

**Town of Scituate
Conservation Commission
Selectmen's Hearing Room / Remote Meeting
Meeting Minutes
Monday, August 2, 2021 5:30pm**

Members Present: Mr. Frank Snow, Chair

Teleconference: Mr. Richard Harding, Ms. Penny Scott Pipes, Ms. Jen Foley

Also Present: Amy Walkey, Conservation and Natural Resource Officer

Not Present: Mr. Andy Gallagher, Mr. Brendan Collins, Mr. Doug Aaberg

Frank Snow, Chair: This meeting is being held remotely as an alternate means of public access. On June 16, 2021, Governor Baker signed into law an Act Extending Certain COVID-19 Measures Adopted During the State of Emergency. This Act includes an extension, until April 1, 2022, of the remote meeting provisions of his March 12, 2020, Executive Order Suspending 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.

1. Call to Order, 5:30pm Roll Call of Commissioners

Penny Scott-Pipes – present, at home, alone – **Richard Harding** – present, at home, alone - **Jen Foley** – present, at home, alone, **Frank Snow**, present, Selectman Hearing room with Amy Walkey and Jenn Smith in the room.

2. Agenda Acceptance:

Ms. Penny Scott-Pipes made motion to accept agenda with addition of discussion 2 Prospect & workshop reminder. Mr. Richard Harding second. Roll call to vote. Unanimous vote accepted. (4-0) Mr. Richard Harding – yes, Ms. Jen Foley - yes, Ms. Penny Scott Pipes - yes, Frank Snow - yes

3. PUBLUC HEARINGS – NOI

a. 33 Oceanside Dr. DEP#:68-2923 continued from 6/21/2021

Applicant: 43 Oceanside Realty Trust

Representative: Ross Engineering, Paul Mirabito

Proposed: slope stabilization in land subject to coastal storm flowage

Paul Mirabito, Ross Engineering, after last hearing, met with town engineer and proposed a plan; has not heard back if it is a plan DPW would accept. Once received an OK from DPW, will file revised plan. Requested continuance for 2 weeks. Penny – weren't you supposed to check with DEP? Paul – DEP wanted no walls, which they are not proposing. Paul – changed some details on the plan that had already been submitted.

Mr. Richard Harding motion to continue 33 Oceanside Dr to August 16, 2021. Ms. Penny Scott-Pipes second. Unanimous all in favor roll call vote (4-0). Mr. Richard Harding – yes, Ms. Penny Scott Pipes - yes, Jen Foley – yes, Frank Snow – yes

b. 19 Blanchard Rd. DEP#: 068-2938

Applicant: Nanci Haze

Representative: Ross Engineering

Proposed: in-ground pool in land subject to coastal storm flowage

Paul Mirabito, Ross Engineering – property in LSCSF. Proposed to install inground pool and pervious pavers around pool. Richard – confirmed access to back yard is to the right of the

house. Paul – 16 feet between tree and house. Area is currently lawn and will be reestablished as lawn if disturbed. Jen – other work associated with project? Paul and Nanci – yard already fenced in. Agent – approvable project for area LSCSF. Would be good to have detail for pervious pavers- only pervious if installed correctly. Very close to needing stormwater permit. Nanci Haze – owner and applicant – clear on what need to do and pervious pavers information.

Ms. Penny Scott-Pipes motion to close and issue 19 Blanchard Rd. Ms. Jen Foley second. Unanimous all in favor roll call vote (4-0). Mr. Richard Harding – yes, Ms. Penny Scott Pipes - yes, Jen Foley – yes, Frank Snow – yes

c. **116 Country Way DEP#: 68-2939**

Applicant: Daniel & Heather Whiting

Representative: Morse Engineering

Proposed: addition & patio in buffer to BVW and inner riparian zone

James Garfield, Morse Engineering, reviewed location and resources on property site. Proposing addition and deck back of house to concrete patio. Proposed patio is currently parking lot. Proposed install new fence in one section, and replace and extend fencing on north side. Erosion control proposed on down gradient of property. All work is in already disturbed area. Removing 826 sq ft of driveway and proposing 850 sq ft patio. Increase of 370 sq ft of impervious. Also asking to remove one tree. Went to zoning because non-conforming lot and percent increase was enough to trigger zoning permitting.

Agent – historically altered property in buffer zone. Need pervious paver details. No comments from DEP. Would be good not to mow right up to wetland for some vegetation.

