



APPROVED MINUTES
COHASSET CONSERVATION COMMISSION
MEETING DATE: 2/2/23 TIME: 6:30 PM
PRESENTED ON A ZOOM PLATFORM

MEMBERS IN ATTENDANCE:

Chris Macfarlane (CM), Chair
Tom Bell (TB), Vice Chair
Kathy Berigan (KB), Secretary
Will Ashton (WA), Member
Chris McIntyre (CI), Member
Eric Eisenhauer (EE), Member

STAFF IN ATTENDANCE:

Charlotte Pechtl (CP), Conservation Agent
Angela Geso, Recording Secretary/Administrator

Call to Order

Open Meeting

Roll Call Attendance:

Meeting Opened at 6:30 PM

C. Macfarlane – Aye; T. Bell – Aye; K. Berigan – Aye; W. Ashton – Aye; C. McIntyre – Aye; E. Eisenhauer - Aye

**ABBREVIATIONS USED: Notice of Intent (NOI); Stormwater Permit (SWP);
Land Subject to Coastal Storm Flowage (LSCSF)**

NOI 23-03, SWP 23-03 (Administrative): 81 Fair Oaks Lane – Addition - Britton

In attendance: Jeff Hassett (JH)/Morse Engineering; Josh Britton (JB)/Applicant

Documents presented; Site Plan, Stormwater Calculations

Chair Macfarlane recused himself from this hearing. Vice Chair Bell will take over as Chair.

The applicant proposes to put in an addition with a 4-season room and a patio underneath. The project will alter over 1,000 sq. ft. so a variance is needed. Roof runoff will be captured at downspouts and at a dry well. Erosion controls are in place and there seems to be no migration of sediment towards wet areas. JH said the 4-season porch becomes part of the living area and is not visible from other homes in the area. The retaining wall is clearly defined with a mulch socks, and they are bringing in an excavator to put in the dry well . All erosion will be contained inside the barrier. JH said there is no ledge removal but boulders on site will be realigned. Test pits showing sandy materials were done. One (1) tree will be removed and replaced with three (3) native trees.

MOTION:

By Vice Chair Bell to close the public hearing for Notice of Intent 23-03 and issue an Order of Conditions for property at 81 Fair Oaks Lane with the condition that three (3) trees will be added to replace the one (1) tree being removed.

SECOND:

Member Eisenhauer

ROLL CALL VOTE:

T. Bell – Aye; K. Berigan – Aye; W. Ashton – Aye; C. McIntyre – Aye; E. Eisenhauer - Aye

MOTION PASSES: 5-0-1 (Chair Macfarlane recused)

MOTION: By Vice Chair Bell to issue a variance for alterations in the riverfront greater than 1, 000 sq. ft. for work at 81 Fair Oaks Lane.

SECOND: By Member Eisenhauer

ROLL CALL VOTE: T. Bell – Aye; K. Berigan – Aye; W. Ashton – Aye; C. McIntyre – Aye; E. Eisenhauer - Aye

MOTION PASSES: 5-0-1 (Chair Macfarlane recused)

MOTION: By Vice Chair Bell to issue an Administrative Stormwater Permit 23-03 for work at 81 Fair Oaks Lane.

SECOND: By Member Ashton

ROLL CALL VOTE: T. Bell – Aye; K. Berigan – Aye; W. Ashton – Aye; C. McIntyre – Aye; E. Eisenhauer - Aye

MOTION PASSES: 5-0-1 (Chair Macfarlane recused)

NOI 23-02 30 Beach Street - Pier, Gangway and Float - Hobson

In attendance: Caroline Rees (CR)/Merrill Engineers and Landscaping, Peter Hobson (PH) and Susan Putziger (SP)/Applicants

Documents Presented: Site Plan

The applicants are asking to install a pier, gangway and float on their father's property to access Little Harbor and use as backyard recreation. CP said they are proposing to build a 55 ft. long and 4-ft. wide dock over the salt marsh with a removable gangway and float, 14 piles and 20 ft. of railing. The dock as planned is larger than average projects. EE said they are destroying the public's view of Little Harbor as they drive by this property. CR said it's a short dock with no steep drop and, if approved by the commission, will be going for a Chapter 91 license. CR said she would be amenable to a smaller float. PH said the house had been built in 1941 and there was some sort of dock or access at one time on the site. SP said the backyard has a wall with a break in it and they can see old pilings in the water so she assumed something had previously been there. She said her family would be using the dock to paddleboard, kayak and canoe to Little Harbor. CR said the water comes to the wall during high tide. CM said docks are listed as jurisdictional items not backed up by any bylaw and, in the past, these requested have always been approved because the bylaws don't offer jurisdictional guidelines to determine if the dock is detrimental. TB said we've approved other docks in the harbor and should offer these applicants the same consideration. A letter came today from the Office of Fisheries and Oceans that wasn't read by all the commissioners, so it was decided to continue this public hearing until everyone has the chance to read the letter.

