



APPROVED MINUTES
COHASSET CONSERVATION COMMISSION
DATE: 3/23/23 TIME: 6:30 PM

IN ATTENDANCE:

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

ABSENT:

Eric Eisenhauer (EE), Member

STAFF IN ATTENDANCE:

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

Call To Order @ 6:30 PM ~ Open Meeting

Roll Call Attendance:

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

NOI 23-10:

Wompatuck State Park – Restoration of Stream and Trail

In attendance: Peter Williams (PW) and Doug Luoma (DL)/DCR, Friends of Wompatuck

Documents Presented: Site Plan, Condition Plan

The project involves restoration of a stream and trail near the Doane Street entrance to the park. There is a large wetland area with water, brush, and an Intermittent Stream with a stone ford across the stream. High water flows down existing trails creating deterioration. A Bordering Vegetated Wetland (BVW) is along the sides of the stream. Overflow onto the stream caused the area to become extremely muddy and prevented access to other parts of the park and the Aaron River reservoir. DL is proposing to construct a timber bridge that removes stones and allows water to flow. The bridge will be elevated. There will be boardwalks in muddy areas to prevent intrusion. Work is within limits of the BVW and it provides an overall environmental benefit by restoring streams, increasing public usage and allowing flowage. PW said the design is consistent with stream crossing by taking out a full cross-section of the stream and elevating all work at the bank. There is 50-sq. ft. of BVW disturbance due to footings along the boardwalk but the project compensates through the improvements to the stream and to minimizing the loss of muddy areas and rival growth at the BVW. There is a good amount of bicycle traffic and walkers. The trail has existed since 1974 when the park was first established. Water will be flowing into wetland areas but groundwater migrates into soft soil. CM asked if the condition of the ford is creating the wetland or will the wetland dry up when the ford is removed. PW said he hired Brad Holmes to flag the wetlands and can refer to him at the next hearing. He has filed this as a limited project for a footbridge. CM asked CP to look into the possibility of replication elsewhere.

CONTINUE HEARING TO 4/6/23

NOI 23-11:

136 Atlantic Avenue – Landscaping Updates – Meyers

In attendance: Ethan Meyers (EM)/Applicant

Documents presented: Planting Plan, Landscape Plan

There is no DEP number yet assigned to this project so no vote can be taken tonight.

The applicant hopes to extend an area of usable space around a large, exposed ledge. The project is under 5,000 sq. ft. of land alteration and was designed by a landscape architect. There are native plantings outside the 50-ft. buffer zone. The applicant wants to remove two (2) trees and has one already (1) approved for removal.

CONTINUE HEARING TO 4/6/23

AMENDED SWP 22-24: 318 Forest Avenue – Project Update – Bliss

In attendance: Dan (DB) and Kelly (KA) Bliss/Applicants; Attorney Jeff DeLisi (JD); Carmen Hudson (CH)/Merrill Engineering

Documents presented: Revised Site Plan

This is more conservative than the previous plan. CH shows the approved new plan following contours and flowing to existing brush. She found shallow groundwater and had a trench collecting runoff. The direction of the surface will flow over the paddock and increase the time of flow by 150 ft. There will be two (2) trenches on site, one to collect stormwater in one direction and the other with crushed stone to collect everything from the paddock to infiltration. Special Condition 14 limits horses in the paddock area to four (4) hours. CM wants to know to what level the sand is going to infiltrate and CH said she is looking at the hydro cad model. TB said raising 2-ft. over the pool would be fine but raising the grade over a substantial area would cause the water table to rise with it. CH said we cannot change the water table. CM said as water exits the swale it will run down to the neighbor's property but CH said the direction of flow is at right angles to the contour line. A berm could be proposed along the property boundary to solve the problem. DB said he will put in a berm. CM said reasonable conditions would be a berm, shortening of the outlet pipe and leaving fertilizer protocols in place. KA said her paddock has a lawn vacuum that picks up manure. TB said as long as they are good with the rate of fertilization, the number of hours without the horses may not matter.

- MOTION:** By Chair Macfarlane to close the public hearing and issue Amended Stormwater Permit 22-24 with the following conditions:
- Outfall from infiltration area be relocated.
 - Swimming pool shortened to area adjacent to shed.
 - Swale on plan to catch outfall backed up on property line side with berm.
 - Operations & Maintenance plan to monitor trenches and replenish wood chips.
- SECOND:** Vice Chair Bell
- ROLL CALL VOTE:** T. Bell – Aye; K. Berigan – Aye; W. Ashton – Aye; C. McIntyre – Aye; C. Macfarlane – Aye
- MOTION PASSES:** 5-0-0 Unanimous

- MOTION:** By Chair Macfarlane for a superseding condition to Special Condition #14 to remove the four-hour reference to horses being in the paddocks.
- SECOND:** By Secretary Berigan
- ROLL CALL VOTE:** T. Bell – Aye; K. Berigan – Aye; W. Ashton – Aye; C. McIntyre – Aye; C. Macfarlane – Aye
- MOTION PASSES:** 5-0-0 Unanimous

NOI 23-12: Emergency Certification: 63 Nichols Road – Collapsed Retaining Wall
In attendance: Brendan Sullivan (BS)/Merrill Engineering
Documents presented: Site Plans

A section of the northern wall from Nichols Road to the causeway needed emergency repairs. An emergency certification was issued. The remainder of the wall is in imminent collapse and needed a second NOI. Most of the area adjacent to the wall is more muck than saltmarsh. There is a minor area of the saltmarsh to be filled. TB asked if the cement culvert it still structurally sound and BS said it is. CP said information from SRE is forthcoming.

