

**Town of Scituate
Conservation Commission
Town Hall Selectmen's Hearing Room
Meeting Minutes
April 16, 2014**

Meeting was called to order at 6:20 p.m.

Members Present: Mr. Snow, Chairman, Ms. Caisse, Mr. Harding, Mr. Parys, Ms. Scott-Pipes, and Mr. Schmid.

Also Present: Patrick Gallivan

Agenda: Motion to amend the agenda to include discussions regarding: the new GPS plotting and the coastal person, 214 Central Ave., work without a permit; 157 & 159 Hollett Street, tree cutting, brush clearing; 308 Central Ave., stone removal; Irving Road A & R Lots; 181 Edward Foster Road, draining wetland; Whitcomb Pines, tree clearing; 31 Candlewood update Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Informal Discussion: Kerans, 3 Seagull Lane (marsh)

Laura and Bob Kerans were present. Pictures were shown of the pilings stacking up close to their yard. When they moved there 5 years ago, there were about 6 pilings, now there are about 40. Some of the pilings are 8' long, some are charred. Ms. Scott-Pipes: this has been on-going. Talked to DPW and they are not going to be removed now, unless the Selectmen want them removed. There is just no manpower or money and Conservation doesn't have money or equipment. Mr. Parys: Some of these are just cutoffs, someone's trash. The Kerans have never had flooding before, but with this barricade, they might cause flooding. Maybe the fire department could remove them and burn them. Mr. Snow: they are chemicals on them, so it would be unlikely they would burn them. Our Commission would be the ones to give permission to go on the marsh and remove in a responsible way. Did you talk to DPW? Mr. Kerans did about a year ago and they said to have the lawn person do it. Can you give us permission to go in and cut them up and have them taken away? Maybe talk to DPW and ask if they would pick them up and get rid of them if you cut them up. We will go out in a few weeks and get the lighter ones. We have a Minor Activities Permit you should request when you are going to do the work. Standpoint of financing, would the town have help? The Commission doesn't have funds. Again Mr. Snow can't speak for DPW, but maybe they would be willing to dispose of them. Speak to Kevin Cafferty or Mike Breen. Any chance for Boy Scouts? They said they had a number of scouts coming along, maybe they could help.

Wetlands Hearing: Moran, 46 Town Way Extension (septic / tight tank) (cont.)

Applicant's representative requested a continuance. Motion to continue the hearing to May 7, 2014 at 7:00 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Informal: NSRWA / Woods: Restoring Flow & Herring to the First Herring Brook

Samantha Woods, Executive Director of the NSRWA and Sarah Grady, Watershed Ecologist for the NSRWA and South Shore Regional Coordinator for the MA Estuary Group were present. The discussed the background on what they have been working on and what they expect in the future regarding the stream flow and return of herring to the First Herring Brook. The name of the presentation is "Balancing the Needs of Water and People in Scituate". This presentation has been done all over the state highlighting Scituate because it has become the model of how you can balance water supply with fisheries management and ecology. First Herring Brook is your water supply. It is a combination of groundwater and surface water. NSRWA is interested in First Herring Brook because it is watershed to the North River and Sara Grady is interested because we are in the watershed to Massachusetts Bay. In 1996 the Watershed Association made up a group of citizens and surveyed all of our herring brooks and there were no herring in First Herring Brook. In 2003-2007 monitoring was done with stream gauges and the volunteers were taught how to read the gauges. Monitoring is still being done today. In 2007 there was reissuance of the town's water withdrawal permit and at that time told the Selectmen, who are the water commissioners, that we thought there was a problem with stream flow and requested feasibility of the restoration of herring back into Herring Brook, which was incorporated into the water permit. In the summer at times the stream is dry and sometimes it is abnormally high, which is not natural; the stream is treated like it was a pipe. Mr. Schmid: How is it determined when they need water downstream? It is based on a specific level at Old Oaken Bucket pond. This is how it was operated for many years until they started working on this project. From an aquatic habitat standpoint this is difficult and unnatural. This is now a more a natural hydrology, you would see the spring flows snow melt, rain, and see curve go up naturally. Streams run lower, but they don't usually dry out. Herring require a certain amount of water over the ladder, and a certain amount to leave. They leave in the late summer and early fall, when there are lower levels. Did some modeling, complicated and involved, the Nature Conservancy and other resources were brought to the town free of charge. Set goals as to what stream flow should be. Two different types of herring. Alewives and Bluebacks. The further upstream the more the survival rate. Unfortunately there will be more water use; a million more gallons in the summer. Mr. Snow: people have to realize they have to make some changes regarding water use. Hopefully people will realize how critical it is. Ms. Woods: New subdivisions are clear cut, all the good soil is taken off and then they hydro seed. Have to look into how can we maintain better landscapes, plus they have an irrigation system. Have to keep educating people. Herring are incredibly important to the fishing industry and food for other fish. Once the dam at Mordecai is removed there should be an improvement for the herring. There is a lot of habitat in the Gulf River System. Herring can get all the way up into the Herring River Reservoir. First and only impediment is the dam, once the dam is out there will be a lot of habitat. Commission thanked Ms. Woods and Ms. Grady for their presentation.

