

**Town of Scituate
Conservation Commission
Remote Meeting
Meeting Minutes
Monday, December 4, 2023 6:00pm**

Teleconference: Mr. Brendan Collins, Mr. Doug Aaberg, Mr. Richard Harding, Ms. Penny Scott-Pipes, Mr. Frank Snow, Chair

Also Present: Amy Walkey – Conservation Agent, & Jenn Smith – Recording Secretary

Not present: Ms. Jen Foley

Frank Snow: This meeting is being held remotely as an alternate means of public access pursuant to Chapter 20 of the Acts of 2021 temporarily amending certain provisions of the Open Meeting Law. You are hereby advised that this meeting and all communications during this meeting may be recorded by the Town of Scituate in accordance with the Open Meeting Law.

The Scituate Conservation Commission is committed to providing an environment of respect during meetings. We ask all members to interact in a polite manner even when there is disagreement. We value the participation of our community and want all participants, including marginalized and minoritized communities, to feel welcomed and respected. We ask our committee members, and all who participate, to commit to these standards to support and respect our community.

1. Call to Order, 6:00 pm Roll Call of Commissioners

Doug Aaberg – present remote, **Penny Scott-Pipes** – present, remote, **Richard Harding** – present remote, **Brendan Collins** – present remote, **Frank Snow** – present at Townhall

2. Agenda Acceptance:

Ms. Penny Scott-Pipes made motion to accept agenda with addition of CPC update. Mr. Doug Aaberg second. Roll call to vote. Unanimous vote accepted. (5-0), Mr. Doug Aaberg - yes, Ms. Penny Scott-Pipes – yes, Mr. Richard Harding – yes, Mr. Brendan Collins – yes, Mr. Frank Snow – yes

3. PUBLIC HEARINGS – NOI/ANRAD/AMENDMENT

- a. **453 Chief Justice Cushing Hwy., SCC#: 23-22-5 - cont'd from 11/13/23 – see applicant request to continue to 12/18/23**

Applicant: Town of Scituate, DPW

Representative: LEC

Proposed: Stearns Meadow Water Treatment Plant

Mr. Richard Harding made motion to continue 453 Chief Justice Cushing Hwy to 12/18/2023. Ms. Penny Scott-Pipes second. Roll call to vote. Unanimous vote accepted. (5-0), Mr. Doug Aaberg - yes, Ms. Penny Scott-Pipes – yes, Mr. Richard Harding – yes, Mr. Brendan Collins – yes, Mr. Frank Snow – yes

- b. **0 & 40 Crescent Ave. ANRAD DEP#: 068-3074 - cont'd from 11/13/23**

Applicant: Mary-Louise Pitts-Bohn, Trustee

Representative: Ross Engineering / Grady Engineering

Proposed: ANRAD

Jeff DeLisi – attorney for applicant – created a lot with less than 100 ft of frontage and more than 50 ft of frontage. ANRAD filed. Concern CMR defines coastal bank but does not define top of coastal bank. Discussed existing sea wall and definition of top of coastal bank as well as purpose of coastal bank. Representatives for the applicant define top of coastal bank as top of revetment. Provided copy of DEP decision on site in Nantucket as supporting same definition.

Paul Mirabito – Ross Engineering – worked with Deb Keller, Merrill Eng., and came up with line on plan and explained how decoded. Discussed slope of land. Coastal bank provides sediment on continuous basis below and is a vertical buffer to storm waves. Believes revetment provides buffer to wave action but not providing sediment. Discussed decision made on site next door and near by top of coastal bank.

Deb Keller – Merrill Eng. – met with Paul Mirabito. The line on the plan meets requirements. Noting VE and zone X line. Discussed what happens when go from VE to X and that that means. Discussed following the elevation 21 line onto the property. The 21 ft elevation on ground, rather than the graphic interpretation from FEMA map.

Agent – asked to confirm delineate as accurate on plan. Should get plan more accurate before accept.

Jeff DeLisi – no where in policy is there language regarding engineered structure in place of resource area. Doesn't reference what to do in situation like this one. Concern DEP policy not assuming engineered structure.

Agent – talking about state resource area. Let state make decision.

Paul – line at 56 Peggotty Beach Rd was peer reviewed.

Deb Keller – line at 56 Peggotty Beach Rd might not have considered how the property connected to 40 Crescent. Appears to be a second top of bank on 40 Crescent. You can have multiple coastal banks on one property. Contours are not on site plan for 56 Peggotty Beach Rd where we are discussing.

