

**Town of Scituate
Conservation Commission
Selectmen's Hearing Room
Meeting Minutes
January 28, 2019**

Members Present: Chairman Mr. Frank Snow, Mr. Paul Parys, Ms. Penny Scott-Pipes, and Ms. Lisa Caisse

Not Present: Ms. Jen Foley, Mr. Richard Harding, and Mr. Doug Aaberg

Also Present: Amy Walkey, Conservation and Natural Resource Officer

DISCUSSION/ UPDATE:

6:15PM: Call to Order and Agenda Acceptance

Ms. Penny Scott-Pipes made motion to accept agenda with add-ons. Mr. Paul Parys second. Unanimous vote accepted. (4-0)

****EXECUTIVE SESSION - To discuss strategy with respect to litigation. (24 Webster St.)***

Ms. Penny Scott-Pipes motion at 6:19pm to go into executive session to discuss strategy with respect to litigation for 24 Webster St. Mr. Doug Harding second motion. Roll call vote: Penny Scott-Pipes, Yes; Frank Snow, Yes; Paul Parys, Yes; Lisa Caisse, Yes. Unanimous individual vote in favor (4-0)

Ms. Penny Scott-Pipes motion at 6:41 pm to come out of executive session to. Mr. Paul Parys second motion. Roll call vote: Penny Scott-Pipes, Yes; Frank Snow, Yes; Paul Parys, Yes; Lisa Caisse, Yes. Unanimous individual vote in favor to end executive session (4-0)

PUBLIC HEARINGS NOI/ANRAD

20 Newton Street (rebuild existing porch), Applicant: Myron Osborne, Representative: Robert Crawford, EET, Inc. (cont'd from Dec 17, 2018), 68-2764

Robert Crawford. Exiting porch there now. Removing it. Special conditions from Division of Fisheries and Wildlife regarding endangered species, including time of year requirements.

Ms. Penny Scott-Pipes motion to close 20 Newton St. Mr. Paul Parys second. Unanimous all in favor (4-0).

33 Oceanside Dr., (raze, move dwelling), Applicant, Alfred Boyajian, Representative: Paul Mirabito, Ross Engineering Co., Inc. 68-2767

Received revised plan today. Paul Mirabito presented new information. Spoke to client about piles, and client does not want to do that. Wants to move the house from 43 Oceanside to this lot. Add a garage to the house. Landscape wall, 1.5-2 feet high. Collect water from roof. Existing catch basin on Kenneth to help catch sea water overflow. North side wall proposed 15 ft elevation, ground currently is 12 ft elevation. Walls will force water to go down street to catch basin. Ramp is for access to storage under garage. Previous foundation was not piles, but did have breakout panels. Frank gave update that Enforcement Order and fine were issued to applicant and cease and desist. Since house is already taken down, commission cannot view existing conditions. Photos would be important to have in the record.

Paul M said 50-60 yards of fill were brought to fill depression left from taking house down.

Penny – it would be better if house was going on pilings.

Frank – do we have a foundation plan? Paul – no, doesn't have one. If there is one, would be at building department.

Slab for garage, slab for lower level and the top of the finished floor is 25ft.

First floor is 12 ft above existing grade.

Owner, Alfred Boyajian joined meeting.

Amy – abutters will be concerned about fill and how effects flow of water and impacting them, not just for large floods. Received plans today, so important to have time to review so can get question.

The Enforcement Order came with a fine that needs to be paid before orders and permits can be issued.

Amy Grozier – 72 Kenneth- concerned about walls on NW line of house. Does not believe that water will change direction and go back out to the street. Understands large floods, can't do anything about. Rains from last storm last weekend, shows water going through the yard. Would like to see a plan that does not have a 3 foot wall pushing water onto everyone else.

