

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

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

**Not Present:**

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

**Ms. Penny Scott-Pipes made motion to accept agenda with addition of discussing Wildlands Trust, Town Forest, Higgins McAllister, minutes. Ms. Lisa Caisse second. Unanimous vote accepted. (6-0)**

**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 10/21/19)  
William Ohrenberger, attorney, Darren Grady, Grady Engineering. Proposing 5 home compound. Mr. Ohrenberger reviewed project. Met with Planning Board which was continued to January 9, 2020. Anticipate this hearing being continued until after planning board closes. Mr. Grady Land has been in family for long time. Residential compound development. In zoning bylaw – read reasons for zoning bylaw needing to be met. Reduce impacts to abutters and preserve semi-rural character of town. To qualify for residential compound, needs 4x area of underlying zone (R20 zone) 80,000 sq ft per lot to qualify. Have enough for 5 lots. Individual lot requirement is 40,000 sq ft. about 3.5 acres of development. Retaining a little more than 6 acres of woodland. Based on land configuration, could configure a 9 lot subdivision – showed what would be conforming subdivision – higher density. Mr. Merritt lives next door and would prefer residential compound development with larger lots and less congestion. Not location in priority habitat. John Zimmer delineated in November 2019. Resource areas shown: BVW, intermitted stream, which crosses on Country Way, potential vernal pool – not certified. Plans take into consideration all buffers including potential vernal pool. Only work in 100ft buffer is portion of drainage basin. No work proposed near bank of intermitted stream. Silt Sock proposed. Phasing plan designed since initial submittal. Temporary drainage areas, temporary stock piling and staging marked on plan, construction entrance, silt sack, catch basin across street. Will submit that information. Described storm water drainage system including catch basin system. Main drainage component is grass line swale. Rest of development sloped back to open inlet – toward bason. High quality BMP before discharge out of basin. Main hold 2, 10, 25 and almost all of 100 year storm event. Want to infiltrate all the storms on site. soils on site are well drained sands. Described predevelopment drain process. Two infiltrator trenches, crushed stone, on back edge of maintenance access. Water back of drainage berm, collected and infiltrated. “A” soils in this area. By-law requires attenuate both rate and volume. No increase in rate of run off and no increase in volume from development. Has revised plans, that have not been submitted. Worked with planning board and their reviewer, John Chessia, and will hand in to conservation after reviewed by other board. Review process has not had any changes to house locations, rain basin location, same number lots.  
Penny – drainage in 100ft buffer – usually ask for mitigation since taking trees down in new development. Does not want to see any more trees down then need to. Grady – large portion of project – 6 acres – remaining untouched. Putting in split rail fence as barrier/buffer between new homes and Aberdeen Dr. Also proposing 20 ft track maintaining on plan – may need to be wider per planning board. Approval from Planning Board agreement would be that no further division of track could happen. Doug – advantage to compound vs flexible open space? Ohrenberger – no, not more flexible, Merritts want it this way. Flexible open space, would do 9 lots. Grady - ANR – not a subdivision. Not required to have frontage, but need to meet lot area, not lot width. First meet common driveway construction standards for access. Jen – no questions now. Lisa –

Why don't have CR on land preserving. Grady – costs time and money to do that and have to find someone to do it. People that live there will probably do a good job policing area. Much of it is wetland anyway, so conservation has jurisdiction already. Amy – site walk in August with Art Allen and John Zimmer. There is a vernal pool. Art says it is certifiable vernal pool. Filing fee was incorrect. Grady – ANR, not subdivision. Revised plan with second infiltrator. Would like to talk more about filing fee after submit revised plan. \_\_\_\_ - Amy – more complicated then what we have currently. Once have revised plans, encourage to review and have more comments. Where are you in stormwater review? Grady – working on revision letter. Amy – would like to see Chessia initial review. There are significant resource area buffers, although much of the work is outside of the buffer.

