

Conservation Commission, June 27, 2011

Town of Scituate

Conservation Commission

Town Hall Selectmen's Hearing Room

Meeting Minutes

June 27, 2011

Meeting was called to order 6:15 at p.m.

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

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

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

Request for Determination: McEllin, 29 River St (replace hot tub 8'x8' with 8'x16' swim spa)

Don Quinn was present at the hearing. Applicant's grandson has special needs and loves to swim. Replacing hot tub with an 8' x 8' swim spa. Looked into everything that makes the environment better. Mr. Parys: existing spa built into the deck? Deck is elevated. Spa will be the same way; will look the same. 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. Breitenstein. Motion passed by unanimous vote.

Request for Determination: DPW, 0 Bailey's Causeway (regrade existing parking area)

Kevin Cafferty was present at the hearing. Similar to what was presented for previous parking area. Putting down gravel, building up so it is not so wet. Mr. Breitenstein: still using grindings? Probably like the harbor walk material. Ms. Scott-Pipes: Raising the height by how

much? Whatever we need to grade it, so water doesn't puddle in the middle. Possibly 1', won't know till we get out there. Clean out around edges. Will talk to Jim O'Connell before debris is removed. Mr.

O'Connell: would like to do a preconstruction before it is started, looking for pervious material. Initial request was to use road grindings, free for the town, not highly looked upon, because it was asphalt.

There are signs of a thin coat of asphalt; old asphalt is buried. Motion for 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)." – Arrange for preconstruction with Conservation Agent before work begins. Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Request for Determination: Keenan, 308 Central Ave (grade piles of stone)

Joseph Keenan was present at the hearing. Road cleared on river side pushed stones onto his property. Right now it is a safety issue. Can't see oncoming traffic; obstruction if driving down Central Ave. want to level the stone. It is a 2-1/2' berm to level. First time it has ever happened. Mr. O'Connell: was it the DPW clearing the road? Yes. Will talk to DPW so they don't do it again. There is a lot of material there.

After they level it, recycle it; if you need to remove any, maybe a neighbor might need some. There are a number of houses that could use little berms. Mr. Keenan: None of the beach stone actually washes over onto Central Ave. Contracted with a local contractor – Mr.

Spencer. 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. Parys. Motion passed by unanimous vote.

Request for Determination: Seastrand, 97 Edward Foster Rd (deck)
No one attended the hearing. Readvertise.

Wetlands Hearing: Kessinger, 154 Jericho Rd (repair & extend asphalt

drive/replenish bank/repair stairs) (cont.)

Robert and Deb Kessinger were present at the hearing. Stems from the December 2010 storm, scour between 154 and 160. Recent amendment. Proposing repairs to the driveway, replacement deck, extending it around the house and reclaim approximately 100 cu yds of materials from the beach, and replenish the coastal bank with new similar beach material. Page 2 of the amendment: no machinery, reclaim larger material and similar beach material, 10" typical stone for that particular area. Removed the extension of the asphalt. Repair a 10'x10' section of asphalt at 160 Jericho; filing together with 160.

Written agreement with 160, exhibit 7 from original filing, a one-page letter. Letter from CZM – should submit. Mr. Breitenstein: is there still asphalt? Just repairing existing asphalt at 160, not increasing. Coastal bank is basically carved out, about a 5' drop off. Used to be more gradual. Mr. O'Connell: no issues, would like a preconstruction to look at material to be removed from inter-tidal area, no machinery. Should be able to see in Figure 8, three big areas. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Wetlands Hearing: Lilly, 147A Border St. (new build & septic) (cont.)
No one attended the hearing. Motion to continue the hearing to July 18, 2011 at 6:30 p.m. Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Wetlands Hearing: Seoane, 172 Gannett Rd (driveway for new build)
Rick Grady. Grady Consulting, Lou Seoane, and Peter Hubble were present at the hearing. Abutters notification was submitted. Last of the lots from the Hubbell Estates. Combining three existing lots, suitable for one single-family house. Total area of property is 80,000 sq. ft., located near intersection of Gannett Rd and Border St, adjacent to 182 and 162 Gannett Rd. Wetlands delineated and shown on plan. 100' buffer to BVW falls across front and on left. Quite interesting property, ledge and elevation issues. Looked at a couple of different locations for the driveway, presented challenges. Chose proposed location because it causes less cuts and fills. Designed a drainage system, submitted storm water calcs. Crushed stone swale along edge of driveway and below, directed runoff away from wetland. The turnaround and roof runoff is directed to a rain garden. Capture what we can off the