PUBLIC HEARING CONTINUED TO 2/16/23

NOI 23-01, SWP 23-01 - 76 Summer St – Rebuild Garage – Santacroce (con't from 1/19/23)

In attendance: Jeff Hassett (JH)/Morse Engineering; Bronwen Santacroce (BS)/Applicant

Documents presented: Revised Site Plan, Project Revisions

At the previous meeting, JH submitted information on James Brooked and defined the well on the plans and in the field. The edge of the Gulf River was surveyed and it was found that water is confined to the bank. The following revisions were added to the site plan:

- The garage is moved forward by 22 ft. and is outside the riverfront area
- The patio is moved behind the garage

- The driveway is 25% smaller and a second turnaround was eliminated
- Natural stone was added at the entrance and several native trees were added to the plan

The project has been redesigned to meet the interest of the bylaws. TB said it's a significant improvement. The stone wall and the walkways from the driveway to the main entrance will be reconstructed. Stepping stones were added to the lawn. CP said most work is outside the riverfront and the applicants do not need a waiver for Land Subject to Coastal Storm Flowage.

MOTION: By Chair Macfarlane to issue Stormwater Permit 23-01 for 76 Summer Street.

SECOND: Vice Chair Bell

ROLL CALL VOTE: T. Bell – Aye; K. Berigan – Aye; W. Ashton – Aye; C. McIntyre – Aye; E. Eisenhauer – Aye; C. Macfarlane - Aye

MOTION PASSES: 6-0-0 Unanimous

MOTION: By Chair Macfarlane to issue a variance for work within the riverfront and for greater than 1,000 sq. ft. alteration with Land Subject to Coastal Storm Flowage at 76 Summer Street.

SECOND: Vice Chair Bell

ROLL CALL VOTE: T. Bell – Aye; K. Berigan – Aye; W. Ashton – Aye; C. McIntyre – Aye; E. Eisenhauer – Aye; C. Macfarlane - Aye

MOTION PASSES: 6-0-0 Unanimous

MOTION: By Chair Macfarlane to close the public hearing for NOI 23-01 and issue an Order of Conditions for 76 Summer Street.

SECOND: Member Eisenhauer

ROLL CALL VOTE: T. Bell – Aye; K. Berigan – Aye; W. Ashton – Aye; C. McIntyre – Aye; E. Eisenhauer – Aye; C. Macfarlane - Aye

MOTION PASSES: 6-0-0 Unanimous

NOI 22-21, SWP 22-17 - 31 Dolan Lane (con't from 1/19/23)

In attendance: Jeff Hassett (JH)/Morse Engineering;

Documents Presented: Site Plan, Site Photos,

Secretary Berigan and Member Ashton recused themselves from the hearing.

JH said they have removed all work out of the 50-ft. wetland buffer, shown all trees within the limit of work that are greater than 12-in. caliper, and added a drain directed into a crushed stone trench at the side of the driveway. A total of 54 trees, all 12-in. caliper or greater, were removed for construction. They are proposing 13 trees be planted along the driveway with a grass depression. TB asked if there is any room to plant more than 13 trees. JH said there will be two (2) trees at the entrance and a mulch bed will be added. He said there is really not any other space to put in large trees. The area is well-vegetated. CI asked if there is any way to condition that the remaining trees and wooded area be maintained. JH said the area is protected because there will be a tree line of work during construction. If the homeowner cuts down over 5,000 sq. ft. of trees they would need to file a stormwater permit. JH said there is no intent for further development. CP said there is a portion of work over an adjacent property that was approved with a signed letter from the abutter. She recommends a condition to see that the finalized easement is recorded with the court. JH said there are no trees in the 50-ft. buffer zone and 13 trees in the 100-ft. buffer zone with the possibility of adding an additional four (4) trees.

CM said the commission is not required to account for smaller trees. After discussion, it was decided to add a total of 21 trees to the site.

MOTION: By Chair Macfarlane to issue Stormwater Permit 22-17 for 31 Dolan Lane.
SECOND: By Member Eisenhauer
ROLL CALL VOTE: T. Bell – Aye; C. McIntyre – Aye; E. Eisenhauer – Aye; C. Macfarlane - Aye
MOTION PASSES: 4-0-2 *Secretary Berigan and Member Ashton were recused.*

MOTION: By Chair Macfarlane to close the public hearing for Notice of Intent 22-21 and issue an Order of Conditions for proposed work at 31 Dolan Lane with the following conditions:

- 21 new trees of 2 ½-in. to 3-in. caliper from the approved list of native species be planted to replace and/or mitigate those trees removed from the buffer zone
- No work is to be performed until legal notification of the easement across a neighboring property be provided to the Conservation Agent

