

Conservation Commission, March 4, 2013

Town of Scituate

Conservation Commission

Town Hall Selectmen's Hearing Room

Meeting Minutes

March 4, 2013

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

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

Also Present: Patrick Gallivan, Agent; Carol Logue, Secretary

Agenda: Motion to amend the agenda to include discussion of 26 Clapp Road brush in trail, storm damage, seawalls, Conway School update Certificate of Compliance for 17 Revere Street, and damage to trails off of Bates Lane Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Request for Determination: DPW/Peggotty Beach Parking Lot, 22 Peggotty Beach Road (parking lot improvements)*

Sean McCarthy from DPW Engineering Division was present at the hearing. Project is similar to Minot Beach parking lot. Parking is partly paved and partly gravel. Proposal is to bring gravel in to elevate to the flood zone. Channel will be kept and flow will be away from existing homes. A significant berm 2' to 3' high surrounds the lot at the west. Water will follow the channel to the existing ditch, no runoff into the marsh. Hay bales will be used for erosion controls. Existing pavement will remain. Fill will go in the northwest corner to eliminate the dips and low spots. Mainly this work is caused by lack of maintenance. Mr. Jones: not taking up any hardtop? Maybe some that is broken up, but just adding gravel. Mr. Breitenstein: concerned about the amount of fill. Is it in the 50' buffer to the saltmarsh? It is already disturbed. Ms. Scott-Pipes: What about a berm around the whole thing or possibly higher? Could get extreme high tides, which then could end up in the salt marsh. If it comes from east to west won't overtop the berm. Work on southern end is closest to the saltmarsh. Don't want to trap the

water; it will recede the same way. If changes were made with the berm, would need drainage improvements. Mr. Gallivan: basically filling low spots? Yes, just the gravel area, where tide comes in every day. Elevation 13' will remain the same. There is an area in the velocity zone where the fill will probably move around. Not changing the course of the tidal waters. It should be maintained on an annual basis with smaller amounts of gravel or maybe every 2 years. What is the quantity? A good foot or maybe 14" in some areas. Mr. Bjorklund: Suggest clean gravel, and possibly leave the filter fabric. Motion for a negative 2 & 3 - "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." "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.

Request for Determination: Hands, 150 First Parish Road (wetland delineation) (cont.)

Paul Mirabito, from Ross Engineering and Brad Holmes were present at the hearing representing Susan Hands. Last meeting the riverfront was added to the plan, revised 2/14/13. Mr. Gallivan and Mr. Holmes visited the site last Friday. Asking to confirm resource areas. It is an existing lawn area, some within the wetland boundary. Last meeting some members asked to go on the site visit, we would still like to walk the property; especially the back line. Ms. Hand would like the Commission to close. Mr. Snow: is there a reason why it isn't an ANRAD? Ordinarily it would be. Because it is a single-family home and a straight forward line in a lawn area. All disturbance is within the buffer. Mr. Jones: did ask to go out to the site and that didn't happen; it is upsetting. Mr. Gallivan: Hasn't been easy to get out there the last few months, didn't realize it was that important. Had 30 to 40 site visits; can e-mail on every visit. Mr. Jones: that way if we want to be there, we can. Mr. Breitenstein would have liked to go for educational purposes. Mr. Snow: if we find things weren't correct, it can be overturned. Mr. Holmes submitted a report and soil forms also and

submitted the same information as seen in a standard NOI. Mr. Breitenstein: give our agent the benefit of a doubt, he saw it. Motion for a positive 1, 2a and 5. 1: "The area described on the referenced plan (s) is an area subject of protection under the Act. Removing, filling, dredging, or altering of that area requires the filing of a Notice of Intent." 2a: The boundary delineations of the following resource areas described on the referenced plan(s) are confirmed as accurate. Therefore, the resource area boundaries confirmed in this Determination are binding as to all decisions rendered pursuant to the Wetlands Protection Act and its regulations regarding such boundaries for as long as this Determination is valid. 5. The area and/or work described on referenced plan(s) and document(s) is subject to review and approval by: The Town of Scituate Pursuant to the following municipal wetland ordinance or bylaw. Town of Scituate Code of Bylaws 30700 Mr. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Wetlands Hearing: Perkins, 309 Central Ave. (septic) (cont.) Project requires a Board of Health hearing. Applicant's representative requested a continuance to the next meeting. Motion to continue the hearing to April 1, 2013 at 6:30 p.m. Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Wetlands Hearing: Olschan, 24 Webster Street (raze burned dwelling & rebuild)*

