

**Town of Scituate  
Conservation Commission  
Selectmen's Hearing Room / Remote Meeting  
Meeting Minutes  
Monday, July 12, 2021 5:30pm**

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

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

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

**Not Present:** Mr. Andy Gallagher

**Frank Snow, Chair:** This meeting is being held remotely as an alternate means of public access. On June 16, 2021, Governor Baker signed into law an Act Extending Certain COVID-19 Measures Adopted During the State of Emergency. This Act includes an extension, until April 1, 2022, of the remote meeting provisions of his March 12, 2020, Executive Order 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, 5:30pm Roll Call of Commissioners**

**Penny Scott-Pipes** – present, at home, alone – **Brendan Collins** - present, at home, alone, **Richard Harding** – present, at home, alone - **Jen Foley** – present, at home, alone, **Doug Aaberg** – present, at home, alone -- **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 addition of update on Forest Management. Mr. Richard Harding second. Roll call to vote. Unanimous vote accepted. (7-0) Mr. Brendan - yes, Mr. Richard Harding – yes, Ms. Jen Foley - yes, Ms. Penny Scott Pipes - yes, Doug Aaberg – yes, Andrew Gallagher – yes, Frank Snow - yes*

**3. PUBLIC HEARINGS – NOI**

**a. 30 Pheasant Hill Rd., DEP#: 068-2932**

**Applicant:** Richard Hom & Janet Cornacchio

**Representative:** Morse Engineering

**Proposed:** septic repair

James Garfield, Morse Engineering – BVW is resource area. Failing Title V system. Erosion control down gradient location. Penny – why is leaching field not closer to the street? So don't have to clear the front yard, that has growth. Doug – also because it is going uphill toward the street. Agent – no DEP comments. Not confirming wetland line with these orders.

*Ms. Penny Scott-Pipes motion to close 30 Pheasant Hill Rd. Mr. Richard Harding second. Unanimous all in favor roll call vote (6-0). Mr. Brendan Collins - yes, Mr. Doug Aaberg – yes, Mr. Richard Harding – yes, Ms. Penny Scott Pipes - yes, Jen Foley – yes, Frank Snow – yes*

**b. 30 Concord St., DEP#: 068-2934**

**Applicant:** Tom Ewanich

**Representative:** Morse Engineering

**Proposed:** septic repair

James Garfield, Morse Engineering, project location in Humarock. 7000 sq ft lot. 3 bedroom house in FEMA flood AE 13. Failed Title V cesspool. Proposed gravity tank to crushed stone leaching field. Agent – not through BOH yet but can close hearing. No comments from DEP. Upgrade needed. Richard – there is no other place to put it on the lot. Recently sold.

*Ms. Penny Scott-Pipes motion to close 30 Concord St. Mr. Richard Harding second. Unanimous all in favor roll call vote (6-0). Mr. Brendan Collins - yes, Mr. Doug Aaberg – yes, Mr. Richard Harding – yes, Ms. Penny Scott Pipes - yes, Jen Foley – yes, Frank Snow – yes*

c. **31 Lowell St., DEP#: 068-2933**

**Applicant:** Stanley & Lynne Vozzella

**Representative:** Grady Consulting

**Proposed:** septic repair

Rob Carlezon, Grady Consulting, reviewed resource areas on property. Had orders to raze/rebuild – changed their plans and this is new plan – septic repair. House is on the beach in Humarock. No other place to put it on the lot. Richard – agrees. Doug – confirming all grading to remain. Agent – improvement. DEP no comments. Does not have official BOH approval yet. They should request a certificate of compliance for no work started.

*Ms. Penny Scott-Pipes motion to close 31 Lowell St. Mr. Richard Harding second. Unanimous all in favor roll call vote (6-0). Mr. Brendan Collins - yes, Mr. Doug Aaberg – yes, Mr. Richard Harding – yes, Ms. Penny Scott Pipes - yes, Jen Foley – yes, Frank Snow – yes*

4. **REQUEST FOR DETERMINATION OF APPLICABILITY**

a) **Glades Rd., (SBL# 27-20)**

**Applicant:** Massachusetts Electric Company

**Representative:** Tighe & Bond

**Project:** replace 4 utility poles

Jeremy Degler, Tighe & Bond, representing Mass Electric Company. Plan to replace 4 existing utility poles on glade road. Showed plan with location of work. In resource area buffer to bank and LSCSF. 1 day of work,

*Ms. Penny Scott-Pipes motion to issue negative 3 for Glades Rd. utility work. Mr. Richard Harding second. Unanimous all in favor roll call vote (6-0). Mr. Brendan Collins - yes, Mr. Doug Aaberg – yes, Mr. Richard Harding – yes, Ms. Penny Scott Pipes - yes, Jen Foley – yes, Frank Snow - yes*

b) **24 Dartmouth St. (SBL# 28-21)**

**Applicant:** Greg O'Brien

**Project:** replace and expand deck with new footings

Tom Devane, representing owner, neighbor. Greg is not available tonight. He would like to replace and extend deck. 8 new footings and want to extend deck 4 feet longer. Jen – any footings for stairs? Richard – how putting posts? Post hole diggers will be used. No big equipment or trucks. Sonotubes with concrete pouring. Agent – building department sent them to conservation for filing. Meets requirements for negative determination. Small scale project.

