

**Town of Scituate
Conservation Commission
Selectmen's Hearing Room / Remote Meeting
Meeting Minutes
Monday, August 17, 2020 5:15pm**

Dial-in Number: 1 929 205 6099

Website: <https://us02web.zoom.us/j/84251569383?pwd=b3g1WWFZaIBzVWNyeDdZMG5wQINvUT09>

Meeting ID: 842 5156 9383

Password: 597349

Members Present: Mr. Frank Snow, Chair

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

Also Present: Amy Walkey, Conservation and Natural Resource Officer

Call to Order, Roll Call of Commissioners, Agenda Acceptance

Ms. Penny Scott-Pipes - present, at home, alone, Ms. Jen Foley - present, at home, alone, Mr. Brendan Collins - present, at home, alone, Andy Gallagher – present, at home, alone, Doug Aaberg – present, at home, alone – Richard Harding – present, Selectman Hearing room with Amy Walkey and Jenn Smith in the room.

Ms. Penny Scott-Pipes made motion to accept agenda as written. Mr. Doug Aaberg second. Roll call to vote. Unanimous vote accepted. (7-0)

Frank Snow, Chair: This meeting is being held remotely as an alternate means of public access pursuant to an Order issued by the Governor of Massachusetts dated March 12, 2020 Suspending 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.

Meeting will have a question and answer session following each public hearing. Abutter will have ability to raise hand. Please keep total to less than 3 minutes.

PUBLIC HEARINGS / NOI

132 Maple St, DEP#: 068-2817, (cont'd from 11/18/19)

Applicant: Joseph & Christine Panse

Representative: Gary James Engineering

Proposed: barn, septic, access, gravel yard

Jurisdiction: BVW

Staff Notes: Art Allen on call – does not meet criteria

Recommendations: Discuss options to meet criteria or close

Bill Ohrenberger, Attorney representing applicant, Gary James, engineer, Chris Newhall, wetland scientist. Joe Panse, owner, on call. Bill - Project, doing improvements to existing cart path, instead of cutting and filling an access way on north end of property. Gary – utilizing existing cart path. Barn is almost out of the buffer. Activity in buffer is grading and access way. Will be meeting stormwater requirements. Septic outside of 100 foot buffer. Improvements to cart path limited to removing top soil and replacing with stone to stabilize it. Don't have replication area at this point. Do have area could propose if really want that done. Chris Newhall – Met with EcoTec in the field in May 2020. Reviewed wetland boundary revisions that Art Allen had called out in Art's comments. Together

agreed on boundaries. Agent – Art Allen is on the call. As Gary said, we have gone back and forth. We have agreed on resource areas. Showed slide showing wetland area with buffers highlighted and three wetland crossings with the cart path. Art Allen – EcoTec – wetland scientist, peer review consultant for the Conservation Commission. First visit was October 7, 2019. Comments filed and revisions made. Re-visited on May 12, 2020 and made some follow-up comments. In agreement on delineations. The plan in front of you shows complete picture of wetland boundary that he has reviewed and existing conditions of site. Down to two areas to discuss– one in vicinity A2 to A3 by ponding area – noted debris and wood piled in wetland and recommended be restored. That area is existing disturbed area that might be suitable for wetland replication to meet performance standards. The other area of concern, more significant – proposed upgrade of cart path, as permanent driveway access to new barn structure. The proposed plan is to hardened cart path at grade and allow wetland to go over cart path. Art has stated that plan is not adequate way to construct to permanent driveway. Potentially could be icing in winter, on-going maintenance problems. Plan proposes to put utilities in there, so any future maintenance or work on utilities will be digging in wetland with no upland area associated with that portion of cart path. Art's opinion is if this driveway it to be properly constructed and permitted, it would be raised, series cross culverts provided, and footprint of disturbed area would be mitigated in terms of 1:1 replication onsite to impact areas.

Bill O – Chris and Gary have listened to Art's recommendations. Willing to do replication near flags A1 and A2. They came up with some culverting, which address some of Art's concern.

