

**Town of Scituate
Conservation Commission
Selectmen's Hearing Room
Meeting Minutes
May 6, 2019**

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

Not Present: Mr. Richard Harding, Mr. Doug Aaberg and Mr. Paul Parys

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. Mrs. Lisa Caisse second. Unanimous vote accepted. (4-0)

Update on Rousseau/Totman Driftway Property from Joseph Polsinello, Inland Professional Corporation, licensed site professional.

This is not a hearing, just an update on progress being made. Joseph Polsinello has been contracted by family who has ownership of land and working with the real-estate agent. He has reviewed filed with Amy Walkey and past history. Recent site visit with DEP strike force and have already cleaned up John Rousseau's area of land. He is not working with Mr. Totman, but he knows that Mr. Totman is removing his equipment, as ordered by DEP strike force; Joe is periodically inspecting this progress. John R has already cleaned up his area. Owners are in process of selling property so they will need to address conservation issues and anyone purchasing property would want 21 E to be done. Should be done if any past contamination, subsurface investigations that should be done. He is on board to advise owners what they need to do to come into compliance for someone to buy the land and bank financing. Wetland and environmental issues. Concerns of oil and hazardous material. Anything related to 21E has to be removed and addressed. Penny – Understands property is for sale, but also question about the enforcement order regarding drainage – is that going to be corrected before the sale? If not, the sale goes with the sale and buyer would have to be aware? Joe – oil or hazard waste needs to be taken care of before a sale. That is the agreement with him that it gets addressed before sale. Penny – Concern that anyone who purchases is, if outstanding issues, that purchasers understand purchasing issue. Amy – orders go with the owners. IT will show up on a chain of title. Joe – owners plan to document clean up progress, as advised by their attorney. Jen – are there other dates going forward for future deadlines working towards? Next step? Joe- subsurface testing is next step, but needs to be done after area cleaned up. 2,3,4 week, once cleaned up. Will have to get approval from commission to work there, to put the wells in to do the testing.

Frank – buffer zone to the marsh, that used to be contract yard, but became a reconstructed marsh when MBTA came in, used for mitigation. Should it be 50 ft buffer from that or since it was reconstructed can you work right up to the marsh? Not seeing anything that clearly says how to handle buffer.

Mike Clarke, former conservation commission member – you have a new wetland established. So 50, and 100 would apply, but also consider where disturbance already exists. When resource area changes, buffers go with it. Amy – If they keep the use the same, but it comes in as new work/use there, new lines established with new project. Redevelopment process to go through.

Max Fornwalt– 141 Judge Cushing Rd. – thought states requirement vs town, are different? Frank – state has 50 ft buffer, but state has only 25 ft buffer.

Will hold Executive Session to end of meeting.

PUBLIC HEARINGS NOI/ANRAD

59 Glades (septic), Applicant: 59 Glades Rd, LLC, Representative: Greg Morse, Morse Engineering, DEP#:68-2788

Jeff Hassett with property owner, Ed Walsh. Reviewed plan. Wetlands delineated by Brad Holmes. Vegetated wetland at rear of property. Updated plan on flags by. Also discussion of possible coastal bank. Agreed there was no coastal bank. Delineation reviewed by Sabatia, Inc. Project considered an improvement. Proposed work to demolish house there, build new house, new garage, pool. Proposed deck in 50ft buffer, but offset because moving garage. Septic going in front yard out of 100 ft buffer. House is going back in similar location. Amy – Draft of report was received today, but not final report, so not sure all concerns have been met. Changes were made based on verbal input. High spring tide was not reflected.

Jeff –house is built to be FEMA compliant. First floor elevation 20. Basement below is unfinished with flood vents. Septic is within 100 ft of seawall, but out of 100 buffer of marsh. It is a septic repair, not increasing flow to it. Frank – what was material like when did perks? Jeff – good sand, but did have go below 4 ft.to get good sand. Thin layer of sandy soil above that. Amy – did per review, met on sight. Would recommend waiting to have peer review letter. Board of Health has approved. Reminder about having in orders to have debris in back by marsh cleaned up. Will like to close and issue at next meeting. Request continue.

