

**Town of Scituate  
Conservation Commission  
Selectmen's Hearing Room / Remote Meeting  
Meeting Minutes  
Monday, May 17, 2021 5:30pm**

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

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

Not Present: Doug Aaberg, Richard Harding

**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, **Jen Foley** – 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. (4-0) Mr. Brendan Collins - yes, Ms. Jen Foley - yes, Ms. Penny Scott Pipes - yes, Frank Snow - yes*

**3. PUBLIC HEARINGS / NOI**

**a. 141 Driftway DEP# 68-2902**

**Applicant:** Paul Sheerin

**Representative:** Morse Engineering

**Proposed:** new dwelling and utility connection within flood zone and BVW

Greg morse, Morse Engineering. Currently there are two buildings on property. Taking those down and building three new buildings with one being a duplex. 3 lots created– lot A, B, C. FEMA flood zone AE, elevation 16 in part and 14 in other parts of lot. Would be connected to sewer to existing stub which is back of property currently. 30inch sewer pipe behind property. Stormwater mitigation is roof connecting to leaching chambers. Very sandy soils. Direct driveway to peastone trenches to rain gardens. Two rain gardens – one on lot A and one on lot C. Lot B driveway run off would be directed to rain garden on another lot. The dwellings are outside the flood and buffers. Work in the buffer is grading, rain garden, and sewer connection.

Art Allen from EcoTec reviewed recourse line for town. A couple minor changes with flags, that were incorporated into plan. Reviewed on March 1. Only inner buffer zone is sewer stub; as long as vegetate and property control area while doing work in agreement with plan.

John Chessia – reviewed stormwater for town. Understands asking for waiver to rain gardens.

Suggests rain gardens be closer to the houses so more space between them and resource area.

Modeling errors he things can be corrected – disagrees that cannot be corrected. Things since 3

buildings and only 2 rain gardens, home owners association should be created in deed so management of rain gardens is clear as the property are bought and sold.

Greg – currently same owner of all three lots so cannot make easements.

Morse – moving rain garden up hill is possible solution to get ground water separation. Another a swale from driveway can be done. O&M plan currently sans home owner of land responsible for their own land. Each lot maintained by owner – so no home owners association suggestion.

Agent – NOI for work within buffer. A lot of conservation review falls under Stormwater By Laws.

John Chessia – suggest having condition that restricts alter grade of properties.

Agent – makes sure other departments have reviewed and approved project. Just because have stub doesn't mean there is capacity.

Greg- they have been to sewer and planning board with curb cut.

Agent – tonight was to get John's comments reviewed by commission before next revised plan.

Easements sound pretty important as people buy and sell land. Greg – currently all is on one deed at this point. Art Allen – suggests putting on plan where suggest they do have easement agreements so in the future when lots have different owners it is already know where it is needed.

Maybe draft the easement agreements?

Frank – not closing tonight; need revised plan and thoughts on orders are applied.

Greg – will have revised plans to commission on Friday. John Chessia has a conflict with June 21 date.

Andrew Gallagher joined meeting during hearing.

*Ms. Penny Scott-Pipes motion to continue 141 Driftway to June 21, 2021 at 5:30pm. Mr. Brendan Collins second. Unanimous all in favor roll call vote (5-0). Mr. Brendan Collins - yes, Ms. Jen Foley - yes, Mr. Andrew Gallagher - yes, Ms. Penny Scott Pipes - yes, Frank Snow - yes*

**b. 24 Old Mouth Rd. DEP# 68-2919**

**Applicant:** William & Margaret Whittier Trust

**Representative:** Morse Engineering

**Proposed:** septic repair within flood zone and coastal dune

Greg Morse, Morse Engineering. Septic upgrade in Humarock. 4 bedroom house, 4 bedroom septic proposed. Septic plan approved by BOH. Barrier beach, LSCSF, AE 14. Currently, cesspool, that has failed. No vegetation to remove all areas previously disturbed. Agent – big improvement; no DEP comments; meets requirements.

