plan including utilities of concern for preparing house for moving. Also updated to not include address of destination on plan. Added revisions about erosion control on site. We have what we need to close, but might need ideas for special conditions.

**Ms. Penny Scott-Pipes motion to close 43 Oceanside Dr. Mr. Doug Aaberg second. Unanimous all in favor (7-0).**

**278 Central Ave.**, (elevate house & expand deck) Applicant: Richard Campbell, Representative: Jeffrey Hassett, Morse Engineering, DEP 68-2783 – **see applicants request to continue to 4/1**

**Ms. Penny Scott-Pipes motion to continue 278 Central Ave. to April 1, 2019 at 6:20pm Mr. Richard Harding second. Unanimous all in favor (7-0).**

**222 Central Ave.**, Applicant: Mark Aho, Representative: William McGovern, Stenbeck & Taylor, Inc.

Terrie McGovern from Stenbeck & Taylor representing applicant. Handed out photos to commission. Additional footprint is the additional wooded ramp around north side. Similar to deck next door. Otherwise deck is same footprint, just weathered and needs to be replaced. Frank asked if they checked the property line regarding where ramp located.

**Mr. Richard Harding motion to close 222 Central Ave. Ms. Penny Scott-Pipes second. Unanimous all in favor (7-0).**

**2 Dickens Row** (boulders on lot line), Applicant: Lane Walsh, Representative: Greg Morse, Morse Engineering, DEP #68-2784

Greg Morse, Morse Engineering, representing Walsh Family Trust. After –the-fact Notice of Intent filing. Abutter cards handed in. History is that paving of the road went onto his property and sign placed on his lawn as well. Water can flow around the rocks. This house is at the low point of road. About 10 boulders that area 3-6 tons each. No comments from state. Although private road, there is an 18 ft right of way, and boulders do not impede on that 18 ft. Not a velocity zone. Similar size to revetment across street. Located in AE 14 flood plain. Boulders are not placed on the 18ft right-of-way of road. Project is complete as it is, no plans to add to it. When surveyed the property, the town paved onto his property and installed a street sign in his front yard. Mr. Lane put the rocks down in an attempt to reclaim his land. Amy – agrees with commission's assessment. It was brought to her attention that project had happened without proper permits. We are concerned about storm water prevention and flood control. They are not joined like a wall how they are placed. No comments from the state.

Kirk Hauman, 10 Dickens Row – we have a concern about vehicle turning around. It is a private road and project was not brought up to the neighbors and maybe could have worked something out.

Frank – concern in allowing this . Process is for people to file first, notify abutters, so can be discussed and concerns expressed. Commission looks at it to see if project has adverse effect. The overwash can close in on the road after storms. If commission decides cannot be there, will take actions.

Julie Sax – 4 Dickens Row – Not sure the Walsh's understand the impact of what they did. What if storms move from storm, could block access to road. Although might not stop water, they are going to stop cobble which if collected could affect access and affect neighbor's property. Cleaning up more difficult to clean around boulders. She said Leslie O'Connell sent a letter with issues and concerns. Concern the rocks will make cleaning after a storm more difficult.

Meredith Ryan – 6 Dickens Row –With the rocks there now, it would be difficult for emergency vehicle to turn onto road, even without cobble collected. Does think town does cleanup work on road. Kirk and her often hire someone to help clean road. Agrees with what Julie said. Also, the breach in seawall creates cobble in road, which is separate issue, but contributes. Will show pictures from previous storms.

Eric Sax – 4 Dickens Row – When water comes down road it is tremendous impact. Should be on his lawn instead of in road. If he would consider moving the rocks to the grass part of his yard, it would be improvement and much less risk. He knows the town paved into his land, but to undo that would be expensive, and moving the rocks would be better.

Stacy Walsh – 57 Joclyn Ave. – is there a way to get a mediator to work together on solution?

Donald Earnst, Town Way Ext. – concern that the boulders will move.

Amy – Asked to read concerns of abutter that could not come

Frank – Let's wait until next meeting. We won't close tonight. Usually have more involvement of coastal geologist that can talk about flow of water. Maybe Mr. Morse can talk to his client about some alternative before we close.

Would like time to take look at safety concern and water diversion. Questions in letter can be sent to commissioners and address at next meeting. Would like to get some more information. Would like town to weigh in regarding safety. Also, Greg should take these comments from neighbors to applicant. Need someone with coastal experience to speak to concern about location and size of boulders. If we need to get additional information, we will do that. Do the stones truly divert water. We need someone with experience to properly address the concerns of storm effects in that area.

Morse – will go to client offer potentially stake road location.

Amy – DPW did not see a safety issue.

**Ms. Penny Scott-Pipes motion to continue 2 Dickens Row to April 1, 2019 at 6:20pm. Mr. Richard Harding second. Unanimous all in favor (7-0).**

**40 Central Ave** (elevate), Applicant: Patrick Carey, Representative: Ian MacFarlane, Grady Consulting, LLC  
Abutter cards emailed in advance. Ian MacFarlane, representing applicant. AE flood zone, existing foundation in flood zone. Elevate existing structure and construct new foundation that meets flood code. Concrete foundation. Penny said thought it was pile foundation.

