

**Town of Scituate
Conservation Commission
Selectmen's Hearing Room
Meeting Minutes
Wednesday, January 22, 2020**

Members Present: Chairman Mr. Frank Snow, Mr. Richard Harding, Jen Foley, Ms. Penny Scott-Pipes, Mr. Andy Gallagher, Mr. Brendan Collins

Not Present: Mr. Doug Aaberg

Also Present: Amy Walkey, Conservation and Natural Resource Officer

Ms. Penny Scott-Pipes made motion to accept agenda with addition. Mr. Doug Aaberg second. Unanimous vote accepted. (6-0)

DISCUSSION/ UPDATE:

Committee Re-organization and Liaison positions. Will discuss after hearings.

PUBLIC HEARINGS NOI/ANRAD

0 Country Way (drainage basin), Applicant: Bradford Merritt, Representative: Kevin Grady, Grady Consulting, LLC, DEP#: 68-2805 (cont'd from 11/18/19) (applicant request to continue)

Ms. Penny Scott-Pipes motion to continue 0 Country Way Monday, February 10, 2020 at 6:20pm. Ms. Jen Foley second. Unanimous all in favor (6-0).

132 Maple St., Applicant: Joseph & Christine Panse, Representative: Gary James, DEP#: 68-2817 (cont'd from 11/18/19) cont. to a date to be determined

Ms. Penny Scott-Pipes motion to continue 132 Maple Street to indefinite date. Ms. Jen Foley second. Unanimous all in favor (6-0).

39 Brunswick St. (elevate), Applicant: Francis Adley, Representative: Paul Mirabito, Ross Engineering, DEP#: 68-2839 (cont'd from 12/16/19)

Ms. Penny Scott-Pipes motion to continue 39 Brunswick St. Monday, March 2, 2020 at 6:20pm. Ms. Jen Foley second. Unanimous all in favor (6-0).

780 First Parish Rd. (new dwelling/ SW review), Applicant: Gerald & Linda Dwight, Representative: Jeff Hassett, P.E., Morse Engineering Co., Inc., DEP#: 68- 2812 (cont'd from 1/6/2020)

Jeff Hassett, civil engineer with Morse Engineering. Jerry Dwight, property owner and applicant. Reviewed project that has been continued from previous hearings. 5.7 acres on lot. 4 acres are upland. Peer reviewed EcoTec and Chessia. Wetland crossing needed to access area to build home. Replication being done 2:1 ratio. From last meeting, design change recommended was to eliminate constructing grass depression and instead put in stone trench, and then plant area – in order to minimize disturbance. Added 18 conservation markers to plan. Penny – if we approve this plan, and property sold, need markers so new owners are well aware of small envelop to work in to develop? Would like to see something in the orders reflecting small area that can be disturbed. This has been a problem on properties in past. Want to be clear, for future, where no disturb is, especially since 50 ft buffer so close to house. Richard – same concern especially concerned after built, and another owner down the road and new owner wanting to make enhancement. Lot is well hidden from the road. Jeff – with the markers in place, owners should see limits. Amy – limited crossing, 5 bedroom house. Should come up with strong language for permanent buffer and conservation markers. Phasing of construction so can make sure replicate and install stormwater infiltration in first phase, prior to building permit. Frank – agree markers are a good idea. Even when we have markers put up, they still move beyond them. Likes the plantings going in and trench. Quite a bit of disturbance in the 100. Sensitive area. Is there a

way to add restrictions on open space area not being developed in deed restriction? Jeff – regarding restriction, when property was initially divided, did 3 lots that are 3 – 6 acres sized lots, so owners feels already has protected area with divided lots so that not maxed out. Anywhere they might want to expand in the future would be within the 100, so is already restricted in that regard; would have to come back to commission for that approval. Amy – we can put condition that plan with markers are appended to orders, so recorded with deed.

Ms. Penny Scott-Pipes motion to close 780 First Parish Rd. Mr. Richard Harding second. Unanimous all in favor (6-0).

47 Town Way Ext. (reconstruction & deck, Applicant: Bill & Ruth Slocum, Representative: Jeff Hassett, P.E., Morse Engineering, DEP#: 68-2837 (cont'd from 1/6/2020)

Ms. Penny Scott-Pipes motion to continue 47 Town Way Extension Monday, February 10, 2020 at 6:20pm.

