

Conservation Commission, April 17, 2013

Town of Scituate Massachusetts

Conservation Commission

Town Hall Selectmen's Hearing Room

Meeting Minutes

April 17, 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.

Discuss: Caswell, Alden Ave. (phragmites removal)

Mr. Gallivan received a call about an issue of phragmites at the end of Alden and other roads. Suggested the homeowner come in to discuss. Dave Caswell and his son were present and stated that there was definitely a problem with phragmites and stale water. Pond can't accept as much water as usual because of the phragmites. They want to know if when they do work on the road can they do something to control the phragmites. They would have to file a Notice of Intent and hire a licensed person. Mr. Gallivan sent an e-mail to four wetland people and all said they could work with you. Mr. Snow: walked a lot of the beach after the storms. Is the culvert still open; it didn't close up? No culvert here. A lot of work was done at Musquashicut Pond; typically salt water coming and going helps control it. There is no inundation with salt water. Concerned with safety issue also, no ambulance or fire engine can get down the road. If you are thinking of raising the road, you would have to talk to an engineer, and you couldn't impact anyone's property. Just removing the phragmites could solve 80% or 90% of the road problem. Water has nowhere to go. Mr. Gallivan: Will get the names of the wetlands people to the Caswells and willing to work with you.

Request for Determination: Sennott, 29 Rebecca Road (porch replacement with open deck 12' x 25')

Gary Lynch contractor for Frank and Louise Sennett was present at the hearing. Proposing to replace an enclosed porch with an open deck. Ms. Scott-Pipes: adding 6 concrete sonotubes? Yes, 6' down with rebar and cross bracing. Not sure about the cross-bracing. Couple of deck panels will be removable. Mr. Duggan is fine with the plan. 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: Tedeschi, 0 Foam Road (new build) (cont.)

John Tedeschi, Greg Morse, Brad Holmes, Atty. Richard Henderson and Atty. Michael Holden were present at the hearing. 3rd hearing. Last meeting Commission's consultant agreed with the drainage calcs. Flood zone AE, elevation 10'. Resource is land subject to coastal storm flowage. Access driveway will be off Foam Road. As asked, added relocation of drainage line. Mr. Jones: Note on revised plan: drainage pipe to be relocated and connected as directed by Scituate DPW. Not part of the proposal. DPW put the note on the plan. Applicant cannot work on someone else's property. Ms. Scott-Pipes: spoke to Sean McCarthy, DPW and they are going to do the snaking and cleaning. Mr. Tufts: replacing the whole pipe and once put in they will clean it out? Where did it end up? Don't know. There will be an easement to the new pipe. Jamie Mankewich, 6 Foam Road: spoke to Sean also, the whole line needs to be replaced to across the street. That was what he heard from Mike Breen. Want to make sure it is done right. Think we should be sure the town replaces the whole line. Commission can't put in the Orders, because the applicant has no control over DPW's work. Can't just put a new pipe into an old pipe that is full of mud. Mr. Snow: They could build this house without replacing the pipe. He is working with DPW, which is in everybody's best interest. Commission can't tell the town what they can or can't do, but it sounds like they are moving forward. Atty. Holden wanted to be sure that what was requested and submitted was in the file. Mr. Gallivan: The letter is

part of the record. Mr. Mankewich: if it does get approved it will be the only house in the neighborhood that is that high. Mr. Snow: we look at finished floor elevation in the A zone. It has to be a certain height; no control over height. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Wetlands Hearing: Town of Scituate/DPW, 100 Lighthouse Road (seawall/revetment reconstruction)