Ms. Penny Scott-Pipes motion to continue 59 Glades Rd. to May 20, 2019 at 6:20pm. **Ms. Lisa Caisse second.** **Unanimous all in favor (4-0).**

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

Jeff Hassett, Morse Engineering, representing owner, Jeff O'Brien. Reviewed project for building new house. About acre and half in size. Brad Holmes delineated wetlands. Wetland lines reviewed by Bob Gray, Sabatia, Inc., and Mr. Gray agreed with the line delineated. Amy concurred regarding agreement on line. Plan also shows 100 ft set back to 3A. Majority of work outside of 100 ft buffer. About 40 ft back yard keeping vegetated for privacy. Jen asked about pervious driveway or could driveway be moved. How close is it to neighbor? Jeff – does not think impervious driveway is needed since wetland has large capacity. Does not see as potential to flood out a neighbor. Showed aerial of road to see other homes on street.

Andrew Tibbets - 179 Judge Cushing Rd – primary concern was if the line was correct. Is it correct, it was already reviewed? Frank explained that town reviewed line that owner had delineated. Andrew – also concerned about flow of water in the area. Lots of neighbors building French drains and septic systems failing and needing to be replaced. He has stream that flows through yard and flows into wetland on property. He can't plant a tree without the hole filling in with water as digging. Concerned about work in neighborhood that might add to water issues that neighbors already talk about.

Jennifer Tibbets – 179 Judge Cushing – last storm 2018, lost 12 trees as result of water in yard. They have had front yard under 8-10 in water. Water issues drain into wetlands on property being discussed. In winter it then water freezes.

Jeff – there should be no run off from this house to the road. Water should run to the wetland on property. Ground water about 3 feet. They did 4 test pits, going 10 feet down. Driveway sloped 2% so does not flow to road.

Max Fornwalt – 141 Judge Cushing Rd – What will be difference elevation currently and with the plan? Jeff explained where filling, making it level with the road, about 5 feet. Max – Will run off have impact on wetland near by? Jeff – not enough to be significant. Max – Judge Cushing Hwy considered historic road, zoning around 1980??, was told special road, does that bring up other requirements. Frank – that would be a question for different board. Also, confirming there will be additional run off to wetlands.

Frank – Because work being done in 100 foot buffer, we are asking for mitigation of water, since new impervious is being added to lot.

Max – how much clearing is planned? 15,000 sq ft being cleared.

Mike Clark – 103 Stockbridge Rd. used to live on Judge Cushing – 179 is along property line, could be classified intermittent stream. Runs along property line, near where mail boxes are located, across the street, to catch basin.

Work area is less than 15,000 sq ft to be under storm water permit.

Amy – concern about grading and limited work not being maintained resulting in soil run off. Requested limit of work be bumped out and have construction entrance and note on plan where stockpile soil. Roof drains will help manage effect of drainage on property of 4 bedroom dwelling. Although does not trigger stormwater, these are things that could help with the impact of the development. They did soil plugs, and it was pretty silty material. Because of size of lot, meet percentage required set backs for water resource protection area. Agrees with Jen, if cut back on project, since of significant size, would reduce disturbance in 100ft buffer. Amy walked the lot with wetland scientist for the peer reviewer and did soil plugs. The soil was silty material.

Jeff – 12 inch mulch sock will be used. Grading is 4-1. Suggest stockpiles to be out of 100 ft buffer, probably in back yard. Roof drains and construction entrance asks to be conditioned. Limit of work is shown on plan.

Jennifer Tibbets – 179 Judge Cushing Rd – Not comfortable that her driveway will not be effected . Her driveway is lower than road, so floods already. If see water not flowing correctly, who do they call.

Jeff – although will flow toward road, and then directed to wetland.

Amy – if they are so close to triggering stormwater. Would like to have a solution that works. Concerned to out in drainage system and make sure will not just be flooded. Would like to see on plan where they will be located.

Jeff – suggested stone trench on downside of driveway

Ms. Penny Scott-Pipes motion to continue lot 1 Judge Cushing Rd. to 6:20pm on May 20, 2019. **Ms. Lisa Caisse second. Unanimous all in favor (4-0).**

20 Marshfield (septic & piers), Applicant: Thomas & Karin Nicholson, Representative: Gregory Morse, Morse Engineering, DEP#: 68-2792

Jeffrey Hassett, Morse Engineering, representing owner. Reviewed septic repair project and piers for support. Construct addition, supported by helical piles, and 8 other new helical piles for support of house. Septic system, Amy – it will be an improvement and meets requirement of act. Not sure it has board of health approval. Jeff – it is going back in same location.

