



APPROVED MINUTES
CONSERVATION COMMISSION MEETING
THURSDAY, AUGUST 25, 2022 AT 6:30 PM
PRESENTED ON A ZOOM PLATFORM

IN ATTENDANCE:

Chris Macfarlane (CM), Chair
Kathy Berigan (KB), Secretary
Eric Eisenhauer (EE), Member
Tom Bell (TB), Member
Will Ashton (WA), Member

STAFF IN ATTENDANCE:

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

ABSENT:

Christopher McIntyre, Member

6:30 PM: **Call to Order - Introduction**
Roll Call Attendance: K. Berigan – Aye; E. Eisenhauer – Aye; T. Bell – Aye; W. Ashton – Aye; C. Macfarlane – Aye

6:35 PM: **RDA 22-15: 430 Atlantic Avenue – DeVitre – Landscaping**
In attendance: Dr. Rustam DeVitre (RD)/Applicant
Documents presented: Site Plans, Tree Photos

RD needs to remove three (3) dead and infested trees on his property. He was concerned with damage to a wall that could be affected by the trees falling. One (1) tree was already removed by a tree company as it was so infested with carpenter ants it could've fallen on the home. CM would like to see new trees planted in place of what's being taken out and RD agreed.

MOTION: **By Chair Macfarlane to issue a Negative 3 Request for Determination of Applicability for tree removal and replacement at 430 Atlantic Avenue by Dr. DeVitre with the condition that by next spring one (1) tree is planted for every tree removed.**

SECOND: **Member Eisenhauer**

ROLL CALL VOTE: **W. Ashton – Aye; T. Bell – Aye; K. Berigan – Aye; E. Eisenhauer – Aye; C. Macfarlane -Aye**

MOTION PASSES: **5-0-0 Unanimous**

6:45 PM: **RDA 22-17: 95 Doane Street – St. Clair – Fence Replacement**

In attendance: Andrew St. Clair (AS) / Applicant

Documents Presented: Site Plan of Original and New Fences

It is proposed that the current chain link fence will be removed and replaced with a new vinyl picket fence outside of the 50-ft. buffer zone in a cleared area. The yard has been staked to show where the new fence would go. This is considered a minor activity with no effect on small wildlife as plans to have a 6-in. gap between the fence bottom and the ground for wildlife to pass through. The fence is 6-ft. high with a 4-ft. high fence at the opening of the deck.

MOTION: By Chair Macfarlane to issue a Negative 2 Request for Determination of Applicability for removal of a chain link fence to be replaced with a vinyl fence for property at 95 Doane Street by Andrew St. Clair.

SECOND: Member Eisenhauer

ROLL CALL VOTE: W. Ashton – Aye; T. Bell – Aye; K. Berigan – Aye; E. Eisenhauer – Aye; C. Macfarlane -Aye

MOTION PASSES: 5-0-0 Unanimous

6:50 PM: **SHOW CAUSE HEARING: 37 Stevens Lane (SWP 18-23)**
In attendance: Jeff Hassett (JH) / Morse Engineering; Jeff Lind (JL)/ Woodlind Construction; Mark DeFeo/Applicant

CP received a request to revise a driveway, install a patio in the back yard and a retaining wall in front but, when she went to review the site, saw that most of the work had already been done. In 2021 the owners submitted a plan proposing a driveway curving towards the front but they ended up with a straight driveway and an additional wooded area being cleared. Previously additional trees were removed that should've stayed and former conservation agent Jeff Summers said the trees had to be replaced. A revised plan was presented this week that shows 28 trees to be planted on the site as opposed to the 14 trees that were originally slated for the property. The trees are 2.5-in. caliper. JH said there are two (2) drywells and a raingarden on site and a stone trench area set to go in that will trap runoff. CM asked if a larger area is collected by the raingarden and JH said it is slightly larger and there are updated calculations with the new watershed areas. TB asked for test pits and JH said that while they weren't necessarily required in 2018, they were done in the area of the home but not shown on the plans. CP is doing an administrative approval on the project. CM said the show cause hearing was for alterations and the project can now go forward.

