

Conservation Commission, January 3, 2011

Town of Scituate

Conservation Commission

Town Hall Selectmen's Hearing Room

Meeting Minutes

January 3, 2011

Meeting was called to order 6:20 at p.m.

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

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

Agenda: Motion to amend the agenda to ratify Enforcement Orders for 36 Brunswick and 29 Hawthorne Streets Mr. Greenbaum. Second Ms. Scott-Pipes. Motion passed by unanimous vote.

Agent's Report: Gristmill

Gristmill project was approved with an RDA, but they have decided they would like a pathway for wheelchairs and 2 picnic tables to create a little park. They will also need to remove a couple of trees and possibly put in some fill. Commission stated its approval.

Osprey Pole: Katie Cutler and Joe Grady proposed erecting 2 Osprey nest poles in the Gulf River. There is no impact: pole is pushed pole into the river bottom, no machinery is required. Good wildlife habitat. Commission approved.

Request for Determination: Reardon, 128 Grove St (accessory dwelling)

Laura & Scott Reardon and David Keery, Keery Design, LLC, were present at the hearing. No work proposed in the 50' buffer zone. Haybale line proposed 15' from the building footprint to protect the buffer zone. 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: Crowley, 138 Gilson Rd (raze/rebuild dwelling/
construct 3-car garage & pool) (cont.)

Joshua Bows, Merrill Associates, and Frank Crowley were present at the hearing. Even though the project is exempt from the Stormwater policy, Best Management Practice measures are proposed. Drywells proposed for roof runoff and runoff from driveway will be directed to a grass swale, which is directed to a rain garden. Where the existing house is to be removed, seed all disturbed areas. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Wetlands Hearing: Bulman Marine, 206 Front St (replace piles under bldg./secure existing seasonal floats with piles/reconfigure)

Michael Bulman and Kevin McGuire were present at the hearing. Abutters notification was submitted. Project: repair, replace or support timber piles under the Quarterdeck; building will remain. Also chains and bottom anchors will be replaced by 10” to 12” piles and some reconfiguration of the floats. Marine Fisheries sent their approval letter and DEP’s letter determined the activity is a minor modification. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Greenbaum. Motion passed by unanimous vote.

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

Applicant’s representative requested a 45 day continuance. Motion to continue the hearing to February 7, 2011 at 6:30 Ms. Scott-Pipes. Second Mr. Greenbaum. Motion passed by unanimous vote.

Wetlands Hearing: Price, 48 Mann Lot Rd (detached garage) (cont.)

Paul Mirabito, Ross Engineering, and Mr. Price were present at the hearing. Discussed the proposed restoration and planting plan that was submitted by Brad Holmes. Site plan shows erosion controls; removing existing gravel driveway and parking areas and revegetating. 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. Abutters notification was submitted. The handicapped ramp and brick/asphalt landing is necessary for his wife's handicap. Emergency vehicles, called many times, would have trouble accessing the house without the asphalt. This area of asphalt was the only access for people to get through during the storm. Mr. King believes other neighbors should be allowed to asphalt their driveways. Next door neighbor, Mr. LeBlanc stated that he was not notified—but there was a certificate showing that notification had been mailed. Storm caused more erosion in the area. There are performance standards for barrier beaches. The beach needs to be allowed to move with wind and wave. The Commission will take another look at the property. Motion to continue the hearing to February 7, 2011 at 6:30 p.m. Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Wetlands Hearing: Laubenstein, 17 Dartmouth St (septic repair)
Rick Grady, Grady Consulting, Inc., and Charles Laubenstein were present at the hearing. Abutters notification was submitted. Septic repair: 4-bedroom, 1500 gallon tank and leaching chambers. Resource areas: Barrier Beach and Land Subject to Coastal Storm Flowage. Needed local upgrade approval for setback to property line and a 25% reduction of disposal area. Received Board of Health approval. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Greenbaum. Motion passed by unanimous vote.

