

**Town of Scituate
Conservation Commission
Town Hall Selectmen's Hearing Room
Meeting Minutes
January 7, 2015**

Meeting was called to order at 6:15 p.m.

Members Present: Mr. Snow, Chairman, Ms. Caisse, Mr. Hannon, 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 Order of Conditions for Knight, 24 Bittersweet Drive Order of Conditions; Certificate of Compliance McNamara, 23 Dartmouth; Monticello update; Peggotty Beach Storm Repair Plan Update; Update: Crosby/Damon Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Request for Determination: Loring, 11 Conroy Terrace (phragmites management) (cont.)
No applicant or representation was present. Put off till later in the evening.

Request for Determination: Golden/Hause, 150 Booth Hill Road (septic repair)*
Steve Hassett from Morse Engineering and Tony & Judy Golden were present at the hearing. This is a 60,000 sq. ft. lot with a three bedroom dwelling. Wetland flagged by Brad Holmes in the rear, with a second wetland off to the right. Plan shows green line at the 100 buffer, red the 50' buffer. Serviced by 2 cesspools that have failed. Proposing a 1500 septic tank, 1,000 gallon pump chamber, and leaching field behind the garage. Leaching field is 71' from the wetland with a proposed straw waddle. Complies with Title V. Have approval from Board of Health. Ms. Scott-Pipes: crushing and filling both cesspools? Yes. Back yard has a lot of debris in the buffer close to the wetland. Should be cleaned up. Follow path of tree line. Mr. Gallivan: lot of times we ask for cleanup. Not supposed to go in buffer zone. Mr. Snow: where else do you put it? Green Connection. Brush and leaves only and they are not in the wetlands. What revisions were made after the first submission? Revised elevations. Motion for a negative 3 determination with the condition to remove yard waste - "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)." - The yard waste in the back right corner of the yard on the edge of the Bordering Vegetated Wetland should be removed. Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Request for Determination: Howe, 92 Clapp Road (deck) (cont.)
Keep a place holder every time. Motion to continue the hearing to January 21 Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Mr. Gallivan: site visits: 392 Tilden Road (cutting), Bill had been out previously; e-mailed the members as to time. Bullrush Farm: Spoke to the person and trying to set up a time to meet, probably early next week. Asked them to keep the tractor out of the marsh.

DEP on-site at 30 Inner Harbor has been continued, but no date certain yet. The abutter asked for the continuance.

Monticello – Commission has to officially sign the Determination; not issuing is not presumption of approval. Their only option is to file for a Superseding Determination. There wasn't a quorum to approve or deny. DEP has 35 days to act; otherwise it will be approved automatically.

Stockbridge: on for ZBA. John Chessia has met with their engineer and has worked out about everything they can do for stormwater. Bruce Bouke from the drinking water division of DEP is good with it. We do have to go back to DEP for the adjudicatory hearing. Sent draft conditions to the members. Mr. Snow: Bruce sent something about a rationale why they could deviate some from the setback to the tributaries. Part of it was there is a wetland that it goes through before it gets to the drinking water supply. Can you put your finger on that e-mail? It might have come up at a meeting rather than e-mail. Still confused and don't understand why we don't have jurisdiction over tributaries. Two streams, one is a tributary and the other there is a question on; wasn't considered as part of the decision.

Peggotty Beach: Met with Stan Humphries and one of the abutters with DPW and Nancy Durfee on Inner Harbor Road. They have an order to take the sand from the marsh side to the parking lot and DPW moves it back to the beach. They want to keep the dune, beach grass and the snow fences up for the winter. We are in agreement except one point; they want the sand spread out further along the beach. Mosquito Control will go out to keep the ditches clear. When they come out to go to the Glades they will swing by the Peggotty marsh.

Mr. Snow welcomed Selectwoman Maura Curran as our new liaison.