*Ms. Penny Scott-Pipes motion to close 24 Old Mouth Rd. Mr. Brendan Collins second. Unanimous all in favor roll call vote (5-0). Mr. Brendan Collins - yes, Ms. Jen Foley - yes, Mr. Andrew Gallagher - yes, Ms. Penny Scott Pipes - yes, Frank Snow - yes*

**c. 250 Driftway (Widow's Walk) DEP# 68-2908 (NOI continued from 4/5/21)**

**Applicant:** Town of Scituate

**Representative:** Cavanaro Consulting

**Proposed:** parking lot improvements and associated landscaping within flood zone, BVW, riverfront area

Brendan Sullivan, Cavanaro Consulting. Stormwater reviewed by Merrill. Project in water resource district. Revised plans being presented since last meeting. Typically, TSS removal is required to be 80%; since water resource district, local by-law it should be 90%. Currently 0%. This plan meets the 80% but not at the 90%. Technically, this is a redevelopment and decreasing pavement so technically only need to do what is practical for site. Separation from ground water is required to be at 3 feet. This plan has it at 6 feet.

Penny – improvement in that area with the drainage and landscaping. Jen – confirmed there is a planting plan with details. Agent – not normal project for conservation commission. Town project; want to make sure include everything. Merrill reviewed twice. Improvement to what is there now. At what expense would it take to get to the 90%? Soils, plants?

Brendan – adding plantings would help filtrate more. Agent – DPW engineering said good with this plan and town planner asked about parking spaces.

Greg Morse – asked since plan was different if Planning Board needed to review again? Brendan – since increasing by 4 spaces (not 5 or more) does not need to go back to planning. Greg pointed out direction of traffic on parking lot and Brendan agreed needed to be updated now that second entry point to parking lot is not there anymore. This plan shows 156 parking spaces.

*Ms. Penny Scott-Pipes motion to close 250 Driftway with additional plantings and soil enhancements. Mr. Brendan Collins second. Unanimous all in favor roll call vote (5-0). Mr. Brendan Collins - yes, Ms. Jen Foley - yes, Mr. Andrew Gallagher - yes, Ms. Penny Scott Pipes - yes, Frank Snow - yes*

### **60 New Driftway DEP# 68-2921**

**Applicant:** Riverway Condominium Trust

**Representative:** CHA

**Proposed:** sewer connection

Scott Arnold, CHA – condos are currently served by 3 Title V septic systems. Proposed project is to connect units to town sewer. Since site is lower than street, 2 grinders and force main to existing gravity system on Driftway. Project is in the river front area to Herring River, buffer to coastal bank, buffer to salt marsh.

One system for condos is experiencing issues, so that is why proposing connecting to town sewer at this time. LSCSF part of project – AE 16 in that area. BOS last week approved connecting to town sewer. Received DEP number today – 68-2921. Pump station supplied with back up power source and can be remotely monitored. Erosion and sedimentation control to be installed for project. Agent – utility project and big improvement. Sewer commission agreed to connection. No DEP comments.

*Ms. Penny Scott-Pipes motion to close 60 New Driftway pending revised plan submitted showing easement added. Mr. Brendan Collins second. Unanimous all in favor roll call vote (5-0). Mr. Brendan Collins - yes, Ms. Jen Foley - yes, Mr. Andrew Gallagher - yes, Ms. Penny Scott Pipes - yes, Frank Snow - yes*

### **e. 8 Newell St., DEP# 068-2859, (cont'd from 4/5/21)**

**Applicant:** Christopher Winn

**Representative:** John DeLisi, Attorney; John Zimmer, South River Env.

**Proposed:** in-ground pool and other on barrier beach, coastal dune, coastal bank and flood zone

Jeff De Lisi – attorney, Chris Winn, owner, and John Zimmer, wetland scientist

Jeff – reviewed opinion offered from CZM correspondence, which he noticed was before Mr.

Zimmer was involved. It is a previously altered site. They are proposing 4:1 enhancement of dune area. CZM provides guidance, not binding resolutions. If anyone would like to request Rebecca

from CZM to do a site visit, that would be welcome. Penny – this is new construction – in ground pool, not in a coastal dune. They would not permit a foundation here, why would they permit an in

ground pool? Jenn – water can flow over the pool, not impeded by a building. Agent – Rebecca can be there for additional support. Planting enhancement should be approved by no pools, no walls.

John Zimmer – beneficial to reach out to Rebecca again and ask for opinion to project performance standards with resource areas functions better/? Look at other functions the dune has. Agent – can ask Rebecca for site visit but she asked for specific questions to address.

