

Conservation Commission, August 15, 2011

Town of Scituate

Conservation Commission

Town Hall Selectmen's Hearing Room

Meeting Minutes

August 15, 2011

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

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

Also Present: Paul Shea, Agent, Jim O'Connell, Agent, Carol Logue, Secretary.

Agenda: Motion to amend the agenda to discuss Phase III plan for the Marina Mr. Greenbaum. Second Ms. Scott-Pipes. Motion passed by unanimous vote.

Atty. William Ohrenberger representing Walter Collins re: TK O'Malley's, 194 Front Street. He explained to the Commission he couldn't be here at 7:45 p.m. Permitted dock was open all last season. When the Quarterdeck was sold, the angle was found to be wrong for the piers. SITEC and Jeff Lake of Sea & Shore tried to do what they could in the off-season. Jeff Lake got involved again about 2 weeks ago; he thought SITEC resolved the matter. Both talked to Army Corps, coming back to the Commission after the season. A temporary solution doesn't make much sense. Everyone is acutely aware of the situation. Ray Quinn of SITEC is going to do what he can to rectify the situation. Submitted a letter to the Chairman. In essence, mistake made in the field and it will be fixed. Plan to work closely with the Board, more of an engineering situation. Harbormaster's policy: nothing happens in the harbor after May 15.

Request for Determination: Meehan, 16 Barry's Landing (recent dock activities & deck & float addition)

Stan Humphries, LEC was present at the hearing. About 10 years ago RDA submitted for a gangway and 2 floats on the North River, received

a positive determination. There was no water at the end of the dock, built a 6.5' x 20' float toward the river, 4'x14' deck, overall deck is 7'x14' from upland to gangway and flagstones set in the ground. Submitted a plan that would be accepted by Chapter 91. Looking to make it fully legitimate with Chapter 91 and North River Commission. Mr. Breitenstein: float was added this season and a 4'x14' part of the deck; at a loss why it didn't come to the Commission. Mr. Greenbaum: old material within the 50' BVW and 100' of the river; a Notice of Intent has been filed for every dock seen by the Commission, why isn't this an after-the-fact Notice of Intent? Originally filed in 2001. Previous owner just did an RDA, didn't go to Chapter 91 or the Corps. Ms. Meehan wants to correct the situation. Mr. Shea: original dock in 2001 didn't go through the correct permitting process; project requires a Notice of Intent and all other approvals, including Chapter 91 and North River Commission. Mr. O'Connell: some work was permitted, but not in the same footprint; from an environmental standpoint the impact is minimal, but needs proper permits; start here with an after-the-fact Notice of Intent. Motion for a positive determination – Positive 2a – “The boundaries of resource areas listed below are not confirmed by this Determination, regardless of whether such boundaries are contained on the plans attached to this Determination or to the Request for Determination” and Positive 3 – “The work described on referenced plan(s) and document(s) is within an area subject to protection under the Act and will remove, fill, dredge, or alter that area. Therefore, said work requires the filing of a Notice of Intent.” Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Request for Determination: Columbia Gas of MA, Glades Road
(replace gas main)

Joshua Bows, Merrill Associates was present at the hearing representing Columbia Gas. Project is replacement of a gas main on the west side between Gannett Road and Bailey's Causeway within 100' buffer of the coastal bank. BVW is between Bailey's Causeway, south to Cliff Estates Road, just outside of 100' buffer. Procedure: install erosion controls, saw cut asphalt, and dig trench, nothing is left open. Filter fabric in the catch basins. Motion for a Negative 2 - “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.”
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: Horne, 101, 102, 1004 Chief Justice Cushing Hwy. (addition/parking/landscaping)
Hold. Applicant not present.

Request for Determination: Burgess/Muller-Kahle, 130 Oceanside Drive (various repairs from storm 12/10)
Colleen Burgess and Hans Muller-Kahle were present at the hearing.
Minor work: repair some of the damage from December storm; shingling, replace sliding doors, and work on a portion of the deck/patio. Maintain original footprint, use existing foundation. 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 passes by unanimous vote.

