

**Town of Scituate
Conservation Commission
Selectmen's Hearing Room / Remote Meeting
Meeting Minutes
Monday, April 3, 2023 6:00pm**

Members Present: Mr. Frank Snow, Chair - Townhall

Teleconference: Ms. Jen Foley, Mr. Doug Aaberg, Mr. Brendan Collins, Mr. Andrew Gallagher, Mr. Doug Aaberg, Ms. Penny Scott-Pipes

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

Not present: Mr. Richard Harding

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.

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

Jen Foley – present at home, **Andrew Gallagher** – present at home, **Doug Aaberg** – present at home, **Penny Scott-Pipes** – present at home, **Brendan Collins** – present at home, **Frank Snow** – present at Townhall

b. Agenda Acceptance:

Ms. Penny Scott-Pipes made motion to accept agenda with addition of open space issues and request from Scouts. Ms. Jen Foley second. Roll call to vote. Unanimous vote accepted. (6-0), Ms. Penny Scott-Pipes - yes, Ms. Jen Foley - yes, Mr. Brendan Collins – yes, Mr. Doug Aaberg – yes, Mr. Andrew Gallagher – yes, Mr. Frank Snow – yes

1. PUBLIC HEARINGS – NOI/ANRAD/AMENDMENT

a. 181 Edward Foster Rd., DEP#: 068-3026, cont'd from 2/15/2023 –

see applicants request to continue to May 15, 2023

Applicant: Tim & Laura White

Representative: Joyce Consulting Group

Proposed: Addition, wall, grading, landscaping

Ms. Penny Scott-Pipes made motion to continue 181 Edward Foster Rd to May 15, 2023. Mr. Doug Aaberg

second. Roll call to vote. Unanimous vote accepted. (6-0), Ms. Jen Foley - yes, Mr. Doug Aaberg - yes, Ms. Penny Scott-Pipes – yes, Mr. Andrew Gallagher – yes, Mr. Brendan Collins – yes, Mr. Frank Snow – yes

b. Central Ave Northern Humarock 4th Cliff, DEP#: 068-3028 continued from 3/6/23 –

see applicants request to continue to April 24, 2023

Applicant: USAF

Representative: Jacobs Engineering

Proposed: stormwater improvements, road repair project

Ms. Penny Scott-Pipes made motion to continue Central Ave Northern Humarock 4th Cliff to April 24, 2023. Ms. Jen Foley second. Roll call to vote. Unanimous vote accepted. (6-0), Ms. Jen Foley - yes, Mr. Doug Aaberg - yes, Ms. Penny Scott-Pipes – yes, Mr. Andrew Gallagher – yes, Mr. Brendan Collins – yes, Mr. Frank Snow – yes

c. **30 Manchester St., DEP#: 068-2976** cont'd from 3/20/2023

Applicant: Linda Kocher

Representative: Merrill Engineering

Proposed: Raze Rebuild

Dana Altobello – Merrill Engineering – architect, landscape architect, owner on call.

Dana – Showing on plan existing and proposed separately on plan. Eliminated stone wall, replace with open base fence – picket style. 90% reduction in dune coverage. Garage on piles. Planters modified with openings to allow pass through. No foundation, no concrete at grade.

Agent – should not close because waiting for DEP comments and have not received them yet. If garage is elevated, good. Want dune to be able to move, shift, and migrate. Wait because otherwise could go through MEPA.

Jen – good garage up and other changes. Andy and Brendan. Nothing further to add. Doug – no questions. No abutter questions. Penny – happy with plan. Frank – how plunge pool supported? – also, did not see cross section with details for pile plan for garage.

Dana – message received did not prefer pervious pavers. Does not meet performance standards on a dune. Maybe enough improvement going on throughout the site.

Ms. Penny Scott-Pipes made motion to close 30 Manchester St. Mr. Doug Aaberg second. Roll call to vote. Unanimous vote accepted. (6-0), Ms. Jen Foley - yes, Mr. Doug Aaberg - yes, Ms. Penny Scott-Pipes – yes, Mr. Andrew Gallagher – yes, Mr. Brendan Collins – yes, Mr. Frank Snow – yes

d. **61 Border St, DEP#: 068-3031** continued from 3/20/23–

see applicants request to continue to May 1, 2023

Applicant: Lou DeFranco

Representative: Grady Engineering

Proposed: dock, ramp, float

Ms. Penny Scott-Pipes made motion to continue 61 Border St to May 1, 2023. Mr. Brendan Collins second. Roll call to vote. Unanimous vote accepted. (6-0), Ms. Jen Foley - yes, Mr. Doug Aaberg - yes, Ms. Penny Scott-Pipes – yes, Mr. Andrew Gallagher – yes, Mr. Brendan Collins – yes, Mr. Frank Snow – yes

