



APPROVED MINUTES
CONSERVATION COMMISSION
MEETING DATE: THURSDAY, 5/11/23 TIME: 6:30
PRESENTED ON A ZOOM PLATFORM

MEMBERS IN ATTENDANCE:

Tom Bell (TB), Acting Chair
Kathy Berigan (KB), Secretary
Will Ashton (WA), Member
Chris McIntyre (CI), Member
E. Eisenhauer (EE), Member

MEMBER ABSENT:

Chris Macfarlane, Chair

STAFF IN ATTENDANCE:

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

Open Meeting ~ Call to Order

Roll Call Attendance: K. Berigan – Aye; W. Ashton – Aye; C. McIntyre – Aye; E. Eisenhauer – Aye;
T. Bell – Aye

Quorum of 5 Voting Members

PUBLIC HEARINGS:

RDA 23-06:

97 Border St – Landscaping and Tree Removal – Cantillon

In attendance: Philip Cantillon (PC)/Applicant

PC wants to remove a tree that has grown significantly and could present a problem with a wall on site. The tree will be hand-cut. CP asked if it would be feasible to plant another tree on the site to replace the one proposed to be removed. The tree is sitting on top of a stone wall and is growing into the fence. PC said the tree is 15-ft. tall with a good-sized trunk and is part of the sea wall and retaining wall. TB stated the commission does not allow disturbances in a riverfront or in a 50-ft. buffer zone. PC has concerns with the wall, but TB said he doesn't feel the tree needs to be cut and that it is on top of a 50-ft. coastal bank. CP asked if cutting the tree would require a Notice of Intent (NOI). TB said based on the tree being within several statutory zones and no report from a certified arborist that the applicant should come forward with an NOI. Jurisdictional areas should be flagged.

MOTION:

By Member McIntyre to issue a Positive 4 refusal on the Request for Determination of Applicability and to recommend the applicant submit a Notice of Intent application for this project.

SECOND:

Member Ashton

ROLL CALL VOTE:

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

MOTION PASSES:

4-0-1 (Member Eisenhauer abstains)

RDA 23-07:

143 Beechwood St – Tree Removal – Rockwood

In attendance: Lisa Vitello Rockwood (LV)/Applicant; Andrew Spaltz (AS)/Total Tree Company; Gary Barros (GB)/Certified Arborist

Documents presented: Letter from Certified Arborist; Letter with Rockwood's Updates; Planting Plan,

LV talked about what trees they want to cut down and CI said he would like to see documentation prior to this happening. TB said there are a fair number of trees that fall into our jurisdiction. GB said trees along the power lines should be cut down, but he wasn't sure on the black cherry trees if they impact the septic system. CP said some of the trees need only to be pruned. EE wants a better report for each tree to see if they are causing danger, on power lines or have other issues. TB suggested an alternative is to having an underground service. CP said there are no roots going backwards towards the ledge, they are all going towards the driveway. She identified the leaning tree and thought it could be in the 50-ft. buffer zone. There is an intermittent stream surrounding the trees and another wetland on the site. TB said it doesn't make sense to get the tree closer to the wetlands than it should be. WA said there is a Bordering Vegetated Wetland (BVW) on the site and it sounds like a Notice of Intent (NOI) is needed. CP said the intermittent stream was dry at the time of inspection. EE suggested filing the RDA for the tree falling over and leave the rest of the trees for the NOI.

MOTION: By Acting Chair Bell to issue a partial RDA 23-07 with a Negative 3 condition that the one (1) tree leaning over the driveway and into the power lines in the 100-ft. buffer be removed. The applicant needs to file a Notice of Intent for all other trees.

SECOND: Member Ashton

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

MOTION PASSES: 5-0-0

NOI 23-13, SWP 23-07: **83 Spring Street – Raze and Rebuild - Won (con't from 4/27/23)**

In attendance: Jeff Hassett (JH)/Morse Engineering; David Won (DW)/Applicant

Documents presented: Revised Site Plan

A site visit was done at the property where the possibility of an alternative location was discussed. The Commission should determine if they are moving forward or going with the project as presented. The alternative is to move the house outside the 50-ft. buffer zone, extend the utilities and driveway and remove selected trees outside the 50-ft. buffer zone. There would be no impervious surface in the 50-ft. buffer zone and the area could be planted. CP said with the alternatives the home is shown outside the 50-ft. buffer zone but a variance for work within the 50-ft. buffer zone is still needed. A super-ceding Order of Conditions would be closed out prior to starting new work. The commission was posed to see if they prefer keeping the original plan or going with the alternative. CI said the disturbance to demo the house is the same amount of work to rebuild. He would prefer to keep the first plan but is open to change. EE feels a new plan with construction outside the 50-ft. buffer zone is preferable. TB said the trees are still within the wetland buffer. KB asked about machinery being used and feels the second proposal confirms the 50-ft. footprint. WA prefers the first plan but will go with the will of the commission.

