

Town of Scituate
Conservation Commission
Selectmen's Hearing Room / Remote Meeting
Meeting Minutes
Wednesday, January 6, 2021 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

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.

Call to Order, Roll Call of Commissioners, Agenda Acceptance

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

Ms. Penny Scott-Pipes made motion to accept agenda with additions of discussion about Appleton Field, Commission deadlines for submittals, issue in Humarock. Mr. Doug Aaberg second. Roll call to vote.

Unanimous vote accepted. (7-0)

Penny Scott-Pipes – yes – Doug Aaberg – yes - Andrew Gallagher – yes - Brendan Collins - yes, Jen Foley – yes, Richard Harding - yes – Frank Snow, yes

PUBLIC HEARINGS / NOI / ANRAD

0 Booth Hill Rd., DEP# 068-2877 (ANRAD) (cont'd from 12/21/2020)

Applicant: Bartlett Field Realty Trust

Representative: John Zimmer, South River Environmental

Proposed: ANRAD

John Zimmer, representing applicant, reviewed ANRAD plan. No project being proposed, only resource lines being agreed. Town had Mr. Steve Ivas review project and comment – he also reviewed in 2012. Mr. Ivas is on call as well. ANRAD from 2013 expired, so filing for new one. Re flagged with minor changes. Name of owner of property has been updated. Owner information submitted to office. In addition to the original certificated abutter list provided by assessor's office, additional abutter notifications were sent as recommended by agent. Merritt Woods HOA president and additional owners in association were notified. Green cards received back. Resource area of wooded wetlands and intermittent stream. Similar to what was previously approved in 2013.

Richard Harding – can you highlight flags that changed from 2012 to get idea of what is different. John - C series area a couple flags moved.

Agent - Plan shown in meeting is plan we had a week ago; not the most recent one. Most recent plan, that Steve Ivas reviewed, shows changes in flags clearer and overlay of new and previously approved plan.

Agent – ORAD would be permit that applicant would receive from this filing. No plan is proposed or being approved.

Dan Fennely – abutter – 65 Forest Lane – would be nice if plan showed egress to 3A. Would be nice to see that part of property as well. John Z – that portion is not subject to ANRAD. Would be on North east corner of property. No other parcels missing from this plan. Anything Project filed on this property, everyone would be notified.

Richard Kropp – president Merritt Woods HOA – 46 Forest Lane – did not sign green card – mailman signed green card. Did not know they could do that. Concerned, bc may not have returned card themselves so may not have actually been notified. Let post office know thoughts as well.

Frank Badger – 23 Forest Lane – narrative talks about intermitted stream but nothing on plan talks about intermittent stream. Narrative mentioned delineated in b series? Should not be on plan? John Z – those were delineated in 2012. Flags not refreshed for this filing. It is interior of BVW boundary. Secondary intermitted stream in south corner is on plan. Stream off c series has better defined banks. Steve Ivas agrees with explanation of streams and defining banks.

Scott Horseley – 65 Little River Rd – retained by Frank Badger and abutters – believes there are 2 intermitted streams and should be identified on project. Filing presumed development plans, and both streams tributaries to Bound Brook, which have specific standards to apply. Benefit to developers and site developers, need to be mindful. Should be identified on plan. Not shown on plan. Only BVWs have been delineated and part of this filing.

John – disagrees. No proposed development at this point. Asking approved wetland boundaries depicted on site plan. If in future, activity purposed in area that effect femoral drainage, commission can address at that time. Would prefer approved wetland boundaries as depicted. Not removing jurisdiction to commission that may be identified in future. Steve Ivas – femoral stream teeters out, does not drain to Bound Brook. Teeters out on property. Does not have a bank. The revised plan, more recent, has the old lines also, which includes streams. Femoral stream is on most recent plan. Not on plan shown on screen.

Agent – plan on this presentation is what we had a week ago; there is a more recent plan in office. We will be approving the plan dated 12.31.2020. Frank Badger – would love to see data that supports reason for defining of streams. If trying to be transparent and find out what the resource areas area and what the performance standards are, would be like to have all mapped out now, not incrementally. Revised site plan that Steve Ivas reviewed and agreed, was dated 12.31.2020. John Z – top of bank is the resource area regulated by conservation commission. Frank Badger – approving as femoral or intermitted? Can data for stream definition be shared with them? Agent – yes we can get them anything in the file we have. John Z – the December 31, 2020 plan, the plan asking commission to approve, is a blended plan. Has B series line, original approved line, and new line.

