



**APPROVED MINUTES**  
**CONSERVATION COMMISSION MEETING**  
**THURSDAY, JUNE 22, 2023 AT 6:30 PM**

**IN ATTENDANCE:**

Chris Macfarlane (CM), Chair  
Kathy Berigan (KB), Secretary  
Eric Eisenhauer (EE), Member  
Chris McIntyre (CI), Member

**ABSENT:**

Tom Bell (TB), Vice Chair  
Will Ashton (WA), Member

**STAFF IN ATTENDANCE:**

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

**QUORUM OF 4 VOTES**

**CALL TO ORDER @ 6:30 PM**

**ROLL CALL ATTENDANCE:** C. Macfarlane – Aye; K. Berigan – Aye; E Eisenhauer – Aye; C. McIntyre – Aye

**ABBREVIATIONS USED:**

**NOI – Notice of Intent; SWP – Stormwater Permit; OOC – Order of Conditions; BVW – Bordering Vegetated Wetland; LSCSF – Land Subject to Coastal Storm Flowage; LSCF – Land Subject to Coastal Flooding; WPA – Wetlands Protection Act; O&M – Operations and Maintenance Plan**

**NOI 23-18, SWP 23-13**

**31, 33, 35 Elm Street – Reconfigure Home- Szatmary**

**In attendance:** Brendan Sullivan (BS)/Merrill Engineering; Jason and Lisa Szatmary (JS and LS)/Applicants

**Documents Presented:** Site Plan, Plans for Addition

The proposed plan calls for three (3) homes to be combined into one (1) home. The area of current and proposed living space are the same footprint but there is a net increase of 300 sq. ft. for a garage, 3-season porch, and patio addition. In addition, there is an alteration of 1,800 sq. ft. in the riverfront area that will need a variance. BS said the applicants are pulling everything away from James Brook to make the house more conforming as far as side setbacks go. CM asked about the 1,800 sq. ft. alteration and was told by BS that it is the total proposed footprint over the existing lawn. The patio is allowed as an accessory under the WPA. CM asked on what that is based, and BS said the WPA and town bylaws. CP said there are activities listed in the 50-ft. buffer zone but we are in a resource area and need the total sq. ft. of the alteration in the resource area. BS was citing activities in the buffer zone but CP said we are concerned with the total sq. ft. of alterations in the resource area and not the buffer zone. CM is concerned with fill in that area. BS said there are two (2) trees being removed and replaced which is the only mitigation in that area along with some planting along the tree line. The area underneath the former house will be filled in and graded. The foundations in the area are elevated and do not have cellars. There is a walk-out in the back that takes you into the yard. CM said LSCF will have a 25-ft. buffer zone based on Section 51 and asked BS to outline what his interpretation of the area of alteration. He also wants to see the pre and post drainage patterns as there is a much larger area of draining heading towards 37 Elm. BS said water coming off the lawn will be kept away

from the garage at 37 Elm and they are creating a swale to keep runoff on the driveway. EE asked where does the swale drain to and BS said to the backyard where they are staging and stockpiling.

**HEARING CONTINUED TO JULY 6, 2023**

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

**74 Forest Avenue – Horse Barn & Paddock – Kondrat **CON'T FROM 6/7/23****

**In attendance:** James Garfield (JG)/Merrill Engineering; Chris and Liz Kondrat (CK and LK)/Applicants

**Documents presented:** Updated Site Plan

JG is proposing a berm and crushed stone trench to direct water away from the BVW. Four (4) native trees will be planted within the wetland. Shrubs and grass seed will provide a buffer enhancement area. CM asked if the PVC pipe daylight at the driveway and JG said they are tying into it to slow the flow of water. KB asked about easing up the slope and JG said Jeff Hassett (not in attendance) proposed a berm on the downgradient side of the paddock that will capture the low point before the water runs off and infiltrates the trench.

