

**Town of Scituate
Conservation Commission
Town Hall Selectmen's Hearing Room
Meeting Minutes
February 3, 2014**

Meeting was called to order at 6:19 p.m.

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

Also Present: Patrick Gullivan and Carol Logue, Secretary

Agenda: Motion to amend the agenda to include a vote on an appeal to DEP's approval of an Amended Order of Conditions for Stockbridge Landing Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Request for Determination: Kelleher, 7 Dunbar Lane (8' to 12' or maximum addition)

Greg and Daniel Kelleher were present at the hearing. Existing house has an 8' x 8' bump out at the back corner on footings, would like to extend the profile of the house to either 8' or 12', bringing the whole addition to the corner of the house. The addition would be on footings and cantilevered. Mr. Gullivan: what type or size of addition will sonotubes support? Mr. Snow: about any size, just the number of footings change. Greg's brother talked to Neil Duggan and he had no problem with sonotubes. If a full foundation was required, probably wouldn't do the addition. Mr. Gullivan: The work is within the inner riparian zone of the river, but out of the 50' buffer from the wetland. Work is between the house and tool shed. Going to remove the 12' x 12' shed and concrete slab it sits on. There are washing machines and other debris on site. Will remove the debris and clean up the site. Mr. Snow: personally would not have a problem with a 12' addition if the shed, slab, brush and debris were removed. Should probably put haybales or silt sock on the left side close to the addition and behind the shed. The actual number of the house is 7. 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)." With removal of shed, concrete and debris and installation of silt sock Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote. Call Mr. Gullivan when silt sock is there.

Stockbridge Landing: Applicants came in with a design for 74 apartment units; plan had missing information. The project is in Zone A, the drinking water zone. Some of the stormwater elements didn't look good; they made a few changes, but not enough. All departments met and it was decided that the Commission was the best department to file an appeal. Probably it will be an informal with DEP. Mr. Snow: This project has been sitting for a long time; silt fences are old. There are blatant violations. Mr. Gullivan: approved under 40B. Detention basin is 15' from an intermittent stream; DEP issued a Partial Certificate of Compliance. Before they go ahead, there are certain criteria that can be appealed; will send out a draft appeal tomorrow. Commission's appeal won't be on the Zone A will it? No, appealing on the inaccuracies of the plan, but will copy DEP's drinking water division. Similar to 305 Country Way, but Stockbridge is right in the zone. Liz Kouloheras oversees both departments. 2006 or 2007 project started. Motion to appeal Stockbridge Landing approval of Amended Order of Conditions by DEP Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote. Only have till Wednesday or Thursday. Mr. Snow: spoke to Neil after meeting on the site; don't hesitate to talk to him. When we meet with DEP we will have John Chessia accompany us. Not going to legal counsel.

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

Motion to continue the hearing to February 19, 2014 at 7:00 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Revised motion to 6:45 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

MBTA Greenbush 2013 Mitigation Monitoring Plan: each year they clean up the vegetation along the tracks. Mr. Snow: have you ever seen Rousseau mitigation done by the MBTA? Mr. Gullivan: Yes, but haven't read the lengthy report.

228 Central Ave.: call from an abutter regarding a stone or concrete wall that was constructed in front of the house. The basement got flooded from the stones piled along the street from the plowing. He has an open Order of Conditions, but he needs to call before doing any work; he needs to file. Mr. Harding and Mr. Parys: what he says is absolutely true. The rocks caused the problem. Cobble creates a seawall, water flows back into the house and is trapped. His wall doesn't come out as far as the cobble, but he could be impacting an abutter. Mr. Parys: it's like the town is building giant berms and it is flooding his house, but have to be reasonable and follow the laws. Mr. Snow: he could submit a request for an amendment, then the Commission could vote to either hear it or not.

Lot 3 Irving Road: A & R plan for 2 new houses at the end of Irving off Tilden – 3 new lots total, 1 is unbuildable. Wetland could be a vernal pool; should be checked out in the spring before signing off on the building permit. Will plan on going out at the end of March; the property owners agreed to wait. No Notice of Intent has been filed yet.

