

Conservation Commission, June 10, 2013

Town of Scituate

Conservation Commission
Town Hall Selectmen's Hearing Room
Meeting Minutes
June 10, 2013

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

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

Also Present: Patrick Gallivan, Agent; Carol Logue, Secretary
Agenda: Motion to accept the agenda Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Request for Determination: Scituate DPW/Recreation, Central Ave.
(parking and storage pod) (cont.)

Commission was asked to continue the hearing for an ownership issue. Believe the town owns it, but there is not enough information, however, ownership is not the Commission's issue. It is a positive determination anyway, they will have to come back with a Notice of Intent. Mr. Snow: with the problems they are having, Recreation probably will do nothing; cannot technically file on someone else's property without permission. Can we just do nothing? If they find out they do own it, they can come back. Mr. Gallivan doesn't know if we can just do nothing. It is not like they didn't give us information. Motion for a Positive 1 determination - "The area described on the referenced plan(s) is an area subject to protection under the Act. Removing, filling, dredging, or altering of that area requires the filing of a Notice of Intent." Mr. Jones. Second Mr. Harding. Motion passed by unanimous vote.

Request for Determination: Vaughan, 49 Surfside Road (repair footings, walls & sills)

Michael & Heather Vaughan were present at the hearing. They bought the house in October, the day before Sandy hit. Street side of property has been neglected; wooden foundation. Rivermoor Engineering

assessed, talked to the building inspector; same footprint, just repairing the foundation to match the rest of the house. Mr. Jones: do you know what the elevation is? First floor is on grade. About 36% of the original foundation needs repair; doesn't fall within substantial improvement. This is the only portion that remains of the original foundation. Three quarters of the foundation is concrete. House is in an AO flood zone, not in the V zone. First floor is at elevation 19.11'; V zone elevation is 17'. Mr. Snow: Planning any other work, walkways, etc.? Will come back for any additional work later. Going to crib, stabilize, and build new base walls. 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. Harding. Restore the site to original condition. Motion passed by unanimous vote.

Request for Determination: Dow, 298 Central Ave. (repair deck & footings)

Tom Hernan and Janet Dow were present at the hearing. Out of the 6 existing footings 4 were heavily damaged and the other 2 slightly damaged, but didn't lose the deck. The structural engineer added a 7th footing. Deck dropped about 14". Excavate and put the concrete footing down 8'. Cutting off 2" or 3" of each and putting a Simpson tie; no change in the footprint; 8' up, 23' long; no seawall in front. Mr. Jones: interconnect the footings. Tied into hurricane ties; cantilevered back. 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. Harding. Motion passed by unanimous vote. Restore site back to original.

Wetlands Hearing: Gordon, Ocean Ave. (new build & septic)

Request for a continuance; working out some details. Motion to continue the hearing to June 24, 2013 at 7:00 p.m. Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Wetlands Hearing: Biviano, 6 Cliff Road (septic)

Bob Crawford from E.E.T., Inc. and Tom Ermolovich, owner were present at the hearing. Abutters' notification was submitted. Lot is on ocean side at the base of the cliff. The December storm damaged the existing leaching pit; proposing 104' of plastic leaching chambers, in the FEMA VE flood zone, elevation 13'. Existing tank was found to be OK. Ground elevation around 11', system itself is at elevation 9'. A 10' x 12' concrete slab will be removed. Old leaching field is on the water main, applying to move the water line out to the street if necessary. Mr. Gallivan: whole project is in the velocity zone. Variance hearing June 17, following that have to go to DEP. Ran it by Bret Rowe and he said in this situation it would be OK. No approval from Board of Health. Motion to continue the hearing to June 24, 2013 at 7:10 p.m. Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Order of Conditions: Peterson, 15 Ocean Drive (septic)

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

Order of Conditions: Mariani, Clove Lane (septic)

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

Agent's Report:

119 Kent Street: abandoned; in flood zone with wetlands in back. This will be a knock down and everything will be moved to the A zone. Salt marsh is probably 100' away.

60 Ocean Drive: owner wants to put in a lawn. This is in Richard's area; haven't seen it. There is sand, concrete and a paved area. Looks like there is some space for a lawn. Maybe add some beach roses and we will gain something.

