

**Town of Scituate  
Conservation Commission  
Selectmen's Hearing Room / Remote Meeting  
Meeting Minutes  
Wednesday, November 15, 2021 5:30pm**

**Members Present:** Mr. Frank Snow, Chair

**Teleconference:** Ms. Penny Scott Pipes, Ms. Jen Foley, Mr. Brendan Collins, Mr. Andrew Gallagher, Mr. Richard Harding

**Also Present:** Amy Walkey, Conservation and Natural Resource Officer; Jenn Smith – Recording Secretary

**Not Present:** Mr. Doug Aaberg

**Frank Snow, Chair:** This meeting is being held remotely as an alternate means of public access. On June 16, 2021, Governor Baker signed into law an Act Extending Certain COVID-19 Measures Adopted During the State of Emergency. This Act includes an extension, until April 1, 2022, of the remote meeting provisions of his March 12, 2020, Executive Order 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, 5:30pm Roll Call of Commissioners**

**Penny Scott-Pipes** – present, at home, alone – **Jen Foley** – present, at home, alone, **Brendan Collins** - present, at home, alone – **Andrew Gallagher** - present, at home, alone – **Richard Harding** – present, at home, alone, **Frank Snow** – present at townhall

**2. Agenda Acceptance:**

*Ms. Penny Scott-Pipes made motion to accept agenda with addition of boy scout and continuances. Mr. Richard Harding second. Roll call to vote. Unanimous vote accepted. (6-0), Mr. Richard Harding – yes, Ms. Jen Foley - yes, Mr. Andrew Gallagher – yes, Mr. Brendan Collins – yes, Ms. Penny Scott Pipes - yes, Frank Snow - yes*

**3. PUBLIC HEARINGS – NO!**

**a. 33 Oceanside Dr. DEP#:68-2923 continued from 8/30/2021**

**Applicant:** 43 Oceanside Realty Trust

**Representative:** Ross Engineering

**Proposed:** slope stabilization in land subject to coastal storm flowage

*Ms. Penny Scott-Pipes motion to continue 33 Oceanside Dr. to December 20, 2021. Ms. Jen Foley second. Unanimous all in favor roll call vote (6-0). Ms. Penny Scott Pipes - yes, Ms. Jen Foley – yes, Mr. Brendan Collins – yes, Mr. Andrew Gallagher – yes, Mr. Richard Harding – yes, Mr. Frank Snow -yes*

**b. 0 Ridge Hill Rd. DEP#: 68-2944 continued from 10/4/2021**

**Applicant:** Kevin and Karen Donohue

**Representative:** Morse Engineering

**Proposed:** new single family dwelling and title V septic within buffer to BVW

*Ms. Penny Scott-Pipes motion to continue 0 Ridge Hill Rd. to December 6, 2021. Ms. Jen Foley second. Unanimous all in favor roll call vote (5-0). Ms. Penny Scott Pipes - yes, Ms. Jen Foley – yes, Mr. Brendan Collins – yes, Mr. Andrew Gallagher – yes, Mr. Richard Harding – not at computer, Mr. Frank Snow -yes*

c. **133 Turner Rd. DEP#: 68-2963**

**Applicant:** Lori Sanderson

**Representative:** Ross Engineering

**Proposed:** elevate house

Paul Mirabito, Ross Engineering, elevate on pier foundation. VE 19. No elevation change proposed on site. Submitted structural plans. Agent – No DEP comments. Lot is split – part VE 19 and part AE 15.

Should meet building code of 2 feet above for Velocity zone. No tie into the revetment.

Frank – excavate under house, pour piers because can't move the house out of the way. Penny – good to elevate.

*Ms. Penny Scott-Pipes motion to close and issue orders for 133 Turner Rd. Ms. Jen Foley second.*

*Unanimous all in favor roll call vote (6-0). Ms. Penny Scott Pipes - yes, Ms. Jen Foley – yes, Mr.*

*Brendan Collins – yes, Mr. Andrew Gallagher – yes, Mr. Richard Harding – yes, Mr. Frank Snow -yes*

d. **208 Chief Justice Cushing Hwy. DEP#: 068-2959**

**Applicant:** Sean Pacheco

**Representative:** Morse Engineering

**Proposed:** Boat house

*Ms. Penny Scott-Pipes motion to continue 208 Chief Justice Cushing Hwy. to December 6, 2021. Mr.*

