

## **Conservation Commission, August 29, 2011**

Town of Scituate

Conservation Commission

Town Hall Selectmen's Hearing Room

Meeting Minutes

August 29, 2011

Meeting was called to order 6:15 at p.m.

Members Present: Mr. Greenbaum, Acting Chairman, Mr. Jones, Mr. Parys, Ms. Scott-Pipes, Mr. Tufts.

Also Present: Paul Shea, Agent, Jim O'Connell, Agent, Carol Logue, Secretary, Allan Greenberg, Associate Member

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

Request for Determination: MacLeod, 20 Atlantic Drive (addition and remove rocks under house)

Ron Holmes and Shawn MacLeod were present at the hearing.

Requested to remove a couple feet of rocks, 3" to 4" in diameter and smaller. Originally 7' of space under house, would like to keep at a certain level. If allowed to keep piling up runoff will go to the neighbor. Rocks are not over septic, no new pilings, and no holes being dug. Mr. O'Connell: generally see no problem, but look at the profile of the cobble dune, to permit equilibrium. If more builds up, could be a problem, but don't see a reason to move them at the present time. It will fill right back in; repetitive process. Can't get a machine under there. Neighbors would like to get together and haul them away in trucks. Commission cannot allow that. Have to move to the seaward face of the dune. RDA allows a one-time move. Can file a Notice of Intent and receive an Order of Conditions for a 5-year maintenance plan. 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)." - the minimum amount of cobble and

sand shall be removed. Contact agent before moving and submit a sketch of where they are moved. Dumpster used for the addition should be removed if any storms are forecast Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Request for Determination: Pender, 236 Gannett Road (grading)  
Ross Rosano and William Pender were present at the hearing. Grading for a pervious patio; alternative would be a wall. Will grade to make a gradual slope; just into the 100' buffer and within the 200' riverfront area. Right behind patio, trees stay. Two small sassafras trees probably will come out. Tree on left side of house lost 2 large branches, believes the tree should be removed for safety reasons. Allow tree on left to be removed. Planting conservation seed. Motion for a negative 3 "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. Jones. Motion passed by unanimous vote.

Request for Determination: Foley, 218 Central Ave. (remove/repair roof)  
Richard Foley was present at the hearing. Older house just moved in year-round. Multiple roof lines, sagging spots and leaks at times. Tear off and put a new roof with a 12 pitch to allow for some storage. Builder is committed to having dumpster on site for only 24 hours. Move dumpster if there is a coming event. 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. Jones. Motion passed by unanimous vote.

Request for Determination: Levesque, 315 Clapp Road (driveway addition)  
Charles Levesque was present at the hearing. Requesting a driveway addition to allow a turn-around to head out onto Clapp Road rather

than backing out. Ms. Scott-Pipes: Concerned about wetland in back. Mr. Jones: interested in knowing if wetland is connected to wetland across the street; there is an intermittent stream. For the most part dry, but during winter months wet. Mr. Snow went to site, best estimation, wetland seems a little closer to property than map shows. Don't see relationship between the stream and what he is planning. Putting crushed pervious surface in outer portion of buffer zone. Mr. O'Connell: there is a stream attaching those two wetlands. 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. Tufts. Motion passed by unanimous vote.

Discuss: Ohrenberger/Collins, 194 Front Street

Atty. Ohrenberger and Walter Collins were present. Mark Patterson also present. Since the last Show Cause Hearing met, mistakes made, dock not installed in the proper location. Working with Michael Bulman. 2-fold: give sufficient time after October 15 because of boating issue. Marine Fisheries gives no window preventing work, but Harbormaster recommends nothing be done before October 15. Procedural standpoint: Enforcement Order could basically correct the situation, with the correct surveys, and place where already permitted, subject to a preconstruction meeting, then Jeff Lake could go forward. Paul Shea: One problem would like to help the applicant, but when project was built things were not done correctly and applicant filed for a Certificate of Compliance. Commission issued a Certificate of Compliance and it was recorded. Once recorded, the project is over, the DEP file doesn't exist anymore. Can't bring it back to life. Still have to deal with Chapter 91. File a Notice of Intent and receive a DEP #. Need site plan, and could issue an Order of Conditions at the next meeting. Without a new filing there would be an issue with Chapter 91 license. Will file the plans already approved, and add what is being removed. Run it by the Harbormaster; also review with Mr. Bulman.