Mr. Snow: had a chance to go to passing for Crosby. Both Damon and Crosby properties are part of the town's open space. So the next piece is to get going with parking, trailheads and additional trails. Talking with engineers to see what we need for plans. Have to get the access for Crosby within 6 months. Part of the agreement is the Town will relinquish its rights to the original access. Hopefully we can have an engineer complete the design. The road going in is already designed, but we need to carry the access all the way to the Appleton Field. Now that the town owns the property, probably have to go to Planning because Clapp is a scenic road. Going to get an engineer to design parking areas at Bates Lane, Damon, Higgins/McAlister, and maybe Hubble. Mr. Gallivan: after speaking with you there is a draft letter to Trisha, but will give to you first. DPW has agreed to review with us. This is a priority for ConCom because of the 6 months. Would like to see it happen all designed in one package and have one person do the work, there might be some savings. Talked to Fire and Police, they are on board with locations. Fortunately we have done the access filing. It will open up some new areas to hike. The other piece we do need to do get going with our CRs on all those properties. Part of the stipulation with money from CPC is to have Conservation Restrictions on the properties. Probably half dozen need to be completed. We do have a boiler plate, maybe just some tweaking from one property to another. Mr. Gallivan: along

with that the Open Space Plan has to be finished off. Should get together with Bill Limbacher, Frank, Penny, Laura and Pat. Contracted out, but there is some work yet to do. Mr. Snow: This was a CPC project a few years ago when we agreed to help; the idea was keep the price relatively low. Committed to the Conservation Agent and Planner to work on it too. Going to look to see if we can get additional funding. Thinks he still needs information from us. Should set up a meeting in a week or so. Ms. Scott-Pipes thought it was completed.

Minutes: November 5, 2014, November 19, 2014 and December 17, 2014

Motion to accept the minutes of November 5, 2014, November 19, 2014 and December 17, 2014 Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Order of Conditions: Nagle, 136 Old Forge Road. File an amendment for it. A lot of information from Waterways. \ Chicken Coop: lot of information from Waterways. Concluded they should file an Amendment. Motion to condition the project Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Amendment: Webb, Lot 1 149 – 111 Old Oaken Bucket Road

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

Enforcement:

Ayer, 28 Gardiner Road – Spoke to the Liz Kouloheras, Director at DEP and told here we have no cooperation on this Enforcement Order. She said send it in. Sent photos, original Enforcement Order, and back and forth legal correspondence. Blatant clearing.

Duffy, 271 Central Ave.

Any changes down there? Letters keep coming back. Can we pick a couple of things that are the most critical to ask to be dealt with. Ms. Caisse: Dumpster has been there too long and piles of debris, bricks, TVs, etc., all in a resource area. Mr. Snow: Was there an Enforcement Order sent? Yes. Also two letters have bounced back. If the son did buy it, we will find where he is and get a letter to him. Ms. Scott-Pipes: There is more debris than there was in the beginning, when the trees were cut down. They have ignored the Commission, this is all in a resource area. We have to find someone we can serve it to.

Moskowitz, 158 Border Street: Today spoke to Greg Decesare. Prefer not have them file a Notice of Intent, he recommends a new Enforcement Order and can word it the same way, then it is up to them to come with a restoration plan. If they refuse, then it goes to DEP as an Enforcement Order. The other alternative might be to talk to Jim Toomey, because there are bylaw issues; Jim might recommend they file. In some ways filing throws it to DEP right away without it being a negative enforcement, but it can be appealed and dragged out. Will run it by Jim. No good answer with this one.

Haufler, no response. Hoped to do an Enforcement Order for tonight. That goes back a long way. Similar to Gardiner Road.

