

**Town of Scituate
Conservation Commission
Town Hall Selectmen's Hearing Room
Meeting Minutes
May 20, 2015**

Before the meeting is started: Met with CZM at Peggotty Beach to look at the material to nourish Mann Hill cobble beach. There was a request to use cobble filled gabion or core bags, but CZM felt that when you contain the cobble it seems to rip up the sand more.

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

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

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

Agenda: Motion to amend the agenda to include: violations at Montvale Ave. and Jericho Road; Request for staging area on Clapp Road for water project; photos of 108 Edward Foster Road; Order of Conditions for Griffin, 111 Turner Road; McNiece, 8 Dunbar Lane; Benelli, 46 Atlantic Drive; Certificate of Compliances for 161 Kings Way and 222 Central Ave. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Peggotty Beach Dune/Inner Harbor Road: Received a letter from Rubin & Rudman's requesting the Commission allow an extension of the current Order of Conditions for the dune and planting. Mr. Gallivan: it seems the Commission should either revoke, amend, revise or issue a new Order of Conditions. Went through DEP regs and policies. The language seemed extreme to revoke an Order (false information or severe environmental impact). Denying an extension indicates the order is inadequate or information was not provided. The town is not signed on as the owner; there is no license agreement or stamped plan from an engineer, some elevations were inadequate and there is missing information. This year folks built the dune with no plan and it seemed higher. Then material was pushed into Peggotty Beach parking area. Not sure if the dune is the size or in the proper place. After an extension, amending an Order is unclear. Easier to do an amendment than a new Notice of Intent (NOI), but it is up to the Commission. Commission agreed either amend or submit a new Notice of Intent and file properly this time. Same goal, but a lot of work will have to be done before it can be approved, plus resource areas can change over time. If we permit this correctly, we may be able to apply it to other barrier beaches. We also need to spell out how the partnership works. It is in the town's interest to have beach nourishment, but we also need the vote of Selectmen. Atty. Brodsky, representing Ms. Mazzola: they don't need to request an extension, it is automatically extended through 2017. Ms. Mazzola never authorized the dune in front of her property. 34, 36, & 38 Inner Harbor Road were the applicants; 26, 28 and 30 were not part of the project and the work is performed on town property. The Order of Conditions is recorded against the properties; it is not related to where the dune is located. The filing was not done properly. It would be appropriate to issue an Enforcement Order that would require a new Notice of Intent within a reasonable amount of time. The reason for the Enforcement Order: work was not authorized and additional work was done after the Selectmen said to stop. There is no other regulatory method other than an Enforcement Order; procedurally the only course available. Met with Stan Humphries and Pat, spent a month and hundreds of dollars trying for an agreement and/or compromise. No word from Ms. Gibbs or Mr. Wood to finalize what was needed for Ms. Mazzola to go forward with her septic and walkway. Not asking to revoke and don't think an amendment would suffice, as there is critical information missing. In additional the NOI should have a surveyed plan, specifications of dune form, size and location; the town should be co-applicant and a license to allow private owners to use the property and a bond should be in place to cover inspections. Jeff Hunt, 26 Inner Harbor Road: a lot of what he said is mischaracterization. What we have here is a neighborhood and town partnership with one neighbor not wanting to work with the rest of the neighbors. If you look at the plan, there is a technical drawing for the height and width. We are looking for an acceptable solution. Don't know how you can have a protective dune while excluding one house. Dune was a little higher on one end, but it was fixed. Don't have to make it an expensive thing for the town; it is one issue about one neighbor. Mr. Gallivan: this is not a good Order of Conditions. Will discuss with Town Counsel as to his opinion of what type of change is needed. Permit extension act doesn't cover making changes. Mr. Snow: There is a dune created where the Commission didn't condition it; don't think we can just ignore. It would be good not to have to go through a new filing, but we don't know if the dune was built correctly. Sometimes a dune works well, other times it can be detrimental. Still will require more plans and the town on board. Sincerely believe Mr. Brodsky has reached out and tried to work on a compromise. Don't like the Commission being used so folks can get what they want without dealing with it properly. If it means an Enforcement Order that's what we'll do. It is up to us to let them know what we want. Where is Ms. Mazzola with her septic? She was told to file an EPA form which triggers MEPA review. Waiting for DEP's Superseding Order. Adam is happy to talk to anyone to resolve this matter. Don't think Ms. Mazzola is against a reasonable dune in front of her property with a walkway over it. Can't do that now because of the way the dune was constructed. Have been unable to resolve with negotiation. All the neighbors agree, dune and plantings are helpful. Brenda Hunt: \$800 worth of plants are dying. Don't plant and don't fence. Teenagers are urinating on the dune and plants; there are breeches in our road, it is an emergency situation. The Commission will bring it up again on June 3 with an update from legal counsel.

