



APPROVED MINUTES
CONSERVATION COMMISSION MEETING
THURSDAY, JANUARY 6, 2022
TIME: 6:30 PM
PRESENTED ON A ZOOM PLATFORM

In Attendance:

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

Chris McIntyre (CM), Associate Member

Staff:

Charlotte Pechtl, Conservation Agent
Angela Geso, Admin/Recording Secretary
Carolyn Murray, KP Law, Town Counsel

Absent:

Trish Grady, Member
Justin Pimpare, Vice Chair

6:30 PM:

Opening of Meeting - Call to Order

Roll Call Attendance: C. Macfarlane – Aye; T. Bell – Aye; K. Berigan – Aye; W. Ashton – Aye; E. Eisenhauer – Aye; C. McIntyre – Aye;
(5 Voting Members; 1 Non-Voting Associate Member)

NOI 21-26: 12 Hobart Ln – Maraia *(Continued to 1/20/22 at request of the applicant)*

NOI 21-32: 55 Gammons Rd; Dock/Gangway - Earon

In attendance for agenda item: Jeff Hassett/Morse Engineering; Bill Earon/Applicant; Keith Walo/Harbor Mooring

Documents to support agenda item: NOI Application, Site Plans

This proposed project includes a 144-ft. long pier, 11-ft. x 11-ft. sitting area, 3-ft. x 24-ft. structural ramp and a float that will sit on mud flats. The gangway to the float is designed to accommodate a physically challenged person which is important to the applicant. Mr. Hassett said the dock is consistent with others in the area. Mr. Walo said the space between the bottom of the float and the riverbed is 18-inches and the float will not be on the mud. CM asked if there is a reason the design calls for 18-inch separation when the request is for 30-inch. Mr. Hassett said he usually does 18-inch separation and will do that for this project. KB said the Department of Marine Fisheries (DMF) requires a ratio height of 1.5 as opposed to 1.0 and she would defer to DMF.

MOTION:

By Chair Macfarlane to close the public hearing for NOI 21-32 and issue an Order of Conditions for proposed work at 55 Gammons Road with the following conditions: the float shall rest on a cradle; the ratio height will be 1.5 to 1.0; the overlook will be a maximum size of 8-ft. x 8-ft.

SECOND:

By Member Eisenhauer

ROLL CALL VOTE:

C. Macfarlane – Aye; T. Bell – Aye; K. Berigan – Aye; W. Ashton – Aye; E. Eisenhauer – Aye

MOTION PASSES:

5-0-0 Unanimous

MOTION:

By Chair Macfarlane to close the public hearing for NOI 21-32 and issue a variance for work within the 50-ft. buffer zone at 55 Gammons Road.

SECOND:

By Member Eisenhauer

ROLL CALL VOTE:

C. Macfarlane – Aye; T. Bell – Aye; K. Berigan – Aye; W. Ashton – Aye;

E. Eisenhauer – Aye
MOTION PASSES: 5-0-0 Unanimous

NOI 21-22: 330 North Main Street – Replace Septic System – Collins-Wooley

In attendance for agenda item: Jeff Hassett/Morse Engineering

Documents to support agenda item: NOI Application, Site Plans

The wetlands have been flagged by John Zimmer of Merrill Engineering. The proposed plan is to excavate out bad material from the existing site, build up the area with sand and install a new leaching field and tank. Erosion barriers will be in place during construction. The leaching field has failed and needs to be replaced immediately. The new tank is fitted with a new filter and is a Title V approved tank. The leaching field is being replaced with an Innovative and Alternative system (IA System).

MOTION: By Chair Macfarlane to close the public hearing for NOI 21-22 and issue an Order of Conditions for a septic repair and upgrade at 330 North Main Street.

SECOND: By Member Eisenhauer.

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

MOTION PASSES: 5-0-0 Unanimous

MOTION: By Chair Macfarlane to issue a variance for work within the buffer zone to repair a failing septic system at 300 North Main Street.

SECOND: By Member Eisenhauer.

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

MOTION PASSES: 5-0-0 Unanimous

SWP 21-43: 279 North Main St – Raze and Rebuild Dwelling – Whitney

In attendance for agenda item: Jeff Hassett/Morse Engineering

Documents to support agenda item: SWP Application, Site and Drainage Plans

The property is currently developed with a paved driveway; one (1) shed to be removed and one (1) shed that remains. The proposal is to extend the existing driveway and build a new single-family dwelling with four (4) bedrooms and a 2-car garage. Drainage patterns are not altered, the rate of runoff is reduced by two (2) drywell systems and there are no trees being cut. Mr. Hassett said that the infiltration system depth is holding groundwater to a 16-inch chamber and 9-inches of cover. CM asked if any test pits had been performed but Mr. Hassett said there hadn't been any testing done. However, he will do test pits as requested.

