

## **Conservation Commission, February 7, 2011**

Town of Scituate

Conservation Commission

Town Hall Selectmen's Hearing Room

Meeting Minutes

February 7, 2011

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

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

Also Present: Paul Shea, Agent, Carol Logue, Secretary,

Agenda: Motion to amend the agenda to set orders for 26 Buttonwood Lane if project is closed Mr. Jones. Second Ms. Scott-Pipes. Motion passed by unanimous vote.

Minutes: Motion to accept the minutes of December 13, 2010 Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote. Motion to accept the minutes of January 3, 2011 Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Request for Amendment: Struzziero, 14 Oceanside Dr (extend columns from 19.0 to 22.1, replace storm-damaged deck)  
Paul Mirabito and Mr. Struzziero were present at the hearing. Abutters notification was submitted. Request to extend columns from 19.0 to 22.1; adding 2' of concrete. Structural engineer prepared a set of drawings showing how they would be elevated. Deck was damaged in the storm, proposing to replace in kind; piers are still there. Damage to the interior of house, but the only outside work is the deck. Mr. Greenbaum: After the storm and the last breach, there were tremendous access problems because of the decks between houses and seawalls-- check with the building department to be sure they are still allowed. Motion to accept the amendment Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Agent's Report:

Amendment Request: 68-2161 – Scituate Harbor Yacht Club, 84 Jericho Road (remove undersized armor stone from approved breakwater maintenance to maintain existing licensed rip-rap; seaward of office, stones displaced, use surplus material from breakwater's reconstruction to restore protection to area).

Paul Shea: This is an approved project – Carlos Pena called requesting to add an area directly adjacent to the Yacht Club building 30' x 15' where they would like to place some of the stones being removed from the breakwater. Can this come under the current Order of Conditions? Mr. Snow and Mr. Shea: Doesn't seem like a significant change. Work involves approximately 190 sq. ft., matching the existing rip-rap and entirely above the high tide line. Motion to accept the proposal as being within the scope of the project Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Wetlands Hearing: Regan/Estate of Quessenberry, 26 Buttonwood Lane (septic & addition)

Phil Spath was present at the hearing. Project has Board of Health approval. Just dealing with the septic system, no addition. Not sure where the line will be coming out. Leslie Brigham, 24 Buttonwood Lane: Make note, an American Elm is growing near there; it is about 20' tall, very unusual. There are no trees where the system is placed. Motion to close the hearing Ms. Scott Pipes. Second Mr. Greenbaum. Motion passed by unanimous vote.

Ratify Enforcement Orders: Walsh, 36 Brunswick, Hallisey, 29 Hawthorne & Stone, 28 Dartmouth.

Motion to ratify the Enforcement Order for Hallisey, 29 Hawthorne Mr. Jones. Second Mr. Greenbaum. Motion passed by unanimous vote.

Motion to ratify the Enforcement Order for Walsh, 36 Brunswick Mr. Jones. Second Mr. Greenbaum. Motion passed by unanimous vote.

Motion to ratify the Enforcement Order for Stone, 28 Dartmouth St. Mr. Jones. Second Ms. Scott-Pipes. Motion passed by unanimous vote.

Ms. Scott-Pipes: Question of revoking Huie's Certificate of Compliance. Mr. Shea: you may be thinking of 140 River Street. Commission has been summoned for that also. Ongoing battle between lawyers; all headed toward litigation--can discuss at another time.