SECOND: By Member Eisenhauer
ROLL CALL VOTE: T. Bell – Aye; C. McIntyre – Aye; E. Eisenhauer – Aye; C. Macfarlane - Aye
MOTION PASSES: 4-0-2 *Secretary Berigan and Member Ashton were recused.*

SWP 22-34 - 94 Black Horse Lane - New Construction (con't from 1/19/23)

In attendance: Adam Brodsky (AB)/Environmental Attorney; Carmen Hudson (CH)/Merrill Engineering

Documents presented: SWP Conditions; Site Plan; Planting Plan

AB thanked CP and KP Law Counsel Adam Weishat for their assistance in this matter. The application was approved with the following conditions.

MOTION: By Chair Macfarlane to issue Stormwater Permit 22-34 for work done at 94 Black Horse Lane with the following conditions:

1. No site work whatsoever shall commence until such time as the Applicant obtains all other permits and approvals required from other local boards or permitting authorities. To the extent that any changes to the site plans approved through this permit occur during the review of this project by other local boards and/or permitting authorities, the Applicant shall submit the amended plans along with a request for an Amendment to this permit for consideration by the Commission.
2. The Applicant shall maintain all stormwater facilities shown on the approved plans until such time as the Applicant no longer has lawful control of the facilities at which point the Owners of the lots served by said facilities shall assume control and maintenance responsibilities.
3. The existing natural vegetation should be maintained where possible, and where possible, existing mature trees, natural rock outcrops, stonewalls, etc. should be incorporated into a landscape plan. Native plants, or plant species that have been naturalized in the area of the

surrounding region should be used. Plant species listed on the current “Invasive Species List for Massachusetts” shall not be used.

4. Prior to commencement of construction of the Stormwater Permit, the Applicant shall submit the final landscape plan to the Commission for review and comments, but not approval, with copies also provided to all other local boards or permitting authorities with jurisdiction over the project. The Commission’s comments, if any, shall be distributed to all other local boards or permitting authorities with jurisdiction over the project. The Applicant shall in good faith consider the Commission’s comments and concerns regarding the protected interests in the Bylaw and Regulations.

SECOND: By Member Eisenhauer

ROLL CALL VOTE: T. Bell – Aye; K. Berigan – Aye; W. Ashton – Aye; C. McIntyre – Aye; E. Eisenhauer – Aye; C. Macfarlane - Aye

MOTION PASSES: 6-0-0 Unanimous

DISCUSSION: 256 North Main Street – Two Lots – New Construction

In attendance: Xander Oram (XO)/Merrill Engineering

Documents Presented: Revised Site Plan

Initially a storm water permit was not required as the work being done was under 5,000 sq. ft. but now the site is being split into two (2) lots. The hydrocad design replicated by Morse Engineering was combined with previous work done by Cavanaro Consulting for the top portion of the lot which proved that the volumes were reduced. CM stated that what XO has presented is a combined SWP covering all areas on the lot. TB asked if each building can stand alone where both lots are claiming the same amount of impervious removal and also if each spot had been modeled separately. XO said they took from two (2) sources and made them into one. CM asked if the back spot was re-analyzed and XO said that the combination of two (2) lots did not exceed pre-development conditions. CP said that 256 North Main Street was done first and 258 North Main Street was done a year later and asked if this is a single lot exemption. XO said he would look into it and get back to the commission. CM said when Jeff Hassett presented 258 North Main Street it was for that lot only: the application and payment were made for that lot. XO said the entire lot was analyzed but a second stormwater report was filed for 256 North Main. TB asked why they would build on a lot that wasn’t theirs but XO said they did do both lots but were only permitted for Lot 2. CM asked if they could be done separately and CP said Brendan Sullivan of Merrill Engineering originally did the lots separately but the commission wanted to make sure the calculations line up with two (2) lots. CM said the issue was that in the original modeling, CH said she used a portion of the driveway removal in her calculations but on the bigger lot. 258 North Main Street worried only about their lot but can’t say if they ever met the pre-construction and post-construction. XO requested a separate analysis for Lot 2 and not surpassing pre-construction. TB said there is an easement and CP the same person owned both lots but sold one so there should be an easement with two (2) different owners. CM there was an administrative SWP but with so many deviations, the commission questioned whether or not it still complies. TB asked if Lot 2 is still in compliance and to run the model again based on pre-existing and As-Built conditions to see if the site complies.

PUBLIC HEARING CONTINUED TO 2/26/23.

Show Cause: NOI 20-05 - 191 Atlantic Avenue

In attendance: Raymond Tehranian/Owner; Attorney Adam Brodsky (AB)

CM asked if, in the future, there would be a way to have applicants submit As-Built plans on top of an approved site plan because the deviations for this plan aren’t clearly defined. TB suggested using an

overlay to compare previous and current plans. AB went through all the details at the 1/19/23 meeting and feels all questions were answered at that time. CM said things changed over time and weren't properly documented. He feels that there is no other alternative but to move forward with this application. CM said many things were previously handled in writing and were not strongly documented.

