



**APPROVED MINUTES**  
**CONSERVATION COMMISSION MEETING**  
**THURSDAY, AUGUST 11, 2022 6:30 PM**

**MEMBERS IN ATTENDANCE:**

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

**STAFF IN ATTENDANCE:**

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

**ABSENT:**

Will Ashton, Member

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**6:30 PM: Opening of Meeting - Call to Order**  
**Roll Call Attendance: T. Bell – Aye; K. Berigan – Aye; E. Eisenhauer – Aye; C. Macfarlane – Aye; C. McIntyre – Aye Five (5) Voting Members**

**RDA 22-16: King St. to Bound Brook– Main Replacement –Town of Cohasset (con't from 7/28/22)**  
**In attendance:** Pat Brennan (PB)/Amory Engineers  
**Documents presented:** Site Plans,

The town engineers and DPW are replacing 1,900 ft. of a water main. The project involves taking out the existing main and putting in a new main in the same trench. A temporary bypass water main will be in place to feed housing along the main. Erosion controls and silt sock have been installed. The work is contained in the roadway and is not near resource areas. The trenches are filled as the main goes in. Silt sacks will capture sediments in catch basins. The project should last two months. PB said the stockpile is being figured out with the DPW and a loader is at the treatment plant. Gravel will be trucked, not stockpiled.

**MOTION: By Chair Macfarlane to issue a Negative 2 Request for Determination of Applicability for RDA 22-16 with no conditions for work on King Street to Bound Brook.**

**SECOND: Member Bell**

**ROLL CALL VOTE: K. Berigan – Aye; T. Bell – Aye; C. McIntyre – Aye; C. Macfarlane – Aye**

**MOTION APPROVED: 4-0-1 (Member Eisenhauer Recused)**

**RDA 22-15: 430 Atlantic Avenue – Landscaping – DeVitre (con't from 7/28/22)**  
No one present for meeting. **(con't to 8/25/22)**

**SHOW CAUSE: 24 Atlantic Avenue – Violations on SWP 18-07 – Baker (con't from 7/28/22)**  
**In attendance:** Jeff Baker (JB); Jeff Hassett (JH)/Morse Engineering  
**Documents presented;** Approved Plans

JH said there are deviations from the original plan that were reviewed by former agent Jeff Summers, former member Justin Pimpare and former Building Inspector Robert Egan:

- A large entry on northern side of structure did not impact stormwater calculations
- Extended rear driveway by 30 ft.
- Landscaping the walls along property line and driveway
- Proposed 1-to-1 boulder slope with wall on top for safety

Any deviations should be documented on the site plan. The driveway material was original broken stone but the owner went with pavers that are easier to plow and generate less dirt. It was recommended to have a stormwater site plan and updated calculations and to add the modifications to the Stormwater Permit (SWP). CM said he did not see the trench or crushed stone collector in place, but JH said it hasn't been built yet and also that no trees were removed or disturbed. JB said there is no vegetation between him and neighboring properties and that he has complied with codes. CP is concerned with runoff from abutters and discussed extending the gravel trench to absorb runoff. JH said a cast iron trench will go in when built and the main thing that makes the design work is a large portion of sub-catchment. CM asked if a temporary solution to capture runoff can be used until the trench is installed and JH said that would work. CM said to go ahead with the work and mitigate problems that may occur.

**SHOW CAUSE:**            **80 Howe Road – Erosion Controls – K&E Construction** (con't from 7/28/22)  
**In attendance:** Brett Barthelmeh (BB)/Owner; Sean Papich (SP)/Landscape Architect  
**Documents presented:** Site Plans

CP is concerned with runoff, stabilization and not causing additional sedimentation. BB said he is waiting for a contractor to do paving before doing a drain box on the driveway. SP said they need a binder course in the driveway before asphalt can be put on the higher part of the drive. BB said the house was delivered later than expected and there has been no asphalt paving done. CM is concerned that sediments are going into the road instead of trenches and the owner needs a find a way to direct stormwater. BB said a trench parallel to the drive is intended to capture drainage and hook up to a drain box. CM said to have a drainage structure that can be equipped with a filter lid and silt sock to direct water from the driveway and to contain runoff. SP said there will be some regrading of the driveway and the intent is to have the trench drain for positive drainage. TB wants to see a change in grade to divert water for temporary measure to work. BB is happy to do whatever is needed.

