

**Town of Scituate
Conservation Commission
Town Hall Selectmen's Hearing Room
Meeting Minutes
September 17, 2014**

Meeting was called to order at 6:22 p.m.

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

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

Agenda: Motion to amend to include White, 181 Edward Foster Road update; Introduction of new Commission member; Central Ave. request to look at utility fence; Community Cookout (joke) Mr. Harding. Second Mr. Schmid. Motion passed by unanimous vote.

Request for Determination: Doherty, 114-118 Edward Foster Road (remove & replace fence)

Paul Mirabito, Ross Engineering and Padric Doherty were present at the hearing. The Commission expressed appreciation for Mr. Doherty's patience and filing. Plan shows location of proposed post and rail or equal fence to replace the older fence in disrepair. It will be installed 2' behind concrete bounds, 10' back from front property line. Pretty much the line of the old fence, using no cement. Old fence and posts will be removed. Post holes will be dug by hand. Wetland line will not be confirmed with this RDA. There are plans on file for the 2 houses, which are still good. Mr. Snow: Doesn't impede water flow, could be helpful to the dune. Mr. Gallivan: Place permit in a visible place; it reminds people to come to us. 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)." The RDA sign will be placed in a conspicuous location; the old fence will be removed and disposed of properly; and the post holes will be dug by hand. Mr. Harding. Second Mr. Schmid. Motion passed by unanimous vote.

Conference on Sustainable Forestry – October 5, 9-4:00 p.m.: Mr. Snow is going to try and go. May be something we might want to do on some of our open space.

White, 181 Edward Foster Road: he hired Brad Holmes. Wants to do plantings to conform to the existing Orders that call for wetland plants. Maybe will come back for a pond later. Asked for a couple of weeks. The reason he was mowing was to keep the phragmites down. Mr. Snow: there have been a lot of infractions on that property. Went beyond what was allowed for a lawn.

Clapp Road revised plan: Jesse Anthony roof drainage was targeted for the back yard, it was sitting in groundwater. Thinks there is room in the front yard. Working on a revision to the plan. Kept a lot of the beech trees; we asked them to try and avoid cutting.

Barry, 20 Monticello street: about the fence, will be filing an RDA. One outstanding issue is where the property line is on the paper street.

126 First Parish Road stormwater conditions: if the pavement had been removed, volume of flows would have remained the same. Need some information from DEP. Waiting to hear from a Stormwater expert in Boston. Trying to get plans finalized. Hoping to have that done tomorrow. Can we ask for an extension? Mr. Gallivan: we would have to get DEP's OK; it is their 21 day regulation.

159 Hollett: removed vegetation. Met on site, they want to remove some of the invasives and plant in the buffer. Debate on fence or conservation posts. Can't be lawn and no mulch. Mr. Snow: There has been an Enforcement Order and violation letter. No EO was sent, just letters. Mr. Schmid: when this issue is addressed, they should stay within the Order of Conditions. They are asking to remove some invasives beyond that point. Original plan was to wipe them out with chemicals. At the least they would have to revise plans. Thinking of going out tomorrow. Mr. Snow: We have two of these going on. As soon as the people buy the home they remove the fence. These people got it with the fence already gone, and then they cut some trees. Attorney for the buyers should have pointed things out to them. Is there a Certificate of Compliance? Will check if there is a partial. Annoying when we have a full hearing and someone moves in and they ignore the Orders. Penny wanted the fence and the original distance.

Seawall elevation: Harvard area in Humarock, they have several residents that want to go in on a seawall elevation. The structures were built in the 30s. Talked to Jason Burtner, it is possible to elevate the wall, have to make sure the wall is sturdy enough. Houses are right in a row. Have to figure out the ownership of the wall. DPW wants to look at the existing concrete. It may not be able to take an additional 2'. Mr. Harding: Private owners wanting to raise the height of the seawall? Yes. Need to sort out ownership and a few other pieces like that and see if it can bear the weight. Mr. Hannon: Corp permit? Mr. Harding: tablet in the wall that tells who built it and what year.