Wetlands Hearing: Wenzel, Lot 3, (149) Old Oaken Bucket Road (new build)*

Paul Mirabito from Ross Engineering and Mr. Wenzel were present at the hearing. Abutters' notification was submitted. Mr. Snow: do we have Orders of Condition on these lots? Lot 3 is completely different. This is a 45,737 sq. ft. lot with frontage on Old Oaken Bucket Road. The resource area is off the back. There is an existing barn where they do all the repairs and oil changes to the equipment. The barn is going to be razed and replaced by the house. The house is about an additional 550 or 600 sq. ft. between the 50' and 100' buffer. Between 50' & 100' is bog now. At the 50' buffer there is a 20' easement needed for the bog equipment. There is a large hill to the left and a valley that has been created by excavating sand and gravel for the bogs. The only grading inside the 100' buffer is at the hill and around the house to shed water away. Septic is well outside the 100'. The house is placed for the vista and farther away from the street. Runoff from roof is considered

clean water and better than the maintenance garage. Mr. Snow: will it be kept as a bog? Yes. There is a new plant that produces 5 times more berries in a dry bog. The plan is to create one bog a year. Ms. Scott-Pipes: at the 50' buffer there is the 20' easement, would like to see the house moved 5' or 10' away, even though it is a disturbed area. There is a house proposed for lot 2, they plan on moving the bogs further from street and away from the houses. Mr. Parys: one of the few applications you can move the wetland. Mr. Harding: feel the same way as Penny does, despite the hope the bog will be moved slightly; 5' or 10' shouldn't bother the vista. Either move the bog now, before work begins, or move the house back. Mr. Gallivan: tried to check with Board of Health on how long percs are good for. Once they are done, soil test are good forever. From 3' to 11' down it was all sand. Septic has been approved by Board of Health. The issue came up regarding work too close to a tributary, none of the work on this lot is within 150' of Tack Factory, leaching area is not within 200'. There is no tributary along the edge of the bog and not an issue for the Commission, but for Zoning. Mr. Snow: is the equipment for the cranberry bogs going to be kept on site? Yes, but at a different location, not selected yet. Lance Van Lenten: the entire bog is in a Zone A. Zone A is not affected by this lot. Chris Van Lenten: when they remove the barn will they build another? They will have to go through approvals. Mr. Snow: There are a lot of exemptions that we have no control over. Mr. Van Lenten: any discussion about the 61A tax exemption from agriculture use to the proposed use? Did they remove that piece from 61A? Bogs have been there since the 20s or 30s. If a property is in farm status, before it comes out, or if not renewed, the town has the option to purchase. Mr. Gallivan: there should be something divulged to the town; will send an e-mail to the assessor. If the barn is being razed should put some erosion controls around it. A silt sock should be placed around the perimeter of the lot. Will add erosion controls to the plan. Mr. Snow: do we want to take care of the setback distance for the house in the orders? What distance do we want? 10' from the 50' buffer for a total of 60'. Some of the mitigation is removing the barn. But the bogs will still be used. Typically when someone constructs something in the buffer zone, we ask for mitigation. There will be landscaping around the house. You could do plantings between the house and the easement. Mr. Bjorklund: usually ask for vegetation to protect the BVW. This is a little bit unique because it is a bog. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

31 Candlewood: Have a draft letter. There are two versions of the plan, there are no measurements. This will go around and around. Paul Shea's work was to get the buffer / wetland planted. If he voluntarily agrees with the letter, it will be over. Ask him to come in. Ms. Scott-Pipes: nothing will be done before spring.

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

Applicant's representative requested a continuance. Motion to continue the hearing to February 19, 2014 at 6:50 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Mr. Schmid: 8 Dartmouth Boat ramp: Waterways doesn't have voting powers, they just make recommendations. They will either decide that this is a good idea or not. It will be Mark's Patterson's call. State regulates how far from the channel. Mr. Gallivan: should have an engineer look at the details. If Carlos Pena is working for us, it is better than working for the applicant. If there are appeals, we should have an engineer approve the design. Have Carlos call us and set up an account. Some other agencies are triggered. Corps of Engineers may have a problem, they have to be notified. In front of the Waterways Committee on Wednesday, February 5. Parking was mentioned. He does have some area for parking, but not for trailers.

