

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

Meeting was called to order at 6:22 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 include an informal discussion with Webb, Lot 1 Old Oaken Bucket Road Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Benjamin Studley Farm: received a memo last night, but did not receive a Notice of Intent related to work on the Clapp Road and stormwater basin. Ms. Scott-Pipes feels strongly that a Notice needs to be filed, thought it was coming in a month ago.

Mr. Snow: Scout Group 7 cleaned up the parking lot on Mann Lot Road/Ellis property; took picture and have their names; trying to reach the scout master. If anyone has any ideas for 1 day projects either at the Ellis or somewhere else, that would be good, because there is a descent number of kids going through badge requirements. At some point we will ask them to come in and thank them.

30 Inner Harbor Road: Request for Certificate of Compliance for the elevation of the dwelling from a few years back. Met with Neil Duggan and all the information was sent in. Can issue a Certification of Compliance.

Wetlands Hearing: Mazzola, 30 Inner Harbor Road (septic repair) (cont.)

Greg Morse from Morse Engineering was present. Resource areas: coastal barrier beach and velocity zone. Property has an existing 4800 sq. ft. dwelling. Elevated the house in 2006. Septic system failed; Board of Health has approved; replacing with a 1500 gallon septic tank and new leaching chamber system, under the house. Entire lot is in the velocity zone. Elevation 7' at Inner Harbor Road up to 11' - 13' under the house. Using current FEMA numbers. Mr. Hannon: Does board of Health have any issues? Not at this point. This is the best feasible upgrade. There is anchoring for the tank. It is 16.5' x 7.5' in width to fit between the piers. Couldn't get a conventional tank; can move this one with a smaller machine. DEP requires 4' separation from groundwater. Mr. Bjorklund: should put 4 markers on the corners so you can tell how much sand is over the system. Good point. Condition put a mark on some of the pilings where the finish grade is. Going to know what the grade is from the plan. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Request for Determination: Coulouras & Barry, 20 Monticello Street (fence)

Ada Coulouras was present at the hearing. Renee Barry came in later. Mr. Gallivan: At the last meeting we asked for some identification of the property line. Made attempts to reach surveyors, but it was cost prohibitive; over \$2,000. Were told marks were not easily found and were told Commissions don't usually make determinations on property lines. Called DEP and was told the Commission is not granting property rights, nor do they have jurisdiction for that. Provided pictures from 1959 showing the fence, but after the 2013 storm some got damaged. It is not a new fence, it has been there. When Commission members came out they were glad to see that it was the type of fence that allowed movement of cobble, sand and water and it doesn't impede access; we were careful not to put it on someone else's property. Spoke with Neil Duggan and DPW. There is no Zoning issue and DPW said a paper street is owned by the people that abut it. Ms. Scott-Pipes: front of house/ocean side is where our concern is and thought it was supposed to be a snow fence. Mr. Parys: new fence on the side is not located in the same place; it is further from the house. Showed old fence closer to the concrete slab. Encroachment onto paper streets happens a lot. Before putting in a fence Mr. Parys got his property surveyed. Mr. Snow: the type of fence is permissible. The question from some of the members is, is the fence in the same spot as before? If you file a Notice of Intent you can only file for work on your own property. We allow more minor activities under a Request for Determination. We can allow a fence, provided it isn't a board fence that deflects water toward neighbors. We are here to deal with resource issues and to make sure the fence is compliant. There pictures appear to show the fence closer to the house. Mr. Harding: not as concerned that the fence is off 6" to a foot. Mr. Gallivan: seems we are following requirements for a Notice of Intent. For a Request, we don't get into property lines. After discussions with DEP and Zoning, someone else has to fight that battle. Mr. Hannon: should take less than half a day to survey a lot that small and they can lay out the fence where it is now. Mr. Schmid: we could make a statement that we are not marking property lines, but saying this fence meets our requirements. Mr. Gallivan: The fence isn't altering a resource area; that's what we have to decide and in this case abutters own the paper road. DEP gave us some wording; Commission has a copy. Mr. Snow: we want to deal with what is in our jurisdiction. Mr. Hannon: any as-builts or plans of where the fence was? No. Mr. Snow: the type of fence is permissible, not going to say it is in the right spot. Mr. Parys: whatever the quorum thinks. Mr. Gallivan: they are looking for a negative 2 determination. Motion for a negative 2 with the stipulation that it includes the DEP statement Mr. Schmid. Second Mr. Harding. Motion was denied by a vote of 3 to 4. Positive determination triggers a Notice of Intent and a survey. Mr. Snow: wouldn't it make sense that the fence go on the property line? But the fence was never down completely. Ms. Barry: part of the fence was taken down by abutter's heavy equipment during the emergency order from DEP. He removed the beach grass and cobble. Why didn't anything happen to him? We replaced the fence section by section. Not only did we spend money to put cobble back, but we planted Rosa Rugosa, beach plum and beach grass. Mr. Snow: the issue here tonight was about an RDA. We try our best as a Commission regarding disturbances. We have to deal with projects in front of us. The applicants submitted a request that the Commission provide the citation in the regulations that grants them the right to regulate ownership issues. Mr. Gallivan: You do have the right to appeal.

