

**SCITUATE CONSERVATION COMMISSION**  
**Monday, August 7, 2023 @ 6:00 PM**  
**MEETING MINUTES**  
**Virtual Meeting Only**

**Commission Members in Attendance:** Chairperson Frank Snow, Jennifer Foley, Doug Aaberg, Andrew Gallagher, Penny Scott-Pipes, Amy Walkey (Conservation Agent)

**Members not in Attendance:** Richard Harding, Brendan Collins,

**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, Roll Call of Commissioners**

**2. Agenda Acceptance**

Chairperson Snow added to the agenda a discussion on the monitoring open space and dumping.

**Chair Snow then asked for a motion to be made to accept the agenda, which was made by Ms. Scott-Pipes, seconded by Mr. Aaberg, and voted unanimously in favor (5-0) by roll call vote.**

**Richard Harding** – present remote, **Jennifer Foley** – present remote, **Brendan Collins** – present remote, **Doug Aaberg** – remote – joined late, **Penny Scott Pipes** – present remote, **Frank Snow** – present at Townhall

**3. PUBLIC HEARINGS – NOI/ANRAD/AMENDMENT**

**a. 196 Edward Foster Rd. DEP#: 068-3056**

**Applicant:** 196 Edward Foster Road, LLC

**Representative:** Grady Engineering

**Proposed:** dock, float on coastal beach, LSCSF, and LUW

Agent – had presentation from Grady last meeting when opened hearing. Head abutter concerns at that meeting. Will hear summary of what has happened since last meeting and outcome of site inspection. At the site inspection the dock was staked out so would see on the site where being installed.

Scatt Fanara from Grady, Matt Mitchell – attorney, Paul Armstrong – pile driving, Rick Grady – Grady Engineering.

Scott – DMF had sent a letter. They addressed the letter, staked the site. No changes to plan. Here to answer questions.

Agent – more review and permitting though waterways and chapter 91.

Doug Aaberg – confirmed how line determine right of way line.

Rick – need to be at least 25 feet from ownership line.

Penny – comfortable with project. Jen – good to know not in right of way. Andy – was size reduced? No reduction. This is the smallest size to accommodate boat. Andy – a little concerned building to fit boat instead of having a boat to better fit area.

Rick – they asked if size was necessary. The size for dock and pier are appropriate for boat.

Penny – confirmed they plan to remove float and ramp in winter.

Agent – DMF comments, but they are not a permitting authority.

Frank – why did they feel it should be smaller?

Agent- they are looking to protect fish and wildlife. Spade is specific for area.

Heather Jenkins – 22 Sunset Rd – have the commission spoken to army corp? Isn't this in zone of the jetty? Should talk to them for input. Rick – can't submit to them until after local orders received from conservation commission.

Frank – docks are done a one step process.

Heathery – don't think proposal has solution for high velocity issues of area. Frank – they will review when it is their turn. We have not spoken with them because it goes to other agencies for permitting in addition to Army Corp.

Elizabeth Petit – 169 Edward Foster Rd – how tall before goes down to the float? Scott – will depend on tide. 6 feet at high tide. 15 feet at low tide. Plus 3 feet for railing.

Elizabeth - signs, lights? Signs are required by harbormaster. Joe – no lights proposed.

Scott – waterway regulations require minimum 5 foot clearance allow public access. Or build ramp over.

Frank – there was a question about how low level determined - determined by survey.

Stephen Hartaub – 16 Sunset Rd – what is height of pier as extends. What is height relative to jetty?

Jetty is 8.3 feet, dock is 9.8, so 1.6 feet higher

Jetty maintenance – there are some land-based equipment that will need access to jetty – Rick – dock is about 40 feet from jetty. So there is space between jetty and dock. The Harold's would give permission to access via his property.

Mark Fenton – 25 Crescent – should withhold approval. Listed several concerns and reason to further consider permitting dock. Sea level rise is happenings so wont last. Did not hear discussion of water flows in area. Would want to see evidence that no impact of flows with building of dock. NOAH pier has much more engineered structure, this should as well. Storms in this area have a great impact. You can surf off the area near the NOAH dock when storm effecting harbor. They don't surf hear the jetty because of how intense it is.