*Richard Harding second. Unanimous all in favor roll call vote (6-0). Ms. Penny Scott Pipes - yes, Ms.*

*Jen Foley – yes, Mr. Brendan Collins – yes, Mr. Andrew Gallagher – yes, Mr. Richard Harding – yes, Mr.*

*Frank Snow -yes*

e. **9 Pond View Ave. DEP#: 068-2XXX**

**Applicant:** James & Mary Shea

**Representative:** Morse Engineering

**Proposed:** addition

*Ms. Penny Scott-Pipes motion to continue 9 Pond View Ave. to December 6, 2021. Ms. Jen Foley*

*second. Unanimous all in favor roll call vote (6-0). Ms. Penny Scott Pipes - yes, Ms. Jen Foley – yes, Mr.*

*Brendan Collins – yes, Mr. Andrew Gallagher – yes, Mr. Richard Harding – yes, Mr. Frank Snow -yes*

f. **22 Salt Meadow Lane DEP#: 068-2954**

**Applicant:** Leo McDonough

**Representative:** LEC

**Proposed:** Boat Storage Garage

*Ms. Penny Scott-Pipes motion to continue 22 Salt Meadow Ln. to December 20, 2021. Ms. Jen Foley*

*second. Unanimous all in favor roll call vote (6-0). Ms. Penny Scott Pipes - yes, Ms. Jen Foley – yes, Mr.*

*Brendan Collins – yes, Mr. Andrew Gallagher – yes, Mr. Richard Harding – yes, Mr. Frank Snow -yes*

**4. Public Meeting - REQUESTS FOR DETERMINATION OF APPLICABILITY**

a. **39 Jericho Rd. (SBL# 30-21) (After the Fact)** continued from 9/20/2021

**Applicant:** Satuit Tavern

**Project:** repaving parking lot

Michael Saccitella, attorney for the applicant – with Mulvee's present, Steve Hassle, engineer and Doug Patterson, who installed the drain many years ago. When last met asked to get more data on drainage on parking lot. Did title search – 1992 issued permits to raze and reconstruct building at higher location on site and storm damage prevention. Drain installed then. Mr. Patterson can talk to

what he did installing drain. Existing pipe from wetland to harbor. CofC issued for the orders, which included storm strain and pipe. Steve Hassel went to the site and ID'd catch basins on property. Reviewed what originally happened and background of company that did the work. Hired to fill pot hole that puddled and ended up paving section because they had "extra". Did not cover any catch basins.

Frank – can we get annual inspection? Yes can request it.

Frank – if this was a case where storm drains had been covered, would be separate issue. Thank you for your work to find out this information and report it to the commission.

*Ms. Penny Scott-Pipes motion to issue a negative three for 39 Jericho Rd. with comment to do annual maintenance Ms. Jen Foley second. Unanimous all in favor roll call vote (6-0). Mr. Doug Aaberg – yes, Ms. Penny Scott Pipes – yes, Ms. Jen Foley – yes, Mr. Brendan Collins – yes, Mr. Andrew Gallagher – yes, Mr. Frank Snow – yes*

b. **Teak Sherman Community Garden on First Parish Road (SBL# 41-21)**

**Applicant:** Jean Shildneck

**Project:** tree work

Lisa Bertola, 52 Elm St – described project. The number and types of trees would like to take down. Mostly maples.

Sally – Trees are much larger than they were 12 years ago when garden started. Average age of trees being suggested to take down is 60 years. Planning to install new fence – current one is damaged and falling apart. 20 trees, many maples. Trees are either not healthy, dropping branches and damaging fence.

Penny – thick with trees in that area and provide too much shade, more then since garden started. In Spring will be working on fence and handicap parking, so want trees dealt with first, before new fence goes is.

Frank – we have a forester who has provided info for Town Forest, Is it Ok if this information is shared with him for offering guidance on area? Might have suggestions to not grind trees, and leave them to decay on site. Which also allows slower carbon release.

Andy – Maples grow thick and cover, preventing other to grow.

Jean Shildreck – thank you to ConCom for taking request seriously and everyone covering everything. All the work will be done from the garden side. Happy to have forester review and comment on the site. Happy to maintain seedlings going forward.

