

Conservation Commission, July 16, 2012

Town of Scituate

Conservation Commission

Town Hall Selectmen's Hearing Room

Meeting Minutes

July 16, 2012

Meeting was called to order 6:16 at p.m.

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

Also Present: Jim O'Connell, Agent and Carol Logue, Secretary

Agenda: Motion to accept the agenda as amended to add to Agents' report: Removal of debris 20 Alden Street; CofC: 25 Julian Street; 11 Oliver Street; and 27 Kings Way Ms. Scott-Pipes. Second Mr. Jones. Motion passed by unanimous vote.

Mr. Jones – Signs: Want to thank the people involved in getting the Spit signs up. Thank Mike Breen officially. In 2 days he put together people and the signs were up Tuesday, July 3rd. Also want to thank the company that created the signs - Webster One Source, in Hanson. Made all the changes and had them done the day after they got the plate. Discussed Hunting sign that came from Wampanoag State Park. Strong request to put some signage up in the west end. Not perfect and will continue to look. Need something for the marshes too. Mr. Snow: The only time there was an issue, was when there was an early snow storm and everyone was sledding. Should not let this hunting sign go too long. Wednesday, 6:30 p.m. at the Library, there is an informational meeting put on by a group to retain hunting in the West End, or west of 3A. Some walkers aren't aware people could be hunting at certain times. Get signs up as soon as language is agreed on. Bylaw meeting, going to hand out letter sent to Selectmen about the Conway School. Won't change anything right now. Will review and discuss to decide what are the appropriate uses and how best to serve the town; sort out before we have more rules to follow.

Paul Shea, consultant for Kamman, 31 Candlewood Drive. Lot of e-mails and phone calls Friday. Two neighbors sent a letter to DEP in Boston stating he was filling wetlands again. Under enforcement and has an OofC. Tried to contact Greg DeCesare, but haven't heard back yet. Neighbors said truckloads of material have been delivered, Mr. Kamman says no material has been delivered. Went out about 1:30. Completely in compliance with the OofC. Two neighbors directly above his property stated it looks like he is in the wetlands and that's because he is, and they also complained about the noise. Smallest bobcat ever seen. Says he stops work between 7:00 and 8:00 p.m. Bigger machine coming tomorrow. Lower work should be done in a couple of days. Two pockets have a lot of water. Will check again in a few days. Taking out the wood chips that were put in last winter to stabilize. He's cooperating, really no problems. DEP may do an inspection. Will deal with DEP tomorrow, give another 6 weeks. Wait until plants are in after labor day. The good news is, he is doing the work.

8 Border Street: got a restoration plan from Grady Consultants. Put a couple of rows of shrubs along Gannett Road. No other plantings in the 50' buffer zone. Need more mitigation. Not making them file, trying to do under the existing OofC. Mr. Shea will talk with Grady tomorrow.

Request for Determination: Teague, 0 Lightship Lane (addition) Paul Mirabito, Ross Engineering Co., Nancy Teague, and Heidi Condon, architect were present at the hearing. Existing dwelling to the north 50' and 100' buffer lines on plan. Addition is 1 story on slab on grade with a proposed patio approximately 77' from the wetland. There is an existing patio. Small area of lawn, side slope all vegetated and planted, which will remain. Ms. Scott-Pipes: stairs relocated where? Ms. Condon: moving slightly away from the buffer; diagonally to the left. Mr. Jones: mitigation? Pavers. Existing landscaped terrace, with any runoff going to the planting area. Not proposing any other landscaping on the site. Much larger patio that raps around the back; pavers are installed where grass soaks up more water. Mr. Breitenstein: there is no Order of Conditions to stipulate no fertilizers or slow release fertilizers, or pesticide use. Mr. Jones: We can put that as a condition in the Determination. Mr. O'Connell: we routinely allow permeable pavers, but point is well taken about having conditions, at

least educating the owners about pesticides and fertilizers. Mr. Snow: Want to use some markers or something at the 50' buffer? Possibly some native plantings and maybe install 3 or 4 plaques stating Conservation area, no disturbance beyond this point. (Mr. Jones left to attend the Bylaw Committee meeting.) 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)." The 50' buffer shall be separated from the developed area by wetland delineation markings. The delineation markings shall be strategically placed with signs stating "Conservation Restricted Area". Ms. Scott-Pipes. Second Mr. Breitenstein. Motion passed by unanimous vote.

