

**Town of Scituate
Conservation Commission
Town Hall Selectmen's Hearing Room
Meeting Minutes
March 5, 2014**

Meeting was called to order at 6:19 p.m.

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

Also Present: Patrick Gallivan and Carol Logue, Secretary

Agenda: Motion to amend the agenda to include discussion regarding: Minor Activities Permits, meeting next Wednesday, MACC update, and request for letter of support on Cushing Road repairs Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Bjorklund, 77 Elm Subdivision / Evangeline Drive / Tilden Estates subdivision

Steve Bjorklund was present. A number of years ago filed a subdivision plan showing all the proposed house locations, disturbance and potential grading. Clouded areas on plan show where the plantings will go in the 50' and 100' buffers and behind the detention basin. All this was shown on the plan; received one Order of Conditions. Will go back and do the plantings, homes are framed, one is being lived in. Detention basin is in and has been working for a couple of years. In Hanover you apply for the infrastructure and then submit individual Notices for each site within jurisdiction. In 25 or 30 years have done a subdivision all as one package. When there have been minor modifications the board or agent makes a determination if it is within the scope of project. This particular subdivision was just for grading and planting on some lots. There was a question behind Lot 9 about grading, the foundation was put 4' farther away from the wetland, but the lot was not required to do an additional filing and the planting is done. Fifteen lot subdivision and ten or 11 lots are not in the buffer zone. Is there a way that people in lots outside the buffer won't need a Certificate of Compliance? Each house that sells has been a problem. Mr. Gallivan: saw a house being built within the 100' buffer. Each house should file separately, would have more control. Didn't we do that with 214 Clapp? Yes. Drainage was designed to handle 50% more than required in case of additional impervious areas; all in the drainage report. It is almost a 2 acre basin; can bring in the report. If someone wants changes they could file an RDA. Mr. Gallivan: there are issues regarding contours, fill, tree cutting, and erosion controls. Owners have to be made aware of the buffers on their properties. Mr. Snow: Having one order for the whole project causes problems when passing papers. Having individual RDA's or Notices for individual lots would be better all around. Sort of overlap, but subdivision has issues of its own; roads and drainage basins. How would the subdivision get completed correctly? Developers usually take care of the whole subdivision almost until the last house is sold. Only thing left are plantings in the buffer and basin. Expect complete closure within the next few months. Certificate of Compliances will still be a problem.

Wetlands Hearing: Duval, 87 Maple Street (restoration and replication of disturbed wetlands) (cont.)

Atty. Adam Brodsky, Ken Duval and Brad Holmes were present at the hearing. This is an outstanding enforcement issue. Minor modifications have been reviewed extensively with Pat and a couple of members of the Commission regarding creating an area of emerging forest. Commission grants permission for the applicant to go on town property to do the work; will work out details with Town Counsel. Ms. Caisse: it will be interesting to see how it plays out. Mr. Snow: Access to town property is off Old Oaken Bucket Road, through the woods. If we needed a crew to do some work on our property would it be possible to get an easement over your property? Would like to see this done without a lot of maintenance, but might have to watch for some invasives, which would be taken care of by hand. Work out with Jim Toomey for a license to go onto the town property. Work needs approval before starting. Mr. Gallivan: wetland replication should be done first. Ken is anxious to get this done and behind him. Motion to close the hearing Ms. Scott-Pipes. With a mutually agreed upon site access Mr. Schmid. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Connell, Great Rock Island (new build) (cont.)