*Ms. Penny Scott-Pipes motion to issue a negative three for Teak Sherman Community Garden on Frist Parish Rd. Ms. Jen Foley second. Unanimous all in favor roll call vote (6-0). Mr. Doug Aaberg – yes, Ms. Penny Scott Pipes – yes, Ms. Jen Foley – yes, Mr. Brendan Collins – yes, Mr. Andrew Gallagher – yes, Mr. Frank Snow – yes*

5. **Other Administrative Items**

- a. **Orders of Conditions:** 8 Newell St. DEP# 2859; 82 Scituate Ave. DEP#: 68-2957; 184 Central Ave. DEP# 68-2964; lot B Maple St DEP# 68-2958; 155 Bulrush Farm Rd., DEP# 68-2961

*Ms. Penny Scott-Pipes motion to accept orders as written for **82 Scituate Ave., 184 Central Ave, lot B Maple St, 155 Bulrush Farm Rd.** Ms. Jen Foley second. Unanimous all in favor roll call vote (6-0). Ms. Penny Scott-Pipes – yes, Mr. Andrew Gallagher – yes, Ms. Jen Foley – yes, Mr. Brendan Collins – yes, Mr. Richard Harding – yes, Frank Snow – yes*

**8 Newell St** – Penny – these are orders are denying an above ground and an inground pool. Giving permission to clean yard, plantings, remove retaining wall and shed on piles. This way, they do not have to come back to the commission to do the work on the site, but no pool was given permits.

*Ms. Penny Scott-Pipes motion to accept orders as written for 8 Newell St. Ms. Jen Foley second.*

*Unanimous all in favor roll call vote (5-0). Ms. Penny Scott-Pipes – yes, Mr. Andrew Gallagher – yes, Ms. Jen Foley – yes, Mr. Brendan Collins – yes, Mr. Richard Harding – recused, Frank Snow – yes*

- b. **Certificates of Compliance/ Enforcement:** 606 Chief Justice Cushing Hwy. Athletic Fields DEP#: 68-2760; 20 Newton St. DEP#: 68-2764, 10 Cricket Cir. DEP#: 68-2753; 115 Jericho Rd DEP#: 68-2840
- c. **Minor Activity Permits issued:** 2 Cliff Road, 10 Dickens Row, 235 Country Way, 61 Lighthouse Rd, 132 Tilden Rd, Stanton Lane  
Agent – we received some calls about storm clean up, but not what expected for what is happening around town. A little concerned people doing work without touching base with us first.
- d. **Christmas Tree Decoration, Driftway Park Tentative Date December 18, 2021** – Jen Foley – after last meeting and agreement wanted to deter harmful decorations, but did want to provide outlet and reached out to NSRWA. They were excited about it – proposed a tree decorating event on Dec 18. They will bring materials needed and have people make own ornaments on tree that is already there. Was concern about the date being December 18, because decorating has already started. They proposed including in the event, taking down any ornaments already put up, that are dangerous to nature. It would be good to get agreement on NSRWA run with event and our communication and notification and this is the plan. If signs are needed, we can make laminated signs in the office.
- e. **Eagle Scout project** – scout requested building work out/fitness structure on trail area. Commission had concern about trail being most appropriate location, vs school or playground. Scout proposed Driftway Park. Showed example of what would like to build. Thought is as long as in open area, won't have problem had like at Ellis, when similar thing built there and was vandalized. Driftway near picnic tables or large field, should have less chance of vandalism. Safety concerns mentioned, but it is less dangerous than pier at Driftway, and less dangerous then things at playground. No one is against, keep in open space.
- f. **Continuous requests policy** – after so many continuous, option for discussion, and re-advertise once have date. Continuing and continuing for many months. Hard to jump into something after so much time. Pushes other things back because holds up agenda for other items. Richard – we should draw a line with the process. Richard – suggested have a date to start the policy and give every one notice.  
Agent – tonight's agenda is example where almost everything was continued the day of the meeting.

## 6. Adjourn

*Ms. Penny Scott-Pipes motion to adjourn at 7:30pm. Ms. Jen Foley second. Unanimous all in favor roll call vote (6-0). Ms. Penny Scott-Pipes – yes, Mr. Andrew Gallagher – yes, Ms. Jen Foley – yes, Mr. Brendan Collins – yes, Mr. Richard Harding – yes, Frank Snow - yes*