

Town of Scituate
Conservation Commission
Selectmen's Hearing Room / Remote Meeting
Meeting Minutes
Monday, January 25, 2021 5:15pm

Members Present: Mr. Frank Snow, Chair

Teleconference: Mr. Richard Harding, Mr. Doug Aaberg, Mr. Brendan Collins, Ms. Jen Foley, Ms. Penny Scott Pipes, Mr. Andy Gallagher (joined late)

Also Present: Amy Walkey, Conservation and Natural Resource Officer

Not Present/Participating in beginning of meeting: Andrew Gallagher (joined late)

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.

1. Call to Order, 5:15pm Roll Call of Commissioners

Penny Scott-Pipes – present, at home, alone – **Doug Aaberg** – 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.

2. Agenda Acceptance:

Ms. Penny Scott-Pipes made motion to accept agenda as written. Mr. Doug Aaberg second. Roll call to vote. Unanimous vote accepted. (6-0) Mr. Richard Harding - yes, Mr. Doug Aaberg - yes, Mr. Brendan Collins - yes, Ms. Jen Foley - yes, Ms. Penny Scott Pipes - yes, Frank Snow - yes

3. PUBLIC HEARINGS / NOI

49 Collier Rd. DEP# 068-2871 (cont'd from 12/7/2020)

Applicant: Edward Johnson

Representative: Ross Engineering

Proposed: raze and rebuild

Adam Brodsky, attorney representing applicant and owner, reviewed project. Received permission from zoning to move house 4 feet closer to street. Change in plan is house shifting 4 feet so 4 feet farther from coastal resource areas. Revised plan submitted today. Portion of the house ends up being out of flood plain. Reviewed revised plan that was submitted earlier today. Paul Mirabito, Stan Humphries, and owners also on call. Coastal bank, coastal dune, land subject to coastal storm flowage are resources. Multiple coastal banks on property, which is unique. Frank- we have met on site for this project and plans have changed a couple times. New information is willing to move house 4 feet toward street. Brodsky – owners not interested in peer review. Stan Humphries has been working on project and is on call to comment. Frank – Have already had site visit. We would

like hire coastal geologist and get their professional opinion on this new plan. If continue to March 1 should have chance to hire peer review and hopefully review in time for March 1.
Ms. Penny Scott-Pipes motion to continue 49 Collier St. to Monday, March 1, 2021 at 5:15pm. Mr. Doug Aaberg second. Unanimous all in favor roll call vote (6-0). Mr. Richard Harding - yes, Mr. Doug Aaberg - yes, Mr. Brendan Collins - yes, Ms. Jen Foley - yes, Ms. Penny Scott Pipes - yes, Frank Snow - yes

10 New Driftway, DEP# 068-2699 (NOI) (cont'd from 12/21/2020)
(see applicant request to continue to 3/1/2021)

Applicant: Joseph Scanzillo

Representative: Ross Engineering

Proposed: parking expansion and stormwater improvements

Ms. Penny Scott-Pipes motion to continue 10 New Driftway to Monday, March 1, 2021 at 5:15pm. Mr. Richard Harding second. Unanimous all in favor roll call vote (6-0). Mr. Richard Harding - yes, Mr. Doug Aaberg - yes, Mr. Brendan Collins - yes, Ms. Jen Foley - yes, Ms. Penny Scott Pipes - yes, Frank Snow - yes

83 Glades Rd., DEP# 068-2887

Applicant: Oak Glades, LLC

Representative: Morse Engineering

Proposed: raze/rebuild, septic

Agent – we received a question regarding abutter notification. Specifically regarding 81 Glades. Attorney Nagle, representing abutters 81 Glades Rd, request continue because legal notice not done. Submitted letter of concern for his clients. Greg Morse - Confirmed notification sent. Frank - Currently, under emergency declaration, mailperson can sign. Confirmed 81 Glades was on certified mailing list.