Wetlands Hearing: Fern Properties, LLC, 214 Clapp Road (wetland delineation) (cont.)

Mr. Shea: guess no one is coming; they asked for a continuance on the phone; need to get new information. Motion to continue to September 19, 2011 at 6:50 p.m. Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Wetlands Hearing: Crowley, Lot 1 Glades Road (new build) (cont.) Carmen Hudson, Cavanaro Consulting, John LeGann, Peter Smith, architect, and Shawn Patrick, landscape architect were present at the hearing. Trying to locate house out of the buffer as much as possible. Resources: Coastal bank, Land Subject to Coastal Storm Flowage and Salt Marsh. Last meeting requested more mitigation, a site visit and a landscape plan. Originally 1800 sq. ft. of mitigation between 50' and 100' buffer and 250 sq. ft. rain garden. There is no activity in the 100' buffer zone to the coastal bank. Would like the emergency turn-around approved under this project. Tried to delineate the 50' buffer zone with planting beds. Result of revisions: 9,620 sq. ft. of mitigation, Shawn Patrick only proposed mitigation plantings. Changed some grading to try and minimize. Pulled siltation fence away from the 50' buffer to clearly define the disturbance. Small area of lawn is shown in light green on the plan. Atty. Jeff Delisi, representing, Burek, 170 Glades. Disagree with delineation of coastal bank. DEP dismissed the appeal on Lot 2. Ms. Scott-Pipes: site visit was very helpful. Mr. Jones: had a question when out there about the tree at end of garage. Looks as though it will stay. Brought that question to the client, and they would be happy to plant two trees if that tree had to be taken down. Mr. O'Connell: good mitigation plan. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Wetlands Hearing: Ferguson, 57 Kings Way (additions/driveway/sidewalk) (cont.)

Richard Morgan and John McCade were present at the hearing. Abutters notification was submitted. This hearing was continued for submittal of the abutters notification. Requesting a couple of additions to the dwelling, 41.8' from the 50' buffer; buffer goes through the corner of the foundation. Additions shown in dark on the plan; 2 decks, 3-season deck and an open deck, proposed on sonotubes, driveway and sidewalk reconstruction including landings and steps. Mr. Shea: need some mitigation for work in the 50' buffer zone, such as

plantings. Mr. Jones: 4" PVC drain connected to the roof, runs from the house to the brook. Underground. Going to have how much more roof line? Drain should be sufficient. Mr. Shea: clean runoff going into the ground water system. Mr. O'Connell suggested a drywell and eliminate drain. Show drywell and plantings on revised plan. Motion to continue the hearing to September 19, 2011. Could close the hearing with approval of plan by the agents. Mr. Jones: Leave existing pipe where it is. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Wetlands Hearing: Town of Scituate/Patterson, 117 & 119 Edward Foster Road (modifications to approved plan (cont.))

Mark Patterson, Harbormaster; John Murphy, Chairman of Waterways; George Block and Sue Spratt, Tibbetts Engineering were present at the hearing. Plans presented overlay original design with the changes, plus a landscape plan. Bright orange on the plan shows original layout, lighter brown is proposed under this design. This is a more scenic walk, not just walking around the parking lot; doesn't bring everybody out to the pier. Ms. Scott-Pipes: original had space at top of bank and now right on the bank where there were proposed plantings. Will plant right up to the walkway. Mr. Patterson: we have an amendment request and are hoping to have Mass Pavement and Tibbetts reconstruct the coastal bank; along with that, clearly delineate the buffer zone and put up a physical barrier between the path and boat storage, then have a professional come in to do the plantings. Ms. Scott-Pipes: Would like to see post and rail fence stay to protect plantings and walkway. Mr. Jones: on water side moved walkway right up to the bank, asking the agents if the walkway as currently outlined will end up in the drink; should it be moved back? George Block: Alignment on south end is very similar to original proposal. Concerns still exist, would like an answer to the above question. We've had 12' tides this spring, hasn't impeded the walkway to this point, not to say it won't. Ms. Scott-Pipes: Only 1' of flat surface, would hate to see scour in even 5 to 10 years. Would like to see it all go back to the original layout, but know that's not going to happen. Are we creating a situation? Mr. O'Connell: correct in concerns and comments, if walkway had a larger buffer, thinks it would last longer, embankment will become less steep will effect the walkway sooner, however the

