

**Town of Scituate
Conservation Commission
Remote Meeting
Meeting Minutes
Monday, October 2, 2023 6:00pm**

Teleconference: Mr. Brendan Collins, Mr. Doug Aaberg, Ms. Jen Foley, Mr. Andrew Gallagher, Mr. Frank Snow, Chair

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

Not present: Ms. Penny Scott-Pipes, 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.

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

Jenn Foley – present remote, **Brendan Collins** – present remote, **Doug Aaberg** – present remote, **Andrew Gallagher** – present remote, **Frank Snow** – present at Townhall

2. Agenda Acceptance:

Ms. Jen Foley made motion to accept agenda. Mr. Brendan Collins second. Roll call to vote. Unanimous vote accepted. (5-0), Ms. Jen Foley - yes, Mr. Brendan Collins – yes, Mr. Doug Aaberg – yes, Mr. Andrew Gallagher – yes, Mr. Frank Snow – yes

3. PUBLIC HEARINGS – NOI/ANRAD/AMENDMENT

a. 49 Seaside Rd., DEP # 068-3073 cont'd from 9/25/2023

Applicant: Edward & Lynn Gately

Representative: Ross Engineering / Grady Engineering

Proposed: addition, new deck

Dick Rockwood – explained project. New deck proposed. Proposed covered porch. Other area labeled proposed addition is on a new deck. Nothing new in the ground.

Agent – Iscsf. Enclosing existing deck space approvable.

Doug – is existing patio being replaced? Dick – thinks that it is because fire place

Jen – maybe goes in conditions – would prefer less mystery because of location. Would be in favor removing retaining walls. Brendan – agree that any retaining walls that can be removed would be good.

Frank – would not encourage retaining walls in area. Fire plan area support removing. Concerned with larger impervious area being approved. House has grown over the years.

No abutter comments.

Ms. Jen Foley made motion to close 49 Seaside Rd. Mr. Doug Aaberg second. Roll call to vote. Unanimous vote accepted. (5-0), Ms. Jen Foley - yes, Mr. Brendan Collins – yes, Mr. Doug Aaberg – yes, Mr. Andrew Gallagher – yes, Mr. Frank Snow – yes

b. **74 & 74C Glades Rd., DEP#: 068-3059** cont'd from 9/25/23

Applicant: Nir Drory

Representative: Morse Engineering

Proposed: raze/rebuild

Adam Brodsky – attorney for applicant – hearing was continued. Application to rebuild in similar location. Reduced depth of homes towards the beach from the original proposed plans. Removed piles from lot line on beach side of property. Pilings on the north side area along the walk way property line. Added BOH comments. First floor will be 24ft. Not a mapped barrier beach. Is a coastal beach, dune. Discussed change in sq ft of proposed buildings to previous buildings. No further DEP comments. Agent – already put out comments on the site. BOH under review also. Improvement from what originally proposed. Meet flood standards. Would condition no lattice below. Concern about enclosing covered porches.

Jen – confirmed sq ft of footprint with covered porches, and decks not covered.

Andy – appreciates changes to plan. Especially closed porches.

Brendan – not into covered porches on ocean side. Confirmed posts will not be on ocean site. Greg – the ones that were there have been removed.

Adam Brodsky – not requested to have the BOH permit issued. They have already applied with them though. Understood if change design element because of BOH, will have to come back to ConCom. Historically been covered porches. Unique feel and would like to restore the character of the homes with this architectural feature. Whether deck or porch, no impact for area.

Christian Putnam – 81 Glades Rd –Narrative still states posts are the plan. Confirmed not the plan to have posts on beach side.

Trembley – 71 Glades Rd – appreciate applicant not piling / roping off beach. 74 & 74B rental – parking is an issue. Difficult constantly being argued and impacting neighbors. Do plans add increase vehicles with increase in house?

Adam – that is zoning or building. Parking issue not for ConCom. Parking will remain as-is, no increase in bedroom. Greg – gravel paring front of site 40x56 feet area.

Frank – structures moving towards water. Not what encourage, understand elevating house and needing deck to talk out when so high.

Greg – proposed leaching field under house. Was elsewhere before that was not compliant system.

Adam – not compliant system being replaced with compliant septic.

Greg – 4 ft separating to group water is requirement. This system will provide 5 ft. not sure depth of old system.

Adam – even though getting closer to ocean, environmentally a benefit because better system.

Greg – 72 Glades also in parking area for these properties.

Andy – if porch is architectural, then concerned covered. Previous footprint of covered porch becoming enclosed.

Doug – ok with plan with houses getting narrower.

Frank – reviewed how side porch not will be open. don't like moving roof area closer to ocean, but see how house is changing from original.

Greg – if only submitted new septic, likely would be under house because not enough area in parking area.

Adam – done what can to balance property rights, wetland act, local by-law, zoning, fire code. This plan trying to balance these interests.

Andy – porch or not porch – house is larger. Larger homes in important resource area then adding porch to larger home.