Greg Morse, Morse Engineering, representing applicant, reviewed projects for both 83 and 83 R Glades Road. Both are raze / rebuilds with new septs. Septic location for both projects complement each other. 83 Glades is zone AE. 100 ft buffer to salt marsh extends on property of 83 Glades. Current dwelling is not FEMA compliant and has failed septic. New home, smaller footprint, mostly over current dwelling footprint. First floor is elevation 16, one foot about FEMA requirement. On piles. Over septic area, topography would be raised 2 feet. Retaining wall across front of site currently – propose to remove and propose install new one on southern part of lot. Has been through zoning board and approved.

83 R Glades – rather than have two separate mounds, bring grade up in same location and septs next to each other. Same resource area as 83 Glades. AE 15. Salt Marsh edge delineated by Brad Holmes. 50 buffer is on lot of 83 R Glades. Entire building within the 100 ft buffer. None of the existing structures were flood compliance. There were several structures, old vehicles, old boats stored. Proposal, take down home, shed, garage, clear lot. New home, 4 bedroom – same as current home. Smaller footprint, elevated on pilings. Piling layout and structural plans submitted. First floor would be elevation 16. Septic would be on lot line, next to septic for 83 Glades, so complement each other regarding grading. Proposed retraining wall about 2 feet, so no grading across lot line to abutter property. Maintains existing setback to wetlands. Sime fill going over septic for cover. Both septs partially located under the house and partially in side yard. Part in

side yard, loom and seed over system. Part under houses, gravel / sand over system. Doug – increase risk surface water flow off sites onto abutters? Understands retaining wall will ensure won't happen on one side. Greg – drainage off site – do not expect anymore surface water run off as result of construction. Reduction in impervious land coverage, less roof coverage, not paved driveway (shell). Flood plain – typically concerned with providing storage, but this is exemption, because assumption ocean has infinite storage. Flow – has seen photos of flow from Glades Rd. to out back – consider where house going, elevated on piles, so will get flow through under house – don't currently have that. Septic won't flow through, but where the new houses are, water will flow through.

Proposed construction, removed retaining wall in front of property, which diverts water flow. Same owner of both lots. Septic above ground water table so treated more than before.

83 and 83 R Glades Opened and heard together since projects overlap. Penny – supports project. Jen – distance from back house to marsh line – would like to see it farther away from marsh. Greg – discussed mitigation plan. Since existing house already within 50 foot buffer, so provided mitigation of over 100 plantings along line to marsh. Do plan to do grass behind house and marsh. Jen – it would be good to highlight that on the plan. Also concerned the marketing pictures do not reflect project proposed – we are not allowing garage door as their marketing shows.

Agent – good project; redeveloping what would be considered blighted properties. Wasn't well kept previously. Elevating, improving septic. Mitigation plan good start. Usually add to special conditions no lattice or enclosing area.

Bob Trembley, 71 Glades Rd – although described as blighted – really have largely been abandoned for many years. It is a lot of development for a sensitive. Concerned increase nitrate flow into the marsh and put self at risk for algae blooms and invasive species. In addition to more flood from marsh side. Greg – septic is replacing what exists there today. Fill being brought in is to elevate septic above ground water table so that it is treated before leaves, which currently does not. Better protection for marsh. Frank – what is perc rate for type of soil there? Greg – less than 2 minutes per inch. What is rate for system to fail? Typically, bottom has to be 4 feet above water table, if sandy, needs to be 5 feet above ground water level to better treatment before hits water table, before hits salt marsh. This system is designed to be 5 feet above. Currently system in the water level, so not as effective treatment. Title V required elevated, which is to protect marsh.

Delia Weikart – 84 Glades – questions about retaining wall height at street; concern water direct through Putnam property; concern wind and height of buildings and effect on marsh. Greg – walls labeled on plan about 2 feet higher than they are today. Grading for septic will start at street and gradually go over septic. Wall across the front is being removed. Agent – can include that in the conditions as well. Wind – more of architect design issue – will need to comply with Mass building code for roof and siding.

