

**Town of Scituate
Conservation Commission
Selectmen's Hearing Room / Remote Meeting
Meeting Minutes
Monday, September 20, 2021 5:30pm**

Members Present: Mr. Frank Snow, Chair

Teleconference: Mr. Richard Harding, Ms. Penny Scott Pipes, Ms. Jen Foley, Mr. Brendan Collins, Mr. Andrew Gallagher

Also Present: Amy Walkey, Conservation and Natural Resource Officer and Jenn Smith, recording secretary

Not Present: Mr. Richard Harding

Frank Snow, Chair: This meeting is being held remotely as an alternate means of public access. On June 16, 2021, Governor Baker signed into law an Act Extending Certain COVID-19 Measures Adopted During the State of Emergency. This Act includes an extension, until April 1, 2022, of the remote meeting provisions of his March 12, 2020, Executive Order 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, 5:30pm Roll Call of Commissioners

Penny Scott-Pipes – present, at home, alone – **Richard Harding** – present, at home, alone – **Jen Foley** – present, at home, alone, **Brendan Collins** - present, at home, alone – **Andrew Gallagher** - present, at home, alone – **Doug Aaberg** – (joined late) present, at home, alone

2. Agenda Acceptance:

Ms. Penny Scott-Pipes made motion to accept agenda with addition update from Troops. Mr. Richard Harding second. Roll call to vote. Unanimous vote accepted. (4-0) Mr. Richard Harding – yes, Ms. Jen Foley - yes, Ms. Penny Scott Pipes - yes, Frank Snow - yes

3. PUBLIC HEARINGS – NOI

a. 50 Surfside Rd. DEP#: 68-2940 cont'd from 8/16/21

Applicant: Megan & Mark Guerrero **Representative:** Green Seal Environment

Proposed: new single family dwelling

Jack O'Leary – Green Seal – have previous Order of Conditions, but proposed house in this NOI is larger and slightly different configuration. Revised plan for this NOI – no fill, no pool. Moved planting line to 30 from 25. Driveway and walkway with pervious pavers. 4% of lot area pervious pavers. No mow behind plantings.

Jen – would like the plantings at the 50. Jack – previous lawn though.

Agent – CZM comments pertain to storm damage prevention and flood damage. No DEP comments. Already disturbed lot. Did get structural for revised plans. Would allow for flow of water. Pavers not ideal, but good to know only 4% of lot. Approvable project.

Karen Canfield – 39 Surfside – although permittable – note overflow area gets, routinely storm drains can't keep up. Might be out of scope for this commission, but could use attention. Also, clarified that the two new house builds mentioned earlier are farther down the street.

Jen – asked about foundation of garage. Jack – garage on piles, like house, 4 ft concrete slab, so above grade, water can flow under garage. Ramp to get into garage

Agent – retaining walls were on previous plan, these have been removed.

Jack – would like to do lattice around walls to make house look good. Water can pass through.

Penny – they just get washed out in a storm.

Agent – lattice walls frowned upon.

Frank – gets washed into pond. Now using composite, which doesn't degrade. At least wood would decompose. Probably plantings around house

Ms. Jen Foley motion to close 50 Surfside with condition that no mow is at the 40 ft buffer line and updated plan is submitted for approval. Ms. Penny Scott-Pipes second. Unanimous all in favor roll call vote (4-0). Ms. Penny Scott Pipes - yes, Ms. Jen Foley – yes, Mr. Brendan Collins – yes, Mr. Frank Snow -yes

Andy joined meeting at 6:15.

b. **28 Gilson Rd. DEP#: 68-2942** cont'd from 8/16/21

Applicant: Ian & Christine Seaver **Representative:** Morse Engineering

Jurisdiction: LSCSF, AE 14, buffer to BVW

Proposed: addition and deck

Ms. Penny Scott-Pipes motion to continue 28 Gilson Rd to Oct 4, 2021. Mr. Doug Aaberg second. Unanimous all in favor roll call vote (5-0). Ms. Penny Scott Pipes - yes, Ms. Jen Foley – yes, Mr. Brendan Collins – yes, Mr. Doug Aaberg – yes, Mr. Andrew Gallagher – yes, Mr. Frank Snow -yes

c. **21 Central Ave. DEP#: 68-2936** - continued from 8/30/2021

Applicant: South River Marina

Representative: LEC

Proposed: Replace Revetment; Construct New Pier; Relocate Public Boat Ramp

Agent – quick update on meeting. Hopeful to close.

Adam Brodsky – attorney for applicant - full team is on call if have questions. Had three deliverables. Met with town counsel, Ms. Walkey, and Mr. Snow to ensure ramp remain public access. Agreed could condition applicant work with commission to draft document and erosion control additional information. Stormwater – Morse asked to submit letter, and did on 9/13/21.