CONTINUE TO 1/20/22

NOI 22-01: 138 Atlantic Ave – Move Shed Footprint/Construct New Shed - Curtis

In attendance for agenda item: Jeff Hassett/Morse Engineering

Documents to support agenda item: SWP Application, Site Plans

The applicant has been in front of the commission before for an addition, swimming pool and shed removal. They now want to construct a new shed 45-ft. off the wetlands adjacent to a stone wall, leaving 5-ft. of shed inside the 50-ft. buffer zone. There will be a mulch sock to prevent silt mitigation during construction. No trees will be removed. The shed is on a slab foundation with a 4-ft. deep frost wall. Mr. Hassett feels it is an improvement and the applicant wants it to go in the buffer zone. He said the field is more level than the contours show. The applicants want to preserve their yard but CM says that have to meet the criteria of the bylaws. Mr. Hassett asked if he came back with a planting plan to improve the buffer zone in that area would it help his application? CP said the applicants are insisting on having the shed in the buffer zone.

CONTINUE TO 1/20/22

NOI 21-13, SWP 21-10: 68 Whitehead Rd – Amended Order of Conditions- Fairbanks

In attendance for agenda item: Jeff Hassett/Morse Engineering

Documents to support agenda item: NOI & SWP Applications, Amended Order of Conditions, Site Plans

The applicants want a modification to add a third garage bay, porch, patio and exterior wall to a house currently under construction. Mr. Hassett said the work is all outside of the buffer zone. The larger roof area will increase the drywell system by 40%. The wall will be poured concrete and will either have footings or be pinned to the ledge. CM asked about the tree canopy and was told by Mr. Hassett that nothing significant will be removed, maybe a few 12-inch diameter trees near the new garage spot. CM is concerned with the trees along the easement used by the neighborhood to walk to the water. Mr. Hassett said they can't eliminate the easement but can provide an alternative route for the neighborhood traffic.

MOTION: By Chair Macfarlane to close the public hearing for 68 Whitehead Road and amend the Order of Conditions for NOI 21-13 with the following condition: if the excavation for the stone wall compromises the ability of the trees they will need to be removed and new trees planted to replace the ones removed.

SECOND: By Member Eisenhauer

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

MOTION PASSES: 5-0-0 Unanimous

MOTION: By Chair Macfarlane to close the public hearing for 68 Whitehead Road and amend SWP 21-10 with the following condition: if the excavation for the stone wall compromises the ability of the trees they will need to be removed and new trees planted to replace the ones removed.

SECOND: By Member Ashton

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

MOTION PASSES: 5-0-0 Unanimous

RDA 22-01: 26 Little Harbor Rd – Addition - McHale

In attendance for agenda item: Paul Mirabito/Ross Engineering;

Documents presented to support agenda: RDA Application and Site Plans

The owners want to add a small bathroom addition 15-ft. from the coastal bank on a frost wall. Mr. Mirabito said the work has no impact to the coastal bank and resource area. Agent Pechtl said the plan also includes a deck. Mr. Mirabito said the work is being done by hand. CM said the buffer adjacent to the coastal bank provides opportunity for replenishment of gravels and soils to bank itself and it would be helpful to know more about the function of this bump-out. Mr. Mirabito said the coastal bank provides sediment to the beach and also acts as a vertical buffer to waves and large storms. Agent Pechtl said any project on a coastal bank or within 100-ft. of the coastal bank shall not have an effect on the buffer zone per MA state law. TB said the coastal bank has not changed and it's hard to see the impact – if any - on this bank by looking at pictures.

MOTION: By Chair Macfarlane to close the public hearing for RDA 22-01 for 26 Little Harbor Road and issue a Negative 3 Determination with the following conditions: all work must be done by hand; any ledge hit will be pinned rather than removed; all waste materials, tools and equipment must be contained within the coastal bank.

