

**Town of Scituate
Conservation Commission
GAR Hall
353 Country Way
Meeting Minutes
August 6, 2014**

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

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

Also Present: Patrick Gallivan, Agent and Carol Logue, Secretary

Agenda: Motion to amend the agenda to include USAF update on 4th Cliff Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Request for Determination: McDonnell, 69 Gilson Road (14' .6" x 25' open deck)

John McDonnell was present at the hearing. Open deck 2-1.2' to 3.5' off the ground. Neil Duggan thought it was acceptable. Existing patio; same footprint as the patio. Not disturbing anything, except installing 4 foundation posts. 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. Harding. Motion passed by unanimous vote.

Kathleen Hillman, 64 Edward Foster Road was present. She abuts the stone wall down at the harbor. She showed pictures to the Commission. There is no drainage on Peggotty Beach Road and there should be. The other side of the bridge is a natural drain. Called Mr. Patterson and Mr. Cafferty who said he would send someone down so I could show him what was left of the stone wall and the rocks that are filling in the marsh, which is relatively new. Concerned, if we lose the marshes we will lose everything; they protect us. Stone walls were never put back; there are stonewalls everywhere else. There are 13 or 14 drains on the cliff. Big houses and driveways, all flush to the same spot. Mr. Snow: with the newer homes we try to make sure no more water sheds off the lots. I would be impressed if you showed someone building those walls where most of those stones show in the pictures. An Enforcement Order was issued to a Peggotty Beach owner for filling an area; they fixed the drains and ran they are under the road. Can take a look at a couple of the areas you are concerned about. The stone walls were taken out and the town said they wouldn't put them back. Never received notice of any dredging. The applicant notifies the abutters and all the projects are advertised in the paper, but it has been many years since the last dredging project. She understood notification comes from Conservation. Go over the bridge and look on the right side; all stone material is gone. We will get back in touch with you.

ANRAD: Toll Brothers, 137 Hatherly & Tilden Roads (wetland delineation)

Atty. Bill Ohrenberger, Atty. Jeff De Lisi, Mark Manganello, LEC Environmental, Dave Buckley, Dave Bower. Scott Miccile from Toll Bros. and Paul Mirabito from Ross Engineering were present at the hearing. Abutters' notification was submitted. Several months ago, met informally to introduce themselves and talk a little about the site. There is an existing ANRAD, but thought a new review would be appropriate. Delineating the resource areas is just the first step in the process. Dave Bower, Division President of Toll Brothers: Toll Bros. is a public, national company in 20 states, have been in MA for 30 years and built 3,000 homes. Headquarters is in Westboro, people with him tonight live in MA. Toll Bros. made an effort to hire technically competent and local people that understand goals and objectives. We have a community in Cohasset, off of Beechwood St., and invite anyone to drive through. If you speak with people in Cohasset, believe they will speak well of us. We expect rigorous and thorough review and feel we picked the people that will do it right. Mr. Snow: tonight we are starting an ANRAD, we need to know where any resource areas are located and want to make sure we know where those pieces are. It is best to first define all the areas and agree on them. This is a very important part of the process. This step was done 4 or 5 years ago. Not going to be discussing roads or homes or anything else. Mark Manganello, LEC Environmental: Senior Wetland Scientist from Plymouth for 10 years. Seeking to confirm the resource areas on this property, which consist of BVW, non-bordering wetland (referring to isolated wetland), coastal storm flowage, isolated land subject to flooding and vernal pools. Have been studying the property since last fall and have spent a lot of time on the site. Also aware there was a previous delineation; reviewed those plans and took into account. Highlighted the areas of non-bordering wetlands, not protected under the WPA, but may be protected under local regs. Broke down resources into basically 2 different areas, between Tilden, Hatherly and Oceanside Drive, western side is forested, eastern portion is thickets, dense vines and small trees. Surveyed the entire property for wetlands. There are historical buildings and driveways and an old railroad line. Close up to Tilden and Turner there is a concrete drive with BVW on both sides of the road. There is a small internal cart path. Mark showed different streets and different wetland areas. Adjacent to Hatherly there is a BVW and intermittent streams; across Hatherly there is a series of remnant concrete structures, two small non-bordering wetlands, larger BVW, large marsh, FEMA floodplain boundary, and a small section of coastal storm flowage located between 6th and 7th Aves. An area not associated with the project was not flagged. Mr. Parys: offhand how close does this match the previous delineation? Very close overall. There are some non-bordering wetlands not identified previously. Mr. Gallivan: to that point, the town will hire a consultant to verify the wetlands. They will start by reviewing the old line, look at Mark's new line, and then will look at the site on their own. If there are differences of opinion, they will go out together. Ms. Scott-Pipes: didn't find any Vernal Pools in the spring? Surprising, no; very few areas that hold water long enough. One exception was near Irving Road. Documented every week how much water we saw, but not large enough or deep enough. Know a couple of areas that aren't marked, that feel are wet enough; however, just because it is wet doesn't always mean it is a wetland. Tom Riley: Suggest they destroyed a vernal pool; there was a wetland that was filled in, an earthen dam that held water all year around. Anthony Antonello: would you show the audience what the different resources are that are protected?