Request for Determination: Sullivan, 11 Ocean Drive (deck)*

Douglas Sullivan was present at the hearing. Maintained as a summer home. Contracted Ken Kirby, he was not able to attend. Maintain and add a deck extension to existing deck and run it the whole front of the dwelling. Will hand dig sonotubes to support the deck. 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. Schmid. Motion passed by unanimous vote.

Amendment: Swartz, 14 Kimberly Road (new build)*

Jeff Hassett from Morse Engineering Co. and Paul and Kristen Swartz were present at the hearing. Abutters' notification was submitted. Property is about 2 acres in size, abutted by the Swartz and developed property. The survey crew reflagged the wetlands per the previously approved plans and Brad Holmes checked and wrote a report stating the line hadn't changed. It was approved in 2002. The Swartz have had three extensions and now with the permit extension act it is still valid for another 4 years. There was a small wetland crossing with replication. Ms. Scott-Pipes: is the replication done yet? No. The applicant would like to move the house forward, but not encroach on the previously approved limit of work, but getting closer to the wetland. Will have a limited front yard, but more backyard, benefit to himself and neighbor. The approved retaining walls will be replaced by swales on either side of the property and will not alter the grading of the basin. Along the front of property they had a garage at the first floor with the driveway pitching toward Kimberly Road. Revising to a drive under garage, lowering the elevation of the driveway and matching the grade on the uphill side, therefore no need for walls, just a 1 to 1 rip rap grading. Won't change the wetland alteration at all, so therefore don't have to change the replication area or plan. In 2002 they did a very detailed Stormwater report and calcs, wanted to maintain same stormwater pattern. Not changing drainage swale, all flow is directed there. Added infiltration trench along driveway which will improve the stormwater system. Proposing to relocate interceptor drain along back yard, in kind. There will now be two systems for roof recharge, one in front, and one at the side/toward the back. By moving the house forward there will be 457 sq. ft. less of impervious surface. Mr. Schmid: Are the house dimensions the same? About the same size. Ms. Scott-Pipes: looks wider. I understand you don't want to do the stormwater again, but my concern is where you have moved things, someone should check. Mr. Gallivan: Was the report part of the subdivision review? No, it was an individual stormwater report. The infiltration trench will reduce the volume and rates of runoff to the wetland and provide some treatment that wasn't there before. Can be kept outside of the 50' buffer, which would allow for no tree clearing up to the wetland line; limited anyway. Commission wouldn't expect any lawn established on that side. Split rail fence is shown on the plan at the 50' buffer. Fence is about 11' from the house at the closest point. With stormwater we are trying to limit the amount of tree clearing. Does the detention basin have to be so far back? No reason except to give a larger back yard and also trying to keep the amendment simple. Ms. Caisse: as far as the back, how much is being cleared? Lawn and fence up to the 50' buffer. Frank Gianino, 58 Kings Way, downhill abutter. New members since the subdivision went in under Walter Winchester. Kimberly Estates is 35' higher in elevation. When Mr. Winchester had his engineer here after many hearings and a tremendous amount of work done by the Commission, the engineer stood up and said "I'm an engineer, there's going to be no water problems for you people". After the development was approved with a restricted number of lots, the trees came down, the road went in, the houses started; first his cellar flooded and he had to buy a sump pump \$500, next the groundwater rose to the level of his leaching field pipes, had to put in an elevated septic system \$35,000, then a second sump pump for the cellar in another area. There are 8 houses all had dry cellars now 6 out of 8 have pumps in their cellars. At this point his situation is a disaster; don't want to see any further modifications. The hill is all clay, the trees and bushes slow down the water coming over the hill. Invited the Commission to go to the end of King's Way at the cul-de-sac and see the groundwater coming up through the tar, it has been patched many times by the town, DPW knows about it. In the winter it is so bad it freezes and one year it got 4" deep and DPW came and broke up the ice and took it away. Just can't have any more water. Understand the applicant's idea and don't blame him for trying, but the risk is to the abutters and he gets all the benefits. Just want the Commission to consider carefully. Mr. Snow: This project has already been conditioned, they can build to that old plan, what they are asking to do is to move the house in a different location. In fact it looks like they are working hard to keep the water on the property. Are they going to take down trees? Not any more than what was approved in 2002. Understand what you are saying and you have legitimate concerns. This is an amendment to the approval in 2002. This particular site has dealt with stormwater probably more than the other houses when Kimberly was built. Mr. Parys: Should have another set of eyes look at the drainage issues, to make sure the calcs are the same or better. Ms. Ferguson, 57 Kings Way: An abutter that also has sump pumps. That's fine what Mr. Parys said, make sure they are the same or better than what was approved. Ms. Scott-Pipes: understand the plan and clearing has been approved, but usually if someone builds in the 100' we ask for mitigation. Majority of the building is within the 50' to 100' buffer. Mr. Parys: 50' is not a no build zone, it is jurisdictional. Mr. Snow: But it was just lawn in the 50' to 100', now it is building. Mitigation for this could be addition of native plantings or something along those lines. Mr. Parys: or maybe selective cutting to leave more trees. We tried to leave what we could, but open to suggestions. Request a continuance to review the calcs. Motion to continue the hearing to May 7, 2014 at 7:10 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Hoffman, Lot 2, 55 Colonel Mansfield Drive (new build)*

