

**Town of Scituate
Conservation Commission
Town Hall Selectmen's Hearing Room
Meeting Minutes
June 24, 2013**

Meeting was called to order at 6:20 p.m.

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

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

Agenda: Motion to amend the agenda to include Musquashicut Pond; Minor Activities Permits; 22 Jenkins Place, 60 Oceanside planting plan; Solimando, 8 Dartmouth/33 Central Ave. amendment/mitigation Mr. Parys, Second Mr. Harding. Motion passed by unanimous vote.

Mr. Snow asked the new members to introduce themselves: Lisa Caisse and Bill Schmid. Mr. Snow thanked Tony, Penny, and again Todd. Takes a lot of effort; the meeting is just a small part, but it is interesting. Tony & Penny will keep up with projects that interest them.

Agents Report: Received an anonymous call regarding the Treatment Plant. Sludge was laid out to dry, but rain started washing it toward the marsh. It was taken care of by Public Works. There was a follow-up e-mail to make sure it didn't make it to the marsh. It was a grit they clean out, dry and haul off. Al Bangert spoke to someone at DEP, they had to come out. If they are not satisfied, they call Conservation. It was worth a site visit. Should find out who came out from DEP so they know we followed up on it.

10 Driftway, right at 3rd Cliff: Extending a porch involving a frost wall, more than 50' from the edge of the cliff. Mr. Snow: We've asked people to explain how they will be doing the work because so much of that cliff has fallen away, plus they are still within 100'. It is worthwhile to get some information from an engineer proving that the work is not decreasing the stability of the bank. Why frost wall? It would be less impact if sonotubes were used. This is the engineer's preference. Commission has had a number of bank stabilization projects. If installing pilings, maybe RDA would do, but the least intrusive the better.

Duffy, 271 Central Ave: Pier repairs Chapter 91. Did not find a Notice of Intent for the original pier. Does she have a Chapter 91 license? Maybe licensed by a previous owner. Do they get recorded? Don't know. If there is an Order of Conditions do we extend it for repairs? Not going to allow repairing something that isn't legal. Look at the extent of the work. Mr. Parys: If they are just replacing in the same location, not as big a deal. Mr. Snow: find out if there is a Chapter 91 license, and if replacing is covered by maintenance. File an RDA.

Oceanside Drive: contractor washed all the concrete off on the beach. Talked to Al Bangert and Sean McCarthy and went out to make them clean it up. This is a big company they should know better. Contractor and engineer should spell out a wash area.

Solimando, 8 Dartmouth/Central Ave.: this project was permitted with public access in mind. Now he wants to privatize the slips; has to give a public benefit some other way. Thinking about expanding the public ramp and have that count as mitigation. It involves waterways, Harbormaster, and DEP. They might think it is enough mitigation. The ramp is between the condos and boatyard. Is it enough to offset his original plan of 4 public slips? He also wanted to add clam beds. Boat ramp might be more beneficial for the public; however, there is no parking. Mr. Snow: Can he do it under an Amendment? If there is a great ramp and no one can use it because there is no parking, what benefit is it to the public? Submit a request to review; find out exactly what he is proposing. Mr. Gallivan will meet with Harbormaster.

Cairo Circle: septic system can be kept outside the 50' buffer. Getting a letter to allow work, but have to remove debris from wetlands.

Mr. Gallivan received a Request for a Certificate of Compliance for 22 Jenkins Place: Frank & Pat went out to the site. It is all grown in with invasive vegetation. They have a pretty good planting plan. Will leave some of the invasives, otherwise the stream bed will be impacted. There is a homemade bridge and hut that they were told to remove and debris from the stream. No as-built, request in writing or check.

Mr. Snow: There is a lot that goes on at Musquashicut Pond. Midge invasion, treatment of algae with different chemicals and removal of the gates, that didn't happen, but are left open. In time may see it clear up. Mr. Bangert said the flushing has helped and a couple of channels have been cut. Mr. Schmid: channels have been cleared. Mr. Gallivan: Jason Burtner had a time set up with Sarah Grady; he will be getting back to us, he believes there is too much fresh water.

