

**Town of Scituate
Conservation Commission
Selectmen's Hearing Room / Remote Meeting
Meeting Minutes
Monday, June 7, 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, Mr. Andy Gallagher

Also Present: Amy Walkey, Conservation and Natural Resource Officer

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, 5:38pm 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 – **Andrew Gallagher** – 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 with addition of update on open space issues agenda. Mr. Brendan Collins second. Roll call to vote. Unanimous vote accepted. (7-0) Mr. Brendan Collins - 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. 250-280 Driftway, Well18B Treatment Plant Modifications, DEP#: 068-2920

Applicant: Town of Scituate

Representative: Tighe & Bond

Proposed: installation of a waterline & settling tank for public water supply treatment wastewater

Ms. Penny Scott-Pipes motion to close and issue orders for 250-280 Driftway. Mr. Andrew Gallagher second. Unanimous all in favor roll call vote (7-0). Mr. Brendan Collins - yes, Mr. Doug Aaberg – yes, Mr. Andrew Gallagher - yes, Mr. Richard Harding – yes, Ms. Penny Scott Pipes - yes, Jen Foley – yes, Frank Snow - yes

b. Lot 17 Border St., DEP#: 068-2912

Applicant: Carl Christenson

Representative: Merrill Engineering

Proposed: new single family dwelling, pool and patio, driveway, landscaping and associated utilities

Deb Keller, Merrill Engineering, reviewed resources on site. Brad Holmes, ECR, delineated site.

Riverfront, Salt marsh, flood zone, watershed district, inner and out riparian. 17 acre lot. 161 A agriculture and want to maintain that use. Working with Gulf river aesthetics. Fields to use. 3000 sq ft footprint for house, 2 bay garage. Proposed curb cut entrance from Border St. Proposed rain

garden to treat run off from driveway. Below 10% alteration of site. Some ledge removal for garage. Some fill proposed on site. Stormwater reviewed by Horsley Witten. Resource peer review going on by Steve Ivas. Sean Papich, landscape architect. Briar is thick on site would like to replace some of it with native bushes like blueberry and other shrubs. They have scenic way permit for break in stone wall on Border St.

Steve Ivas, Ivas Environmental, reviewed site March 28. Salt Marsh line looks fine. Flags were not visible and suggested the flags be put in such a way they will last throughout the process. On first site visit, spent time confirming area near where house is going. Needs to finish working on fresh water marsh delineation. Agent – important to complete and agree on resources on property now, rather than just partially review. Reminder, briar is native and provides habitat. Suggests prepare plan where wat to address briar and hold to that plan. Also suggests noting mature trees in the 200' on the plan

Keller – did re-address the flags on site.

Janet Bernardo, Horsley Witten, reviewed SW. One letter written. Waiting for resources to be finalized and then will write final review.

Carl Christiansen – applicant – tried to design house that is not visible from road. Personal investment to build one house, instead of the lot turning into many lots. Concerned about time constraints. Would like to do some work on briars in front of house facing river. Unwalkable how it is now.

Doug Aaberg recused from hearing.

Ms. Penny Scott-Pipes motion to continue lot 17 Border St to Monday, July 19, 2021. Mr. Richard Harding second. Unanimous all in favor roll call vote (6-0). Mr. Brendan Collins - yes, Mr. Andrew Gallagher - yes, Mr. Richard Harding – yes, Ms. Penny Scott Pipes - yes, Jen Foley – yes, Frank Snow - yes

c. 192 Clapp Road., DEP#: 068-2924

Applicant: David & Emily Anderson

Representative: Morse Engineering

Proposed: pool, patio & fence

Frank Snow recused from hearing. Richard Harding was chair for this hearing.

James Garfield, Morse Engineering, presented project. Reviewed resource buffers on property.

Proposed mulch erosion control. Jen Foley – why is pool in that location since large lot; seems to be space to shift farther out of buffer area. James – barn was in that location. Barn has been removed so could be same location. Doug – agreed with question – why not move pool east side of proposed patio. Richard – agreed – good idea to move pool over? Any mitigation proposed?

James – not sure impact/benefit of moving. Could make planting area near buffer happen.

Suggested 10 foot planting area. Doug - Planting plan in 50' buffer area assisted by qualified person for choosing plants. Agent – no DEP comments. Reminder to minimize impact, mitigate, the use special conditions if needed.

Mr. Doug Aaberg motion to close 192 Clapp Road. Mr. Brendan Collins second. Roll call vote (5-1). Mr. Brendan Collins - yes, Mr. Doug Aaberg – yes, Mr. Andrew Gallagher - yes, Mr. Richard Harding – yes, Ms. Penny Scott Pipes - no, Jen Foley – yes.

d. 57 Garrison Rd., DEP#: 068-2914

Applicant: Lawrence & Laureen Modder

Representative: Morse Engineering

Proposed: pool house, landscaping

Doug recused from hearing.

