

Town of Scituate  
Conservation Commission  
Selectmen's Hearing Room / Remote Meeting  
Meeting Minutes  
Monday, February 8, 2021 5:15pm

**Members Present:** Mr. Frank Snow, Chair

**Teleconference:** Mr. Richard Harding, Mr. Doug Aaberg, Mr. Brendan Collins, Ms. Jen Foley, Ms. Penny Scott Pipes, Mr. Andy Gallagher (joined late)

**Also Present:** Amy Walkey, Conservation and Natural Resource Officer

**Not Present/Participating in beginning of meeting:** Andrew Gallagher (joined late)

**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.

**1. Call to Order, 5:15pm Roll Call of Commissioners**

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

**2. Agenda Acceptance:**

*Ms. Penny Scott-Pipes made motion to accept agenda with additions of Stanton Lane and trail map. Mr. Doug Aaberg second. Roll call to vote. Unanimous vote accepted. (6-0) Mr. Richard Harding - yes, Mr. Doug Aaberg - yes, Mr. Brendan Collins - yes, Ms. Jen Foley - yes, Ms. Penny Scott Pipes - yes, Frank Snow - yes*

Stanton Lane – Storm Clean Up – Frank – regarding Stanton Lane overwash from storm a couple weeks ago. Folks need to clear driveways. Some have orders already to do work or call office and get minor activity permit, or something else, if needed, to do work.

Edward Stanton -0 & 4 Stanton Lane- would like to clear rocks from road so can access house. For him and others on street. Frank –would like to be certain that dune is not compromised and that no work in marsh is done. Agent- Mr. Stanton called office this morning, after it was noticed that equipment was already there, for Minor Activity Permit for post storm damage clean up. There had been some issues a couple years ago after storm clean up in 2018.

Mr. Stanton – did not do more or less then what town had done. Frank – after storm Riley met with other agencies so had all the proper permissions. Work done in areas that. Channel clearing is important, but conservation department needs to be part of the process before work done. Frank confirmed that overwash to be put back on dune, and overwash not removed from marsh. No work in marsh should be done. Mr. Stanton – yes, but also flatten so driveable. There is a lower and upper road; was told years ago to drive behind the berm, so try to keep that area clear and pull that material back to the top of the berm. When do you plan to do this work? Tomorrow morning.

Frank – we should meet in morning and meet with contractor. Agent – minor activity permit covers clearing the roadway and moving to top not berm and restore access, but as far as reclaiming material farther then that closer to the marsh, should be more thoughtful and different permit. This type of work should me emergency access with a notice of intent. Technically there are orders for work on the berm because of town project to restore the berm. This section of berm not worked on because of easement issues and not considered risk of breach. Don't want to see Minor Activity Permit used to harm marsh. Consider doing this work after the winter storm season is over. Mr. Stanton- only clearing what is on lower road. Planning to have work done tomorrow. Fill in low spots so can use road to access house. Agent – call office in morning and we will have Minor Activity Permit for you. No work in marsh area.

### **3. PUBLIC HEARINGS / NOI**

#### **190 Glades Rd. DEP# 068-2799 AMENDMENT (cont'd from 1/6/2021)**

**Applicant:** Stephen & Rita Pace

**Representative:** Cavanaro Consulting

**Proposed:** new single family dwelling

Brendan Sullivan, Cavanaro Consulting, presented updated plans since last met, updated Stormwater plan, some details updated; included plan with overlay or proposed work with amendment and previously approved work. Described differenced from 2011, 2019, and current proposed work. Amendment includes pool, but less removal of ledge because not a full walkout basement for entire house – part of basement will be crawlspace. Jen – overlay helpful. Concerned about proposed work in 100. Pool more invasive then past plan. Penny –this plan is best compared to other plans. Closer to the street and mitigation offered is great. Doug – large amount of mitigation seem appropriate. Richard – Agrees a lot of mitigation offered and understands a lot of ledge on property dictates where can work. Brendan – supports so much mitigation. Agent – offering good mitigation and enhancement plan, many plantings in enhancement area. Meets interest of Act and By-law. Review of Stormwater signed off for proposed amendment.

Andy Gallagher joined meet at 5:50pm.

Frank – keep in mind town recognizes isolated wetlands, State does not so harder to protect if we deny project and they go to state with appeal.

