

**January 10, 2006**

**To: Scituate Conservation Commission**

**Re: Observations & Questions Dealing with Hearing Procedures & Review for a planned Development at 27 Collier Road.**

I acquired and read numerous documents from Town Hall pertinent to ConCom operations and a project under current review, a planned development of a lot at 27 Collier Road.

Paul Reidy Chr. BOS letter to ComCom – Jan 5, 2007

Peter Rosen letter to Bill Ohrenberger - December 6, 2006

Rod Gaskell letter to Bill Ohrenberger - December 4, 2006

Paul Barrett letter to BOS - December 1, 2006

John Cessia letter to Richard Twigg - Nov 29, 2006

List of names, addresses & sworn in dates of ConCom members - as of Jan 8, 2007

Section 20470 TOS describing ConCom duties

2005 TOS Annual Report pp 110-111 describing ConCom activities

**I have some concerns, thoughts & observations about the hearing process:**

1. Paul Barrett's letter to the BOS raises some very important issues and observations relating to this project.  
**Question:** Will ConCom be conducting a dialogue about his concerns?
2. The Board of Selectmen's (BOS) letter raises issues of "conflict of interest" and "all parties be as welcoming as possible to salient issues".  
**Question:** Will ConCom be continuing to allow additional comment and illumination of issues surrounding this project?
3. A question of ConCom member Kenneth Conway's potential "conflict of interest" is of consideration. In the document furnished by the Town Clerk, detailing ConCom members, as of January 8, 2007, shows Mr. Conway's address as 39 Collier Road, *only two lots away* from Mr. Stewarts proposed development. The proposed development at 27 Collier Road might very well have a positive effect on Mr. Conway's property value and if the development came to fruition because a ConCom narrow vote defining the "coastal bank" this might open the door for potential development at his 39 Collier Road property (tax records indicate that

the 39 Collier property is not the only property Mr. Conway owns in the Third Cliff area). The air "conflict of interest" appears here as well. With two ConCom board members from the same neighborhood, two doors away from one another, does this call for additional action?

**Question:** Should have Mr. Conway recused himself from the very beginning of ConCom's hearings on these matters? What is ConCom's position in regard to a close prior association of board members, with a project that may benefit both?

4. Mr. Stewart's air of "conflict of interest" as stated in the BOS letter to ConCom presents a double recusal for Mr. Stewart because of personal projects, thus putting his effectiveness as a regular ConCom member in question. Mr. Stewart's activity as a land developer in Scituate appears to cast a long shadow on his role as member of ConCom. Although he recused himself from conflicting activities is a stalwart gesture, it reduces the voting number on ConCom from 6 to 5. This reduction in votes places one member in control of a close vote, and if one's neighbor cast the deciding favorable vote, air of impropriety could be implied.

**Question:** Are these factors of voting a concern for ConCom? And, if so, are there provisions to deal with the concentration of voting members due to recusal?

5. If Mr. Conway rightfully recused himself, this would reduce the voting ConCom members to 4, also, providing a one member swing vote. (At the rate board members maybe dropping out, I'm reminded of the story of why they had to cancel the Annual March of Virgins, one got sick...and the other one didn't want to march...alone.)

**Question:** If Mr. Conway chooses to recuse himself, how would this effect his past tenure as acting as Chairman of ConCom as it applies to direction and outcome for the previous two meetings?

6. Since the BOS letter to ConCom was issued on January 5, with the request that "all parties be as welcoming as possible" and given the fact that the vote on November 29, 2006 closed further discussion, effectively squelching development of additional illumination.

**Question:** Because these timeline fluxuations would ConCom give reasonable length of time answer additional questions and gain further illuminations? What length of time, two or three months? (If, of course, additional discussions and concerns are allowed.)

After reading more about the charge, goals and responsibilities of ConCom from the town's web site, I feel certain statements made at the November 29, 2006 ConCom meeting are in direct contradiction to the expressed philosophy of Town of Scituate charge to the Conservation Commission. Unfortunately the minutes of that meeting are not available at this time. (As of January 10 the minutes for November 29, 2006 are not accepted & posted on the web site yet.)

What I present here are excerpts from Town of Scituate web site detailing the role of the Scituate Conservation Commission. (Please note italics are mine):

Town of Scituate  
Open Space, Conservation & Recreation Plan  
May 1998  
Section I - Page 2

**"Goal 3: Protect the heritage of the Town through the *preservation of scenic and historic structures and areas.*"**

**"Goal 5: *Relate the open space land to the urban land in such a way as to give order, shape, and form to the community.*"**

**"Goal 7: *Enhance the natural beauty of the Town's landscape and which show the effects of careless and haphazard development.*"**

**"The following are the elements of the Plan to be implemented over the next 5 years."**

**"Explore the potential use of "soft" *solutions to coastal flooding* and its related property damage including the establishment of a beach management plan."**

Town of Scituate  
Open Space, Conservation & Recreation Plan  
May 1998  
Section II - Page 4

**"To meet the demands of recent and projected growth, Scituate must face the challenge to maintain and enhance what makes it unique among South Shore Massachusetts communities. Scituate residents will be required to make several difficult, albeit critical, decisions regarding the Towns neighborhoods, historic areas, natural resources, taxation, and overall economy. Nevertheless, it is hoped that through proper planning and with a clear picture of what Scituate wants to be in the next five, ten and twenty years, growth can occur so as to enhance, improve, and highlight the special uniqueness that is Scituate. The important role that Town government must assume is to act not react to land use policies. *Planning for the future can avoid such issues as improper land use in high hazard coastal areas.* This is exhibited by destruction seen year after year in significant sections of the Town. The greatest damage in recent years was seen during the Blizzard of 1978. (See photo). This plan attempts to address matters dealing with flood protection as well as other significant concerns."**

Town of Scituate  
Open Space, Conservation & Recreation Plan