

## **Conservation Commission, January 9, 2013**

Town of Scituate Massachusetts

Conservation Commission

Town Hall Selectmen's Hearing Room

Meeting Minutes

January 9, 2013

Meeting was called to order at 6:21 p.m.

Members Present: Mr. Snow, Chairman, Mr. Breitenstein, Mr. Harding, and Ms. Scott-Pipes.

Also Present: Carol Logue, Secretary

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

Request for Determination: Blake, 147 Captain Peirce Road (addition)\*  
Ms. Scott-Pipes had to recuse herself; therefore, there was no quorum.  
Motion to continue the hearing to January 23, 2013 Ms. Scott-Pipes.  
Second Mr. Breitenstein. Motion passed by unanimous vote.

Request for Determination: Hands, 150 First Parish Road (wetland delineation)\*

Applicant's representative requested a continuance to allow time to check the wetland line. Small line can be checked by agent who is starting January 14, 2013. Motion to continue the hearing to February 20, 2013 Ms. Scott-Pipes. Second Mr. Breitenstein. Motion passed by unanimous vote.

Wetlands Hearing: McSharry Brothers, Lot 1 218 First Parish Road (new build) (cont.)

Wetlands Hearing: McSharry Brothers, Lot 2 218 First Parish Road (new build) (cont.)

Just received revised plans today at 4:00 p.m. Lenore White from Wetland Strategies and Mr. McSharry were present at the hearing. Ms. White requested to bring the board up to speed. The Commission requires materials submitted one week in advance of a meeting. This

has been continued a number of times. Motion to continue the hearing to January 23, 2013 at 6:40 p.m. Ms. Scott-Pipes. Second Mr. Breitenstein. Motion to continue to January 23, 2013 at 6:30 p.m. Ms. Scott-Pipes. Second Mr. Breitenstein. Motion passed by unanimous vote.

Steverman's farm, 257 Country Way: Elisa & Ryan Steverman were present. Ms. Scott-Pipes and Mr. Breitenstein are concerned about possible lawn going right down to the tree line at the reservoir. They didn't have to file for the house. The building permit was signed and determined it was out of our jurisdiction, but it looks like work around the house is in the buffer zone. The lot has gone from a farm to a building lot, therefore the 50' buffer has to go back to its natural state, not a seeded lawn; needs to comply with our requirements. There are piles of dirt right on the 50' buffer, should have erosion controls around it; should not be stockpiled there. Not stopping work, but how you treat the back yard, and the limit for the lawn could be an issue. Ms. Scott-Pipes took the Planning Board plan and penciled in the house. Mr. Breitenstein: if the yard is in the 50' buffer, they should file a Request for Determination to determine if the work has any impacts on the wetlands. Expect to still have agricultural use behind the house. Expect to spread out the dirt. Spreading out the dirt is technically filling the buffer. Bushes or trees should be planted along the 50' buffer. Front might be graded out, but as far as the back, don't want to lose more field. Not much will happen with this in January. In a few weeks check in with the agent, make a site visit and he can advise. Better to have a filing in the office as to the agreements. When agriculture ceases, will have to do certain things. Discuss at the end of January.

Wetlands Hearing: Bartlett Fields Realty Trust, Booth Hill & Thomas Clapp Roads (wetland delineation) (cont.)

Applicant's representative requested a continuance. John Zimmer wants to visit the site with Steve Ivas. Motion to continue the hearing to February 4, 2013 at 6:25 p.m. Ms. Scott-Pipes. Second Mr. Breitenstein. Motion passed by unanimous vote.

Wetlands Hearing: Anthony, Thomas Clapp Road (new build) (cont.)  
Terry McGovern from Morse Engineering was present at the hearing.

