

Conservation Commission, April 25, 2011

Town of Scituate

Conservation Commission

Town Hall Selectmen's Hearing Room

Meeting Minutes

April 25, 2011

Meeting was called to order 6:21 at p.m.

Members Present: Mr. Snow, Chairman, Mr. Breitenstein, Mr. Greenbaum, Mr. Jones, Mr. Tufts.

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

Agenda: Motion to amend the agenda to include Order of Conditions for Conti, 282 Central Ave. Mr. Jones. Second Mr. Greenbaum. Motion passed by unanimous vote.

Request for Determination: DPW, Bailey's Causeway (swale & parking area improvements)

Kevin Cafferty was present at the hearing. Raise the grade of the parking area and add a small swale around with 8" of stone and fabric, to slow down the velocity; existing is washed out; planning on keeping the same pitch. Two-fold – one is for paved parking lot and also now the second lot and at some point add street grindings to level for a stable base, like Widow's Walk. Original idea was to use monies from the beach fund, but don't think there is enough for massive drainage improvements. Mr. O'Connell: Have photos; existing parking lot continues into the marsh; north side will continue to cause scour; runoff should be treated; grading appropriately might help alleviate some runoff into the marsh. Mr. Snow: Anyway to create a berm on north side, push the water toward the west end of parking lot and create a simple rain garden? Plantings probably wouldn't survive. Get it to a certain point and maybe next year might have money for more improvements. Mr. Shea: originally discussed with Kevin Cafferty to amend the RDA to allow work on both parking lots at the same time. Negative determination, but work with agent to come up with a short-

and long-term plan. Berm and granite curb and catch basin with man-hole cover, 4' sump. Catch basin would be an improvement. Amend the RDA and plan to include the second parking lot. 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)." Mr. Jones. Second Mr. Greenbaum. Motion passed by unanimous vote.

Mr. Snow: Hollett Street/water main installation – Was told there was a broken water line and flushing hydrants, but dewatering trench and pumping muddy water directly into the wetland. Water coming from Ann Vinal Road, silt fence was cut and the muddy water was running into the wetland, which goes into the Gulf. Told to fix immediately.

Request for Determination: Colantonio, 32 Ocean Drive (roof canopy) Francis Colantonio was present at the hearing. Two abutters sent e-mails in favor of this project. Site drawing shows large deck 28' x 30' long. Make canopy/overhang over the deck about 6-1/2' to 7'; no ground work; footings in place. No additional structure. Mr. Greenbaum: roof changing the impervious surface, or not significant enough? No runoff into impervious surface. Adding vertical columns that will be tied to the top with hurricane clips. The pillars will be mounted to the decking and solid footing below. 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)." Mr. Jones. Second Mr. Greenbaum. Motion passed by unanimous vote.

Wetlands Hearing: Seoane, Cavanagh Road (new build) (cont.) Rick Grady, Grady Consulting, and Luis Seoane were present at the hearing. Met last January 3. Redelineated the wetlands, expired wetland line, Brook Monroe did her best on January 25. While on-site, staked the proposed house and septic system. Located series of large trees along the 50' buffer. Paul Shea reviewed wetland delineation

March 20. Didn't agree completely; hung other flags. Located a few 3' to 4' higher and B4A approximately 10' higher. Believe now in agreement with wetland delineation. As a result of new line, associated 50' setback came uphill 10'; 50' buffer encroached the house. Reduced depth of house from 28' to 26', outside the newer 50' buffer. Updated landscape plan. Proposed trees and buffer zone enhancement for the length of the buffer for any trees or vegetation lost. Avoiding a typical lawn, more of a natural character. Stepping stones set to walk out rear entry of basement. Old granite steps to existing grade in front. At back of house and along side of house: native plantings, no lawn.

Stormwater management similar to design for Indian Trail, crushed stone reservoirs below house and any impervious areas. Will provide both storage and infiltration; no increase in runoff. Plan has been approved by the Board of Health. Minimum setback of 30' from road and 15' side setback. Wall design for septic. Plantings go beyond what they submitted before. No stormwater issues. Right now debris is within the 50' buffer, once this is built that activity will stop. Mr. Greenbaum: 4 trees outside the 50' zone, coming down. 28" and 30" to build the septic system. Confirmed potential vernal pool issues. Hired John Zimmer, evaluated and found no evidence of vernal pool habitat. Proposed retaining wall drifts a little away from septic system. Could revise wall about 1". Still lose 30" tree, but glad to put in the effort to save the trees. Shame to lose trees of that quality and quantity. Condition to revise plan to relocate retaining wall to try and save the trees. Mr. Jones: why not more intensive on northwest along the 50' buffer below your retaining wall? Pretty well wooded. Not touching anything behind those 4 large trees. Will try to save 3 of the 4 trees. 50' will pretty much remain as is. Motion to close the hearing Mr. Jones. Second Mr. Greenbaum. Motion passed by unanimous vote.