e. **63 Border St., DEP#: 068-3043** continued from 3/20/23–

see applicants request to continue to May 1, 2023

Applicant: William Dalicandro

Representative: Grady Consulting

Proposed: dock

Ms. Penny Scott-Pipes made motion to continue 63 Border St to May 1, 2023. Mr. Brendan Collins second. Roll call to vote. Unanimous vote accepted. (6-0), Ms. Jen Foley - yes, Mr. Doug Aaberg - yes, Ms. Penny Scott-Pipes – yes, Mr. Andrew Gallagher – yes, Mr. Brendan Collins – yes, Mr. Frank Snow – yes

f. **13 Circuit Ave. DEP#: 068-2895A** continued from 3/20/23

Applicant: Derek Delmonico
Representative: Grady Consulting
Proposed: raze/ rebuild Amendment

Ms. Penny Scott-Pipes made motion to close 13 Circuit Ave. Ms. Jen Foley second. Roll call to vote. Unanimous vote accepted. (6-0), Ms. Jen Foley - yes, Mr. Doug Aaberg - yes, Ms. Penny Scott-Pipes – yes, Mr. Andrew Gallagher – yes, Mr. Brendan Collins – yes, Mr. Frank Snow – yes

g. **1 Hollett St., AMENDMENT, DEP# 068-2845A**— see applicants request to continue to May 1, 2023

Applicant: Elaine Cole
Representative: Grady Engineering
Proposed: raze/rebuild, pool, stormwater

Ms. Penny Scott-Pipes made motion to continue 1 Hollett St. to May 1, 2023. Mr. Brendan Collins second. Roll call to vote. Unanimous vote accepted. (6-0), Ms. Jen Foley - yes, Mr. Doug Aaberg - yes, Ms. Penny Scott-Pipes – yes, Mr. Andrew Gallagher – yes, Mr. Brendan Collins – yes, Mr. Frank Snow – yes

h. **31 Rosa's Lane, DEP#: 068-3045**

Applicant: Matthew and Amanda McCarty
Representative: Morse Engineering
Proposed: accessory structure

Greg Morse – Morse Engineering – 25,000 sq ft site. BVW rear, John Zimmer delineated. 50 and 100 ft buffer on plan. New detached accessory building. Garage with living space above. Ober lawn area. 2 structures would be removed. No tree removal with project. Erosion control proposed. No DEP comments.

Agent – Scituate has a no disturb 50 foot buffer. But area already disturbed.

Jen – pretty aggressively proposing work in the buffer. Trying to see if there is another spot on the site.

Andy – not in favor of significant building in buffer. Brendan – agree with Jen and Andy. Penny – 28 x 306 is more than an accessory dwelling - understand it is lawn currently. Way more than a shed being built.

Doug – on slab foundation?

Greg – location bc at end of existing driveway. 4 ft frost wall.

Frank – is there an alternative? It is sewer there, so don't have to worry about septic. Wet area. Developed around the time Wetland Act passed, so some lots on road never developed because roads done and the wetland Act came. No building permit issued.

Discussion about another location on site. Greg will talk with applicant. Asked to continue.

Ms. Penny Scott-Pipes made motion to continue 31 Rosa's Lane to May 1, 2023. Ms. Jen Foley second. Roll call to vote. Unanimous vote accepted. (6-0), Ms. Jen Foley - yes, Mr. Doug Aaberg - yes, Ms. Penny Scott-Pipes – yes, Mr. Andrew Gallagher – yes, Mr. Brendan Collins – yes, Mr. Frank Snow – yes

i. **48 Jericho Rd., DEP#: 068-3047**

Applicant: Scituate Harbor Marina
Representative: Morse Engineering
Proposed: sewer connection and parking lot improvements

Greg Morse – Morse engineering – Kyle Sousa – manager. Next to pier 44 building and Town Boat Ramp. Historically had lavatory trailer, that would get pumped. Proposing to connect to town sewer. Resurface parking area, re-stripe parking. Addressing boat pumping out station. Hopes to town sewer system. Town has this at Cole Parkway. Encourage boaters to properly dispose waste. DEP comments read. Not adding improvements to the surface. DEP issued file numbers.