**NOI 22-26, SWP 22-21: 83 Atlantic Avenue – Raze & Rebuild Dwelling – Kiernan**  
**In attendance:** Jeff Hassett (JH)/ Morse Engineering; John & Megan Kiernan/ Owners;  
Sean Papich/Landscape Architect; Brad Holmes (BH), Environmental Consultant  
**Documents presented:** Site Plans, Landscaping Plan

The applicants want to demo the existing home and driveway to build a larger home and driveway with a walk-out basement leading to a pervious patio and pool. Ledge removal near the garage is outside the wetland buffer. Catch basins will capture all runoff from the upper portion of the drive and the roof will have gutters and downspouts to pipe runoff to an infiltration system. Eleven (11) trees are being removed and the disturbed area will be revegetated and landscaped. Erosion controls, a mulch sock and silt fence will be in place and there is a construction entrance. CM asked about a sewer easement through the property, but JH said there is no sewer line in that area and the owner is working with neighbors to get rid of the easement. Test pits were done in a septic leaching field and showed sandy soil down to 10-ft. The infiltration system will use a catch basin to capture overflow. Besides the home itself, the only other excavation is for the swimming pool. TB said pools and decks are not exempt and the project may have to go before the Planning Board, but JH said his understanding is that any project that involves building or stormwater does not require the Planning Board. KB asked if any ledge will be removed for the driveway and JH said yes but no volume has been done yet. JH said of the eleven (11) trees being removed only one (1) is within the 100-ft. buffer zone. CM asked if there is a place to have an overflow that ran through some buffer zones before the wetlands. JH said he could put a direct pipe towards the wetlands but because of the elevation the impact would be greater. CM asked if they could contour the driveway to a flow plan and JH said maybe a stone trench could go along the driveway to work as a spreader. He also said they can put in a temporary sedimentation basin at the bottom portion and that there are two (2) locations for storage during construction.

**MOTION:**                            **By Chair Marfarlane to close the public hearing for NOI 22-26 for 83 Atlantic Avenue and issue an Order of Conditions with the following conditions:**

- catch basins along the driveway overflow be redirected to a planted area,
- a catchment installed pre-construction at driveway entry to catch sediment,
- the grade of the driveway be canted towards the north,
- a stone trench along the north of the drive to spread overflow,
- the grade of the driveway flows into the stone trench.

**SECOND:** Member Bell  
**ROLL CALL VOTE:** K. Berigan – Aye; T. Bell – Aye; C. McIntyre – Aye; C. Macfarlane – Aye;  
E. Eisenhower - Aye  
**MOTION APPROVED:** 5-0-0 Unanimous

**MOTION:** By Chair Macfarlane to issue Stormwater Permit 22-21 for work proposed at 83 Atlantic Avenue.

**SECOND:** By Secretary Berigan  
**ROLL CALL VOTE:** K. Berigan – Aye; T. Bell – Aye; C. McIntyre – Aye; C. Macfarlane – Aye;  
E. Eisenhower - Aye  
**MOTION APPROVED:** 5-0-0 Unanimous

**NOI 22-27, SWP 22-22: 80 North Main Street – Raze & Rebuild Dwelling – Hense**

**In attendance:** Jeff Delisi (JD)/Attorney; Carmen Hudson (CH)/Cavanaro Consulting; Kara Lam (KL) Skyline ssLandscape Architect; Thomas Hense (TH), Applicant

