

Conservation Commission, September 17, 2012

Town of Scituate

Conservation Commission

Town Hall Selectmen's Hearing Room

Meeting Minutes

September 17, 2012

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

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

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

Agenda: Motion to amend the agenda to include Amended Orders for 136 Indian Trail, Certificate of Compliance for 159 Summer, Update: 31 Candlewood, Mazzola, 30 Inner Harbor Road, and Request for Amendment: 104 Edward Foster Road (sprinkler) Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Request for Determination: Stocks, 365 Chief Justice Cushing Hwy. (conduct soil tests) (cont.)

John Keefe was present at the meeting. Need to do test pits within the 100' buffer zone. A silt barrier will be placed before the perc tests are done. Mr. Snow: keep in mind that the Commission looks favorably on getting the septic as far from the wetlands as possible. That would be the objective, but the entire property is within the 100' buffer zone, but will stay out of the 50' buffer zone. Motion for negative 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. Jones. Motion passed by unanimous vote.

Request for Determination: Vieira, 15 Seventh Ave. (modular home on existing foundation)*

Jeremy Vieira was present at the hearing. Contractor was unable to be present. House burned. Using existing foundation for a modular home

and adding some footings to support stairs. Ms. Scott-Pipes: not concerned as long as you are staying within the footprint. Just a landing in the back? Yes. Mr. Breitenstein: when they install the new sonotubes, should there be erosion controls? Mr. O'Connell: wetlands are across the road, however, you might want to put a silt sock around where the digging will be done; more to keep the silt off the road. Only excavation is for the sonotubes. Flat site. Gravel drive to the garage. Mr. Snow: negative with a provision that if there is any siltation, erosion controls will have to be used. Don't see enough disturbance. Remove any excess material immediately. Driveway needs to be a permeable surface. 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. 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.)

Received Steve Ivas's report and there are recommendations. Applicant didn't need to be here. Very thorough report. Required to go out and flag what may be isolated wetlands under the bylaw. Commission will have to decide if they are isolated wetlands. Policy is for the Commission to read report first and then give to applicant. Motion to accept Steve Ivas's report Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote. Send to applicant's consultant for a response back. Motion to continue to October 10, 2012 at 6:30 p.m. Ms. Scott-Pipes. Second Mr. Breitenstein. Motion passed by unanimous vote.

Wetlands Hearing: Norton, 159R Glades Road (septic repair)* Applicant's representative requested a continuance to October 10, 2012. Abutters notification was submitted to the office. Requires variances from Board of Health. Motion to continue the hearing to October 10, 2012 at 6:40 p.m. Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Agents Report: 147 Hollett Street – John Zimmer delineated the wetlands. Owner just needs to mark and stake the 50' buffer and put post and rail fence up or equivalent.

Appleton Field: Vin Bucca has attempted to eradicate the garlic mustard with vinegar. He had done research and found vinegar to be a benign substance; environmentally friendly. Asking for reimbursement of \$130.00. Do have a Conservation fund for conservation purposes, but at this point not being replaced. Decide if it is a priority. Ms. Scott-Pipes: he leases the field from the town. Is this something we would have eradicated anyway? Don't know if we should be incurring this expense. Question if it is our responsibility to get rid of his weeds. Will have to read the contract. Could be opening ourselves up; would not think it would be our responsibility. Follow what the license says. Bring up at the next meeting after reading license.

513 First Parish Road – In front of property there is a flooding problem. Mitigation for that work was to submit \$6,500 to DPW to replace one of the catch basins toward 3A. That catch basin is not going to alleviate the flooding. Want to amend and put a new catch basin where the flooding exists; more appropriate area. No plans before us. Wanted to know if appropriate before creating a plan; want a sense from the Commission. Mr. Breitenstein: when we went through this, the purpose of the monies was for upgrading the catch basin and mitigation for intrusion into the 50' buffer. If the stormwater is going on the property, seems like a stormwater management problem. They denied there was water running down the road. Should we discuss? Could discuss on a very general sense, no decision being made. A couple members have to look at again. Know it is a lower area, don't know if water is being put on the property, but it is undermining First Parish Road. Ms. Scott-Pipes: it was specific mitigation for building in the 50' buffer. There is an intermittent stream on the left side of the property. Water was to be cleaned before entering property. No one told us there was a stormwater problem. Suggesting it should have been in the initial proposal, want additional mitigation. Bring that message back to the applicants. Didn't want to go through the expense of putting a plan in front of you without a sense from the board that it was acceptable.

