

**Town of Scituate
Conservation Commission
Remote Meeting
Meeting Minutes
Monday, Sept 11, 2023 6:00pm**

Teleconference: Mr. Brendan Collins, Mr. Richard Harding, Mr. Doug Aaberg, 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

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

Penny Scott-Pipes – present remote, **Richard Harding** – present remote, **Jennifer Foley** – present remote, **Brendan Collins** – present remote, **Doug Aaberg** – present remotes, **Andrew Gallagher** – joined late, **Frank Snow** – present remote, joined late

2. Agenda Acceptance:

Ms. Penny Scott-Pipes made motion to accept agenda. Mr. Richard Harding 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. **181 Edward Foster Road, DEP #068-3026– cont'd from 6/26/23 – See applicants request to continue to 10/2/2023**

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

Representative: Joyce Engineering

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

Ms. Penny Scott-Pipes made motion to continue 181 Edward Foster Rd to October 2, 2023. Mr.

Richard Harding second. Roll call to vote. Unanimous vote accepted. (5-0), Ms. Penny Scott-Pipes – yes, Ms. Jen Foley – yes, Mr. Brendan Collins – yes, Mr. Richard Harding – yes, Mr. Doug Aaberg – yes, Mr. Andrew Gallagher – not yet joined, Mr. Frank Snow – not joined yet

- b. **817 Country Way, DEP#: 068-3042 cont'd from 8/7/2023– See applicants request to continue to 10/23/2023**

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 October 23, 2023. Mr. Richard Harding second. Roll call to vote. Unanimous vote accepted. (5-0), Ms. Penny Scott-Pipes – yes, Ms. Jen Foley – yes, Mr. Brendan Collins – yes, Mr. Richard Harding – yes, Mr. Doug Aaberg – yes, Mr. Andrew Gallagher – not yet joined, Mr. Frank Snow – not joined yet

c. **0 Central Ave (across from 234 Central Ave.), DEP#: 068-3068 (New)**

Applicant: Michael and Jill McEvoy

Representative: Morse Engineering

Proposed: new pier/ dock

Greg Morse – Morse Engineering – site is across from 234 Central Ave. Residential dock and pier in Humarock. AE15. Driven timber piles. 4 ft wide, 120 ft long. 40 ft aluminum gangway and 2 floats. Centered on lot. After OOC, DEP waterways and army corps for chapter 91.

Agent – make sure ramps removable in off season and proper storage of floats in winter. Should not be stored on the marsh.

Richard – should get ramp out in winter. Where do they plan to store it?

Greg – one option is to take the floats out at the boat ramp.

No abutter comments.

Frank – confirming all work outside of town right away.

Mr. Richard Harding made motion to close 0 Central Ave. Ms. Penny Scott-Pipes second. Roll call to vote. Unanimous vote accepted. (7-0), Ms. Penny Scott-Pipes – yes, Ms. Jen Foley – yes, Mr. Brendan Collins – yes, Mr. Richard Harding – yes, Mr. Doug Aaberg – yes, Mr. Andrew Gallagher – yes, Mr. Frank Snow – yes

d. **Lot 6 Elm St – DEP#: 068-2997A, AMENDMENT TO EXISTING OOC (New)**

Applicant: Counihan

Representative: Morse Engineering

Proposed: new single family dwelling, stormwater permit

Greg Morse – Morse Engineering – house footprint changed. Smaller pool and relocated. SW permit issued by Planning Board was revised and reviewed by Planning Board. And approved.

Agent – less disturbance. Sign off was received for SW modification. The amendment is for Conservation to accept new plan and relevant SW documentation.

Greg – revised calculations were submitted and reviewed by Planning.

No abutter comments.