BVW, swamp, wet meadow, non-bordering wetlands have similar wetland soils and vegetation, but only protected under the local bylaw; small coastal bank between 6th & 7th, the slopes physically protect lands behind it; land subject to coastal storm flowage, FEMA floodplain based on elevation of site, and isolated land subject to flooding, holds water once a year to a depth of 6" for a quarter acre; provided calcs.

Abutters concerns: Not all the abutters received notification; a lot of toxic waste on the property; and Marion Road Extension should be on the plan. In many areas there is so much vegetation that you can't tell how wet it is. In other areas backyards and basements are flooded. What are the effects the large homes will have for water runoff; we can't get insurance now. We are hiring a professional consultant to look at the site and we will ask him to look at areas that the abutters believe could be wetlands, but it is not the jurisdiction of the Commission to say where they can build, that is Planning Board, but we will work with them about the stormwater and where the groundwater goes. One step at a time; want to be sure nothing is overlooked on this property. Know the area has poor soils. Send a letter stating where you think wetlands are located. How will we be notified now of the continued date and time? It is continued tonight of a date and time certain. How do we give information about wetlands that we are concerned about? Could tie flags in the backyard or let the office know a street address. Could there be a tour of the property for the abutters? This is up to the applicant. Only town officials, there is liability for the general public, therefore they are not allowed on the property.

Mr. Snow: typically when a project is proposed, the developer looks at how much land, lot size, the different restraints imposed on them, and soil conditions, but in order to start development they need plans. First thing they need to know is how many wetlands; can be different opinions on lines. Wetlands are marked by vegetation and soils. As this goes forward engineers will look at absorption and stormwater. When they find out where the wetlands are they will lay out their development. They may offer to change some of those wetlands. It is a long process. Road width and frontage is under with the Planning Board. Our wetland scientist will do a presentation also, we would like to know all the areas ahead of time; want a thorough review. Abutters would like a time line of when some things might happen and where the project is, in the process. Someone said nine houses have already been approved. With each board there will be consulting engineers that will all take time. The agendas are posted in town hall and the website. The information is public and submitted in advance; only one meeting at a time. Have to go to each meeting with other boards. Shawn Harris: explain the process as best you can. Mr. Ohrenberger: After the ANRAD is resolved, there will be application for development, can't tell the time line. Engineers need time to develop the plans to come back to Conservation and also go to the Planning Board; probably two processes at the same time. Always public notice; never a surprise meeting. There will be a Board of Selectmen hearing for sewer and water. If there is a variance, that would involve the Zoning Board. Are the properties going to be tested for contamination? No not part of the requirement, looking for type of soils. Not every location will be tested. Could those samples be shared, if not tested by this group; could the abutters have them analyzed? Dave Bower: we expect to get into that with the guidance of what tests and what areas need to be resolved with Planning and Conservation, but not mixing it with the wetland determination.

