

**Town of Scituate
Conservation Commission
Remote Meeting
Meeting Minutes
Monday, August 21, 2023 6:00pm**

Teleconference: Mr. Brendan Collins, Mr. Richard Harding, Mr. Doug Aaberg (left early), Ms. Jennifer Foley, Ms. Penny Scott-Pipes, Mr. Andrew Gallagher, Mr. Frank Snow, Chair –joined late

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

Not present: Ms. Penny Scott-Pipes

Jen Foley: 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

Richard Harding – present remote, **Jennifer Foley** – present remote, **Brendan Collins** – present remote, **Doug Aaberg** – remote – left early, **Andrew Gallagher** – present remote, **Frank Snow** – present remote, joined late

2. Agenda Acceptance:

Mr. Richard Harding made motion to accept agenda with addition of 4 Garfield NOI. Ms. Jen Foley second. Roll call to vote. Unanimous vote accepted. (5-0), Ms. Jennifer Foley - yes, Mr. Brendan Collins – yes, Mr. Richard Harding – yes, Mr. Doug Aaberg – yes, Ms. Penny Scott-Pipes - yes, Mr. Andrew Gallagher – yes, Mr. Frank Snow – not joined yet

3. PUBLIC HEARINGS – NOI/ANRAD/AMENDMENT

a. 72 Ann Vinal ANRAD DEP#: 068-3065 cont'd from 8/7/23

Applicant: Town of Scituate

Representative: LEC

Proposed: ANRAD

Mark Mangenello – LEC – Art Allen peer reviewed for the Commission. Couple changes which were submitted on revised plans. Changes made to the BVW in the northwest area of site. No abutter comments.

Mr. Andrew Gallagher made motion to accept and issue ORAD for 72 Ann Vinal Road. Mr. Brendan Collins second. Roll call to vote. Unanimous vote accepted. (5-0), Ms. Jen Foley – yes, Mr. Brendan Collins – yes, Mr. Richard Harding – yes, Mr. Doug Aaberg – yes, Mr. Andrew Gallagher – yes, Mr. Frank Snow – not joined yet

b. 146 First Parish Rd., DEP#: 068-3062

Applicant: Doug Aaberg

Proposed: addition, plantings

Doug Aaberg – applicant and owner – recuse from voting as member. Proposing addition to house with crawl space for foundation. Existing shed to be removed. New shed, outside of the 100. Electric and water to new shed. Will turn off water in winter. Already have RDA for some plantings. In this proposal, area of lawn letting go wild, but if needed will plant native species. Replant area where old shed was located with native species, Brad Holmes flagged line in 2023.

Agent – older home. Good moving shed out of 100 ft buffer. Meets requirements of the Wetland Act.

Andy – good to see re-vegetating. Brendan – agree about plantings.

Doug – hope to start foundation in fall. Carpenter available in December to start that work.

Joanne Wykoff, 154 Turner, liaison from Water Commission – asked about catch basins. Doug – yes will have rain barrels at the shed.

Mr. Brendan Collins made motion to close and issue for 146 First Parish Rd. Mr. Andrew Gallagher second. Roll call to vote. Unanimous vote accepted. (4-0), Ms. Jen Foley – yes, Mr. Brendan Collins – yes, Mr. Richard Harding – yes, Mr. Doug Aaberg – recuse, Mr. Andrew Gallagher – yes, Mr. Frank Snow – not joined yet

c. **439 Chief Justice Cushing Hwy.** DEP# 068-3050 cont'd from 7/17/23

See Applicants Request to WITHDRAW

Applicant: Patricia Butler **Representative:** Morse Engineering

Proposed: out building

Mr. Richard Harding made motion to accept withdrawal of NOI for 439 Chief Justice Cushing Hwy.