driveway with another rain garden. Applicant also prepared a landscape plan; not submitted for this hearing. Series of plantings along the driveway and also for erosion control. Rain garden plantings, also upper rain garden. Mr. Breitenstein: isn't it possible to bring driveway in at an angle to avoid the ledge? Grade would be steeper. Rick Grady had other alternatives, but more removal of ledge and disturbance. What is the square footage of the driveway in the 50' buffer? About 2400 sq ft of pavement. Ms. Scott-Pipes: Why can't you come off of Border St? Drops about 12'. What about coming off development? Don't have access? Anyone ask? Should be explored; could be an alternative. Over half the driveway is in the 50' buffer. Look at a few more options. Mr. Shea: Look at the contours. Might be a good one to have a site walk. Work out time for site walk. Either July 5 in the afternoon, or July 6 at 9:00 a.m. Either Jim or Paul will be there. Rick Grady will look at alternatives and also calculate disturbance of driveway in the 50' buffer. Staking out at site is a nightmare. Motion to continue the hearing to July 18, 2011 at 6:30 p.m. Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Wetlands Hearing: Frost, 146 Tilden Rd (addition with deck/plantings) Brad Holmes, Environmental Consulting & Restoration, LLC, and Bruce Frost were present at the hearing. Abutters notification was submitted. Existing single family home, maintained lawn surrounding the home, and gravel driveway. Parcel is more than 2 acres. Proposed addition and deck. Only room to expand is to the east. Mounded system and property line setbacks. Addition will be out an additional 7' with deck cantilevered beyond, about 5' or 6' more, within the 50' buffer. No proposed alterations of resource areas. 50' buffer zone is maintained lawn. Propose mitigation to offset encroaching into the 50' buffer; lawn going right to the edge of the wetland. Deck elevated with lawn under. On 3rd page in NOI on bottom photo, gives an idea of proposed plantings along buffer. This is the only location for expansion. Deck is 23' and addition is 32' from the BVW. Ms. Scott-Pipes: Really don't like anything in the 50' buffer zone, 7' more of basement is unfortunate. Is it necessary to put basement? It is a full 2-story addition to the structure. Mr. Parys: not as concerned about the foundation as the possibility of the yard ending up larger. Would like a fence installed. Mr. Jones: Shed not on plan. Replaced old shed about 3 years ago with an

8'x12', went through the building department, wasn't aware it had to come to Conservation, since a building permit was issued. Brad Holmes can add shed. Keeping the big tree? Mr. O'Connell: There is room in the front for the addition. Put addition landward side of house and put the deck on the BVW side. Would be expensive, kitchen is in the back of the house; would require reconfiguration of all the rooms. Taking 7 linear ft of lawn, no undisturbed buffer strip. Mr. Shea: install fence, new shrubs, within the fence line, and stop mowing; eliminating lawn, getting it back to a more natural state. Plant buffer zone for wildlife, then new owner would have a marker. Commission doesn't want to redesign the house. Cohasset calls lawns, green asphalt. 12 shrubs along the wetland edge. Amend the NOI to include the shed. Mr. Breitenstein: where is the 50' buffer in relation to the rocks? The wetland line is at the edge of the stonewall. Fence would be in the lawn. Put the proposed plantings on plan, maybe add a few more and a logical place for the fence. 6' wide strip of plantings, at least 1 : 1 mitigation. Close subject to a revised plan. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Wetlands Hearing: Malone, 6 Utility Rd (2 additions)