7:10 PM: **SWP 22-16 46 Black Rock Road – Peer Review (con't from 6/16/22)**
In attendance: Tiffany Harrison (TH)/Owner
Documents presented:

CM said there is currently a stormwater permit for the garage and addition. A neighbor had their own engineer look at the site and he had concerns. The applicant is now coming to the commission asking that we vote for a peer review at their expense to put the issue to rest. KB asked about the stormwater design and was told by CP that she has two (2) opinions from two (2) sides. CP said the proposed peer review will relate to stormwater designs and calculations.

MOTION: By Chair Macfarlane to continue the public hearing for Stormwater Permit 22-16 at 46 Black Rock Road to 9/8/22 pending peer review.

SECOND: Member Eisenhauer
ROLL CALL VOTE: W. Ashton – Aye; T. Bell – Aye; K. Berigan – Aye; E. Eisenhauer – Aye; C. Macfarlane -Aye
MOTION PASSES: 5-0-0 Unanimous
PUBLIC HEARING CONTINUED TO 9/28/22

7:25 PM: **SHOW CAUSE HEARING: 609 Jerusalem Road (NOI 21-31, SWP 21-36)**

In attendance: Chandra Lombard/Owner

CP was driving by the property and saw loam with no DEP sign in the area. She also got a call from an abutter with the same concerns. Some work had already been done and there were initially no erosion controls. The owner was asked to stop work for now until the problem can be corrected. CP had a pre-construction meeting and stabilized the construction site. The owner put the erosion barrier back up and made the DEP sign visible from the road. Loam was brought onto the site to reseed the area, and a dry well was built. EE mentioned the 50-ft. buffer zone was disturbed but was told that the trucks used it to get to the patio area but no work was done within the 50-ft. buffer zone.

7:40 PM: **RDA 22-18: 392 South Main St - Cooper - Perimeter fence**

In attendance: Carmen Hudson (CH) /Merrill Engineers; Conor Cooper (CC)/Applicant

Documents presented: RDA Plans, Site Plans, Letters from Abutters,

CH pointed out that this hearing is only for a perimeter fence and not for any farm animals being brought to the property. The owner is not planning to have any farm animals on site without first acquiring a permit but for now he is just going with a perimeter fence. CH said there is currently an addition being added including an enclosed porch with a deck on top with 62 sq. ft. of the porch inside the river front. CC wants to put the perimeter fence along the property line which would go into the 50-ft. buffer zone but only for the post and rail fence. Boundaries were delineated to a stone wall in the rear of the property and the wetland is clear. TB asked how the riverbank was determined and CH said by a break in the slope of the property. TB said the mean high water is the highest tide each day. CH said she would look further into delineation. CM would like to continue the hearing to 9/8/22 to confirm the high-water mark. CP said she received letters and calls from the abutters but most were with concerns about animals which are not being discussed at this time. CM said the presentation is about fencing, not a corral.

PUBLIC HEARING CONTINUED TO 9/8

8:10 PM: **NOI 22-28 124 South Main – Patton - Rear addition and deck**

In attendance: Carmen Hudson (CH), Merrill Engineers; Andrew (AP) and Chloe Patton/Applicants; Can Tiryaki (CT)/Architect;

Documents: NOI Site Plans, Architectural Plans

A total of three (3) trees have been removed, two (2) that are clustered on top and one (1) that emerges from the foundation. The existing deck is now part of the new addition and a new deck will be added. There will be tree and shrub removal under the deck. The addition is going in an already disturbed area and there is a perennial stream. The applicant is trying to remove everything from the 50-ft. buffer zone. A stockpiling area in the 100-ft. buffer zone will have crushed stone for tire washing. CM asked if the silt sock at the 50-ft. buffer zone will get

disturbed and CH said it will set a limit for disturbance. CT said there is another area on the property that is further away from the 50-ft. buffer zone and the silt sock that could be used for staging and stockpiling. He also stated that the addition will be flood-proof and there are no utilities in the existing basement. CM asked if there is a reasonable work area beyond the deck and CT said they plan to leave 15 to 20-ft. beyond the deck stairway to allow equipment to pass through without getting too close to the 50-ft. buffer zone. CM said the applicants are also dealing with the 100-ft. riverfront area. CH was going to move the silt sock to the end of the driveway and wash the tires on the pavement. CM suggested a gravel trench for washing the trucks and leave it permanent with a 15-ft. buffer collect and sediment. KB asked if the three (3) trees removed will be replaced and was told by AP that he intends to landscape and is planning to replace the three (3) trees with a 1-to-1 replacement.

