



APPROVED MINUTES

COHASSET CONSERVATION COMMISSION MEETING

DATE: 2/3/22 TIME: 6:30 PM

PRESENTED ON A ZOOM PLATFORM

IN ATTENDANCE:

Chris Macfarlane (CM), Chair
Justin Pimpare (JP), Vice Chair
Kathy Berigan (KB), Secretary
Will Ashton (WA), Member
Tom Bell (TB), Member
Eric Eisenhauer (EE), Member
Trish Grady (TG), Member

ASSOCIATE MEMBER IN ATTENDANCE:

Christopher McIntyre (CMC), Associate Member

STAFF IN ATTENDANCE:

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

6:30 PM:

Call to Order

**Roll Call Attendance: W. Ashton – Aye; T. Bell – Aye; K. Berigan- Aye; E. Eisenhauer – Aye; T. Grady – Aye; C. Macfarlane – Aye; J. Pimpare – Aye; C. McIntyre – Aye
7 Voting Members and 1 Associate (non-voting) Member Present**

6:45 PM:

NOI 22-03: US COAST GUARD - REPAIRS/RESTORATION

In attendance: Steve Hoffman (SH) and Kirk Riden/McFarlane Johnson

Documents Presented: NOI Application and Plans; Resource Mapping

SH said Cohasset has the structure to support a deck but existing timber piles and bracing need complete replacement. There will be a new structure on five (5) timber piles with day board markers as a navigational aid, lights and other features. Bedrock will be removed by hammering. A preliminary coordination with National Heritage asks that there be no pile-driving activity from May 1, 2022 to August 15, 2022 to accommodate an active nesting season. Also, a proposed osprey nesting platform would accommodate nests on an existing structure with a current nest deemed inactive in winter but rebounding back in spring. The Coast Guard is saying this project could be done in early 2023 and would take 2-3 weeks to complete. SH suggested a condition for osprey nests as well. CP said the project is outside the buffer zone and shouldn't negatively impact abutters.

MOTION:

By Vice Chair Pimpare to close the public hearing for NOI 22-03 and issue an Order of Conditions for the U.S. Coast Guard's work with the following condition: no activity to occur between May 1, 2022 and August 15, 2022 due to the nesting season.

SECOND:

Member Eisenhauer

ROLL CALL VOTE:

W. Ashton – Aye; T. Bell – Aye; K. Berigan- Aye; E. Eisenhauer – Aye; T. Grady – Aye; C. Macfarlane – Aye; J. Pimpare – Aye

MOTION PASSES:

7-0 Unanimous

7:10 PM: NOI 22-04: 270 FOREST AVE – RAZE and RECONSTRUCT HOME

In attendance: Caroline Reese (CR)/Cavanaro Consulting; Eric Bishop/Applicant

Documents presented: NOI Application and Plan

The existing house is non-conforming due to a side setback, a Bordering Vegetated Wetland (BVW) and other restrictions. The application shows the proposed dwelling as 200-sq. ft. larger, and the new footprint decreases impervious surface. The house has been shifted towards the south and the total impervious surface decreases by 60-sq.ft. CP said two (2) trees in front need to be removed and there is an abandoned well on the property with plantings. CR said the owners will keep the current utilities and minimize disturbance to the property. There are two (2) areas of ledge that will be removed to help keep the home away from the buffer zone. There is a holding tank with a line to the rest of the system that the owners would like to replace with propane. TB suggested that depending on the depth to put a geothermal system using the well as opposed to propane. There is an oil tank within the 50-ft. buffer zone that the commission would like to see removed. Mr. Bishop is willing to plant some new trees on the property to replace the two that are being removed. JP said that while there is significant work in the 50-ft. buffer zone, the impervious surface is being reduced by 450 sq. ft. and the owner is pulling back the house from 30-ft. to 48-ft.

MOTION: **By Vice Chair Pimpare to close the public hearing for NOI 22-04 and issue an Order of Conditions for 270 Forest Avenue with the condition that a revised plan to reflect location of two (2) trees of at least 3” caliper to be planted is submitted to the Conservation Agent and that the Conservation Commission’s best management practices for chemical treatments to the pool and spa be included with the Order of Conditions.**

SECOND: **Member Eisenhauer**

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

MOTION PASSES: **7-0 Unanimous**

MOTION: **By Vice Chair Pimpare to issue a variance for work within the 50-ft. buffer zone for property at 270 Forest Avenue.**