Ms. Jen Foley second. Unanimous all in favor (6-0).

48 Town Way Ext. (reconstruction, deck and septic), Applicant: Bill & Ruth Slocum, Representative: Jeff Hassett, P.E., Morse Engineering, DEP#: 68-2838 (cont'd from 1/6/2020)

Ms. Penny Scott-Pipes motion to continue 48 Town Way Extension Monday, February 10, 2020 at 6:20pm.

Ms. Jen Foley second. Unanimous all in favor (6-0).

279 Old Oaken Bucket Rd (ANRAD), Applicant: Lovendale, LLC, Representative: Mark Casey, South Shore Survey Consultants, Inc., DEP#: 68-2842 (cont'd from 1/6/2020)

Mark Casey with Survey Consultants, reviewed site and resources on site. Wetland reviewed by Brad Holmes. Peer reviewed by EcoTec. Amy – we did walk the site with Art Allen, EcoTec. Penny – walked site. All the gas cans on concrete pad by home found disturbing. If site is developed, this type of rubbish needs to be removed, from all over the site. Mark – applicant would be willing to clean up, understands there is trash throughout site. His client bought site as it is now. Jen – if nothing happens to property for quite some time, how do we protect it now? Frank – are contaminants in buffer areas? Amy – does not think so. Frank – maybe BOH and fire department need to work together to address it. Amy – she is a licensed site professional, and did speak to fire department and they are going to look into it. The site is a mess, a lot of debris. Much of it is not in the buffer area. Did they do a 21E property before bought? Mark – no, since residential, this was not asked. Amy – since might be developed, would be prudent to address it. When they were walking, it was wet day, and no sheen to water. Mark – will tell client. Oil tank in house is empty. Amy – meets requirements of ORAD.

Ms. Penny Scott-Pipes motion to close 279 Old oaken Bucket Road. Mr. Richard Harding second. Unanimous all in favor (6-0).

Ms. Penny Scott-Pipes motion to issue ORAD to 279 Old oaken Bucket Road. Ms. Jen Foley second.

Unanimous all in favor (6-0).

60 Hatherly Rd. (addition), Applicant: Nicole Callander, Representative: Robert Crawford, EET, Inc., DEP#: 68-2844

Robert Crawford, engineer with EET, reviewed project. Handed in abutter notification. Remove decks and construct enclosed porch on posts, and 7x14 mudroom on concrete foundation. Replace existing bricks steps on west side of house. Screened porch, will be in 50ft buffer. Most of work is on back of house. Penny – it is lawn all around house. Richard – correct, replacing what is already there. Yes. Enclosed porch is larger though and on new posts. Amy – questions had about flagging, Bob confirmed. House predate act. Would not be permitted now. Modest expansion and consistent with wetland protection act. DEP had no comments.

Ms. Penny Scott-Pipes motion to close 60 Hatherly Rd. Ms. Jen Foley second. Unanimous all in favor (6-0).

33 Oceanside Dr. AMENDMENT, Applicant: Alfred Boyajian, Representative: Paul Mirabito, Ross Engineering, DEP#: 68-2767

Paul Mirabito, Ross Engineering, handed in abutter cards. Frank – reviewed project. Conservation Commission issued orders. Applicant appealed those orders. DEP issued superseding orders. This is amendment to by-law portion of superseding orders.

Paul Mirabito– topographic work done on north side of house and effecting neighbors. This current proposed plan has serious of infiltrators. Explained how would work. Water should flow to Oceanside drive through swale at top of chambers. The change to plan, addition of infiltrators and two swales. Chip Nylen, attorney, representing applicant. Knows there is a lot of issues regarding flooding. Thinks DEP does not think this project is increasing flooding in the area. Penny – you are putting in full foundation? Yes. Are you putting in breakaway? Paul – only on 15 lower need vents, this is above 15. No vents in plan. Frank – do we have a plan of the foundation? You know our concerns for area, neighbors and vulnerability of site. Hopefully everything you have designed works properly. Nylen – we are making sure we are not adding to problems. Frank – understand, but when raising or filling area around other people, small storms is where the difference can be controlled- infiltrators and this plan can hopefully help prevent additional problems. Jen – is there anything we can do to have things documented before completed? Frank – understands question, gives base line. Penny – sometimes people wait a long time for CofC, maybe we need to require as-built whether requesting CofC or not. Nylen – suggested requiring requesting CofC before OofC expires. Amy – also, on-going maintenance requirements for infiltrators. Add O&M to orders.