Greg Morse, Morse Engineering, Atty. Bill Ohrenberger, Paul Mirabito, Beth & Gerald Connell and Josh Bows, Merrill Corporation were present at the hearing. Revised stormwater plan submitted tonight; report sent earlier today. Greg Tansey worked with Josh Bows. Pink lines on plan are the top of coastal bank; lower line is salt marsh, and 50' and 100' setbacks are shown. Stormwater infrastructure and driveway runs through the buffer. There is a subsurface recharge chamber, interceptor trenches along the driveway, rain garden, smaller stilling basin, and subsurface drain, both trenches go to catch basins on each side of driveway, to the headwall and into the marsh. Stormceptor treats the water before it ends up in the marsh. Shaded area is lawn for recharge. Peer review changes were made to the plan. There is no other location for the septic; only place that had suitable soil. Josh Bows: Final version is in compliance with the stormwater bylaw. There is no increase in runoff from the property. Today received final set of calcs and plans. All comments were addressed. Ms. Scott-Pipes: appears the roadway up to the house is going through the 50' and 100' buffer. What mitigation would you like to offer? Put a turnaround in for the fire department at the bottom of the hill; landscaping around the house. Mr. Ohrenberger: disturbed area on site is minimal; 10,000 square foot zone; and building one dwelling. Also part of the mitigation is they are not going over the marsh. Roadway is in land subject to coastal storm flowage. Put hammerhead out of the flood zone. 7.5 acre parcel, 7.1 is upland. Greater part of the island will stay natural. Mr. Schmid: clarify driveway from the street, right of way or what? It is an existing right of way, 20' x 30'. Mr. Gallivan: they moved detention basins out of the buffer and included some swales, which leaves more of the buffer undisturbed. Mr. Harding: driveway all going to be paved? Turnaround will be pervious pavement/porous asphalt, it filters itself. Standard pavement starts at the property line and goes up to the two catch basins above the hammerhead. Michael McDonough, house on right: never had a fire truck or ambulance, let alone big trucks getting down the driveway. Don't see how the turnaround is going to do anything when a fire truck can't get down the road; they could only use a small forestry truck. Not the Commission's purview. Our concern is disturbances to wetlands and buffers and mitigation for that disturbance. Could this become a condo? Mr. Schmid: If there are any changes in the footprint within the jurisdiction of the Commission, they would have to come back for an amendment. The Connells are going to sell the property and want to give latitude with the number of bedrooms. If there is a minor change, it would be within the scope, but if there is a big change it would be an amendment. If this is granted could they enlarge for an accessory dwelling? That would be a Planning Board issue. Previous submittal tried to build 4 or 5 houses. Susan Graham & Bill Graham: Septic

system for 24 bedrooms? No, 8 bedrooms. It abuts the marsh where the septic goes? It is 50' from the top of the coastal bank and further back from the marsh. What is the elevation? Varies from 19.8 to 18.7. Flood zone elevation is 18'. Mr. Jackson, 147R Glades: Have people looked into the impact to the wetlands and species habitat? The marsh floods to the back of Glades Road, how is the road going to be constructed so it won't flood? Not altering any marsh. Not filling any wetland or salt marsh. On a flood tide the easement is covered. Not going to elevate the road at all. Mr. Snow: Commission is trying to address disturbance to the wetlands and stormwater. The Natural Heritage map shows no protected area for endangered or threatened species. Katherine Elers, 151 Glades: the road is very narrow with no sidewalks. House shakes when huge trucks go by. Seawall is also an issue. Mr. Bjorklund: was involved a few years ago. The only other streets wider than Glades Road are Driftway and 3A. Glades Road is 30' wide. Accessory dwelling: can't do 60% the size of the house, but if contained within the footprint could do 40%. Frank King, 151R Glades: Number of revisions to the plan, a total review is in order, additional 20 cars and it will indirectly affect the beach. It's a steep hill. Isn't there a lot of ledge? Coastal bank is under a 25% slope and taking out as little ledge as necessary. Ms. Scott-Pipes: the only thing is they don't feel they need mitigation. Need something before we close. Mr. Snow: look at what is being disturbed, prior proposals disturbed a lot more, and for a large area it is a small amount of disturbance. Maybe additional plantings around the septic, or maybe we can come up with something. They are making sure no water leaves the property. Mr. Ohrenberger: one of the issues is debris that floats into the marsh in that area. We can offer \$3,000 for cleanup of the marsh. Mr. Gallivan: offer is related to this project and can accept. Mr. Snow: we could hire someone to do cleanup after a storm. Mr. Ohrenberger: just an observation, good cooperative process with Josh Bows help. In front of the Zoning Board on the 20th, would like the Commission to vote this, because Zoning would like to know the Commission is comfortable with the project. Motion to close the hearing Ms. Scott-Pipes. Mr. Schmid: is this precedence setting? Mr. Snow: typically we close and then in 2 weeks set the orders and we don't allow any additional information. Mr. Gallivan: don't feel the process has been rushed. Second Mr. Harding. Motion to accept with conditions to be written and mitigation that was offered Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote. Motion to accept the stormwater/SWPPP and O&M Plan with all of Merrill Corporation's comments regarding stipulations and maintenance Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Discuss and Ratify Enforcement Order: Walden Woods, Stenbeck Place

Contractor is dewatering directly into street and drain that ends up in Satuit Brook. Pat Brennan sent e-mail stating that they came up with an acceptable plan to dewater on site. A fine of \$300.00 will be issued, which is allowed because they are dumping into a stream; could be \$300.00 a day until fixed. Spoke with the opposing attorney; he answered all of Kevin Cafferty's concerns. Mr. Snow: Cashman was fined a quarter of a million. What are they pumping into on site? They dug a hole. This is an awful site. There is no place for the runoff to go. They will put in their own catch basin that will drain into the detention basin. There will be no pumping allowed during a rain event. They are going to have to do some filtering. If there are any problems, abutters will let us know. If it happens again, not going to settle for \$300.00. Given clear notice, next time is court and not a minimal fine. Motion to ratify the Enforcement Order with a stipulation that a recurrence will be a criminal complaint Mr. Harding. Second Mr. Schmid. Motion passed by unanimous vote.

