

Conservation Commission March 28, 2011

Town of Scituate

Conservation Commission

Town Hall Selectmen's Hearing Room

Meeting Minutes

March 28, 2011

Meeting was called to order 6:17 at p.m.

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

Also Present: Paul Shea, Agent, Carol Logue, Secretary, Allan Greenberg, Associate Member

Agenda: Motion to accept the agenda Mr. Jones. Second Mr. Parys. Motion passed by unanimous vote.

Show Cause Hearing: Gardner, 88 Country Way. Can't contact this person. Will have to look into further.

Request for Determination: Wompatuck State Park/Gammon, Scituate section (trail management)

Stephen Gammon, Park Supervisor, was present at the hearing. A small portion of Wompatuck lies in Scituate, Mt. Hope and Highland are part of the Park. Scituate trails are ancient roads or power lines.

Seeking permission to maintain the trails and old roadways. Do regular maintenance and hardening with crushed stone. Picture Pond area is a natural area for a type of dragonfly; any work in that area would require a Notice of Intent filing. Will use a muck truck – motorized wheelbarrow, smaller than an ATV. No way a vehicle can get in there anymore; bridge isn't strong enough. Limiting to washed crush stone. Qualifies for a negative 2 and 3 determination. Motion for a negative 2 and 3 determination - 2. "The work described in the Request is within an area subject to protection under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent." 3. "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. Parys. Second Mr. Jones. Motion passed by unanimous vote.

Kamman, 31 Candlewood Drive: last version of the restoration plan from Brad Holmes. Ms. Scott-Pipes: everything has to come out and the 50’ buffer restored. H`e can use the area in his back yard – maybe. Mr. Greenbaum: Looks like 25’ into the 50’ buffer, not acceptable. Mr. Jones: Second to Ms. Scott-Pipes comments. Mr. Parys: fill also has to be removed. Mr. Shea: restore the wetland, and take out the fill. Back yard is in the 50’ buffer zone. Might think a landscape architect would know better. Motion that the planting plan has been rejected, request a new planting plan with all orchard plantings out of the 50’ buffer and complete restoration Ms. Scott-Pipes. Second Mr. Jones. Concerning the road: Mr. Shea – aerials from 1999 or 2001 can determine its earlier existence. Motion passed by unanimous vote.

Ms. Bennett, 230 Central Ave., needs to return to her ill husband, requested Mr. Shea to present for her. Commission agreed.

Wetlands Hearing: Seoane, Cavanagh Rd (new build) (cont.)
Applicant’s representative requested a continuance to April 12, 2011. Motion to continue the hearing to April 12, 2011 at 6:30 p.m. Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Wetlands Hearing: Wannop, Lot 2 Glades Rd (new build)
Applicant’s representative requested a continuance. Motion to continue the hearing to April 12, 2011 at 7:30 p.m. Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Wetlands Hearing: Scanlan/Dankert, 232 Central Ave. (reconstruct existing seawall & concrete patio) (cont.)
Brian Taylor and Jack Dankert, J.K. Scanlon were present at the hearing. Added rip-rap to structural plan, 1.5 to 1 ratio; 8 ton stone. From top of seawall to top of rip-rap. 5’; well above the mean high water elevation. Really low tides the first week of April. Engaged Carlos Pena for more construction details at the preconstruction. Would it be

possible to issue the Order of Conditions tonight and proceed at our own risk? Mr. Shea: they know they have a 10-day appeal period. Can they proceed at their own risk? No orders are ready. Mr. Greenbaum: could use one of the other similar projects. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Request for Determination: Town of Scituate/Historical Society, 100 Lighthouse Rd (raze/rebuild storage room)

