

SCITUATE CONSERVATION COMMISSION
Monday, July 17, 2023 @ 6:00 PM
MEETING MINUTES
Virtual Meeting Only

Commission Members in Attendance: Chairperson Frank Snow, Jennifer Foley, Doug Aaberg, Brendan Collins, Penny Scott-Pipes, Amy Walkey (Conservation Agent)

Members not in Attendance: Richard Harding, Andy Gallagher,

Call to Order, Roll Call of Commissioners

Agenda Acceptance

Chairperson Snow added to the agenda a discussion on the possibility of using Appleton Field as part of Mount Hope, as well as October events.

Chair Snow then asked for a motion to be made to accept the agenda, which was made by Ms. Foley, seconded by Mr. Collins, and voted unanimously in favor (4-0) by roll call vote.

PUBLIC HEARINGS – NOI/ANRAD/AMENDMENT

a. 29 Surfside Rd. DEP#: 068-3055 cont'd from 6/26/23

Applicant: Philip & Charla Coleman

Representative: Morse Engineering

Proposed: deck/ patio on barrier beach and coastal dune in LSCSF

Continuation from a Public Hearing that was held June 26, 2023 regarding a Notice of Intent. The commission has now received the revised plans that changed the project. Gregory Morse, from Morse Engineering, representing property owners, Phil and Charlotte Coleman, reported these updates and changes to the commission. Mr. Morse relayed that due to the comments received from the DEP and the Conservation Commission at the hearing, they have scaled back the project, and submitted a revised plan. The project now consists of just the construction of decking along the front and sides of the house. The proposed patio as well as garage structure have been removed from the plans. The deck is to be constructed on sonotubes, with no footing as it is on a barrier beach.

Agent. Walkey responded that she thinks this is an approvable project and should be good to close. The rest of the commission members then each stated that they agree that the project plans look good. There was no public feedback.

Chair Snow asked for a motion to be made to close, which was made by Mr. Aaberg, seconded by Mr. Collins, and voted unanimously in favor (4-0) by roll call vote.

b. 439 Chief Justice Cushing Hwy. DEP# 068-3050 cont'd from 6/26/23 – See Applicants Request to Continue to August 21, 2023

Applicant: Patricia Butler

Representative: Morse Engineering

Proposed: out building

Chair Snow asked for a motion to be made to continue 439 Chief Justice Cushing Highway to August 21, 2023, which was made by Mr. Aaberg, seconded by Mr. Collins, and voted unanimously in favor (4-0) by roll call vote.

- c. **8 Westgate Lane DEP #: 068-3058**– See Applicants Request to Continue to August 21, 2023
Applicant: Dina Wigmore
Representative: Morse Engineering
Proposed: raze/rebuild
Chair Snow asked for a motion to be made to continue 8 Westgate Lane to August 21, 2023, which was made by Mr. Aaberg, seconded by Ms. Foley, and voted unanimously in favor (4-0) by roll call vote
- d. **274 Central Ave. DEP# 068-3057**
Applicant: Mathew & Kristin Vokey Muratore
Representative: Morse Engineering
Proposed: deck
Gregory Morse, Registered Engineer, from Morse Engineering, stated that this is a notice of intent for applicant's, Mathew and Kristin Vokey Muratore, for their property located at 274 Central Ave. The property is located on a barrier beach where there is an existing home. It is also located on land subject to coastal storm flowage, with its velocity zone at elevation 18, which encompasses the entire site. The topography at the site ranges from elevation 8 along Central Ave to a high point where the home is considered constructed at elevation 10, and then slopes back off to the Atlantic Ocean, with elevation being approximately 4. Mr. Morse shared that the proposal is to construct a new 12x36 deck on the oceanfront side of the house. The deck will be elevated on timber piles. Structural plans prepared by Rivermoore Engineering were provided documenting that there would be wood driven piles, the structure would not be attached to the house, elevated above the velocity zone, would match an existing deck on the southern side of the house at elevation 19.6, with no change to the ground surface topography, no change to the flood characteristics, and would allow water and soil to freely flow to and from the site.
Agent Walkey indicated this appears to be an approvable accessory structure to the main structure on driven piles as long as it meets MA building code construction requirements for coastal resource areas, barrier beach, coastal dune, velocity zone. She also shared that the structurals are in hand, and DEP had no comments.
Commission members agreed the project sounded good and there were no public questions or comments.
Chair Snow asked if there were any structures previously on this area, to which Mr. Moore responded that he was not aware of any.
Chair Snow asked for a motion to be made to close 274 Central Ave, which was made by Mr. Aaberg, seconded by Ms. Foley, and voted unanimously in favor (4-0) by roll call vote.