Rick – wooden piles do no impede area. Army Corp will comment during permitting process with them.

Confidence structure secure. Harbor master requires signage on all docks in case anything floats away.

Joanne Kaplan – 16 Sunset – maybe time to look at new regulations.

Nick \_\_\_\_ - 16 Roberts DR – confirming walk under dock to get access and confirming distance under dock at high and low tide.

Sally Jenkins – 22 Sunset – breakwater even not at storm. Use area to keep safe harbor for kayaks if dock there it will prevent them from having a space to get away from bigger boats or out of the way of channel.

Concerned wooden dock in velocity zone.

Frank – wooden piles are required material in velocity zone.

Rick – lot line to mean low water.

*Ms. Penny Scott-Pipes made motion to close 196 Edward Foster Rd. Mr. Doug Aaberg second. Roll call to vote. Unanimous vote accepted. (5-0), Ms. Penny Scott-Pipes - yes Ms. Jennifer Foley - yes, Mr. Doug Aaberg - yes, Mr. Andrew Gallagher - yes, Mr. Frank Snow - yes*

b. **817 Country Way, DEP#: 068-3042** cont'd from 6/5/2023

**See applicant request to continue to September 11, 2023**

**Applicant:** Option C Properties, LLC

**Representative:** Grady Consulting

**Proposed:** New multi-unit apartment complex with SW and septic improvements

*Ms. Penny Scott-Pipes made motion to continue 817 Country Way to September 11, 2023. Ms. Jen Foley second. Roll call to vote. Unanimous vote accepted. (5-0), Ms. Penny Scott-Pipes - yes Ms. Jennifer Foley - yes, Mr. Doug Aaberg - yes, Mr. Andrew Gallagher - yes, Mr. Frank Snow - yes*

c. **74 & 74C Glades Rd, DEP#: 068-3059**

**Applicant:** Nir Drory

**Representative:** Morse Engineering

**Proposed:** raze/rebuild

**Heard same time as 74 Glades Rd.**

Greg Morse – Morse Engineering – homes destroyed by fire. Beach, dune LSCSF on entire site. VE 20 most of site, some AE15. Houses are in velocity zone. Mostly in same location. Old homes had some encroachment. New footprints have 3 foot set backs. Building longer homes in the east west direction. First floor at 24 feet. Submitted structural plans. Reconnecting to water, gas, septic in same general location. No change in grade of site. New gravel or seashell driveway. Zoning approval received.

Agent – bedrooms changing? No.

BOH waiting on ConCom. Greg – not increase in flow.

Seeing improvement going up for the area. Maybe some beach grass mitigation. Approvable project.

Jen hoping nothing to be under the hone. Greg – all utilities to be elevated.

Bob Trembly – 71 Glades Rd – concern with posts. Understands property line goes to low water line. But they are moving the posts 25 feet closer to the ocean.

Greg – owner does own property to low mean. About 20 feet further down on beach.

Joe Gibbs – 223 Gannett – no posts before. Against plan.

Nir Drory– owner and applicant – did not put piles in ground – pilings were there. Moving piles further onto beach so same distance from deck. Discussed where ownership line is.

Agent – North Scituate beach nourishment project starts in front of these lots and goes to surfside. Posts are a concern because in location where nourishment is going to happen.

Greg – beach nourishment project is bringing sediment. All beach in this area.

Jen – concern about impact of putting pilings in area where town funds being used.

Nir Drory – willing to work with town on nourishment project.

Gibbons – 223 Gannett – why moving project towards water?

Frank – rebuilding homes. There were existing homes. Although moving them closer, but more compliant with other concerns. Separation requirements and other codes are that did not exist when structures were originally built. Safer buildings. Concern with covered porch on ocean side. Want to be sure no skirting around house.

Nir – ok with skirting request. Would like to keep clear under house. There was a covered porch there before.