walkway is in now, and recommend it should move forward. There is an aggressive planting plan, but need to formulate an aggressive maintenance plan to keep bank densely planted; will be expensive to keep up with. Will have to rely on the landscape specialists. Lots of boats came out and left that section open, kudos to the town for acting so fast. Grading should be done as soon as possible and start planting. TA will see that the buffer will be completely planted on the north side. Small picnic area will be another phase. Need to add the post and rail fence; discussed plantings and all work should be from one set of plans. Don't want any more confusion. Want exact scope south of the Marine Center building. Installing nine granite-seating blocks, planters and concrete walkway. Rip-rap being removed, which is part of the amended package. Granite benches will be donated, not in contract, just the concrete pads of which 2 are near kayak ramp, and 1 by the seating area. Everything hatched on the plan is a wild seed mix. No new grading on the coastal bank except for some mounds that need attention. Mr. O'Connell: What is happening with the plants that are there now? All grew in the last 2 months. Will hand pick the weeds; going to leave stems and roots. Ken Loring, Conroy Terrace, last meeting asked to see a sketch of the landscaping. Can we see what the plan is? Three trees in the Y-shaped area, evergreen, Virginia rose, beach plum, Why is there nothing on the northern border? Took what was there and moved to another section. Plantings were taken out from original plan, swale was a concern if the plantings were wrong. Landscape architect knows the swale is there, can verify proposed plantings are correct. Landscape plan is not finalized, was just a concept, not part of the contract. Plantings won't be put in due to lack of funds. After grading and seeding, the Town will put plantings in. John Murphy: it was the goal to have it planted; will be done within the coming year. Mr. Greenbaum: every phase of construction needs to come back to Commission. Peter Konde, 124 Edward Foster Rd: There is a large area with huge puddles; short- and long-term plans for drainage? Two years ago parking area was regraded, pitched to existing swale and carried to discharge pipe, existing parking lot drains toward Edward Foster Rd. Not changing any of the flow through the parking lot. Mr. Bjorklund: the Commission should have a preconstruction before each phase. Howie Kreutzberg, 143 Edward Foster Rd.: Dune on north side planted as south side? Planted with 2"

beach grass plugs and 24 rosa rugosa plants. Mr. O'Connell: delineate that area and items that need to be removed. Mr. Konde: what about dunes between building and Edward Foster Rd? At some point the buildings will be moved in 15'. Will delineate the dune, but right now will work around. Mr. Loring: satisfactory plan, but make sure everything can be put in Orders. Mr. Greenbaum: Summarize: walkway north of the marine center will fit in the same layout that it is in now and be completed, spur will be removed and a new grading plan submitted for approval; plantings between the walkway and the harbor will happen after the weeding process; south of the marine center contractor will proceed as designed, no changes; a post & rail fence will be installed where DPW delineated today; the plan for the dune along Edward Foster Rd will be submitted indicating what will be saved and what will be redone; wild grass mix will be planted between post and rail fence and walkway as appropriate this fall; show exactly where the landward seating benches will be placed; show minor grading of the parking lot to be done for storm water issues, pipe installed, and where spreader will be installed. Mr. O'Connell: would suggest erosion control mat or its equivalent on the lower bank. Mr. Patterson: maintenance grading on the south, half done already, potholes to be filled. Just note maintenance to fill the potholes; submit notification to the Commission. Howie Kreutzberg: who is going to supervise this whole process? TA has put in writing that everything should be run by DPW and Commission or agent, filtered through Mark Patterson, Harbormaster. Waterways, Harbormaster, DPW, & ConCom - we are all in it together. Tibbetts is still project manager. Mass Pavement will be doing the work, run through Tibbetts and then through the town. George Block: construction oversight once a week; providing oversight, not directing work. Single point of contact will be Mark Patterson. Motion to close the hearing and follow Mr. Greenbaum's list of things to be submitted Ms. Scott-Pipes. Would like to see it happen as quickly and correctly as possible Second Mr. Jones. Motion passed by unanimous vote.