Take a look at the stormwater issues and then decide if it should have been done in the first place. The original work on the catch basin was to help with pollution control. Mr. O'Connell: when they did the assessment, seems like it has been working well, but not sure it accomplishes the same goal we expected. Look when it is raining tomorrow and Wednesday. Will take a look at and put it on the next agenda.

Wetlands Hearing: Kent Street Corp./Duval, 25 Mill Wharf Plaza (bulkhead)*

Ken Duval and Steve Warner were present at the hearing. No abutters notification. Can't move forward. Need to readvertise.

Show Cause Hearing: Ayer, 28 Otis Ave. (cutting of vegetation)
Phil and Maryann Ayer, 28 Otis Ave. were present at the hearing. The border of Scituate and Cohasset runs through the middle of the house. All the clearing took place in Scituate. Cleared brush right up to the wetland edge, drainage swale may have been filled. DPW went out, noticed clearing and notified Mr. O'Connell. Designed the swale in 2004 along the property line and at that time there was a wetland line. There are significant wetlands along the entire property, including a massive stand of phragmites. Basically grass to the right and left and stone wall. Someone told him he could take the phragmites down. Been away for 3 years, property was abandoned. Whole place was overgrown, house and yard wasn't taken care of. Did discover a clubhouse in the phragmites where kids obviously drink. Due to the clearing, swale is not functioning properly. Scituate put a drain into a seasonal creek with no permission. Drainage swale was permitted. Mr. Snow: file for the work that was done, you will want to do mitigation, need to replant. Commission does allow for phragmites eradication, but you need approval. At this stage, don't do any more work until the clearing is permitted. Best to hire an environmental person to help. Mr. O'Connell: First delineate the wetlands, than see if vegetation was cleared in the wetland. There is a silt sock on the property where they are constructing a house in Cohasset. There's a lot of potential for silt going into the marsh. Throw down some quick growing seed to stabilize. The property is almost all in jurisdiction. Mr. Ayer: All the work done by the town exaggerated the issue. If that is the catch basin for

the neighborhood, don't mind, no problem, it is not a real wetlands, mainly created for all the problems on the street. You are on the Gulf River and on the marsh. Maryann – everyone has clear grass all the way to the reeds. Man made operation. You need to file a Notice of Intent to show all the resource areas and all the work you want and have done. May as well assume most of the property is a wetland. If created by a human being, different rules. Hire someone knowledgeable to help you choose the correct plants and vegetation. Can't put in a turf grass. No more equipment. Our goal is to work with folks. Mr. Jones: when did you buy the property? 2003. You owned the property when the swale was put in. Need a time frame of when you will get back to us. Come back October 10 for an update. Mr. O'Connell: swale is on the abutter's property; all the wetlands were there before the drainage swale went in. Bev Mosaf – easement is on her land, culvert drains into that strip of land. Since 1984, what is cleared now was pronounced as wetlands. As long as her back yard is protected she doesn't care what they do. Mr. O'Connell: When they hire someone they will look at soils and vegetation. Abutter's land is lower; culvert is being blocked. Obviously it runs into her back yard. Can DPW check to see if the drainage swale is working? Will ask someone to look at Wednesday. Because so much vegetation cleared, maybe continue erosion control along the property line, at least to keep the silt from the neighbor's property.

Show Cause Hearing: Harrington, 88 Country Way (confirmation of wetland delineation)

Mr. Harrington dropped off a check today for our consultant John Zimmer to verify the wetland line. He could not attend the hearing.

