

**Town of Scituate
Conservation Commission
Selectmen's Hearing Room
Meeting Minutes
October 8, 2019**

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

Not Present:

Also Present: Amy Walkey, Conservation and Natural Resource Officer

Mr. Richard Harding made motion to accept agenda as written. Mr. Doug Aaberg second. Unanimous vote accepted. (6-0)

DISCUSSION/ UPDATE:

UPDATE: Waterways Commission, David Sincoski and David Friedman – Craig Rosenquist in audience from Waterways also present. Wondering if anywhere can collaborate with Conservation Commission on Driftway Park – especially water access area at ramp. Has been asked about updates can be made to access area, so easier for kayakers, etc. and updating parking lot. Painting needed and signage needed in parking area. Complaints about trailers placed where don't belong. Police said during summer monitor but stopped ticketing because no signage. They can help, given feedback and suggestions they receive from public. Think CPC could fund. Well used park and would like to improve it. Would like to work together on what should be done and how to prioritize. Frank – aware most used park and been on radar to do some other updates – like viewing platform. Trails have been worked on this past year, but a few areas that are muddy. Conservation Comm has had questions about more parking and the need for more parking. We have some money for maintenance but small compared to what needs to be done. Have plan for Horsely Whitten that speaks to things that should be done. Maybe have a few from each group meet informally to work out what needs to be done. Jen – most popular trail, so a lot of activity. Richard – know there is lot to be done on side of river. Lisa – good points. Penny and Doug – interested in working on these projects.

Dave – timing important. Signage important so have it up before next boating season. Frank – Conservation should have money for signage and painting. Penny – time to get something together for CPC for Fall 2020 Town meeting. Need rules also about size of trailer that can park and to use ramp. Dave thinks they exist just need to find them. Frank – thinks it goes back to application to state. Or come up with new rules. Frank – will plan follow up meeting with a few from each committee.

PUBLIC HEARINGS NOI/ANRAD

86 Humarock Bch Rd. (addition, deck, garage), Applicant: Peter Huie, Representative: Robert Crawford, EET, Inc., DEP#: 68-2808 (cont'd from Aug. 19, 2019)

Heidi Condon, AC designer, Galvin, attorney representing owner, Robert Crawford, engineer, Galvin – since last meeting, filed with zoning board application, revised site plan 10/3/19, submitted new structural plans, provided written narrative. Has reviewed correspondence. Doesn't see much objection to current proposed plan, project from 2009 is most of concern mentioned from abutters. Allegations that they have done something wrong, and he reminded that CofC was issued from Conservation Commission from 2010. Was part of litigation when went to superior court. Available to answer any questions. Only place putting/requesting concrete piers is under house for additional foundation work, because cannot drive piles under house.

Frank – asked to review updates about revised plan. Recently had site visit that resulted in revisions.

Heidi – reviewed plan. Garage, on 10 driven wood piles. Removing slab that is there now. Smart vents and breakaway panels are being used for garage. 3ft 3in high. Cars parked on grade. Spoke with Bob in building about plans.

Frank – pilings for house change. Heidi – where new deck in rear will be on pilings. Independent structure. Amy – yes, this is what we were asking for. Heidi – showed diagram that correlates to list. Silt fence (on north and south side of property, caution tape on seawall, caution tape on sandy vegetated tape (because don't want construction going on in that area), flag exiting septic plan (reviewed with BOH) so construction vehicles don't go on top of it, cover septic system with plywood. Building materials can go on slab and when project is done, slab will be removed and then build garage. Also will use family members property across street for access. Not using passageway, using Huie properties to go back and forth on site. Debris will be removed from site. Extra sand, from driving pilings, should not need to be removed. Should not be too much to change grading. Dumpsters will be covered and removed upon being filled. Construction material will be covered so wind will not affect. General Contractor, not chosen yet, they will have this information onsite. Upon completion will provide native plantings. Doug – appreciated completeness. Frank – if going to use 10 ft strip, should erosion control go around that. Show with revised plan. Concerned about caution tape and the wind taking it away, thinks will be difficult to maintain, being realistic. Good that plan to make sure contractor fully versed in conditions for project. Amy – we received plans this Friday, so does not recommend close tonight so have adequate time to review. How will access piles on south side? Confirmed not adding any fill to the site. Also asked for utilities to be shown. Bob- showed where water and gas lines are on plans. Amy – turf carpets, currently on property, are not ideal. Heidi, they have been removed. Amy – we will deal with that under condition. Frank – what is sequence for garage? Heidi – house first so can use garage slab. Garage after house is done.

