

**Town of Scituate  
Conservation Commission  
Selectmen's Hearing Room / Remote Meeting  
Meeting Minutes  
Monday, June 15, 2020 5:15pm**

**Website:** <https://us02web.zoom.us/j/84145339535?pwd=Z254T2Z6c1VMZUhLb1hobm04bG9udz09>

**Meeting ID:** 841 4533 9535

**Password:** 228499

**Dial-in Number:** +1 929 205 6099

*Plans and other materials relevant to the following agenda items are posted on the Conservation Commission website:* [Scituate Conservation Commission Pending Applications](#)

**Members Present:** Chairman Mr. Frank Snow,

**Teleconference:** Mr. Richard Harding, Ms. Penny Scott-Pipes, Ms. Jen Foley, Mr. Andy Gallagher

**Joined Late Remotely:** Mr. Doug Aaberg

**Not Present:** Mr. Brendan Collins

**Also Present:** Amy Walkey, Conservation and Natural Resource Officer

**Call to Order, Roll Call of Commissioners, Agenda Acceptance**

Call to Order, Roll Call of Commissioners

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

Ms. Penny Scott-Pipes made motion to accept agenda with additions mentioned by chair regarding progress with trails and other townwide items. Mr. Richard Harding second. Roll call to vote. Unanimous vote accepted. (5-0)

Frank Snow, Chair: This meeting is being held remotely as an alternate means of public access pursuant to an Order issued by the Governor of Massachusetts dated March 12, 2020 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.

Meeting will have a question and answer session following each public hearing. A butter will have ability to raise hand. Please keep total to less than 3 minutes.

**PUBLIC HEARINGS / NOI**

**100 Edward Foster Rd. – DEP 068-2854, Applicant:** William Shields Family Trust

**Representative:** Morse Engineering

**Request:** raze house and replace with lawn

**Jurisdiction:** Buffer Zone/ Coastal Bank (within 100' of coastal resource area, within 100' of salt marsh), flood zone (?) – Scituate Bylaw no disturb 50'

Frank – how much fill bringing in? Greg Morse – Max of 40 yards. Enough to level depressed area from taking house down. Frank – not accepting line for coastal bank for future projects. If something more significant were to be filed for this property, conservation reserves the right to have resource

line confirmed and hire consultant to confirm as well. Agent – Hosue was taken down in April. Some erosion control up. See photos of site. They need to get the DEP sign up. Frank – have existing conditions clearly marked so if another project comes up, clear what was there. Building has given permit to take house down, but contractor new permitting from conservation was needed. The NOI had already been filed. Should also establish date to come into compliance. This would have been approvable project, other than question of coastal bank of line.

**Recommendation:** Issue ticket for work done without permit; bring into compliance as soon as possible (sign up, erosion control, record orders) – include date to be done by; coastal bank line not being accepted, future projects will need review of resource lines and buffer.

Ms. Penny Scott-Pipes **motion to close and issue with conditions noted and discussed at hearing for 100 Edward Foster Rd. Mr. Richard Harding second. Unanimous all in favor roll call vote (5-0).**

**98 Crescent Ave. – DEP 068-2857, Applicant:** William Shields Family Trust

**Representative:** Morse Engineering

**Request:** addition/landscape

**Jurisdiction:** Buffer Zone/ Coastal Bank (within 100' of coastal resource area, within 100' of salt marsh), flood zone part of property – Scituate Bylaw no disturb 50'

Greg Morse, Engineer. Reviewed project. No work has begun on this lot. Proximity to top of coastal bank, which is man-made revetment, House was built in 2008 and revetment was reviewed at that point. Portion of work is in zone x and lower part of lot zone AE elevation 15. Project is bump out of garage approx. 6 ft off house, converting covered deck to full porch, with second floor balcony and deck extended from it. Deck would be over existing lawn area, on sonotubes. Erosion control around limit of work.

Agent – same as 100 Edward Foster – no accepting coastal bank delineation (Should be pursuant to DEP Policy 92-1) and suggest condition of work complying with flood zone.

Ms. Penny Scott-Pipes **motion to close and issue 98 Crescent Ave. Mr. Richard Harding second. Unanimous all in favor, roll call vote (5-0).**

**19 Buttonwood Ln. – DEP 068-2853, Applicant:** Richard McQuade

**Representative:** Morse Engineering

**Request:** septic upgrade

**Jurisdiction:** Buffer Zone

Greg Morse, Morse Engineering, representing owner. Septic system repair project. Land subject to coastal storm flowage, zone AE, Elevation 15. Had cesspool on Bayberry side of the house. BOH has reviewed and approved. Tanks are within the 100, all the work is outside of the 50. Penny – has issue with location of shed and would like to have it moved while they are doing work? Shed has been there since at least the 90s. Jen/Richard – would be good if another location on the lot for septic, but understand there isn't. Agent – improvement of what is there.