Jen – does pool need to go in that location? Brendan – septic is in and in location where perc. Closer house gets to road, steeper the driveway – already max want a driveway at 8-9% incline. This house plan less ledge removal because not full basement throughout house.

*Ms. Penny Scott-Pipes motion to close 190 Glades Rd. Mr. Doug Aaberg second. Andrew Gallagher recused because came late. Unanimous all in favor roll call vote (6-0). Mr. Richard Harding - yes, Mr. Doug Aaberg - yes, Mr. Brendan Collins - yes, Ms. Jen Foley - yes, Ms. Penny Scott Pipes - yes, Frank Snow - yes*

#### **b. 169 Border St. DEP#: 068-2894**

**Applicant:** Kevin & Jenna Leary

**Representative:** Cavanaro Consulting

**Proposed:** pool, pool house, hardscape landscape

Brendan Sullivan, Cavanaro Consulting, previously applicants brought dock and pier NOI – which has been build and Certificate of Compliance issued. Property adjacent to Gulf River. LSCSF, Riverfront, buffer to salt marsh. Discussed multiple resources on property with respect to where project is. Some of project within the 200ft to riverfront. Merrill reviewed project. Mitigation and restoration plan proposed as well. Sean Papich, landscape architect, discusses area by riverfront, salt marsh. Currently filled with invasive – remove and replace with plants on landscape list. Some Maples by water would like to remove. Listed other plants

would rather have there. Andy – question about some items on list to be removed – some are native, although also invasive. Would prefer less spraying in buffer, if it is just removing annoying natives. Sean – even though some of what removing is native, want to remove and usually do not plant it, because so invasive – like Virginia creeper, briars, and poison ivy. And so many other opportunities for higher wildlife value. Agent – well thought out project. Meets Bylaw and interest of act. SW thoroughly reviewed.

*Ms. Penny Scott-Pipes motion to close 169 Border St. Mr. Richard Harding second. Unanimous all in favor roll call vote (7-0). Mr. Richard Harding - yes, Mr. Doug Aaberg - yes, Mr. Brendan Collins - yes, Ms. Jen Foley - yes, Mr. Andrew Gallagher, Ms. Penny Scott Pipes - yes, Frank Snow - yes*

**c. Lot 162 Bossy Lane, DEP# 068-2886 (cont'd from 1/25/2021)**

**Applicant:** Emily & Patrick Farr

**Representative:** Morse Engineering

**Proposed:** new single family dwelling & septic

Greg Morse, Morse Engineering. Brad Holmes delineated property. Art Allen reviewed wetland line. Based on comments from last meeting, revised plan with mitigation and submitted. Proposing 1615 sq ft of enhancement plantings – not replication – in area historically mowed. Proposed Project is out of 50 ft buffer. Revised Limit of Work on plan – saved 600 sq ft from being disturbed. Added split rail fence to prevent encroachment, Septic approved by BOH.

Jen – understands all out of 50ft, but all is in the 100 ft buffer.

Doug – tight as can get. House just fits in there. Looks like did what asked on revised plan.

Penny – A lot of issues with this and squeezed in. Afraid in a few years will be into the 50 ft buffer. Would like signage on fence also to let everyone know no disturb area behind the fence. Big lot, but building space is small. Brendan – echoing others' thoughts. Concerned eventually will encroach. Agent – reviewed enhancement plan with Art Allen, peer reviewer. Not sure how will actually build deck, retaining wall, and infiltrator without disturbing the 50 ft buffer. Saplings will grow larger – one of the calls the office receives is from houses build close to the 50 being concerned about large trees near their home. Meet requirements for Wetland Act but the Bylaw could go either way.

Mark McGuinness, 15 Manor Rd – Concerned about corner near septic leaching field clearing. Is corner to be cleared? Also concerned about culvert. Greg – prior to construction would stake lot corners and stakes on proposed limit of clearing. Clearing 2 feet from edge of lot. If need to clear tree that is on the property line, would make decision on case by case basis – if on lot line, would need to talk other property owner. No approval for work on other property other than this lot. Leaching field 10 feet from property line. Excavation extends to 5 feet off leach field. Retaining wall varies from 3-4 feet high. Concrete modular blocks. There will be sand and fill for leach field, no cement truck but will be trucks to bring materials.

