

**Town of Scituate
Conservation Commission
Town Hall Selectmen's Hearing Room
Meeting Minutes
March 19, 2014**

Meeting was called to order at 6:27 p.m.

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

Also Present: Patrick Gullivan and Carol Logue, Secretary

Agenda: Motion to amend the agenda to include 24 Gardiner Road; 5 Irving, Humarock issues; fence; and debris in wetlands Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Hoterek, 24 Gardiner regarding 26 Gardiner: A Certificate of Compliance was issued a couple of years ago, doesn't seem like all the orders were completed; concerned with water coming off this property. In 2002 they filed for an addition and driveway relocation, the order called for contours, so water wouldn't go to the abutting property. Put together some landscaping, but the orders were never met. About 1-1/2 years ago, came before the Commission for approval of a septic, at that point in time sent letter, still getting water. There is an as-built plan from 2008 and a Certificate was issued in 2012. Filed about 18 months ago, but withdrew request before Commission heard the project. The house is for sale and more than likely they will have to install a septic, so they will have to file. Mr. Schmid: the issue is the existing gravel driveway is shedding water onto your property and part of order was to control that. Yes, there was supposed to be a swale or something installed. During this process is it possible to see if the contours could be modified? Mr. Snow: Didn't have stormwater bylaw in effect then. Find out if a Certificate was issued. Yes a Certificate was issued on the addition, grading, and garage in May 2012. Mr. Crawford sent a letter with several items listed. Some of those could have been taken care of. Hotarek's letter was dated June 2008, Bob Crawford's letter July. Presumed the orders were still open, thought it could be resolved. Mr. Snow: check with Board of Health to see if they permitted the septic. Greg Morse: septic was permitted, scheduled to be installed next month by Jeff Morse. They will still need a Certificate for that.

Informal Discussion: Maxwell, 5 Irving Street

Brian Maxwell was present representing Tom Serini. September of last year discussed this same project. Proposing a farmer's porch; a roof enclosure on existing decks. The front deck is out about 5' x 6' wide on driveway side. On river side there is an existing deck about 12' x 14'. Would like to continue the front deck, which is just a platform now, wrap it around and tie the two together. Adding about 8' x 6' out on the front deck; also extending toward the river. Using a new type of post, less labor intensive. Deck is about 20'-25' from the bank of the river. Mr. Snow: question is, file an RDA or NOI. Deck and roof adjacent to river, less invasive footing, but more lot coverage. Paul Parys went out to the site and sent a comment to file a Notice of Intent. Deck on sonotubes toward driveway and closer to river, needs a Notice of Intent.

Wetlands Hearing: Town of Scituate/DPW, Surfside Road to Mann Hill Road (Musquashicut stone barrier)*

Sean McCarthy was present at the hearing. Abutters' notification was submitted. There were a couple of breaches last fall and winter on the existing stone barrier. Proposing to replace or fill. Met with CZM, they would like to see material left that was pushed toward Musquashicut, for more stability. There are a couple of suppliers for the rounded clean stone 4" to 8" which match the specs. Three locations: Surfside, Mann Hill Road and Mann Hill Road Ext. Going to spread the money as far as we can right now. Next month's Town Meeting will be appropriating money. Mr. Schmid: some of the residents are very concerned about not having this barrier. Mr. Gullivan: met with CZM, learned a lot about stones to help support the wall; they discouraged large boulders. Ms. Dobie: what is this enhancement, what is the purpose? There were a couple of breaches. Is it going to protect something? Homes and Hatherly Road. There are low lying houses in that whole estuary. Ms. Dobie: This is an attempt to deal with a cobble beach. If this was a sand dune? Would require sand and dune grass. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Schmid. Mr. Snow: We should know the method of transport. Priced out front-end loaders; reviewed some of the contracts from the past. A bulldozer grades it. Will have a preconstruction with Pat. Going to do all the work from the Mann Hill side. Need to know how you are getting on and off the beach for less disturbance. Contractor chose a different route when doing seawall work at Young's boat yard, and tore up a dune. Wonder how hard it is to move a loader on cobble. Would they be better off traveling down the beach side? How are they going to do this without disturbing the beach? Put together an access plan. Maybe travel down toward the water's edge. Don't know how much room there is from the high tide line to the slope. Motion passed by unanimous vote.

