

**Town of Scituate
Conservation Commission
Selectmen's Hearing Room / Remote Meeting
Meeting Minutes
Monday, August 31, 2020 5:15pm**

Dial-in Number: +1 929 205 6099

Website: <https://us02web.zoom.us/j/84881556678?pwd=V3QwM0xzdkNBN2lrR0YvZzNYME5YZz09>

Meeting ID: 848 8155 6678

Password: 826867

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 with addition of discussing 780 First Parish Road. Mr. Richard Harding 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

- a. **39 Brunswick St.** DEP# 068-2836 (opened previously 7/20/2020) **SEE REQUEST TO CONTINUE TO 10/5/20**

Applicant: Francis Adley

Representative: Ross Engineering

Proposed: elevate

Ms. Penny Scott-Pipes **motion to continue 39 Brunswick St to Monday, October 5, 2020 at 5:15pm. Mr. Doug Aaberg second. Unanimous all in favor roll call vote (7-0).**

- b. **1 Hollett St.,** DEP# 068-2845 - Continued from 7/20/20

Applicant: Elaine Cole

Representative: Grady Consulting

Proposed: restoration, shed, deck

Jurisdiction: flood zone and buffer to BVW

Mr. Richard Harding **motion to continue 1 Hollett St to Monday, October 5, 2020 at 5:15pm.**

Ms. Penny Scott-Pipes **second. Unanimous all in favor roll call vote (7-0).**

c. 65 Walnut Hill Dr., DEP# 068-2870

Applicant: Jeremy Whitelock

Representative: Grady Consulting

Proposed: pool

Jurisdiction: buffer to BVW

Tim Bennet represented applicant, Grady Consulting, reviewed project of revised site plans with pool moved farther away from resource area. Jen – support of conservation posts, restoration work on part of lawn that is in the 50 foot buffer, and plantings. Frank – Goal is to protect 50 foot buffer area to wetlands. Suggest adding condition that can plant native species in buffer area. Jeremy, applicant, would like because a future project.

Ms. Penny Scott-Pipes **motion to close 65 Walnut Hill Rd. and issue orders with special conditions to move posts to different location and revegetate buffer area with native species**
Mr. Doug Aaberg second. Unanimous all in favor roll call vote (7-0).

d. 8 Newell St., DEP# 068-2859 (cont'd from 7/20/2020)

Applicant: Christopher Winn

Representative: Robert Crawford, EET

Proposed: pool

Richard Harding recuse's self from hearing.

Ms. Penny Scott-Pipes **motion to continue 8 Newell St to Monday, October 5, 2020 at 5:15pm.**
Mr. Doug Aaberg second. Unanimous all in favor roll call vote (6-0).

e. 8 Newell St., DEP# 068-2866

Applicant: Christopher Winn

Representative: Grady Consulting

Proposed: dock – needs for chapter 91 license

Jurisdiction: LUW, buffer to BVW, Coastal dune, RFA, Barrier Beach

Richard Harding recuse's self from hearing.

Paul Seaberg, Grady Consulting, representing applicant, described project. They are applying for a Chapter 91 License.

Penny – issue with existing mooring needed to be relocated. Owners of mooring waited 15 years to get it and do not want to relocate it. Can you relocate the dock further to the right? Why have you placed it where you placed it?

Paul Seaberg- Location based on guideline to be 25 feet off extension of property line. Height is regulated for clearance off marsh and seagrass.

Chris, applicant, spoke to harbormaster and Russel Clark, who manages moorings, another one is available on other side of existing dock and would offer to pay to move it. He has only spoken to person who handles the mooring, not to owner of it.

Penny – This should be settled before we issue orders for this dock. Also, Newell Street goes all the way to the river. The end of street currently is all vegetation, but didn't realize that is a right-of-away area. Chris – vegetation there predates him. Discussing cleaning that area up in the hearing for the pool.

Penny – biggest concern is existing mooring situation being agreed upon in writing.

Agent – the permitted process can't go forward with orders from Conservation. Really a waterways project. This plan should not confirm resource line for other projects under review on property.

DMF had comments about height of dock that went back to the engineer, who raised height above seagrass. There are specific heights required that other agencies regulate. Where it meets the ground or portion over land, we should weigh in the most.

Paul Brian, 11 Concord St, abutters, concerned about moving project toward their property line and being in their view. Effecting the value of their home by blocking sunset view. Asked about height of dock, compared to one currently there. Engineer - Will be about 1 foot higher than existing dock. Heather Brian, abutter – is there a limit to the number of vessels that can dock to it? Who regulated

that? Concern because other dock has many boats at one time on it. Agent – those questions and concerns should go to Dave Hill at Wetlands and Waterways and Steve Mone, Harbormaster, Scituate. Paul Brian – was told by Harbormaster that a pier is like a driveway, and extension of property. Can park as many as want. He found that hard to believe when managing the navigation of the area. Frank – Waterways commission should be able to look at traffic and have an opinion. Maybe ask them also about how many should be there. They should be concerned about size of the boats, are they impeding other boats.

Chris – not doing a “T” shape dock. Paul Seaberg – explained dock needs to be a minimum of 5 ft above high water line, above salt march for sunlight to get underneath.