Jeff Delisi, Ohrenberger Associates, Greg Hoffman and Paul Mirabito, Ross Engineering were present at the hearing. Abutters' notification was submitted. This is Notice of Intent and a Stormwater permit. There are five total acres, could most likely put in a subdivision of 3 or 4 houses, but only putting a single family dwelling. Requires a small cul-de-sac. Small portion of the proposed house 90' away and some grading within jurisdiction. Need to go to Planning to get the cul-de-sac laid out to provide legal frontage. Pervious pavers in the cul-de-sac, shown in the grey area, blue is the pervious pavement. From the end of the hammerhead will be the driveway which is paved. Brad Holmes flagged the wetlands. Septic designed for 5 bedrooms; gravity system. Blue areas on plan are the subsurface drainage systems. Infiltrators from house and a filter bed. Some grading around the house. Silt sock will be used for erosion control. Showed the stormwater plan. Bioretention area that will remain in its natural state. Agreed to keep the cul-de-sac in private ownership in perpetuity. Ms. Scott-Pipes: could you move the house a little more forward to get the garage out of the 100'? Could probably do that. Mr. Schmid: with the cul-de-sac, house and septic how many of the 5 acres will be cleared? This lot is 2.23 acres. So half? No, probably a third. Mr. Snow: not building a cul-de-sac are you? Circle is drawn so they can get frontage. Driveway coming in now and there will be a hammerhead. Mr. Schmid: at this point we don't know if the house will be moved out of the 100'. Mr. Parys: without our bylaw they wouldn't even have to be here. There is a small amount of grading in the 100' also. Mr. Harding: would like to see the house moved out of the 100'. What material is the driveway? Paved. Does it have to be? There is a fairly sophisticated treatment system. Mr. Schmid: So it runs down from impervious to pervious. Yes. Mr. Gallivan: because of the amount of clearing it falls under the stormwater bylaw. Commission is handling the stormwater, but it does go to Planning Board for comments and it is in the Water Resource Protection District also. Under the bylaw looking for low impact development and minimize cutting of vegetation. Seems that the wetlands will be protected, but it will be cleared all the way from the house to the septic. Some effort should be made to leave more vegetation. Mr. Snow: Raising the whole grade between the septic and the house. Trying to do a gravity system. Anything you could do to lessen the cutting would be a plus. Would you entertain some sort of path at the far property line to allow people from Colonel Mansfield and Sylvester to access the Damon property which is being acquired? Mr. Delisi will have to talk to Richard Hoffman. Mr. Snow: That would be a huge piece of mitigation. I know it creates a privacy issue. You are not talking a multiuse trail? No. Will consider. Is there access to the property? There is plenty of frontage on Clapp Road. Just afford people in the neighborhood to walk without driving somewhere. Mr. Hoffman: There are many trails there just over his father's stone wall. Decided we just wanted a quiet place for the family. Mr. Gallivan: Still a plan for a walk-out basement? Yes. Planning Board OK with hammerhead instead of the cul-de-sac? Yes and the fire department also. Mr. Bjorklund: actually working on a property close to this one and there is a path on it already. If the project goes through, would discuss a path and may provide a small parking lot also. Mr. Delisi: meeting with Planning on the 8th. Would like to be