Planting Plan, 136 Indian Trail: Paul Petrocelli and Lou Seoane were present. Mr. Seoane: used Rick Grady's plan. Slope is fairly steep right now. The steep slope will be alleviated by terracing. Small sketch submitted. Instead of having the existing wall, will pull some material away, level and use the boulders to break up the area and plant native pines, St. Johns Wart, Bayberry and others; all native species. Some of the plantings are low, some are taller. There is a list on the plan and a key at the bottom. Will plant everywhere we can. The other thing that would help would be a fiber mat pinned into the hill to hold the soil. Mr. Snow: Has Pat Brennan reviewed this? Mr. Gallivan: As long as there is no runoff directed to abutters, should be fine. Level grassed area will absorb runoff; it will be stepped. Rain garden will have perennials and native grasses; should do the job. Ms. Scott-Pipes: want to be sure the erosion controls are in good shape at the bottom. Mr. Snow: how long will it take for the plants to establish? One or two seasons. Motion to accept planting plan along with Amory and Grady's drainage design with crushed stone and two growing seasons Ms. Scott-Pipes. Second Mr. Harding.

Order of Conditions: 13 Wheeler Ave. Realty Trust / McKenna, Tr., 13 Wheeler Ave. (raze/rebuild)

Motion to condition the project Mr. Schmid. Second Mr. Harding. Motion passed by a 4 to 1 vote with 1 abstention.

Order of Conditions: South River Partners / Solimando, 8 Dartmouth Street (extend existing boat ramp)

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

Order of Conditions: Warren, 244 Central Ave. (septic / tight tank)

Motion to condition the project Ms. Scott-Pipes. Second Mr. Harding. Ms. Caisse: Went from an elevated 500 gallon to a 2,000 gallon septic tank, didn't think the size of a septic could be increased. Mr. Snow: Right now it is a 500 gallon elevated tank with a leaching field. The 2,000 concrete tank is in the ground. Not increasing the size of the system, but it is a better scenario not to put gray water into the beach environment. Board of Health gave approval and they cover the number of bedrooms. Once they go to a tight tank, there is no regulation for only 3 bedrooms, but even if there is the capacity you don't have the right to add another bedroom. Not a bad idea to have a meeting with the new health agent. If a tight tank doesn't get pumped it backs up into the house. There is an alarm that gives you time to get it pumped. Ms. Caisse: was told you couldn't have more than a 3 bedroom house in Humarock. Motion passed by unanimous vote.

Mr. Snow: Update on CPC: Last night at the Board of Selectmen, Advisory Committee last week regarding Damon preserve of 40 acres. They wanted to know the potential for ball fields on this property. Damon family want to keep the acreage wooded and undeveloped. In the scheme of everything with town hall being moved around, etc., should wait and see what is available. Need to follow the Damons' wishes. It is upland and adjacent to South Swamp. It is core habitat and better left undisturbed. Did perc tests a few weeks.

Stockbridge Landing re: Appeal to DEP. Bruce Bouck is coming out tomorrow to walk through, but it is not an open invitation. Property owner's attorney was trying to get it dismissed. Asked if Frank could go, haven't got an answer. Mr. Bouck may say it is a Zone A. Maybe could go out next week with the Commission. Expect to receive comments back from Mr. Bouck. A lot of times it gets settled in Lakeville.

Bruce Bouck is also going out tomorrow to Old Oaken Bucket Road diversion ditch across from the cranberry bogs. Attending: Mr. Bouck, Laura Harbottle, Mr. Gallivan and Mr. Mooney; there may be more engineering needed.

305 Country Way informal conference call on the 10th. DEP decides who can speak.

Signage: There was a request for signs that say do not feed the ducks and geese. Probably a good idea.

228 Central Ave.: Still need to send a letter regarding concrete walls. Ms. Scott-Pipes: on Surfside Road 3 houses did the same thing. It is a problem. Mr. Gallivan: looked into it a little, could do it if they stayed 10' to 15' inside the property line. No way could he come 10' off the property at 228 Central. Will be sending cobble to the abutter. Pat's letter will be to file.

Minor Activity Permits/Selectmen Meeting: They didn't have a real issue with it. Money has to go back to the general fund, can't come back to us. Maybe ask them to give us money for trails. Need to list circumstances. Explained that we have more stringent rules than the state, but if there is going to be a project that won't impact a resource area, we could issue this permit. A sonotube in a grass area or something like that. Ms. Scott-Pipes: heard Pat say sonotubes. Someone doing 3 or 4 bringing equipment in? We might be in a gray area. This year there are some that have no problems.