Frank – maybe helpful to have site visit with Rebecca

*Ms. Penny Scott-Pipes motion to continue 8 Newell St to July 19, 2021 at 5:30pm. Mr. Brendan Collins second. Unanimous all in favor roll call vote (5-0). Mr. Brendan Collins - yes, Ms. Jen Foley - yes, Mr. Andrew Gallagher - yes, Ms. Penny Scott Pipes - yes, Frank Snow - yes*

**f. 8 Newell St., DEP# 068-2866 (NOI) (4/5/21)**

**Applicant:** Christopher Winn

**Representative:** Paul Seaburg, Grady Consulting

**Proposed:** piles/ piers for new dock, chapter 91

Paul Seaburg – going back to plan on 8/24/2020. Not the version submitted after that. They have discussed with owner of mooring and owner is in agreement about proposed new location for mooring. The applicant had discussed with harbormaster and Russel Clarks who does the moorings. Frank – what are next steps? Chapter 91 license. Agent – we need to make sure ownership issue verified and we have not yet received letter from Murray regarding mooring. Penny – would like to see it in writing that this is the right way to go. Frank – plans consistent? Do we have construction sequence? Paul – driven piles via barge for part in water and then some done from land side that are in the marsh area.

*Ms. Penny Scott-Pipes motion to close 8 Newell St. pending receipt of correspondence from owner of agreeing to move mooring. Mr. Brendan Collins second. Unanimous all in favor roll call vote (5-0). Mr. Brendan Collins - yes, Ms. Jen Foley - yes, Mr. Andrew Gallagher - yes, Ms. Penny Scott Pipes - yes, Frank Snow - yes*

**g. 392, 392 R, 396 Hatherly Rd. DEP# 68-2918**

**Applicant:** Peter & Evelyn Finnegan

**Representative:** ECR

**Proposed:** Invasive plant management within flood zone and BVW

Brad Holmes, ECR – vegetation plan for 3 sites. Orange is work proposed in buffer. Green is worked proposed in wetland. LSCSF, single family residences. Management plan is ongoing mowing ; no herbicides to be used. Mowed 4-5 times a year during growing season, maybe more. Cut and stress plans and eventually will die, but will take years. First cut will be most important to management what do with material cut down. Not trying to increase lawn. This area trying to get rid of invasive weeds will be several inches higher than regular lawn cutting. Plants want to keep will be marked in the field to work around. Will take special equipment to cut first time and then other kinds of equipment after that. Could be done by owner or landscaper – whoever has the right equipment. Once start get bare patched, will seed with wetland seed mix.

Frank – has worked for Finnegan family in past, but feels can look at this without bias.

*Ms. Penny Scott-Pipes motion to close 159 R Glades Rd. Mr. Brendan Collins second. Unanimous all in favor roll call vote (5-0). Mr. Brendan Collins - yes, Ms. Jen Foley - yes, Mr. Andrew Gallagher - yes, Ms. Penny Scott Pipes - yes, Frank Snow - yes*

**4. REQUEST FOR DETERMINATION OF APPLICABILITY**

**10 Pennycress Rd. (continued from 4/26/21)**

**Applicant:** Ann Burbine

**Representative:** ECR

**Project:** after-the-fact yard work in buffer to BVW

Brad Holmes, ERC and Ann Burbine, owner on call. Brad – working with Cavanaro Consulting on site plan. Cavanaro was out last Friday to survey the site. Once has site plan will work on restoration plan. Ann – will do what commission asks her to do. Has lived there over 30 years.

Structure is from 1850's and at one point was a farm. Penny – will wait for restoration plan. Agent – Ann is getting the right professionals on board. Frank – appreciate moving forward to get this resolved with right people.

*Ms. Penny Scott-Pipes continue 10 Pennycress Rd to June 21, 2021 at 5:30pm. Ms. Brendan Collins second. Unanimous all in favor roll call vote (5-0). Mr. Brendan Collins - yes, Ms. Jen Foley - yes, Mr. Andrew Gallagher - yes, Penny Scott-Pipes – yes, Frank Snow - yes*

**5. Other Administrative Items**

- a. **Certificate of Compliances** (no vote): 6 Pond View Ave, 33 Common St,  
47 Pennfield Rd.