Wetlands Hearing: Stewart, 160 Chief Justice Cushing Hwy. (raze/rebuild) (cont.)

Motion to continue the hearing to June 3, 2015 at 6:30 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Phippen Trust, 35 Dreamwold Road (total of 3 new lots)

Waiting for a stormwater report from John Chessia. Motion to continue the hearing to June 3, 2015 at 6:30 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: DPW/GZA, Central Ave./Cliff Road/Beach Way (removal of storm over wash)

Sean McCarthy from DPW was present. Looked into Seaview as an access, but it is private. Researching abutters, but more digging is needed; may be a point of access in the future. Mr. Gallivan wanted to go through some of the conditions: the way the water gets to the marsh side may not line up with paper streets, but there can't be any damage to people's properties; meet with contractors in advance of storm season to

go through the rules; and continue to move material up to the empty lot; can't stage or refuel on the beach. What size machine would be used if you could get it back on beach? We try to do the job as quickly as possible and machines depend on availability. Rebecca Haney from CZM will be doing a presentation on June 16th at the High School Auditorium and Jim Mahala from DEP will answer questions on what DEP will allow. Mr. Snow: it is permissible for private homeowners to put material back on the beach; it can be handled by a Minor Activity Permit. Ms. Scott-Pipes: watched the last meeting. Trying not to plow along the marsh side? Stones will go to both sides, but will try to minimize on the marsh side. However, it isn't clear where to open up ditches to let the water through; looking at the paper roads. Maybe a supervisor from DPW should be out there to keep contractors on track with the Orders. Concerns from abutters regarding piles of material in yards and driveways and ability to assess their homes. Will move more to the empty lot, rather than pushing to the sides. Think we are going in the right direction, but nothing will happen overnight. Will pay more attention to the breaks in the piles; need some sort of markers to identify the problem areas. After the storms, because the water had nowhere to go, people are flooded. Ms. Caisse: have talked to the neighbors. Have a double lot, an easy point to move material back to the beach; homeowners would have access to homes, and material wouldn't be in the road. Did receive a letter from Brad Warren, Jr., he is still interested in doing that to help the town and other homeowners. Maybe Jim Toomey could draw up an easement. Is this something the town would consider? This would be a private benefit with public funds. How is that different then moving the material elsewhere costing more money? Basically people are willing to give easements. Going to try to move as much material as possible to the north end of Humarock; will take planning; and possibly different equipment. Maybe more people will come forward to put the material on the beach. Don't have all the answers. Benefits the town, it's in everybody's best interest, not just a private benefit, it benefits the public too; it was done 3 years ago. If the town gets any grant money we are forbidden to use it on private property. Don't understand why putting it back on the beach is suddenly illegal. As homeowners we have to pay to remove material from the street and pay to put it back on the beach. This filing is dealing with cleanup after storms, will condition as many options as possible. We know we don't want material on the west side; we are in agreement to take as much to the north, but how it gets back to the beach we will leave open. How it gets resolved is not be part of this filing. When material is managed by individuals, we don't want abutters impacted. This filing is for emergency clean up; there are bigger plans coming. Rosemary: there are people that want the material in front of their houses. Are they going to be factored into this? Under our Order of Conditions, probably not. Bob Graci, 180 Central Ave.: Dependent on that sand; just planted a thousand plants. Never want it taken away. Will have to be some individuality work out. Abutters thanked the Commission for going into the problem so thoroughly; everyone has a different agenda; not all perfect. We do realize things have to change. Thanked Sean for working hard. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote. Mr. Graci: most of the houses on piles want the material in front.

Wetlands Hearing: Benelli, 46 Atlantic Drive (remove & replace seawall & patio & rip rap) (add Plan details)

Leo Stickney from Cobra enterprises was present at the hearing. Commission requested a sketch of the slab and the engineer's design for the rip rap in front of the wall. It is a straight wall, the rip rap is just to reduce undermining. In bad storms they get jostled around a little. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

There is a Scout that has asked to build a kayak launch pad at Minot where the creek comes in. I think DPW is planning to do some more work on the parking lot. Need to have it accessible for everyone.

