

**Town of Scituate
Conservation Commission
Town Hall Selectmen's Hearing Room
Meeting Minutes
August 5, 2015**

Meeting was called to order at 6:18 p.m.

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

Also Present: Patrick Gallivan, Agent, Carol Logue, Secretary

Agenda: Motion to amend the agenda to include the list of continuances: NOAA, end of Sunset Road; Sutton, 174 Branch Street; Lindberg, 265 Central Ave.; Bradlee, 10 Montvale; and Boyajian, 94 Marion Road Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Request for Determination: Pecinovsky, 5 Seagull Lane, Unit 18 (remove deck/room and rebuild 3 season room & deck)*
Keith Dmytryck and Roberta Pecinovsky were present at the hearing. Proposing to remove an existing structure and replace with the exact same structure to meet codes. No change in footprint, except deck above is a little smaller. Replacing three poured concrete sonotubes with big foot at the bottom, hand dug. Twenty to 22' from the edge of the drop off to the marsh. Currently a screened porch, open underneath, 2nd floor off the bedroom is a balcony. It will be three season, no insulation, no heat. 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)." Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Request for Determination: Scituate Historical Society, 100 Lighthouse Road (168' removable boardwalk)*
Dave Ball and Bob Gallagher, keeper of the lighthouse were present at the hearing. Aerial photo shows the lighthouse and yard, walkway is highlighted. Starts at the flagpole, runs along the fence at the driveway and along the yard fence, turns the corner and end up at the edge of the new revetment; roughly 168' in length. Proposed a 5' walk, but met with the Commission on Disabilities and they requested 6' which would eliminate the need for a turnaround and spacing of not more than 1/4 inch with a lip on either side. Took picture of a similar walk at Egypt Beach, construction will be similar. It is built so it can be removed in the fall. Under the structure is simply 2 x 6's with the pressure treated decking attached. Discussed preference of composite or pressure treated material for the decking. Consensus was that pressure treated might be better. Reasonable time table would be from April 1 to Halloween and thought the heavier it was, the better chance it would have not to move too far. Will be stored in the yard, piled up 5' to 6' and tied together with rope. Will need a machine to grade a little and may have to be done every time it is set in place, but there will be no digging. Hoping DPW will take it out. Commission knows now they have to recommend 6' wide; it will be nice. 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)." Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Request for Determination: Ustas, 19 Circuit Ave. (addition to rear deck)*
Ward Eisenhauser and John & Kathleen Ustas were present at the hearing. Originally decking was going to be replaced, then decided to extend it to the corner - 8' on the side triangle piece. Proposing one 8" concrete sonotube footing. There is a seawall and shrubbery is well stabilized, digging it by hand; no machinery. Coastal bank is right along the seawall, deck is 25' off of that. Replacing whole deck? No, just actual decking, tongue and groove and no spacing. There was a hot tub on there that was taken out. There are two plantings taken out. They will be replanted. Should have 1/8" spacing between deck boards; it in the X flood zone and V zone somewhere within the seawall. 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)." Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Request for Determination: Erwin, 112 Hollett Street (septic)*
Greg Morse was present at the hearing. Septic system repair project. Existing 4 bedroom house. 50' buffer shown in red, 100' in green, elevation 7' everything left is in AE. Replacing with a Title V Hoot system, wastewater treatment system. Tried to get as far from wetland as possible. Closest leaching point is 85'. Existing lawn which will be replaced. Any of the alternative systems take 1 of 2 credits, either groundwater or smaller leaching field. Will be minimal erosion. 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)." Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Mr. Snow recused himself because he has done work for the Dineens.

Request for Determination: Dineen, 22 Trysting Road (septic)*
Greg Morse from Morse engineering was present at the hearing. Septic system repair project. Existing 4 bedroom home. BVW delineated by Brad Holmes. 50' buffer in red, 100' in green. Plumbing comes from the back of house, leaching bed, and tank outside the 50' buffer. Lawn surface will go back. Looked at front, but difficult. This was the logical choice in back. Awaiting Board of Health approval. Mr. Gallivan: septic is an improvement to the site, but there is a lot of yard waste and debris, if that could be pulled out that would be good. Too bad it can't be out front. 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)." Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Request for Determination: Morrison, 22 Tichnor Court (clearing & grading)*