Agent – agrees with Adam's .

Doug, Jen, Brendan, Andy, Penny – all set.

Frank – felt addressed concerned. Feels addressed ramp with neighbors. Has long way to go with other agencies reviewing. Place to clean up run off from site is good.

Ms. Penny Scott-Pipes motion to close 21 Central Ave. Mr. Andrew Gallagher second. Unanimous all in favor roll call vote (6-0). Ms. Penny Scott Pipes - yes, Ms. Jen Foley – yes, Mr. Brendan Collins – yes, Mr. Andrew Gallagher – yes, Mr. Doug Aaberg – yes, Mr. Frank Snow -yes

d. **138 R Hollett St. DEP#: 68-2952** cont'd from 8/30/21

Applicant: Daniel & Anna Shea

Representative: Morse Engineering

Proposed: addition within buffer to BVW, vernal pool, and riverfront area

Agent – Greg Morse submitted revised plans with mitigation.

Greg Morse, Morse Engineering, represents owner and applicant. Several resource areas. Brad Holmes delineated. Work is outside 100 BVW and flood but within riverfront and vernal pool.

Proposed over lawn area and convert part of driveway back to grass. Since last meeting, DEP issued a number, identified there will be 8 sonotubes on addition and they are marked on plan, and additional mitigation added to plan, in corner near riverfront area and flood area. 250 sq ft of plantings.

Doug – like idea of native species and that they made the effort to include. Assume 2-3 year observation period. Good grass added in area that was driveway. Doing good job of making up for impervious added.

Penny – good added some plantings. Jen agrees with Doug. Andy and Brendan agree with others. Frank – train goes right by the property

Ms. Penny Scott-Pipes motion to close 138 R Hollett St. Mr. Doug Aaberg second. Unanimous all in favor roll call vote (6-0). Ms. Penny Scott Pipes - yes, Ms. Jen Foley – yes, Mr. Brendan Collins – yes, Mr. Andrew Gallagher – yes, Mr. Doug Aaberg – yes, Mr. Frank Snow -yes

e. **39 Arrowwood Dr.**

Applicant: Scott & Tara McGavin

Representative: ECR

Proposed: pool, patio, grading

Brad Holmes – ECR – proposed pool, extension of patio, replace patio, retaining wall. Steep topography. Location because can't use other portions because water main easement and septic easement. Most project on treeline. Stay out of 50. Retaining wall first and then pool – working towards the front of the house.

Agent – in water resource protection district. Whole development sensitive area with resources. Site filled pretty substantially to build house. 25% slope down to resource line, as mentioned on house plans by Ross Engineering. More detail needed for retaining wall. Need to know how constructing. Needs variance from ZBA because water district.

Brad – will looking zoning, can provide more detail on retaining wall

Agent – LOW not realistic for project.

Frank – understand still need to go through other boards, good to get comments from Conservation while going through process.

Doug – considering grade from retaining wall. Trench and dig? Steep on each side. Stability concern. Probably need structural design on wall – hydraulic issue?

Penny – whole development was a challenge. Lots are narrow. Not crazy supportive of cutting down trees; not sure good idea to put in pool.

Andy – tough going into 50, would need to go more into 50 after this is done, and would rather not see that. Brendan - thoughts have been said.

Agent – requires variance for work on site.

Tara McGavin– owner – going for this location bc sunny. If behind house, it would be in the shade. Could look at being behind, and maybe less retraining wall. Who should work with for these details.

Frank – engineer is the person to work with. They might consult with others. But the engineer that drew the plans is where to start.

Brad – will coordinate with Tara and Ross Engineering. This project here with some changes.

Frank – complicated subdivision to put in dwellings. More complicated than other areas. Each lot carries, but big drop off is tough and water protection add more complication.

Scott McGavin – adding retaining wall would stabilize house from eroding around the house.

Ms. Penny Scott-Pipes motion to continue 39 Arrowwood Dr to October 18, 2021. Mr. Doug Aaberg second. Unanimous all in favor roll call vote (6-0). Ms. Penny Scott Pipes - yes, Ms. Jen Foley – yes, Mr. Brendan Collins – yes, Mr. Andrew Gallagher – yes, Mr. Doug Aaberg – yes, Mr. Frank Snow -yes

f. **40 Candlewood Dr.**

Applicant: Charles Dongara

Representative: Grady Consulting

Proposed: septic repair

Scott Fanara – Grady Consulting – septic repair. New system in same location. Erosion control proposed. Farther separation from ground water and the bottom of the system.

Agent – upgrade, big improvement. BPH ready to approve site. DEP no comments. Lone looks correct from what know of site.

Penny – too mad could not put leaching under driveway. Doug – Geo-may system – approved alternative system. Don't have to do big excavation with this system like other kids.

Scott – same location, existing removed and contaminated soil removed also.