Wetlands Hearing: Town of Scituate, 138 Edward Foster Road (rehab +/- 185 lf of seawall)

Carlos Pena from CLE and Sean McCarthy, DPW were present at the hearing. Abutters' notification was submitted. Replacing 185' linear feet of collapsed seawall. Minimizing the footprint of the project. Constructing an 18' seawall within a coffer dam that will protect the residents. Splash pad of 3 to 5 ton stone placed relatively flat. Last 3 years have been evaluating how existing and new seawalls have been performing. Raising the elevation 2' and lower footing 4' for a total of 6'. Footing was undermined and rolled into the ocean. Will continue protective rip rap in the front and splash pad in back so if water does get over the wall scour isn't created. Have a signed easement; now the public can use the beach in front of the house. Ownership doesn't change, just the use of the beach. Existing height of seawall is elevation 23.8, area where broken is 20.4, will be repaired to 25.8. Hopefully eventually we will have them all 2' higher. Everything is changing and we need to adapt. More than just the residents benefiting from this repair. Borings are being done, will be submitting other documents along the way. Work is well above the intertidal zone. Mr. Snow: where will the access be? Will work with the contractor to minimize the impacts at the end of Edward Foster Road. Once the construction project is complete new beach grass will be planted, restoration will be required. Need it out to bid by July 1. Motion to close the hearing Ms. Scott-Pipes. Jim Carey, 138 Edward Foster Road: planted seagrass himself and looks great. In this case work is on the other side of the house. Make sure area is restored. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: Town of Scituate, Oceanside Drive 4th to 6th Ave. (rehab approx.. 786 lf of seawall)

Carlos Pena from CLE and Sean McCarthy, DPW were present at the hearing. Abutters' notification was submitted. Replacing 786 linear feet of seawall. Top falling off, half section broken; built in 1930s; unreinforced seawalls that are collapsing. Raising 2', revetment in front, splash pad in back, and similar construction as above. Opening in the wall 12' wide; 10' deep, 10' across at elevation 16' at the end of 4th Ave. Replacement is related to the \$2 million grant. June 3 documents are due, will submit the bid documents. Bids due June 18. Probably will take most of the summer and into the fall. Staging of equipment will have to work out with the landowner. Access point at the end 4th, the town owns the passageway. Hardest part is getting out there. There isn't much beach even at low tide. Have an easement to repair and replace in the future. Able to walk on the seawall, flat set stone. Greg Eaton, 110 Oceanside Drive: happy to allow parking trucks in the yard. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Stanton Lane: talked about putting cobble in core bags or gabion bags, but Rebecca Haney discourages that, just put it back on the beach. A lot of material is needed. Town got a grant to do beach nourishment north of Stanton Lane and added material there. Only studied the private area along Surfside. Last winter they put cobble/river stone on Musquashicut. Is it feasible to put that in going south? Musquashicut area was public. It is very expensive. Nancy is looking into more grants. Stone that washes onto Stanton, is there any way they can take that material and put it back in front of the houses? Rebecca said that material is creating the back support of the whole berm, so not to take that. Stan Humphries did a NOI to maintain that road. Didn't want to continue to dig out Stanton Lane because they felt it weakens the cobble beach. Build a new road base on top. Beach is moving back, going under the houses and exposing the septic systems. Surprising to see how far west the cobble has gone. Over by Egypt beach, closing off the channel to the pond. Chain ponds are going to be gone. Will lose all the marsh along the ocean. That's the great part about having Nancy Durfee, can start looking into some of these things. Same over wash is happening at

Peggotty Beach and that marsh is getting filled in; we are losing habitat. Mann Hill doesn't end where they thought it did, Mann Hill Extension actually goes right into the ocean.

Voted regarding revised ORAD document for Proving Grounds/Toll Bros. Two areas were questioned. Agreed K was a vernal pool, although they fought hard in the beginning, but C is not. Atty. Ohrenberger wants the letter signed by Mr. Snow and stamped by the Town Clerk.

82 Lighthouse: Issued DOA for a cement pad with an aluminum supplement with wood stair attached to the aluminum. All wood or all aluminum as long as it isn't permanent.

Order of Conditions: McNiece, 8 Dunbar (2 additions)
Conditions are going to be mailed out. They did a nice job. Cleaned up behind the shed.

Hunter's Pond meeting: started over 2 years ago. Some money has come in; more will be applied for. Cohasset will have a hearing also. Big thing was getting funding so it cost Scituate minimal. Historical Commission and Historical Society. They were going to run one more thing by them. They keep dropping it.

92 Clapp Road: Letter sent to us saying there was no language that they can't have trampoline. Going to write up a letter.

Enforcement:

Border Street: cleared it out a little. Sent out something to the commission with options, want to close out the next time. Mr. Snow: we permitted a wetlands crossing for the Glenn, Steve Ivas oversaw that; it was an area maybe a little dryer than this. Actually 3 concrete pipes; no bottomless culvert, almost looks like what is out at Border Street. Bring up everything at the next meeting. Should give him a time for June 3. 6:35.