SECOND: **Member Eisenhauer**

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

MOTION PASSES: **7-0 Unanimous**

7:45 PM: NOI 22-05, SWP 22-02: 136 ATLANTIC AVE – POOL/PATIO/POOL HOUSE

In attendance: Carolyn Rees/Cavanaro Consulting (CR); Ethan Meyers/Owner

Documents to support agenda item: NOI & SWP Applications and Plans

The applicant wants to install a pool, patio and pool house in his yard. There is a Bordering Vegetated Wetland (BVW) and an Isolated Vegetated Wetland (IVM) on the site. A portion of the work extends into the 100-ft. buffer zone. The project increases the impervious area by 2,600 sq. ft. so the applicant is also doing a Stormwater Permit. They are adding a 6.5 ft. high retaining wall and an infiltration system to mitigate the stormwater. Water from roof leaders, pool house and patio will be directed into a trench drain system that will enter the infiltration system and direct the flow towards the IVW. This area was developed years ago as a garden. Two (2) trees outside the 100-ft. buffer will be removed and plantings will be placed within the 100-ft. buffer zone. EE said the planting plan has to be redone as there were not all native plants in the plan. CP said the owners want to use the plants as shown on the plan but are using native plantings at the toe of the retaining wall. CM wants to use all native plants within the 100-ft. buffer and the commission is concerned with trees in the area of the proposed pool. JP asked about ledge digging but CR said they are hoping ledge

won't have to be blasted for the pool. JP said the retaining wall will have to be brought up to 7-ft. TB mentioned a potential vernal pool and CR said they found one located directly under the house and couldn't find out where it was intended to be. JP asked when the last wetlands delineation was done and CR said by John Zimmer of Merrill Engineering on June 19, 2020. TB asked for a site visit and CP said she would get approval from the owners for a visit

HEARING CONTINUED TO FEB 24, 2022

**Vice Chair Pimpare had to leave the meeting at this time, giving the commission six (6) voting members for the remainder of the meeting.*

8:10 PM: RDA 22-04: 390 SOUTH MAIN STREET – SMALL ADDITION

In attendance: Cameron Larson (CL)/ECR; Elizabeth and Gordon Stevenson

Documents presented to support agenda item: RDA Application, Site Plans

The owner would like to add a 40-sq. ft. screened-in porch. The site abuts the Gulf River and has a Bordering Vegetated Wetland (BVW) and Land Subject to Coastal Storm Flowage (LSCSF). There is no work being done within the 50-ft. buffer zone. CL said the screened-in porch would be built on the same foundation as the greenhouse that is being removed. The foundation will be slab concrete and the erosion control line can be extended. One (1) flowering dogwood tree is being removed and will be replaced with a native species.

MOTION: By Chair Macfarlane to close the public hearing for RDA 22-0 4 and issue a Negative 3 determination with the condition that one (1) tree of similar size be planted between the 50-ft. and 100-ft. buffer zone and be from the Conservation Commission's native planting list.

SECOND Member Eisenhauer

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

MOTION PASSES: 6-0 Unanimous

8:30 PM: RDA 22-03: 169 BORDER STREET - TREE REMOVAL

In attendance: Kevin Sullivan/Applicant

Documents presented to support agenda item: RDA Application and Site Plans

KS said Bartlett Tree looked at the oak tree the summer and determined it is a high risk due to rot and other conditions but to let it go for now. In October a storm ripped large branches off the tree into the owner's roof and significantly damaged other trees on his property. He said the tree is not uprooted yet but the branches need to be immediately addressed.

MOTION: By Chair Macfarlane to close the public hearing for RDA 22-03 and issue a Negative 2 determination for work at 169 Border Street.

SECOND: Member Grady

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

MOTION PASSES: 6-0 Unanimous

8:40 PM: RDA 22-05: 413 NORTH MAIN SEPTIC UPDATE

HEARING CONTINUED TO FEB 24, 2022 AT OWNER'S REQUEST

8:40 PM: RDA 22-02: 400 CJC HWY - WATER QUALITY STRUCTURE (CON'T FROM 1/20/22)

(Eric Eisenhauer recused himself)

In attendance: Jason Priddy (JA) /Vertec Company; George Morgan/Project Manager

Documents presented to support agenda item: RDA Application and Site Plans

JA explained the area is fully paved and will be repaved at the end of activity. They intend to provide additional water quality for catch basins in the parking lot. The silt sock and erosion controls are in place until the area is restabilized. He said the system is a vortechnic, hydrodynamic separator where sediment drops out and water remains. The system has a stormwater pipe in the ground being tied into runoff and an infiltration system handles roof drain but all water associated with the complex travels to this point and all the catch basins drain in this direction. TB asked about dirty pavement water coming out downstream with a potential for hydrocarbons going down-gradient to a device that has nothing to do with the water. JA said the front of the store has catch basins tied together that are sized to handle and accommodate the volume of water in the parking lot. He also said there are oil separators on the market but he's seen nothing that will remove hydrocarbons from water. TB suggested a rain garden in the area. JA said the company that makes the hydrodynamic separator also makes an oil/water separator and he will look into it

MOTION: By Chair Macfarlane to close the public hearing and issue a Negative 3 determination at 400 CJC Highway with the condition that an oil/water separator being investigated and used.