Nagle, attorney – Find plan hard to read. Where does say line found by wetland scientist. Missing river resource from plan; river's act is applicable here – not identified. Does not address alterations proposed. Do they meet performance standards for those alterations? Is strip of plants enough mitigation- doesn't seem related to salt marsh? To note, all of building in back building in 50ft no touch buffer. Small mitigation strip doesn't seem like enough. Work done in AE zone – By-laws talks about lowest of first flood being one foot above base flood level. Does not see that called out on plans. Mound system proposed for Title V. standards in bylaw in AE shall have no adverse on abutters, don't see on plan that it will not negatively impact. This proposal will change flowage of water. Concerned retraining wall proposed parallel to abutter property will affect access has had for over 20 years to Glades Rd. Plans submitted to ZBA accommodations made, but do not see on

this plan. More details on concerns included in letter submitted today. Greg – have said to abutter and his attorney that wall will be revised so abutter has access. Will read through Nagle's letter and will provide written response.

Christian Putnam – 81 Glades Rd - bought in Spring 2001. Lived here for 20 years. The rear of property there is flooding – concerned wall will make flooding worse – has had access for almost 20 years in front area.

Frank – confirmed that Brad Holmes reviewed resources on site. Stormwater question? Infiltrators? Greg – will ask about river front applicability and verify with Brad Holmes. Less impervious then current, less roofing. Neither site triggers stormwater. Grading not moving water to neighbors. Would comply because less impervious. More open areas for infiltrations with buildings being removed and new buildings being elevated. Septic tank designed for vehicular access.

Ms. Penny Scott-Pipes motion to continue 83 Glades Rd to Monday, March 1, 2021 at 5:15pm. Mr. Doug Aaberg second. Unanimous all in favor roll call vote (6-0). Mr. Richard Harding - yes, Mr. Doug Aaberg - yes, Mr. Brendan Collins - yes, Ms. Jen Foley - yes, Ms. Penny Scott Pipes - yes, Frank Snow - yes

83 Rear Glades Rd., DEP# 068-2889

Applicant: Oak Glades, LLC

Representative: Morse Engineering

Proposed: raze/rebuild, septic

See comments from 83 Glades Rd. hearing.

Ms. Penny Scott-Pipes motion to continue 83 Rear Glades Rd to Monday, March 1, 2021 at 5:15pm. Mr. Doug Aaberg second. Unanimous all in favor roll call vote (6-0). Mr. Richard Harding - yes, Mr. Doug Aaberg - yes, Mr. Brendan Collins - yes, Ms. Jen Foley - yes, Ms. Penny Scott Pipes - yes, Frank Snow - yes

Lot 162 Bossy Lane, DEP# 068-2886

Applicant: Emily & Patrick Farr

Representative: Morse Engineering

Proposed: new single family dwelling & septic

Greg Morse, Morse Engineering. Described project. Currently wooded lot about 37K sq ft. All work proposed outside of the 50 foot buffer. Closest point would be 60 feet to wetland. Does not trigger stormwater, but dry well for roof recharge included in plan. Proposed 3 bedroom new single family dwelling with septic tank and pump chamber and leaching field. Leaching field is 58 feet from wetlands. DEP no comments.

Art Allen, EcoTec, hired by town to review. January 8, 2021 evaluation site with Greg and Amy. His comments were addressed on January 12 revised plan. Notes on plan included to protect culvert and prepare if necessary. Culverts connect to other properties. Underground root cellar – associated with former barn that was on the property. Greg added note that it will be crushed and abandoned.

Penny – site looks very wet. Noticed ice. Concern owners going into buffer and wetlands. We run into issues when condition houses to be on tight lots – other owners end up going into wetlands or

buffers. Need to be careful with this property in the orders. Needs markers, maybe fence to stay out of 50 ft buffer. Jen – fencing might help. Markers might not be enough deterrent. Brendan – same concerns. No yard. Concerned they don't realize that. Agent – new build on previously undeveloped land. Deck posts and infiltration system right up to the limit of work? How are they going to build that without going into the buffer? 50 foot buffer is minimum. Mitigation usually see for sites like this.

Mark McGuiness – 15 Manor Rd – abutter to leaching field. Reinforce underground drain that is there. Concern that equipment driving over drain could damage it and effect drainage of his property. Could turn his property and other neighbors into real problem. Does proposed retaining wall dam water flow? Also, there are mature trees growing from foundation of abandoned structure on property; they are not saplings.

