

**Town of Scituate  
Conservation Commission  
Town Hall Selectmen's Hearing Room  
Meeting Minutes  
March 4, 2015**

Meeting was called to order at 6:21 p.m.

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

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

**Agenda:** Motion to amend the agenda to discuss CPC monies and Hull letter regarding cobble and seawalls Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Vin Bucca, licensed farmer at Appleton Field was present to discuss the access. Mr. Snow: As part of the purchasing conditions it was agreed to move the access from the original easement to a new entrance off of Clapp Road and nothing would go along the property line to maintain some privacy for a new home they are going to build. The Commission issued an Order of Conditions and approved a wetland crossing to a parking area about a year and a half ago, but now we need to continue the access to Appleton Field. Mr. Bucca: believe there is a 4' to 5' drop in elevation and all the water would go to the parking area. Exhibit A plan that was submitted with the CPC application shows the new right of way drawn in red along the stone wall; no problem with entry off of Clapp Road, but it will cost more if you follow the approved plan. Commission has a proposal from an engineer to complete the access plan; waiting for the TA to sign. We can meet on site once the engineer is on board. Will do the best we can to follow what we talked about with the Conway School and will talk to Greg about topography. Don't want to spend more money than we have to, but the crossing is a lot of work. Parking area is across from where Vin used to live; thought that was a good area due to some concern about vandalism, but the gate to the field will be on the other side of the parking lot. We will do our best to accommodate everybody.

**Request for Determination:** Howe, 92 Clapp Road (deck) (cont.)

Motion to continue the hearing to April 15, 2015 Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

**Request for Determination:** DPW, various streets (water main improvements)\*

Sean McCarthy from DPW was present at the hearing. Weston and Sampson put the plan together; bids will open tomorrow and we will know who the contractor will be. This is Phase II of water main improvements. Eight miles are expected to be replaced next year; this one is just over 3 miles. Following the same process previously done. Wetlands have been flagged and identified on the plans and will propose haybales or straw wattles along the edge of the roadways on an as-needed basis during construction. There are provisions for erosion controls for the catch basins. Can set up a preconstruction to address certain areas a little more specifically. There are site inspectors daily. When there is a preconstruction it should include the contractor and anyone that is going to oversee the work. The hardest part is when they dewater; and all the silt is pumped into the wetlands; it can either be easy or tough. In another area of town, silt made it into the storm drains and into the harbor. The whole dewatering plan is in the determination. They expect to repave either the same day or at least the same week. If it rains, storm protectors have to stay in the basins. There is an RDA number sent with the determination and it should be placed in a visible location. Will this require a staging area? Yes. Informed the contractors the town does not provide a staging area; they usually reach out to private land owners. Unlike Ingrid Lane, the sewer project staging area, the Commission needs to know where they are going to stockpile; cover at the preconstruction. 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)." Before work begins there shall be a preconstruction with the contractor and the project supervisor to discuss various issues including location of erosion controls, dewatering and proposed location of the staging area. The Determination File # shall be placed in a visible location during the project. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

**Wetlands Hearing:** Skolnick, 4 Postscript Lane (construct ramp/pier/canoe & kayak rack/ramp & float)\*

Kevin McGuire and Rob & Michelle Skolnick were present at the hearing. Abutters' notification was submitted. Project: construct and maintain a small pier and float into the South River. It starts with a 6' ramp over uplands 3' x 16' long, to a pier 4' x 125', goes over the marsh, continues onto mud flats / tidal resource area, then continues to land under the ocean. About half way down the pier, there is a small canoe & kayak rack 10' wide by 13' long. Section over marsh has 6" x 6" supporting posts; mud flats 10" piles; float 12' x 24' is held in place by two 12" piles. There are two cross sections identifying the 6" posts; 10" and 12" piles. Is the mean low water line right at the very end of pier? Can't sit on the bottom. Distance shown across the river is 205' from the mean low water, but it is not a defined channel of record; it is 50' wide. Marshfield is planning on dredging 35' plus away from the proposed channel and pumping it to Rexhame. DCR appropriates the money, which he believes they have, just a matter of a contract. Need the Order from the town before going to the Planning and Zoning Boards, then we submit for the Chapter 91 license. Does Chapter 91 trigger the Harbormaster? Yes. Notified the Harbormaster. Is there a North or South River Commission involved? No, their only concern is from the Spit to Norwell. Harbormaster will put buoys in to determine distances. The information provided lists all the resource areas, and people involved. Our issue is more what happens in the salt marsh; put plywood across the marsh. Could write up and submit construction sequence. Motion to close the hearing Ms. Scott-Pipes. Second Ms. Schmid. Motion passed by unanimous vote.