Greg Morse from Morse Engineering was present at the hearing. Proposed new single family home located on Tichnor behind house #22. Form A endorsed by Planning and Zoning. There is an off site BVW, 50' buffer highlighted in blue and 100' shown in green. Dwelling is outside the 100' buffer. Stormwater permit, operation and maintenance plan submitted and drywells for the gutter system. Grading in the rear yard and installing a 1' deep grassed depression for stormwater. Commission hired Merrill who reviewed the grading in the buffer. Ms. Scott-Pipes: clear cutting between the 50' and 100'? Not all of it. But there is an awful lot of clearing and it is still habitat. What can be put back? Mr. Parys: any kind of planting plan? Mr. Snow: plant the depression with blueberries or something good for habitat. Mr. Gallivan: clearing triggered the stormwater bylaw and review engineer recommended some revisions. No wetlands on site, but may be wetlands in back; there is a steep drop off in the back. Will try and keep several trees. Richard and Susan Stella, 28 Porter Road: concerned about underground water with another new build; back and side yard has become a swamp. The town has a drainage easement on Claymore Terrace and DPW extended it 75' and water discharges to the back of his property. Not in the groundwater or increasing groundwater to the site; meeting rates and volumes. The town dug another trench 55' off Claymore and Beaver Dam put gravel in and left. Janet D'Angelo: concerned, noticed flagging of drainage easement, where are the wetlands in relation to the drainage easement and where one drainage easement ends and whether it can handle the water? Drainage easement cuts behind Lot 2, there is a 12" pipe behind the wall. Kevin & Mary Norton, 24 Porter Road: Back in the 80s kept telling the town he was getting a water problem, they did the first trench, did help. Then they came back and did a 2nd drainage ditch, had to replace 40 square feet of sod. With just the little bit of rain water, it washed down pea stone; it is not working efficiently. Concern is the water problem and future development. Contours are directing the water down hill to the wetlands. According to Merrill's report it meets the criteria. Probably didn't have stormwater bylaw when the other house was built. There is also a lot of wildlife in the area. Mr. Snow: add the plantings and help with the neighbors concerns; add additional trench along the edge of the 50' buffer and run it up to the septic along the lot line. Willing to do both. Mr. Norton: roof drains are going to add more water into the ground. Mr. Snow: when they build something and remove vegetation, they create a basin to dissipate the water slowly, but the soils aren't great there. How deep was the water table? Varies seasonally. Foundation at the back is down 6" to finished grade, not digging down. Would like them to look at the back yard to see where the water actually comes out. Rain water is running down the hill toward the salt marsh; flood plain is behind them. Relief point is the back yard. Mr. Snow: may not be from this lot; this property is not upgradient of the house. Willing to do both a planting plan and trench as close to the septic as possible. These changes are after our consultant's review. Septic limits how close the trench can be. Will add planting plan and trench conditions. Motion for 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)." A planting plan shall be submitted for approval by the Commission. A gravel trench shall be installed starting at the 50' buffer and traveling in a southerly direction along the lot line 25' from the edge of the septic, approximately 60' to 65' in length. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Request for Determination: Thomas, 47 Brook Street (extend & widen paved driveway)*

Mr. Gallivan met with applicants today. They will not be attending tonight. Think the Commission should visit the site. The want to pave an area that is currently crushed stone and there is a big shed between the river and driveway. Also there are a couple of areas that need to be cleaned up. Motion to continue the hearing to August 19, 2015 Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: NOAA, end of Sunset Road (improvements to parking area) (cont.)

Applicant requested a continuance to August 19, 2015. Motion to continue the hearing to August 19, 2015 at 6:30 p.m. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Venti/Vaughn/Walker/Knier/Thomas, 47, 49, 51, 53, 55 Surfside Road (revetment maintenance)*

Have not received the DEP file number. Motion to continue the hearing to August 19, 2015 at 6:35 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Sutton, 174 Branch Street (access off Curtis – Lot 4 – new build & septic)

Stormwater permit was submitted, but it is not reviewed yet. Motion to continue the hearing to August 19, 2015 at 6:40 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Lindberg, 265 Central Ave. (elevate)*

Applicant requested a continuance to September. Motion to continue the hearing to September 2, 2015 at 6:30 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Bradlee, 10 Montvale (gravel turnaround/drainage/plantings)*

Applicant's representative requested a continuance to the next available meeting. Motion to continue to August 19, 2015 at 6:45 p.m. Ms. Scott-Pipes. Brad Holmes working on a planting plan. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Boyajian, 94 Marion Road (elevate)*

Applicant's representative requested a continuance to the end of October. Motion to continue the hearing to October 21, 2015 at 6:30 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: McLean, 9 Oliver Street (elevate) (cont.)

Tom and Judy McLean were present at the hearing. Would like to elevate the home; gets water every year and the lally columns are rotted. Will add a utility bump out. Need to keep under 50 square feet; 4' x 1'. There is nowhere to put utilities once it is raised. Will have to build under it, there is no place to move it. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Town of Scituate, Holly Crest (gravel road & parking area to access trails)* (cont.)

