

**Town of Scituate
Conservation Commission
Remote Meeting
Meeting Minutes
Monday, June 26, 2023 6:00pm**

Members Present: Mr. Frank Snow, Chair - Townhall

Teleconference: Mr. Brendan Collins, Mr. Richard Harding, Mr. Doug Aaberg, Ms. Jennifer Foley, Ms. Penny Scott-Pipes, Mr. Andrew Gallagher

Also Present: Amy Walkey – Conservation Agent, & Jenn Smith – Recording Secretary

Frank Snow: This meeting is being held remotely as an alternate means of public access pursuant to Chapter 20 of the Acts of 2021 temporarily amending 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.

The Scituate Conservation Commission is committed to providing an environment of respect during meetings. We ask all members to interact in a polite manner even when there is disagreement.

We value the participation of our community and want all participants, including marginalized and minoritized communities, to feel welcomed and respected.

We ask our committee members, and all who participate, to commit to these standards to support and respect our community.

1. Call to Order, 6:00 pm Roll Call of Commissioners

Richard Harding – present remote, **Jennifer Foley** – present remote, **Brendan Collins** – present remote, **Doug Aaberg** – remote – joined late, **Andrew Gallagher** – present remote, **Penny Scott Pipes** – present remote, **Frank Snow** – present at Townhall

2. Agenda Acceptance:

Ms. Penny Scott-Pipes made motion to accept agenda. Ms. Jen Foley second. Roll call to vote. Unanimous vote accepted. (6-0), Ms. Penny Scott-Pipes – yes, Ms. Jennifer Foley - yes, Mr. Brendan Collins – yes, Mr. Richard Harding – yes, Mr. Doug Aaberg – not yet joined meeting, Ms. Penny Scott-Pipes - yes, Mr. Andrew Gallagher – yes, Mr. Frank Snow – yes

3. PUBLIC HEARINGS – NOI/ANRAD/AMENDMENT

- a. **181 Edward Foster Rd., DEP#: 068-3026**, cont'd from 5/15/23 – See Applicants Request to Continue to 9/11/23

Applicant: Tim & Laura White

Representative: Joyce Consulting Group

Proposed: Addition, wall, grading, landscaping

Ms. Penny Scott-Pipes made motion to continue 181 Edward Foster Rd to September 11, 2023. Ms. Jen Foley second. Roll call to vote. Unanimous vote accepted. (6-0), Ms. Penny Scott-Pipes - yes Ms. Jennifer Foley - yes, Mr. Brendan Collins – yes, Mr. Richard Harding – yes, Mr. Doug Aaberg – not yet joined meeting, Mr. Andrew Gallagher – yes, Mr. Frank Snow – yes

- b. **129 Lawson Rd., DEP# 068-3051** cont'd from 5/15/23

Applicant: Property Solutions Partners

Representative: Collins Civil Engineering

Proposed: septic work, deck, lawn

Pete Lyons, Collins Engineering Group, representing homeowner, applicant. Proposing to install new septic system. Also, deck on side of house and southern corner of house. Previously discussed at

another meeting. Revised plan to add conservation markers and limit the area of lawn to erosion control line to prevent additional encroachment. Proposed LOW at 25-30 ft from resource line. Revegetate area. Proposed wall on side to prevent effecting abutter. Approved by BOH. Front area unsuitable because of ledge, utilities.

Agent – rather see the one conservation marker at the LOW than close to flag 10

Jen – agree about moving marker. Andy – shed? Confirmed already removed so not on plan. Frank – add mentioned of it to orders.

Brendan – agree with moving markers.

Frank – dewatering pit – assume know need to pump? Confirm detail.