Carlos Pena from CLE Engineering was present at the hearing. Abutters notification was submitted. Project is the reconstruction of the revetment/seawall at Cedar Point. Inspected and surveyed the entire area 310' x 60' area. Lighthouse gets over wash during storm events. Looked at several alternatives, concrete seawall, steel sheeting, and revetment. Revetment solution essentially pushes it 2' to 3' higher around the lighthouse; out 14.4' and places second step to 18', reducing the over wash rate to half. This seems to be the best solution. To eliminate over wash completely, it would have to be at 22'. Showed FEMA flood zones, but stayed out of them. Ms. Scott-Pipes: understand don't want to change too much, but with the rate of the storms and frequency, might it be wise to go to 22'? That would be a huge wall, wouldn't fit in that perimeter. With elevation 18' could still access the beach, which is being used regularly, didn't want to hinder access. Think it would dramatically impact the area. Put a lot of thought into this project. The breakwater is at elevation 9'. Tried to create a bump around the lighthouse and knock down the Nor'easter wave. It will improve the situation. If you go to the 18' now, can you go up on this structure? Wouldn't use what is there and wouldn't use rounded stone again, could reuse if it was reshaped. At that point probably would be talking about raising the lighthouse and the parking. Mr. Jones: what effect would this have on the outer edge? Trying to understand if the base is expanding. One of the comments from Marine Fisheries was, don't expand the footprint. The apron will protect the first step; breaks at the high tide line and then up the beach. Mr. Tufts: How far out is the apron going? About 20' to 30' for a 60' total. Did the state approve this? This is the amount of structure needed, otherwise would not be as effective. Mr. Snow read the letter from Dept. of Fisheries. Made 4 recommendations: same footprint, work from upland as much as possible, staging area not in the intertidal

area, and adequate containment and clean up material if refueling on-site. This is the most practical solution, otherwise would have to drive piles or something and completely block access to the beach. Seems revetment is more natural looking and slows the water down; would like to see less poured seawalls. No point in making it narrow at the base, it won't work the way it should and stone can become dislodged. We have a historical building to protect. The habitat area is on the plan, but not working in that section. Proposing the parking lot for staging; leaving one lane open at all times. Any thought about protecting right around the lighthouse with something a little higher? It would be one more step up around the lighthouse, approximately 2-1/2' higher. Dave Ball from the Seawall Committee, President of the Historical Society: Concur with everything Carlos has said. Area has been studied for well over a year. He has been to the Seawall Committee several times. Really pleased with what this is going to do. The lighthouse is in big trouble. Stone was installed in 1989 and held quite a few years, but something has to be done, it can't take too much more pounding. This has to happen ASAP. Hoping right after July 1, not good timing, but don't want to see the lighthouse go through another winter. Four to 6 ton stones were used last time; this time 8 to 10 ton stones, not rounded will be used. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Wetlands Hearing: Town of Marshfield, South River (dredging near Sea Street bridge)

Christine Player from CLE Engineering and Mike DiMeo, Marshfield Harbormaster were present at the hearing. Abutters notification was submitted. Town line is located in the middle of the river; therefore the project requires approval from both Marshfield and Scituate. Dredging will take place just north of Sea Street Bridge, approximately 1,600 linear feet x 6' deep channel, and a 3'deep basin area at the Marshfield Boat Ramp for a total of approximately 11,000 cu. yds. Material is beach quality sand, beneficial for restoration. Scituate's quantity is about 5600 cu. yds. Two different methods of dredging will be used. Under the bridge there are about 20 to 30 remnant timber pilings to be cut, some just below the mud line, also located a lot of debris, pipes, cinder blocks, etc. that will be removed. Have to mechanically dredge this area and transport by trucks to Rexhame.

Hydraulic method is a floating pipeline that meanders down the river, comes up existing footpaths, (trying not to disturb any more than necessary) and the pipeline will be placed directly on the beach. It is nice course sand, approximately 10,150 cu. yds. that will spread to match where the dune is now. Marine fisheries comments: restrict all dredging activity from February 1 to July 15. Entire area is habitat. Marine Fisheries will work with the town to develop a shellfish mitigation plan. Ms. Scott-Pipes: why was it decided all sand goes to Rexhame? The town of Marshfield is funding the project. Mr. Harding: when? Hopefully after the boating season in the fall. Priority is the bridge component, but hoping to be done in 1 season. Mike DiMeo: over the next 5 or 10 years we hope to dredge the whole So. River, 2-1/2 miles. Any public entity goes on a public beach, can't put public sand on a private beach. It gets complicated when the private beach areas are involved. Good timing to get some of Rexhame restored. MEPA and Marshfield are waiting for Natural Heritage. Beach is in priority habitat. We filed with both ZBAs. Usually ZBA doesn't get involved. Received both Special Permits in May, 401 Water Qualify, and next week Chapter 91, then filing with Army Corp of Engineers, everyone is all lined up. Corp will review the nourishment and comment, but Chapter 91 won't. Feel confident project will be approved; have talked with all the agencies. Mark Patterson submitted a support letter. Collaborative efforts help with grants. Unfortunately widened bridge impacts the navigation. It is illegal to jump off the bridge, but they do, so want to expedite that portion. Mark DiMeo and Mark Patterson work well together. Interesting when 2 towns can combine forces; makes for a powerful tool. Rosemary Dobie: talked about the possibly of dredging from the mouth to meet this area; most hazardous spot. Mark and Mike will work on. All the various permit expiration dates are different. Keep valid as long as you can. No chemical contamination involved. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Harbormaster in Marshfield is a great guy. Done a whole lot with seeding clams.