Request for Determination: Donahue, 4 Cushing Landing (replace existing deck)
David.& Kathy Donahue were present at the hearing. Replacing a 35 year old deck. Installing one more sonotube. 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: Horne, 101, 102, 1004 Chief Justice Cushing Hwy. (Cohasset & Scituate) (addition/parking/landscaping)

Christopher Horne was present at the hearing. Waiting for stamped copy of the stormwater report. Putting on an addition to house an indoor pool, mostly in Cohasset, using part of parking area. Wetland area in the back. There is an access road for the Fire Dept. Small portion in Scituate comes out 26' feet. No additional parking. Limited amount of people in building at one time. Entrance in front, only one entrance to the building that brings clients to the front desk; no direct access to the pool. Been through the Planning Board – next meeting on the 8th, both Planning Boards' requirement is only the entrance. Planning board in Cohasset requested a light, with which Scituate agreed, and keeping entrance clear. Mr. Shea: Before Cohasset Commission on Thursday night, anticipating a negative 3 determination. 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.

Wetlands Hearing: Farina, 10, 12 Ocean Dr, 24 Humarock Beach (install boulders) (cont.)

Applicant's representative requested to withdraw the application without prejudice. Motion to accept the withdrawal Ms. Scott-Pipes. Second Mr. Greenbaum. Motion passed by unanimous vote.

Wetlands Hearing: Blaney, 274 Central Ave. (septic & rip-rap protection) cont.)

Applicant requested a continuance to September. Motion to continue the hearing to September 19, 2011 at 6:40 p.m. Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Wetlands Hearing: Town of Scituate/DPW, Stockbridge Road (sidewalk) (cont.)

Justin Lamoureux, Horsley & Witten and Al Bangert, DPW were present at the hearing. 5,000 linear ft. of sidewalk on Stockbridge Rd at approximately 238, extending to Vinal Ave. and the school. Plan shows the 50' buffer in green, 100' buffer in red. Drainage: Stockbridge has some existing drainage shown in blue. Proposed 6" curb, will not allow

runoff into the yards. Proposed trench drain along the sidewalk. Under drain system for larger storms, connecting to existing and proposed drainage. Silt socks adjacent to the wetlands and catch basins. Had one public forum, and will be scheduling another very soon and Traffic Rules & Regs is another public forum. Crossing the street because of telephone poles and wetlands and connecting sidewalks at Union. Mr. Jones: Tree to be removed at 162 Stockbridge in the 100' buffer, should we ask for any mitigation? Mr. Snow: Any plantings proposed? No. Other concerns regarding discharge, any filtering or anything like that? Drains into red maple swamp that eventually drains into the reservoir. So little room in the right-the-way, but filtering with stone trench drain. Berms in driveways. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

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

Applicant's representative requested to continue the hearing to August 29, 2011. Motion to continue to August 29, 2011 at 6:30 p.m. Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Wetlands Hearing: Burwick, 17 New Driftway (redevelop parcel/new build/parking/patio/fence)

Greg Morse, Morse Engineering and Robert Burwick were present at the hearing. Abutters notification was submitted. Redevelopment of the former Raymond Paint Store. Two businesses from Scituate plan to go into 5,000 sq. ft. building: Duval Dance Studio and a new restaurant in back. There is a garage in back parking area and a couple of other sheds. Bituminous and gravel parking areas, AE flood zone elevation 11', and 100' riparian zone cuts through the site with the whole site within the 200' riverfront area. Business zoned properties: no endangered species, vernal pools, or real additions, using the existing building. Other site improvements: paver patio 24'x 24', access walkway from the back restaurant, and outdoor seating. Removing garage in back and the 2 sheds. There is a self-service 10'x 20' ice house/large vending machine. There will be a new ice house 83.6' from the river. Coat and restripe parking lot and proposing area of crusher run gravel surface. Proposing evergreens, arborvitaes, a row of hedges around the patio, street trees, and trees within the parking