Brian Mandle, builder – piers in middle.

Flood vents put in so flood water can flow freely through structure. Elevate house, remove old cinderblock foundation, put in new foundation, lower house onto new foundation. Will fill basement with sand to existing grade so won't puddle in basement. Since not in velocity zone, don't have to do piles.

Did not see copy of deed in packet so we need that before we can do anything. Did not see septic system on plan. Is septic improving or change in bedrooms? Retain existing system. Not changing location of house, so set back for leaching fields stay same for septic. He will get us the deed and will email to us. And will add septic to plan.

**Ms. Penny Scott-Pipes motion to close 40 Central Ave. Mr. Richard Harding second. Unanimous all in favor (7-0).**

## **PUBLIC MEETINGS/ADMINISTRATIVE, ENFORCEMENT / PERMITS and OTHER REQUESTS**

**Requests for Determination of Applicability:** 128 Central Ave (gravel parking for boat)

Mr. Dobie, owner, would like to add gravel to area of lawn to park boat. Currently, area wanting to gravel is used for access to septic system. No beach grass there currently. Place he currently stores boat is changing business.

**Ms. Penny Scott-Pipes motion for -3 for 128 Central Ave. Mr. Doug Aaberg second. Unanimous all in favor (7-0).**

**Request for Amendment:** 3 Driftway – discuss nature of request, public hearing at next meeting if accepted. Stan Humphries, Bob Sheppard, builder, Paul Mirabito. Proposing amendment for coastal bank work and several plan changes. Irrigation well, to address water needed for plantings, 58ft from leaching pit. Dry well move also change, only change in storm water plan. Paul M reviewed plans.

Decision is procedural – want to accept as amendment or want new NOI. There is condition in orders that prohibits well – as advised because of location on the cliff. Maybe consider time of year for planting before water ban. Have you used coconut fiber roll before. Stan – yes, in a number of conditions. Held together with stainless steel cables, anchored into the bank. Something like this above the velocity zone where main purpose is to control water coming down bank and hold plantings above it. They can be planted to you don't see them. Existing bank is soil. Concern that if changes to storm water plan, needs to reviewed by peer reviewer. Has already been sent to Merrill. Would need feedback by next Monday. Can accept as amendment.

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

**Ms. Penny Scott-Pipes motion to accept minutes as written for January 28 and February 11, 2019. Mr. Doug Aaberg second motion. Unanimous vote in favor (7-0)**

**Conservation Land** – Frank has suggestion for signage for conservation land. Jen - Some of the rules would like to include with trail information. General guidelines. Discussion about why chose rules. Need something up so can have support of enforcement if needed.

How do we want to handle suggestions of activity on trails. Need to decide as the commission what we want to allow while being mindful of how people want to use the property as well. We can bring someone in to present. Will schedule suggested presenter at hearing.

Brochures almost complete. Map on one side and write up of history on other side.

Don't want maps printed or online until we have access. Maybe Driftway, Ellis and Hubel. But others do not have parking available.

Received request from Eagle Scout to build one of the boardwalks.

### **ADMINISTRATIVE REVIEW:**

### **SUBCOMMITTEE/ PROJECT UPDATES / MISCELLANEOUS** **OLD BUSINESS:**

OOC: 87 Glades Rd (raze & rebuild with septic system repair), Applicant: Doris Crary, 68-2765

**Ms. Penny Scott-Pipes motion to accept orders as written for 87 Glades Rd. Mr. Doug Aaberg second motion. Unanimous vote in favor (7-0)**

OOC: 606 Chief Justice Cushing Hwy (Athletic Track and Fields renovation and concession stand), DEP #68-2771

**Ms. Penny Scott-Pipes motion to accept orders as written for 606 Chief Justice Cushing Hwy. Mr. Richard Harding second motion. Unanimous vote in favor (7-0)**

OOC: 58 Dreamwold Rd, (septic and grading), Applicant: Kevin Lonergan, 68-2776

**Ms. Penny Scott-Pipes motion to accept orders as written for 58 Dreamwold Rd Dr. Mr. Paul Parys second motion. Unanimous vote in favor (7-0)**

OOB: 6 Pond View Dr., (Raze Rebuild), Applicant, Bradford Dunn and Michaela Seawall, DEP #68-2780  
**Ms. Penny Scott-Pipes motion to accept orders as written for 6 Pond View Dr. Mr. Lisa Caisse second motion. Unanimous vote in favor (7-0)**

**Request for Certificate of Compliance:** 81 Border St (77 Border St, Lot 1)

Reviewed history of property. Also a stormwater permit. A few outstanding issues to discuss regarding stormwater. Management. Drain for driveway that was supposed to go into infiltrators. Cannot attest that there is actually an infiltrator there. Whatever system is there appears to be working. Area that was supposed to be graded was left alone as ledge, looks stable currently. There was concern originally about back side of property being stabilized. The OandM for catch basin has been forwarded to potential buyer by Greg Morse.