Dave Ball, President, and Bob Galligher, officer/Lightkeeper, of the Historical Society were present at the hearing. The area did quite well in the storm of December 27, 2010, with the exception of the lighthouse. Storage room between cottage and tower: the wall was punched in, floor was lifted, and stripped the sidewall shingles off the dwelling. Storage room protected the wall of the cottage. Asking permission to rebuild the storage room totally, including foundation. There are guidelines from the National Park Service for lighthouses. In the '91 storm the shed came out entirely under the previous lightkeeper, George Danton. Ms. Scott-Pipes: Full foundation? Foundation wall should help keep it from moving. Everything lifted up by the water. Mr. Jones: what are you going to do with the fill from the foundation work? It is nothing more than beach stone, have a little bit to spread around the area. Mr. Snow: Fill the inside of the foundation with that material. Similar material should be kept on site. 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: Scituate Harbor Yacht Club, 84 Jericho Rd (r/r outbuildings, etc. + snack bar)

Paul Mirabito, Ross Engineering, Frank Colpoys, licensed member of Scituate Harbor Yacht Club, and John McNeil, Commander, were present at the hearing. A butters notification was submitted. Plan was fairly well received; supplementation required. Cover letter March 21: added top of coastal bank, rocky intertidal shore; added 50' and 100' to top of coastal bank; show proposed lockers, some within 50'; snack bar

mostly within the 50' buffer to the coastal bank. Some extension of existing deck. Existing snack bar – raze and rebuild on same footprint. Checked sheet 2 general description and sheet 4 revised rocky intertidal shore and coastal bank. No work proposed within any of those resource areas. Land Subject to Coastal Storm Flowage: no performance standards. Structural engineered plans were submitted. Stormwater not applicable to this project, no hydrological changes. No additional impervious areas, no new discharges created, all stormwater considered clean, mostly roof areas. Drainage patterns for the concrete slab – presently wood deck, replace with concrete slab, shows existing sidewalk, new fence; spot grades, sheds water directly into the harbor. Existing swimming pool. Slab under new lockers. No water will go onto Jericho Road. Structural engineering plans prepared by Rivermoor. shows proposed details, snack bar, sheet 1.1 horizontal view and pier location; 1.2 detail of cantilevered deck, drainage plan at the existing activity building; 2.1 details of concrete slab with steel. Lockers will be anchored to the concrete deck. Ms. Scott-Pipes: What is the rationale of a concrete instead of wood deck. Soil is not pervious, not a well-drained soil. The groundwater is high and soil would not be permeable. The pool area does have a concrete slab. Mr. Greenbaum: Some mature cedar trees, since this whole property floods, concerned with keeping the trees, rare for this area. Only real shade on the site. Mr. Snow: don't think they are cedars, thinks they are pines. Mr. Jones: what is under the new snack bar? 16'x38' concrete foundation. Razing all the existing buildings. Cut deck and put sonotubes. Trees are outside the 100' buffer zone. Mr. Colpoys: Trees around the current snack bar building will stay. Neighbors are begging them to take those trees down. Planted at one time as ornamental. Will be working hard at landscaping, a focus of the project; will plant around the lockers to cut the noise. Can the lockers be moved toward the swimming pool. Lockers accessed from front and back. Always looking at landscaping projects. Put in orders same amount of trees but dispersed around. If you plant trees abutters are not happy. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Greenbaum. Motion passed by unanimous vote.

Wetlands Hearing: Hand, 264 Central Ave. (reconstruct concrete wall & patio, add rip-rap) (cont.)

Bob Crawford was present at the hearing. Continued for a DEP file number and Commission requested detail of the rip-rap. Have supplied quarry stone rip-rap and description, slope 2.5 to 1. Extended rip-rap 5' or 6' out. Mr. Snow: any rationale to having that slope, or could it be more gradual? Would be nice to wrap around on northeast side, but abutter won't give an easement. Abutters have nothing. House to the north is elevated. Not to scale; horizontal scale is 10, vertical scale 5. Appears to be distorted. Damaged on the side. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Greenbaum. Motion passed by unanimous vote.

