

**Town of Scituate
Conservation Commission
Selectmen's Hearing Room
Meeting Minutes
November 6, 2017**

Meeting was called to order at 6:07 p.m.

Members Present: Mr. Snow, Ms. Foley, Mr. Harding, Mr. Parys and Ms. Scott-Pipes.

Also Present: Amy Walkey, Agent, Patrick Gallivan, Part-time Agent and Carol Logue, Secretary

Agenda: Motion to accept the agenda Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Request for Determination: Lowry, 29 Williamsburg Lane (replace leaching field)*

Greg Morse from Morse Engineering was present at the hearing. Failed Title V upgrade for a four bedroom. John Zimmer's delineated the wetlands line, which runs at the back of the property and is shown in blue on the plan; 50' buffer in red, 100' buffer in green. Extending off the BVW line coming up the side is an intermittent stream associated with drainage discharge from Williamsburg Lane; holding the 50' and 100' setbacks. Existing system was done in 2006. We are reusing the existing tank and pump chamber located in the back; putting in a new soil absorption system in the same location as the failed leaching system. Removing material and replacing with new Title V sand. Further than 50' from BVW in an existing lawn area. Board of Health (BOH) is still reviewing. Ms. Scott-Pipes: if it is in the same spot, why will it work this time? It had a garbage disposal and there was an abrupt failure and it is a requirement of the Board of Health to remove the garbage disposal, therefore we feel it will work. Ms. Walkey: revised BOH plan moved it outside the 50' buffer; previous version was within the 50'. Limit of excavation goes to about 45'. Can you ask for a waiver for the setback to the house to keep out completely? The area was already dug out and sand imported. New leaching field falls within the sand area. Saves money and to move it that 5', drastically changes the cost and there is a very large tree that would need to be removed toward Williamsburg. It is definitely an improvement. Mr. Snow: talked briefly about the NOI vs RDA. Less cumbersome and homeowner spent money not that long ago. It is better technology, better attention to pumping, and moving the active septic further from the wetlands, in a lawn area. Getting it as far out of the 50' as they can is a good situation for everyone. If this was a new system, moving the location would trigger an NOI. Mr. Harding: it would be a stipulation that the area would be back to lawn. Ms. Scott-Pipes: don't want to lose the tree. Usually very upset with intrusion into the 50' buffer. Because of newer technology it reduces the impact. Ms. Walkey: old plan did not show wetland boundary. Observed leaves in the buffer area, which is not preferred. Ideally have it taken out and don't use any more. Motion for a negative 3 determination - "The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions (if any)." Pending Board of Health approval. A revised plan has been submitted. Ms. Scott-Pipes. Second Mr. Harding and remove yard waste. Motion passed by unanimous vote.

Request for Determination: Baylis, 308 Central Ave. (septic distribution box)*

Steven Baylis was present at the hearing. Title V inspection; conditional pass. It was suggested to replace the distribution box because it was a little worn. It is thin concrete, it is the main thing that fails. It is only a 3' to 4' square hole, take the box out, pop another one in and connect the pipes. Motion for a negative 2 determination - "The work described in the Request is within an area subject to protection under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent." Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Discuss Enforcement: 23 Sunset Road. Mr. Snow recused himself. Mr. Harding took over as chairman. Resuming discussion on the Enforcement Order (EO). Mr. Gallivan: after last meeting there was information we were waiting for before continuing the hearing and we asked for an update on funding for the other wetlands person. Nothing has happened so discussing again tonight. Unclear whether the current hearing can go forward. Mr. Harding: falls on us to what action has to take place. Ms. Scott-Pipes: EO issued 19 years ago; nothing ever happened; we went out there and dug and found it was a wetlands and they need to remove the gravel. They have done nothing to remedy the situation; should go to Town Counsel and the NOI should be withdrawn. Believe the property is for sale again; saw that today. Not going to hear the NOI until the EO is complied with. Mr. Parys: thought they were going to remove the material. Mr. Gallivan: thought Bob Gray was going to be brought back to decide what area had to be removed. Hoping the property owner would pay for him to get out there. Greg Morse: that was the discussion last meeting. The Commission requested money to hire Bob Gray to do additional work. There are several family members and they have been unable to get funds together. The NOI hearing has been continued several times. Not confident the project will go forward; they are evaluating their options and one of them is a withdrawal, but not being withdrawn at this time. Mr. Harding: nothing done since the meeting two or three months ago? Correct. This is a situation we have had in front of Town Counsel before; took it back thinking there was going to be action. Mr. Parys: if they don't withdraw the NOI, say 30 days from now, at what point does it become dead or can we close it? Mr. Gallivan: the Commission can vote to close, but would suggest to bring it to legal counsel; also Brad Washburn wanted to be included. Ms. Foley: 19 years is a very long time and if it for sale, don't want it to continue. Does broker have to disclose? Don't know. Ms. Scott-Pipes: we would then deal with the new owner. The EO is not going away. Ms. Walkey: should go to Town Counsel. Mr. Harding: will open it to the audience, but there is no sense in rehashing anything, discussion has nothing to do with the NOI, but if you have a thought about the EO discussion, happy to entertain. Gab Crocker on behalf of Jim & Mary Bristol. Basically we wanted to understand what the status was from the last time. Applicant hasn't done what they indicated they would do. Interested to see where it goes with Town Counsel. Looked at it as two current EOs. Commission does have the ability to close and always can issue a denial and give it back to Town Counsel. Deadline to get into Town Counsel? Would think the next week or two can meet with her.