Frank – regarding habitat to Penny point – in other projects, we have seen them vegetate it better, more than just grass berm, other plantings, so more habitat – like Safety Building. Grady - Maintenance access needed around basin. 15 ft around basin would rather not do. Ohrenberger – to the extent conservation Commission can talk to Planning Board, would be welcome. Frank – Trying to preserve as much of area as can. Not sure accuracy of 9-lot subdivision concept - does not show all stormwater, maybe more like 8 once calculate for all pieces would need. Understands that compound approach has less concrete, paving, and more habitat preserved. To Lisa's point, understands deed restriction is complicated, any suggestions to protect area. Grady – condition it to protect wooded area.

Ms. Penny Scott-Pipes **motion to continue** 0 Country Way **Wednesday, January 22, 2020 at 6:20pm. Mr. Richard Harding second. Unanimous all in favor (6-0).**

**18 Cliff Road South** (elevate), Applicant: Doug & Lisa Roeder, Representative: Greg Morse, Morse Engineering, DEP#: 68-2823 (cont'd from 10/21/19)

Ms. Penny Scott-Pipes **motion to continue** 18 Cliff Road South **December 2, 2019 at 6:20pm. Mr. Richard Harding second. Unanimous all in favor (5-0).**

**20 Cliff Road South** (elevate), Applicant: Doug & Lisa Roeder, Representative: Greg Morse, Morse Engineering, DEP#: 68-2824 (cont'd from 10/21/19)

Ms. Penny Scott-Pipes **motion to continue** 20 Cliff Road South **December 2, 2019 at 6:20pm. Mr. Richard Harding second. Unanimous all in favor (6-0).**

**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 11/6/19)

Ms. Penny Scott-Pipes **motion to continue** 780 First Parish Rd. **to December 2, 2019 at 6:20pm. Mr. Richard Harding second. Unanimous all in favor (6-0).**

**132 Maple St., Applicant: Joseph & Christine Panse, Representative: Gary James, DEP#: 68-2817**

Handed in abutter notification cards. Gary James, engineer. Handed in revised plans during meeting. Reviewed plans and resource area. Existing cart path. Wetland in front of property. Watershed protection district. In overlay district, water resource protection district. Zone A associated with water supply. Powerline easement on property. Propose 30x60 barn, two story, about 300 ft from Maple St. Gravel parking area in front of barn. Propose utilize everything to north side of wetlands. 15-18,000 sq ft agriculture crops. Project subject to stormwater. Propose trench along property line and discharge on south side of cart path. Roof would have gutters and discharge into subsurface infiltration system. Infiltration will be located 2 ft above water level. Propose to upgrade existing carpath where necessary. At stone bed. Conducted perc tests a few times. Today did some. Joe Panse, owner, not familiar with farming. Would like to use it instead of taking down more trees closer to neighbors to make new access. Penny – problem is you have to do a wetland crossing and not a fan of crossing wetland for personal gain. Curious why don't put barn up by road. Still have cart path to walk into woods and still for farming. Thinks there are options without building wetlands crossing. Mr. James – we do have options to wetland crossing – would be building road along property line and avoid wetland crossing. Benefits is not impact wetlands and could elevate roadway to manage drainage.

In 1998 when developed area, stormwater not done, which is why. Richard – why wasn't that in original plan. Joe – considering neighbors. Penny – why is septic system for a barn? James – because barn far from front house would be nice to have bathroom.

Amy – Narrative we have is not what currently discussing. There is a lot of resource on land. Step 1 is to confirm and agree on resource areas on plan. Just now receiving the revised plan, so have not had chance to see if wetland concerns were addressed of wetland consultant. Our consultant had list of concerns. Land is not currently under agricultural use, as definition provided in DEP comments. Once resource areas boundary established can see if staying out of 50 ft buffer and if meeting requirements of by-law. Need to get this revised plan back to consultant to see if there are comments. If cart path is where should come to barn vs. new road along property line. Alternative analysis has not been provided. Once plan is on paper and submitted can see if meets stormwater, which would need to be reviewed. Working out, what is it they want to do and does it make sense and where are resource areas on property. Have been talking to Joe and Christine Panse about how this type of project, effects other boards and commissions. For instance, driveway to another structure will effect either planning or zoning. Septic will come under BOH. Before we issue orders, all those other boards needs to be worked out. Mr. Panse – he was told needs conservation approval before other board. Amy – you can get consensus and feedback from other boards on project to move ahead. Mr. James – some of the changes requested were addressed on revised plans. Chris will need to go back out because Art said there was another wetland that not on their plan. Chris did not say that was vernal pool. Saw that peer reviewer thought that was a vernal pool. Amy – should all convene out there together and work it out.