area. Doesn't have to comply fully with stormwater regs. Existing grass swale, converting into a rain garden, some treatment before it gets to First Herring Brook; no fill within the floodplain. Primary resource is riverfront area. Proposed work is an improvement: reducing impervious surface in the 100' buffer zone, treatment system, increasing landscaping and vegetation, rain garden, no proposed work closer than existing conditions; removing sheds that were 22' from the river. At southern end just landscaping and rain garden not beyond pavement. Between the 100' and 200' riparian zone there is a slight increase, but not in impervious surface. Every area has been previously disturbed. Maintaining impervious surface, but adding a stone filter trench at the edge of parking, before it enters the river. Zoning and Planning gave unanimous approval. DEP had no comments. Ms. Scott-Pipes: Grease trap for the restaurant? Coming out the back, 1500 gallons, tied into municipal sewer. Not changing the grade at the entrance. Mr. Greenbaum: Any BVW along Herring Brook? Brad Holmes walked the site, didn't think there was any BVW. There is an armored embankment and chain-linked fence. Mr. Jones: the new patio closer to the brook? Surface is pervious concrete pavers, dry layered; no cement. Moving impervious surface away from the brook. Removed a landscape island, removed jogs in the asphalt. Handout shows rain garden. Mr. Burwick: No significant runoff from the Driftway. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Wetlands Hearing: Crowley, Lot 1 Glades Road (new build)
Carmen Hudson, Cavanaro Consulting, Atty. John Began, representing owners, and Mr. & Mrs. Crowley, prospective buyers were present at the hearing. Abutters notification was submitted. Vacant 117,494 sq. ft. lot, facing Cohasset harbor with ledge outcrops. Resources: salt marsh at toe of bank, and coastal storm flowage; most restrictive is the coastal bank. Proposing a single-family house, attached garage, gravel driveway, and septic system approved previously. Closest point to coastal bank is 63.6', no work or disturbance in the 50' buffer zone. Lot 2 was approved for an emergency turn-around, would like the turnaround approved at the same time because we don't know which property will be built first. Erosion controls will be put along the 50' buffer. Utilities installed along Glades Road with a proposed hydrant.

Utility trench will be dug and filled the same day. Proposing 1800 sq. ft. of buffer plantings. Runoff goes toward a new rain garden. Ms. Scott-Pipes: emergency turnaround, whoever builds first will make sure it is put in? Yes. Would like to see more mitigation. Possibly remove phragmites at the bottom of the bank? Thought about phragmites, but inaccessible. Grass swale might have more plantings. Mr. Greenbaum: approximate square footage of the structure? Entire area of house within 100' buffer 3,140 sq. ft, portion of house as well as garage. Would like some sort of backyard, thinking lawn. Mr. O'Connell: off-site mitigation was requested from Lot 2. The entire Lot 2 proposal was in the 100' buffer zone, this doesn't have as much impact. Mr. Shea: Reviewed Stormwater report – issues have been met. Any other areas that could be enhanced? Maybe could plant some areas in the front. Tried to combine turnaround with driveway, but the Fire Dept. wanted to see a separate turnaround. Could you submit a letter from them? Assistant Fire Chief John Murphy was present: required a separate turnaround, approved by the Chief and himself. Submit a proposed landscape plan to review. John Coleman, 163 Glades: is there a plan available showing the property line? Property line was surveyed. How much ledge will be blasted? Where the house is located. Eleanor Coleman, 163 Glades: Any impacts to the house located next to them? No work is proposed along the property line. Mr. Snow: There is ledge under the house and also within the 100' buffer, are you planning to do any blasting outside the confines of the house? Trying to work within the existing topo. Are you altering the ledge outside the parameters of the house? Yes. The 21' contour line contains ledge, the 23' does not. Mr. O'Connell: what is the purpose of removing that ledge? It is close to the house, need a small area for septic tank, and would like to grade away from the foundation. Could there be less grading? Maybe. The house is all on ledge. Atty. Jeff Delisi, representing Jeffrey Burek, 170 Glades Rd.: Carmen's design is fairly nice, but this is a sensitive area, concern with coastal bank delineation. Peter Rosen's opinion is that the top of the coastal bank is different in the field than what is shown on the plan. Appropriate to ask for topo information. Also the note on the plan indicates the top of coastal bank was delineated per DEP regs and Conservation has an enhanced version of the definition. Outside consultant was hired for the ANRAD and resource areas were approved. ORAD is still valid, unless other resources are found or

something is wrong. Mr. Bjorklund: Planning Board did a form A – as far as 50' buffer to the coastal bank is concerned it is from where the ledge starts to flatten back out. Mr. Jones: The real question is the ledge? Mr. Snow: submit at least a preliminary landscape plan; reasonable request. Mr. Shea: corner of house staked? No, can't stake, all ledge. Could spray paint the corners. Mr. Snow: if anybody has an interest, meet for a site visit with Cavanaro to see general location of the house, and also idea of where the blasting will take place. Mr. Coleman would like to know when the on-site will take place. Motion to continue to the hearing to August 29, 2011 at 6:40 p.m. Ms. Scott-Pipes. Second Mr. Greenbaum. Motion passed by unanimous vote.

