

**Town of Scituate  
Conservation Commission  
Selectmen's Hearing Room  
Meeting Minutes  
March 4, 2019**

**Members Present:** Chairman Mr. Frank Snow, Mr. Paul Parys, Mr. Richard Harding, Ms. Penny Scott-Pipes, Ms. Jen Foley, and Mr. Doug Aaberg

**Not Present:** Ms. Lisa Caisse

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

**DISCUSSION/ UPDATE:**

**6:15PM:** Call to Order and Agenda Acceptance

**Ms. Penny Scott-Pipes made motion to accept agenda with as written. Mr. Paul Parys second. Unanimous vote accepted. (6-0)**

**PUBLIC HEARINGS NOI/ANRAD**

**87 Glades Rd** (raze & rebuild with septic system repair), Applicant: Doris Crary, Representative: Jeff Hassett, Morse Engineering Co., Inc., DEP #68-2765  
James Garfield, Morse Engineering, representing Doris Crary, homeowner. Board of Health and Building Design have approved

**Ms. Penny Scott-Pipes motion to close 87 Glades Rd. Mr. Richard Harding second. Unanimous all in favor (6-0).**

**606 Chief Justice Cushing Hwy** (Athletic Track and Fields renovation and concession stand), Applicant: Maura Glancy, Town of Scituate; Representative: Sean O'Connell, Activitas Inc., DEP #68-2771  
Tim Howard, Activitas. Received input from reviewer and incorporated in plan. One change suggested is to move the lights from field next to stadium to back fields. Can extend erosion control around the area. One light post would be in the buffer. Narrow shallow trench to connect to power. Area already grass.  
Maura Glancy – reason for moving lights is to reuse them since the lights were donated to town in honor of family member.

**Ms. Penny Scott-Pipes motion to close 606 Chief Justice Cushing Hwy. Mr. Doug Aaberg second. Unanimous all in favor (6-0).**

**109 Jericho Rd** (raze/rebuild), Applicant: Wolf, Representative: Jeff Hassett, Morse Engineering, DEP #68-2774  
James Garfield, Morse Engineering, Merrill had revision to the revised plan. Today updated plans were submitted. Final recommendations need to be reviewed.

**Ms. Penny Scott-Pipes motion to continue 109 Jericho Rd. to March 18, 2019. Mr. Doug Aaberg second. Unanimous all in favor (6-0).**

**Tack Factory Pond Dr.** (Well 17A Treatment Plant), Applicant: Town of Scituate; Representative: Amanda Houle, Tighe and Bond - **See Applicants Request to Continue to March 18<sup>th</sup>.**

**Ms. Penny Scott-Pipes motion to continue Tack Factory Pond Dr. to March 18, 2019 Mr. Richard Harding second. Unanimous all in favor (6-0).**

**58 Dreamwold Rd**, (septic and grading), Applicant: Kevin Lonergan, Representative: Greg Morse, Morse Engineering 68-2776

James Garfield, Morse Engineering. BOH has approved plan. Only changes to plan are three conservation posts added to conservation line.

**Ms. Penny Scott-Pipes motion to close 58 Dreamwold Rd. Mr. Richard Harding second. Unanimous all in favor (6-0).**

**190 Glades Rd** (new dwelling), Applicant: Jeffrey Burek, Representative: Brendan Sullivan, Cavanaro Consulting, DEP #68-2779

**Ms. Penny Scott-Pipes motion to continue 190 Glades Rd. to March 18, 2019. Mr. Doug Aaberg second. Unanimous all in favor (6-0).**

**663 Hatherly Road, Hatherly Country Club, Irrigation system, pond dredge DEP# 68-2761**, Applicant: William Ohrenberger,

William Ohrenberger, representing Hatherly Country Club, and Alex Patterson, wetlands scientist. This NOI is additional step to finish upgrade of irrigation system. Sprinklers already replaced with better technology.

Alex Patterson – overall goal of project to improve irrigation system, conserve water, and improve quantity and quality of water available. Deepening and widening footprint of existing pond. Work would also include removal of 13,000 cu yds of material and installation of a liner in pond to prevent salt water intrusion and to which will help hold water for storage. Excavated material from pond would be stockpiles and used for landscaping on course. 750,000 gall to a little over a million gallons.

On quality side of water improvement, de-salinization system in new pump house building. 90% recovery of water used. New basin footprint would be 50,000 sq ft in size. Quarter acre what it is now. Would also address growth of phragmites – removed and replaced them with native shrubs. Project has received MEPA certificate. Once Conservation approval is done, still have a couple other steps of approval from other organizations.