Frank – we need a foundation plan – we need that as part of submittal. Retaining wall on one side will cause deflection and redirection of water around property. This is the concern you are hearing from the neighbors. You are creating an island around this house and in process will push water around house to point where it affects the neighbors. Paul M. showed plan with existing contour of lot. Frank reminded that if doing the new contouring of the lot for the purpose of minimizing flood insurance - currently, flood maps show property in flood plain. To change that, need map revision, if that's even possible. It is a concern to commission adding wall and adding so much fill. Concern that water will be shed to other people's property.

Paul M. – with this design, opportunity for mitigation of water over lot, reducing water coming off the site.

Bottom of building needs to be at least elevation 16.1 to meet FEMA and Scituate by-law

Roof area water will be recharged in chambers below grade. Rest will be lawn area. Frank – would like to know where FEMA requires to fill lot.

Frank – need to continue because need foundation plan and photographs of site with original house. More information needed on berm and wall.

Ms. Penny Scott-Pipes motion to continue 33 Oceanside Dr. to February 11, 2019 at 6:20pm. Mr. Paul Parys second. Unanimous all in favor (4-0).

157 Turner Rd (elevate), Applicant, Daniel McAdam, Representative: Paul Mirabito, Ross Engineering, Co., Inc., 68-2766

Paul Mirabito, Ross Engineering, continued discussion of how to handle foundation

Frank – We are being scrutinized by DEP and CZM and by the state that we are allowing proper foundation in proper location. In order to elevate, to excavate, will be neighbors lots, unless use sheeting – which is expensive and imposing

Amy – We are in favor of permitting project to elevate house. The concern is about scouring of concrete left in ground. Would like to see concrete taken out consistent with DEP policy.

Frank – understands very small lot and to remove concrete on such small lot will be difficult, expensive, and take extraordinary effort.

Amy – if they can demonstrate or evaluate other methods. CZM reviews these for FEMA grants. There are other new technologies out there.

Frank – Building Department feels it is compliant. Concern about soil is cobble, which is not stable.

Amy – Suggest close, pending suitable foundation plan. Or continue until get what want.

Frank – Close to approved foundation plan. Penny – would like to make sure it is a plan that will qualify for FEMA grant and won't get denied.

Ms. Penny Scott-Pipes motion to close with stipulation get an approved foundation plan for 157 Turner Rd. Mr. Paul Parys second. Unanimous all in favor (4-0).

87 Glades Rd (raze & rebuild with septic system repair), Applicant: Doris Crary, Representative: Greg Morse, Morse Engineering Co., Inc., 68-2765

Gregory Morse, Morse Engineering, with applicant and property owner, Doris Crary. Take down existing building (4 units) and build new building. Down to 6 bedroom, 3 units (instead of 4). Also wants to add leaching field. Open pile foundation. Building will be 18 ft elevation, so will be room under building for leaching. Foundation plans were submitted with plan. No new impervious area with plan. Concern tight tank to septic tank in small space. Will need to continue because project needs to be approved by Board of Health. Convert tight tank to septic tank that will pump to chambers underneath new building.

Doris Crary, owner, going 3 ft higher, substantial different in flood insurance.

Ms. Penny Scott-Pipes motion to continue to 87 Glades Rd. to February 11, 2019 at 6:20pm. Mr. Paul Parys second. Unanimous all in favor (4-0).

37-39 Collier Rd., Applicant: William Trifone and Steven Masker, 68-2770

Abutter cards handed in.

Adam Brodsky, representing Masker & Trifone. No changes requested to plan. Refiling because original orders had expired.

John McAnteer – 22 Collier Rd – would like to see it finish up. If give orders for 3 years, could it really take another 3 years?

Frank – cannot deny them the three years, but recommends to Adam to his client to finish up.

Brian Jones – 6 Michael Ave – we would like to see it built and finished.

Frank Elson from 8 Lincoln Ave – Site itself not kept clean, no trash container. Neighbors ends up

Paul Bowers– 7 Lincoln Ave – would like to see if agent can see scarring of sea wall and site. Used to be drainage system that went to other wide of sea wall, now water goes down the hill. Understands it is reviewed, but is not working as one would think.