Paul Mirabito – coastal banks act as a break for wave action so don't have wash out on upper part of lot at 40 Crescent.

Penny – concern with how complicated. Maybe needs to go to state. See both sides.

Doug – concerned accepting this plan means accepting what letter says which says the policy is in accurate. What to be consistent but not consistently wrong. Being wrong before does not make it ok to be wrong here too.

Frank – can we get state to weigh in – no not if possible appeal case. DEP doesn't get involved.

Jeff DeLisi – thinking will apply for NOI and ask for variance- would be applying for variance anyway.

Ms. Penny Scott-Pipes made motion to continue 0 & 40 Crescent Ave to 1/8/2024. Mr. Brendan Collins second. Roll call to vote. Unanimous vote accepted. (5-0), Mr. Doug Aaberg - yes, Ms. Penny Scott-Pipes – yes, Mr. Richard Harding – yes, Mr. Brendan Collins – yes, Mr. Frank Snow – yes

c. 5 Shoal Water Road, DEP# 068-3078

Applicant: Paul Devlin

Representative: ECR

Proposed: raze/rebuild

Cameron Larson – ECR – r/r, sfh, paved driveway currently, lawn. Abuts Musquashicut Pond and BVW on site. LSCSF. Buffer onto site.

Concerting driveway to permeable surface. Erosion control on plan. Native plants for landscape.

Agent – LSCSF, buffer zone. Pulling slightly back from pond. No DEP comments. Good to add buffer strip / mitigation along pond.

Richard – size difference? Agree should have mitigation. 3276 to 4038 is change in impervious.

Brendan – agree mitigation along pond. Penny – ok . Doug – agree mitigation.

No abutter comments.

Frank – any fragmities removal in plan?

Cameron – direction on mitigation

Frank – 6-8ft strip with plant material that would benefit wildlife, habitat along ponds as opposed to have lawn up to the pond.

Agent – it is consistent with what ask in new builds. They are increasing the intensity of the use of the site within the 100 ft.

Cameron – will add 6 ft mitigation along pond to site plan.

Mr. Richard Harding made motion to close 5 Shoal Water Road. Ms. Penny Scott-Pipes second. Roll call to vote. Unanimous vote accepted. (5-0), Mr. Doug Aaberg - yes, Ms. Penny Scott-Pipes – yes, Mr. Richard Harding – yes, Mr. Brendan Collins – yes, Mr. Frank Snow – yes

d. 2 Bailey's Island, DEP# 068-XXXX

Applicant: CMC Design-Build, Inc.

Representative: Morse Engineering

Proposed: raze/rebuild

Jeff Hassett, Morse Engineering, Adam Brodsky, Brad Holmes (Brad not on call).

Adam Brodsky – attorney for applicant – previously developed sfd, separate garage and accessory buildings, shed. On site is buffer to salt marsh, buffer to bank, FEMA flood. Mitigation proposed and planting plan.

Jeff Hassett – Morse Eng – 3 acre lot, via right of way from Wood Island Road. 1956 build, detached garage, 2 sheds, gravel driveway, relatively new shed. Salt Marsh flagged Aug 2022. LSCSF, AE 14, top of coastal bank. Proposed r/r and r/r detached garage. Will move out of 50 ft buffer but larger with pool house. All work out of the 50 but corner of pool. Existing gravel driveway in 50 ft, proposed driveway out of 50. Will not negatively impact bank. Will be FEMA compliant. Dry wells proposed.

Peer review and SW review underway.

Sean Papich – landscape architect – submitted landscape plan. Discussed planting mitigation.

Agent – flags missing. Expect lines to change. SW review underway/in process. Suggest site visit by Commission. First need to confirm accuracy of resource area.

Penny – interested what review will say and in a site visit.

Doug – pretty dense proposed plan. Leaving septic and piping to it.

Jeff – new tanks, but using leaching. Not a lot of ledge removal. Not going full basement.

Richard- nothing now because reviews in process.

Brendan – what in place of pf driveway? Lawn in place is proposed. Good driveway out of 50, not happy pool in 50.

Joanne Wyckoff – 143 Turner Rd, water resource committee liaison. Any water catchment system?

Jeff -no dry wells on pan for recharge, but can look into it on revised plans.