Survey located all the flags on the property. Last week Greg Morse delivered a revised plan. Altered several flags; left the isolated pocket alone. Roof infiltrators were right in the 50' buffer, pulled them out. We are in agreement with Dr. Hewittson's wetland line. Ms. Scott-Pipes: Whole house is in the 100' buffer, paved driveway? Driveway will pitch slightly to the east and an infiltrator trench will be along the whole driveway. It is a new build, don't see any mitigation. Mr. Harding: does the driveway have to be paved? When you don't pave in the buffer zone, we find there is likely to be scour, could use paving stones, but eventually you get some sort of erosion. Mr. Breitenstein: need plantings along the 50' buffer. We can accept whatever the Commission recommends. If beech trees are cut, preference would be to plant beech trees. But if a shrub layer is planted, it curtails human impact. Worked in conjunction with John Cavanaro with the previous delineation line. The rain garden is in a Floodplain & Watershed Protection District, need limit of work line. Steep slope 98 to 91, what is going to be between the slope and the rain garden? Lawn. Rain garden's purpose is to slow down runoff coming off the mounted septic. Entire left side of the property will be lawn. Suggest planting the slope with some shrubs. On the flood plain line by the rain garden, why is there clearing to the 50' buffer? Wanted to give the owner a little back yard. All the way from the edge of driveway to the 98' line? Total disturbance is huge. Plant a dense enough buffer at the 50' line to keep lawn from extending farther back. Pull the tree line back some. Plantings along the 50' buffer is not mitigation. Not intended to be mitigation, it is more to keep people from encroaching. Move the clearing area a little? Will look at that. Need planting plan for the slope. Plantings should be inside the tree line. Instead of planting trees along the 50', have Dr. Hewitson suggest shrubs for that area. Mr. McGovern will call Dr. Hewitson, will add a planting scheme. Submit planting plan prior to the start of work, planting should be done prior to the start of work, need sizes of the bushes and time of planting. Have Dr. Hewittson make a couple of recommendations. There is a lot going on with this plan. Intention is not to clear cut along the front of the property. Keep treed area in the lower left corner near the septic system. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Show Cause Hearing: Lewis-Seastrand & Lewis, 97 Edward Foster Road (fence)

Maureen Seastrand was present at the hearing. You received the show cause hearing letter because a fence was installed within the buffer zone. Submitted an e-mail from Neil Duggan, Building Inspector stating the fence does not need a building permit and a horse is allowed in any residential district. Didn't realize there was anything else she had to do. Ms. Scott-Pipes: where is the stall? Stall is under the deck; working on size with Kim Stewart, the Dog Officer. She's scheduled for a once a year visit. Made arrangements for removal of the manure; stall will be cleaned, manure bagged and removed. There would be a problem if the fence blocked water movement. Just encourage you to think about nutrients and nitrates.

Wetlands Hearing: Vogel, 327 Central Ave. (addition & deck)\*

Tom Pozerski from Merrill Associates and Dick Rockwood, Rockwood Design were present at the hearing. Abutters notification was submitted. Project is an addition and deck on the back of the property and increase driveway width. Resources: bordering land subject to flooding, saltmarsh, and riverfront. Erosion controls will be placed at the 50' buffer and riverfront area. Richard Harding: how much larger? Proposing 635 sq. ft., existing is 1028 sq. ft., deck will be on piles. Why an asphalt driveway? It is easy to maintain and consistent with neighborhood. Don't have any issues in the back, but concern is a lot more impervious surface with driveway and steps. Dick Rockwood, architect: Can make steps smaller and a better wall will be put up. If Commission has a problem with the driveway, could put in pervious pavers. Mr. Breitenstein: when expanding the rear the lowest structural layer has to be 1' above base flood elevation. We will need to meet the current building code. Whole property is within the 200' riverfront area; no new building within the riverfront area. There is a particular category, lot was created prior to August 1, 1996 – created in 1940. Require some sort of mitigation between the 100' and 50' buffer, but not convinced driveway needs to be pervious. Mitigation should be 2 to 1 and indigenous species should be planted. There are no grade changes and will elevate the interior to satisfy the building codes. Mr. Harding: don't like recreating asphalt. Discussed with Board of Health; deck will be elevated to allow for a pump hose in the back. May be in

the best interest to continue and get something back from Jennifer Sullivan. Motion to continue the hearing to January 23, 2013 at 6:35 p.m. Ms. Scott-Pipes. Second Mr. Breitenstein. Motion passed by unanimous vote.

5 Williamsburg/305 Country Way: ANRAD filing for a wetlands line at the rear of 305 Country Way. Started to go through the process, input from several people, and former Water Resources member, regarding tributary to the reservoir, wasn't shown on the engineer's plan. On Tuesday Bruce Bouck came out from DEP; had a site walk with Commission members, their environmental consultant and ours and an abutter's consultant. Mr. Bouck, said there was indisputable evidence; leave the line as it stands. Doesn't matter if it is broken or underground, it is flowing. He said he could come back in a rain event. It was interesting, Zone A has to do with Board of Health and septic systems. ConCom has no jurisdiction. Disturbing, would like to have more time to look into it. Defining a wetlands line is different than surveying a lot. Wetlands delineation is a science and there are different interruptions. Don't understand why it is not our jurisdiction. Wonder if we can add Zone A to pictometry. Other dilemma, already conditioned 5 Williamsburg Lane, agreed with wetland line. If the tributary stands with the distance around the tributary, no septic can be installed at 5 Williamsburg Lane; 200' for a septic and 150' no disturb. Not sure it changes our findings on either site. There is Water Resource Protection District involved. DEP measures the water leaving our watershed. Impacts the area. Significantly changes the applicant's options. Does it prohibit a road from being built? We are trying to find out. The intermittent stream is far back into the wetland. It is a manmade drainage swale at the back portion of the property. In order to be an intermittent stream, it has to have a wetland up-gradient. We and the engineer need more information. Want to find out what jurisdiction we have or who does. Both sites have some issues to deal with. Anxious to get with our new agent about this.