Wetlands Hearing: Klein, 73 Kent Street (circular drive/deck/lawn/ plantings)\*

Paul Mirabito, Ross Engineering Company, Inc. was present at the hearing. Abutters notification was submitted. Zone AE elevation 13'. Land subject to coastal storm flowage, adjacent to salt marsh.

Proposing expansion of existing deck, will square off house; a double width circular drive with pervious pavers on sand and stone for drainage; small piece of existing asphalt will stay in place; and relocate shed, which is on someone else's property. Driveway enhancement is a safety issue. Is driveway going onto town property or off applicant's property? Yes. Should check with Kevin Cafferty, might need a curb cut permit. Does have a right to bring drive to the existing pavement of the street. To rear of property add 18" to height of stonewall, 1' to 18" of fill for driveway and about 16" for lawn area. Mixture of plants is listed on Note 7 of plan. Mr. O'Connell: Who located the wetlands? Located edge of salt marsh where there are wall remnants. Looks like salt marsh is on each side of the remnants, and it is being mowed. Not in support of building the wall higher. Purpose of the wall is to hold the loam and plantings and the purpose of the plantings is to keep the kids from going into the marsh. Mr. Shea: lawn area is already marsh. Will have the front of wall looked at. Mr. Greenbaum: proposed lawn is for a play area? Concerned vegetation won't grow; any other surface that could be used? Try to look at alternatives. Rock wall was put in when dwelling was built. Mr. O'Connell: Not a solid rock wall, not a wall at all and 18" of fill all the way to it is asking a lot. Need some loam there to get plants to grow. Existing grade? Now 7' will be 8', driveway at 9', 1' lower than the street. 2' of fill right against the salt marsh? Don't want that. Look at alternative play surface, Need tidal elevation and marsh delineated. Mr. Shea: Show where the shed is going. Submit letter from DPW or Town Administrator regarding possible curb cut. Motion to continue to September 19 at 6:55 p.m. Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Wetlands Hearing: O'Shea, 22 Oceanside Drive (remove storm sediment/5 years)\*

Paul Mirabito, Ross Engineering Company, Inc. was present at the hearing. Abutters notification was submitted. In the storm of last December, sediment was removed. Applicant was asked to file a Request for Determination for a one-time removal or a Notice of Intent, which might allow removal of sand for 5 years. Requesting possibility of removal for the entire site. Can't estimate or determine if it would be a portion or the whole lot. Ms. Scott-Pipes: sand or cobble? Last time he saw it, seemed like it was mostly sand. Spread on site. Mr. O'Connell:



normally the recommendation is to remove for access to dwelling, To include the entire property doesn't make sense. Need to come back with a policy for parking and access, to use the property in a safe matter. From a geological perspective there is an equilibrium that nature is trying to maintain. As the seaward part continues to lower, possibility develops for catastrophic events. Not ready to change how it is handled now, but need to think about the future; setting up a threshold for more damage. Ms. Scott-Pipes: So when do we start? Mr. O'Connell: there are exceptions to the rule, has to be on a site by site basis. Mr. Greenbaum: Need to deal with areas for access, but not the whole property. Condition to maintain access to the house. Need to call the office before work is started each time. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Wetlands Hearing: Christenson, 25 Surfside Road (raze/rebuild)\* Carmen Hudson, Cavanaro Consulting, Mr. & Mrs. Christenson, Heidi Condon, Architect were present at the hearing. Abutters notification was submitted. Resources: AO Flood zone, 2' depth, and land subject to coastal storm flowage. Seawall is the property line. Existing dwelling is within the 100' buffer, served by a detached garage and paved driveway with a failed cesspool; will connect to sewer. Proposing to raze and rebuild both structures with 1st floor elevation changed from 15.8' to 19.3' with breakaway panels. Push the garage back from the street, rearrange the paved driveway, and locate a pool outside the 100' buffer zone with patio and lawn extending to seawall, lawn exists. Met with Mr. O'Connell a couple of weeks ago and it was suggested a paver driveway. Ms. Scott-Pipes: Using the same footprint? Almost the same. All utilities will be up at the 1st floor; nothing in the basement area. Covered walkway to the garage. North side proposed stairs and outdoor shower. Existing bulkhead will be replaced by stairs and shower. No interlocking decking for the shower. Fence may possibly divert water onto neighbors' property. Will need a fence around the pool. Have a more open fence than what is there. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Wetlands Hearing: Town of Scituate/DPW/Bangert, 0 Oceanside Drive

