

**Town of Scituate  
Conservation Commission  
Selectmen's Hearing Room  
Meeting Minutes  
Monday, December 16, 2019**

**Members Present:** Chairman Mr. Frank Snow Jen Foley, Ms. Lisa Caisse, Ms. Penny Scott-Pipes, Mr. Doug Aaberg, Mr. Richard Harding, Mr. Andy Gallagher

**Not Present:**

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

**Ms. Penny Scott-Pipes made motion to accept agenda with additions of town Brook Meadow, discussion on 44 Captain Peirce. Mr. Doug Aaberg second. Unanimous vote accepted. (7-0)**

**\*EXECUTIVE SESSION - To discuss strategy with respect to litigation. (33 Oceanside Dr)**

**Motion go into executive session 6:20pm**

**Ms. Penny Scott-Pipes motion at 6:20pm to go into executive session to discuss strategy with respect to litigation for 33 Oceanside Dr. Ms. Lisa Caisse second motion. Unanimous individual vote in favor (7-0)**

Ms. Penny Scott-Pipes motion at 8:17 pm to go into executive session to. Ms. Lisa Caisse second motion. Roll call vote: Penny Scott-Pipes, Yes; Frank Snow, Yes; Lisa Caisse, Yes. Jen Foley, Yes, Richard Harding, Yes, Doug Aaberg, Yes, Andy Gallagher. Unanimous individual vote in favor to go into executive session (7-0)

Ms. Penny Scott-Pipes motion at 7:00pm to come out of executive session to. Ms. Lisa Caisse second motion. Roll call vote: Penny Scott-Pipes, Yes; Frank Snow, Yes; Lisa Caisse, Yes. Jen Foley, Yes, Richard Harding, Yes, Doug Aaberg, Yes, Andy Gallagher. Unanimous individual vote in favor to end executive session (7-0)

**DISCUSSION/ UPDATE:**

**PUBLIC HEARINGS NOI/ANRAD**

**780 First Parish Rd.** (new dwelling/ SW review), Applicant: Gerald & Linda Dwight, Representative: Jeff Hassett, Morse Engineering Co., Inc., DEP#: 68- 2812 (cont'd from 11/6/19)

Greg Morse, Morse Engineering, update on project. Final comment letter from peer review submitted last week. They have updated plan since those comments and wanted to review and present tonight. 1900 sq ft of alteration. 2:1 ration for replication. Reviewed stormwater proposed plan. Two rain water gardens. All stormwater from driveway directed to rain gardens. Septic system outside of 100 buffer. Work complied with 50 ft setback with exception of driveway crossing. Amy – comments pertaining to bylaw and 50 ft no disturb. Waiting for sign off from EcoTec on revised area replicating. A lot of BVW surrounding crossing, replication work needed. Not something must approve. Meets stormwater best can, but does not meet local bylaw, as stated in letter from Chessia. Penny – does not see any mitigation for new house being in 100. Doug – are hatched areas ledge? Yes. Greg – where proposing crossing, is smallest route, and already a path there. Have not filed for road cut yet. Frank – was this part of larger parcel and was there crossing and replication on those? Gerry Dwight – applicant and owner. Replication had to be done, but no wetland crossing on other driveway. Frank – When project in sensitive spot, other improvements try to make to offset loss in buffer areas. Greg – good portion of front of lot is existing lawn. Part being rain garden and depression, but maybe opportunity to do more there with plantings.

Doug – Were you instructed to move replication area? Greg – yes, Art made recommendation. So not disturbing as much undisturbed house. Liked other location for replication, because once done, becomes resource area, and then neighbor will be in 100 ft buffer.

