

**Town of Scituate  
Conservation Commission  
Selectmen's Hearing Room  
Meeting Minutes  
September 10, 2018**

**Members Present:** Mr. Frank Snow, Chairman, Ms. Lisa Caisse, Ms. Jen Foley, Mr. Richard Harding, Mr. Paul Parys, and Mr. Doug Aaberg

**Members not present:** Ms. Penny Scott-Pipes

**Also Present:** Amy Walkey, Conservation and Natural Resource Officer

**Ms. Lisa Caisse** made motion to accept agenda as written. Mr. Richard Harding second. Unanimous accepted. (6-0)

**INFORMAL DISCUSSION/ UPDATE:** Director of Engineering, USAF, **Fourth Cliff, Humarock**

NEPM for the base. Owns 4<sup>th</sup> Cliff Property – since 1948 identified for erosion. Update on activity. 4<sup>th</sup> cliff several years ago March 2018 storm. Part of road collapsed. Need to address several activities for safety reasons. 7 minor projects looking to move forward to in fall 2018 and spring 2019.

1. Removing staircase, safety issue. Will start in week or so. Permitted through conservation.
  2. Installed warning signs in response to undercutting at cliff and ID that federal property. 4 temporary signs are up communicating this message. Will need to add piles to ground to put signs up that are coming down because of from stair case being removed.
  3. Utility lines at toe of cliff have been rerouted. Proposing to go to face of cliff.
  4. on eastern edge of property- existing fence relocation inland about 20-30 feet to resolve safety issue of someone falling under fence.
  5. utility relocation – electrical lines exposed and water at edge of cliff. Move inland. Telephone pole and 3 connections.
  6. replace manual gate with electronic gate – entrance gate. So will have to call to office to be let through.
  7. More long term project. Picnic pavilion to replace tents used in that area currently. 20x40 with pea-gravel base. Planning to wrap this into larger project that will address erosion on cliff.
- Federal gov't funding rules on these project are touchy. Since road collapsed, now a repair job so that any area involved with road can encompass erosion control, and address toe of cliff. Plan to be 2019 project and go through conservation process.

Revetment structure will probably be erosion control plan. One is to do toe and address erosion of toe. If do entire cliff, have several options and cannot make decision until complete a full environmental assessment. Not sure if will dredge what eroded off cliff. Frank said Asphalt and concrete from road that have been falling into beach, would they be removed? That would be part of larger project, if that project goes through (funding). Something to discuss while planning that project.

Hopefully will be able to protect that part of Scituate, important to town that it happens. Good that safety pieces are under way. That area's plans affects residential people that live in Humarock, Scituate and Marshfield as well. So needs to be considered. \$4.5 million projected budget should be covered by AF. The rest of gap of funding needed. Maybe state.

**Ann Vinal Update**

Update from Mr. Ohrenberger, attorney. 5 acres open parcels. Marginal environmental value to space. Applicant owns land. Proposal to see if conservation interested would add 9 acres to it. Some acres the Hatherly School would like - 3.9 acre parcel. Would conservation support? It is more worthwhile for town to have land abutts Hatherly School. Open space project, developer reduce lot size, so in turn, open space set aside for use and needs some process for protection. Frank explained, protecting open space becomes burden to maintain especially small spaces. Someone needs to make sure maintained, not altered and hard to do when it is the back yard of many homes. Ohrenberger thought there was a zoning mechanism.

