

Conservation Commission, November 7, 2011

Town of Scituate

Conservation Commission

Town Hall Selectmen's Hearing Room

Meeting Minutes

November 7, 2011

Meeting was called to order 6:30 at p.m.

Members Present: Mr. Snow, Chairman (arrived after discussion of 192 & 204 Clapp Road Requests for Determinations), Mr. Breitenstein, Mr. Jones, Mr. Greenbaum, Mr. Parys, Ms. Scott-Pipes, Mr. Tufts.

Also Present: Paul Shea, Agent, Jim O'Connell, Agent, Carol Logue, Secretary, Allan Greenberg, Associate Member Mr. Greenbaum began the meeting as acting chairman.

Agenda: Motion to accept the agenda Ms. Scott Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Request for Determination: Anderson, 192 Clapp Road
David Anderson was present at the hearing. Opened both 192 & 204 Clapp Road together. A few weeks ago requested an amendment to a valid Determination to move the barn. The Commission allowed the barn to be moved, but asked for a new Request for the drain pipe. The drain pipe will go from the new addition to the catch basin at the corner of Carol Straight's property. Trench will be dug and back filled as they proceed. At the Straight property, asphalt will be removed and replaced with crushed stone; driveway in disrepair. Motion for a negative 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)." for both 192 and 204 Clapp d – Ms. Scott-Pipes. Second Mr. Breitenstein. Motion passed by unanimous vote.

Request for Determination: Straight, 204 Clapp Road
David Anderson was present at the hearing.

Request for Determination: Reardon, 128 Grove Street (private well & associated water line)

Bob Rego, Prime Engineering was present at the hearing. An accessory dwelling was recently built. Proposing a private water supply in grassed area behind the existing garage. Water line to the new dwelling is within the 100' buffer zone to a BVW and within the 200' riverfront area of an existing perennial stream. Tree limit and annual mean high water line are shown on the plan. Proposed work is an 8" well casing within 74' of the BVW. Ms. Scott-Pipes: town water at the other house? Yes. Would have liked to use the same meter, but Water Department wanted a new service. There would have been fees of about \$20,000, therefore, pursued private water supply. Have been to the Board of Health. As long as setbacks are met, they have no problem. Mr. O'Connell: as of last week Board of Health had not received a filing. Setbacks are 100' outside the leaching field and 50' to the tank. Mr. Snow: drill spoils need to be contained. 4' trench dug and backfilled the same day, If more than a day probably need haybales or silt fence. 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. Greenbaum. Motion passed by unanimous vote.

Wetlands Hearing: Lilly, 147 Border Street (new build & septic) (cont.) Applicant's representative requested a continuance. Need Planning Board approval for an "Approval Not Required." Motion to continue the hearing to December 5, 2011 at 6:30 p.m. Ms. Scott-Pipes. Second Mr. Greenbaum. Motion passed by unanimous vote.

Wetlands Hearing: MacDonald, First Parish Road (new build) (cont.) John Zimmer, South River Environmental and Brendan Sullivan, Cavanaro Consulting were present at the hearing. Went over proposed single-family home last hearing. Discussed mitigation within the 50' buffer. Reduced the amount of work proposed in the 50' to 770 sq. ft. Proposing sonotubes for 2nd floor, elevated deck and a little lawn area. Mitigation protection outside the 50', between the 50' & 100', is almost

a 4 : 1 ratio of increased plantings. Met on site with Paul Shea and extended delineation to cover whole property. Submitted a supplemental letter. Tested upland soils and reconfirmed hydric soils in wetland. Brendan Sullivan regarding Stormwater: underground infiltration between dwelling and roadway, roof leaders from house and driveway directed to 2 storm trenches. Also overflow pipe just downstream of the trenches; 2 swales on each side of the driveway/ east and west. No water will go into the street. Earthen berm runs the length of the property into catch basin and eventually into the brook. After the berm modified stone/retaining wall. Ms. Scott-Pipes: runoff in the yard will stay on the property; what runs down street now will continue down the street, not accepting, or adding to it? Driveway is crowned so that runoff will go in easterly & westerly directions. Driveway will come up at a positive grade. Deck on second floor cantilevered? Will be on sonotubes. Why couldn't house be moved 15' toward the septic? Setbacks from house to septic: 20' for a cellar and 10' to a slab. Mr. Snow: Garage is on a slab, could be moved about 15' to keep completely out of the 50' buffer zone for a new build. You have the room; it is a sensitive area. Driveway is a safety reason. Electric pole was an issue. Mr. Breitenstein: appreciate the time to go back out and reflag; see no mitigation, or anything that enhances the buffer; planting in the buffer doesn't enhance it--it is a disturbance, not an enhancement. The area between the 50' & 100' buffer is larger and undisturbed. Could clear right up to the 50' another 2800 sq. feet versus 700 sq. ft. There is lawn and all sorts of impacts that aren't suitable for that area. Mr. Greenbaum: apologize for the last hearing, got out of hand. Don't want to design the project, but this is a mature and undisturbed area, believe there are alternatives in the housing footprint that should be considered that might remove the need to go into the 50' buffer zone. Agents were looking at the plan. Question came up in enhancement area. At intermittent stream there is an old catch basin in the roadway. Stormwater comes down the roadway, with direct discharge to the stream and wetland. The catch basin could be upgraded with an oil and water separator. What if you leave the enhancement area alone and repair the catch basin for a real water quality project? DPW director is all for it. Rebuild the catch basin to newer standards; costs about \$5,000. Use the credit off-site, instead of the planting area. Mr. Snow: rain garden too? Not sure there is room.