Dodge Road: Came in as a complaint. Was told road had been cleared and pavers put in quite a distance down the street. Street has been graveled, no permit pulled. Mr. Harding did not see any pavers. Sand and rocks had been removed and taken down Atlantic Drive, back to the beach. Abutter is getting more over wash since the pavers were installed. Mr. Biagini brought in stone at his own expense. Mention to

him that he needs to file for something like that. He was well paid to move the sand and rocks back on the beach. Mr. Harding will check tomorrow. Make sure both owner and contractor are aware.

CofC's:

18 Hatherly Road: A couple of issues were worked out. An above ground pool was changed from an in ground pool; shed that was in the wetlands with marsh behind it has been removed and the plantings look great.

205 Bailey's Island: Septic system. Put in several years ago. Change in ownership. Attorney would like it closed out. No engineer's letter.

20 Tenth Ave.: footings in the back.

101 Border is not ready.

8 Border is not ready

Enforcement Ann Vinal Road: After several weeks the letter came back; still have not met the person. Mr. Snow and Mr. Gallivan will go out some time this week. Needs to get property delineated and stop dumping in the buffer zone.

Ayer, Gardiner Road: Attorney for property owner contacted our attorney. Received one letter certified and one regular mail from Attorney Brandon Moss. Thinks they will be calling with a Notice of Intent this week. Attorney said the town caused the problem on the property.

181 Edward Foster Road: Phragmites – Mr. Snow and Mr. Gallivan will visit.

155 Chief Justice Cushing Hwy: Lack of vegetation between lawn and marsh. Wood chips need to get raked out. Asking him to get the debris and trees out of the wetland. Also discussed posts with conservation signs. Marsh is totally unprotected.

Country Way: The sump pump pipe next to Gristmill is not removed yet. Mr. Snow: met with him, went down the cellar, looks like lots of iron in the groundwater. Says he's going to cut it. Mr. Jones: send a letter and pick a date a couple of weeks.

Clark, Central Ave., across from 142 or 148: He bought 2 lots and wants to store some things on them. Two boat trailers and buoys so far. Should remove or file. Mr. Snow: did we send anything in writing? Yes. But in the meantime he is on beach grass. Mr. Harding: 2 empty boat trailers, no huge ruts, not being destroyed. The question is should it be there? File by June 24. After talking to him he didn't think anything else would be put there.

Eisenhower Lane: Equipment removing large rocks from the lawn. Cuttings and debris put in the wetland. Mr. Snow: on the other side of the stonewall they cleared along the edge of the driveway. Someone else needs to go with the agent; they are Mr. Snow's sister-in-law's brother. Told him something would have to be replanted.

Marilyn Road, near cranberry bog off of Old Oaken Bucket Road: Trying to establish lawn in part upland, buffer, and wetland. Probably could have some lawn, but not as much as they wanted. A wetland person needs to get out there. Ask for money in advance. A lot of clearing took place where the snapping turtle was laying her eggs. Tried to reach Walter Hewitson; should choose between two people. Probably will have to do soils in order to figure out where the wetland is.

Seaside Road, Todd Breitenstein's neighborhood: Someone took large boulders and put over the wall at the end of Standish; no house right there. Mr. Snow: Lynch had permission to rebuild the seawall; however, I didn't see any work being done.

Mr. Snow & Mr. Gallivan will make site visits to: Edward Foster, Ann Vinal, and Border Street

Mr. Tufts and Mr. Gallivan will go to Eisenhower.

Draft FEMA maps: Town has 90 days to make comments. Maps went

to Building, Selectmen, Planning, and Conservation. Several more houses will be in flood zones. Will hold public meetings, or they can go to their insurance agents. Mr. Snow: Any organizations look at them? No, so far just town officials. FEMA will come and have a meeting through Planning. Thinks Laura is supposed be in charge of the ads; will check on the website.

Mr. Snow: Should get together with Laura Harbottle on Deer Common.

Mr. Gallivan: Had the Deer Common preconstruction today with McSharry, Tedeschi, Paul Mirabito, and Greg Tansey. Beals and Thomas will oversee. SLT is doing the site work and met with them today too. Not going to be allowed to clear cut the whole place. One lot is septic for the whole 10 lots.