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

Richard Morgan, John MacKay, and Joel McKenna were present at the hearing, Approved by Board of Health. Addition to rear away from buffer zone other than left-hand side, small triangle. No abutters notification. Motion to continue the hearing to August 29, 2011 at 6:45 p.m. Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Show Cause Hearing: Mass Pavement Reclamation, 117 & 119 Edward Foster Road

Donald Digiccomo and Mike Gallant, Mass Pavement Reclamation. Mr. O'Connell: Calling this Phase III - Went on-site noticed silt fence was 5' to 10' into the salt marsh, sediment covering some low and high marsh. Met Donald at the site. Measured from plans and found to be entirely different from approved plans. Stopped project, need to find out the changes and why and where the plans came from. Have received new plans and currently trying to figure out the changes and what to do with the marsh. Mr. Snow: objective is to hear from all parties involved. A Show Cause hearing earlier, but Mass Pavement was not included: that was an oversight--all three should have been in at the same time. Ms. Scott-Pipes: wants fill out of the marsh and planted properly. Donald Digiccomo: provided a set of plans to bid on the project and won the project. Had a preconstruction meeting with DPW on how to approach the project. Fill on slope excavated out to the

limits on plan provided, installed loam and later found out that those plans had not been properly approved. There was no reason to believe they hadn't been. Whatever needs to be rectified will be. Prior to construction, Tibbetts gave them the plans. Mr. Greenbaum: have you had experience in resource areas like this before? Worked in buffer zones; did the first stage of the bike path on the Driftway. Have done roads and parking lots around town. You didn't find it odd that there was no Order of Conditions or DEP #; no red flags? Oversight. No preconstruction meeting with the Conservation Agent? Doesn't specifically remember a preconstruction for the bike path. Still no sign at the project. Did you have weekly meetings with Tibbetts? Project manual requires weekly meetings. Met with Dan Smith from DPW a few times throughout and someone from Tibbetts once. In the future hopefully you will ask for an Order of Conditions and DEP File #. Mr. O'Connell: one comment--no salt marsh is supposed to be filled or altered in Massachusetts; if you ever run into this again, a red flag should go up. Marshes are one of the most protected resources in Mass. If you see a silt fence, it is to protect the resource area, keep that in mind. Usually an Order of Conditions is part of the bid package. The site plans should have been enough to trigger the question of an Order. Mr. Snow: Had a good working relationship with Mass Pavement on the Driftway path. Are they clear about what has to be done on that slope? LEC went out with wetland specialists, want to hear from them.

Amendment: Town of Scituate/Patterson, 117 & 119 Edward Foster Road (modifications to approved plan)

Stan Humphries, LEC, George Block, and Sue Spratt, Tibbetts Engineering were present the hearing. Abutters notification was submitted. There have been a number of issues and problems. By filing this amendment, correcting errors. Plans submitted are very similar, no substantial changes. Areas include: rehabilitation of coastal bank, walkway, material for walkway - had to be ADA compliant, seating area and kayak area, somewhat different from original plan. Sue Spratt: Walkway closer to parking lot in one area and closer to bank in another to give greater buffer from the parking area--moved it along existing fence line. Swale on CLE's plan was constructed. At a meeting with Waterways Commission, decided safer entrance along

