



**APPROVED MINUTES**  
**COHASSET CONSERVATION COMMISSION**  
**JUNE 30, 2022 MEETING**

**IN ATTENDANCE:**

Justin Pimpare (JP), Acting Chair  
Will Ashton (WA), Member  
T. Bell (TB), Member  
T. Grady (TG), Member

**STAFF IN ATTENDANCE:**

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

**ABSENT:**

Kathy Berigan, Secretary  
Chris Macfarlane, Chair  
Eric Eisenhauer, Member  
Chris McIntyre, Associate Member

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**6:35**            **Call to Order,**  
                     **Roll Call Attendance: W. Ashton – Aye; T. Bell – Aye; T. Grady – Aye; J. Pimpare -**  
                     **Aye**

**TWO MEETINGS CONTINUED TO JULY 14**

**6:40 PM:**            **SWP 22-19: 55 South Main Street – Mixed Use Development**

**In attendance:** Cassie Malatesta (CM)/Applicant; Jeff Hassett (JH) and Greg Morse (GM)/Morse Engineering

**Documents presented:** SWP Application; Site Plan, Landscape Plan

GM described the property as a ½ acre flat site with an elevation 9 on South Main Street to an elevation 12 to the rear of the property. An erosion control barrier is in place and there are silt socks in catch basins within 100-ft. of the site. A James Brook pre-cast boxed culvert traverses the northeast corner. There is no exposed ledge. The applicant proposes to build a new 3-story building with a 3,350 commercial first floor and twelve (12) apartments on the second and third floor. The ground level is an open surface parking area behind the building. The second floor is cantilevered with a porous pavement parking lot. Catch basins run via a pipe to a new drain manhole at two (2) sites that is not touching the James Brook culvert in any way but is tying into street drainage. The proposal is for 10,419 sq. ft. of impervious surface with landscaping proposed to screen the back of the parking lot with eight (8) pear trees, 100+ shrubs and other vegetation. Currently the applicants are preparing drainage and peer review studies to be viewed at the first meeting in August. JP asked what other boards are needed to review this proposal and GM said Planning is on board for July 13, 2022. He further stated that they need a street opening off James Lane and will require permission from the town. The site is impervious with no stormwater on it and any discharge to the street will be reduced. The excavation is adjacent to the

easement only and the second and third floors will overhand the easement. CP needs clarification on standards and would like the erosion control and stockpile areas labeled on the plans. GM said pretty much all of the proposed building is on a slab but they need to dig a frost wall around the building. The gas tanks have been removed and the applicant did a 21E which will be submitted. GM did a field survey on the culvert and said there are three (3) manholes above that center the culvert with a good degree of accuracy. Soil borings were done much deeper to ledge than thought. The site isn't a natural fill as tanks are filled in with sand and there is a catch basin accepting much of the flow. JP said the excavation is just frost wall around the site and some areas in the middle with concrete pilings. GM doesn't anticipate going any deeper than 4-ft and will provide frost wall elevations. TG asked how committed the project is to pear trees because they are considered invasive. JP suggested looking at other trees in the area and duplicate them.

### **HEARING CONTINUED TO AUGUST 11, 2022**

#### **7:05 PM: NOI 22-14 32 Heather Drive Patio, Deck and Plunge Pool**

**In attendance:** Cameron Larson (CL)/ECR; Richard & Morgan Carroll/Applicants

**Documents presented:** NOI Application, Site Plan

CL found two (2) Bordering Vegetated Wetlands (BVW) and the proposed project area in the 100-ft. buffer zone to the wetlands. There will be no work within the BVW's. The proposed patio and deck are pervious and there is gravel under the deck for infiltration and minimized erosion. The plunge pool is impervious and will collect rainwater into the pool. Erosion controls will minimize the impact of impervious surface on site. The pool sits on reinforced concrete and is mostly above ground. There is a stockpile area with minimum encroachment and work is all outside the 50-ft. buffer zone. JP said there will be encroachment into the 50-ft. buffer zone to accommodate equipment.

**MOTION:** By Acting Chair Pimpare to close the public hearing for 32 Heather Drive and issue an Order of Conditions for NOI 22-14.