Dan – owner – happy to put up small posts to discourage use beyond certain area. Frank – explained why try to encourage areas to be undisturbed and create more habitat.

Ms. Penny Scott-Pipes motion to close 116 Country Way. Ms. Jen Foley second. Unanimous all in favor roll call vote (4-0). Mr. Richard Harding – yes, Ms. Penny Scott Pipes - yes, Jen Foley – yes, Frank Snow – yes

4. **REQUEST FOR DETERMINATION OF APPLICABILITY**

a. **754 Country Way (SBL# 29-21)**

Applicant: ZORJ Holding LLC

Representative: Morse Engineering

Project: septic repair

James Garfield, Morse Engineering, reviewed site plan and resources and buffers. BVW with septic. Site slopes toward wetland. Proposing new gravity system. Erosion control around LOW. Jen & Richard – confirmed can't pull farther away from resource area. Penny – why can't it go where gravel lot is? James – location is so can be gravity fed.

Agent – were tests pits done in other location? Not confirming the resource line with an RDA. Project is an upgrade from what is there now. Concerned about marker location. Frank – the RR line is behind the wetland area. Gravity system can avoid pumps and issues with power outages. See benefits of system proposed as better than cesspool. Markers should be no disturbance, not saying it is the 50 ft line.

Ms. Penny Scott-Pipes motion to issue negative 3 for 754 Country Way. Mr. Richard Harding second. Unanimous all in favor roll call vote (4-0). Mr. Richard Harding – yes, Ms. Penny Scott Pipes - yes, Jen Foley – yes, Frank Snow - yes

b. **39 Jericho Rd (SBL# 30-20) (After the Fact)**

Applicant: Satuit Tavern

Project: repairs to pre-existing pavement in land subject to coastal storm flowage and buffer to BVW

Michael Sacchitella – representing Mulvee’s. Reviewed events that led to parking lot area being paved. They were approached that day by folks who had extra material and had approved them filing in some of the pot hole area in parking area. Next thing they new this area was paved. Additionally, they are dealing with the charge from this company. Frank – significant area that was paved. The area was not to be paved. When parking lot originally approved, if they had paved more, needed to plan for run off. Any opportunity for additional protection of resource area near the site? Concerned about run off. Discussed drain marked on parking lot plan. ConCom suggest discover where that drain goes, since there is no rush, because this is after the fact. If the drain goes to wetland or does it go to the road. Agent – we can still vote tonight and then add needed information to document – posts on rear of site and information on where drain goes. Frank and Richard – would like to know where the drain goes first. Also might want to ask for reasonable betterment to protect the marsh.

Ms. Penny Scott-Pipes motion to continue 39 Jericho Rd to August 16, 2021. Mr. Richard Harding second. Unanimous all in favor roll call vote (4-0). Mr. Richard Harding – yes, Ms. Penny Scott Pipes - yes, Jen Foley – yes, Frank Snow - yes

5. **Other Administrative Items**

a. **Approval of Minutes:** no vote on minutes

b. **Enforcement Update:** Sunoco Station, 781 CJC Hwy.

Agent – asked owner to remove home modules that were being stored in buffer. Has not yet. Also asked to get wetland scientist. No recent clearing, but still trailers there and fence is not up. Owners says water behind property result of drainage from Chief Justice Cushing Hwy. Should get wetland scientists to explain regulations. Jen Foley – they had opportunity to respond. Office has limited time. Time for harder response. Agent – will try to get lawyer letter to them.

Frank – recusing self from 781 CJC discussion.

Ratify Enforcement Orders for: 48 Mann Lot Rd. and 10 Pennycress Rd.

Ms. Penny Scott-Pipes motion to ratify Enforcement Orders for 48 Mann Lot Rd and 10 Pennycress Rd. Mr. Richard Harding second. Unanimous all in favor roll call vote (4-0). Mr. Richard Harding – yes, Ms. Penny Scott Pipes - yes, Jen Foley – yes, Frank Snow - yes

c. **Orders of Conditions:** 316 Hatherly Rd.

0 Oceanside Dr.

146 Central Ave.

142 Humarock Beach Rd.

8 Newell St. DEP#: 068-2866 (Dock NOI)

Ms. Penny Scott-Pipes motion to issue orders for 316 Hatherly Rd, 0 Oceanside Dr., 146 Central Ave, 142 Humarock Beach Rd. Ms. Jen Foley second. Unanimous all in favor roll call vote (4-0). Mr. Richard Harding – yes, Ms. Penny Scott Pipes - yes, Jen Foley – yes, Frank Snow – yes

Richard Harding is recused from 8 Newell St. With not enough members, orders cannot be voted and vote will be moved to next meeting agenda on August 16, 2021.