MOTION: **By Chair Macfarlane to close the public hearing on Notice of Intent 22-28 and issue an Order of Conditions for the project at 124 South Main Street for Andrew Patton with the following conditions:**

- **Within seven (7) days the applicant must provide a new plan showing the final location of the silt sock shown to be at least 10-ft. out of the 50-ft. buffer zone.**
- **The wheel wash will be modified into a stone trench to collect sediment.**
- **The applicant will work with Conservation Agent Pechtl to determine species of three (3) trees 2.5” in caliper to be installed during the next planting season following completion of the work proposed.**

SECOND: **Member Ashton**
ROLL CALL VOTE: **W. Ashton – Aye; T. Bell – Aye; K. Berigan – Aye; E. Eisenhauer – Aye; C. Macfarlane -Aye**
MOTION PASSES: **5-0-0 Unanimous**

8:30 PM: **NOI 22-27, SWP 22-22: 80 North Main Street (con't from 8/16/22)**
In attendance: Carmen Hudson (CH)/Merrill Engineers; Kara Lam (KL)/Landscape Architect; Tom hence (TH) / Applicant
Documents presented: Updated Site Plans

CH previously did test pits that are now shown on the site plans. The applicant is changing the lawn to plantings in the 50-ft. buffer zone and CM confirmed through town counsel that the applicant could do alterations within the 50-ft. buffer zone as long as the area has already been disturbed. TH reached out to the neighbors and had five (5) people in favor of the proposed project. The next-door neighbor did not want to use the shared driveway as part of the construction so TH may have to provide a construction entrance from the front. In response to concerns, CM said trees that are not part of the native plant list will have to be worked out and approved by CP. CH suggested adding a special condition to the Order of Conditions regarding approval of non-native trees. CH said every plant within the 100 ft. buffer zone are native.

MOTION: By Chair Macfarlane to issue Stormwater Permit 22-22 for work proposed at 80 North Main Street by applicant Tom Hence.
SECOND: Member Eisenhauer
ROLL CALL VOTE: W. Ashton – Aye; T. Bell – Aye; K. Berigan – Aye; E. Eisenhauer – Aye; C. Macfarlane -Aye
MOTION PASSES: 5-0-0 Unanimous

MOTION: By Chair Macfarlane to close the public hearing for Notice of Intent 22-27 and issue an Order of Conditions (OOC) for 80 North Main Street with the following condition:

- Any changes to the plan including updates to landscaping as well as removal of plants in front of the construction entrance need to be approved by Conservation Agent Pechtl.

SECOND: Member Ashton
ROLL CALL VOTE: W. Ashton – Aye; T. Bell – Aye; K. Berigan – Aye; E. Eisenhauer – Aye; C. Macfarlane -Aye
MOTION PASSES: 5-0-0 Unanimous

MOTION: By Chair Macfarlane to issue a variance for work within the 50 ft. buffer zone with the following conditions:

- To receive a portion of fill material when the existing house is razed;
- To clear and replant the 50-ft. buffer zone on the landscape architect’s plan using the native plant listing.

SECOND: Member Ashton
ROLL CALL VOTE: W. Ashton – Aye; T. Bell – Aye; K. Berigan – Aye; E. Eisenhauer – Aye; C. Macfarlane -Aye
MOTION PASSES: 5-0-0 Unanimous

8:50 PM: **NOI 22-25 10 Mohawk Way - Landscaping Julie Hess (original owner)**

In attendance: Joshua Green (JG)/Engineer; Love Albrecht Howard (LAH)/Landscape Designer

Documents presented: NOI Application and Site Plan; Planting Plan

The applicant wants to add landscaping and other treatments to their yard. JG said the existing driveway will be used as a construction entrance and stockpiling will be outside the 100-ft. buffer zone. The site takes on runoff from Mohawk Way and Beach Street so they are proposing a small depression in their yard to slow down the runoff. There are three (3) trees being removed that overhang the house and could cause potential damage: one (1) is outside the 100-ft. buffer zone and two (2) are inside the 100-ft. buffer zone. LAH said the house sits on ledge and was sold last year to the new owners. JG is proposing to add additional plantings with a boardwalk to capture some of the stormwater runoff that inundates the area. There is a silt sock shown on the limits of the property line. TB said the area looks like a wetland but JG said it’s a maintained