Wetlands Hearing: Wannop, Lot 2 Glades Rd (new build)  
Carmen Hudson, Cavanaro Consulting, Jon Studebaker, Axiom Architects, Attorney Don Nagle, Attorney John Dugan, and Alexandra Wannop, daughter of applicants, were present at the hearing. Addressed comments from the Commission: Removed proposed stone path within the 50' buffer zone; supplied storm water form and narrative; added more infiltration, trench system added to follow buffer plantings. Originally proposed infiltration in rear, added 3 more pipes because site is comprised of bedrock soils, runoff didn't change much because of ledge on site. Approved as 2 separate lots through a Form A plan, same owners. Planning Board condition called for a turnaround where laid out, which will be asphalt. Regarding the irrigation well: the Board of Health Agent has no record. Septic is approved and respects setbacks to irrigation well. Mr. Shea approves storm water report. Mr. Greenbaum: couldn't you have a successful project without digging in the 50' buffer zone? Going into it by 10 or 15 feet. Trying to keep distances to septic components and avoid as much grading as possible. House is forcing you into the 50' zone, jammed right up against it. Could put the haybales on the 50' line. Could propose more mitigation. Discussed pervious material for turnaround and driveway. Jon Studebaker: can build from the upside area, no reason to build from buffer side, 0 setback construction is done all the time. Would only have reasonable foot traffic and ladders. Foot traffic and ladders are not non-disturbance. Mr. Shea: property has a lot of ledge, which is already impervious, very different if someone was proposing asphalt in sandy soils. The new trench system is to provide infiltration for runoff from the driveway. Juanta Kovach, 166 Glades Rd: Has any variance been requested? No variances requested or granted. Mr. Snow explained the process and jurisdiction of the Commission and what measures could be accomplished for less impact. Abutter Jeff Burek brought up issue of well within 50' of proposed septic system. Board of Health looks at the relation of a well with regard to distance to septic. Commission has no jurisdiction over that. One of the performance standards is to protect private and public water supplies. Mr. Shea: when it comes to a private well, Board of Health overrides Conservation. Henry Yeh, 16 Wood Island Rd: Did they know it was a private well? Yes. Mr. Snow: all work is in the 50' to 100' buffer and all

the mitigation offered is in the areas being disturbed, is that the extent of your mitigation? Correct. If areas are vegetated, why disturb? Anything else you can offer for mitigation, more plantings or restrictions? Proposal has many impacts. There is debris that could be cleaned up and increase buffer plantings. Paul Shea: is there room for a rain garden? Carmen Hudson requested consultation with the clients. Would like to keep mitigation on the lot. Can increase the plantings. Mr. Snow: Can request additional mitigation in our orders and state no additional disturbances will occur on that property. Jeff Burek: concern about substantial impervious surface; 2600 sq ft house. Scituate's stormwater bylaw calls for dealing with stormwater on site and making sure there is sufficient drainage. Site already doesn't take in water because of the ledge. Maryann Burek and John Coleman asked if the road needed to be widened. Not a Commission decision. No change to access road. Putting in a new water line and fire hydrant. Need a revised plan: show erosion controls, methodology for stockpiling, increased native buffer plantings. Suggest you talk to Mr. Shea regarding mitigation, and location of house in relation to the 50' buffer. Motion to continue to February 28, 2011 at 6:30 p.m. Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Wetlands Hearing: Town of Scituate/DPW, Cole Parkway south at Front St. (public harbor walk)

Peter Williams, Vine/GZA, was present at the hearing. Abutters notification was submitted. Have revised plans, mostly for landscaping; construction hasn't changed. The project is located in Cole Parkway and will provide public access from Front St. over to the Boat ramp for a scenic viewing area. Harbormaster has been seeking this.

Maintaining the same number of parking spaces. There will be an 8' wide concrete walkway that will run along the edge of the harbor with benches and landscaping. Also signage referring to the mossing that historically occurred in this location. If they pull back edge of parking, there will be a 2' planting strip, then a concrete walkway. Will be some construction of a concrete retaining wall, don't want settlement of the sidewalk. Drainage runs to a catch basin, to revetment and then to the harbor. Looked at some other means for BMP measures, but there was no gain. Metal guardrail will be taken out. Want to clean up the area, take sumac out and let other natural vegetation grow. There will

be some outward encroachment. Mr. Jones: any work on the revetment? In some areas they will be rebuilding. Being paid for by CPC. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Greenbaum. Motion passed by unanimous vote.

Wetlands Hearing: King, 151R Glades Rd (handicapped ramp/brick/asphalt landing slight grading)