Frank - Such a narrow access point as it is, even with addition acres. Most of land is wetland. Important that they are considering school and community. Don't think people will want trail going right behind their home. Since

Ellis is not going to be used by school. Maybe have conversation with schools about their interest and see how they can ensure it is protected. Already some path kids used to get from school to sub divisions. Frank suggested property go to care of Selectman. Problem with that is that part of land would need to a 2/3 vote at meeting. By-law issue discussed. Frank explained that if conservation has been involved in discussions earlier in planning, could have explained then why not interested in this piece. At this point, this piece is not purposeful to conservation. Ohrenberger asked what threshold is so knows how to talk to education about their part. Frank would be willing to talk to school to see what they need. Ohrenberger asked, what do you need and work from there – will offer what you need to accept. Frank said let's talk with school about what they need. Doug asked if we should talk about easement so better access to land. Primary goal is to have this land preserved so can go through with starting development. Amy suggested evaluate property.... Frank suggested put on next meeting to vote. Some groups like Trustees and Audubon, but those groups not only want significant land, but also want large sums of money to help run property. Ohrenberger will continue to work with Amy.

**REQUEST FOR DETERMINATION:**

**RDA: Gates, 28 Longmeadow Rd.,** generator & propane tank

Frank has worked with Mr. Gates in past but can look at this with objectivity. Started as project to replace front steps, thought it would be a good opportunity to add generator and propane tank on side of house. Since within buffer of wetland, spoke to Amy about route to take. Above ground generator and set on slab. Trench will house electricity and propane. Classic drop into wetland from house as residential lots go. At least 50 feet off. Generator will be 10 ft from house, propane 10 ft from house and generator. Negative 3 determination

**Mr. Richard Harding made a motion for -3 second by Mr. Paul Parys. Unanimous vote (6-0).**

**RDA: Marcotte, 110 Hollett St.** septic repair project

**Rob with Grady consulting.** Portion of brook runs next to property. Also wetland associated with brook.

Proposed work is a new septic in front yard, portion of leaching field in buffer area. Plan is to remove current drive way and replace with gravel, as it is currently. Doug – is there a way to get leaching field farther back? Current owner wanted to leave room for future garage. Paul, it is an improvement. Amy, in resource area. Elevation 12 and buffer, big improvement. Meets -2 and -3.

**Mr. Richard Harding made a motion for -2 and -3 second by Mr. Paul Parys. Unanimous vote in favor (6-0).**

**RDA: Higgins MacAllister Property,** access and parking lot

Jeff Hassett with Morse Engineer. Gravel parking lots so access to be used by community for this property and several others. Extend gravel driveway about 330 ft to gravel parking lot. Small amount of grading in parking area. Outside of buffer of wetland. Partially within 200 riverfront buffer. All areas that are going to be disturbed are going to be stabilized with wood chips. Good opportunity for people to see area. Meet requirements of -2.

Pete – Clapp Road – Hollycrest Rd is a pit of road already so if more people are going to be using it is going to need to be maintained. Frank asked Jeff about grading road after construction. No, plan is only to repair to pre-construction. Jeff will look into whether the road will be improved. He can look into that being part of final bid project. Frank does not believe these will be high traffic areas, but understand there will be more. Trying to make properties accessible to public as obligation to taking over care for land. More plans to come to commission regarding trail network on land. This is first part to gain access.

Abutter from 25 Hollycrest – are they going to put a fence in at parking. Parking will have a gate at entrance and signage calling out conservation land and kiosk with trails. Parking lots are to be open dawn to dusk so gate allows to do that. No fence around parking lot.

**Mr. Richard Harding made a motion for -3 second by Mr. Paul Parys vote unanimous in favor (6-0).**

**RDA: Columbia Gas of MA, Gannett St.,** gas main replacement

Chris Sanderson with Merrill Land Surveyors. Portions of installation are within buffer, riverfront and land subject to flooding. Very old. Replace with new standard material. Have delineated all resource areas. Erosion control will be installed before work begins. each day, install what can in one day and restore that area same day. Back fill daily so nothing left open. Similar to others we have permitted. Meet requirements -2.