Drain – details on plan – actual location is unknown when dig forcemain will need to investigate. Owner will need to fix if broken.

Frank – orders should include no pesticides or fertilizers, ad signage on fence.

*Ms. Penny Scott-Pipes motion to close lot 162 Bossy Lane. Mr. Doug Aaberg second. Unanimous all in favor roll call vote (7-0). Mr. Richard Harding - yes, Mr. Doug Aaberg - yes, Mr. Brendan Collins - yes, Ms. Jen Foley - yes, Andrew Gallagher, Ms. Penny Scott Pipes - yes, Frank Snow - yes*

**d. 49 Country Way DEP# 068-2893**

**Applicant:** Dana Richard

**Representative:** Ross Engineering

**Proposed:** addition & deck

Frank - Mr. Richard is an electrical contractor that does work for his company but he feels he can participate without any conflict.

Paul Mirabito, Ross Engineering, representing applicant, also on call. John Zimmer, environmental scientist that worked on project as well. Constructed 1775. Proposing addition to right side of the house and install open deck from addition. Within few feet of BVW. Addition located where it is so that it conforms to layout of current house. Generator has been moved to the garage closer to country way. No grade changes proposed. Planting plan – 900 sq ft enhancement area containing 45 proposed shrubs. Work in not in floodplain or water protection district. Silt sock erosion control. Open deck on sonotubes. Penny – what is under addition- basement, which will tie in with existing basement. Brendan – how much does it slope from deck? Penny – knows old house and would prefer no digging in the 50 ft. Paul – would have to remove at least 4 feet for frost wall. Already altered area. Doug – tight spot. Paul – Is zone A water protection area. Run off from roof and deck considered clean. Richard – agrees with Penny, cellar deeper then front wall, would rather not have it. Jen – understands addition put here, would like to understand if any other location, not right up to the wetland line. However, understands old homes not always in most convenient locations. John Zimmer – South River Environmental – a lot of invasives in wetland. Lawn goes to wetland. Restoration area in disturbed 50ft buffer. Proposing mitigation in that area so there is a more functioning buffer then what is there now. Frank – silt fence imperative to keep work out of the wetland. Property already connected to sewer. Agent – want to avoid future owners clearing so suggests conditioning posts to the orders as well.

Penny Scott-Pipes left meeting.

*Mr. Richard Harding motion to close 49 Country Way. Mr. Doug Aaberg second. Unanimous all in favor roll call vote (6-0). Mr. Richard Harding - yes, Mr. Doug Aaberg - yes, Mr. Brendan Collins - yes, Ms. Jen Foley - yes, Mr. Andrew Gallagher – yes, Frank Snow - yes*

**e. 234 First Parish Rd. DEP# 068-2897**

**Applicant:** Richard Chessia

**Representative:** Merrill

**Proposed:** sewer connection

Doug Aaberg recused himself from hearing.

Deb Keller, Merrill, representing applicant. Property connects to Beaver Dam existing septic. Have access to municipal sewer on Beaver Dam Rd. Septic system is old. Run along property line. BCW flagged by Beta Group. Potential vernal pool – included buffer for vernal pool as well on plan. Slight encroachment with 209 Beaver dam Rd property. Spoke to sewer department. Have reviewed and they support connect but applicant will need to clean manhole and check with camera that 6in service is clean. Closest the trench is to BVW is 75 feet to BVW. Three foot wide trench. Secondary trench is a failure develops safety measures or future development. Project would be done by digging trench, back filling, using loam and seed. 800 ft from man hole to home – of which approximately 200 of that is in the 100 foot buffer.

Agent – straight forward. Lengthy amount of trenching but meets requirements of By-law and Wetland Act. Limited project. Disturbance is quick and then done. Any potential that sewer connection bring to future development. Deb – nothing proposed. More for future option if family wants to look into it. There is not a sewer line on First Parish that they have access to – so that is why using connection on Beaver Dam. They have access easement with 209 Beaver Dam – 209 has permission to cross over property for access to their house.

