

**Town of Scituate
Conservation Commission
Town Hall Selectmen's Hearing Room
Meeting Minutes
February 19, 2014**

Meeting was called to order at 6:21 p.m.

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

Also Present: Patrick Gallivan and Carol Logue, Secretary

Agenda: Motion to accept the agenda Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Lot 57 Crescent Ave./Stormwater: Mr. McKeever was present. Mr. Gallivan: this has been going on for a while. There was a Notice of Intent from 2008; revised plan in 2009; amended in 2012 and a new plan in 2013. Paved swale was put in around 1949 and was buried over time. Because of the discovery of the paved swale they abandoned some of the stormwater plans and decided to allow the swale to continue to work the same way. Originally most of the water was to go toward the street and some of those plans may have changed. The roof galleys originally proposed are no longer required after the amendment of 2012. The only thing left is a small yard drain. Mr. McKeever, who is downslope is concerned about the runoff and the coastal bank. No additional calcs have been done, but the engineer said the original calcs were good. Barbara Thissell submitted a plan and a drainage study regarding drywells for roof drains and a stormwater area out back using level spreaders, but the amendment no longer required the drywells. Stormwater was allowed to go northeasterly across the site with a small drain to capture runoff. Runoff is going a completely different way. All the original stormwater got voted out in 2012. Engineer reviewed the swale and gave a plan we approved. The water is going toward the abutting property. Richard McKeever, 94 Crescent: to the best of his knowledge there were pipes installed when the site work was done. Swale hadn't been previously paved. Drainage off roof is going to the paved swale and being redirected to the beach. The seawall is sinking in front of his property, however, he can't prove the drainage has contributed. The other concern is if the D box fails, which is 1' on his property. Do we know if all the drainage is completed? No, left a phone message for the owner Mr. Crowley. Mr. McKeever sent a picture of the recent storm. Is Barbara Thissell still the engineer for this project? No. They need to get an engineer if they aren't following the approval. Barbara sent a letter that drain pipes were discovered and septic pipes removed. Condition #58 states if the design isn't working properly or isn't built right it requires a redesign or reconstruction. There have been issues with all four properties on Crescent. The cliff was also just sewer. Get an engineer in here to explain what has changed and how they are going to make it compliant and give them a deadline. Briggs Engineering thought nothing should go toward the coastal bank. During construction runoff is supposed to be managed. At a minimum they probably haven't followed their orders.

Wetlands Hearing: So. River Partners/Solimando, 8 Dartmouth St. (extend existing boat ramp)*

John Hannon and Mike Solimando were present at the hearing. Waterways didn't meet February 5 because of snow. Mr. Schmid did talk to Waterways and they believe this is a public asset, and hope we can get this approved quickly. Carlos Pena sent in a report. Marine fisheries just sent in a report today. It is a spawning area for blue mussel, soft shelled and razor clams. The also recommended no work between February 1 and July 15. Mr. Parys: Dredging the whole river right now. Both Marshfield and Scituate approved. Mr. Harding: Just timing, no problem with the project itself. Mr. Schmid: Marine Fisheries is just a recommendation. Mr. Hill from DEP has been back and forth a number of times. Just putting the ramp back to the original standard. Mr. Gallivan: Dredging had a time frame also, but they waited for the correct time period. The dredging is done now. John Hannon: we have to go through Chapter 91 license, but haven't filed with them yet until we get approval from the Commission. Turnaround process with them is months. We'd be lucky to get in there any earlier than July. Mr. Gallivan: Waterways had recommended a revetment, but Carlos Pena did not like that. He suggested a curb-stop at the lower end to prohibit boat trailers from rolling off. The riverbed should be determined adequate to support the extension, and signage regarding use at your own risk should be used. If Chapter 91 changes anything they have to come back to us. Amenable to Carlos's recommendations and it is a good idea for a sign. Submit a plan showing recommendations from Carlos. Motion to close the hearing and include the information from Marine Fisheries and Carlos Pena's recommendation. Draft a condition that states if the extension can be done any sooner, the Commission could go along with that. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Duval, 87 Maple Street (restoration and replication of disturbed wetlands) (cont.)

Applicant's representative requested a continuation to March 5, 2014 as the Commission requested to walk the site with Brad Holmes. Motion to continue the hearing to March 5, 2014 at 6:30 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: 13 Wheeler Ave. Realty Trust/McKenna, Tr., 13 Wheeler Ave. (raze/rebuild) (cont.)