Gary – near second crossing A9 and A10 flags, opportunity to put some replication there, not any significant trees there and invasives are present – also out of wetland. Put culvert in there and provide hydroactivity flow to sustain it. Other option on second crossing, every time he has been there, it has been a trickle. Can put in two or three 6 or 8 inch culverts. Minor. Strong enough to withstand. Pretty wide crossing. If go with something smaller will take smaller events. Larger events will go over the top, and some even just go through the gravel. Art Allen – sounds like coming half way to what recommending. Not constructing full height driveway that is out of wetland. Sounds like low elevation driveway, passes low flows under it, high flows over it. Not really seen before except old farm crossings. Not seen new permanent driveways constructed this way. What is Chris's feedback? Chris – this is an existing cart path, onsite access. Does have some existing crushed gravel at surface. During wetland delineation, there were areas where water was ponding within wetland that road runs through. Flowing slowly over the top, no channelized flow, drainage patterns within a wetland. As far as a road, not a civil engineer, so cannot comment on that. Do need to maintain hydraulic continuity for a wetland. More civil engineering issue then wetland scientist. As long as flows are maintained, from upstream to downstream, then not effecting one side of wetland vs the other.

Frank – whatever you are proposing, assuming we will get sketch to review? There has been discussion of two points of access to the proposed barn site. Abutters's house looking at barn already, looking at driveway also not much worse. Discussion was this plan would create removal of a lot of trees.

Bill – for the least disturbance, cart path is way to go. Other idea would mean cutting and filling.

Richard – like idea of cart path as opposed to other alternative access. Would like revised drawings to review and more information about mitigation mentioned being able to do before consider.

Doug – does cart path service anything else farther back? Coming off cart path, new proposed driveway access to the barn? Is it private access or for general public to access barn? Bill – private access to barn no public access contemplated here. Doug – what about abandoning cart path, not using it, and putting something north along that A15, up to around A21. Then disturbed area, doing the replicating, abandoned cart path, so no interrupting hydraulic connection because driveway above wetland instead of service something that is going to have water going on top of it from time to time. Thinks it is better to keep wetland whole. Abutters are going to be looking at a barn where it will be cleared, so optics won't be much worse if they also see an access road built there. Bill O – the least disturbance, this plan presented is the best. There is a lot of cut and filled to put a new driveway in north part of property.

Chris – if cutting to build road, would need to clear trees and would increase run off.

Bill – they are willing to do replication and put culverts in. Might be some moisture over. Maybe can do some other mitigation. From a stormwater standpoint, this is least intrusive option. Will put culverts appropriate to handle.

Penny – we have had a drought recently, but it is still mucky out there, just a few weeks ago when we were out there. Leaning towards what Art wants to do – raise the driveway up, put the culverts in. In other places in town had to raise road up, put culverts in, so water can flow through. Don't like water going over top.

Jen – Share sentiments what has already been discussed. Like Richard said, hard to provide opinion, when so much new thoughts brought up when we began discussing tonight. Still feels pretty far apart from what needs to be done.

Andrew – if road is going to get increase use, would like to see out of the wetland. Understand there are invasive species. Room for remediation, and detail on that would be great.

Brendan – share same concerns as other commissioners.

Agent – agree with commissioners and Art Allen. We are looking for a project that meets performance standards. Replication and building road up are two issues.

Joe Panse – Reason keeping cart path low, because trying to not disrupt area. If want a real road, they will do that.

Marsha Watson – 156 Maple St. – because of previous presentation with farming mentioned, so even though stated tonight not farming, if not going to be commercial issues, why doing with the barn? Worries it will be turned into a commercial venture. Bill O – this is the barn they want. Not jurisdictional to conservation. Not seeking commercial permits. Concerns mentioned – replication and culverts, assuming we address those, don't see any other issues. Understand need to see plan to vet it. This proposed plan is least intrusive. Regarding cart path, it is an improved condition what is proposed – cart path already exists and water goes over. Frank – Mrs. Watson's question about commercial use. Understand trying to use property for agriculture use. Understand commission prevue. Perhaps a little light, might make sense to share other aspects of project. Gary – not that large of a barn. If was commercial application, it would be much larger barn needed. 1800 sq ft is very small when compare to other commercial applications. Not large enough to be commercial. Nor are they trying to improve the road for commercial application –just personal use.