James Garfield, Morse Engineering, described proposed project. Pool already existing. Proposing pool house, expansion of pool patio, fence around treeline, and grading. Two dry well systems and

crushed stone trench proposed. No tree clearing proposed. Project reviewed by Merrill. Mulch sock down gradient of limit of work. Andy – the shed is in the 50, maybe that can be changed and that area of 50 restored. Peter Palmieri reviewed SW, Merrill, on May 25th. Engineering addressed his concerns in revisions. Laureen – owner and applicant – single store pool house with underneath for storage. Location is there so west facing for sun, and not casting shadow on pool. James – can provide mitigation plan if that is needed. Agent – triggered SW By law. Buffer work and some in the 50. No zoning or planning because not considered accessory dwelling. Erosion control will be important and installation of SW early in project. Discussion about how treeline is beyond the 50. House is new enough that should not be the case. Should be no disturbance in the 50 foot buffer. James will submit revised plan.

Mr. Richard Harding motion to continue 57 Garrison Rd. to Monday, June 21, 2021. Ms. Penny Scott-Pipes-second. Unanimous all in favor roll call vote (6-0). Mr. Brendan Collins - yes, Mr. Andrew Gallagher - yes, Mr. Richard Harding – yes, Ms. Penny Scott Pipes - yes, Jen Foley – yes, Frank Snow - yes

e. **43 Watch Hill Rd, DEP#: 068-2917**

Applicant: Inly School

Representative: OCG

Proposed: repurpose existing house and property to a preschool

Sean Malone, civil engineer, OCG, described proposed project. Donna Milani Luther, Inly School, introduced summary of project and school. Inly School is currently a 10 acre property. Building plan to use for 3 month to 3 year olds kids. Special space for that age. Repurpose current building. Add farmers porch in front in order to add egress from each room to the outside. 19 paved parking spaces proposed in area in front of house. Required by zoning to have parking. Met with PLANing board. Received permission to only have 19 spaces there. 10,000 sq ft of impervious added to side, most in the buffer. Showed stormwater plans. Swales, catch basins, pipes to subsurface. 4 test pits in April . Soil not good in area; high ground water. Meets 90% TSSI. Reduced rate and volume from site. Additional landscape plan in site plan set. Additional trees for abutter. O&M plan approved by planning; will be part of Conservation orders also. Frank reviewed where septic is. Agent – no DEP comments. SW reviewed and accepted by Planning Board. LTPP and O&M would be in orders. Also add condition to disposing of grass clippings on site.

Ms. Penny Scott-Pipes motion to close and issue orders for 43 Watch Hill Rd. Mr. Andrew Gallagher second. Unanimous all in favor roll call vote (7-0). Mr. Brendan Collins - yes, Mr. Doug Aaberg – yes, Mr. Andrew Gallagher - yes, Mr. Richard Harding – yes, Ms. Penny Scott Pipes - yes, Jen Foley – yes, Frank Snow - yes

4. REQUEST FOR DETERMINATION OF APPLICABILITY

a. **150 First Parish Rd., (SBL# 33-20)** Cont'd from 4/26/21. See applicant request to continue to 7/19/21

Applicant: Erin Drakeley

Representative: applicant

Project: vegetation management

Doug Aaberg recused himself.

Ms. Penny Scott-Pipes motion for continue 150 First Parish Rd to Monday, July 19, 2021. Mr.

Richard Harding second. Unanimous all in favor roll call vote (6-0). Mr. Brendan Collins - yes, Mr.

Andrew Gallagher - yes, Mr. Richard Harding – yes, Ms. Penny Scott Pipes - yes, Jen Foley – yes,

Frank Snow - yes

- b. **144 Hatherly Rd (SBL# 22-21)** continued from 5/24/21. See request to continue to 7/19/21

Applicant: Toll MA Land III Limited Partnership

Representative: LEC Environmental Consultants, Inc.

Project: installation of two new catch basins, a subsurface drainage pipes, water quality unit, and flared end outlet

Ms. Penny Scott-Pipes motion for continue 144 Hatherly Rd. to Monday, July 19, 2021. Mr.

Richard Harding second. Unanimous all in favor roll call vote (7-0). Mr. Brendan Collins - yes, Mr.