**Mr. Richard Harding made a motion for -2 second by Mr. Paul Parys vote (6-0).**

## **NOTICE OF INTENT**

**NOI:** Boyajian, 23 Oceanside Dr., fill and lawn after-the-fact

Paul Mirabito, Ross Engineer, representing owner and application. Don Nagle attorney present. Brought information answering questions from last meeting. 230 Cu yd fill brought in. Amount of fill does not have impact on flooding. But for good measure, going to put in infiltration one in front of house and one behind house. Any run off would go into fill. Will then be less run off. Still asking to regrade back so can put lawn in that area. Doug asked about infiltrators will handle roof water. Paul Mirabito said would not normally use infiltrators here because of storm surge. But will help with rain storms. Doug asked if there was update on extra stones on wall. Any consideration to remove second tier of stones. Asked about basin. Paul M said it is a small basin. Did not take that in account bc thought better to manage rain off roof. Frank agrees a good step. Not sure how far can go with argument about lawn absorbing because it can only absorb so much and then stops. Plan proposed to keep soil brought in and rocks brought.

Allison Boldger, Wampatuck Ave, the effect is in back of house. More and speed will be created. Eroding corner of house where crawl space. Grown and intensified since she moved into her house in 1999. It is 9 properties affected, not just 1 property by the dirt being raised. His yard is beautiful, no need to change. Rocks are going to move the flow of water. The water that will be going around his property is going to be more severe.

John 43 Wampatuck, behind 23 Oceanside. Looks like 4 ft higher. Does not understand how so much can be added so close to someone else's property.

Ellen Mary, 50 Wampatuck, across street from John. Since time that added fill and rocks, we have had rain. The speed with which flooding comes through is faster so very concerned about this upcoming winter.

They are trusting conservation to take care and protect neighbors

SW by-laws to protect people. Frank explained that Paul's plan is to address rain water. That area is a flood area, once floods a certain amount, it doesn't matter what you do. How do we address detail like stone wall, that does affect how certain level water will move around his land. If he had only brought in one truck load, we probably wouldn't have an issue to discuss today. Commission needs to decide if need to deny Notice, special conditions, set of orders that they will require of applicant. If applicant doesn't like it, he can appeal to state.

**Mr. Richard Harding motion to close. Mr. Paul Parys second. Unanimous vote (6-0)**

**NOI:** Clapp Road, Crosbie Property, access and parking lot

Jeff Hassett, Morse Engineer, Crosbie has frontage on Clapp road and access to Appleton Field. Driveway to access parking lot on Appleton Field. Most of plan within buffer zone. Only way to access is to cross wetland. Wetland fill is 4300 sq ft. replicating in another area. Minimizing disturbance by doing 12 ft driveway with 2 foot shoulder . all disturbed areas will be stabilized with wood chips. Natural heritage requested signage about drive slow bc turtle crossing and they requested less filling of wetland – need to get back to them on that request. 2 to 1 can use wood chips. 1 to 1 have to use stones. Bottomless culverts under road so animals can go under road, and not over, and not stopped by wall.

Fish and Wildlife and Natural Heritage came back with their concerns. There will be more discussion with other groups to meet requirements and protection. This land was purchased from Crosbie property. Town already had Appleton Fields. But no good access to field. Purchasing Crosbie, town can create own road to field and Crosbie. Needs more than just walking path to access property. DEP comments subject this is subject to storm water review. Stormwater application under peer review. Fish and Wildlife asking about different alternatives. Requiring written analysis of what else is considering. Is a project with public benefit for town.

Lauren, 41 Clapp road. Concerned about giving access with road. Why can't give parking lot, and just let them hike in. Right now, we do not have access by car to either. Frank - Trying to also make area accessible to being with disabilities and handicap. Lauren - Hard pack travel area, and parking lot location, gives them option also to have use. Gave example of trail in Milton . Frank said Appleton field could be able to farm, but need more than just foot access. Original access to Appleton is on private property. If we hadn't taken on this land, probably would be looking at subdivision, so trying to find a balance. Trying to make plans as sensitive as possible. Fire and police have needs also for access requirements. With better access can help protect and improve area – remove dead red pines, promote regrowth. Jeff Hassett remarked it was more of a driveway than a road since so narrow.