able to tell them you are OK with the project. Ms. Scott-Pipes: It would depend if we could get an engineer to look at the stormwater on short notice. Mr. Gallivan: have two engineers lined up. Motion to continue the hearing to May 7, 2014 at 7:20 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: Inly School, 136 Cornet Stetson Road (nature trail & plantings)*

Steve Ivas, Ivas Environmental was present at the hearing. Abutters' notification was submitted. Steep slope is mostly the BVW and another BVW on the other side. Intermittent stream forms from an infiltration basin and 8 or 10 catch basins, but very intermittent. The project is to create a 4' wide pathway – 1100'; a portion is ADA accessible from the driveway to stream crossing with a little platform. Crushed stone with aluminum edging down gradient and local boulders on the downside. Up the slope to stairs, landing, more stairs, landing and bench. Two small bridges, one 22' long and the 10' and a 430 sq. ft. boardwalk, 107.5' long. There will be some cutting of invasives to form the 4' wide pathway in the BVW and outside the BVW. Also approximately 770 plantings, 441 smaller plants, the rest larger bushes and trees, all native. There are a lot of invasives. Plants to stabilize the slope. Science teacher very excited about the project and outdoor classroom. Ms. Scott-Pipes: first time we've had one of these. This is a great opportunity to get kids out to the wetlands. Diverse, interesting species. No changes to the grade. Will locate the path in between trees and shrubs. Mr. Gallivan: Is some of the area going to be left natural? Yes. What about the bridge over the stream was that done by Morse Engineering? No. Guidelines from another Conservation Commission. There are boardwalk construction guidelines found on line from Acton, revised 2013. Would work with the agent if you'd like to minimize impact of the stream crossings. Mr. Snow: walked the site today with Pat and had some concern on how close the walkway is to the intermittent stream. Any potential to have it a little farther away? There is a naturally occurring flat area, best place to put it. The less you cut into the slope the less erosion problems later. At the upstream crossing, there seemed to be more water below and out further. The stream sort of splits. Yes. It is because of the elevation there, it is very flat. Do you think the boardwalk is sufficient length? Make sure it goes beyond the real wet area; it is pretty broad. Mr. Gallivan: check trail standards under DEP. Make a site visit. Motion to continue the hearing to May 7, 2014 at 7:30 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Pratt, 180 Central Ave. (footings for decks)*