Minor Activities Permit: need to decide on a project threshold. Since Mr. Gallivan has been agent, he has granted permission for a few minor activities. Should think about this as a Commission and how it will be followed and tracked. Don't want to find out later they did work without permission. If the process is simple, they are more apt to come to the Commission and do things right. Whether we could charge a small fee might be something to consider. Mr. Gallivan: lot of it came out of the DEP's emergency storm repair. State made it clear that people could return their properties back to pre-storm conditions; lasted for about 3 weeks. Should produce a handout which states the rules for minor activities. For example: a dumpster that is close to the beach, but won't damage a dune. Will put a list of guidelines together.

Mr. Gallivan and Mr. Harding went out to 60 Oceanfront. They are taking up some pavement and wanted to put lawn in and some closer to the beach. Beach grass needs to go near the beach. Mr. Harding: Next door neighbor has rosa rugosa. She should file to see what is planned.

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

Greg Morse, Morse Engineering and Doug Adams were present at the hearing. Abutters' notification was submitted. This is at Strawberry Point at the end of Glades Road, a 50 acre parcel. Project involves a single-family home, a second story addition, deck and septic system with gravel driveway and lawn around the house plus a one bedroom separate building to be razed and rebuilt 20' x 30' on slab foundation with a 4' frost wall. Resource area is the top of coastal bank with a slope of 4 to 1. House sits high on a rock cliff. Plan shows 50' buffer in red, 100'

buffer in green. Septic tank is located in the 100' buffer. Installing and spreading approximately 20 yards of crusher run on the existing gravel driveway. Today submitted a revised plan. Stock pile areas will be outside the buffer; erosion controls will be used. Mr. Gallivan: no narrative. Removing vegetation? Gravel in the same footprint? Cutting new gravel into existing lawn area, no woody vegetation will be cut. New foundation is 14' x 24'. Revised plan shows the 1 bedroom building moved just outside the 50' buffer; as far as possible. Proposing a 4" PVC gravity foundation drain. Significant ledge outcrops, not subject to erosion. All 3 perc tests were well suited for a septic. Bedroom count has been clarified with Board of Health. Mr. Tufts: Anyway to get the septic tank out of the 100' buffer? Could probably be moved some. Mr. Snow: new foundation under a portion of the existing home? Yes, can clarify. Mr. Harding: answered most questions, but where does drainage from driveway go? It runs southeasterly to the ocean. Mr. Parys: the 2 decks away from resource area are not significant and new septic is a plus. Maybe accessory dwelling could be moved or reduced to keep it out of the tree line. It is more of a brush line. Mr. Snow: top of banks have always been an issue. Mr. Gallivan: it is all stone outcropping? It is ledge. We might have a consultant clarify the top of the bank. Glad to mark out in the field. Look at the edge of the driveway to stop any siltation. Need information about the existing and new foundation. Motion to continue to July 8, 2013 at 6:30 p.m. Mr. Harding. Second Mr. Parys. Motion passed by unanimous vote.