Mike Hayes, attorney with ODH, represent Ford who live 2 doors down, 1. New plans and zoning application filed yesterday. Would like to not close hearing, so has chance to review. Does think has reason could reject based on Mass general law. Explained increasing non conformity issues of structure. Any new non-conformity needs a variance. Suggests that the proper permits have not been filed. 2. Activity above septic system, subject to existing condition and final CofC #50, vegetation above septic. Suggest look at that continuing order has been willfully violated for 9 years. OofC granted in 2001. CofC issued 2010. Concerns, diversion storm water onto their property. Clients asked to sit with applicants to discuss disturbance of stormwater onto their properties and Huie's declined. 4. Storm water control. General standards for applicant to show no adverse drainage to neighbors. Specific to Scituate bylaw – burden of applicant to prove will protect by-law. Our opinion _the plan presented needs to explain how 2 ft side would not have negative impact. Applicant has continually done work on dune without consultation with commission, since CofC issued. Clients plan to file NOI to prevent and remove man made dune that is in violation of allowing access. Stan Humphries – coastal geologist with ECR, client asked to evaluate what adverse effects might be according. Primary focus on east side of passageway. On plan he had seen only showed two contours. Looked at images from google earth, activity started 2007. Seemed completed in 2013. Submitted photos. Elevation had doubled. Entrance has closed by twice as much. Descriptions provided to him. Photos showed to him lead him to believe it is man-made, not placed there naturally by a storm. Under performance standards subject to storm flowage is under commission control, not state. Not objecting to project proposed. Does not suggest remove dune, but suggest regrading and timing when done so vegetation can be saved and re-establish. Atty. Galvin – commission cannot use zoning reasons to reject project. Reviewed case in Brookline explaining. Clients deny alter area other than work done as directed. Any changes are from natural events that have altered area. In terms of storm water, everything about this project helps with storm water control. Work proposed should not adversely effect neighbors. Disagree anything done in man made. Doug – did have question about whether work was done to dune after CofC issued. Appreciate Stan providing solution, but not sure commission can issue that. Both sides provided opposite information. Jen - when Stan mentioned neighbors, who did he mean? All the neighbors or select neighbors? Frank – we have heard from neighbors who have stated support of the project. Lisa – agree with other commissions. Would have been good to have photo provided when issued CofC in 2010.

Eileen Stevenson, Hawthorne – 12 neighbors are supportive of project. Mentioned 4 that are not supportive, who are present tonight. Does have pictures. Lives next to passageway year round. Thinks some incorrect information has been mentioned. March 1, 2018 storm video bringing in rocks and material. That dune has been there over 50 years and ebbed and flowed over the years. Mentioned grading in area driving direction of water, not width of passage way

James Form, 31 Hawthorne St., have also submitted photos showing humans working in area. Grass is not indigenous – the kind you can buy at Kennedys. Concern is to open passage way for storm water flow. 4x4, planters, to collect debris, and further down path vegetation added. He said it was flat, certainly before 1991

storm. Photos submitted as recent as last year. Mentioned what was mentioned in partial in order to receive full, and there is no grass there. And now asks to put deck over area that should have grass planted there. Frank – storm water is triggered by certain criteria – has that happened? Mike Hayes – adding solid structure can change water flow and drainage

Mona Bonin - 31 Hawthorn St – address comment Eileen Stevenson made, understand elevation effecting where water flows, but changes made to passageway have effected direction of water coming towards her property.

Doug Shellington, 37 Hawthorne St – Stan did not come in to say what they wanted to hear. Jen – misunderstood what she was asking, Doug – why is it so important that the materials put there remain? Galvin – mentioned another coastal geologist who has chimed in during previous filing. Showed photos with water coming from farther from the north and heading down. Not this project causing issue, it is everything north. Hayes – feels initial concern is getting lost - his client concern is what happened since CofC issued 2009. No oversight has been sought since that time.

