

Conservation Commission, December 3, 2012

Town of Scituate

Conservation Commission

Town Hall Selectmen's Hearing Room

Meeting Minutes

December 3, 2012

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

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

Also Present: Carol Logue, Secretary

Agenda: Motion to amend the agenda to include discussion of 147 Hollett Street Mr. Jones. Second Mr. Harding. Motion passed by unanimous vote.

Certificate of Compliance: Mr. Breitenstein: 13 Stone Avenue - the house seems to be in substantial compliance. There is an issue of dumping grass in the wetlands, a 10' x 10' section. Shouldn't necessarily say no to the Certificate; nothing to do with compliance of the house. There is a continuing order that no fuel can be stored below flood elevation. Mr. Snow: some of the continuing orders are tough to follow-up on. Either bring them in for a Show Cause Hearing or say something in the cover letter about removing trash or debris. Stop adding leaves, etc.

CORRESPONDENCE

November 20, 2012 – December 3, 2012

1. Planning Board re: Stormwater Permit – 248 Old Oaken Bucket Road – reduce footprint, move house further away from rear property line, eliminate sports court & turnaround drive & move drive to left side with garage underneath. Impervious reduction of approx. 5,560 sq. ft. to 2,392 sq. ft. Application reviewed at 11/20/12 meeting.
2. ECR/Brad Holmes report re: Wetland Delineation, 36 Border Street (in file)
3. Information from Lance Van Lenten re: 305 Country Way. Stream

- shown incorrectly as “swale” is a tributary to the town reservoir.
Approximate location is included in GIS water resource mapping data created by DEP. Recommend CPC purchase. Otherwise prior to development the entire parcel should be thoroughly reviewed (in file)
4. Natural Heritage & Endangered Species Program electronic observation reporting system
 5. Planning Board re: Certificate of Action re: Stormwater Permit 246/248 Old Oaken Bucket Road approved.
 6. DPW re: Central Ave Emergency Clean-up 11/6/12 – DPW unable to open street with own equipment. Hired P.A. Landers’. Endeavored to move debris to the seaward side. 2-1/2’ of seawater trapped on road; ocean threw material into the marsh and over wash couldn’t follow its normal route into the So. River. Opened a channel to the marsh, but at no time did the dozer cut into the marsh grass or attempt to push more debris further into the marsh. Piles of sand & stone staying until spring.
 7. DEP re: Duffy 271 Central Ave 68-2420. MEPA Review File ENF form within 70 days of this notification or may result in DEP issuing a Superseding OofC denying the proposed project without prejudice. (in file)
 8. Stormwater Magazine
 9. Mass Wildlife Magazine
 10. Woodard & Curran Directions Newsletter
 12. Recording of OofC for 68-2441 – Lawrence H. Foley Revocable Trust, 5R Dartmouth Street (in file)
 11. Recording of OofC for 68-2439 – Nashen, 272 Central Ave. (in file)
 12. Revised plans for 188 Central Ave. (in file)
 13. The Trustees of Reservations Membership Individual \$47; Family \$67; Contributing \$125; \$165, \$350, \$600
 14. The Beacon
 15. New England Grows – Feb. 6-8, 2013 at Boston Convention & Exhibition Center
 16. ECR Mitigation Narrative for 36 Border Street (in file)
 17. DEP File #68-2447 – Anthony, Thomas Clapp (in file)
 18. Request for CofC for 68-1470 – Babineau, 13 Stone Ave. (in file)
 19. Recording of 68-1430 – CofC - Stanton, Trustee, 130 Central Ave. bk 42312 pg 69 (in file)
 20. Planning Board Agenda for Thursday, December 6, 2012
 21. Report 36 Border Street Peer Review Recommendations - Ivas

Environmental (e-mailed to members) (in file)

22. Request to continue McSharry, (206) 218 First Parish Road (in file)

23. Bartlett Tree Experts – Tree & Shrub Care Proposal

24. Revised plans re: 68-2438 – 36 Border Street – Site Plan dated 11/10/12 and Mitigation Narrative 11/25/12 (in file)

Wetlands Hearing: Gilbert, 36 Border Street (new build) (cont.)