Wetlands Hearing: Duffy, 271 Central Ave. (landscape/repave drive/raise wall/maintain rip rap/fill) (cont.)

Kevin Maguire and Judy Duffy were present at the hearing. Last meeting requested a planting plan. Submitted this afternoon. Cleaned up quite a bit of the debris. Some left, made some changes, riverside of driveway remove pavement and loam and seed. Ms. Scott-Pipes: still dead pine trees, doesn't look like much has been cleaned up. Mr. Snow: trash on site. Mr. O'Connell: didn't go today, was there last week. Motion to continue to July 30, 2012 at 6:30 p.m. Ms. Scott-Pipes. Second Mr. Breitenstein. Motion passed by unanimous vote.

Wetlands Hearing: Marinilli, Hillcrest Road (wetland delineation)*
Jeff Hassett from Morse Engineering and Patrick Shields were present at the hearing. Brad Holmes delineated wetlands October 6, 2011. Asking Commission to approve flags A2 to A16. Field notes were submitted. Basically the whole lot is in the 100' buffer. Need a consultant to verify. Paul Shea was out on the other property. Question of ownership of the private road. Can only go to Flag A4. Probably a private road. Will retain a consultant and notify applicant or representative of the cost. May be able to have it ready in 2 weeks. Motion to continue the hearing to July 30, 2012 at 6:40 p.m. 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.)

Commission's consultant was unable to get to the property. Probably can't get out there until the 30th. Motion to continue to August 13 at 6:30 p.m. Ms. Scott-Pipes. Second Mr. Breitenstein. Motion passed by unanimous vote.

Agent's Report: Conway School meeting August 21 at 10:00 a.m. with 3 members of the Commission. They will tell us who they are and what they do and we can discuss some of Scituate's issues. A management plan generally runs around \$6,000-\$6,500. If above \$5,000 we have to go out to bid, but could possibly be below \$5,000. Once funding is procured, we move into the mode of open meetings. There will be a minimum of 2 public hearings. When they do a plan, they give several alternatives, which are part of the public discussion and one is chosen.

Discussed Seaweed removal with other departments for public beaches only. Put together a policy, which the Board of Selectmen adopted last meeting. Would like to put it on the website. DPW will file a NOI for specific seaweed removal. Would like to write a draft policy for unguarded and private beaches. Important to leave some seaweed for a food source for migratory birds. Beaches look great now, but there is a major problem with disposal, however, it seems like a short-term issue. DPW would have to haul the seaweed to Bourne, nobody was interested in using it, like Go Green. It is a problem for all the towns. Marshfield took the seaweed to the salt shed and it is still sitting there. Mr. Snow: took it down to the Driftway one time, somebody thought they could do something with it, but it smelled so bad.

Harrington, 88 Country Way. Did get a bid from the consultant, waiting for payment.

Marine Park – Harbormaster would like to install 3 benches landward side of the walkway. 1 is a memorial bench; would like to allow. They were going to put in a viewing platform, but it seems like 3 benches should work well.

20 Alden – site where the pallets were removed last week. All the debris has been removed. Nails and shards are left. Giving them authorization to clean up with an Emergency Certificate. Just want to get the metal out. Don't want anyone hurt.

Mr. O'Connell: there are commissions that don't put times for filings on their agenda. We don't seem to keep to our time slots.

Laurelwood CR: Don't believe it can be accepted as written, needs to be grammatically edited. Don't know past practice on CRs. CR does not give the public the right to enter the property. Remove and see what happens. Mr. Snow: from the start this has been a difficult project. Suggest discussion with Town Council.

CofC: 20 Jericho Road recommend issuing. 2 fences not in flood plain. Second part of standard order, have to wait 2 years. Hold fast for any mitigation plantings, but these plantings were not necessarily for mitigation. Planted about 50 varieties. If a filing is for a septic system and just planting grass, and it takes within a couple of months, should have the flexibility to sign off earlier than 2 years at the discretion of the agent.

11 Oliver – septic system – do not recommend issuing the CofC. No vegetation over the disturbed area. Cecelia Lamb was present: very little vegetation; Ocean kills everything. Bank won't pass until a Certificate of Compliance is issued. Will get a truck load of seagrass and bushes and plant in September. Photographs show it was all vegetated. All sand, no loam. Wrong vegetation is being planted. Could hold some money in escrow. The bank won't do that. Site needs to be stabilized. Need to plant salt tolerant vegetation. Could new owners commit to planting? Or Mrs. Lamb could put money in an account with the town and get it back when the planting is done. If acceptable put \$3,000 in escrow. Mrs. Lamb will submit a check.