(2, 4 & 6 Oceanside seawall)\*

Carlos Pena, CLE Engineering was present at the hearing. Abutters notification was submitted. Replacing existing seawall that was breached, built prior to '71. Town placed large rip-rap for protection Raising 2' and lowering approximately 2'; undermining prior to failure. Replace rip-rap using existing stone at approximate elevation of 9'. Also proposing a splash pad in back. Existing seawall has no weep holes. With pad behind the wall, won't scour out. Ms. Scott-Pipes: Located decks? Shouldn't be any issue. Pad won't go very deep. Extends 2' above the walls beside it Slightly concave section of the beach. Based on CZM recommendation, rebuild new sections of wall where possible. Mr. Jones: First time have heard of this approach of a pad behind it. Don't want to saturate the base of the wall, leads to failure. Nothing can be done about the overwash, want it back through the wall ASAP. Mr. O'Connell: we want weep holes and like the splash apron. Mr. Greenbaum: Project should include the ability to do emergency work to bring more rocks to site. Located all the cracks along the wall. Rebuild each corner of the wall for a good tie-in. May amend for a few more feet on the sides; will bring up with DPW. Bigger issue if this project is extended. Dan Farrington, 117 Turner Rd: If anything changes on the plan, everyone would be notified? Phil Johnson, 119 Turner: Understand the rationale for raising it 2', but what about people walking on it and not knowing and suddenly the wall is 2' higher? A lot of people walk it. Only other option would be to ramp it. Anytime you walk a seawall you take a chance. Abutter at 2 Oceanside is all for the project. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Wetlands Hearing: Welch, 136 Old Forge Road (septic repair)\*

Greg Morse, Morse Engineering was present at the hearing. Abutters notification was submitted. Bold line represent property line. Brad Holmes flagged the wetlands. Isolated Vegetated Wetland and BVW; further south is the First Herring Brook, however, the riverfront doesn't affect this property. Existing 4-bedroom system, replacing with a 4-bedroom system, new septic tanks and chamber, with pump system to leaching field outside the 100' buffer zone. All grassed lawn; restore as lawn. Proposing silt sock. DEP did not have any comments. Mr. Jones: Within the 50' buffer zone. Disturbed 50' buffer; majority of the

basement is finished; and using existing piping. Leaching now is 5' from the wetland moving outside the 100' buffer zone. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Show Cause Hearing: Proctor, 86 Crescent Street (drainage pipes) Atty. Adam Brodsky, Fern Proctor, and Steve Leitch from Northern Oak were present at the hearing. Mr. Shea: an issue came to my attention regarding 86 Crescent, adjacent to Lot 57; photo shows house at 86 and lot 57; each property sits on a coastal bank with an existing drainage system. Appears some additional drainage pipes have been added. One is located next to the swale and one in landscaped area. The work is in the 50' buffer. Questioning why a Notice of Intent didn't come before us. The drainage pipes direct water into the 50' buffer and onto 94 Crescent. Looked at all the past site plans, nowhere have the drainage pipes been shown. The existing structures are within the 50' buffer also. Atty. Brodsky: researched the property. Paul Mirabito knows about the asphalt installed by the state in 1941. Never have seen the Commonwealth build anything like this before. Upgraded septic and retaining walls with relief drains built under DEP File #68-1173. In May 1998 built garage; 2" drain toward the coastal bank, directed to the existing swale; unfortunately it is hand drawn on septic plan. No question the drain was installed at that time, needed to move water away from garage. That work was reviewed by Mr. Kalishes and a Certificate of Compliance was issued. In 2008 when the Proctors proposed a structure on Lot 57, 2" drain pipe was increased to 4". Portion of existing wall was repaired, and another short section of pipe was installed. It would have been a good idea to speak to the Commission with respect to drainage problems. Work was done further up the hill and silted to the drainage structure; maintenance issue. Cleaned area in front of the drain, hopefully it will address the concerns of the down gradient property owners. Only can suggest the water comes from above. Seaward side of the swale is healthy lawn. Mr. Jones: The 2 properties above had to put spreaders in to go over the cliff. Fairly steep slope, not sure if it is a single person's problem. Mr. Shea: the asphalt swale is on all the properties. Drainage pipes were put in off Proctor's property. Steve Leitch: First wall was built perpendicular for the septic; the wall parallel to the ocean was rebuilt.