Mr. Brendan Collins second. Roll call to vote. Unanimous vote accepted. (4-0), Ms. Jen Foley – yes, Mr. Brendan Collins – yes, Mr. Richard Harding – yes, Mr. Doug Aaberg – left early, Mr. Andrew Gallagher – yes, Mr. Frank Snow – not joined yet

d. **74 & 74C Glades Rd,** DEP#: 068-3059 cont'd from 8/7/23

Applicant: Nir Drory

Representative: Morse Engineering

Proposed: raze/rebuild

Mr. Richard Harding made motion to continue 74 & 74C Glades Rd to September 25, 2023. Mr.

Brendan Collins second. Roll call to vote. Unanimous vote accepted. (4-0), Ms. Jen Foley – yes, Mr. Brendan Collins – yes, Mr. Richard Harding – yes, Mr. Doug Aaberg – left early, Mr. Andrew Gallagher – yes, Mr. Frank Snow – not joined yet

e. **74B Glades Rd,** DEP#: 068-3060 cont'd from 8/7/23

Applicant: Nir Drory

Representative: Morse Engineering

Proposed: raze/rebuild

Mr. Richard Harding made motion to continue 74B Glades Rd to September 25, 2023. Mr. Brendan

Collins second. Roll call to vote. Unanimous vote accepted. (4-0), Ms. Jen Foley – yes, Mr. Brendan Collins – yes, Mr. Richard Harding – yes, Mr. Doug Aaberg – left early, Mr. Andrew Gallagher – yes, Mr. Frank Snow – not joined yet

f. **8 Westgate Lane DEP #: 068-3058**— continued from 7/17/23

Applicant: Dina Wigmore

Representative: Morse Engineering

Proposed: raze/rebuild

Greg Morse – ½ acre property. BVW delineated by John Zimmer. Top of bank associated with river front located by Art Allen. New house out of the 50 ft buffer. Added dry wells to the plan but project does not trigger SW. back of lot wood posts already there. Proposing split rail fence.

Art Allen – EcoTec – peer reviewed for ConCom – July 19 on site visit. July 21 letter. Presence of perennial stream. Dilapidated structure – no salvaging structure. Site qualifies for redevelopment. Discussed is redevelopment standards are met with proposed plan. Proposed structure is closer to the river than existing structure. Suggest modifying structure and mitigation. In agreement with August 14 revised plan regarding resource areas. Project needs some redesign.

Agent – agree with Art Allen.

Brendan -asked how much larger house is– about 30% larger

Greg Morse - believe it is an intermitted stream and not a river. Needs to document 4 days of stream not flowing. If not riverfront, then requirements change. House is out of the 50 ft buffer. No lawn closer than that exists. 240 sq ft of mitigation.

Richard – if there is more discussion to have regarding whether stream vs river, should continue. Seems like good upgrade. Needs more mitigation.

Andy – need to decide if stream vs river. Confirmed with Art regarding 4 days of not flowing to be considered a stream.

Agent – there is still proposed grading in the 50 and project is closer to the resource.

Andy – there is a footprint of the original structure that is farther away from resource. Would like to see project pulled back and more mitigation.

Mr. Richard Harding made motion to continue 8 Westgate Ln to September 11, 2023. Mr. Andrew Gallagher second. Roll call to vote. Unanimous vote accepted. (4-0), Ms. Jen Foley – yes, Mr. Brendan Collins – yes, Mr. Richard Harding – yes, Mr. Doug Aaberg – left early, Mr. Andrew Gallagher – yes, Mr. Frank Snow – not joined yet

g. **7 Milton St., DEP#: 068-3067**

Applicant: Ed Fopiano

Representative: McSweeney

Proposed: r/r

Ed Fopiano – raze/rebuild – same footprint. Same septic. Remove concrete to left and right. Leave lot natural. Going up on pilings. No lattice underneath.

Agent – piles need to be in accordance with building code. Usually condition no tight lattice. Not increasing flow.

Andy – good going up. Driveway? Will be gravel. Taking asphalt up that is under current driveway. No abutter comments. Richard and Brendan – good.