the fence line. Granite seating boulders south of existing building. Waterways wanted it spruced up. Using pavers, removing some rip-rap and planting beach grass. The grading along the bank is just what CLE had, phragmites same, proposed more salt tolerate plantings. More extensive plantings than CLE's plan. Graded for runoff to enter existing swale, sheet flow over the walkway. Mr. Humphries: A revised planting plan was submitted to Tibbetts a while back; about 5400 sq. ft of salt marsh plantings. Amount of fill: mainly the southwest corner 100 sq. ft of fill up to about 6". Evidence of more material pulled out, but hard to determine now. Not nearly as much phragmites as one would have expected. Ms. Scott-Pipes: walkway over by the fence involved cutting away a lot of soil. Will have about 8" of fill and 4" of aggregate. Remove unsuitable soil and put back proper soil. Soil sitting right on the coastal bank should be away from the slope. Much rather see a boardwalk, water could definitely get through. Mr. Snow: more damaging to remove sediments from the marsh? Mr. O'Connell: probably would disturb more marsh. Changed the species of salt marsh grasses. Bank needs to be stabilized immediately; supposed to have an erosion mat. There is 1' of fill. Within 1 or 1-1/2 months, phragmites are coming back: who will be responsible; sure the roots are not completely out. Need to discuss if weeds and phragmites are left for now or removed and erosion mat put down. Should be planted in September. Mr. Breitenstein: how do you control the phragmites after planting? Need to discuss with landscape architect. Too close to the water to use pesticides; wouldn't suggest chemicals. Roots of phragmites are 20'-25' long. Originally it was a phragmites eradication plan. Needs to be worked out, and the sooner the better. Mr. Greenbaum: Along the road the exact dune restoration area was never shown to us; need to revisit. Putting any fill in parking lot itself? Gravel in a small section. The work on the south side never presented to us; not on original CLE plan. Embankment should be restored to original state. How many benches? There are 2 areas for concrete benches, 4 total. Plank boardwalk preferred. What is being done with coastal bank northwest corner? A lot of fill was removed. Soil put back has to be compatible. It is a fluffy, marshy type of soil. Would be better if it were a sandy well-drained soil. Existing fence is being relocated to front of dune. Mr. O'Connell: Need some slope on that embankment and appropriate plantings to enhance area. Would like to see as much salt

marsh planted as possible, and balance embankment. There is no change in shape of parking, pier removed. Mr. Parys: Never thought to come back to Conservation with the new plan? Didn't think the plan had changed significantly enough. Mr. Jones: asked at the last meeting to have new plan superimposed on the original approved plan. Have a copy in the office. Had it at a meeting with the TA. Reported that the new walkway is a little different. Mr. O'Connell feels it is significantly different. Closer to salt marsh, leaves no room at all for plantings. Some recommendations: starting from salt marsh, remove silt fence in salt marsh immediately, place at the actual toe of coastal bank, stabilize unvegetated area; can see where there is inundation from the tides. Mr. Greenbaum: given the condition of the path, is it salvageable? The landscape architect believes it is. Walkway is not in compliance with approved permit. Path is flooding now, but with the proper fill flooding can be controlled. Placement of walkway is probably not in our jurisdiction; salt tolerant plants should be up against the fence; needs to be protected from cars. Will write up a list tomorrow of what needs to be done first. Ken Loring: 11 Conroy Terrace: Has original Board of Appeals and Corps of Engineers permits; changes not addressed--walkway originally placed on marine park side, 2-1/2' of fill around Marine Park, drainage flows to a swale, suspect they put the walkway between Marine Park and swale--swale originally on his side of the walkway; nothing can drain through the walkway--water is supposed to go back into the ground through the swale; proposed shrub planting, between walkway and fence, discussed in letter, but not on plan; looks like they moved the walkway a little closer to the water; would ask why the buffer wasn't kept. How do we know it won't be filled with cars. Suggesting a row of boulders – best would be a planting to protect the drainage swale. The walkway is 3" lower than his property and a tree and plantings were removed. Will this be adequately maintained? This isn't a one-shot deal, you have to control the phragmites. Tibbetts was asked not to include plantings now, they would be in a future filing. Walkway would have been in the swale and the swale is already built. Guarantee people will park cars and boats there. There is no logical reason why this was changed. John Murphy, chairman of the Waterways Committee: There was a recommendation to move the walkway for safety; always intended to have a buffer; guarantee there will be no boats parked there. Combination of rocks,

plantings and grass should be done. Boatworks' owners are very reasonable to work with. Mr. Snow: Would granite be in compliance? If rosa rugosa or Virginia rose were planted they would be compliant. Mr. O'Connell: will look at the drainage area. Howie Kreutzberg: Not getting notified; original plan called for dune restoration to limit the amount of run off, and it is essential. Tibbetts should give Mass Pavement direction. We need clarification of how to protect the buffer. Mr. Jones: Any issues with DEP and Corps of Engineers? Orders in other permits need to be addressed. Marsh was conditioned in Corps permit. Would like to get as much salt marsh grass in here as possible. Mr. Snow: not going to close this, need modifications to the plan. In the meantime can we do anything more to stabilize the bank? Mr. O'Connell: Reset silt curtain and stabilize the lower part of the embankment immediately to stop additional impacts. Want salt tolerant plants put in and be ready to work aggressively to get this project on target. More impacts if walkway torn up, just move forward, but not right now. Mr. Breitenstein: no work on the sidewalk until they meet Mr. O'Connell's recommendations. Motion to continue the hearing to August 29, 2011 at 6:45 p.m. Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote. Can we ask for a landscape plan in the buffer zone? Write up a draft tomorrow of items that need to be done immediately and e-mail.