Art Allen from EcoTech – reviewed for town. Comments submitted February 19. Numbers in NOI are accurate and agrees with resource area designation. Agrees that the phragmites around bank do not provide good habitat and removing as a result of excavation would be an improvement. Is concerned with land under water of pond and requested sediment tests and they did provide. Typically that location is where the habitat value is – which is valuable organic material. Seems the idea is to use for top soil. And then put a liner in pond. Thinks they should do more to reuse that soil being dug out from bottom of pond, maybe reline the liner with stockpile of sediment. Lined impervious are not resource areas – so if create this, they are creating a basin that is no longer a resource area. So if you find value in the sediment, in the future it will potentially not be regulated. Also recommended when they dewater pond, dewater with some sort of floating device, so taking from top, and not taking sediment from bottom as dewatering pond. Recommended extend erosion control to include an area where stream was not shown on plan – and to add stream to plan that is along route to driving range.

Alex – in agreement with comments. Even if new basin of pond not a resource area, there is no loss of function. In replacing some sediment on lining, will help maintain some of that function. Will revise plan to show intermittent stream and change in erosion control.

Doug asked about water having high saline level. Want to take salt out of water before goes into pond, so can use that for irrigation. Bill summarized process.

Amy - Since losing resource area in lining the pond, should it be conditioned? Or specific mitigation to make sure functions the same. Something should be done to ensure area recreated on course if decide at later point to not use a pond for irrigation. Work in area would be subject to review since most of land is land subject to coastal flooding. Frank – agrees need condition to protect it for down the road decisions as irrigation technology changes.

Bill – Could write a surviving condition, that the club agrees to maintain pond wetland. Request to close at next meeting with condition that planting plan will be forthcoming.

Frank - Disposal of phragmites – Alex - plan is to before dewater, cut phragmites to ground surface and then remove above ground stalks to compost. Soil near edge needs to be stored separately from soil from deeper part. Don't want phragmites.

Need to develop planning plan, erosion control, and stream to plan. Seem minor. Next Monday is the deadline for new materials for March 18 meeting. Will try to have orders ready soon after March 18 if close at that meeting.

**Ms. Penny Scott-Pipes motion to continue 663 Hatherly Rd. to March 18, 2019 at 6:20pm. Mr. Doug Aaberg second. Unanimous all in favor (6-0).**

**97 Edward Foster/ ANRAD**, Applicant: Maureen Colvin, Representative: Lucas Environmental, DEP #68-2782

**Ms. Penny Scott-Pipes motion to continue 97 Edward Foster Rd. to March 18, 2019 at 6:20pm. Mr. Doug Aaberg second. Unanimous all in favor (6-0).**

**43 Oceanside Dr**, (Raze, Move dwelling), Applicant, Alfred Boyajian, Representative: Paul Mirabito, Ross Engineering DEP #68-2781

Paul Mirabito from Ross Engineering, representing applicant. Project is to move house from 43 Oceanside, and remove foundation there, and move house to 33 Oceanside location. How do we give Order of conditions when we have not given orders for the location. 60 cu yds of fill to level lot.

Do we have to consider any other environmental impacts if lift house without approval to move to lot they are suggested. Town has process for approving moving of house. Once lift house, need to provide erosion control around site. Once house will lifted, will remove foundation. Not planning to change existing elevation of land. No plans at this point for the site after house lifted. Would need to come back with another application for plans for the lot. Rich asked how foundation would be disposed of. Paul said has to go to concrete landfill and /or has to be crushed. Sometimes can be recycled.

Jen – asked if had idea how much fill would be brought in. Paul – estimating 60 yds or less.

Amy asked if utility location could be added to plan? Paul said he does not know where they area. To get a permit to move needs to dislocate water, electric and sewer. Frank – town should have water and sewer. So they should be on the plan. Amy – what is plan to stabilize ground once house is removed?

Need plan to stabilize lot. Need plan that shows what planning to do on site. Grading should look like how it is now after fill is brought in.

Suggested to incorporate condition for as built when finished. Stabilize ground. Plan should be revised to be moved, but not specifically to 33 Oceanside. The NOI does not mention the location the house is being moved to. The Plan does – suggested striking the location from the plan.

