

**Town of Scituate  
Conservation Commission  
Town Hall Selectmen's Hearing Room  
Meeting Minutes  
July 8, 2013**

6:15 p.m. No quorum present.

**Members Present:** Mr. Snow, Chairman, Ms. Caisse, and Mr. Parys.

Mr. Snow: can discuss 136 Indian Trail without a quorum. Agent on vacation.

**Discuss:** Petrocelli, 136 Indian Trail (plan variations and runoff)

Rick Grady, from Grady Consulting and Paul Petrocelli were present. Received a call from Henry Yeh regarding extreme runoff and need for erosion controls. Looked at plan in the file, appears to be more fill in the back and a lot steeper than approved. Also shows a retaining wall of railroad ties or stone. Looks like the toe is too close to the property line by 10 to 15 feet. Rick Grady: exposed quite a bit of ledge in the back; grading is not finalized, still in the construction phase. Mr. Petrocelli: just following the plan, but didn't put in the retaining wall. Toe of area is filled; there should be no new fill. Top should be at 40', base of it at 32ish with a vegetated line. Rip rap is placed down at the property line. Engineers should look at. There is a lot of silt going to the neighbor's property. You need to come back with a plan that deals with the runoff; to be looked at by the whole board. Mr. Yeh: Totally violates the stormwater permit. Mr. Snow: Not going to ask you to move anything until an engineer examines. One of the reasons the stormwater bylaw was adopted was to control impact to abutters. If you are altering more 5,000 sq. ft. stormwater needs to be dealt with and because of wetland issues, Conservation deals with it. All runoff is supposed to be contained on the property. Put the silt fence in right away. Can get that done tomorrow. Appreciate that. Rain garden is supposed to take care of some of the westerly half of the backyard. During construction figure out how to control runoff. Foundation size didn't change? Mr. Yeh: not too sure about that. Thinks the foundation is larger. As long as the plan being used is the same as what was approved; agent can look at further. Check the foundation and grading and let us know. Rick foundation is dead on. You will need to deal with Mr. Yeh regarding cleaning up his property. One of the orders stipulates a periodic report be submitted; look at that order. Stop the silt going to Mr. Yeh's property.

Meeting was called to order at 6:42 p.m.

**Members Present:** Mr. Snow, Chairman, Ms. Caisse, Mr. Parys, and Mr. Schmid

**Also Present:** Carol Logue, Secretary

**Agenda:** Motion to accept the agenda Mr. Schmid. Second Ms. Caisse. Motion passed by unanimous vote.

**Request for Determination:** Loftus, 62 Rebecca Road (extend deck)

Kathleen Loftus and Mr. Howe were present at the hearing. Proposing to extend deck 6' x 10', to the end of the room on the side; stairs to be more in the middle. In 2002 extended garage to put a true staircase in and removed the diagonal ones. Any stipulation for mitigation for the previous work? No. Proposal is within the buffer zone. An RDA determines whether you need to file a Notice of Intent or can do the work without that formality. Should look at previous file. Mr. Howe: truthfully what makes this a wetland, phragmites? Phragmites goes all along Rebecca Road, 10' x 30' in the back. Ms. Caisse: because we don't have access to the previous file makes it hard to make a recommendation. Mr. Snow: could continue to next meeting; look at the file and the site. We'd look for some mitigation, planting or something. There is an appeal process. Motion to continue the hearing to July 22, 2013 Ms. Caisse. Second Mr. Schmid. Motion passed by unanimous vote.

**Wetlands Hearing:** Adams, 700 Glades Road (addition & septic)\*

Jeff Hassett from Morse Engineering was present at the hearing. Board of Heath has approved. Proposed 2<sup>nd</sup> story addition and 2 bump-outs 4' and 6' with a one bedroom studio building constructed outside the 50' buffer, septic repair and reconfiguring of the gravel driveway. Revisions: bulkhead added, relocating the studio building outside the 50' buffer, and labeled the type of foundations. Moved the septic tank outside the 100' buffer. Reduced structure in the 50' buffer by 30 sq. ft. No structures closer to top of bank. All the work is currently in lawn area. Discussed top of bank. There is exposed ledge, erosion control barrier and brush before the bank. Showed photos. Foundation drain goes into lawn area. Mr. Snow: should be no runoff from edge of driveway. There is a brush line and it is an all gravel driveway. All the brush will remain. No vegetation will be removed. Put in orders: no change in brush line; documented on the plan. Do not expand lawn. Motion to close the hearing Mr. Parys. Second Mr. Schmid. Motion passed by unanimous vote.

