

**Town of Scituate  
Conservation Commission  
Town Hall Selectmen's Hearing Room  
Meeting Minutes  
September 30, 2013**

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

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

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

**Agenda:** Motion to accept the agenda Ms. Scott-Pipes. Second Mr. Harding. Mr. Snow would like to discuss CR's at end of meeting. Mr. Schmid the Zoning Board meeting. Motion to accept the agenda as amended Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

**Informal Discussion:** Maxwell, 5 Irving Street (proposed deck)

Brian Maxwell and Tom Serini would like to add a farmer's porch and wrap it around on the river side. There is a deck now, but would like to continue it. They would like to know if it is feasible and what would be required. Existing deck now, all roofed in, but not enclosed. Mr. Snow: How far is it from coastal dune? It is about 20' away from the river. File a Notice of Intent. Talk to owners about mitigation. Curious what is at the river's edge to the lawn? Mr. Gallivan should go out and take a look; would have to offer significant mitigation and hire someone to help with all the resource areas. Mr. Snow: Even if everything is pristine, think you are shooting a little too high.

**Informal Discussion:** Adams, Old Oaken Bucket House (removal of invasive species)

Steve Litchfield, Trustee. Dave Ball asked him to come to the meeting. This is a Historical property consisting of a couple of acres. Years ago trails were cut in the back area; there is a large buttonwood tree being choked by vines. John Adams of Norwell has volunteered to clean up the invasives so people can enjoy the area. It is kind of wet and we don't want to go too crazy. Mr. Gallivan: thought if someone was familiar with the property, a site visit could be made to look for potential wetlands. Mowed a huge mound that hadn't been touched for 5 years and cut brush along the trail. Also there are downed trees and multiflora rosebushes along the trail. Does Mr. Adams have experience? He seems to have a forestry background and is volunteering to remove the fallen debris from the storms. The property goes back a few hundred feet; believes it abuts a piece of Conservation land; goes out to Route 123. There are also stone walls and a nice little bridge; it is a beautiful area and it is kind of a public property. Mr. Bjorklund: maybe ask Howard Matthews to go out with him.

**Request for Determination:** Smeed, 118 Cornet Stetson Road (upgrade drainage facilities)\*

Phil Spath from Spath Engineering and Scott Smeed owner of Every Bloomin' Thing were present at the hearing. Project is resurfacing the driveway entrance. Have had drainage problems with runoff coming down the hill, putting in interceptor drains that will go into holding tanks and water will be used as part of the sprinkling system. Leaving the gravel parking; not increasing pavement. Phil spoke to DPW about the plan. Grinding up the pavement and putting down new. Do we have a plan of what is paved and what isn't? No, no overall plan. Part will be ground up and part retopped. Not changing the contours significantly. Mr. Gallivan: Some work on the existing pavement and not redirecting the water in any other direction. No. 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)." Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

**Wetlands Hearing:** Adams, 59 Townsend (septic) (cont.)

Jeff Hassett from Morse Engineering was present at the hearing. Board of Health has approved. This is an innovative system with partial treatment. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

**Wetlands Hearing:** Roche, 232 Central Ave. (enlarge deck) (cont.)

Mr. Gallivan: this project was continued from the last meeting. Waiting for description, deck plans and footing details. There is a discrepancy on the plan, actually there is a paved driveway, but plan stated gravel. Motion to continue the hearing to October 16, 2013 at 6:30 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

**Wetlands Hearing:** Banks, 165 Turner Road (elevate)\*

Jeff Hassett from Morse Engineering was present at the hearing. Abutters' notification was submitted. Elevating dwelling to comply with FEMA requirements and take advantage of the grant. It is right on the seawall at elevation 17' AO and V zone. Velocity zone 19' on new maps. 1<sup>st</sup> floor will be at 24', lowest structure member 2' above velocity zone. Proposing concrete pilings and erosion controls. Currently has a basement which will be filled in to match the grade; utilities on 1<sup>st</sup> floor. Mr. Harding: how is the deck going to be handled? Deck will be elevated as well? Will the deck be taken off in the winter? Rosemary Dobie's understanding is that decks weren't included. Elevation of seawall is at 14'. Deck will be elevated too. Mr. Snow: disagree with Laura when they file a NOI they file for everything they want to do. Mr. Gallivan: they can't enlarge the deck; it has to be the same footprint. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

**Wetlands Hearing:** Barrett, Tr., 17 Seventh Ave. (rebuild after fire)\*

Jeff Hassett from Morse Engineering was present at the hearing. Abutters' notification was submitted. The dwelling burned in December 2010. There are remains of concrete piers. There is a 10' to 8.3' pitch toward Seventh Ave. AE flood zone, elevation 16'; not proposing any grading changes. Building a new single-family dwelling in the same general location with a pervious driveway and complying with FEMA requirements. Foundation will be poured with flood vents. Silt fence will be around the entire property while being constructed. Ms. Scott-Pipes: same foundation? Eliminating that foundation, pilings are too low; no foundation plan yet. A foundation plan should be submitted. Mr.