Andy – better processing of waste land and sea. Brendan, Doug, Penny, Jen – OK.

Greg – have to go into road to connect to sewer.

Agent – like project. With respect to trailers, can condition structures need to meet building codes. Concern with allowing trailers. Any structure should meet FEMA flood zone requirements. As far as SW concern with redevelopment and spoke to state. Appears to meet requirements. No significant change. Close with conditions recommend.

Rank – entire site pavement. Any opportunity to do anything better? Greg – when floods, half goes to harbor, and half goes to road. The road catch basins drain to harbor.

Frank – if repaving, could do something with grading with catch basins? Trying to see if some improvement? Good that adding pump out station.

Greg – could put in catch basins but will over top during heavy storm event. Seasonal facility. Agent – maybe something on Jericho Road? Greg – maybe hoods on Jericho Road. Frank – if in parking lot not going to work, all for work on Jericho Road. Anything on harbor side? Greg – not sure benefit. Anything harbor side there is a catch basin on Jericho Road. Maybe new hood for it.

Frank – what about cleaning on docks on lot across street?

Kyle – that is not our land. Believe previous owner. Not against cleaning it up, but would need to speak to ownership because disposal fees are expensive. Thinks it is town property. Would like to do work ASAP.

Opening May 15.

Frank – we can get something in conditions for clean up or something in parking lot.

Ms. Penny Scott-Pipes made motion to close 48 Jericho Rd. Ms. Jen Foley second. Roll call to vote.

Unanimous vote accepted. (6-0), Ms. Jen Foley - yes, Mr. Doug Aaberg - yes, Ms. Penny Scott-Pipes – yes, Mr. Andrew Gallagher – yes, Mr. Brendan Collins – yes, Mr. Frank Snow – yes

2. Public Meeting / Request for Determination of Applicability

a. 157 Turner St (SBL #4-23)

Applicant: Daniel McAdam

Proposed: platform for generator

Agent – meets requirements for negative finding. Asking for platform for generator and A/C. Would need to meet building requirements and be correct height.

Ms. Penny Scott-Pipes made motion for a negative determination for 157 Turner St. Ms. Jen Foley second.

Roll call to vote. Unanimous vote accepted. (6-0), Ms. Jen Foley - yes, Mr. Doug Aaberg - yes, Ms. Penny Scott-Pipes – yes, Mr. Andrew Gallagher – yes, Mr. Brendan Collins – yes, Mr. Frank Snow – yes

3. Administrative Items

- a. Agent Report** – fire on 70, 72, and 74 Glades Rd. site secured. Owners notified. Debris needs to be removed. If rebuilding, would need NOI. 5 structures, 3 owners involved. Think associated with rehab work at one of the properties. Did not see leaking to beach. **Also – Town meeting coming up Monday, April 10.**

Frank - Open Space – Boy Scouts would like to work on boardwalks pathways and also an overnight camp outing. One or two nights. Need to agree on location. No concerns from ConCom about project or camping.

Frank – Border street – had discussion with Karen Canfield– been talking with people regarding potential parking ideas and paths want to move forward on and other items like Satuit Brook and Forestry plan. And trails being maintained through different groups; farming also. Subcommittee to commission for open space. Would like direction from Conservation Commission. Currently information. Select Board wanted to know if wanted more formal group and be appointment by the ConCom (not Board). More than trails - open space of town. Maybe needs to be funded so work can happen.

Jen – great to have help if that level of support keeping projects going and moving, but challenge having the right involvement to keep things moving. Frank – and how to we manage sub committee. Already have a lot going on. otherwise office is at capacity.

Penny – don't want subcommittee – too many people slows things down. Can always reach out for volunteers once we decide how want to go forward. Risk too many opinions leading to things not happening.

Agent – agree more people isn't always great. But also get a broader representation of town. Broadening who is involved is good, but can be lengthy getting things done. Could be helpful to have other people to focus on some of these open space projects. What would the make-up of the committee be – liaisons from other committees or new volunteers. Could add more work to the office. Frank – not sure we have that.

Doug – do we need more help? He does not have more time to do more. If we feel like we need more help, then subcommittee could respond to tasks outlined by ConCom – not open ended. They would need permission from ConCom?

Frank – we have all these regulatory pieces which consumes a lot of time – but other – maintaining open space. Although making progress, it all takes time. What's the best way to keep things moving. If we get money and some help, maybe sub committee could be helpful. Could entertain help, but need funding.

Doug – don't want to create something that just creates more work in the office or other commission members to oversee another committee.

