

**Town of Scituate  
Conservation Commission  
Town Hall Selectmen's Hearing Room  
Meeting Minutes  
July 1, 2015**

Meeting was called to order at 6:18 p.m.

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

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

**Agenda:** Motion to amend the agenda to include: Letter for members to use; suggestions on how to schedule the agenda; signage at Driftway; McKinnon, Central Ave. parallel wall; Moskowitz e-mail re: engineers; Salt Marsh Mitigation; Driftway Property letter; and Appleton Field Ms. Scott-Pipes, Second Mr. Schmid. Motion passed by unanimous vote.

Announced that NOAA requested continuance, and 9 Oliver are being continued to another date.

Sustainable Farm: John Cranston, 12 Holly Road. Handed out some material. Member of Economic Development Committee. EDC has been focusing on 3 main business districts, North Scituate, Greenbush, and the Harbor. Fourth area is the west end that has a lot of town owned land that is possibly underutilized. Use the land in a more beneficial way. One way is farm to school program. This is in combination with schools, possibly use the land in an agricultural manner. Handout was put together by the state, the state has resources that help with these programs. Shows some of the benefits, environmental quality, creating green spaces, public health side, beneficial to kids that go into these programs for nutritional awareness and the school can be the end user. There are people willing to come down and talk about the program. Holly Hill Farm works with a number of schools on the south shore. Ultimately see what your interest is in the program and/or what can be offered. Last page shows a project that North Hampton did in conjunction with CPC for mixed use of land. Agriculture, ball fields, community gardens, and open spaces. Other examples of other towns using CPC funds using the lands more economically. Mr. Schmid: in terms of monies, no one would be profiting. How many acres are you thinking about? What makes it viable? Appleton Field is about 10 acres, maybe could use even bigger. Right now it is at the initial state. What is out there for us to use. There are State and Federal funds available, separate from CPC. Make open space a little more useful. Mr. Snow: we have a farmer under a license with the Commission at Appleton Field and not sure when that expires. Have had a couple of other farmers ask about that area, but I think a program like yours would come first. Should put out proposals for use, but we want healthy organic farming. We also acquired some other portions of the Crosbie property, there are two large stands of red pine that are really dying that should come down, but don't know how many acres; maybe look at that. Could include diversity. This land wouldn't include playing fields. Depending on how the trade goes on Clapp Road, you can still see the furrows where it was plowed; of course it has grown up a lot. Maybe Damon property is semi-cleared. Would hesitate to clean any woods. Can get programs developed with other entities, such as Norfolk Agri. Maybe Commission could come up with a list of properties. Sometimes we've talked about involving the schools, haven't seen a tremendous amount of feedback. Need to find out how enthusiastic they will be. Maybe ideas of current land, or land that could be purchased; then could draft up a grant to purchase. There is a part-time assistat working with them and getting things done; mostly volunteers, but the assistant is paid. Agree not to clear cut. Maybe some sustainable forestry, could be a possibility too. Just have to get everybody on board. Want an inventory of our woods also, trying to partner with New England Foundation; they have some great inforamtion. Could involve farming, Christmas trees, and knotweed program. Commission thanked Mr. Cranston for coming.

**Wetlands Hearing:** Stewart, 160 Chief Justice Cushing Hwy. (raze/rebuild) (cont.)

Septic was approved and the planting plan from Kennedy's submitted. The driveway location has been put in place. He may want a vote on this on the 15th. Zoning would like him to get the other permits and then go back to Zoning. Motion to continue the hearing to July 15, 2015 6:30 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

**Wetlands Hearing:** Phippen Trust, 35 Dreamwold Road (total of 3 new lots)

Jeff Hassett was present at the hearing. As requested a buffer mitigation planting plan was submitted. Sent orders to the Commission today regarding planting, not sure if you saw them. There are two areas, both areas will have the non-native species removed and the one between the grassed lawn and stormwater basin will be planted with seed mix and the larger triangle will be planted with seed mix and 40 shrubs. Ms. Scott-Pipes: went out yesterday and the consensus was along the roadway there was a lot of briar and debris that should be hauled out. Didn't think you needed to plant the whole triangle, but vines have taken over trees; a lot of could be left naturally. Down toward the wetlands, it didn't look bad. Maybe could be supervised by Patrick. Will there be a homeowners association? There will be. Areas will have to be maintained along with the settling pond and detention area. Maybe the other area could be maintained. The triangle area is not part of the easement; it belongs to Lot 4 which goes into the mitigation area. Originally the whole area was included in the easement, but Planning Board wanted the easement as small as possible. There shouldn't be too much maintenance. Septics are out of the 100' buffer. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