*Mr. Richard Harding motion to close 234 First Parish Rd. Mr. Brendan Collins second. Unanimous all in favor roll call vote (5-0). Mr. Richard Harding - yes, Mr. Brendan Collins - yes, Ms. Jen Foley - yes, Mr. Andrew Gallagher – yes, Frank Snow - yes*

**f. 90 Lawson Ter., DEP#: 068-2896**

**Applicant:** Michael & Lauren Snowdale

**Representative:** ECR

**Proposed:** addition and deck

Brad Holmes, ECR, representing applicant. Single family dwelling. Mentioned resources and buffer zones on site. House is fully within buffer, and some of house and deck within 50ft buffer. Proposed addition rear and on right side of the house. Addition over existing deck. Addition on right side is over existing over driveway. New deck also with addition in rear. Proposed 1:1 planting plan to remove lawn area and enhance. 400 sq ft of area for enhancement. Planning to leave shed where it is on site.

Doug – addition on back – foundation? Yes, with foundation.

Silt sock surround work area – mentioned in narrative, but good to add to plan.

Agent – approvable plan. Enhancement plan good to have. Suggest condition to not rebuild shed in that location.

*Mr. Richard Harding motion to close 90 Lawson Ter. Mr. Andrew Gallagher second. Unanimous all in favor roll call vote (6-0). Mr. Richard Harding - yes, Mr. Doug Aaberg - yes, Mr. Brendan Collins - yes, Ms. Jen Foley - yes, Mr. Andrew Gallagher - yes, Frank Snow - yes*

**4. REQUESTS for DETERMINATION of APPLICABILITY:**

**a. 81 Country Way**

**Applicant:** Chris Clancy

**Representative:** Chris Clancy

**Proposed:** renovation of existing house

*Mr. Richard Harding motion to continue 81 Country Way to Monday, March 1, 2021 at 5:15pm. Mr. Andrew Gallagher second. Unanimous all in favor roll call vote (6-0). Mr. Richard Harding - yes, Mr. Doug Aaberg - yes, Mr. Brendan Collins - yes, Ms. Jen Foley - yes, Mr. Andrew Gallagher - yes, Frank Snow - yes*

**5. ADMINISTRATIVE ITEMS**

**a. Orders:** 11 Foam Rd 068-2891, 202 Central Ave 068-2899, 16 Holmes St. 068-2888; 232 Central Ave. 068-2891

*Mr. Richard Harding accept orders as written for **11 Foam Rd., 202 Central Ave., 16 Holmes St., 232 Central Ave.** Mr. Doug Aaberg second. Unanimous all in favor roll call vote (6-0). Mr. Richard Harding - yes, Mr. Brendan Collins - yes, Ms. Jen Foley - yes, Frank Snow – yes, Andrew Gallagher - yes*

**b. Approval of Draft Minutes – 1/6/2021**

*Mr. Richard Harding accept minutes as written. Mr. Brendan Collins second. Unanimous all in favor roll call vote (6-0). Mr. Richard Harding - yes, Mr. Brendan Collins - yes, Ms. Jen Foley - yes, Frank Snow – yes, Andrew Gallagher - yes*

**c. Liaison Reports**

Waterways – Andrew Gallagher – looking at project for stickers for on paddle crafts and maybe racks – both to be explored and developed, but wanted to update ideas were being discussed.

Trails – Frank Snow – signage close to being complete for the kiosks.

**d. Correspondence – email sent.**

**5. Adjourn**

*Mr. Richard Harding motion to adjourn at 7:40pm. Mr. Brendan Sullivan second. Unanimous all in favor roll call vote (6-0). Mr. Richard Harding - yes, Mr. Doug Aaberg - yes, Mr. Brendan Collins - yes, Ms. Jen Foley - yes, Frank Snow – yes, Andrew Gallagher – yes*

**CORRESPONDENCE**

**January 21, 2021 – Feb 8, 2021**

1. 234 First Parish abutter letter
2. Letter from resident about project to plan seagrass on town property
3. Resident of 22 Booth Hill, abutter to 16 Booth Hill, complaint regarding drainage issue as result of work done at 16 Booth Hill as well as work done over the property line
4. Tack Factory Pond, Water Quality Certificate , letter from DEP to DPW
5. 121 Indian Head Rd Extension Recording Information

**Minor Activity Permits**

- #3 – 4<sup>th</sup> Cliff Telephone pole moved
- #4 – 159 Summer St – tree removal
- #5 – 2 Atlantic D – return sand to beach/storm damage
- #6 – 6 Dicken row – return cobble/storm damage
- #7 – 36 Inner Harbor – return sand to beach/storm damage