Buckner Creel - 0 Bailey's Island – father of owner of 0 Bailey's Island. Appreciate efforts to preserve trees and landscape there. Trees are a critical asset. Notice some coming down and a lot of fill coming in. Would be great if could keep as many trees as possible. Impact ledge – how much being removed.

Jeff – 1900 sq feet will be removed for landscaping and for house. intend to save as many trees as can. Detached garage 50 ft buffer vegetated and enhancements proposed. Majority of work already developed or lawn.

Ms. Penny Scott-Pipes made motion to continue 2 Bailey's Island to 1/8/2024. Mr. Brendan Collins second. Roll call to vote. Unanimous vote accepted. (5-0), Mr. Doug Aaberg - yes, Ms. Penny Scott-Pipes – yes, Mr. Richard Harding – yes, Mr. Brendan Collins – yes, Mr. Frank Snow – yes

e. 294 Central Ave., DEP#: 068-3076 cont'd from 10/23/2023

Applicant: Mark & Karen Perfetti

Representative: Morse Engineering

Proposed: elevate and addition

Jeff Hassett – Morse Eng – elevate house proposed. File # issued. Submitted structural plan. Timber piles. Did additional seawall research and added to plan. 8 properties in a row connected on seawall.

Not feasible to remove portion of seaward side of house. That portion of wall remain. House held up by timber piles. Footings show on sea side of seawall. Replace boulders / restock and supplement with additional material.

Agent – second time hearing. Revised plan submitted. Also fix seal. Did not have # before. Now have number and comments. Read comments from DEP.

Ms. Penny Scott-Pipes made motion to close 294 Central Ave. Mr. Richard Harding second. Roll call to vote. Unanimous vote accepted. (5-0), Mr. Doug Aaberg - yes, Ms. Penny Scott-Pipes – yes, Mr. Richard Harding – yes, Mr. Brendan Collins – yes, Mr. Frank Snow – yes

f. 72 Glades Rd., DEP# 068-3075 cont'd from 11/13/23

Applicant: Horace & Emily Tjakra

Representative: Morse Engineering

Proposed: raze/rebuild

Jeff Hassett – Morse Eng – proposing a 3 bedroom house, same as was there before fire. Revised plan for clarification size of house and BOH approval. Compliant septic not placed on property

Agent – was continued bc waiting for BOH approval. Has BOH approval add moved septic back.

Richard – good with adjustments made. Penny – confirmed treating all the properties the same.

Brendan – confirmed understood regarding deck – blue marking is deck being removed. None of these properties got smaller or even remained the same.

Nir Drory – 74 Glades – reminded commission what he want through for his properties and questions had to answer to get permits. Concerned that stairs on road side won't have enough space to park car. Everyone should comply with same set of rules.

Jenn – 30x44 with deck and 8 foot extension. 76 sq ft increasing structural coverage. Compliant septic now placed on property. Mentioned switching direction of stairs so not in way of parking or garage.

Agent – no lattice will be a condition.

Frank – try to accommodate all the properties with circumstances their property entailed.

Jeff – stairs to deck will go other direction so don't block parking.

Ms. Penny Scott-Pipes made motion to close 72 Glades Rd. Mr. Doug Aaberg second. Roll call to vote. Unanimous vote accepted. (5-0), Mr. Doug Aaberg - yes, Ms. Penny Scott-Pipes – yes, Mr. Richard Harding – yes, Mr. Brendan Collins – yes, Mr. Frank Snow – yes

2. Public Meeting / Request for Determination of Applicability

a. 26 Cairo Cir (SBL #24-23)

Applicant: Megan & Robert Quinn

Presentative: Morse Engineering

Proposed: septic repair

Jeff Hassett – Morse Eng – septic repair project – explained location on site so that could use gravity system and not a pump. 29,000sq ft site. 4 bedroom sfh. Failed septic. BVW marked by Jon Zimmer – flagged in November. Proposing new gravity system with leaching field. No increase in flow. No pronounced mound.

Agent – meets requirements of negative determination. Not accepting resource area with this determination.

Ms. Penny Scott-Pipes made motion for a negative determination for 26 Cairo Cir. Mr. Richard Harding second. Roll call to vote. Unanimous vote accepted. (5-0), Mr. Doug Aaberg - yes, Ms. Penny Scott-Pipes – yes, Mr. Richard Harding – yes, Mr. Brendan Collins – yes, Mr. Frank Snow – yes

b. 22 Town Way (SBL #23-23)

Applicant: Robert & Margaret Maier

Proposed: replace deck footings

Robert Maier – owner – proposing 2 deck footings for deck expansion. AE flood zone. Both footings are in areas of driveway. Won't change water flowage.