**Documents presented:** NOI & SWP Site Plans and Permit Applications

The lot now has three (3) buildings (one home, two storage/garage) that will be consolidated into a single building in the center of the lot. TH is concerned with a severely handicapped 20-year old son and is planning to build a home with amenities geared towards him. The home is on Little Harbor. CH showed a plan with 57,000 sq. ft. of upland area which goes to a sea wall plus another large lot. The owner will retain the circular driveway and the sidewalk but will remove all three (3) current structures, a retaining wall and a new pool and patio. The pool will be at elevation 26 (down from elevation 30) and a fill area is at elevation 22 with grading in the 50-ft. buffer zone which will require a variance. Runoff goes into an infiltration system or overground and access is greatly improved. The large infiltration system in the back will capture all of the house and pool and reduces the rate of runoff and volume. KL is developing a planting plan with retaining walls and native vegetation. They are replicating river birch by the entrance for dense screening from the road. KL is proposing to dedicate the steepest part of the slope as all native plantings and keeping the lower elevation 12 to the seawall as a lawn. TB asked to develop a plan to eliminate nitrate fertilizers and TH said he uses all organic mixtures on the lawn. There is a well near the 100-ft. buffer zone which is also accessed by the neighbor at 72 North Main St. CH said an easement and bulkhead in back is where the well is located. The new home will be 72-ft. away from the coastal bank as opposed to the 50-ft. it is now. The top of the coastal bank is at a flood plain. CM asked if the two 50-ft. buffer zones can connect and CH said no. There will be landscaped steps with grading in the buffer zone due to retaining walls. Landscape lighting will be low-voltage dark sky compliant and kept to a minimum. The area around here will be a meadow with the 50 and 100-ft. buffer zones kept native. There will be two (2) large fern plant beds next to the pool and a bayberry and juniper ground cover. CM read into public record a letter from abutter Astrid Munte-Peisch asking if there is a construction access plan. CH said it will be the existing driveway. CM said moving forward the commission has to ensure an entryway is maintained all through construction. JD said the only option is to approve or approve with conditions, but CM doesn't want those conditions to come back and have the commission go through this again. He asked if there was any infiltration areas or test pits in back and CH said not at this time, but a condition is requiring contractors to do test pits and groundwater and soil conditions. TB suggested doing the test pits at the coastal bank first and asked for them to be done near the toe; however, CH said they can do the test pits but this is the top of the coastal bank and not the toe. She further stated that the elevation 12 contour becomes the coastal bank and showed ANRAD plans for coastal banks. CM asked if there is a limit to how much variance area we can give and CP said for wetlands it's 1,000 sq. ft. CH prefers to see natives closer to the water but CM said the bylaws don't allow for complete removal and replacement and we cannot variance a large area: the variance is limited to certain areas and can only be 1,000 sq. ft. CP said we don't allow more than 1,000 sq. ft. of alteration in any resource area. CH will have the test pits performed by the next meeting.

**PUBLIC HEARING CONTINUED TO 8/25/22**

**NOI 22-11, SWP 22-06: 46 Border Street – Commercial Remodel – Cohlobster Inc. (con't from 6/30/22)**

**In attendance:** Attorney Adam Brodsky (AB); Susan Hoadley (SH); Hoadley-Martinez Architects; Nick Ames (NA); Gabriel Padilla (GP) and Daron Kurkjian (DK); Weston & Sampson (W&S) Engineers; Nino DiNunno (ND)/Contractor

**Documents presented:** W&S Peer Review; Site Plan; Architectural Plans

The parking area surface has been changed to a pervious crushed shell and not asphalt. The applicant is being encouraged to find some additional parking spots. GP describes being in agreement with Zoning for 35 parking spaces. He did a summary of the peer review from Weston & Sampson saying we comply with stormwater review standards and have no contour lines because grading is minimal. Previously runoff went to the street and a catch basin but now they are using just a catch basin that pipes out to the harbor. The invert at 5.5 is where there is a pipe to send stored runoff and roof drains into catch basins. CM asked if the crushed shell is accessible by ADA and GP said it's not but there is a designated handicapped area at the corner of the parking lot and two (2) handicap spaces on hard surface. NA presented a redevelopment project with net reduction in impervious areas and reuse of drainage structures. He said there are ten (10) standards (see attached list) that need to be met before a project can be approved and the applicant has met all of these standards. The project is in compliance with the DEP and the town. The applicant doesn't foresee any issues with drainage to existing catch basins, parking lot and roof leaders. W&S needs more information as this project could require a Chapter 91 license. CM asked for a plan showing how the applicant plans to help prevent debris from ending up in the harbor. AB said they are just doing updates, but CM said the majority of the façade is going to be changed and portions of the roof are being removed. SH presented a demolition diagram showing where the scope of work will take place and said the work is more cosmetic than structural, but CM said if the contractor is removing the roof dormer there is nothing preventing debris from falling into the harbor. GP said they can put a floating silt fence in the water to capture any debris. ND spoke to the engineers about coming up with a method before removing windows, siding and netting over the dumpster and said he could create a document showing the area of work. GP said there will be a silt fence and sock in the parking area and a jersey barrier at the edge of elevation 10. They are moving the parking lot back to the silt sock and the area will be left as is. AB said if the scope of the project changes the applicant will need to come back to the commission for a new Order of Conditions as they can't make changes without permission and approval. CM said because the piers are in a resource area it would come back to the commission if any further rehab was needed. AB said the commission has no jurisdiction over lighting but CM said limiting light spillage into the harbor is our concern. AB said he will provide the information requested and CM said a plan was offered to us showing containment on construction but he would like to see the lighting plan and the parking spaces be paved.

