

**Town of Scituate
Conservation Commission
Selectmen's Hearing Room
Meeting Minutes
May 20, 2019**

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

Not Present: Jen Foley

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 with one add on of assigning a member to work on master plan committee. Mr. Richard Harding second. Unanimous vote accepted. (6-0)

Presentation by: Eleanor Kilham and Katie Holden, South Shore Quests presentation

Brief history of South Shore Quest. Discussed documents published about walks on South Shore. Concept is to get families with young children, residents with out of town guests, to get outside and visit walks. Showed "treasure box" containing guest book for quester to stamp and prove found box. Currently, fairies are of interest, so requested fairy door on Hubble Trail. Showed photos of what they are and what they look like. Spoke about how activities like these increased number of people to visit trails. Quests are in book that they sell, which is updated yearly. Also, reason why structures are not permanent are so easy to change. Exploring properties now through the fall so prepared to publish new book for 2020. So for Scituate, if interested, would be for following publishing season of 2021. Left sample Quest book for commission. Each quest has a monitor who tallies visitors each month for the year. Bring it in the fall so not out in the winter. Last year had 2000 visits for all 15 quests that exist. Volunteers support creating and monitoring. Spoke of advantages of having more people on the trails, knowing what is happening on the property. Target 6-11 age range, but really could be for anyone interested at any age. Group or individual? Usually small group – parents and kids. Frank – all for getting folks into the woods, and considering we are already creating paths, marking the paths. Good to hear that the quests are cleaned up and not left out indefinitely. Eleanor said only keep quests out for 2 seasons, so keep things fresh and new. They left a sample Quest book for review.

PUBLIC HEARINGS NOI/ANRAD

2 Dickens Row – continued to June 17

Ms. Penny Scott-Pipes motion to continue 2 Dickens Row to June 17, 2019 at 6:20pm. Ms. Lisa Caisse second. Unanimous all in favor (6-0).

59 Glades (septic), Applicant: 59 Glades Rd, LLC, Representative: Greg Morse, Morse Engineering, DEP#:68-2788. James Garfield, Morse engineering, representing Ed Walsh. Plan has been revised as requested since last meeting. Amy – they did what we asked on updated plans submitted.

Ms. Penny Scott-Pipes motion to close 59 Glades Rd. to May 20, 2019 at 6:20pm. Ms. Lisa Caisse second. Unanimous all in favor (6-0).

lot 1 Judge Cushing Rd (new dwelling), Applicant: Country House Realty Trust, Representative, Jeffrey Hassett, Morse Engineering, DEP#: 68-2791

James Garfield, Morse Engineering, representing applicant, showed updated made to plan as requested at last meeting. Penny – biggest concern was no run off into road, seems to be addressed.

Ms. Penny Scott-Pipes motion to close lot 1 Judge Cushing Rd. to 6:20pm on May 20, 2019. Ms. Lisa Caisse second. Unanimous all in favor (6-0).

PUBLIC MEETINGS/ADMINISTRATIVE, ENFORCEMENT / PERMITS and OTHER REQUESTS

Requests for Determination of Applicability: 27 Lowell St (footings for deck above porch)

Kathy Cavanaugh, Owner. The three footings are to be drilled, don't displace a lot of sand. Food deck is replacing roof deck so not displacing more water.

Ms. Penny Scott-Pipes motion for negative three determination for 27 Lowell St. Ms. Lisa Caisse second. Unanimous all in favor (6-0).

Requests for Determination of Applicability: 315 Central Ave (driveway)

Elizabeth Sherman, owner and her daughter. Already have pervious stone driveway and want to add more on top, since River Road was worked on and road was raised, so would like to raise driveway to be high as road. Amy – meets requirements for negative determination.

Ms. Penny Scott-Pipes motion for negative three determination for 315 Central Ave. Ms. Lisa Caisse second. Unanimous all in favor (6-0).

Requests for Determination of Applicability: 25 Gilson Rd (deck)

Owners described project. Would like to extend deck 5 feet into back of yard. Steve Ivas replotted back yard. Proposed deck would be within 63 from edge of marsh. Described way it would be supported, diamond piers, would not drill into ground.

Ms. Penny Scott-Pipes motion for negative three determination for 25 Gilson Rd. Ms. Lisa Caisse second. Unanimous all in favor (6-0).