Greg Morse was present at the hearing. Revised plans and mitigation narrative submitted today. Site walk last week with Brad Holmes and Steve Ivas. Made a number of revisions: reduced the size of the foundation, half on poured concrete, and half on sonotubes. Septic system approved by Board of Health. Trees marked in red are to be removed; trees marked in green are remaining. A planting plan, bird nesting boxes, and split rail fence along limit of work were added to the plan. House is primarily over a large ledge outcrop. No large vegetation where driveway and garage are located. Understand hearing will have to be continued because plans were just submitted. Mr. Snow: foundation plan submitted? 2 poured walls and the rest sonotubes. No blasting, just drilling. Water, electric, etc. goes up the driveway. There will be a little chipping behind garage. Test pits in driveway. All mitigation is to be done by hand. Believe with the mitigation and removal of invasive species the area will be improved. Tupelos are being chocked right now. Mr. Ivas suggested trees be marked and directly observed by a botanist, at the owner's expense. Applicant is willing to accept a condition for a botanist or arborist to be on site. Also need preconstruction in the field. Initial clearing won't take any more than a day. The plantings will be done at a different time. Mr. Jones suggested including some bat houses. Could add those. Motion to continue the hearing to December 17, 2012 at 7:00 p.m. Mr. Breitenstein. Second Mr. Jones. Motion passed by unanimous vote.

Wetlands Hearing: Anthony, Thomas Clapp Road (new build)

Greg Morse was present at the hearing. Abutters notification was submitted. New single family home, located beyond Itchy's pole and opposite Highland Crossing. This is a 2.9-acre parcel, BVW delineated by John Zimmer, South River Environmental. Isolated wetland pocket on southern side. All work in the southwestern corner. Sheet 1 zones in on the 99,000 sq. ft. of upland. There are no certified vernal pools.

Green line represents the 100' buffer, red the 50' buffer. All work outside the 50' buffer. Septic system is outside the 100' buffer zone. There is a drainage infiltration trench and tying roof leaders to 4 individual sets of drywells. Rain garden at the bottom of septic system area. From the limit of work forward maintaining existing drainage patterns. Flattening out the front yard, but water flows in the northerly direction. Stormwater rates of runoff are maintained. Mr. Jones: has the wetland line been approved? Not through an ANRAD. Seems property drains toward the south swamp. Cohasset would be more concerned than Scituate. Looks like it is very important drainage; seems like the wetland line should be approved. Mr. Snow: Seems like it was delineated before. Don't know of anyone else previously involved. Mr. Bjorklund said it was delineated a couple of years ago. Mr. Snow: Are they planning on subdividing this property? Intent is to show the line would not fall within that property even if it was subdivided. Hope there is intent on putting an easement on part of it. Considering something on the back piece. Mr. Breitenstein: Watershed protection district. Follows 90' contour. Not allowed to do any filling in that zone. Didn't think we would need someone to verify the line. Flags are well beyond the cinnamon ferns. We do have a responsibility for Cohasset's drinking water. It is up to the Commission if we need an outside consultant. Can understand with the void in the agent. Mr. Snow: certainly in a larger scale project would have someone verify the line. If you were to find an ANRAD was done and they are pretty close, than would be OK. Maybe find remnants of old flags. If not, verifying the line could be done fairly quickly. Need more mitigation if they come back to subdivide the lot. Over 2 acres. Mr. Jones: in that case should be able to pull out of the 100' buffer. Looking at the whole area and thinking back to other issues over time, such as the piece of property to the east, then the piece off Summer St. All of that property fed into the area. Mr. Snow: area is worth protecting. They were trying to work in the wetlands on Summer Street. Mr. Jones: What about fences in the back along the 50' buffer? Shrubs or fence? Mr. Snow: inclined to go with plantings. See if you could find the old file. Mr. Bjorklund thinks he has the plan. Motion to continue the hearing to December 17, 2012 at 7:10 p.m. Mr. Breitenstein. Second Mr. Jones. Motion passed by unanimous vote.