Wetlands Hearing: Fitzpatrick, 43 Collier Road (raze/rebuild) (cont.)

Applicant's representative requested a continuance to November 20, 2017. Motion to continue the hearing to November 20, 2017 at 6:25 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Discussed voting issue: Commission members can miss one meeting and catch up on YouTube or TV. Mr. Snow will be out on November 20 and Mr. Harding is out the next meeting. Mr. Snow and Ms. Walkey are going to meet with Jim O'Connell; wouldn't be surprised if we see 43 Collier continued again.

Wetlands Hearing: Coletti, 28A Cherry Lane (septic repair)*

Applicant's representative requested a continuance. Abutters' notification wasn't mailed. Motion to continue to November 20, 2017 at 6:35 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Kelleher, 10 Pin Oak Drive (attached garage) (cont.)

Applicant's representative requested a continuance to November 20, 2017. Motion to continue the hearing to November 20, 2017 at 6:45 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Toll Bros., Hatherly & Tilden Road (142 units / 10 town houses) (cont.)

This one is the hearing we have to be careful about the quorum issue. Mr. Snow is out November 20 and Mr. Harding December 4 and there are only five members that qualify for the hearing. Mr. Snow: Applicants want to continue to the 20th. Know we can't control what they do, but it might be worth a discussion with the applicant or their attorney; they have to appreciate where we are in terms of a quorum and voting. There has been some discussion whether there will be any meaningful discussion until the Horsley Witten reports have been reviewed and until some of the other actions by the Planning Board are resolved. Patricia Lambert liaison from the Planning Board was present: just today Planning received a lot of stormwater information. Mr. Harding: Atty. Ohrenberger discussed the issue of a quorum and they might to adjust their schedule to make sure there wasn't a quorum issue. It has been two and half or three months since they have been here and we have been here and now we have commitments. Ms. Walkey: they don't want us to approve and have it appealed for an administrative issue. Ms. Lamberg: they are going to clear cut 70 acres of land. We can't discuss. Ms. Scott-Pipes: Bill Ohrenberger was concerned that Paul or Richard missed one. Make sure to talk to him, might not want to come the next two meetings. If you miss two, you can't vote. Applicant's representative requested a continuance to November 20, 2017. Motion to continue the hearing to November 20, 2017 at 6:50 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Brown, 178 Central Ave. (remove portions of decks & rebuild)*

Mark Brown, contractor and owner Tom Charboneau were present at the hearing. Notification to abutters was submitted. House was built in 1981; need to rebuild the portion of the cantilevered deck for safety reasons; want to put it on a proper foundation. Mr. Snow: nothing being extended? No, same footprint. In 2003 there was an addition and deck built; plot plan is from 2003. Two notes on engineers' plan; one says new deck on 10" wood piles. That's from 2003. Piles are existing on the east, except they only seemed to have driven two piles. Northern most pile is a concrete footing and it is junk. Trying to get a clear picture of what you are adding. Anderson's plan is accurate to the new work being proposed. Darker circles on plan are the new piles. Total of seven piles need to be driven. Originally thought eight before talking to the engineer. Mr. Harding: how are you accessing the property to put in the piles. Driveway to south side. Almost like a small dirt street. If access is needed on the other side, we have been in touch with Bob Graci and he has given permission for access on his side. Three piles on the east and four on the west. Ms. Walkey: pretty straight forward; minimize any disruption of the existing dune. Motion to close the hearing Ms. Scott-Pipes. Mr. Snow: set up a crane and hopefully reach the areas? Will need two locations. Minimize impact on dune grass. Nothing there but rocks and sand. Debris will be contained. Time sensitive as far as the use of the crane. Crane operator is thinking three days. Close the meeting tonight won't get a set of orders until the 20th. Ms. Walkey: unless we vote and close and issue before the 20th. Mr. Charboneau: concerned one of these storms will take it out. Ms. Walkey: can close and issue a standard orders. Motion to close and issue a set of standard orders Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Minutes: September 6, 2017 and September 25, 2017

