

Conservation Commission, July 30, 2012

Town of Scituate

Conservation Commission

Town Hall Selectmen's Hearing Room

Meeting Minutes

July 30, 2012

Meeting was called to order 6:20 at p.m.

Members Present: Mr. Breitenstein, Acting Chairman, Mr. Harding, Mr. Jones, Mr. Parys, and Ms. Scott-Pipes.

Also Present: Jim O'Connell, Agent, Paul Shea and Carol Logue, Secretary

Agenda: Motion to amend the agenda to include Certificates of Compliance for 19 Wood Island Road and 177 Turner and under Agent's Report discuss storm water bylaw fee Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Reorganization:

Motion to appoint Frank Snow, Chairman Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Motion to appoint Todd Breitenstein, Co-chairman Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

The Commission welcomed their new member Mr. Richard Harding.

Request for Determination: Fontes, Jericho Road (bench) (cont.)\

This filing has been continued since May 9, 2012. There are issues with placement and ownership of property. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Request for Determination: Alice's House Inc., 112 Humarock Beach Road (clean up site after fire)

Jeff Morse, Morse Engineering and Janet Gibson were present at the hearing. Not for profit establishment. Requesting to clean up site after a fire. Partial concrete block foundation remains. Remove ash and debris and fill in with compatible material. Elevation 13', maintaining

existing grade. Garage will remain. Septic pipe will be cut, but leaving it in for future use. Dumpster will be removed when full, but if stored overnight will be covered by a tarp. Resource areas: barrier beach and land subject to coastal storm flowage. Requesting a negative determination. Ms. Scott-Pipes: Filling in same footprint? Yes. The existing basement is not usable? Would have to be built under new construction standards. Mr. Jones: if permanently covered, how deep? Two feet or less. Crawl space. Mr. O'Connell: new flood maps based on new datum - NAVD 88, which will need to be used for all future filings. New structure will have to go on open pilings. Motion for a neg. 2 & 3. 2. "The work described in the Request is within an area subject to protection under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent." 3. "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. Parys. Motion passed by unanimous vote.

Wetlands Hearing: Farina, 19 Old Mouth Road (septic)*
Jeff Morse, Morse Engineering was present at the hearing.
Commission was only waiting for the DEP file #. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Wetlands Hearing: Duffy, 271 Central Ave. (landscape/repave drive/raise wall/maintain rip rap/fill) (cont.)
Kevin Mcguire and Judy Duffy were present at the hearing.
Commission requested a planting plan, which was submitted late for the previous meeting. Shows location of existing trees and shrubs and choice of plants. Remove existing holly tree; replace with fruit tree, loam and seed areas in front of house with salt tolerant grass; also removing part of the driveway and seeding the area. Removing small pieces and sharp edges from the concrete rubble along the slope and leaving the larger ones that are embedded; then will try to get vegetation growing. Probably been there since the blizzard of '78. Pictures were shown to the Commission. Mr. O'Connell: suggest and recommend all concrete be removed and leave the 5 embedded

boulders in place. Some of the concrete slabs are sizeable and substantially embedded. Some are 4" to 6" thick. If we come across ones that are more than 4" can we leave? A lot of the concrete is the same thickness. Maybe spray paint the ones you want to leave and if thicker ones are found, they can be checked. But when the concrete slabs are removed, restabilize and plant. Could destabilize more if concrete is pulled out. Mr. Jones: If a slab is down 2', seems could ruin the dune, but if you just cut the top off there would be less impact. Mr. O'Connell: The whole dune should be recontoured and planted. Ms. Scott-Pipes: if sand is added, a northeaster could remove and the concrete would be back again. The representative feels that if the concrete is removed, the dune will go. The only reason concrete was brought to the Commission's attention is because of the cease and desist and wanted to deal with the whole property. Planting 7 rosa rugosas along top of slope, pine trees, cedar tree and blueberries. Would like to remove top of driveway repave and repave other sections, Taking out 1700 sq. ft. Bottom part would be approximately 2700 sq. ft. Some of the cut brush was removed; the rest will be removed this Saturday. Did not remove some of the debris on the south side of the driveway; sand and cobble now that will be graded. Would like to repair walkway in front of house and raise the height of the wall 18". Profile in section AA on right of plan. Trying to protect her septic system. She was getting over wash from houses across the road. Three of the 6 houses have walls, which are a lot higher. Do you need approval from the town to work in that area? Ms. Scott-Pipes: Manicured yards don't belong in Humarock and the walls were put in before the WPA, Would like to see the site cleaned up, keep the wall the same height, you can't fight the ocean. Driveway is pretty broken up, but you did have an existing driveway. Mr. Harding: do you have to approve all, or can you approve parts? Can approve some and not all. Mr. Parys: seems we are inconsistent, allowed a couple of seawalls to be raised. Would rather see pavers for the driveway. Mr. Jones: Paul hit on 2 issues, potential inconsistencies, and also paved driveways in Humarock. Crushed stone or pervious paving is better. As for the wall, who owns the property on either side? Paper streets on each side 40' wide. If one were to raise the wall, for all intensive purposes, it wouldn't affect neighbors. Wouldn't mind the wall being raised, much more against paving. Mr. O'Connell: The wall extension would divert the

