

**Town of Scituate
Conservation Commission
Selectmen's Hearing Room / Remote Meeting
Meeting Minutes
Monday, July 19, 2021 5:30pm**

Members Present: Mr. Frank Snow, Chair – late to join

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

Also Present: Amy Walkey, Conservation and Natural Resource Officer

Richard Harding, Vice-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. Mr. Brendan Collins second. Roll call to vote. Unanimous vote accepted. (5-0) Mr. Andrew Gallagher – yes, Mr. Brendan Collins- yes, Mr. Richard Harding – yes, Ms. Jen Foley - yes, Ms. Penny Scott Pipes - yes,

3. Administrative Items

a. Approval of Minutes: 6/21/2021

Ms. Penny Scott-Pipes motion to accept minutes as written for 6/21/2021. Mr. Andrew Gallagher second. Unanimous all in favor roll call vote (5-0). Mr. Brendan Collins - yes, Mr. Richard Harding – yes, Ms. Penny Scott Pipes - yes, Jen Foley – yes, Mr. Andrew Gallagher - yes

Doug Aaberg joined meeting.

**b. Orders of Conditions: 14 Peggotty Beach Rd., 42 Brunswick;
30 Concord, 31 Lowell, 30 Pheasant Hill Dr.**

Ms. Penny Scott-Pipes motion to accept orders as written. 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, Mr. Andrew Gallagher - yes

**c. Requests for Extension: 4 River St. (DEP# 068-2750);
31 Kings Way (DEP#: 068-2679); opposite 230 Central Ave. (DEP#68-2744)**

Ms. Penny Scott-Pipes motion to extend orders for 3 years for 4 River St, 31 Kings Way, and opp 230 Central Ave. Mr. Andrew Gallagher 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, Andrew Gallagher - yes

4. PUBLIC HEARINGS – NOI

- a. **8 Newell St. DEP#:68-2859** continued from 5/17/2021 –

See Applicants Request to Continue to 8/16/2021

Applicant: Christopher Winn

Representative: John Zimmer/ Jeff DeLisi

Proposed: in-ground pool

Ms. Penny Scott-Pipes motion to continue 8 Newell St to August 16, 2021. Mr. Brendan Collins second. Unanimous all in favor roll call vote (4-0). Mr. Brendan Collins - yes, Mr. Andrew Gallagher – yes, Ms. Penny Scott Pipes - yes, Jen Foley – yes, Richard Harding is recused from hearing for 8 Newell St.

Frank Snow joined meeting

- b. **Lot 17 Border St., DEP#: 068-2912** continued from 6/7/2021

Applicant: Carl Christensen

Representative: Merrill Eng.

Proposed: New single family dwelling, pool, landscaping

Doug Aaberg – recused.

Deb Kelleher – engineer – since last meeting Steve Ivas reviewed again and revisions made; refreshed salt marsh flags. Added stakes/flags for erosion control line, trees to be removed a.

Sean Papich – landscape architect – remove some green briar and plantings native plantings. Deb - Received second letter from Steve Ivas over weekend. Issues raised will handle through conditions - discussed flags on hay field. Steve Ivas – looked at line in north field. Ok to handle as conditions.

Sean Papich – discussed proposed landscaping and list native shrubs. Many that are already on site.

Good solid ground cover. Densely plant right side of house on water side. Steve Ivas – good approach to do heavy plantings. Frank Snow – had site visit last week. Frank, Brendan, Penny, agent. Penny – is there a path from patio to stone wall – yes, path on plan.

Deb – SW assumed would have onsite recharge, conservative approach to stormwater numbers.

Brendan – anything for the bath? Crushed stone or mulch. Why is pool in 100ft? ledge restrictive and layout with house out of 50 and out of 100 foot river front.

Agent – Ivas reviewed, recommend can close with conditions; meets requirements.

Frank Snow – concerned when other houses built, ideas was preserving property. Segmenting in future is a concern. Sked about forestry status. Also, mentioned good things to learn from forestry practices as far as keeping what is there healthy and allowing new growth. Mentioned carbon storage practices in forestry. Carl Christensen - plan to mill some of the trees taken down to use as material.

Frank Snow – a lot of methods to harvest trees take down in environmentally sensitive way.

Kathleen O'Donnell – represent owner – property owner chapter 61A agricultural, not forestry. Tax assessment is 61A.

Carl – business was hay fields.