Frank – often those pipes are clay. Very fragile. Would need to add condition that protect pipe because would alter flow that contributed to wetland. Entire project is in 100 foot buffer and no mitigation proposed. Concerning. Protecting the buffer zone long term – markers and fence. Fence installed during construction. Greg – everywhere between tree line proposed lawn. Suggest plantings in corner next to leaching and in corner currently field. Split rail fence along 50.

Art – existing lawn – ideal location for mitigation and plantings. Did find hydric soils in maintained field area. Plantings could mimic wetland area there vs buffer area plantings.

Andrew Gallagher joined meeting.

Greg- would like to close and condition mitigation. House location and septic location cannot change. Agent - presumptive to ask to clean in buffer for a new build. Recommend to continue hearing. And then will also know BOH response.

Frank – suggest keep larger trees kept. Doesn't all need to be cleared – maybe clear some under brush. Seems aggressive to clear in buffer. Plantings in current lawn area, protect pipes, save large trees back corner/triangle.

Ms. Penny Scott-Pipes motion to continue lot 162 Bossy Lane to Monday, February 8, 2021 at 5:15pm. Mr. Richard Harding second. Unanimous all in favor roll call vote (6-0). Mr. Richard Harding - yes, Mr. Doug Aaberg - yes, Mr. Brendan Collins - yes, Ms. Jen Foley - yes, Ms. Penny Scott Pipes - yes, Frank Snow - yes

11 Foam Rd., DEP# 068-2892

Applicant: Francis Schigg

Representative: Ross Engineering

Proposed: addition and deck

Paul Mirabito, Ross Engineering, representing applicant – proposed project is addition and open deck, 2 feet above ground, probably on sonotubes. More than 25% pervious so proposing roof recharging with plan. No grade changes. Flood zone AE 15. Agent – suggest tracking pad during construction. Approvable project.

Ms. Penny Scott-Pipes motion to close 11 Foam Rd. Mr. Richard Harding second. Unanimous all in favor roll call vote (6-0). Mr. Richard Harding - yes, Mr. Doug Aaberg - yes, Mr. Brendan Collins - yes, Ms. Jen Foley - yes, Ms. Penny Scott Pipes - yes, Frank Snow - yes

202 Central Ave., DEP# 068-2899

Applicant: Michael Biviano

Representative: Robert Crawford, EET

Proposed: raze / rebuild & elevate

Mike Biviano, reviewed project. Demo current dwelling. Install new septic. V18 zone. New house elevation 21. Current house 17, 17 and failed Title V. No fill needed, no grading. Existing 1.5 story dwelling. Proposing 2 stories with walk up attic. Centering better on lot. Deck will wrap around house. Driven wood piles. Block foundation currently. Will be removed.

Frank – concerned with piles in rip rap. Asked for good documentation of current condition of wall. Photos of boulders where plan shows piles for deck. Agent – DEP comment is to confirm that do not need approval from NSRWC. Can be included in conditions.

Ms. Penny Scott-Pipes motion to close 202 Central Ave. with conditions discussed. Mr. Doug Aaberg second. Unanimous all in favor roll call vote (7-0). Mr. Richard Harding - yes, Mr. Doug Aaberg - yes, Mr. Brendan Collins - yes, Ms. Jen Foley - yes, Ms. Penny Scott Pipes - yes, Frank Snow – yes, Andrew Gallagher - yes

10 Newton St., DEP# 068-2898

Applicant: Perry DiNatale

Representative: Stenbeck & Taylor

Proposed: raze/rebuild, elevate and septic

Ms. Penny Scott-Pipes motion to continue 10 Newton St. to Monday, March 1, 2021 at 5:15pm. Mr. Richard Harding second. Unanimous all in favor roll call vote (7-0). Mr. Richard Harding - yes, Mr. Doug Aaberg - yes, Mr. Brendan Collins - yes, Ms. Jen Foley - yes, Ms. Penny Scott Pipes - yes, Frank Snow – yes, Andrew Gallagher - yes

16 Holmes St., DEP# 068-2888

Applicant: Lyons Family Trust

Representative: Morse Engineering

Proposed: septic upgrade, replace cesspool

Greg Morse, Morse Engineering. Reviewed project. Install new Title V compliant septic system. Current system failed. AE elevation 14. Construct in front yard, under gravel driveway. No change in ground surface proposed. Board of Health approved at meeting tonight. DEP had no comments. Agent – septic upgrade; currently cesspool.