Ms. Penny Scott-Pipes motion to close 33 Oceanside Rd. Ms. Jen Foley second. Unanimous all in favor (6-0).

PUBLIC MEETINGS/ADMINISTRATIVE, ENFORCEMENT / PERMITS and OTHER REQUESTS

Requests for Determination of Applicability: 8 Ocean Dr. (after-the-fact shed and fence)

Catherine and David Armstrong, owners. Explained where shed is located on property. Installed in Fall 2017. Does not need permit because of its size. Has been there for 3 years. Richard – did it replace a shed? Replace fence? Catherine – shed was new. Fence, is not after the fact, do want to replace fence, so would like to ask while doing this process. Penny – tight down there. Not a lot of room to put a shed. Shed is on blocks _____. Richard – do they need special conditions for fence? It needs to not be on the ground, so water can flow. Jen – explain foundation? Sits on concrete blocks in each corner so open underneath. AO flood zone. Amy – this is in response to complaint. Shared comments from neighbor who emailed her concerns. Spoke to building commissioner about set backs. There is a 15 side set back and 8 ft rear set back. Building permits do not get triggered unless certain size. Fence can go right on line, no set backs. David – had survey done, current fence is 6in from lot line, plan to put it in same location. Also would like to redeck current deck. Frank –email sites zoning issues. We do not have jurisdiction of that. Amy – it is on blocks so sediment can migrate.

Ms. Penny Scott-Pipes motion for -3 for 8 Ocean Dr. Ms. Jen Foley second. Unanimous all in favor (6-0).

Agent's Report / enforcement discussion:

27 Hood – Abdu Nassralla, from Nassralla Farms - has worked for Cohasset, Norwell, repair wetland, replication. In town of Plimpton, chairman of BOH for 22 years, as well as on planning board, board of selectman. Coming to this site, which is a difficult site. Silt sock was not properly laid out. Is getting engineer out to site to steak silt sock. No digging, did “scratch the surface” in process to access area, even to get to where supposed to put it, in order to get it to touch the ground. There was no malice or intent to override orders in mistaken location. Not engineer or attorney. Would like to take area disturbed, apply straw and replicate in Spring. Takes responsibility for this happening and apologizes for it happening. Frank – we have visited site a few times. Know what needs to be done. Plan is to leave incorrect erosion control, and then put in correct erosion control and straw to cover ground from correct to incorrect erosion control. Come spring, put in some plantings (blueberry), grass seed. Amy – has conversation with Chris Scanzillo about how they had been responsive, who sees pile of brush going in and out of house. Pile needs to be spread out, without creating additional disturbance. Abdu – would like to welcome Amy to visit site. Amy – the engineer is in charge of overseeing project, not the town. Frank – we are trying to protect area. Use plan have. Amy – you can resume work so can put down straw and correct erosion control.

SUBCOMMITTEE/ PROJECT UPDATES / MISCELLANEOUS / OLD BUSINESS:

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

New commissioner Andy Gallagher did not vote on issuing order at this meeting.

OOC: 169 Border St., DEP#: 68-2839

Ms. Penny Scott-Pipes Motion to accept orders as written for 169 Border St. **Second by Ms. Jen Foley**

Unanimous all in favor (6-0).

OOC: 115 Jericho Rd., DEP#: 68-2840

Ms. Penny Scott-Pipes Motion to accept orders as written for 115 Jericho Rd. **Second by Ms. Jen Foley**

Unanimous all in favor (6-0).

OOC: 35 Gannett Rd., DEP#: 68-2843

Ms. Penny Scott-Pipes Motion to accept orders as written for 35 Gannett Rd. **Second by Ms. Jen Foley**

Unanimous all in favor (6-0).