SECOND: By Member Eisenhauer

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

MOTION PASSES: 5-0-0 Unanimous

SHOW CAUSE HEARING: 10 Parker Avenue –Whitney

Tree Clearing without a permit within the buffer zone - Cease & Desist Issued 12/20/21

In attendance: Andy Whitney/Owner; Armory Hunnewell/Abutter

Andy Whitney bought 10 Parker Avenue for his daughter and started clearing the land in September. Some of the clearing was done within the 50-ft. buffer zone. Agent Pechtl received a call that work was being done without a permit and issued a Cease & Desist Order on 12/20/21. CM wants to have the property surveyed before any other work is done to delineate where the buffer zones are and to show what trees and brush are there and what's been removed. Amory Hunnewell of 14 Parker Avenue said she was mainly concerned with a cedar tree on her property that was marked on Mr. Whitney's plan to be removed. CM stated that while the commission has no authority to

dictate an agreement between neighbors, they do have authority over what is removed from the property to determine if it's deferential. He asked that no further work be done until the survey of the site is completed.

MINUTES FOR APPROVAL: 4/8/21; 7/15/21; 11/18/21 CONTINUE TO 1/20/22

CERTIFICATES OF COMPLIANCE:

NOI 18-21, SWP 18-31: 75 Border St: The owner wanted to install a pool and deck with associated hardscaping and landscaping. The original owner sold the property to Paul and Jill Tedeschi who did their own plantings without previous approval from the commission. There is an evergreen hedge that was supposed to be removed.

ON A VOTE OF 0-5-0 THERE WILL BE NO CERTIFICATE ISSUED UNTIL THE HEDGE IS REMOVED

NOI 19-21, SWP 19-28: 100 Whitehead Rd: Some of the plantings on this project did not take and have died. CM suggested to issue to Certificate of Compliance and follow up with plantings going forward.

MOTION: By Chair Macfarlane to issue a Certificate of Compliance for 75 Border Street.
SECOND: By Member Ashton
ROLL CALL VOTE: ROLL CALL VOTE: C. Macfarlane – Aye; T. Bell – Aye; K. Berigan – Aye; W. Ashton – Aye; E. Eisenhauer – Nay
MOTION PASSES: 4-1-0 (*Member Eisenhauer in minority*)

SWP 19-22: 580 Jerusalem Rd:

In attendance: Jan Hanzl/Owner; Shawn Hardy/Hardy & Man Design Group; Rozanne Mellow/Realtor
Agent Pechtl walked the site, took pictures and tested the mechanicals in the house. Shawn Hardy sent revised drainage calculations showing a reduction in rate, flow and volume leaving the site. He admitted not knowing that any changes would have to be approved the plan should be conformed to for any tree removal. Mr. Hanzl added things that were never brought before the commission and TB stated they affect the stormwater performance. He also asked Mr. Hanzl to get a professional design so the system works. Mr. Hardy stated that the engineer he used for the plans is now gone so any plans that weren't signed by him won't get signed. He also said he identified the soil group as B, used 96 for all soil groups as gravel and used a hydrocad model TR 55 but TB said he used TR 20. TB also said the original Stormwater Permit was approved but had errors. He also asked if Mr. Hanzl knew Jerusalem Road was designated as a scenic road. After much discussion it was the will of the commission to do a third-party review which Agent Pechtl will arrange.

CONTINUED UNTIL THIRD PARTY REVIEW IS READY TO BE PRESENTED

NOI 21-05, SWP 21-05: 138 Atlantic Ave – This is for a pool project with construction of a walkway still pending.
ON A VOTE OF 0-5-0 THERE WILL BE NO SIGNOFF UNTIL THE PROJECT IS FINISHED.

Fallen/Dead Tree Removal from Recent Nor'easter:

The following locations were affected by fallen and dead trees during the recent storm: 10 Mohawk Way, 83 Spring St, 40 Nichols Rd, 75 Border St, 169 Border St and Lot C, Dolan Lane Lot. While some of the trees have been removed, there are still many that need to be addressed. People are being encouraged to file applications for further tree removal. However, if a tree poses a danger then it should be cut immediately.

Upcoming Legal Counsel Conservation Commission Training, Jan 2022 - tentative for Monday, January 24

With no further business, motion was made to adjourn.

MOTION: By Member Eisenhauer to close the meeting.
SECOND: By Chair Macfarlane
ROLL CALL VOTE: ROLL CALL VOTE: C. Macfarlane – Aye; T. Bell – Aye; K. Berigan – Aye; W. Ashton – Aye; E. Eisenhauer – Aye
MOTION PASSES: 5-0-0

Meeting adjourned at 11:15 PM