

Conservation Commission, February 4, 2013

Town of Scituate Massachusetts
Conservation Commission
Town Hall Selectmen's Hearing Room
Meeting Minutes
February 4, 2013

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

Members Present: Mr. Snow, Chairman, Mr. Breitenstein, Mr. Harding, Mr. Jones, Mr. Parys, and Mr. Tufts.

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

Executive Session: Mr. Breitenstein read: To discuss strategy with respect to litigation because an open meeting may have a detrimental effect on the litigating position of the public body. The items to be discussed will be Lot 2 Glades Road and 214 Clapp Road. The board will return to regular session approximately "time". 6:45 p.m.

Motion to go into Executive Session Mr. Jones. Second Mr. Harding.
Roll call: Harding, yes; Breitenstein, yes; Parys, yes; Jones, yes; Tufts, yes.

Regular Meeting was called to order at 6:47 p.m. Mr. Snow returned to the meeting room.

Agenda: Motion to accept the amended agenda with additions of Hubble Property and Appleton Field Mr. Breitenstein. Second Mr. Harding. Motion passed by unanimous vote.

Mr. Tribble's letter: Write a letter to thank him and invite him to a meeting.

Mr. Breitenstein: While on the subject of letters, the 2 houses Pilgrim Paving did down Oceanside without permission, Mrs. Fournier sold the house. Now is the time to reach the new owners with a letter explaining that due to their home's location, in a flood zone to a barrier beach, they and the Conservation Commission have certain legal

responsibilities.

Wetlands Hearing: Bartlett Fields Realty Trust, Booth Hill & Thomas Clapp Roads (wetland delineation) (cont.)

Jason Zimmer, John's brother was present at the hearing. New plans had been submitted. John walked the site with Steve Ivas, basically there were a number of changes made and all changes were agreed to in the field; most were fairly minor. Intermittent stream is shown on the plan. Mr. Snow: probably we should take under advisement to get report from Steve. Motion to continue to February 20, 2013 at 6:50 p.m. Mr. Breitenstein. Second Mr. Jones. Motion passed by unanimous vote.

Conway School talked to Jason Zimmer, Department of Fish & Wildlife. Jason attended the meeting regarding hunting at the library. Deer are having great impacts on native plants at the Blue Hills. At some point the Commission may pick your brain.

Wetlands Hearing: Amendment: K & E Construction/Johnson, Lot 4B & 6 Mann Hill & 20 Hood Road (new build)* Bylaw only

Kevin Grady, from Grady Consulting was present at the hearing. Abutters notification was submitted. Had a meeting about a month ago. One of the points of discussion was the drainage basin associated with the stormwater bylaw in the low part of the lot. Thought they wanted as lawn for yard area. Commission requested back triangle be left alone. Agreed to that at the meeting, but talked to client, and they would prefer triangle as lawn, better for yard purposes. Will plant the bioretention basin with native species; approximately 60 plants. Not intruding into the 50' no disturb zone. Need planting specifications. Mr. Jones: Since the applicant doesn't want to keep the triangle natural, what are you doing to mitigate that? Construction of basin and planting with natural vegetation. Mr. Parys: swap where lawn is in the 100' buffer and put lawn in the upland. Mr. Breitenstein: Now that the triangle will be cleared, at contour line 46, along the 50' buffer, put a row of bushes and some sort of posting that it is a Conservation Area. Has to be a naturalized area. Drainage basins are supposed to be maintained so they function properly, they do have a lifespan. Don't think it will need to be maintained. Is there a maintenance plan? If the

plants die they are supposed to be replanted. If we put no disturb markers at that location, they can't maintain it. Once the berm is built, there will not be much infiltration because the soils barely drain. If you want to put the markers, there may be a conflict. If basin maintenance is required should be done. Mr. Jones: what is the relationship of square footage between basin and triangle? Maybe keep some of the trees in the triangle. Whole lot is 50,000 sq. ft. Swale piece 160' x 30'. Triangle might be 140' x 40'. Mr. Tufts: 140' x 50', 7,000 vs. 7,125. Creating the stormwater system and enhancing the buffer. Last 15' of the triangle is approximately 80' wide. Mr. Gallivan: Lawn will be the furthest from the wetland. Can add no herbicides or pesticides, if not already in the orders. Motion to accept the amendment as proposed Mr. Breitenstein. Second Mr. Harding. Motion passed by unanimous vote.