Chris Lucas sent a report this week responding to John Zimmer regarding the isolated wetland and the values at Lot 2 Glades Road. Originally we were going to have Chris and John Zimmer discuss at a meeting. It is not light reading.

If there have been several hearings Mr. Hannon may not be able to participate. May want to hold off a vote on the Toll Bros. ORAD.

Trails: haven't heard back from anybody regarding trail work. In the west end there are a number of trails developed. Howard Mathews and Ernie Foster are working on new mapping. Kim Ryan was interested in helping. Maybe at some point we will have another meeting on that.

Very close to passing on the Damon property and hopefully Crosbie property. Going to see if Atty. Kathleen O'Donnell can come to the next CPC meeting to discuss the release of right of way at Crosbie.

Request for an informal: To discuss what type of filing for a utility fence to enclose a generator at 128 Central Ave. The plan calls for space underneath and is blocked by the house. Mr. Harding: Can't do a minor permit? How will it be secured? Not going to impede any flow, not blocking anything. Generator is on a 3' high wooden platform. There was a Request for Determination tonight for a fence that ran across a dune. Majority of the Commission agrees that a minor activity permit would be enough. Rosemary Dobie: the plan calls for concrete around

the three posts, but asked for an alternative. The outcome was larger holes and fill with gravel. Mr. Snow: there would be a maximum of 6" of concrete around the post. Issue a Minor Activity Permit, but keep concrete to a minimum.

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

Terry McGovern from Morse Engineering was present at the hearing. Abutters' notification was submitted. Revised plan is in response to five or six comments from Dan Smith from DPW. He is reviewing plans for the new health agent. Proposing two rows of chambers and placing the 1500 gallon plastic tank under the structure after removing some cobble and debris. Comments were: place buoyancy calcs on the plan; show an additional bench mark; and question of perc tests done at high tide. In discussion with Dan, he would prefer the tank be elevated and attached underneath the structure. Think it would be difficult to accomplish; still discussing. Using steel cable for tie downs, rather than attaching it to the structure. Would like to move forward with just that one item to be addressed. Should be able to resolve within the next couple of weeks. Maybe could have Orders written for the next meeting. Would like to get it done before the bad weather. Ms. Caisse: are they still considering the walkway? No not now, going to take that up at a later time. Mr. Snow: Septics get tricky in a velocity zone. Other tanks have been above flood elevation. There are space constraints with existing pilings. When designing from scratch you can do that, but when repairing you can't always. Mr. Gallivan: DEP is leaving it up to the towns. If it was new it would be elevated. Submitted revised plans to Dan. Mr. Snow: In some cases on Peggotty Beach they have installed tight tanks. The last one was a tight tank. Some have no alternative but a tight tank. Ms. Caisse: how does plastic hold up in a velocity zone? It is pretty rugged. We are trying to find a way to attach it underneath, but probably isn't doable. Mr. Gallivan: Will have the Orders ready at the next meeting. Walkway was not advertised, it is not part of this filing. Motion to continue to October 1, 2014 at 6:30 p.m. Mr. Harding. Second Mr. Schmid. Motion passed by unanimous vote.

Barge behind 271 Central: looked at the barge with the harbormaster. He is going to write a third letter and talked about a fine. It sits on the bottom at low tide. Work under our Orders is not going that well. Following up with property owner regarding the Orders. Sent a certified letter with no response. No one there this time of year. If in violation of Order, can take the enforcement step.

Chamberlain, Glades marsh: paid for Martha Rheinhardt's services. She should have a report into us in a week or so stating the damage and proposing to fix it. It may be October 15. Mr. Schmid: Significant impact? Yes. Salt marsh isn't easy to restore. Natural Heritage and Audubon also involved.

ANRAD: Toll Bros., 137 Hatherly & Tilden Roads (wetland delineation) (cont.)