Should try and discuss anything we want in the orders in the public meeting. Lot of standard orders and some special ones for certain sites. At the next meeting we approve the orders and they have to be recorded at the registry.

**Wetlands Hearing:** Farkas, 7 Oliver Street (raze/rebuild wood piles)\*

Paul Mirabito from Ross Engineering was present at the hearing. Abutter's notification was submitted. This is an existing 40' x 80' lot; septic in front, pump chamber to rear. Raze and rebuild with a deck at the rear and a small one in front. The dwelling will be pushed back 3' or 4' on wood driven piles. Resource area is barrier beach. Elevation needs to be at least 2' above ground elevation. Lowest grade is 7'. AE flood elevation is 10' to 11.5'. Lot will remain the same. Mr. Snow: is this elevation under an existing FEMA Map? Is there a change for this area? Don't know. Obviously can build to the current map's elevation, there is no wave action here, but new maps are coming. Might be worth waiting. Old foundation is being removed. Motion to close the hearing Mr. Parys. Second Mr. Schmid. Motion passed by unanimous vote.

**Wetlands Hearing:** Biviano, 6 Cliff Road (septic)

DEP approval is required. Motion to continue the hearing to July 22, 2013 at 7:00 p.m. Mr. Schmid. Second Mr. Parys. Motion passed by unanimous vote.

**Wetlands Hearing:** McCormack, 43 Wampanoag Ave. (addition)\*

David Ray, from Nantasket Survey, and John McCormack were present at the hearing. Abutters' notification was submitted. Proposing to elevate dwelling under the grant program. First floor elevation at 19.3' with smart vents. New 2<sup>nd</sup> and 3<sup>rd</sup> floor garage and storage space. Pursuing a FEMA grant. Hoping to get this closed prior to August 1. Foundation plan done by Peter Falk, Rivermoor. Motion to close the hearing Mr. Parys. Second Mr. Schmid. Motion passed by unanimous vote.

73 Kent Street – Mr. Snow will take a look at tomorrow.

**Members' roles:** The "Spit" and Driftway Park is under the care and custody of Conservation, should break up some of the responsibilities among the members. Tony Jones took on the "Spit". Plover signs are up at the "Spit". Need to make a list of different projects and send to members. Waterways projects should be for Mr. Schmid.

When CPC acquires a piece of open space there has to be a Conservation Restriction on the property, with the idea that it will never be developed. Had a study done for the west end; uses and parking is ongoing. Driftway Park is a great place. Recently we had a request from the Dog Officer for a dog park. There are a couple of pieces they might be able to consider.

**Wetlands Hearing:** Nashen, 272 Central Ave. (septic repair)\*

Peter Palmierie was present at the hearing. Abutters' notification was submitted. Property located on a barrier beach, coastal dune, FEMA velocity zone. Front part of property is in the V zone at elevation 13'. Existing deck elevation 18', pile at 17'. Requesting an amendment for a septic repair. Old system was destroyed by a storm. Proposing elevated tank at 13' in a heated enclosure. There will be a traditional gravity leaching system, with a series of chambers 8' wide 25' long. Slight elevation change to 12.9'. Silt sock will be used for erosion control. Because within 10' of the property line, it requires Board of Health hearing. Tank size is 750 gallons with a series of supports on existing piles. Enough room from top of tank to existing deck, no modification to deck. John Queen did a structural of deck. Mr. Snow: do we want to continue until we receive Board of Health approval? Motion to continue to July 22, 2013 at 7:10 p.m. Mr. Parys. Second Mr. Schmid. Motion passed by unanimous vote.

**Wetlands Hearing:** Nolen, 7 Marshfield Ave. (septic/repave match existing/force main)\*

Rick Grady from Grady Consulting and Steve Leaman were present at the hearing. Abutters' notification was submitted. Septic repair: 3 existing underground 4500 gallon tanks at rear of property. Used for a lobster operation. Proposing to retain and convert to septic tanks with a pump chamber to a force main and a series of infiltrators. Maintaining existing grades. Surface coverage will remain the same, paved or gravel. Needs to be re-piped. Tanks meet all the criteria for Title V. No more leaching pits are allowed. Mr. Schmid: how do you know they are still water tight? They were inspected and the water level remained the same. Is this an increase in capacity? Board of Health wouldn't allow an increase; same setbacks. Not enough room for leaching capacity on the site. Mr. Snow: where does runoff go from asphalt? Some goes to the loading dock; high point toward Marshfield Ave. None recharged? No. Loading dock is being removed. Do you have any way to keep some of that water on site? Probably not, to maintain setbacks for leaching. How many square feet is being disturbed? Roughly 5,000 to 6,000 sq. ft. Not changing parking lot, don't have to go to Planning. Not sure it would be subject to the stormwater bylaw. Everything is going back at the same size, shape, and grade. Not opposed to reviewing the stormwater bylaw, but quite sure not subject to it. Follow up with Mr. Gallivan. Motion to close the hearing Mr. Schmid. Second Mr. Parys. Motion passed by unanimous vote.

