

Conservation Commission, September 19, 2011

Town of Scituate

Conservation Commission

Town Hall Selectmen's Hearing Room

Meeting Minutes

September 19, 2011

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

Members Present: Mr. Snow, Chairman, Mr. Breitenstein, Mr. Jones, Mr. Greenbaum, Ms. Scott-Pipes,

Also Present: Paul Shea, Agent, Jim O'Connell, Agent, and Carol Logue, Secretary, Allan Greenberg, Associate Member

Agenda: Motion to accept the agenda Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Agents Report: Donna Bangert, Beautification Commission re: Harborwalk garden area plantings: knotweed has come in, part of the project was to remove all the vegetation that has come in during the construction phase. Watching invasive species. Plantings can be done under the existing conditions, but makes sense to plant in spring. Poles not moved, DPW probably will assist Nationalgrid in the move. Mr. Snow: The Beautification Commission has done a nice job on the islands, however, there is a problem of the knotweed. Mr. O'Connell: investigating the idea of fines--Atty. Toomey is researching. Town codes specifically say all the town departments can issue fines; \$50.00 per violation, but probably wouldn't hurt if we had a public hearing to put in language stating if agent is not available, members should be allowed to fine. Mr. Breitenstein: start from the violation date? Mr. Jones: you will let us know the results of conversation with attorney? Yes.

Wetlands Hearing: Lilly, 147A Border St (new build & septic) (cont.) Requested a continuance to October 3, Zoning and Planning issues. On October 3, they should either be here or be withdrawing without prejudice. Motion to continue to October 3, 2011 at 6:30 p.m. Ms.

Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Wetlands Hearing: Town of Scituate/Water Division, CJCH (maintenance of dams: Reservoir and Old Oaken Bucket Pond Dam) Jim DeBarros, Supervisor of Water Department was present at the hearing. Abutters notification was submitted. Do work on 2 dams – Tack Factory and Greenbush. Maintenance of these dams is crucial. Licensed engineer's inspection was submitted to DCR. Some recommendations: remove all vegetation, roots, repair damage, reseal cracks; will be done by experienced contractor. Using an extended arm to maintain structure of slopes; photos shown. Planning to mow annually. Clear cut overgrown sap lines that have become embedded in the slopes; will reach out with machinery as far as possible, and then do some hand work. Don't want trees to grow up higher than 10', might blow over and create more problems. Will look at the integrity of the dams themselves. Mr. Jones: abutters list? In the file. Mr. O'Donnelly lost hers, Mr. DeBarros hand delivered another one. This may be the last time for an outside contractor. Asking for a 5-year maintenance order. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Mr. Snow: A school group did a water use study; Jim was extremely nice to them; appreciate his work with the kids.

Wetlands Hearing: Blaney, 274 Central Ave. (septic & rip-rap protection)

Nora & Ted Blaney were present at the hearing. Bob Crawford revised the plan. Rip-rap revetment was removed. Cobble berm proposed, top elevation 14', top of piles is 18'. Requesting an order to rebuild the cobble berm. Put in the order no rip-rap and cobble berm needs approval by the agent. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Properties Offered to Commission: Allan Greenberg: Commission has been offered several properties. One involves 2 parcels from Moncy, total of about an acre for \$500.00. One parcel has northern frontage on 3A, back borders Bound Brook. One doesn't have frontage, but guaranteed an easement. In the center of it is 16 acres under the care

and custody of the Commission. Ms. Scott-Pipes: Worked out the deed yet? No. Hasn't gone through the whole thing. Another component involves a small stake in an approximately 17 acre parcel, town thinks they already own. Commission has to vote and then it has to go to the Selectmen. Thinks Town Counsel has to check the deed. Moncy wants it to happen quickly. Question of the \$500 coming out of Conservation money. Quite sure he owns the 2 lots. Mr. Jones: originally gave 17 acres, then another 17 acres with partial interest? Yes. It abuts the original property on both the southern and northern ends. Mr. O'Connell: at the department head meeting the TA said the only entity is the Selectmen. Commission can recommend. TA has to allow contact with Town Counsel. Ultimately we have to go to the Selectmen. Has a feeling that nothing could happen to it, where it abuts Bound Brook. Mr. Snow: Glad to acquire them, not opposed to giving him some money. Main goal is to protect our aquifer, 2nd is open space. In some cases there is no use in buying some properties. Mr. Greenberg: has to be the understanding that it is under Conservation. Mr. Snow: Want to make sure it is protected. Don't know if there is a CR on the original 17 acres; Maxwell Trust holds CRs, they can be expensive; we are lucky to have Maxwell Trust, or could think about reciprocal CR with Marshfield. We appreciate Allan's work.