Mr. Joe Panse – USDA visited today and walked property. Brought to his attention the plan proposed is not good enough for USDA. He is going to join their organization. He has some good ideas. What he showed them not good enough. They want better plan. Can't be in their group until they flag land also. Amy – catch is that not currently in agricultural use, even though planning to convert to agriculture, has to meet our local by-law. DEP indicated in ROW, 401 water quality search required because in zone A and zone 2 sensitive water area. Replication, if crossing wetland, mitigation will be needed.

Mr. James – DEP 401 quality search? So did plan to not trigger 401. Amy – number shows still need 401 quality. Amy – still in data collection phase and what resource areas, so then can see more of what project can do under by-law.

Mr. James – barn is out of 100 ft buffer entirely. It is the crossing that is the big issue.

Doug – for the fields, knows less stringent in agriculture. Amy – no, there is not leniency. Frank – we were dealing with enforcement situation, and they had to relocate some of their plantings. Doug – looks like have space for moving fields and barn. Joe – chose this area because less trees there. Trying to be eco-friendly.

Doug – limits of zone A – is there another way to locate that other then GIS, not something you field locate?

Mr. James – cart path remains no matter what they do. Even if everything else stays out of 50. Jen – seems more unknown then known about the plan. Would like to see impacts minimize. Would like to see plan agreed upon in advance. Lisa – putting bathroom in barn? Are you putting living unit in there? Joe – bedroom, yes, not a kitchen. Richard – we need a chance to look over plans. Need to see how this can work most efficiently. Seems to be significant questions.

Joe Panse – asked a few people to talk about the existing of cart path.

Marsha Watson, 156 Maple – is this a commercial venture? Concerned about business is residential area. No farm stand selling on property. R&C farm has been taking crops and selling. And concerns about pesticides since water protection area. Frank – if there is a market it would need to go to planning board. Since goes into brook that goes into drinking water supply. In our rules and order of conditions will be that cannot use pesticides to protect crops / plants. This project triggers a lot of complicated pieced. Would you be checking to see not using pesticides? Frank – beyond oversite during project, usually leave to owners to comply with orders. If made aware, would address it.

Kevin Dolan – 118 Maple St – crossing vs plan b near abutters. Could Gary explain crossing what the impact would be to neighbors? Gary – existing stonewall has about 15 feet width starting at street. That area would need to be cleared. Frank – we have issues with cart path because in a wetland. Regulations beyond this town, that say if there is an alternative to not go over wetland, need to analyze. If do cross, need to do replication. If they improve cart path, need to do replication. Either way, area where there are trees would be impacted.

Steve Litchfield - as far as he knows, cart path was there way before when he was a kid. Crushed stone went in after houses were built. He remembers that area being dry before houses were built. Frank – issue isn't using the cart path, improving it is the issue.

Joe Allen – 121 Maple St – if it does go to access by stonewall, is the entrance to property going to change. Gary James– yes, would have to cut through stone wall. Joe – how far up from existing entrance. About 100 feet. Joe – concerned because hard enough to get out of his driveway.

Frank - Maple St is scenic way, so would need to go to planning board to relocate stone wall. They typically look at traffic impact.

Chrissy Lauer - 108 Maple, not included in notices. In reference cart path being dry until houses built. How does proposed clearing and proposed barn affects wetlands and its impact it. Frank – all those pieces will be evaluated. We have consultant who has reviewed that and will give us feedback. More than likely there will be changes to plan. Several other agencies that are going to be looking at this project.

Amy Rojik - 112 Maple St – have not seen revised plan. Will there be a point when need to have actual final plan. Frank – since just getting plan now, we would not close so have time to review. And others have to review. Yes, there will have to be time from when handed in to when close so time to review. In regards to path, is there a stay on improvements on path until plan agreed upon. Frank – if there were work in wetland there would be cease and desist issued. Not seeing flagrant disruption. Did go in to do perc tests.

