

Town of Scituate  
Conservation Commission  
Selectmen's Hearing Room / Remote Meeting  
Meeting Minutes  
Monday, March 1, 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

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

**Not Present/Participating in beginning of meeting:**

**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, 5:17pm 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, **Andrew Gallagher** – present, at home, and 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 open space donation and farming and annual report. Mr. Richard Harding 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, Andrew Gallagher – yes, Ms. Penny Scott Pipes - yes, Frank Snow - yes*

**3. PUBLIC HEARINGS / NOI**

**a. 49 Collier Rd. DEP# 068-2871 (cont'd from 1/25/2021)**

**Applicant:** Edward Johnson

**Representative:** Ross Engineering

**Proposed:** raze and rebuild

Paul Mirabito, Ross Engineering, briefly reviewed plan from 2.11.21. Did receive comments from Jim O'Connell, wetland scientist. House is 4 feet closer to the street, variance accepted by zoning board, and so 4 feet farther from coastal bank. Proposed dwelling is with a poured concrete foundation. Deck will not be attached to the house. Most of house is in zone X. Fill to go under deck and grade changes where done dune nourishment. Penny – still concerned about foundation. Agent – plan has improved. Adding nourishment and shrubs should give more protection. Advice to elevate on open piles, even though regulations don't require it. Meets requirements of the Wetlands Act and the Bylaw.

*Ms. Penny Scott-Pipes motion to close 49 Collier St. 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, Mr. Andrew Gallagher, Ms. Penny Scott Pipes - yes, Frank Snow - yes*

**b. 10 New Driftway**, DEP# 068-2699 (NOI) (cont'd from 1/25/2021)

(see applicant request to continue to April 5, 2021)

**Applicant:** Joseph Scanzillo

**Representative:** Ross Engineering

**Proposed:** parking expansion and stormwater improvements

*Mr. Richard Harding motion to continue 10 New Driftway to Monday, April 5, 2021. Mr. Andrew Gallagher 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 - yes, Frank Snow - yes*

**c. 83 Glades Rd.**, DEP# 068-2887 (cont'd from 1/25/21)

**Applicant:** Oak Glades, LLC

**Representative:** Morse Engineering

**Proposed:** raze/rebuild, septic

Greg Morse, Morse Engineering, representing applicant. Presenting both 83 Glades and 83 Rear Glades. Currently, neither building is FEMA compliant. Proposed project will use timber pilings, elevate first floor to 16 feet, since in the AE15, water will be able to flow through, with pilings. Both approved septic with BOH. Changes to plans are fence, additional grass area, less gravel, planting area, decreased length of retaining wall south side of 83 Glades. Roof area is smaller than what is there currently. Same set backs to marsh as what is there currently. Jen – still concerned the renderings don't match what is permissible. Also there has been repeated violations. Would like to hear plan to remain compliant. Greg – understands. Issues were resolved. During construction there will be inspections. Frank – any other surface options for driveway? Greg – proposed pulling grass line farther back, since season use. Bring grass line to base of stairs, about 8 feet farther back.

Frank – reminder it is a sensitive site. Material from other sites should not be brought in. Storm and over wash could wash material into marsh. Attention has to be paid to how manage this site. Maybe include in conditions? Tough site.

*Ms. Penny Scott-Pipes motion to close 83 Glades Road. 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, Mr. Andrew Gallagher, Ms. Penny Scott Pipes - yes, Frank Snow - yes*

**d. 83 Rear Glades Rd.**, DEP# 068-2889 (cont'd from 1/25/21)

**Applicant:** Oak Glades, LLC

**Representative:** Morse Engineering

**Proposed:** raze/rebuild, septic

See minutes from 83 Glades Rd DEP#068-2887.

*Ms. Penny Scott-Pipes motion to close 83 Rear Glades Rs. 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, Mr. Andrew Gallagher, Ms. Penny Scott Pipes - yes, Frank Snow - yes*

**e. 10 Newton St.**, DEP# 068-2898

**Applicant:** Perry DiNatale

**Representative:** Stenbeck & Taylor

**Proposed:** raze/rebuild, elevate and septic

Rick, from Stenbeck and Taylor, raze rebuild proposed. Elevated on wood piles with septic under house. AE 13, first floor would be 14.9 ft. Barrier beach, buffer BVW. Explained location of new house on lot compared to current house.