Wetlands Hearing: Winchester/Tilden Woods LLC, 77 Elm St (grading & outlet structure)

Applicant requested a continuance to April 12, 2010. Motion to continue the hearing to Apr. 12, 2011 at 7:40 p.m. Ms. Scott-Pipes. Second Mr. Breitenstein. Motion passed by unanimous vote.

Wetlands Hearing: Town of Scituate/Hallin, 163 Stockbridge Rd (new single family dwelling)

Wetlands Hearing: Town of Scituate/Hallin, 165 & 167 Stockbridge Rd (new duplex)

Two projects heard together. Paul Mirabito, Ross Engineering, and John Hallin, Chairman of the Affordable Housing Committee, were present at the hearings. Abutters notification was submitted. Property is located on southeasterly side of Stockbridge; two parcels, 1.75 acres. They are Habitat for Humanity dwellings; under local bylaw only. Plan shows 50' and 100' buffers. Small area of driveway in the front is in the 50' buffer to keep affordable. One water tap and one sewer line. A gravel driveway is in the 50' to 100' and portion of the duplex. Work within 100' buffer is for the duplex and driveway for the single family. Gravelly soil. Clearing for drive and around houses only. Gravel driveways keep cost down; bituminous concrete for the first 40'. Land slopes to the back, runoff kept away from abutting property. Property is 5' to 6' lower than the street. Appears to be a small excavation area. Planning Board approved common driveway. Commission is the last stop on the permit process; would like to build this summer. Ms. Scott-Pipes: Dilapidated shed will come down. Will they have a yard? There will be some yard in front between the driveway and house. There will

be a small swale on one side and some clearing in the back. Mr. Greenbaum: how many square feet of disturbance? Regarding stormwater: if you disturb more than 15,000 sq ft you will need a stormwater permit. Mr. Shea: Two notices split the calcs. First lot might be close. Is there a way to put in a conservation restriction, for these two dwellings only?. Already limited by Zoning. Don't have the frontage for another property. Deeds are pretty clear on what they can and can't do. Mr. Jones: because duplex is within 100' buffer, any landscaping between the 50' and 100'? Landscaping will be kept to a minimum because of costs. Mr. Snow: any haybales? Will use silt socks. Rosemary Dobie: gravel driveways are such a nightmare to plow. Financial issue? Yes. Saves thousands of dollars. Mr. Bjorklund: site has been looked at for a number of years. Just the entrance of the driveway is a small amount to give up for affordable housing. Motion to close 163 Stockbridge Rd Ms. Scott-Pipes. Second Mr. Greenbaum. Motion passed by unanimous vote. Motion to close 165 & 167 Stockbridge Rd Ms. Scott-Pipes. Second Mr. Breitenstein. Motion passed by unanimous vote.

Wetlands Hearing: Clover Realty Trust/Caulfield, 10 Shoal Water Rd (raze/rebuild single family)

Brad Holmes, Environmental Consulting and Restoration, was present at the hearing. Abutters notification was submitted. Property at end of Shoal Water Rd, abutting Musquashicut Pond. Maintained lawn right to the edge of the phragmites. Plan shows the 50' and 100' buffer zones. FEMA AE flood zone, elevation 11' and land subject to coastal stormwater flowage. 4' x 6' bump out at edge of 50' buffer zone and reconstruction of a deck on footings a little larger, otherwise same footprint. Photographs in Notice of Intent: #1 & 2 shows lawn, 3 shows front entrance. Included structural plans with knockout panels, provided by Rivermoor Engineering. Also there will be landscaping and a slight increase to width of driveway, to accommodate the entrance to the two-car garage. Are they going to try and remove any phragmites? Property line issue. Hoping the pond flushing will eventually eradicate the phragmites. Could do something. Musquashicut Pond is a great pond, if they do some sort of cutting, would have to include the Town of Scituate as a co-applicant. Proposing to reinforce the foundation with interior piers. If foundation proves to be too dilapidated, will need

to come back to the Commission. Would they be willing to work on phragmites in areas adjacent to the pond within the property line? They could. 6' to 8' strip that extends to the water. If we could receive authorization through the Commission, they could go further with the eradication. Needs to be done correctly, can't just cut it. Need haybale line shown on the plan. Will submit a revised plan. Abutter Barbara Cox, Shoal Water Road – completely in favor of the work. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Wetlands Hearing: Marsh, 126 Edward Foster Rd (removal & disposal of overwash)