Wetlands Hearing: Geary, 0 & 23 Parker Ave. (clear vegetation/install lawn & retaining wall)

Bill Ohrenberger, Paul Mirabito, Brad Holmes, and Mike Geary were present at the hearing. Abutters notification was submitted. Will be moving to the property at 23 Parker Ave. Have Zoning Board approval to raze and rebuild. The real goal is to extend their back yard for the 5 kids. Been out to the Spit several time, understand there is a funding problem to protect the Piping Plovers. Do have on-site mitigation and willing to offer \$7500 for off-site mitigation to help the endangered species. Mr. Gallivan: separate the issues. Looking at WPA, greatly appreciate, but should be separate from the permit application. The only reason we offered it, is for offsite mitigation, unless there is something else, felt it was one of the key components. You are walking on thin ice when the mitigation is unrelated to the project itself. Paul Mirabito: filed 2 separate applications, one is a Notice of Intent for 0 Parker Ave. to seek approval within 100' buffer of BVW. Above that 23 Parker shows existing house outlined in purple, no garage, and proposed house outlined in green. Any slope over 15% there is a requirement to prepare a stormwater permit. Drainage calcs submitted. Project meets all the requirements of the bylaw. Any increase in the volume of water has to be recharged and kept on site; details on plan. Work under the Notice of Intent is construction of a concrete wall to retain the fill required to support the recharge system and level off for the lawn area behind the house. Walk out basement area with a 30' pervious paver patio; walk down 3 steps to a slope of 2%. Trash and debris will be removed and invasive species; some trees, but mostly underbrush. They will be cut at the base, then chemically treated and disposed of at a licensed facility. Mr. Holmes: Isolated vegetated wetland is not connected to another wetland. There is an upper buffer zone and a lower buffer zone. Entirely non-native invasive shrubs in the upper; lower is 0 to 50 mix of native and non-native shrubs. A proposal is included to follow for step by step construction. Erosion controls and silt fence will be installed to set the limit of work. In addition to that approximate 40 native shrubs will be planted where needed for additional wildlife habitat. There will be a vegetative screen on the wall and once plants are installed there will be a monitoring program; will need to inspect annually for any invasive species. Ms. Scott-Pipes: how high is the retaining wall? 4.7' above existing ground elevation, and at the low end 15.3' high. Ground slopes off very quickly. Reason for the height of the wall is for a lawn area. Granted