**SECOND:** Member Bell

**ROLL CALL VOTE:** W. Ashton – Aye; T. Bell – Aye; T. Grady – Aye; J. Pimpare - Aye

**MOTION PASSES:** 4-0-0 Unanimous

**MOTION:** By Acting Chair Pimpare to issue a variance for 32 Heather Drive for a siltation barrier in the 50-ft. buffer zone.

**SECOND:** Member Ashton

**ROLL CALL VOTE:** W. Ashton – Aye; T. Bell – Aye; T. Grady – Aye; J. Pimpare - Aye

**MOTION PASSES:** 4-0-0 Unanimous

#### **7:25 PM: SWP 22-15: 175 Lamberts Lane – Golf Course Updates (con't from 6/2/22)**

**In attendance:** Jeff Hassett (JH)/Morse Engineering; Attorney Adam Brodsky (AB); Glen Misiasek and Gary Baldino/Cohasset Golf Course

**Documents presented:** SWP and Site Plans

*Acting Chair Pimpare listened to the recording of the meeting and submitted a signed affidavit.*

JH said there are currently four (4) maintenance buildings at the site with stormwater runoff captured in gutters or catch basins and sent to an infiltration basin. One area has been stabilized with riprap with geo fabric underneath while other slopes are stabilized with loam and dry site mix. The mulch sock will be extended and help in keeping the wash areas level. The property is on municipal water and has a septic system. JH stressed that the buildings are for storage only and have no plumbing.

**MOTION:** By Acting Chair Pimpare to issue SWP 22-15 for 175 Lamberts Lane.

**SECOND:** Member Ashton

**ROLL CALL VOTE:** W. Ashton – Aye; T. Bell – Aye; T. Grady – Aye; J. Pimpare - Aye

**MOTION PASSES:** 4-0-0 Unanimous

7:40 PM:

**SWP 22-13: Scituate Hill – Commercial Development (con't from 6/2/22)**

**In attendance:** Jeff Hassett (JH)/Morse Engineering; Paul Davis/Rosano Davis

**Documents presented:** SWP and Site Plans

There are three (3) buildings at the end of Scituate Hill and a stormwater system already has an infiltration basin to handle development of the property. The site has 20% less impervious area than originally assumed and 16 trees are being removed from the property. A peer review was sent to the commission and all comments have been addressed. JP asked to see the contours and said it looks like a cut between half of the footprint between buildings. JH said they cut on the uphill and will fill on the downhill. CP said the Operations and Maintenance plan (O&M) does not mention a retention basin and also that a booster pump was put in. JH said the applicant has agreed to assume responsibility if there is no retention basin. TB asked about a retention basin on the property and JH said there is a private roadway with retention on the easement next to the property. Water will be captured and discharged through natural flow and catch basins and manholes will be put in as well. There is plenty of capacity plus pitch from the hillside. JP requested the conservation agent be notified with any changes or developments at the site.

**MOTION**

**By Acting Chair Pimpare to issue Stormwater Permit 22-13 for proposed commercial work at Scituate Hill.**

**SECOND:**

**Member Ashton**

**ROLL CALL VOTE:** W. Ashton – Aye; T. Bell – Aye; T. Grady – Aye; J. Pimpare - Aye

**MOTION PASSES:** 4-0-0 Unanimous

7:30 PM:

**NOI 22-23: 20 Nichols Road – Landscaping (con't from 6/16/22)**

**In attendance:** Deb Keller (DK), Merrill Engineers; Kathleen Murphy/Applicant; Brendan McCarthy (BM) /Skyline Landscape, Certified Arborist

**Documents presented:** NOI Application, Site Plan, Peer Review Report, Site Visit Report

*Member Grady listened to the recording of the meeting and submitted a signed affidavit*