water and it may divert cobble. It is an unwritten policy regarding permeable material in flood zones. Remove concrete, leave boulders, and stabilize the backside of dune with material and vegetation. Debris on north side should be removed. No problem with walkway, but on the fence about raising the wall. Concerned about setting a precedence in an A zone, have allowed on the seaward side. Could allow a 3" to 4" cap on top to stabilize; a little concerned about the 18". Cape code mix is good. Should receive a letter from DPW regarding wall on public road. Mr. Shea: can have a stabilized driveway by using an impervious surface. In the past materials come across and go on her lawn, she has a septic system to protect and there are gas lines and other utilities. Mr. Breitenstein: seems like we are ahead of ourselves. There is a considerable amount of vegetation removed. That needs to be fixed before any walls are or concrete walkways are repaired. Like the planting plan, but it needs to be done. Also noticed down the paper street on the southern side, people are driving out onto the marsh or the cobble is washing into the marsh. Mr. Shea: there are a number of items on this NOI, long list. Issue an OofC for each item. Driveway, wall, landscaping and concrete. Mr. O'Connell: Feel that wall is having an impact. The 4 houses in front of her don't have seawalls, but otherwise there are seawalls. Do some forward thinking and work with what you have. You have a dune that functions naturally. Can do draft Orders and e-mail. Mr. Jones: The only precedence the wall would set would be in those situations where you don't have any house on either side. Don't think it would set a precedence if there were houses on either side. Mr. O'Connell: The wall forces the water in one direction or another. It is having an impact. Every manmade structure on the beach is having a structure. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Wetlands Hearing: Marinilli, Hillcrest Road (wetland delineation)*
Greg Morse from Morse Engineering was present at the hearing. Blue BVW line delineated by Brad Holmes. Requesting a continuance to next meeting. Paul Shea has been out to the site, but requested to be there with Brad Holmes. Will be going out again to meet with Paul to discuss his concerns. Mr. Shea: agree with the overall line A9-A14 going toward Hillcrest, but A14, A11, A9, have a difference of opinion, with edge changing 10' to 15' at those areas. A14 swamp cabbage

upland of the flag. Old John Richardson flag, pretty much where the swamp cabbage stops. Meeting Thursday at 1:00 p.m. Should have an answer in 2 weeks. Motion to continue the hearing to August 13, 2012 at 6:40 p.m. Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Wetlands Hearing: Keiley, 25 River Street (septic)*

Bob Crawford, E.E.T., Inc. was present at the hearing. No BOH, needs corrections and floor plan. Client expressed an interest in trying to save the apple tree. It is slightly closer to street, and lost bayberry and rosa rugosa, but can be replanted in another area. Motion to continue the hearing to August 13, 2012 at 6:50 p.m. Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Wetlands Hearing: Kennedy, 3 Milton Street (exterior handicap lift)