Ms. Penny Scott-Pipes made motion to close 129 Lawson Rd. Ms. Jen Foley second. Roll call to vote. Unanimous vote accepted. (7-0), Ms. Penny Scott-Pipes - yes Ms. Jennifer Foley - yes, Mr. Brendan Collins – yes, Mr. Richard Harding – yes, Mr. Doug Aaberg – yes, Mr. Andrew Gallagher – yes, Mr. Frank Snow – yes

c. **439 Chief Justice Cushing Hwy.** DEP# 068-3050 cont'd from 5/15/23 – **See Applicants Request to Continue to 7/17/23**

Applicant: Patricia Butler

Representative: Morse Engineering

Proposed: studio addition

Ms. Penny Scott-Pipes made motion to continue 439 Chief Justice Cushing Hwy to July 17, 2023.

Mr. Richard Harding second. Roll call to vote. Unanimous vote accepted. (7-0), Ms. Penny Scott-Pipes - yes Ms. Jennifer Foley - yes, Mr. Brendan Collins – yes, Mr. Richard Harding – yes, Mr. Doug Aaberg – yes, Mr. Andrew Gallagher – yes, Mr. Frank Snow – yes

d. **162 Central Ave. DEP#:** 068-3046 cont'd from 6/5/2023

Applicant: Kevin & Teresa Tenney

Representative: Atlantic Coast Engineering

Proposed: raze/rebuild on barrier beach, coastal dune and LSCSF

Jed Hannon – Atlantic Coast Engineering – previously presented. Was waiting for structural. Existing driveway- good with permeable VE 15.

Agent – structurals submitted not sure final set, a few questions – no footings. In favor of condition for permeable driveway.

Doug – discussion about height of top of pile / bottom of beam – measurements for height of structure. Discussion corrections that need to be made to structural.

No abutter questions.

Ms. Penny Scott-Pipes made motion to close 162 Central Ave. Mr. Richard Harding second. Roll call to vote. Unanimous vote accepted. (7-0), Ms. Penny Scott-Pipes - yes Ms. Jennifer Foley - yes, Mr. Brendan Collins – yes, Mr. Richard Harding – yes, Mr. Doug Aaberg – yes, Mr. Andrew Gallagher – yes, Mr. Frank Snow – yes

e. **184 Clapp Rd. DEP#: 068-3053, After the Fact**

Applicant: Pandion Venture Partners, LLC

Representative: Morse Engineering

Proposed: accessory structure, clearing, SW review

Frank – abutter to project but OK with participating.

Greg Morse – Morse Engineering – NOI and SW permit. 2 acres site. Corner of Bates and Clapp.

Offside BVW. Flagged by Brad Holmes, ERC. Vernal pool off site, but buffer on site. Septic done about a year ago with an RDA. New foundation under house. removed section of house and

constructed new addition. Did some clearing because would like to build a barn. Out of the 100 foot

BVW buffer and the 125 vernal pool buffer, but inside the 250 vernal pool buffer. SW for roof of barn and barn driveway and new lawn.

Agent – after the fact for some of the work. Reviewed by Horsley Witten. Barn is a little closer then would like to vernal pool. Good came to us and have stormwater process. Should ensure driveway stay gravel and not paved. Should request mitigation because working in setback.

Doug – confirmed barn on concrete slab.

Richard -

Ms. Penny Scott-Pipes made motion to close 184 Clapp Road. Ms. Jen Foley second. Roll call to vote. Unanimous vote accepted. (7-0), Ms. Penny Scott-Pipes - yes Ms. Jennifer Foley - yes, Mr. Brendan Collins – yes, Mr. Richard Harding – yes, Mr. Doug Aaberg – yes, Mr. Andrew Gallagher – yes, Mr. Frank Snow – yes

f. 31 Brook St. DEP#: 068-3054

Applicant: William Good

Representative: ECR

Proposed: addition, driveway, landscape in buffer to BVW

Brad Holmes – ECR, single family home. Built around 1912. Small shed, and lawn to wetland line.

Buffers on site and Satuit Brook. Site has AE 15. Proposed additions, patio, pool, retaining wall.

Riverfront redevelopment standards apply to this site. Discussed calculations of new degraded area and work in already degraded are. Proposed revegetate area 2:1 ratio of mitigation to new degraded area. Shared planting plan.

Agent – appears can condition project. Would want plantings to be done as early as possible in project.