Mark – 95 Marion Rd – curious where the clean fill is going to come from and not sure the fill quoted is enough. He says previous owner filled concrete 20 feet deep, so will need more then 60 cu yd. Who decides if clean fill? Frank – if we learn contaminated, it will be addressed.

Removing that concrete

Frank wants to be clear that the plan is to keep the grading the same – so does not want to hear later that 60 cu yds was used if not all needed after house is lifted.

Add utilities to the plan.

**Ms. Penny Scott-Pipes motion to continue 43 Oceanside Dr. to March 18, 2019 at 6:20pm Mr. Richard Harding second. Unanimous all in favor (6-0).**

**6 Pond View Dr**, (Raze Rebuild), Applicant, Bradford Dunn and Michaela Seawall, Representative: Paul Mirabito, Ross Engineering DEP #68-2780

Paul Mirabito, Ross Engineering, representing applicants. Land subject to coastal storm flowage. Razing house. New dwelling crawlspace would be elevation 13. Reinforced concrete foundation with breakout wall with crawlspace. No grade changes. Amy – sounds compliant. No particular questions.

**Ms. Penny Scott-Pipes motion to close 6 Pond View Dr. Mr. Richard Harding second. Unanimous all in favor (6-0).**

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

**Request for Determination of Applicability:**

54 Mann Lott, septic repair (RDA 3-19)

James Garfield, Morse Engineering, representing applicant. Reviewed plan. Currently serviced by cesspool. Which is failing. Owner has been having it pumped weekly. Need to go into the 50 in order to achieve gravity needed. Since happening in already disturbed area and is an emergency, OK with it being an RDA

**Ms. Penny Scott-Pipes motion for -3 for 54 Mann Lott Mr. Doug Aaberg second. Unanimous all in favor (6-0).**

**Gulf River Association, 143 Border St, osprey nest (RDA 4-19)**

David Dwyer, president Gulf River Association. 2 osprey nests were there were swept away with storm 2 years ago. Old nests were successful in bringing breeding osprey's to area. Even with no posts, there is a nest currently. Keith Wallo – brought pictures of one built in North River

**Ms. Penny Scott-Pipes motion for -3 for 143 Border St. Mr. Richard Harding second. Unanimous all in favor (6-0).**

**Egypt Beach Parking Lot, 310 Hatherly Road – repave lot, add stormwater management improvements (RDA 5-19)**

Proposing to re-pave parking lot at Egypt Beach. Amy shared plan. Not enlarging parking lot. Part of Beach Committee and Rec Department project funded by DPW. Repairing with improvements. Want to go out to bid soon and have done before summer. Doug asked about when to consider and encourage new technologies. Franks thoughts are that it would make sense if new project. There are some upgrades being incorporated in certain areas of parking lot.

**Ms. Penny Scott-Pipes motion for -3 for 310 Hatherly Rd. Mr. Doug Aaberg second. Unanimous all in favor (6-0).**

**148 Maple Street, tree cutting (RDA 6-19)**

Applicants are not able to come out tonight. Amy shared photos of trees on property. They had letter from insurance company to remove trees or loose insurance. Land has become wet and trees are old. Several have fallen on own. One came down with this past storm.

**Ms. Penny Scott-Pipes motion for -3 for 148 Maple Street. Mr. Doug Aaberg second. Unanimous all in favor (6-0).**

**55 Collier, footing for an addition (RDA 7-19)**

James Garfield, Morse Engineering, representing owner.

Len Cubellis present. James Garfield reviewed plan. FEMA AE 16 zone. Want to install one sono-tube footing to hold up second floor addition over garage.

**Ms. Penny Scott-Pipes motion for -3 for 55 Collier Rd. Mr. Doug Aaberg second. Unanimous all in favor (6-0).**

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

**EO 33 Oceanside** – reviewed EO and violation sent. If vote issue order of conditions, the EO goes away. But now he has not put erosion control out as asked. Need to issue updated EO regarding erosion control. \$300 a day from Feb 15, when it was supposed to be installed to March 4.

**Trails** –had a good meeting but since meeting is so long, Frank will email update to everyone. Discussed how to manage projects that come up one at a time. When discussed about what is intended with use of trails – bikes on some, no motor bikes. Need to be open to how people are using trails, as the needs change. But needs to be permitted. When we have a light agenda, that would be appropriate time to hear someone present.

14 Kimberly – asked for a Partial Certificate of Compliance. Need escrow money appropriate for amount of work that needs to be completed. Need to do a site visit.

