



**APPROVED MINUTES**  
**CONSERVATION COMMISSION MEETING**  
**DATE: SEPTEMBER 8, 2022 TIME: 6:30 OM**  
**PRESENTED ON A ZOOM PLATFORM**

**MEMBERS IN ATTENDANCE:**

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

**MEMBERS ABSENT:**

Will Ashton

**STAFF IN ATTENDANCE:**

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

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

**CM opened and continued NOI 22-21 for 438 Beechwood Street to 9/22/22**

**RDA 22-19:**

**Straits Pond – Sediment Sampling - Town of Hull**

**In attendance:** Mitchell Buck (MB)/Coastal Engineer, Project Manager and  
Dack Stuart (DS) / Coastal Scientist for Woods Hole Group

**Documents Presented:** RDA Application,

The applicants filed for a variance for environmental sampling to help Hull and other towns develop a plan for further restoration as part of the Weir River system. DS said the tidal flow is controlled via a culvert. In 2010 the manual control tie guards were replaced through a system of shoals near the culvert. Data was collected this summer from the culvert to 500-ft. upstream and the bottom was probed with a steel spike to identify shoal material. DS said an exploratory survey will determine the nature of the shoals. Sediments will be collected and checked for content. The process will not increase turbidity or pose detrimental effects. They will also collect the bathometric elevation of the bottom of the pond and culvert. MB said environmental sampling is very common in finding out what materials are involved in the shoals and whether they can be removed. Bedrock could be difficult if even possible depending on how much other flexible content could be removed. TB asked how they determine which material is bedrock and DS said they use a steel spike to see if they hit refusal. IF this is not successful than they would propose an excavator. However, at this time they are just doing field work to make a decision on sampling and other processes could follow.

**MOTION:**

**By Chair Macfarlane to issue a Negative 2 determination for RDA 22-19**

**SECOND:**

**Member BellTB**

**ROLL CALL VOTE:**

**T. Bell – Aye; K. Berigan – Aye; E. Eisenhauer – Aye; C. McIntyre – Aye; C. Macfarlane - Aye**

**MOTION PASSES:**

**5-0-0 Unanimous**

**MOTION:** By Chair Macfarlane to issue a variance for work within the resource area for RDA 22-19  
**SECOND:** Member Bell  
**MOTION:** By Chair Macfarlane to issue a Negative 2 determination for RDA 22-19  
**SECOND:** Member Bell  
**ROLL CALL VOTE:** T. Bell – Aye; K. Berigan – Aye; E. Eisenhower – Aye; C. McIntyre – Aye; C. Macfarlane - Aye  
**MOTION PASSES:** 5-0-0 Unanimous

**NOI 22-25:** **10 Mohawk Way–Landscape Vegetation (con’t from 8/25/22)**  
**In attendance:** Joshua Green (JG) /Merrill Engineering; Love Albrecht Howard (LAH) / Landscape Designer  
**Documents Presented:** NOI Application, Site Plans for Planting and Vegetation

It was determined that plantings in the lawn area were a problem and they will be removed at this time with the potential for coming back for an Request for Determination of Applicability (RDA) at a later date. The applicants will be removing two (2) healthy and one (1) storm-damaged trees. CI asked if the lawn will be wild growth and JG said it will be maintained as a lawn until the applicants go forward with mitigation plantings in another filing. CM said the storm-damaged tree is within the 50-ft. buffer zone and needs a variance. CI is in favor of rewilding the buffer zone after construction is done.

**MOTION:** By Chair MacFarlane to close the public hearing for NOI 22-25 and issue an Order of Conditions for proposed work at 10 Mohawk Way.  
**SECOND:** Member McIntyre  
**ROLL CALL VOTE:** T. Bell – Aye; K. Berigan – Aye; E. Eisenhower – Aye; C. McIntyre – Aye; C. Macfarlane - Aye  
**MOTION PASSES:** 5-0-0 Unanimous

**MOTION:** By Chair Macfarlane to issue a variance for tree removal within the 50-ft. buffer zone and minor infringement into the 50-ft. buffer zone while the applicants work on their deck.  
**SECOND:** Member McIntyre  
**ROLL CALL VOTE:** T. Bell – Aye; K. Berigan – Aye; E. Eisenhower – Aye; C. McIntyre – Aye; C. Macfarlane - Aye  
**MOTION PASSES:** 5-0-0 Unanimous

**ANRAD 22-29:** **1 Chief Justice Cushing Highway – Evoke Wellness – Wetlands Resources**  
**In attendance:** Jim Burke (JB) & Patrick Magoon (PM) /Decelle-Burke-Sala  
**Documents Presented:** ANRAD Application; Site Plan; EcoTech Wetland Delineation Report

EcoTech from Worcester flagged and delineated the wetlands and found nothing that feeds into a wetland definition. There is a Bordering Vegetated Wetland (BVW) associated with the floodplain at a corner of the lot. TB said the area west of the resource area belongs to the Conservation Trust and there is discharge that forms a wetland on the hillside, hydric soil and discharge onto an impervious layer. JB said the delineation is to the south of a sewer discharge pipe and wastewater treatment plant is not close to what he is discussing and the drain line is going to the south. TB said he was referring to the property adjacent to the wellness center and would like to see the boundaries of 1990's wetlands and compare to what we are being shown. JB said his wetlands scientist is accurate

and suggested a site visit. CP said she didn't track down the 1991 plans as they weren't available but JB had a copy from Daylor Engineering that showed the water treatment plant with delineation.