Agent - ORAD should reflect anything unclear on most recent plan and approval is only what approving and other resource areas where warrant additional investigation when plan is filed. John Z – the goal of this is to establish the jurisdiction of Conservation Commission.

Mr. Horseley – suggest continue so can show plan at another meeting. John – does not think has additional information to add to plan. Should be no discussion of performance standard because no project proposed. Request close hearing.

Frank Snow – concerned having public meeting in remote format and asking commissioners to vote on plan not in front of them. Agent – was not submitted in time to include in slideshow. Any differences were summarized in the public meeting. John Z – discussed exactly which flags moved from original plan. The difference between this plan shown and most recent revised plan, is that Dec 31, 2020 plan include overlay of previously approved plan from 2013. Agent- we can close and add qualifier about other resource area that are in the boundaries of resource areas on site and that approving most recent

version of plan. Frank Badger – plan approving not available on website and not being viewed currently; finds it unusual. Horseley – agrees with Frank Badger;

Bill Ohrenberger – Attorney for applicant, concur with John Zimmer – all applicable plans are public record. With appropriate comments made on ORAD, ask to close hearing.

Doug Aaberg – yes voting to close and issue and wanted to explain, can do this with confidence because town hired consultant and expert to review and that person agrees with plan. Following his guidance.

Ms. Penny Scott-Pipes motion to close, with stipulations discussed and issue ORAD for 0 Booth Hill Rd. Mr. Richard Harding second. Unanimous all in favor roll call vote (7-0).

Penny Scott-Pipes – yes – Doug Aaberg – yes - Andrew Gallagher – yes - Brendan Collins - yes, Jen Foley – yes, Richard Harding - yes – Frank Snow, yes

4 Cliff Estates Road, DEP# 068-2880 (NOI) (continued from 12/21/2020)

Applicant: David & Catrina Dirubbo

Representative: Morse Engineering

Proposed: addition and hardscaping

Greg Morse, Morse Engineering, representing owner. Briefly described projects and changes to the plan – plantings, suggested by Brad Holmes, have been added to part of area behind house on embankment to salt marsh. Did not propose plants along entire embankment, because some of it is well vegetated already. Generator will be outside of the 50ft buffer on a concrete pad. Agent – Any infiltration added to plan? Greg – project doesn't trigger stormwater threshold. Proposed driveway, walkway and patio are pervious pavers, allowing for infiltration of stormwater. Additions to the house are small. Site discharges to land subject to coastal storm flowage – which don't need to mitigate rates and volumes. Andy Gallagher recusing self because not part of first hearing.

Ms. Penny Scott-Pipes close and issue Order of Conditions for 4 Cliff Estates Road. Mr. Richard Harding second. Unanimous all in favor roll call vote (6-0).

Penny Scott-Pipes – yes – Doug Aaberg – yes - Brendan Collins - yes, Jen Foley – yes, Richard Harding - yes – Frank Snow, yes

8 Newell St., DEP# 068-2859 (NOI) (cont'd from 11/16/2020)

Applicant: Christopher Winn

Representative: Robert Crawford, EET

Proposed: pool

John Zimmer, South River Environmental, representing owner and applicant. New plan addressing concerns with design of pool and surrounding patio. Pool and patio area reduced and moved. To help offset distance to coastal bank and South River. Designed coastal dune enhancement plan. About 1700 sq ft enhancement to area of property. Enhancements will help it function better. Includes removing small concrete wall in that area. 2000 plugs of American beach grass and shrubs and cedar. Provides habitat and enhance dune. Material removed for pool will be used on site, so no material leaving site. Richard Harding recusing self from hearing

Ms. Penny Scott-Pipes motion to continue 8 Newell St to Monday, March 15, 2021 at 5:15pm. Mr. Doug Aaberg second. Unanimous all in favor roll call vote (6-0).