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

Show Cause Hearing: Fournier, 81 Oceanside Drive (paving)

Jane Fournier owner and Bill Dyer, Pilgrim Paving were present at the hearing. Mr. O'Connell and Ms. Scott-Pipes were at the site and spoke to her husband, told him we'd be sending a Show Cause letter and that he had to file. Next day went back because it wasn't raining, noticed across the street had new pavement. They also needed to file. If working in a resource area, call the Conservation Office before any

work is begun. Ms. Fournier said she did come to the town, but not to Conservation. That was a street damaged by storms. Needed to know who owned it. Found out it was Mr. Goulston and he gave her permission to resurface. Wasn't a new road we created; dug up and hauled away 4 truckloads of asphalt. Mr. Dyer: Asked the homeowner if he had permission, but wasn't making any changes. Didn't make it any bigger, in fact made it smaller. Left some of the old pavement. He apologized. Ms. Fournier thought he meant did she get permission from the owner. Concrete landing behind driveway used to be an old garage, which was never rebuilt. Ms. Scott-Pipes: you are responsible for your work. We've started to fine the contractors and homeowners. Mr. Snow: some of the reasons we try not to have pavement is because it increases the flow and velocity. Any work you do in that area you need to contact the town. It is not just coastal areas either; if you are doing a driveway up the west end there could be wetlands or buffer zones. Call next time. Going to end up with significant over wash onto the driveway and into the marsh. Any ideas? Mr. O'Connell: If you want to slow the velocity down, leave some of the cobble along the back and along the side. Mr. Breitenstein: When the waves hit the driveway it speeds up and has an impact on the resource. Need to protect that resource. Ms. Fournier: have seen a flood 5' deep. Before the seawall was fixed 3 or 4 years ago it used to go to another area; but since the wall was fixed it is 10 times worse. Mr. Dyer: Next time will call. Apologized for not coming in at the first notice.

Show Cause Hearing: Brennan, 114 Thomas Clapp Road (tree cutting)
Show Cause Hearing: Cushman Tree Professionals, 114 Thomas Clapp Road (tree cutting)

Andrew Cushman and Andrew Brennan were present at the hearing. Ms. Scott-Pipes received a call and took a quick ride over to the corner of Clapp and Booth Hill Roads. Tree was down. Asked them to clean up and told them they needed to file. Work was right next to the stream. Tried to explain to them, yes it is private property, but within the Commission's jurisdiction. Asked about another tree by the barn. She told them they could take that down. Explained about coming to a Show Cause Hearing. Mr. Snow: Brook runs all the time. Have jurisdiction along the stream and when changes are made, need to file with the Commission. We do have leeway to give Emergency

Certification to allow work immediately if the tree is dangerous. It's not even just the brook under the Commission's jurisdiction; it is the whole back. As far as the arborist, you are a professional, you should know. Next time you are near a wetland area, come in the office, there is a database that gives an idea if there are wetlands on the site. Mr. Cushman: the tree was deemed hazardous, didn't realize what he was doing was wrong. One side was in poor shape and possible massive winds the next day. Take photos and call ahead the next time.

Order of Conditions: Degregorio, 100 Greenfield Lane (in ground pool)
Motion to condition the project Ms. Scott-Pipes. Second Mr. Jones.
Motion passed by unanimous vote.

Amendment to the Order of Conditions: Seoane, 136 Indian Trail (septic & reconfigure drive)
Motion to condition the amendment Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Certificate of Compliance: 166 Glades Road; Partial Certificate of Compliance: 154 Turner Road/102 Scituate Ave.

Agents Report: Certificate of Compliance for 159 Summer Street: Haven't gone to site yet. Received information from Greg Morse regarding the septic, but nothing from Paul Mirabito. There was an amendment to the Orders to reflect the plan by John Richardson relocating the replication area, but don't think it was ever done. Have \$1400 in an account from the applicant. Replication was for a limited access wetland crossing. There are trees that would have to come down to do the replication area. Take that money and use for offsite mitigation. Don't have the request in front of us. Don't think we can move on it.

31 Candlewood – Independent Consultant met with applicant: everything seems to be going as approved and coming together.

32 Inner Harbor Road – Commission went to court regarding Mazzola and the dune. Received letter from Sara Gibbs with photos regarding Mr. Mazzola creating a footpath over the dune. Mr. Snow: not going to

do anything. Attorney has intervened. There are 5 properties and 4 have access to the beach. The dune is 2' higher in front of Mr. Mazola's property. Mr. Snow: not going to waste any time on this. Mr. O'Connell feels he needs to respond to Ms. Gibbs. Footpaths are very common over dunes. Suggest in future years, could have a simple wooden boardwalk at grade. Mr. Jones: on Nantucket saw a plastic walkway, heavy plastic and it was obvious you rolled it up. Never have seen it used in Scituate. Can't believe it is that expensive. Thinks it would last a lot longer than wood.