Applicant's representative requested a continuance to March 18, 2013. Mr. Gallivan: Some members want a site visit. Need Neil Duggan's input. Will make sure you get the information. Need a grading plan. They never addressed the three different pieces of wall. Mr. Harding: asphalt has to go. If they grade, all the sediment will go to the marsh. Mr. Snow: They do need to follow the performance standards, maybe pavers could be used. Ms. Scott-Pipes: still all the rubble there. Grading is a major issue. Can't have water forced to other lots. Pat Gallivan, Neil Duggan, Dick Rockwood, and Carmen Hudson will meet out on site. Need to see when Neil is available. Let us know when you are going. Need any revisions 7 days before the meeting. Mr. Snow: If they do their best to get the plan in 5 days before the hearing, we can look at it. Motion to continue the hearing to March 18, 2013 at 6:35

p.m. Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Wetlands Hearing: Butler, 439 Chief Justice Cushing Hwy. (septic repair)*

Jeff Hassett, Morse Engineering Co. was present at the hearing. Submitted 1 copy of the plan today. Raised elevation of tank by 2" and increased dimensions to Tack Factory Pond. There is a lot of lawn area. There are three cesspools and property slopes gently. Steve Ivas delineated the wetlands. Proposing to install a septic tank, pump chamber, and leaching field. Waiver for drinking water supply area? Did you bring it up 200' from the water supply? Put system as far as possible away from wetland area. Grade? Existing grade about 43', going up to 48.9' Motion to close the hearing Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Mr. Gallivan: If there was a way to open, close and issue an Order the same night, especially on septics, it would save time. Commission isn't opposed to that idea. Something we could think about. We do sometimes have orders ready. Ask Board of Health to inform us as soon as possible to give the secretary a heads up to have them ready. Speed things up by a couple of weeks. Mr. Bjorklund: a lot of times the Commission doesn't have the answer. Have tried in the past whenever logistically possible.

Wetlands Hearing: Fox Run Two Realty Trust/Costello, 29 Longmeadow Road (septic repair)

Jeff Hassett, from Morse Engineering Co. was present at the hearing. Abutters notification was submitted. Property is a 17 acre parcel located at the end of Longmeadow Road. Proposing work toward the cul-de-sac at the front portion of the property. This is to service a dwelling and a barn with an existing apartment. Only a portion is within the 100' buffer. Installed in lawn area and tanks are under a gravel driveway. Straw waddle will be placed along the limit of work. Mr. Breitenstein: existing dwelling has a deed restriction to 2 bedrooms. Decreased number of bathrooms in the house, to increase in the barn. Six existing bedrooms now. Mr. Jones: is the waddle long enough? Mr. Snow: Maybe put silt fence at the 50' buffer. Could extend straw

waddle an additional 50'. Mr. Gallivan: lot of brush cut in the 50' buffer and debris and brush placed in the wetland. Can add an Order to remove. Also there is an area of asphalt that shouldn't go any closer to the wetland. Any wetland signs on the site? Wetlands are pretty obvious when you hit the tree line. This is a good opportunity to remove debris from the wetland. Mr. Snow: maybe we should add some posts with markers. Just where would you want to put those? Maybe at the edge of the lawn, right at the stone wall and there is another area where there is encroachment into the wetland. Let the client know there is to be no more dumping. Motion to close the hearing Mr. Jones. Second Mr. Breitenstein. Motion passed by unanimous vote. No more dumping, extend waddle, and remove brush, add signs and debris from wetland. Mr. Snow: Need to discuss Ingrid Lane also. Have they come in? No. Want to make the site visit after daylight savings time; maybe next week. Mr. Bjorklund: Mr. McLaughlin is having some serious issues, he is in the hospital. He was going to have Leo Costello get in touch with the Commission.

Order of Conditions: Hurley, 55 Seaside Road (raze/rebuild)
Motion to condition the project Ms. Scott-Pipes. Second Mr. Breitenstein. Motion passed by unanimous vote.

Order of Conditions: Bartlett Fields Realty Trust, Booth Hill & Thomas Clapp (wetland delineation)
Motion to accept the BVW only Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Certificates of Compliance:

16 Alden – Old file. Sold last week, met on site, a few changes from approved plans. Need a few more plantings; some of the elevations are different. Told the new owners we'd talk about it tonight. Mr. Crawford, E.E.T. Inc. had some comments: turf grass; 2-story & 3rd floor additions never built; concrete drive has been replaced and extended 10' southerly and 3' +/- westerly; and only 3 isolated yews remain of what was labeled shrubs along the easterly line. Mr. Snow: new owners are aware of the issues. Yes. Appreciate Mr. Crawford's concise letter. See what we would like for mitigation; follow Bob's letter.