Ms. Proctor: swale was overgrown, thinks the old swale is still there. Steve Leitch found it, had a couple of people come out and had to move the wall back a foot or two. Mr. McKeever: the original swale was not paved and not sitting on the cliff, extra water is being redirected. Concerned there is a maintenance issue. Cleaned up recently, but tends to clog up. Distribution box on both properties. Mr. Brodsky: showed a draft plan with location of swale, paved in 2007. Would agree with a maintenance schedule. Minimal contribution from the garage drain. Mr. Greenbaum: Investigate more? Any suggestions from the agents? Have Barbara Thissell go out and submit a letter addressing the issues. If site plans changed on Struzzula's property, that might have changed the runoff or Struzzula's swale might be blocked. Within the next 2 weeks have a site visit. Look at removal of the swale and vegetate. Lot 57 called for a vegetated swale. Happy to resolve their piece of the problem. Mr. Bjorklund: 2 different issues, one is the swale and the other the pipe. If the water from Proctors makes it to the swale, might eliminate the problem, if water doesn't reach it would have more impact on McKeever. Proctor is lower than the street, all the water should go back to the swale. Mr. Greenbaum: What about the new pipe at the bottom of the retaining wall? Simply a relief for the retaining wall. Atty. Brodsky: wait to hear from agents about a site visit. Steve Leitch would be happy to meet anyone out there.

Show Cause Hearing: Brown, 54 Border Street (unauthorized clearing) Steve and Carole Brown were present at the hearing. Mr. Shea: project goes back to 2003. Previous owners were O'Brien and Sill who built a new house and part of the proposal was to do work around the existing wetland. Common driveway goes up to the Brown's. LEC put the application together. Adjacent property owner hired Paul Shea. Isolated land subject to flooding under the bylaw and also there was a question if it functioned as vernal pool habitat; holds water all year. Order of Conditions was issued. During the project, the Commission required the applicant to file with Natural Heritage, LEC determined that it was a vernal pool, submitted to Natural Heritage in 2004, had enough info to get the pool certified, except Natural Heritage wanted another photograph. It appears LEC never sent additional picture. The project was built. The pool area originally had a fountain and aeration system, but all agreed to remove since it was a vernal pool. LEC

created an extensive planting plan, except for 1 area. A Certificate of Compliance was requested. One of the on-going conditions was certification of the vernal pool. Fast forward to 2011, to the new owner, vegetation was removed that was part of the mitigation project. Who the landscaper was and why didn't come back to the Commission, we don't know. Can't alter the area, because it is part of a mitigation plan. The Brown's are the second property owners since O'Brien and Sill, been there 2-1/2 years. Approach was to clean it up. Phragmites were choking everything out. Using as the watering system; wasn't avoiding the Commission. Dealt with phragmites on the eastern shore of Maryland. Would like to keep it clean and nice looking. Had some people come in to trim a couple of native bushes. If something was pre-existing, was unaware of it. Ms. Scott-Pipes: Grass was between the ledge and the pond, not supposed to have grass. You've inherited the problem someone else created. Have to finish the application for the vernal pool, and replant. Discuss phragmites later. Mr. Torsney bought the house and it had been unoccupied for 5 years. He should have been aware of the vegetation, and there is a plan stipulating the plantings. Review the LEC planting plans. O'Brien's were committed to this planting plan and vernal pool. Maybe everything died because no one lived there for 5 years. Neil Murphy's plan shows a small section of grass. Technically the Commission overlooked that the pool hadn't been certified. Should look like 2004 plan. Continue to October 3, 2011

Minutes: April 25, 2011, May 9, 2011, May 23, 2011, June 13, 2011, June 22, 2011

Motion to accept the Minutes of April 25, 2011 Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Motion to accept the Minutes of May 9, 2011 Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Motion to accept the Minutes of May 23, 2011 Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Motion to accept the Minutes of June 13, 2011 Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Motion to accept the Minutes of June 22, 2011 Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Agents' Report: Discuss process for fines.