**Wetlands Hearing:** Hutchinson, 27 Ann Vinal Road (addition and deck)\*

Frank Westgate was present at the hearing. Abutters' notification was submitted. Mr. Westgate did most of the survey and plan work. Since the submission the wetland report was requested; submitted Brad Holmes' report. Existing contours are gentle; designed a rain garden and the driveway is pervious material. How many square feet into the 100'? About 300 including the deck. The addition has no basement, therefore, excavation will be minimal. Doesn't trigger stormwater with the pervious driveway and rain garden. One or two trees 4" to 6" diameter will

have to be removed. Can find out information on the type of pervious material for the driveway. Any types of plantings for rain garden? Brad Holmes only addressed the wetlands. Proposed deck on sonotubes? Yes. Requested specifics on the driveway material and rain garden plantings. Not going to close tonight, but could have orders ready for the next meeting after we receive the information. Motion to continue to March 18, 2015 at 6:40 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

**Wetlands Hearing:** DPW, Central Ave. (restoration of existing parking lot & basketball court) (cont.)

Sean McCarthy from DPW, Atty. Adam Brodsky and Steve Medeiros and two recreation members were present at the hearing. Hearing was continued to discuss fence and plantings. Mr. Brodsky: grateful to be able to review fence issue with Recreation, Sean McCarthy and the TA. Not sure of the height or proximity to the basketball court, but there is no need to extend it around the whole property. Even though the existing vegetation would prevent the ball from entering his property, to be a good neighbor, Recreation will place a fence along the northerly property line, but there is no budget available to install the entire fence. No additional vegetation will be altered. The Commission is not concerned with the fence, but before a Certificate can be issued a revised plan needs to be submitted. Great to have a fence behind the basketball hoop, but there is an historic problem of kids cutting through Mr. Medeiros's property to hang out in the parking lot; that is why he would like to see the fence 190' long by 55' wide and if Recreation doesn't have funding, Mr. Medeiros would like the right to install the rest of the fence on his own, rather than having to come back and file. Could put an order in stating a fence up to 200' can be installed by either the town or abutter. Motion to close the hearing and add to the Order: Before a Certificate of Compliance is issued a revised plan shall be submitted showing a chain linked fence up to 200' in length along the northern portion of the property. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

**Certificate of Compliance:**

Kevin Maguire was present regarding North River Marina, 12 Chief Justice Cushing Hwy. This is complicated. Sold the property and in the process of the title examination found an old Order of Conditions from 1995. Have an as-built plan from 1996 that showed conditions, but never requested a Certificate of Compliance; now holding money until one can be issued. In the meantime in 2006 filed another Notice. Between the time the first Order of Conditions was completed and certified by the engineer and 2006 when the new Notice of Intent was filed, the state came in and moved the highway closer to the property by 50' and raised the grade. The 2006 plan is correct. Project was to remove trailers, build a new building, fix the bulkhead, and granite lock retaining wall; all that work was done. The as-built highlighted all the items. One of the major differences is the entrance to the marina is completely changed, moved away from the river. Consensus of the Commission – OK to issue a Certificate of Compliance.

DaSilva, 119 Ann Vinal: Septic is put in – OK to issue a Certificate.

Ayers, 64 Moorland Road – Planting plan needs changes.