Chris Pratt was present at the hearing. Abutters' notification was submitted. House is under engineered, decks are not safe. Proposing to put 12' x 12' wood piles 1' inside the existing beams on street side and ocean side. Ms. Scott-Pipes: any reason they can't be cantilevered? They are cantilevered. House was built 50 years ago. Mr. Snow: can you access without much disturbance? Have permission from neighbors. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Informal: Mirabito, 23 Parker Ave. (stormwater)

Atty. Jeff Delisi, Michael Geary, and Paul Mirabito, Ross Engineering were present. Have an Order of Conditions. Proposing to cut back on some of the work. Paul will go over the changes and we hope the Commission feels it is within the scope of the original Order and doesn't find it necessary to Amend the Order of Conditions. Paul Mirabito: Yellow line on plan shows the retaining wall, wall is now cut in half, instead of 12'; it is 6' with plantings in back. Drywells will be put in; pervious surface under patio. Patio been reduced 55%, fill in buffer zone has been reduced 78%, volume of fill reduced by 75% overall, and lawn area reduced by 85% in the 50' buffer. Replaced lawn with plantings, slope up 2% and stairs to upper patio and another set of stairs to the first floor of the house. Substantial reduction of work; would like to start the yard work. Mr. Snow: conditioned the retaining wall and stormwater, house is out of our jurisdiction. You do have permission to work there, the only thing is instead of a poured concrete wall, you have a stonewall. Ms. Scott-Pipes: very steep drop off. Before any decision have to see on the ground what is being done differently. Mr. Harding: agree with Penny, totally different. Mr. Snow: essentially starting the stepping down at the house. That terrace/patio is going to be 10' down from the house. Then another set of stairs down 7'. Still a 6' retaining wall. Mr. Parys: Less work and less fill in the 50' buffer, but need a stormwater review. Mr. Gallivan: This is not a revised plan, this requires an amendment. Can be done quickly. We don't know if stormwater will work. It will be a better project in the end, but still need a stormwater review. Abutters have the right to see what changes are made. There was no preconstruction, found all sorts of problems out there; not a great start. Contractors hadn't seen the Order of Conditions. That is the responsibility of the owners. They have to file for an amendment. Mr. Delisi disagrees that it needs an Amendment, believes it is within the scope of the project. Want to do the work outside the jurisdiction of the Commission. Mr. Snow: in fairness had to have this great big wall in order to keep the yard flat and keep the water on the property. But now there is a turnaround and it is fairly involved. Should be able to have the stormwater review before the next meeting. It is a better solution. If he could bring in the stones now, could act as a small ponding area. Still have to meet the stormwater. Mr. Schmid: the amount of impervious is staggering. Cohasset kicks in stormwater at 500 sq. ft.

Mr. Schmid: Would like to discuss what GPS mapping and the new coastal manager. Permitting software with GIS overlay, a lot better than what we have but will take some time to get in place. Able to be used by us, Planning, Building, and Board of Health.

Coastal person: Position that Tricia was able to get through. Pat oversees the CRS now, but this person will be doing the CRS, work with Neil about coastal construction, and Laura about the elevation grants. Tough position to fill. We are going to call the Federal and State to see if they have any names or maybe steal someone from another town. It would be a great help for the town.

214 Central: pictures some anonymous person sent – large boulders brought in. Essentially building a seawall and putting under the deck. Still have some by the street. He had a permit to replace deck and part of the kitchen. Stones had sunk, so thought he'd put a layer on top. Think in the past we've allowed them to put back what they had, but he has them under the house. Mr. Snow: Do we have an Enforcement Order yet? He offered that day to remove the stones. Mr. Snow: Regardless they remove or not, there was still a disturbance. Get him in the works.