Mr. Richard Harding made motion for a negative determination for 22 Town Way. Ms. Penny Scott-Pipes second. Roll call to vote. Unanimous vote accepted. (5-0), Mr. Doug Aaberg - yes, Ms.

Penny Scott-Pipes – yes, Mr. Richard Harding – yes, Mr. Brendan Collins – yes, Mr. Frank Snow – yes

3. Administrative Items

a. **Agent Update:**

CPC update from Penny – 135K left over from all projects on the West End – parking, trails, etc. Needs to let CPC know that the money is can be rescinded because projects are completed. Money goes back to open space funding, where it came from.

Ms. Penny Scott-Pipes made motion to rescind 135K to CPC. Mr. Richard Harding second. Roll call to vote. Unanimous vote accepted. (5-0), Mr. Doug Aaberg - yes, Ms. Penny Scott-Pipes – yes, Mr. Richard Harding – yes, Mr. Brendan Collins – yes, Mr. Frank Snow – yes

b. **Meeting Minutes:** Oct 2, Oct 23

Ms. Penny Scott-Pipes made motion to accept meeting minutes as written for October 2 and October 23. Mr. Doug Aaberg second. Roll call to vote. Unanimous vote accepted. (5-0), Mr. Doug Aaberg - yes, Ms. Penny Scott-Pipes – yes, Mr. Richard Harding – yes, Mr. Brendan Collins – yes, Mr. Frank Snow – yes

c. **Orders of Conditions:** 8 Westgate DEP #68-3058

Mr. Richard Harding made motion to issue orders as written for 8 Westgate. Mr. Brendan Collins second. Roll call to vote. Unanimous vote accepted. (5-0), Mr. Doug Aaberg - yes, Ms. Penny Scott-Pipes – yes, Mr. Richard Harding – yes, Mr. Brendan Collins – yes, Mr. Frank Snow – yes

d. **Extension Requests:** 281 Old Oaken Bucket Rd. DEP#:68-2882 (wetland crossing perc tests)

Ms. Penny Scott-Pipes made motion to issue a 3 year extension to 281 Old Oaken Bucket Road. Mr. Richard Harding second. Roll call to vote. Unanimous vote accepted. (5-0), Mr. Doug Aaberg - yes, Ms. Penny Scott-Pipes – yes, Mr. Richard Harding – yes, Mr. Brendan Collins – yes, Mr. Frank Snow – yes

e. **Requests for Certificate of Compliance:** 165 Summer St. DEP#068-669, 15 Bassin Ln DEP#: 068-2768; 234 Central Ave. DEP #68-2945;

f. **Signing of Documents:**

Ms. Penny Scott-Pipes made motion for adjourn meeting at 9:15pm. Mr. Brendan Collins second. Roll call to vote. Unanimous vote accepted. (5-0), Mr. Doug Aaberg - yes, Ms. Penny Scott-Pipes – yes, Mr. Richard Harding – yes, Mr. Brendan Collins – yes, Mr. Frank Snow – yes

Respectfully Submitted,

Jennifer Smith, Recording Secretary

CORRESPONDENCE

November 13, 2023 – December 4, 2023

1. NOI – 2 Bailey's Island – r/r
2. NOI - 0 Woodland Rd – wetland crossing for test pits

3. NOI – 8 Garfield – addition
4. NOI – 8 Blueberry Ln – addition
5. NOI – 53 Gannett – pool
6. NOI – 37 Surfside Rd – elevate
7. NOI – 15 Bassin Lane – detached garage
8. NOI – 127 Turner Rd - elevate
9. NOI – 20 Newell St – r/r
10. NOI – 25 Palfrey St – septic
11. ZBA – decision for special permit for 70 Glades Rd
12. Letter from abutter re: Scituate Beach Association
13. Recording info for CoC for 10 New Driftway 68-2699
14. Abutter notification for 2 Bailey’s Island NOI
15. Recording info for COC for 129 Lawson Rd 68-3051
16. Planning Board Agenda for Nov 16, 2023
17. Economic Development Agenda for November 13, 2023
18. ZBA application for public hearing for 208 CJC Hwy