Steve Ivas – recommends consult with forestry folks regarding long term forestry plan.

Adam Brodsky – environmental lawyer representing buyers. Spoke to chapter 61A assessment of property and steps would have to take if owner wanted to remove that.

Ms. Penny Scott-Pipes motion to close lot 18 Border St. Mr. Richard Harding second. Unanimous all in favor roll call vote (7-0). Mr. Brendan Collins - yes, Mr. Doug Aaberg – yes, Mr. Richard Harding – yes, Ms. Penny Scott Pipes - yes, Jen Foley – yes, Andrew Gallagher – yes, Frank Snow – yes

c. **0 Oceanside Dr. DEP#: 68-2935**

Applicant: Town of Scituate

Representative: GZA, Dave Smith

Proposed: FEMA funded repair to municipal storm drain outfall

Dave Smith, GZA and Sean McCarthy, DPW Town Engineer. Sean – outfall exists, head was damaged in Storm Riley in 2018. Design and repair 75% reimbursed from FEMA. Dave Smith – damage March 2018 storm event. In-kind replacement. 1998 was reconstructed. Discussed plans to repair. Restore head structure. Crane placed on vacant lot land side to remove existing and bring in new piece. Other equipment to do drilling, maybe small excavator, lowered by crane). Site exposed to ocean waves. Contractor will have to work with tides. Looking for Fall construction. Put to bid late summer. Did look at alternates, but received push back from FEMA – just end piece working on with this project. Richard – how long work? 2 week duration. Maybe longer if tides are not normal. Doug – what happens in discharge area? Does it collect sediment? Discharges to side. Galvanized grate to keep beach cobble out. It does collect street drainage. It is submerged during high tide.

Agent – needs repair; meets Wetland Protection Act and bylaw; public benefit. DEP commentated on possible permitted from Waterways and 401 cert. our orders are subject to all other permits being applied for. Upon consultation with Sean, the method of installation doesn't need those other requirements.

Dave – 401 water quality would not be triggered to filing. Did reach out to Waterways/Chapter 91. When this was done in 1998, no licensing was required at that time. Did reach out, since FEMA funding. Since doesn't require new licensing

Considered minor project modification to unlicensed municipal project. Submitted paperwork, waiting to hear back. Reached out to Army Corp also and waiting to hear back as well.

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

d. **142 Humarock Beach Rd. DEP#: 68-2928**

Applicant: Gregory & Lisa DeConsiliis

Representative: Morse Engineering

Proposed: rotate house, elevate and addition

Richard recused.

Paul Gunn, Morse Engineering. Existing 4 bedroom dwelling; coastal dune, FEMA flood VE and AE, not priority habitat. Moving house, elevating, and large addition. Relocating septic. In 2016 leaching field over engineered so no work on it. ZBA approved. Bringing into FEMA compliance. Erosion control around LOW. No changes in grade of property. Existing on piles.

Agent – confirmed resource areas. And that ZBA approved. Septic to remain in same location.

Patty Stewart – abutter – beach grass is proposed but concerned that is substantial enough? Confirmed the height of the dune area will stay same, won't be lowered.

Frank – tight site. Concern permission from neighbors to get through on sides.

Ms. Penny Scott-Pipes motion to close 142 Humarock Beach Rd. Mr. Richard Harding second.

Unanimous all in favor roll call vote (6-0). Mr. Brendan Collins - yes, Mr. Doug Aaberg – yes, Mr. Andrew Gallagher – yes, Ms. Penny Scott Pipes - yes, Jen Foley – yes, Frank Snow – yes

- e. **146 Central Ave. DEP#: 68-2930**
Applicant: Michael Gibbons
Representative: Ross Engineering
Proposed: raze / rebuild

Paul Mirabito, Ross Engineering, reviewed resource areas. Existing house – will raze and build new structure. New will be slightly wider, but same depth. Proposed wrap around open deck. Wood driven piles. No grade change proposed. Submitted structural. No DEP comments. Doug – what flood – VE15 ; top piles will be 17.1.

Agent – good elevated; using wood piles, meets requirements.

