

**Town of Scituate
Conservation Commission
Selectmen's Hearing Room / Remote Meeting
Meeting Minutes
Monday, October 5, 2020 5:15pm**

Dial-in Number: 929 205 6099

Website: <https://us02web.zoom.us/j/87167657830?pwd=dYtVTGhYSTdGNDZGK0paNE92bExndz09>

Meeting ID: 871 6765 7830

Password: 274207

Members Present: Mr. Frank Snow, Chair

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

Also Present: Amy Walkey, Conservation and Natural Resource Officer

Not Present/Participating: Ms. Jen Foley

Call to Order, Roll Call of Commissioners, Agenda Acceptance

Ms. Penny Scott-Pipes - present, at home, alone, Mr. Brendan Collins - present, at home, alone, Andy Gallagher – present, at home, alone, Doug Aaberg – present, at home, alone – Richard Harding – present, Selectman Hearing room with Amy Walkey and Jenn Smith in the room.

Ms. Penny Scott-Pipes made motion to accept agenda with addition of discussing Appleton Field. Mr. Richard Harding second. Roll call to vote. Unanimous vote accepted. (5-0)

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.

Meeting will have a question and answer session following each public hearing. Abutter will have ability to raise hand. Please keep total to less than 3 minutes.

PUBLIC HEARINGS / NOI

- a. **39 Brunswick St.** DEP# 068-2836 (opened previously 7/20/2020)

Applicant: Francis Adley

Representative: Ross Engineering **Proposed:** elevate

Engineer called earlier to say to expect a letter requesting withdrawal.

Ms. Penny Scott-Pipes **motion to accept withdraw of 39 Brunswick St. Mr. Andrew Gallagher second. Unanimous all in favor roll call vote (5-0).**

Doug Aaberg joined meeting at 5:20pm

- b. **8 Newell St.,** DEP# 068-2866 (cont'd from 8/31/2020)

Applicant: Christopher Winn

Representative: Grady Consulting

Proposed: dock

Applicants request to continue to 11/16/20.

Ms. Penny Scott-Pipes **motion to continue 8 Newell St to Monday, November 16, 2020 at 5:15pm. Mr. Richard Harding second. Unanimous all in favor roll call vote (6-0).**

c. 8 Newell St., DEP# 068-2859 (cont'd from 7/20/2020)

Applicant: Christopher Winn

Representative: Robert Crawford, EET

Proposed: pool

Applicants request to continue to 11/16/20.

Ms. Penny Scott-Pipes **motion to continue 8 Newell St to Monday, November 16, 2020 at 5:15pm. Mr. Richard Harding second. Unanimous all in favor roll call vote (6-0).**

d. 1 Hollett St., DEP# 068-2845 - Continued from 7/20/20

Applicant: Elaine Cole

Representative: Grady Consulting, Darren Grady

Proposed: New House

Jurisdiction: BLSF, flood zone and buffer to BVW

Darren Grady, Grady Consulting, Merrill did Stormwater review. New plan meeting stormwater needs for the driveway. Restoration of 340 sq ft. Penny – good that taking shed out since it was in the 50ft buffer. Looks like grass is going where driveway is currently. Frank - any work in the 50? Yes, some grading. Explained where and what work will be in the buffer. Agent – plan looks good. Plan is new house with infiltration and restoration.

Ms. Penny Scott-Pipes **motion to close 1 Hollett St. Mr. Doug Aaberg second. Unanimous all in favor roll call vote (6-0).**

e. 91 Rebeca Rd. DEP#: 068-2874

Applicant: Ivo & Robin Garcia

Representative: Atlantic Coast Engineering, Jed Hannon

Proposed: repair four cracked concrete piles and add

Jurisdiction: V-Zone, Land Containing Shellfish

Jed Hannon, representing applicant, presented proposed project. Four concrete piles that support elevated deck need to be repaired. Also proposing white seashells in back yard area. Penny – concerned shells will not stay there. Frank – can't do solid surface there, so shells are an alternate. Agent – DEP comments that this may trigger chapter 91 license. Recommends putting in condition for them to check if work regarding wall needs chapter 91. Also, condition that consistent with building code and substantial improvement in flood zone.

Ms. Penny Scott-Pipes **motion to close 91 Rebecca Rd. Mr. Doug Aaberg second. Unanimous all in favor roll call vote (6-0).**

f. 61 Seaside Rd. DEP#: 068-2782

Applicant: Paul & Bonnie Turcotte

Representative: Brad Holmes, ECR

Proposed: vegetation management

Jurisdiction: BVW, Coastal Dune, LSCSF

Brad Holmes, ECR, presented project, represented applicant. NOI is a follow up to vegetation plan submitted a few months ago. Work to be performed by a licensed applicant. For successful fragmities removal need to treat with herbicide then remove, then plant. Will be ongoing work.