Wetlands Hearing: Moran, 46 Town Way Extension (septic/tight tank)*

Greg Morse, Morse Engineering was present at the hearing. Abutters' notification was submitted. He submitted a request to continue the project to the next meeting. Motion to continue the hearing to April 2, 2014 at 6:30 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: Cubellis, 55 Collier Road (addition)*

Greg Morse, Morse Engineering and Glen & Virginia Cubellis were present at the hearing. Abutters' notification was submitted. Previously filed with Zoning for a special permit, nonconforming lot. Property line in bold, 7500 sq. ft. lot; 75 wide by 100' deep. Addition is shaded in, which is approximately 12' x 15', located on left side, second and 3rd floor living space, basement for storage. Extend back foundation for additional storage and support for a deck with another deck above. Resources: land subject to coastal storm flowage, flood zone X and AE elevation 12', and an AO with 1' depth; also the top of coastal bank is in red. DEP issued a policy 92-1 on how to delineate coastal banks, primarily it is the first observed break in the slope above the floodplain and Scituate bylaw took it an additional step further, first observed natural break. This is a terraced lawn and is not natural, filled over the years. Considered top terrace as top of coastal bank. Within the 300' jurisdictional corridor of the North River Commission. There is a separate filing with North River Commission. Project is entirely outside the 200' riverfront area. Meeting next week, but expect approval. Limit of work is shown in magenta, erosion control barriers shown. Previous landscaped patio on side of house; pictures shown. Proposed second new deck on the back of the house over an existing deck with concrete

patio underneath, storage way under the house, overhang with proposed addition. All work within existing lawn area. This is the most landward house on the road, no work is proposed in a resource area. Not changing drainage patterns, not changing topography. Ms. Scott-Pipes: how far is the foundation from the top of coastal bank? 20'. Mr. Gallivan: should be an undisturbed 50' off a coastal bank. Encourage using sonotubes for stabilization rather than a foundation on a coastal bank, especially for a new addition. Mr. Schmid: adding square footage with addition and roof, not changing the drainage pattern, how is that? The entire property slopes to the Atlantic Ocean, no requirements for rates or volumes to the ocean. Actual structure is getting about 2' closer with the overhang and the overhang is about 3'. Mr. Snow: All of the habitable space is represented by a proposed concrete foundation. Full foundation with a walk out basement. Mr. Harding: isn't there already an addition on the side of the house? Yes, that will be replaced with a larger one that extends to the circular stairs that will be removed and rebuilding a deck on sonotubes. Mr. Gallivan: Natural Heritage seems to end at the high tide line, didn't continue onto the property? No. Do you know what material the fill is? No, but the lawn doesn't wash out and is not subject to any erosion. Most of the work is toward the abutter on the right? Yes. Mr. Snow: when we saw the elevations along with the addition, it looks like you are changing the rest of the house considerably also. Existing 4 walls will basically stay the same, but changing the roof line. Ms. Scott-Pipes: uncomfortable with the top of the coastal bank. Mr. Snow: as Greg pointed out it is not a naturally occurring bank. DEP's 92-1 policy is based on slopes and which slopes on site best match; not necessarily that simple. On most of the site to left and right, it falls into figure 1, less than 10 to 1 coming up from the ocean and there is no top of bank. The bylaw states natural occurring, which makes it an awkward situation. Ms. Scott-Pipes: What is to stop them from going 20' more toward the bank? LSCSF would be the next resource. Bank does not feed the beach. Want some form of mitigation in that buffer zone. If you think plantings would help the bank or slope, think about that. It is like someone having a lawn directly at a wetland. Similar around the corner on Moorland, asked them to do plantings. Mr. Gallivan: if the construction was going toward the bank there would be more concerns; sediment supply doesn't apply. Mr. Snow: anyone take any pictures of abutting properties? No. For consistency, if someone is working in the buffer zone, we look for mitigation. Maybe natural plantings along the bank. Would be glad to include salt tolerant grasses and plantings. Mr. Snow: Have a planting order and get some sort of plan to us. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Raftery, 135 River Street (raze/rebuild)*