**Order of Conditions:** Phippen Trust, 35 Dreamwold Road (3 lots)

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

**Kim Stewart/Driftway Park:**

The signs are not in a good location, it is not where people enter the park. Would have a little more enforcement ability about dogs if the signs were in a better location and make her job a little easier. Mr. Snow took a ride into the parking lot, need a couple more signs. Doubt they will have any leftover signs. Not in a good location. Should be where people head into the park and maybe where they go to the field. Had an

incidence over the weekend with the Police. Tough time of year, so busy. Sign should say no unleashed dogs and pick up at your dogs. Take a look at and figure out who will do the signs.

**Request for Determination:** Daniel Sutton 170 Branch Street (septic repair)

Daniel Sutton, previous owner and Bob Crawford from E.E.T., Inc. were present at the hearing. Formally 174 Branch. Originally filed at the end of May for the June 17 hearing. It was continued because Board of Health hadn't approved the system. Didn't have the footprint or design or specifications of some of the components of the system. It is still hasn't approved. Current owners would like to get started. Asking Commission to consider closing the RDA subject to Board of Health approval, because they have basically approved the plan. Location is the same and no grades have changed. Have two copies of the revised plan. Protecting where the leaching field is, but add erosion controls around where the tank is located. 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)." Contingent upon Board of Health approval and additional erosion controls Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote

**Wetlands Hearing:** Sutton, 174 Branch Street (access off Curtis – Lot 4 – new build & septic)

Jeff Hassett was present at the hearing. Abutters' notification was submitted. Requested a continuance to July 15, 2015. Applicant gave them a new footprint with a front entry garage instead of a side entry; plan will change a little bit. Site visit needed and this will need a stormwater permit with the Commission. Motion to continue the hearing to July 15, 2015 at 7:25 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

McKinnon, 168 Central Ave.:

He wants to know if he could build a parallel wall beside Cote, at Atlantic Ave. He concerned the raised system will direct water onto his property. How high? He wants to get a feel for it. There was an existing low wall and the situation will be better, because now there is a steep slope. There probably should be a footing. Should probably see what the site looks after Cote's work; ideally they should work together. Will have to file, but he wanted to know whether it would be approved. Past winter 228 Central put parallel wall that directed the water more toward the street, the chance you are taking is that it effects someone else's property. Commission has allowed walls to go higher. Would be logical to see what the finished grade will be, then talk about the wall. He's welcome to file, but has to give us some good information.

**Wetlands Hearing:** Popes Pond Cranberry, 149 Old Oaken Bucket Road (raze/rebuild portion of dwelling / relocate part of driveway)

Paul Mirabito from Ross Engineering and Mrs. Mooney were present at the hearing. Abutter's notification was submitted. This is a 1.4 acre lot. Existing dwelling site is within 100' of BVW and borders the existing cranberry bog. The 50' and 100' buffers are shown on the plan. This is reconstruction of an existing dwelling. Right now the existing dwelling is within the 50' buffer. The proposed work will be an open deck pushed back to 52.4'. They are razing the existing house, sliding it over and squaring it off, a portion of which is in the 100' buffer. Garage is outside the buffer zone. Roof runoff will be directed away from wetland. New septic is outside the 100' buffer. Moving the driveway to enter the garage at 90 degree angle and reducing the size. Driveway will remain gravel. Nothing new in the 50' buffer. Don't really know where the existing septic is; did find the leaching pit that will be abandoned. In the area of the septic, will all the trees have to be removed? In the leaching area trees will have to come down; will keep as many as we can. Is the deck on sonotubes? Yes. Has there been a septic approval? Just two numbers were reversed. Thought they would have on agenda Monday. Can have a condition for BOH. Chris Van Lenten, 150 Old Oaken Bucket Road: Going to maintain stonewall and trees between road and septic? Yes. Is the new house using geothermal? Don't know. Bog will remain. Where will the equipment for the bog be kept? Right now it is at the back of the lot and another one. Lot 2 is the only one left. They have to build another barn. Have planted a whole new section planted. Mrs. Mooney: Takes a lot of time and money. Glad you are able to keep it working. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

**Wetlands Hearing:** NOAA, end of Sunset Road (improvements to parking area)\*

Applicant requested a continuance. Motion to continue to July 15, 2015 at 6:30 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote. Frank talked to Ben Haskell today and told him to get us as much information as possible. They have hired an engineer. And they are also trying to touch base with some of the neighbors. Told him we wanted to stick with Commission issues. Looks like the 2013 FEMA maps shows it will be in the velocity zone. Does it matter if there is no structure? No, but it might matter if cars are parked there. Can it be conditioned to remove cars? Yes. There were old signs at the old marine park.