Frank – we have directives from state to encourage beach nourishment and stabilization. Commission makes sure when people apply to do work does not adversely affect others. The application in front of us is to add to the house, not to work on the dune, wish people could look how to make dune. There are ways to make better situation and afford access that people want.

The beach is only going to degrade, so would be in everyone interest to build up area, and thinks that is how state is going to look it.

Stevenson, 25 Hawthorne, before all this started, tried to work something out, met in this room.

Ms. Penny Scott-Pipes motion to continue 86 Humarock Bch Rd to Wednesday, November 6th at 6:20. Ms. Lisa Caisse second. Unanimous all in favor (6-0).

97 Booth Hill Rd (septic repair), Applicant: John Burns, Representative: Greg Morse, Morse Engineering, DEP #:68-2814 (cont'd from Sept. 30, 2019)

Jeff Hassett, Morse Engineering, representing owner, septic repair. No plan revisions, was continued waiting for BOH approval. They have not had their meeting yet. Small lot, 5000 sq ft.

Ms. Penny Scott-Pipes motion to close 97 Booth Hill Road. Ms. Lisa Caisse second. Unanimous all in favor (6-0).

Ms. Penny Scott-Pipes motion to issue 97 Booth Hill Road. Ms. Lisa Caisse second. Unanimous all in favor (6-0).

96 Humarock Beach, Applicant: Robert Engel, Representative: Jeffrey Hassett, Morse Engineering, DEP #: 68-2820

Jeff Hassett, Morse Engineering, handed in abutter notification. Presenting property owner. Reviewed project to raze and rebuild house. Current house was built in 1948 on concrete foundation. In addition to dwelling, 2 sheds, and septic system on property upgraded in 2001. Wetlands reviewed by Brad Holmes - no vegetated wetlands on property. Coastal beach and coastal dune. Land subject to costal storm flowage and FEMA VE and AE. New house will be elevated on wooden piles. Because of new deck proposed that will be shading current vegetated area, this plan is providing mitigation to vegetate area 2:1 ratio on another location of property. Richard – is size of house same? Jeff – house is larger. But elevated. Is connection with wall with deck. Deck is composed of wood. Not removable but could be discussed. Richard suggests removable walkway over the wall. Helps protect from water landing on it. Lisa – agrees with removable walkway and suggests adding to conditions. Amy – does this have BOH approval? Jeff – does not require because using same system. We received structural plans tonight. Want to make sure have them before close. Jeff – Frank – add condition that driven wood piles. Erosion control not on plan, but something to define work area, could be added. Sea wall on one side. Condition pending final structural drawing so can close tonight.

Ms. Penny Scott-Pipes motion to close 96 Humarock Beach. Mr. Doug Aaberg second. Unanimous all in favor (6-0).

PUBLIC MEETINGS/ADMINISTRATIVE, ENFORCEMENT / PERMITS and OTHER REQUESTS

SUBCOMMITTEE/ PROJECT UPDATES / MISCELLANEOUS / OLD BUSINESS:

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

Discuss:

Discuss trails, parking, and kiosks; ongoing & future projects; Fourth Cliff Filings; Enforcement Priorities; Study Satuit Brook; Vote 2020 Meeting Schedule

Trails, parking, kiosks – Marla Minier, Howard Matthews, Deb - showed prototype of kiosk and sample of actual sized sign from Norwell. Great project for VoTech because can be built under cover. Marla – would like to not have one large sign, but have that space used in different section so can make updates going forward and have space for notices, handouts, etc. Like that board is water resistant. Plexiglas version gets moldy. 7 kiosks for 7 parking areas are needed.

Frank - Decided to separate turtle sweep from project, especially since has to be done certain time of year.

Fencing for turtle sweep going in now, so hoping can get more bids and better pricing that can now propose project that can be done during the winter. Bids due by early November. Might not to do further medication depending on what bids are received. Will make priority to complete project at Crosbie and Bates Lane.

Frank updated trail committee on what was mentioned in beginning of meeting with waterway commission about work want to do at Driftway. Do we have Hubble and Driftway in kiosk count? Marla will check.

Norwell reports about \$100 for materials for kiosk, not signs. Materials might cost more now.

Deb – mentioned liked kiosks in Marshfield are holding up better – something different on wood. Will ask what was done. Amy - Showed plaques used in Norwell. Frank confirmed have on plan to have sign at end of Bates and Higgins. Contractor provides sign. Marla – would like to coordinate so signage is the same.