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

Mr. Stewart was present at the hearing. Left the abutter notification at home. He requested to go through the proposal because there was an abutter present. Mr. Snow: we are not saying you don't have the proof, but it is a requirement. Could bring the cards tomorrow; didn't know he had to bring them. We can't open the hearing; we never have. Mr. Bjorklund: you could open it and immediately continue and not take any

testimony. Mr. Snow read the notice and immediately continued the hearing without any testimony. Motion to continue the hearing to December 17, 2014 at 6:30 p.m. Mr. Schmid. Second Mr. Hannon. Motion passed by unanimous vote. Possibly condition it the same night.

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

Trampoline is still there. Motion to continue the hearing to December 17, 2014 Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Informal: Greg Webb: Lot 1 149 Old Oaken Bucket Road

Greg Webb and Dave Crocker, civil engineer were present. There is an active Order of Conditions; site work has commenced; tree clearing; roughing in the driveway and erosion controls installed. Finalizing plans for the house. The permitted plan is a colonial style footprint with garage and a 560' paved driveway running along the bog. Proposing an l-shaped home for maximum views of the bog; photos shown. Approved footprint little over 2000, proposed is just under a 1,000 (960) sq. ft. larger. Original proposal converted an existing depression area into a rain garden. Concerned about esthetics and safety so close to the house, but we also understand the functional values of why that was included. The depression area is acting like a BMP to meet the TSS removal; recharging out the bottom. Proposing to mitigate by eliminating driveway pavement and replacing with gravel. Pavement was going to pitch to a 1' x 4' deep stone trench, would like to widen to 2' x 2.5' deep. Did calcs and any runoff from the gravel will be fully captured; more area for infiltration. Rain garden/depression was also capturing roof runoff from the house, proposing to capture roof runoff in place, pipe it and collect it to infiltrate. More than replicate what the rain garden would do. Courtyard area proposing porous pavers. Mitigation is removal of over 6,000 sq. ft. of pavement, 64% of impervious surface. No change in the limits of work; outside the 50' buffer. Mr. Gallivan: they came in to ask if we would accept a revised plan, but this is well beyond a revised plan. We can't do this without advertising and notifying abutters. The Order is from 2006. Mr. Snow: only Commission member at the time and there was a fair amount of discussion. There are also stormwater changes that require an engineer. Mr. Webb: if we have to refile can we continue with the house? What got approved was the footprint. Mr. Snow: right now clearing lot and installing silt sock with the existing set of orders. You are changing the shape and square footage of the foundation. Probably could continue if there was no net increase. Mr. Gallivan: You could do site work, but it gets complicated without a permit. Ms. Scott-Pipes: almost identical to Indian Trail, he had to amend and calcs had to be redone. Mr. Hannon: proceed with work that is permitted. Anything new has to be amended. Mr. Snow: driveway is fairly close to the bog, concerned about runoff. Mr. Harding: 30% increase is more than minor. Stormwater basin was put in there for a reason. Mr. Webb: house is inside the footprint, but think it should have a garage. OK to start the house and come back with an amended plan for the garage? Mr. Snow: the house without the garage is essentially the same footprint. House could go forward without the garage; no closer to the resource area.