**Wetlands Hearing:** McLean, 9 Oliver Street (elevate) (cont.)

Applicant requested a continuance to the next meeting, waiting for structural plans. Motion to continue to July 15 at 6:50 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Moskowitz on his emails? He is interested in getting bids from engineers, one abutter said he would help finance it. Might not be able to use our engineers. Bill was there last Saturday and they cleaned the stream; it was completely dry. Mr. Harding was out there and the neighbor to the left thought it was quite a bit better. He wanted a list of engineers, but he won't be able to use the people we use for review; he wants to know who we wouldn't use. Have him give you a few names.

Salt Marsh Mitigation/Marine Center: Jim O'Connell is involved; this goes back a ways. Instead of requiring an extra 7,000 sq. ft. of salt marsh planting, the Corp of Engineers fined the town \$90,000, which will be coming out of Waterways. Jim O'Connell said it would cost 2 or 3 more times than that to plant. This will be an offsite project that \$100,000 will go in to. Hired an engineer and everything. That engineer is barred from the town. Jim's contract is going to be continued after July 1 and he is still involved with the area planted, to make sure phragmites doesn't take over. It seems to be going pretty well. Mr. Snow: called the Army Corp of Engineers when the MBTA cut a red maple swamp and they said there was nothing they could do.

Driftway Property management letter: property is owned by Rousseau near the salt marsh restoration. Totman keeps his equipment behind South Shore Auto parts. On both sides it is a difficult situation. Pat is going to go through the Orders to see if there was a limit where they could pile dirt. Governor said we could put the snow anywhere we want. This are might be one of the worse areas in Scituate. They had a yard

that all the way back, the MBTA took half of that for mitigation and they continue to work in the other part; it is a contractors' yard, but we still have to work with the other issues. There are abandoned trucks and cars and buses are stored there. Called Russ Totman; he is a tenant there.

Last meeting discussed Mr. Foley's change of the driveway at 99 Glades. There is a new drawing. Approved driveway is reduced, but the approved driveway was also gravel. There is an elevator at the house. Ms. Scott-Pipes: went through the minutes, we did not allow an asphalt driveway then, nothing in the Orders; plan only shows gravel. Mr. Gallivan: what about paving right in front of the garage 15' out? It is a barrier beach.

Appleton Field Access: got a letter from Crosbie, passed papers before the end of the year, had temporary assess. Were approved to use access until May and bow Mr. Beal has executed his right to close the access to all. Sent a couple of e-mails to the TA. Hoping there is some movement because the plans are done now. Hoping we could talk to him to make an attempt to extend it for a while. Hopefully we can get these projects out to bid. Felt that if it got moving right away, there might be some access for Mr. Bucca. Did try and get in touch with Mr. Bucca. It is unfortunate.

Bullrush Farm Road: created a large yard; phragmites and saltmarsh; had a long discussion. Told him he had to get it delineated. Maybe some plantings will be required. Need to establish no impact, feeling was he didn't think it was serious. He knows he shouldn't do anything more.

147 Jericho maybe a property that is going to be sold. Trying to set up a time. At this point we don't have an Enforcement Order. Have to figure out what he put down and how much.

House on Summer Street going toward Norwell, cleared and put a shed in; fairly new house.

Ms. Scott-Pipes: Heard any more from Steverman on Country Way? No. Violation letter? Haven't sent it. Pat talked to Jimmy DeBarros, they still have the rusty old equipment out there that we asked them to move and the shed is in the 50' buffer.

**Order of Conditions:** Cote, 38 Atlantic Drive (leaching field/shed/install landscaping)

Motion to condition the project Ms. Scott-Pipes. Neil Duggan wanted to make sure water could go under the shed; it is going on sonotubes. Second Mr. Schmid. Motion passed by unanimous vote.