Wetlands Hearing: DPW, Glades Road (after-the-fact revetment repair)*

Sean McCarthy from DPW was present at the hearing. Abutters' notification was submitted. Quite a bit of unraveling along the public portion of the beach. After reviewing, decided to mobilize a coastal contractor, that is used quite frequently. Stones that had moved away from the wall were placed back. Area shown on plan is approximate; no new stones were brought in; no footprint change. Received a letter from marine fisheries, most of their concerns were to stay within the existing footprint and equipment and fueling was done outside the resource area. Did oversee the project part time. Took about two weeks, working between tides. Equipment was stored on Glades Road. Did what he could through the tide cycle from Bailey's Causeway up to the end of the public ramp on Gannett Road. Pictures are preexisting conditions. Mr. Gallivan: we want to try to have a permit that is more open-ended, including more areas so they don't have to come to us every time they need to do a repair. If it is a wall repair and they can do the work from landward side that's pretty minor and it is usually an emergency. Reaching over moving rocks back to the wall is a little more involved, but at least they aren't on the beach. Replacing rocks or bringing in rocks would involve Army Corp and Marine fisheries, would probably need to file. Each section of town is different, but we need something in place. We ask homeowners to come to us for an Order of Conditions. They had gotten an Order a while back, but it didn't apply to this section, so DEP said they had to file. With a blanket order there might be an abutter notification issue; would have to let them know about any work. For road work we put something on the website and if there is to be a water shutoff, we notify door to door. Ms. Caisse: Could you give a laundry list of what needs to be completed from maybe October thru June? Then maybe a special notation that anything that would be crossing over private property would need abutter notification. We wouldn't cross over private property without some sort of easement or agreement from the homeowner. Mr. Gallivan: Need specific language to address the abutter situation. They don't always know which piece is going to be next. Mr. Snow: We did a couple of areas of town, Mann Hill and Inner Harbor that had continuing maintenance conditions and they could request extensions. Mr. Parys: Give them standing orders for seawall and revetment repair in Scituate. Ms. Caisse: without particular sites, the office would need to be notified so when calls came in they would know whether it was the town doing the work. Mr. Gallivan: Need them to put the DEP sign in a visible location also. Mr. Snow: should be required to have a simple preconstruction at the site to make sure the contractor knows what is in the Orders. The town has to be held to a standard as well as private citizens. Mr. Gallivan: DEP doesn't care who is in violation. Next round of waterline work, planning on meeting on site to show contractor where the erosion controls should go; will be done on a site to site basis. Preconstruction would be built into the general orders. Emergency issues with culverts would be the easiest for a blanket set of orders, usually inland. Beach areas are different. Mr. Snow: if it is a sensitive area, should not be done haphazardly. Need some degree of impact; either so many yards of material, or size of an area, but for a larger project they would have to file again; more for maintenance. Sean: each project has a different level of disturbance and impact. Mr. Gallivan: If we find out about someone is working out there without an Order of Conditions, and it turns out to be a violation, that makes it harder for everyone. Will try and make this Order as broad as possible. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Wetlands Hearing: Knight, 24 Bittersweet Drive (septic repair)*

Phil Spath was present at the hearing. Abutters' notification was submitted. Septic repair. Placing the system outside the 50' buffer; some grading within the 50' buffer. All grass and grass will be replaced. Ms. Scott-Pipes: is there any reason the leaching field can't come up to the front. It is the same groundwater elevations and would have to remove vegetation. Mr. Parys: if you don't gain elevation, you don't gain anything. There is a definite difference where you walk. Just a thought; it is a huge wetland area. Did look at the front, but would also make it more costly; would need a wall on both sides. Mr. Hannon: sieve analysis instead of a perc test? It is a bigger system. Board of Health has approved. Mr. Gallivan: this is one we have to look at as an improvement. Title V allows measuring off vegetation, if you do soils it is closer