Moskowitz, 158 Border Street: Rick Moskowitz, Michael Bleaker, and Joe Bonomi were present. Summarize: misunderstandings with Mr. Kalishes in 2009. Massive floods in 2009 & 2010. Abutters were saying repairing the water lines to the house altered the stream and caused extreme flooding of abutting properties. Came up with a plan, but engineer said it would take 10 days; Vinny said it needed to be done right away. Mr. Moskowitz: Did create an engineered plan. Driveway is not causing flooding; there will never be flooding on the north side again on the Campbell or Butler property. Pipe was put a foot above the vernal area because of the ledge. Culvert will take the water onto his property and Michael Bleakie's farm. Ms. Scott-Pipes: sympathetic, believe everything you say, but it isn't working. Yesterday was on the site and the water was right at the lip of the pipe, but going underneath and where the wetlands are it was like a pond. The pipe at that elevation isn't working. Mr. Snow: Problem is work went on in the driveway, things got changed, and the perception is the water is backing up where it hadn't backed up before. One of the pieces is whether the pipe is in compliant with the state regs for stream crossings, but we are not here to engineer the pipe. Not sure we have any true vernal pools there; need to stick to what we know. Mr. Bleakie, abutter: lived on Border Street for 59 years. Played in the back yard of the Campbell's property at 9 years old. In the fall and spring depending on precipitation, the lower back yard was always wet. Steve Lilly, always made sure the area before the inlet to the old storm drain was clear. Years ago flat stones were used to create a stream crossing, still have a number of those on the farm. Either the previous owner or the Campbell's dumped a lot of debris at the inlet. Told Rick to take pictures. Mr. Bonomi, Vinny said get a pipe in. Mr. Bleakie: The reality of the situation is you have the driveway, pipe, and crushed stone under the pipe, and ledge, that has been there since the glaciers. As far as he knows there is still no fracking or blasting of ledge in a resource area because you may be creating more groundwater issues. Whatever level the surface water is, it will go through the crushed stone or under or through the pipe. Mr. Snow: the repair to a broken water line was perceived to make the water back up. Mr. Bonomi: there was more than one leak; 2 or 3 leaks right at the crossing. Disturbed an area maybe 30' or 40'. There is a wall on Campbell's property and when you don't clean out the little pond, it blocks the flow of water. Mr. Snow: Essentially your driveway works as sort of a dam. Mr. Moskowitz: fill was put in on the Butler's property, if that was removed it would improve the situation. They would have to get permission to do that. Mr. Gallivan: There was an Enforcement Order in 2009 for altering the course of water body. Requested that a restoration plan be filed, which we don't have. Driveway was widened at some point. Mr. Bleakie has plowed the driveway for almost 40 years and no width has been added. Mr. Hannon: letter hear from Bob Crawford, which looks like it was done after-the-fact. Topo is done, seems like a good portion of the work has been done. Mr. Crawford originally sized the pipe. Ms. Caisse: old Enforcement Order required an engineered plan before work was done. Mr. Gallivan: Now we are at a point that we have aggrieved neighbors. If there was no plan, how would they know how it was supposed to be done. Mr. Bleakie: Maintenance is part of the issue and is very important. Appears the last 5 or 6 years landscapers have deposited brush and lawn clippings in front of the inlet. Mr. Hannon: is the correct step forward a Notice of Intent? There would need to be a stamped plan and engineering calcs. Mr. Gallivan: Should be an after-the-fact We don't know what type of stream. By clearing that out he could drain an area; altering it either way. Mr. Bleakie: it is an intermittent stream, dry through the farm and to the gulf. Mr. Snow: this was brought on by the pipe, there was no pipe before, just rocks, like a French drain. Couldn't put the rocks back like that. Not trying to drain, just trying to keep it flowing. Did everything they were told to do. In 4 or 5 years we haven't heard anything, but again someone is trying to sell. Mr. Gallivan: if no pipe at all it would be the same flow you are getting today. Mr. Schmid: it is not the fact that the pipe is too high, the water isn't getting to the pipe. Elevation of the ledge has not changed, so the fact is the water comes up to a height higher than the ledge. Mr. Gallivan: would like to defer to DEP and get their opinion. Mr. Snow: no one is saying you are not truthful; Vinny looked at probably the best solution. What Pat is saying now is what should have happened. Mr. Moskowitz: Enforcement Order was put through just because of abutters. Mr. Schmid: don't think we have come to the conclusion that it is flooding because of this pipe. Mr. Gallivan: one thing would have solved everything and that is a plan.