Recent storms, have created depression

Noisy generator, since no electric at site yet. Is there a way to accelerate; lot has trash and not maintained.

Adam will communicate to owners concerns of neighbors.

Ms. Penny Scott-Pipes motion to close 37-39 Collier Rd. Mr. Paul Parys second. Unanimous all in favor (4-0).

4 Revere St. (pier), Applicant, Joseph Motzi, Representative: Kevin Maquire, 68-2769

Abutter cards handed in.

Kevin Maquire, put plans together for Mr. & Mrs. Motzi. Pier total length is about 137? Ft. Canoe and kayak rack, . pile held float after pier? Notified Harbor Master when filed and Marine Fisheries and ____ and ____.

Chapter 91 license process will have to notify Fishery and harbor master.

There was a finding letter marine fisheries from ____ with comments about slat, height, ratio 60 ft back from the channel.

Ms. Penny Scott-Pipes motion to close 4 Revere St. Mr. Paul Parys second. Unanimous all in favor (4-0).

606 Chief Justice Cushing Hwy (Athletic Track and Fields renovation and concession stand), Applicant: Maura Glancy, Town of Scituate; Representative: Sean O'Connell, Activitas Inc.

Abutter cards handed in.

Sean O'Connell, landscape architect with Activitas. Currently there are accessibility issues, Title IX issues. Track is not regulation – slopes from 2 feet from one end to the other. Turf past its life and needs to be replaced. synthetic turf system. Explained project in detail of new turf- rotating so out of 50ft buffer. Baseball field convert from natural grass to synthetic turf. Adding additional team areas and sitting areas. New lighting systems for all areas. Landscape berms proposed with extra earth from doing fields. New concession stands with bathrooms. Existing pavilion will remain.

Tim Howard??, PE, working with Activitas, proposing work in 100 ft buffer and drainage system into those wetlands. Discussed drainage patterns of fields, stormwater management, recharge areas. Stormwater easier to deal with given the nature of the project. Minimize run off to parking lot, which should nhel drainage system already underground there. Football field will have additional drainage management of chambers under the field.

Seasonal use, so in winter not sanding and no treatment of impervious areas so no need for water quality controls beyond what is there because pollutant load not there.

Merrill engineering did peer review. Will implement some of the comments and address Deb's comments and work with her. Erosion control around perimeter. Project might be done in sequence so can still use some of the fields.

What is turf made of - Mark Novak – material is all synthetic – discussed what turf is made of and discussed what is inside of the turf.

Amy – under review by peer review and happy to hear working with comments. We will take a look at total stormwater impact and where making worse and where making better.

Frank – importance of planning the stages of construction of project. Make sure site plan adequate enough so if rain event, like one recently, prepared for it, because there are wetlands surrounding project. Contractor needs to understand and be prepared.

Amy – would like to get a commitment on phasing of the project.

Mark Novak – phasing of project is the idea. Track and Field would be first. Ideally want that done by Thanksgiving 2019, and then do the other parts of project for Spring 2020. Design schedule – hope to be out to public bid by middle of March 2019.

Question of asking for a letter of support – Frank is concerned about a letter of support for a project that we are conditioning also. Mark suggested a letter supporting the intent of the project.

Amy suggested continue to March 4 so time to discuss stormwater and will be done presenting to planning.

Ms. Penny Scott-Pipes motion to motion 606 C J Cushing Hwy to February 11, 2019 at 6:20pm. Mr. Paul Parys second. Unanimous all in favor (4-0).

18 Evangaline Dr. (pool and patio), Applicant: Patrick McNamara, Representative: Jeff Hassett, Morse Engineering Co., 68-2775

Abutter cards handed in. Greg Morse, Morse engineering, representing owner. Lawn area is where suggesting put pool and patio. All work is out of the 50.

Meeting requirements of wetland act and Scituate by-law. Stormwater plans when neighborhood developed figuring pools would want to be put in.