Candlewood: going to try to get on the agenda next time too.

Atlantic Ave.: missing stones from one area - get them on the agenda.

Turner Road: 4 houses in a row, taken a lot of sand and dumped over the wall; no permit. Trying to figure out who did that. Opening and the 4 houses to the left. Neighbors are complaining.

108 Edward Foster Road: Just changed hands, wall was getting undermined on the inside, could bring cobble in. In addition to that, they were cutting trees. Gave a Minor Activities Permit. He won't do anything on the outside of the wall. It is on the barrier beach.

147 Jericho Road: added fill without a permit. May have directed water toward abutters. Couple of PA Landers trucks full. At the wetland across from Malone's house. Bring him in and have him explain it. File after-the-fact.

Monticello/Krainwood: wrote a draft letter. Plowed right down the lane.

Certificate of Compliance:

17 New Driftway, Full Certificate if we hold money, get twice as much as needed; 157R Glades (2), raised septic with wall around it and shed on pilings; 81 Townsend Road; 161 Kings Way; 222 Central Ave. – All OK.

We should ask Rebecca Haney if any scraping could be done on the west side of Central. At least 2' of stuff there that was not put there naturally.

Order of Conditions: Griffin, 111 Turner Road

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

Staging area: for the Summer Street water project. They asked if Damon property was possible. Mr. Gallivan e-mailed Frank and the Board of Selectmen. Fairly good sized area that sets back from the road, just don't want a mess. We are trying to create a drive and parking area. If they are interested we can talk about it and will have to notify the neighbors and be clear on the duration, set the hours of operation and find out how much they may want to put there, so it doesn't go on like the Ingrid property. They have the Sunoco station area. Mr. Snow could talk to Bill Erwin. Public meeting? Probably only 3 people it will impact. Between CJP and the DPW because they are the ones that are hiring. They say they are on their own. Frank will see what they want. Have them make the parking lot. They need at least 100' x 100'. No wetlands in the area, but they aren't far.

Took pictures of the Kayak access at Marine Park and sent it to the scout, however, that are sloped and involved some digging. The parking at Minot is a mess and all the stuff runs into the marsh. Did an RDA on the parking, but they never did anything. Put outhouse out there and it floated away.

Order of Conditions: Benelli, 46 Atlantic Drive

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

Order of Conditions: McNiece, 8 Dunbar Lane

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

Site Visits tomorrow: Eisenhower and 10 Montvale..

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

Motion to continue the hearing to June 3, 2015 Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Retention basin at 214 Clapp Road – Full of water. Frank recused himself. Mess out there. Are they going to start building houses. Trying to get the stormwater straightened out now. Sent out Pat Brennan, may have to raise the height of one of the basins. Ms. Scott-Pipes: I think DEP should come out and see what we are up against. Water is coming up from underneath. Back one is pretty wet. If there is as much problem now, extremely concerned when houses are built. There are still trees that will be coming down. Does Pat Brennan get back to you?

He is working with the other engineer. Mr. Gallivan: usually worse when under construction. But they haven't started construction and shouldn't be allowed to start if they are not meeting the conditions, why can they continue to build. Could do an enforcement order if it impacts a wetland area. If Brennan comes back and says it still isn't working. This was the biggest question at the beginning. Because it has been mowed a long time, which Mr. Gallivan thinks is crazy. It didn't trigger isolated wetland because it wasn't big enough. They may have to dig it all out and put in sandy soil. Don't want to see it get worse.

CORRESPONDENCE

May 7, 2015 – May 20, 2015

1. Request for CofC 157R 68-1145 – Request, engineer's letter, as-built, check (in file)
2. Request for CofC 157R 68-2046 – Request, engineer's letter, as-built, check (in file)
3. Atty. Wood re: 68-2237 Gibbs, OofC, 34, 36, 38 Inner Harbor Road automatic extension (in file)
4. Request for CofC for 68-2213 Egan, 7 Hawthorne Street – Request, engineer's letter, as-built, check (in file)
5. Atty. McDonnell re: The O'Neill's & Ms. Pfund's property on Stanton Lane, exhibits, etc.
6. Stormwater Magazine
7. Hughes & Associates re: Goulston property – Petition to eliminate and clear the paper streets and ways on the above-referenced plan and Certificate. (in file)
8. Request for CofC for 68-1646 - Lot 2 – 149 Old Oaken Bucket Road – no work commenced.
9. The Beacon

Meeting adjourned 8:49 p.m.

Respectfully submitted,
Carol Logue, Secretary