

**Town of Scituate  
Conservation Commission  
Town Hall Selectmen's Hearing Room  
Meeting Minutes  
October 1, 2014**

Meeting was called to order at 6:15 p.m.

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

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

**Agenda:** Motion to amend the agenda to include discussion of proposed zoning change, policy for tree removal, scout project and minutes of August 20, 2014 and September 3, 2014 Ms. Scott-Pipes. Second Ms. Caisse. Motion passed by unanimous vote.

**Vocational Life Skills Summer Program:** Tim Burt, Mat Flanagan, Chris Michaud and Catherine Waters were present along with many parents and supporters. Mr. Gallivan: Commission members know more about this program, but we want to thank you for the hard work you put into this project. Mr. Snow: The Commission can't get to all the places we have in Scituate, so we really appreciate your help. Mr. Snow handed out Certificates of Appreciation and gift certificates to Cosmos to: Tim Burt, Mat Flanagan, Chris Michaud and Catherine Waters and again offered the Commission's thanks and appreciation for the hard work the kids did at Driftway Park. We are lucky folks that you are willing to work so hard; you kids have been awesome.

Mr. Snow: Have a request for a life badge. It would be a one day project with a troop. Going to meet in the next couple days, thinking of having them clean up the little parking lot on Ellis at Mann Lot Road; there is a lot of trash. There are also a couple more coming along and next year or so a couple of eagle scouts.

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

Plantings are not done. Motion to continue to October 15, 2014 Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

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

Extensive e-mail today, somehow it has gotten confusing. The Request for Determination does not include a plot plan showing the property line. Could require a Notice of Intent, but only need a little more information. Trying to make it a bit easier for them. They did say they would like to continue if there wasn't enough information. Motion to continue the hearing to October 15, 2014 Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

**Informal:** Water Resource Conservation Plan. John Clarkson dropped it off and Mr. Gallivan thinks it is going to the next town meeting. We have been asked to review and if we agree send a letter of support. Mr. Snow: sat in on part of presentation to the Selectmen. Basically what he heard was trying to figure out banning of irrigation systems, except if people had a well. They couldn't have done it at a better time. Mr. Parys: are they pursuing digging another well, since they are building more houses or raising the reservoir? Part of that is adequacy of running more water for spawning times up the Herring Brook. Need to reduce use and come up with another source. Not running the wells at full capacity, because they were afraid they would dry up. From our standpoint, should look at any conservation pieces. We want to make sure enough water can run through these brooks to support the fish. Need a certain amount of water; it's not going to be simple. John Clarkson has done a lot of research. If any planting has been done, only hand held hoses can be used. Will scan and send out the report to the Commission.

**Enforcement:** Mr. Gallivan: handed out a draft letter regarding cutting in a buffer or could even be in the wetlands on a property right along Hatherly Road listed under the name Hoss. Someone reported the cutting, spoke with contractor and he knew who owned the property. This happened 3 weeks or a month ago. Leonard Merchant and his wife Madeline Hoss Merchant were present. His wife's family owns the property, but they did not do the cutting. Do you know who did the cutting? Brother-in-law, Stephen Hoss. They asked if we had any objection if they cleared some brush; thought nothing of it. There were a lot of vines; however, the cutting was far more than envisioned. Looked like it was to have an ocean view. Probably. At the same time we hired Ralph Cole to survey the property. He said he would have to get a wetland scientist. We heard from Ralph a few weeks ago and were concerned when we heard there was a problem. Mr. Snow: do you know the amount of cutting? It is so thick in there you can't tell where the wetland line is. We'll know more when the wetland person gets out there. If Ralph has someone lined up, we should get the report from them. OK to get it surveyed? Yes. The stuff that is already down, does that stay or can it be cleared? Best to leave it alone until we look; could cause more damage removing it; really don't know yet. There may be some invasives that could be removed if it is more positive for the property; we can work that out. There may be things that could be allowed, but there has to be a permit. Mr. Gallivan: we ask people to come to us before they start cutting. There is something in our regs for vista pruning. We want to straighten it out. Sounds like you are on the right course.

Mr. Snow: Need to go back to Coulouras & Barry, 20 Monticello Street to read the notice.

Motion to continue the hearing to October 15, 2014 Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

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

Board of Health requested a revised plan. Just received the plan today. In the meantime the other Notice of Intent came in for the walkway. Motion to continue the hearing to October 15, 2014 at 6:30 pm. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Toll Brothers ANRAD: We just need a little more information regarding two areas of possible Vernal Pools. Never gave them flag numbers. Could we help them by telling them which flagged areas we are concerned about? Definitely need to wait on the Northern end of wetland C toward Wampatuck School. Long thin wetland that runs parallel with Hatherly Road. Some of these areas could be 3' deep. Meeting Chris Lucas out there next week, then we can give them the area of concern that needs to be further defined in the spring, however, there is still a wetland and a buffer. There will be an engineering review team hired by the town. This will be an expanded search; sending out a request for

qualifications, then meet with the companies that are qualified. The only way the present companies could be on this project is to step out of the rotation. This is an important decision; we need the TA, DPW, BOH, Planning and Conservation to decide.