**PUBLIC HEARING CONTINUED TO 8/25/22**

**NOI 22-21: 31 Dolan Lane – New Construction – Dolan Lane Realty (con't from 6/30/22)**

**In attendance:** Jeff Hassett/Morse Engineering; Brad Holmes (BH)/Environmental Consultant

**Documents Presented:** Site Plan,

JH said there are 4.3 acres of undeveloped land that slopes to a Bordering Vegetated Wetland (BVW) and an IVW (Isolated Vegetated Wetland). With the current plan, the proposed driveway must cross the wetland area. The grade will be lowered in low-lying areas adjacent to the wetlands. 14 trees and 54 bushes will be removed. Accessing the property from frontage at 25 Dolan Lane would, due to steep topography, be graded into the wetlands. The area adjacent to the roadway creates a visual disturbance that is not pristine. Stormwater runoff from the roof will go to a drywall and eventually be absorbed by a raingarden. The other portion of the driveway has a stone trench with a 2-to-1 ratio of mitigation. CM asked if BH has studied these two (2) wetlands to determine if one is more fragile. BH said the wetland to the north is isolated and somewhat of a rarity in that area. He said the wet area is a significant habitat and the wetlands coming off the road with runoff is in the same condition. CM asked if it works to improve the wetland that is somewhat degraded and BH said that, because of the 2-to-1 ratio, there will be more resources on site than there is now. He says the betterment reaches the standards of Cohasset regulations. The area will be replanted with native vegetation and the wetlands will be enhanced. TB feels that the amount of ledge removal is equivalent and instead of passing through the IVW the driveway could pass through the 25-ft. buffer. JH feels his presentation is the best alternative. If they went the other route, they would be navigating down a 12-ft. ledge face, the driveway would be 12-ft. wide and there would be grading towards and into the wetlands.

EE said we need a thorough analysis of the project before we can make any decision. There is clearly a buffer zone with wildlife value but we also have to deal with buffer zone replication. JH said at this point they are not proposing any buffer replication but they will look into it. CM said an abutter is offering an easement as far away from their property as they can get so the driveway doesn't impact them but there is also an alternative that is closer to the abutter's home. JH is going to ask the applicant to discuss the alternatives with the abutter. EE asked if there is any differences from alternatives regarding ledge. JH said Option 2 has more ledge removal and they would have measures to hold back increase in runoff. CP asked BH if there is a way to evaluate the overall health of both wetlands and BH said while they can make a personal analysis of comparing wetlands with invasives, there isn't a standard form to go by. CI said under 28C of the wetland regulations, a habitat analysis would be warranted in this situation. BH said he could do it by doing studies and bring in hydric soils for groundwater based on hydric indicators but would not use hydric soils for wetlands. CM said at some point a determination has to be made on this project and asked if we could require something based on cost. CP will talk to Town Counsel and see what options are available.

**PUBLIC HEARING CONTINUED TO 8/25/22**

**Minutes for Approval:**           6/16/22 and 6/30/22

**MOTION:**                    **By Chair Macfarlane to approve the minutes for 6/16/22 and 6/20/22.**  
**SECOND:**                   **Member Eisenhauer**  
**ROLL CALL VOTE:**       **K. Berigan – Aye; T. Bell – Aye; C. McIntyre – Aye; C. Macfarlane – Aye;**  
                                      **E. Eisenhauer - Aye**  
**MOTION APPROVED:** **5-0-0 Unanimous**

**Certificates of Compliance:**

**NOI 09-07: 22 Bancroft Road** – Garage addition with plantings behind the garage. Owners are moving and need to clear up paperwork from 2009.