Bob Crawford, E.E.T., Inc. was present at the hearing. Abutters notification was submitted. Property was recently sold and owner requires an elevator. Proposing on the exterior, in the area of an existing deck, on the northeast corner. Need Board of Health approval because portion of leaching area is lost and requires replacement. Crushed stone will need to be added. Went over with Jennifer Sullivan, hoping for some sort of approval. Proposing a 12" 5'x5' slab and portions of the deck will have to be removed and put back. This work occurs in the outer riparian zone of the South River. Only 1% of the lot area is effected. Flood zone is AO depth 2'. Mr. Breitenstein: when you actually do construction. would expect tank to be empty. Just dealing with crushed stone. Could we put in orders, if resident moves out, elevator will be removed? Mr. O'Connell: Don't think we can do that. Built on the interior part of deck with a large deck around it. Andrea L. Walker, 6 Newton Street: back door looks directly out at this property. Concerned about the permanency of the elevator, and deterioration when property is sold. That house just sold in June, why would anyone select that type of home knowing the living space was on the top floor, without doing due diligence before purchasing to make sure the property was suitable. Clearly there are many options for installing in the interior. Mr. Breitenstein: our concern is impact to the resource areas. Motion to continue the hearing to August 13, 2012 at 7:00 p.m. Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous

vote.

Show Cause Hearing: Pilgrim Paving, 68 & 81 Oceanside Drive
(paving)

William Dyer called, could not attend the hearing. Motion to continue to August 13, 2012 Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Wetlands Hearing: Diamond Development/Winchester, Lot 1 159
Hollett (new build/septic)*

Wetlands Hearing: Diamond Development/Winchester, Lot 2 Hollett
(new build/septic)*

Basically will hear the two lots together. Steve Bjorklund, John Zimmer, South River Environmental, and Paul Mirabito, Ross Engineering were present at the hearing. Abutters notification was submitted. Started site with ANRAD. Plan shows existing house with driveway, cesspool, and large elevated stone patio, just inside the 50' buffer. Quite a bit of debris will be removed. Lot line approved by the Planning Board; would not confirm before wetland line was approved. Have Board of Health approval. All perc tests were done at the front of the lot. Systems are as close to the street as possible and the reserve is next to them. A 30' setback is required; the houses are about 40' back; two lots side by side. Work in rear will be blended into one another for the enhancements and mitigation. Filed storm water permit and notified the abutters. Start with lot 1: Plan shows 50' and 100' buffer. Between 50' and 100' construct dwelling, driveway is over portion of leaching area. Purple line is the limit of activity for property owners. John Zimmer will go through the mitigation. Cesspool will be removed. Work on Lot 2 is similar: septic in front yard, small portion of house within 100' buffer, recharge areas between 50' and 100' buffer. Shaded area on plan is proposed to be restricted and area enhanced. Proposed grading over recharge units. Did supply storm water calcs. Site slopes from Hollett to rear property. Town of Scituate drainage on Hollett flows northerly. John Zimmer: Existing rear of property is pretty well disturbed, appears to have been historic disturbance, significant berm along wetland line, not a lot of top soil or organic material. At the backside of Lot 1 there is significant pavement, not a lot of large trees. Within the buffer predominantly invasive species. BVW is functioning

pretty well, perennial stream several hundred feet back. 1400 sq. ft. of impacts within the inner 50' buffer zone on Lot 1, but previously disturbed. Proposing 1600 sq. ft. of enhancement, removing invasive species, replanting wildlife friendly species for better diversity. In addition to 1400 sq. ft., 800 sq. ft. of restoration, remove debris, replant with native species. Restoration and permanent protection of 2000 sq. ft. extending outside the inner 50'; work within the 50' on Lot 1 would not result in adverse impacts, but provide mitigation and enhancement to the buffer zone. A row of shrubs and 3 sections of post and rail fence marked no-disturbance buffer will be installed. Ms. Scott-Pipes: very sensitive area. Mr. Jones: The water runs east with little going to the aquifer, but all across Lot 1. Blue areas are the 3 separate recharge units. All that work is between the 50' and 100' buffer. There is a large drainage ditch all the way down the property line. The site is graded for runoff to stay on the property. Each lot stands alone. Swale along each property line for surface runoff, runs all the way back into the wetland area. Lot 1:

The town's drainage swale: if the town has to repair, applicant has committed to work with DPW to upgrade. It is not the safest, no headwall, or safety features, goes 110' into a manhole. Could add an Order, amend or submit a new filing. Office will be receiving a plan that has a lot line change. In process of buying a little more land from the Finnegans, to increase square footage on each lot. Lot line question was cleared up. Mr. Breitenstein: Would like plantings done as soon as possible. Based on the timing of the Order, clean up debris and plant in September. Noticed NOI shows zone AE, would like to see more wetland species toward that area. Make decision in the field regarding the plantings. Start at the base of the shaded area, 50' buffer on Lot 2, and scatter plants throughout the area. Trees are being completely choked by vines. Maybe condition to clear the vines off the trees. Not a huge fan of going into the buffer, but can create a great buffer. Mr. O'Connell: practically every lot in Scituate has invasives. This is a trade-off situation, should stay out of the buffer, but balances out with the enhancements. Mr. Shea: in the past it was thought to keep the house as far away as possible from the wetlands, but better to keep the septic system away. Once plantings are done within the 50' buffer wetland will be cleaner. John & Joan Whittaker, abutters directly south: Wouldn't be concerned, but there is a major stream under Hollett to

Country Way, very old seasonal brook. Seen it on maps as far back as 1696. 1968 modern drainage system was installed. Town has owned since 1971. When the Dolan property was bought, the entire drainage system failed. Surface water cut a channel. As an abutter and citizen, the point is DPW should be brought into the loop. Don't see collaboration of the Planning Board and the Director of Public Works. Mr. Shea: For 1 or 2 individual homes, storm water needs to be controlled on the lot(s). Agree there are problems here, but subdivision up above is causing the problem. Mr. Breitenstein: This property is taking care of its own storm water issues. Joan Whittaker: live across from Barbara Murray and water pours down her driveway. Raising a lot of ground, Mr. Bjorklund: Hollett was just repaved, it's not this property. No water goes over the lip of the driveway. The water does not go onto this site. The end of the pipe is an issue. They will fix the drain so it is safe and give DPW an easement large enough to repair the pipe if it collapses. No DEP file numbers. If no changes, trying to move the project along. Sent a letter to DPW for any input. Motion to continue the hearing to August 13, 2012 at 6:30 p.m. for Lots 1 & 2 Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Show Cause Hearing: Seoane/Spath (new owner), Cavanagh Road – 68-2304 (new build-no preconstruction, no DEP sign, etc.) Andrew Spath, one the new owners was present at the hearing. Mr. Shea talked with Ross Rosano. Order was recorded. Didn't have information on new owners or contractors. Now have new owners and contractors' information, and photographs of its in the file. Think everything is in line. Is this the same contractor working at 8 Border Street? No. Erosion controls (silt fence) were in before trees were removed. Mr. O'Connell: all this is in the Orders. Overall silt curtains are the worst type of erosion controls. On schedule to have the actual line staked; siltation fence will be put in correctly. Cleared conservatively. Plan is pretty specific as to what trees could and couldn't come down. Let agents know when silt fence is toed in. Ms. Scott-Pipes: If you read your orders, they tell you what you need to do before starting.

Agents Report: proposed donation of a piece of property, all marsh 0 Rear Hatherly Road, near the Musquashicut tide gate. Five parcels of

marsh, wants to know if Commission is interested as accepting as a gift. No offer of recording, probably fall on the town. Are we in support of property. We are alleviating taxes for the rest of their lives. Times are tough. SB: ask CPC for any fees to record the deeds. Motion to accept the property send a letter to Selectmen Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Mr. Jones - Signs: Open space primarily in the west end, needs decisions of what is and isn't allowed, and right now whether hunting is permitted. Met with Bylaw Review Committee July 16, very good meeting. In the meantime, Mr. Snow suggested putting up some signs. Mr. Jones sent the Commission two suggested signs. One of them is used at Wampanoag State Park. Basically states that Hunting is allowed, watch out, be careful, no Sundays, or within 500' of buildings. The other one is "Welcome to Carl Pipes Memorial Trail"; need to discuss. Wording is similar, except target shooting is prohibited was added. It came up in several conversations with people who live or are abutters. Target shooting does take place, potentially one of the reasons this came up in the first place. Ban target shooting on all the properties. Would like to have the sign approved that doesn't allow target shooting. Also met with Ernie Foster, the person behind "Understand before you Ban". He has money for as many as 30 signs. If we could approve the wording, then the next question is how many signs should be at the trailheads? Have one at the Driftway too. Webster One Source will do the printing. Signs should be general "Welcome to Scituate Conservation Land", so they will cover the marshes or any trails. Some property too small to allow hunting, then post No Hunting Signs. Don't know the size of our properties. Hunting information should be put on website. Need to decide how many signs are needed.