Greg Morse was present at the hearing. Abutters notification was submitted. Existing single family home. Wetlands line along back. Plan shows 50' buffer in red and 100' in green. Two proposed additions and site work associated with them. Addition in back 8 ½' deep and 12 ½' wide, already deck across the back, shown in pictures enclosed in the NOI. Addition is a bump out. Second addition is located at the front of the house, 9' x 12'. Partial brick patio in front. There will be minimal site disturbance. Adjacent to driveway crushed stone will be added for a retaining wall for a 2-car parking area. Full foundation in back, slab in front. Mr. Jones: Usually get a foundation plan. Removing soil from the site. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Wetlands Hearing: Campbell, 278 Central (pre-storm landscaping/grades/Emergency Cert.)

Phil Spath was present at the hearing. Abutters notification was submitted. Existing condition plan, emergency order issued back in January to bring site back to pre-storm condition. Sand returned to site

and graded off. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

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

Bob Crawford, E.E.T., Inc., requested to continue the hearing. Motion to continue the hearing to July 18, 2011 at 6:45 p.m. Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Wetlands Hearing: Hand, 264 Central Ave. (lift addition to deck)

Bob Crawford, E.E.T., Inc., was present at the hearing. Abutters notification was submitted. Rebuilt slab and patio on ocean side of property. A handicapped person frequents the property, proposing to construct a lift for the wheelchair, adjacent to the deck. Lift station will be 5' x

6 ½' x 6" concrete slab. Necessary to build a little ell on the existing deck. VE flood zone, elevation of slab will be approximately 11'. Mr. Breitenstein: 6" thick concrete slab to support the lift? Yes. Ms. Scott-Pipes: copy of the plan is poor. Mr. Jones: how long do expect the lift to last, presume they understand the lifespan will be somewhat limited. Basically steel structure bolted on the slab and supported by the deck. Can't move it out of the over wash area, can find out if they could relocate it. Mr. O'Connell: there will be some scour; less possibility around front. Mr. Crawford: would be a good idea to put some bars down then put the slab. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Wetlands Hearing: Linburn, 35 Tilden Rd (septic repair)

Phil Spath was present at the hearing. Abutters notification was submitted. Was here about 2 months ago; requested a letter from ConCom regarding septic and less impacts to wetlands if allowed to hook up to sewer. Board of Health approved, Selectmen denied. Putting the system in the back yard, walls around 2 sides, approx. 26' from the wetland line; 14' from wetlands to edge of wall. Tried to do the right thing. Selectmen didn't want to set a precedent. They only approve if a system can't fit on a lot. This particular site is where they should set a precedent. Could have gotten a deed restriction. Mr. Snow was there; seemed to make sense. Motion to close the hearing

Ms. Scott-Pipes. Second Mr. Breitenstein. Motion passed by unanimous vote.

Wetlands Hearing: Martin, 159 Turner Rd (removal of over wash) Michael Bonomi and Susan Jackie were present at the hearing. Abutters notification was submitted. Owners have not done anything to reduce amount of sand, can't access one of the basement doors. Remove clean sand and put it back on the beach. Mr. O'Connell: long-term all this sand removal and movement of sand will backfire on the whole area. Perhaps we should have a discussion of the long-term possibilities, but not the time to look at the larger picture. Removing the energy dissipater. Need to write something for a better way to do this. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Agents Report: Mr. Shea: 31 Candlewood Dr. Talked with Brad Holmes on Friday night. Approved the restoration of BVW, we want Mr. Kamman to start now, groundwater table is dropping. Buffer zone restoration plan not approved. Want BVW work to start. In the meantime need 50' buffer plan. If we approve the plan in August, he can start in September. BVW work now. Has to tie together with Order of Conditions. Should be getting a revised site plan for 50' buffer zone area. Mr. Jones: is there a way to speed things up. The Commission has been most cooperative. Been in violation for 13 or 14 years; even if we went back and fined him \$1,000 a year. Brad is supposed to be talking to him. By next meeting we discuss fines. Cut down trees in wetland, and bring in soil. Would it be worth sending a letter to that effect. Should be moving forward.