lawn that they are trying to turn into a buffer zone. EE asked if this is a buffer zone restoration or a wet area that looks like a buffer zone and JG said it is just buffer zone enhancement and nothing that is going to be restored. CM wants a more detailed planting plan to show the bigness of the area which JG said is about 3,000 sq. ft. LAH said the new owners are not planning to remove anything except areas where a plant is going and let nature take its course which is a similar approach to rewilding. EE said if the owners don't take the lawn out with a turfing machine and put in neutral soil and seed mix the rewilding will not work but LAH said she has done this before with good results. CM said the commission's purview is looking for plantings that will survive three (3) years per the Order of Condition (OOC) and that invasives will have to be removed. TB questioned the purpose of a boardwalk through the buffer zone and JG said the owners are trying to integrate their children into this area without walking through vegetation but they can look into alternatives. CM said they have recourse if the plants do not survive and if the OOC is still open the owners wouldn't be in compliance and may need to revise or modify plans. If they are closing out the permit the commission could include an ongoing condition with the Certificate of Compliance. CP said the commission could create a threshold to go after the first growing season where if the threshold is not met, the owners could come back with changes or a new OOC. EE said mowing the area will cut back on invasives but LAH said the owners will monitor invasives by hand pruning and that the vegetation mix is all perennials. LAH suggested mowing outside the 50-ft. buffer zone in November, put in three (3) planters to grow food and add some native trees. JG said the intention is to show the limit of area left unmowed. CM said if continuing the proposal we should work on conditions to ensure recourse if the plantings don't take. LAH said the area has been delineated by Brad Holmes in November 2021. CP asked if he took an auger and did any hydric soils and JG said he will have them at the next meeting. CM asked JG to bring plan revisions to the next meeting so we can view them, take a vote and have the OOC ready.

PUBLIC HEARING CONTINUED TO 9/8/22

9:20 PM:

NOI 22-11, SWP 22-06- 46 Border St – Commercial Development

In attendance: Adam Brodsky (AB)/Environmental Attorney; Nino DiNunno (ND)/ Contractor; Thomas Sullivan (TS) / Applicant; Susan Hoadley (SH) / Hoadley Martinez Architects; Eamon O'Marah (EO) / Harbinger Development LLC

Documents presented: Diagram C101 Site Protection; NOI and SWP Site Plans

SH explained the difference between terra firma and actual piers and said most of the area at 46 Border Street is on terra firma and demolition is very minimal. There are various methods of protecting the area of development:

- The safety and debris net is an outrigged system to catch anything dropped from demolition or repair.
- The vertical protection tarps allow for an outrigged walkway to contain all debris that comes off the demolition or repair.
- An open water debris containment boom goes around the periphery of the scope of work with excelsior silt sock.

CM said when the last submittal showed a net with an opening built out of ½-inch cord his concern is that there is debris that could potentially fall through the opening. ND said there is a second layer with 3 ½-inch netting and also a fine mesh tarp that can stop a nail from dropping

so it was determined to be the best option. WA stated the outriggers are only as good as the connection to the building and asked if there was a structural analysis. ND said there was an analysis and also the builders would ensure the outriggers are fastened to a silt plate or windowsill to create a continuous barrier around the building. WA asked about the vertical tarp system that surrounds the whole forum and ND said it's more for a walkway/knee wall condition and outriggers aren't ideal for detaining debris. WA asked if there would be frequent monitoring of the protection system as a condition.

MOTION: By Chair Macfarlane to issue Stormwater Permit 22-06 for proposed work at 46 Border Street.
SECOND: Member Eisenhauer
ROLL CALL VOTE: W. Ashton – Aye; T. Bell – Aye; K. Berigan – Aye; E. Eisenhauer – Aye; C. Macfarlane -Aye
MOTION PASSES: 5-0-0 Unanimous

MOTION: By Chair Macfarlane to close the public hearing for 46 Border Street and issue an Order of Conditions with the following special conditions:

- The construction contractor shall employ necessary means to eliminate dust and debris or be cited with a 'Cease and Desist' order.
- The project is presented with the idea that all work is being done about the existing timber structure and that is what is being voted on: any work required below the timber structure that may include disturbance to the buffer zone or filled tidal areas will require a new application.
- The resource area must be checked weekly by the construction contractor and Conservation Agent to eliminate any further bypass.
- **NOTED:** though not in the Conservation Commission's jurisdiction, attention will be called to Order of Conditions #34 that states all recorded permits are obtained before construction and Chapter 91 consideration begin.

