

**Town of Scituate
Conservation Commission
Selectmen's Hearing Room / Remote Meeting
Meeting Minutes
Monday, December 7, 2020 5:15pm**

Members Present: Mr. Frank Snow, Chair

Teleconference: Mr. Richard Harding, Mr. Andy Gallagher, Mr. Brendan Collins, Ms. Jen Foley

Also Present: Amy Walkey, Conservation and Natural Resource Officer

Not Present/Participating in beginning of meeting: Mr. Doug Aaberg, Ms. Penny Scott-Pipes

Call to Order, Roll Call of Commissioners, Agenda Acceptance

Andrew Gallagher – present, at home, alone - Mr. Brendan Collins - present, at home, alone, Jen Foley – present, at home, alone, Mr. Richard Harding - present, alone, at home – Frank Snow, present, Selectman Hearing room with Amy Walkey and Jenn Smith in the room.

Mr. Richard Harding made motion to accept agenda with additions of dock clean up in Humarock and town Forest, Trail update. Ms. Jen Foley second. Roll call to vote. Unanimous vote accepted. (5-0)

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.

PUBLIC HEARINGS / NOI

281 Old Oaken Bucket Rd., DEP# 068-2882

Applicant: Lovendale, LLC

Representative: South Shore Survey Consultants

Proposed: wetland crossing

Mark Casey – described project. Some lines already approved via ANRAD. New lines to review are in different shade of green. Would like to bring backhoe across wetlands to conduct perc tests. Purpose of NOI is to get permission to bring backhoe in for perc tests and also to agree to wetland line.

Art Allen, EcoTec, peer review for Town of Scituate – onsite on November 20 and provided report. Agrees with delineation and only resource on site. The area where proposing doing temporary crossing for perc tests is mineral soil, rocky surface, should be able to support equipment. Water table pretty low; some surface water around. Freezing ground, good time to cross. Mark Casey – applicant – parcel that is labeled unknown on site map belongs to Harris's. Attorney Ohrenberger is doing title work and deed is being written. Art Allen has been asked to be onsite when they do the crossing.

Liz & William O'Reilly – 179 Maple St – when reviewed file in office, no deed, and no taxes paid on unknown parcel. Is bridge being built? What happens with building? Understand a 40B project is being considered. Frank – not proposing bridge, just proposing crossing temporary to perc and see what septic is needed. We cannot condition work on property they do not own. They should get deed to us. After perc, then go back to engineer on how to proceed and then come back to conservation commission with plan. This is a one time crossing, not to be used after perc is done.

O'Reilly – Norwell Conservation says they were not notified.

Frank – our consultant satisfied where wetland line is and then BOH will deal with the function of soil for type of septic/leaching field. The delineation being correct is important because will be used on future project proposed. Agent – we will double check abutters notified.

Richard Harding – cannot close because do not have deed for piece of land.

Elizabeth Murphy – 268 OOB – Was not notified of project. Has property at 281 been sold? Assuming does pass perc test, what is next step? Would like to be notified of work done on this property.

Agent – explained that her property is more than 100 feet from the project. At this point, the BOS has not received a letter regarding 40B project. Right now, only talking about the ANRAD and work to access are to do perc test. Reviewed possible process for project – other board involved.

Janet Bonica – 282 OOB – We see turtles in the area? What would warrant additional due diligence? Why cross wetland to perc when looks like plenty of other area to perc.

Mark – in design process, want to find out all available area on property for stormwater recharge and leaching field options.

Art Allen – initial based on known species, none are mapped on this site. More impact project, required studies. If seeing turtles, on this Mass National Heritage depends on is people to provide information to them. One way to get notified and then get mapped. There are a number of common turtles seen, no rare. About 4 rare known in this part of state. Bring to Massachusetts Heritage and National Species, photo to document and confirmed by state agency.

Mark Casey – will submit plan from registry of deeds.