There are not enough members that have been to all the meetings for First Parish Road. If they want Orders within 21 days we will have to have another meeting.

Order of Conditions: McSharry Brothers, Lot 1 218 First Parish Road (new build)

Order of Conditions: McSharry Brothers, Lot 2 218 First Parish Road (new build)

Motion to continue Lot 1 & 2 to February 20, 2013 for reasons of a quorum Mr. Breitenstein. Second Mr. Jones. Motion passed by unanimous vote.

Order of Conditions: Sheerin, 305 Country Way (wetland delineation) Found out more about tributaries and good with locations. Motion to accept the wetland line Mr. Jones. Second Mr. Breitenstein. Motion passed by unanimous vote.

Order of Conditions: Carbone, 25 Town Way Extension (install tight tank)

Motion to condition the project (don't need the benchmark) Mr. Breitenstein. Second Mr. Jones. Motion passed by unanimous vote.

Order of Conditions: Vogel, 327 Central Ave. (addition & deck)

Motion to condition the project, however, mitigation plantings should be done before work begins; work with them on that. Need a sequence of work schedule. Motion to condition the project as discussed Mr. Breitenstein. Second Mr. Jones. Motion passed by unanimous vote.

CofC's

Jens Bang, 49 Seaside Road: Originally Mr. Breitenstein went to site for the Certificate of Compliance request. Saw many items not included on the plan. Received an as-built and an engineer's letter by Bob Crawford listing 8 items different from the approved plan. Mr. Gallivan is going out Friday morning, if anyone wants to join him. He showed the Commission the as-built, letter submitted by Bob Crawford and letter from Attorney Brandon Moss, who believes we can issue a Certificate of Compliance with an Enforcement Order to cover the work done without approval. The shed should definitely come down; could look to see what goes into the EO. Mr. Jones: Does the new owner know about the EO? The new owner won't be inheriting any of the problems. Mr. Bang was present: also did some landscaping; don't think we can close on Thursday. The attorney made a suggestion, but in no way are we saying it is a complete Certificate. Mr. Snow: appreciate the issue; we will try to find a solution, but it would seem if we issue a CofC for the house, simultaneously we should issue an EO so everyone knows the problems. To say this is just an issue for the present owner, we are amiss; would like to leave it up to the buyer and the seller. Maria Carpenter, the buyer was present: An amount of money will be held back. Sometimes attorneys don't pick up on a recorded Order; properties pass hands sometimes 2 or more times, and then the next owner has a problem. Mr. Bang: any timing of issuance, so the Carpenters could make some decision? Don't see any flagrant violations. Certainly aware of the shed, town asked them to take up a concrete slab when they bought the house. Took entire foundation out and put on pilings. Settled after construction and had to bring in tons of stone. Been through this process, but I had no idea landscaping would be a violation. Ms. Carpenter: what are the chances of keeping the shed? Shed wouldn't be allowed in a velocity zone. It would have to be so high it would be worthless. There was talk of a new Notice of Intent. Mr. Gallivan: would have to issue an Enforcement Order, because the work would not have been allowed. Motion to issue

a Certificate of Compliance for 49 Seaside Road Mr. Jones. Second Mr. Breitenstein. Motion passed by unanimous vote.

Agent's report: Want to take a look at a couple of sites approved in the past to get an idea of what people have been filing – RDA or NOI for certain projects. Some things have such little impact, one footing in an existing deck, could be considered minor activity.

Mr. Snow: Hubble property: Spoke to someone from Indian Trail who was curious about the plans for that parcel. Once we get the report from the Conway school, might be able to use as a footprint. Almost a trail that goes through there now. Told the person to get together with a couple of commission members and they could come out and talk to you. Actually a trail map on the Hubble property. Neighborhood could clear a small footpath or wait for a scout. It is a pretty piece of property with a lot of ledge, but it is something that should have a little bit of planning. We might hear from someone from Indian Trail within a month or two. It is not a big piece of property. With any of these we don't want to adversely impact an abutter.