85 and 89 Edward Foster Road. 89 Edward Foster is the older house is all set.

85 is still under construction, but refinancing. Bank is asking for a partial Certificate of Compliance. They were supposed to do some plantings. Erosion controls are working well. No as-built. Didn't know what the Commission has done in the past. Definitely not ready for a full Certificate. Mr. Harding: don't think we should sign off on any of them. Mr. Snow: holding back construction. Appreciate the pickle some people are in. Mr. Bjorklund: this particular one, Paul Mirabito asked if he would speak to. 85 Edward Foster is being constructed by a family member of 89 Edward Foster and the rate is locked in. The house was constructed and he is aware of plantings and grading. We may never see them for the full Certificate of Compliance. This already has the order for 2 year growing seasons. Structure is the big thing for the bank. Motion to issue a partial Certificate of Compliance Mr. Jones. Second Ms. Scott-Pipes. Motion passed by unanimous vote.

21 Ann Vinal Road: sewer connection.

541 Hatherly Road –didn't install the septic. No work was done. Motion to issue the Certificate of Compliance Ms. Scott-Pipes. Second Mr. Breitenstein. Motion passed by unanimous vote.

63 Glades – put in a septic. Needed to remove small underground oil tank. Sign Certificate of Compliance Ms. Scott-Pipes. Second Mr. Breitenstein. Motion passed by unanimous vote.

Bob Crawford, E.E.T., Inc. regarding 17 Revere: Three open Orders. Septic from 1995, became involved in 1999. Issue at the time, the Commission had a problem with retaining walls. People modified the parking area on westerly side for a mobile home. Did a plan to straighten out the grading at the time and it was part of the Orders. As-built plan 1995 by Stenbeck & Taylor, stamped by David Primer grading was done, don't see why that can't be signed off. Shed was placed on the leaching area, part of the work was to move shed. At the time Commission did not object to the shed. Subsequent owners moved shed and plantings. Grading came about with the second filing. Two decks along northerly side, 1st and 2nd story, couple of landings and a shower, all work was done and it is fine. Third Order was for a

porch to be constructed on the south side that was essentially done, entrance was a 1' different in size with different steps. Basically Commission should be concerned with the grading in the driveway. It sounds like the grading is the big issue and it should be done. Mr. Snow: retaining wall with stairs should be sloped. Driveway shows fill that was put in and walls were not shown on plan. First and third filings should be able to be issued. The second order has the grading issue. Close 1st and 3rd. Good idea to issue Certificates before other filings are submitted. Motion to issue Certificates for the 1st and 3rd filings; second filing needs to correct situation of driveway Ms. Scott-Pipes. Second Mr. Breitenstein. Motion passed by unanimous vote.

Agent's Report: 26 Clapp Road - Brush in trail from storm. Made site visit with Frank. Trees fell from Conservation Commission property. He will cut a couple of good sized pines. His property is a wetland, adjacent to where the trail comes out on Clapp Road that is linked to Whitcomb Pines. Parking is at the Town Forest. Agreed he could cut and pile up branches, no stumping. To the right there are piles on the walkway; whoever has done that should be notified that it is town property and a walking path and there should be no piling of brush. Ms. Scott-Pipes: what happened with the fellow from Hughey Road with the pool and trees? He came in the office last week and said we were mean. Told him he couldn't enter from the wetland side. Previously we gave him an option to cut anything that might fall on the fence, but if he wanted to take down more, he would have to come back.

DEP Storm Declaration: Received approximately 15 letters requesting to move rocks and sand. They have until 3/22/13 to finish. Ms. Scott-Pipes: Remember the thick cement walkways that had broken apart? Do we have the authority to remove? Mr. Parys: Once concrete is undermined it will break up. They will probably clean up the yard; not going to leave it there. Can they put a new one in? Cement should be pulled out, not on stable ground anymore.

28 Otis Road/32 Gardiner: Haven't heard back from Mr. Ayers regarding the Enforcement Order. Should start implementing fines. Believe the neighbor has been impacted by the clear cutting. There is

a question about DPW drainage. He has filled the area and installed a drain pipe. He has a week or so before he has to get back to us.