Wetlands Hearing: Seoane, 136 Indian Trail (new septic)
Rick Grady, Grady Consulting, Inc., was present at the hearing. Mr. Seoane was in the audience. Abutters notification was submitted. This is a vacant lot. Maintaining the 50' no disturb zone. Closest disturbance to the Bordering Vegetated Wetland across the street is 86'. Wetlands delineated by Pinebrook Consulting, Brook Monroe. Proposing a 1500 gallon septic tank and leaching chamber. The proposed system will not alter any drainage patterns. Questioned possibility of wetland off property to the north. Gary Banks, 128 Indian Trail: Question on the property line. Cutting down several old oak trees in the 100' buffer. At

one time there was a stream on property. Going to Board of Health in 2 weeks. Motion to continue the hearing to February 7, 2011 at 6:40 p.m. Ms. Scott-Pipes. 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 was in the audience. Abutters notification was submitted. This is another vacant lot. Wetlands in mid-portion of site, located by Brook Monroe, Pinebrook Consulting. Proposing a new single-family with 2-car front entry garage and septic along Cavanagh and Indian Trail. Retaining wall to rear of septic system. Meeting existing grade, no filling or grading to rear of home. 10' x 16' deck along back of house with sonotube footings. Proposed tree line is shown. Maintaining the 50' no disturbance zone. Closest disturbance is 51.2'+/-. There is 142' of trees along the whole edge of the 50' buffer. Locate significant trees on plan. Question how trees' root systems will survive. Mr. Snow: How long ago was it flagged? Only a few remnants found. Mr. Shea: Brook Monroe typically submits a letter report; submit it. Flags go from B5 to B3. Applicant thinks it might be misnumbering. Once wetlands are reflagged, let the Commission know and will review. Same timetable with Board of Health. Allan Greenberg: question about the flags, big gap between flags 3 and 5. Should define the significant trees. Mr. Greenbaum: Mark trees 6" in diameter and up. Mr. Shea: usually mark trees 10" to 12". If excavation is outside the drip line, should be able to save the trees. Submit a foundation plan and stormwater application. House is staked and could stake the retaining wall. McEachern, 71 Indian Trail: been some time since lot was flagged; believe they missed an area. Motion to continue the hearing to February 7, 2011 at 6:40 p.m. Ms. Scott-Pipes. Second Mr. Greenbaum. Motion passed by unanimous vote.

Wetlands Hearing: Wannop, Lot 2 Glades Rd (new build)
Carmen Hudson, Cavanaro Consulting, Mr. Duggan, Mr. Drinkwater and Jim Kelliher from Axiom Architects were present at the hearing. Abutters notification was submitted. 3.5-acre vacant lot. Isolated vegetated wetland, coastal bank, coastal bank across Glades Road. Lot is mostly located in resource areas. Develop as a single-family

residence. Maintain all proposed structures, at least 50' away from bank and isolated wetland. Proposing 4,000 sq. foot area of native buffer plantings. Assessors have both lots as one. Project requires a water main extension, hydrant and turnaround for emergency vehicles across the street, these are required before a building permit is issued; the current owners have approved. Ms. Scott-Pipes: not everything is out of the 50'. What about the pathway? The walkway is stepping stones within the native planting area to give the owners a place to enjoy the view of the ocean. No yards on this lot. Board of Health approved the septic and ANRAD application and resource areas verified in 2008. How large is the dwelling? 1st floor is 2550 + 650 garage = 3200 sq. ft. Have to stabilize edge of driveway. Impacts of the walkway have to be dealt with a little more. Grading is about 3 : 1. Look at alternatives on the site rather than the path. Mr. Shea: Clearly needs a stormwater permit. Jeff Burek, 170 Glades Rd: well next door for drinking water; familiar with plans and bylaws, hope well will be considered and interests protected. John Coleman, 163 Glades Rd: would like a copy of the turnaround. Steve Silence, 166 Glades Rd: Details of walking path. Motion to continue the hearing to February 7, 2011 at 6:40 p.m. Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Wetlands Hearing: Old Mouth Road Residents/Newcomb, River St./Old Mouth/Oceanfront/Dream Way) (grade)