Andrea Walker, 6 Newton St– how high will piles be above ground? Above 3.5-4 feet. About 2 feet addition from structure to first floor of house. Size of house? Longer in back? 34 deep is correct depth. 24 feet wide. Understands replacement of septic is necessary. Concerned raising level of dirt. Does not want run off to her property. Rick – no fill. System will be below grade. Not an elevated system. There might be some level of surface. Pile drivers like flat site. Andrea concerned because on architectural plans site grade is TBD. Concerned about construction during summer months and safety and managing narrow street. Not a lot of staging area. Frank – our prevue as commission is to make sure project meets wetlands protection act. We do have provisions about erosion control, dumpster. Some of the concerns – regarding over seeing construction, building department oversees, but good points. Rick – good idea to make sure there is erosion control. Frank – staked silt fence, since flat. Pile drivers don't want a silt sock. Agent – barrier beach AE 13, coastal dune – resource areas. Improvement – septic and elevate on piles. No DEP comments. Appears to meet requirements of regulations.

*Ms. Penny Scott-Pipes motion to close 10 Newton 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*

**f. Bound Brook Court, DEP# 068-2900**

**Applicant:** Bound Brook Realty Trust

**Representative:** Grady

**Proposed:** septic repair

Rob Carlizon, Grady Consulting, representing applicant. Mixed use, 5 buildings from the 1960's. Entire Property in 200 riverfront buffer. All within 100 foot wetland setback. Going into existing parking lot and then repaving to existing condition. Two systems. One is larger that serves left, and smaller serves buildings on right.

Agent – meets requirement, improvement with new system.

Penny – need good system with brook right behind property.

Richard – details on system? Existing system are convention pipe and stone. Proposed systems are Infiltrator chambers, gravity fed.

Doug – perc rate? 30 min/inch. Explains why so big and how an improvement.

Frank – how does parking drain? While doing work good opportunity to improve drainage in area. Maybe more filtering or rain garden? Agent – that would be voluntary. By statue required to give upgrade to meet Title V. agree good time to start conversation about improving, but not required. Doug – sees two catch basin. Left building 4 and pipe between 5 and 3 to brook.

*Ms. Penny Scott-Pipes motion to close Bound Brook Ct. 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*

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

**a. 150 First Parish Rd. (cont'd from 1/6/2021)**

**(See Applicants request to continue to 4/26)**

**Applicant:** Erin Drakeley

**Project:** fence & buffer enhancement

*Ms. Penny Scott-Pipes motion to continue 150 First Parish Rd. to Monday, April 26, 2021. Jen Foley second. Doug Recused from vote. All in favor roll call vote (6-0). Mr. Richard Harding - yes, Mr. Brendan Collins - yes, Ms. Jen Foley - yes, Mr. Andrew Gallagher - yes, Penny Scott-Pipes – yes, Frank Snow - yes*

**b. 81 Country Way** (cont'd from 2/8/2021)

**Applicant:** Chris Clancy

**Representative:** Steve Ivas

**Proposed:** renovation of existing house

Steve Ivas, wetland scientist, representing applicant, reviewed project list for site. Replace deck back of property, on concrete piers and concrete footings; stairs down from house; removal of full size trees along Country Way for public safety purposed, decrease site lines; removal damaged tree in front yard; tree in back yard to be removed- black willow; removal of concrete steps that went to old deck and other concrete debris; remove and replace landscape shrubs around east and south side; construct wooden walkway on north side of garage so can get around garage to the house – maybe with railing to prevent access to wetland next to walkway; Richard – any plan for replacement? That can be done if you like. Doug – where smoothing out and how much fill? Really only scrub the top and some top soil. Jen – would like to know more about walkway. Steve – suggest made of wood. To get around that side of the house. He suggested a fence on the walkway because a drop off from there. Jen – can we have a drawing for the plan? Frank- what about what was built out over the wetland? Steve – they can remove the platform. Frank – also some conservation markers in the back yard. Agent – meets requirement of a negative finding. Will add what was discussed to form.

*Mr. Richard Harding motion for a negative 3 for 81 Country Way. 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, Mr. Andrew Gallagher - yes, Penny Scott-Pipes – yes, Frank Snow - yes*

**5. ADMINISTRATIVE ITEMS**

**a. Order of Conditions:** 190 Glades Rd., 68-2799 AMENDMENT;

169 Border St., 68-2894;  
lot 162 Bossy Lane 068-2886;  
234 First Parish Rd., 68-2897;  
49 Country Way, 68-2893;  
90 Lawson Ter 068-2896

Ms. Penny Scott-Pipes made a motion to accept orders as written. Mr. Richard Harding second motion. Doug Aaberg recused from vote because of 234 First Parish. *Unanimous all in favor roll call vote (6-0). Mr. Richard Harding - yes, Mr. Brendan Collins - yes, Ms. Jen Foley - yes, Mr. Andrew Gallagher - yes, Penny Scott-Pipes – yes, Frank Snow - yes*

**b. Request for Minor Modification – Town of Scituate Marina, 068-2692**

Agent – revised plan shifts the footprint to be more rectangular then square. Letter from DEP saying minor and insignificant. Change is consistent with the order of conditions.