Amendment request 104 Edward Foster – standard order prohibits a sprinkler system. Applicant installed a sprinkler system. Mr. Jones: take it out. Use for 2 years until the vegetation is established. From June 1 to September 1 only can use once a week. Don't think it is right that they just put it in. Mr. Breitenstein: needs to come out. Mr. O'Connell: Why? There is no runoff. For water conservation and the water has chlorine. Mr. Jones: We don't allow it anywhere. If we want to rethink the whole theory, we can. Should relate to WPA some way. Mr. O'Connell likes to explain why. Mr. Breitenstein will look into it. It is in the Order of Conditions and shouldn't be used.

Mr. Jones: Given permission by TA to make signs for rules and regs for the Spit. Spit signs will be paid by Conservation or TA's funds. Hunting signs will be paid for by Ernie Foster's budget. Are the Hunting Signs been hung? Tomorrow will check.

Minutes: June 25, 2012 and July 16, 2012

Motion to approve the minutes of June 25, 2012 Ms. Scott-Pipes.

Second Mr. Jones. Motion passed by unanimous vote.

Motion to approve the minutes of July 16, 2012 Ms. Scott-Pipes.

Second Mr. Tufts. Motion passed by unanimous vote.

Ms. Scott-Pipes: Have not followed own rules regarding associate members. Motion to appoint Howard Matthews to keep the trails clean Ms. Scott-Pipes. He does the Ellis property and any other trail work that needs to be done. Second Mr. Jones. Associate Members are supposed to have specific jobs. Motion passed by unanimous vote. Remove everyone but Howard from the web site.

DPW thought it would be a nice touch to have a boardwalk between the two parking lots at Bailey's Causeway. Asking Ms. Scott-Pipes to fill out the application. Mr. Snow: CPC is a great asset. Let Kevin Cafferty put in the application.

Want to put in an application for Rousseau's bridge. Should get someone to look at and figure out a price. That would complete the loop.

Rosemary Dobie – Agent's hours changing? Mr. Snow: table that one for this evening. Have been trying to talk to the TA. Need clearer picture; need more time with TA to sort it out.

CORRESPONDENCE

August 28, 2012 – September 17, 2012

1. Appeal of OofC re: 68-2420 – Du7ffy, 270 Central Ave. (in file)
2. Recording of OofC for 68-2403 – 6 Gannett Pasture Lane (in file)
3. Planning Board re: Site Plan Administrative Review – Salt Barn – Scituate DPW 68 Captain Peirce Road – COMMENTS by 9/13/12
4. Planning Board re: Space on Warrant for STM – Water Resource Protection District Zoning Articles – map & text changes
5. The Beacon
6. DMF News
7. Pictures of 6 Gannett Pasture Lane (in file)
8. Recording of Amended OofC 689-2410 – 274 Gannett Road
9. 274 Gannett Road – pictures of site and Restoration Plan (in file)
10. 9/4/12 – Scott, 274 Gannett Road: remove fill to grass level; leave fill against tank; loam & revegetate with salt-tolerant grasses. (in file)
11. Recording of Amended OofC – 68-2049 South River Partners LLC/ Michael Solimando, Manager, 8 Dartmouth St. (in file)
12. Recording of OofC for 68-2049 – South River Partners LLC/ Solimando, Michael, 8 Dartmouth Street (in file)
13. DCR re: Potential Hazard Mitigation Grant Applicants
14. Request re: 68-2374 - 513 First Parish Road – New catch basin to relieve flooding. (e-mailed to members) (in file)
15. MESA Project Review Checklist – Clapp Road – 23-1-3 – Crosbie property
16. DEP File #68-2431 – Norton, 159R Glades Road (in file)