Liz O'Reilly – What does zone 2-aquafer district mean? Mark – zone 2 means contributes to public water supply. Certain # feet to public water supply.

Mr. Richard Harding **motion to continue 281 Old Oaken Bucket Road to Monday, December 21, 2020 at 5:15pm. Mr. Andrew Gallagher second. Unanimous all in favor roll call vote (5-0).**

49 Collier Rd. DEP# 068-2871 (cont'd from 11/16/2020)

Applicant: Edward Johnson

Representative: Ross Engineering

Proposed: raze and rebuild

Paul Mirabito, Ross Engineering and Stan Humphries, wetland scientist, reviewed revised plan. House will not be in the VE zone. Deck will, and will not be attached to the house. Stan presented work being done on water side of house. The gully area is an opportunity to expand the dune replication across the property and elevate, and do away with coconut fiber logs originally proposed. Sand and cobble will be brought in which will provide more storm water prevention value. Other plantings suggested for area, so also improvement to habitat.

Richard – any trees being removed – Paul – trees will remain. What about slab for hot tub? Paul – will be against proposed house and a portion of slab will in in the VE zone.

Jen – shared Richard's concern regarding vegetation and hot tub slab. What about impact to abutter property? Paul – not changing grade; coastal bank remaining as it. Shed and concrete deck will be removed. Gravel in place which will support concrete wall that is leaning. Regrading is from open deck to water, nothing between houses.

Stan – proposed fill and level – so won't trap water

Andrew – what about plants between dune and house? Stan – have not hired landscape architect yet for plantings for that area. Andy – why not put on piles? Paul – out of VE zone, house is in AE zone. Line is through the elevated deck. North River commission approved house and elevation. They only approve house 30 feet in height.

Brendan Collins– how close is house to the VE line? Paul - 3-8 ft. 3-4 ft at closest point. That seems quite close. What is age of house? Paul – confirmed house in concrete block foundation built in 60's.

Agent – significant revision from initial proposal. 110 cu yds gravel being brought in; 175 cu yards cobble/sand. Dunes move, shift, migrate. Agree with plantings. Still concerned on foundation. Agree need to know what material being sourced. Flood lines are only lines – water does not know the lines on the map.

Not preferred to see additional solid surface – prefer gravel with crushed stone. Would like to see construction entrance, pad, and sequence. If approve pervious pavers, need information on maintenance. Would like to see calculations on calculations for fill. Agree with plantings being idea – maybe more for stabilizing dune.

Stan – if permitting where proposed, maybe consider concrete columns with break away walls (instead of solid wall on seaward side). Wall with studs that is pinned to adjacent columns and with force of certain pressure, that wall would fail, and water would come into basement – would not jeopardize living space.

Paul – required set backs from street line based on average other houses, put as close to the road as could for zoning – so that did not have to go to ZBA. Agent – more info on cobble / fill needed. Goal is not to maximize the property. Jen – should we bring in outside consultant on this one? Frank – would like to make sure not adversely effecting abutters. With new plan and fill being brought in, needed. Agent – hard to evaluate because contours stop at property line. Maybe professional geologist with coastal expertise. Will look into having someone review proposed changes to dune and new plan. Paul will touch base with office this week.

Mr. Richard Harding **motion to continue 49 Collier Rd. to Monday, January 25, 2021 at 5:15pm. Ms. Jen Foley second. Unanimous all in favor roll call vote (5-0).**

47 Town Way Ext. DEP#: 68-2837 (cont'd from 3/22/2020)

Applicant: Bill & Ruth Slocum,

Representative: Jeff Hassett, P.E., Morse Engineering

Project: reconstruction & deck

Jeff Hassett – Morse Engineering, re-notified and re-advertised project. Owners of both properties and attorney, Jeff DeLisi, on call also. Presenting 47 & 48 Town Way Extension together. Described project for both sites. Benefit – some of house moving away from water. Westerly site, house will be on piles and not foundation so 97% decrease in size of foundation. Roof reduction as well. Suggesting plantings.