339 Hatherly Rd: met with Ed McLaughlin and Leo Costello, they are going to be filing an RDA for installation of a water line, basically dealing with DPW. Zone One portion is in the 100' buffer zone. Other alterations occurring are outside the jurisdiction.

Toths, 172 Cornet Stetson: Finally agreed to do grading according to Merrill Assoc. Plan. If anyone wants to look at, want a green light to do landscaping. Had no idea what the site was going to look like with the swale in the back yard. If they want to change anything they would have to file a new plan, and a new NOI or an amendment. At this point they are just following Merrill's Plan. If you go by the drainage swale, it is clearly very different from Ward Eisenhauer's. Tried to do what they

wanted to do, but realized they would have to come back to the Commission. Ms. Scott-Pipes: I doubt we would accept a different plan for the swale, it had been grandfathered in with Walnut Tree Hill. Builder was Spectrum. Toths tried to say they didn't know the swale was going in the back yard, but they wrote the checks.

Mr. O'Connell: Marine Park – Phases I and II done – dredging and seawall repairs are consistent with Order. Phase III walkway at Marine Park and embankment: Issued an Enforcement Order, there was no preconstruction or site visit. Went to site, silt fence 4' into the salt marsh, embankment silting into the marsh. Working with Tibbetts Engineering, supposed to have someone on site at minimum weekly. Also working with LEC to talk about what to do about the fill in the salt marsh. Approximately 150 sq ft of salt marsh was filled. Working on plan to remove fill and recontour the embankment. If that can't be done, will have to do marsh plantings. Commission has not seen the plans Tibbetts is working with. Received new plan, which is not consistent with approved plans. The main issue is the drainage and flooding on the property. Looked at contours on new plans. Going to need additional fill, flooding right now, contours are not complete. If they do as planned flooding should be corrected. Walkway on Mr. Loring's property is too low. Will have to raise to alleviate flooding. Making some progress. Look at new plan along embankment, LEC went out during spring tide. Marsh planting on lower part of embankment. Supposed to be a phragmites eradication plan. Coming up already and will take over any salt tolerant plants. A 12,000 sq. ft salt marsh planting was part of Army Corps of Engineers' dredging conditions. Plan to get all the players together to decide how we will move forward. Location of walkway is not in the same location, but not a Commission issue. Supposedly 8 or 9 meetings with Waterways, discussed and recommended all the changes. Mr. Parys: Anything in compliance? Not yet. Ms. Scott-Pipes: Not happy with the material or placement of the walkway. We approved one thing, and another is constructed, supposed to be gravel. Did not meet ADA compliance changed to stone dust with a silica for fusion. Received information, but haven't read yet. Mr. Shea: First problem, filed with ConCom, had public hearings with plan A, and received approvals. If Waterways Committee made all these changes, should have automatically come

back to the Commission. Also has approvals from other state and federal agencies, but using a different plan out in the field. Howie Kreutzberg, 143 Edward Foster Rd. Intimately familiar with the project, he was on the Waterways Committee. Waterways didn't make any changes. All waterways wanted to see was the plan, wanted to implement the sidewalk and planting plan. Doug Patterson finished the parking lot. All drainage was working fine. It appears that the engineer did whatever he wanted. Corps swore that the thousands of yards of fill brought in all runoff would go into the swale. All that meant was it would go onto the abutting property, now runs down Edward Foster, since Tibbetts removed the swale. Need boots on.