Jen – concern with number of feet extending toward beach.

Greg – each structure will be 2 or 2.5 stories tall, so some of additional square footage of building is because additional floor. Discussed change in square footage of each building.

Frank – not in favor of bringing covered deck that far out. Would be better if open.

*Ms. Jen Foley made motion to continue 74 & 74C Glades Rd to August 21, 2023. Ms. Penny Scott-Pipes second. Roll call to vote. Unanimous vote accepted. (5-0), Ms. Penny Scott-Pipes - yes Ms. Jennifer Foley - yes, Mr. Doug Aaberg - yes, Mr. Andrew Gallagher - yes, Mr. Frank Snow - yes*

d. **74B Glades Rd, DEP#: 068-3060**

**Applicant:** Nir Drory

**Representative:** Morse Engineering

**Proposed:** raze/rebuild

**See minutes for 74 & 74 C Glades Rd.**

*Ms. Jen Foley made motion to continue 74B Glades Rd to August 21, 2023. Ms. Penny Scott-Pipes second. Roll call to vote. Unanimous vote accepted. (5-0), Ms. Penny Scott-Pipes - yes Ms. Jennifer Foley - yes, Mr. Doug Aaberg – yes, Mr. Andrew Gallagher – yes, Mr. Frank Snow – yes*

e. **53 Border St DEP# 068-2707A AMENDMENT**

**Applicant:** John O'Donoghue

**Representative:** Morse Engineering

**Proposed:** raze/rebuild

Greg Morse – SOOC issued permitting construction of house. Utilities mostly in. Site rough graded. Amended to rectify issues. LOW on driveway shifts, triggered SW permit because exceeded sq ft for site. . SOOC amended, so need to amend Scituate by-Law orders. Driveway entrance shifted, elevation of sub surface dry wells changed. Now proposing two sets of two dry wells. Retaining wall off corner of garage pushed back 6 feet. Swale now on side of house. Original plan had mitigation. All remain in requirements of orders. Walkway to front door to driveway on plan. 42 sq ft

Agent – project has been a long process. SW by-law review. Been going on a while by Merrill. SW would be incorporated into amended orders. Question about written easement.

Doug – also asked about easement and retaining wall.

Ji Spellman – 49 Border St. Asked if letter sent to commission was received and distributed. The owner expanded the limit of work, cut down trees without permission included Holly tree that was noted to not be cut down. Retaining wall is a problem. Mentioned issue with process of changes of orders. Expects them to be held accountable.

Frank – we are doing the public hearing process now. They filed an amendment. Notified abutters, reviewed by engineer, having a public hearing. He has visited site multiple times. Applicant knows want to keep to what is approved in the orders.

Lynn Maloney – 49 Border St – concerned they will do work without permission.

Frank – project will have scrutiny until end. DEP reviewed also.

John O-Donoghue – has agreement with neighbor about work on their property and will bring letter to office with permission. Will do what is required by town to build house.

*Ms. Penny Scott-Pipes made motion to close 53 Border St. Mr. Andrew Gallagher second. Roll call to vote. Unanimous vote accepted. (5-0), Ms. Penny Scott-Pipes - yes Ms. Jennifer Foley - yes, Mr. Doug Aaberg – yes, Mr. Andrew Gallagher – yes, Mr. Frank Snow – yes*

f. **59 Glades Rd., DEP# 068-2788A AMENDMENT**

**Applicant:** Edward and Tara Walsh

**Representative:** Morse Engineering

**Proposed:** raze/rebuild

Greg Morse – request amendment to orders. Ed Walsh also on call. R/r several years ago. Home built and occupied. Deck built. Retaining wall and pool layout changing. Work in original LOW. Pool outside 50. Was existing lawn.

Agent – Sabatia did peer review. Was a garage and that is gone. Maybe some mitigation since going into 50 feet buffer.

Greg – would do 2:1 ratio with plantings along salt marsh in back.

Doug – hoping to see some mitigation.