Ms. Penny Scott-Pipes made motion to close lot 6 Elm St. Mr. Brendan Collins second. Roll call to vote. Unanimous vote accepted. (7-0), Ms. Penny Scott-Pipes – yes, Ms. Jen Foley – yes, Mr. Brendan Collins – yes, Mr. Richard Harding – yes, Mr. Doug Aaberg – yes, Mr. Andrew Gallagher – yes, Mr. Frank Snow – yes

e. **59 Glades Rd., DEP# 068-2788A AMENDMENT - cont'd from 8/7/23**

Applicant: Edward and Tara Walsh

Representative: Morse Engineering

Proposed: modifications to in-ground pool, grading, plantings

Greg Morse – Morse Engineering – pool shifted, wall was built too far into the 50. Sonotubes for deck farther into 50 than on original plan. Proposed mitigation is 3:1 ratio. Conservation posts added to site also. 1260 sq ft of mitigation. Garage that was in back of lot is removed.

Agent – wanted to keep project out of 50. Want to make sure plants that are planted survive before issue a CoC.

Andy – concerned about fence and posts location. Maybe fence should be in front of mitigation.

Brendan – confirmed that between pool and wall pervious pavers. Jen – confirmed that because pervious pavers, area not included in SW calculations. Site does not trigger SW.

Penny – confirmed will move fence.

Agent – make sure salt tolerant plants. Greg – will conform with Brad on plants.

Ms. Penny Scott-Pipes made motion to close 59 Glades Rd. with conditions to relocate fence, confirm plantings are salt tolerant, wider area of planting and increase number of plants to the 7ft right of way, 2 year growing season Mr. Doug Aaberg second. Roll call to vote. Unanimous vote accepted. (7-0), Ms. Penny Scott-Pipes – yes, Ms. Jen Foley – yes, Mr. Brendan Collins – yes, Mr. Richard Harding – yes, Mr. Doug Aaberg – yes, Mr. Andrew Gallagher – yes, Mr. Frank Snow – yes

f. **15 Spaulding Ave., DEP#: 068-3069– Continued from 8/21/23**

Applicant: Kellie & Steven Newcomb

Proposed: replace footings

Agent – we were waiting for the DEP number. No DEP comments. No abutter comments.

Ms. Penny Scott-Pipes made motion to close and issue 15 Spaulding Ave. Mr. Richard Harding second. Roll call to vote. Unanimous vote accepted. (7-0), Ms. Penny Scott-Pipes – yes, Ms. Jen Foley – yes, Mr. Brendan Collins – yes, Mr. Richard Harding – yes, Mr. Doug Aaberg – yes, Mr. Andrew Gallagher – yes, Mr. Frank Snow – yes

g. **4 Garfield St, DEP # 068-3061 – Continued from 8/21/23**

Applicant: 4 Garfield Realty Trust

Representative: Morse Engineering

Proposed: bulkhead repairs in South River

Greg Morse – Morse Engineering – current wall is in disrepair. The other lighthouse fell into water. Proposing timber piles and build new bulkhead. Cinderblock removed as much as car. Required chapter 91 license.

Richard – as long as getting proper licenses. Access water or by house? Greg – reasonable access by house to do work. Jen – what about other lighthouse? If planning to rebuild it would like to see it on the plans. Greg – proposing to remove the other lighthouse figure.

No abutter comments.

Frank – discussed process building – distance piles from each other.

Ms. Penny Scott-Pipes made motion to close 4 Garfield St. Ms. Jen Foley second. Roll call to vote. Unanimous vote accepted. (7-0), Ms. Penny Scott-Pipes – yes, Ms. Jen Foley – yes, Mr. Brendan Collins – yes, Mr. Richard Harding – yes, Mr. Doug Aaberg – yes, Mr. Andrew Gallagher – yes, Mr. Frank Snow – yes

h. **8 Westgate Lane DEP #: 068-3058– continued from 8/21/23 - See applicants request to continue to 9/25/23**

Applicant: Dina Wigmore

Representative: Morse Engineering

Proposed: raze/rebuild

Ms. Penny Scott-Pipes made motion to continue 8 Westgate Ln to September 25, 2023. Mr. Richard Harding second. Roll call to vote. Unanimous vote accepted. (5-0), Ms. Penny Scott-Pipes – yes, Ms. Jen Foley – yes, Mr. Brendan Collins – yes, Mr. Richard Harding – yes, Mr. Doug Aaberg – yes, Mr. Andrew Gallagher – not yet joined, Mr. Frank Snow – not joined yet