Motion to accept the minutes of September 6, 2017 and September 25, 2017 Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Order of Conditions: Kibbee, 12 Revere Street (septic)

Motion to condition the project Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Order of Conditions: Turcotte, 61 Seaside Road (raze/rebuild)

Motion to condition the project Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Order of Conditions: Devane, 19 Dartmouth Street (septic)

Motion to condition the project Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Certificate of Compliance: Stenbeck & Taylor, 5 Lincoln Street – 68-551 – OK**Minor Activity Permits Issued:**

Michael Farwell, 38 Inner Harbor Road (regrade driveway to improve access)

Kohlmeier, 33 Newell (to remove sand from under the house back to the beach)

Agents Report / Ms. Walkey: in my absence last week and before her time, the Middle School was permitted and the vernal pool was saved and a boardwalk was built. Last week it was observed that there was a class standing in the middle of the pool. Teachers were using it as a teaching venue, but they were overstepping their bounds; not necessary to have so many people in there. Need to get the word out that it is a keep out area. Reached out to Natural Heritage for guidance. We discussed signs.

Ms. Scott-Pipes: want to see what Natural Heritage has to say. Carol sent out some information and what the it said about destroying the vegetation by trmmpling it, you will get weeds growing in there instead of vernal pool vegetation. Don't want anyone stepping in there, unless there is one adult showing the kids samples. Mr. Parys: we tell people they can't do anything hundreds of feet from a vernal pool and then when people are tramping through it. Ms. Walkey: don't want invasives coming in there, then they would need to be controllled. Mr. Snow: couldn't be any closer to town hall. Went through a great deal of discussion with the applicants to try and save that pool. Years ago this was probably a detention basin for the high school. John Richardson verified it was a vernal pool. Wonder if we asked the applicant for signage. Know we asked for more vegetation around it to protect it. We should check on the vegetation. At one time the DPW was mowing it. Want it to be an experience for the students as well and we requested the boardwalk and platform for educational purposes. It was a surprise to see naturalists and science teachers walking around in it. There were multiple classes. Probably by the end of the day there had been 50 or 60 people walking around in it.. Want to create a good working relationship with the schools; didn't pull the plug on it to say get out of there, but it needs to be looked at and address it the best way we can after getting feedback from Natural Heritage and get that out to them and say we want to work with you, but we don't think it is appropriate that people are doing this. Maybe one person, pointing things out to others. Ms. Walkey: protected area. Look at the orders. Mr. Snow: talk to Kevin Kelly, dealt with him a couple of times regarding siltation fences; liaison between the town and the contractors.

Mr. Snow regarding Grace Trail: received an e-mail from a citizen requesting permission to mark one of the trails as a Grace trail. Understanding is this person wants to place a series of rocks to spell out the word Grace; it is an inspirational kind of thing. They wanted to do a section of the Ellis trails. Sent to trail maintenance people, asking for their thoughts. Received a varied response. Couple of them said no, don't want more things put on the trails; trails are there for nature and for people to appreciate what is already there. Others said things have happened in people's lives and a little inspiration has been helpful. Years ago group from this Commission made an exercise trail at the Ellis property with different stations and that has gone by the wayside. Driftway Park people hung ornaments; kind of cool, but they didn't remove them so then there was broken glass. Ms. Scott-Pipes: totally against it; it is public property. The thought is a lovely thought, but some people might be offended; other people might think it is wonderful. Then would someone want to put a shrine out there. Think we are walking a slippery slope. The exercise trail was vandalized. Too much stuff; want peace, quiet, and keep it natural. Want to go out and enjoy nature. Mr. Harding: agree it is public property and you run a typical fine line if you let someone put something out there; you'd get more and more. In Humarock there are painted rocks along the beach and people seem to love it, but in the end I agree with Penny. Mr. Parys: keep nice maintained trails, with access. Ms. Foley: trying to understand. Familiar with the painted rocks everywhere; agree with Penny. Could they do organized walks instead together? Mr. Snow: there would be five markers on big stones along existing trails at inspirational spots. We encourage all kinds of use, biking, horses, dogs, and we will be doing markers for trails, squares or circles with colors on trees so people don't get lost, but this is more of an inspirational piece that people might use and the e-mail goes into what Grace means. Goes either way; always trying to get people interested in using the trail system. People put geocatches in certain spots, but then we find people that do other stuff that is a problem. Ms. Walkey: the Open Space and Recreation Plan is being updated currently, as part of that process maybe there could be areas of town where that might be appropriate. Mr. Snow will get back to them and tell them we are going to think about it, but the Commission is not inclined to add more to the trails.

Coastal Advisory Commission: meet super fast before town meeting.

Access and Parking: 1 week from tomorrow show up at Town Meeting and vote for the article.