SUBCOMMITTEE/ PROJECT UPDATES / MISCELLANEOUS
OLD BUSINESS:

Mr. Paul Parys nominated Penny Scott-Pipes to be on Master Plan Committee. Second Richard Harding. Unanimous vote in favor (6-0)

OOO: **20 Marshfield** (septic & piers), Applicant: Thomas & Karin Nicholson

Ms. Penny Scott-Pipes motion to accept orders as written for 20 Marshfield. Ms. Lisa Caisse second motion. Unanimous vote in favor (6-0)

OOO: **83 Gilson Rd**, (Bank Stabilization & invasive species control), Applicant: David & Jean Lyons, DEP#: 68-2793

Ms. Penny Scott-Pipes motion to accept orders as written for 83 Gilson Rd . Mr. Doug Aaberg second motion. Unanimous vote in favor (6-0)

OOO: **124 Mann Hill Rd**, (new deck with pool), Applicant: Stephen & Sarah Turner, DEP#: 68-2794

Ms. Penny Scott-Pipes motion to accept orders as written for 124 Mann Hill Rd . Mr. Doug Aaberg second motion. Unanimous vote in favor (6-0)

OOO: **47 Gannett Rd** (after-the-fact pool & patio), Applicant: Andrea & Richard Flynn, DEP#: 68-2795

Ms. Penny Scott-Pipes motion to accept orders as written for 47 Gannett Rd . Mr. Richard Harding second motion. Unanimous vote in favor (6-0)

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

Ms. Penny Scott-Pipes motion to accept minutes as written for April 22, 2019 meeting. Mr. Doug Aaberg second motion. Unanimous vote in favor (4-0)

60 Townsend Rd., Jack Gates, Trespassing, encroachment and altering Conservation Land

Frank – brief update on conservation land in subdivision in that area coming into this commission supervision, care and custody. Flexible open space the town lets people build on smaller lots, so some open space is protected, so not only that strip behind his house, but acres on other side of development.

Jack Gates– that area is thorns, poison ivy, that goes over stone wall into his yard, into property. Assumed would do some nice buffer trees as has seen done in other developments. Sign says protected land on other side, where development is, on that side of space. Wife came and asked if would be developed and when told it would be not, thought it would be OK to clear out and plant some trees. Explained issue with poison ivy affecting his family members. Planning to put some arborvitae trees for a nice buffer. No trees were taken in the section where he was working.

Frank – one of the ways to try to have less disturbance by development, by having smaller lots so can preserve certain area to not be disturbed. Try to work with folks to explain how these areas are good for nature, critters, protection. Chances are we are agreeable to cleaning up area from bittersweet choking areas, poison ivy. In the other conservation area on this development, would like to develop something to make area accessible to neighbors, paths, etc. Suggest making sketch of what would like to do in the area behind including plants that are beneficial to birds in area, for example. With as much as was cleared, they are more exposed then they were before.

Amy – when encroachments issues come up, we have had abutter work on plan. We are looking for native plantings on conservation side. White pines, blueberry bush examples on conservation land, row of rocket junipers would be good on his side. If he wants to plant arborvitae, should be on his side of wall, on his property. Native plantings need to go in on the conservation property.

Lisa – The area needs to go back to natural state. Ask landscaper for a list of indigenous plants.

Frank – come up with plan to share with us so you can achieve for the area you are looking for. If you and neighbors would like to out a plan together for a more improved buffer, please bring it to us, we would like to see it. We are happy to work with the folks who are around the land.

Amy – concerned that this is contrary to open space intention. Frank – but now area is in our jurisdiction, where before was planning board. Also, suggest he ask developer to plant trees 30 feet off buffer on development side of open space. Asked him to bring plan to us in one month.

Dolan Well fields, pump test. Trying to determine if well can be developed for additional water resource. Do they need to permit? Amy feels project is exempt but will lead into future larger project.

Frank – how much clearing need to be done? Amy – already cleared. Not all buffer.

Request for Minor Revision: 274 Central Ave. 68-2328.

Permitted several years ago and finally getting contractor. Merrill just updated plans.

Request for Extensions: 46 Town Way Extension 68-2255 (re-nourish & replenish sand under house)

Ms. Penny Scott-Pipes motion to extend for 3 years for 46 Town Way Extension. Mr. Doug Aaberg second motion. Unanimous vote in favor (6-0).

147A Border Street 68-2319

Ms. Penny Scott-Pipes motion to extend for one year for 147A Border Street. Mr. Doug Aaberg second motion. Unanimous vote in favor (6-0).

Request to issue Certificates of Compliance: 23 Walnut Hill Rd, 68-1658
175 Turner Rd
117 Lawson Rd
21 Circuit Ave.

AGENT REPORT:

Enforcement –

Go Green – spoke to Mr. Lopes to do site visit this week on a dry day.