Doug Aaberg – yes, Mr. Andrew Gallagher - yes, Mr. Richard Harding – yes, Ms. Penny Scott Pipes - yes, Jen Foley – yes, Frank Snow - yes

- c. **15 (lot 1) Gardiner Rd, (SBL# 16-21)**

Applicant: Diane & Steven Dutton

Representative: Morse Engineering Co., Inc.

Project: new dwelling, clearing in buffer zone

Doug Aaberg recused himself.

James Garfield, Morse Engineering, described project. New build. New septic to be located in front yard. Clearing in rear of house and to square the yard, proposing to clear into the 100 ft buffer. Conservation also has the Stormwater permit authority for this property. Merrill reviewed stormwater. Frank wanted to know when would know about foundation – should know soon. Jen – markers in corner to remind any work in that area required permits from conservation.

Ms. Penny Scott-Pipes motion for a negative three for lot 1 Gardiner Rd. Mr. Andrew Gallagher

second. Unanimous all in favor roll call vote (6-0). Mr. Brendan Collins - yes, Mr. Andrew

Gallagher - yes, Mr. Richard Harding – yes, Ms. Penny Scott Pipes - yes, Jen Foley – yes, Frank Snow - yes

- D. **49 Lighthouse Rd, (SBL# 24-21)**

Applicant: Mark Regan

Project: patio to deck

Mark Regan described project. The work is planned to be done by Michael Ball. Plans submitted for deck. Showed on property where one-step up deck would go. Centered on lot. Current patio to be removed. Considered a landscape feature so does not need to meet elevation requirements. Precast footings. Platform, no sides. 15' x 20' for size.

Ms. Penny Scott-Pipes motion for negative 3 for 49 Lighthouse Rd. Mr. Doug Aaberg second.

Unanimous all in favor roll call vote (7-0). Mr. Brendan Collins - yes, Mr. Doug Aaberg – yes, Mr.

Andrew Gallagher - yes, Mr. Richard Harding – yes, Ms. Penny Scott Pipes - yes, Jen Foley – yes, Frank Snow - yes

5. **Other Administrative Items**

- a. **Request for Amendment:** 4 Cliff Estates Rd. DEP: 068-2880

Commission accepted request for amendment. They will file as soon as they can. Asked to include mitigation and infiltrators on site for stormwater management as much as site will allow.

- b. **Orders of Conditions:** 60 New Driftway DEP#: 68-2921

Ms. Penny Scott-Pipes accept orders as written for 60 New Driftway. Mr. Richard Harding second.

Unanimous all in favor roll call vote (7-0). Mr. Brendan Collins - yes, Mr. Doug Aaberg – yes, Mr.

Andrew Gallagher - yes, Mr. Richard Harding – yes, Ms. Penny Scott Pipes - yes, Jen Foley – yes, Frank Snow - yes

- c. Liaison reports – Frank is presenting to the Select Board at tomorrow night's meeting regarding camping area proposed by Boy Scouts. Plans to discuss possible locations. Also, received first draft of Forestry Plan – will distribute and looking for comments.

6. Adjourn

Mr. Andrew Gallagher motion to adjourn at 8:40pm. Ms. Penny Scott-Pipes second. Unanimous all in favor roll call vote (7-0). Mr. Brendan Collins - yes, Mr. Doug Aaberg – yes, Mr. Andrew Gallagher - yes, Mr. Richard Harding – yes, Ms. Penny Scott Pipes - yes, Jen Foley – yes, Frank Snow - yes

CORRESPONDENCE

May 17, 2021 – June 7, 2021

1. Extension request – 85 & 87 Glades Rd.
2. NOI – 14 Peggotty Beach Rd.
3. RDA – 129 Humarock Beach Rd.
4. RDA – 52 Moorland Rd.
5. RDA – 49 Lighthouse Rd.
6. CofC – 2 Prospect Rd.
7. Planning Board decision Inly School / 43 Watch Hill Rd – approved the site plans
8. Notice of Intent to Sell – Parcel 6-1-3, 0 Border St to Border Street LLC
9. Planning Board agenda May 27, 2021
10. Planning Board Memo – change of positions on board
11. Planning Board Memo – Form A for 626 Chief Justice Cushing Hwy
12. ZBA – 41 Fay Road – to allow construction of second floor addition
13. 56 Peggotty Beach Rd – certificate of understanding
14. Recording info for extension for 2 Atlantic Dr.
15. Letter from Green Environmental regarding heating oil release site at Boat Wreckage off Glades Rd
16. Extension recording information for Dredging of South River / North of Sea St
17. NOI – Humarock Beach Rd.

Minor Activity Permits

- #57 – 300 Central – return Cobble
- #58 – 111 Humarock Beach Rd- move cobble
- #59 – 31 Marshfield Rd – move cobble
- #60 – 7 New Driftway - test pits