Amy Rojik – 112 Maple St - remain unsure what the definitive use of property is for and ultimate project is that requires barn with gravel behind it which required complete deforestation between the two properties. Different plans have been submitted with different uses some of which were commercial. With like to understand scope and magnitude. Significant vegetation being disruptive.

Gray – gravel lot on either side is so can drive equipment from one side to the other. Barn is to store equipment and keep it out of the elements. Frank – what is agriculture use? Gary – was trying to pumpkin in front of property and forestry in back of lot. Amy Rojik – concerned about pooling of water near the wall separating properties. Frank – your property is higher elevation, so do not see that his construction would have impact on property. Issue with Dolan's accessing sound on meeting. Doug – proposed driveway, sub excavate and use stone fill. Going to allow certain amount of flow under it? Can you quantify water flow under? How well would maintain itself? Gary – will send surveyor out there. Only have spot shots on satellite. Will come up with detail. Does have calculation when planning road on north part of property. Will quantify it and more detail and capability is.

Since not closing tonight, if have issues / questions, please submit to office.

Jen F – hard to say all issues addressed when have not seen revised version of plans. Could be new things after see how plans come together.

Frank – understands applicants desire to not overbuild the road, but at same time, needs to be in compliance. Need to see replication and culverts.

Ms. Penny Scott-Pipes motion to continue 132 Maple St to Monday, September 21, 2020 at 5:15pm. Mr. Doug Aaberg second. Unanimous all in favor roll call vote (7-0).

138 River St., DEP#: 068-2862

Applicant: Alan Gacicia

Representative: Steinbeck & Taylor

Proposed: replace bulkhead, new float system

Proposed: bulkhead repair and dock

Jurisdiction: RFA, Barrier Beach, LUW, Chapter 91 license

Rick Servant, Steinbeck & Taylor, representing applicant. Recently approved for new house on piles. This project is a bulkhead replacement. Wood retaining wall. Applicant would like to replace it, in kind with new wood, driven piles and vertical marine boards and bracing. Existing wall is decaying. Also pursuing Chapter 91 license. Also gangway float with legs so does not sit on tidal floor at low tide. Used for kayaks and small craft. Larger craft would not be able to use it. Richard Harding tongue and groove – so tight together, not allowing anything through, do we normally allow this Agent – Chapter 91 would cover this? Rick – described walls north and south of the property. Erosion would be a problem if there was space between the vertical boards. Doug – does DEP speak to structural integrity? Who makes the call that structural plans are OK – Agent – chapter 91 ensures what is being built can withstand wear and tear. Rick – along with vertical boards, there is also large horizontal timbers being used in design as well, through bolted through the piles. Discussed more detail of engineering of structure. He has had initial discussion with David Hill. Penny – proposed seasonal – so gangway and float will come out in winter? Correct? Jen – questions about rebuilding existing steps. Rick – proposing to replace existing steps. Two steps going down into water, replace with new steps connected to bulkhead. Would be wood steps. Marine grade. Jen would like to see proposed design plans before moving forward. Agent – not a project we see often. If there is a project, there usually there is a permit already in place. Does not think Chapter 91 originally done for this bulkhead. Comments were that needed Chapter 91 license. Concern no permits for current bulkhead. Rick – explained not allowed to have float that does not have legs – because need to allow for shellfish underneath. Without concrete evidence of license, to do repair, recommended to file for license in order to do repair work. Richard – not new having legs on floats along the South River. Frank – spoke to height of grade at site. Discussed high water mark. What is means and method of project? Rick – daily sections that are to be removed and replaced in one days time. South Shore Pile Driving doing the work. Will work when tide is out. Work will be done before house construction is done. Work from wall, out. South Shore Piles will do piles for house also. Will not have to worry about access on someone else's property. Would like to close with conditions for further details about steps.