Ms. Penny Scott-Pipes motion to close 16 Holmes St. Mr. Richard Harding second. Unanimous all in favor roll call vote (7-0). Mr. Richard Harding - yes, Mr. Doug Aaberg - yes, Mr. Brendan Collins - yes, Ms. Jen Foley - yes, Ms. Penny Scott Pipes - yes, Frank Snow – yes, Andrew Gallagher - yes

232 Central Ave., DEP# 068-2891

Applicant: Paul Armstrong

Representative: Grady

Proposed: septic

Darren Grady – representing Peter Armstrong. Proposed project is a septic repair. River front area. Coastal dune, land subject to flooding, velocity zone elevation 18. BOH approved at meeting

tonight. Reviewed resource area on site. System location as far away as possible. Agent – good project.

Ms. Penny Scott-Pipes motion to close 232 Central Ave. Mr. Richard Harding second. Unanimous all in favor roll call vote (7-0). Mr. Richard Harding - yes, Mr. Doug Aaberg - yes, Mr. Brendan Collins - yes, Ms. Jen Foley - yes, Ms. Penny Scott Pipes - yes, Frank Snow – yes, Andrew Gallagher - yes

5 minute break taken.

4. Other Administrative Items

- a. **Orders:** 4 Cliff Estates Rd.; 47 Town Way Ext, 48 Town Way Ext.

*Ms. Penny Scott-Pipes accept orders as written for **4 Cliff Estates Rd.** Ms. Jen Foley second. Unanimous all in favor roll call vote (6-0). Mr. Richard Harding - yes, Mr. Brendan Collins - yes, Ms. Jen Foley - yes, Ms. Penny Scott Pipes - yes, Frank Snow – yes, Andrew Gallagher - yes*

Would like to see septic tank moved to other property. If BOH does not allow that, then it needs to be as far away as possible. Burden of proof is on applicant regarding septic not being to be moved to be. Time limitation is for heavy equipment; not limit trades people – just heavy equipment off during peak use of the beach area.

*Ms. Penny Scott-Pipes accept orders as written for **47 & 48 Town Way Extension.** Mr. Richard Harding second. Unanimous all in favor roll call vote (6-0). Mr. Richard Harding - yes, Mr. Brendan Collins - yes, Ms. Jen Foley - yes, Ms. Penny Scott Pipes - yes, Frank Snow – yes, Andrew Gallagher – yes (Doug not back from break yet)*

- b. **Approval of Draft Minutes** – 12/21/2020

Mr. Richard Harding accept minutes as written. Mr. Brendan Collins second. Unanimous all in favor roll call vote 6-0). Mr. Richard Harding - yes, Mr. Brendan Collins - yes, Ms. Jen Foley - yes, Ms. Penny Scott Pipes - yes, Frank Snow – yes, Andrew Gallagher - yes

- c. **133 Maple St.** – Nitrogen Credit Update – Agent – nothing for Conservation Commission to vote on or take action on. Some back and forth with Board of Health. Understand conservation restriction needed, not vote from conservation commission. Frank – how to they resolve it? Agent – they need to put a restriction on land. They have set aside portion of a piece of land. Not something commission takes action on.
- d. Correspondence – emailed to commission today
- e. **Discuss DCR Forestry Plan** – West End – in order to qualify for grants, habitat enhancement, etc. reached out to Benjamin Forestry services. He gave proposal to develop plan for our land. Penny put together list of properties. About 400 acres for forestry plan. Estimate about 10K to make plan. He applied and got a grant for about 6700. So need to come up with about 3300 in cost to develop plan. Discussed a few ideas of why this is a starting point. Forestry Plan hopefully good for about 10 years so have time to implement. Commission

agreed that if can come up with additional funding, should pay for getting plan, and would like to move forward with plan.