- b. **Order of Conditions/ ORAD:** 117-119 Edward Foster Rd.  
12 Cairnslea Lane

*Ms. Penny Scott-Pipes motion to issue orders for: 117-119 Edward Foster Rd*

*12 Cairnslea Lane*

*Motion second by Ms. Andrew Gallagher. Unanimous  
all in favor roll call vote (5-0). Mr. Brendan Collins - yes, Ms. Jen Foley - yes, Mr. Andrew Gallagher  
- yes, Penny Scott-Pipes – yes, Frank Snow – yes*

- b. **Discussion:** 4 Cliff Estates Rd, Sunoco Station, camping, kayaks

i. **4 Cliff Estates** – Agent - house was demo'd without demo permit and that is also not the project proposed to conservation commission. Commission would like applicant to refile new NOI and maybe fine. Good that contractor was responsive and immediately had erosion control on the site and whatever else was required from conservation. .

ii. **Sunoco** – Agent met with owner last week. Dave Wessman, owner, showed them how drainage from 3A goes onto site causing a lot of the wet areas. He is going to get a wetland scientist and submit a plan. Also will block the area so people cannot just dump material there. Agent – there was no hazardous material – more lawn and rubble. Frank – good that they will fence off the area where people have access to dump material.

iii. **Camping** – Frank and Amy met with TA about scouts creating area to camp on Scituate land. What did commission think of idea and location proposed. Jen – supportive of scouts camping in Scituate and being kept in the loop of the plans. Seems like ambitious plan, so maybe year one goals would be good to know.

**Andy** – good that at proposed location can get a porta potty there.

**Penny** – they might eventually want to put platforms for tents to go on. And fire pits. No sheds. Years ago scituate had a camping site off 3A. Platforms are for safety both from bugs but also out of wet so safer in case of lightening.

**Frank** -need to come up with rules and notification process (fire, police, gun club). TA said next step is to notify and present to Select Board. Received OK from commission to move forward with their support.

iv. Agent – state of emergency lifted on June 15<sup>th</sup> – anticipating guidance regarding Open Meeting Law. Also will look for specifics as to what happens to expiration dates for orders and extension needs. Please send thoughts on meetings going forward in person vs zoom, etc.

- v. Kayak racks – Agent – racks proposed by waterways committee. Although conservation is OK with proposed locations, the feedback from others has not been positive.

## 6. Adjourn

*Ms. Penny Scott-Pipes motion to adjourn at 8:20pm. Ms. Jen Foley second. Unanimous all in favor roll call vote (5-0). Ms. Penny Scott-Pipes – yes, Mr. Brendan Collins - yes, Ms. Jen Foley - yes, Frank Snow – yes, Andrew Gallagher – yes*

## CORRESPONDENCE

**April 26, 2021 – May 17, 2021**

1. CofC – 47 Pennfield Rd
2. CofC – 33 Common St
3. CoC – 2 Prospect Ave
4. RDA - 144 Hatherly Rd- Toll Brothers
5. NOI – 33 Oceanside Dr
6. NOI – 192 Clapp Rd
7. NOI - Well 18B – 250 Driftway
8. NOI – 67 Collier Ave
9. NOI – 42 Brunswick St.
10. Abutter notification for 67 Collier – r/r
11. 272 Central – true attest copy of OofC request
12. Recording info for 53 Border St 68-2707
13. Complaint/concern letter from abutter to 14 Kimberly – following up on previous letter
14. Complaint/concern letter from abutter to Scituate Beach Association regarding following permitting for lot used for parking
15. Email from Bob Vogel to owners of 4 Cliff Estate Rd – building permit voided
16. Agenda Planning Board May 13, 2021
17. Abbuter notification for 33 Oceanside Dr NOI
18. ZBA decision for 298 Central Ave granting special permit
19. Memo from Town Planner re Form A Application for 168 Stockbridge Rd
20. ZBA decision for 202 Central Ave granting special permit
21. ZBA decision for 143 Jericho Rd decision that applicant demonstrated they are entitled to requested relief
22. ZBA decision to 138 R Hollett St to grant special permit
23. ZBA decision for 9 Bridge Ave to grant special permit
24. ZBA decision for 30 Ocean Ave to grant special permit
25. Abutter notification for 392, 392R, 396 Hatherly Rd NOI
26. Abutter notification for Well 18B Treatment Plant modifications NOI
27. Abutter notification for 215 Tilden NOI

## Minor Activity Permits

- #56 - Dartmouth St – return cobble to beach
- #55 – 276 Central Ave – return cobble / sand
- #54 – 8 Cliff Rd - – return cobble / sand
- #53 – 10 Cliff Rd – return cobble / sand
- #52 – 147 Jericho Rd – return cobble / sand
- #51 – Glades Rd / Minot Beach parking lot area – new plantings
- #49 – 2 Cliff Rd – return cobble / sand

- #48 – 278 Central Ave -- return cobble / sand
- #47 – 10 Dickens Row – return cobble
- #46 – 8 Peggotty Beach Rd – return sand to beach
- #45 - 173 Turner Rd – return cobble / sand