**CONTINUED TO 9/22/22 PENDING SITE VISIT**

**NOI 22-12: SWP 22-08: 221 Hull Street – New Construction (con't from 6/16/22)**

**In attendance:** Jim Burke (JB) & Patrick Magoon (PM) /Decelle-Burke-Sala

**Documents Presented:** Updated Site Plan

PM said they are proposing to reduce the number of trees removed within the riverfront from five (5) trees down to none and from 13 trees down to 10 outside the riverfront area. The square footage of disturbance areas is lower than previous figures. The driveway reconfiguration is tucked back to stay out of the riverfront and there is no net increase of impervious area within the riverfront. A stone revetment supporting the driveway has been tightened up and out of the riverfront. The raingarden is now 25-ft. to the rock face with a slight increase in size. The raingarden collects building runoff from a cistern to an overflow outlet. There are two overflows that go down to Hull Street. Grading in back remains the same. EE asked where the absorbed moisture from the raingarden goes and PM said the raingarden is connected to an underground pipe and what doesn't go through the pipe runs off towards Hull Street. JB said the the raingarden is to mimic what it currently there and water will flow under the surface. Test pits were conducted down to 7-ft. and are not all ledge so they will not create a bowl of moisture. TB requires that the commission sees the test pits wherever water is being infiltrated. JB said the discharge release was part of the original design and they had more depth closer to Hull Street. TB wants to see verification and if trenches run through it will convince him. He said the commission must see test pits wherever the applicant is trying to get water to infiltrate. JB will go out tomorrow to do test pits to confirm the depth for the raingarden. The applicant and the abutter are in discussion regarding driveways. CM recommends reaching out to CP with any questions.

**CONTINUE TO 9/22 to REVIEW TEST PIT DATA**

**NOI 22-30: 34 Lamberts Lane – Attached Garage -Agostino**

**In attendance:** Gregory Morse (GM)/Morse Engineering

**Documents Presented:** NOI Application and Site Plan; Wetland Delineation

GM said the site is 4.5 acres with wetlands at a slight run in the back of the property. There is also a 100-ft. Bordering Vegetated Wetland (BVW) abutting the Turkey Hill Run. The wetlands were delineated in 2022 by John Zimmer of South River Environmental. The applicant would like to add a 2-car garage over a portion of an existing asphalt driveway and an existing lawn. The work is no closer to the resource area than current existing conditions. The driveway is now 14-ft. from the edge of the BVW and will be removed with construction of the new garage. All work is outside the 50-ft. buffer zone with a generator pad on the back of the garage. Erosion controls, a crushed stone trench and roof drywells will handle runoff from the roof of the garage. GM is not proposing and change in grade and the slab foundation will match the existing driveway. TB asked what will replace the impervious surface that is being moved and GM said 310 sq.ft. will be loam and a seeded lawn. EE asked about erosion controls and GM said the only excavation would be a for 4-ft. frost wall and roof drywells. Erosion control is a 12-ft. silt sock. TB asked if the client would be amenable to ceasing any use of pesticides and GM said the order will apply to the entire property.

**MOTION:** By Chair MacFarlane to close the public hearing for NOI 22-30 and issue an Order of Conditions for proposed work at 34 Lamberts Lane with the condition that no pesticides be used on the site.

**SECOND:** Member Eisenhauer

**ROLL CALL VOTE:** T. Bell – Aye; K. Berigan – Aye; E. Eisenhauer – Aye; C. McIntyre – 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 for NOI 22-30 at 36 Lamberts Lane.  
**SECOND:** Member Eisenhauer  
**ROLL CALL VOTE:** T. Bell – Aye; K. Berigan – Aye; E. Eisenhauer – Aye; C. McIntyre – Aye; C. Macfarlane - Aye  
**MOTION PASSES:** 5-0-0 Unanimous