Ms. Penny Scott-Pipes **motion to close and issue 19 Buttonwood Ln. Mr. Richard Harding second. Unanimous all in favor roll call vote (5-0).**

**22 Barry's Landing – DEP 68-2855, Applicant:** Alicia & Barry Fiscus

**Representative:** Greg Morse, Morse Engineering

**Request:** Addition/ Landscape

**Jurisdiction:** WPA: Buffer Zone within 100' of salt marsh, flood zone, Scituate Bylaw no disturb 50'; Riverfront

**Riverfront Performance Standards:**

a. Protection of Other Resource Areas

- b. Protection of Rare Species
- c. Practicable and Substantially Equivalent Economic Alternatives
- d. No Significant Adverse Impact

North River Commission has already reviewed and approved this project. No work proposed in FEMA zone. All work in X zone. Might want to construct slightly smaller deck than what is on the plan. Agent – other standards to comply with when riverfront project. Although new asphalt going in, does not trigger stormwater.

Proposed project scope to be reduced, Meets requirements of the Riverfront and Buffer. North River Commission permission? Please give a copy of their approval. Garage and driveway work are outside of the 100 ft setback.

Ms. Penny Scott-Pipes **motion to close and issue 22 Barry's Landing. Mr. Richard Harding second. Unanimous all in favor, roll call vote (5-0).**

Doug Aaberg joined meeting

**555 Hatherly Rd. – DEP 68-2858, Applicant:** Sandip & Eric Kamdar

**Representative:** Greg Morse, Morse Engineering

**Request:** Addition

**Jurisdiction:** Flood Zone

Greg Morse, Morse Engineering, representing owner. AE 13. First floor elevation is 15.1. Proposed add 2 additions – in front and in back. Also concrete pad in backyard converted to deck. Concrete would be removed. Flood vents proposed. Issued revised plans today with note. If brought into full FEMA compliance, would mean fill in foundation. House currently has basement. Note that basement will be filled based on whether or not total project cost meets substantial improvement per the State Building Code Construction Requirements.

Triggers filing with us because of flood zone.

Ms. Penny Scott-Pipes **motion to close and issue 555 Hatherly Rd. Mr. Doug Aaberg second. Unanimous all in favor, roll call vote (6-0).**

**REQUEST for DETERMINATION of APPLICABILITY:**

**67 Jericho Rd., Applicant:** Sandy Hayes, **Representative:** Applicant

**Request:** extend driveway, approximately 800 sq ft in rear of building, 20ft x 40ft.

Pave part of yard to store boat, trailer. Inside of fenced in yard. Large trees seen in picture of plan are not effected – they are in neighbors yard. About 8 ft from pavement to fence. Frank – recommend pitching pavement to shed direction, not to house. Wants to make sure enough area to absorb water. Filtration stone will be used to help absorb water coming of asphalt.

**Ms. Penny Scott-pipes motion for -3 for 67 Jericho Rd. Mr. Doug Aaberg second. Unanimous all in favor, roll call vote (6-0).**

**Approval of Draft Minutes – 3/2/2020, 4/27/2020, 6/1/2020**

Ms. Penny Scott-Pipes motion to adjourn. Ms. Jen Foley second motion. Unanimous Roll call vote in favor, roll call vote (6-0).

**New Business/Other Business**

**Un-adopt Scituate Wetland Regulations FEMA updates due to Covid-19**

Frank read: On JUNE 15, 2020 at 5:15 PM in the Town Hall, the Scituate Conservation Commission will hold a public hearing on a proposal to amend the Rules and Regulations under Section 30700

of the Town of Scituate Code of Bylaws (the Wetlands Bylaw). The Conservation Commission will vote on whether to amend the Wetlands Regulations to define the floodplain district using the effective FEMA maps, rather than the pending maps which have been rescinded by FEMA. This is necessary in order to remain in the National Flood Insurance Program and the Community Rating System. The Rules and Regulations and the proposed revisions are available for viewing on the Town of Scituate website ([www.scituatema.gov](http://www.scituatema.gov))

Revised Map panels affected many communities, but most communities needed town meeting vote to accept. Since most spring town meeting dates were affected, most towns were not able to accept in time, so FEMA is changing effective date, so we need to go back to previous FEMA Map panels

**Ms. Penny Scott-Pipes motion to accept. Mr. Doug Harding second motion. Unanimous Roll call vote in favor, roll call vote (6-0).**

**Tail update** - Maxwell Trust – papers passed.

**Certificate of Compliances** – have several addresses that plan to issue.

Motion to adjourn

**Mr. Richard Harding motion to adjourn. Ms. Penny Scott-Pipes second motion. Unanimous Roll call vote in favor (6-0).**

Respectfully submitted,

Jennifer Smith  
Recording Secretary

**CORRESPONDENCE**  
**June 1, 2020 – June 15, 2020**

1. Well 17 A Stormwater Construction Inspection letter from Deborah Keller, Merrill Engineers
2. Tighe & Bond letter re:17A, Certificate of Limit of Work Delineation
3. ZBA, 148 Jericho Rd, granted permission
4. Minor Modification to DEP license No 12284, 5 Dartmouth St, approval from MassDEP, Waterways Regulation Program
5. Scituate Planning Board agenda, June 11, 2020
6. Economic Development Commission Agenda June 15, 2020