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Conservation Commission  
Meeting of 6/8/2023



**APPROVED MINUTES**  
**CONSERVATION COMMISSION MEETING**  
**DATE: Thursday, June 8, 2023 Time: 6:30 PM**  
**Presented on a ZOOM Platform**

**MEMBERS PRESENT:**

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

**MEMBERS ABSENT:**

Kathy Berigan, Secretary  
Eric Eisenhauer, Member

**STAFF PRESENT:**

Charlotte Pechtl (CP),  
Conservation Agent

**STAFF ABSENT:**

Angela Geso, Recording Secretary

**CALL TO ORDER**

**ROLL CALL ATTENDANCE:**

**T. Bell-Aye; C. McIntyre-Aye; W. Ashton-Aye; C. Macfarlane-Aye**  
**Quorum of 4 Voting Members**

**MINUTES FOR APPROVAL:**

**April 27, 2023 Motion to accept: T. Bell-Aye; C. McIntyre-Aye; W. Ashton-Aye; C. Macfarlane-Aye Motion passes: 4-0-0**

**NOI 20-09 EXTENSION:**

**80 BLACK HORSE LANE – Work Continuance - Sullivan**

**In attendance:** Kristin (KS) and John (JS) Sullivan/Applicants; Wayne Sawchuck (WS)

**Documents presented:** Revised Site Plan; Landscape Plan

KS said there were delays on the project, but they have hired a new contractor who is working with WS on the project. The drainage swale between the two (2) properties is almost finished. Grading, stormwater and catch basins will be addressed in the next 60 days, then landscaping will begin which includes fall plantings. The applicants are installing a pool in spring of 2024.

**MOTION:**

**By Chair Macfarlane to extend the current Order of Conditions on 80 Black Horse Lane for two (2) additional years to expire 6/25/2025.**

**SECOND:**

**By Vice Chair Tom Bell**

**ROLL CALL VOTE:**

**T. Bell-Aye; C. McIntyre-Aye; W. Ashton-Aye; C. Macfarlane-Aye**

**MOTION PASSES:**

**4-0-0 Unanimous**

**MOTION:**

**By Chair Macfarlane to issue a variance for any approved work within the 50-ft. buffer zone for 80 Black Horse Lane.**

**SECOND:**

**Vice Chair Bell**

**ROLL CALL VOTE:**

**T. Bell-Aye; C. McIntyre-Aye; W. Ashton-Aye; C. Macfarlane-Aye**

**MOTION PASSES:**

**4-0-0 Unanimous**

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**RDA 23-08:**

**53 ELM ST – Deck and Addition - Joseph Durkin**

**In attendance:** Joseph Durkin (JD)/Applicant; Alissa Jones (AJ)/Architect

**Documents presented:** Site Plan

The applicant is proposing to extend the family room by 5-ft. and rebuild the existing deck within the 100-ft. buffer zone. CP said the impervious addition is 336 sq. ft. and the deck is 365 sq. ft. so the application does need a zoning review. There is 4-in. of crushed stone under the deck. CM asked about the zoning review and CP said it relates to setbacks for the existing home. The deck is on sonatubes. TB wanted to see a line that shows the extent of the flood zone. AJ said the entire property is within the flood zone and it is zoned AE-9. CP said a proposed silt sock within the 100-ft. buffer zone along with a small portion of the addition and the majority of the deck. CI asked why this would be exempt and CP said when there is a conversion to other pervious surfaces, you look at the pervious and impervious surfaces to go through the RDA process.