Associate Members: Mr. Jones: Hand out Roles, Responsibilities & Limits of Authority for associate members and discuss next meeting. Mr. Breitenstein, Mr. Jones and Ms. Scott-Pipes are going over the Associate Members. Several people on the list the Commission doesn't even know. After Mr. Jones talked to the TA, she said the Commission has no associate members as this time. Four or five years ago we did the rules for associate members. They are supposed to be doing a

specific job. We want people to volunteer, but we should start from square one. Remove list from website. If anyone knows anyone that wants to volunteer, acknowledge at a public forum.

Order of Conditions: Winchester, 153-159 Hollett Street (wetland delineation)

Motion to accept the wetland delineation Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Order of Conditions: Keefe, 62 Booth Hill Road (addition)

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

Order of Conditions: Farina, 19 Old Mouth Road (septic)

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

Amendment to Order of Conditions: Radzevich, 68 Glades Road (install sonotubes to support 2nd story on garage)

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

Order of Conditions: Keiley, 25 River Street (septic)*

No BOH approval.

Certificate of Compliance: 64 Cornet Stetson Road, 253-257 Central Ave, 257 Central Ave., 21 Circuit Ave.

CORRESPONDENCE

July 17, 2012 – July 30, 2012

1. DEP File #68-2424 – Farina, 19 Old Mouth Road (in file)
2. DEP File #68-2425 – Keiley, 25 River Street (in file)
3. Starting work at 18 Old Oaken Bucket Road – Contact: David McDougall (in file)
4. Starting work at 20 & 22 Oceanfront Street – Contact David McDougall (in file)
5. Request for on-site meeting at 277-283 Chief Justice Cushing Hwy. – schedules and contact information (in file)

6. Lot 3 Glades Road - Atty. Doherty re: Fairbanks Trust – Motion for Judgment on the Pleadings; Plaintiffs’ Memo of Law Support of Plaintiffs’ Motion for Judgment on the Pleadings; and Certificate of Service (in file)
7. Recording of CofC for Depperman, Trustees, 103 Thomas Clapp Road 68-2384 (in file)
8. Planning Board re: Form A Application - 153 & 159 Hollett Street (in file)
9. Gulf of Maine Association – Hunter’s Pond Dam Removal Project Grant
10. Revised plans (2) for 25 River Street – to save apple tree (in file)
11. Deed and plan re: Hollett Street from Mr. Whittaker (in file)
12. Request for Full CofC for Maszer/Metsisto, 19 Wood Island Road (in file)
13. Recording of CofC for 68-1925 – Campbell, 59 Oceanside Drive (in file)
14. Planning Board Agenda for Thursday, July 26, 2012
15. Notification to Abutters re: Lot 1 Hollett Street (in file)
16. Notification to Abutters re: Lot 2 Hollett Street (in file)
17. Form A Application – 2 Baileys Island –1 additional building lot is proposed. Must receive COMMENTS by July 25, 2012
18. Form A Application – 0 Mann Hill Road/0 Hatherly Road – 2 new buildable lots proposed. COMMENTS by July 25, 2012
19. Request for CofC Shellington, 37 Hawthorne Street – Request, as-built, \$100 check (in file)
20. Offer of property Charles Laverty, Rear Hatherly Road (in folder)
21. The Beacon
22. Proposed Restoration Plan for Falcone, 8 Border Street – 68-2394 (in file)
23. Recording of OofC 68-2416 – 37 & 41 Mordecai Lincoln Road (in file)
24. Police report re: Mr. Dominico, 26 Ocean Drive re: weed wacking seagrass. Property belongs to Mr. Gechijian
25. Pictures of Cavanagh Road (in file)
26. Recording of Partial CofC for 68-2367 – 19 Park Ave. (in file)
27. 41 Cavanagh Road – 68-2248 – New owner – Andrew Spath (in file)

Meeting adjourned 9:15 p.m.

Respectfully submitted,

Carol Logue, Secretary