Atty. Bill Ohrenberger and Atty. Jeff De Lisi from Ohrenberger Associates, Ann Martin, LEC Environmental, Dave Buckley, Dave Bower. Scott Miccile from Toll Bros., Paul Mirabito from Ross Engineering, Josh Bows, Merrill Associates and Tom Liddy from Lucas Environmental were present at the hearing. Mr. Snow: we will let the applicant speak first, consultants for the town, members, and then audience. Will work through in an orderly manner. Just a reminder: we are not here to discuss potential developments, roads, or number of houses, only to determine all the resource areas on site and what type. A sign in sheet was passed around. There are four photos submitted to be included in the record. Mr. Schmid was not in attendance at the first meeting, but read the minutes and the applicant agreed to allow him to vote. Ann Martin, LEC: Lucas did an assessment of the wetlands and Merrill reviewed the Isolated Land Subject to Flooding. Merrill asked to have two short sections connected. Those plans were submitted with a brief report and data sheets documenting the field work. Chris Lucas confirmed the delineation. LEC submitted a letter stating that the calcs in the questioned area did not qualify as ILSF. Josh Bows, Merrill Corporation: reviewed the analysis, the plan and made a site visit; information matched. Once that was determined obtained the raw data and plugged it into the computer and concluded the same as LEC, that the area did not qualify as an ILSF. There are small depressions where water could collect, but it would have to be a .25 acre in size with depth of 6" to be considered ILSF and be protected under the bylaw; it is too small. Mr. Gallivan: this is the area behind Ermine. Tom Riley, 1 Ermine, there is a vernal pool that was bulldozed by a prior developer. Mr. Snow: couple members walked area, personally didn't see any areas where equipment went in for perc tests. You were too far south. Didn't see any large areas. Steve Dorsey, 79 Kenneth Rd: this is a drought ridden year. For Isolated Wetlands only the size of the area is calculated to determine ILSF, therefore, there is no significance if wet or dry, as opposed to perc tests where there are ways to adjust for rainfall. John Flaherty, 205 Hatherly: directly behind Ermine and east of Wampatuck School there are wetlands. Kathy Spear, 17 Ermine wetland runs on the boundary of Ermine Road. No one has actually looked at that spot. Mr. Gallivan: the town hired a wetland scientist. Tom Liddy, PWS from Lucas Environmental can go point by point on what was found. Tom Liddy: Conducted a thorough review of the ANRAD, reviewed plans, narrative, and other info submitted. Reviewed every flag that was hung. Areas we had questions on were addressed and agreed on. ANRAD is done to set limits of all state and local wetland resources. Wetland A: Tilden and Turner: one area questioned, a long ditch along a concrete driveway that was separated from the main wetland was suggested to be included; applicant conceded. Wetland B: 2 flags missing, asked for B29 & B30, then verified. Wetland C: delineation accurate, isolated wetland not under state regs; applicant concurred. Wetland D: by Hatherly Road found BVW to be accurate. Wetland E: north of Hatherly Road toward coastal marsh, didn't take the wetland flags to the property line. Wetland F: 2 flags were missing from plan; have since been put on. Wetland G, H, I & J: small isolated wetlands off Ermine Road, only under the local bylaw. Wetland K: BVW located at intersection of Tilden & Irving. Series of small isolated wetlands north & adjacent to Hatherly are accurate. Did not encounter any additional wetlands that were not delineated. Spent a lot of time walking through the area for soils, etc. did not encounter any wetlands closer to property lines. Was out at site in August, but at that time wouldn't know if there were any vernal pools; wasn't there at the breeding season. Asked for an additional data form and asked for 100' buffer strip. In conclusion in agreement with the lines. Ann Martin: while he wasn't there at breeding time, the survey was conducted at the right time, over a 10 week period from April 14 to June 11 and there was no vernal pool activity. Mr. Schmid: however, that being said, we have not been able to confirm that independently. Mr. Gallivan: we were out in March and heard chorusing of wood frogs, but pictures show pools dry. Would like to take a look in the spring. Mr. Snow: specific areas down behind Irving and Wampatuck parking lot. Wetland C: a depression there may hold a foot of water. Long depression along the back of Ermine all the way to Longley, when you look at the characteristics there is one depression that could potentially be a vernal pool. Number of the other wetlands don't need to be rechecked. Mr. Liddy: If there are vernal pools they would be in those sections. Mr. Schmid: don't think we are in agreement. Commission agreed there are 2 areas that are a concern. Mr. Gallivan: under state regs when coming in for an ORAD, can agree on wetland lines, and can leave open some investigation in some areas. Want to check out vernal pools in the spring. Mr. Schmid: suggest closing and vote with no determination on those two areas. Mr. Snow: essentially saying can close leaving open the determination for the vernal pools till the end of March or early April. There are different buffer zones for vernal pools, 125' to 250'. Michelle Dorsey, Kenneth Road. Would that preclude looking at other areas again? Once areas are determined, they will know the buffer zone around those spots. Think Tom has done a thorough review of the property. Most wetland areas are very close to the previous delineation. Jon Belber, 32 First Parish Road: How would we know Toll Bros.'s representative is basing their findings on mid-April through June? Will be addressed the next season. We will start monitoring early enough. Ken Swart, 11 Norwell Ave. completely floods in the back yard, ducks come in to swim; forms almost a river. Have some photos. Last two summers have been some of the driest; have never seen it so dry. Usually everyone would have two to three feet of water that would go half way up the property. Ermine to Irving everyone's backyards flood and it stays quite a while. It is basically a filled area. House was built in the 50's, probably shouldn't have been. Grew up skating in the area. Mr. Snow: went with Pat and Tom and parked at Norwell & Irving, walked