Ginny Newcomb and Kathleen Joyce were present at the hearing. Abutters notification was submitted. Road needs to be graded and potholes filled. Proposal and specs submitted from Jason Geary who previously maintained the road for the town. Before starting work get in touch with Paul Shea. Road is frozen now, will have to wait. Trying to get roads up to standards and have Selectmen accept as public ways. Would the Commission approve paving? Think DEP would deny. It is still a barrier beach. They are coming up with policies for the entire southeast. Riverbank itself has eroded. Need engineered design. Bringing grade down to the lowest pothole; not bringing in any material. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Greenbaum. Motion passed by unanimous vote.

Order of Conditions: Owen, 224 Central Ave. (pier & float)

Mr. Bjorklund discussed project with the Harbormaster and he said there were no rules regarding removal of floats. Motion to condition the project Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Rosemary Dobie: Is there any communication between Commission and Selectmen for solutions or discussions regarding the storm damage? Conversations with DPW to maintain roads? Appears to be some solutions at the northern end of Central Ave. There is a beach coalition group, but no one has the solutions. Some issues with the current rules and regulations for barrier beaches. Still have some houses that have problems from the storm. Need interaction with the Selectmen. Ms. Vinchesi is working hard to get some money from state or feds.

Order of Conditions: Crowley, 138 Gilson Rd (raze/rebuild dwelling/construct 3-car garage & pool

Motion to condition the project as amended by deleting #40 and renumbering Mr. Parys. Second Ms. Scott-Pipes. Motion passed by unanimous vote.

Order of Conditions: Bloomstein, 242 Central Ave. (stabilize existing seawall)

Motion to condition the project as amended: change #22 by replacing the word "wetlands" with the words "resource area" Mr. Greenbaum. Second Mr. Parys. Motion passed by unanimous vote.

Order of Conditions: Emmett-Pike, 36 Tichnor Place (wetland delineation)

Motion to accept the wetland delineation Ms. Scott-Pipes. Second Mr. Greenbaum. Motion passed by unanimous vote.

Order of Conditions: Wankum, 83 Rebecca Rd (revetment repair/replace concrete walkway)

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

Order of Conditions: Burke, 161 Summer Street (gravel driveway)

Motion to condition the project Mr. Greenbaum. Second Mr. Parys.
Motion passed by unanimous vote.

Order of Conditions: Newcomb, River St./Old Mouth

Motion to amend the project to include If additional fill is required for the road, it shall be done under the direction and approval of the Conservation Agent Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Ratify Enforcement Orders:

Mr. Shea: They are noncompliant with their orders.

Hallisey, 29 Hawthorne St and Walsh, 36 Brunswick St

Motion to ratify the Enforcement Order Ms. Scott-Pipes. Second Mr. Greenbaum. Motion passed by unanimous vote.

Request for Amendment: Hermanns, 29 Bayberry Rd (generator pad & flagpole)

Commission agreed that the generator pad and flagpole would not cause much impact. Motion to accept changes to be within the scope of the project Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

CORRESPONDENCE

December 14, 2010 – January 3, 2011

1. Request for Amendment – Hermanns, 29 Bayberry Rd – 68-2087 – Addition of raised generator and pad 40”x 60” supported on 2 concrete piers to the left of the approved deck and a flagpole located 12’ from salt marsh. Revised site plan included.
2. D. McLean gives S. Lynch permission to tie into revetment as a result of construction at 146 Oceanside Rd 68-2273 (in file)
3. Division of Fisheries & Wildlife re: BioMap 2: Conserving the Biodiversity of Mass in a Changing World – magazine
4. 206 Front St - Division of Marine Fisheries has reviewed – no recommendations at this time. (in file)
5. 138 Gilson Rd – Stormwater Management Narrative – exempt from the requirements BMP are proposed (in file)
6. Recording of OofC for 68-2278 – Kelley, 227 Old Oaken Bucket Rd (in file)