Greg Morse e- deck is on sonotubes. 46 feet from line.

Frank – would like to see planting plan. 2:1 might not be enough. Also details on pervious pavers and conservation markers. Plantings also marsh more effective than along retaining wall. There was a garage there – already cleared area, was no wooded in the back.

Ed Walsh – applicant – trees are still there. Project maybe went 8 feet over.

Agent – should continue for revised plans. Will email Greg notes from meeting.

Greg Morse- will also add grading to plan.

*Ms. Penny Scott-Pipes made motion to continue 59 Glades Rd. to August 21, 2023. Mr. Andrew Gallagher second. Roll call to vote. Unanimous vote accepted. (5-0), Ms. Penny Scott-Pipes - yes Ms. Jennifer Foley - yes, Mr. Doug Aaberg – yes, Mr. Andrew Gallagher – yes, Mr. Frank Snow – yes*

**g. 72 Ann Vinal ANRAD DEP#: 068-XXXX**

**Applicant:** Town of Scituate

**Representative:** LEC

**Proposed:** ANRAD

*Ms. Penny Scott-Pipes made motion to continue 72 Ann Vinal Rd. to August 21, 2023. Mr. Doug Aaberg second. Roll call to vote. Unanimous vote accepted. (5-0), Ms. Penny Scott-Pipes - yes Ms. Jennifer Foley - yes, Mr. Doug Aaberg – yes, Mr. Andrew Gallagher – yes, Mr. Frank Snow – yes*

**4. Administrative Items**

**a. Agent Update**

**b. Request to Amend:** OOC for lot 6 Elm Street – yes, will hear as an amendment

**c. Requests for Certificate of Compliance:** 138 Gilson, 145 RR Glades Rd., 23 Jericho Rd., 222 Gannett Rd., 192 Clapp Rd., 9 Collier

- i. **23 Jericho Rd** – COC request – will issue partial with \$5000 holdback for plantings. Patio in the 50 ft needs to be removed and plantings need to go in. Everyone is motivated to do the work.

**d. Enforcement:**

90 Summer St. – Ziad Radd;

67 Collier Rd.- David & Maria Cahill;

184 CJC Hwy. – John Keaveney

**e. Order of Conditions:** 29 Surfside Rd., 274 Central Ave., 33 New Driftway

**f. Signing of Documents:**

**g. Chairman update: Scout Flag Disposal Proposal, CPC Project Funds Disposition Update, and Site Visit Date for 196 Edward Foster Rd.**

Chair Snow shared that the commission had a request from Troop 7 regarding their collection of damaged and worn out American flags, are disposing of them in a flag burning ceremony, and have asked to do this at Appleton Field in the fall.

The commission agreed that this request be approved.

Chair Snow then shared that the Mount Hope Association is holding an event on October 14, 2023 and would like permission to incorporate tractor hayrides up to Appleton Field. Ms. Scott-Pipes expressed concern of the holes that were just filled in. Chair Snow informed her that the rubber tires on these tractors would not cause damage. The commission agreed that this request be approved as well.

Chair Snow spoke about attending a recent Scituate CPC meeting and the commission discussed several areas and agreed to pull some information together to get feedback.

**Chair snow asked for a motion to be made that the commission put an article together before fall Town Meeting for maintenance of some roads and such as well as a figure to be determined, Ms. Scott-Pipes made a motion that the commission put together a proposal for Town Meeting for maintaining roadways into their property as well as for mowing the fields once a year, which was seconded by Ms. Foley, and voted unanimously in favor (5-0) by roll call vote.**

Chair Snow stated that he thinks a site visit should be performed for the pending NOI on Edward Foster Road. He shared that Friday, August 4, 2023 at 8 a.m., there is a minus 1.3 tide so the commission could have the applicant stake out the location of the pier and float to answer questions members had.