.41 acres on Chittenden Road: a tiny lot off Utility Road, abutting town property. Doesn't have a lot of value, except it might have value for parking. Offering it for nothing. One problem: the person renting across the street thinks all kinds of stuff was spilled there. There is some question as to what is under the ground. Hoping Paul Shea could look at the property. Commission doesn't want to be in the position of having to clean it up. John Richardson did a wetland line on the larger property. There was some talk there may be a vernal pool on the larger property. Mr. Snow suggested interest in any property where there is no cost or very little cost. Maybe Mr. Greenbaum could spend some time with Allan and draft something to the Selectmen. The other 2 are just possibilities. A 2.5 acre parcel; approached about 2 years ago; east side of railroad tracks off of Hollett Street. Almost entirely surrounded by ConCom property. All marsh, but again that would have to be a CPC project. Probably the assessed value about \$13,000. Mr. Snow: Has to be appraised; Attorney should make

application to CPC. Deadline is closing fast.

Last property: Maple Street lot – north side of the Herring Brook is up for sale. Went through his records. Spoke to the real estate agent.

Great location. Frontage on Maple Street, directly impacts the aquifer.

Mr. Snow: Either the broker or the attorney should be the ones to go to CPC. Not all wet. Basically CPC pays \$18,500 an acre or if wetlands less than that.

Mr. Greenberg requested to go to the MACC conference on land acquisition October 15. Mr. Breitenstein might go and Mr. Snow may have an interest.

Other item is signs: Ellis, and Dam on Mordecai Lincoln. Make a list. Also Scout projects have no maintenance: troops should take on the responsibility of maintenance.

Wetlands Hearing: Fern Properties, LLC, 214 Clapp Rd (wetland delineation) (cont.)

Deb Keller, McKenzie Engineering was present at the hearing. Frank Snow recused himself, and Scott Greenbaum became acting chairman. Thanked the applicant for paying the updated fees. Plans came in on Thursday, which is too late for review. Account that was set up for consultant's review needs additional money--work with the agents to determine amount. Would like to continue for a month to give time for the consultant to review the revised plans and submit a report. Motion to continue the hearing to October 17, 2011 at 6:30 p.m. Ms. Scott-Pipes. Second Mr. Breitenstein. Motion passed by unanimous vote.

Wetlands Hearing: Klein, 73 Kent St (circular drive/deck/lawn/plantings) (cont.)

Paul Mirabito, Ross Engineering was present at the hearing. Submitted revised plan with cover letter. Brad Holmes located the edge of salt marsh. Existing shed to be relocated to easterly side of house. Original plan showed plantings along the row of stones. Forego any work directly behind the porch. Play area has been scaled back. Row of plantings with 1' of fill; install fiber roll barrier to keep people out of the marsh. Left side of house would be lawn area with approximately 1' of fill and 18" of fill for the proposed turn-around. Talked to Kevin Cafferty, no problem coming out on the highway there. Only active

area is the left side of house. Purpose of the loam is to plant a seed mix that is conducive to the environment and that can withstand short-term salt water inundation. Ms. Scott-Pipes: problem with the 1' of loam. Putting fill in the 50'. Very wide circular drive; make play area smaller. Mr. O'Connell: Resource is land subject to coastal storm flowage, sea level rise = 1' per 100 years. The fill will stop the salt marsh from migrating landward, which is against the performance standards. Recommendation: take play area and move some 10' to 20' landward. Fiber roll could last 3 to 5 years until it completely disintegrates and then sediment would cover the marsh. Mr. Jones: look at another alternative – instead of a circular drive, maintain the current driveway, put the proposed play area in front of the house. Want driveway for parking. It is obvious that all these properties were filled years ago. Mr. Greenbaum: Leave existing driveway. Only work in the front of the house. Adding 1' and 1-1/2' of loam around practically the whole area. Property is about 1-1/2' lower than the street. Mr. Shea: the coconut fiber at the edge of wetland will stop any migration of the marsh and act as a dam. Filling all within the 50' buffer zone; altering right up to the salt marsh, that stops the movement of the wetland, just for a play area. Need alternate design. Mr. Snow: this isn't going to work, go back and talk to the applicant. Motion to continue the hearing to October 3, 2011 at 6:30 Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Wetlands Hearing: McKay, 20 Ocean Front St (install boulders to stabilize slope)

Rick Grady from Grady Consulting was present at the hearing. Abutters notification was submitted. Opened 20 & 22 Ocean Front together.