Penny Scott-Pipes – yes – Doug Aaberg – yes - Andrew Gallagher – yes - Brendan Collins - yes, Jen Foley – yes, – Frank Snow, yes

8 Newell St., DEP# 068-2866 (NOI) (cont'd from 11/16/2020)

Applicant: Christopher Winn

Representative: Paul Seaburg, Grady Consulting

Proposed: dock

Richard Harding – recusing self

Ms. Penny Scott-Pipes motion to continue 8 Newell St. to Monday, March 15, 2021 at 5:15pm. Mr. Richard Harding second. Unanimous all in favor roll call vote (6-0).

Penny Scott-Pipes – yes – Doug Aaberg – yes - Andrew Gallagher – yes - Brendan Collins - yes, Jen Foley – yes, – Frank Snow, yes

190 Glades Rd., DEP# 068-2799 (AMENDMENT)

Applicant: Stephen & Rita Pace

Representative: Cavanaro Consulting

Proposed: new build

Brendan Sullivan, Cavanaro Consulting, representing owners of property. Brad Holmes, ECR on line. Owners on line also. Brad did mitigation planting plan. Reviewed project. Originally approved 2019. Septic work has already been done by previous owner who originally permitted plan. Also had erosion control up and trees planted. New house plan proposed, with pool, and landscaping plan. Have comments from Merrill, town consultant and will reply and address them. Mostly were to incorporate more stormwater around the driveway area. Less ledge being removed with this plan. Much of basement is crawl space, and not full. Brad – after reviewing areas, wetland area is in good condition as well as buffer area – so thought previous planting plan would mean disturbing area already vegetated and in good condition. New proposed plan dealing with invasive in buffer – interplanting with native shrubs in wetland and buffer. Plant list included. Some pruning and removal of vines strangling trees. Area gets beat up from wind. Area in yellow on plan is mowed shrubbery area – create grassland there, meadow area which would create habitat for coastal birds. Maintain pathways, but limit mowing to annual to maintain field habitat.

Doug – not recusing self even though Merrill reviewed. He is not involved in review projects of Merrill. Feels he can be impartial.

Mitigation plan liked by Penny, Richard, Doug.

Jen – would like to see difference between original and new proposed plan.

Agent – we are in mid review with Merrill. This project is difference from original, so starting from beginning with stormwater review. This meeting is intended to present project. Will need another meeting before closing.

Frank – can we get an overlay of original and new proposed plan? Yes.

Ms. Penny Scott-Pipes motion to continue 190 Glades Rd to Monday, February 8, 2021 at 5:15pm. Mr. Doug Aaberg second. Unanimous all in favor roll call vote (7-0).

Penny Scott-Pipes – yes – Doug Aaberg – yes - Andrew Gallagher – yes - Brendan Collins - yes, Jen Foley – yes, Richard Harding - yes – Frank Snow, yes

REQUEST for DETERMINATION of APPLICABILITY:

150 First Parish Rd. (continued from 11/30/2020)

Applicant: Erin Drakeley

Proposed: fence installation and debris removal

Doug Aaberg recused self.

Mr. Richard Harding motion to continue 150 First Parish Rd. to Monday, March 1, 2021 at 5:15pm.

Mr. Andrew Gallagher second. Unanimous all in favor roll call vote (6-0).

Penny Scott-Pipes – yes – Andrew Gallagher – yes - Brendan Collins - yes, Jen Foley – yes, Richard Harding - yes – Frank Snow, yes

Third Cliff – Town Way Extension & Collier Rd.

Applicant: Town of Scituate DPW

Representative: GZA GeoEnvironmental, Inc.

Proposed: geotechnical explorations Third Cliff revetment

Sean McCarthy, Scituate Engineer, DPW, David Smith, GZA, town consultant. Alternative analysis needs to be done to design revetment work. Have data from previous borings completed. Need to do a few more on ends of project location. Locations shown on plan. Any right of way possibly needed by abutters have been requested. Borings will try to get 40 ft down. A day fo work each boring. Will provide mats to access area if needed, so do mess up grass. Frank – assume will do during low tide. All 3 are above mean high water, won't do when expecting super high tide.