Appleton Field: was out with the Conway School people and Vin Bucca was at the field, spent some time with Vin. He explained to them what he was doing. He is looking to renew his license. Right now he has a 3 year license. He is anxious to get his license. We need to take the time to look at it, but not committing to a certain access. He is certainly willing to allow people to access the property. He's put time and effort into this property. It was an overgrown field, acquired about 10 years ago. Not good access to it now, but now we are acquiring the larger piece. Mr. Breitenstein: the road access will be different than what is there now, public will become more aware. In Mr. Bucca's 3-year license is there any restriction on the whole parcel? We could write into the license to take back a portion of the field. Mr. Snow: Originally issued him a lease, which we found out was wrong. He has cleared it in an ecofriendly way, and by hand. There are a couple other commercial farmers, but they won't do it organically, so they don't want it. There may be a point there may be a few others. Shall we leave ourselves a portion? This is a license and they can apply. Mr. Bucca has put a lot of work into this property. Didn't appreciate it as much as he did the

other day. We had a nice exchange.

Conway School - Mr. Snow: Great meeting with the Conway School at Mount Hope. At that point they were gathering people's ideas. Kept all the controversy out of what they were after. Got the information very quickly. They saw more out there than I've ever seen in the years I've been walking out there. First phase is gathering information. Next time we meet they are going to have recommendations. Mr. Bjorklund: if any commission members haven't been out there, it is well worth the walk. It takes about 2 hours. Go with someone who has been out there. They found some rock formation and one of the girls studied geology. Friday morning Tom Rawinski, a forester from Durham, NH was out and with his expertise showed how much damage a large deer herd can do to a property. Sited some places where it was real bad. Informative, took time to explain a lot about the trees. Conway group had contacted him. It was very helpful. In the afternoon went with Noah Zimmerman and traversed the south swamp, Appleton field to First Parish. There are stands of white cedar. Anna and Emily were taking inventory. Covered a lot of ground. Hopeful a good footprint to work from. Mr. Jones: what do we do with it once we get it? Maybe harvest a section of forest for firewood to sell, or maybe sell some to Norwell. Make some emerging growth for rabbits, and gross. Think it will bring more people onto the property.

Snow fence at Peggotty Beach got knocked down by the storm. Concerned that people will and are walking on the dune. Some of it can be resurrected. Take an inventory of what we need.

Mr. Breitenstein: Should discuss addition to filing guidelines for RDA and NOI – flag 50' buffer and limit of clearing; people have taken advantage. Firmly flag at the 50' and maybe even at the 100'. Would be helpful to see the limit of work. Something like the 50' buffer line with red flags, limit of clearing yellow and 100' buffer white. And even mark limit of work on anything within the 100' buffer.

Mr. Gallivan: before they place the erosion controls. Hillcrest Road was a perfect example. Couldn't tell where the clearing would be. If they'd marked where the house was going, it would help. Couldn't show us

where the limit of work at Hillcrest. They should be showing limit of clearing on their plan. Sometimes they have the building corners staked, that's helpful. That might be in the requirements.

CORRESPONDENCE

January 24, 2013 – February 4, 2013

1. Automatic extension for 530 Chief Justice Cushing Hwy. – SC# 07-11A until March 14, 2014 – Atty. Says 2015
2. Recording of Lot 4B & 6 Hood Road – SC#12-43 (in file)
3. University of MA Amherst – Help identify important people who can make the conservation difference! Application deadline is Monday, March 4, 4013.
4. BOS re: 2 gifts of land – McDermott & Laverty
5. YOP for 2013 – Herbicide Treatment
6. Request for an extension for 68-2167 - 315 Central Ave. – automatically extended to 2014 (in file)
7. Planning Board re: Form A Plan 36 Tichnor Place. Hearing Feb. 7 – COMMENTS no later than 2/6/13
8. Agenda Zoning Board of Appeals February 21, 2013
9. Environmental Notification Form for South River Dredging & Rexham Beach Nourishment Project, Marshfield/Scituate
10. Planning Board Agenda for February 7, 2013

Meeting adjourned 8:15 p.m.

Respectfully submitted,

Carol Logue, Secretary