Ms. Penny Scott-Pipes motion to close 146 Central Ave. Mr. Richard Harding second. Unanimous all in favor roll call vote (7-0). Mr. Brendan Collins - yes, Mr. Doug Aaberg – yes, Mr. Richard Harding – yes, Ms. Penny Scott Pipes - yes, Ms. Jen Foley – yes, Mr. Andrew Gallagher – yes, Mr. Frank Snow – yes

- f. **21 Central Ave. DEP#: 68-2936**
Applicant: SOUTH RIVER MARINA REALTY LLC
Representative: Lucas Environmental

Proposed: REPLACE REVETMENT; CONSTRUCT NEW PIER & RAMP; RELOCATE BOAT RAMP
Tom Litty – wetland scientist, Ken Duval, applicant, Adam Brodsky, attorney for applicant. David Rey, Land surveyor.

Tom – replace failed bulkhead, new public walkway, boat ramp relocated. 1600 sq ft deck, new ramp all in Webster St, reconfiguring bulk head. Sidewalk on Webster to ramp, requirement of chapter 91.

Adam – relocated boat ramp to better location. Available to public per chapter 91; access along shoreline where feasible, ADA compliant. Intend to spend private money for benefit of public.

Agent – looks like positive project; addition review by MEPA, Army Corp and others. Complicated in nature. Concerned boat ramp on private way – which is privately owned. Applicant should get opinion board. Concerns identified by Commission and Agent included need for comments and approval from other boards including Planning Board, Select Board, DPW, ZBA, legal access from all entities with interest in Webster St and public access by moving ramp, why ramp should be moved, necessity for a third part peer review to be paid by applicant for review of NOI with respect to engineering of bulkhead repair and modifications, construction, stormwater as necessary, ecological benefits, and public access? Adam – reluctant to work on stormwater. Not proposing work on upland part of project, if/when then will consider.

David Rey – no this will not redirect, will work on how.

Frank Snow – sheeting one foot higher than parking lot. Will hold back walls.

Agent – Good time to improve discharge while doing project.

Frank - would like access reviewed and run off improvement considered. There is a lot of asphalt. Hap-hazard over the years

Ms. Penny Scott-Pipes motion to continue 21 Central Ave to August 30, 2021. Ms. Jen Foley second. Unanimous all in favor roll call vote (7-0). Mr. Brendan Collins - yes, Mr. Doug Aaberg – yes, Mr. Richard Harding – yes, Ms. Penny Scott Pipes - yes, Mr. Andrew Gallagher – yes, Ms. Jen Foley – yes, Mr. Frank Snow – yes

- g. **316 Hatherly Rd. DEP#: 68-2937**
Applicant: Jennifer & Christopher Morrison
Representative: Lucas Environmental
Proposed: raze & rebuild single family

Chris Lucas, Lucas Environmental, Raze/rebuild. ZBA last week was approved. Existing 3 story dwelling. Reviewed all resource areas, intermittent stream. BVW system entire site in 100 foot buffer. Inland band of stream. Fragmites on property – carve out mowing limited to manage spread of fragmites. proposing 80 sq ft larger dwelling and garage. But reducing impervious, which is benefit. Moving dwelling and revegetating side of house. Move to other side of house. Will connect to sewer. Andrew – looks like a few trees are coming out. Jen Morrison – not sure type, but 3 of the 5 are dead.

Brendan – deck? No pilings? A frame back to house. What is being revegetated with? loo and seed – wetland seed mix in other areas and let be meadow.

Richard – plantings plan in writing. Looks like improvement.

Doug – confirmed no change in grade.

Agent – construction entrance, 12 inch silt sock, need structural. Meet FEMA for building in flood. ZBA approved none conforming. Meets requirements of Wetland Act and Local Bylaws.

Ms. Penny Scott-Pipes motion to close 316 Hatherly Rd. Mr. Doug Aaberg second. Unanimous all in favor roll call vote (7-0). Mr. Brendan Collins - yes, Mr. Doug Aaberg – yes, Mr. Richard Harding – yes, Ms. Penny Scott Pipes - yes, Mr. Andrew Gallagher – yes, Ms. Jen Foley – yes, Mr. Frank Snow – yes

5. REQUEST FOR DETERMINATION OF APPLICABILITY

a. **150 First Parish Rd., (SBL# 33-20)** Cont'd from 6/7/21

See Applicants Request to Continue to 8/16/2021

Applicant: Erin Drakeley

Representative: applicant

Project: vegetation management

Doug Aaberg recused.