the cul-de-sac at Ermine Road, pointed out areas to Tom and asked him to do soil tests. Wetlands are determined by vegetation and soils now; knew it was a sensitive area. Mr. Schmid: just because it is wet doesn't mean it is a wetland. Tom: when delineating wetlands you look at soils to see if they are hydric, meaning saturated/inundated, and look at the types of plants for visual observations of hydrology. Don't doubt that there is water there, but not sufficient to create wetland conditions. There are buffer zones to wetlands and they will have to look at drainage in the future. Went all through the area, there is a lot of fill, may be flooding, but not wetlands. Mr. Snow: soil tests are done by a hand-held auger that is twisted into the soil. The state has a color chart to go by, along with consistency of the soil. Years ago wetlands were just delineated by vegetation. There have been hundreds of soils tests through the areas. Mr. Hannon: any borings done? Don't know if they have test pit data. High groundwater would be addressed then. West Hutcheson, 11 Tenth Ave.: Worried about water coming from different directions when they take all the trees down and the water is no longer taken up naturally. That will be determined at a later date with stormwater calcs. Marguerite Gustafson, 17 Ermine: Where does it go to from here? If this project continues, proposal goes to the Planning Board and Conservation. We would be working with the Planning Board regarding the stormwater. Peter Bonner, 45 Irving Road: Stormwater would be addressed with Planning Board? Both ConCom and Planning. Mr. Gallivan: Subdivisions have to be looked at for stormwater under DEP regs. Stormwater will be a big issue. No other meetings going on right now. Mr. Snow: at the first meeting abutters are notified, and then at the hearings the continuances are announced. Abutters will be notified of the Planning Board meeting. Barbara Johannesen, 8 Jay Road: This affects a lot more people than are here tonight. Jean Schildneck, 511 Hatherly: believe town hall has a service that you can subscribe to, to receive the agendas, etc. Robert Smith, 172 Tilden Road: can some of the abutters be notified when inspections are going to be done? Did try and do some of that. They grant entrance to Commission members and consultants. How would Mr. Riley or anyone else go on the property to express their concerns? Only with permission from the property owner. Mr. Gallivan: Soils could be bad, not saying there is not a problem, we are just saying it is not a wetland. Bill Jacobucci, 29 Norwell Ave.: dropped off some pictures. Is that considered stormwater? When were they taken? Between March & April. Certainly information you want to share. Motion to close with the exception of the two designated areas (C & K) to view in the spring for potential vernal pool Mr. Harding. Second Mr. Schmid. Motion passed by unanimous vote.