Arborway Estates: When the first person came in for a Certificate of Compliance at 21 Fox Vine Road just that lot was released, not the whole subdivision. Potential problem. Possibly draft a CofC for the lots Order against the whole parcel of land or vote sign individually when

request is submitted.

Larsen, 22 Shadwell – Curious big piece of land behind, think it is part of the proving grounds. Talking to Steve Jarzembowski to see who owns it. Property looks clean, connects to piece he previously gave the Commission. Motion to accept the gift of 22 Shadwell Lane Ms. Scott-Pipes. Second Mr. Breitenstein. Motion passed by unanimous vote.

Mr. Snow: Street Clean-up Humarock: Met with Kevin Cafferty and Sean McCarthy. More beach stones have shifted around. Piled up so much stone on the ocean side, don't know how much more will be able to go there. If there is a fairly large storm event, they are not going to have a place to put the stone. Most likely more of that stone will end up on the marsh side, but hopefully they will be able to continue to put on the ocean side. If we want Humarock to be treated as a barrier beach, then mother nature is going to move stone over the marsh, but we certainly don't want to speed things up. Still they are going to have to be able to clear the road. They have to come up with some sort of plan. It's a shame we couldn't be working together and with DEP. Will continue to keep up a dialogue with DPW, and talk to TA. It is costly for the town to keep moving the rocks. Rosemary Dobie: Many years ago, Mass legislature was accepting applications for highly developed barrier beaches. Needed state designation, but ever since have been trying to find out information. It certainly is an altered resource. If they came up with a plan, there must be others that have that designation of not having to follow all the rules for a barrier beach. The beach used to be more contoured. When material is put on the beach, it is flattened. Ms. Dobie: worked on getting town meeting approval for \$80,000 for a study from Ocean & Coastal Consultants for the northern end from Seaview to the fork in the road, to see what could be permitted and what they came up with were gabions on the beach; it would have been a pilot program. Frank: don't know enough about it. Maybe the study could be updated. There is no end to this, not going to make everybody thrilled, doing what we have to do. There is no easy solution.

Salt Barn at the highway barn: Received a plan from DPW, they are trying to change the foundation a little. They were having some

difficulty with the foundation, went out with Mike Breen. They requested to move quite a bit from the plan submitted with the RDA. Suggested they could shift slightly, but corner closest to the wetlands is not going to change. It is a matter of allowing them to turn the building slightly. Not a lot of extra room. I asked them to look at some of their drainage structures to see if they could do any separation.

Need a Show Cause Hearing for Chris Dealy. re: 315 Central Ave.  
Asked contractor to fix the erosion controls; not done yet.

Ms. Scott-Pipes: There is a dock stored right on the marsh grass at 274 Gannett Road. It has been there since October. Commission should take a look. Send a letter stating don't stall dock on marsh.

Mr. Breitenstein: Saw some old orders for septic system in Humarock, stating there should be a bench mark 12" over septic. When the bench mark shows, they would need to put more material over the septic. Should be put in future orders.

Minutes: November 5, 2012 and November 19, 2012

Motion to accept the minutes of November 5, 2012 Ms. Scott-Pipes.

Second Mr. Breitenstein. Motion passed by unanimous vote.

Motion to accept the minutes of November 19, 2012 Ms. Scott-Pipes.

Second Mr. Harding. Motion passed by unanimous vote.

Order of Conditions: K & E Construction/Johnson, Lot 4B & 6 Mann Hill & Hood Roads (new build)

Received a call from the engineer, apparently the owners weren't in agreement with leaving the triangle undisturbed. We closed the hearing, we can't accept any new information. Mr. Snow did say, if there was a change, would probably have to do more mitigation, otherwise will have to amend or refile. Originally the detention basin didn't have any plantings, revised plans show plantings in the detention basin. The only way they can change that is to amend the orders.

Project is closed on this plan. Have to set orders based on the original plans. Mr. Breitenstein: Talked about plantings along the 50' buffer, also added order to put the signs in. #42. Row of cedars - put back in. Motion to accept an amendment and set orders as per original plan

Ms. Scott-Pipes. Second Mr. Breitenstein. Motion passed by unanimous vote.