**MOTION:** **By Chair Macfarlane to close the public hearing and issue a Negative 2 Determination of Applicability for 53 Elm Street with no conditions.**

**SECOND:** **Vice Chair Bell**

**ROLL CALL VOTE:** **T. Bell-Aye; C. McIntyre-Aye; W. Ashton-Aye; C. Macfarlane-Aye**

**MOTION PASSES:** **4-0-0 Unanimous**

**RDA 23-09:**

**98 HOWARD GLEASON RD - Restore and Extend Wall - Scullen**

**In attendance:** Steven (SS) and Daurene (DS) Scullen/ Applicants

**Documents presented:** Site Plan, Site Photos taken by SS

Both the restoration and extension of the stone wall are within the 100-ft. buffer zone. SS believes a small portion of the site that starts from the road is in the 50-ft. buffer zone. TB asked to see valid wetland delineations and buffers that have been surveyed and properly flagged. SS said the wetlands and buffers have been done correctly. The intent was to match for balance. The parking lot is not dry and is under water during high tide. CM asked if the construction method is to build a wall and SS said he would do whatever the commission is comfortable with. He has no intent to build a structure that would disturb the area and did measurements to the road but not the parking lot. TB said if the repair to the wall is barely within the 50-ft. buffer zone and the proposed extension is 5-ft., he considers it a small repair and is comfortable with making measurements off maps. CM wants to see the existing wall being matched and is prepared to approve the RDA with conditions.

**MOTION:** **By Chair Macfarlane to issue a Negative 3 Determination of Applicability for 98 Howard Gleason Road with the following conditions:**

- **All work on the wall shall be done by hand with no concrete footings or forms.**
- **The Applicant shall confirm with the surveyor and the Town of Cohasset that the work is not occurring on town-owned property.**

**SECOND:** **By Member Ashton**

**ROLL CALL VOTE:** **T. Bell-Aye; C. McIntyre-Aye; W. Ashton-Aye; C. Macfarlane-Aye**

**MOTION PASSES:** **4-0-0 Unanimous**

**MOTION:** **By Chair Macfarlane to issue a variance for any approved work within the 50-ft. buffer zone for 98 Howard Gleason Road.**

**SECOND:** **Member McIntyre**

**ROLL CALL VOTE:** **T. Bell-Aye; C. McIntyre-Aye; W. Ashton-Aye; C. Macfarlane-Aye**

**MOTION PASSES:** **4-0-0 Unanimous**

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**NOI 23-16:**

**99 BORDER ST – Hardscaping, Wall – Sullivan**

**In attendance:** Jeff Hassett (JH)/Morse Engineering; Amy Wilson (AW)/  
Landscape

**Documents presented:** Site Plan, Landscape Plan,

Hardscape impro incl driveway, gravel area, remove fire pit and construct seat wall; JH kelly's bought;  
number of small thingsl

1. Site plan/landscape paved driveway to be replac ed with cobblestones
2. Crushed stone & gravel, build pervious short walkway from drive to door
3. Roof downspouts go to ground, putting in crhsed stone fence,
4. Rear: patio w/firepit; remove firepit; patio squared off, pulled back and put seat wall
5. Numerous plantings

Nothing negative on wetlands/ vast improvement; front drive is 326 asphalt; replace with 310 cobble (less  
impervious);

AMY: proposing 5 trees for site, also replace non-native; CM: is C of C fron previous CP: current OOO  
opened for dock construction; 2017 OOC/SWP recently closed out with C of C, no pesticides; CM: 5 small  
trees new plus replace non-native. CM: shade tree quality, not small trees; AMY: can do whatever you  
want, CP: previous approved C of C to maintain plantings; 3 trees at bottom of coastal bank and native  
shrubs; maintain for 3 growing seasons; AMY: all proposed plants are appropriate; accepted natives;  
approve what's before us tonight, any planting not meeting orig OOC 3wwill be replaced; WA overflow off  
grabel trench: JH: flow out of stone into area TB: turf ground cover: not approved last time; CP: this is  
2021 deck and dock; 2017 for house; approved amended plan agreed upon do 3 trees, more shrubs,  
native seed mix; AMY: boxwood right now, did well; CP: 5 hollys already died; AMY: keeping around  
boxwoods, doing well; remove those that are dead; wouldn't add any more b-wood; CM might be worth  
considering 1 for 1 replacement of previous plants, maybe new planting plan submitted so AMY can work  
with what's there and go forward;

