

**Town of Scituate
Conservation Commission
Selectmen's Hearing Room
Meeting Minutes
July 9, 2018**

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

Also Present: Amy Walkey

An Executive Session was called so that Town Council could inform the Commission of a few items regarding litigation strategy. A roll call vote was needed.

Ms. Penny Scott-Pipes made a motion to go into Executive Session, seconded by Mr. Richard Harding; Unanimous vote (6-0)

The Commission left the room at 6:22 PM and re-entered at 7:06 PM.

Ms. Penny Scott-Pipes made a motion to end the Executive Session and enter back into regular session, Unanimous vote (6-0)

The meeting was called to order at 7: 07 PM by Mr. Frank Snow.

Notice of Intent

Wetlands hearing: Town of Scituate/DPW/McCarthy, 26 and 32 Gardiner Road (modify exisiting drainage - drainage easement) (cont.)

Sean McCarthy (DPW), stated that there were two items on the agenda. One for 26 and one for 32 Gardiner Road which was continued. He said that when the drainage was installed back in 2004 the Order of conditions was never closed out. Sean presented an order to close out, which did not require a vote. The current issue has to do with the initial installation. We filed 2 years ago to relocate drainage and that Notice of Intent is still open, the new notice was filed to leave the drainage where it is. The owner's agreed to give an easement, so we are applying for a limited project which entails placing piping underground so there is no impact to the basements of abutting properties. Mr. Snow asked for a plan that showed the easement, Sean said it the same as proposed at the last meeting and no comments have been added. Ms. Scott-Pipes asked if all the work was outside the 50 feet and Sean said yes. Dan Nangle spoke for the Catlanders (abutters) and said we are happy with the approach of piping, but we are not happy were at the location that the piping ends. The piping is too close to the Catlander's house and could cause damage to the backyard and erosion. He further said that we have requested that the tenants seek a variance to extend the pipe farther down. Mr. Snow said that the Commission had the DEP out to the site and that the Commission felt that the water needs some treatment before it gets to resource area. Extending the pipe will allow the pipe to remain in the area without an easement, however releasing the water closer allows for more impurities. If you extend the pipe it will put you into the 50, Sean said. Mr. Snow asked if we needed to look at the size of the discharge, Sean said he does not want to make it too wide and cause the water to head towards the Marsh. The larger it is, the more water that will expand onto the properties Sean said. The Commission is trying to work

with the DPW to decide what is acceptable to DEP. Mr. Nagle asked if you could reconfigure the pipe and therefore not trigger a variance. Frank asked Amy if it is feasible to continue the crushed stone for another 8 feet, Amy said you could condition it. Mr. Snow said the discharge from the pipe could create a problem, so a small amount of stone might help the discharge. Amy said you could make a slight grading on the property as well. The Commission thought the DPW plan was an improvement to the way the pipe is today. Amy thought you could do an annual or bi-annual maintenance check to monitor the pipe. Mr. Snow asked what if there are problems going forward and Amy said they would have to relook at the design. Mr. Snow stated that the order will still be open so they can amend it without refileing. Mr. Snow asked for a start date, but Sean did not know. Mr. Snow said if you could plan around seeding, growing grass would help stop erosion. Mr. Nagle said that if there are issues, would that be considered a minor amendment, Mr. Snow said an amendment could be done quickly, without refileing.

Ms. Penny Scott-Pipes made a motion to close, seconded by Mr. Richard Harding; Unanimous vote (6-0)

Wetlands hearing: Charboneau, Tr., 178 Central Avenue (rip rap revetment) (cont.)