Wetlands Hearing: Morel, 22 Ocean Front St (install boulders to stabilize slope)

Rick Grady, Grady Consulting was present at the hearing. Submitted same abutters list for both properties. 7 or 8 years ago properties built sacrificial dunes; sand has since washed out. Property northwest at 24 Ocean Front recently installed rip-rap and there is an existing vertical concrete seawall to the other side. Existing grade is at elevation 10'. Proposing start at elevation 6 and top of wall at elevation 20'; wrap

around into passageway. They would like to install wooden stairway for access to the beach, which will be removed every year. Ms. Scott-Pipes: It is a sacrificial dune, doing what it is supposed to do; next storm might bring the sand back--not crazy about armoring any more of the beach; might want to hear from the agent; also question regarding the passageway. The one that did get armored after the December storm was not done the way it was supposed to be. Mr. O'Connell: in a prior hearing Commission supported a rip-rap structure. Where do you draw the line? Is this coastal dune significant to the Act? The dune is providing sediment. Will it move with wind and wave? Yes. It will feed the system during storms and it is significant. Might have to rebuild the dune. Though the previous filing was for one lot, now there are 2 lots plus a public access way. Have watched this site for 15 years and have watched the migration of the high water line. We are faced with a question as to whether we will allow 2 lots plus the access road to be armored. Can't put rocks in the access way. Could replace the sand layer over the cobble. The dune is still functioning and self-sustaining. Mr. Snow: Still a structure on either side, but a wider area. Could adversely affect the walkway; 2 functioning dunes. Mr. Shea: 24 Ocean Front is a different case. Got hit with the December storm. Contractor was Peter Armstrong; Commission approved the rip-rap. Did an as-built survey. Possibly more boulders than originally planned. Stabilization with plantings in early 2000 and 2003. On the right side of 24 there is a massive concrete wall. Access creates a separation from the concrete wall. Appear the same, but they are different. No Certificate of Compliance; have to revisit. DEP issued a file number and made the same comment on 20 & 22 - "It appears that the project as proposed would not meet the performance standards for Coastal Dunes (310 CMR 10.28) and Barrier Beach (310 CMR 10.29)." Mr. Grady: DEP might have changed their opinion; fighting past practice. Number of lots 1 versus 2, don't see the difference. But now we have to deal with comments from DEP. Mr. Breitenstein: impacting the resource, going on all over Humarock because people want to protect their dwellings; there will be more. Mr. O'Connell: Agree, Humarock is very much altered. Until a policy is decided, have to go lot by lot. Mr. Greenbaum: All work is on town land and right of way. Understand it is a private way, don't have permission from everyone who uses it. Owners have right to use it, both parties own to the middle. Have

applicant's attorney draft a letter. #20 has an existing Order. If there is a system in place right now, there is an alternative to meet the performance standards to protect the properties. Can't see how we can approve. Mr. Jones: Would be good if we could have a uniform approach to Humarock, but that may not be possible. Mr. Snow: after the December storm, allowed some temporary solutions, but that is not what we are here for; if there is an issue at 24 we will take care of it. Mr. Snow: In some cases it was part of their Orders to remove seawalls if they elevated their dwellings. Now to the south we have a whole row of concrete walls. Hate to see the few places that are natural compromised, and the flip-flopping of DEP is frustrating. Mr. O'Connell: Humarock is in dire straits because of all the solid structures. Mr. Shea: we have to be careful in our decisions, which can boomerang on the Commission. Rosemary Dobie, Central Ave.: allowed a number of properties rip-rap, mostly at the northern end. Huge amount of overwash that hits the road. The southern end has a different situation. Often get the feeling that the thought is a lot of people were allowed to put in rip-rap, but probably won't be allowed any more. The road has more protection, and it is a true public safety issue. Mr. Snow: cobble and sediment distribution is different. Think part of our goal in hiring Jim is to deal with the dunes. Commission will look attentively at how to handle these situations. There are different opinions. Have to rely more on the science, instead of what people may or may not want. Taking a hard look, we know creating vertical walls is not the best solution. Mr. Greenbaum: because of the different systems out there, hard to avoid a lot by lot situation. Motion to continue the hearing to October 17, 2011 at 6:40 p.m. Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote. If there is a site walk all members can go.