SECOND: Member Bell

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

MOTION PASSES: 5-0-1 *(Member Eisenhauer recused himself)*

8:55 PM: NOI 22-01: 138 ATLANTIC AVENUE - MOVE SHED (CON'T FROM 1/6/22)

In attendance: Jeff Hassett (JH)/Morse Engineering

Documents presented to support agenda item: Revised Plan

JH said the shed has been moved out of the 50-ft buffer zone. There is minor grading associated with the door being done and a 12-inch mulch sock erosion barrier will be in place for the duration of the work.

MOTION: By Chair Macfarlane to close the public hearing for NOI 22-01 and issue an Order of Conditions for the proposed work at 138 Atlantic Avenue with moving the shed.

SECOND: Member Eisenhauer

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

MOTION PASSES: 6-0 Unanimous

MOTION: By Chair Macfarlane to close the public hearing for NOI 22-01 and issue a variance for work within the 50-ft. buffer zone at 138 Atlantic Avenue.

SECOND: Member Eisenhauer

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

MOTION PASSES: 6-0 Unanimous

9:10 PM: NOI 21-26: 12 HOBART LANE – YARD UPDATES (CON'T FROM 1/20/22)

In attendance: Joe Maraia/Applicant; Gary James (GJ)/James Consulting; Paul Shea (PS)/Consultant; Rob and Lynn Schwandt/Abutters

Documents presented to support agenda item: Existing Conditions, NOI Application & Plan

GJ is proposing to reduce the overall scope of the job and, at the request of the abutters, to replace the stone wall with an earthen embankment. The applicant is planning to add 17 arbor vitae and to utilize the back slope behind the deck for disposal of materials from driveway and grid. He asked the Schwandt's for the ability to flag the wetland on their property but they refused. CP has a letter from the Schwandt's saying they are still open to granting access to their property with enough notice given and to speak with the consultants about the issues with this proposal. GJ said the narrative included with the original application has been revised to indicate a change in the scope of the job. TB has concerns with topography and that there could be a vernal pool on the property. He requested a wetlands delineation. PS said the area was tested for hydric soils but no evidence of wetlands was found. EE said there were phragmites on the property that had spread and he feels this shows the presence of wetlands. Discussion of a third-party review continued with the commission in favor but concerned about the Schwandt's letting them on the property.

HEARING CONTINUED TO 2/24/22

MINUTES FOR APPROVAL:

MOTION: By Chair Macfarlane to approve the minutes of January 20, 2022.
SECOND: Member Eisenhauer
ROLL CALL VOTE: W. Ashton – Aye; T. Bell – Aye; K. Berigan- Aye; E. Eisenhauer – Aye; T. Grady – Aye;
C. Macfarlane – Aye
MOTION PASSES: 6-0 Unanimous

CONSERVATION AGENT REPORT:

- The DEP is switching to an electronic system and will only accept Orders of Conditions electronically
- The MA Association of Conservation Commissions is having their annual meeting March 5-12, 2022

PROJECT UPDATES:

Diab Lane: 3 Diab Lane has a permit. 9 and 15 Diab Lane are now owned by Andrew Gallagher who has a permit for #9 and nothing for #15.

Windy Hill Road: Check with Building Director John Hallin to see if this site is in compliance.

Dolan Lane has a permit to remove a fallen tree in the buffer zone.

87 and 124 Elm Street: 87 and 124 Elm Street have their Chapter 91 license.

MEMBER COMMENTS:

Member Bell addressed the cliff at 15 Diab Lane and said they may have to remove more than 10 cu. yds. depending on the plan. He is checking to see if John Hallin is doing a volumetric application for Diab Lane. Member Eisenhauer says a hulking float pulled up on marsh grass at 140 Beach Street has to be gone and the commission should issue an Enforcement Action on the site.

With no further business to discuss, the commission entertained a motion to adjourn.

MOTION: By Chair Macfarlane to adjourn the meeting of February 3, 2022.
SECOND: Member Eisenhauer
ROLL CALL VOTE: W. Ashton – Aye; T. Bell – Aye; K. Berigan- Aye; E. Eisenhauer – Aye;
T. Grady – Aye; C. Macfarlane – Aye;
MOTION PASSES: 6-0

Meeting adjourned at 9:50 pm.