Mr. Richard Harding made motion to close and issue 7 Milton St. Mr. Andrew Gallagher second. Roll call to vote. Unanimous vote accepted. (4-0), Ms. Jen Foley – yes, Mr. Brendan Collins – yes, Mr. Richard Harding – yes, Mr. Doug Aaberg – left early, Mr. Andrew Gallagher – yes, Mr. Frank Snow – not joined yet

h. **15 Spaulding Ave., DEP#: 068-XXXX**

Applicant: Kellie & Steven Newcomb

Proposed: replace footings

Kellie Newcomb – want to replace front porch and back deck and replace footings for house. LSCSF. Same footprint.

Agent – in AE zone. 18 Sonotubes. No file number yet from DEP. Continue and issue at next meeting if have DEP number.

Mr. Richard Harding made motion to continue 15 Spaulding to September 11, 2023. Mr. Andrew Gallagher second. Roll call to vote. Unanimous vote accepted. (4-0), Ms. Jen Foley – yes, Mr. Brendan Collins – yes, Mr. Richard Harding – yes, Mr. Doug Aaberg – left early, Mr. Andrew Gallagher – yes, Mr. Frank Snow – not joined yet

i. **28 Kane Dr., DEP#: 068-3064**

Applicant: William & Zena Cronin

Representative: Grady

Proposed: septic repair

Rob Carlezon – Grady consulting – septic repair project. Septic in back yard currently. Wetland in back yard. Abuts commuter rail in back. Plan to pump and fill cesspool. Install 1500 gal septic tank. Leaching field will be 96 feet to closest flag. As far as possible. Silt sock around back yard. Return to lawn when work complete.

Agent – no DEP comments. 3 posts would be good. Orders will direct about posts. Edge of tree line is the idea.

No abutter comments.

Richard – good improvement and agree with adding posts.

Mr. Richard Harding made motion to close and issue 28 Kane Dr. Mr. Andrew Gallagher second. Roll call to vote. Unanimous vote accepted. (4-0), Ms. Jen Foley – yes, Mr. Brendan Collins – yes, Mr. Richard Harding – yes, Mr. Doug Aaberg – left early, Mr. Andrew Gallagher – yes, Mr. Frank Snow – not joined yet

j. **22 Indian Trail DEP#: 068-3063**

Applicant: James Nash

Representative: Ross Engineering /Grady

Proposed: r/r existing addition

Jim Nash – owner, applicant - proposed addition over house and raze current garage and build new garage with second floor. Not increasing bedrooms of house. Not increasing foot print of house. Shed to be removed. Adding second floor over house. moving bedrooms upstairs. Brad Holmes delineated wetlands.

Agent – not sure tree line is the wetland line. Needs silt sock on plan. Dry wells suggest for addition area and plantings.

Frank – septic upgrade? Septic upgrade not triggered.

Brendan – confirmed removing shed.

Frank – maybe markers on tree line to be added to plan.

Agent – discussion on location of erosion control.

No abutter comments.

Frank – add plants, markers, erosion control.

Mr. Richard Harding made motion to close 22 Indian Trail and not accepting resource line, addition of markers, plantings and rework erosion control. Mr. Brendan Collins second. Roll call to vote. Unanimous vote accepted. (4-0), Ms. Jen Foley – left early, Mr. Brendan Collins – yes, Mr. Richard Harding – yes, Mr. Doug Aaberg – left early, Mr. Andrew Gallagher – yes, Mr. Frank Snow – yes

K. **4 Garfield St.**

Mr. Richard Harding made motion to continue 4 Garfield St to September 11, 2023. Mr. Brendan Collins second. Roll call to vote. Unanimous vote accepted. (4-0), Ms. Jen Foley – yes, Mr. Brendan Collins – yes, Mr. Richard Harding – yes, Mr. Doug Aaberg – left early, Mr. Andrew Gallagher – yes, Mr. Frank Snow – not joined yet

2. **Public Meeting / Request for Determination of Applicability**

Frank Snow joined meeting

a. **451 Hatherly Rd. (SBL #19-23)**

Applicant: Capital Construction

Proposed: replace existing deck and footings

Steve Ivas – property is in AE flood zone. Work is within 100 feet of BVW, outside of 50 ft. Stream just off site. 68 feet to closest BVW and 72 feet to top of bank. Replacing existing deck and footings.