Dick Rockwood, Rockwood Design was present at the hearing. Abutters' notification was submitted. This is a barrier beach. Proposing to raze and rebuild a 2 story structure on wood pilings. Flood zone AE elevation 9', proposing top of piles at 11.2'. Not using the new FEMA standards, but in the process of discussing. The new FEMA maps would require a height of 13', think that is what they'll do, at least going up to 12' with 2' of freeboard. Mr. Gallivan: we have been hearing that there would be some kind of grandfathering if it was built according to the rules at the time. Mr. Rockwood heard that the grandfathering would go away at 20% a year. Title V septic is already in. Would like some mitigation. Could do some plantings and at some point we will turn in something showing walkways and plantings, but not even discussed yet. Has an application for Zoning, nonconforming lot by about 4' in front. Mr. Schmid: Leaving cement and increasing the roof area? How much additional impervious surface? 10' x 40' approximately 400'. Fair amount of asphalt. Mr. Harding would like to see it come out. Mr. Snow: what do you think? The asphalt is not in great shape and it won't last with pilings anyway. There is about 1,000 sq. ft., which is about 2 to 1 mitigation. Trying to remove as much impervious as we can and replace with something pervious. Haven't had any discussions with client. Would like to see a planting plan with salt tolerant species for the addition to the house and asphalt removed. Careful of how much fill goes in. Lot is 5,000 sq. ft., does not trigger stormwater, but would like to have that same scenario followed. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Order of Conditions: Duval, 87 Maple Street (restoration & replication of disturbed wetlands)

Question on #37: easement/access. Access to property while work is being done and after complete can use Old Oaken Bucket Road entrance. Motion to condition the project Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Order of Conditions: Connell, Great Rock Island (new build)

Motion to condition the project Ms. Scott-Pipes. Project went well once Josh Bows got involved. Second Mr. Harding. Motion passed by unanimous vote. If they have to get to the septic by going over the marsh, they will have to come back to us. Mr. Snow: don't think we would allow that.

Humarock Issues: Ms. Caisse and Mr. Gallivan spoke today about getting information out to Humarock. There is a lot of activity going on. People may not know about minor activity permits. There is a lot of confusion about how you are supposed to do things. Trying to make it easier. Maybe put some information up at the post office. Some people are taking stones to the marsh instead of the beach. Need to get the word out that that isn't allowed. Mr. Snow: obviously we can post some things, maybe on the website too. The other night we had an open space meeting at Mount Hope. Do you think it would be attended if we had a meeting in Humarock? Ms. Dobie: discussed this as a CRS outreach. Coastal properties need information. Mr. Snow: Might make sense to discuss issues in smaller groups. Ms. Caisse: maybe we could mail something out. Don't have a huge budget for that. Mr. Gallivan: we do send out CRS information in the spring and the fall, we could put another page of general information with the mailing. Ms. Dobie: people have moved in the area and they just don't know the rules. Mr. Snow: Some folks just want to get it done too. It is frustrating for both sides. Mr. Harding: there are two improvement associations that have web mailing lists. Mr. Snow: people just want to clean up their yards, but we don't want them dumping onto the marsh or the South river. There are rules and regulations to follow. Ms. Caisse: have heard from a few people, how come the town wants to tell us where to put the stones when they dump them in our driveway? Ms. Scott-Pipes: the stones have to go back to where they came from. Mr. Gallivan: There are parking issues too. We say you can't park on the dunes and the police say you can't park on the street. Trying to get some rules in place before summer; maybe put some type of a fence along the marsh side. Mr. Snow: Someone will have to draft something; come up with the most frequent violations and/or questions. Do the best we can to reach as many people as possible. There are certain laws; rules or regs they have to follow. Believe the town will be widening Central Ave., but don't think they are putting material back out on the beach. Mr. Snow requested Lisa & Richard to put together some information for residents of Humarock. Possibly then we can talk to DPW and the TA on how things can be addressed.

Sent letter regarding the fences off Collier Road; installed without a permit. There was a discussion about this previously and they were told they had to file. Find it interesting we had him in here for the rocks that were put in. If you do not hear, follow up with an Enforcement Order.

Sent letter to Brown Road regarding debris in wetland. Asked for cooperation not to put any more debris in the wetlands and take some out.