MOTION: By Chair Macfarlane to issue a Certificate of Compliance for 191 Atlantic Avenue with the condition that no herbicides be used.
SECOND: Member Eisenhauer
ROLL CALL VOTE: T. Bell – Aye; K. Berigan – Aye; W. Ashton – Aye; C. McIntyre – Aye; E. Eisenhauer – Aye; C. Macfarlane - Aye
MOTION PASSES: 6-0-0 Unanimous

143 Beechwood Street

The home had a failed septic system in 2001. The Order of Conditions was never closed out. There have been no deviations since 2001.

MOTION: By Chair Macfarlane to issue a Certificate of Compliance for 143 Beechwood Street.
SECOND: Member Eisenhauer
ROLL CALL VOTE: T. Bell – Aye; K. Berigan – Aye; W. Ashton – Aye; C. McIntyre – Aye; E. Eisenhauer – Aye; C. Macfarlane - Aye
MOTION PASSES: 6-0-0 Unanimous

37 Stevens Lane – SWP 18-23

This is a mitigation request with deviations noted. A 20-ft. x 40-ft. pool was proposed but never built. The project was supposed to have a completely paved driveway but instead it was done with crushed stone on half of the driveway. There was a slight change in grading but no issues with stormwater. A patio and stairs were put in as proposed.

MOTION: By Chair Macfarlane to issue a Certificate of Compliance for SWP 18-23 for 37 Stevens Lane.
SECOND: Member Ashton
ROLL CALL VOTE: T. Bell – Aye; K. Berigan – Aye; W. Ashton – Aye; C. McIntyre – Aye; E. Eisenhauer – Aye; C. Macfarlane - Aye
MOTION PASSES: 6-0-0 Unanimous

14 Haystack Lane – SWP 16-01

The stormwater permit had been approved by a previous agent. A leaching pit near the driveway now connects to roof drains. It was not part of the original design but there are no concerns. A turn-around in the driveway was slightly smaller but added a decrease in impervious surface. A front porch with a roof area was added. A stormwater depression was built differently but is functioning well. CM asked if the retaining walls were part of the original plan and CP said yes, with concerns with construction going on to other property. CM said the existing grade is not on the plan. TB said you can't tell if the site at the drainage pit is at the same elevation as the neighbor's lot. If it is higher than the drainage pit, it will go into the neighbor's yard. It was determined that the elevation was the same as the neighbor's lot.

MOTION: By Chair Macfarlane to issue a Certificate of Compliance for SWP 16-01 for 14 Haystack Lane.
SECOND: Member Eisenhauer
ROLL CALL VOTE: T. Bell – Aye; K. Berigan – Aye; W. Ashton – Aye; C. McIntyre – Aye; E. Eisenhauer – Aye; C. Macfarlane - Aye
MOTION PASSES: 6-0-0 Unanimous

Orders of Condition: Special Condition Revisions

CP wants to clear up the language and make some additions. The line “all changes have to be submitted in writing” was changed to “shall be submitted”. The line “cannot take out erosion barrier until all things have been completed” was added. CM asked if we could extend the requirement of native plants beyond the buffer zone. Semi-annual reports have to be submitted to the agent and CP would like more specificity. CM wants to add a line that says “no pesticides in resource area or buffer zone” for certain projects and “for all restoration work, no heavy machinery can be used unless authorized by the Conservation agent” and to receive reports from applicants within 60 days of the start of the project. Other changes include “All plants should be alive and thriving after two (2) years”. TB suggested putting a construction fence around a canopy of all trees not being removed to preserve and protect the trees and keep heavy equipment out. CM suggested “at a minimum 15-ft. from the trunk of any tree to remain” and WA suggested “contractors shall provide a protection plan if working near trees”.

Fee Schedule: CP suggested we take out any reference to “administrative stormwater review” as it is not consistent with the bylaws.

Updates:

110 Beach Street: National Grid is cutting down three (3) oak trees. The activity is exempt.

127 South Main Street: Parking is not allowed due to a setback. The owners are arguing that they were grandfathered in.

With no further business to discuss, a motion was made to adjourn.

MOTION: By Chair Macfarlane to adjourn the meeting of 2/2/23.
SECOND: By Member Ashton
ROLL CALL VOTE: T. Bell – Aye; K. Berigan – Aye; W. Ashton – Aye; C. McIntyre – Aye; E. Eisenhauer – Aye; C. Macfarlane - Aye
MOTION PASSES: 6-0-0 Unanimous

Meeting adjourned at 10:30 pm.