What is plan for fence? Tree line or property line? Patrick McNamara – not finalized where fence will go, but need to have one around because of putting pool in. Plan would be to put on tree line,

Frank – not as much worried about where fence is going as much as would like to have it on the plan. If going to need to do any clearing, consider some plantings. Greg – showed plan from Duxbury landscaping to show intent of landscaping.

Greg – will get updated plan to the commission and would like to continue.

Ms. Penny Scott-Pipes motion to continue 18 Evangaline Dr. to February 11, 2019 at 6:20pm. Mr. Paul Parys second. Unanimous all in favor (4-0).

109 Jericho Rd (raze/rebuild), Applicant: Wolf, Representative: Jeff Hassett, Morse Engineering
need abutter cards- cards received January 29.

Ms. Penny Scott-Pipes motion to continue 109 Jericho Rd. to February 11, 2019 at 6:20pm. Mr. Paul Parys second. Unanimous all in favor (4-0).

16 Booth Hill Rd (after-the-fact NOI, regrading), Applicant: Jamie Davenport, Representative: Greg Morse, Morse Engineering, Inc.

Greg Morse, Morse engineering. Abutter cards handed in. approx. 3600 sq ft in conservation jurisdiction. Grady consulting did a plan in 2013 that plan was used for this plan. Brought pictures to show work before and during. Big trees were left. Several small, less than 4in diameter trees were taken down.

Amy – how much fill was brought in? – Jamie Davenport, owner, maybe 20 dump trucks. Plan to add more plantings.

Frank – critical part to us is to stabilize with appropriate planting.

Ms. Penny Scott-Pipes motion to close 18 Evangaline Dr. Mr. Paul Parys second. Unanimous all in favor (4-0).

Tack Factory Pond Dr. (Well 17A Treatment Plant), Applicant: Town of Scituate; Representative: Amanda Houle, Tighe and Bond

Ms. Penny Scott-Pipes motion to continue Well 17A Treatment Plant, Tack Factory Pond Dr. to February 11, 2019 at 6:20pm Ms. Lisa Caisse second. Unanimous all in favor (4-0).

PUBLIC MEETINGS/ADMINISTRATIVE, ENFORCEMENT / PERMITS and OTHER REQUESTS

Request for Determination of Applicability:

13 Glades Rd(repair sewer system)

Frank reclude from it. Paul Parys read to open.

Ms. Penny Scott-Pipes motion to continue 13 Glades Rd.to February 11th. Mr. Paul Parys second. Unanimous all in favor (3-0).

11 Sassamon Road (remove & replace existing sun room & deck, replace 9 footings)

Steve Bjorklund representing owners, Pettinelli's silt fence is out. Permits issued, but discovered footings were not good enough for project. Need new footings in new locations.

Ms. Penny Scott-Pipes motion for -3 for 11 Sassamon Rd. Mr. Paul Parys second. Unanimous all in favor (4-0).

NEW BUSINESS: Correspondence, Agent's Report, Violation and Enforcement Orders, Minutes Dec 3, 2018 and Minutes Dec 17, 2018

ADMINISTATIVE REVIEW:

36 Border St,

Would like to shift the house plan 10 ft so less blasting. Modify as-built needed.

35 Dreamwold, Lot 4

Frank wants to know if drainage issue was resolved as to responsibility of maintaining/cleaning/ etc. doesn't need amendment. Amy will report back.