Ms. Scott-Pipes: orders need to be very clear that we have the option to go back in the spring. Mr. Gallivan: Spoke to DEP today, they said we should definitely issue within 21 days. We will make it very clear that we can go back in the spring, but only to look for possible Vernal Pools.

**Wetlands Hearing:** Libby, 11 Hamilton Ave. (additions/landscape/relocate driveway)

Paul Mirabito from Ross Engineering, Dick Rockwood, architect and the Libbys were present at the hearing. Abutters' notification was submitted. Proposing to build an addition and move the existing driveway further from the wetland. Wetlands line was flagged by Brad Holmes. Majority of the work is between the 50' and 100' buffer. Present time the property is in zone X and will be out of the new flood zone. The house is on town sewer. Hamilton Ave. services 2 homes. Existing shed will be razed. A proposed silt sock is shown on the plan, but it is a flat lot with very little grading. Mr. Schmid: New garage is going through the 100' buffer? Yes. Ms. Caisse: was there a garage there before? No. New build between 50' and 100'? Existing house is in the 50' to 100' buffer. Mr. Schmid: how many square feet into the 100' buffer? 500 or 600. Everything is outside the 50' buffer. Mr. Gallivan: feel better there are new owners; there is a lot of debris in the wetlands. Straight out the back there is a leaf pile; smothers whatever could grow. Applicants want to clean it up. Pathway should be left to grow back. Pathway is not applicant's property. There is also plywood on top of the wetlands. No machinery should be used; let it grow back naturally. Applicants are aware of the area and the sensitivity. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

**Order of Resource Delineation:** Toll Bros., 137 Hatherly & Tilden Roads (wetland delineation)

Waiting on the Orders until we meet Chris Lucas or Tom Liddy out at the site for flag numbers for potential Vernal Pool.

**Minutes:**

Motion to accept the minutes of August 20 and September 3, 2014 Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

**ENFORCEMENT:**

There is a draft Enforcement Order to be signed for Collier Road regarding the fence.

Ayer, Gardiner Road: Atty. Jim Toomey asked Pat to go through all the old files. There are several that go back a long way, back to the 90s. Property owner's attorney is pursuing some action against the town regarding the easement, but we should go ahead and follow through with the Enforcement Order. Mr. Snow: Fine him? Ms. Scott-Pipes: He paid \$50 way back. But then we put it on hold. Going way back, the order calls for him to find out where the wetlands were. This line is going to be very important, because they are looking for the amount of buildable upland. We may want to recommend someone who is a real soils person. Property is a mess.

Duffy, 271 Central Ave.: Barge was moved, but just put in a different spot in the river. Mr. Schmid: Waterways is having a joint meeting with Marshfield, both Harbormasters will be there; maybe they could come up with a solution. Mr. Snow: We had a deal with Mrs. Duffy. We should be going after her. Mr. Gallivan: there are 2 issues, Order of Conditions and debris. She is on the list for an Enforcement Order.

Bongarzone, 277 Chief Justice Cushing Hwy. (removal of vegetation): Went by and he wasn't home. Going to show him the area that has to be restored. He is still fighting with the builder.

Akerblom, 228 Central: They have to file if they want to keep the walls, or they have to take them out. Talked to DEP. Give them until the end of October to either file or take them out and if they don't do that there will be an Enforcement Order. Give them 30 days

Cote, Atlantic Drive: is she filing or what? Paul Mirabito is doing a plan. Getting into winter, it would be nice if the sand dune was back.

31 Candlewood: will get back to that. Needed some time off from that one.

Certificate of Compliance: Lot 2 Dreamwold (aka Coby's Run): all the plantings are done, roof drain system is in, everything is done, posts are in, just waiting for stickers, couple of the plants died, owner believes the developer is responsible. Would say the Certificate can be issued. There are about 30 plants and maybe 7 or 8 might be dormant. Tell Liam he has to work it out about the plants.

Ended up with a violation on the abutting property. Cut down trees in the wetland and fence was made out of sticks.

Sullivan, 159 Hollett: would like to sit down with him and two Commission members; don't want to tie up a meeting. Not going to say you don't have a buffer. Will work with them on the invasives, but there are other things to be done. Penny said she could go along with posts. Penny and Bill will go with Pat, but it has to be done. Get some dates set.