Jen – good to see mitigation proposed up front. Confirmed only closing in section of front porch.

Andy – also good to see mitigation. Doug – liked mitigation on plan. Asked about order of work to do plantings. Brad – grub out area, clean look, then plant shrubs and natural wood chips and then seed mix.

Frank – asked about driveway. Brad – keeping the one that is paved – share with neighbor. Gravel or clam shells. Frank – confirmation that if driveway surface anything other than gravel or shells, they need to come back to ConCom

Ms. Penny Scott-Pipes made motion to close 31 Brook St. Ms. Jen Foley second. Roll call to vote. Unanimous vote accepted. (7-0), Ms. Penny Scott-Pipes - yes Ms. Jennifer Foley - yes, Mr. Brendan Collins – yes, Mr. Richard Harding – yes, Mr. Doug Aaberg – yes, Mr. Andrew Gallagher – yes, Mr. Frank Snow – yes

g. 196 Edward Foster Rd. DEP#: 068-3056

Applicant: 196 Edward Foster Road, LLC

Representative: Grady Engineering

Proposed: dock, float on coastal beach, LSCSF, and LUW

Scott Fanara – Grady Consulting – introduced Matt Mitchell – attorney for applicant. Private dock proposed. Order of Conditions is first permit needed. Also apply for Chapter 91 and reviewed that process. Have to maintain set backs from lot lines. Public access over or under dock. Dock provides enough space between pieces for light to get through. Read comments from Harbormaster – recommends floating dock and gangway removed seasonally. Address on pieces. DNF comments are for ¾ inch between planks for light and public access. Both criteria being met with plan. Float size is the smallest to meet the needs of the current boat, .

Agent – application for a dock. Other state agencies license project as well. Did get comments from DNF. Dock seems big. Would like to see smaller. No wider than 4 feet. Float seems consistent with others. Discussed orientation recommendations.

Mike Mitchell – attorney – for owner – hope keep review within jurisdiction of ConCom

Agent – comments just came in today. Normally get a response from applicant

Doug – seems like we shouldn't close until get response to concerns from letter. Seems straight forward. Just need to address comments. Richard – agree.

Penny – hope he is in compliance with what they ask and hope takes into consideration sea creatures. Andy – first in the harbor. So more sensitive area then river applications. Best practice is to minimize disturbance in sensitive area. . Brendan – agree with Andy.

Jen – agree with Andy.

Frank – concerned effect in harbor. Located just behind jetty. Asked about size of piles.

Scott – 8 inch timber piles. Will work with Paul Armstrong. Regarding depth. Jetty actually protects dock. Owner will be removing dock certain times of year as recommended.

Frank – access to jetty for maintenance? Scott – no easement across property. Spoke with DPW recently. Work would be done seaside. Usually people ok with allowing cross property because jetty protect property.

Lisa Halbower Fenton – 25 Crescent – jetty is area break water. Waves go right over jetty. There is a robust current in that spot and erosion in that spot. Can see in photo the flow of current that many pilings going in, not sure plan shows what erosion will do. Cannot only repair jetty from ocean side based on size of boulders. Hoped Army Corps would comment on needing access both sides of jetty. That area gets effected by powerful storms.

Lyle Jenkins – 22 Sunset – navigable waters. Every bit of it is used. Kayakers use jetty to cross to other side. People fish from jetty.

Ann Marie Beaudoin – 185 Edward Foster – would not oppose project.

Heather Jenkins – 22 Sunset Dr – concerns posts destroyed. Concerned there should be more research on effects on timber piles in VE zone along east coast.

Derek Delmonico – 13 Circuit Ave – abutter – concerned with engineering for this project.

Agent – things applicant would want to respond to DNF comments before closing.

Frank – if continue would like more information on the area regarding storms and being velocity area. And to confirm with DPW access for the jetty.

Scott – typically would address comments. Everything under high water is subject to license review

Karen Holdsworth – 11 Sunset – also would like to request not close and get more information regarding velocity zone location.

Mike Mitchell – this is first stop for chapter 91 – would like hearing to close.