*Ms. Penny Scott-Pipes motion to accept the minor modification. Mr. Andrew Gallagher 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. Approval of Draft Minutes – 1/25/2021**

Penny Scott-Pipes made motion to accept 1/25/21 minutes as written. Doug Aaberg second motion. *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*

**d. Correspondence**

Agent – 85 & 87 Glades matter – but came up during the 83 hearing. Enforcement work came up last couple weeks. Not allowed to take construction materials from one site to another. It has been communicated to developer. Jen – any fines? Frank – cease and desist gets more attention because with a fine, can still work. Maybe a letter so they are on notice so next time something happens know what consequence will be. Agent – notice / letter good idea. There is a lot that goes on once construction starts that is out of our purview. Jen – there are 4 projects going on here.

**Open space donation** – Agent – small list of properties conservation has been contacted about – regarding land donations. Need to decide course of action if want to recommend to Select Board. Frank – easier for people to donate to conservation than to town. But we need to make sure not a liability or added expense to conservation. Needs to be valuable to conservation. West End property flows to our water supply. Rear Glades property has building on it. Not condemned, but not habitable. Access is hard. Known resource area because filing for property next to it. Agent – upcoming Select Board meeting with farm update / Appleton Field and why interested in property. March 9<sup>th</sup> or March 23<sup>rd</sup>. Would want to visit 0 Rear Glades at low tide if can. Try to meet at Glades this week, so ready for Select Board next week. Town Administrator has questions about management of Appleton Field farming

Appleton Field – Frank - Andy can get agreement used for Teak Sherman and revise to work for Appleton Field. TA is looking for information like this. Also, ways to get word out about opportunity. Andy – year 1 – has lay out to what the situation is – prepping plots. Teak Sherman rolling out their communication for this year in next couple weeks. Can do what they do and maybe expand a bit. Scituate is administering for Teak Sherman – hope for them to manage this one also as far as membership and reserving spots. Andy will work on putting together plan with dimensions if that can be shared during Select Board meeting.

Frank – we should get on the agenda for 3/9 for 0 Rear Glades and Appleton Field farming. The sooner get this going, beneficial, because longer goes unused, more work to prepare.

#### **e. Liaison Reports –**

**Waterways** – Andrew Gallagher – they are working on kayak plan – would like to get stickers are craft so can avoid Coast Guard searches if needless. Interested in putting racks up. One location is Maritime Park and they were wondering what Conservation Commission thought about at Driftway. Suggest administered by Harbormaster. Pay fee to keep kayak there for the season. Goal is to make water more accessible to people, more parking. Frank – sticker system is good idea. For rack, assume there would be time limit to the season. Andy – they will put together a proposal, but they wanted to know if commission would consider.

**Annual Report** – Frank- office has been working on annual report. A lot is going on and a lot happened this year, especially during a challenging year. Effort for this year is appreciated.

#### **5. Adjourn**

*Ms. Penny Scott-Pipes motion to adjourn at 8:00pm. Ms. Jen Foley second. Unanimous all in favor roll call vote (7-0). Ms. Penny Scott-Pipes – yes, Mr. Richard Harding - yes, Mr. Doug Aaberg - yes, Mr. Brendan Collins - yes, Ms. Jen Foley - yes, Frank Snow – yes, Andrew Gallagher – yes*

#### **CORRESPONDENCE**

**February 8, 2021 – February 25, 2021**

1. Abutter notification project at 141 Driftway
2. ZBA decision regarding 38 Revere St, granting requested relief
3. ZBA decision re: 83 R Glades, granting special permit to allow r/r
4. Scituate Planning Board Agenda for February 25, 2021

5. Recording information for CofC 29 Rebecca Rd 68-2741
6. Letter from Rousseau in response to enforcement letter about 0 Rear Driftway
7. Massachusetts Wildlife magazine No 4 2020
8. Recording Info 19 Hillcrest Rd. 68-2647
9. Economic Development Commission Agenda February 22, 2021
10. 150 First Parish request to continue
11. 53 Border – letter from Lynne Maloney of 49 Border St regarding work at 61 Border St.
12. 780 First Parish Rd email from Jeff Hassett – notice engineered staked LOW
13. Letter from Stenbeck and Taylor regarding 138 River St – proposed repair request under Chapter 91 License
14. Offshore Marine has engaged in repair work on dock at 51 Nealgate St.
15. Letter from DEP to DPW re: Tack Factory Pond Water Quality Certification, 68-2738
16. Land donation offer of 0 Rear Glades Rd
17. Letter from Merritt Woods Condo Association regarding concerns any future project on Bartlett Fields.
18. Complaint from abutter regarding Special Permit violation at 108 Stockbridge Rd

**Minor Activity Permits**

- #8 – 4 Stanton Lane – move cobble for access
- #9 – 57 Surfside – gas connection
- #10 – 15 Circuit – move 2 rocks