Wetlands Hearing: Grove Street Realty Trust/Spence, 19 Park Ave. (septic repair)

Gregory Morse was present at the hearing. Abutters notification was submitted. Septic system repair – existing 3-bedroom. BVW flagged by Brad Holmes, August 27. Plan shows 50' buffer zone in red and 100' in green. Plumbing from back of house to tank, soils tough. Small ledge outcrops. Grading for septic system 62' from wetland line. Lawn now and will be restored. Approved by Board of Health. Mr. Greenbaum:

walked site and don't know how wetland was flagged, southeast corner, wetlands are pretty much off property. Portion of house cut off at 45o angle, rebuild on portion but out of the 100' buffer. Mr. Jones: couldn't move any closer to the house? Considered rotating toward house, but didn't work. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Wetlands Hearing: Adams, 167 Turner Rd (elevate)

Paul Mirabito, Ross Engineering was present at the hearing. Abutters notification was submitted. Existing dwelling poured concrete foundation, open deck, covered porch in the front. Elevate from 18' to 23,' structural plans submitted, by Anderson. Reinforced concrete piers. They have had substantial damage. Will quality for federal grant in the spring. Existing cellar area will be filled in with sand. Saw cut down below ground 2'. Portion of wall cut out and removed from site. Stand alone concrete footings. Mr. Greenbaum: did you look at pilings instead of piers? Under state building code, the argument was there was no room to move the house to drive piles. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Wetlands Hearing: Simmons, 47 Ocean Dr (raze/rebuild/septic)

Terry McGovern, Stenbeck & Taylor, and Scott Simmons were present at the hearing. Abutters notification was submitted. Handed color copies of plans to Commission. Demolish an existing dwelling constructed on concrete blocks, part on piers. Building a 3-bedroom elevated structure on driven pilings, above the flood zone. Finished elevation will be at 23', bottom of pilings at 21'. V zone in this area is elevation 15'. Proposing to place material into foundation to stabilize slope. Septic tank will be elevated, in a heated and insulated enclosure 1' above base flood elevation; 16'. Panel can unscrew for pumping access. Dropping the normal outlet pipe, providing 2 trenches consisting of leaching chambers. Not enclosing under dwelling except at tank; still 5' of clearance. Cesspool will be removed. Not proposing turf grass, no impervious surface. Area beneath structure will remain open, with exception of lattice. Zoning Board approved; met with Jennifer Sullivan, minor comments. Answered Board of Health's questions. Ms. Scott-Pipes: basically on the same footprint? No,

approximately twice the existing length. Beach grass has grown well. Mr. Greenbaum: double existing house will change vegetation. Need revegetation plan. Parking will be at the front. Once existing foundation removed, plenty of space to park. Would like to see square footage of expansion and dune vegetation plan. Zoning decision is forthcoming and Board of Health should be all set. Motion to continue the hearing to October 3 at 6:40 p.m. Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Wetlands Hearing: McMillen, 105 Glades Rd (elevate)

Paul Mirabito, Ross Engineering was present at the hearing. Abutters notification was submitted. Proposing to elevate the house. Top of pile is 13'--bring up to 15'. AO flood zone 2' depth; 4' to 6' above existing grade. Submitted structural drawing. Elevated in place on concrete piers. Salt marsh behind the building, installing silt sock. All work will take place under the house. Mr. Greenbaum: surprised there isn't a velocity zone here. Velocity is in the street at 21'. First floor at 17'. 4' of clearance in front and 6' in rear. Existing foundation will be hauled away. Two piers put in beyond the end of the house. No additions to house. Concrete wall in front. Mr. Jones: Concrete wall at the front is 15.1', seawall at 18.7'. Going higher than he has to. There will be a 3' wave hit that house. Would like applicant to remove the concrete wall, but wouldn't make an issue of it. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Mr. O'Connell: Enforcement Order on Marine Park; does the Commission want to vote to eliminate? At first I thought we could, now I don't think we should. The Commission's consensus was no.