Mr. Shea: re: 104 Oceanside Drive. Talked with Mr. Murphy today, wanted to file a Request for Determination, told him to file an after-the-fact Notice of Intent. Agreed, but he has received only pieces of information from Mr. Brodigan and hasn't spoken to Mr. Walsh. Scheduled Mr. Brodigan for a Show Cause Hearing, he did call stating there was a death in the family. Rescheduled and no one showed up. Mr. Walsh, contractor, told Ms. Scott-Pipes – go ahead and fine me, not going to turn truck away. Then Steve Bjorklund & Penny went back out, Walsh wasn't going to stop pouring cement. Mr. Bjorklund brought it to his attention that he could be fined \$300 a day. As far as Mr. Shea is concerned \$300 a day since June 28. Walsh was banking on a small fine, had to pay for the cement, poured or not. Can't believe Mr. Murphy is ConCom agent for Canton. Mr. Tufts: They blatantly blew us off. According to Mr. Murphy the after-the-fact filing will be in by Friday. Talk about the fine issue. Penny went right up to the door, spoke to wife. Was told she was subject to fines and told Mr. Walsh also. Brodigans were well aware she could have told them to go home. All the wife said was, it's 4th of July, I want it in. Motion to accept an after-the-fact Notice of Intent and the property owner and contractor will be fined \$300 a day from June 28 (the day they were asked to stop). One fine slip or one for each of them? Typically there are 40 orders and Cohasset fines \$300 a day for each order violated. Would fine both \$300 a day, they were made well aware of fines before the pouring of any cement. Ms. Scott-Pipes. Decided a total of \$300 a day split between the homeowner and contractor from June 28 Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Order of Conditions: Burwick, 17 New Driftway (redevelop parcel)  
Motion to condition the project Ms. Scott-Pipes. Second Mr. Jones.  
Motion passed by unanimous vote.

Amendment of Order of Conditions: Town of Scituate/Patterson, 117 & 119 Edward Foster Road (modifications to approved plans)  
Motion to condition the project Ms. Scott-Pipes. Second Mr. Jones.  
Motion passed by unanimous vote.

## CORRESPONDENCE

August 16, 2011 – August 29, 2011

1. Request an extension of 30 days to file NOI for 104 Oceanside Drive
2. Permit extension Act for 769 Country Way – Issued 1/8/08. Grady thinks automatic until 1/8/13.
3. Revised plans for 57 Kings Way (erosion controls put on plans) (in file)
4. Recording of Extension for 68-2024 - 117 & 119 Edward Foster Road until 6/26/13 (in Amendment file)
5. DEP Dismissed Appeal for 68-2290 – Wannop, Lot 2 Glades Road (in file)
6. Town of Scituate Waterways Management Plan – Adopted: June 7, 2011
7. Recording of OofC for 68-2350 – Greco – 319 Central Ave. (in file)
8. Recording of OofC for Clouser & Campbell, 154/160 Jericho Road (in file)
9. Recording of OofC for Wood, 126 Captain Pierce Road (in file)
10. Immediate actions to be taken at Scituate Marine Park – 68-2024 – 117-119 Edward Foster Road (in file)
11. Woodard & Curran “Directions” Newsletter
12. Planning Board Agenda for August 25, 2011-08-29
13. Request for CofC for 68-2341 – 35 Tilden Road – no check (in file)
14. Revised plans for Lot 1 Glades Road (in file)
15. Letter re: Enforcement Order for 104 Oceanside Drive - Explained that property is separated from any coastal resources identified in WPA by the seawall. (in file)
16. MACC Quarterly
17. Recording of CofC for 68-2292 - Snyder, 10 Old Driftway (in file)
18. Recording of CofC for 68-1622 – Carroll, 327 Hatherly Road (in file)
19. Recording of OofC for 68-2352 – Apicella, 6 Peggotty Beach Rd (in file)
20. DEP re: 68-2217 – Dismissed earlier Notice of Intent for Bloomstein (never withdrew) (in file)
21. FEMA Re: FIRM Maps – No base flood elevation modifications in Town of Scituate – not eligible for 90 days to review
22. DEP Storm Emergency Waterways Provisions in the aftermath of Hurricane Irene

Meeting adjourned 10:30 p.m.

Respectfully submitted,

Carol Logue, Secretary