Certificate of Compliance: 19 Circuit Ave. \$5,000 check was submitted to guarantee the plantings would be done. Wall was put in instead of plantings. Paul Mirabito sent in photos. The new homeowners need to be informed. In 2010 the plantings were there. 2 rows staggered, supposed to be 30 plants, then they were removed.

Certificate of Compliance: 32 Cobb Lane, 14' x 21' addition. Information is in now. OK

Ms. Caisse and Mr. Schmid went to MACC Conference: It was a terrific experience. DEP is going to create rebuilding and dam removals and small private docks. It will require discussion. Bio 2 Map that shows anything within Natural Heritage review.

Mr. Bjorklund: Cushing Park Road off of Neal Gate Street: Judge Cushing Park. Put money in escrow regarding installation of the water main. Five acre park, smallest state park; may be expanding by 7 acres. The state just released money for infrastructure. Met with a construction worker and Steve Gammons. Discussed pulverizing the whole road; hasn't been touched since 1960; would put \$10,000 into it. The Historical Society used to own the park, gave roadway and park to state. Someone is questioning whether the road is private or a state road. People at the state thought it was a state road. Steve Gammons knows that is not the case. Requesting the Commission send a letter to the state that the town has no objection to fixing the road. At the top of cul-de-sac there is an old parking lot they are looking to fix as well. Motion to send a letter to the state supporting paving of the road Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Mr. Gallivan: Walter Hewittson is willing to take on 31 Candlewood. 57 Crescent working with engineer. Take back to Barbara Thissell.

CORRESPONDENCE

February 20, 2014 – March 5, 2014

1. DEP Stockbridge Landing – Prescreening Conference: March 11, 2014 1:30 p.m. Lakeville
Adjudicatory Hearing: June 10, 2014 10:00 a.m. Southeast Region, Lakeville (in file)
2. DEP 305 Country Way – Prescreening Conference changed from March 11, 2014 at 10:00 to March 18 at 1:30
Don't know when the Adjudicatory Hearing will be scheduled. (in file)
3. Recording of OofC for Popes Pond Cranberry Co. / Mooney, Lot 3 (149) Old Oaken Bucket Road 68-2502 (in file)
4. Request for CofC for Carr, 14 Alden Ave. 68-1194 (replace foundation / elevate) (in file)
5. Application to Zoning Board re: 7 Barry's Landing to erect a 2 story detached garage within the salt marsh and tideland conservation district (in RDA file)
6. Request for CofC for Donald White, Trust, 19 Circuit Ave. – 68-1175. More information re: wall where plantings were supposed to be is not a new wall. Also letter from Brad Holmes describing the planting plan and cost for same. 28 shrubs to fill a 6' wide by 110' long area for the cost of \$2500.00 (in file)
7. Board of Health to Van Lenten – 149 Old Oaken Bucket Road – The diversion ditch has been restored and therefore the stream referenced is no longer a tributary.
8. Response from Ross Engineering re: Great Rock Island – 68-2499 – Narrative, plans, SWPP, Stormwater Report (in file)
9. Pat Brennan e-mail re: Walden Woods, Stenbeck Place – dewatering. He met with Marrocco on site: milk create wrapped in filter fabric; filtered through "dirt bag"; will notify Brennan any day he plans to dewater and he will let Pat know (in file)
10. Response from Pat re: dewatering plan – Scituate DPW must be satisfied with water directed to storm drain (in file)
11. The Beacon
12. Planning Board re: Form A Application for 52 & 54 Irving Road. No new buildable lots are proposed to be created. COMMENTS by March 12, 2014.
13. NFIP/CRS – Colorado Flood Losses Reduced by CRS Activities
14. University or MA – Amherst – re: Forestry. Forests provide us with critical benefits such as clean water, wildlife habitat, forest products, recreational opportunities, scenic landscapes, and carbon sequestration. Poster enclosed hung in hallway.
15. Request for CofC for 68-1575 – 32 Cobb Lane – request, engineer's verification, check (in file)
16. Recording of CofC Lewis, 153 Jericho Road 68-2396 (in file)
17. Merrill Associates re: Peer Review letter for Great Rock Island – 68-2499 (in file)
18. Great Rock – 68-2499 – Revised Stormwater Permit and Notice of Intent Plan – 1 Stormwater Report (in file)
19. Northern Woodlands Magazine

Meeting adjourned 9:00 p.m.
Respectfully submitted,

Carol Logue, Secretary