Ms. Penny Scott-Pipes made motion to continue 196 Edward Foster Rd to August 7, 2023. Ms. Jen Foley second. Roll call to vote. Unanimous vote accepted. (6-0), Ms. Penny Scott-Pipes - yes Ms. Jennifer Foley – left early, Mr. Brendan Collins – yes, Mr. Doug Aaberg – yes, Mr. Richard Harding – yes, Mr. Andrew Gallagher – yes, Mr. Frank Snow – yes

h. 29 Surfside Rd. DEP#: 068-3055

Applicant: Philip & Charla Coleman

Representative: Morse Engineering

Proposed: two-story garage addition on barrier beach and coastal dune in LSCSF

Greg Morse – Morse Engineering – revised plans submitted today. Removed garage. Just adding deck across front of house. eliminated garage because would need to be on piles. Deck is part in AE 16 and AE 12. Reviewed resource area. Deck on open sonotubes without footings.

Agent – good project was scaled back. Like to see detail for sonotubes. Barrier beach and coastal dune and LSCSF. Any info on walkway?

Greg – changed walkway on revised plans. 40 sq ft concrete patio on back of house by wall.

Andy – concerned for patio on plans. Same with Brendan and Richard.

Phil Coleman – applicant – intent with patio by wall – same as neighbors have.

Frank – would like to see details on sonotubes for deck and consider rethinking concrete patio.

Ms. Penny Scott-Pipes made motion to continue 29 Surfside Rd to July 17, 2023. Ms. Jen Foley second. Roll call to vote. Unanimous vote accepted. (6-0), Ms. Penny Scott-Pipes - yes Ms. Jennifer

Foley – left early, Mr. Brendan Collins – yes, Mr. Richard Harding – yes, Mr. Doug Aaberg – yes, Mr. Andrew Gallagher – yes, Mr. Frank Snow – yes

4. Public Meeting / Request for Determination of Applicability

a. 8 Cairo Cir (SBL #14-23)

Applicant: David Jaeger

Representative: Morse Engineering

Proposed: septic repair in buffer to BVW

Greg More – BVW on site. 4 bedroom home with failed septic in backyard. Proposing septic tank and pump chamber in back yard. Work is out of the 50 erosion control in the 50 ft buffer. Pot construction loom and seed.

Agent – good to see septic upgrade. Not accepting wetland line. No ConCom comments. No abutter comments.

Ms. Penny Scott-Pipes motion for negative determination for 8 Cairo Cir. Mr. Brendan Collins second. Unanimous all in favor roll call vote (6-0). Ms. Jen Foley – left early, Mr. Brendan Collins – yes, Ms. Penny Scott-Pipes– yes, Mr. Doug Aaberg – yes, Mr. Andrew Gallagher – yes, Mr. Richard Harding – yes, Mr. Frank Snow - yes

b. 37 Rachels Way (SBL #9-23) cont'd from 6/5/2023

Applicant: Richard Durkin

Proposed: Planting plan for disturbance in BVW

Agent – received planting plan today from Northern Oak. Will work with them on plan. Will communicate with Steve at Northern Oak.

Frank – make sure not allowing expansion of yard around these houses.

Richard Durkin – worked with Northern Oak. Not going to increase yard. Would like to move forward. These plantings will make it better.

Ms. Penny Scott-Pipes motion for negative three for 37 Rachels Way. Mr. Richard Harding second. Unanimous all in favor roll call vote (6-0). Ms. Jen Foley – left early, Mr. Brendan Collins – yes, Ms. Penny Scott-Pipes– yes, Mr. Doug Aaberg – yes, Mr. Andrew Gallagher – yes, Mr. Richard Harding - yes, Mr. Frank Snow - yes