Agent – meet negative determination. Replacing in kind.

Richard and Andy – good to know dimensions.

No abutter comments.

Mr. Richard Harding made motion for negative determination for 451 Hatherly Rd. Mr. Andrew Gallagher second. Roll call to vote. Unanimous vote accepted. (4-0), Ms. Jen Foley – left early, Mr. Brendan Collins – yes, Mr. Richard Harding – yes, Mr. Doug Aaberg – left early, Mr. Andrew Gallagher – yes, Mr. Frank Snow – yes.

b. **26 River St. (SBL #18-23)**

Applicant: Kevin Murphy

Proposed: replace deck and footings

Agent – rebuilding deck and footing. LSCSF, barrier beach, diner. In-kind deck

Mr. Richard Harding made motion for negative determination for 26 River St. Mr. Andrew Gallagher second. Roll call to vote. Unanimous vote accepted. (4-0), Ms. Jen Foley – left early, Mr. Brendan Collins – yes, Mr. Richard Harding – yes, Mr. Doug Aaberg – left early, Mr. Andrew Gallagher – yes, Mr. Frank Snow – yes.

c. **25 Lotus Ave. (SBL #17-23)**

Applicant: Constantine Constantinides

Representative: Morse Engineering

Proposed: septic repair

Greg Morse – Morse Engineering – RDA for septic repair. 4 bedroom home. Failed system. BVW in backyard. John Zimmer delineated in June 2023. Proposing treatment tank, outside 50 ft, erosion control proposed.

Agent – did not review wetland boundary – not accepting wetland line. BOH approved. Meet requirements.

No abutter comments. No ConCom comments.

Mr. Richard Harding made motion for negative determination for 25 Lotus Ave. Mr. Brendan Collins second. Roll call to vote. Unanimous vote accepted. (4-0), Ms. Jen Foley – left early, Mr. Brendan Collins – yes, Mr. Richard Harding – yes, Mr. Doug Aaberg – left early, Mr. Andrew Gallagher – yes, Mr. Frank Snow – yes.

3. **Administrative Items**

a. **Agent Update**

b. **Requests for Certificate of Compliance:** 222 Gannett Rd., 82 Greenfield Ln., 132 Maple St.

c. **Enforcement:** 67 Collier Rd.- David & Maria Cahill; - funding received for review.

184 CJC Hwy. – John Keaveney

Sean Sullivan – Mike Ball report received. Site visit May 7. Engineer should be sending as-built.

- d. **Order of Conditions:** 196 Edward Foster Rd., 53 Border St. Amendment
Mr. Richard Harding made motion for accept order of conditions as written for 196 Edward Foster Rd and 53 Border St. Mr. Brendan Collins second. Roll call to vote. Unanimous vote accepted. (4-0), Ms. Jen Foley – left early, Mr. Brendan Collins – yes, Mr. Richard Harding – yes, Mr. Doug Aaberg – left early, Mr. Andrew Gallagher – yes, Mr. Frank Snow – yes

e. **Signing of Documents:**

4. **Adjourn, Roll Call**

Mr. Richard Harding motion to adjourn at 8:15pm. Mr. Andrew Gallagher second. Unanimous all in favor roll call vote (4-0). Ms. Jen Foley – left early, Mr. Brendan Collins – yes, Mr. Doug Aaberg – left early, Mr. Richard Harding - yes, Mr. Frank Snow - yes

Respectfully Submitted,
Jennifer Smith, Recording Secretary

CORRESPONDENCE

August 7, 2023 – August 21, 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)