Ms. Penny Scott-Pipes motion to close & issue 40 Candlewood Dr. Mr. Doug Aaberg second.

Unanimous all in favor roll call vote (6-0). Ms. Penny Scott Pipes - yes, Ms. Jen Foley – yes, Mr. Brendan Collins – yes, Mr. Andrew Gallagher – yes, Mr. Doug Aaberg – yes, Mr. Frank Snow -yes

g. **234 Central Ave.**

Applicant: Steven McLaughlin

Representative: Grady Consulting

Proposed: septic repair

Scott Fanara – Grady Consulting – similar system put in at 232 Central – Hoot system. Driveway will need to be removed and replaced. Agent – barrier beach, coastal dune, LSCSF, no DEP comments.

Ms. Penny Scott-Pipes motion to close & issue 234 Central Ave. Mr. Brendan Collins second.

Unanimous all in favor roll call vote (6-0). Ms. Penny Scott Pipes - yes, Ms. Jen Foley – yes, Mr. Brendan Collins – yes, Mr. Andrew Gallagher – yes, Mr. Doug Aaberg – yes, Mr. Frank Snow -yes

2. **Public Meeting - REQUESTS FOR DETERMINATION OF APPLICABILITY**

a. **39 Jericho Rd. (SBL# 30-21) (After the Fact)** continued from 8/16/2021

Applicant: Satuit Tavern

Project: repaving parking lot

Ms. Penny Scott-Pipes motion to continue 39 Jericho Rd. to November 15, 2021. Mr. Doug Aaberg second. Unanimous all in favor roll call vote (6-0). Mr. Doug Aaberg– yes, Ms. Penny Scott Pipes - yes, Ms. Jen Foley – yes, Mr. Brendan Collins – yes, Mr. Andrew Gallagher – yes, Mr. Frank Snow - yes

b. **14 Elaine Court (SBL# 34-21)**

Applicant: Suzanne Murray

Representative: Morse Engineering

Project: septic repair

Greg Morse, Morse Engineering. Half Acre lot, 4 bedroom home. John Zimmer delineated in June 2021. Failed Title V inspection. Treatment Hoot system. Discussed system proposed and how works. Lawn area would be returned to lawn. Erosion control used LOW for resource area. Repair failed system. BOF has approved. Agent – meet requirements of negative finding. Note that resource area not confirmed as accurate.

Ms. Penny Scott-Pipes motion to issue negative three for 14 Elaine Court. Mr. Doug Aaberg second.

Unanimous all in favor roll call vote (6-0). Mr. Doug Aaberg– yes, Ms. Penny Scott Pipes - yes, Ms. Jen Foley – yes, Mr. Brendan Collins – yes, Mr. Andrew Gallagher – yes, Mr. Frank Snow - yes

c. **127 Captain Peirce Rd. (SBL# 35-21)**

Applicant: Mark Quigley

Representative: Morse Engineering

Project: septic repair

Greg Morse, Morse Engineering, Septic repair project. 2 acre site. 4 bedroom dwelling with BVW, inland bank. 50ft buffer, 100 ft buffer, and the 100 and 200 foot riverfront buffer marked on the site. Existing septic next to house with pipe to leaching field that is closer to the road. New 4 in PCV will go through buffer, through existing lawn, leaching field for new system ill be out of 100 ft buffer.

Agent – meets requirements for negative three.

Doug – confirmed reusing line, just tapping into it to connect to new leaching field. All grass where working.

Ms. Penny Scott-Pipes motion to issue negative three for 127 Captain Peirce Rd. Mr. Doug Aaberg second. Unanimous all in favor roll call vote (6-0). Mr. Doug Aaberg – yes, Ms. Penny Scott Pipes – yes, Ms. Jen Foley – yes, Mr. Brendan Collins – yes, Mr. Andrew Gallagher – yes, Mr. Frank Snow – yes

4. Other Administrative Items

a. Approval of Draft Minutes: 7/19/2021 & 8/30/2021

Ms. Penny Scott-Pipes motion to accept minutes for 7/19/21 & 8/30/21 as written. . Mr. Doug Aaberg second. Unanimous all in favor roll call vote (6-0). Mr. Andrew Gallagher – yes, Ms. Penny Scott Pipes – yes, Jen Foley – yes, Brendan Collins – yes, Doug Aaberg – yes, Frank Snow – yes