Wetlands Hearing: Kessinger, 154 Jericho Road (repair & extend asphalt drive/replenish bank/repair stairs)

Bob Kessinger was present at the hearing. Abutters notification was submitted. Response to Dec. 2010 storm. Lost coastal beach area, stairs, and driveway. Granted an Emergency Certification to repair stairs and driveway, backfilled 90%. Filing on behalf of himself and 160 Jericho Rd. Requesting to put driveway back to pre-storm condition, replenish the coastal bank, 300 cu yds came out of the driveway as

well as the beach in front. Instead of putting stairs back to pre-storm conditions filed with building for a deck. Deck is all cantilevered off house. Everything cantilevered into the foundation. In '78, '91 and 2010 sonotubes washed out. Replenish the coastal bank with fill scoured out by the storm. Creating a channel, incoming tide coming closer to both properties. Guess 100 cu yds of material sitting on the beach. There is a 6' drop-off. Repair of paving at 160 Jericho and extend that 25' x 25' onto 154. Unless it is recommended, wasn't thinking of rip-rap. Mr. Jones: Is 160 specifically noted on your NOI? Repair at 160 involves asphalt. And at 154 to extend asphalt. Main cause was related to the breach of the seawall. Mr. Snow: Scouring between those houses is a recurring issue. Has the scouring reduced because of the Town's drainage? Owned 16 years, first time this has happened. Not year-round residents. Mr. O'Connell: In terms of removing the material from the inter-tidal zone, could not support. Bring in material - 8" to 10" angular stones, could probably remove by hand. In other locations allowed folks to bring in but not take out. Commission has never allowed reclamation of material. That whole area floods, rip-rap in front of those houses might be a better method. Might want to resubmit something with rip-rap or other armoring, could continue and submit something. Rosemary Analetto, 148 Jericho & 152 Jericho Rd – sister-in-law's house. Driveway is a right-of-way, the actual paved driveway is 152 Jericho. Commission shouldn't act on this until property is surveyed. Asphalt driveway owned by 152, no asphalt driveway owned by anyone else. Her property should have been part of the filing. Sounds like we need a surveyed plan. Talk with the people at 152, probably all have surveyed plans for the properties. Property lines are extremely close and will be impacted. We can amend the proposal if others have to be part of the proposal. Go over 152 to get to 154. 10' of the driveway was washed out. Continue the hearing, define the property lines, make some amendments to what you have. Motion to continue the hearing to May 9, 2011 at 6:30 p.m. Mr. Greenbaum. Second Mr. Jones. Motion passed by unanimous vote.

Wetlands Hearing: Boyle, 254 Central Ave. (repair damaged seawall) Kevin Stacey, RDA Construction, and Ms. Boyle were present at the hearing, Abutters notification was submitted. Slabs collapsed, looking to replace existing foundation with one 3' deeper. Typo on plan: will

restamp and resubmit tomorrow. Wall = 50.6" across , 17.6 back. Proposed drainage holes and filter fabric. Rebar format has been increased, existing slab on deck increased to 8" and put in #5 rebars, epoxy in rebar, bored in the middle of the slab, with existing wire mesh. Mr. Greenbaum: Footing is a lot smaller than some other footings we've seen. Mr. O'Connell: agree with Scott and concrete patios are causing more problems. Mr. Snow: Looking for some revetment. Vertical walls do cause scouring, Toe stones help. If not built as submitted, no Certificate of Compliance will be issued. DEP has been requiring revetments. Steve Garvey, 252 Central Ave.: Substantial crack; full support of the wall, but never contacted; now learns they will drill into his wall. Walls approved by ConCom in 1973. By not tying those two walls together they both will weaken. Removing existing wall. If you don't know where the property line is, need a surveyed plan. Wall plan stamped by John Keefe in 2002. Looking at footing size, property lines, and a letter from Mr. Garvey approving tying into his wall. Motion to continue the hearing to May 9, 2011 at 6:30 p.m. Mr. Greenbaum. Second Mr. Jones. Motion passed by unanimous vote.