Moskowitz, 158 Border Street: Rick Moskowitz and Susan Campbell were present. Received a letter from the abutter; they seem to have a different history. DEP suggested: handle through the Enforcement Order and if nothing happens they could get involved; stick with the original or issue a new one. Don't think we have to issue a new one if nothing has changed. Two different pictures are being painted. Ms. Scott-Pipes: stated numerous times, have a vivid recollection of what happened years ago. No formal engineering was completed. Mr. Moskowsky was told to get something done and he did. Would like to see the channel cleaned, than the problem might go away; the water is trying to come down; no one will take the initiative to clean it; work together. Commission feels there are many contributing factors. The stream is altered; the original Enforcement Order wasn't followed and stream crossing standards were in effect. Why wouldn't Bob Crawford follow the Enforcement Order? He was only involved in the septic and just recently sent a letter regarding the existing conditions. Just followed the agent's direction. The problem is more important than the paperwork, but could file an after-the-fact NOI or continue with the Enforcement Order. Need to figure what makes the most sense. Susan Campbell: how can anything be settled if the original order wasn't followed? Have lost huge trees; there was no water when she moved there, but a lot of mulch has been brought in and yes, it would be great to have the channel cleaned out; seems to be narrowed on the south side. Originally the fill was not an issue. Absolutely do not bring any more mulch in. Bulk of mulch is on the south side of the property and close to the driveway. They expanded the driveway and dirt has always been around the sides of it. Some mulch is on the Campbell's property; did not expand driveway. It is a confusing issue and at a loss on how to resolve. The real issue is that nothing was done. Understand efforts were made, but there is nothing in writing. Other people's debris is a separate issue. Need to focus on drainage and Enforcement Order. Don't have old drawings or pictures, nothing to base anything on. Mrs. Campbell: submitted a lot of photos in the summer showing the dry land, but no picture of the driveway. A neighbor is a geologist, he looked into the cost of an open culvert, which would probably clear up the problem. Always believed the widening of driveway caused it. The order states very clearly that the course of the stream was altered and it needed to be restored. It is not a continuous stream as it once was. The ledge has always been there, previously the water flowed through the ledge with no problem. It was more like a French drain. Six months out of the year it is dry. Remove debris from the Campbell's and Sullivan's. There still is the outstanding enforcement issue. Don't know the solution; we are just spinning our wheels. Could do a hydrological survey and get an engineered plan, focus on solving the problem. Either move ahead with the Enforcement Order or file an after-the-fact Notice of Intent. There is potential for 1' of water before it enters the pipe, therefore if the pipe was 1' lower, it should solve the problem. Maybe a new open culvert would work. Ms. Caisse: bring an engineer on board, look at the situation and do a report, instead of us guessing. Pipe was put in as deep as possible. There could be so many differences by now. Could have been more wooded and now it is all lawn, or yards could have gotten larger. Campbell's yard has gotten smaller. Ten years ago there was no ponding at the Butlers', now there is almost year around ponding and invasive species. When Campbell's septic was checked, found that the water table had risen significantly. Mr. Crawford did an as-built for the septic, but didn't design the pipe, there was no time. Vinny wanted something done quickly. Who installed it? Joe Bonomi. Bob did basic calculations. Need a hydrological study. If you file, you have the right to appeal. Don't think an engineer would go out there now with all the snow. Another month might give us some insight. Mr. Gallivan: How does what is seen out there change things. Better for the engineer to see it flooded to come up with a solution. Issued started after the water line was installed. When you say restore, restore it to what? Complied with Enforcement Order to agent's satisfaction. Mr. Snow: There was no pipe originally, take it out and see what happens. Go out to site in a month or so. The only other thing we can say is give us a solution; come up with something you'd like to do. See if there is a channel for the water to run through. Target for site visit, the end of April.

**Request for Amendment:** Nagle, 136 Old Forge Road (chicken coop)

The Nagles don't want to move the chicken coop. They have a huge piece of land and the coop is in the wetland. There is concern from the Water Department. Wording in the town bylaw about manure in a water resource area. Motion to deny the request for an amendment Ms. Scott-Pipes. Second Ms. Caisse. Motion passed by unanimous vote.