Wetlands Hearing: Winchester, 153-159 Hollett Street (wetland delineation) (cont.)

Mr. Shea had to go to Hingham and will be back as soon as he can. Steve Bjorklund was present. Agreed with the changes requested by

Mr. Shea and they are shown on the plan. A2, A3, A9 , 15, 16 & 32 were changed. Revision date on plan. Mr. Breitenstein: stream that comes out of the culvert. Drainage from Pratt subdivision. Manmade drainage ditch. Pipe extended by town, unsafe, 24" pipe, no riprap, part of the project is finish what the town started. No mention of intermittent stream in Paul Shea's report. Right at end of driveway covered by a big pile of brush, looks like a little channel; looked like a stream; curious that's all. If anyone is uncomfortable, can wait for Paul. 50' buffer runs right down to the pile of brush. Mr. O'Connell: wetland delineation only, but received a letter, questioning the property boundary. Mr. Snow: If a plan is submitted that is fraudulent will need to start process over. Who makes that determination? Registered surveyor. Don't want to hear this twice. Why aren't we waiting for Paul? Move and wait for Paul Shea to return.

Wetlands Hearing: Keefe, 62 Booth Hill Road (addition)*

John Chessia, Chessia Consulting Services and Mr. Keefe were present at the hearing. Abutters notification was submitted. Not a very big job. Dwelling is on the north side of 3A. Long drive; old farm house; 12' x 12' addition; new porch. Bound brook crosses steep hill. Plan shows riverfront, 100' and 200' riparian zones, 50' and 100' buffers to the wetland line, house is within the 50' and 100'. Filed and spoke with Natural Heritage, work is outside any habitat. There will be a little grading and excavation. Silt fence along edge of woods. Mr. Breitenstein: Landscape plan with native species for mitigation? Can send an e-mail with suggestions of native plantings. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Breitenstein. Motion passed by unanimous vote.

Wetlands Hearing: Keiley, 25 River Street (septic)*

Bob Crawford, E.E.T., and Christine Keiley were present at the hearing. Abutters notification was submitted. Septic upgrade, failed cesspool in the water table. 1500 septic tank, 400 sq. ft of leaching chambers. Very little grading, approximately 4". One variance request, but haven't heard from Board of Health yet. Saving the apple tree? Corner of the chamber right in the middle of the tree. There is no BOH approval or DEP number. Been over 2 months now; she thought this was the end of the procedure. No control over the state or BOH.

Motion to continue the hearing to July 30, 2012 at 6:50 p.m. Ms. Scott-Pipes. Second Mr. Breitenstein. Motion passed by unanimous vote.

Wetlands Hearing: Farina, 19 Old Mouth Road (septic)*

Jeff Hassett, Morse Engineering was present at the hearing. Abutters notification was submitted. Existing 3 bedroom 1 story dwelling, gravel driveway on left, front yard right side and half of rear is currently concrete. Leaching field in back has failed. Installing a 1500 gallon tank, distribution box, and leaching chambers. Loam and seed entire disturbed area. Barrier beach, AE FEMA flood zone, dune delineated by Brad Holmes, 94' from lot. Salt marsh 183' away. Just outside the 200' riverfront area. Board of Health requested cesspool to be removed. Will be pumped, crushed, and abandoned in place. It is a low profile system above the water table. No DEP file number. Motion to continue to July 30, 2012 at 6:30 p.m. Ms. Scott-Pipes. Second Mr. Breitenstein. Motion passed by unanimous vote.

Wetlands Hearing – Amendment: Radzevich, 68 Glades Road (install sonotubes to support 2nd story of garage)*

Joe Joyce and Paul Mirabito, Ross Engineering Company were present at the hearing. Abutters notification was submitted. Looking for an amendment to the Order of Conditions. Dug out under existing foundation, not deep enough. Needs structural support. John Queen spoke to Neil Duggan. Believe the least impact would be to install 7 sonotubes from inside the garage to limit the disturbance. Wanted to do this before septic is done. It is in a V zone, but not a substantial improvement. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Show Cause Hearing: Ms. Fournier could not attend, she lost her husband this week.