Discussed construction sequence. Use crane to move structure to other property. New piles go in. Things that changed since last met, sand placed on property, re-surveyed in October once sand naturally moved. Went to BOH and asked for tight tank in paper road. Discussion about tight tank in easement vs on other lot, since buying that lot also. BOH already approved in this location. Agent – should get advisory opinion from state on needing Chapter 91 for new pilings on lot closer to water. Discussion about driveway maintenance on house farther from water. Jeff DeLisi – maintenance on driveway already covered in orders already have for property. Jeff Hassett - Reviewed construction sequence.

Mr. Richard Harding **motion to close 47 Town Way Extension with conditions discussed. Mr. Brendan Collins second. Unanimous all in favor roll call vote (5-0).**

Issue with abutter getting through on zoom call, so motion made to re-open to hear her concerns.

Mr. Richard Harding **motion to re-open 47 and 48 Town Way Extension. Mr. Brendan Collins second. Unanimous all in favor roll call vote (5-0).**

Sarah Moran, 46 Town Way Ext., concern about crane between homes. Wrote questions into the Commission in the Spring. Does not think enough space between homes to move it.

Jeff DeLisi – crane is crawler so specific to operate in environment like this. House will go between 48 and 47, not between 48 and 46, with the way the crane will operate. Not planning to go over 46 Town Way Ext in process.

Mr. Richard Harding **motion to close 47 Town Way Extension with conditions discussed. Mr. Brendan Collins second. Unanimous all in favor roll call vote (5-0).**

48 Town Way Ext., DEP#: 68-2838 (cont'd from 3/22/2020)

Applicant: Bill & Ruth Slocum,

Representative: Jeff Hassett, P.E., Morse Engineering

Project: reconstruction, deck and septic

See minutes from 47 Town Way Extension.

Mr. Richard Harding **motion to close 48 Town Way Extension with conditions discussed. Mr. Brendan Collins second. Unanimous all in favor roll call vote (5-0).**

0 Booth Hill Rd., DEP# 068-2877 (cont'd from 11/16/2020)

Applicant: Bartlett Field Realty Trust

Representative: John Zimmer, South River Environmental

Proposed: ANRAD

Mr. Andrew Gallagher **motion to continue 0 Booth Hill Rd. to Monday, December 21, 2020 at 5:15pm. Mr. Brendan Collins second. Unanimous all in favor roll call vote (5-0).**

NEW BUSINESS/Other Business/Agent Report

Approval of Draft Minutes – 11/16/2020 & 11/30/2020

Ms. Jen Foley **motion to accept minutes as written for 11/16/2020 & 11/30/2020. Mr. Richard Harding second motion. Unanimous Roll call vote in favor (5-0).**

Liaison Reports

- a. **Town Forest update** – Town Forest across from Public Safety hasn't had anything in a while and the Forest on Maple is in really bad shape. Think needs to do something with parking and restricting access because people leave debris. Agent – are there any plans for the trail group to focus on these areas? Maybe small CPC project? And/or DPW work? Frank – maybe scout group or trail group can do some work on the trails – maps, etc? Agent – any plan for those areas to be part of trail network upgrades? Problem of trash being dumped is a problem to address as well. Maybe it can be added at next trail meetings? Could encourage people to use more if more attention paid to them. Frank – maybe keep it on our list.
- b. **Docks** – Richard – there are two docks in Humarock (central ave and end of Newell) were destroyed in last two storms and rubble is in the marshes. Do we have jurisdiction regarding clean up? Agent – we have received request for type of permit needed and he shared his ideas on how it could be done.
- c. Frank – **community garden** will continue to discuss and work on.
- b. Correspondence

Motion to adjourn

Mr. Richard Harding **motion to adjourn. Ms. Jen Foley second motion. Unanimous Roll call vote in favor (5-0).**

Respectfully submitted,

Jennifer Smith
Recording Secretary