Will discuss with the applicant; believe they will agree. Mr. Jones: Thought the issue was not that we would have stormwater coming off the property, but stormwater goes over this property. Is that correct? Property is half a foot to a foot higher than the street. Built up along the roadway. Infiltration system includes an infiltration bed and swales that will pick up and treat runoff before it hits the wetland. Any hydrology looked at to see if the swale is sufficient? Mr. O'Connell: can you move the activity out of the 50' buffer? Will look at that option, close to the front setback, lot width becomes a factor also. Just sliding to the west may be an option; move toward the leaching field. Mr. Snow: catch basin would be mitigation for the 100' buffer if you can get out of the 50' buffer project would be more palatable. Need to get something for a new build. Mr. Shea: shrubs along the deck flip them in a slightly northerly direction, outside the 50'. Limit of work cleared right up to the hay bale line. Move house, run haybale line along the 50' buffer and repair the catch basin. Mr. O'Connell: Scituate has repeatedly asked for mitigation within the 100' buffer. Mr. Zimmer: Will research that. Will talk to client about moving the house and the catch basin. If they move things out of 50', may propose additional lawn. Would like to close next meeting. Atty. Chris Humphrys was present representing Bill and Susan Ryan, no questions at this time. Motion to continue the hearing to November 21, 2011 at 6:30 p.m. Ms. Scott-Pipes. Second Mr. Breitenstein. Motion passed by unanimous vote.

Wetlands Hearing: EBC Building Corp./Ellis, 18 Old Oaken Bucket Road (wetland delineation)*

Mark Manganello, LEC, was present at the hearing. Seeking wetland delineation. Mr. Shea provided a review report, suggested revisions. Had an on-site meeting, made some changes in the field and cosmetic changes to the plan. Started behind Jim Duffy's house. 15, 16 & 17 added a new wetland flag 16A. Adjusted line. Flags 18-21 Mark flagged center line in the field added to the plan, adjusted 13-15 moving out about 8' to 10'. Pushes out the buffer zone. Just caught it today, should state river on the plan, instead of stream. Revised site plan from

November 2, as long as that becomes river instead of stream. All we have is a wetland edge verification. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Greenbaum. Motion passed by unanimous

vote.

Wetlands Hearing: McKay, 20 Ocean Front Street (install boulders to stabilize slope) (cont.)

Wetlands Hearing: Morel, 22 Ocean Front Street (install boulders to stabilize slope) (cont.)

Applicant's representative requested a continuance; applicant is not available to attend the hearing. Rick Grady asked to meet a third time to discuss project. Met with Grady in the office and on-site. Met with Peter Armstrong who did emergency work at Martins. Mr. Shea recommended Rick Grady meet with Mr. O'Connell, Peter Armstrong and a member of the Commission to see what would be allowed at the other two houses. Need modification at Martin's to take out 2nd layer of stone; went beyond the emergency. Approved other 50' lots with seawalls on either side. Mr. O'Connell: A precedent will be set on these projects. If this project is allowed, get ready to armor the whole length. There is a middle ground. Don't think project meets the performance standards. If you say yes on this lot, DEP may intervene. It is not a totally functioning dune, but the sacrificial dunes are working; houses are well protected. Held up during the December storm. Add sand over cobble dune. They could always put dwellings on piles. Mr. Shea: Martin's site got nailed; the other two weren't touched. Emergency stones on Martin's might affect the other two sites. Allowed many emergencies last year after the December storm, some did more work than they should have. Road washed out quite badly. Mr. Snow: Could talk to DEP, but they flip-flop so much. Maybe we could develop our own policy. Mr. O'Connell: Projects don't meet the performance standards, do have a middle ground, but don't want to give to consultant, because they will grab the idea and run with it all over town. Back side will be affected if we allow armoring. Either way it will accelerate from the front or the back. Treat each project site by site. Mr. Shea: put off for a month. There is no filter fabric being used. Grady is the engineer for all three properties. Project will fail and they will come back for a whole revetment. Motion to continue both 20 & 22 Ocean Front hearings to November 21, 2011 at 6:40 p.m. Ms. Scott-Pipes. Second Mr. Greenbaum. Motion passed by unanimous vote.