Proposed zoning article: remove wetlands from site requirements. As of now if you have a 5 acre site and 4 are wetlands, you have a potential for 1 home. Or if you have 2 acres of upland, could be 2 home sites. But what they are saying is they want to remove the wetland calculation so if you have a 5 acre site and 2 acres of upland and it is half acre zoning you have a potential for 4 house lots. Mr. Gallivan: it is a law firm that wants to bring it to Planning. Say you have a small lot and you need 20,000 of upland to build, you wouldn't need the 20,000. You may have 5,000 sq. ft. wetland and 15,000 sq. ft. upland you could still build. Our wetlands wouldn't get dropped, we'd still have the 50' and 100', but we'd have a lot more pressure. Right now people don't even come before us if they need 20,000 sq. ft. It will affect the water table and also septic get closer; it will affect a lot of things. Most every town has an upland requirement. Mr. Snow: from a Conservation standpoint think we are comfortable with the zoning bylaw the way it is now. Probably it will be an article at Town Meeting. Scituate is lacking in a couple of pieces, we don't have a minimum or maximum impervious surface. Don't have something like a maximum of 25% of your lot can be impervious. Seems like it is just one more way to fill up a lot. Mr. Gallivan: in Hanover leaching fields need to be 100' from a wetland and here it is 50' here. Not much room if it fails. Mr. Parys: if the 50' is the only place they can put it, won't the state allow it? Not if we want a 100' we can enforce 100'. A new lot is different than a repair. Ms. Caisse: wouldn't a tight tank be more environmental? No, because Title 5

is putting gray water back into the groundwater. Ms. Scott-Pipes: next Thursday at 9:00 it will be proposed to the Planning Board. Should write a letter as a board we would like to see the regulations stay in place. Mr. Schmid will draft something. Also November 3, 7:00-9:30 at the Community Building/Pier 44 there will be a discussion with developers. They will take written comments.

Mr. Snow re: tree cutting: Couple of things we could do in the future would be to have the person put a ribbon around the tree they want cut. If someone has a letter from an arborist that says the tree is dangerous, personally don't think we should be the ones to make the determination whether it should come down.

Seawall repair on Surfside Road: Six or 7 homes on Surfside, near the public entrance want to go in on fixing the base as a group. Met with a woman who contacted an engineer that wouldn't do a whole a group. On Central Ave. 3 homeowners got together. Will e-mail Surfside the contact. They are afraid the wall will topple. Local engineers did the job. Town went out and did some revetment work. She has to file.

Coastal Coalition is meeting tonight.

**CORRESPONDENCE**

**September 18, 2014 – October 1, 2014**

1. Planning Board Agenda for September 25, 2014
2. Mass Bays Program – September 23, 2014 – 10:00 – 12:00 P.M. – no location
3. Marine Park (Jim O'Connell) – second round of phragmites eradication will begin 9/26/14 (e-mailed to members & filed)
4. Butler, 439 CJCH - South Shore Arborists inspected large pine and wrote that it is a hazard & should be removed.
5. Request for a CofC for Lot 2 Dreamwold (aka 7 Coby's Run – Lot 2) 68-2023 – (in file)
6. DEP re: 68-2222 – Inspection for CofC – Wednesday, October 1, 2014 at 10:00 a.m. (in file)
7. Information re: AGA (Applied Geospatial Analytics), West Newbury, MA 01985 (508) 523-5300. [www.applied-geospatial.com](http://www.applied-geospatial.com)
8. Brad Holmes update for 181 Edward Foster Road: completed preliminary field work and some draft restoration designs. Need to confirm soils within the past area of phragmites. Submitted soil samples to UMass Soil Laboratory for salinity testing. Once results have been received will finalize design. (in file)
9. Zoning Board re: 253 Hatherly Road – for addition – GRANTED – but revise the plan to note both the existing total square footage of 1,498 and proposal of 798.
10. 68-2517 – Hatherly & Tilden Roads – Toll Bros.: extension of time to issue ORAD until November 5, 2014. (in file)
11. Planning Board re: Definitive Subdivision Plan entitled Greenbush Park at 50 Country Way. 1.41 acres all upland. Seeks numerous waivers from Subdivision Rules & Regs. intention is to freeze zoning for site under 9/19/13 zoning bylaws. Mixed Use Development – 267' cul-d-sac is proposed with 2 lots.
12. Revised plans for Mazola, 30 Inner Harbor Road – received 10/1/14 (in file)
13. Recording of 68-2231 – OofC 28 Tichnor Court (in file)
14. Request to continue Mazzola, 30 Inner Harbor Road (septic repair)
15. Planning Board – Stormwater Permit for 46 Watch Hill Drive (Inly School) – widen turf playing field by approx. 30'

Meeting adjourned 7:25 p.m.

Respectfully submitted,

Carol Logue, Secretary