

Conservation Commission, November 19, 2012

Town of Scituate

Conservation Commission

Town Hall Selectmen's Hearing Room

Meeting Minutes

November 19, 2012

Meeting was called to order at 6:18 p.m.

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

Also Present: Carol Logue, Secretary

Agenda: Motion to amend the agenda to include discussion: Emergency Certification for Reynolds, 48 Jericho Road; Gristmill walkway; Removable decks & fences; Request for support letter for Harborwalk, Phase II; and Humarock clean up after storm Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Discussed 513 First Parish Road. Thought the driveway was going to be pervious. Ms. Scott-Pipes: Shocked to see asphalt. Must be voting for the wrong material, but it usually doesn't slip by the whole Commission. In an area where it should be permeable must specify.

48 Jericho Road: Ms. Scott-Pipes explained the situation. A sailboat broke off its mooring and damaged the rip rap. Mr. Reynolds wants to reset the large rocks, remove the wood and put 9" stone down to shore up the rest of the riprap. Definitely needs to be repaired. He would like to repair as soon as possible. Mr. Snow will take a ride by and see if anything should be filed after-the-fact or if it is just maintenance. Encourage everyone that if you look at a site, make it very clear, maybe even have something in writing. Take a few pictures and e-mail to Carol. Want documentation of what is going on and what you are doing. Need to stipulate amount of repair allowed, otherwise leaves the door wide open and at the discretion of the applicant. Replace and repair rip rap as needed up to 170 square feet.

Gristmill – Request to replace wood walk in back with a permanent walking bridge. The existing bridge is not safe for the public. Mr. Snow: Have an RDA in place now, discussed when on site for the removal of trees. Amend the RDA to install a replacement bridge.

Ms. Scott-Pipes - Removable decks and fences: over the years approved projects that have to remove their decks, stairs or fences by November 1. Drove around and the only one found was 28 Dartmouth, the deck was not removed and it was covered with sand. Should send Ms. Stone a letter. Mr. Parys: Her husband died. She was talking to the contractor about removing it, but its not removed. Continuing orders are a problem and will continue to be a problem. Send a letter out.

Wetlands Hearing: Gilbert, 36 Border Street (new build) (cont.) Applicant's representative requested a continuance. Putting together a foundation and mitigation plan. Ivas Environmental is the consultant, but need check submitted. Motion to continue the hearing to December 3, 2012 at 6:30 p.m. Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Mr. Snow: There is a request for a letter of support to CPC for Harborwalk, Phase II on Jericho Road. Talked to John Murphy, he and Mark Patterson are the same ones that put together the other walkway. This will be at the lights at Jericho and Beaver Dam Roads, down Jericho. It will either be a bike path or walkway whatever fits the criteria for CPC. Mike Bulman has given some money for conceptual drawings. They are working with Seaport for a possible grant. It is about a \$300,000 project, will be nice. Probably won't be able to do anything at Rebecca Road, too narrow, Jericho is relatively wide. Have had discussions with DPW. Presenting at CPC within a month or so. CPC is starting to gear up to hear all the applicants and looking for support from other boards. The Harborwalk was contentious, but a good project. Don't think it is inappropriate for the Commission to support. Overall this is a worthwhile project. Ms. Scott-Pipes: The end result is a nice walkway. Motion to support the Harborwalk, Phase II down Jericho Road being presented to CPC Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Rosemary Dobie, Central Ave. The issue is the northern portion of Central Ave. Showed pictures of sand pushed into the marsh. It is an outrage. For a while it was pushed back on the beach or to the left side of Central where there are no houses. Town is doing the work and subcontracting to P.A. Landers. Previous person had learned how to move it. Mr. Parys: Had to hire subcontractor to get road cleared quickly, but need to talk to DPW. Take it up with Al Bangert and Kevin Cafferty. Bottom line need to go back to the policy nothing gets pushed into the marsh. It happened across from 242. Can we get that off the marsh? Need to look at and have a plan or procedure, before we just go down there and take it out.

Mr. Bjorklund: Believe a couple of years ago DPW filed to clear roads after storms The Order of Conditions tells them what they have to do with the material. Maintenance order good for 5 years.

Wetlands Hearing: Bartlett Fields Realty Trust, Booth Hill Road/Clapp Road (wetlands delineation)*