Wetlands Hearing: Kirby, 2 Oceanside Drive (deck)

Chris Kirby and Mr. Gormley were present at the hearing. Abutters notification was submitted. Deck 22'x 29.4' with 11 new sonotubes, and replace 2 sonotubes for a 4' walkway. Same footprint as previous deck. After the seawall is fixed extend deck over the seawall and 4' above. Mr. O'Connell: number of alternatives, have safer ways to attach decks to houses. DPW was going to review all decks abutting seawalls. Mr. Shea: Building & DPW looking for a minimum of 3' but would like 10' with removable panels. Two contractors have been in and they said deck would be on hinges. Need something in the file from the owner that you are his representative. Mr. Kirby will talk to DPW and building. Motion to continue hearing to May 9, 2011 at 7:00 p.m. Mr. Greenbaum. Second Mr. Jones. Motion passed by unanimous vote.

Wetlands Hearing: Lilly, 147A Border Street (new build & septic)

Mr. Shea recused himself--he worked for the Lilly's in 2002. Steve and Kristen Lilly and Ed Stone were present at the hearing. Abutters notification was submitted. New build on the Gulf River. Subdivision of existing lot, existing home has had 2 separate Orders of Conditions.

Wetlands were approved prior to that. Resource areas: 200' and 100' outer riparian zone, and buffer zones. Alteration under 5,000 sq. ft. No alterations are proposed within the 100' inner riparian zone. Proposed catch basins, rain gardens, and BMPs, Consulting with Board of Health regarding the 4-bedroom septic system. Totally outside the 50' buffer. Mr. Greenbaum: there is a dock and a path down to the dock, no new path being added? No path. Kept it natural all the way down. 1999 wetland line, dock 2003, pool 2007. Collecting all the runoff with the stormwater plan. Narrative and stormwater form coming in presently. Septic is in the driveway. Mr. Jones: all the work will be done within the 100' to 200' riparian zone? In looking at the property, it looks as though there is a lot of room above the 200'. Why couldn't you move the dwelling out of the 200'? There is an easement involved and additional easements with Lots 4, 5 & 6. Have to maintain certain lot line setbacks. Mr. O'Connell: Curved property line. Why does it have to divide the way you've divided it? At present time all work on their property. No Board of Health approval. Motion to continue the hearing to May 23, 2011 at 6:30 p.m. Mr. Greenbaum. Second Mr. Jones. Motion passed by unanimous vote.

Wetlands Hearing: Bulman, Satuit Waterfront Club, 20 Jericho Rd. (new build)

Christine Player, CLE, and Michael Bulman were present at the hearing. Abutters notification was submitted. Two story 2,000 sq. ft house, with 2-car garage, and deck with a 6' x 20' concrete or stone stairway installed within the rip-rap footprint. A fence will be installed at the southeasterly property line. Proposing to create a buffer strip of salt tolerant plants along the edge of the rear yard and along the top of the revetment. Connecting to water and sewer. Deck will be elevated, supported by sonotubes, with a 4' foundation wall, no basement. Loam and seed along perimeter of house. Mr. Shea: There is room on the plan for mitigation in the 50' buffer; there is a lot of work in the 50' buffer. But 50' buffer zone has already been impacted. Understand limitations. Other avenues should be explored. Restricted by setbacks. Would the Commission be open to mitigation off site? The whole house is in the 50' buffer zone. Could the house move toward the road? Loaming & seeding not preferred. Walkway to beach? Will the walkway modify the revetment? If so could trigger a Chapter 91 issue. Will