Frank and Marion King were present at the hearing. Because of raising house in front, it created a burden. Just about every house has been impacted. Enclosed a letter from John Murphy of the Fire Department indicating paved area in front of house for access, better for equipment and men. Another neighbor installed pavers. Pavers ended up in a heap of rubble. Periodically we do normal landscaping to clean up property after storms. Past storms' material has washed into the marsh. Asking for a waiver because of special circumstances. Abutters wrote a letter that Marion King read. Tried to go on to website to check disability site. Disabilities sent many faxes to Conservation and there was no response. Asphalt is the only safe way of getting in and out of the house. Mr. Snow: have worked with the Disabilities Committee many times and we don't ignore them, trying to work out the situation. Ms. Scott-Pipes: don't want to deny access to your house, but think there is too much asphalt on the side of the house. Mr. Greenbaum: issue is with asphalt ripped up by storms, moving into areas where it shouldn't be and it's after-effects. Have allowed pavers on a barrier beach. Guessing a 10'x15' section has been put down fairly recently. Need access, but have to live by the rules. Paul Shea: obviously there are a number of houses that would like asphalt, but this is sort of a unique situation. Could allow a small section of asphalt for access. Abutter Bob LeBlanc, Glades Rd: If this is granted for handicap use, he will make sure everybody has the same opportunity. Paved their whole driveway. We didn't have a midnight paver come in. It improves access and market value. Mr. Snow: In the past month with the storms, we've granted people the right to make repairs. Not looking to create issues. Trying to help people; not trying to be obstructionist. Mr. LeBlanc: Have you ever granted asphalt that close to the ocean? Paul Shea: parking lots and roads. Motion to close the hearing Mr. Jones. Second Mr. Greenbaum. Motion passed by unanimous vote.

Wetlands Hearing: Seoane, 136 Indian Trail (new septic)

Rick Grady, Grady Consulting, Inc., and Luis Seoane were present at the hearing. Submitted stormwater information. Drainage calcs showed no increase in runoff to front or back. Question of neighbors to the west and location of existing drain. Wetland present; their property won't be disturbed. Submitted copies of plan, no wetlands delineated at the outfall; added pipe, which runs directly below the leaching area and dimension of the driveway, which is about 82' from wetland across the street. Mr. Greenbaum: read the stormwater information, says the engineer will inspect the stormwater system twice a year. What is the fix if it doesn't work? What is the management plan? This issue would have to be addressed for any drainage system. If a problem occurs, it would have to be repaired. If not under driveway or house would be easier to repair. Thinks it is a system doomed to fail. Every dry well or French drain eventually fills up and fails and eventually creates a problem for the neighbors. If under basement would have to jackhammer up the floor? Thought it was cost effective. Installing plastic below the slab and will use a dehumidifier. Collecting all the roof runoff, calcs show no increase and have infiltration also. Mr. Shea: met with Rick to make sure the stormwater report was submitted in plenty of time. Satisfied with what shows for wetlands. Board of Health has approved. Mr. Bjorklund: comment on storm water - If underneath driveway should check with Board of Health regarding setback. Leary of under the house. Drain should be 10' from the leaching area. Capacity from under house will go to the lowest point in the driveway. Storage below the house, includes a 4" overflow pipe. Henry Yeh: septic system close to the edge of property. Concerned about water level from storm runoff. Trying to understand where water will go. There is a little channel from the Banks property and natural runoff from the ledge. How do you handle wintertime when water doesn't run? They need to submit mandatory reports. All runoff is directed toward the front of the property; driveway slopes toward Indian Trail; patio in back has an infiltration system; crushed stone below the house. Could do a 500 cu. yd. rain garden for storage in the front. Could close the hearing subject to the submission of revised plans showing the rain garden. Motion to close the hearing Mr. Jones. Second Mr. Greenbaum. Motion passed by unanimous vote.

Wetlands Hearing: Seoane, Cavanagh Rd (new build/septic)

Rick Grady, Grady Consulting, was present at the hearing. Mr. Seoane requested a continuance. Motion to continue to March 14, 2011 at 6:30 p.m. Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Show Cause Hearing: Hickman, 10 Driftway

Had an approved plan and Order of Conditions; orders expired. Field changes from the plan and never came back to the Commission for approval.

Wetlands Hearing: Hickman, 10 Old Driftway (deck 5.5' x 18.83'/stairs/paver walkway)

Bob Crawford was present at the hearing. Abutters notification was submitted. Paul Shea met with Mr. Hickman who was the contractor for the property. Had an approved plan with Orders. When he started construction thinks the Order had expired and extra elements done in the field. To the best of Mr. Crawford's knowledge Order was issued in 2007. Don't know when the construction took place. Pool house was constructed pretty much as the original notice specified. 19' x 5.5' deck with stairs at side of pool house and semi-circler pavers and another deck on the other side, out of the resource area. Filled in the actual pool and took down fencing. After-the-fact filing for deck with stairs and walk. Request a Certificate of Compliance for the original Orders. Record the new Orders and request a Certificate of Compliance. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Wetlands Hearing: Biviano, 198, 200, 202, 204, & 206 Central Ave. (replace/repair rip-rap)