This project proposes to swap out the pre-existing walkway with the patio area and put a path through the landscape plantings to accommodate handicapped family members. BM said we are dealing with a sensitive coastal bank in replacing pre-existing conditions. BM is proposing this as a restoration project by replacing plantings with no ecological benefits with plantings taken from the native species list for Cohasset. There will be some regrading involved which will be the extent of earth-moving. JP asked if any heavy machinery would be involved and BM said there will be some form of equipment to dismantle a small retaining wall and possibly remove some larger stumps but that would be the extent of it. It is mostly juniper trees that need to be removed. Some areas are washing out and gravel and rock can be seen on the steep slope and also several tree roots from the pre-existing trees. BM is proposing minimally invasive work by not destabilizing the slope but by adding a coastal seed mix and cutting by hand existing vegetation along the slope. DK said only herbaceous vegetation would be cut. JP asked if any trees will be removed and CP clarified 'no work' in the 50-ft. buffer zone and asked for a revised plan showing planting changes. BM said the shrubs that are being swapped out will be placed on either side of the mowed grass path and upwards towards the patio alternating bayberry, winterberry and other shrubs that fit the area. TB said the area on the north side appears to have a modest propensity towards erosion and is not sure the grass will stabilize. BM said the planting season with mixed meadow mix will be done in late October. TB said denuding the slope while everything hasn't died back yet could instead be done by removing annuals, using a fiber carpet and waiting until the vegetation is dead so you may not have to remove it at all. BM said the materials need to be removed or there won't effectively be good seed contact. He understands the concerns but hopes the applicant will be given an equal chance to have reasonable improvement and said, if allowed to proceed with conditions as discussed, the bank

could be cleared out in two (2) days and replanted in four (4) days and the planting portion could be removed within seven (7) days total. JP said the first piece of the project is hardscaping along the top area and patio and the second part is scraping existing vegetation to put down seed and stabilize the bank. TB is concerned with the coastal bank as a resource but JP feels confident with no heavy machinery being used and that we are taking existing conditions and enhancing them. BM suggested leaving portions of the junipers for the coastal bank as they will have more functions. JP said he wants to go forward tonight with approval of this project and asked for a revised sketch plan to be taken to a vote at the next meeting. There was discussion regarding the juniper trees and whether any should be removed. JP has issues with the junipers at the toe of the slope and is worried about the stability of the bank and CP wants to see the majority of junipers preserved and have it conditioned with a revised plan that has to be acceptable to the agent, commission chair and one (1) other commissioner.

**MOTION:** By Acting Chair Pimpare to close the public hearing for NOI 22-23 and issue an Order of Conditions for work proposed at 20 Nichols Road with the following conditions:

- Work restabilizing the bank on the northeast side to be done by hand
- No soil is proposed to be brought in but if any soil is brought in it will be specially approved by the conservation agent
- No heavy machinery to be used within the 50-ft. buffer zone
- When removing any juniper trees or the retaining wall, machinery must not encroach into the 50-ft. buffer zone
- Any trees not on the list are not to be removed
- A revised plan must be submitted and acceptable to both Conservation Agent Pechtl and Member Bell by July 13, 2022 that adds woody shrubs between 5-in. to 7-in. in caliper and a planting plan redesigned to maintain the existing stability of the coastal bank
- The erosion barrier must be tightened so it's closer to the toe of the slope

**SECOND:** Member Bell

**ROLL CALL VOTE:** W. Ashton – Aye; T. Bell – Aye; T. Grady – Aye; J. Pimpare - Aye

**MOTION PASSES:** 4-0-0 Unanimous

**MOTION:** By Acting Chair Pimpare to grant a variance for work within the 50-ft. buffer zone at 20 Nichols Road.

**SECOND:** Member Ashton

**ROLL CALL VOTE:** W. Ashton – Aye; T. Bell – Aye; T. Grady – Aye; J. Pimpare - Aye

**MOTION PASSES:** 4-0-0 Unanimous

**8:30 PM**

**NOI 22-21, SWP 22-17: 31 Dolan Lane –SF Dwelling (con't from 6/16/22)**

**In attendance:** Jeff Hassett (JH)/Morse Engineering; Brad Holmes (BH)/ECR  
Documents:

BH flagged the wetlands including an Intermittent Vegetated Wetland (IVW) and a Bordering Vegetated Wetland (BVW). 970 sq. ft. of wetlands fill was replicated at a ratio of 2-to-1. BH says it isn't feasible to eliminate access to the back of the property and that a driveway was designed to minimize disturbance. Runoff goes from a roof drywell to a lawn runoff to a raingarden. There is a stone trench running down a portion of the driveway. He stated that we meet the Wetlands Rules and Regulations by allowing 979-sq. ft. of wetlands to be altered for the driveway which is under the 1,000-sq. ft. limit. A mulch stock is installed, and the applicant will go to the Board of Health on 7/7/22 for a hearing on a new septic system. CP said that for issuing authorities to grant approval for limited roadway access, the next step is