not much of a wetland, but 50' buffer is no disturb. Mitigation covers the 100' buffer being filled, have a real hard time with the 50', all the infiltration and piping goes into the 50'. Stop at the 50'. Mr. Harding: agree with Penny. That's the only thing that bothers me. Have to be consistent. Improved, but also eliminated for a lawn. Mr. Jones: Can't visualize the height of the walls. Almost 20' in elevation from the 50' buffer to the house. Agree with comments made earlier about the 50'. There is a tremendous amount of fill within the 100' buffer. It is habitat, even if not the perfect habitat. Find the whole thing really difficult. Hard time visualizing it how the walls can support the amount of loose dirt behind them and then going into the 50'. As far as the wall being able to support the fill, it is not a problem, structural wall is 1' thick, with footings 4' into the ground; easily designed to hold the dirt and water. Soils have fairly high ground water, has to be 2' above the high ground water for the recharge system or earthen slope. Whether wall is there or not, there would still be a mound. Recharge area at downhill side will collect all the water from the house and recharged at the lower elevation. Not proposing any fill against the wall where it is 15.3' high. Not going to see the wall because of the maintenance shed for the golf club. Mr. Gallivan: mitigation plan is comprehensive, removing invasives, but the Town has the 50' no touch zone. If the project couldn't be completed without going into the 50' buffer, it might be different, but proposing the project in the 50'. . . no one is against constructing a lawn, but there is a lot of work in the 50'. Trying to enforce the bylaw as written; the 50' is the 50'. Atty. Ohrenberger: understand the concerns. Maybe there are other things we can do. Whole slope was always a vegetable garden. Invasive species are being removed to make the habitat better. There is no setback from an isolated wetland. There is 100 linear feet of wall in the 50' buffer. Under the bylaw there is a waiver provision or ecological improvement; significant benefit. Don't think it adversely affects the wetland, not protected under the WPA, just a matter of the local bylaw. Think we meet the provisions of the waiver. Don't want to offer off-site mitigation to get something we shouldn't, but sees it as a permissible project, particularly where there is opportunity for the town and Commission. Mr. Snow: what is the distance at the corner that extends into the 50'? 2,134 sq. ft. Length of retaining wall into the 50'? 32'. How much is the green area, 5,475 sq. ft. from the wall down. Average setback from the

wetland line? 38'. Mr. Jones: is what proposed better than what is there now? Having problems with that. Grass and playground is not substituting one habitat for another. Own opinion just doing it for lawn doesn't fit with the bylaw. Could go into the 50' and put together a native garden to really improve the area. Mr. Snow: house is out of our jurisdiction. Did walk around and see breakout at the bottom of the hill. Don't see a significant wetland, but just wonder if there is any room for compromise; will still continue to have the mess at the bottom. Mr. Gallivan: it is the 50'. If it was pristine and healthy, it would be different, but should be clear that we have a 50' buffer for a reason, not in black and white. Very much want to get this permit. Move the wall 10' and enhance an additional 10' strip for improved habitat. Ms. Scott-Pipes: does make quite a difference. Propose the same type of planting. Mr. Jones: that would be very helpful. Mr. Harding: great move in the right direction. Mr. Jones: any additional stairs after the first set? Not putting any stairs along the lower section. Mr. Harding: will the change move the recharge system? Yes, trench drain along the wall. Mr. Tufts: will it still do its job? How effective the system is? Won't moving it affect it? No. Mr. Gallivan: should the stormwater and drainage be reviewed? Mr. Mirabito: under the bylaw Commission can have an administrative review, but we are importing clean gravel, and the purpose of the bylaw is to capture water on site and it will be. 2.63 cu ft. of water will be reduced to .59; pretty straight forward. The wall will be designed by a structural engineer. Building department has to approve; it is a structure. Atty. Ohrenberger: Can the hearing be closed subject to the approval of the revised plan. Ms. Scott-Pipes: Are you feeling comfortable Pat? Mr. Gallivan would like another engineer's review. Will request the town engineer to look at the stormwater calcs. Mr. Jones: what is the rush? The rush is a P&S agreement, have to close in the month of May. Motion to close the hearing subject to an acceptable revised plan and approval for the town engineer to look at the stormwater calcs. Ms. Scott-Pipes. Mr. Jones: to be really greedy is the offer of the \$7500 for work on the spit still available? Mr. Gallivan: if we close tonight and procedurally vote to issue an Order of Conditions, the primary vote would be taken, in case there was a member unable to make the next meeting. Ms. Scott-Pipes: If the town's engineer can't or won't review, we would have to hire another engineer. Second Mr. Jones. Motion passed by unanimous vote.

Agents Report: Met today with CZM and DEP because of all the storm related clean up. Got a few answers. The sand on the parking lot can be moved back to the public portion of the beach. Raising the parking lot 2' is OK. Mr. Snow: Peggotty – water will run into the marsh, maybe a level spreader or something should be installed so the runoff doesn't go directly into the marsh. Berm can't be continued because would hold the water in the parking lot. Talk to Town Way Extension residents, contractor is ready to start. Stan Humphries is moving forward with the planting for Inner Harbor Road. Discussed different options for Humarock, but no seawalls or large boulders. Talking about raising the road at the far end of Central Ave.; would have to file. CZM won't discuss revetment in the 280 Central Ave. area. Rosemary Dobie: CZM has no authority to make decisions. Gabions were tried in that area. They still want Humarock to be treated as a pristine barrier beach.