Michael Biviano and Pat Brennan, RPE, were present at the hearing. Abutters notification was submitted. 5 properties have rip-rap walls. Some rocks have fallen onto the beach. Requesting to build wall up to elevation 18' for all 5 properties. Not going to increase footprint. Contacted Greg DeCesare at DEP last Thursday, had no problem with what was proposed. Mr. Greenbaum: At #206 are you wrapping around the northeast corner? Can wrap and keep on property. Take away any manmade material. Probably will require more rocks. Access

between 206 & 208 will be worked out. Submit a letter from property owner to add to the file. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Wetlands Hearing: Menino, 5 Ocean Dr (septic)

Pat Brennan was present at the hearing. Abutters notification was submitted. No Board of Health approval. Installing a new septic tank, using plastic infiltrators. Removing the old cesspool. Motion to continue the hearing to February 28, 2011 at 6:30 p.m. Ms. Scott-Pipes. Second Mr. Greenbaum. Motion passed by unanimous vote.

Duval, 150R Front St: Project was approved and somewhere along the line the owner filed for a Certificate of Compliance and the Commission issued. What the applicant meant to do was file for an Extension.

There are about 650 cu. yds. of dredging left to be done.

Mr. Shea read Atty. Brodsky's letter. Send a letter telling him to finish the work and check with the Harbormaster Mr. Greenbaum. Second Mr. Jones. Motion passed by unanimous vote.

Kamman, 31 Candlewood – Commission is not happy with the restoration plan: send a letter to that effect. Motion to have Mr. Shea draft a letter for a final restoration plan. Motion to send a letter from the Commission rejecting the current restoration plan Mr. Greenbaum. Second Ms. Scott-Pipes. Motion passed by unanimous vote.

Request for Determination: Sheehan, 15 Seagate Circle (enlarge deck/ front & back porch)

Applicant did not attend. Motion to continue the hearing to February 28, 2011 Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

172 Cornet Stetson – Sending a letter to have Mr. Toth come before us February 28. Commission approved the project; there is a hotel being built. Asphalt and driveway different from what the engineer submitted; in non-compliance with the Order of Conditions. Merrill Associates is the engineer of record. Applicant put it in the way he wanted. Any changes have to come to the Commission for approval.



## CORRESPONDENCE

January 3, 2011 – February 7, 2011

1. Board of Health re: 244-246 Central Ave. – Hearing to consider possible Order of Condemnation.
2. Recording of Order of Conditions for 68-2288 – 83 Rebecca Rd (in file)
3. NSRWA Newsletter RiverWatch
4. Woodward & Curran Newsletter “Directions”
5. 117 Lawson Rd – Permit Extension Act - automatic extension of OofC 68-1639 to February 5, 2013 (in file)
6. Request for CofC 68-2265 – Ford, 790 Country Way (in file)
7. Planning Board agenda for 1/13/11
8. Form A Application – Hillcrest Road – discussing 1/13/11
9. DEP file #68-2291 – Town of Scituate/DPW, Cole Parkway south at Front St – harbor walk (in file)
10. Recording of CofC 68-2221 – Town of Scituate, Hatherly Rd at Musquashicut Pond (remove tide gates) (in file)
11. Mass Congress of Lake & Pond Associations, Inc. Newsletter (winter)
12. Environmental Observer Newsletter – ESRI Fall 2010
13. New Street Number Assignment – Noble, David 22 Riverview Place (previously known as 24)
14. Atty. Delisi re: Boyajian, 43 Oceanside Dr. – Mr. Hamacher did not file appropriate papers, request dismissal of appeal (in file)
15. Recording of 68-2238 CofC O’Brien, 29 Surfside Rd (in file)
16. Amending question regarding OofC for SHYC 68-2161 – breakwater rehabilitation. Wants to add 30’x5’ area for material from breakwater which is too small.
17. 244-246 Central Ave. - at BOH hearing - board unanimously voted to condemn the dwelling
18. Lynch, DeSimone & Nylen re: Summons 140 River St for issuing a wrongful EO since she had an OofC from 2009. (in file)
19. United States Environmental Protection Agency – re: Request for info pursuant to Section 308 of the Clean Water Act. (DPW)
20. Request for extension 68-2142 – OofC issued 12/30/08 (in file)
21. Planning Board re: Development Review Team meeting of 1/18/11 – discussed library expansion.
22. Planning Board Agenda for 1/27/11

