

**Town of Scituate  
Conservation Commission  
Selectmen's Hearing Room / Remote Meeting  
Meeting Minutes  
Monday, May 1, 2023 6:00pm**

**Members Present:** Mr. Frank Snow, Chair – Townhall, Brendan Collins - Townhall

**Teleconference:** Mr. Andrew Gallagher, Ms. Penny Scott-Pipes

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

**Not present:** Ms. Jen Foley, Mr. Doug Aaberg

**Frank Snow:** This meeting is being held hybrid 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**

**Andrew Gallagher** – present - virtual, **Richard Harding** – present – virtual, **Penny Scott-Pipes** – present - virtual, **Brendan Collins** – present at Townhall, **Frank Snow** – present at Townhall

**2. Agenda Acceptance:**

*Ms. Penny Scott-Pipes made motion to accept agenda with addition of open space issues and request from Scouts. Mr. Brendan Collins second. Roll call to vote. Unanimous vote accepted. (5-0), Ms. Penny Scott-Pipes - yes, Mr. Richard Harding - yes, Mr. Brendan Collins – yes, Mr. Andrew Gallagher – yes, Mr. Frank Snow – yes*

**3. PUBLIC HEARINGS – NOI/ANRAD/AMENDMENT**

**a. Central Ave Northern Humarock 4<sup>th</sup> Cliff, DEP#: 068-3028 continued from 4/24/2023**

**Applicant:** USAF

**Representative:** Jacobs Engineering

**Proposed:** stormwater improvements, road repair

Agent: SW review process completed.

Lynn Zuck – worked with Janet from HW to resolve items and questions regarding SW.

Janet Bernardo, HW- four letters written. Final letter April 24. Had several work sessions. Satisfied with responses. Reviewed final letter with commission. Less than 1 acre disturbed. If more end up being disturbed, recommends ConCom choose that a SWPPP plan is provided. Another item was confirming the revised turn around area was ok with fire department.

Agent – SW reviewed for project. Commission can condition. Hope to have larger project in as soon as can.

Mary McConnell – meets requirements / standards for fire department.

Penny – happy with project and SW. Hope funding becomes available before cliff washes away. Andy – appreciate thorough review. Richard – Brendan – looks good.

Frank – updates on when larger project will be filed and when this project will start?

Scott Sheehan – hope to start this project this year – plan to get bids out soon. The larger project is #2 on priority list at Hanscom. Closer to #10 at Headquarter level.

No audience questions.

*Mr. Richard Harding made motion to close Central Ave northern Humarock 4<sup>th</sup> Cliff. Ms. Penny Scott-Pipes second. Roll call to vote. Unanimous vote accepted. (5-0), Mr. Richard Harding - yes, Ms. Penny Scott-Pipes – yes, Mr. Andrew Gallagher – yes, Mr. Brendan Collins – yes, Mr. Frank Snow – yes*

b. **61 Border St**, DEP#: 068-3031 - continued from 4/3/2023

**Applicant:** Lou DeFranco

**Representative:** Grady Engineering

**Proposed:** dock, ramp, float

Paul Seaberg – Grady Engineering – applicant met with owners of 63 Border St. 2 access points with new plan. Two filings.

Agent – access agreement? Paul – easement is being worked on. Agent – important to have legal access agreement. Marsh looks pretty manicured. Should be just single path to access point. There is a 50 ft no disturb buffer in Scituate.

Jim Spelman – 49 Border St – how access property and doing work? Paul – plan to access side of wall and bring materials down. Will work around septic systems as needed. Jim – new plans seems better than original plan

Frank – lighting? Doesn't need to be lit up more than just what is needed to safely use if using at night. Paul – no lighting proposed.

Lou DeFranco – might put some solar lights but does not have plans to wire lights.

Jim Spelman – thank you for mentioning lighting. Hope can agree won't light or will keep discrete.

