

**Town of Scituate
Conservation Commission
Selectmen's Hearing Room / Remote Meeting
Meeting Minutes
Monday, October 4, 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

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 of Troops update. 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. 4 Bassin Lane DEP#: 68-2947

Applicant: K&E Construction

Representative: Morse Engineering

Proposed: raze / rebuild single family dwelling within buffer to coastal bank

Jeff Hassett, Morse Engineering – raze/rebuild single family dwelling. Currently there is a single family house and another out building. The outbuilding will be removed. Only building one structure on the property. Resource area is top of coastal bank. Topography defines location of top of bank – where there is a change in the slope of greater than 4:1. Line on proposed plan is consistent with other properties in area. New home proposed to be further back than current one. Current gravel driveway not well defined, new driveway will be gravel but more defined. Adding fry well system and using erosion control during construction. Also, there will be a designated construction entrance on site.

Agent – had a site visit with CZM scheduled, but was last minutes cancelled. Hope to have that rescheduled for later this week. The CZM guidance was offered for technical guidance and why did not do a consultant. Good that doing roof well. Project went to zoning. DEP no comments. CZM does not always offer to do site visits and this project was of interest to them, which is why would like to have their input before close hearing.

Rachel Watsky – attorney for 6 Bassin Lane. Introducing self

Penny – is there a garage? Yes, under house near driveway.

In response to letter from abutter Jeff – not changing drainage of lot. Adding roof wells. Regarding risk to cliff, new structure will be farther from cliff, so improvement.

Frank – how much material removing? Calculation not ready. Frank – want to make sure not affecting erosion of cliff.

Jeff – slope of land is away from cliff. Deepest point of excavation is 5 foot.

Kathy Berry – 3 Bassin lane – her sup pump runs every day of the year currently. Her house is located across driveway from this property so she is concerned about change in water flowing from them to her property and it getting worse.

Jeff – digging basement won't affect water drainage.

Frank – keeping lawn at cliff?

Jeff 0 Yes, that line will remain as limit of lawn. No plans to do anything with the bank. Currently it is well vegetated.

Frank – concerned tight site. These tight sites cause most havoc.

Agent – CZM is interested in protecting the land form. This is area where the cliff is known to be eroding and town is working hard to address concern. Passed on peer review because getting technical guidance from state/CZM. Hope to have site visit this week.

Ms. Penny Scott-Pipes motion to continue 4 Bassin Lane to October 18, 2021. Ms. Jen Foley 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. Richard Harding – yes, Mr. Frank Snow -yes

Doug Aaberg joined meeting.

b. 0 Ridge Hill Rd. DEP#: 68-2944

Applicant: Kevin and Karen Donohue

Representative: Morse Engineering

Proposed: new single family dwelling and title V septic within buffer to BVW

Ms. Penny Scott-Pipes motion to continue 0 Ridge Hill Rd to November 15, 2021. Mr. Richard Harding second. Unanimous all in favor roll call vote (7-0). Ms. Penny Scott Pipes - yes, Ms. Jen Foley – yes, Mr. Brendan Collins – yes, Mr. Andrew Gallagher – yes, Mr. Richard Harding – yes, Mr. Frank Snow -yes

c. 28 Gilson Rd. DEP#: 68-2942 (cont'd from 9/20/21)

Applicant: Ian and Christine Seaver

Representative: Morse Engineering

Proposed: addition in LSCSF and buffer to BVW

Jeff Hassett – Morse Engineering – worked with Brad Holmes on plantings plan. Plantings and schedule for plantings added to site plan.

Agent – Brad also went out and updated flags on site.

Doug – OK. Would like to see more plantings, but OK with it.

Mr. Richard Harding motion to close 28 Gilson Rd. Ms. Penny Scott-Pipes second. Unanimous all in favor roll call vote (7-0). Ms. Penny Scott Pipes - yes, Ms. Jen Foley – yes, Mr. Brendan Collins – yes, Mr. Andrew Gallagher – yes, Mr. Richard Harding – yes, Mr. Doug Aaberg – yes, Mr. Frank Snow -yes

d. Off Bay Road DEP#: 068-2955

Applicant: Paul & Bonnie Turcotte

Representative: Land Stewardship, Inc.

Proposed: vegetation management

Joan Deely – Land Stewardship – owners are adding this piece of property to their plan for 61 Seaside that already has orders for vegetation management of the fragmites. They purchased this land since those orders were issued. Same approach, just adding section that they will work on. Herbicides to deal with fragmities and poison ivy. Will mow strategically – late fall, and then early

summer – after treatments to further stress the plants. Goal is to have both sections on same schedule. Plan will take about 3 years before in a position to start plantings new plants.

Andy – OK with herbicide treatment for fragmities which are invasive, but not ok with it for plants that are only a nuisance, not invasive, like poison ivy.

Doug – glad to see project expanding, better chance of success.

Joan – have not done restoration plan yet. Could that be conditioned?

Agent – DEP commented that need to add license requirement for herbicide application.