**MOTION:**

**By Chair Macfarlane to close the public hearing and issue an Order  
of Conditions for work at 99 Border Street with the following  
condition:**

- **A new planting plan will be reviewed by the Conservation  
Chair and Agent for new native plantings and replacement  
of plantings that did not survive from the previously issued  
Certificate of Compliance.**

**SECOND:**

**Vice Chair Bell**

**ROLL CALL VOTE:**

**T. Bell-Aye; C. McIntyre-Aye; W. Ashton-Aye; C. Macfarlane-Aye**

**MOTION PASSES:**

**4-0-0 Unanimous**

**MOTION:**

**By Chair Macfarlane to issue a variance for work within the 50-ft.  
buffer zone at 99 Border Street.**

**SECOND:**

**Vice Chair Bell**

**ROLL CALL VOTE:**

**T. Bell-Aye; C. McIntyre-Aye; W. Ashton-Aye; C. Macfarlane-Aye**

**MOTION PASSES:**

**4-0-0 Unanimous**

**NOI 23-17, SWP 23-10:**

**74 FOREST AVE – Horse Barn and Paddocks - Kondrat**

**In attendance:** Chris Kondrat (CK) / Applicant; Jeff Hassett (JH) / Morse  
Engineering

**Documents presented:** Site Plan; Letters of Support from Neighbors;  
Proposed Stable Management Plan

The applicants propose to construct a 24-ft. x 26-ft. barn and fenced-in paddocks on their property. All  
work is outside of the 50-ft. buffer zone. The area slopes away from the wetland but there is a small

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corner that goes to the wetland. A 6-inch berm along the fence captures runoff and there are erosion controls and a mulch sock with a siltation fence. The owners have prepared a stable management plan and intend to clean the barn and paddocks daily. CM asked about the area close to the wetlands north of the property but JH said if it is wetlands to the north, it won't be much. A berm would be more effective than a stone trench for that area. You could regrade the entire area to go in another direction but it would involve major sitework. CK will confirm this with a wetland scientist. The commission also requested adding a trench or French drain upgradient of the proposed 6-inch berm to direct runoff away from the wetland and to the west across the property along the 118-ft. contour line. CM asked about the possibility of a better way to allow for runoff, or can we intercept what's going into the ground. JH said it could create a conflict with the septic system. CM asked if the applicant would be willing to add trees and JH said it would enhance the buffer. CI said if the new trees are downgradient of the paddock, it would add more function to the area.

**PUBLIC HEARING CONTINUED TO JUNE 22, 2023**

**NOI 23-14: 754 CJC HIGHWAY – Septic Upgrade – Whatley (con't from 5/25/23)**

**In attendance:** Edward Whatley (EW) / Engineer and Owner; Phil Spath (PS) / Engineer and Title 5 Inspector

**Documents presented:** Revised Site Plan

This is a continued hearing involving a septic system that no longer functions. EW was asked to do more testing in the northeast area of the site. PS did test pits at the site and also took a groundwater measurement. Through the test pit he excavated through sand and boulders and eventually got down to natural material. PS hit an impermeable loam layer with not enough space to install a system. The drain line crosses underneath the building and has to be pumped into the field which creates a problem trying to fit a system within that location. Where EW is proposing the system has depth to a tighter layer that is much better than the other layer. TB said to put the system in as designed but he is concerned that what's going into the septic system might be a problem. EW explained that the system has a grease trap, oversized septic tanks, a third chamber added to clarify the effluence and a Presby system that is about as good as you can get.

**MOTION:** By Chair Macfarlane to close the public hearing and issue an Order of Conditions for NOI 23-14 for a proposed septic upgrade at 754 CJC Highway.