Mr. Doug Aaberg made motion to close 74 & 74C Glades Rd. Ms. Jen Foley second. Roll call to vote. Unanimous vote accepted. (5-0), Ms. Jen Foley - yes, Mr. Brendan Collins – yes, Mr. Doug Aaberg – yes, Mr. Andrew Gallagher – yes, Mr. Frank Snow – yes

c. **74B Glades Rd., DEP#: 068-3060** cont'd from 9/25/23

Applicant: Nir Drory

Representative: Morse Engineering

Proposed: raze/rebuild

Ms. Jen Foley made motion to close 74B Glades Rd. Mr. Doug Aaberg second. Roll call to vote. Unanimous vote accepted. (5-0), Ms. Jen Foley - yes, Mr. Brendan Collins – yes, Mr. Doug Aaberg – yes, Mr. Andrew Gallagher – yes, Mr. Frank Snow – yes

d. **42 Brunswick St. AMENDMENT DEP#: 068-2922A**

Applicant: Mike Mangano / Adam Brodsky, Esq

Representative: Grady Engineering

Proposed: raze/reconstruct

Kevin Grady – raze/rebuild – submitted NOI August 2021 and received order of conditions. Recently applied for building permit. No changes to architectural plans. Issue flagged because plan came to conservation labeled addition. In meeting mentioned it was a raze/rebuild.

Frank – read elevate and addition in legal ad that 2021 night to open the hearing. Elevate and addition is what was applied for in the NOI with conservation commission.

Adam Brodsky – attorney for applicant – September 13 wrote letter what had occurred with link to video asking commission to watch meeting. Since client submitted amendment, making change to deck on the plans as well. Properly reviewed in public hearing. Label on plan changed.

Agent – first NOI came in as a category 1. Follow up to clear up discrepancies in plan for the record. Raze/rebuild on piles, repaired septic system. On a barrier beach, dune, LSCSF, VE zone through middle of property. Project is taking a house on a foundation and getting it up on driven piles.

Increase in area of house is not overly huge. Decks are accessory to house. Concerned BOH may also have need to sign off on new revised plan.

Adam B – discussed changes for amendment - changes of language on plan. Deck plan changed – was supposed to be replacing to be the same size as what is there originally. No changes to pile plan confirmed by Adam.

Mike Mangano – explained that the deck size was supposed to stay the same, but on plan in first OOC, it was 2 feet smaller – which was in error. This plan on amendment is the correct size – replacing in kind.

Doug – confirmed understanding changes on plan regarding deck.

Agent – noted this is a vegetated site.

No abutter comments. Andy, Brendan, Jen – good, appreciated explanation of deck.

Ms. Jen Foley made motion to accept revised site plan for 42 Brunswick St. Mr. Brendan Collins second. Roll call to vote. Unanimous vote accepted. (5-0), Ms. Jen Foley - yes, Mr. Brendan Collins – yes, Mr. Doug Aaberg – yes, Mr. Andrew Gallagher – yes, Mr. Frank Snow – yes

e. **181 Edward Foster Road, DEP #068-3026–** cont'd from 9/11/23

Applicant: Tim and Laura White, owners / Adam Brodsky, Esq

Representative: Grady Engineering / Ross Engineering

Proposed: Fill in Land Subject to Coastal Storm Flowage and coastal resource areas

NOI was withdrawn via letter from attorney

4. Administrative Items

- a. **Agent Update:** Frank – gave update on Appleton field and orchard idea.
- b. **Requests for Certificate of Compliance:** 5 Jason's Ln., 28 Kane Dr.
- c. **Order of Conditions:** 70 Glades Rd.

Ms. Jen Foley made motion to accept orders as written for 70 Glades Rd. Mr. Andrew Gallagher second. Roll call to vote. Unanimous vote accepted. (5-0), Ms. Jen Foley - yes, Mr. Brendan Collins – yes, Mr. Doug Aaberg – yes, Mr. Andrew Gallagher – yes, Mr. Frank Snow – yes

- d. **Signing of Documents:**

5. Adjourn, Roll Call

Ms. Jen Foley made motion to adjourn at 8pm. Mr. Brendan Collins second. Roll call to vote. Unanimous vote accepted. (5-0), Ms. Jen Foley – yes, Mr. Brendan Collins – yes, Mr. Doug Aaberg – yes, Mr. Andrew Gallagher – yes, Mr. Frank Snow – yes.

Respectfully Submitted,
Jennifer Smith, Recording Secretary

CORRESPONDENCE **September 25, 2023 – October 2, 2023**

- 1. ANRAD 0 & 40 Crescent Ave
- 2. ZBA decision for 162 Central Ave issuing special permit
- 3. Planning Board Amended Agenda for Sept 28, 2023
- 4. Cancelled meeting for Economic Development Commission on Monday, Sept 25, 2023
- 5. Recording info for CoC for 29 Ocean Dr 68-3033
- 6. Letter from abutter to 164 Turner Rd regarding work observed at property.
- 7. Recording info for Extension for 17 Old Farm Rd 68-2878
- 8. Recording info for CoC for 82 Greenfield Lane 68-1606
- 9. Recording info for OOC for 0 Central Ave 68-3068
- 10. CoC request for 28 Kane Dr. 68-3064