Public Meeting / Request for Determination of Applicability

- a. **17 Pond View (SBL #12-23)**
Applicant: Chris Lydons
Proposed: concrete footings for deck
Owner, Chris Lydon, of 17 Pond View, is seeking approval for determination of applicability of the Massachusetts Wetland Protection Act and the Scituate Wetlands Bylaws for activity related to installing six concrete footings for a deck at a single-family dwelling. Mr. Lydon shared that the deck is there and was previously on temporary supports pending approval for the sonotubes.

Agent Walkey shared that although some time has gone by, Mr. Lydon filed this after he had already begun the project, the sonotubes aren't in the ground but the deck is complete. She also shared that the property located across the street from this house which is vegetated on the edge of Musquashicut Pond is under enforcement due to him vegetation. Agent Walkey also stated that this deck project is within the hundred-foot buffer of that pond and in land subject to coastal storm flowage (flood zone), but is something that would typically have a negative determination.

Mr. Lydon shared that he was not aware of needing approval for the phragmites and trees that he took down. Chair Snow then explained requirements to him. Chair Snow asked Mr. Lydon to get a drawing of the yard submitted regarding the tree replacement.

Chair Snow asked for a motion to be made, Ms. Scott-Pipes made a motion for a negative three, which was seconded by Mr. Aaberg, and voted unanimously in favor (5-0) by roll call vote.

b. 133 Clapp Rd lot 5 (SBL #15-23)

Applicant: CDG 133 Clapp Street, LLC

Representative: Crocker Design

Proposed: temporary construction disturbance

Josh Green, of Crocker Design Group, shared that his company was in front of the commission back in March for the ORAD for the wetland line as well as the riverfront area. He stated that since then they have developed a site plan for a new house and in doing so kept all of the work outside of the 200-foot riverfront. Mr. Green acknowledges that they will have to access around it, so there will be temporary disturbance, which is why he has submitted the RDA.

Agent Walkey shared that this lot currently has a pending storm water review application with the Planning Board. She also shared that she thinks this project would meet the requirements of a negative finding.

The commission agreed that this project was fine and there were no public questions or comments.

Chair Snow asked for a motion to be made, Ms. Scott-Pipes made a motion for negative three, which was seconded by Mr. Collins, and voted unanimously in favor (5-0) by roll call vote.

c. 133 Clapp Rd lot 6 (SBL #16-23)

Applicant: CDG 133 Clapp Street, LLC

Representative: Crocker Design

Proposed: remove pavement

Mr. Green shared that the only part of this project that is inside the riverfront area is the old driveway wrapped around to the back that they are wanting to remove. This would consist of removing the pavement that is in the back of the house for the area to be loamed and seeded.

Agent Walkey commented that this project is adjacent to the resource area and is aware of debris and such in the area, which gives opportunity for cleanup. She also shared that she thinks this project would meet the requirements of a negative finding.

The commission agreed that although there is a lot going on the project looks good.

They agreed that the frequency of the markers should be set at 50 feet.

Chair Snow asked for a motion to be made, Ms. Scott-Pipes made a motion for negative three, which was seconded by Mr. Collins, and voted unanimously in favor (5-0) by roll call vote.

Administrative Items

a. **Chairman update: Scout Flag Disposal Proposal, CPC Project Funds Disposition Update, and Site Visit Date for 196 Edward Foster Rd.**

Chair Snow shared that the commission had a request from Troop 7 regarding their collection of damaged and worn out American flags, are disposing of them in a flag burning ceremony, and have asked to do this at Appleton Field in the fall.