Brad Holmes, Environmental Consulting and Restoration, and Mr. Marsh were present at the hearing. Abutters notification was submitted. Contacted by property owners to assist with the Notice of Intent. After-the-fact to address an Emergency Certificate to restore driveway and remove storm overwash. Aerial photos submitted with Notice of Intent. Needed driveway to left of house for access to upper level. The paved driveway enters the 1st floor. Also would like to keep Orders open so if storm comes up, they could just notify the Commission. Pete Spencer moved the material. Mr. Marsh, 126 Edward Foster Rd – moved back on the beach. Want to make sure that it goes back on beach. Mr. Shea: Could issue for 3 or 5 years and applicant could request extensions. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Greenbaum. Motion passed by unanimous vote.

Wetlands Hearing: Bennett, 230 Central Ave. (construct rip-rap wall) Ms. Bennett had to leave. Mr. Shea: line of boulders put in front of house, Mr. Snow was out there also. This is for a line of boulders to protect the property, work is done. No notification to abutters submitted before Ms. Bennett left. Opened it and continued to request the notification. Motion to continue to April 12, 2011 at 6:30 p.m. Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Chris Dealy, Excel Remodeling: Stone, 28 Dartmouth Street
Chris Dealy had a meeting on January 23, 2011 with Mr. Snow, Mr. Duggan, John Danehey, Ms. Stone, and Debra MacNamara regarding

deck. Most of the deck was removed, except a section connected to the house. The deck was stacked outside the garage. If you take it all out would be a nightmare because of the railings. Can't get out of the house without the deck in place. Requesting to put piers in so the front half of the deck is removed, opening up 15' and the back half would stay. Existing deck on cement blocks, not very stable. If you look down Humarock Beach, there are decks everywhere, no one else removes them. Moved house back to have 30' back from seawall. This is a compromise. Ms. Scott-Pipes: before renovation, there was a patio in the sand. We do have rules and regs, feel very strongly should stay with the original agreement to remove the whole deck. Originally was to be set on the sand – deck that was built didn't follow the plans. Mr. Greenbaum: an alternative design would make deck easier to move around and stack. Front porch has a side staircase; not sure there is an egress issue. If the deck had been built as agreed, could have been removed. Look into redesigning into smaller sections. Don't have an issue with the piers for sturdiness. Mr. Parys: don't remember from the drawing. V zone – the deck would have had to be elevated 3'. Mr. Breitenstein: how do you move it? Excavator. Recommend putting in a patio. Mr. Snow: this was part of a whole project, and what the owners agreed to do to get project built. Mr. Shea: wasn't here for the whole process, but there is an open Order of Conditions; sonotubes make sense. Deck was supposed to be constructed for removal and has to be approved by the Building Inspector. Don't want the deck connecting to the seawall, better if wave can hit an open space, rather than going through the house. Mr. Shea's father had a house built in the '70s and made deck removable. What if a smaller section is left attached to the house? Maybe leave a 3' section. Mr. Greenbaum: can't see leaving deck at all. Sonotubes on Oceanside still got moved around. Mr. Dealy: The Stones have done everything the Commission asked; everyone has decks and bulldozers live there year-around. Mr. Jones: just because other people do things not allowed, should we allow this? The Stones have done everything asked, taken out a great deal of this deck. For at least 3 winters it wasn't removed. Mr. Bjorklund: have been involved, not from the very beginning, but have had numerous conversations; deck was supposed to go in as a landscape feature – the Stones got everything else they wanted, and now want to compromise this one more item. Can't see the Commission allowing