Order of Conditions: Meehan, 16 Barry's Landing (4' x 14' wooden deck to existing gangway and add 6.5' x 20' float)
#23 to remove the floats should be a continuing condition. Any letter from Harbormaster yet? No. Motion to condition the project as amended Mr. Greenbaum. Second Ms. Scott-Pipes. Motion passed by unanimous vote.

Site visit for 214 Clapp Road is scheduled for next Monday, November 14 at 9:00 a.m.

Agents' Report: 54 Border Street: LEC sent all the information to Natural Heritage. Natural Heritage stopped the review process. If they reopen they have to reopen with the new regulations and species will no longer qualify it for a vernal pool. At this point let that go. Talking about removing some phragmites and adding shrub plants. LEC was supposed to write a letter to the Brown's and copy us. It is a vernal pool, it just can't be certified. Have them come in and do a planting plan. No problem with removal of phragmites. Window of opportunity is not there for the vernal pool.

Mr. O'Connell: Marine Park: Tibbetts decided to stop work on the project for the winter. TA asked why, not winter yet. Had a meeting this morning, even MASS Pavement wants to do more work. Progress was good. Site needs to be secured before winter. Took out haybales, requested haybales to be put back. Netting won't last the winter. In a private conversation someone told them there was not enough money for the amount of plantings. Secure the site for the winter, aggregate in the walkway is questionable. Don't think it will bind correctly. Keeping plastic along the side to keep the walkway in.

Commission is named in a civil suite regarding Lot 1 Glades Road – Atty. Nagle for the applicant Wannop. Requesting to eliminate #37 & #38 that deal with offsite mitigation. Mr. Bjorklund: Commission could rescind the whole Order of Conditions.

McDermott, Chittenden property: Allan Greenberg recommended not to accept. Could be used as a parking area for the Conservation land behind it, if there were trails cut. Could send a letter to the Selectmen

stating it doesn't meet any conservation issues.

Order of Conditions: Brodigan, 104 Oceanside Drive (expansion of existing patio)

Remove all of the concrete. Abutter's property is being flooded.

Massive overwash. Letter in file with photos. Entire concrete patio has to be removed, including the preexisting patio. Covered the whole patio with new concrete and graded excess material on the lot. Motion to deny the project and remove all newly poured concrete Ms. Scott-Pipes. Second Mr. Greenbaum. Motion passed by unanimous vote.

Mr. Shea: Lot 2 Peggotty Beach Road – Received a call from Atty. Bob Galvin: according to his client and engineer, since vegetation came back no sense in removing the material. Brad Holmes agreed to take everything out last fall. E-mail back, Haufler agreed. Hired Ed Rourke to take out material and bring it down to grade, stabilize for the winter and do plantings in the spring. Contractor needs to send in photos of site when material is out and stabilized. There was a wetland there. Get the material out and do soil tests. Mr. Greenberg: original elevations are on original plans by Ross Engineering.

Minutes: July 18, 2011; August 1, 2011; August 15, 2011; August 29, 2011; September 19, 2011; October 3, 2011

Motion to accept the minutes of July 18, 2011; August 1, 2011; August 15, 2011; August 29, 2011; September 19, 2011; October 3, 2011 Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Mr. Snow: At the next couple of meetings make a list of projects and split up responsibilities among the members. Have a list of outstanding items, there are a lot of loose ends. Talked with Allan Greenberg a little bit. Make a list and have the members add to and talk over with the agents. Keep a master list.

Extension to Order of Conditions: Solimando, 8 Dartmouth Street
Motion to extend the Order of Conditions for 8 Dartmouth Street to 4/1/13 Ms. Scott-Pipes. Second Mr. Tufts. Motion passed by unanimous vote.