- MOTION:** By Chair Macfarlane to ratify the second emergency certification at 63 Nichols Road.
- SECOND:** By Member McIntyre
- ROLL CALL VOTE:** T. Bell – Aye; K. Berigan – Aye; W. Ashton – Aye; C. McIntyre – Aye;

C. Macfarlane – Aye
MOTION PASSES: 5-0-0 Unanimous
CONTINUE HEARING TO 4/6/23

NOI 23-09: 78 Nichols Road – Landscape Improvements (con't from 3/2/23)
In attendance: Paul Bakis (PB)/Grady Environmental; Nick Warendorf (NW)/Applicant; Jim Ippolito (JI)/Arborist
Documents presented: Arborist's Report; Site Plan

The applicant wants to update the landscaping on his property. Some of the work is within the 100-ft. buffer zone. NW said he plans to demo the existing wall, construct a new retaining wall, and install a drywell that ties in the roof downspouts. No heavy equipment will be used. JI reported his assessment to identify what will happen to trees on the property and said it is preferable to use a bobcat for excavation. He is bringing in some loam and crushed stone. TB said all the material being used is poorly graded and should retain permeability. He would like to see details of the natural construction of the crossway. NW said it is important to not increase the impervious surface with a project of this scope and location and feels specific plantings would provide more significant erosion control. CI asked why the applicant is removing dead trees when they are part of an ecological system. JI said one of the trees is causing a hazard. TB said the commission might allow pruning, but it could be doubtful to take the entire tree. NW asked why an arborist was requested if the commission is not going to follow what is said. JI said a second tree being considered for removal sinks into the ground and has significant decay, damaged roots and branches hanging over the house. CM said there is a limited area that the applicant wants to be driving back and minimizing disturbance. Adding plants to the buffer zone is a good thing to do but it's not good to take out all grass. NW asked if CM was suggesting that the area of lawn being replaced by sedge is not healthy or rooted. He feels sedge is a better option. Bare earth is most susceptible to erosion and that's what you'll have when you remove the lawn. NW asked for a compromise if the sedge were placed without stripping of the existing moss and lawn and CM said yes. CM said he would be comfortable with not moving the existing lawn and go ahead with a quantity of plants that can be functionally planted in that space. The tree closest to the home is damaged and could possibly fall into the home on its own. TB is concerned with cutting down trees that are relatively viable, but JI said one of the trees has damaged roots and could present a problem. He is more concerned with the tree canopy causing damage and discussed removing the top portion of the tree and leaving the roots which are relatively healthy. CM feels that if you minimize how much of the property will be roughed up with heavy machinery and how it will be impacted you could keep the area a little more protected. Rather than taking out grass and creating beds that may not function you could limit where the heavy equipment goes and maintain the area it would be acceptable. JI said the area of lawn being replaced by sedge is not healthy, rooted lawn and is not doing anything from an erosion perspective. They want to eliminate the part of the lawn that is problematic. CM said the plants being shown will cover a small area of bare land and will take considerable time to recolonize and he would rather see something more functional and more ecological in that area. TB feels the heavy equipment in the 50-ft. buffer zone will affect the area but JI said there would be minimal bobcat use in the back and most of the work will be done by hand. TB has no objections to removing the tree in front of the house but wants to see silt socks and erosion controls to keep the soil from running into Little Harbor. The agent will oversee tree cutting on the property while the work is being done.

MOTION: **By Chair Macfarlane to close the public hearing for NOI 23-09 at 78 Nichols Road and issue an Order of Conditions with the following conditions:**

- **Make every effort to minimize the disturbance in the buffer zone**
- **Tree pruning will be reviewed on site with the Conservation Agent**
- **The tree in the 50-ft. buffer zone remains but tree #1 closer to the home will be taken down**
- **All planting on the other side of the fence near the 50-ft. buffer zone will be done by hand**
- **The applicant must work with the Conservation Agent along the line laid out for the hard fence where equipment can only work on the 100-ft. side to minimize disturbance in the 50-ft. buffer zone**

SECOND: By Vice Chair Bell
ROLL CALL VOTE: T. Bell – Aye; K. Berigan – Aye; W. Ashton – Nay; C. McIntyre – Aye;
C. Macfarlane – Aye
MOTION PASSES: 4-1-0

MOTION: By Chair Macfarlane to issue a variance for minimum work within the 50-ft. buffer zone at 78 Nichols Road.