Jason, 53 Clapp road. Abuts. How do you calculate what disturbing. He calculates much higher number. Not against project, for access to land, but concerned that the calculations is not correct for the disturbed area. Doug Aaberg will double check number. Frank has Jason's email. Hearing needs to be continued to address additional pieces with other entities. Continue to 10/1.

**Mr. Richard Harding motion to continue to October 1, 2018. Mr. Paul Parys second. Unanimous vote to continue(6-0) .**

**NOI: 0 Booth Hill Rd, Bates Lane,** access and parking lot

Jeff Hassett, Morse Engineering, Bates Lane is already lane that is off Clapp road. Parking area across from last house already built on bates lane.

Signage and turnout on road. Resource area at end of bates land. After the last house bates lane is developed with dirt road. Parking area for 5 vehicles. Did delineated 2 resource areas. Parking area is out of 50 ft buffer. Working within buffer to improve road. Will use erosion barrier around project and surfaces will be stabilized. Amy – mentioned conditioned with orders previously. A little different from before, because includes parking. After parking, want to create hard packed surface to take path to pine grove area and have picnic area. Parallel work being done to make trail maps of town.

**Mr. Doug Aaberg motion to close Mr. Richard Harding second. Unanimous vote to close (6-0)**

**NOI: Anderson, 29 Gilson, r/r**

Wetland includes salt marsh. Proposed house in buffer, but proposed house in buffer is reduced. Zoning board approved. Foundation. On public sewer. On left of drive way looking to bring fill bc in storms floods, so could put car there.

**Mr. Richard Harding motion to close Ms. Lisa Caisse second. Unanimous vote to close (6-0)**

**NOI: Kitchen, 111 Turner Rd.,** elevate

Paul Mirabito, Ross Engineering. Orders for reinforced poured concrete foundation expired from previous owner. Kitchen's purchased property. Elevation 15 FEMA. 1<sup>st</sup> floor is 19 proposed. So 4 above requirement. Same foot print. Plans shown meet FEMA requirements.

**Mr. Richard Harding motion to close Ms. Lisa Caisse second. Unanimous vote to close(6-0)**

**Open Meeting Law Complaint:**

Summaried complaint with commission and visited timeline of events. Feeling is if we had discussed after closing, that would have been inconsistent. Will send response to State Open Government.

**Minutes**

Motion to accept minutes June 18, July 9, July 23, August 10, and August 23 as written

**Mr. Richard Harding motion to accept as written. Ms. Lisa Caisse second motion. Unanimous vote in favor (6-0)**

**AMENDED OOC: Martin, 67 Border St.**

**Mr. Richard Harding made a motion to accept. Second by Mr. Richard Harding. Unanimous vote to accept (6-0)**

**REQUEST FOR EXTENSION:** Woo, 27 Seaside Rd.

**Mr. Richard Harding Motion give 3 years extension for Woo, 27 Seaside Rd., to May 2022. Mr. Paul Parvs second. All in favor (6-0)**

**OLD BUSINESS**

**Orders of Conditions:**

Accept Order of Conditions for all listed

**Mr. Richard Harding, made a motion to accept all orders as written. Ms. Lisa Caisse second motion. All in favor to accept as written (6-0)**

Martin, 67 Border St., 68-2704A

Sennott, 29 Rebecca Rd., 68-2741

Heavey, 38 Atlantic Dr., 68-2743

Bohn, 25 Circuit Ave., 68-2745

Winick, Opposite 230 Central Ave. (new pier), 68-2744

**Agents Report:**

Border St – Muskowitz – MAP to move some rocks to improve drainage

General discussion about Gardiner road and possible ongoing violations.

**Violations**

Deck into coastal dune. 48 Ocean Drive. Letter to go out

Glades – deck – letter to go out

Stockbridge – 2 letters for two different addresses.