Ms. Penny Scott-Pipes made a motion to continue on July 23, 2018 at 6:20 PM, seconded by Mr. Richard Harding; Unanimous vote (6-0)

Wetlands hearing: Graci, 180 Central Avenue (rip rap revetment)

Ms. Penny Scott-Pipes made a motion to continue on July 23, 2018 at 6:20 PM, seconded by Mr. Richard Harding; Unanimous vote (6-0)

Wetlands hearing: Greenbush Station, LLC/Genta, 17 New Driftway (replace 60 ft of sewer pipe)

Ms. Penny Scott-Pipes made a motion to continue on July 23, 2018 at 6:20 PM, seconded by Mr. Richard Harding; Unanimous vote (6-0)

Request for Determination: Regan, 35 Jericho Road (landscaping and 31'x 44' basketball court)

Would like to redo the driveway with crushed stone and a border. Also, would like to replace cement walkway with cobble stone, and include a landscaped area with crushed stone and a border. In the back we want to add a basketball court, which is the main piece of the project. We originally wanted an asphalt, but thought it would be a lengthy process to get approval, the court would consist of 3 layers: crushed stone, stone dust and the top will be a removable, permeable plastic tile. Will add loam to the entire yard to cover all the debris that was brought in by the storm. In the back, we want to add beach rose (rosa rugosa). Mr. Harding asked the color of the court, and the Regan's said Scituate blue or green. Mr. Harding thought it was a good plan. Amy Walkey also thought the plan was good. Mr. Snow would like to see erosion control around the outside of the property and the Regan's said that a silk sock had already been put in to stop the loam from going into the marsh. Mr. Snow said you cannot raise the grade too much because it will disrupt the water flow. The Regan's said they were just going to fill in the low spots with about 3 - 8 inches of loam.

Ms. Penny Scott-Pipes made a motion for a negative three, seconded by Mr. Richard Harding; Unanimous vote (6-0)

Request for Determination: Ulery, 120 Oceanside Drive (deck)

Chris Garby (contractor) said that the Ulery's would like to build a deck going 5 feet towards the water. The back deck originally went out 8 to 9 feet and got pulled off in the storms. The new

deck will be scaled back when rebuilt. Mr. Snow asked if property was surveyed, the answer was yes. Mr. Snow asked that it be submitted with the drawings.

Ms. Penny Scott-Pipes made a motion for a negative three, seconded by Mr. Richard Harding; Unanimous vote (6-0)

Request for Determination: Babineau, 13 Stone Avenue (replace back and side deck)

There was a deck that no longer exists, some of the original deck was not finished and they would like to build out about 12 feet. They had an open building permit and the deck was approved 16 years ago, they just reapplied to renew building permit.

Ms. Penny Scott-Pipes made a motion for a negative three, seconded by Mr. Richard Harding; Unanimous vote (6-0)

Request for Determination: Francis, 63 Lighthouse Road (remove concrete deck/replace on sonotubes with steps.

Existing deck is in poor shape, it was old and compromised in the storms and they want to replace it with a new deck with footings. Penny Scott-Pipes asked if the concrete would be removed the same day, the answer was yes.

Ms. Penny Scott-Pipes made a motion for a negative three, seconded by Mr. Richard Harding; Unanimous vote (6-0)

Wetlands hearing: Bronstein, 182 Central Avenue (reconstruct, elevate rip rap revetment)

12,000 sq. ft. lot, the project is to rebuild the rip rap that is falling down and add stone to bring up the elevation to 17. There is currently a 10 ft. concrete wall around the house that supports the deck on the north and south side of house. The existing rip rap is 15 ½ and the survey was done in May. Penny Scott-Pipes asked if there was existing rip rap and the answer was yes and that it has been redone twice if not three times already. Ms. Scott-Pipes asked if you could raise the existing rip rap, Amy Walkey said the DEP regulation are very specific on coastal dunes and banks meaning if you do not have anything before 1978, they are not favorable to armory, she further stated that her research did not show permits for revetment. The Bronstein's said they do not want to stop the water, just absorb it. They showed a picture of their property to the Commission. Mr. Snow asked about the plan, and how many tons of stone they were planning on adding. The Bronstein's were not exactly sure. Mr. Parys said there is stone there and they always allow people to move the existing stone around. The Bronstein's said that they do not want to do a smooth faced wall, which would be a barrier, they just want to rebuild and extend what is there. Mr. Snow was wondering how to determine how much stone they would be allowed to add and how the Commission could qualify the amount and Bob said they just wanted to add an additional foot and a half. Amy asked for detail that showed the rocks, they said they just wanted to add a mound of stones. Mr. Snow wanted to know how many tons of stone they were going to add and the approximate size of the stones. Penny Scott-Pipes said there are no files that allowed the rocks to be there originally and further stated that they started adding rip rap after 1978. Mr. Snow said that the DEP set guidelines for barrier beaches and the Commission has to enforce the guidelines, but the storm is washing some of the rocks away and people want to add back the stones to protect their property. The Bronstein's said that they want to save the river and the beach and preserve their property, not to prevent water from going into the river. There was a discussion about preserving the property while still staying within the guidelines. The Bronstein's said they would use Jay Geary a local person to do the work. The Commission said they wanted to see the plan as a whole to give them an idea for tonage, shape and the size of the stones.