PUBLIC HEARING CONTINUED TO 5/25/23

Show Cause: Beechwood St – Tree Removal - Iantosca (JI), Brad Holmes (BH) (con't from 4/27/23)

CI noted mitigation plan shows only recently cut trees and not previously cut trees from recent years. JI said they were cut from a previous storm in October 2021 where several trees fell down. It is difficult to determine if those trees were cut intentionally or as a result of the storm event. CI requested only the healthy trees that were cut be included on the plan and to show trees cut down within the 100-ft. buffer zone and not just the 50-ft. buffer or BVW. TB asked if the existing access path was a deeded easement or just part of the prior 2008 NOI to install drainage. JI said it was part of the 2008 NOI but did not believe

it was a recorded access easement on the property deed. He said it's mostly been mowed yearly and vegetation around the outflow pipe was removed. TB asked to see the existing tree canopy coverage on the plan to determine the best places to put back tree coverage and restore the canopy. The commission asked why the replacement trees are small and BH said large caliper trees would require an excavator and result in more disturbance to the buffer zone and BVW. BH said the erosion control and seed mix were installed the first week in May and will need a cycle of lower temperatures, but we should see germination this year. **CONTINUED TO 6/22/23**

Show Cause: 76 Lamberts Ln – Sport Court – Marchetti (con't from 4/27/23)
CONTINUED TO 6/8/23 FOR AS-BUILT SITE PLAN

Certificates of Compliance:

NOI 19-15 / SWP 19-18: 187 Atlantic Avenue: The garage doors are located on the northwest side of the garage and not the southwest side. The driveway was permeable pavement instead of gravel. A proposed shed was not constructed. A drainage pipe connecting from the downspouts into the BVW was installed. CP noted the restoration planting area was smaller than proposed. BH confirmed it was for the most part installed per plan. Commissioners had concerns as to why drainage pipes were installed into the edge of the BVW and requested more information. **CONTINUED TO 5/23/23**

1979 NOI: 44 Lantern Lane (Lot 10): This was from an old house construction and septic system installation that came up in a property title search for a sale. CP confirmed the Board of Health issued a COC in 1979 and also have a recent May 2023 Title V inspection showing the system had passed.

MOTION: By Vice Chair Bell to issue a Certificate of Compliance for 44 Lantern Lane.
SECOND: By Member Eisenhauer
ROLL CALL VOTE: T. Bell – Aye; K. Berigan – Aye; W. Ashton – Aye; C. McIntyre – Aye
MOTION PASSES: 5-0-0

NOI 15-03 & NOI 20-05: 98 Howard Gleason Road: Partial COCs: These are two NOI's with OOC's issued in 2015 and 2020 that were tied to the original Certificate of Title for the property before it was subdivided and are connected in their system records to 98 Howard Gleason Rd. Land Court required two (2) partial COC's, one for each OOC, to close out the permits connected to 98 Howard Gleason Rd.

MOTION: By Vice Chair Bell to issue a Partial Certificate of Compliance for NOI 15-03 at 98 Howard Gleason Road.
SECOND: By Member Eisenhauer
ROLL CALL VOTE: T. Bell – Aye; K. Berigan – Aye; W. Ashton – Aye; C. McIntyre – Aye
MOTION PASSES: 5-0-0

MOTION: By Vice Chair Bell to issue a Partial Certificate of Compliance for NOI 20-05 at 98 Howard Gleason Road.
SECOND: By Member Eisenhauer
ROLL CALL VOTE: T. Bell – Aye; K. Berigan – Aye; W. Ashton – Aye; C. McIntyre – Aye
MOTION PASSES: 5-0-0

NOI 22-24: 32 Heather Drive: CP did a final inspection and found only a few minor deviations. The deck spacing was smaller than approved but confirmed it would not impact drainage. A propane tank was installed within the 50-ft. buffer zone at the corner of the deck per code being at least 10-ft. away from

the foundation and the pool's electrical system. CP recommended having Condition #40 (no herbicides, pesticides, insecticides and fertilizers in resource area or buffer zone) as part of the COC.

MOTION: By Vice Chair Bell to issue a Certificate of Compliance for NOI 22-24 at 32 Heather Drive with Condition #40 as part of the COC.
SECOND: By Member Eisenhauer
ROLL CALL VOTE: T. Bell – Aye; K. Berigan – Aye; W. Ashton – Aye; C. McIntyre – Aye
MOTION PASSES: 5-0-0

SWP 21-27: 34 Bancroft Rd (con't to 6/8/23)
NOI 21-31 / SWP 21-36: 609 Jerusalem Road (con't to 6/8/23)

Construction Updates:

4 Rose Hill Lane: CP received an anonymous complaint from DEP and abutters regarding the construction of drainage pipes being installed with the 100-ft. buffer zone in a disturbed lawn area. CP found that one pipe was routed to the infiltration system and another pipe had not been installed. She talked to Brendan Sullivan of Merrill Engineering and is waiting to hear back on his input with the drainage changes. CP is concerned about a slope that is not stabilized and resulted in sedimentation into the 100-ft. buffer zone. She told the contractor to stabilize the slope and clean out sediment.

Wompatuck Wetland Replication: CP has selected a BVW replication area that is further away from the restoration side for the trails. She will pass around the documentation and replication location to the commissioners for any questions or comments.

10 Ocean Ledge Drive: The builder has finished the house and is working on final landscaping and hardscaping. They are putting together a COC for the Stormwater permit.

98 Howard Gleason Road: The owner is putting together a COC for the Stormwater permit.

Other Updates:

National Grid Tree Work: CP said National Grid has been very good with written and verbal communication prior to any tree work being done near wetlands.

OOO Special Conditions Boilerplate: Edits to be finalized for next meeting.

Town Meeting Updates: Stormwater Bylaw changes were approved.

Grant Applications: CP is working on a CZM Coastal Habitat and Water Quality grant application to potentially revise Stormwater Bylaws. She is working with the Woods Hole Group doing a comprehensive water quality assessment for future restoration projects.

Recruitment Updates: CP is reaching out to people interested in being on the Conservation Commission. CI has agreed to be in a video set up by the Town Communication Specialist.

With no further business to discuss, a motion was made to close the meeting.

MOTION: By Vice Chair Bell to close the Conservation Commission meeting of 5/11/23.
SECOND: By Secretary Berigan
ROLL CALL VOTE: T. Bell – Aye; K. Berigan – Aye; W. Ashton – Aye; C. McIntyre – Aye
MOTION PASSES: 5-0-0

Meeting adjourned at 9:30 pm.