17. Planning Board re: Duval, 87 Maple Street (extensive grading and clearing)
18. Planning Board re: Form A Application – 38-46 Treasure Island Road – adding a piece of land from Lot 17 to existing house at 34 (Lot 14). Hearing scheduled for September 12, 2012-09-13. COMMENTS no later than 9/12/12
19. Pictures of 6 Gannett Pasture Lane/Peter Armstrong re: shed foundation to be removed and place straw waddle around.
20. Engineer's certification re: 68-2019, 6 Lighthouse Rd (as-built & engineer's letter, no request for CofC or check) (in file)
21. Planning Board Agenda for September 13, 2012
22. Atty. Nagle to Mazzola re: Demand to Cease and Desist Unlawful Conduct for altering the dune
23. Recording of CofC 68-1727 – 8 Buttonwood Lane (in file)
24. Recording of CofC for 68-2407 – 37 Hawthorne Street (in file)
25. Pictures from Philip Ayer re: his property at 28 Otis Ave. for Show Cause Hearing September 17. (forwarded to members) (in file)
26. Diamond Development Realty Trust is now the owner of 159 Hollett Street – contact information included (in file)
27. Zoning Board re: Request Flood Plain Special Permit for Lot 295, 0 Foam Road. Hearing scheduled October 18, 2012 at 7:00 p.m. Application in the Building Dept. Would appreciate any COMMENTS.
28. Request for CofC – Massey, 134 Humarock Beach Road – Engineer's letter, as-built, check (in file)
29. Request for Partial CofC 68-2209 – 154 Turner Road/102 Scituate Ave. Dwelling razed at 154 Turner. New gravel drive to serve 154 Turner. Stairs and deck on the southerly side have been removed and replaced with a condenser unit. (in file)
30. Revised elevation certificate for 33 Central Ave. (aka 8 Dartmouth Street) (in file)
31. Planning Board re: Stormwater Permit – Hatherly Road – COMMENTS by September 28, 2012.
32. Planning Board Amended Agenda for September 13, 2012
33. North River Commission re: 19 Neal Gate Street to remodel existing garage and install pool.
34. Woodard & Curran – Directions Newsletter
35. Pictures sent by Leo Stickney re: 25 River Street – site and DEP Sign – Order has been recorded (in file)

36. As-built & pictures of 30 Indian Trail (P. McEachern dropped off – no request for CofC, check or engineer's letter) (in file)
37. Report from Independent Environmental Consultants, Inc./Paul Shea re: 31 Candlewood Drive – Wetlands restoration project has progressed significantly. Majority of fill in the BVW has been removed, still some to go. Will make another site inspection beginning of November.
38. Recording of Extensions of Superseding OofC 68-779 & 68-781 – 114 & 118 Edward Foster Road (in file)
39. Recording of Extensions of OofC under bylaw SC#07-649 & SC#07-650 – 114 & 1818 Edward Foster Road (in file)
40. Report from Ivas Environmental re: 206 First Parish Road – ANRAD – isolated wetland (in file)
41. Report Grady Consulting re: 68-2013 - McKay, 20 Ocean Front, dune maintenance, work completed in substantial compliance with the plan and the Order of Conditions (in file)
42. Report Grady Consulting re: 68-2137 Morel, 22 Ocean Front, dune maintenance, work completed in substantial compliance with the plan and the Order of Conditions (in file) (sent e-mail to R. Grady pictures are the same for both lots)
43. APPEAL ON-SITE with DEP for 68-2420 - Duffy, 271 Central Avenue – SEPTEMBER 27, 2012 AT 10:30 A.M. (in file)
44. Recording of OofC for 68-2401 - Cilento, 260 Central Ave. (in file)
45. DEP File #68-2432 – Kent Street Corp./Duval, 25 Mill Wharf Plaza (in file)
46. Request to continue Norton, 159R Glades Rd – Abutters notification was submitted 9/17/12. BOH hearing 9/24/12 (in file)
47. Request to Amend 68-2252 – Digan, 104 Edward Foster Rd. to allow for an installed sprinkler system, which #34 of the orders do not allow.

Meeting adjourned 8:30 p.m.

Respectfully submitted,

Carol Logue, Secretary