Order of Conditions: Crowley, Lot 1 Glades Rd (new build)

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

Order of Conditions: Ferguson, 57 Kings Way (additions/driveway/sidewalk)

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

Order of Conditions: O'Shea, 22 Oceanside Dr (remove storm sediment/5 years)

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

Order of Conditions: Christenson, 25 Surfside Rd (raze/rebuild)

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

Order of Conditions: Town of Scituate/DPW, 0 Oceanside Dr (2, 4, & 6 Oceanside/117 & 119 Turner seawall)

Motion to condition as amended to add construction sequence Ms. Scott-Pipes. Second Mr. Greenbaum. Motion passed by unanimous vote.

Order of Conditions: Welch, 136 Old Forge Rd (septic repair)

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

Extension: Motion to extend 167 Jericho Rd for 1 year Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

CORRESPONDENCE

August 30, 2011 – September 19, 2011

1. Recording of CofC for 264 Thomas Clapp Rd 68-1660 (in file)
2. Recording of CofC for 264 Thomas Clapp Rd 68-2106 (in file)
3. Recording of CofC for 230 Central Ave 68-2309 (in file)
4. Planning Board – Proposed Zoning Articles, Oct. 25 Special Town Meeting
5. Planning Board Agenda for Sept. 8, 2011
6. Request for CofC for 83 Surfside Rd – 68-2326 – Deck constructed – Fence not and seawall armoring not placed. (in file)
7. Ohrenberger – Notice of Claim or Adjudicatory Appeal for 68-2290 – Wannop, Lot 2 Glades Rd (in file)
8. Pictures of 77 Cedar St 68-2349 (in file)
9. Request for continuance for 214 Clapp Rd to Sept. 12 (in file)
10. Complaint tractor/farm (new owners) re: 31 Candlewood Rd (in file)
11. Mass Bays Program – up to \$25,000 for estuarine protection &

restoration initiatives – minimum of 25% match from towns.

Applications are due on Fri., Oct. 21, 2011.

12. DEP File #68-2363 – Welch, 136 Old Forge Rd (in file)
13. DEP File #68-2364 – Scituate/Water Division, CJCH (in file)
14. Merrill Associates re: Application of Chris Horne, Scituate Racquet Club (in file)
15. Allan Greenberg re: recent property offerings (e-mailed to Frank)
16. Planning Board Form application - re: Scarselloni Trustee for 781 Chief Justice Cushing Hwy. COMMENTS by 9/20/11
17. Revised plans for Klein, 73 Kent St (in file)
18. The Beacon
19. Planning Plan re: NOI 57 King's Way 68-2357 (in file)
20. Recording of 769 Country Way (in file)
21. Request for preconstruction for 769 Country Way (in file)
22. NOI for 340 Old Oaken Bucket Rd, Norwell
23. Notice of Project Initiation – Dredging at Mill Wharf Marina – 68-2142 (in file)
24. Revised plans, information, and filing fees re: 214 Clapp Rd (in file)
25. Recording of OofC for 68-2024 – 117 & 119 Edward Foster Rd Bk 40303 Pg 283
26. Planning Board – Scenic Road hearing for 340 Old Oaken Bucket Rd – Sept. 22, 2011 at 8:30 p.m.
27. FEMA re: Modification to Base Flood Elevations
28. Beals & Thomas re: The Glen - Wetland Replication (e-mail to members?)
29. One Heritage Trail requesting more lawn for backyard – letter states Conservation came onto the property and installed a wood fence directly behind the house (roughly 12 to 15' behind the house) running the length of the property.
30. 47 Ocean Dr – Notification to Abutters – green cards (in file)
31. Planning Board Agenda for Sept. 22, 2011
32. Recording of OofC for 17 New Driftway – 68-2356 (in file)
33. ISO – re: 2010 CRS Cycle Application – Class = 8

Meeting adjourned 9:30 p.m.

Respectfully submitted,

Carol Logue, Secretary