Greg Morse and Jeff De Lisi were present at the hearing. Revised plan submitted tonight. There is an existing cottage on a 7200 sq. ft. lot. Existing dwelling is within the 50' buffer. Entire buffer has been altered prior to 1950 with lawn and phragmites. Basically the proposed dwelling is fairly modest, a 1400 sq. ft. footprint. Jordan and Claudia McKenna both have medical conditions which require 1st floor living; there are hardships here. They have been summering here since 1992. Revisions have been made to the plan. Property line is in blue and salt marsh shown in blue. Lawn goes to the edge of the saltmarsh. Proposed mitigation: remove phragmites and 630 sq. ft. of lawn, install plantings and asplit rail fence for no more encroachment. Those mitigating measures decrease storm damage pollution and create new wildlife habitat. Also creates a filter for any fertilizers or chemicals used on the lawn. The second resource area is land subject to coastal storm flowage, elevation 13'. Poured slab at elevation 9 with top of foundation at 15' with 2' of freeboard and flood vents with actual living space a foot above that. This takes into account the proposed flood maps. Ms. Scott-Pipes: is it a full basement? Not digging into the ground. Doubling the footprint of the house, understand it is all disturbed, but whole project is in the buffer zone. Also phrag will come right back. Maybe we could say in the orders that they would have to keep the phragmites under control. Attorney De Lisi: House will have 2 floors, but a bedroom can be on the 1st floor. Creating some enhancements on the property; ecology of the saltmarsh will be better. Two letters were submitted to Zoning supporting the project. One of the reasons for the location of the proposed house is lack of parking. It is 22' off the front

yard and it is important for parking to be right at the front porch. Mr. Schmid: how far away from the marsh? Proposed minimum setback is 25' in the back; existing is about 45'. Mr. Gallivan: with sea level rise and flood maps changing, have had a couple that have been put on pilings. Lot of new impervious surface all in the 50' buffer and flood zone and the foundation is 25' from the resource area. It could be allowed if you feel there is enough mitigation so resource areas are not impacted. Because the size of the house has increased on a nonconforming lot did Zoning have to vote? Yes, they already did and found the proposed nonconforming use was no more detrimental. Mowing as far as you can builds incentives for applicants to come in and say, it is lawn anyway. Ms. Scott-Pipes: why don't they propose to put it on pilings? There would be fewer impacts to the resource areas. Property is not subject to velocity. But you are looking at doubling the size in a resource area. Not going to impact any abutting properties because they are all in the floodplain anyway. The water will enter the foundation because of the flood vents, so it is not a complete barrier. One of the benefits of the crawl space is that it is semi-heated; more desirable. Mr. Snow: The slab is preferable to keep the house warmer and tighter. The concern here is the larger footprint and the proximity to the resource area. Not a fan of pushing the envelope of how close can we get to the wetlands. Maybe the better thing to do is to look for additional mitigation. Go along the whole side to protect the marsh with the same vegetation that goes along the back. Does anyone feel that would be more beneficial? What we look for when people want to get closer to wetlands is mitigation to offset the encroachment. Mr. Gallivan: is there a distinction in the building code for an A zone where nothing is built? Mr. Snow: In the A zone if there is no building, you are not going to build; if there is, you can rebuild. On Foam Road there wasn't a structure and it was put on pilings. Foam predated all zoning. This is a tough spot. Will the situation be better by allowing them to rebuild and plant more vegetation? Perhaps if the buffer strip in the back was brought all the way up the side to keep a descent buffer for the marsh. There is about 17' on the side. Proposed buffer is about 12' wide if that were go up the property line even 10' wide, you'd still be 8' away from the house. Marsh runs all along that side of the property. Mr. Parys: if you do nothing, no phrag or planting you have a house and vegetation is mowed right up to the marsh; definitely improving the situation. Mr. Harding: no planned ramp if they are having problems? No. They could do a lift too. All these houses have been improved, but because of the size of the lot, the dwelling looks larger. It is 1472 sq. ft. 46' x 30'. The difference is 700 sq. ft. Total area enhanced prior to the sideline is 1180 sq. ft. How many more square feet if vegetation went down the side 8' x 95' long? Another 760 sq. ft. Is the house the same size at previously submitted? Yes, but slid it a 1' farther away. Will submit a planting plan for approval. Don't see a benefit in reducing the house by 2'. What is the bump out? Don't know. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous.

Wetlands Hearing: Connell, Great Rock Island (new build) (cont.)

Applicant's representative requested a continuance. The Commission's consultant Josh Bows and Greg Morse have had some discussion regarding revisions, but have not finalized. Motion to continue the hearing to March 5, 2014 at 6:40 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Warren, 244 Central Ave. (septic)

Phil Spath from Spath Engineering and Mr. Warren, Jr. were present at the hearing. Abutters' notification was submitted. This is the 5th system, he has lost 4 in the last 9 years. This is a VE flood zone, elevation 17'. Board of Health has approved. Do you have a DEP file number? Yes. Part of the tank is up in the building. Wasn't even in the house before the first septic was lost. Mr. Bjorklund: Towns are allowed to approve tight tanks now. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Goulston, off Hatherly Road: Informal Discussion