The commission agreed that this request be approved.

Chair Snow then shared that the Mount Hope Association is holding an event on October 14, 2023 and would like permission to incorporate tractor hayrides up to Appleton Field. Ms. Scott-Pipes expressed concern of the holes that were just filled in. Chair Snow informed her that the rubber tires on these tractors would not cause damage. The commission agreed that this request be approved as well.

Chair Snow spoke about attending a recent Scituate CPC meeting and the commission discussed several areas and agreed to pull some information together to get feedback.

Chair snow asked for a motion to be made that the commission put an article together before fall Town Meeting for maintenance of some roads and such as well as a figure to be determined, Ms. Scott-Pipes made a motion that the commission put together a proposal for Town Meeting for maintaining roadways into their property as well as for mowing the fields once a year, which was seconded by Ms. Foley, and voted unanimously in favor (5-0) by roll call vote.

Chair Snow stated that he thinks a site visit should be performed for the pending NOI on Edward Foster Road. He shared that Friday, August 4, 2023 at 8 a.m., there is a minus 1.3 tide so the commission could have the applicant stake out the location of the pier and float to answer questions members had.

b. **Requests for Certificate of Compliance: 156 Turner Rd DEP #68-0859; 27 Hood Rd. DEP# 68-2801; 29 Ocean Dr. DEP# 68-3033; 15 Gardiner Rd- SW; 10 New Driftway DEP 68-2699**

c. **Ratify Enforcement Orders/Replication Plans: 90 Summer St. & 140 Hatherly Rd**

Ms. Walkey shared the ECR Report and pictures of what happened at 140 Hatherly Road, property of Chris Roth, that Showed a 50-foot wetland buffer. Native meadow habitat and some shrubs are now being proposed behind it.

Ms. Scott-Pipes made a motion to accept the planting and restoration plan, with conservation markers to be included, at 140 Hatherly Road, which was seconded by Mr. Aaberg, and voted unanimously in favor (5-0) by roll call vote.

Ms. Walkey then spoke about the replication plans for 90 Summer Street and shared that there was Planting Plan #1 and Planting Plan #2. Plan #2 being just the corner, while Plan #1 has two separate areas. The commission agreed that it should be bigger and Ms. Walker would reach out to the wetland scientists.

Ms. Scott-Pipes made a motion to ratify the enforcement order for 90 Summer Street, which was seconded by Mr. Collins, and voted unanimously in favor (5-0) by roll call vote.

d. **Ongoing Enforcement:**

67 Collier Rd., David & Maria Cahill; 8 Westgate Ln., Dina Wigmore, 184 CJC Hwy., John Keaveney; 17 Pond View – Chris Lydon

Agent Walkey shared that she sent out a request for 67 Collier Road for 53G Funding to the owners and has a coastal geologist that is ready to go out for a site visit. She is waiting on the homeowner's response.

Agent Walkey then shared that 8 Westgate Lane is a notice of intent that's pending, and that she and Art Allen are going out on Wednesday afternoon.

Agent Walkey reported that she still has not seen an update on 184 CJC Hwy.

The 17 Pond View matter was discussed with Mr. Lydon previously in tonight's meeting. (noted above).

e. **Order of Conditions:** 31 Brook St., DEP# 68-3054; 129 Lawson Rd DEP# 68-3051; 184 Clapp Rd. DEP# 68-3053; 162 Central Ave DEP# 68-3046

Ms. Scott-Pipes made a motion the commission accept the orders of condition that are written on 31 Brook Street, 129 Lawson Road, 184 Clapp Road, and 162 Central Avenue, as written, which was seconded by Mr. Aaberg, and voted unanimously in favor (5-0) by roll call vote.

f. **Signing of Documents:**

Adjourn, Roll Call

Ms. Scott-Pipes made a motion to adjourn the meeting at 7:36 p.m., which was seconded by Mr. Collins, and voted unanimously in favor (5-0) by roll call vote.

**Respectfully Submitted,
Alicia Anthony/Recording Secretary**