Special Education Summer Program: June 30 to July 16 Monday-Wednesday, 8:00 a.m.-12:00. Mr. Snow: what did we give last year? Nothing. What did we pay previously? Around \$2500. Maybe we could write a letter to Tricia to see if we could get some money for cleanup at Driftway and Ellis. Office was told they probably would only do Driftway this year, because they didn't get very far at Ellis last year.

Mr. Gallivan: Parker Ave.: Ms. Scott-Pipes: have we ever received the money for the "Spit"? No, but it is on the agenda because it requires a site visit. Talked to Bill Ohrenberger today. We are going to set up a meeting with the builder and property owner to see how far down the vegetation was supposed to be cut and how far it was cut; didn't have a plan at the site visit. There was also a pile of fill there today; wall is not up. Also the excavator said they were reconsidering the wall. If that is the case they will have to come back to us.

Mr. Snow: Want to thank everyone who came to Mount Hope the other night. Hoped for some outsider attendance. The good thing is we heard about the concerns from the abutters about the parking areas. Will continue to work with DPW. Will take one more look at the site along Clapp Road with Pat. Access concerns: probably need a pull off place in case someone else is coming or going. Rise in grade on Bates Lane that might cause sight problems. These are legitimate concerns if you can't see someone coming; will address those pieces and will continue to talk to Kevin Cafferty and Sean McCarthy about the concerns and DPW has agreed to do the design pieces.

Haven't heard any more on Crosbie's property, close to passing and it is all through land court now. Met with engineer and town's attorney trying to tie up all the loose ends.

Damon property: CPC is asking town to acquire 40 acres. Board of Selectmen had not endorsed immediately, wanted to discuss playgrounds or ball fields. The wish of the family is to leave as a tree farm and open space. They are selling at a considerable discount, it is all upland. There could be at least 26 dwellings. Will have discussions with recreation to see if there are any other places for fields. Important that different boards and commissions try to accommodate one another.

Stockbridge Landing: DEP could have just dismissed our appeal based on WPA, but we are trying to work it out with the applicant. We are using John Chessia. We have a month to come to an agreement. Bruce Bouck said it was absolutely in Zone A, now we need specific recommendations. Wasn't the owners first choice, but because it had to do with the drinking water, DEP allowed us to try and work it out.

305 Country Way: At this stage Mr. Krusell was appealing DEP's decision that supported our decision. Yesterday they ruled the RDA stands and the ORAD also stands. Mr. Krusell has till April 5 to either drop the whole thing or look at a different way to address his issue. Don't think it will stop the development.

Old Oaken Bucket Road – diversion ditch: wall and trench was rebuilt. Bruce Bouck will be coming out again to decide if it is a tributary to the water supply. Trying to divert any water getting there from the cranberry bog because of the chemicals used.

228 Central Ave.: Wrote a letter - needs to file, installed perpendicular wall that wasn't on the plan. Could apply for an amendment, but can't leave the walls up. Water still comes between the two properties. He also has a DEP # up that doesn't have all the numbers.

Murphy, Ocean Front: regarding parking, Ms. Caisse couldn't find the property. Not easy to describe, but on inland side of Ocean Front. Lives nearby, he just wants to park there, but can't carve into a coastal dune. Asked if there was another spot he could use. Waiting to hear back from him. He could file and we would deny and he would have the right to appeal.

Lot 57 Crescent Ave.: The engineers are talking. Spoke with the builder, someone was under the impression that they could direct runoff toward the street; DPW says they can't.

18 Country Way: Mr. Gallivan: looks like the sump pump pipe is still directed to the stream next to the gristmill. They could put it into a crushed stone area. Ms. Scott-Pipes thought it 5' away; thought it was in the middle of the yard. Will take a ride down tomorrow. If it is still there, we should send a letter and site what the violation is.

14 Irving Street: looking for a Certificate of Compliance: There are about 10 things to check. Mr. Gallivan would like another set of eyes to help figure it out. Then we could check out Ocean Front dune and 5 Irving Street.