**b. Certificates of Compliance/ Enforcement: 3 Driftway DEP#: 68-2751; 234
Central Ave DEP#: 68-2325; 49 Rebecca DEP#: 68-841; 67 Seaside Rd. DEP#: 68-536; 100 Cole
Pkwy. DEP#: 68-2212; 2 Prospect DEP#: 68-2708; 65 Surfside DEP#: 68-1664**

c. Request for Extension: 12 Gilson DEP#: 68-2664

Ms. Penny Scott-Pipes motion to issue extension or 12 Gilson Rd DEP# 68-2664. Mr. Brendan Collins second. Unanimous all in favor roll call vote (6-0). Mr. Andrew Gallagher – yes, Ms. Penny Scott Pipes – yes, Jen Foley – yes, Brendan Collins – yes, Doug Aaberg – yes, Frank Snow – yes

d. Re-organization of Commission

Ms. Penny Scott-Pipes motion for Frank Snow to be chair. Ms. Jen Foley second. Unanimous all in favor roll call vote (5-0). Mr. Andrew Gallagher – yes, Ms. Penny Scott Pipes – yes, Jen Foley – yes, Brendan Collins – yes, Doug Aaberg – yes, Frank Snow – abstained

Ms. Penny Scott-Pipes motion for Jen Foley to be Vice Chair. Mr. Doug Aaberg second. Unanimous all in favor roll call vote (5-0). Mr. Andrew Gallagher – yes, Ms. Penny Scott Pipes – yes, Jen Foley – (abstained) , Brendan Collins – yes, Doug Aaberg – yes, Frank Snow – yes

Mr. Brendan Collins motion for Penny Scott-Pipes to be secretary. Mr. Doug Aaberg second. Unanimous all in favor roll call vote (6-0). Mr. Andrew Gallagher – yes, Ms. Penny Scott Pipes – yes, Jen Foley – yes , Brendan Collins – yes, Doug Aaberg – yes, Frank Snow – yes

Andrew Gallagher will continue to work on community farming.

Coastal Advisory needs new person. Commission will think about it and let Frank know.

Mr. Doug Aaberg motion for Penny Scott-Pipes to be liaison for CPC. Mr. Andrew Gallagher second. Unanimous all in favor roll call vote (6-0). Mr. Andrew Gallagher – yes, Ms. Penny Scott Pipes – yes, Jen Foley – yes , Brendan Collins – yes, Doug Aaberg – yes, Frank Snow – yes

Ms. Penny Scott-Pipes motion for Andrew Gallagher to be liaison for Waterways. Ms. Jen Foley second. Unanimous all in favor roll call vote (6-0). Mr. Andrew Gallagher – yes, Ms. Penny Scott Pipes – yes, Jen Foley – yes , Brendan Collins – yes, Doug Aaberg – yes, Frank Snow – yes

Frank Snow- Boy Scouts looking for Eagle Scout projects will work on putting up signage for trails.
Dates to come.

e. Signing of Documents

**f. Executive Session to consider the purchase, exchange, lease or value of real property -
Border Street**

Ms. Penny Scott-Pipes motion to go into Executive Session to consider purchase, exchange, lease or value of real property – Border Street. Mr. Doug Aaberg second. Unanimous all in favor roll call vote (6-0). Mr. Andrew Gallagher – yes, Ms. Penny Scott Pipes - yes, Jen Foley – yes , Brendan Collins – yes, Doug Aaberg – yes, Frank Snow - yes

a. Approval of Minutes: 7/12/2021; 8/2/2021

b. Orders of Conditions: 8 Newell St. DEP#: 068-2866 (Dock NOI)
Lot 17 Border St.
116 Country Way

c. Certificates of Compliance: 10 Montvale Ave; 60 Hatherly Rd.;

5. Adjourn

Mr. Richard Harding motion to adjourn. Mr. Richard Harding second. Unanimous all in favor roll call vote (4-0). Mr. Richard Harding – yes, Ms. Penny Scott Pipes - yes, Jen Foley – yes, Frank Snow - yes

CORRESPONDENCE
August 30, 2021 – September 20, 2021

1. NOI 7 New Driftway – new residential building
2. NOI 0 Off Bay Street (next to 61 Seaside) – vegetation management
3. ANRAD 109 Elm St
4. NOI 22 Salt Meadow
5. RDA 14 Elaine Ct (septic)
6. RDA 127 Captain Peirce (septic)
7. RDA 207 Tilden Rd (replace shed)
8. NOI – lot 17 Border St – new pier
9. CofC request 100 Edward Foster Rd
10. CofC request 98 Crescent Ave
11. Extension request 12 Gilson Rd
12. 11 Manchester DEP #68-2864 – sign up and erosion control up photos
13. Recording info for OofC 142 Humarock Beach Rd 68-2928
14. Recording info for Extension of 160 CJC Hwy 68-2525
15. Planning Board Agenda 9/16/21
16. Design Review Committee meeting Agenda 9/14/21

17. Planning Board 9/9/21
18. ZBA decision for permit for 8 Bayberry Ln to deny co-applicants' appeal of building inspector's issuance of a building permit to Joyce.
19. Recording info for OofC 31 Lowell St 68-2933
20. Letter 9/13/21 regarding 21 Central Ave project