that deck to stay in. Do agree with the footings; much simpler installation with the sonotubes. Mr. Snow: Request for an amendment to the existing orders for sonotubes and request to leave a portion of the deck in place. Motion to accept an amendment for the sonotubes only and all the deck has to be removed Ms. Scott Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Agent's Report: Toth: 172 Cornet Stetson Rd – Met with Mr. Toth, hired Ward Eisenhauer as their engineer, expecting to take Merrill Associates plan and put his company logo on it. As-built survey especially around the house, need to know exactly what is in the field, and how much it varies from the approved plan. Originally sent Enforcement Order. Last Thursday talked with the original excavator contractor, Mr. Ambrosia. He knew grading was incorrect. Part of the problem is the asphalt driveway and project is still in construction. Has to come into compliance with the approved plan. If not in compliance they have to come back for an Amendment. Mr. Greenbaum: needed an asphalt driveway, area is a soggy mess. Waiting for as-built plan. Should have a revised plan from Ward Eisenhauer either by Friday or Monday. All the site work has some errors that should have been corrected. The Toths actually said the driveway was built larger for the kids. Ms. Scott-Pipes: Concerned about the Mr. Schaffer's trees that are dying. Allan Greenberg: many of the problems involved with Walnut Tree Hill are related to Ward Eisenhauer.

Mr. Snow: Bike Rack Program with the Planning Board – we can purchase bike racks, pay for shipping and installation and then we get paid back. Possibly install one at Driftway Park or at properties we have jurisdiction over. Any suggestions of other locations? Wondered if it would come up at a later date. Wondered about one at Mount Hope or Ellis? Allan Greenberg: Big parking lot at Ellis – maybe one at Ellis and one at Driftway Park. Mr. Jones: Two entrances to the Spit. Put one right by the road at the end of Collier, and other entrance at the pump station. Audience: How about one in Humarock? Money is coming out of Commission budget that is not being funded right now. Typically \$2,500. for Driftway and \$3,000 for Conservation Fund, these accounts are dwindling. Allan Greenberg: Need to pay for the summer group of kids for clean-up. Will discuss again to see if the Commission

has other thoughts of where they might be put.

Order of Conditions: Menino, 5 Ocean Drive (septic)

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

Order of Conditions: Coleman, 163 Glades Road (septic)

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

Order of Conditions: Wall, 12 Oceanside Drive (rebuild deck/repair garage after storm)

Waiting for another plan showing deck 3' back. HOLD.

Order of Conditions: McCarthy, 63 Lighthouse Road (r/r accessory bldg.)

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

Order of Conditions: Martin, 24 Ocean Front Street (install boulders to stabilize slope)

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

Amendment: Akerblom, 228 Central Ave. (repair foundation wall & floor slab)

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

Order of Conditions: Walsh, 36 Brunswick Street (install plantings)

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

Order of Conditions: Scanlan, 232 Central Ave. (reconstruct existing seawall and patio)

Motion to condition the project the same as 24 Ocean Front Ms. Greenbaum. Second Ms. Scott-Pipes. Motion passed by unanimous vote.

Extension: Wood, 123 Country Way

Motion to extend the Order of Conditions for 3 years Ms. Scott-Pipes.
Second Mr. Greenbaum. Motion passed by unanimous vote.

Mr. Shea: Someone is cutting trees at 88 Country Way.

Engineering, Mr. Shea, Mr. Duggan would like to see the decks back from the seawalls. Should discuss regarding existing and rebuilding.

Rosemary Dobie – issue of houses moving back 30' for the splash zone. If deck isn't attached to the house it is a whole different ball game. Issues that are not clear to builders.

Don Hourhahan, people remove 3 or 4 boards from against the house, then water can move under the house.