46 Indian Wind Drive: wanted to build garage; reduced the size and put in pervious pavers, but not two years for the plantings. They are all alive and doing well. Everything looks good. OK.

4<sup>th</sup> Cliff: received a letter from the Air Force, they want to close off an area up top, put a fence in so cars don't get close to the edge. Tricia asked Pat to write a strong letter to address all the issues up there, there is more than just fencing. What direct interest do we have on that property? Actually do have any jurisdiction out there? Board of Health has been out there for safety and septic issues. Plovers are also nesting out there. This is a new person that has taken over.

Cobra has been contracted to remove the buoy marker. Only can do it from Central Ave., can't drag it off from where it is now. Contacted Natural Heritage and Audubon, have not heard back yet. Don't have jurisdiction to where it goes. Rosemary Dobie: 4<sup>th</sup> Cliff issue: There is a whole history when Don Morris was there, she can bring in some of that information. There was going to be a whole budget for the Federal Government to repair that area.

Paul Parys made a suggestion regarding the agenda. Start the hearings at 6:30 and just number the items, then we could go back and forth. If we have to have times start at 6:30, next at 6:31, etc. These times don't work. Maybe should establish a time for RDAs anyway. We don't want everybody here at 6:30 p.m. Pat: they get angry sitting here. We had people sitting here 2 hours. Mr. Parys: in reality we do things in order.

Since we are going to put together a letter about 4<sup>th</sup> Cliff bring in the information. How quickly do you have to get something to Tricia? Tomorrow sometime.

Letter regarding violations: Been some places where nobody is there. Could leave a letter nicely saying there might be a violation and to call the office immediately before any further work takes place. We can work with the wording.

Minutes: May 6, 2015

Motion to accept the minutes of May 6, 2015 Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

## CORRESPONDENCE

### June 17, 2015 – July 1, 2015

1. Planning Board re: 35 Dreamwold Road - Approval with conditions (in file)
2. 37 & 39 Collier Road 68-2541 – Division of Fisheries & Wildlife - will not adversely affect the habitat (in file)
3. DEP File #68-2543 – Sutton, 174 Branch Street (in file)
4. Planning Board Agenda for June 25, 2015
5. 35 Dreamwold Road – Mitigation Plan – dated 6/18/15 (in file)
6. Murphy, Hesse, Toomey & Lehane re: Foam Road – remanded to the Zoning Board of Appeals (in file)
7. Notification to Abutters re: Deveney, 11 Seagate Circle (in file)
8. Stormwater Magazine

9. Request for CofC for 68-2493 – 46 Indian Wind Drive (in file)
10. Request to continue 9 Oliver Street to 7/15/15 (in file)
11. Recording of OofC for 68-2542 – Longman, 54 Oceanside Drive (in file)
12. Zoning re: 55 Gilson Road – Comments? On agenda 7/16/15 (to Pat)
13. Zoning re: 165 Front Street – Comments? On agenda 7/16/15 (to Pat)
14. Zoning re: 22 Tichnor Court – Comments? On agenda 7/16/15 (to Pat)
15. Request for CofC for 68-852 Goodwin/Trustee of Hansen Realty Trust, 25 Tenth Ave. – new pier foundation (engineers letter regarding foundation, SW no as-built, but extremely old) (in file)
16. Update for 158 Border Street (cleared stream upstream of driveway (in file)
17. Request to continue NOAA, end of Sunset Road – requesting next meeting 7/15/15 (in file)
18. Recording of OofC for 68-2537 – Oceanside Drive 4<sup>th</sup> to 6 Ave. Seawall (in file)
19. Recording of OofC for 68-2538 – Edward Foster Road Seawall (in file)
20. Recording of Partial CofC for 6-2496 - Duval, 87 Maple Street (in file)
21. Planning Board – Form A Application 26 Parker Ave. – Parcels 3 & 5 – create 1 new lot with frontage and access on Moorland Road – Discussing 7/9/15 – COMMENTS by 7/8/15
22. Request to continue 174 Branch Street to 7/15/15 (in file)
23. DEP File #68-2544 – Mooney, 149 OOB (in file)
24. Request to continue NOAA, end of Sunset Road to 7/15/15 (in file)

Meeting adjourned 8:00 p.m.  
Respectfully submitted,  
Carol Logue, Secretary