Order of Conditions: Gilbert, 36 Border Street (new build)  
Motion to condition the project Ms. Scott-Pipes. Second Mr. Harding.  
Motion passed by unanimous vote.

Amendment of Order of Conditions: RJB Development Corp./Burwick, 513 First Parish Road (catch basin)  
Motion to condition the amendment Ms. Scott-Pipes. Second Mr. Breitenstein. Motion passed by unanimous vote.

#### CofC's

14 Atlantic Drive; 35 Brunswick; 49 Seaside Road – enclosed stairs, lateral supports, fire pit, 2 x 12 board across the front with a lip, looks like a built in bench. This is an eroding beach, cannot remove cobble from under the house. Pergola and a gigantic hot tub; 73 Kane Drive

Hunters Pond meeting tomorrow night. Discussion at 5:00 p.m. with Princeton Hydro down at Pier 44 – Harbor Community Building. Semi-public meeting, neighbors by invite only at 7:00 p.m. Get feedback from neighbors to decide what to do with the dam.

#### CORRESPONDENCE

December 18, 2012 – January 9, 2013

1. Consultant report (Dr. Walter Hewitson) on Anthony, Clapp Road (e-mailed to members – in file)
2. DCR re: Potential Hazard Mitigation Grant Applicants – deadline: Friday, March 15, 2013 by 3:00 p.m.
3. Letter of concern re: septic in relationship to wetlands, all perc tests passing, and tree clearing (e-mailed to members)
4. Revised plans for Lob 4B & 6 Hood Road – New Build – planting infiltration basin instead of leaving the triangle to the north side of the property natural (in file)
5. Recording of CofC for 68-999 – Bougoulas, 77 Central Ave. (in file)
6. Response to letter re: 315 Central Ave. erosion control maintenance, new builder Chris Dealy. Office called him and asked for update of project. No update yet. (in file)



7. Letter from Lance Van Lenten re: 305 Country Way and tributary/ stream delineation. (in file)
8. Letter from Atty. Nagle re: 305 Country Way ANRAD re: Tributary to Tack Factory Pond (in file)
9. Ivas Environmental report re: Booth Hill & Clapp Road ANRAD (e-mailed to members) (in file)
10. Recording of Order of Conditions for 68-2432 – Duval, 25 Mill Wharf Plaza (in file)
11. Audubon information re: Plovers & Terns
12. Revised plans for Anthony, Clapp Road – 68-2447 (in file)
13. The Beacon
14. Audubon - Third Cliff 2012 Beach Nesting Bird Summary Report
15. BOS re: Larsen donation Parcel 39-26-25 (22 Shadwell Road)  
Would the Commission be able to review and notify BOS of their findings.
16. Ivas report re: Booth Hill and Clapp Road (in file)
17. Planning Board Agenda - January 10, 2013
18. Planning Board re: Stormwater Permit for 568 First Parish Road – Lot 1 Retreat Lot
19. Wetland Strategies re: ANRAD 305 Country Way (scanned for members and e-mailed) (in file)
20. Request for CofC for 14 Atlantic Drive – engineer's verification, request, check (in file)
21. Appeal re: 56 Moorland Road 68-2400 (in file)
22. DEP File #68-2449 – Vogel, 327 Central Ave. (in file)
23. Request to continue hearing for Booth Hill Road & Clapp Road (in file)
24. e-mail to Commission and e-mail to Neil Duggan & Joe Norton (e-mailed to members) (in file)
25. Disc from Lance Van Lenten re: 305 Country Way - tributaries (in file)
26. Response to Enforcement Order re: Ayer, 32 Gardiner Road – hay bales installed; all activities ceased; seeded the western portions; prepared the existing conditions plan – evident on the plan, the DPW constructed a drainage system without owner's consent – 15 to 20' north of the drainage easement where system was supposed to be constructed. September 17 minutes say to file an NOI. (in EO file)
27. 327 Central Ave. - BOH has problems with expansion of garage of

original footprint, existing regulation for setback is 20'; also opposes the proposed deck is clearly over the pump chamber and septic tank which allows no access for regular maintenance inspection or repairs. (in file)

28. Chessia re: 206 First Parish Road – Request no waivers allowed since it is new construction. Site is historically very wet, filling would disrupt drainage patterns and divert water. Front currently holds and traps water from pond in back, street drainage is overtaxed already. (in file)

29. Revised plans for McSharry, Lot 1 & 2 First Parish Road (in respective files)

30. Stormwater Magazine

Meeting adjourned 8:45 p.m.

Respectfully submitted,

Carol Logue, Secretary