Wetlands Hearing: Sheerin, 124 (Lot 3) Mann Hill Road (new build)*

Greg Morse, Morse Engineering and Doug Sheerin were present at the hearing. Abutters' notification was submitted. Project is a new single-family home. Lot is 49,123 sq. ft., 25,302 sq. ft. of upland. A previous ANRAD approved resources: BVW, land subject to coastal storm flowage, 200' riverfront, and FEMA flood zone A, but no work will take place in the flood zone or riverfront. Plan shows 50' buffer in red, 100' buffer in green Proposed work is 53' from BVW. There will be drywells and infiltration trenches for runoff. Mr. Gallivan: unrealistic to think there will be no disturbance into the 50' buffer. Anyone consider a pervious driveway? Drainage calcs should be reviewed. Try to pull the house back or change the angle to get it out of the 50' buffer. Mr. Parys: looks like there is enough room to pull the house back; also probably need a fence and signs. Mr. Tufts: what is the setback from Hatherly? 30.4'. Can talk to the applicant about shortening the house an additional 2' for a setback of 55'. Mr. Snow: what vegetation is below the house? Mr. Gallivan: Mostly briar. Bobby Sullivan, 382 Hatherly: Have some problems with the steep grade from driveway to tennis court. There will be a lot of runoff; it's a swamp with briars and phragmites and the road has been compromised. The house is being shoehorned in. Definitely seems like the 50' buffer will get disturbed; wouldn't be able to develop this lot without the rattach. There is a 22' x 37' deck hanging over the wetland. Mary Adams/Jim Lewis: Musquashicut Pond is never put on any plans. Locus map gives the appearance that the lot is all by itself. They couldn't get the abutters or locus correct. Louise Pfundvillani, 20 Stanton Lane: be aware that Mann Hill Road Extension doesn't seem to get any attention. Roads are falling into the pond. Commission's concern is the wetland. Road improvements is DPW. There is a lot of erosion. There is flooding constantly at the bottom of the road. Eileen Dane, 111 Mann Hill Road: do vernal pools have to be certified? Some are and some are not. Has that area been looked at? Wetlands delineation and resource areas were done about a year ago. A vernal pool was never brought to the attention of the Commission. We hired a consultant, if something was left out we can revisit, but it is difficult to access the property. Did hydrologists check the soils? Wetlands scientists check soils. If something was not seen that could be an issue, but for now we have to work with the lines agreed to. Look at the project as submitted and request mitigation. Commission will review the stormwater, because the project is under our jurisdiction. Richard Westelman, 114 Mann Hill Road: walk down that hill every day, including in storms, water pours off this site. Can't believe equipment can get that close to the 50' buffer without impact. Mr. Snow: The Commission is not here to deny projects, but to see that they are compliant with state and local bylaws. We try to make sure there is as little disturbance as possible and receive mitigation for any damage and alterations. Soils in this area are not great, but the sewer line has made dormant lots buildable. Commission will probably hire a consultant to look at stormwater issues and Greg Morse's figures. Eileen Lagrotteria, 106 Mann Hill Road: no doubt why someone would want a house there. Mr. Snow: this town has worked very hard to bring the sewer up to date and clean up the Musquashicut area and protect that environment. Have to think about the best mitigation, and if it is a buildable piece. Once a plan gets approved, there is a preconstruction conference. All siltation and placement of plantings are reviewed and a sequence of work is submitted. They will not get a Certificate of Compliance if something is wrong. It does take some monitoring. Mike Goulding, 102 Mann Hill Road: 50' is the no build zone, then the 100' buffer? Mr. Snow: Building often takes place in the 100' buffer. There will be plantings that are more beneficial for birds, and other wildlife. Is there any possible way to increase the buffer zone to 100'? I know 50' is better than nothing, but there will be a considerable amount of runoff. The Commission can increase the buffer zone in certain situations. We look for mitigation for the 50' to 100', but we would have to go to town meeting to change it to 75'; it is not to say it couldn't be changed. Is there any method to protect the wetland? Haybales don't catch everything. Silt socks, silt fence, depending on the area and soils; may be multiple erosion controls. Eileen Dane: proposing lawn area? Immediately south, side and back of the house. What happens to runoff from pesticides and fertilizers? There is an Order that states no chemical fertilizer, herbicides or pesticides shall be used. Mr. Gallivan: before the next hearing stake corners of the house and deck. If the owner will allow, maybe a couple of abutters could attend. Set up a time for a site visit. Bobby Sullivan: how come the 2' wide rattach at right at my property; directly south is a 15' wide easement. Nice tree very close to the tennis court. Motion to continue the hearing to July 8, 2013 at 6:30 p.m. Mr. Harding. Second Mr. Tufts. Motion passed by unanimous vote.