**Ms. Penny Scott-Pipes motion to continue 780 First Parish Rd. to Monday, January 6, 2020 at 6:20pm. Ms. Jen Foley second. Unanimous all in favor (7-0).**

**236 Central Ave.** (rebuild and septic), Applicant: Paul Holland, Representative: William McGovern, Stenbeck & Taylor, Inc., DEP#: 68-2832 (cont'd from 12/2/19)

Abutter notifications handed in. Jeff DeLisi, Attorney and William McGovern, Stenbeck and Taylor. Lisa Caisse lives 4 houses from, so recusing. Jeff - house already razed. New owners, new plans. Recommends amending orders already issued, but differ to commission on that. William - reviewed proposed project. 44 x 28 ft house with deck around it. Smaller footprint than other plan. Maintain front set back and pull farther from seawall. Other substantial difference, fully engineering septic system. House will be higher than flood zone. Finished floor of house 23, . Leaching chambers under house. Grading under house will be level from 14 to 11. Parking in front of house. Parcel is in VE flood zone. Changes in street. Reviewed more details of septic system. Foundation connected to neighbor's foundation. Jeff - been to zoning and received approval. Received comments from BOH. Amy - new DEP number issued, so administratively, close out other order. Jeff - does not want to close open existing order until new ones issued. Amy - have structural, but can close pending BOH approval.

**Ms. Penny Scott-Pipes motion to close 236 Central Ave. Mr. Doug Aaberg second. Unanimous all in favor (6-0).**

**152 Vernon Rd.** (septic), Applicant: Mary Jane Curtis, Representative: Darren Grady, Grady Consultants, DEP#: 68-2833 (cont'd from 12/2/19)

Nic Laing, Grady Consulting, reviewed septic proposed plan. Everything outside of 100 except tank and erosion control.

**Ms. Penny Scott-Pipes motion to close 152 Vernon Rd. Ms. Lisa Caisse second. Unanimous all in favor (7-0).**

**39 Brunswick St.** (elevate), Applicant: Francis Adley, Representative: Paul Mirabito, Ross Engineering, DEP#: 68-2839 (cont'd from 12/2/19)

Paul Mirabito, Ross Engineering, reviewed project. Elevate existing house on reinforce concrete piers. Plan to pick up, put on cribbing and work underneath house. Existing garage will remain in place. Velocity zone goes through front of property. Elevate 3 ft above FEMA elevation requirements. Seawall on ocean side of house. No proposed change in grade to site. Old well on site. Brunswick is private way. Deck will remain in place. Amy - good to get house up. Read DEP comments specifically about structural needed.

Technical Comments from DEP "No concrete pier foundation plan included with NOI. This proposed new foundation within a V-Zone / A-Zone and coastal dune shall be elevated on an open pile foundation without footings. Bottom of lowest horizontal structural member at least 2' above BFE."

At least condition to be in accordance with what read. Comments including not allowing footings. Frank - no option to move house, this becomes alternative. He is going 3 feet higher than has to go. Amy - should have structural before close hearing. Paul - garage remains, no change. Frank - how soon have structural? Paul - probably take a month to get, with holidays.

**Ms. Penny Scott-Pipes motion to continue 39 Brunswick St. to January 22, 2020 at 6:20pm. Ms. Jen Foley second. Unanimous all in favor (7-0).**

**47 Town Way Ext. (reconstruction & deck), Applicant: Bill & Ruth Slocum, Representative: Jeff Hassett, Morse Engineering, DEP#: 68-2837**

Jeff DeLisi, Attorney, Greg Morse, Morse Engineering. Bill Slocum, owner present. Hearing both 47 and 48 Town Way Ext together. Jeff - single family dwelling on west side of town way extension. Dwelling has been damaged by storms, especially 2018 storms. Client also owns 48 Townway Ext. 48 is actually two houses connected by covered porch. Plan is to take back end of house (two story portion) and remove it, and move it to opposite side of townway extension and put in place of what is there now at 47 Townway Ext. Move up out of velocity zone, with new septic system. Also, propose to construct tight tank at 48 to service remaining building there. As community talking about smart way to retreat from ocean. Removing over 60% of building closest to ocean and moving farther away.

Receiving approval from board of appeals and presently with BOH.

Amy - neither NOI has narrative with the filing. Appreciate project explained in laymen terms tonight.