*Ms. Penny Scott-Pipes made motion to close 61 Border St. Mr. Brendan Collins second. Roll call to vote. Unanimous vote accepted. (5-0), Mr. Richard Harding - yes, Ms. Penny Scott-Pipes – yes, Mr. Andrew Gallagher – yes, Mr. Brendan Collins – yes, Mr. Frank Snow – yes*

c. **63 Border St.**, DEP#: 068-3043 - continued from 4/3/2023

**Applicant:** William Dalicandro

**Representative:** Grady Consulting

**Proposed:** dock

**See minutes for 61 Border Street.**

*Ms. Penny Scott-Pipes made motion to close 63 Border St. Mr. Brendan Collins second. Roll call to vote. Unanimous vote accepted. (5-0), Mr. Richard Harding - yes, Ms. Penny Scott-Pipes – yes, Mr. Andrew Gallagher – yes, Mr. Brendan Collins – yes, Mr. Frank Snow – yes*

d. **1 Hollett St., AMENDMENT**, DEP# 068-2845A– continued from 4/3/2023

**Applicant:** Elaine Cole

**Representative:** Grady Engineering

**Proposed:** raze/rebuild, pool, stormwater

Darren Grady – Grady consulting – revised proposed amendment. Adding a pool and pool house at the back of the garage. Driveway drain into drainage area. Raising elevation of house out of flood plain.

Deb Keller – Merrill – reviewed SW – reviewed proposed amendment. Comments addressed by Darren Grady.

Agent – more intense project than the original NOI. Meets requirements of bylaw. They are adding enhancements plantings. Abutters had comments which were shared with engineers.

Darren – reviewed response to abutter letter. Spoke to type of pool system regarding concern for drainage – non-back wash system. Any stockpiles would be temporary and sock around if necessary. Disagree pool will

have adverse effect. There are pools in buffer in Scituate. Pool equipment can go where located on plan. No lights for pool proposed right now.

Deb – pool shed behind garage. Work that ConCom can approve between 100 and 50 foot buffer. Grading between pool and property line to the NE. Grading is headed north around pool. Stonewall that ran North to South already removed.

Brendan – concerned fence around property and it going through wetland enhancement area and in the 50 ft buffer. Confirmed 4 foot high fence and built to be in compliance and allow flow of wildlife.

Andy – Given additional work, would like to see further restoration or more buffer along marsh. enhancement conservation posts to keep people from encroaching on area and increase plantings in enhancement area.

Richard - agrees with Andy. If details could be on plan.

Elaine Cole – applicant – requested fence with original NOI. Read letter from John Zimmer regarding fence and that it would not impact wetland or wildlife. John did a planting plan. Letter from July 2020.

Frank – looking on plan for details for specs on fence. Andy – posts should be added.

Darlene and John Bradley from 11 Hollett – in hearing room. Was not present for engineers' response to their letter. They reviewed concerns mentioned in letter. Sensitive area. A lot of wildlife in area – not just what you see above ground. Underground, fish also. Understand house, but pool is mostly in buffer and close to their property. Concerned with water to their property with way pools slope.

Frank – we had a SW review, which covers run off from impervious including pool in calculations. ConCom concerned with how project impacts environment.

Darren – meets standards of SW on site with pool.

Frank – SW designed to handle issues. Confirmed driveway paved. Wanted to know fence not right on wetland line.

Elaine – the letter states it should be 3 feet from the wetland line. A lot of engineering was done to ensure pool and pool house on new plan was ok with SW.

Agent – have enough information to close

Frank – reminder vote to close tonight. Future vote on orders.

Frank – what about fill. Darren – only for under the house 1.5 feet under house to raise above flood.

*Ms. Penny Scott-Pipes made motion to close 1 Hollett St. Mr. Richard Harding second. Roll call to vote.*

*Unanimous vote accepted. (5-0), Mr. Richard Harding - yes, Ms. Penny Scott-Pipes – yes, Mr. Andrew Gallagher – yes, Mr. Brendan Collins – yes, Mr. Frank Snow – yes*

e. **31 Rosa's Lane, DEP#: 068-3045 – continued from 4/3/2023**

**Applicant:** Matthew and Amanda McCarty

**Representative:** Morse Engineering

**Proposed:** accessory structure

**See applicant request to withdraw application.**

f. **153 Gannett Rd., DEP# 068-3049**

**Applicant:** Rockland Trust Company

**Representative:** Morse Engineering

**Proposed:** septic repair

Paul Gunn, Morse Engineering – septic failure on site. BVW, FEMA AE. John Zimmer delineated in February 2023. Proposing new system. No tree removal necessary. Septic system out of the 50ft. erosion control proposed. Loom and seed when done.