SUBCOMMITTEE/ PROJECT UPDATES / MISCELLANEOUS

OLD BUSINESS:

OOC: 0 Edward Foster Road (vegetation management). Applicant: Michael & Virginia Ayers

Ms. Penny Scott-Pipes motion to accept orders as written for 0 Edward Foster Rd. Ms. Lisa Caisse second motion. Unanimous vote in favor (4-0)

OOC: 15 Bassin Ln, (raze & rebuild), Applicant: Henry Askew

Ms. Penny Scott-Pipes motion to accept orders as written for 15 Bassin Ln. Ms. Lisa Caisse second motion. Unanimous vote in favor (4-0)

AGENT REPORT:

- MACC conference March 2 if interested in going, let us know.
- Received correspondence from state calling for dismissal of 53 Border. But have not hear from overseeing officer.
- Budget meetings are this week and next week.
- Toll Brothers SWPPT violations – referenced pictures that were emailed. Have EO ready but they are coming up with plan to address issues at hand so meeting tomorrow morning at 11am to see what has been done. Toll brothers, SLT, and town representatives. Frank said he noticed they have been paying more attention to detention areas, concerned not enough eyes on the project because we should not be surprised by event like this. Maybe this is the opportunity to have someone out there full time. And are they on site doing their job? Question is, how is this going to get fixed, we have 2 more years of them working on this site. Frank would like to hear from peer review. If they were telling them the set up was wrong and Karen was

telling it was wrong – so why was not more done to correct. Would like to make sure from this time doing forward that our consultant and people there are doing their job.

- **53 Border Finding letter from open meeting law – conclusion is no violation.**
- **Fairy door on trails – will discuss at later meeting**
- **Trails – bench, wind chimes, limbs cut down on oak tree- with more people using, more issues**

Motion to adjourn

Ms. Penny Scott-Pipes motion to adjourn 9:28 p.m. Mr. Paul Parys second motion. Unanimous vote in favor (4-0)

Respectfully submitted,

Jennifer Smith
Recording Secretary

CORRESPONDENCE
January 7, 2019 – January 28, 2019

1. Board of Health meeting agenda January 14, 2019
2. Abutter notification for Conservation NOI for HS Athletic Track and Field renovation
3. Planning Board Meeting Agenda January 10, 2019
4. Recording information CofC 107 Jericho Rd 1/7/19 Cert 117932 Bk 00589 Pg 132
5. Recording info CofC 41 Wampatuck Ave 12/26/18 Cert 127837 Bk 00639 Pg 37
6. Recording info CofC 280 Gannett Rd 6/4/18 Bk 49877 Pg 314
7. 90 Stockbridge updates to plan (in file)
8. MACC Annual Conference March 2, 2019 registration information
9. 70 Surfside Rd letter re: start construction January 22, name of supervisor Mike Khadzhem, and sequence of construction events, with pictures
10. ZBA decision for 11 Beacon Rd for special permit for addition
11. SW permit application for review for 269 First Parish Rd in Planning
12. Recording info for OofC for 0 Booth Hill Rd (Bates Lane) 1/7/19 Bk 50702 Pg 229
13. Recording info for OofC for Off Clapp Rd (Crosbie Site) 1/4/19 Bk 50697 Pg 292
14. Abutter notification for 18 Evangaline for pool NOI in Conservation
15. Recording info for OofC for 7 Revere St, 1/11/19 Bk 50713 Pg 219
16. ZBA decision to grant special permit for 50' frontage on lot at 44 Captain Pierce Rd for single family dwelling
17. Abutters notification for 16 Booth Hill NOI in Conservation
18. Agenda Planning Board meeting January 24, 2019
19. Request for Modification from Richard DeBenedicts, PE, regarding 96-100 Stockbridge Rd
20. Storm Drainage Calculations for Stockbridge Landing revised January 10, 2019
21. CZM review of ENF for Hatherly CC project
22. Planning Board notice public hearing for accessory dwelling at 21 Cole Pkwy
23. BOH Agenda January 28, 2019
24. Sea Scituate Agenda January 28, 2019
25. Amended Final OofC for SEB Herring Brook LLC, 40B
26. Letter from Dickens Row residents regrading concern for 2 Dickens Row "seawall"
27. 53 Border Street, DEP support motion to dismiss for failure to sustain a direct case
28. 53 Border St – notice to accept Michael C. Hayes, Esq for appearance of Diamond Development Realty Trust