Ms. Penny Scott-Pipes made a motion to continue on July 23, 2018 at 6:20, seconded by Mr. Richard Harding; Unanimous vote (6-0)

Wetlands hearing: Caisse, 242 Central Avenue (reconstruct and enlarge deck/small addition elevate on pilings.

Ms. Caisse said a lot of items on the first floor including the hot water heater, furnace, washer/dryer and electrical panel should be put on pilings because they are getting damaged by water. They also want to move a door away from the wind (move from front to side). The addition is going on existing asphalt and the side is going on cobble stone. The project will be done in steps. The deck will come down first and everything around the house will go on pilings above the elevation area. The foundation will stay the same only the addition and the deck will be elevated. The Commission said that they need a DEP number for the project.

Ms. Penny Scott-Pipes made a motion to close pending a DEP number, Mr. Richard Harding seconded the motion; Unanimous vote (6-0)

Request for Amendment: Fleming, 7 Surfside Road (attach garage, add stairway and attached shed; elevate house and garage slab 2' and 1' respectively

The Fleming's filed an application for an amendment, one abutter was happy that the garage is now moving farther away and being attached to the house. They also want to move the house away from the coastal bank by 5 or 6 ft. and add a shed, and a stairway. The garage will be poured on concrete. The height of building is above FEMA regulations. Mr. Snow asked what the Commission wanted to see for the plan, Mr. Fleming said it just needs to be advertised at this point. The new house will be on piers not foundation. **Mr. Fleming will come back and present the full plan at the July 23 meeting.**

Order of Conditions: South River Dredging, North of Sea Street/Marshfield Avenue

Ms. Penny Scott-Pipes made a motion to accept as written, seconded by Paul Parys; Unanimous Vote (6-0)

Order of Conditions: Same Cloth Ventures, LLC/Nelson, 127 Ann Vinal Road

Ms. Penny Scott-Pipes made a motion to accept as written, seconded by Paul Parys; Unanimous Vote (6-0)

Order of Conditions: Diamond Development, 53 Boarder Street (approve landscape and mitigation plan) Mr. Snow asked if the Commission was okay with the planting plan, Ms. Scott-Pipes reminded the Commission that there was an appeal.

Penny Scott Pipes made a motion to approve the landscape and litigation plan, however there was an objection from Jim Spelman (49 Border Street) who said that on the Order of Conditions it stated that the final revised plan shall be submitted for review at a public meeting. He stated that this is a public hearing but he did not see the plan. The Commission explained that there is no public review of the plan allowed in Order of Conditions. There was concern from the Spelman's that the new trees were going to be too thin to replace the forest of trees that were being taken down.

Ms. Penny Scott-Pipes made a motion to approve the landscape and litigation plan, Mr. Frank Snow seconded the motion, Unanimous Vote (6-0)

Motion to adjourn made by Ms. Penny Scott-Pipes, seconded by Mr. Richard Harding; Unanimous vote, (6-0). The meeting adjourned at 8:49 PM.

Respectfully submitted,

Lianne Cataldo
Recording Secretary