Greg Morse from Morse Engineering was present at the hearing. Abutters' notification was submitted. Property purchased by CPC money. There is a 12' wide gravel access road to be extended to a gravel parking area. BVW 50' buffer shown in red, 100' in green, and no work proposed within the 100'. There is a perennial river but no work within the 100' riparian zone; 200' riverfront area cuts through the parking. Erosion control will be placed downgradient. Kiosk placed at the head of the trail entrance. Tried to match the grades. There are no vernal pools. How far away from the house? About 350'. No stakes at this point? Any Natural Heritage Habitat out there? Not at this specific location. How many parking spots? Eight. Paul Cappadonna: last house at #35: Seems to extend farther than he thought. Proposing a wooden gate. Mr. Snow: Ted Coyle acquired a piece of property and he expects to build there. Not anticipating a lot of traffic. Don't want to be causing problems for you or others. From his front door, how many feet to the parking lot? Before the parking area is a buildable lot. Timeline? CPC appropriated a sum of money for this property. Commission asked for this to be designed back in December, but because of all the storms, contracts just sat, they were approved a short time ago. Also need access through the Crosbie property. Want to put an RFP together for multiple bids. Any trail work? No plan yet. Talked to Mr. Higgins who had some ideas. Thought he heard 4 to 6 parking spots. Parking spaces are 10' x 20' – approximately 80' long x 40' wide. Abutters are responsible to fill pot holes, but currently the town plows. Commission will have to work with DPW, nothing is cast in stone. We are a neighbor now; maybe DPW would supply the material to fill the potholes. Have to work with each other on that. When we discussed with police and fire if someone gets hurt or there is an incident, they want to be able to drive in and not have to back all the way out. Also hoping to use for educational purposes, so possibly bus. What happens from here? We will keep you posted. We are the people to come back to if there are any problems. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Congdon, 806 Country Way (septic repair)*

Peter Lyons, Collins Engineering was present at the hearing. Abutters notification was submitted. This is a 4 bedroom house, 2 tanks and 1,000 gallon pump system that will pump to the front yard. Plan shows the 50' and 100' wetland line and mean high water line for Bound Brook. 51' off BVW tanks 22' a little pitch elevation from 13" around back, dropping to 9" in rear. Erosion control around the perimeter. Show a dewatering pit. Only place to put it outside the 50'. No Board of Health approval. Who did the wetland flagging? George Mr. Collins and Mr. Lyons delineated the line. It pretty much follows the tree line. Asked for a couple of variances from Board of Health. Commission recommended a silt sock at property line around the proposed tanks and leaching. Add a condition to remove the big pile of yard waste on the back right. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Order of Conditions: Stewart, 160 Chief Justice Cushing Hwy. (raze/rebuild)

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

Certificate of Compliances:

Kessinger, 154 Jericho Road (2 CofC & an Attested Copy)

Restored the land, driveway and stairs - OK

Tierney, 6 Three Ring Road - OK

Glancy, 250 First Parish No – need to walk the site. Kept some trees she was going to remove. Bob Crawford reviewed – some things are still there thought they'd be gone. Have a couple of people out to the site. September closing.

Town of Scituate, Town Pier, 208 Front Street (town pier) – no site visit today.

O'Connell, 75 Townsend Road – tree line is different than what was approved. Switch systems. Plantings lower vegetation came out. Trying to have an undisturbed buffer. Conservation posts. Keep the plants that are there, and let the rest grow. OK

Minutes: May 20, 2015

Motion to accept the minutes of May 20, 2015 Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Tierney, 6 Three Ring Road - OK

Glancy, 250 First Parish: Not ready, need to walk the site. Bob Crawford reviewed, there are some differences. September closing.

Town of Scituate, Town Pier, 208 Front Street (town pier): didn't get to the site today.

O'Connell, 75 Townsend Road – tree line is different than what was approved. Switched systems. Plantings lower vegetation came out. Trying to have an undisturbed buffer. Conservation posts. Keep the plants that are there, and let the rest grow. OK

Joint meeting with Commission and Planning – stormwater stuff first. Planning Board want to sit up top. Chris Lucas is doing the wetland with Mark Mangello and Josh Bows is reviewing the stormwater from Nitsch engineering. They said they were going to do some filtering. Wanted more plantings. Whole back parking lot has wetlands behind the ball fields. Police & Fire same review people Josh Bows & Chris Lucas, Invite planning board member.