Ms. Penny Scott-Pipes **motion to continue 8 Newell St to Monday, September 21, 2020 at 5:15pm. Mr. Doug Aaberg second. Unanimous all in favor roll call vote (6-0).**

REQUEST for DETERMINATION of APPLICABILITY:

a. **MBTA Rail Line Right-of-Way** **Applicant:** Keolis

Representative: Fair Dermody Consulting

Proposed: five year vegetation management plan for rail road right-of-way

Jurisdiction: buffer to BVW and flood zone

Clary Counti, Keolis Commuter Services, Director of Environmental Services

Matt Donovan, FDC Engineers, discussed FCS website with vegetation management plans and annual plans. Manage and control vegetation to keep railroad safe. Try to keep sensitive areas protected. Plan regulated federal, state, local. Supplied yearly with plan, which is consistent with 5 year plan. Send out beginning of the year. BMP integrated vegetation management – both chemical and physician plan. Maps provided for chemical portion of plan. Private wells are included in the plans. Described color-coded zones shown on map as operated of spray truck applying chemicals, environmental monitor with them. Blue zones are spray as needed only; physical and mechanical methods try to use more in blue zones.

2021-2025 Five year vegetation management plan.

Andy – how light blue and yellow are determined – Clary – 20 years ago every railroad designated color scheme. Came up with process for integrated plan, buffer zones, riverfront. If look at website, the plans will tell you how many feet from certain zones, that is standardized for all railroads, and takes into account Wetland Act.

Agent – aware this is something doing for all the towns for public safety for communities and the trails. Appears to meet requirements for a negative determination.

Frank – explain zones on our map more. Especially near water protection areas.

Clary – Don’t spray is high winds, raining. Or if recently cleared, do not need to spray. Try to spray less and maintain mechanically, because has better result. In certain zone, unless absolutely necessary would not spray because so tight. Always spray downwards from tie to tie. Frank – Any registration of bee hives in area? Clary – stay within boundary of railroad. If agriculture in area, the environmental know areas well, will keep in that mind. Would not specifically know if hives in area, but if let them know, they can update the map annually and every three years as well.

Frank – when are we notified of spraying? Clary – after operating plan, put notice in Boston Globe and then start a few weeks after. Discussed spray schedule. Range of dates included in annual plan sent to BOH and BOS.

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

b. 57-61 Seaside Rd.

Applicant: Columbia Gas of MA

Representative: Merrill Engineering

Proposed: gas connection to houses

Jurisdiction: buffer to BVW and flood zone

Doug Aaberg recused from voting. Dana Altobello, representing Columbia Gas of MA. Reviewed project and resource areas. Approx .150 linear feet of gas pipe will be installed. Dig and fill same day. All work done within existing roadways. Brad Holmes July 2020 performed delineation. Open Trench method. Only opening what can be backfilled in one day. No stockpiles in resource area or buffer. Not trench left open over night. No change in elevation. Should be no impact to resource area. Agent – meets requirement of negative finding.

Ms. Penny Scott-Pipes **motion for a negative 3 for 57-61 Seaside Rd. Mr. Richard Harding second. Unanimous all in favor roll call vote (6-0).**

c. 118 Sedgewick Dr.

Applicant: James & Theresa Dickey

Representative: McSweeney

Proposed: septic repair

Jurisdiction: Flood zone and buffer to BVW

Colin McSweeney, represented applicants. Described project and resource areas. Title V upgrade. Wetland behind property as well as flood zone on property. Approved by BOH. Proposing treatment a well, so less nitrogen in water. Retaining wall needed because of sloping issues. Although in 50, already disturbed lawn area. Penny – is leaching field in same current location? Explained why picked that location. Agent – upgrade from what is going on site currently.

Ms. Penny Scott-Pipes **motion for a negative 3 for 118 Sedgewick St. Mr. Richard Harding second. Unanimous all in favor roll call vote (7-0).**

d. 16 Trysting Place

Applicant: Paul Sheerin

Representative: Paul Mirabito, Ross Engineering

Proposed: sonotubes for 3-season porch

Jurisdiction: buffer to BVW

Paul Mirabito representing applicant. Described sunroom porch project, on sono-tubes. Applicant is the builder. Placement is 88 feet from wetland and 66 feet from top of coastal bank. Any disturbance to lawn would be replaced as is. Shed on plans already exists. Agent – meets requirements negative finding.

Ms. Penny Scott-Pipes **motion for a negative 3 for 16 Trysting Place Mr. Doug Aaberg second. Unanimous all in favor roll call vote (7-0).**

NEW BUSINESS/Other Business/Agent Report

Approval of Draft Minutes – 8/3/2020

Egypt Beach zoom call tomorrow with the town

Discussion 780 First Parish Order of Conditions – Penny requested reconsider condition requiring wetland replication being done before building permit issued. This order is complicating a potential buyer from getting financing because financing based on being buildable lot, but without a building permit, can't guarantee can build on it. Suggesting take escrow amount to ensure work gets done. Agent – we could go guarantee fund. Reminded that they need to cross the wetland to get to the site where the house would go. They have not submitted house design for building permit yet anyway.

Andy – why don't we still take the surety when order written? Discussed work involved in managing the money. Richard – needs to be substantial amount. Agent – can get an estimate. Frank – there are cases when we spend a lot of time chasing the work getting done. Gave example of bond held for Toll Brothers and the replication was required to be done first. When people don't do the work, it is complicated to say we, the town, are going to build something on someone property. Need to have sufficient funds to make sure someone incentivizes and does what they are supposed to do. Does appreciate timing of doing project and wanting guarantee that they can keep moving forward. Also concerned that one persons puts money up, but then someone else doesn't do the work, tying up funds.

Agent - maybe have time frame/deadline associated with project as well. Frank agrees.

Egypt Beach Berm zoom meeting tomorrow night at 6pm with TA and BOS. Link is on the town website.

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 17, 2020 – August 31, 2020

1. Design Review Committee Agenda for Sept 2, 2020
2. Planning Board Agenda for August 27, 2020
3. Recording Information for 147 Captain Peirce Rd on 8/18/2020 Book 53272 page 218
4. NOI 66 Booth Hill Road
5. RDA 250 Clapp Road