- f. **Toll Brothers SWPPP Violations** from 1/16/2021 and others - after recent rain event, they had pretty significant SWFT, violation. Should be fined. Toll brothers did take corrective action after made aware. Still under construction and not doing great job managing crushed stone in front of houses. Crew coming and going tracking mud. Supposed to have area off road with crushed stone – they are not managing that well. Fine would be \$300. Other sites received complaints as well and are rectifying site. Discussion about approach of unpermitted work. Currently, a lot of people are home given Covid. First approach, so let people know what they are supposed to. If activity not that egregious and they stop; the people that repeat offenders, need different approach, especially if not willing to made remediation immediately. If some have taken time to permit something correctly, frustrating for them to see others not permitting correctly. Staffing is an issue regarding time it takes to follow up and makes things better on sites where there are issues. Maybe additional outreach is needed also. Upcoming opportunity to do something with Coastal Advisory Commission.
- g. **81 Country Way** Violations - new owner rehabbing property. He has filed RDA after the fact for next meeting. They are putting down limit of work already.
- h. **Newell St** – Langone, owner, status – working in right direction; been in communication.
- i. **19 Peggotty Beach Rd**, Condition #37; We have met with attorney, owners, potential buyer. Has letter where DPW will take care of the road work and money from current owner will go into account to pay for work.
Ms. Penny Scott-Pipes motion to support letter, accept condition. Mr. Richard Harding second. Unanimous all in favor roll call vote 7-0). Mr. Richard Harding - yes, Mr. Brendan Collins - yes, Ms. Jen Foley - yes, Ms. Penny Scott Pipes - yes, Frank Snow – yes, Andrew Gallagher – yes, Doug Aaberg – yes.
- j. **Open Space Clean ups** – pro-bono offers (Ellis, Driftway, Town Forest) - Frank – maybe can get DPW to help with Town Forest parking area maintenance. Has other organizations willing to donate time if can find funding for material needed to clean up some of the trails. A few areas need some cleaning up. DPW has enough on plate. Other contractors, landscapers and companies that can help with equipment and labor; maybe we purchase some small amounts of material. Any thoughts, concerns on us doing something like this? Maybe \$1000 in material, including Driftway Park.
- k. **Appleton Field** - Amy and Frank need to get with TA to clarify proposal Andy put together. Community garden could be started this year; commercial farming would need RFP to work. Doesn't seem that will happen this year. Amy will schedule appointment with TA.

5. **Adjourn, 8:10pm**

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

CORRESPONDENCE

January 6, 2021 – January 21, 2021

1. NOI – Bound Brook Ct - septic
2. NOI – 243 First Parish Rd – sewer hook up
3. FEMA letter regarding Map Panels Affected – updated
4. Recording information Extension of Orders – 8 Holmes St – 068-2670
5. Recording info CofC – 31 Candlewood Dr – 68-2756
6. Recording info – Extension Orders – 50 Surfside Rd – 068-2671
7. Cert of Understanding – 281 OOB
8. Recording info Extension of Orders 72 Surfside Rd – 68-2661
9. Planning Board agenda – January 14, 2021
10. North Scituate Re-zoning Initiative Planning Board Meeting and workshops upcoming– January 6, 14, February 11, April 12
11. ZBA meeting January 21, 2021 – 38 Revere St, 83 R Glades Rd.
12. Abutter notification for 10 Newton St NOI
13. Recording info Extension of Orders – 135 Glades Rd – 068-2713
14. Abutter Notification for RDA for Town Way / Collier geotechnical subsurface explorations for third cliff
15. RDA 81 Country Way
16. Abutter letter with concerns 83 & 83 R Glades Rd projects
17. Planning Board Agenda January 28, 2021
18. ZBA decision on 9 Otis Rd to grant special permit

Minor Activity Permits

#2 – 38-46 Treasure Island Rd – tree removal