Ms. Penny Scott-Pipes motion to issue negative determination for Third Cliff borings. Mr. Doug Aaberg second. Unanimous all in favor roll call vote (7-0).

Penny Scott-Pipes – yes – Doug Aaberg – yes - Andrew Gallagher – yes - Brendan Collins - yes, Jen Foley – yes, Richard Harding - yes – Frank Snow, yes

399 First Parish Rd.

Applicant: Massachusetts Electric Company

Representative: Epsilon Associates Inc.

Proposed: replace existing distribution pole and install new equipment on two poles

Mac Kelly, represent Massachusetts Electric Company. Works for Epsilon. Grid modernization.

Replace a couple poles in same location and upgrade equipment on poles. Access area via substation. Agent – work is largely exempt maintenance.

Ms. Penny Scott-Pipes motion to issue negative determination for 399 First Parish Rd. Ms. Jen Foley second. Unanimous all in favor roll call vote (7-0).

Penny Scott-Pipes – yes – Doug Aaberg – yes - Andrew Gallagher – yes - Brendan Collins - yes, Jen Foley – yes, Richard Harding - yes – Frank Snow, yes

Other Administrative Business

- a. Orders: 281 Old Oaken Bucket Rd, 159 R Glades Rd, 109 River Street, 47 Town Way Ext, 48 Town Way Ext

Penny Scott-Pipes motion to accept orders as written for 281 Old Oaken Bucket Rd. Doug Aaberg seconded motion. Unanimous all in favor roll call vote (7-0).

Penny Scott-Pipes motion to accept orders as written for 159 R Glades Rd. Richard Harding seconded motion. Unanimous all in favor roll call vote (7-0).

Penny Scott-Pipes – yes – Doug Aaberg – yes - Andrew Gallagher – yes - Brendan Collins - yes, Jen Foley – yes, Richard Harding - yes – Frank Snow, yes

Penny Scott-Pipes motion to accept orders as written for 109 River St. Andrew Gallagher seconded motion. Unanimous all in favor roll call vote (7-0).

b. Approval of Draft Minutes – 12/7/2020

Penny Scott-Pipes motion to accept minutes as written. Andrew Gallagher seconded motion. Unanimous all in favor roll call vote (7-0).

Penny Scott-Pipes – yes – Doug Aaberg – yes - Andrew Gallagher – yes - Brendan Collins - yes, Jen Foley – yes, Richard Harding - yes – Frank Snow, yes

c. Extensions Requests:

1. 238 Central Ave
2. 19 Peggotty Beach Rd

Penny Scott-Pipes motion to issue one year extensions to all extension requests listed. Andrew Gallagher seconded motion. Unanimous all in favor roll call vote (7-0).

Penny Scott-Pipes – yes – Doug Aaberg – yes - Andrew Gallagher – yes - Brendan Collins - yes, Jen Foley – yes, Richard Harding - yes – Frank Snow, yes

d. Correspondence

Adjourn

Penny Scott-Pipes motion to adjourn. Brendan Collins seconded motion. Unanimous all in favor roll call vote (7-0).

Penny Scott-Pipes – yes – Doug Aaberg – yes - Andrew Gallagher – yes - Brendan Collins - yes, Jen Foley – yes, Richard Harding - yes – Frank Snow, yes

CORRESPONDENCE

December 21, 2020 – January 6, 2021

1. NOI – 56 Peggotty Beach Rd
2. NOI – 202 Central Ave
3. NOI - 11 Foam RD
4. NOI – 13 Circuit (was RDA filing, refiled at NOI)
5. NOI – 40 Country Way
6. NOI – 10 Newton St
7. Abutter notification 10 Newton St
8. Recording info Extension for 68-2713 for 135 Glades Rd
9. Abutter notification for Thurd Cliff geotechnical subsurface exploration
10. Potential Treatment Periods for National Grid

11. Recording info for OofC 68-2879 for 43 Oceanside Dr.
12. Recording info for CofC 43 Oceanside Dr – 68-2781

Minor Activity Permits

- #48 – 171 Turner Rd – move cobble
- #49 – 32 Lauren Lan – trees
- #1 – 41 Cavanaugh - trees