Scott Manganello and Ann Marton from LEC Environmental, Paul Mirabito, Ross Engineering, Atty. Jeff De Lisi from Ohrenberger Associates were present at the hearing for the Toll Brothers. Concept site plan was handed out to the Commission. Toll Brothers have the property under agreement. This is more fact finding research to learn what we can about the property regarding sewer, water and environmental issues and ask relevant questions and carry out due diligence. Need to make a decision whether to continue. This probably is nowhere near the final project. Ms. Scott-Pipes: back in the 50's there was a paper street plan. The last road is Irving and coming off that too. Mr. Schmid: walked some of the area with Pat, talked about what we thought would be wetland boundaries. There was some discussion whether to rely on the previous survey from 8 years ago. Personally would want to reestablish the wetland boundaries. Noted some possible wetland areas not delineated. Mr. Snow: probably wise to reflag with that much time in between delineations. Mr. Parys: With this much land available, looks like several go well into the 50' buffer and the 50' is a no build, unless there was an existing home. We know there are some buildings on the site. Reiterate that this is just a conceptual plan. Mr. Snow: one of the important things would be to leave larger areas of open space. There seems to be open space around wetland areas, but not much upland. Last subdivision had a large contiguous piece of open space. Whether it is a park or left wooded, it is more environmentally beneficial. It is important to the Commission. Also we know the soils are not awesome. When filing with the Commission, stormwater piece kicks over to us and we work together with the Planning Board, really concerned about that. It will take a lot of review. At least there are not 5,000 sq. ft. checkerboard lots like years ago. Their hope is to be tied to town sewer. Soils are not conducive to an onsite sewer system. Mr. Gallivan: should look at old Orders. The EOEIA environmental impact report from 2004 will have to be refiled. Never submitted, would have to go to MEPA. Irving Road entrance doesn't lead to the rest of the site. Is it possible to let us have a little time to think about the project and get back to you. This meeting was mostly just to introduce ourselves. If something is going to happen would be good to work together. Across Tilden Road, this is the last chunk of open land, would be nice to see part of it set aside. Think runoff will be difficult to control. Mr. Bjorklund: they may need waivers, they might want to know what waivers are required up front. Have looked at the bylaw and the stormwater bylaw; stormwater bylaw will be challenging. Expect the plan submitted tonight will be drastically different. Make a list and send thoughts to Pat. Maybe discuss a little more at the next meeting. Appreciate your willingness to start the dialogue.

Certificate of Compliance: 19 Circuit Ave.

Original project was a septic system to be tied into sewer. Orders called for a row of Rosa Rugosa along the back, which can still be plated. There is a wall and no plantings. Mr. Mirabito: there is rip rap and instead of plantings they built a wall to stabilize the bank; it was a field change; it is quite a substantial wall. Mr. Gallivan: Want to see something explaining the wall; might not have been engineered. Mr. Snow: Looks like newly replaced rip rap and a 3' or 4' wall up against it and lawn to the house. If they'd come to us we would have told them an engineer had to look at it. Can you give a plan of what is there and have an engineer say it is built correctly? Are there footings? Did they dig down? There is foreshore protection around the whole cliff. Give us the best information you can on the wall and show rosa rugosa and some way to ensure it will be planted. Mr. Gallivan: we may have to hold some money in escrow. They did plant, but took them out.

Certificate of Compliance: 153 Jericho Road: Not sure about vegetation / grass. Covered with snow.

Discuss Lot 2 149 Old Oaken Bucket Road 68-1646 revised plans: There is already an approved plan for a proposed dwelling location. Shaded area is where the house was approved, septic is outside the 100' buffer, small portion of house still in the buffer now, and there is still the easement along the bog. Mr. Snow: what are you asking? Do we have to amend the orders? No, less work in the buffer zone. When did we condition this? In 2003 or 2006. Mr. Gallivan: could it be looked as a revised plan? Could this be appealed by an abutter? The only problem is, abutters don't have a chance to have a say. Is it significant enough to be an amendment? The other option would be to build house in previously approved area. Mr. Parys: might be easier to build the house in the buffer zone that was approved. Septic was always outside Commission's jurisdiction. Mr. Snow: would like to know what the state says.

Mr. Snow: Would like the Commission's endorsement regarding the purchase of the Damon property by CPC. Damon Preserve is about 40 acres on the opposite end of the South Swamp. It will be under the care and custody of Conservation. Need to vote and send a letter to CPC and the Advisory Committee. Motion to endorse the purchase of the Damon property and send a letter to CPC and Advisory Committee Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Lind /Wade property: closing on these properties.

Candlewood Drive may want to meet tomorrow afternoon. Will shoot out an e-mail.