20 Monticello: met with property owners and DEP looked at the fence looked at the house and ocean; DEP will be making a decision.

Hunters Pond: money came in to do an engineering study. Not taking out earthen berm or impoundment; trees will be removed. Target date of 2016 to have the dam removed. Engineering being done now. Then we need another grant for removal money.

**Enforcement:**

Gardiner Road: discussed briefly with Liz Kouloheras, said she'd call back, but haven't heard anything yet. There are two separate issues on that property.

Duffy, 271 Central Ave.: got hit again, looks worse than it did before. Water was as high as it was in '91.

Lot 2 Peggotty Beach Road: met with TA could get legal counsel to look over Mr. Galvin's letter. Enforcement Order/Issue has not expired. Will write a draft letter to TA and Town Counsel.

White, 181 Edward Foster: received draft letter from Adam Brodsky. Pat thought some details were missing. Work it out and bring it to Commission the next meeting.

Humarock cobble: cobble is at the top of the seawall so water goes right into the house. Owners would like to remove 3'. Pat contacted Hull Conservation, and received language from DEP. They worked out something, but they have to file a Notice of Intent. Could they do an RDA? If they do file could we give them a maintenance order, they are not going far with the cobble? Should meet at the site. The group could file a Notice of Intent together. The people that remove the 3' don't get damage, the ones that don't remove, the houses are hit. Seawall is most egregious and the state hasn't done anything about it. Think we can have them push Army Corp to do something? Simple removal of 3', Jay Geary could do. Commission can't tell them who should do the work.

Mr. Snow regarding old CPC projects: at some point they would like to turn the money back to the general fund of CPC. Need to go through Driftway Park and Driftway Trail. There is a piece that didn't get cross-hatched. Karen Connolly sent a list of the projects not completed. Money for access and parking we will be using in the near future. Hopefully we can go forward with the access to Appleton field; we want to be sure Mr. Bucca has access. Agreed with Crosbie that it would go in a certain place. Vin has a vested interest in how this gets built.

**Orders of Condition:** DPW, 0 River Street (restoration of existing parking lot and basketball court)

Motion to condition the project with the addition of an order requesting a revised plan showing a chain linked fence up to 200' in length along the northern portion of the property Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

**CORRESPONDENCE**

**February 19, 2015 – March 4, 2015**

1. Accessory Dwelling Special Permit: Ball, 44 Rebecca Road - Hearing is March 12 at 7:30 p.m.
2. Permit Extension Act – 68-2245 - Daly, Town Way Extension, clear driveways (5 year Order) (in file)
3. DMF Newsletter
4. The Beacon
5. Request for CofC – 68-2361 – Christenson, 25 Surfside Road – request, engineer's verification, as-built & check (in file)
6. DEP File #68-2531 – Skolnick, 4 Postscript Lane (in file)
7. DEP File #68-2532 – Hutchinson, 27 Ann Vinal Road (in file)
8. DEED – Recorded Crosbie parcel (in file)
9. DEP re: Walsh, 36 Brunswick Street – Inadequate Appeal – did not state clearly and concisely objections to the Determination - 10 business days to submit the deficiencies (in file)
10. V. Bucca re: sent in drawing of access to Appleton Field – thought R.O.W. should be 20' wide to allow for school buses and work trucks have good access
11. Hingham Land Conservation Trust – Hingham Public Library, 7:00 Thursday, March 19, 2015 re: overpopulation of White-tailed Deer.
12. Extension Request for 68- 2152 – new owner Erich Roht, 12 Chief Justice Cushing Hwy. – expires 4/7/15 (in file)
13. Border Street Properties time line re: Moskowitz, 158 Border Street (in file)
14. Planning Board re: Site Plan Administrative Review – Town of Scituate Public Library – reviewing March 26, 2015

Motion to adjourn Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Meeting adjourned 9:00 p.m.

Respectfully submitted,  
Carol Logue, Secretary