Ms. Penny Scott-Pipes motion to close 20 Marshfield Rd. pending Board of Health approval. **Ms. Lisa Caisse second. Unanimous all in favor (5-0).**

83 Gilson Rd, (Bank Stabilization and invasive species control), Applicant: David & Jean Lyons, Representative: Michael Clarke, Design Consultants, Inc., DEP#: 68-2793

Mike Clarke, Design Consultants, representing owners who are present. And Mikaela Heffenan from office. Reviewed types of failures. Two different types of failures, so two different types of responses. Showed commission that first break where slope is less than 4-1 of flood plain, but still in buffer zone. Invasive with Japanese knotweed. Helps with reinforcement of erosion, but has several issues, so need different type of plants to help stabilize and salt tolerant. Wants to handle it one area at a time, in case new planting don't take, don't have this large exposed area. Erosion is at toe of slope, not looking to address that. Seawall protects some of the material that erodes to toe of slope. Proposing bioengineering on the site. First thing to do remove width 5-10 feet of soil to remove knotweed. Clean up soft material. Stabilization area 1 has a flat spot where proposing to build up with soil with one foot lifts. As built up, live stake it. Discussed types of plants – pussywillow and type of dogwoods. Live staking. Once get fill in, top soil on surface, and seed it with coastal salt tolerant mix. Blue stem, Indian grass, switch grass. Some grow 8-10ft. Covered with jute mat to protect from erosion while germination. Second stabilization area is much steeper. Will use core logs, back fill behind logs. Usually oak stakes, proposing rebar because so steep. Top soil and seed in nooks between logs. Third part, proposing perpetual condition to manage knotweed on site. When do invasive management, yearly report submitted. Plant rosa regalia. Want to improve the slope and prevent further erosion.

Penny – what is difference between this project and other one on 3 Driftway?

Amy – Why did bank fail? Effects how you should address stabilizing. Mike – discussed a few ways banks can fail. But does not know when this bank failed so hard to know why. Also discussed some of material planning to use is made from coconut and discussed benefits.

Amy – Project is complicated. Agrees with intent should meet the performance standards, but whether it will meet what regulators want to see, not sure. Doesn't seem to be as big as other house project. Mike – only proposing stabilizing top area. The bottom part they will address when need to, don't need to right now. Seawall is protecting some of it. As you go up the slope, drier, so need to address as work on plan to stabilize cliff and revegetate. Cliff is filled with invasive plants. Frank – discussed support of using organic material and doing patches of knotweed when you can progressively try to revegetate. Encourage to look at end of Driftway and see plants that are doing well there.

Ms. Penny Scott-Pipes motion to close 83 Gilson Rd. Ms. Lisa Caisse second. Unanimous all in favor (4-0).

124 Mann Hill Rd, (new deck with pool), Applicant: Stephen & Sarah Turner, Representative: Gregory Morse, Morse Engineering, DEP#: 68-2794

Jeffrey Hassett, Morse Engineering, representing owner. New owner since Cof C was issues for orders to build house. Described project of adding deck with 7.5 foot pool. Land disturbance is to install sonotubes. Pool is not in ground. Pool will be suspended from deck. Amy – has some notes for plan. Would like it noted on plan when wetland was flagged and who did it, since still valid from when built house.

Ms. Penny Scott-Pipes motion to close 124 Mann Hill Rd. Ms. Lisa Caisse second. Unanimous all in favor (4-0).

47 Gannett Rd (after-the-fact pool and patio), Applicant: Andrea & Richard Flynn, Representative: Gregory Morse, Morse Engineering, DEP#: 68-2795

Jeffrey Hassett, Morse Engineering, representing owner. Currently installing pool. Excavating has been completed. Have building permit to install pool. Were not aware needed permit from conservation. Rick from pool company is here. Need to file because land subject to costal storm flowage. Currently not working, but do have erosion barrier up. Amy – order seems appropriate. Frank – want to make sure no water flow issue effecting neighbors. Changes in patio plan that were submitted will probably take care of that concern. What is elevation of top of pool? Looks pretty high.

Rick – South Shore pool company– 18in removed for piping, but will back fill ii – which is why pool looks so much higher.

Infiltrator going in incase they have to drain the pool.

Ms. Penny Scott-Pipes motion to close 47 Gannett Rd. Ms. Lisa Caisse second. Unanimous all in favor (4-0).