**h. Requests for Certificate of Compliance: 156 Turner Rd DEP #68-0859; 27 Hood Rd. DEP# 68-2801; 29 Ocean Dr. DEP# 68-3033; 15 Gardiner Rd- SW; 10 New Driftway DEP 68-2699**

**i. Ratify Enforcement Orders/Replication Plans: 90 Summer St. & 140 Hatherly Rd**

Ms. Walkey shared the ECR Report and pictures of what happened at 140 Hatherly Road, property of Chris Roth, that Showed a 50-foot wetland buffer. Native meadow habitat and some shrubs are now being proposed behind it.

**Ms. Scott-Pipes made a motion to accept the planting and restoration plan, with conservation markers to be included, at 140 Hatherly Road, which was seconded by Mr. Aaberg, and voted unanimously in favor (5-0) by roll call vote.**

Ms. Walkey then spoke about the replication plans for 90 Summer Street and shared that there was Planting Plan #1 and Planting Plan #2. Plan #2 being just the corner, while Plan #1 has two separate areas. The commission agreed that it should be bigger and Ms. Walker would reach out to the wetland scientists.

**Ms. Scott-Pipes made a motion to ratify the enforcement order for 90 Summer Street, which was seconded by Mr. Collins, and voted unanimously in favor (5-0) by roll call vote.**

**j. Ongoing Enforcement:**

67 Collier Rd., David & Maria Cahill; 8 Westgate Ln., Dina Wigmore, 184 CJC Hwy., John Keaveney; 17 Pond View – Chris Lydon

Agent Walkey shared that she sent out a request for 67 Collier Road for 53G Funding to the owners and has a coastal geologist that is ready to go out for a site visit. She is waiting on the homeowner's response. Agent Walkey then shared that 8 Westgate Lane is a notice of intent that's pending, and that she and Art Allen are going out on Wednesday afternoon.

Agent Walkey reported that she still has not seen an update on 184 CJC Hwy.

The 17 Pond View matter was discussed with Mr. Lydon previously in tonight's meeting. (noted above).

**k. Order of Conditions:** 31 Brook St., DEP# 68-3054; 129 Lawson Rd DEP# 68-3051; 184 Clapp Rd. DEP# 68-3053; 162 Central Ave DEP# 68-3046

**Ms. Scott-Pipes made a motion the commission accept the orders of condition that are written on 31 Brook Street, 129 Lawson Road, 184 Clapp Road, and 162 Central Avenue, as written, which was seconded by Mr. Aaberg, and voted unanimously in favor (5-0) by roll call vote.**

**l. Signing of Documents:**

**5. Adjourn, Roll Call**

**Ms. Scott-Pipes made a motion to adjourn the meeting at 7:36 p.m., which was seconded by Mr. Collins, and voted unanimously in favor (5-0) by roll call vote.**

*Ms. Penny Scott-Pipes motion to adjourn. Mr. Andrew Gallagher second. Unanimous all in favor roll call vote (4-0). Ms. Jen Foley – left meeting early, Mr. Andrew Gallagher – yes, Ms. Penny Scott-Pipes– yes, Mr. Doug Aaberg – yes, Mr. Frank Snow - yes*

**Respectfully Submitted,  
Jennifer Smith /Recording Secretary**

**CORRESPONDENCE  
July 17, 2023 – August 7, 2023**

1. Abutter letter re: 53 Border St
2. Abutter letter and photos re: 196 Edward Foster Rd
3. ECR report Mitigation Planting Completion Memo for 83R Glades Rd
4. National Grid Notice Public Hearing with Select Board for pole on Booth Hill Rd
5. Massachusetts Wildlife magazine No. 2 2023
6. Certificate of Understanding for 162 Central Ave
7. ZBA – 94 Turner Rd – decision granting permit
8. Stormwater Solution magazine July/August 2023
9. Recording info for 156 Turner Rd COC 068-859
10. Amended Agenda Scituate Planning Board July 27, 2023
11. Recording info for OOC for 19 Satuit Trail 068-3052
12. NOI – 7 Milton St (r/r)
13. NOI – 0 Central Ave (dock)
14. NOI – 22 Indian Trail – (r/r existing addition)
15. NOI – 28 Kane St (septic)