Schmid: flood zone isn't changing? No. Mr. Gallivan: pilings can't be used? No, they want storage underneath. Tough to tell where the current driveway is now, not sure what the material is. There is a BVW across the street too. Need a foundation plan approved by a structural engineer. Kathy Flynn-Woodland, 95 Oceanside Drive: concerned, talked to engineers and EPA. Concern is the foundation. That's where the water comes into the other properties, floods significantly many times. Believe it was on pilings for a reason. Neighbors next door have significant flooding. Want an engineer to tell us that it won't impinge the water flow. First place it comes in and the last place it goes out. Not practicable to have storage. Have looked at the level of flooding and the cycle of tides; know that this property floods severely, but drainage won't be changed. There are two options could put it on pilings or a full foundation with flood vents. Mr. Snow: not adding any fill to the property; same volume of water. If they were filling there would be reason for concern. Won't divert the water in any way. We should have a foundation plan on file, before we set orders. Mr. Gallivan: run it by Neil Duggan to see if it is allowed in an AE flood zone. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

**Order of Conditions:** Banks, 165 Turner Road (elevate)

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

**Order of Conditions:** Adams, 59 Townsend (septic)

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

**Certificate of Compliance:** Walsh, 107 Border Street 68-1777

Different from the plan, but not large impacts. There is crushed stone where it was going to be grass. Mentioned to owner to ask first next time. Deck a foot or two different. Told him we would issue, but plant 2 or 3 bushes that are beneficial to that habitat.

73 Kent Street: Ms. Scott-Pipes: Where they put all the fill, they planted a couple of clumps of grass. Along the edge of the driveway and the slope they planted teacup size junipers. Mr. Snow: Wanted the Commission to sign off, but need to wait two growing seasons. A lot of raw dirt; should plant some rye or something to stabilize, did plant out front. Spread all the earth over grass, left quite a bit. Left the silt fence up.

**Enforcement:**

87 Maple: Walked it with Town Counsel. Don't know how much of the wetlands were disturbed. Town Administrator wants to fine because of the trees removed from town property. All the asphalt gravel was scraped off. Jim Toomey is talking with Trisha and Neil about the Zoning issue. They will have to file. Brad Holmes sent in a planting plan, wanted to see if it looked reasonable. Mr. Snow: what are they proposing to put back in the area they cleared? The plan shows what they want, but they need more. Need to Google earth back a few years and see if we can tell anything. Town property is in the rear. Wetland that was filled was on their property. Thinks about 2,000 sq. ft. of town land was disturbed. Could meet Brad on site to see how he determined the wetlands. Commission needs to require replication for the wetlands and for the Town property, need a tree planting plan.

101 Ann Vinal Road: Sent out 2 tickets. Was not paid, give it to the Police to deliver; she doesn't even want to talk.

28 Gardiner: paid \$50.00. Also visited with Town Counsel. Property never delineated, so much is disturbed in the 50' and 100' buffer. Mr. Ayes said he thought something had been filed with us, but it hasn't. Mr. Snow: think they are going to drag their heels.

136 Indian Trail: Talked about a cease and desist. Rick Grady sent in a plan, not very detailed. Need a full sized plan. Shows elevations, wasn't useful. Ms. Scott-Pipes: everyday they are working. There is a piece of equipment out there. Would be glad to go out tomorrow and put a cease and desist. That slope is pretty steep. On the left side there is a big hose coming out toward the abutter's property. Mr. Snow: More than likely he is in violation of the Stormwater permit. Mr. Gallivan: was there an engineer for the Commission? No. An engineer should review the as-built for us. Can we stop any site work? Will talk to Neil. July 22<sup>nd</sup> is when we asked for an as-built plan. Supposed to hold all the water in the basement that will go to a rain garden. Ms. Scott-Pipes: had an original plan with Seoane and amendment with new owner. Garage was originally under the house, now it is separate.

Lot 31A Central Ave.: Letter, no violation letter yet.

There is going to be an appeal of the FEMA Maps by the town. Consultant found some things that are worth another look.

31 Candlewood: report from Paul Shea. Need to locate permanent no disturb posts. Couple of areas phragmites will encroach if not controlled. Ms. Scott-Pipes: there are pear trees in the 50' buffer. Planting plan never accepted. Could make him take out the 3 rows at the base of the hill, but he is willing to plant extra in the buffer on the right and willing to bag the buds of the phragmites to be destroyed and next year get rid of the stalks. This is the time of year to for that, but should get a professional if he doesn't do it right. Paul thought it would be good to do permanent posts. Wetlands are gorgeous now. Did make a larger area, might want to vote to allow him to keep the 3 rows of pear trees. Whole Commission should see what a restored wetland looks like. Submitted a planting plan, but we didn't like it and told him to submit another one, that's when Brad Holmes left the picture, no wetlands person anymore. Paul and Jim worked with Mr. Kamman, but no actual approved planting plan. Mr. Snow: Neighbors still have issues. Ms. Scott-Pipes: replicate the 25' buffer and the other 25' would be planted. Paul said he is going steps with him and we could vote to have him remove the trees, or have him do more plantings of the buffer on the right. Mr. Gallivan: Can't go beyond the posts. We need to show him exactly what he can and can't do.