Jeff - 47 - raze house that is there now. Move part of 48 to lot on 47. Doug - curious about tight tank? What is there now. Pipe runs from house down to ground. Not positive what is there now and no requirement to find out because no transfer of ownership. This is why proposing tight tank. Doug - question is mitigation while doing work.

Is there a construction plan? Frank – sequence of work would be helpful. Jeff – talked to Jeff Hassett and Hassett thought enough room to not have to encroach on neighbor's property. Greg – There is 20 feet from existing structure to property line. Has not spoke to mover about how going to move. Frank – reviewed a few thoughts he had, and that is why would like to know what doing because all invoice disturbing and altering ground there. Jeff Delisi – a few pilings will remain for proposed deck on 48 and a few will be removed. Tight tank proposed to go in front of house on landward side. Greg – rebuilding stairs to new location.

Amy – good opening to project. Narrative and construction sequence will be helpful. And if meeting performance standards for wetland protection act and local bylaw. Classification of resource area. How was mean annual high water line determined? Bc beach standards vs coastal dune standards different. This might need peer review – could use coastal geologist. Coastal dune, going into beach. Trying to figure out how going to access portion and move to other location and what impact will have on area to do the work- execution of work is important to know. How resource area determined was not part of what was submitted. Reviewed how currently work needs to be done every year to bring material to cover current septic system, of which we have no information. Altering a dune is not acceptable, which is also concern for this proposed project.

Greg – Stan Humphries, coastal geologist included narrative in NOI submitted for both addresses.

Frank – It concerns him that portion will remain and will put septic system on which means plan to have house there for long time in area that is so vulnerable. Talking about managed retreat in that area but understand people don't want to wait and possibly loose house. So much change in that area every winter. In terms of peer review, although complicated, Stan should be able to put together competent narrative. Amy – difference between beach and coastal dune. Septic is approvable if coastal dune. Question mean high water line. Peer review would be confirmation of resource area and regulations. Jeff DeLisi – what proposing is trying to remove hazard. Alternative is to leave it there. This is solution at moment. Although town is looking at concepts for the area. Not sure how viable and what the timing is for them. What proposing is better then what is there now.

Frank – has BOH weighed in on current septic? Amy – currently, not allowed to flush. Reviewed history of area of working in this area in past. Tight tank is improvement. Will need to be serviced on regular basis. Working in resource area with shifting dune. Greg – explained tight tank. Amy – assessor to home is how this is permissible. With minimum amount of cover. Jeff Delisi – proposing this upgrade voluntarily without doing investigation. BOH conditions on neighbor tight tank inspection beginning and end of season and alarms on system.

Frank – what foundation support under house being razed? Greg – removing what is there. Driven piles going in. Amy – Has a structural analysis has been done? Can we get a copy of that? Suggest continue pending receipt of materials requested and BOH approval.

**Ms. Penny Scott-Pipes motion to continue 47 Town Way Ext. to January 6, 2020 at 6:20pm. Ms. Jen Foley second. Unanimous all in favor (7-0).**

**48 Town Way Ext. (reconstruction, deck and septic), Applicant: Bill & Ruth Slocum, Representative: Jeff Hassett, Morse Engineering, DEP#: 68-2838**

See minutes from 47 Town Way Ext.

**Ms. Penny Scott-Pipes motion to continue 48 Town Way Ext. to January 6, 2020 at 6:20pm. Ms. Jen Foley second. Unanimous all in favor (7-0).**

**169 Border St. (dock), Applicant: Kevin Leary, Representative: Carmen Hudson, Cavanaro Consulting**  
Cavanaro, Cavanaro Consulting. 159 and 169 Border St. 159 is empty lot adjacent to 169 Border St. Proposed pier with removable float. Properties on either side have docks. Gulf, salt marsh/wetland delineated. Flood Plain, AE zone, Elevation 12, land subject to coastal storm flowage. Majority property upland. Easy to sight dock away from edge of property lines. First step, then DEP, then US Army Corp – many steps. Penny – what is space in planking? Quarter inch. Majority of dock is 5 feet above, part is 4 feet. No DEP # so cannot close. Frank – any concerns about access to do work? No. Already clear. Make sure conservation notified of any clearing that needs to be done for access before start work.