**SECOND:** Vice Chair Bell

**ROLL CALL VOTE:** T. Bell-Aye; C. McIntyre-Aye; W. Ashton-Aye; C. Macfarlane-Aye

**MOTION PASSES:** 4-0-0 Unanimous

**MOTION:** By Chair Macfarlane to issue a variance for work within the 50-ft. buffer zone specified per the plan for 754 CJC Highway.

**SECOND:** Vice Chair Bell

**ROLL CALL VOTE:** T. Bell-Aye; C. McIntyre-Aye; W. Ashton-Aye; C. Macfarlane-Aye

**MOTION PASSES:** 4-0-0 Unanimous

**SHOW CAUSE:** 76 Lamberts Lane – (con't to 6/22/23)

**CERTIFICATES OF COMPLIANCE:**

**NOI 21-31 / SWP 21-36: 609 Jerusalem Road (con't from 5/25/23)**

The applicant wanted to add a deck to the home and also landscaping for a pervious sport court. They also want to reconfigure the concrete driveway and add bluestone walkways. The stormwater system originally proposed has been replaced by an HC Infiltrator that is slightly larger than the original. A drain was supposed to go underneath the deck straight to the system but was slightly wrapped and created a

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small encroachment into the 50-ft. buffer zone. A revised landscape plan to show the addition of native species was presented.

**MOTION:** By Chair Macfarlane to issue a Certificate of Compliance for NOI 21-31 at 609 Jerusalem Road with #40 and #41 as ongoing conditions.

**SECOND:** Vice Chair Bell

**ROLL CALL VOTE:** T. Bell-Aye; C. McIntyre-Aye; W. Ashton-Aye; C. Macfarlane-Aye

**MOTION PASSES:** 4-0-0 Unanimous

**MOTION:** By Chair Macfarlane to issue a Certificate of Compliance for Stormwater Permit SWP 21-36 for 609 Jerusalem Road.

**SECOND:** Vice Chair Bell

**ROLL CALL VOTE:** T. Bell-Aye; C. McIntyre-Aye; W. Ashton-Aye; C. Macfarlane-Aye

**MOTION PASSES:** 4-0-0 Unanimous

**SWP 21-27: 34 Bancroft Rd (con't to 6/22/2023)**

**NOI 21-26 / SWP 22-20: 12 Hobart Ln (con't to 6/22/23)**

### **AGENT UPDATES:**

#### **Construction Updates:**

- 18 Dolan Lane: The house is built; they are working on stormwater usage, the raingarden at the end of the driveway, and landscaping.
- 339 Jerusalem Road: The sea wall is done; they are working on a Certificate of Compliance.
- 90 Black Horse Lane: The house is built; they are working on the patio, pool, landscaping and hardscaping area. Agent Pechtl is monitoring the site.

#### **Other Updates:**

- Administrative SWP Applications: 59 Pond St & 103 Border Street: There were no questions or comments from the commission. CM wants to see tree replacement at 59 Pond Street.
- 502 North Main Street: Agent Pechtl notified the commission about site activity in the front yard and was told it's out of our jurisdiction.
- 108 Jerusalem Road: Agent Pechtl notified the commission about canopy topping activity in the 100-ft. buffer zone. Property owner Christopher Bayles thought he was outside the wetland jurisdiction.
- Catch Basin Issue: Building Superintendent John Hallin and Health Director Pam Fahey have been made aware of people depositing dog waste in catch basins. This could potentially clog the catch basins. The issue is under the Board of Health's jurisdiction.

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

**MOTION:** By Chair Macfarlane to close the meeting for June 8, 2023.

**SECOND:** By Member McIntyre

**ROLL CALL VOTE:** T. Bell-Aye; C. McIntyre-Aye; W. Ashton-Aye; C. Macfarlane-Aye

**MOTION PASSES:** 4-0-0 Unanimous

**Meeting adjourned at 10:30 pm**