PUBLIC MEETINGS/ADMINISTRATIVE, ENFORCEMENT / PERMITS and OTHER REQUESTS

Requests for Determination of Applicability: 27 Hood Rd. (continued from April 22, 2019)

Adam Brodsky, representing Chris Scanzillo. Looking for a positive determination regarding delineation of 27 Hood Rd. so applicant can come in with ANRAD or NOI. Amy – we are recommending positive determination. Owners had communicated they are preparing NOI.

Ms. Penny Scott-Pipes motion for positive determination for 27 Hood Rd. Ms. Lisa Caisse second. Unanimous all in favor (4-0).

Requests for Determination of Applicability: 30 Surfside Rd

Dave Damrell, 30 Surfside contractor, representing owners. Proposing remove existing deck, and built larger deck. 6 sonotubes. Amy – in floodzone. Recommend negative determination.

Ms. Penny Scott-Pipes motion for -3 for 30 Surfside Rd. Ms. Lisa Caisse second. Unanimous all in favor (4-0).

Requests for Determination of Applicability: 13 11th Ave (deck)

_____, builder of deck, representing owners. They want to add a 6x24 deck, connect current deck with side door built from house. Would move current stairs on deck to new location. Amy – this is land subject to coastal storm flowage and recommends negative determination.

Ms. Penny Scott-Pipes motion for -3 for 13 11th Ave. Ms. Lisa Caisse second. Unanimous all in favor (4-0).

NEW BUSINESS: Correspondence, Agent's Report, Violation and Enforcement Orders, Minutes
Enforcement issue. He could not come to meeting tonight. Will let him know one more meeting. Need to work on coming up with plan to restore what disturbed.

Ms. Penny Scott-Pipes motion to accept minutes as written for April 1, 2019 meeting. Mr. Doug Aaberg second motion. Unanimous vote in favor (4-0)

ADMINISTRATIVE REVIEW:

SUBCOMMITTEE/ PROJECT UPDATES / MISCELLANEOUS

OLD BUSINESS:

OOO: 3 Driftway AMENDMENT (coastal bank stabilization), Applicant: Hayes, DEP #68-2751

Ms. Penny Scott-Pipes motion to accept Amended orders as written for 3 Driftway. Ms. Lisa Caisse second motion. Unanimous vote in favor (4-0)

OOO: 182 Central Ave (expand deck), Applicant: Richard Bronstein, DEP#:68-2778

Ms. Penny Scott-Pipes motion to accept orders as written for 182 Central Ave. Ms. Lisa Caisse second motion. Unanimous vote in favor (4-0)

OOO: 91 Surfside Rd to 79 Seaside, Egypt –Mann Hill Beach (310 Hatherly Rd) (cobble berm), Applicant: Town of Scituate, DEP#: 68-2787

Ms. Penny Scott-Pipes motion to accept orders as written for 91 Surfside Rd to 79 Seaside. Ms. Lisa Caisse second motion. Unanimous vote in favor (4-0)

OOO: 436 CJ Cushing Hwy (septic), Applicant: Ronald Reid & Cynthia Morgan, DEP#: 68-2789

Ms. Penny Scott-Pipes motion to accept orders as written for 436 Chief Justice Cushing Hwy. Ms. Lisa Caisse second motion. Unanimous vote in favor (4-0)

OOO: 133 Turner Rd (replace decks), Applicant: Lori Sanderson, DEP#:68-2790

Ms. Penny Scott-Pipes motion to accept orders as written for 133 Turner Rd. Ms. Lisa Caisse second motion. Unanimous vote in favor (4-0)

Request for Minor Revision: 15 Bassin Lane Plan Revision

They are repositioning house further from resource area and repositioning stairs.

Ms. Penny Scott-Pipes motion to approve for 15 Bassin Lane. Ms. Lisa Caisse second motion. Unanimous vote in favor (4-0).

Request for Certificate of Compliance: 43 Town Way Ext. 68-1510 (septic work not done)

Ms. Penny Scott-Pipes motion for to issue Certificate of Compliance for 43 Town Way Ext. Ms. Lisa Caisse second motion. Unanimous vote in favor (4-0).

7 Milton St. 68-2694 (septic repair)

Ms. Penny Scott-Pipes motion for to issue Certificate of Compliance for 7 Milton St. Ms. Lisa Caisse second motion. Unanimous vote in favor (4-0).