Ms. Scott-Pipes: Would you be willing to go back to the original plan? Yes, but not a member of Waterways any more. Walkway 1' above parking, don't know how they will grade, much too high. Should have been right along the ground. Waterways did not design the project. Familiar with CLE plan, went to Army Corps himself. Mr. O'Connell: when it switched to Tibbetts, that's when the problems started. CLE's plan was fine. Can't move the walkway; can't change the plan without a public hearing. No as-built of where the swale was. Someone dug the sand swale and didn't provide an as-built plan. CLE plan shows it. Took out material, brought in more compacted material. Can't get over how they did what they wanted to do. There are Corps requirements. Just got the construction plan Friday. Order from TA, need to get to the bottom of it. Want in writing the differences between the plans. Did give a plan of where it is now and where it was supposed to be.

Embankment isn't working. No room for a marsh restoration project. Either go back to approved plans, because changes in field will create a new NOI. So far off the mark of what was proposed. Need either a new NOI or send an Enforcement Order to go back to the approved plan. Mr. Loring: go back to the original plan. Why should we hire a new company to draw a new plan, instead of making the old plan work. New plan has no bushes. All changes were blamed on Waterways. Hired Tibbetts and they came back with a plan they were going to use, and Waterways said OK, will admit Waterways approved the plan, but went on Tibbetts' recommendations. Can't imagine Waterways suggesting elevation of the walkway. Send your concerns to the TA. Mr. O'Connell: setting up meeting with all interested parties to figure out what is best: Tibbetts, LEC, possibly CLE, TA, Mark Patterson and

someone from Waterways. Tibbetts knows he has to go to ConCom, and other state agencies. Just met this morning. Enforcement Order is in effect, no work is allowed and they have violations on other permits. Right now they need an Amendment and if substantial enough will need a new NOI. If the Corps steps in, they can start fining the town. Over \$15,000. What they have done has impacted Mr. Loring.

Harborwalk: Also in violation. This was the first job Paul Shea handed to Jim O'Connell. If it hadn't been his first day he would have shut them down. Revetment next to walkway is larger, there is an unauthorized building, extra rip-rap, and 14' farther into the tidal area. Not in compliance, working with Sequoia and Vine Associates. Plan on removing the fill and rip-rap and back to permitted dimensions. Now that we have it in writing would like to bring in Sequoia and Vine to discuss how they are going to do this. Requested 3 times to move the boom. Engineer from Vine Associates, and a person from DPW on site. Sequoia made field decisions to make the project easier. TA wants DPW involved. Kevin Cafferty has stated that all the responsibility falls on the contractor. Might be legally correct, not ethically right. OofC was issued to the town. Mr. Shea: may want to ask TA how much town money for oversight of project has gone to Vine Associates, Tibbetts, and DPW. Town money going out for oversight. Federal and state people could come in. With a little pressure Vine admitted they were wrong. When the boom comes out, the cups and rubbish will go out to sea. Think they should do more remediation.

Emergency Certification issued to access 3rd Cliff over Peggotty Beach for seawall repair. There had been a problem with previous approved access.

Violation Bangs, Alden Rd – cleared out debris, did come in and talk about next step. Just around border, remove phragmites, excavate the soil and put in salt tolerant plants. Can be done at the recommendation of the Agent.

Minutes: Motion to accept the minutes of March 28, 2011 and April 12, 2011 Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Order of Conditions: Perry, 105 Gilson Road (raze/rebuild)
Motion to condition the project Ms. Scott-Pipes. Second Mr. Parys.
Motion passed by unanimous vote.

Order of Conditions: McNamara, 83 Surfside Road (replace boulders/
deck/concrete patio/fence)
Motion to condition the project Ms. Scott-Pipes. Second Mr. Parys.
Motion passed by unanimous vote.

Order of Conditions: Boyle, 254 Central Ave. (repair damaged seawall)
Motion to condition the project Ms. Scott-Pipes. Second Mr. Parys.
Motion passed by unanimous vote.