check. Debbie Downey, 1 Porter Rd: flooding in that general area; floats got rearranged; how will the water be handled? Abuts the salt marsh. Mr. Bulman: 10 to 15 years ago a swale was put in next door to this lot. Carol Rider, 23 Jericho Rd – concerned with drainage problem. Drains away from their house, would go to Jericho Road. No final grading shown. Especially in the winter already have runoff, goes over driveway into garage. Topo is pretty flat. Concerned about all the work within the 50' buffer zone and walkway. Comment Mr. Bjorklund: house is better than all the parked cars. Better environmentally to add the plantings. Mr. Shea: stormwater permit wouldn't preclude them from building here. Possibly could put subsurface drainage under house? Review stormwater bylaw, think they need to submit application. Carol Rider: It is a marina; there will be no net loss of parked cars. Mr. Snow: this is already an altered area. Recommended to continue to look into stormwater permit. Revised site plan with top of bank, with additional mitigation on-site and off-site. Also address the concerns of the neighbors. Brian Murphy, 28 Jericho Rd: Any maps that would show the fill? Grassed area filled with gravel, no puddles in that lot. Motion to continue the hearing to May 9, 2011 at 6:30 p.m. Mr. Greenbaum. Second Mr. Jones. Motion passed by unanimous vote.

Wetlands Hearing: Kelly, 47 Lighthouse Road (replace existing deck & stairs)

Paul Mirabito was present at the hearing. Abutters notification was submitted. Remove a small set of stairs and platform, extend 12', the length of the house on hand-dug sonotubes. FEMA Flood Zone AE, elevation 11. Relocate stairs to rear. Open deck with spaces between the boards. Silt sock along perimeter of work. Removing canopy over existing deck. Motion to close the hearing Mr. Greenbaum. Second Mr. Jones. Motion passed by unanimous vote.

Wetlands Hearing: McLaughlin, 234, 238, 240 Central Ave. (rip-rap)
Mark McLaughlin was present at the hearing. Abutters notification was submitted. Walls experienced heavy undermining from the December storm. Requested an emergency permit for rip-rap. 3 rows of rip-rap approx 12', down about 4' below the footing. 238 & 240 undermining of their patios, remove sunken patio and fill and pour concrete. Have to remove front 10' of patio and remove fill. They have patios behind the

walls. Tie in when concrete patio is poured and add rip-rap. Mr. Greenbaum: Non-engineered or stamped design. Already placed the rocks. Mr. Shea: Emergency permit was issued to put armor stone, and then put rip-rap in front. Notice of Intent for installation of rip-rap armor. Will need to amend the Notice to include repair of patios at 238 & 240. Need a surveyed plan with profile. DEP will want the stamped plan and we will too. Mr. Greenbaum: concrete patios back on top? Did water go through the drainage holes? Drains water toward street, substantial hydraulic pressure. Beach sand dries out behind these walls, don't know if that is the best solution. Should look at project in its entirety. Need a structural engineered plan for the patios. Not encouraging concrete patios. Motion to continue the hearing to May 23, 2011 at 6:30 p.m. Mr. Greenbaum. Second Mr. Jones. Motion passed by unanimous vote.

Agents Report: Bristol, 78 Cedar Street – garden, etc. within scope of existing RDA

Mr. Snow recused himself. RDA for deck and drive is still alive for 2 years. Behind her existing house is an open field in the 50' buffer zone. Would like to plant pumpkins. Also between the house and field several trees have come down, can those 2 items be considered within the scope of the RDA? Motion to amend the Determination to allow for planting and removal of trees in the 50' buffer zone Mr. Jones. Second Mr. Tufts. Motion passed by unanimous vote.

Maintenance request for 31 & 33 Surfside Road: Modification to install a row of 3 or 4 ton stone landward of the revetment; create a rip-rap design for the failed concrete seawall; restore yards by removing debris and cobbles to pre-storm conditions. Request a revised site plan. Put decision off, talk to Carlos Pena, CLE.

Mr. O'Connell: 105 Gilson Road – e-mail from owner. Unclear of what to do next. Willing to move the house back. If he kept house where it is now, or moved it back would he need geotechnical borings? Existing house is 8' from the cliff. If they move it back 25' from top of bank, it seems like good mitigation, would not need borings. As proposed, with wall and house should do borings.

Across from Jenkins Schools – 8 Dunbar Lane: Request for Certificate of Compliance. There is a lot of debris in the wetlands in back: concrete slabs, 1 shed removed, 1 remains. People who are buying would like the shed to remain. Do not think it is a problem.

Orders for Lot 2 Glades Road: Not enough voting members were present throughout the hearing process.