mitigation and investigating other alternatives. It's a busy site with considerable ledge and an easement line can be modified if the owner is agreeable. The original delineation was done in 2018 with an update and resurveying done by BH in 2020. There is a BVW system along the south side of the property and an IVW to the north. JH said the IVW had a 25-ft. buffer zone. JH found a 4-in. pipe and an IVW on another house that does connect when it storms and there is also an extensive BVW that takes up considerable space. JP said if it involves more work, and if the commission agrees, they may grant a disturbance of up to 1,000-ft. and discuss alteration vs. mitigation. JH said the further north they go there will be more ledge that will have to be blasted. BH said they need to take the upland area in two (2) sections, bring the area down to the elevation of the adjacent wetland and recreate a wetland system. In addition, a wetlands replication plan is needed and the owners need to work with the excavation and contract crew. JP asked if that is the line for a 12-ft. drive to go between 4-ft. and 8-ft. off the actual edge and go beyond the edge. JH said the sheet flow across the driveway allows us to match the existing grade and create a narrow passage through the wetlands. An erosion barrier has been staked out by a survey professional and a mulch sock was installed before tree clearing. JP asked if there is an assigned easement in place between the two (2) property owners and JH said they have signed papers but it's not done until the job is close to being finished. He said there is a sheer vertical cliff that should be seen by having a site visit and it's hard to see the cliff on paper but it is very noticeable from Dolan Lane. TB said where the property extends to Dolan Lane on the north, a driveway put in there would have to cross wetlands and where both potential access points don't look good, one will have to be selected. CP said that the term 'limited projects' refer to when a wetland alteration is granted when there is no other option to access the upland area. TB said a driveway could be cut through the 25-ft. buffer zone and avoid the IVW as there is about 20-ft. of a buffer zone without wetlands and bedrock excavation is being done. JH said they considered accessing over frontage at 31 Dolan Lane but determined it would be too much wetland alteration. They looked at easements which the abutting neighbor is willing to grant that would have less impact. TB feels entry is just as feasible from the north as from the other end of the site

**HEARING CONTINUED TO JULY 28, 2022. SITE VISIT WILL BE SCHEDULED BEFORE JULY 28**

**9:15 PM:**

**SHOW CAUSE HEARING: 31 Otis Avenue – Dock Permit**

**In attendance:** Charlie & Pat Henry/owners; Carmen Hudson (CH), Cavanaro Consulting

**Documents presented:** Site Plans from 2012 and 2014

CP said she did follow-up on questions and concerns when the dock permit (NOI 14-07) had been closed out. The existing lawn appeared to be extended further up against the stone wall which delineates the salt march, goes across more than one (1) property and looks to have been modified. There was an initial permit submitted in 2008 to construct a single family dwelling but they were just site plans and the construction never happened. Brush and phragmites were removed in 2011 and in 2012 the current owners submitted a revised site plan as amended by the original Order of Conditions and a new Stormwater Permit plan. The original permit was extended in 2014 and the housing construction began around 2015. There have been minor revisions to the site plan since then and in 2017 a variance was granted for minor construction movement. Both the dock and the home were finished in 2017. CH said the area was still wooded in 2010 and by 2014 there was already a lawn between the saltmarsh. In 2015 the owners got a permit for the dock and started construction of the home. In 2017 they were still doing construction on the home but the dock was in place. In 2019 the trees to the rear were gone and replaced by mulch. The three (3) trees removed were found to be dead or dying and during a 2020 storm, another tree that had been left was not as healthy as the others and fell on their roof. They are requesting a Certificate of Compliance for both the house and the dock. CP would like to move forward with the dock (NOI 14-07) and then address the house. There were minor deviations with the dock that were addressed by Carolyn Reese of Cavanaro Consulting that involved adjustments to pier and ramp and a length increase of 4-ft. x 20-ft. from 4-ft. x 10-ft. The pilings didn't change and, while the size of the pier was shorter, the ramp was longer.