Order of Conditions: Casperson, 53 Lighthouse Road (deck/flag pole/
shower pad/landing/stairs)
Motion to condition the project Ms. Scott-Pipes. Second Mr. Parys.
Motion passed by unanimous vote.

Order of Conditions: Joy, 262 Central Ave. (replace leaching field & rip-
rap boulders)
Motion to condition the project Ms. Scott-Pipes. Second Mr. Parys.
Motion passed by unanimous vote.

Order of Conditions: McKenney, 11 Franklin Street (new deck with
ramp/remove shed)
Motion to condition the project Ms. Scott-Pipes. Second Mr. Parys.
Motion passed by unanimous vote.

Order of Conditions: LeBlanc, 147R Glades Road (septic repair)
Usually don't allow material off-site, but in this case allow to remove
off-site if necessary. Motion to condition the project as amended Ms.
Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Order of Conditions: Town of Scituate/DPW, Stockbridge Road
(wetland delineation)
Motion to condition the project Ms. Scott-Pipes. Second Mr. Parys.
Motion passed by unanimous vote.

CORRESPONDENCE

June 14, 2011 – June 27, 2011

1. Planning Board re: Approval of Subdivision Plan “Tilden Estates” for Tilden Woods, 77 Elm St
2. DPW – Preconstruction re: Musquashicut Pond Sewer & Water Main Replacement project (in file)
3. DEP File #68-2330 – Farina, 10 & 12 Ocean Dr & 24 Humarock Beach (in file)
4. Report/Eisenhaure re: Walnut Tree Hill, Lot 61, 172 Cornet Stetson – 68-2230 – Inspected grading prior to topsoil; in conformance with approved plan, specifically the swale, driveway and grading in front (in file)
6. ON-SITE RESCHEDULED 68-2290 – Wannop, Lot 2 Glades Rd (in file)
7. DEP File #68-2338 – Brennan, 4 Oceanside Dr (in file)
8. BOS Agenda for 6/3/11 – CR for Bjorklund & Wheelwright
9. Recording for 68-2331 – McDonnell, 292 Central Ave. (in file)
10. Kevin McCord re: Support from Conservation for the Special Needs Summer Program work crews at Conservation Park & Ellis.
11. Request for CofC for 68-2253 - 44 Grove St (in file)
12. Project Status Report/Williamson Environmental LLC re: Goulston, 50-acres – excavation in 3 areas
13. Details of Vertical Platform Lift at 264 Central Ave. (in file)
14. O’Brien, 29 Surfside Rd E-mail and pictures (in file)
15. Revised plans for addition at 6 Utility Rd (in file)
16. Planning Board re: Common Driveway Lots 1, 4 & 5 556/562 First Parish Rd
17. DPW re: Bailey’s Causeway Parking Lot – Attachments – Clear minor amount of debris and bring in pervious material to stable surface.. No one from DPW is available to attend the meeting of the 27th.
18. DEP re: Musquashicut Pond Area Sewer project – aware contract to Albanese Brothers (in file)
19. Memorial Day Program Agenda
20. Mass Historical Commission letter to Commonwealth of MA re: Crosbie Family Preserve, Clapp Rd – Acquisition of this property will assist to protect and preserve significant archaeological sites that may

be present.

21. DEP re: Solimando, Dartmouth St – Request from public to private boating facility.

22. Request for Extension for Wetland Delineation for 214 Thomas Clapp Rd – expires Sept 7, 2011.

23. Recording of OofC for 68-2310 – 10 Shoal Water Rd (in file)

24. Planning re: Form A Application n- 102 Old Oaken Bucket Rd – COMMENTS by July 12, 2011

25. Marine Park - Response to Scott Greenbaum's request for information (in file)

Meeting adjourned 9:05 p.m.

Respectfully submitted,

Carol Logue, Secretary