ENFORCEMENT:

92 Marion Road: Received a complaint regarding runoff coming off property. Stormwater going into storm drain. Have pictures of silted water, which is supposed to remain on the property. This is against state and local laws. Mr. Boyargian was present. Property is under construction; the final phase is landscaping. 50' frontage lot of land, occasionally have runoff, what you see on the street is from trucks

driving in and out; minor soil is leaving the lot. Not going to the storm sewer at end of Marion Road. Mr. Snow: took a ride by. There is question of silted runoff, but the site itself is not in our jurisdiction. On a site where we have jurisdiction, you'd push crushed stone to control erosion. MBTA at Greenbush had a huge pile of that silted into the Herring River, at the cost of a quarter of a million dollars. Appreciate the problem, this happens on construction sites all the time, but it has to be dealt with. Put a silt fence along the property, and put a mesh at the catch basin or filter fabric around the basin. There is a lot of mud and silt and you could end up with a problem. Site is within 2 weeks of finishing. If there is a rain storm put additional silt fence. Have haybales there. In the meantime there is a lot of disturbed earth and it gets washed onto the road. Part of the finish plan is to reduce that grade. While under construction can't prohibit trucks from getting onto the site. Not going to try to make problems. Just be careful you don't have another occurrence.

392 Tilden Road: haven't heard back. Clear cut, right up to the wetlands; sent letter. If they don't respond they need to get an Enforcement Order by December 3. Weren't digging up the ground, but took down really big trees.

Haufler, Peggotty Beach Road sent letter – haven't heard back.

Ayer, sent letter– haven't heard back.

Glades Club is hiring Martha Rheinhardt – drainage that occurs is right behind the dune. Is there another area they could work with Mosquito Control? Maybe they can relocate the ditch.

Duffy, 271 Central: Ms. Caisse: the dumpster has some items in it, but there is still a lot of debris, bricks are no longer in piles, stairs, and lumber bordering the paper street. The plastic toys were removed. Had some plantings done, but listing almost to the point of laying on the ground. No chance to set roots. Building inspector said the dumpster can be on the property for 6 months. Building they can fine \$25.00 a day. Send Enforcement Order or could send a ticket; do both.

White, 181 Edward Foster Road: Requested a continuance. Brad Holmes and Adam Brodsky are working on it.

Akerblom, 228 Central Ave.: haven't heard anything.

Cote, Atlantic – Requested continuance Paul Mirabito came in yesterday, attorney involved; working on it.

36 Brunswick – another fence. Fence was allowed but not this type. Mr. Parys: 100 fences that are put up, OK if you are not in a velocity zone. Can that be done with a Minor Permit? Might need a say on this type of fence. No one is coming in to file for fences. If you abut a wetland, you should. This fence isn't in a V zone. Put something in the regs, or mention certain areas, just had this conversation with this woman. Write a letter, contact, file, this is not a fence that is usually permitted.

Certificate of Compliance:

Vickers, Lot 2 Dreamwold (aka 7 Coby's Run) No Certificate of Compliance (needs Restrictive Covenant); Borden, 7 Border, dimensions of new structure off and different, No Certificate; Mandile, 28 Tichnor Court, No Certificate (needs Restrictive Covenant); Orchard, 138 Jericho Road OK; Mazzola, 30 Inner Harbor Road, discussed earlier OK.

Trail Meeting at Mt. Hope November 23, 2014 at 1:00 p.m.: Hopefully Mr. Blake will be able to attend. Howard Matthews will bring some of his tools and maps of some of the properties we've acquired.

Crosbie property: Town Meeting approved the switch of the easements. The town will relinquish its right on the existing right of way. Hopefully we will pass on both the Damon and Crosbie. Then we can create more parking areas.

Drinkwater, 7 Barry Landing, Requested to amend the Order of Conditions to remove #34 regarding strict prohibition of any pesticides. This is a condition that has been in place for a long time and we do want to protect the river and resource areas. Don't realize how small things effects wildlife. There is an impact to what we do. Their request is to file an amendment He sent us some wording, there is a whole series of things we can put in there. Mr. Schmid: open to an amendment, know the framework of what we want. CZM has some information and NSRW does also. Reasonable request, let him propose something. Motion to consider an amendment Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Mr. Schmid:

John Clarkson Support letter: Motion to sign support letter for the Water Resource Committee Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Mr. Schmid will contact Bill Sheehan, IT to get a basic understanding of what is in place and what would help the office and Commission.