**NOI 22-21, SWP 22-17**

**31 Dolan Lane – New Construction (con't from 8/11/22)**

**In attendance:** Gregory Morse (GM), Morse Engineering; Brad Holmes (BH)/Environmental Consulting & Restoration (ECR)

**Documents Presented:** Site Delineation

This is a new construction project on an undeveloped site which includes a proposed new septic system, potable water and drywells for stormwater runoff. BH delineated two (2) wetlands resource areas, an Isolated Vegetated Wetland (IVW) and a Bordering Vegetated Wetland (BVW). Adjacent to the proposed driveway is a raingarden taking runoff from the front lawn driveway surface. There is no upland access unless you go through the IVW or BVW. 970 sq. ft. of wetland alteration is to be replicated at 2 to 1. BH said the plan is an alternative review to show a driveway to either north or south. Both access points go through wetlands. The commission has to consider some alternative which may impact the wetlands but the proposed home must be accessible. An additional option would be going through someone else's property. TB is not clear whether an easement through a third party is supported by our bylaws. CP said both parties would have to be willing to do this and we would need documentation to support their agreement. BH said wetlands closer to Dolan Lane accept runoff from the roadway and replication will provide more floor storage in the wetlands. CM said the applicant offered to put in a box culvert, but by putting it in the IVW would then become part of the BVW and buffer zones would enlarge so the idea was scrapped. GM provided the commission with different alternatives: Alternative A would need 960 sq. ft. and Alternative B would need 150 sq. ft. TB said Alternative A is fairly dramatic while Alternative B has less impact on the IVW and the buffer itself because of reduction in fill. He said Alternative B barely touches the wetlands itself except for bedrock removal which is minimal and isn't a bad alternative. CM asked if this IVW is classified as a vernal pool but none of the commissioners knew. TB said the impact on the IVW is less than on the BVW and the commission has to determine which is more valuable to the usage required. BH looked for significant wildlife features at the site and saw a few; he also saw some invasives. He said because of the drought, road runoff helps support wildlife infestation. EE wants Mass Audubon to see if this is an active wildlife habitat. CM said our bylaws talk about unique or endangered wildlife and, according to Town Counsel Murray, unless there is indication of these requirements a single lot has no impact. CP said the abutter is not open to sharing or changing the easement adjustment and location. CM said maybe if it was explained to the abutter that part of the commission is leaning towards an upper driveway they may reconsider but GM said the abutter is not interested.

**CONTINUED TO 9/22/22**

**Certificates of Compliance:**

**NOI 10-16: 17 Atlantic Avenue** – This is related to a housing sale. The utilities have been buried underground since 2010 but they were found in the area where they were approved. There are no deviations to the 2010 Order of Conditions.

**MOTION:** By Chair Macfarlane to issue a Certificate of Compliance for 17 Atlantic Avenue with no conditions.  
**SECOND:** Member Eisenhauer

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

**NOI 20-25: 88 Beach Street** – This involves placement of a dock and completion of work.

**MOTION:** By Chair Macfarlane to issue a Partial Certificate of Compliance at 88 Beach Street for the dock only with the ongoing condition that seasonal ramps and float must be stored in upland condition off-season.  
**SECOND:** Member Eisenhauer  
**ROLL CALL VOTE:** T. Bell – Aye; K. Berigan – Aye; E. Eisenhauer – Aye; C. McIntyre – Aye; C. Macfarlane - Aye  
**MOTION PASSES:** 5-0-0 Unanimous

**Wetlands Bylaw Revisions Review:**

The Conservation Agent and Commission discussed the Wetlands Bylaw Revisions to be voted on at the December Town Meeting. Topics for discussion included keeping the 25-ft. buffer zone or raising it to 100-ft. for every Isolated Vegetated Wetland (IVW). Town Counsel said we list a handful of resource areas that are not descriptive. Duxbury lists all protected resource areas and refers to land within the 100-ft. buffer zone. Do we want to change our wording or leave as is and see how Town Meeting reacts. Another topic was the definition of a vernal pool. We could update our description with Duxbury's language but question the 200-cu. ft. of water they mention. CP clarified that the 100-ft. buffer to a vernal pool is "no disturb" unless you have a variance. Isolated land subject to flooding already has a "no disturb" in the 100-ft. buffer zone so we could leave it as is. The riverfront area definition is confusing so do we leave it alone or work on revising it. We also spoke of adding the "mean high water" information and taking out the "mean higher tide water" information which was agreed on by the commission.

**MOTION:** By Chair Macfarlane to accept the changes as presented and to remove the 200-cu. ft. listing for vernal pools.  
**SECOND:** Member Eisenhauer  
**ROLL CALL VOTE:** T. Bell – Aye; K. Berigan – Aye; E. Eisenhauer – Aye; C. McIntyre – Aye; C. Macfarlane - Aye  
**MOTION PASSES:** 5-0-0 Unanimous

**Reorganization of the Conservation Commission:**

**Chair:** Christopher Macfarlane (*Nominated by T. Bell, Seconded by E. Eisenhauer*)  
**Vice Chair:** Tom Bell (*Nominated by C. Macfarlane, Seconded by E. Eisenhauer*)  
**Secretary:** Kathy Berigan (*Nominated by C. Macfarlane, Seconded by E. Eisenhauer*)  
**All were approved 4-0-0 on a Roll Call Vote.**

**Liaisons: (TO NEXT AGENDA)**

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

**Meeting adjourned at 9:30 PM**