**Ms. Penny Scott-Pipes motion to continue 169 Border St. to January 6, 2020 at 6:20pm. Ms. Jen Foley second. Unanimous all in favor (7-0).**

**PUBLIC MEETINGS/ADMINISTRATIVE, ENFORCEMENT / PERMITS and OTHER REQUESTS**

**Requests for Determination of Applicability: 429 Country Way**

Greg Morse, Morse Engineering, representing owners. Septic repair project. Described resource area. Current system failed. New system out of 50 ft buffer. At closest point, leaching field is 64 ft. to resource area Explained why not in different location – proposed location allows for gravity system, and do not need a pump, as would need if on other side of property. Greg – also not enough room with set back in front of house. Frank – agreed better to keep simpler system based on gravity then more complicated and needing extra components.

**Ms. Penny Scott-Pipes motion to issue negative 3 for 429 Country Way. Ms. Lisa Caisse second. Unanimous all in favor (7-0).**

**Requests for Determination of Applicability: Laurelwood Dr.**

Paul Mirabito, Ross Engineering. Reviewed project. Surveyed property back in July. At time flagged as IVW. Perc test for 5 lots, which is at zoning board this week. Brad Holmes was out there with Art Allen, Eco Tec, today. Change resource area to BVW, not IVW. Revised plan today and noted accordingly. Line did not change, only classification. Frank – why isn't this an ANRAD? Paul – when did this, was IVW, can be classified as upland. Not doing any work within 100 ft buffer any way. Amy – would be positive determination. Any work in buffer would need NOI and agree that it is a BVW. Is it in estimated priority heritage. Paul said Brad Holmes said it is not.

**Ms. Penny Scott-Pipes motion to issue positive determination for Laurelwood Dr. Ms. Lisa Caisse second. Unanimous all in favor (7-0).**

**Requests for Determination of Applicability: Hollycrest – Higgins MacAllister Trail**

Jen Foley, trying to allow more access for trail. Foot bridge and walkway. Showed on map where structures are going. Walkway is approx. 35 feet. Bridge is 85 ft. Amy – understand might have some Eagle Scouts to help construct and project will provide access to open area.

Frank has spoken to boyscout troop and plan to attend January meeting to pitch project.

**Ms. Penny Scott-Pipes motion to issue negative 2 & 3 for Hollycrest – Higgins MacAllister Trail. Ms. Lisa Caisse second. Unanimous all in favor (7-0).**

**Agent's Report / enforcement discussion:**

Chris Ford, 264 First Parish Rd, Acquired 44 Captain Peirce Property. Worked on house to save house. Currently trying to figure out what to do with barn. Plan to build 2 bedroom dwelling on foundation. What to relocate barn. Seeking lot line change, he owns both; needs to make sure have set backs. Building suggesting seeking variance. Asking to rotate barn. Have Brad Holmes make suggestions. Frank – when this was approved, thought the barn was going to be turned into home. Floors rotten out and on stone foundation. Had not envisions being as aggressive project as discussing here. Penny – this seems like a different project then what they approved conditions. Amy – would have scrutinized resource line more. Originally was more of a septic project for the barn that was going to be rehabbed. Now asking to work in 50 and increasing project. Potentially stormwater. Tight site. Amy – you can request amendment. This is just informal discussion. If request amendment, that would have formal plans with narrative with points outlining differences, then would formally decide as commission.

Whether amendment or new NOI, same opportunity for abutters and commission.

**SUBCOMMITTEE/ PROJECT UPDATES / MISCELLANEOUS / OLD BUSINESS:**

***NEW BUSINESS: Correspondence, Agent's Report, Violation and Enforcement Orders***

New commissioner Andy Gallagher did not vote on issuing order at this meeting.