Re-organization and Liaison Members:

Three positions on commission. Chairman, Vice-chairman, Secretary

Ms. Penny Scott-Pipes Motion for Frank Snow to be chairman. Second by Ms. Jen Foley Unanimous all in favor (6-0).

Ms. Penny Scott-Pipes Motion for Richard Harding Vice Chairman. Second by Ms. Jen Foley Unanimous all in favor (6-0).

Mr. Richard Harding Motion for Penny Scott-Pipes to be Secretary. Second by Ms. Jen Foley Unanimous all in favor (6-0).

Liaison assignments –

CPC – voting member on CPC. Penny is currently on it and would like to remain. Would like to continue for another year to wrap up projects.

Coastal Advisory – meets monthly, Tuesday. Work with resource officer. Frank currently serving, but willing to change that.

Harbor resiliency – Penny Scott-Pipes will continue to be liaison. Reminder that anyone from commission is welcome to attend any of the meetings. Do have to be liaison to attend.

Beach Commission – meets Tuesday. They should be part of conversation about Museum Beach. Brendan Collins will be liaison.

Trails – Jen Foley will stay working on trails.

Waterways – needs liaison, not voting. Need someone to attend periodically when appropriate topic on agenda. Reviewed projects waterways would like to work with commission to implement. Specifically also work with Driftway Park improvements. Andy Gallagher will be liaison for this committee.

Satuit Brook study / restoration – Amy - we need to have some focused meetings to establish goals.

EO and large projects in town, effect work load of commission and office.

Museum beach – need to work on approach. Maybe talk to Beach Commission. Goal is to have it cleaned up by Spring. Maybe post signs to stay out of dunes.

Recommend to request to issue Certificate of Compliance:

8 Newell St., DEP#: 68-969, & DEP#: 68-1609
52 Central Ave., DEP#: 68-2804
157 (147A) Border St., DEP#: 68-2319

Agent report –

7 Garfield – no permits and cleared yard. Requested them to submit restoration plan, which they did. Can we accept their restoration plan formally.

Ms. Penny Scott-Pipes **motion to accept restoration as written. Ms. Jen Foley second motion. Unanimous vote in favor (6-0).**

Ms. Penny Scott-Pipes **motion to accept minutes as written for Dec 2, 2019, December 16, 2019 and Jan 6, 2020. Ms. Jen Foley second motion. Unanimous vote in favor (6-0).**

Motion to adjourn

Mr. Richard Harding **motion to adjourn at 8:40pm. Ms. Penny Scott-Pipes second motion. Unanimous vote in favor (6-0).**

Respectfully submitted,

Jennifer Smith
Recording Secretary

CORRESPONDENCE

January 6, 2020 – January 22, 2020

1. Agenda and documents for January 14, 2020 meeting with Irrigation Consulting, Inc., re: Hatherly CC
2. Planning Board Agenda January 28, 2020
3. Advisory Committee Agenda January 16, 2020
4. Zoning Board of Appeals agenda, January 16, 2020
5. ZBA Memo re: 0 & 483 Country Way
6. ZBA Memo re 275 Clapp Road requested special permit to allow creation of a 50 ft frontage lot
7. Planning Board Memo agreeing to continue 0 Country Way
8. Abutter notification for 33 Oceanside Dr.
9. DEP superseding orders for 2 Dickens Row
10. BOH agenda for January 13, 2020
11. Recording info for extension for Great Rock Island 12/12/19, cert 122328, 68-2499
12. Application for Waterways License for 67 Border St.
13. Extension to OofC superseding order 68-1577, 96-100 Stockbridge Rd.
14. ZBA special permit granted to Lawson Green, 2 Central Park Dr.
15. Recording info 58 Oceanside Dr., 68-2600 1/6/2020, cert 112732, Bk 00563, Pg 132
16. O&M manual for Seaside at Scituate, January 2020 revised
17. Planning Board agenda January 23, 2020
18. Economic Development Commission meeting agenda January 27, 2020
19. Accessory Dwelling Special Permit Application for 304 Clapp Road
20. Abutter notification for 1 Hollett St, NOI

Minor Activity Permits

- #2 - Wattles Beach, temporary storage
- #3 – 132 Maple St – remove one tree
- #4 – 49 Mordecai Lincoln tree removal
- #5 – Memorial bench on Jericho Rd.