John Zimmer, So River Environmental was present at the hearing. Abutters notification was submitted. Area consists of two parcels that are connected off of Booth Hill Road adjacent to 127 Booth Hill Road and Thomas Clapp Road near #58. Last year it was under consideration for CPC. Site borders Booth Hill, with a small easement. Properties consist of mixed upland and wetland forest, BVW, and intermittent stream, rest is upland. To the east Town Forest connects to Clapp Road site. Expanse of forested wetland, site borders at the small cemetery. Wetlands start off site. Only looking to confirm areas within the properties. Assuming will have a third party take a look at it. Mr. Snow: are the flags out there now? Yes. Mr. Jones: mentioned in the ANRAD that there are no vernal pools, would ask our consultant to confirm that, along with wetland boundaries. If there were pockets, they couldn't be confirmed right now, wrong time of year. Scope of ANRAD is just to confirm the wetlands. Vernal pools aren't technically a resource area. Could identify potential vernal pools and go back in the spring. No isolated wetlands on site. There may be standing water within BVW, but nothing popped out at him. Requesting a couple different quotes. Will copy packages and send it to the consultants. How long did it take to flag and how many flags? A few days, but will be

quicker to walk it now since the flags are there. It is approximately 4,000 lineal feet and 300 or so flags. Could be reviewed in a couple of days. Schedule for December 17 even if we have to continue. Motion to continue the hearing to December 17, 2012 at 6:30 p.m. Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Wetlands Hearing: Sheerin, 305 Country Way (wetland delineation)* Greg Morse was present at the hearing. Abutters notification was submitted. This is an 8-1/2 acre parcel off Country Way. Brad Holmes flagged the wetlands in September, flags A-1 through A-41. BVW borders an intermittent stream that flows in a southerly direction, which is included in submitted data sheets. Also submitted copies of USGS and Natural Heritage Map. There are no endangered species or vernal pools. Mr. Snow: Was there a filing in 1989? Don't know will research. Commission needs to hire a consultant. Mr. Breitenstein: comfortable enough that the intermittent stream buffers are close. What about drainage swale? Brad did not flag the drainage swale as a wetland, it is man-made and does not have hydric soils, therefore, it is not a BVW. Mr. Snow: just had a hearing at the corner of Williamsburg. Yes. Brad Holmes flagged that property also. He flagged a BVW that he thought drained into the intermittent stream. Took conservative approach at 5 Williamsburg Lane, looked at the outlet of that drainage pipe, right at the back corner, didn't go on other peoples properties, much better picture at this address. Need to look carefully at this property because stream runs to the reservoir. Mr. Jones: what is a TP flag? Test pit flag - 8 test pits (perc tests) were done, all outside the 100' buffer. Need to find a consultant. Motion to continue the hearing to December 17, 2012 at 6:40 p.m. Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Atty. Don Nagle asked to speak: representing an abutter Bill Krusell. Encourage the Commission to hire an outside consultant, especially if there was a line back in the 80s. Looks significantly different than what is proposed now. Intermittent stream: assessors map provided in the package 20' drain easement on Country Way, believe that it is drains right into the intermittent stream which ultimately discharges into the reservoir. That intermittent stream is not fully identified on the plan. In terms of an ANRAD encourage the board to have all resource areas

identified on the plan and be part of the ANRAD. Mr. Morse: no BVW associated with the upper reaches of the intermittent stream. Typically an intermittent stream has other protections under the WPA and bylaw. Mr. Nagle: It is important to evaluate the parcel because it is part of the Water Resource Protection District. Should find out for certain if this stream discharges into the reservoir. Mr. Breitenstein: new update to the drinking water district at Town Meeting – DEP Zone A is on the plan. The entire parcel is within the Water Resource Protection District.

Wetlands Hearing: Cole/Kane, 24 & 26 Wade Street (septic repair)*
Phil Spath was present at the hearing. A butters notification was submitted. This is a duplex with two failed cesspools; proposing two tanks and pump chamber. Wetlands line shown in green. Moved back 4' or 5' toward the wetlands, which required no variances. This is a fairly isolated wetland, sort of a drainage easement. Mr. Jones: how many trees taking down? Will minimize at much as possible. Mr. Snow: any erosion controls? Yes. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Tufts. Motion passed by unanimous vote.

Wetlands Hearing: Twohig/Nicastro, 188 Central Ave. (porch addition/ reset rip rap boulders)*
Gary Walcott from Grady Consulting and builder Paul Armstrong were present at the hearing. A butters notification was submitted. Resource areas: flood zone, riverfront, barrier beach, and coastal beach. Plan shows the high water line, 100' and 200' riparian zones. Approximately 176 sq. ft. is within the 100' inner riparian zone. No additional foundation. Would like to replace the older deck in the back on sonotubes. Put in a new deck on the left hand side to match the existing one and then go around front with the new construction of the 3-season porch on sonotubes. Block and concrete patio will be removed where the new deck and porch are proposed. No significant adverse impact within the resource areas. Ms. Scott-Pipes: The house is on a foundation? Remodeling, only adding 3-season room to the front, and elevated walkway down the side, and resetting riprap out front with filter fabric. House has been here for a long time, with no insurance claims. Existing walkway and concrete patio to be removed and building a removable ramp that will be pulled up in the winter. Beach access for equipment to reset stones will be at the entrance on