SECOND: By Vice Chair Bell
ROLL CALL VOTE: T. Bell – Aye; K. Berigan – Aye; W. Ashton – Nay; C. McIntyre – Aye;
C. Macfarlane – Aye
MOTION PASSES: 4-1-0

NOI 23-13: 83 Spring Street - Raze and Rebuild – Won

In attendance: James Garfield (JG) /Morse Engineering; David Won (DW) / Applicant; Michael Milanoski (MM) / Abutter

Documents Presented: Site Plan, Alternate Parking Plan,

JG said the SWP from a previous filing was never issued and will be taken care of at this hearing along with a new NOI as presented. The proposed new dwelling is in the same location with two (2) inches added. A six (6) foot foundation will require minimal excavation. The dwelling will measure 660 sq. ft. Two (2) trees will be removed and replaced with four (4) white oaks. The SWP was an administrative review with no grade changes and a slight increase in impervious land coverage. Mitigation plantings will be installed. CP said there was a superseding order to install Conservation markers along the driveway, but the DEP asked that the order be closed prior to opening a new NOI. A variance will be needed for work within the 50-ft. buffer zone. CM said the intent is that no additional parking spaces other than what are already there should be considered. He asked if the wetland delineation is current but CP said there has been no delineation in over three (3) years so the wetlands should be reflagged. CM asked if there is an option in getting the dwelling out of the 50-ft. buffer zone and also if any test pits have been conducted. JG said there are no test pits over this filing and a trench is being dug with natural soil. A portion of the home sits on a slab. JG said two (2) outbuildings are being removed and there is no vegetation disturbance other than the addition of four (4) new trees. WA thinks the least disturbance of the site is the best way to rebuild the home but CM said we should focus on the least detrimental to the wetlands over a long period of time. DW said if he can build the house in the existing foundation, he will have two (2) parking spaces away from the 50-ft. buffer zone. JG has concerns with runoff onto the adjacent property but feels the stormwater should work with the site as it's increased only by 175 sq. ft. MM expressed concerns with his property being flooded by runoff and asked if the hearing will be continued. CM said we will be reflagging the wetlands so there will be another hearing when the reflagging is complete.

CONTINUE HEARING TO 4/6/23

Show Cause with Certificates of Compliance:

SWP 21-33: 20 Old Pasture Road:

In attendance: Brendan Sullivan (BS) / Merrill Engineering; Larry Schindler (LS) / Applicant

The work has been completed on the pool and patio changes and the owners wish to close out the permit. The As-Built plan was submitted. BS said the patio is now pervious and a large area of pavement was removed. All stormwater mitigation was installed. CM asked if he recalculated all the numbers when changes were made. He asked for documentation to be provided to CP to confirm the rough numbers.

SWP 22-04: 66 Jerusalem Road

In attendance: Jan Hanzl (JH) / Developer; Scott ?????????/?????

There are patios to the back and side of the property that will stay. To the front, the walkway snakes around the property and uses an additional 75 sq. ft. of brick paver. Landscaping was proposed around the perimeter of the house. A stone wall and steps were added. There is a gravel driveway.

Cohasset Conservation Commission
Minutes of 3/23/23 Meeting

MOTION: By Chair Macfarlane to close the Show Cause hearing and issue Stormwater Permit 22-04 for work at 66 Jerusalem Road.
SECOND: Secretary Berigan
ROLL CALL VOTE: T. Bell – Aye; K. Berigan – Aye; W. Ashton – Aye; C. McIntyre – Aye; C. Macfarlane – Aye
MOTION PASSES: 5-0-0

SWP 20-26: 76 Lamberts Lane
CONTINUED TO 4/27/23

NOI 21-10, SWP 21-18: 147 South Main Street

In attendance: Attorney Adam Brodsky (AB), John Schiavo (JS) / Applicant

A tree was removed from the 50-ft. buffer zone without approval by the commission. JS is willing to add two (2) trees if needed. AB said the limit of work may not be in the exact location according to the plan, but JS is going to upgrade the site. The property line that goes between the mitigation planting and the tree is not where the limit of work currently is but that will be determined by JS. CM asked JS if it's possible to store some of his vehicles out of the buffer zone and JS said he will not be parking in the area once the project is completed. CM said JS has several pieces of heavy equipment already in this yard and CP said there is a variance keeping heavy equipment out of the buffer zone but there are vehicles in and out of there. JS insists he has approval from the ZBA to use the heavy equipment until the project is complete and CM asked to see that approval as soon as possible. CM said the plan submitted shows work within the property line. JS said his neighbor at 151 South Main Street is encroaching on the 50 ft. buffer zone and he would like to make note of it.

CONTINUE TO 4/6/23

Minutes for Approval: moved to 4/6/23

MOTION TO ADJOURN: Made by Chair MacFarlane to close the Conservation Commission meeting of 3/23/23 at 11:30 pm.
SECOND: By Vice Chair Bell
ROLL CALL VOTE: T. Bell – Aye; K. Berigan – Aye; W. Ashton – Aye; C. McIntyre – Aye; C. Macfarlane – Aye
MOTION PASSES: 5-0-0 Unanimous