Doug – It's a shame can't do all around the pond. Brad – NOI is only for their property. Applicant is working on a plan for the entire area and engaging with others there. Andy – good to hear trying for a broader effort. Agent – consistent with other fragmities management plans we have approved.

Ms. Penny Scott-Pipes **motion to close and issue orders for 61 Seaside Rd. Mr. Richard Harding second. Unanimous all in favor roll call vote (6-0).**

g. 66 Booth Hill Rd. DEP#: 068-2873

Applicant: Adelisa Barbosa

Representative: Morse Engineering

Proposed: septic repair

Jurisdiction: Buffer Zone only

James Garfield, Morse Engineering, presented project. Failed cesspool currently. Proposing reroute plumbing so can tie in laundry to proposed septic. 33.7 feet off wetland at closest point. Doug – even if place in other corner, too many issues to navigate. Understand why this location on lot. Penny – BOH? James – BOH wants conservation approval on this one first. Agent – spoke with BOH. They do not have concerns. Penny – was concerned about house behind, because they are on well water, but understands BOH confirmed the septic is far enough away. Frank- leaching field with septic is better than cesspool.

Mr. Richard Harding **motion to close and issue orders for 66 Booth Hill Rd. Mr. Andrew Gallagher second. Unanimous all in favor roll call vote (6-0).**

h. 138 Central Ave. DEP# 068-2875

Applicant: Rae Curwin

Representative: Grady Consulting

Proposed: elevate on pile foundation

Jurisdiction: Barrier Beach, Coastal Dune, Land subject coastal storm flowage.

Staff Notes: Structurals received today

Paul Seaberg presented project. Elevate on wood poles. Proposing stairs to get into house. Richard – good thing to do. The river more than anything would affect them. Doug – if FEMA is 15, is it required to add a foot? Paul – one foot for lowest structural member. This plan is 1.5 feet for the first floor. Confirmed wood driven piles. Agent – good on driven wood piles. Will need to be consistent with coastal resource areas for FEMA. We do have stamped structural plan by Rivermoor.

Ms. Penny Scott-Pipes **motion to close and issue orders for 138 Central Ave. Mr. Doug Aaberg second. Unanimous all in favor roll call vote (6-0).**

REQUEST for DETERMINATION of APPLICABILITY:

a. 3 Gardiner Rd.

Applicant: Lillian C Peters Trust

Representative: Morse Engineering

Proposed: septic

Jurisdiction: Buffer to BVW

Staff Notes: Improvement, Why cut down trees

Recommendations: Negative 2

James Garfield, Morse Engineering, representing applicant. Described project. Not all lot lines are on plan, just area where doing work; it is a decently large lot. Currently, failed Title V cesspool. Not putting system in front, because plumbing and ledge. Erosion control to be used on down gradient area of project. BVW in rear of lot, where system going. Doug – confirmed 7 bedroom system. Agent – unfortunately proposing to clear into the 50. Suggest permanent posts and silt sock until area re-established. Does not have BOH approval yet. Frank – posts will help to make sure additional clearing doesn't happen for future owners.

Ms. Penny Scott-Pipes **motion for a negative 2 with condition of posts added to plan on 50 in area where system going in for 3 Gardiner Rd. Mr. Doug Aaberg second. Unanimous all in favor roll call vote (6-0).**

NEW BUSINESS/Other Business/Agent Report

a. Approval of Draft Minutes – 8/31/2020

Ms. Penny Scott-Pipes motion to accept minutes as written for August 31, 2020. Mr. Doug Aaberg second. Unanimous all in favor roll call vote (6-0).

- b. Appleton Farm – Jon Belber, 32 First Parish Rd** – Thank you for supportive words regarding Teak Sherman farm and local organic growers and supporting local food for food pantry. Frank- Andy Gallagher gave brief update earlier in meeting. Jon – Was able to walk with Andy last week to look at Appleton Field. Still posts and deer fencing (although much has fallen down). Fields look prime for growing. Question of water. Suggest mixed growing – more plots by local residents and regenerative growing (bring in seaweed and add fertility to field, no chemicals). Suggested grow food to sell to restaurants and/or for food pantry. Plants and transplants native plans also suggested. Examples other areas growing native seedlings. Larger area than Teak Sherman, more sun. Excited about idea. Discussed some ideas of running water line. Jon spoke about not needing water for some of the initial seasons of planting. Maybe future CPC project. Andy - agree next steps to get a few together at the field to talk about how to get it started. Jon – short term, one could prep the main growing field – the parcel on left side, more sunny, more established square part. Begin prepping with cardboard to biodegrade and break up grass. Tilling can disturb microbial life in the soil. One could take one small section, maybe 30x30 and do matting down with organic matter to prepare for spring plot. Penny – process use for plots for Teak Sherman, we can use same system for Appleton – rules, regulations, agreements. Yearly re-sign paperwork.