**Petrocelli, 136 Indian Trail (plan variations and runoff)**

Rich Grady went to the site. Grades are a little different, not sure how many yards different? He will mull over and either return it to grade or propose a modification. If the fill is left, there will be less runoff than previously approved.

**Order of Conditions:** Privitera, 121 Turner Road (elevate)

Motion to condition the project Mr. Parys. Second Ms. Caisse. Motion passed by unanimous vote.

**CORRESPONDENCE**

**June 25, 2013 – July 8, 2013**

1. 97 Edward Foster Road re: Horse in flooded area (e-mails) (going to file an RDA)
2. Planning Board Form A Application – Saunders, Summer St. & Thomas Clapp Road – previously denied by the Commission. Requested applicant to submit plans that showed access to building site without disturbance to wetlands. (e-mail response to members and planning attached) Planning Board agenda 7/11/13
3. Planning Board Agenda for July 11, 2013
4. Amory – Brennan report re: 214 Clapp Road – Conventional Density Sketch Plan (in file)
5. Duffy, 271 Central - Proposal for replacement piles for floating dock section (in file)
6. Planning Board re: 37 Otis Road – Accessory Dwelling Special Permit Application –scheduled 8/8/13 COMMENTS BY 8/1/13
7. Marine Fisheries – Waterways License Marshfield DPW – restrict dredging 2/1-7/15; deposit material above MHW; will work with Shellfish Constable to design & implement a plan to mitigate for the lost shellfish resources & habitat.(in file)
8. Letter re: Fred's Way, 305 Country Way – plans show driveway & homes constructed on a large mound of fill, appears to violate the Water Resources Protection Bylaw several ways: stormwater will be directed to the 150' non-disturbance zone of the tributary. Should only be 2 homes constructed so zoning, drainage & other issues can be properly addressed .

9. DEP File #68-2466 – Adams, 700 Glades Road (in file)
10. DEP File #68-2467 – Privitera, 121 Turner Road (in file)
11. DEP File #68-2468 – Sheerin, 124 Mann Hill Road (in file)
12. DEP File #68-2469 – Farkas, 7 Oliver Street (in file)
13. DEP File #68-2470 – Humarock Industrial/Leaman, 7 Marshfield Ave. (in file)
14. Recording of CofC 68-2269Wood, 18 Hatherly Road (in file)
15. Recording of OofC Klein, 73 Kent Street (in file)
16. Letter and pictures 181 Edward Foster Road – Frank & Pat met on site. (in EO file)
17. Wildlands News
18. Revised plans for 700 Glades Road (in file)
19. Recording of CofC 68-2394 – Falcone, 8 Border Street (in file)
20. Recording of OofC 68-2453 - Butler, 439 Chief Justice Cushing Hwy. (in file)
21. Letter & pictures from Yeh, 16 Wood Island re: 68-2282 - 136 Indian Trail – 1. Guarantee no future runoff will occur; 2. Rain garden seems to serve no purpose, 80% of the water runs to 16 Wood Island , concerned about added roof runoff; 3. Enforcement and plans for planting plan; 4. Would like Commission to verify if project is being built correctly.(e-mailed to members)(in file)
22. FEMA re: Appeal process – ad in Patriot Ledger on or about 7/10/13 & 7/17/13. Also a separate notice of the flood hazard determinations on the “Flood Hazard Determinations on the Web” [www.fema.gov/plan/prevent/fhm/bfe](http://www.fema.gov/plan/prevent/fhm/bfe). 90-day appeal period follows the 2<sup>nd</sup> publication on the newspaper.
23. North & South Rivers Watershed Association - RiverWatch Newsletter
24. Request for CofC 6-2415 – McCarthy, 109 Humarock Beach Road (in file)

Meeting adjourned 7:45 p.m.

Respectfully submitted,

Carol Logue, Secretary