Howard – suggest not using concrete to install kiosks – better to use compacted material. Mentioned what electrical company does and why stopped doing concrete for utility poles.

Other projects: Frank – we need to turn out attention to **Driftway Park**. It is in our care and custody. 1.

Platform, 2. A few trails needs to be fixed, 3.parking lot – striping and signs. Would like to expand parking, but first do parking at other trails.

Improve Satuit Brook – not sure how to start, but have some funding so need to start thinking about how to do this.

EO – a lot of ongoing enforcement issues– a lot of ones launched by Pat Sullivan, some have been resolved, but new one came up today, and recently others have come up. Efforts to move along are staff driven. At some point legal counsel needed for some of these difficult cases. Would like to prioritize what should focus on. Having the red folder helps for when the apply for CofC or new NOI that there is something unresolved. Ones where permits are given, but not from all necessary department, is tough because people are not always forth coming with what project is and with magnitude of projects. Doug – should prioritize ones that are effecting environment and town resources. Amy – there is also the ongoing unpermitted work. Encroachments also fall into that category of high priority. Those end up going to legal.

All this while two 40b projects will be starting soon – later this month.

Fourth Cliff – presentation from 2018 July mentioned six different projects. We have them MAP for some things, like adding signs warning of danger. Ones coming in will be RDA, like building new pavilion.

OO: **36 Bailey's Causeway (r/r)**, DEP # 68-2797

Ms. Penny Scott-Pipes Motion to accept orders as written for **36 Bailey's Causeway**. **Second by Mr. Doug Aaberg**. **Unanimous all in favor (6-0)**.

OOO: 36R Bailey's Causeway(r/r), DEP # 68-2796

Ms. Penny Scott-Pipes Motion to accept orders as written for **36R Bailey's Causeway**. **Second by Mr. Doug Aaberg**. **Unanimous all in favor (5-1)**.

OOO: 23 Bradford Ave. (raze/rebuild), DEP#:68-2819

Ms. Penny Scott-Pipes Motion to accept orders as written for **23 Bradford Ave**. **Second by Mr. Richard Harding**. **Unanimous all in favor (6-0)**.

OOO: 25 Rebecca Rd (raze/rebuild), DEP#:68-2818

Ms. Penny Scott-Pipes Motion to accept orders as written for **25 Rebecca Rd**. **Second by Mr. Richard Harding**. **Unanimous all in favor (6-0)**.

OOO: 97 Booth Hill Rd (septic), DEP#:68-2814

Mr. Richard Harding Motion to accept orders as written for 97 Booth Hill Rd. **Second by Ms. Jen Foley**. **Unanimous all in favor (6-0)**.

Certificate of Compliance issued:

77 Lighthouse, 68-1701
12 Concord, 68-987 & 68-998

Motion to adjourn

Mr. Richard Harding motion to adjourn at 9 pm **Ms. Lisa Caisse** second motion. **Unanimous vote in favor (6-0)**.

Respectfully submitted,

Jennifer Smith
Recording Secretary

CORRESPONDENCE

September 30, 2019 – October 8, 2019

1. Recording info CofC 47 Gannett Rd 68-2795, 10/1/19, Bk 51731 Pg 45
2. For A Application – Brockton Ave – divide 5000 sq ft lot on Brockton Ave into two non-buildable lots with be combines with existing lots on Otis Road.
3. Stockbridge Landing SWPPP & Phasing and Sequencing of Construction Sept 26, 2019
4. Planning Board agenda October 10, 2019
5. Recording info OofC 20 Foxwell Lane, 9/30/19, Bk 51712, Pg 318
6. Contractor Pre-Construction Meeting Minutes Stockbridge Project 10/2/19 meeting
7. NOI for 60 New Driftway (Herring River Marina – repair bulkhead)
8. NOI for 18 and 20 Cliff Road South (elevate both dwellings)
9. NOI for 73 Border (pool)
10. CofC request for 214 Clapp Road
11. CofC request for 77 Lighthouse
12. CofC request for 12 Concord
13. ZBA – Toll Brothers request for Sign by Seaside at Scituate

Minor Activity Permits

#32 – 210 Central Ave – inspect septic
#33 – 23 Oceanside – plant trees