**CERTIFICATE OF COMPLIANCE:**

101 Glades, 21 Franklin, 55 Seaside Rd., 188 Central Ave., 15 Julian St., 59 Glades Rd.

All are ready to be signed. Accept

**Mr. Richard Harding motion to accept, Ms. Lisa Caisse second. Unanimous vote in favor. (6-0)**

HOLD 101 Glades – wait to sign.

Mr. Richard Harding motion to adjourn and **Ms. Lisa Caisse** second. Unanimous. (6-0)

Respectfully submitted,

Jennifer Smith

Recording Secretary

**CORRESPONDENCE**

**August 21, 2018 – September 10, 2018**

1. Planning Board Memo – update on 90 Anne Vinal, minor field change approved regarding stonewall
2. Recording of OofC 85 Glades, 8/27/18, Bk. 50216 Pg 10
3. Recording of OofC, South River/North of Sea St. Marshfield 7/25/18 BK. 50081 Pg. 309
4. Recording CofC, 5 Jason's Lane, 68-2667, Bk. 50159 Pg. 198
5. Recording OofC, 7 Surfside Rd, 68-2723, 8/23/18, Bk 50205, Pg. 283

6. Recording CofC, 19 Wood Island Road, 68-2480, 8/24/18, Bk. 50207 Pg. 220
7. Recording CofC 18 Rebecca Road, 68-453, 8/29/18, Bk 50226 Pg. 74
8. Recording CofC, 12 Graves Ave, 68-2574, Bk 50209 Pg 336
9. Recording OofC, 0 Rear Chief Cushing Hwy, 9/6/18, Bk. 50259 Pg. 203
10. Recording Extension of Orders, 53 Surfside, 8/23/18, Cert. 122599, Bk 00612 Pg. 199
11. Recording CoC, 67 Lighthouse Rd, 9/6/18, Bk. 50258, Pg. 223
12. DEP notice of water sampling collected in July 25, 2018 near Mann Lot Road on 3A
13. Email from neighbor of 23 Sunset Rd regarding addressing the enforcement issues.
14. Board of Health Agenda for meeting August 27, 2018
15. Planning Board Agenda Thursday, August 23, 2018
16. Extension from Office of Attorney General on Complaint re: 53 Border St, Open Meeting Law to respond by September 14, 2018.
17. 53 Border Street Site Plans with DEP Coastal Bank added to plan
18. Photos 23 Oceanside mowing lawn 8/21/18
19. 2 Prospect Ave: Request to add to Orders to take tree down on property that is leaning and bark was blown off in winter storms
20. Letter from Board of Health to 44 Captain Peirce Road, notifying of septic is failure
21. Memo and plans from ZBA to Planning Board re: 236 Central Ave, 50 Kenneth Rd, 800 CJC Hwy, 25 Circuit Ave, 1 Cole Pkwy
22. Invite to commission members and agent for celebratory rededication of North and South River as a National Natural Landmark on September 23 at 11 am VIP brunch at Marshfield Yacht Club, 1pm Ceremony at South River Park
23. Woodard & Curran Letter to ZBA re: review of Herring Brook Meadow Development at 126-132 CJC Hwy
24. Agenda Economic Development Commission Sept 12 meeting
25. ZBA letter allowing special permit for dredging at South River
26. ZBA letter allowing special permit to build single family dwelling at 53 Border St
27. ZBA letter 360 Gannett Road permit to reconstruct structure (Jamie's Pub)
28. BOH Agenda Sept 10 meeting
29. ZBA Public Hearing Notice October 2, 2018
30. Agenda Design Review Committee, meeting Sept 11, 2018
31. Planning Board Agenda meeting Sept 18, 2018

**Minor Activity Permits**

- #82 158 Border Street – purpose of drainage improvements using hand tools in driveway  
#81 Minot Beach – clean up seaweed north of Minot Beach