Joint meeting with Planning Board at some point, but table for now.

Mr. Snow: the members should be real careful to cease and desist wetland infractions. If you are wrong and someone incurs costs, there is a good chance you are going to face some fines. Try to get on an abutter's property and just be careful.

Conway School: did the report on upland parcels, but they would like to do a coastal report. Should ask what they might have done in the past, if anything. Would like to chat with Nancy Durfee.

Ms. Scott-Pipes: Land Trust: trying to get the Scituate Land Trust up and running. Any founding people? Yes, 2. Find at least two people with no agendas to be trustees and have the previous members sign off,. Will talk to some people. Hoping to get it up and running. Over the years it went stale. There is land they own, and it might be good if we could meld that with some of the other properties. The Land Trust could hold the CRs. Ms. Scott-Pipes will move forward with it. Need to get everything filed with the state again. Might be beneficial to us. The two previous trustees can vote the new trustees in.

Minutes:

Motion to accept the minutes of October 15, 2014 Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Commission ID

Nancy Durfee, Coastal Resource Officer will attend December 17th meeting

CORRESPONDENCE

November 6, 2014 – November 19, 2014

1. Fern Properties, LLC, Septic System Lot 1 – Benjamin Studley (revised 11/3/14)
2. Septic Plans for 30 Inner Harbor Road – 10/2/14 (but there is a note that BOH wants added)
3. 87 Maple Street - Restoration & Woodland Enhancement – completed (in file)
4. The Beacon
5. Pictures of 92 Marion Road (in file)
6. Pictures of 36 Brunswick/Walsh, 6’ or so high plastic fence (in a previous EO file)
7. Recording of CofC for 68-1328 – Schott, 541 Hatherly Road (in file)
8. Request for an extension for 68-1958 – 238 Central Ave – dock (in file)
9. MACC Dues Schedule for 2015 - \$530.00 plus \$60 per person for staff.
10. Recording of CofC for 68-2518 – Graci, 180 Central Ave. (in file)
11. Hunters Pond Dam Removal – Scope of Work
12. Planning Board re: Accessory Dwelling Special permit Application 253 Hatherly Road (no Comment per P. Gallivan)
13. Gerry Construction requests relocate sand/small cobble mix from the driveway at 230 & 180 Central.
14. Zoning Board re: 160 Chief Justice Cushing Hwy. – Raze & Rebuild Granted (in file)
15. Request for Partial CofC for 28 Tichnor Court 68-2231 – Engineer’s verification : a boulder retaining wall instead of a concrete wall; lawn extended into the 50’ buffer – shrubs were planted and it will be seeded with a conservation mix next spring; 4 x 4 wooden posts were installed; conservation signs will be attached to the posts at a later date. No Conservation Covenant (restriction) yet. (in file)
16. Request a continuance for Cote property until either Ross Engineering or Atty. DeLisi get back to the Commission in the next few weeks.
17. The Trustees of Reservations asking for membership. Individual \$47. Join by December 6, 2014 and we’ll add three extra months to your membership FREE! www.thetrustees.org/jointoday.
18. Plymouth County Mosquito Control Project re: Glades Marsh (in file)
19. Stormwater Magazine
20. DEP File #68-2525 – Stewart, 160 CJCH (in file)
21. Town of Randolph File Fee Calculation Work Sheet – **(good extras that we don’t charge for: Minor Modification \$100; Emergency Certificate \$100; Agent Site Visit (At the applicant’s request) - \$25.00 per hour residence)**
22. Randolph Filing Fee Calculation Work Sheet
23. Plymouth County Mosquito Control re: Scituate Country Club. Reclamation will begin on or about Nov. 21, weather permitting. The water course will be kept as natural as possible, spoils will fill depressions wherever possible. Others will be spread along edges as thinly and evenly as possible
24. Massachusetts Wildlife Magazine

Order of Conditions: Mazzola, 30 Inner Harbor Road (septic)

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

Meeting adjourned 9:30 p.m.

Respectfully submitted,

Carol Logue, Secretary