Haven't heard anything from 206 First Parish Road. They have 60 days to appeal the bylaw.

Mr. Snow: Sometimes our orders seem to be over the top, but when you see all the debris washed into the marsh, certainly shows it is not unreasonable to secure sheds and store nothing under the house, like gas grills, etc.

Conway School will give a preliminary presentation Wednesday night at Mount Hope Improvement Society. Saw presentation the group gave for the professors and alumni that critique their work. Gives them a chance to tweak their presentation before bringing to us. Have walked in the woods for years and they pointed out things he never saw. Not only can we use the recommendations at Crosbie and Bates Lane properties, but maybe Hubble or even the Driftway. Possibly we could ask them to come back. They want to study the seawalls to look at the impacts. Mr. Jones: was impressed; encourage the Selectmen and Town Administrator to look at the results.

Mr. Gallivan: Tried to reach out to DEP regarding issues in Humarock. Talked to Jason Burtner, meeting on Thursday. Septics and roads were wiped out. In the 280's area, old sections of seawalls were removed; water funnels through where houses were put on pilings. Need to look at alternatives. Mr. Jones: they could find out what other communities have done. Mr. Parys: we ask the state for assistance and they do nothing. Mr. Snow: If it was one home between 2 seawalls, we had no problem with a revetment. Do not allow a seawall to continue if there are sand dunes and spaces. Need to think about. Ms. Scott-Pipes: talking about seawalls undermining – on Glades Road a seawall with a revetment in front, everything lifted up and was exposed. If Mother Nature wants to come through, she will. Mr. Snow: the area between the 280s is a regular occurrence with regular high tides. Need to look more closely at sea level rise.

Mr. Gallivan: Laura Harbottle is looking into an updating the Open

Space Plan. Maybe Conway School could bid, since they already have a foot in the door.

Mr. Snow: Couple of e-mails from Howard Matthews in most cases he has the storm damage under control on the trails, but he could use some help; bigger chainsaw and bodies to move the trees. Most of Ellis is fine. Appreciate all of his and Nancy's efforts.

Mr. Snow: Appleton Field. Vinny is anxious to get his license renewal. Make it clear to him he will have to use the new access. Ms. Scott-Pipes: it is a large parcel and I want Vinny to do what he is doing, but I wonder if other people could farm that field. Just wondering if it's right for us to license the whole thing or just a section. Mr. Snow: he has a piece planted and cleared. Certainly don't allow anyone to use what he has cleared. Right now we don't have access, premature to have anyone else use it. Have asked other people, but they have no interest in farming organically. It is public land, but don't want to take anything away from Vinny, this time anyway, maybe in the future. Mr.

Breitenstein: License is expired? Don't think we should open up competition now. Mr. Jones: with all due respect, he is only using a small portion. When will the roadway be in? Don't know. Didn't realize his license had expired. He thinks had it not expired, should have allowed other people to make presentations, will have to look at in the future. At part of the south end, you could pile brush and get quail back. Should use the field, rather than leave it fallow. We will need to take proposals for the RFPs. Mr. Snow: Wouldn't be in a huge rush to clear the whole field. Undergrowth is different habitat. Ms. Scott-Pipes: purchased approximately 11 years ago now, went out with Carl, part of it was semi-cleared. Want Vinny to have his farming area, but huge field for other plots. Four people have called that are interested. Mr. Jones: licensed to him, but need to require him to work with other people. Mr. Breitenstein: we retain the right for access to trails between sunrise and sunset. Mr. Snow: He has a Management Plan for the whole piece. We would be hard-pressed to find somebody that takes it so seriously. Mr. Jones and Ms. Scott-Pipes agree with that. Ms. Scott-Pipes: he will be using the existing access until the new access is complete? Yes. Don't want to see any problems start up again. Maybe should have language in the license. Mr. Breitenstein: possibly raise

the rate. Mr. Jones: add verbiage in the license that would allow him to sublease. Mr. Bjorklund: renew the license and be up front with him; the Commission wants to be open to new ideas for the field. He is doing a great job and more work than anyone would do. In 3 years we want to look to see if other people are interested in using a portion. Not looking to take his plot away from him. Give him a few more years. Motion to renew the license for 3 years with some revisions, primarily for the access and for notice will be doing some sort of RFP and look for some alternative uses Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Mr. Snow: Congratulations to Mr. Breitenstein. He finished all 8 units of training with MACC.

Mr. Breitenstein: WPA creates a lot of jobs. Maybe on the opposite side of Central Ave. could plant high and low marsh grasses to stabilize, which might save septs.