Ms. Penny Scott-Pipes motion to continue 150 First Parish Rd to August 16, 2021. Ms. Jen Foley second. Unanimous all in favor roll call vote (5-0). Mr. Brendan Collins - yes, Mr. Andrew Gallagher – yes, Ms. Penny Scott Pipes - yes, Jen Foley – yes, Richard Harding – yes (vote taken early in meeting before Frank Snow and Doug Aaberg joined)

b. **10 Pennycress Rd, (SBL# 8-20)** Cont'd from 6/21/21

Applicant: Ann Burbine

Representative: ECR, Brad Holmes

Project: vegetation management

Brad Holmes – restoration plan in buffer and riverfront. Row of boulders just above vegetated wetland. No work in wetland. Cavanaro Consulting did survey. Trees remain as is. Preparing restoration proposal to revegetate in 50ft buffer with mix of native saplings, shrubs and seed cover. Doug – likes so many plants. Going to look nice when done.

Agent -Shows good faith effort to replant area that was disturbed. Happy to be working with the applicant to get the work done. Could do negative finding for RDA with two year window and 75% survival rate. Or add Enforcement Order. Gets complicated bc not all disturbance was on 10 Pennycress. Would like to see consistence. This is very similar to other filings.

Ann – Logan was notified. Letter was sent to him in FL. Agent – let him know this happened and that needs to be restored.

Doug – if someone is going to do work in the buffer, this is the work we would want done with these types of plants. The two different types of property is complicated administratively, but the proposed work is a good model of what someone should do.

Agent – under EO, can accept the restoration plan, and put in the file. Feedback receiving from the state is do it under EO. Could do under RDA. EO, means being told have to do this.

Mr. Richard Harding motion for negative finding and EO accepting planting plan. Ms. Penny Scott Pipes second motion. Unanimous all in favor roll call vote (7-0). Mr. Brendan Collins - yes, Mr. Andrew Gallagher – yes, Ms. Penny Scott Pipes - yes, Jen Foley – yes, Richard Harding – yes (vote taken early in meeting before Frank Snow and Doug Aaberg joined)

c. **144 Hatherly Rd. (SBL# 22-21)** cont'd from 6/7/2021

Applicant: Toll MA Land III Limited Partnership

Representative: LEC Environmental Consultants, Inc.

Project: installation of two new catch basins, a subsurface drainage pipes, water
Frank Snow – we were waiting for some details. Fine with it, other then learning already completed.
Penny – can we fine them for doing this without permission. Agent – Toll Brothers admitted this was something that had to happen for their stormwater management.
Frank – what about calls from abutters about more water run off. Do we know that this did not adversely impact anyone.
Dave – as far as impact, the rate to wetland, decrease in flow. Regarding neighbors, volume of water going to wetland is less, not more.
Agent – Toll needs to demonstrate water is clean, then will go to where intended, which is back wetland area. Dave – the swale was fully sodded. That area should achieve stability soon.
Jen Foley – agree with Penny. Brendan – agree with Jen and Penny.
Agent – we are rolling this is with other storm water violations.
Ms. Penny Scott Pipes motion for negative three finding for 144 Hatherly Rd. Mr. Richard Harding second motion. Unanimous all in favor roll call vote (7-0). Mr. Brendan Collins - yes, Mr. Andrew Gallagher – yes, Ms. Penny Scott Pipes - yes, Jen Foley – yes, Richard Harding – yes, Mr. Andrew Gallagher – yes, Mr. Frank Snow - yes

2. Adjourn, Roll Call

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

CORRESPONDENCE

July 7, 2021 – July 19, 2021

1. RDA – 39 Jericho Rd – repaving
2. Recording info for 135 Glade Rd -68-2713 CofC
3. Planning Board Agenda July 8, 2021
4. Registrars if Voters 2021
5. Recording information for 61 Seaside Rd 68-2689 CofC
6. Recording info for 192 Clapp Rd. OofC 68-2924
7. Notice of Intent to Sell - 0 Border St – July 7, 2021
8. 272 Central Ave – request for documents
9. ZBA – 4 Cliff Estates decision to issue special permit
10. ZBA for 38 Cedarwood Rd to issue special permit
11. 89 Neal Gate St – work starting on installing piles for replacing pier
12. Letter from Grady certifying erosion control at 13 Circuit Ave
13. July 5 re: 8 Newell, letter in support of Win Family to replace existing pool,

Minor Activity Permits

- #66 – 128 Country Way – irrigation well
- #67 – Alexander Place – remove trees