Show Cause Hearing: Farren, 68 Oceanside Drive (paving)

Mr. and Mrs. Farren were present at the hearing. Asked Pilgrim Paving to be present, but did not attend. Wanted to make sure they're aware they shouldn't do paving near any wetlands or ocean before a permit was issued. Didn't have a contract, said he was working down the street and they had extra material. The driveway was cracked and

uneven, so agreed to have it resurfaced. Ms. Scott-Pipes: the whole thing started the last Tuesday in June. Drove down Oceanside. At 81 there were 3 or 4 trucks, stopped, called Jim, waited for Jim, went and spoke to Mr. Fournier and he told us he had it paved. Actually it is Goulston property and Mr. Goulston gave permission to pave it? Paved beside and behind the house; big driveway. Told him he had to file. Next day she saw 68 Oceanside Drive. Mr. Snow: Driveway any larger? No. Had excess from down the street. Mr. Breitenstein: Mostly concerned with Pilgrim Paving. Whole house is in a resource area. Mr. O'Connell suggested removing boulders and creating a gravel trench along the driveway. Commission is trying to slowly remove as much impermeable surface as possible in areas like this. Mr. Snow: A hard surface can send water onto someone else's property. With a pervious surface some of the water permeates. Owners are willing to do trench. Submit a Request for Determination; it is an easy and quick form. Take a photo and draw a little gravel trench. This would be an after-the-fact filing.

Wetlands Hearing: Winchester, 153-159 Hollett Street (wetland delineation) (cont.)

Mr. Shea returned: 8:38. Continued from earlier in the evening. Paul Shea issued a report on the delineation. Mr. Whittaker: submitted 2 letters with drainage plans, etc., which address a variety of issues. Intermittent stream and discrepancy of lot line. One concern: is an historic intermittent stream. There is plan for the town drainage system that shows the old culvert, and another plan done 1940-41 that shows old drainage system, believe they are worth looking at. And the lot line may cause an encumbrance when you go to transfer. Mr. Snow: Not downplaying what you are saying, but the project in front of the Commission is the wetland line only. Delineation of a wetland line is not an exact science. Mr. Breitenstein: Seems like Lot 2 has most of the drainage issues. Coming down the driveway there is a disturbed area where they might have done perc tests. Under the brush looks like a channel; looks like an intermittent stream bed. Mr. Shea: intermittent streams should show up on USGS map. Definitely stone culvert on town and state plans. Much older stone culvert just south of driveway. Once the stream enters the culvert, it loses its status as a stream. Could be an intermittent stream above and below. All the drainage is shown

on the plan. If there is no wetland vegetation, and no current flow, can not be classified as a wetland area or intermittent stream. Mr.

Bjorklund: went over with Mr. Whittaker what concerned him. There was a lot of work done on Hollett Street, including a new drain line for Pratt subdivision. There was an old stone culvert in the street, about 30' long, which was superseded with a new drainage plan. Town did some work in 10' easement, picked up drainage from Country Way. What was seen beside the driveway, before they repaved Hollett, was a stone swale to slow down water so it wouldn't erode the driveway. A plan from 1901 shows no stream. Did all the research, agree with what Mr. Whitaker said, but the stream isn't there anymore. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Breitenstein. Motion passed by unanimous vote.

Mr. Snow: Estrusco was formed after the ship came ashore. They lend out wheelchairs, etc. Nice building probably donated by Mr. Wheeler, because it was a swamp. A lot of elderly people go there, they are asking to expand the parking at the end for turn-around purposes. Wetlands ring the property. Someone could meet with Mr. Beveridge to take a look at. Great organization, benefits the town. Will give to Paul Shea.

Ms. Scott-Pipes: We haven't collected any fines. Someone like Pilgrim Paving should definitely be fined.

Motion to elect Frank Snow liaison to CPC Ms. Scott-Pipes. Second Mr. Breitenstein. Motion passed by unanimous vote.

Minutes: Motion to approve the minutes of May 9, 2012 Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.
Motion to accept the minutes of May 23, 2012 Ms. Scott-Pipes. Second Mr. Breitenstein. Motion passed by unanimous vote.

Order of Conditions: Stanton, 0 Hatherly, 0 Mann Hill Road (wetland delineation)

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

Order of Conditions: Marshall, 15A Hawthorne Street (septic repair)
Motion to condition the project Ms. Scott-Pipes. Second Mr.
Breitenstein. Motion passed by unanimous vote.