Minutes: Feb. 7, 2011 & Feb. 28, 2011

Motion to approve February 7, 2011 and February 28, 2011 Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Town Administrator has hired Jim O'Connell, who has a vast knowledge regarding coastal work, but hasn't had any experience with being an agent. Paul and Jim will work together for some time, and share the job.

CORRESPONDENCE

March 15, 2011 – March 28, 2011

1. Marine Fisheries re: Kent St. Corp., 150R Front St – 68-2142 (in file)
2. Request for Superseding OofC for 68-2279 – King, 151R Glades Rd – States the Commission denied the project (in file)
3. Plan showing question of encroachment into Appleton Field by new CPC Beal proposal
4. Possible encroachment in Ellis Property by new build on 64 Booth Hill Rd
5. Zoning Board of Appeals re: Francis, 63 Lighthouse Rd – Granted Special Permit (in file)
6. Recording of Partial CofC for 68-2087 - Hermanns, 29 Bayberry Rd (in file)
7. Recording of OofC for 68-2291 – Town of Scituate, Cole Parking Harbor Walk (in file)

8. Stormwater magazine
9. 28 Dartmouth - Proposed pier plan for deck (members have/copy in correspondence, in file)
10. Atty. Nagle re: Lot 2, Glades Rd and well at 172 Glades Rd – approved Title 5 system is presumed to protect the interest in private water supplies (in file)
11. Recording of OofC for 68-2292 – Snyder, 10 Old Driftway (in file)
12. Recording of OofC for 68-2283 – Laubenstein, 17 Dartmouth St (in file)
13. Revised plans and additional information re: 84 Jericho Rd (in file)
14. Recording of OofC for 68-2299 - Hall, 34 Ocean Dr (in file)
15. Atty. Marzelli re: Petrocelli property off Hollett St - categorized as wetland 2.5 acres – 020-6-14 – inquiring whether the Town of Scituate would be interested in acquiring the parcel.
16. Hamacher re: 43 Oceanside Dr, requesting reconsideration of decision, awaiting outcome of review of core sample results – may present evidence of a barrier beach
17. MassWildlife News
18. Request for continuance Lot 2 Glades Rd – until next hearing in April (in file)
19. Recording of Marichi property, 239-241 Country Way (in land file)
20. Recording of CofC for Burke, 161 Summer St – 68-1832 – (in file)
21. Planning Board re: Form A Application – 77 Elm St – Comments by 3/24/11
22. Pictures and letter – starting septic at 44 Grove St – contractor is Jim Merritt (in file)
23. Request for CofC for 68-1528 - 7 River St (aka 50 River) (in file)
24. Request for CofC for 68- 1357 - 53 Lighthouse Road (in file)
25. DEP Appeal Acceptance/On-Site for Superseding OofC – King, 151R Glades Rd–68-2279–Apr. 7, 2011, 11:00 a.m. (in file)
26. Revised plans for Scanlan, 232 Central Ave. seawall reconstruction (in file)
27. Pictures – Toth, 172 Cornet Stetson Rd (in file)
28. Request for CofC – Hall, 34 Ocean Dr – 68-2299 (in file) (no check)
29. Request to continue Tilden Estates, 77 Elm St to Apr. 12, 2011 (in file)
30. University of New Hampshire re: Books “The Real Dirt: Toward Food Sufficiency and Farm Sustainability in New England”. And

“Pastures of Plenty: the Future of Food, Agriculture and Environmental Conservation in New England” - \$15.00 + \$5.00 postage for the first copy. \$1.00 each additional copy.

31. The Beacon

32. Coastal Services Magazine

33. Wannop Application, Lot 2 Glades Rd – 68-2290 – DEP letter of 3/17/11. DEP does not approve well installation or use, simply collects well completion data.

34. Request for continuance for Seoane, Cavanagh Rd to April 12, 2011

Meeting adjourned 9:00 p.m.

Respectfully submitted,

Carol Logue, Secretary