Ms. Penny Scott-Pies **motion to close and issue orders with conditions discussed as noted in the hearing 138 River St. Mr. Richard Harding second. Unanimous all in favor roll call vote (7-0).**

REQUEST for DETERMINATION of APPLICABILITY:

0 Lightship Ln. Applicant: Nancy & Sean Teague

Representative: applicant

Proposed: tree removal and grading

Jurisdiction: Buffer to BVW

Nancy Teague, applicant, described project. Would like to take down 3 trees in backyard. Agent – grading associated with pool put in earlier this summer. Grading is shown on this plan how it currently is in the yard. Permission given to plant native plants in buffer area.

Ms. Penny Scott-Pipes **motion for a negative 3 for 0 Lightship Ln. Mr. Doug Aaberg second. Unanimous all in favor roll call vote (7-0).**

72 Cedar St. Applicant: Eric Krussel

Representative: Morse Engineering

Proposed: septic repair

Jurisdiction: Buffer to BVW

Greg Morse, representing applicant, Morse Engineering. Described project and resource areas. Failed Title V inspection. New system with tank and pump chambers, with leaching chamber bed. 4

foot high mounded septic system. Existing lawn grass and would be restored that way. No trees being disturbed. Richard – leaching system is within the 100, tanks are outside the 100, correct. Doug – not able to perc outside the 100? Greg – outside of 100, flat, so could not get gravity., ground water is high, so 4 ft mound. Pushed back so could use gravity system. Agent – project is an improvement. Negative determination.

Ms. Penny Scott-Pipes **motion for a negative 3 for 72 Cedar St. Mr. Richard Harding second. Unanimous all in favor roll call vote (7-0).**

SUBCOMMITTEE/ PROJECT UPDATES / MISCELLANEOUS/OLD BUSINESS:

Trails – Vote on Rules and Regulations – reviewed suggested rules and regulations for trails. Discussed language used. Want to make sure folks are aware of uses of land – especially provisions for activities for other hours, like hunting, bird watching, dog training. Maybe have more on website. Hoping to get kiosks up and have Eagle Scouts help install kiosks and get on to working on bridge on one of the trail.

Front Kiosk

1. Open Sunrise to Sunset
2. Dogs must be leashed and waste picked up.
3. No motorized vehicles of any kind

Full Rules *first three would be on the front kiosk*

1. Conservation property is open Sunrise to Sunset
2. Dogs must be leashed and waste picked up
3. No motorized vehicles of any kind
4. No unauthorized trail clearing or tree maintenance
5. Valid MA hunting license required for hunting in approved conservation areas and follow related town bylaws.
6. No alcohol or drugs
7. No fires
8. Stay on the trails
9. Respect wildlife, bordering private property and people you meet on the trails
10. Remove nothing, leave nothing behind.

Trails are monitored by Scituate Police and Conservation Commission. Report trail problems to Scituate Conservation Commission (781-545-8721)

Ms. Penny Scott-Pipes **motion to accept Rules For Trails as presented. Mr. Doug Aaberg second motion. Unanimous Roll call vote in favor (7-0).**

Motion to adjourn

Ms. Penny Scott-Pipes **motion to adjourn. Mr. Doug Aaberg second motion. Unanimous Roll call vote in favor (7-0).**

Respectfully submitted,

Jennifer Smith
Recording Secretary

CORRESPONDENCE
August 3, 2020 – August 17, 2020

1. Letter from abutter regarding property on Richfield Road Extension and it being recently sold. Concern regarding delineation of property
2. Planning Board: Site Plan Administrative Review and Special Permit for a Gas Backwards Building and one additional commercial space 48-52 New Driftway
3. Economic Development Commission Agenda for August 17, 2020 6:30pm
4. Planning Board – Form A Application 143 & 145 Border St
5. Planning Board Agenda August 13, 2020
6. Abutter notification 49 Collier Rd
7. Chapter 91 Waterways License for 169 Border St