Agent – not accepting resource area. Support compliant septic system. DEP no comment.

Brendan - concrete pad being left or being removed? Paul – they are going to try and dig around it; if have to remove it, will and repair when done.

No abutter questions.

Frank – we have been to site for violations years ago. Can we place wetland markers on the 50 about 50 ft apart? So about 4 or 5 markers? Paul – will revise plan to add markers.

*Ms. Penny Scott-Pipes made motion to close 153 Gannett Rd. Mr. Brendan Collins second. Roll call to vote.*

*Unanimous vote accepted. (5-0), Mr. Richard Harding - yes, Ms. Penny Scott-Pipes – yes, Mr. Andrew Gallagher – yes, Mr. Brendan Collins – yes, Mr. Frank Snow – yes*

**g. 14 Tenth Ave., DEP# 068-3048**

**See applicant request to continue 5/15/2023**

**Applicant:** Stephen & Mary Ann Henderson

**Representative:** Merrill Eng.

**Proposed:** addition

*Mr. Richard Harding made motion to continue 14 Tenth Ave. to May 15, 2023 Ms. Penny Scott-Pipes second. Roll call to vote. Unanimous vote accepted. (5-0), Mr. Richard Harding - yes, Ms. Penny Scott-Pipes – yes, Mr. Andrew Gallagher – yes, Mr. Brendan Collins – yes, Mr. Frank Snow – yes*

**4. Public Meeting / Request for Determination of Applicability**

**a. 142 Oceanside Dr (SBL #8-23)**

**Applicant:** Peter Murley

**Proposed:** change driveway from pavers to gravel

*Ms. Penny Scott-Pipes made motion to issue negative determination for 142 Oceanside Dr. Mr. Brendan Collins second. Roll call to vote. Unanimous vote accepted. (5-0), Mr. Richard Harding - yes, Ms. Penny Scott-Pipes – yes, Mr. Andrew Gallagher – yes, Mr. Brendan Collins – yes, Mr. Frank Snow – yes*

**5. Administrative Items**

- a. Agent Report** – a lot of people doing the wrong thing. Several enforcement letters have been mailed out. Enforcement order and fine will be going to site on Hatherly Road. Will also send to Toll Brothers because site is still under orders for Seaside at Scituate.
- b. Frank** – South Shore Piling Driving gave some piers cut for use at Damon to protect picnic area. Also, looking to expand parking areas with additional spaces.
- c. Minutes:**
- d. Request for Certificates of Compliance:** 123 Country Way DEP: 68-2077
- e. Signing of Documents:**

**6. Adjourn, Roll Call**

*Mr. Richard Harding motion to adjourn. Mr. Andrew Gallagher second. Unanimous all in favor roll call vote (4-0). Mr. Richard Harding – yes, Ms. Penny Scott-Pipes – left early, Mr. Brendan Collins – yes, Mr. Andrew Gallagher - yes, Mr. Frank Snow - yes*

**Respectfully Submitted,**

Jennifer Smith, Recording Secretary

**CORRESPONDENCE**

**April 24, 2023 – May 1, 2023**

- 1. ZBA decision on 7 Revere St application
- 2. ZBA decision on 25 Porter Rd application
- 3. Notice of License Application Chapter 91 Waterways for 0 Jericho Rd

4. WD request for 21 Rosa's Lane
5. EO 140 Hatherly Rd
6. Enforcement letter 90 Summer St
7. Enforcement letter 60 Chittenden Rd
8. Enforcement letter 8 Westgate Ln.
9. Letter from TA to Airosmith Development re: 709 Country Way telecommunications tower

**Minor Activity Permit**

#8 – 12 Atlantic Ave – cobble

#9 – 8 Peggotty Beach Rd – sand

#10 – 6 Peggotty Beach Rd – sand

#11 – 21 A Clapp Rd - trees