**MOTION:** By Acting Chair Pimpare to issue a Certificate of Compliance for NOI 14-07 for a dock installation at 31 Otis Avenue.

**SECOND:** Member Ashton

**ROLL CALL VOTE:** W. Ashton – Aye; T. Bell – Aye; T. Grady – Aye; J. Pimpare - Aye

**MOTION PASSES:** 4-0-0 Unanimous

Before the commission can sign off on the Certificate of Compliance for the house, they need to determine that the applicants made the argument that the trees were dead or dying and should have been removed. CP said initially they weren't aware that they needed commission approval but going forward they will file an RDA or NOI before doing any tree removal. CH said the owners did consult with an arborist prior to removing the trees and found that the trees were dying and should be removed. JP said they must be replaced with 3-in. caliper trees and that the commission needs a request for a Certificate of Compliance and an RDA as well for replanting. CP said they could do both at the same time. TB said the 2017 pictures don't look like the lawn is there, the 2018 pictures show the rocks are closer together and over time the lawn grows out. CP said that a temporary construction variance issued with the Order of Conditions and SWP did allow construction vehicles in the area while work was being conducted. JP was amenable to an RDA being filed and a plan would be in place for mitigation plantings. He would like to see a mulch barrier with plantings to replace the manicured lawn.

### **Certificates of Compliance:**

#### **NOI 21-25 – 74 Beach Street**

CP said the dock at 74 Beach Street has been completed per plan.

**MOTION:** By Acting Chair Pimpare to issue the Certificate of Compliance for NOI 21-25 for work done at 74 Beach Street.

**SECOND:** Member Ashton

**ROLL CALL VOTE:** W. Ashton – Aye; T. Bell – Aye; T. Grady – Aye; J. Pimpare - Aye

**MOTION PASSES:** 4-0-0 Unanimous

#### **NOI 21-24 – 74 and 86 Beach Street**

The revetment wall gets large where the stone steps were put in. CH said the plan for the revetment wall is from an old permit with new updates including a filter fabric with small stones on the bottom and bigger stones on the top.

**MOTION:** By Acting Chair Pimpare to issue the Certificate of Compliance for NOI 21-24 for work done at 74 and 86 Beach Street.

**SECOND:** Member Ashton

**ROLL CALL VOTE:** W. Ashton – Aye; T. Bell – Aye; T. Grady – Aye; J. Pimpare - Aye

**MOTION PASSES:** 4-0-0 Unanimous

#### **NOI 20-24 and SWP 20-32 – 73 Whitehead Road**

The final inspection included a curbed edging as a change in the driveway and a minor deviation that had a concrete apron removed and replaced with asphalt. The area around the garage is still impervious. All plantings must survive three (3) growing seasons.

**MOTION:** By Acting Chair Pimpare to issue the Certificate of Compliance for NOI 20-24 for work done at 73 Whitehead Road with Conditions 40 and 41 as part of the Certificate of Compliance.

**SECOND:** Member Bell

**ROLL CALL VOTE:** W. Ashton – Aye; T. Bell – Aye; T. Grady – Aye; J. Pimpare - Aye

**MOTION PASSES:** 4-0-0 Unanimous



**MOTION:** By Acting Chair Pimpare to issue a Certificate of Compliance for Stormwater Permit 20-32.  
**SECOND:** Member Ashton  
**ROLL CALL VOTE:** W. Ashton – Aye; T. Bell – Aye; T. Grady – Aye; J. Pimpare - Aye  
**MOTION PASSES:** 4-0-0 Unanimous

The Commission offered its appreciation to Acting Chair Pimpare and Member Grady for their service to the Conservation Commission as they step down from their positions.

With no further business to discuss a motion was made to close the public hearing for 6/30/22.

**MOTION:** By Acting Chair Pimpare to close the meeting of 6/30/22.  
**SECOND:** Member Bell  
**ROLL CALL VOTE:** W. Ashton – Aye; T. Bell – Aye; T. Grady – Aye; J. Pimpare - Aye  
**MOTION PASSES:** 4-0-0 Unanimous

**Meeting adjourned at 10:30 PM**