c. Discussion regarding 19 Peggotty Beach Rd. DEP# 068-2603 –

Agent – 19 Peggotty has set of orders that have been extended once and request for second time in queue. Under Emergency Declaration, orders are not expiring. Owner has since passed away and sisters have inherited the project. Back in 2008 there was some fill brought to property with special conditions with respect to things worked out in order of conditions process. In the last couple of years, the owner had environmental specialist come out and test soil and concluded in report that soil not impacted above regulatory standards for environmental contamination. Now they are saying, condition #32, has been met. BOS and BOH also provided with opinion of soil specialist. Up for discussion is what to do with special conditions. Owners requested we modify orders – get rid of condition #32, since concluded not contaminated so does not apply.

Penny – those are the orders. They have met the orders. No reason to remove it. We don't remove the order after an order is met. Thinks it should stay on, if they sell, they still need to collect wetland to across the street. Not comfortable with removing an order, go onto another order and continuing meeting orders. Does not make sense. Richard – agrees with Penny. Agrees with bigger issues as well about connecting. If soil is OK, put letter in file. Penny – why do they want to remove it? Agent – attorney and realestate on call. Attorney Jon Sloane – buyer attorney would like that condition removed because condition mentioned excavation. Suggest changing language so does not have the presumption of excavation and there wasn't – there was a test done, so it doesn't really fit. You can say we met the condition, but what did is not exactly the same since no excavation was done, but none is needed. A Minor Modification is needed so not

assumption of excavation. Frank – thought material was removed from this site? Reviewed history. Sloane – if that is what this condition is referring to, that is not what we are requesting. The buyer needs to know not going to stuck with a clean up. Report on soil confirms clean up not needed. Frank – thought there was going to be some plantings? Looking at plan. Brad White – realtor, representing sellers of property. The order of conditions were specific. Reviewed history of testing and moving soil. Had soil tested number of times. Two lots, number 15 is a no touch lot. Number 19 lot, is buildable lot. Condition #37 speaks to reconnecting drain. Buyer is concerned about condition #32, would like something from town that condition is met so know not responsible for it, so can properly convey property. Frank – looking at plan – says proposed fill removal and plantings. Has that been done? Brad – can't do until build house and dig foundation. Buyer agrees to do that when build the house. Bill Mitchel – LSP – spoke to condition of soil and regulations of colash in soil in commercial site vs residential property. Although concentrations exceeded what is allowable. Average after multiple tests, came back under allowable number. DEP allows for averaging. So designated no significant risk. Contamination that is there is below residential standards. However, do not want people to garden in the soil. Best management is to use raised garden beds. Agrees something should be put in writing for an amendment to orders. Frank – instead of amendment, can something else be written. We want to make sure that no unsuitable soil is used on this site. If buyer has issue with this condition, can attorney write something for the conservation commission to approve? Although would like to see resolution, it was not an easy hearing, so not incline to say don't need to worry about it. Jon Sloane – can come up with something, is it an acknowledgement from Concom that soil there is ok and what remain, if LSP is accurate, that nothing else is required of owner. Brad White – if we put together a sentence to be added to the conditions and gave example of wording. Frank – we want to work with this as long as intent of order is met. Agent – not an amendment, but minor modification or clarification. Already met order and have report. Buyer should be aware buying urban soil. Sloane – buyer looking for something can record at registry as response to order in question. Something that takes this issue off the title. Brad white – maybe sentence that has been discussed and accepted final analysis. Frank – craft and submit for commission to review.

Trail update - Boy Scouts have almost all the kiosks up. Have someone who will print some rules to post on kiosks.

Motion to adjourn

Mr. Richard Harding **motion to adjourn**. Mr. Doug Aaberg **second motion**. **Unanimous Roll call vote in favor (6-0)**.

Respectfully submitted,

Jennifer Smith
Recording Secretary

CORRESPONDENCE

September 21, 2020 – October 5, 2020

1. NOI 174 Old Farm Rd
2. RDA 38 Pheasant Hill Dr

3. Mass Wildlife subscription
4. MACC Annual Dues FY 2021
5. Chapter 91 License for Satuit Boat Club 66 Jericho Rd
6. Agenda Economic Development Commission Meeting September 21, 2020
7. Agenda September 24 Scituate Design Review Committee Agenda for September 30
8. Planning Board Agenda September 29, 202058 Satuit Trail notice of footprint change to plan 68-2841
9. Recording info for CofCs for 14 Stanton Lane 68-134 & 68-785
10. Recording info for Partial CofC for 62 Glades Rd 68-2718 Bk 53557 Pg 237

Minor Activity Permits

- 25 Egypt Beach Rd – fence
- 274 Central Ave – move cobble
- 38-46 Treasure Island Rd - trees