Glades projects - Charlie Ames came to office to discuss 2 seawalls to repair and renourish berm beach.

Boyajian, 33 and 23 Oceanside- Had successful appeal site visit meeting with DEP and Boyajian at 33 Oceanside. CZM was there and several abutters. Spoke to Fred today about infiltrators on 23 Oceanside. Regarding 33 Oceanside – might come in with new plan.

Frank – meeting with Paul Scott tomorrow to get bid packages out for bids. Mapping almost done. Will make trail maps public for lots with parking (three already on website). Others won't make public until parking is complete.

Discussion regarding Toll Brother project Seaside at Scituate

William Ohrenberger, ODH, Dave Buckley, Toll Brothers, Keith Curran, Toll Brothers, Frank gave summary of events - Phase I is well under way. Phase II, next step would have been a turtle sweep and then erosion control and then meetings with conservation and planning before any formal work was done in that area. Mr. Ohrenberger – misunderstanding for site specific things, mentioned specific condition they were following. Frank – We had a site visit a couple weeks ago and walked the area, checking out grade changes and fill that was running out of area. We allowed them to stabilize area to control run off. Frank received call from town engineer at Horsley Witten that phase II work was beginning. Frank checked it out, and saw that quite a bit of phase II was going on. Feels that Toll Brothers over stepped moving forward this fast without. Feels like commission has worked well with this project. This whole section of plan was to be able to check it out before activity, to make sure no loss of turtles. So concerned as a commission that so much area was disturbed. Pictures show traffic through area, not just perimeter, but throughout it. When there is an area that is to be protected, silt sock is buried, to establish barrier, so can search area in silk sock and determine if any turtles in area and prevent other from migrating into area. Upset how this happened without communication, started with erosion control, which was quite a bit more activity, and surprise with reaction from LEC. If they are trained to handle turtle sweep, they should know order of events. Buried silt sock should have been installed before turtle sweep. Ohrenberger explained rational was to install both silt fence and sock at same time so less disturbance. Agrees communication was not correct. Frank - disappointed that LEC thought it would work to do both at same time. If you look at photos of where only the silt fence was installed and compare to photos of silt fence and silt sock, you can see the difference in disturbance in the area.

As far as miscommunication, reminded that on the May 5 meeting– sat down with Toll Brothers, group meeting stating no phase II would occur because certain milestones needs to be done before Phase II, on heels of many other incidents since construction began. Two days later, May 7, get call about this issue being discussed.

Amy – verbal cease-and-desist on that part of the site. What is the best action to take? Ohrenberger- would like to make sure everyone keeps working together. Asked to keep planning board issues separate from conservation issues. Also, thought trying to stabilize while good weather. Frank- that eagerness to get things done, is what is a concern to the commission. Although several different boards involved, the town as a whole looks at issue. Amy – meeting point on May 5, was to staff full time a peer review consultant because town felt there was not adequate oversight in all issues that were happening. Horsley Witten there 5 days a week now. There is so much going on at site at once. Frank – serious for commission to protect endangered species. Some things are well documented as to how they are to be handled. Time is of essence to do this sweep before all the leaves come out, then becomes an issue is timing. Amy – call into Emily Holt in Natural Heritage, how cease and desist with jurisdiction. There was no permission given to go into phase II. Ohrenberger – why wouldn't want sweep started? Frank – concern that protocol and regulatory piece are not being followed on that site. Dave – understands concerns of the board. Not trying to rush anything from construction standpoint. That installing of turtle sweep was on schedule sent to town. Maybe to their assumption, we had in conditions, permits to install erosion control prior to pre-construction. How

worked things in beginning, prior to pre-construction, installed silt fence and log, same time and same process, same company. So it made sense to do same thing in phase II. Moment heard there was an issue, agreed to pause, and make sure everyone was back on same page and regroup. Want to follow the proper protocol. Maybe incorrectly assumed if did what we did before, would be OK.

Amy – skipped steps number 51, letter from engineer, before anything happened, staking location so know installing at correct location.

Dave – That would happen after. Could not have it certified by engineer until after it was installed. Plan was to as-built it. Then would produce certifying. Looking to follow protocol and misunderstanding of expectations. Not looking to create any strife with anyone. Honest misunderstanding. In first phase, installed same way. From construction standpoint, do not gain anything from a sequencing stand point.

Frank – what he has read about turtle sweeps is that you install fence in non-invasive way so surprised that the experts, who do this all the time, would do it this way.

Dave – reminded it is a dense site, some sections not traversable. Need machinery to clear a small path to actually do this work. Which is also what needed to do in first phase. Area is challenging, so why see disturbance that you see.