513 First Parish Road: looking for a Certificate of Compliance. Very close to a wetland, across from Jim Lombard. The plan and site conditions look a little different. They did build the catch basin. Think yard has expanded and bushes are farther away. They might have overstepped their bounds. The applicant sold to someone else. Wetland looks like about 12' off the edge of the house. Mr. Snow: don't know who the scientist was that flagged it. Would like to know who did.

140 River Street: Army Corp sent a letter and it wasn't returned to them. There are a lot of conditions and threats of big fines.

CORRESPONDENCE

March 6, 2014 – March 19, 2014

1. DEP's Bruce Bouck re: Stockbridge Landing Zone A meeting. Zone A extends through a proposed 40B project. (in file)
2. Stipulation of Dismissal for Fern Properties LLC (in file)
3. Wildlands News
4. DeBenedictis, P.E. re: Stockbridge Landing 96-100 Stockbridge Road – Stormwater Management System has a permit of a Final OofC from DEP – revised 3 separate times by DEP. (in file)
5. 154 Turner Road – 3 sonotubes for an addition of a deck – per Pat – Minor Activities Permit
6. Recorded Quitclaim Deed for Tilden Woods – Tan Brook Protective Parcel, containing 175,685 sq. ft. (in land draw)

7. Recorded Quitclaim Deed for Tilden Woods – Tilden Estates “Open Space Parcel B” (in land draw)
8. Planning re: Form A Application for 47 First Parish Road – One new buildable lot is proposed to be created. Comments no later than March 21 (given to Pat).
9. Planning Board Agenda for March 13, 2014
10. NSRWA – Short training sessions to count Herring during April & May. Register at least 24 hours in advance. Tues., 3/4 11:00 a.m.; 3/6 5:00 p.m.; 3/11 11:00 a.m.; 3/19 11 a.m.; 3/20 5:30 p.m.; 3/25 11:00 a.m.; 4/3 5:30 p.m.
River cleanup day April 12 – 10:00-12:00 noon; Rejoin and get 6 free chances to Win a Kayak.
11. 11 Oliver 68-2414 – planted - \$2000.00 held. (if satisfactory – return funds)
12. Zoning Board re: Cubellis, 55 Collier Road – Finds the dwelling will not be more detrimental to the neighborhood. (in file)
13. North River Commission re: 55 Collier Road – Special Permit Hearing 7:15 p.m. March 27, 2014. Norwell Town Offices, lower floor (in file)
14. Scituate Waterways Commission re: South River Partners, 8 Dartmouth – some concern re: existence of public restrooms yet and deal with parking for public. (in file)
15. Letter re: another extension for 123 Country Way – re: replanting of several bushes & trees that did not survive and a fence. Told him about the governor’s automatic extension will talk to Pat.
16. Brodsky re: 305 Country Way for Douglas Sheerin: 1. Notice of Appearance; 2. Motion to Leave to Intervene as a Party; 3. Sheerin’s Motion to Dismiss; Sheerin’s Memo of Law in Support of his Motion to Dismiss; & Sheerin’s Pre-Hearing Statement (in file)
17. Stormwater Magazine
18. Recording of CofC for 68-1175 – 19 Circuit Ave. (in file)
19. Recording of OofC for 68-2493 – Routh & Cook, 46 Indian Wind Drive (in file)
20. Army Corp letter re: 140 River Street – Request for information, respond within 30 days. Violations of Clean Waters Act fines: \$25,000 per day (up to \$50,000 per day)
21. DEP File #68-2504 – Town of Scituate – DPW – Surfside Road to Mann Hill Road (in file)
22. DEP File #68-2505 – Moran, 46 Town Way Extension (in file)
23. Division of Fisheries & Wildlife re: 8 Dartmouth St. – Not within Estimated Habitat of Rare Wildlife or Priority Habitat (in file)
24. Request for Extension for 123 Country Way – some plantings died / replanting – automatic extension until 2017
25. Request for CofC - 13 Brunswick Street – needs plantings – waiting to refinance (sending info in) (in file)
26. Plymouth County Mosquito Control Project – several areas at the Glades.

Minutes:

February 3, 2014: Motion to accept the minutes of February 3, 2014 Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

February 19, 2014: Motion to accept the minutes of February 19, 2014 Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Meeting adjourned 8:35 p.m.
Respectfully submitted,

Carol Logue, Secretary