Stockbridge Landing Appeal to DEP: getting complicated. Project could be impacting drinking water supply. Bringing two sides of DEP against each other. Think they will send Bruce Bouck out to the site. Pulled up on GIS, clearly looks like Zone A. It is the question if they will protect or not. If he tells you when he is going out a couple of the members would love to go. More will come on that. Mr. Snow: keep their feet to the fire; just seems wrong.

Penny & Frank met with some of the abutters on Bates Lane to try and get going with the parking lot. Raised a number of concerns with public safety, speed limit, and access. Going to try to meet with police and fire to hear their opinion on the best spot. Probably should do the same thing at Holly Crest Road. Talk to Sandy & Wayne Higgins and do something similar. Don't forget meeting March 12 at Mount Hope.

Former agent Vin Kalishes passed away. He has been battling illnesses for some time. Mr. Bjorklund: Was in the hospital the month of January, came back out for a week; went to visit him about 4:15 p.m. Tuesday and it was too late. Served the town of Scituate for a number of years.

Minutes: January 13, 2014, January 15, 2014

Motion to approve the minutes of January 13, 2014 Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Motion to approve the minutes of January 15, 2014 Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Order of Conditions: Wenzel, Lot 3 (149) Old Oaken Bucket Road (new build)

Sent 3 choices of orders to Commission regarding #40: Either the house or bog shall be moved 10' from the 50' buffer zone line for a total of 60'. No further disturbance shall be allowed. This condition shall survive the Order and be so stated on the Certificate of Compliance. Or Before work begins the applicant has the choice of either moving the bog 10' from the 50' buffer zone line for a total of 60' or the house shall be moved 10' from the 50' buffer zone line for a total of 60'. No further disturbance . . . Or Revised plans shall be submitted showing either the bog moved 10' from the 50' buffer zone line for a total of 60' or the house . . . Motion to condition the project with the amendment of the additional order #40. Option #2 (middle order). Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

228 Central Ave. will write a letter.

CORRESPONDENCE

February 4, 2014 – February 19, 2014

1. DEP re: Superseding Determination 305 Country Way (in file)
2. Recording of CofC for Lot 2 Dreamwold - aka 7 Coby's Run – 68-2023 (in file)
3. 87 Maple Street – Woodland Enhancement proposal – dated February 5 (in file)
4. Lot 2A & 3 – 149 OOB – streams are filled, therefore, not subject to the regs - septic systems more than 200' from said filled streams/brooks. (together with #5 below)
5. Lot 2 – 149 OOB – ConCom issued an OofC for dwelling in the buffer. Approximately 96% of the dwelling lies within the buffer. "Two copies of plan shows dwelling well outside the 100' buffer; now 28% of the dwelling in buffer".
6. DEP re: 68-2474 – Withdrawal of Request for Superseding OofC for 214 Thomas Clapp Road (in file)
7. The Beacon
8. Revised plans Great Rock Island in response to comments from Merrill Engineers / Josh Bows (in file)
9. Recording of OofC re: 68-2497 – 121 Indian Trail (in file)
10. Recording of OofC re: 68-2498 – 21 Town Way Extension (in file)
11. 87 Maple Street – Woodland Enhancement Proposal – dated February 11, 2014 (in file)
12. Planning Board re: Form A Application – 50 Country Way – COMMENTS no later than 2/25/14 (given to Pat)
13. Revised plans for 13 Wheeler Ave. (in file)
14. DMF News
15. 8 Dartmouth Street - Project Narrative discussing marina reconfiguration, project site, proposed project of reconfiguring the marina, and jurisdictional determination, and impact assessment. (in file)
16. Request for Adjudicatory Hearing – Krusell, 305 Country Way (in file)
17. CLE re: 8 Dartmouth Street review (in file)

18. 13 Wheeler Ave. – Pat Gallivan’s e-mail to Greg Morse & members – proposed home closer to march and GIS shows AE flood zone (in file)
19. DEP File #68-2503 – re: Warren, 244 Central Ave. (in file)
20. Request to continue Great Rock Island to March 5, 2014 (in file)
21. Request to continue 87 Maple Street to March 5, 2014 for the Commission and Brad Holmes to walk site (in file)
22. Planning Board re: Definitive subdivision plan modification at 55 Colonel Mansfield Drive. PB’s preference was for 1 additional lot vs 3. A 2 lot subdivision is proposed. A NOI will be submitted to ConCom. Requesting many waivers. COMMENTS by April 1, 2014
23. #7 Minor Activities Permit issued for repairing the diversion ditch on OOB (in file)
24. Recording of CofC for 68-1985 – 27 Collier Road (in file)
25. Marine Fisheries Comments re: 8 Dartmouth Street – extension of boat ramp - 68-2501(in file) (e-mailed to members & PG)
26. Planning Board re: Definitive Subdivision 50 Country Way – 2 lots – requesting many waivers. COMMENTS by April 1.

Meeting adjourned 8:35 p.m.
Respectfully submitted,

Carol Logue, Secretary