4. Administrative Items

a. **Agent Update: -**

Frank – went to advisory board to discuss request for money for maintaining trails and open space. Well received. Next go to Selectman. Asking for funding to be voted on a town meeting for trails,

maintenance. Discussion with other groups about changing leash law in Scituate. Morse to come on topic. Maybe designate area. If no leash law, conservation can establish rules for conservation. Property. Penny – taking a risk when dog not on leash. Hard to control in west end.
Frank – would like to schedule workshop for commission and maybe include Officer Craig Keefe. Should get some dates out there. Mt Hope or North Scituate could be meeting locations.

- b. **Request to Amend Existing Orders:** 42 Brunswick Road, DEP #068-2922 (to be advertised for next available hearing date, if accepted)

Agent – this is an administrative request to accept the amendment. Conditioned project as an addition and elevate – advertised and public hearing as addition and elevate. Actually, a raze/rebuild so needs to amend orders and accept revised plans. Change in DEP project category. As soon as get a check and hard copies will advertise for an agenda.

Frank – when applicant came in, asking for elevate and addition. It is a raze/rebuild. Footprint stays the same. Will keep it moving as much as can.

Penny – they should advertise and come back in.

Adam Brodsky – lawyer representing owner of 42 Brunswick– does not think amendment is needed. Understand Grady was told to file an Amendment. Three things need to do in amendment. Need to change plan title on plan. Remove proposed addition wording on plan. Change footprint of deck. Owner does not want to have a public hearing and was not aware an amendment would require an open hearing. Owner willing to remove deck changes. If remove deck changes, changes on plan are clerical. He spoke with Building Department and lattice and garage doors are acceptable in building code. Proposed addition is also mentioned on cover letter. He watched the video of meeting. Raze/rebuild is mentioned. One abutter had concerns with type of piles used. Agent – discussed that project is an elevate and permissible.

Andy – mentioned plans are tough to interpret that it is a raze/rebuild. Addition is called out.

Richard – several places misunderstanding. Open up potential issues. Can be corrected in a couple weeks with amendment.

Adam – if do amendment, limited to what is subject to amendment. Asked that commission watch video of meeting

- c. **Request to Extend Orders** – 17 Old Farm Road, DEP #068-2878

Ms. Penny Scott-Pipes made motion for 3 year extension to order of conditions for 17 Old Farm Rd. Mr. Richard Harding second. Roll call to vote. Unanimous vote accepted. (5-0), Ms. Penny Scott-Pipes – yes, Ms. Jen Foley – yes, Mr. Brendan Collins – yes, Mr. Richard Harding – yes, Mr. Doug Aaberg – yes, Mr. Andrew Gallagher – not yet joined, Mr. Frank Snow – not joined yet

- d. **Requests for Certificate of Compliance:** 52 Oceanside Drive, DEP #068-119; 19 Blanchard Rd, DEP #068-2938;

- e. **Order of Conditions:** 28 Kane Dr, 22 Indian Trail

Ms. Penny Scott-Pipes made motion to accept orders as written for 28 Kane Dr and 22 Indian Trail. Mr. Richard Harding second. Roll call to vote. Unanimous vote accepted. (5-0), Ms. Penny Scott-Pipes – yes, Ms. Jen Foley – yes, Mr. Brendan Collins – yes, Mr. Richard Harding – yes, Mr. Doug Aaberg – yes, Mr. Andrew Gallagher – not yet joined, Mr. Frank Snow – not joined yet

- f. **Signing of Documents:**

5. **Adjourn, Roll Call**

Ms. Penny Scott-Pipes motion to adjourn. Mr. Brendan Collins second. Unanimous all in favor roll call vote (7-0). Ms. Jen Foley – yes, Ms. Penny Scott-Pipes - yes, Mr. Brendan Collins – yes, Mr. Doug Aaberg – yes, Mr. Andrew Gallagher – yes, Mr. Richard Harding - yes, Mr. Frank Snow - yes

Respectfully Submitted,
Jennifer Smith, Recording Secretary