When the 40B was pushed through, Mr. Goulston was told not to move soil around. Is there somewhere to direct us? Some old files in the office, but Phase 1 and Phase 2 went through the state; previous developers started the process of cleanup. Weren't there Orders issued, that approved the ANRAD? Old project was a 40B which didn't have to deal with bylaws. Right now a soil test means looking at the color and consistency of the soil to determine if it is wetlands, which is done by hand tools. Will need to hire an engineer to review the calcs for the isolated land subject to flooding and work with the wetland scientist. This is a small part of the application. Will have to wait for the TA gets back from vacation to decide the engineers for review. We had an agreement with her to decide on Monday, because of the scale of the project. That person should get out there as soon as possible. Want to continue to the next meeting or September meeting? We need report before the next meeting. Chris Lucas is not available September 3, 2014 or the 17th, but between now and then we will have a report. Motion to continue the hearing to September 3, 2014 at 6:30 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

148 Jericho Road: Greg Morse was present. This is cleaning up an Enforcement Order from 2001. Trying to clean up the title; selling the property. Met on site with Rebecca Haney from CZM. Sheet 2 has a cross section. Placed some fill and rock in 2009. Looking to take out the angular rock and fill and replace with 6" to 24" rounded stone, pull toe of slope back a little, supply 6" cobble and sand material and plant stone embankment with native beach grass; will tie into the abutting properties; CZM agreed. The owner has Russell Totman lined up to do the work and once it is done we will request a Certificate of Compliance. It is exactly what Rebecca Haney was asking for; glad to see CZM had some flexibility. Ms. Scott-Pipes: what is the soil? Gravel and rock. Usually don't want anything removed. It is not native soil. Remind Russ Totman the scope of work.

136 Indian Trail: The way it was left was if Pat Brennan agreed with the way it looked and the revised plan and Mr. Yeh didn't have anything new and as long as we are going to keep an eye on it he is good right now, then we were at least going to approve the work that has been done to this point.

Lot 2 Glades Road: approved one location for a home, person backed out, abutter bought it and wants to move the whole site into a wetland. There is clearly a wetland out there. Walked with Chris Lucas to see what he thinks the values are and he will write a report. Applicant is trying to rebut the value. Also there was all sorts of vegetation cut along the bank and the cliff and it looks like herbicides were dumped there and all sorts of plastic pipes were there also. Chris Lucas will present his report on September 3 or the 20th.

64 Edward Foster: This was Ms. Hillman. We have those pictures now. We had Jason Burtner and DPW out there; I don't know what else to do.

Vocational Life Skills Program:

Group of students, 7 or 8 special needs kids, that did a lot of clean up on the trails at Driftway Park. We thought it would be nice if we could recognize them at a meeting.

439 Chief Justice Cushing Hwy. (tree removal): Mr. Gallivan went down today. She wants to remove a dead or damaged tree and one very large tree; would like a couple of the Commission members to take a look.

4th Cliff: contacted by the Air Force. They want to take a couple of shacks down and have some RV parking spots, but not near the resource area. Mentioned to Tricia and she suggested bringing up a list of issues, among them, the fence is falling down and the road is unsafe. Met with the Air Force for about an hour. They will now have to look for money to make repairs. Mr. Snow: I don't think they have to come to us (the town). They came to us as a courtesy. Ms. Caisse: how is debris falling from a paved road under our jurisdiction? It's more like what can we do about it. Trisha put a scare into them; want to make sure nobody gets hurt.

Enforcement: The follow-up letters sent out gave the violators today's date to get back to us.

Received a 4 page letter from Ms. Barry on Monticello, everyone should read it, Mr. Gallivan thinks it should just be an Enforcement Order.

Akerblom, 228 Central: haven't heard back from.

Cote, Central/Atlantic Ave. has engaged Grady Engineering; told her to come to the meeting of August 20.

White: 181 Edward Foster Road: Second letter went out yesterday. Heard from them today; they will be at the meeting of the 20th.

Mr. Sullivan, 159 Hollett Street: Doing nothing at this time, not going to plant until September. Mr. Bjorklund: Fence was taken down before they moved in.

Hoss, Hatherly Road (tree cutting): New project small house being renovated, looks like property owner opposite side of the road wanted to create a view. From the assessor's map it looks like it is on someone else's property. Met with contractor who was the carpenter who nothing about it. Mr. Hoss will be getting a letter.