**MOTION:**                    **By Member Eisenhauer**  
**SECOND:**                   **Chair Macfarlane**  
**ROLL CALL VOTE:**       **K. Berigan – Aye; T. Bell – Aye; C. McIntyre – Aye; C. Macfarlane – Aye;**  
                                      **E. Eisenhauer - Aye**  
**MOTION APPROVED:** **4-0-1 (Member McIntyre abstained)**

**NOI 20-16: 75 Border Street** - The owner was issued a dock permit with three (3) special conditions: the pier is not equipped with a newel or handrail; no electrical service to be installed; pier and dock cannot display lights at time of darkness. Owner Paul Tedeschi said all lumber was installed in the same progression at the same time and that the pier and dock are a high elevation without a railing.

**MOTION:**                    **By Chair Macfarlane**  
**SECOND:**                   **Member Eisenhauer**  
**ROLL CALL VOTE:**       **K. Berigan – Aye; T. Bell – Aye; C. McIntyre – Aye; C. Macfarlane – Aye;**  
                                      **E. Eisenhauer - Aye**  
**MOTION APPROVED:** **4-0-1 (Member McIntyre abstained)**

**Report of the Conservation Agent:**

**Construction Updates;**

- **Rte 3A Sewer Improvements:** Sewer line installed; weekly reports will be generated
- **125 Doane St:** A pre-construction meeting was held. The addition will be done first, then the barn.
- **33 Stanton Rd:** A pre-construction meeting for the dock and vegetation was held.
- **256 & 258 North Main St:** 256 North Main is constructed; 258 North Main is being developed.

Conservation Commission  
Minutes of 8/11/22

- **32 Heather Drive:** A pre-construction meeting was held for the addition of a small deck and pool.
- **44 Little Harbor Rd:** A pre-construction meeting was held. Construction should be starting soon.
- **191 Atlantic Ave:** An application was denied in the spring. The applicants were brought in for a Show Cause hearing. Two (2) walls requested have not be permitted or approved. One (1) wall is within the 50-ft. buffer zone.
- **147 So. Main St, -** Construction is slow-moving and Building is dealing daily with a concerned abutter.
- **76 Lamberts Ln:** The commission is looking for an As-Built but where the pool hasn't gotten a Stormwater permit the applicant may not get an As-Built. CM asked to set up a meeting with Town Counsel Amy Kwessel and CP.
- **63 Nichols Rd:** The project should be finished this fall with landscaping, but CM requested additional permitting as he is not satisfied with this project.
- **44 Joy Place:** There have been complaints regarding a storage pod. CP is not sure if anyone is living there.
- **125 No Main St.** The footprint has been approved but the building height is not in compliance, so the applicant is going back to Zoning for approval.
- **187 Atlantic Avenue:** The owners (Rob and Lynn Schwandt) need to close out two (2) permits prior to selling the house. The brought in fill for a lawn outside the 100-ft. buffer zone.
- **12 Hobart Ln:** An Administrative Stormwater Permit has been issued to Joseph Maraia.
- **Submission Checklist:** A draft version is being sent out. CM said we need a 7-day requirement for this to happen.
- **Turkey Hill and Brass Kettle Brook:** The Annual Reports are in OneDrive if any members are interested.
- **So. Main St:** A mosquito ditch has been found near St. Anthony's church. Removal is an exempt activity but let CP know if any work is being planned.

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

**MOTION:** By Chair Macfarlane to adjourn the Conservation Commission meeting of 8/11/22.  
**SECOND:** Member Bell  
**ROLL CALL VOTE:** K. Berigan – Aye; T. Bell – Aye; C. McIntyre – Aye; C. Macfarlane – Aye  
**MOTION APPROVED:** 4-0-1 (*Member Eisenhauer recused*)

**Meeting adjourned at 11:30 PM.**

## **STANDARD REQUIREMENTS TO BE MET**

1. No new untreated discharges
2. Post-development peak flow rates are not to exceed pre-development peak flow rates
3. Groundwater recharge
4. Water quality; roof runoff considered clean by the DEP; meets standard to maximum extent practicable
5. Not applicable
6. Critical Areas
7. Redevelop projects
8. Construction period controls
9. Operations and Maintenance (O&M) Plan
10. Illicit Discharges

**ALL OF THESE STANDARDS WERE MET BY THE APPLICANT**