Wetlands Hearing: Privitera, 121 Turner Road (elevate/grant)

Paul Mirabito, from Ross Engineering was present at the hearing. Abutters' notification was submitted. Proposing a new concrete pier foundation. Existing dwelling shown in brown on the plan, FEMA flood zone V at elevation 17', top of piles at 19', first floor at approximately 21', existing floor is at 16.8'. Structural engineer's plans were submitted. Mr. Harding: concrete piers not piles? No place to move the house to drive piles. Will remove old foundation then put in the new piers. Motion to close the hearing Mr. Harding. Second Mr. Parys. Motion passed by unanimous vote.

Wetlands Hearing: Gordon, Ocean Ave. (new build & septic)

Atty. Bill Ohrenberger and Greg Morse, Morse Engineering were present at the hearing. Already have a Title V septic system approved, plans submitted with NOI. Revised plan just came in today showing location and slightly smaller house, driveway, and garage closer to the street with driveway access from Ocean Ave. and a not constructed right of way. Stormwater application and calcs for 2, 10, 25, and 100 year storm events was submitted and match preconstruction rates and volumes. Brad Holmes delineated the wetlands. BVW that is accepting street runoff from Ocean Ave. Believe it was a manmade wetland, by shape and form, headwall flows under Bailey's Causeway to saltmarsh across the street; cleared a long time ago. Outside the brush line is maintained lawn. There are also non-native invasive species. Porch is 25' from wetland and poured foundation 28' from wetland. The entire house lies within the lawn surface. The house is sited for zoning setback. Lot was created prior to the 50' no disturb zone. Split rail fence will be installed to prevent any future encroachment. Hired Brad Holmes to create

a mitigation plan; proposing to remove invasive species within the buffer and the wetland and plant native species for food source and improve habitat. No endangered species or vernal pools. Mr. Schmid: Seems like a degraded wetland; basically replant buffer with indigenous species and improve drainage. Want some information regarding headwall. Will be putting together a design to protect the salt marsh across the street. Client is willing to improve the situation. Mr. Tufts: half the house is in the 50' buffer. Mr. Parys: definitely should be moved to minimize impacts. Foundation plan? Poured concrete foundation. Bob Shea, 30 Bailey's Causeway: they eliminated headlight problem and saved a 36" tree, but still have half the dwelling in the 50' buffer. Technically, a submittal like this should have a complete set of plans. Mr. Schmid: if this site was developed before the 50' buffer, does that mean it doesn't apply? No. Actually have a letter from the Building Commissioner from the 60's. Mr. Gallivan: no doubt the mitigation would be a great improvement over what is there now and the applicant made an effort to accommodate the abutter, but has there been any effort to pull it more out of the 50' buffer? Mr. Snow: why didn't they just flip it? Closer to septic? Yes. Septic is minimal size and can't put foundation any closer. Client is amendable to other mitigation. Did a radical redesign. Gary Henderson owned the property at one time and sold to Dan Gordon. Never intended to build on it; was led to believe the property would not support a large structure. Met frontage, but wasn't overly concerned. Version 2 is much better, if it meets all the other requirements. The buffer zone covers the entire property. The no build zone runs right through the living room. Mr. Snow: Scituate has a bylaw of no new builds in a 50' buffer zone. The Commission tries to uphold the rules and regs as best they can. Some might look at this wetland as if it doesn't function too well and by doing the additional plantings and working on the headwall, there are substantial improvements. The Commission could deny this project under our bylaw. Then they could appeal to the state and the state could overturn. Need to decide if there is enough mitigation. Many issues need to be decided. Mark Thomson, 22 Bailey's Causeway. Have seen how the land has changed over the years. Appreciate what has been done. First thing he sees is there is more than 50% of the house in the 50 buffer zone. Majority of the property is within the buffer zone; pretty serious encroachment and concerns the way the water flows. He is at the lower end of the spectrum, concerned about the basement; actually multiple concerns. Mr. Ohrenberger: If a vegetated buffer is required, we will work with you; Dan wants to help the abutters. Robert Shea, 30 Bailey's Causeway: drainage ditch across the street, January and February fish come in to lay their eggs. March is when they go out to sea. Mr. Hennessey: not just storm runoff, there is an underground stream. Mr. Thomson: groundwater must be ridiculously high. Bailey's Causeway is the marsh. Mr. Snow: even if all the abutters are in agreement, that doesn't mean the importance of the buffer is understood. Need to address the functionality of the wetland. There is a waiver provision. There is all sorts of debris; stuff comes from the Glades area. Try to minimize any oil from getting into the headwall; there is a lot to look at. Janey Davidson, 32 Bailey's Causeway: majority of lot is lawn or grass, but not quite as manicured as it sounds. Thinks they'd have to bring in fill to even it up. Also mentioned the creek; it is a salt marsh creek by the end of their driveway where they are proposing the fence. Between the gravel and Front Way there is a 30' wide way. May have to use for equipment access, but is not the access for the property. No trees on Front Way are proposed to be removed. Mr. Gallivan: coordinate with DPW regarding the headwall. Need a site visit. Motion to continue the hearing to July 22, 2013 at 6:40 p.m. Mr. Harding. Second Mr. Parys. Motion passed by unanimous vote.