Ms. Walkey set the 2018 meeting dates. Mr. Harding would like to see if we could start again at 6:15 p.m. Ms. Foley: benefits me as well. Could go back to 6:15 starting next meeting.

Ms. Foley has been e-mailing Marla, but haven't touched base yet.

Sadly the passing of Jamies' Restaurant; the local meeting place. That's where most of the meetings got resolved. Mr. Harding received a call 7:00 a.m. Sunday morning from his grandson who lives and works in Nashville. Ms. Scott-Pipes: used to plan tennis and then get a pizza at the original Gannett Grill. Jamie's came in 50 years ago; Jamie passed 10 years ago.

CORRESPONDENCE

October 11, 2017 – November 6, 2017

1. DEP re: Waterways License Ana Bard, 8 Holmes – Written comments to David E. Hill, 20 Riverside Dr., Lakeville, MA 02347.
2. DEP File #68-2691 – 28A Cherry Lane Trust (Janet Coletti), 28A Cherry Lane (in file)
3. Recording of 68-1787 – CofC – Clements, 2 Cairo Circle C 102500 Bk 00512 Pg 100 (in file)
4. Revised plans for 68-2681 – Fitzpatrick, 43 Collier Road – (e-mailed to Jim O'Connell) (in file)
5. Recording of OofC – 68-2683 - Falvey, 21 Trysting Place (in file)
6. Zoning – Request for Special Permits/Findings: 15 Hazel Ave., 32 Scituate Ave., 160 CJCH (appeal of bld. Permit issuance). Scheduled for 11/15/17 at 7:00 p.m. (given to Amy)
7. Request for Zoning Enforcement at Go Green Landscape Supply, Inc. 167 The Driftway. Concerns of Fire Dept., Conservation and BOH are issues that should be taken up with the proper offices.
8. BOH Revised Agenda for Oct. 30, 2017
9. Planning Board re: 7-9 Marshfield Ave. Request to continue the hearing.to November 21, 2017
10. Planning Board re: Form A Application for 17 Stockbridge Road – 1,102 sq. ft. is being divided out of Lot 1 17 Stockbridge and is proposed to be transferred to the existing adjacent lot of 92 First Parish Road (to Amy)
11. The Beacon
12. Town Counsel letter re: 0 Mann Hill Ext. – Non-compliance with EO. Respond by November 25, 2017 (in file)

13. Economic Development Commission Meeting Agenda for November 8, 2017 – WPA Building – Discuss Greenbush area planning and zoning update; Infrastructure grant funding opportunities.
14. Horsley Witten Group – Toll Bros, Hatherly & Tilden Roads re: 2nd Zoning Peer Review (in file)
15. Horsley Witten Group – Toll Bros, Hatherly & Tilden Roads re: 2nd Stormwater Review (in file)
16. Horsley Witten Group – Toll Bros, Hatherly & Tilden Roads re: 2nd Peer Review of Environmental Conditions (in file)
17. Horsley Witten Group – Toll Bros, Hatherly & Tilden Roads re: 2nd Infrastructure Peer Review (in file)
18. Recording of OofC for 68-2680 – Dipesa, 537 Hatherly Road (in file)
19. Recording of OofC for 68-2685 – Llewellyn, 8 Hawthorne Street (in file)
20. LEC re: Supplemental info – Toll Bros., Hatherly & Tilden Roads – summary of plan revisions (in file)
21. Request for continuance for Toll Bros., Hatherly & Tilden Roads from Nov. 6 to Nov. 20 (in file)
22. Planning Board Agenda for November 9, 2017
23. Massa letter re: Mann Hill Ext.: 1. No 5,000 sq. ft. of wetlands filled; rather 1,734 of pre-existing tennis court lightly resurfaced; 2. No parking area created for 22 Stanton Lane was, rather parking begun on a parcel he intends to donate for the use of Scituate residence for access to beach; 3. Sent notice of intent August 13, if the form was incorrect, send correct form; 4. Notice questions if in respect to updated facts removal of material would be necessary, no response; 5. The “qualified specialist” ordered to work with for restoration never speared, nature has already begun restoration; 6. Work halted the day you stopped by the site. (in file)
24. MACC Member cards
25. Request to continue 10 Pin Oak Drive for 2 weeks. In the process of developing a planting plan and stormwater management plan. (in file)
26. Stormwater Magazine
27. Ohrenberger re: 50 Old Oaken Bucket Road – cutting of vegetation between the sediment and work limit barrier on the northerly lot line at the stone wall. Orders highlighted 8, 20, 21, 22, 23, 38, 39 & 40. (in

Motion to adjourn Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Meeting adjourned 7:25 p.m.

Respectfully submitted,
Carol Logue, Secretary