### **ADMINISTRATIVE REVIEW:**

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

OOB: 33 Oceanside Dr. (raze, move dwelling), Applicant, Alfred Boyajian, 68-2767

Do we want to issue orders but with special conditions would help have control over project or deny project. If deny it, applicant goes to the state for orders. In this case would need to appeal both, which puts you in superior court. Trying to protect flood control and storm damage. Have evidence that water comes of the sea wall. We discussed in past about project going on piers so water can flow. If vote to issue order, EO goes away. Richard concerned that if condition it, he will ignore conditions. Would prefer to deny. Doug – land subject to flooding was discussed this weekend conference and there was encouragement to assume storm water damage. He sees the plan shows negative impact to neighbors – can say that the applicant has not shown there will not be a negative impact on abutters. Penny – concerned that if deny it and he appeals it, she thinks we might have more influence if we issue orders we like with special conditions, and he appeals it, then the state sees what we would be OK with to influence their decision.

Amy – we have stronger position if condition project and explain why. However, in this case, applicant is not compliant.

Jen – other projects we hold money to ensure done correctly. Amy – larger projects have held bond on projects.

**Ms. Penny Scott-Pipes motion to deny orders for 33 Oceanside Dr. Mr. Richard Harding second motion. Unanimous vote in favor (6-0)**

OOB: 18 Evangeline Dr. (pool and patio), Applicant: Patrick McNamara, 68-2775

**Ms. Penny Scott-Pipes motion to accept orders as written for 18 Evangeline Dr. Mr. Doug Aaberg second motion. Unanimous vote in favor (6-0)**

OOB: 21 Franklin St (addition and new deck), Applicant: Brian & Madeline Meehan 68-2777

**Ms. Penny Scott-Pipes motion to accept orders as written for 21 Franklin St. Mr. Doug Aaberg second motion. Unanimous vote in favor (6-0)**

### **AGENT REPORT:**

**214 Clapp Road letter** – Amy did receive response from someone on team that they are working to meet conditions. They have done some of the stuff and need to produce some of the documentation.

Motion to adjourn

**Ms. Penny Scott-Pipes motion to adjourn 9:08 p.m. Mr. Paul Parys second motion. Unanimous vote in favor (6-0)**

Respectfully submitted,

Jennifer Smith  
Recording Secretary

**CORRESPONDENCE**  
**February 11, 2019 – March 4, 2019**

1. Recording info OofC 20 Newton St 2/13/19 Cert 106318 Bk 00531 Pg 118
2. Correspondence related to New Driftway / Rousseau property and OofC 68-1817
3. Photo of Go Green brought to office 2/11/19
4. 2019 MA Open Space Conference Save the Date April 27<sup>th</sup>, 2019 9am to 3:30pm
5. Athletic Field project continued to Planning Board meeting on February 28, 2019
6. Planning Board Agenda for February 14, 2019
7. Change in ownership of property at 92 Clapp Road as the property was sold (new owners now mentioned in letter)
8. Email letter from abutter on Dickens Row asking for updated regarding 2 Dickens Row
9. Letter from Division of Marine Fisheries to MEPA office with comments on Well17A project
10. Recording info for OofC for 31 Candlewood Dr 2/26/19 Bk 50844 Pg 39
11. Letter from Division of Fisheries & Wildlife to Fern Properties re: 214 Thomas Clapp Rd subdivision, asking for status of compliance of conditions since permit is set to expire April 1, 2019
12. Recording info OofC 16 Booth Hill Rd 2/25/19, Bk 50836 Pg 166
13. Planning Memo re: 227 C J Cushing Hwy Form A Application to be discussed March 16, 2019
14. Division of Marine Fisheries newsletter 3rd & 4<sup>th</sup> Quarters Volume 42
15. Abutter notification for NOI for 43 Oceanside Dr
16. Abutter notification for ANRAD 97 Edward foster Rd
17. Agenda for Scituate Planning Board meeting February 28, 2019
18. Letter from Robert Vogel to Theresa Nielson responding to complaint of Go Green trailer on site, Trailer is allowed because zoned commercial, not residential.
19. Agenda Board of Health Meeting February 25, 2019
20. Agenda Design Review meeting March 5, 2019
21. Notification from US Coast Guard on project approval to replace temporary Belden G Bly Bridge between Lynn and Saugus
22. Letter from Comprehensive Environmental Incorporated to ZBA chairman re: their review of housing development site plan and SW calculations for Stockbridge Landing

**CORRESPONDENCE**