Andy – understand more people can make getting things done challenging – however, just getting things done at Appleton, and that doesn't include Border St, see where need more help so that things get done. Details of how done would be important. Brendan – agree with Andy.

Frank – maintaining open space and additional spaces. Need to decide role of committee and direction, how large – 3, 5, 7? Tomorrow talking to Select Board at their meeting regarding contract for accessible picnic area.

b. **Request for Amendment to Orders:** 8 Newell St., DEP#: 068-2859

Jeff DeLisi – represent owner – OOC issued and applicant appealed. MEPA review. Amended plan by eliminating pool and patio and wall. Replacing area where there was a pool with decking. DEP found acceptable. SOOC issued.

Agent – vote to accept and will advertise for next meeting. Hear as Amendment so issue Amended OOC that can be recorded and have matching accepted plan as the SOOC.

Jeff – would like to discuss about not being amendment so no chance of appeal and no cost involved in advertising. Jen – as long as handling properly administratively. Brendan – want to make sure doing the right thing administratively.

Jeff - Will record the SOOC at registry of deeds.

Ms. Penny Scott-Pipes made motion to accept minor modification of plans with deck added to plan on 8 Newell St. Mr. Doug Aaberg second. Roll call to vote. (4-2), Ms. Jen Foley - no, Mr. Doug Aaberg - yes, Ms. Penny Scott-Pipes – yes, Mr. Andrew Gallagher – yes, Mr. Brendan Collins – no, Mr. Frank Snow – yes

Jen Foley – left meeting.

c. **Request for Minor Modification:** 67 Collier Rd, DEP #: SE68-2925

Agent – gave summary of project and process of them originally received orders for project. Wall was built instead of vegetated slope, which was what was approved. Letter send in September 2022 regarding unpermitted wall. They asked to go to the North River commission first. Met with them a few times. North River is now waiting for Scituate Conservation to make a decision.

Frank – we can do an enforcement.

Penny – this is a violation. No wall. Just a slope with vegetation was agreed. Take to town council. Andy – fine with going enforcement route. Brendan – agree. Penny – blatant case of doing what they want without permission. Agent – want wall to come down?

Dave Cahill – owner – they planted 300 new plants on property. Native, pollinators. Moved new structure 10 feet closer to street. Moved into heart of grading of property. Significant erosion concern presented by moving house. not intention to create enforcement. Disagree regarding that they had intention to do something in violation.

Frank – when approve plan, expect that plan to be built. Hired consultant for site. This is significantly different. Usually ask before do change to plan. Would want opinion from professional to see if can be conditioned.

Dave Cahill – some questions answered by report from Stan Humphries. No intention to do something wrong. How can rectify and good to work with the town. Made an error. Did not anticipate significance of moving house closing to street and that the grade would not support the patio.

Frank – same process as before with getting approval. Would need to repeat process with professional representing commission to review. Recommend professional to review and give guidance.

d. **Minutes: 3/20/2023**

Ms. Penny Scott-Pipes made motion to accept minutes as written for 3/20/2023. Ms. Jen Foley second. Roll call to vote. Unanimous vote accepted. (6-0), Ms. Jen Foley - yes, Mr. Doug Aaberg - yes, Ms. Penny Scott-Pipes – yes, Mr. Andrew Gallagher – yes, Mr. Brendan Collins – yes, Mr. Frank Snow – yes

e. **Request for Certificates of Compliance: 31 Kings Way DEP# 068-3011**

f. **Signing of Documents:**

4. **Adjourn, Roll Call**

Ms. Penny Scott-Pipes motion to adjourn. Mr. Andrew Gallagher second. Unanimous all in favor roll call vote (5-0). Ms. Jen Foley – left meeting early, Ms. Penny Scott-Pipes – yes, Mr. Doug Aaberg – yes, Mr. Brendan Collins – yes, Mr. Andrew Gallagher - yes, Mr. Frank Snow - yes

Respectfully Submitted,

Jennifer Smith, Recording Secretary

CORRESPONDENCE

March 20, 2023 – April 3, 2023

1. RDA 7 Whittier Dr. - septic
2. RDA 12 Concord St. – extend deck, footings
3. NOI – 162 Central Ave – r/r
4. RDA – Mann Hill Rd. - Eversource
5. Request Amend 8 Newell St.
6. Request Amend 208 CJC Hwy.
7. Revised documents 48 Jericho Rd.
8. Revised documents 1 Hollett St.
9. Request CoC
10. Abutter notification 1 Hollett St.