**MOTION:** **By Chair Macfarlane to close the public hearing for 74 Forest Avenue and issue an OOC for NOI 23-17 with the management plan becoming part of the conditions.**

**SECOND:** **Member Eisenhauer**

**ROLL CALL VOTE:** **K. Berigan –Aye; E. Eisenhauer – Aye; C. McIntyre – Aye; C. Macfarlane - Aye**

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

**MOTION:** **By Chair Macfarlane to issue a variance on 74 Forest Avenue for plantings of trees and shrubs and creating a groundcover with no mechanical equipment being used.**

**SECOND:** **Member Eisenhauer**

**ROLL CALL VOTE:** **K. Berigan –Aye; E. Eisenhauer – Aye; C. McIntyre – Aye; C. Macfarlane - Aye**

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

**MOTION:** **By Chair Macfarlane to issue SWP 23-10 for 74 Forest Avenue.**

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

**ROLL CALL VOTE:** **K. Berigan –Aye; E. Eisenhauer – Aye; C. McIntyre – Aye; C. Macfarlane - Aye**

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

**SHOW CAUSE: BEECHWOOD STREET – TREE CANOPY**

**In attendance:** Joe Iantosca (JI)/Owner; Brad Holmes (BH)/Environmental Consulting and Restoration; Matthew Watsky (MW) / Attorney

BH reviewed the restoration plan for trees in the BVW and canopy and did an analysis where he marked out limits of openness and cutting where the canopy is sparse. He used a drone for elevation and took a restoration proposal with the number of trees in the BVW and inner buffer zone and relocated it to areas of the canopy to be restored. He did more analysis on the loss of the tree canopy and adjusted the restoration proposal. A stabilization plan was introduced and regraded and everything is now stabilized. The revised plan is also restoring the 50 ft. buffer zone. The planting plan will result in a full canopy with mitigation on site and open areas on the property where trees came down from storms or from being cut. There is a 2-to-1 ratio for filling in the area. CM is looking for clarification for the trees removed this past spring and asked, of the 29 trees that were cut, how many trees are still left. JI said the trees posing a danger were cut. CP said the options are to keep the enforcement order open, close the enforcement order, or issue a new enforcement order. EE asked how to deal with an area of invasives going forward while small trees are coming to be. BH

wanted the area protected for two (2) years from invasives and suggested doing it at the end of the growing season. CI said there is already knotweed and invasives out there, but he doesn't want to see them before the 2-to-1 ratio is made. EE wants to add more trees, but MW said there are already trees well on their way and he doesn't want the trees to be densely packed. CI asked CP to take this issue to Town Counsel to see if any stump cut is part of the enforcement order or if it is only stumps cut this spring.

**CONTINUE TO JULY 6, 2023 WITH UPDATE FROM TOWN COUNSEL**

**MINUTES FOR APPROVAL: 3/23/23 Minutes accepted by CM, 2<sup>nd</sup> by KB and voted 4-0-0 in approval.**

**CERTIFICATES OF COMPLIANCE:**

**12 Hobart Lane: NOI 21-26 - Maraira**

Conservation markers were installed in November 2022. The engineer noticed the retaining walls were more rounded than squared. A 6-inch berm with granite curbing was installed. A discrepancy in the landscape plan showed four (4) evergreens weren't planted. A top coat is going on the driveway. The OOC will be issued when the owners comply with no herbicides or pesticides being used and when an O&M plan is recorded.

**34 Bancroft Road: SWP 21-27 - Longo**

Landscaping has been finished. Grass has been stabilized and upgrades are completed.

**MOTION TO APPROVE BY CM, SECOND BY KB, ROLL CALL VOTE APPROVED, MOTION PASSESS 4-0-0**

**AGENT UPDATES:**

- **20 Ocean Ledge Drive:** We have requested an OOC request which they are bringing in.
- **125 Doane Street:** The infiltration systems and grading are complete.
- **318 Forest:** The owners are starting the barn removal.

**OTHER UPDATES:**

- The Conservation Agent has applied for a Coastal Habitat Water Quality Grand through CZM working with Hull and Woods Hole
- Discussion will continue on Special Conditions/Boiler Plate
- Reorganization and Appointments will be done at the next meeting

**48 HR ISSUE:** The piping plovers have settled at Sandy Beach. A roped-off area has been set up for them.

**48 HR ISSUE:** The owner of 108 Jerusalem Road has done some dangerous pruning in their yard. A 2019 report shows where the trees originally were. They were sent a request via email to appear.

The owner of 26 Lamberts Lane hasn't even started work at the site. CP will talk with Town Counsel before going forward. CM wants to issue a 'Cease and Desist' and have the owner come in with a new permit.

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

<b>MOTION TO ADJOURN:</b>	<b>Made by Member Eisenhauer</b>
<b>SECOND:</b>	<b>By Secretary Berigan</b>
<b>ROLL CALL VOTE:</b>	<b>K. Berigan –Aye; E. Eisenhauer – Aye; C. McIntyre – Aye; C. Macfarlane - Aye</b>
<b>MOTION PASSES:</b>	<b>4-0-0 Unanimous</b>

**Meeting adjourned at 8:45 PM.**