CORRESPONDENCE

October 18, 2011 – November 7, 2011

1. Request for CofC for 68-2081 – 486 Hatherly Road (in file)
2. Request for Minor Modification – 138 Gilson Road – 68-2274.
3. Proctor, 86 Crescent Ave. – P.F. Spencer hired to excavate & backfill for new concrete walls. Has plan, engineer marked out the wall and will certify when wall is in place (in file)
4. Coastal Services
5. Request for continuance for Morel, 22 Oceanfront Street (in file)
6. Request for continuance for McKay, 20 Ocean Front Street (in file)
7. North & South Rivers Watershed Association Dues - \$50.00
8. Allan Greenberg - Continuing Conditions: Second Draft
9. Recorded OofC – 68-2372 – Collins, 194 Front Street (in file)
10. Recording of OofC – 68-2355 – Crowley, Lot 1 Glades Road (in file)
11. Planning Board – Form A Application – 56 First Parish Road – COMMENTS no later than 11/7/11
12. Summons – Frank Snow re: 68-2290 – Wannop, Lot 2 Glades Road (in file) (copied for members & TA)
13. Crowley – Lot 1 Glades Road – requests to remove debris and some briar bushes as well as trash (in file)
14. E-mail from Paul Shea to Brad Holmes re: 31 Candlewood Drive (in file)
15. Request for CofC for 68-1710 – Stone, 28 Dartmouth Street (dwelling) (in file)
16. Recording of OofC for 68-2360 – O'Shea, 22 Oceanside Drive (in file)
17. E-mail from Mark Patterson re: 222 Central Ave. – received after orders set – “In return for the private use of public tideland I would recommend the consideration of some form of mitigation.” (in file)
18. Planning Board re: Form A - between 47 & 55 Common Street – COMMENTS no later than 11/7/11
19. Recording of OofC for Adams, 167 Turner Road (in file)
20. Recording of OofC for Caulfield, Trustee, 10 Shoal Water Road (in file)
21. Design Review Committee – 11/7/11 – Planning Board Room – Discussion of Plan 50 Country Way
22. Revised plans for 5 Irving Street (in file) NOT FINALIZED AT BOH

- OofC waiting for final approved plan (in file)
- 23. Request for extension – 68-2049 - South River Partners, 8 Dartmouth (aka 33 Central Ave.) (in file)
- 24. Request for extension – South River Partners, 8 Dartmouth
- 25. Planning Board Form A Application – 41 Brook Street – COMMENTS by 11/7/11
- 26. The Beacon
- 27. DEP File #68-2375 – Brodigan, 104 Oceanside Drive (in file)
- 28. DEP File #68-2376 – Meehan, 16 Barry's' Landing (in file)
- 29. DEP File #68-2377 – EBC Building Corp., 18 Old Oaken Bucket Road (in file)
- 30. Report for First Parish Road – from South River Environmental – 68-2374 – Single Family House (in file)
- 31. Recording of OofC 68-2361 – Christenson, 25 Surfside Road (in file)
- 32. Request for CofC for 68-1482 - Hopkins, 136 Cornet Stetson Road (in file)
- 33. Recording of OofC 68-2362 – Town of Scituate, 0 Oceanside Drive (in file)
- 34. Tibbetts Engineering re: Scituate Marine Park – Winter Shut-Down (in file)
- 35. Atty. Marzelli re: CPC Application – Hollett Street property 20-6-14 (in CPC file)
- 36. Revised plans for 68-2377 – Wetland Delineation 18 Old Oaken Bucket Road (in file)
- 37. Recording of OofC for 68-2277 – Regan, Executor, 26 Buttonwood Lane (in file)
- 38. Atty. Galvin e-mail – Received an e-mail from Mr. Haufler indicating that he has hired Ed Rourke to remove the fill and stabilize the area and expects this work will start now. Will deal with vegetation next spring. (in EO file)
- 39. Recording of OofC for Linburn, 35 Tilden (needed for CofC – in file)
- 40. Abutter to Brodigan, 104 Oceanside Drive – Willard letter re concerns (e-mailed letter to members) (in file)
- 41. Planning Board Agenda for Nov. 10, 2011-11-03
- 42. Planning Board re: Form A Application – 2 Baileys Island – COMMENTS by 11/16/11
- 43. Paul Shea e-mail to Brad Holmes re: 31 Candlewood Drive. (in file)

44. Request for continuance for Lilly, 147 Border Street. – Need to go to Planning Board for an ANR plan and Zoning Board Decision (in file)

45. Tilden & Hatherly Roads –137 Hatherly Road – 50-acres – Former Proving Grounds – 67 tons of impacted soil was transported from the site to Waste Management Inc.

Meeting adjourned 8:00 p.m.

Respectfully submitted,

Carol Logue, Secretary