5. Administrative Items

- a. Notification of Aquaculture – Oyster Farming Cohasset Harbor;** Jamie Davenport, Larry Trowbridge, and Mike Cotter. Frank – any structures? Jamie- will be under water even at low tide. Discussed life cycle process. Not much tending for the first year. 2-3 seasons might have someone 5 days a week. Area marked with buoys at this point. Under water all the time. If there are storms, not convenient tide recover any damages. . Past experience if there are storms, move things around, rarely damage. Frank – responsibility for equipment – Jamie – in regulations to retrieve. Timeline to retrieve.
- Ms. Penny Scott-Pipes motion to accept notification aquaculture that has been provided. Mr. Brendan Collins second. Unanimous all in favor roll call vote (5-0). Ms. Jen Foley – left early, Mr. Brendan Collins – yes, Ms. Penny Scott-Pipes– yes, Mr. Doug Aaberg – recuse because worked on survey plan, Mr. Andrew Gallagher – yes, Mr. Richard Harding - yes, Mr. Frank Snow - yes*

- b. Request to Amend:** 59 Glades Rd, DEP # 68-2788; 53 Border St DEP#: 68-2707

Penny left meeting

Greg Morse – Morse Engineering – OOC issued for **59 Glades Rd.** Reviewed the purpose of the change in plans and why requesting an amendment. Changes in deck and pool location and wall. ConCom commented to accept hearing the request as an amendment. Will be advertised for future hearing date.

53 Border St – Greg Morse – changes triggered SW review. Reviewed by Merrill. Reviewed additional items including walkway, all outlines in letter submitted requesting amendment. Agent – handle same even though an amended SOOC was issued. Amendment would give recordable document to include SW information. Merrill reviewed SW. ConCom commented accepting hearing the request as an amendment. Hearing will be advertised for future date.

c. **Requests for Certificate of Compliance:** 29 Ocean Dr. DEP# 68-3033, 27 Hood Rd. DEP# 68-2801

d. **Enforcement:** 140 Hatherly Rd. – Christopher Roth;
90 Summer St. – Ziad Radd;
67 Collier Rd.- David & Maria Cahill;
8 Westgate Ln. – Dina Wigmore,
17 Pondview Ave. – Christopher Lyons;
184 CJC Hwy. – John Keaveney

e. **Order of Conditions:** 19 Satuit Trail, DEP#: 68-3052

Mr. Richard Harding motion to adjourn. Mr. Andrew Gallagher second. Unanimous all in favor roll call vote (5-0). Ms. Jen Foley – Jen left early, Mr. Brendan Collins – yes, Ms. Penny Scott-Pipes– left early, Mr. Doug Aaberg – yes, Mr. Andrew Gallagher – yes, Mr. Richard Harding - yes, Mr. Frank Snow - yes

f. **Signing of Documents:**

6. **Adjourn, Roll Call**

Mr. Richard Harding motion to adjourn. Mr. Brendan Collins second. Unanimous all in favor roll call vote (5-0). Ms. Jen Foley – left early, Mr. Brendan Collins – yes, Ms. Penny Scott-Pipes– left early, Mr. Andrew Gallagher – yes, Mr. Doug Aaberg – yes, Mr. Richard Harding - yes, Mr. Frank Snow - yes

Respectfully Submitted,
Jennifer Smith, Recording Secretary

CORRESPONDENCE
June 5, 2023 – June 26, 2023

1. RDA 133 Clapp Rd – lot 5
2. RDA 133 Clapp Rd – lot 6
3. NOI 74B Glades Rd
4. NOI – 74/74C Glades Rd
5. NOI - 274 Central Ave
6. NOI – 8 West Gate Ln
7. ZBA – request for relief – Assessor Parcels Map 69, Block 2, lots 11 & 12 at A&B and B&C Streets off Central Ave.
8. ZBA – request for relief – 73 Marion Rd

9. Abutter notification for 29 Surfside Rd
10. Abutter notification for 8 West Gate lane
11. Recording information for 208 CJC Amendment OOC
12. Recording info for 68-2308

Minor Activity Permit

- #27 – 134 Humarock Beach Rd - sand
- #28 – 36 Concord St - sand
- #29 – 133 Humarock Beach Rd - sand
- #30 – 112 Humarock Beach Rd- sand
- #31 – 111 Humarock Beach Rd - sand