Request to Review Revised Plan: O'Hearn, 64 Oceanside Drive

Came before us in the fall to elevate, went through Planning got an elevation grant. Wants to add an elevated deck around the outside, probably need to talk to Planning. Feds want the plans exactly the same, but not a big issue for us.

Moskowitz, 158 Border Street (pipe) went through old conditions and Enforcement Orders, walked the site, met with three abutters; two that say it isn't a big deal and one that says it is. Send a letter to be at the meeting on August 20, 2014.

Enforcement:

Bongarzone, 277 Chief Justice Cushing Hwy. (removal of vegetation)

He moved the stakes and did a lot in a small area, but it should have been a smaller area.

There is a big sign planted in the wetlands down by PJs. It should be out tomorrow, Neil Duggan looked into it.

Order of Conditions: Pratt, 180 Central (no DEP File #)

Order of Conditions: O'Donoghue, 44 Crescent Ave. (raze/rebuild)

Motion to condition the project Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Two Certificate of Compliance requests: Kelly, 56 Moorland Road, did measurements looks great. Looks unbelievable should be used as an example. They put thousands and thousands of dollars into native plantings.

108 Edward Foster Road: across from Chilmark the horse. Been abandoned for a while; changing ownership; wants to close out the order. Order was written about plantings and seagrass. The request is saying no work commenced, but work did commence, however, no structure. They put a sand berm over the seawall, helps with the wall; should have a continuing condition to maintain the sand.

Shawn Harris is our liaison and was present. Commission did a great job keeping the conversation to just the wetland issue. Abutters are concerned how long it will take. No one knows how long it will take.

CORRESPONDENCE

July 17, 2014 – August 6, 2014

1. Request for revised plan for 64 Oceanside Drive. 5' deck around the street side and south side.
2. Report from Amory re: 136 Indian Trail – believes the entire drain and slope system will function as intended, once completed. (in file)
3. LEC supplement re: Toll Brothers, Hatherly & Tilden – Isolated Land Subject to Flooding determination (in file)
4. Recording of OofC for 68-2512 – 117 Glades Road – Bk 44415 pg 247 (in file)
5. Request for Executive Session re: Appleton Field – Vin Bucca (don't believe we can do an executive session for other personnel issues) (in file)
6. Non-Criminal Citation Protocol from Police
7. Recording of CofC for 68-1968 – 101 River Street (in file)
8. Recording of CofC for 68-2211 – 66 Chief Justice Cushing Hwy. (in file)
9. Planning Board Agenda for July 24, 2014
10. Haley & Ward re: Damon's Point Revetment – Marshfield review
11. Sullivan re: 159 Hollett Street – no work done – will begin September. Vetelino landscape is putting together the proposal for plantings. Meet when the plan is complete. (in file)
12. Plan – 21 Gates Circle – deck under RDA (in file)

13. Request for CofC – 68-1867 – Ahern, 345/349 Hatherly Road – request, as-built, check, letter from engineer (in file)
14. Letter from Vocational Life Skills Program (Julie Heffernan, Gail Varrasso, & Sara Carlezon) – thanking the Commission for providing such a rich learning environment. They received a grant through S.H.O.R.E. and were able to compensate students. Commission should thank them!!
15. Turtle Sweep at 89 Summer Street – no turtles were observed or captured. (in file)
16. Letter from Ada Maria Coulouras, Esq., & Renee Barry to Pat, Frank & Commission (in file)
17. Zoning Board re: 523 Hatherly Road & 160 CJCH – scheduled for August 21, 2014 at 7:00 p.m. – file & plans in Building Dept. – COMMENTS appreciated.
18. Cote e-mail re: lot on Central & Atlantic – Working with Grady Eng. about options for the lot. Plan to plant beach roses and other bushes and bring in some gravel and/or pavers. Pat's reply was to come to the hearing August 20 or an EO will be sent. (in file)
19. Moskowitz - e-mail re: 158 Border Street (in file)
20. Mark Patterson, Harbormaster to Stevenson, remove barge from in front of 271 Central Ave (in file)

Meeting adjourned 8:25 p.m.

Respectfully submitted,

Carol Logue, Secretary