Marine Park - Met with Mark Patterson and Mark Manganello, they have to report to the Army Corp. Some plantings got washed out. Requested another month to submit the report; need to replant. The replanting area isn't as large as shown on the plan. There is only 8,000 sq. ft. They may do something offsite; will send the draft report.

Ms. Scott-Pipes: Need to revisit Steverman's farm. Stockpiling is right at the woods and there are no erosion controls. Should be looked at before they start spreading it around. Spoke to the Assessor's Office, building lot is completely out of Chapter 61. It can be either/or, no longer considered farmland. Maybe go out next week. It might be fine, but should be checked. Thursday any time after 10:30 a.m. Humarock is more important right now. Mr. Snow wants to know when they are going to Humarock.

Minutes: January 9, 2013

Motion to accept the minutes of January 9, 2013 Ms. Scott-Pipes. Second Mr. Breitenstein. Motion passed by unanimous vote.

Ratify Enforcement Order, 28 Otis / 32 Gardiner

Motion to ratify the Enforcement Order Ms. Scott-Pipes. Second Mr.

Jones. Motion passed by unanimous vote.

CORRESPONDENCE

February 21, 2013 – March 4, 2013

1. Revised plans 2/14/13 - 150 First Parish Road (in file)
2. Stormwater magazine
3. Request for CofC – No work done 68-1328 – 541 Hatherly Road (in file)
4. 127 Humarock Beach re: clean-up. Remove and relocate back on beach, rocks and sand.
5. Brunswick Ext. remove rocks from deck
6. 52 & 54 Ocean Drive replace sand on the banking behind seawall to bring back to original state.
7. Recording of OofC for 68-2438 – 36 Border Street (in file)
8. Recording of OofC for 68-2446 - 24 & 26 Wade Street (in file)
9. Pictures of 24-26 Wade (in file)
10. DEP File #68-2452 – Olschan, 24 Webster Street (in file)
11. Steve Lind – expresses an interest in becoming an associate member.
12. Ross Engineering re: 55 Seaside Road – “garage” will be kept and put on sonotubes approx.. 16” above grade. Details will be included in the Structural Engineer’s plan. (in file)
13. DEP re: Regulations - Public Notice: Wetland/Waterway/Water Quality Regulations. (will e-mail to members)
14. Planning Board re: Flexible Open Space Special Permit/Definitive Subdivision Plan re: 305 Country Way. COMMENTS by April 11.
15. 20 Stanton Lane clean-up for access to property and 14 Stanton Lane – cover septic pipe and gain access to stairs.
16. 39 Rebecca Road – replace rocks at 37, 39, & 41 Rebecca Road
17. 12 Ocean Drive, 10 Ocean Drive & 224 Humarock Beach re: re-establish the sand embankment fronting the beach.
18. Jennifer Palmer, Question re: development plans for 22-10-3A & 22-10-2 – possible 370 Hatherly Road and 125 Mann Hill, believe they are splitting lots.
19. Recording of OofC for 68-2448 – 25 Town Way Extension (in file)
20. Department of Army re: Rehabilitation Assistance for Flood-Damaged Flood Control & Shore Protection Projects. Application period Expires 11 March 2013.

21. Request for CofC 68-2409 – 21 Ann Vinal Road. Engineer's verification, as-built, no check (in file)
22. Request for CofC for 17 Revere – 3 files 68-956, 68-1284, 68-1350 (in file)
23. Request for CofC for 68-1520 16 Alden (in file)
24. 23 Rebecca Road – clean-up – push stone and rocks back. (Totman will be doing the work)
25. 4 Dickens Row – clean-up – repair storm damaged wall. Some boulders were knocked off.
26. Reply letter from Jim Tribble to Pat Gallivan.
27. Request to continue 24 Webster Street to March 18, 2012 (in file)
28. 21 Rebecca Rd. re: clean-up. Remove broken plywood, lumber, driftwood and other debris from beneath the house and truck to transfer station. When debris is cleared, clean rocks & other beach material to its position along the beach, all within a few feet of the house.
29. 20 Alden Street, Langlois re: repair existing rip rap that holds up a 100 yr,. old dune was undermined. Will be shoring up the existing dune that sits on top of the rip rap.
30. Request to continue 309 Central Ave. Meeting with BOH on 3/11/13

Meeting adjourned 8:20 p.m.

Respectfully submitted,

Carol Logue, Secretary