CORRESPONDENCE

June 12, 2012 – June 25, 2012

1. Recupero Law Office – Conservation Restriction for Lot 3, Laurelwood Subdivision (e-mailed to members)
2. Progress report re: Scituate Marine Park Site Improvements – removed forms along walkway; installed stone dust walkway; finished installing loam planting area and riprap along walkway. (back to Jim)
3. Accessory Dwelling Special Permit Application – 33 Garden Road – Comments by 7/13/12
4. Recording of Amended OofC for 68-2349 – 77 Cedar Street (in file)
5. DEP File #68-2421 – Diamond Development, 153 & 159 Hollett Street (in file)
6. Request for CofC for 68-2406 – Krell, 27 Kings Way, as-built, \$100, engineer letter (in file)
7. Recording of CofC for 68-1440 – Winders, 3 Milton Street (in file)
8. Recording of CofC for 68-1519 – Vickers, 57 Garrison Drive (in file)
9. Wetland report re: 153 & 159 Hollett Street – Independent Environmental Consultants, Inc. (in file)
10. Revised plans for Wetland Delineation for 153 & 159 Hollett Street (in file)
11. Simeone Properties - Interocutory Order on Preliminary injunction against the ConCom & Planning Board (in box)
12. Atty. Michael Scott re: 68-2404 - 0 Hatherly & 0 Mann Hill Roads – notify when ORAD is issued (in file)
13. FEMA re: CRS – Scituate will retain its current rating of 10% discount for flood insurance policy holders.
14. Request for CofC for 68-619 – 253-257 Central Ave. (downstairs)
15. Request for CofC for 68-1221 – 257 Central Ave. (downstairs)
16. Report from Wetland Strategies re: 68-2379 & 68-2380 – originally 206 (218) First Parish Road (e-mailed to Ivas) (in file)
17. Recording of OofC 68-1979 Lot 1 - 149 Old Oaken Bucket for information re: extension (in file)
18. DEP File #68-2422 – Marinilli, Hillcrest Road (in file)
19. DEP File #68-2423 – Keefe, 62 Booth Hill Road (in file)

20. DPW re: Spot spraying of weeds along right of ways – 7/30/12 – 8/3/12 – list of streets attached
21. Town Council re: Coler & Colantonio vs Simeone Properties – Answer & Affirmative Defenses on behalf of the Reach & Apply Defendants comprising of Scituate Conservation Commission & Planning Board (in box)
22. Planning Board Agenda for July 12, 2012
23. Planning re: Stormwater Permit – 5 Sedgewick Drive
24. Bylaw Review Commission Agenda for 7/16/12
25. Proposal – South River Environmental re: 88 Country Way – letter sent requesting \$700.00 (in file)
26. Reappointments – Frank Snow & Todd Breitenstein (in file)
27. NSRWA RiverWatch Newsletter
28. Pictures of 68-2414 – 11 Oliver - DEP Sign and property (in file)
29. Recording of OofC for 68-2414 – 11 Oliver Street (in file)
30. Stormwater Magazine
31. Revised plans for 19 Old Mouth Road – BOH required to remove cesspool (in file)
32. Request for a CofC for 68-2121 – 25 Julian Street – as-built – letter?) \$100 (in file)
33. FEMA re: Letters of Map Change (LOMC) 17 locations (to Jim)
34. Hunting signs e-mailed from Tony Jones – printed
35. Recording of Quitclaim Deed – Christine J. Wolfe, 0 Cedar Street – recorded 10/28/04 – 17-1-6B-E & 23-1-25 (in draw)
36. MACC Quarterly – Last Hard-copy of newsletter
37. Request for CofC 68-1143 – Scituate Rod & Gun Club (dredging of pond) (in file)
38. Independent Environmental re: ANRAD application 153 & 159 Hollett. Revised plan shows the correct delineation (in file)
39. Revised plan re: 68-2412 - 53 Rebecca Road – moved shed out of 50' buffer (in file)
40. Recording of OofC for 68-2412 for 53 Rebecca Road (in file)
40. Request for CofC for 68-2414 - 11 Oliver Street (in file)

Meeting adjourned 9:15 p.m.

Respectfully submitted,

Carol Logue, Secretary