157 & 159 Hollett: Recently built houses, think it was Diamond Development. Limit of work line and some plantings done, homeowner buys the house and doesn't know anything about this. Goes beyond the plantings and has some trees cut down. Told the person he would have to do some replanting. He said just tell me what I have to do; I don't want to be in any trouble. No stumping done, about 4 trees taken down, and some brush taken out from the buffer, don't think they got into the wetlands. We could have both of them come in next meeting. Ms. Scott-Pipes: thought there was supposed to be some signage on the fence. Second one doesn't have a fence, it has plantings. Believe it should have a fence behind the plantings.

308 Central: where Central splits. All the stone have been piled there. The homeowner owns that lot; he wanted to know if he could get them off his property. Pat told him he could move them back on the beach. He said he had a person to move them but they wanted to take them. Told him the rocks should stay in Humarock. Town put 10 truckloads on his property. Would like to talk to the Commission and DPW. His

battle is with DPW. Our position is they stay on Humarock. Mr. Harding: 20 other people have cobble. There needs to be a policy from the town. It is a cost issue. Ms. Caisse: fire hydrants are covered and driveways; fire trucks need access; cobble is being pushed into the marsh. If the town doesn't police the people, they start doing it themselves. Pat will go with the gentlemen to DPW. Mr. Snow: I think the man should call the Town Administrator's office; Sheila will kill me. Go to the next Selectmen's meeting as a walk-in. Ms. Dobie: it will happen more often, because people are getting fed up with no response. Mr. Schmid: frankly so are we. Mr. Parys: we approve methodology only. Ms. Caisse: hope this can get rectified. It will take an ambulance or fire truck that can't reach someone and they die. The erosion is also bad.

Irving Road Lots: 3 lots owned by Mr. Goulston, separate from the whole Toll project. Vernal pool species out there all the way to the street, they would be nonbuildable. Want to contact Brad Holmes and nail down where the vernal pool is. Lots haven't been sitting that long for no reason.

Edward Foster Road: house permitted wetland plants failed; they wanted to dig a pond, but they are draining the wetland onto the street. They need a letter.

Whitcomb Pines: possible cutting in the Town Forest.

Candlewood – restoration – Walter Hewitson – they have an agreement, wetland will be staked again. Then a planting plan for the 25' buffer. If the pear trees are in the 25' they will have to be removed.

CORRESPONDENCE

April 3, 2014 – April 16, 2014

1. Notification to Abutters for Hoffman, 55 Colonel Mansfield Drive (Pat must have file)
2. Planning Board Agenda for April 10, 2014
3. Existing Conditions Plan for Inly School, 136 Cornet Stetson Road (4) (in file)
4. The Beacon
5. DEP File #68-2508 – Hoffman, 55 Colonel Mansfield Drive (Pat must have file)
6. Zoning Board re: 1 Ford Place – interior work creating 4 residential apartments (approved)
7. Minor Activities Permit #16 issued to 7 Surfside Road – re-establishing a lawn destroyed by recent storms (in file)
8. Lance Van Lenten: Satuit Meadow & Zone A – Zone A should remain around the bog.
9. Zoning Board re: 165 Front Street – combine commercial/retail (approved).
10. Zoning Board re: Great Rock Island approved with 4 conditions (in file)
11. 2 Mass Audubon articles re: Plovers
12. Request for CofC 14 Alden Ave. 68-1194
13. Recording of Order of Conditions for Cubellis, 55 Collier Road (in file)
14. Pictures of runoff from Walden Woods – Tilden Road area.
15. 305 Country Way/Krusell: DEP's Final Decision incorporating petitioners' voluntary withdrawal & appeal dismissal. (in file)

Meeting adjourned 9:10 p.m.
Respectfully submitted,

Carol Logue, Secretary