Josh Bows & Chris Lucas both have done a great job.

Moskowitz, 158 Border Street: Obstruction of intermittent stream. He was in this week and looked at the file; it is in their court now. Water line repaired in 2006 or 2007.

Bongarzone, 277 Chief Justice Cushing Hwy: Mr. Gallivan is going out there tomorrow.

Hoss, Hatherly Road: Haven't written the letter yet.

Ayes, Gardiner Road: Toomey is setting up a meeting with Atty. Humphries. Trisha said go ahead with the violations, never mind the drainage issue with the town. Meeting could be next week.

Collier Road (beach fence): Beach fence is still there. Gave him 30 days. Send an Enforcement Order after the 30 days.

22 Gannett Pasture Lane: OK for a Certificate of Compliance.

Order of Conditions: Green, 160 Indian Trail

Motion to condition the project Mr. Schmid. Second Mr. Harding. Motion passed by unanimous vote.

Indian Trail – vista pruning: Mr. Schmid did the preconstruction, wondered if anything has been heard. No.

CORRESPONDENCE

September 4, 2014 – September 17, 2014

1. DEP File # 68-2520 – 160 Indian Trail (in file)
2. Notification to Abutters – Mazzola, 30 Inner Harbor Road (in file)
3. Request for CofC for 68-1751 – 22 Gannett Pasture Road – as-built previously, request, engineer's letter & check (in file)
4. e-mail re: 158 Border Street (in file)
5. Marine Fisheries re: Bloomstein, 242 Central Ave. – construction & maintenance of a pier, ramp, deck, gangway, and floats on the South River. – 5 issues: vegetation not identified; pressure treated wood leaches copper; pier is over salt marsh and intertidal habitat, avoid barge from grounding at all times; float would ground at low tide, included skids will likely scour the bottom, avoided if float moved to deeper water; piling spacing should be maximized. (in file)
6. e-mail to Morse re: fertilizers, etc. Other towns have some wording will look into.
7. Recording of CofC for 68-2400 – Kelly, 56 Moorland Road (in file)
8. Recording of OofC for 68-2516 – O'Donoghue, 44 Crescent Ave. (in file)
9. e-mail from Pat re: 39 Bayberry Road – 2 to 3 footings on the marsh will be permitted to be repaired. (in file)
10. DPW re: 30 Inner Harbor Road – 6 items should be addressed (in file)
11. Names of students that worked at Conservation Park: Catherine Waters, Timothy Burt, Matthew Flanagan, and Christopher Michaud. Believe they will be coming for recognition at the October 1, 2014 meeting.
12. DEP Waterways re: Revised September 19, 2014. Will consider written comments within 30 days subsequent to the "Notification Date" for construction & maintenance of a boat ramp extension at 8 Dartmouth Street. (Pat must have)
13. Lucas Environmental response to Presumption of Significance for IVW at Lot 2 Glades Road (Pat must have)
14. DEP File #68-2521 – Mazzola, 30 Inner Harbor Road (in file)
15. Form A Application – for 71 Clapp Road – comments no later than September 24, 2014
16. Hatherly & Tilden Information: ANRAD Review Letter by Lucas; Peer Review of ILSF Analysis, Merrill; ANRAD Supplemental Info letter LEC; and Revised ANRAD Plans ESE Consultants Field Data Forms (Pat has file)
17. The Beacon
18. Zoning Board of Appeals – 529 & 531 Country Way – approved 2 single-family houses, both not to exceed 3,800 sq. ft. – Lot 1 an increase of 394% and Lot 2 148% increase from pre-existing dwellings.
19. Pictures of Cote property – Atlantic & Central

Meeting adjourned 8:45 p.m.

Respectfully submitted,

Carol Logue, Secretary