Ms. Scott-Pipes: that lot on Kimberly Road had an extension for 1 or 2 years. Just as you go in Kimberly Road it is just on the right side; questionable lot. Mr. Gallivan: He's thinking of building a house and moving into that and selling his house. Pull the file, wonder how long ago the wetlands were flagged. Mr. Gallivan told him he had to have it reflagged. There was going to be replication; needs an amendment.

Mr. Snow: Walden Woods between Stenbeck and Tilden Road (before Mr. Snow was on the Commission), but because it is a 40B, DEP approved. They are grading right to the edge of the wetlands. Can they be stopped? Don't know a lot of the history. Work with Laura on their preconstruction. Also look for anything else that might be missing. Ms. Scott-Pipes: tried to get out there, but it was all gated. Definitely our jurisdiction. Stenbeck Place is off of Hazel Ave.

Mr. Snow: had a quick exchange with Conway School, they were anxious to see how things were going. Took a walk on the Pipes loop, all the brooks were really flowing, and lots of ferns. It was a nice cool day.

Conservation Restrictions: CPC decided to change how the CRs are done. Can no longer buy the property without the CR being ready first. Hopefully wrap up the ones that aren't done yet. Lind/Litchfield,

between Country Way and the railroad bed, Higgins/MacAllister and Crosbie all need CRs. Mr. Jones took a look at two that were sent to me. May be a little different, but will definitely be similar. Mr. Jones: These CRs are between the town and whoever holds the deed? Does the owner selling the property have any input? Not asking for any. Litchfield piece wanted to name something "Wade Preserve". If I were selling a piece of property to the town I would want to at least review the document. If they don't care, that's fine. In the cases of Crosbie and Higgins/MacAllister, they probably could have sold the property for more. Ms. Scott-Pipes: can think of people that would want restrictions that would only service them. Use would basically be the same on all of them. Mr. Bjorklund: if you do the CR before the transfer takes place, they will be signing the restriction. Mr. Snow: don't believe the CR gets put on the property before buying. There could be a particular request from the people who are selling. Mr. Jones: if they are selling to the town, the CR is between the town and the non-profit. Both CRs refer to a Management Plan. Theoretically the non-profit is supposed to have a management plan and at least manually review the property. Mr. Snow: basically the properties are going to be used for passive recreation. If it says no forestry, it was more to be sure they were never developed. You kind of wonder if a management plan should be involved. Mr. Jones: should look at the wording. Both Litchfield and Appleton Field read: reserve the right to hunt deer in accordance with state and local rules & regs, but now there are turkeys. The town can state they don't make hunting regulations. None of these properties fall within 500' to a dwelling. With whom should I discuss small details? E-mail Lisa Fenton to see if it is OK to contact or speak with Kathleen O'Connell.

Mr. Jones: Feel we should have more than 3 copies of the Conway report. Mr. Snow: Looking into getting more.

CORRESPONDENCE

May 30, 2013 – June 10, 2013

1. Notification to abutters re: Adams, 700 Glades Road (in file)
2. Stormwater Magazine
3. Recording of CofC for DiBoyan, 76 Pheasant Hill Drive (in file)
4. Recording of OofC for Downs, 9 Pleasant Street (in file)

5. MACC flyer for Fundamentals for Conservation Commissioners
6. MACC Winter/Spring 2013 Publications Catalog
7. MACC Dues
8. Ocean Ave. – Gordon, 68-2464 - Stormwater Permit (in file)
9. Central Ave. (288?) – any amendment for plans for a 2 car parking area that cleared into the bank of the marsh across the street from the project. Beach grass prior to the parking area). They remodeled the whole house, expanded into the 200' riverfront a bit and redid the rip rap sea wall and no mitigation or elevation of the house. – pictured enclosed.
10. Request to continue the hearing to June 24, 2013 and green cards (in file)
11. DEP Waterways Reg. Program re: Town of Marshfield DPW – improvement dredging and beach nourishment near Sea Street bridge.
12. Recording of CofC 68-2437 – Rofe, 392 Country Way (in file)
13. Revised plans for 305 Country Way
14. Mass Association of Planning Directors 2013 Annual Conference – Conservation Case Law Update

Meeting adjourned 7:45 p.m.

Respectfully submitted,

Carol Logue, Secretary

Mr. Jones thanked everybody and Mr. Snow thanked Ms. Scott-Pipes and Mr. Jones for their service.