Wetlands Hearing: Twohig/Nicastro, 188 Central Ave. (porch addition/ reset rip rap boulders)

Gary Walcott from Grady Consulting and Paul Armstrong were present at the hearing. Added more details on the wall, existing profile and proposed profile, showed smaller stone between, and where the work and stockpiling will occur. Will extend onto the neighbor's property for blending purposes. Mr. Breitenstein asked them to notify each abutter. Have a letter from abutter to the right; haven't been able to talk to abutters on left. At this point did notify them by certified mail. Just resetting and filling in some voids. Access will be Seaview and Atlantic. Mr. Harding: Abutter on left, rocks moved and just pulling them back? Our intention is to keep all work on applicant's property; there will be a gap between them. Mr. Snow: We are not going to tell you that you can work on abutters' property at all. Mr. Breitenstein: thanks for getting the letter. You are driving on the beach and the revetment stretches for 6 houses. Mr. Snow: Property is in 3 resource areas, riverfront, barrier beach, and velocity flood zone. Opposed to enclosed structure within 100' of the river. Driveway runs at a pretty good slope to the river. Adding the addition and decks, don't know how many sonotubes, not on the plan. There is a small amount of enclosed storage, but ripping up a patio, taking up a concrete walkway up the side, and removing existing asphalt driveway. The pictures on the plan looks like a completely different house. It is still 2 stories in front, and back wall will come up a little bit. Not a huge difference. Looks like just enough to not trigger substantial improvement. Mr. Jones: go through what you are currently taking out. The only impervious area is the proposed work. Crushed stone is going under the addition. Paul Armstrong contractor: Concrete, walkway, concrete stairway, block and concrete patio all being removed and keeping the dune grass. All travel will be on the deck areas. Could compensate for the roof runoff under the addition. Replant with seagrass after removing concrete. Elevated walkway along the side and changing the roof pitch. Need a planting plan. Can make a planting plan and statement regarding the roof drains part of the conditions. Motion to close the hearing Mr. Breitenstein. Second Mr. Harding. 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 representative requested a continuance to the next meeting. Motion to continue the hearing to December 17, 2012 at 6:25 p.m. Mr. Breitenstein. Second Mr. Harding. Motion passed by unanimous vote.

Order of Conditions: Cole/Kane, 24 & 26 Wade Street (septic repair) Motion to condition the project Mr. Jones. Second Mr. Harding. Motion passed by unanimous vote.

Rosemary Dobie: Expand on the issue of overwash in Humarock. Mr. Snow spoke to DPW and took the photos Ms. Dobie had submitted. Discussed where some of the material was pushed. Was told there was some misunderstanding with some of the operators. Until we get someone on board as an agent and decide if some of the material should be removed from the marsh, reluctant to make that determination. Mr. Snow read the letter from Al Bangert. Ms. Dobie requested a copy. It certainly looked like they were pushing the material into the marsh. Don't think it is wise for volunteer members to act on this. Don't feel comfortable telling DPW what to do. Believe all would agree it shouldn't be pushed into the marsh.

Edward Foster Road: fence is right next to the salt marsh, within 50'. 102 & 106 have big fences. Other than they dug holes and put cement in, don't know what impact it has. Should probably have an RDA submitted. Up to the Commission if they want to send a letter for a Show Cause Hearing. Mr. Snow will drive by first.

147 Hollett Street on Mr. O'Connell's transition report: had wetland delineated supposed to put fence at the 50' buffer. Only 2 pieces of picket fence held up with tomato stakes, placed at a direction so the area can still be accessed. Neighbors dumping by the railroad tracks; leaves and piles of debris. Readdress at some point; table for now.

Minutes of October 22, 2012:

Motion to accept the minutes of October 22, 2012 Mr. Breitenstein. Second Mr. Jones. Motion passed by unanimous vote.

Meeting adjourned 7:30 p.m.

Respectfully submitted,

Carol Logue, Secretary