Goulston: Toll Brothers have spoken to all the departments. Connecting to sewer was mentioned. For us they wanted to know about the buffer for an isolated wetland. There is an area not flagged that looks like a potential vernal pool. East of Hatherly Road hasn't been delineated yet. Mr. Snow: it will be interesting what we get from them. It is a tough site to walk through.

Walden Woods, Stenbeck Place: reports of silted water coming through back yards to the detention basins. They were told to put up new silt socks. He was dewatering into the detention pond. Now the basin will need to be cleaned before it is planted.

Certificate of Compliance: Lot 2 Dreamwold (Coby's Run) - OK

153 Jericho Road – not ready

Minutes of December 5, 2013

Motion to approve the minutes of December 9, 2013 Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Motion to approve the minutes of December 18, 2013 Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Mr. Snow: Bates Lane – need to walk up and look for the best place for the parking.

Talked to Pam Martell – Historical Society wants to do additional work at the Old Oaken Bucket House. They want to provide parking, maybe make some trails and restore meadow. Supposed to meet tomorrow. She is worried and not sure about the wetlands; she would like some guidance. This is preliminary, they will have to file. Get a heads up to what might be out there.

Wetlands Hearing: Petrocelli, 136 Indian Trail (new build/discuss stormwater issues)

Rick Grady, from Grady Consulting, Paul Petrocelli and for the Commission Pat Brennan from Amory were present. We were asked to look at stormwater; redid the calcs. Broke out the tributary areas flowing toward the rain garden and the back of the property; with the grading that was done there will be less runoff toward the back. Crushed stone trench at the top of slope to divert runoff to the rain garden. Roof gutters divert runoff to crushed stone basin. Received comments from Pat Brennan regarding discharge. There was a possibility of not making it to the basin. Front entryway is the land within 100' of wetland; no changes have been made or proposed. Request to modify the stormwater permit. Pat Brennan: Basically Rick just described the results. They showed a rip rap swale going down around and back to the rain garden. With this new scenario it should be OK. Existing stone slope with existing vegetation - there are some weeds. Will take a lot of work in the spring to vegetate. Ms. Scott-Pipes: that was a manmade slope / cliff. I want to feel confident that it will be completely stabilized. It may require more rip rap. Grass growing between the stones should help. Paul Petrocelli: It is all rip rap; it is stabilized. Mr. Snow: That earth has been washing down. To the left of the ledge it has, but not to the right. Mr. Grady didn't see any signs of erosion. Back in September at that point there was some silt, no doubt about it. Since that time and installation of the silt fence, have not seen any additional silt. Mr. Petrocelli: just sprinkled some dirt between the stones, no heavy dirt that will run off. The dirt is seeping into the holes. This lot is similar to the place