than 50', but these houses were built before the WPA. Would like to see test pits as far away from wetlands as possible. Plan was reviewed by Dan Smith and Barbara Thissell observed the percs. What waivers did you need from Board of Health? Groundwater separation from 4' to 3' and sieve analysis; couldn't perc because groundwater too high. Whoever did the flagging should have included some narrative or data forms. Peggy Fantossi. This is tough site. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Enforcement: Cote, Atlantic Drive: site visit Tuesday. There was a lot of debris in the dune, not at the top, but 3' to 4' down. A lot of concrete. They wanted to do another test pit, but it would disturb the dune more. Mother Nature turned it into a natural dune. It has been moved around a lot; last year there a lot more sand. If you start digging around you destabilize and it is compacted now. Mr. Gallivan, Ms. Scott-Pipes and Ms. Caisse agreed they should not do another test pit. You could do plantings on top. Mr. Parys: last summer talked about fixing the grading on Central and plantings. Mr. Snow: what started this was they dug out an area. The information they got from the test pit are they are going to be coming back with a restoration plan?. They will be asking for something. With the street area restored, they might be able to get something. The other question was how much was parking and how much was a natural dune. There is no black and white answer. Ms. Caisse: Why where they carved it out on Central Ave., it is now painted with blue paint? They might have had to call Dig Safe for the test pit. Is there is a water line there? Yes. Ms. Scott-Pipes: Don't know what the town owns off the center. They will be back. Mr. Harding: They have to restore what they dug out, then worry about what they want to do. Ms. Caisse: we actually originally asked them to restore. Mr. Snow: usually file the whole plan is submitted at once.

392 Tilden Road.: site visit tomorrow at 3:30 p.m.. New owner cleared all around the shed that is in the middle of the yard. Will try reaching the man on Bullrush Farm also.

Mr. Gallivan: there is a chance the filing for the north end of Central Ave. might be coming in for the next meeting. May invite Maura to that one. Will Kevin be joining us? Doesn't look like it. They contracted it out to GZA, Peter Williams. Mr. Parys: what is this for? For emergency clearing and where they cut through to allow the flood waters to go through to the river side. Ms. Caisse: is the consultant going to do a site visit? Should think so. From Barrett all the way to Cliff. Abutters will be notified. They were finishing up the filing and were going to give it to Kevin.

Akerblom, 228 Central Ave. (draft letter) They had a funeral it's not the right time.

Request for Determination: Loring, 11 Conroy Terrace (phragmites management) (cont.)

Motion to continue the hearing to February 4, 2015 Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Certificate of Compliance:

McNamara, 23 Dartmouth Street - OK

CORRESPONDENCE

December 17, 2014 – January 7, 2014

1. Revised WPA Regulations
2. Planning Board re: Stormwater Permit – 71 Clapp Road – COMMENTS by 1/13/15
3. Zoning Board re: 6 Crescent Ave. – raze/rebuild –Granted
4. Stan Humphries - Peggotty Beach Annual Maintenance & Nourishment Plan
5. DEP On-Site re: 68-2521 & 68-2524 – 30 Inner Harbor Road (in file)
6. Recording of CofC – 68-2012 – Gouthro, 110 Central Ave. (in file)
7. Pictures of 147-149 Jericho Road – material brought in and compacted
8. DEP re: South River Partners, 8 Dartmouth – apparently has to do with boat ramp vs. slips (in file)
9. Planning Board Agenda for January 8, 2018 – Scenic Road – 71 Clapp Road
10. The Beacon
11. Recording of Extension for 68-1958 – Goss: opposite 238 Central Ave. – C 113162 (in file)
12. Work being at Libby, 11 Hamilton Ave. is being done by David A. Ricardo of D.A. Ricardo & Son Builders – 508-317-7958/e-mail: drbuilders@verizon.net. (in file)
13. Zoning Board of Appeals - Request for Special Permits/Findings – 35 Dreamwold Rd. & 5 Williamsburg Lane. Hearing scheduled January 15 at 7:00 p.m. – Appreciate COMMENTS (to Pat)
14. Recording of CofC for 68-1029 –Sheehan, 30 Fox Vine Lane (in file)
15. Recording of CofC for 68-1218 – Sheehan, 30 Fox Vine Lane (in file)

Meeting adjourned 7:30 p.m.

Respectfully submitted,

Carol Logue, Secretary