23. Amended Planning Board Agenda for 1/27/11
24. Planning Board re: Informal discussion – preliminary subdivision plan, 78 Border St (Riverclub). Proposal is to divide into 8 lots. Discussion 1/27/11 and appreciate comments by 1/25/11.
25. Board of Health re: 230 Central Ave. – directed to have a Title 5 inspection and file with BOH no later than 3/15/11.
26. Recording of CofC for 68-2064 – Satuit Waterfront Club, opposite 23 Jericho Rd (in file)
27. DEP File #68-2292 – Hickman, 10 Old Driftway (in file)
28. Recording of OofC 68-2275 – Owens, 224 Central Ave. (in file)
29. Recording of OofC 68-2274 – Poshkus, 138 Gilson Rd (in file)
30. Request for Amendment 68-2161 –Scituate Harbor Yacht Club, 84 Jericho Rd – Maintenance of existing rip-rap and armor stones displaced proposing to use surplus material from the breakwater reconstruction to restore protection to that area.
31. Scituate Harbor Yacht Club, 84 Jericho Road – beginning dredging operations 1/25/11. Complete by 2/1/11 (in file)
32. MACC Environmental Conference, Sat., Mar. 5, 2011 – Holy Cross, Worcester
33. Board of Health re: 131 Glades Rd – Needs Title 5 inspection – report filed with BOH no later than 3/15/11
34. Storm water Report re: Seoane, 136 Indian Trail (2 copies) (in file)
35. Planning Board re: 128 Grove St – Approved with conditions (in file)
36. Request from Site & Utility Services/Stephen J. Lind, P.E., to be an Associate Member for Conservation. Believes he could assist in reviewing plans and practical construction.
37. Recording of CofC for 68-2103 – Town of Scituate/DPW, Hatherly Rd at Musquashicut Pond (in file)
38. Response to ConCom re: 68-2290, Lot 2 Glades Rd–Stormwater Application Permit & narrative and revised site plan (in file)
39. Revised plans for Regan, 26 Buttonwood Lane – Revised 1/27/11 (in file)
40. Request for CofC – 68-2190 - Scituate Boat Works, 119 Edward Foster Rd (in file)
41. Request for an appointment: Scituate Boat Works to discuss razing existing building and eventual construction of a 2500 s.f. building (in file)

42. FEMA re: New Flood Maps effective June-July 2012.
43. Abutter/Jeffrey Burek to Lot 2 Glades Rd – concerned about affects on potable well – only source of drinking water. Septic within 100' of well. (in file)
44. Revised plans - 68-2284 - Cavanagh Rd – plans show: approximate trees; retaining wall; re-delineated wetland line with 100' and 50' buffer zone. (in file)
45. Stormwater Magazine January/February 2011
46. Request for Responses/CZM re: Coastal and Estuarine Lane Conservation Program. Due to CZM by 1:00 p.m. 3/25/11
47. New owners: Richard & Monica Dehn, 790 Country Way (in file)
48. Request for Partial CofC for 29 Bayberry Rd for the work completed (in file)
49. Request for Order of Resource Area Delineation Extension re: Glades Rd 68-2078 – Issued 2/5/08. Permit Extension Act of 2010. They understand it has a 2-year automatic extension. (in file)
50. MassWildlife News
51. DEP File #68-2293 – Menino, 5 Ocean Dr (in file)
52. DEP File #68-2294 – Biviano, 198, 200, 202, 204 & 206 Central Ave. (in file)
53. Two e-mails re: 172 Cornet Stetson (copied for members)
54. Guimond re: Walsh, 36 Brunswick – NOI in on or before February 11, 2011. (in file)
55. The Beacon

Order of Conditions: Laubenstein, 17 Dartmouth St (septic)  
Motion to condition the project Mr. Greenbaum. Second Ms. Scott-Pipes. Motion passed by unanimous vote.

Order of Conditions: Price, 48 Mann Lot Rd (detached garage)  
Motion to condition the project Mr. Greenbaum. Second Ms. Scott-Pipes. Motion passed by unanimous vote.

Order of Conditions: Bulman Marine, 206 Front St. (replace piles under bldg./secure existing seasonal floats with piles/reconfigure a zone)  
Motion to condition the project Mr. Greenbaum. Second Ms. Scott-Pipes. Motion passed by unanimous vote.

Order of Conditions: Regal/Est. of Quessenberry, 26 Buttonwood Lane  
(septic & addition) (cont.)

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

Meeting adjourned 9:40 p.m.

Respectfully submitted,

Carol Logue, Secretary