OOC: **210 Central Ave.** (septic), Applicant: Lisa Pratt, DEP#: 68-2831

Ms. Penny Scott-Pipes Motion to accept orders as written for 210 Central Ave. **Second by Ms. Jen Foley**  
**Unanimous all in favor (6-0).**

OO: **20 Ridge Hill Rd** (septic repair), Applicant: Cherie Krysko, DEP#: 68-2834  
Ms. Penny Scott-Pipes Motion to accept orders as written for 20 Ridge Hill Rd. **Second by Mr. Richard Harding**  
**Unanimous all in favor (6-0).**

OO: **18 Cliff Road South** (elevate), Applicant: Doug & Lisa Roeder, DEP#: 68-2823  
Ms. Penny Scott-Pipes Motion to accept orders as written for 18 Cliff Road South. **Second by Mr. Doug Aaberg**  
**Unanimous all in favor (6-0).**

OO: **20 Cliff Road South** (r/r), Applicant: Doug & Lisa Roeder, DEP# 68-2824  
Ms. Penny Scott-Pipes Motion to accept orders as written for 20 Cliff Road South. **Second by Mr. Doug Aaberg**  
**Unanimous all in favor (6-0).**

**Request for Extension:** between 74 Glades and 35 Surfside DEP#: 68-2626  
Ms. Penny Scott-Pipes Motion to extend orders 74 Glades and 35 Surfside for 3 years. **Second by Ms. Jen Foley**  
**Unanimous all in favor (6-0).**

Request to issue Certificate of Compliance:

**58 Oceanside Dr. 68-2600**  
**36 Cornet Stetson Rd 68-1795**

**Agent report –**

Enforcement Issue: **Herring Brook** – aerial photo from a month ago showing silt and concerned if released. Previously fragmitis, invasive were to be removed and then were to be backfilled after dug out a few feet. Then was to be storage for site for access water. Before able to backfill to level, filled with ground and rain water. Would like to investigate. Can't dewater it now. Frank – we can walk there. Amy – has been there since this photo was taken and did not see this silt. Frank – when issues happen with Toll Brothers, we permitted, so they have to come to us to advance project. In this case, we have less say, really only to deal with enforcement of infraction. Hope to hear from DEP. This is first offense. We should get in writing what their story is and what they plan to do to make sure this is a one time event.

**Gardiner Road** – saw new fill on Ayers property.

**1 Hollett St** – over stepped permission given for septic. Trees taken down and disturbance near resource area. Now thinks restoration plan, which would be done under Enforcement Order.

**Trails** – do we want to do the Fairy Quest folks to install their quest? Will vote in January after reviewing minutes from when discussed in past.

**Motion to adjourn**

Ms. Penny Scott-Pipes **motion to adjourn at 9:45pm Ms. Lisa Caisse second motion. Unanimous vote in favor (7-0).**

Respectfully submitted,

Jennifer Smith  
Recording Secretary

**CORRESPONDENCE**  
**December 2, 2019 – December 16, 2019**

1. New RDA 31 Starberry Lane
2. New NOI 115 Jericho Rd (new dwelling)
3. CofC request 58 Oceanside Dr 68-2600

4. Email 7/18/19 re: Stockbridge Landing Drat Permit sheet
5. Toll Brothers – Seaside Scituate project – photos 11/22/19
6. Letter from Gil Sullivan 12/10/19 re: 86 Humarock Beach Rd
7. Recording info CofC 214 Clapp Road 68-2474 Bk 52083 Pg 234
8. Update memo from Paul to Conservation re Crosbie work
9. ZBA comments re 126-132 CJC Hwy
10. Recording info Extension 68-2593 290 Hatherly Bk 52080 Pg 165 12/12/19
11. Agenda Economic Development Commission meeting 12/16/19
12. ZBA decision to allow project re 86 Humarock Beach Rd
13. Agenda Selectman 12/9/19 meeting
14. Scituate Planning Board Agenda 12/12/19
15. Comments emailed from Jim O’Connell re: 18 Cliff Road South 12/3/19
16. Comments from BOH re: Stockbridge Landing Draft permit

### **Minor Activity Permits**

#35 – 171 Turner Rd (move sand back to beach)