Russell- 106 Maple St – what is distinction between barn and residential use? Frank – in residential zone at the moment. BOH and Building will have jurisdiction. Plus cannot have more than one dwelling on one property. If another building, it is accessory, than needs to go to Planning Board. Use of property goes to other boards. Conservation concerned location. Joe Panse – handed in photo from June 1943.

Frank – at this point it would be good to get input from USDA. Issue with cart path comes when improving it to use more regular basis. Would not stand up to day to day use. If impacted by houses, the houses have already been built. If want to engineer cart path, need to propose replication if crossing wetland. You are in a sensitive area so there are a lot of hoops.

Christine Panse – owner, meet with USDA tomorrow.

read comments from DEP.

Ms. Penny Scott-Pipes **motion to continue 132 Maple St., to Wednesday, January 22, 2020 at 6:20pm. Mr. Richard Harding second. Unanimous all in favor (6-0).**

**314 Central Ave (septic), Applicant: Paul McLaughlin, Representative: Bob Crawford, DEP #:68-2829**

Bob Crawford, representing owners. Handed in abutter notification. New septic system proposed. Very little change in grade on lot. Lot is in land subject to storm flowage. Elevation 15.

Access would need to be Cliff Road \_\_\_\_

Amy – good improvement in area.

Ms. Penny Scott-Pipes **motion to close 314 Central Ave. Mr. Jen Foley second. Unanimous all in favor (6-0).**

**153 Glades Rd (septic), Applicant: Betsy Mitchell, Representative, Morse Engineering, DEP#: 68-2830**

James Garfield, Morse engineer, representing applicant. Reviewed proposed plan. Currently failing title V – cesspool. FEMA flood AE elevation 15. Resource area discussed on plan. New septic system with leaching field. Amy – not sure has BOH approval. There is concrete wall on property, thought might be opportunity for improvement there by removing wall. Concern because walls divert flow. Could condition? Frank – if proposing improvement to house or elevating, would ask to change amount of impervious. Sometimes when conditioning septic system, condition work on driveway. Currently gravel on driveway. Proposing septic where currently park on lot which is why proposing system so can park over it. Don't want to discourage people to do septic system. Although do encourage to not have a lot of concrete.

Ms. Penny Scott-Pipes **motion to close 153 Glades Rd. Ms. Lisa Caisse second. Unanimous all in favor (6-0).**

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

**Requests for Determination of Applicability:**

**132 Maple St (after-the-fact addition)**

Joe Panse, owner, reviewed plan. Replace rotten wood footing with sonotube for addition done over covered porch. Received building permit to do work. Once learned needed conservation permit, came into office.

**Ms. Penny Scott-Pipes motion to issue negative 3 for 132 Maple St. Ms. Lisa Caisse second. Unanimous all in favor (6-0).**

**16 Gannett Rd. (foundation for porch)**

Dick Rockwood. Did architectural work. Representing owner. Want to enclose covered porch, so proposing crawlspace foundation in order to do work. Not expanding footprint other than covered entry, which would have 2 sonotubes. Not changing any grading.

Amy – flood elevation AE16. Land subject to coastal storm flowage. Concern RDA vs NOI filing.

Doug – existing house has basement? Yes. Still structural walls? Yes.

Jen – near shared driveway? Yes, strip of grass about 7-8 ft. Amy – another issue with RDA vs NOI, abutters not notified.

Owner – did talk with neighbors about project.

Frank – concerned about area because coastal storm flowage. Need to think about where materials area placed and silt sock or something to control and minimize erosion and silt coming off property. Will condition with silt sock.