Ms. Penny Scott-Pipes motion to close Off Bay Road. Mr. Doug Aaberg second. Unanimous all in favor roll call vote (7-0). Ms. Penny Scott Pipes - yes, Ms. Jen Foley – yes, Mr. Brendan Collins – yes, Mr. Andrew Gallagher – yes, Mr. Richard Harding – yes, Mr. Doug Aaberg – yes, Mr. Frank Snow -yes

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

3. **65 Rebecca Rd. (SBL# 38-21)**

Applicant: Matt Francke

Representative: Atlantic Coast Engineering

Project: new open deck and new covered deck

Jed Hannon, Atlantic Coast Engineering. Existing 2 story single family dwelling. Part in AE 15 and part in VE 16 zone. Propose enclosed existing porch and building new deck on new footings. New deck proposed to be 20x28 on sonotubes. Deck will be level with house; house already elevated. Elevation certificate included in packet. Sonotubes 12 inch circular concrete. Driveway not being changed. Going to ZBA because of set backs.

Ms. Penny Scott-Pipes motion to issue a negative three for 65 Rebecca Rd. Mr. Doug Aaberg second. Unanimous all in favor roll call vote (7-0). Mr. Doug Aaberg– yes, Ms. Penny Scott Pipes - yes, Ms. Jen Foley – yes, Mr. Brendan Collins – yes, Mr. Andrew Gallagher – yes, Mr. Richard Harding – yes, Mr. Frank Snow - yes

Ms. Penny Scott-Pipes left meeting.

4. **26 Lighthouse Rd (SBL# 37-21)**

Applicant: Ugyen Sass

Representative: Atlantic Coast Engineering

Project: new deck

Jed Hannon, Atlantic Coast Engineering, No ZBA needed for this project. Adding new porch to front of house facing street. 8x40 ft porch. House elevated above flood zone.

Agent – meets requirements negative finding. Tough location. Commission has had concern about material used, prefer wood to composite.

Mr. Richard Harding motion to issue a negative three for 26 Lighthouse Rd. Ms. Jen Foley second. Unanimous all in favor roll call vote (6-0). Mr. Doug Aaberg– yes, Ms. Jen Foley – yes, Mr. Brendan Collins – yes, Mr. Andrew Gallagher – yes, Mr. Richard Harding – yes, Mr. Frank Snow - yes

5. **207 Tilden Rd. (SBL# 36-21)**

Applicant: Michael Horoho

Project: replace existing shed

Agent presented project. Rebuilding existing shed, slightly moved over from current location on cinder blocks. Not accepting resource lines with this determination. Richard – would like to know size of shed. Agent – will put language in RDA that shed should be same size as current shed

Mr. Doug Aaberg motion to issue a negative finding for 207 Tilden Rd. Mr. Brendan Collins second. Unanimous all in favor roll call vote (6-0). Mr. Doug Aaberg– yes, Ms. Jen Foley – yes, Mr. Brendan Collins – yes, Mr. Andrew Gallagher – yes, Mr. Richard Harding – yes, Mr. Frank Snow - yes

4. **Other Administrative Items**

- a. **Orders of Conditions:** 21 Central Ave. DEP#: 068-2936;
138 R Hollett St. DEP#: 068-2952; 50 Surfside Rd DEP#: 68-2940.

Mr. Richard Harding motion to accept orders as written for 21 Central Ave., 138 R Hollett St, and 50 Surfside Rd. Ms. Jen Foley second. Unanimous all in favor roll call vote (6-0). Mr. Andrew Gallagher – yes, Jen Foley – yes, Brendan Collins – yes, Doug Aaberg – yes, Mr. Richard Harding -yes, Frank Snow - yes

- b. **Certificates of Compliance/ Enforcement:** 36 R Bailey's Causeway Partial Certificate of Compliance / request for minor Modification
Agent will send a letter to applicant with update from commission. More work should be completed before a partial will be considered. Substantial amount will need to be held to issue Partial

182 Central Ave DEP# 68-2778;
9 Pond View DEP# 68-2631;
125 River St DEP# 68-2820

- Above certificate of compliances (182 Central, 9 Pond View, 125 River St) are to be issued.

c. **Discuss policy regarding continuances**

Discussion around having certain number of allowable continuances before requiring new information for a date to be set and then re-notifying abutters.

Frank – met with local scout troop regarding projects for Eagle scouts and life badges. The scouts need to get sign-off on the projects. Renewing trails in town forest, signs and posts up on trail system, and after decide on location for kiosk at Driftway, installing kiosk there.

d. **Signing of Documents**

5. Adjourn

Mr. Richard Harding motion to adjourn. Mr. Doug Aaberg second. Unanimous all in favor roll call vote (6-0). Mr. Andrew Gallagher – yes, Jen Foley – yes, Brendan Collins – yes, Doug Aaberg – yes, Mr. Richard Harding -yes, Frank Snow - yes

CORRESPONDENCE

September 20, 2021 – October 4, 2021

1. Recording Information 40 Candlewood OofC 68-2951
2. Cert of Understanding 234 Central Ave 68-2945
3. ZBA 42 Brunswick decision granting permission for special permit
4. Amended ZBA Agenda for October 21, 2021

5. MACC invoice 2022
6. Planning Board Accessory Dwelling 65 Booth Hill Rd
7. Chapter 91 Waterways License 138 River Street
8. Planning Board Site Plan Administrative Review for Multi-family Building for 7 New Driftway
9. Recording Info for CofC for 21 Harvard St 68-2913
10. Economic Development Meeting agenda for Sept 20
11. Recording info for OofC for 31 Lowell St. 68-2933
12. Cert of Understanding 142 Humarock Beach Rd 68-2928
13. NOI 184 Central Ave – septic
14. NOI 10 Pin Oak
15. RDA Jericho Rd Boat Ramp new vessel pump
16. RDA Teak Sherman Garden Tree Trimming
17. Herring Brook email from DeCesare regarding vegetation management