**Request for Partial Certificate of Compliance:** 14 Kimberly Rd.

Project from 2004. Outstanding work involves grading, stabilization of lawn (which can't be done yet), replication not planted correctly, 150 ft split rail fence that needs to go in on 50 ft buffer. Suggestion for a hold back of \$15,000.

**Request for Minor Modifications, accept revised site plan:**

**Dredge project North/ South River**

Changes to permit to dredging project. Hoping to dredge in July – when state has allowable window. Small window that allows for dredging in July, and since a small project, it can be done in this small window which might allow for better cost to the project since other larger dredging projects are not going on then. Additional 4,000 cu yds that needs to be dredged. Frank concerned that marinas and those effected need notification considering proposing work during busy time of year.

Richard Harding arrived.

Amy – this project triggered many level of approvals- local, state, and federal environmental reviews- who have approved the plans. River will be open, but harbor masters from Scituate and Marshfield will be directing traffic. Only working during week, not on weekends or holidays. Frank asked that some sort of notice be posted communicating update to project.

**Ms. Penny Scott-Pipes motion to accept revised plan for dredge project of North/South River. Mr. Doug Aaberg second motion. Unanimous vote in favor (7-0).**

**Ms. Penny Scott-Pipes motion to send letter of acceptance of minor plan changes for dredge project of North/South River. Mr. Richard Harding second motion. Unanimous vote in favor (7-0).**

**156 Summer Street**, add reverse osmosis treatment system and expand leaching field in driveway  
Colaform found in water. Need to expand leaching area. Where want to expand is beyond limit of work. Orders are still open. Accept doing it as a minor modification.

**Ms. Penny Scott-Pipes motion for a minor modification for 156 Summer Street. Mr. Doug Aaberg second motion. Unanimous vote in favor (7-0).**

**Request for Extension of OofC:**

19 Peggotty Beach Rd

Completed assessment. Risk assessment says what you can and cannot do with soil resulting in keeping fill on location.

**Ms. Penny Scott-Pipes motion for 1 year extension for 19 Peggotty Beach Road. Mr. Doug Aaberg second motion. Unanimous vote in favor (7-0).**

246 Gannett Rd

**Mr. Richard Harding motion for 3 year extension for 246 Gannett Rd. Mr. Paul Payrs second motion. Unanimous vote in favor (7-0).**

AGENT REPORT:

**214 Clapp Road letter** – Amy did receive response from someone on team that they are working to meet conditions. They have done some of the stuff and need to produce some of the documentation.

Motion to adjourn

**Ms. Penny Scott-Pipes motion to adjourn 8:40 p.m. Mr. Paul Parys second motion. Unanimous vote in favor (7-0).**

Respectfully submitted,

Jennifer Smith  
Recording Secretary

CORRESPONDENCE  
**March 4, 2019- March 18, 2019**

1. Letter from Mr. Hillman re: 2 Prospect, to Mr. Vogel, Building Department
2. Notification to abutters for Hatherly Country Club irrigation project
3. Letter to Mr. Sheehan from Brad Washburn, regarding 4<sup>th</sup> Cliff Recreation Annex
4. Notification to Abutters for 2 Dickens Row – boulders
5. Recording info 0 Edward Foster OofC 3/8/19 Bk 50882 pg 274
6. Planning Agenda March 14, 2019 meeting
7. Memo from Art Allen to ConComm re: Hatherly CC Irrigation System- comments to plan
8. BOH agenda March 11, 2019 meeting
9. Recording info 21 Dreamwold Rd CofC 2/4/19 Bk 50784 Pg 100
10. Recording info 4 Revere St OofC 3/1/19 Cert 118690
11. BOH letter to Stephen Coombs re: 129 Ann Vinal Rd re: bringing yard into compliance
12. Planning Memo re: 58 Crescent Ave, Form A Application
13. ZBA decision regarding 57 Acorn St. that the change is not more detrimental to neighborhood
14. Planning Board Memo re: 27 Hood Rd requested to build playground area and grassed recreation area
15. Recording info 21 Franklin St OofC 3/7/19 Cert 127518
16. Opp. 230 Central Ave- pier – Notification of request for chapter 91 license
17. 121 Indian Trail Sewage Disposal System Project Plans
18. BayState Wildlife Management Inc. Effective Humane Wildlife Removal and Control brochure
19. ZBA application granted for 57 Ridge Hill Road for special permit to allow addition
20. Planning Memo for special permit for mixed use development in Village Business Overlay District at 60 Country Way
21. Letter from Ohrenberger re: Hatherly Country Club irrigation system project with draft language to consider for orders ensuring the retaining of an irrigation pond
22. Letter from Ross Engineering re: 33 Oceanside Dr, requesting reasons for denial be resolved through mediation process
23. Recording info for Extension of Orders for Herring Brook Meadow at 126 & 132 Chief Justice Cushing Hwy