7. Recording of OofC for 68-2221 – Musquashicut Pond, Hatherly Rd (remove tide gates) (in file)
8. Recording of CofC for 68-2103 – Musquashicut Pond, Hatherly Rd (automatic gates) (in file)
9. Hamacher re: 68-2222 – 43 Oceanside Dr – Affidavit (in file)
10. Request for 3-year Extension for 68-1902 – Off Glades Rd (Great Rock & Little Rock Islands) wetland delineation (in file)
11. Planning Board re: Accessory Dwelling Special Permit Application 128 Grove St (in file)
12. Revised plans in response to Board of Health comments for Seoane, Cavanagh Rd (in file)
13. Revised plans in response to Board of Health comments for Seoane, 136 Indian Trail (in file)
14. Wildlands News
15. Coastal Connections
16. Revised wetland delineation (2) plans for 68-2287 – 36 Tichnor Place – shows location of brook & riverfront (in file)
17. Received by e-mail 12/23/10 – Order to File Documents re: 68-2222 – Boyajian, 43 Oceanside Dr (in file)
18. Received by e-mail 12/23/10 – Department’s Response Regarding Orders to Show Cause Issued to Petitioner (in file)
19. DEP re: The Quarterdeck, 206 Front St – Proposed changes constitute a minor project modification (in file)
20. 10 (Old) Driftway 68-1995 – Engineer’s letter stating 6 differences from approved plan. No CofC. Will need to file an After-the-Fact NOI. Show Cause hearing for January 31.
21. 68-2280 - 48 Mann Lot Rd - Proposed Restoration & Planting Plan (in file)
22. Notification to Abutters for Town of Scituate – Cole Parkway (in file)
23. The Beacon
24. 68-2252 – Digan, 104 Edward Foster Rd – Received OofC to raze/rebuild dwelling. Possibly smaller project, including, elevating the 1st floor approx 16”, adding 2 small additions to the right side, an open deck & reconstruction of the covered porch on the ocean side. If no direction within 30 days from 12/28/10 owner will assume the alternative doesn’t require a meeting or hearing.
25. Summons & Order of Notice re: McEllin vs Joan Walsh, & Scituate ConCom & Members

26. Recording of OofC 68-2260 – 24 Riverview Pl – BK 39414 Page 71 (in file)
27. Letter re: 83 Rebecca Rd – Donabedian, 85 Rebecca Rd given permission to Michael & Clair Wankum to extend their landscaping rocks over the property line and up to our concrete patio. (in file)
28. Recording of CofC 68-2227 – Owens, 224 Central Ave (in file)
29. Request to extend the public hearing for 68-2277 - 26 Buttonwood Lane an additional 45 days to provide additional information to the Commission (in file)
30. Zoning Board of Appeals Agenda – 7 Second Ave – increase floor area of non-conforming dwelling by more than 20%; 63 Lighthouse Rd – reconstruct non-conforming dwelling; Doherty, 114 & 118 Edward Foster Rd
31. Request for Amended Order of Conditions for Struzziero, 14 Oceanside Dr – 68-2268 – Extend existing concrete columns from 19.0 to 22.1; replace storm-damaged deck in like kind.
32. New Street Number Assignment – 173 River St (Previous House #: 0 Old Mouth Road
33. 2 homes in Humarock: Dow, 298 Central and Gulino, 2 Cliff Rd. 50' from each other some erosion from storms, exposed foundations. Dow damage to 2 concrete pilings that hold up a deck. Has a call into Building.

Meeting adjourned 9:30 p.m.

Respectfully submitted,

Carol Logue, Secretary