Wetlands Hearing: Biviano, 6 Cliff Road (septic)

Bob Crawford was present at the hearing. Waiting to hear from DEP. Motion to continue the hearing to July 8, 2013 at 6:50 Mr. Harding. Second Mr. Schmid. Motion passed by unanimous vote.

Enforcement: 181 Edward Foster Road: Just got back into town today, they said they would meet on site.

Ann Vinal Road had a graduation party going on.

28 Gardiner: Filing a Notice of Intent.

155 Chief Justice Cushing Hwy: Letter going out

Country Way: pipe not cut that is going to the stream.

Central Ave. (marine equipment): Russell Clark was present. Talked about you having the paperwork in for the 24th meeting. Haven't done the formal paperwork. Not trying to hide. Mr. Snow: sent a letter about boat trailers and buoys. Need to file to see what can and can't happen there. Hoping to put a Notice of Intent together. The intent for the property was for storage. Be inclined to work with you if the equipment was moved. Other people see it and they think they can do it. That's what is upsetting; that is why we are concerned. Mr. Gallivan: talked to two others about filing.

Certificate of Compliance:

Mr. Gallivan: 101/107 Border Street – Have to split the CofC? Don't think so.

8 Border Street – replanted and put a fence up.

Should put some thoughts together about minor activities; scope, how to follow through with the process; and if there will be a permit and fee.

Rosemary Dobie: where would the Solimando's public ramp be? Currently there is a ramp that goes out 8' to 10' into the river. Mr. Harding: town voted \$25,000 several years ago to revamp that. Mr. Schmid came in front of Waterways. Need to hear more from Solimando.

CORRESPONDENCE

June 11, 2013 – June 24, 2013

1. Request for CofC 68-1410 – Uppendahl, 180 Booth Hill Road – no engineer's verification, no as-built, no check (in file)
2. Recording of OofC 68-2461 Zukas, 21 Oliver Street (in file)
3. Request for CofC 68-2118 Nagle, 288 Gannett Road – engineer's verification, as-built, no check (in file)
4. Scituate High School re: Vocational Life Skills Program – 15 students working out in the community.
5. Planning re: Site Plan Administrative Review, CreYo Frozen Yogurt Bar, 101 Front St., 6/27/13 meeting – COMMENTS appreciated.
6. Stormwater Permit – 124 (Lot 3) Mann Hill Road (2 sets) (in file)
7. Planning Board Agenda for 6/27/13
8. Revised plans for 700 Glades Road (in file)
9. Revised plans for Ocean Ave. (in file)
10. DEP File #78-2466 – Adams, 700 Glades Road (in file)

Meeting adjourned 8:40 p.m.

Respectfully submitted,

Carol Logue, Secretary