111 Summer Street: Needs letter. Clearing in the buffer, brush and shrubs were removed.

6 Clapp Road: Needs letter. Cleaned out some trees and put them in the path. Don't know how close it is to wetlands.

Central Ave: paving project was stopped. McDonough Paving took up the old pavement. Talked to him the other day, he asked about the DEP emergency orders, but they weren't for paving. They are well aware they need orders.

214 Oceanside has a 90' x 20' of driveway and they want to repave. Can they reduce it by a third? They are not happy to give and take. We may need to tighten up the wording in the regs. Have them file and coax them into less; pavers would work.

181 Edward Foster Road: plants were failing. They want to create a pond, if it is a permissible activity. Have them do a sketch plan; would have to file a NOI.

Seawall Bylaw: fall town meeting agenda. When Dave Ball was in he was talking about working on it this winter. What Kevin Cafferty brought over was old information.

Looking for the decks not be attached or go to the seawalls. If something has to go to the Planning Board, see what they want to do.

October 21 meeting regarding Hunters' Pond. Ms. Scott-Pipes will not be in town. Requested Mr. Snow to go to the meeting in her place.

Mr. Snow: Lisa Fenton on the CRs, Wednesday 8:30 a.m. or at the end of the day.

Mr. Schmid: ZBA – last Thursday regarding the cell tower variance at 61 Tilden, but at the Town Meeting there is going to be a proposal for Niles Terrace as a possible site; asking the town to issue a RFP; take a look at that area. Some of the neighbors were at the meeting. Mr. Snow: Niles Terrace is off Woodland.

Mr. Gallivan: does the town prefer ConCom have control of land? If a small pocket, it wouldn't matter if it was the homeowners. In the case of 214 personal preference, it is contiguous with other town-owned land. If it remained in the association may have issues that could come up. Most benefit for the Commission to have. Where do we get the money for the maintenance? Through volunteers. Look at the study from the Conway School, may consider some forestry operation. Maybe at some point ask for donations. For habitat management could ask CPC. Get some money for emerging woodlands. Finish acquiring Higgins McAlister piece and Crosby. Put some thought into managing it.

**Wetlands Hearing:** Fern Properties, 214 Clapp Road (9 lot subdivision) (cont.)

Frank Snow and Carol Logue recused themselves. Please see CD of meeting or listen to tape. Motion to continue to October 28, 2013 at 7:30 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

**Minutes:** July 22, 2013 and August 5, 2013

Motion to accept the minutes of July 22, 2013 and August 5, 2013 Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

### CORRESPONDENCE

#### September 17, 2013 – September 30, 2013

1. 31 Candlewood Drive – Report from Paul Shea, Independent Environmental Consultants (in file)
2. Recording of OofC for 68-2468 – 124 (Lot 3) Mann Hill Road (in file)
3. Recording of OofC for 68-2469 – 7 Oliver Street (in file)
4. Recording of OofC for 68-2477 – 22 Indian Trail (in file)
5. Recording of OofC for 68-2491 – 129 Turner Road (in file)
6. Request for Amendment for 68-2400 – 56 Moorland Road – would like to install a well to ensure ongoing regular irrigation for the mitigation plantings.
7. Flooding concern at 31 Central Ave. due to 8 Dartmouth Street Condos and the amount of fill brought in. Would like someone to look at – no catch basins were installed and the two not equipped to handle run off.
8. Recording of OofC for 68-2475 – 64 Moorland Road (in file)
9. Planning Board Agenda for September 26, 2013
10. Request for CofC re: Burwick, 513 First Parish Road – engineer's verification, No As-built, No check. (in file)
11. Proposal re: 181 Edward Foster Road – for a small pond with plantings. Also list of plants enclosed.
12. Recording of OofC for 68-2464 – Gordon, Ocean Ave. (in file)
13. Selectmen Liaison to Conservation – Richard W. Murray
14. Planning Board re: Form A Application – 7-9 Surfside Road. COMMENTS no later than 10/8/13.
15. Recording of OofC for 68-2483 – Town of Scituate, 0 Wood Island Road (vista pruning) (in file)
16. Recording of OofC for 68-2472 – Town of Scituate, 208 Front Street (pier repair) (in file)
17. DEP File #68-2492 – Banks, 165 Turner Road (in file)
18. Existing Conditions Plan for 136 Indian Trail (in file)
19. Report – Trust for Public Land – The Return on Investment in Parks & Open Space in Massachusetts
20. CZM re: Coastal and Estuarine Land Conservation Program Request for Responses – funding available from the National Oceanic and Atmospheric Administration.
21. Request for CofC for Walsh, 36 Brunswick Street – 68-2296 – Order was for plantings only.
22. Request for CofC for 68-1543 - Hurley, 30 Ocean Drive (in file)
23. Mitigation narrative and plan for 87 Maple Street

Meeting adjourned 9:00 p.m.

Respectfully submitted,

Carol Logue, Secretary