SECOND: Member Ashton
ROLL CALL VOTE: W. Ashton – Aye; T. Bell – Aye; K. Berigan – Aye; E. Eisenhauer – Aye; C. Macfarlane -Aye
MOTION PASSES: 5-0-0 Unanimous

MOTION: By Chair Macfarlane for a variance to work within the buffer zone for proposed at 46 Border Street.
SECOND: Member Eisenhauer
ROLL CALL VOTE: W. Ashton – Aye; T. Bell – Aye; K. Berigan – Aye; E. Eisenhauer – Aye; C. Macfarlane -Aye
MOTION PASSES: 5-0-0 Unanimous

APPROVAL OF MINUTES FROM AUGUST 11, 2022:

MOTION: By Chair Macfarlane to approve the minutes of August 11, 2022.
SECOND: Member Ashton
ROLL CALL VOTE: W. Ashton – Aye; T. Bell – Aye; K. Berigan – Abstain; E. Eisenhauer – Aye; C. Macfarlane -Aye
MOTION PASSES: 4-0-1 (*Secretary Berigan abstains*)

CERTIFICATES OF COMPLIANCE:

NOI 18-12: 44 Border Street

A Special Condition that said all work must be completed by 12/13/18 was changed to 5/1/21 due to COVID. All work was completed prior to the 5/1/21 date. Special Condition #54 was amended to state that a qualified person should be monitoring the work and creating a report. A third-party consultant said the project is in compliance for working above the mean low water level and an As Built was issued on 10/21/21. The DEP issued a minor modification for licensing and repairs which was given to the town through the Building Department. A site inspection showed a reduction in the impervious parking lot plus gravel edging, planter beds and paving.

MOTION: By Chair Macfarlane to issue a Certificate of Compliance for NOI 18-12 at 44 Border Street.
SECOND: By Member Eisenhauer
ROLL CALL VOTE: W. Ashton – Aye; T. Bell – Aye; K. Berigan – Aye; E. Eisenhauer – Aye; C. Macfarlane -Aye
MOTION PASSES: 5-0-0

NOI 20-22: 72 North Main Street

A condition requiring seasonal ramp and float storage will be ongoing.

MOTION: By Chair Macfarlane to issue a Certificate of Compliance for NOI at 44 Border Street.
SECOND: By Member Eisenhauer
ROLL CALL VOTE: W. Ashton – Aye; T. Bell – Aye; K. Berigan – Aye; E. Eisenhauer – Aye; C. Macfarlane -Aye
MOTION PASSES: 5-0-0

CONSERVATION AGENT REPORT:

Sohier Street is being paved today. It looks good but the barrier is getting beaten up and the erosion control is no longer effective.

Elm Street is moving along with the demolition of the Cohasset Harbor Inn.

1 Pleasant Street has started construction. Erosion controls and silt socks were inspected.

Nichols Road showed no rubble falling into the marsh.

80 Howe Road: CP went twice to monitor and found the only erosion control in good shape is at 3 Diab Lane. The contractor is still waiting on bids for 9 and 15 Diab Lane. The construction

entrances are in bad shape and the chipping created a mass pile that needs to be removed. The foundation needs to be cleared out.

102 Howe Road is a messy space that needs clean-up. Rubble upside of the house needs to be immediately removed.

48-HOUR ISSUES:

Cohasset has a complete water ban that allows plantings but no watering. Closing out permits is challenged as nothing can be done at this time and the ban should carry into fall. The commission was going to see if Building Superintendent John Hallin will extend the closing out of Certificates of Compliance.

The Special Town Meeting deadline is 9/16/22. CM called for a meeting of the commission to review and update any revisions. CP said the regulations need major edits but the bylaws are in relatively good shape and require minor changes.

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

MOTION TO ADJOURN:	By Member Eisenhauer.
SECOND:	Member Ashton
ROLL CALL VOTE:	W. Ashton – Aye; T. Bell – Aye; K. Berigan – Aye; E. Eisenhauer – Aye; C. Macfarlane -Aye
MOTION PASSES:	5-0-0 Unanimous

Meeting closed at 11:30 pm.