Atlantic Drive, 150' to the east. Just resetting to the property line. Mr. Harding: taking out concrete and patio out front? Yes, and putting crushed stone underneath the deck. Everything is built above grade. Asphalt is staying, but putting one sonotube in driveway. Mr. Breitenstein: Exploring the footing of the riprap? Looking for the base of the stone, but not extending. Have concerns about tightening the wall, then forcing water onto neighbor's property and it also may impact neighbor's wall. Need to come up with a plan to reset the stones. Describe the methods of repair. Mr. Parys: they are going to make it more conforming. Jim would want it tight and sloped. Mr. Snow: project makes sense, but we need to have more of a plan for the rip rap; method used, existing footprint, access, and profile; need to know what it will look like when done. Don't have a problem repairing, but it has to be in compliance. Motion to continue the hearing to December 3, 2012 at 6:50 p.m. Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Wetlands Hearing: Perkins, 309 Central Ave. (septic repair) (cont.) Applicant's representative requested a continuance. Want to hire a landscape architect, waiting for additional information. Motion to continue the hearing to December 17, 2012 at 6:50 p.m. Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Wetlands Hearing: McSharry Brothers, Lot 1 218 First Parish Road (new build) (cont.)

Wetlands Hearing: McSharry Brothers, Lot 2 218 First Parish Road (new build) (cont.)

Applicant's represented requested a continuation to December 3, 2012. Motion to continue the hearings for Lot 1 and Lot 2 to December 3, 2012 at 7:00 p.m. Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Order of Conditions: Marinelli, Hillcrest (new build)

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

Order of Conditions: Williams, 272 Central Ave. (deck)

Motion to condition the project Ms. Scott-Pipes. Second Mr. Jones.

Motion passed by unanimous vote.

Order of Conditions: Williams, 5R Dartmouth Street (reconstruct retaining wall/new deck and porch)

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

Order of Conditions: Street, 41 Strawberry Lane (septic repair)

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

Order of Conditions: Crosbie/Town of Scituate, Clapp Road (gravel drive)

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

Order of Conditions: Sceviour, 38 Gilson Road (raze/rebuild)

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

Order of Conditions: Rofe, 392 Country Way (septic repair)

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

Minutes: October 10, 2012

Motion to accept the minutes of October 10, 2012 Ms. Scott-Pipes.
Second Mr. Jones. Motion passed by unanimous vote.

Mr. Snow: We are without an agent and understanding from the TA is she is interviewing for a full-time person. That is the tact that she and the selectmen chose to take. There is not a temporary agent at the moment. Was told we could e-mail Paul Shea or Jim O'Connell. Recommend whether a member is making a site visit for a Certificate of Compliance or possibly a preconstruction, want everyone to be very careful and totally clear. Don't think it would be a bad idea for 2 people to go together. Make sure you have all the information, be straightforward, and take a couple of pictures. If it doesn't have to be done in a short period of time, maybe the new person will be here.

There may be a situation that is an emergency. Air on the side of safety. If we need the expertise of one of our agents, I wonder if we can we pay them? Ms. Scott-Pipes: will you be involved in hiring the new agent? Don't know. Don't know if the TA will interview everybody and then chose whom Neil, TA and myself interview together. Too bad we couldn't have had someone here already.

Bartlet Fields – They want a couple of proposals. Personally would like the consultant to review the whole property. A piece adjacent to this parcel there is a footpath from the town forest to Clapp Road. Some of those things don't have to show up on an ANRAD. The person that owns the property offered it to CPC, but it was too much money. Someone has to walk and look over the entire property. Need three of the strongest consultants in this area. Same thing goes for Sheerin's property at 305 Country Way. Streams on this property are going to be major issues.

Mr. Bjorklund: Paul Shea could give three names of botanists.

CORRESPONDENCE

November 5, 2012 – November 19, 2012

1. DEP File #68-2442 – Statewide General Remodeling, 38 Gilson Road (in file)
2. Planning Board re: Form A Application – 73 Kane Dr. – Division, but not a buildable lot. Hearing 11/20/12 – COMMENTS by 11/19/12
3. Planning Board re: Accessory Dwelling 562 First Parish Road – COMMENTS by 12/3/12
4. Revised plan for (206) 218 First Parish Road (in file)
5. Request to repair damaged “rip rap” at Reynolds marina at 48 Jericho Road (plan with Emergency Certificate to be signed)
6. Planning Board Amended Agenda for November 20, 2012
7. Revised plans for (206) 218 First Parish Road (in file)
8. DEP File #68-2443 – Bartlett Fields Realty Trust, Booth Hill & Thomas Clapp Roads (in file)
9. DEP File #68-2444 – Sheerin, 305 Country Way (in file)
10. DEP File #68-2445 – Nicastro, 188 Central Ave. (in file)
11. Historical Society re: Gristmill Park – replace wood unsafe wood walk with walking bridge (e-mailed to members)

12. Planning Board re: Form A Application – Hillcrest Road –
COMMENTS no later than 11/20/12
13. Request to continue Gilbert, 36 Border Street to next available
hearing (in file)
14. Report Ivas Environmental re: 68-2379 & 68-2380, (206) 218 First
Parish Road (in file)
15. Request for Support for Harborwalk – Phase II Jericho Road

Meeting adjourned 8:00 p.m.

Respectfully submitted,

Carol Logue, Secretary