Order of Conditions: Perkins, 309 Central Ave. (septic)
Motion to condition the project Ms. Scott-Pipes. Second Mr. Harding.
Motion passed by unanimous vote.

Minutes: March 4, 2013

Motion to accept the minutes of March 4, 2013 Ms. Scott-Pipes.
Second Mr. Harding. Motion passed by unanimous vote.

Minutes: March 18, 2013

Motion to accept the minutes of March 18, 2013 Ms. Scott-Pipes.
Second Mr. Harding. Motion passed by unanimous vote.

CORRESPONDENCE

April 2, 2013 – April 17, 2013

1. The Beacon
2. MA Bay Commuter Railroad Yearly Operational Plan for 2013. The herbicide application as proposed in 2011 is scheduled as follows after Commission approves RDA. Rights-of-Ways 6/22-7/14; Touch-up Application & Brush Application (non-sensitive areas) 8/10-8/30.
3. North River Commission re: 75 Moorland Road – existing deck on plan to be removed.

4. Lycott Environmental - Extension Act re: Negative Determination for Widow's Walk Irrigation Pond for extension to August 16, 2017 – Sign attached memo and return.
5. 0 Foam Road - Proposed Site Plan showing: Cross Section of 18" concrete pile; pile layout sketch; drainage relocation design by Scituate D.P.W. (in file)
6. Rosemary Dobie re: driveways and small blocks laid end to end work well to edge the driveway.
7. Recording of CofC 68-2399 – 63 Glades Road (in file)
8. DEP re: 68-2025 - Oceanside Village, Hatherly & Tilden Roads – final EIR has not been submitted. Advise DEP in writing as to the current status within 14 days of the date of this letter. May result in Superseding Order denying the proposed project without prejudice for lack of information. (in file)
9. Notification to Abutters re. So. River Dredging & Rexhame Beach Nourishment (in file)
10. Recording of OofC for 68-2451 – Hurley, 55 Seaside Road (in file)
11. The Nature Conservancy – re: Conservation Moorings – can reduce disturbances.
12. Conservation Mooring Study – January 2013
13. Recording of OofC for 68-2452 - Olschan, 24 Webster Street (in file)
14. Request for extension re: 68-1697 – Walden Woods, 19-20 Stenbeck Place – extended until May 9, 2017 (ridiculous – in file)
15. Storm water Magazine
16. E. J. Prescott, Inc. – Maine Coastal Erosion Control Workshop – April 23, 2013 (sign up by 4/19/13)
17. RiverWatch Newsletter – Two grants that will help repair fish ladders at Old Oaken Bucket Dam, further engineering to determine how to get the fish up to (and out of) the reservoir, and increase awareness of Scituate's irrigation restrictions begun in 2012 to provide adequate flows over the fish ladders
18. Proposal for Open Space Plan Update – Vanasse Hangen Brustlin, Inc.
19. Division of Marine Fisheries re: Marshfield, near Sea Street Bridge - supports the dredging – but restriction on all dredging from February 1 to July 15. (in file)
20. Automatic Extension for 68-1939 – Connolly, 3 Palfrey Street (in

file)

21. Planning Board Agenda Thursday, April 18, 2013

22. Zoning Board of Appeals re: Request to Dredge in the South River – Hearing scheduled 5/16/13 at 7:00. Appreciate comments.(in file)

23. DEP File #68-2456 – Town of Marshfield/DPW, near Sea Street bridge (dredging) (in file)

24. DEP File #68-2457 – Geary, 0 & 23 Parker Avenue (in file)

25. DEP File #68-2458 – Town of Scituate, 100 Lighthouse Road (in file)

26. Division of Marine Fisheries re:100 Lighthouse Rd: should be within the same footprint; work from upland as much as possible; no staging allowed in the intertidal area; refueling should have adequate containment and clean up material to minimize impact (in file)

27. Support letter from Mark Patterson, Harbormaster for dredging project near Sea Street Bridge (in file)

Meeting adjourned 8:35 p.m.

Respectfully submitted,

Carol Logue, Secretary