*Ms. Penny Scott-Pipes motion to issue negative 24 Dartmouth Rd. Mr. Doug Aaberg second. Unanimous all in favor roll call vote (6-0). Mr. Brendan Collins - yes, Mr. Doug Aaberg – yes, Mr. Richard Harding – yes, Ms. Penny Scott Pipes - yes, Jen Foley – yes, Frank Snow - yes*

## 5. Other Administrative Items

**Update from CPC** – Penny Scott-Pipes – CPC will be discussing property on Border St and interest in town purchasing with CPC funds. The price tag is an issue. CPC has not used funds at this great a pricetag per acre. Market value appraisal and open space appraisal can be different values. We have not spent this much before. Support open space, but need to be responsible with funding available. Frank Snow – there is criteria to purchasing / accepting land. Asked Penny to find out about open space fund. Maybe there is money available from other sources for this property. It would be hard to acquire more space in future if owners thought would get such a premium for it, when in the past have bought for a discounted price. Penny – many questions have not been answered yet. We need to get appraisal to have better idea. Jen – shares Franks thoughts on property.

### a. **Enforcement Discussion:**

1. **Toll Brothers, Hatherly Rd. - Agent:** a lot of rain since mid June including today. Several blow out of stormwater management. Met last week with Toll and they went through what they think contributed to the ocean plume. Portions of property are at vulnerable point. ConCom I enforcement administrator for penalties as appropriate. Gave update from what came from Planning Board meeting regarding stormwater requesting engineering calculating of silt leaving site. Frank – reviewed meeting and what they said implementing. Trucks and equipment entering site not through correct areas. Penny – they should be prepared for worst case scenario at all times. They have had enough happen that they knew better. Richard – they should have been prepared and they were not. Doug – concerned about erosion control in general. What is adequate enough? For any of these sights. Jen and Brendan – agree with Doug. Agent – we have had Horsley Witten regular inspections as third party. Toll holds the responsibility of site being in compliance with SWPP. Horsley Witten verified what Toll says.

Scott Miccile – when met last week after previous rain event, then addressed. More rain exposed more issues. Meeting as a team onsite tomorrow regarding needs to address issues related to east side of project with 5 duplexes.

David Buckley – reviewed some of what have done to this point. Proposed idea – remove silt fence, sod area so water goes to march and not make the left it is making now. It will need to be evolving plan.

Scott – bottom of swale jute meshed – still scoured area. Everything came out of drain should be clean.

Agent – get engineer and HW in agreement with stormwater with plan that will work. Please consider all locations. Frank – water table low. Need basin. Dry well won't work there. They need to put together their plan. More follow up on progress.

2. **48 Mann Lot Rd.** – Frank – this was a wetland replication that was supposed to be done for a project some time ago. It was not completed. Applicant never applied for certificate of compliance. Once CofC was requested, it was noted that the replication was not done and so not in compliance. Brad Holmes of ECR was hired for planting plan and it was done. Issue is they are having difficulty refinancing home with open set of orders and not having Certificate of Compliance. Some banks are willing to accept partial CofC. In some cases we accept a surety. Confirmation of replication plantings. Typically we

would wait a couple seasons before issuing a full certificate of compliance to make sure all the plantings thrive.

Gordon Price – plantings are in. Added a few extra that what was recommended to fill in area more. Reviewed Brad Holmes' report. Since then, plants have grown more. Have been in ground about 3 months now. Desire is to go for a refinance of property. Son's property is an accessory dwelling; he is on the deed also and would like to do some work to his home. Contacted 4 banks and none will consider refinance without a full certificate of compliance. It seems commission has ability to provide leeway when there are certain conditions to make it feasible for people to move forward with their projects. Does not think it is fair that he is being held-up for two years. Willing to put up escrow to cover any plantings that might fail. Agent – amount to hold-back is based on project. We consistently see projects that go into buffers or by accident go into buffer areas; which is what happened here, so they make up for it by replanting in another location.

Frank – lending institutions have made things more and more complicated. A lot of these things were not an issue 20 years ago and leaves people in a real bind of reality of closing on mortgage. We have someone who has gone out of their way and moved swiftly to correct it.

Agent – orders not put together on a case by case basis, standard special condition, projects with replications have 3 year monitoring; orders not done on a case by case basis.

Doug – what is the precedent that we are concerned with setting? Agent – the precedent is set already. The orders explain the process for requesting when project is done. We issue a partial when work is done, but still need to wait for growing seasons if certificate needed for closing type event.

Frank – we can put this on next meeting agenda next week.

Agent – encourage consistency. Will look at regulations for additional information.

3. **Forestry** – Frank – thanked everyone for contributing to forestry survey. Discussed importance of managing forests and having healthy forests for contribution to healthy environment.

#### 4. Adjourn

*Mr. Richard Harding motion to adjourn. Mr. Brendan Collins second. Unanimous all in favor roll call vote (6-0). Mr. Brendan Collins - yes, Mr. Doug Aaberg – yes, Mr. Richard Harding – yes, Ms. Penny Scott Pipes - yes, Jen Foley – yes, Frank Snow - yes*