down the road. But they have trees. But it is a similar slope. Mr. Gallivan: as long as our consultant thinks this plan will work, but Commission will not sign off on a Certificate of Compliance until the problem is solved. Pat Brennan: crushed stone trench will help keep water from running off the slope. Mr. Snow: not planning on putting any more soil on that slope? No. Was there an area that was proposed to be pavers and now grassed? Was going to do a driveway approach, eliminated and now it is grass. The biggest concern was the amount of height the back corner gained. A plan was submitted that was much different, and there were no requests for changes and now we are trying to remedy the situation. Seems like our consulting engineer has some reservations. When wetlands are involved, stormwater falls under Conservation. After the next 6 weeks or so should be able to get it landscaped and the trench done with runoff from roof added. What plants are considered, you didn't specify. Planning on planting myrtle or pachysandra and maybe low growing hydrangea. Should be part of the plan. Would like to have vegetation in the back grass and mulch beds. Mr. Brennan: Drainage calcs are based on being grass. Ms. Scott-Pipes: definitely need a planting plan; went from a slope to a cliff. Mr. Snow: went from an undisturbed area and you removed the trees. Need an extensive planting plan and plants that take up water. Submit a planting plan that we can look at. Mr. Brennan: drainage systems were installed. When he looked at the calcs, rates and volumes are the same as 2012; crushed stone trench reduces what is going off the rear property line. The 2' x 2' trench will need to be maintained. There will be a wrapping filter 3" down from the top that will need to be scraped periodically, but it stays to protect the clean stone. Mr. Snow: we have a whole public meeting process. People should be assured that the plans will be followed. This is not the process we want to go through every day, build something that is not according to plans without asking or coming back for a hearing. Mr. Gallivan: There is an O&M plan. The planting plan for the slope could be added to that. Definitely looking at this before a Certificate is issued. Ms. Scott-Pipes: when do we want to see a planting plan? Submit planting plan by March 5. Keep an eye on the silt fence.

CORRESPONDENCE

January 23, 2013 – February 3, 2014

1. Mass Land Conservation Conference – Healthy Land – Health Communities – Saturday, March 22, Worcester Technical High School – space is limited. MACC Environmental Conference 2014
2. EOE re: ENF – Fern Properties, LLC - Date Noticed in Monitor December 18, 2014. (in file)
3. Mass Wildlife Magazine
4. DEP re: Stockbridge II Realty Trust, Amended Final Order of Conditions 68-1577 (in file)
5. e-mail from P. Gallivan requesting information for Great Rock Island: soil test pit info, what areas outside the Commission's jurisdiction. (in file)
6. Planning Board approval for Sheerin, Jr. – Marvell Homes, LLC – Suburban RT-Benjamin Goulston – Irving Road approved with the addition of Parcel F being labelled as non-buildable.
7. Planning Board Agenda for January 30, 2014
8. Merrill/Josh Bows re: Peer Review of Stormwater Regs for Great Rock Island (in file)
9. Request for CofC for 68-2023 – 7 Coby's Run (Lot 2 Dreamwold), Request, engineer's letter, as-built, check (in file)
10. Recording of CofC for 68-1277 – 25 Circuit Avenue (in file)
11. Recording of CofC for 68-2367 – 19 Park Avenue (in file) – but waiting for actual stamp from registry (in file)
12. Additional information re: Great Rock Island 68-2499 – 1. Approved BOH Septic Design plan; 2. Test Pit Location Plan; 3. Copy of 3 test pits logs for Test Holes 1, 2, & 3, 2 found suitable – area not large enough. (4 sets of plans) (in file)
13. Nationalgrid 21 day herbicide application notification: 1/13/14 – 6/2/14; 6/2/14 – 10/17/14; 10/17/14 – 12/31/14
14. 214 Clapp – Sample Language for Open Space Protection. Need to vote on accepting property.
15. Letter from abutter of Great Rock – forwarded to Commission (in file)
16. Request for continuance of 13 Wheeler Ave. until February 19 (in file)
17. Stormwater Magazine
18. FEMA re: will be moving forward with FIRM process, but delayed, need to review comments and appeals in order to make accurate determination. Effective date for the Plymouth County FIRM sometime in 2015.
19. Request to continue Great Rock Island hearing to February 18, 2014 (in file)
20. Solimando, 8 Dartmouth - John Murphy, Deputy Fire Chief – supporting proposal to extend boat ramp (in file)
21. Planning Board approval for 214 Tomas Clapp Road (in file)
22. Certificate of Action re: 214 Thomas Clapp Road (in file)
23. Ross Engineering re: Lot 2A & Lot 3 Old Oaken Bucket Road – no proposed work is within 150' from the edge of a tributary in the Water Resource Protection Districts Reservoir Watershed. BOH has approved the septic systems on each Lot. Neither septic is within 200' of the tributary. (in file)

Meeting adjourned 8:00 p.m.

Respectfully submitted,

Carol Logue, Secretary