Frank – you can see much wider area of disturbance where erosion control laid also, which is counter to what trying to achieve.

Penny – how do we prevent miscommunication from happening again? Especially since know more to phase I to get done before do more on phase II. Doesn't want this to be an ongoing thing of miscommunications.

Dave suggest Amy be cc'd on weekly reports with the schedule. Amy – reminded we have a peer review to be managing this for us.

Richard – let's get this figured out so we don't have to keep having this update at commission meetings.

Paul – what do we want next? Frank – do turtle sweep. Once confirmed not there or removed, can wrap up erosion control. But that is part of phase II.

Lisa – Confirmed May 5th meeting agreed to not go into phase II. Asked if Dave was at meeting on May 5. Dave – probably was. Lisa – who authorizes work? Keith – he said he authorized vendor to install. He was not part of discussion of how it was supposed to be repair only to existing turtle fencing. Amy – important to talk through issues so continue to communicate and establish expectations. Discussed with town council imposing fine. Two separate violations. Starting phase II too soon and non-compliance with turtle compliance plan as written. Frank – cease and desist in place now. Do we want to allow them to proceed with turtle sweep and tell them to move forward? Since this is the best time to do. Commission gives permission to do turtle sweep. Richard – wants to be clear, doing turtle sweep is not OK'ing moving into phase II. Ohrenberger, if sweep is negative, talk to Amy. Amy – site is not far enough along to start phase II. Frank – then we will discuss next steps.

Ohrenberger, if planning board says go ahead, do we come to another conservation meeting? Frank and Amy – no, just let us know.

Motion to adjourn

Ms. Penny Scott-Pipes motion to adjourn at 8:07pm Mr. Paul Parys second motion. Unanimous vote in favor (6-0).

Respectfully submitted,

Jennifer Smith
Recording Secretary

CORRESPONDENCE
May 6, 2019 – May 20, 2019

1. Economic Development Commission Agenda May 20, 2019
2. 436 Chief Justice updated septic plans
3. Site Plan Special Permit for 247 Driftway (MBTA property)
4. Recording info for 3 Driftway Amended Orders 5/7/19 Bk 51094 Pg 126
5. Memo from Planning re: Stormwater Permit for 424 Tilden Road
6. Motion of Planning Board to continue public hearing for Water Treatment Plant Well 17A Tack Factory Pond to May 23, 2019
7. Letter to 132 Maple Street “Tiny House” explaining need for special permit for accessory dwelling
8. Recording info for Superseding Orders for 23 Oceanside Dr 5/13/19 Cert 125907 Bk 00627 Pg 107
9. Letter from Weston and Sampson regarding proposed pumping test at Dolan well field site
10. Letter from DEP about deficiency in Water Transmission Main to Tack Factory Pond. Asking for replication area to be included in plan.
11. Letter notifying of pier project 4 Revere Street, as required by State’s Chapter 91 Licensing Program
12. Recording info for Orders for 48 Town Way Extension 68-2266, 5/13/19, cert 60365 Bk 00306 Pg 165
13. Recording info of extension for 48 Town Way Extension 68-2245, 5/13/19, cert 61365 Bk 00306 Pg 165
14. Recording info for Orders for 133 Turner Rd 5/10/19, Bk 51092 Pg 71
15. Recoding info for Orders for 157 Turner Rd 5/1/19, Bk 51062, Pg 88
16. Board of Health Agenda May 12, 2019
17. Recording info for Orders for 190 Glades Rd, 5/8/19, Bk 51088 Pg 70
18. Recoding ORAD for 97 Edward Foster, 5/9/19, Bk 51090 Pg 173
19. Recoding ORAD Land Court 97 Edward Foster Rd, 5/9/19, cert 107119, Bk 00535 Pg 119
20. Recording info Orders 167 Driftway, 5/6/19, Bk 51080 Pg 89
21. Amended Agenda Economic Development Commission meeting, May 29, 2019
22. Proposed addition question for 7 Dunbar
23. Abutter notification for 36 and 36 R Bailey’s Causeway
24. Agenda Planning Board May 23, 2019
25. Recording info 6 Pond View 68-2780 4/8/19 Bk 50983 Pg 15

Minor Activity Permits

- #9 – 550 Hatherly Rd – emergency repair water line
- #10 – Salt Marsh behind Peggotty Beach installing survey markers
- #11 – 8 Peggotty Beach – Pallotta- moving sand back to beach
- #12 – 175 Turner Rd – replace one post of deck
- #13 – 4th Cliff Staircase
- #14 – 178 Central Ave. - remove sand driveway