- d. **Requests for Extension:** 160 Chief Justice Cushing Hwy. DEP#: 068-2525
85 Glades Rd. DEP#: 068-2736
87 Glades Rd. DEP#: 068-2765
55 Surfside Rd. DEP#: 068-2562

Ms. Penny Scott-Pipes motion to issue one year extension for 160 Chief Justice Cushing Hwy and 55 Surfside Rd. Mr. Richard Harding second. Unanimous all in favor roll call vote (4-0). Mr. Richard Harding – yes, Ms. Penny Scott Pipes - yes, Jen Foley – yes, Frank Snow – yes

Ms. Penny Scott-Pipes motion to issue three year extension for 85 Glades Rd. and 87 Glades Rd. Mr. Richard Harding second. Unanimous all in favor roll call vote (4-0). Mr. Richard Harding – yes, Ms. Penny Scott Pipes - yes, Jen Foley – yes, Frank Snow – yes

- e. **Certificates of Compliances issued:** 48 Mann Lot Rd., 272 Central Ave., 13 Ocean Front

- f. **Request Minor Modification:** 6 Pond View Ave.

Ms. Penny Scott-Pipes motion to accept minor modification for 6 Pond View Ave. Mr. Richard Harding second. Unanimous all in favor roll call vote (4-0). Mr. Richard Harding – yes, Ms. Penny Scott Pipes - yes, Jen Foley – yes, Frank Snow – yes

2 Prospect Ave – Agent – owners would like to put in irrigation well on lot. Well would be out of 100 ft buffer. Used to water grass on lot to it will establish. Current conditions say no well. Would need to modify the condition. Frank – reviewed the advantages for a home owner of using well to water lawn. BOH grants permission for wells, but we have jurisdiction to the work to put the well in.

Mr. Richard Harding motion to allow well for irrigation system, subject to rules in existence for town. Ms. Penny Scott-Pipes second. Unanimous all in favor roll call vote (4-0). Mr. Richard Harding – yes, Ms. Penny Scott Pipes - yes, Jen Foley – yes, Frank Snow - yes

Workshop – Frank- reminder about workshop on Tuesday, Aug 10 at 5:30pm at Mt Hope Building. No project discussion, round table discussion.

g. Signing of Documents

6. Adjourn

Mr. Richard Harding motion to adjourn. Mr. Richard Harding second. Unanimous all in favor roll call vote (4-0). Mr. Richard Harding – yes, Ms. Penny Scott Pipes - yes, Jen Foley – yes, Frank Snow - yes

CORRESPONDENCE
July 19, 2021 – Aug 2, 2021

1. CofC 272 Central Ave
2. RDA for 211 Tilden Rd.
3. NOI for 50 Surfside Rd
4. NOI for 28 Gilson Rd
5. NOI for 6 Newton St.
6. CofC request for 25 Circuit Ave
7. CofC request for 43 Collier Rd
8. Extension request for 85 and 87 Glades Rd OofC
9. Extension request for 160 CJC Hwy
10. Extension request for 55 Surfside Ave
11. CofC for 13 Ocean Front
12. Letter from Waterways Regulation Program to GZA regarding 0Oceanside (46 Oceanside Dr) and chapter 91 and other permits needed. Work determined to be maintenance and exempt from license.
13. Abutter notification for NOI at 50 Surfside Dr
14. ZBA decision for r/r of 10 Newton St
15. ZBA requests for hearings for 116 Country Way, 8 Bayberry Rd, 316 Hatherly Rd, 146 Central Ave, 8 Studley Royal Rd, 24 Hatchet Rock Rd, 106-108 Stockbridge Rd
16. ZBA decision for 50 Collier Rd
17. MACC annual dues
18. Mass Audubon mailing on carbon in consideration of land management
19. Accessory dwelling special permit application for 8 Jay Rd
20. ZBA decision for 82 Scituate Ave
21. ZBA decision for 14 Town Way Ext.
22. ZBA decision for 6 Hatchet Rock Rd
23. Mass Division of Fisheries and Wildlife updated to regulations starting August 1, 2021
24. Recording information for 17 Nelson OofC 68-2911
25. ZBA decision for 1 Summit Ave