Show Cause Hearing: TK O'Malley's, 194 Front Street (pier/dock/float wrong positions)

Atty. Ohrenberger discussed earlier in the evening. Mr. Snow read the letter submitted by Atty. Ohrenberger. Mr. O'Connell: pier not on the correct property; very dangerous public hazard. That pier needs to be taken out under an Enforcement Order. Request a letter from the Harbormaster whether this is hazardous situation. The applicant received a Certificate of Compliance based on their engineer's survey. Enforcement Order should call for removal by a certain date, not wait until the boating season ends. Mike Bulman: floats and pilings are mentioned, but nothing about the pier; the entire pier should be removed. Supposed to be a 10' buffer. A new Notice of Intent will be required. Would like a date certain to get it out of the water. Mr. Bulman: They talked a good game, and haven't done anything – opened next day and allowed people on float. Liability should be with the engineer who stamped the plan. One of the safety issues is that

the dock is in the middle of the Federal channel. Motion to issue an Enforcement Order stating removal of any improperly placed piers and a time-frame to refile Mr. Snow. Second Ms. Scott-Pipes. Motion passed by unanimous vote.

Agents Report: McKeever, 94 Crescent Ave.

Mr. Shea: There is an issue at 86 Crescent: Lot 57 was part of 86, separate lots now. Two drainage outflow pipes located on open lot at 86 Crescent Ave. where surface water is redirected toward 94 Crescent. There is the top of coastal bank and 100' buffer zone. No work is approved for Lot 57. Drainage structures do not show on any plans. Unauthorized drainage structures; outflow pipes are new. Send a letter for a Show Cause Hearing to Proctor, 86 Crescent Ave.

Mr. O'Connell: Went to site of Joy, 262 Central Ave. and there is a wooden bulkhead that is not shown on the plan. No issuance of Certificate of Compliance, need revised as-built.

Two Extensions for Orders of Conditions: Harris, 102 Scituate Ave. and Meisterman, 769 Country Way

Mr. Bjorklund: Orders call for recording within 60 days, however, nothing in the WPA. Running into a bit of a problem with the Extension Act of 2010. Before any work is started orders have to be recorded at the Registry of Deeds, because they are not even valid. A municipal body can make a declaration to accept the Chapter 240 Act of 2010, which could be put on the website.

For Harris, 102 Scituate Ave, buyer won't go forward with the sale unless he knows for sure the Order will be extended.

Meisterman, 769 Country Way: has not recorded the Orders. What he is looking for is an extension for recording the Order of Conditions.

Maybe it's time to change the language of the 60-day recording.

Motion to extend the Orders for 102 Scituate Ave. and 60 day filing deadline for 769 Country Way Mr. Parys. Second Mr. Greenbaum. Motion passed by unanimous vote.

Motion to ratify the Enforcement Order for TK O'Malley's Ms. Scott-Pipes. Second Mr. Greenbaum. Motion passed by unanimous vote.

Order of Conditions: Mahoney, 4 Peggotty Beach Road (remove sediment for access)

Motion to condition the project Mr. Greenbaum. Second Mr. Jones.

Motion passed by unanimous vote.

Order of Conditions: D'Angio, 39 Central Ave. (deck)

Motion to condition the project as amended - add order to remove concrete walk underneath the deck and dispose of properly, and no sediment shall be removed from the property. Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Order of Conditions: Apicella, 6 Peggotty Beach Road (deck & 5-year maintenance for sediment removal)

Motion to condition the project Ms. Scott-Pipes. Second Mr. Jones.

Motion passed by unanimous vote.

Order of Conditions: Town of Scituate, Stockbridge Road (sidewalk)

Motion to condition the project Ms. Scott-Pipes. Second Mr.

Greenbaum. Motion passed by unanimous vote.