Damon parking area: request from a neighbor to not place the parking where proposed. He is willing to swap a significant plot of land for that. There are two accesses. He has quite a bit of land behind the Damon property; talked to Greg Morse; potentially a better plan. Would have to go back to town meeting.

The lot that was cleared at 71 Clapp did get a stormwater permit. Moved excavator and cleaned up the property.

Kiosk at Ellis property fell down. Thought there was a boy scout that was going to clean up the parking area. Any community service.

CPC appointment: been liaison for CPC for 6 years. Selectmen would like to see a change. Mr. Harding took on the coastal committee. Mr. Snow nominated Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Open space representative for a vote.

New contact with the Harbormaster regarding the spit. Get something out to the new harbormaster. Concerned that activity on the spit has ramped up. Should have some conversation with the new Harbormaster. Make sure he understands our concern. Mr. Parys: there are a lot of out of town people.

4 site visits: 304 Clapp Road; 188 Central – couple of calls asking if there had been a permit issued; 250 First Parish; 47 Brook and 214 Clapp Road: property owners requested a Partial Certificate of Compliance for the roadway and associated infrastructure construction.

Kayak and canoe ramp at Bailey's Causeway: Boy scout needs to submit more copies; Commission can waive the fee.

CORRESPONDENCE

July 16, 2015 – August 5, 2015

1. Complaint re: 21 Town Way Extension – debris from house washing into marsh.
2. Recording of OofC 68-2541 – Trifone, Jr. & Masker, 37 & 39 Collier Road (in file)
3. EPA 81 communities identified in New England re: climate adaptation and resiliency planning efforts deserving recognition. Database compiles actions, documents & webpages that serve as models for other New England towns. Need verification of town's information.
4. Planning Board Agenda for 7/23/15
5. Request for CofC -68-2472 – Town Pier, 208 Front Street – request, plans X-114 – X120 (in file)
6. Panel Decision & Report – 7/10/15 – scientific and technical information submitted – data and methodology does not satisfy NFIP standards, therefore FEMA's data is not corrected, contradicted, or negated.
7. Superseding Order – 68-2521 – Mazzola, 30 Inner Harbor Road – approved with conditions (in file)
8. Superseding Order – 68-2524 – Mazzola, 30 Inner Harbor Road – approved with conditions (in file)
9. Notification to abutters – Holly Crest Road (in file)
10. Request for CofCs – 68-98, 68-1068 & 68-2321 – Closing 8/12/15 - Kessinger, 154 Jericho Road (in 68-2321 file)
11. Abutter notification re: 606 Chief Justice Cushing Hwy. (middle school – in file)
12. Recording of OofC 68-2544 – Popes Pond Cranberry, 149 OOB (in file)
13. Planning Board re: 13 Trysting Road – approved with conditions.
14. Concerned abutter re: lot on Tichnor Court. Already have major water issues when any digging is done behind them. Water flows downhill into cellar, washes footings of deck, causes trenches in drive and washes stones to neighbors. (in file)
15. DEP File #68-2559 – Dean Construction, 806 Country Way (in file)
16. Recording of Partial CofC for 68-1362 – 530 Country Way
17. Zoning Board re: "Requested Relief" – 112 Humarock Beach - Granted to allow for reconstruction of a single family dwelling and accessory structure. (previous filing 68-1092 CofC NR by DEP list)
18. Request for continuance for 68-2549 – 10 Montvale Ave. (in file)
19. Request for continuance for 68-2543 – 174 Branch Street (Lot 4 access from Curtis St.) to next available date (in file)
20. 149 OOB – Contractor Bob O'Neill – rvo123@comcast.net; 617-594-6231 (in file)
21. Request for Partial CofC 68-2474 – Studley Farm for roadway & associated infrastructure construction
22. Middle School – Site and Landscape Plans and letter (1 full size and 3 half size) (in file) (e-mailed to members)
23. 22 Tichnor Court – Morse Engineering's response to Merrill Stormwater Comments (in file)
24. 22 Tichnor Court - Merrill's final report – applicant's engineer addressed all of Merrill's comments in the revised submittal.
25. Planning Board re: 435 First Parish Road – Accessory Dwelling Special Permit Application – COMMENTS by 9/3/15
26. Request to continue NOAA, Sunset Road to August 19, 2015 (in file)
27. Request to continue Lindberg, 265 Central Ave. (in file)
28. Ohrenberger, DeLisi & Harris re: 68-2474 Fern Properties, 214 Clapp Road – sediment traps are not located on land owned by Fern properties.

Meeting adjourned 8:47 p.m.

Respectfully submitted,

Carol Logue, Secretary