AGENT REPORT:

***EXECUTIVE SESSION - To discuss strategy with respect to litigation. (24 Webster St)**

Motion go into executive session 8:17pm

Ms. Penny Scott-Pipes motion at 8:17PM to go into executive session to discuss strategy with respect to litigation for 24 Webster St. Ms. Lisa Caisse second motion. Unanimous individual vote in favor (4-0)

Ms. Penny Scott-Pipes motion at 8:17 pm to go into executive session to. Ms. Lisa Caisse second motion. Roll call vote: Penny Scott-Pipes, Yes; Frank Snow, Yes; Lisa Caisse, Yes. Jen Foley Unanimous individual vote in favor to end executive session (4-0)

Ms. Penny Scott-Pipes motion at 8:34 pm to come out of executive session to. Ms. Lisa Caisse second motion. Roll call vote: Penny Scott-Pipes, Yes; Frank Snow, Yes; Lisa Caisse, Yes. Jen Foley Unanimous individual vote in favor to end executive session (4-0)

Motion to adjourn

Ms. Penny Scott-Pipes motion to adjourn Mr. Paul Parys second motion. Unanimous vote in favor (4-0).

CORRESPONDENCE

April 22, 2019 – May 6, 2019

1. Massachusetts Wildlife issue No. 1 2019
2. ZBA Public Hearing Notice May 16, 2019
 - a. 52 Otis Place
 - b. 14-16 Old Country Way
 - c. 36 Bailey's Causeway
 - d. 15 Egypt Ave
 - e. 20 Marshfield
3. Planning Board Memo re: Stowmwater permit Lot 27 Hood Road- accepted request to continue to May 23, 2019
4. Revised Plan for 44 Captain Peirce Road lot 2
5. BOH agenda April 29, 2019
6. Planning Board request for special permit for mixed use development at 247 Driftway
7. Planning Board Agenda April 25, 2019
8. Economic Development Commission Meeting Agenda April 24, 2019
9. Planning & Development Agenda April 24, 2019
10. Abutter notification 124 Mann Hill Road – pool and deck plan

11. ECR letter to Morse Engineering re: 227 CJ Cushing Hwy confirming BVW, 100 ft buffer zone to BVW and land subject to coastal storm flowage
12. Mailing about AXXE Broad Spectrum Herbicide
13. ZBA Memo re: special permit/findings for 15 Egypt Ave and 20 Marshfield Ave scheduled for Thursday, May 16, 2019
14. Planning Board Agenda May 9, 2019
15. Septic System Upgrade Plan submitted for 14 & 14A Marshfield Ave to Board of Health
16. Recording Info for 15 Bassin 68-2768 5/1/19, Bk 51065 Pg 253

Respectfully submitted,

Jennifer Smith
Recording Secretary

CORRESPONDENCE
March 18, 2019 – April 1, 2019

17. Recording info 37-39 Collier Rd 2/14/19 – Bk 50810 Pg 204
18. Agenda for Economic Development Commission Meeting, April 1, 2019
19. Agenda Planning Board March 28, 2019
20. Letter from Lisa Berry Engler, CZM, to Mr. Sheehan regarding 4th Cliff
21. Thank you note from Realtor Corie Nagle regarding 14 Kimberly
22. Site Plan Administrative Review by Planning Board for Well 17 A on March 14, 2018
23. Zoning Board March 21, 2019 Public Hearing Notice
 - a. 68 Seaview Ave
 - b. 8 Hillcrest Rd
 - c. 65 Marion Rd
 - d. 52 Otis Place
 - e. 126 & 132 Chief Justice Cushing Hwy
24. Agenda Board of Health March 25, 2019
25. Design Review Committee Agenda April 2, 2019
26. Letter to Joseph Motzi of 4 Revere Road (pier project) from Army Corp of Engineers
27. Info on Permeable Pavers by Ideal
28. Letter from Vin Doyle, abutter to 14 Kimberly, to Conservation Commission regarding drainage to his lot, that did not have drainage issues before.
29. Memo re: Rear of Driftway/Rousseau property. Summary of meeting with Joseph Polsinello
30. Recording info CofC 77 Border St (81 Border St) Book 50961 Pg 108

Minor Activity Permits

#2- Sewer Repair work, Sewer Department, William Branton, Egypt Beach