CORRESPONDENCE

August 2, 2011 – August 15, 2011

1. Recording of Partial CofC for 68-1714 – Polcari, 46 Atlantic Drive (in file)

2. Request to withdraw NOI Seoane, 172 Gannett Road without prejudice (in file)

3. The Beacon

4. Recording of Partial CofC 68-2293 – Menino, 5 Ocean Drive (in file)

5. Recording of OofC 68-2172 – Scanzillo, Bates Lane (in file)

6. Letter McKeever, 94 Crescent Ave. re: progress 2 drainage outflow pipes located on open lot at 86 Crescent Ave. Surface water redirected toward 94 Crescent from property adjacent and distribution box on both properties that redirects drainage into the seawall.

7. Revised NOI plan for 6 Peggotty Beach Road – 68-2352 – showing area of sand removal for a 5-year period (in file)

8. Picture e-mailed re: dirt bike tracks, Satuit Brook @ Back Basin

9. List of contacts for contractors – Tilden Estates, 77 Elm Street (in file)

10. Notification of Field Work – 68-2216 – Williamson Environmental, LLC 50-acres – 137 Hatherly Road (former Proving Grounds) (in file)
11. Recording of OofC 68-2297 – Wall, 12 Oceanside Drive (in file)
12. Planning Board re: Form A Application 140 Hollett Street – COMMENTS no later than August 11, 2011
13. Planning Board re: Form A Application – Hillcrest Road – COMMENTS no later than August 11, 2011
14. Planning Board re: Form A Application – 8 Gannett Road – COMMENTS no later than August 11, 2011
15. DEP File #68-2355 – Crowley/c/o Cavanaro Consulting, Inc., Glades Road (in file)
16. DEP File #68-2356 – Greenbush Realty Trust/Burwick, Robert, 17 New Driftway (in file)
17. Supplemental Information re: Stockbridge Road Pedestrian Sidewalk – 68-2353 (in file)
18. Report re: 214 Thomas Clapp Rd - Independent Environmental Consultants, Inc. (in file)
19. R. Mullen & Associates, Inc., Commercial Contractors – FAC 70 General Construction – general announcement.
20. Request for extension Harris, 102 Scituate Avenue – 68-2209 (in file)
21. Planning Board Agenda for August 11, 2011
22. Recording of Campbell, 278 Central Avenue – 68-2340 (in file)
23. Request for Extension for 68-2048 for 769 Country Way in light of Chapter 240 of the Acts of 2010, Section 173.
24. Recording of OofC for 68-2339 – Malone, 6 Utility Road – Also preconstruction request. (in file)
25. Planning Board re: Form A Application 556 Fist Parish Road – COMMENTS no later than August 11, 2011
26. Planning Board re: Form A Application Greenbush Realty Trust/ Burwick, Tr., 17 New Driftway. COMMENTS by 8/4/11 if possible.
27. Picture of Box turtle found next to 250 Old Oaken Bucket Road
28. Recording of CofC 68-2278 – Kelley, 227 Old Oaken Bucket Road (in file)
29. Updated Scituate General Bylaws – July 2011
30. Revised plans for Blaney, 274 Central Avenue (in file)
31. Request for Continuance re: Blaney, 274 Central Avenue to address potential options and questions.

32. Request to withdraw without prejudice 10 & 12 Ocean Drive, #24 Humarock Beach (in file)
33. Request for CofC for 68-2232 – Stone, 28 Dartmouth Street (in file)
34. Request for CofC for 68-2344 – 147R Glades Road (in file)\
35. Request for Superseding Order of Conditions 68-2290 (Ross Eng.) Wannop, Lot 2 Glades Road (in file)
36. Request for continuance for 68-2354 – 214 Thomas Clapp Rd (in file)
37. Picture of flooding for 214 Clapp Road (in file)
38. Notification to Abutters – O’Shea, 22 Oceanside Drive (in file)
39. Superseding Order of Conditions 68-2290 – Wannop, Lot 1 Glades Road (Atty. Nagle) (in file)
40. Recording of 68-2321 – Kessinger, 154 Jericho Road (in file)
41. Notification to Abutters – Klein, 73 Kent Street (in file)
42. Recording of OofC 68-2346 – Balog/Demers, 39 Bayberry Road (in file)

Meeting adjourned 10:30 p.m.

Respectfully submitted,

Carol Logue, Secretary