CORRESPONDENCE

April 13, 2011 – April 25, 2011

1. ECR/Brad Holmes re: Pre-work notification, 36 Brunswick St. - 68-2296
2. R. Mullen & Associates re: projects up to \$25,000 – periodically contact the office.
3. OCC Newsletter
4. Memo from Planning re: Modern Continental – part of Walnut Tree Hill's drainage system tied into the town's.
5. Revised plans for 42 Pin Oak Drive (in file)
6. Early season update re: fencing and signage at The Spit. Thanks to Tony Jones, Allan Greenberg and Mark Patterson
7. MassWildlife News
8. Recording for 68-2317 – 8 Bonnie Briar Circle
9. Planning Board re: Stormwater Permit 248 Old Oaken Bucket Rd. – new 5-bedroom home - 40'x 40' sport court; in the Water Resource Protection District. Reviewed Apr. 28, 2011.
10. MACC Newsletter
11. ECR/Brad Holmes re: planting completion, 36 Brunswick St. 68-2296
12. 103 Neal Gate St – many trees removed for view of the river, person feels some plantings should be required.
13. Ohrenberger Associates re: 172 Glades Rd. (well – next to Lot 2 Glades Rd.)
14. Ellis Property trails - Howard Mathews re: trail maintenance
15. Marine Fisheries re: 20 Jericho Rd., new build – no recommendations on the proposed scope of work at this time.
16. H&S Environmental re: Peer Review Services
17. Recording of Order of Conditions – 68-2293 – 5 Ocean Dr.
18. Revised plans for 147A Border St. (in file)

19. Planning Board re: Form A Application – 147 Border St. – Need comments by Apr 27, 2011
20. DEP – On-Site – Thursday, May 19, 2011 at 3:00 p.m.
21. 88 Country Way – fallen trees pulled out from wetland area. Over years has been cutting down trees.
22. TEC Associates re: Railroad Vegetation Management Plan
23. Concerned citizen re: George Simmons, Rebecca Rd - debris in marsh. Metal objects, etc.
24. DEP File #68-2316 – Boyle, 254 Central Ave.
25. DEP File #68-2317 – Papile, 8 Bonnie Briar Circle
26. DEP File #68-2318 – Conti, 282 Central Ave.
27. DEP File #68-2319 - Lilly, 147A Border St.
28. DEP File #68-2320 – Kelly, 47 Lighthouse Rd.
29. DEP File #68-2321 – Kessinger, 154 Jericho Rd.
30. DEP File #68-2322 – Satuit Waterfront Club, Inc., 20 Jericho Rd
31. DEP File #68-2323 – Kirby, 2 Oceanside Rd.
32. DEP File #68-2324 – Flynn, 107 Gilson Rd.
33. Revised plans for Cavanagh Rd.
34. Planning Board Agenda for Apr 28, 2011
35. DEP re: Approval of Alternative Technology for Piloting Use – rear Glades Rd.
36. Grady Consulting re: Cavanagh Rd – 68-2284 – list of completed items.

Order of Conditions: Wall, 12 Oceanside Dr. (rebuild deck/repair garage)

Still waiting for revised plans showing deck away from seawall.

Order of Conditions: Cassarino, 230 Central Ave. (rip-rap wall)

Motion to condition the project Mr. Greenbaum. Second Mr. Jones.

Motion passed by unanimous vote.

Order of Conditions: Nelson, 117 River St. (septic)

Motion to condition the project Mr. Jones. Second Mr. Breitenstein.

Motion passed by unanimous vote.

Order of Conditions: DiBenedetto, 25 Julian St. (rebuild dune)

Motion to condition the project Mr. Greenbaum. Second Mr. Jones.

Motion passed by unanimous vote.

Order of Conditions: DiBenedetto, 52 Ocean Dr. (rebuild dune)

Motion to condition the project Mr. Greenbaum. Second Mr. Jones.

Motion passed by unanimous vote.

Order of Conditions: DiBenedetto, 54 Ocean Dr. (rebuild dune)
Motion to condition the project Mr. Greenbaum. Second Mr. Jones.
Motion passed by unanimous vote.

HOLD Order of Conditions: Wannop, Lot 2 Glades Rd. (new build)
Order of Conditions: Winchester/Tilden Woods, LLC, 77 Elm St.
(grading & outlet structure)
Motion to condition the project Mr. Greenbaum. Second Mr. Jones.
Motion passed by unanimous vote.

Order of Conditions: Conti, 282 Central Ave. (repair existing seawall)
Motion to condition the project Mr. Greenbaum. Second Mr. Jones.
Motion passed by unanimous vote.

Meeting adjourned 10:15 p.m.

Respectfully submitted,

Carol Logue, Secretary