**Ms. Penny Scott-Pipes motion to issue negative three for 16 Gannett Rd. Ms. Lisa Caisse second. Unanimous all in favor (6-0).**

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

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

OOO: **1 King's Way (septic)**, Applicant: Joseph Casey, Representative: Kevin Grady, Grady Consulting, DEP#:68-2827

Ms. Penny Scott-Pipes Motion to accept orders as written for **1 King's Way Second by Mr. Doug Aaberg. Unanimous all in favor (6-0).**

OOO: **19 Sixth Ave (r/r and garage)**, Applicant: Michael Ahern, Representative: Joseph Webby, Webby Engineering, Inc., DEP#:68-2828

Ms. Penny Scott-Pipes Motion to accept orders as written for **19 Sixth Ave. Second by Ms. Lisa Caisse. Unanimous all in favor (6-0).**

OOO: **86 Humarock Bch Rd.** (addition, deck, garage), Applicant: Peter Huie, DEP#: 68-2808

Frank: #21 standard condition that we put in all of them. #32 – about loom and seed. #38 – planting should be indigenous. Do we need #32? We can remove 32. Read #38. Scratch word “not” from condition. #6 – tweak because house not on public way. So change it to be on property.

Amy – there has been concern that orders are consistent. Conditions are consistent and we have structural plans in record.

Ms. Penny Scott-Pipes Motion to accept orders with changes discussed for 86 Humarock Beach Rd.. **Second by Mr. Richard Harding. Unanimous all in favor (6-0).**

Request to Extend Order of Conditions: **214 Clapp Road** – asking for one year. Frank Snow recusing self. They are coming in with letter from peer review that conditions have been met.

Ms. Penny Scott-Pipes Motion to extend orders for one years for 214 Clapp Road. **Second by Ms. Lisa Caisse. Unanimous all in favor (5-0).**

Request to Extend Order of Conditions:

**Great Rock Road** – owner present. Waiting to invest until able to spend more time at location. Requesting 3 years because there is not way would be done construction in one year. Does need to do something by nd of next

year to meet permit issued for septic. Septic needs to be hooked up to something. Reviewed history of permitting and mentioned specifics of septic and leaching field. Leach field is in. Erosion control is in place.

**Ms. Penny Scott-Pipes Motion to extend orders for three years for Great Rock Island. Second by Ms. Lisa Caisse. Unanimous all in favor (6-0).**

**Agent report –**

Wildlands Trust – Penny – December 4<sup>th</sup> will be update. In concern for property exchanging from town for public safety building. Wildlands Trust will be CR holder for those properties. Already town owned properties but will be under care and custody of conservation. 3 properties. Near Kings Way, off country way near subdivision spoke about tonight, and one more.

Higgins /McAllister - we have Boy Scout that wants to do boardwalk project. We need to get RDA done. Howard will help him.

Penny - No update on bids. Will find out why not on Board of Selectman meeting agenda tomorrow night so can try to get on December agenda.

Town Forest – Frank visited last Friday and was upset with trash there. Thinks need to talk to Mike Breen since town land. Amy – can bring up in department head meeting tomorrow morning.

**Mr. Doug Aaberg Motion to accept minutes as written. Second by Mr. Richard Harding. Unanimous all in favor (6-0).**

**Motion to adjourn**

**Ms. Penny Scott-Pipes motion to adjourn at 8:45 pm Ms. Lisa Caisse second motion. Unanimous vote in favor (6-0).**

Respectfully submitted,

Jennifer Smith  
Recording Secretary

**CORRESPONDENCE**

**November 6, 2019 – November 18, 2019**

1. Planning Board vote to continue hearing for Special Permit – Common Driveway & Stormwater 443 461 Chief Justice Cushing Hwy
2. Planning Board vote to continue 0 Rear Country Way, 0 Country Way, 483 Rear Country Way
3. BOH Agenda November 18, 2019
4. Planning Board Agenda November 21, 2019
5. BOH Agenda November 4, 2019
6. Planning Board Subdivision Plan One Buckeye Lane and 261, 253, 251, 225 Stockbridge Rd.
7. Zoning Board application for 28 Standish Ave.
8. Zoning Board application for 20 Cliff Road South
9. Agenda BOH October 16, 2019
10. Economic Development Commission Agenda November 18, 2019
11. Massachusetts Wildlife No. 3 2019 magazine
12. Recording info 73 Border St CofC bk 51918 Pg 153, 11/8/19
13. Recording info 73 Border St OofC bk 51918 Pg 155, 11/8/19
14. Agenda Planning Board November 14, 2019