



APPROVED MINUTES

COHASSET CONSERVATION COMMISSION

DATE: THURSDAY, FEBRUARY 4, 2021 TIME: 6:00 PM

Meeting Held Via Zoom Platform

In Attendance:

Chris MacFarlane, Acting Chair
Maryanne Wetherald, Secretary
Eric Eisenhauer, Chair
Kathy Berigan, Member
Justin Pimpare, Member
Trish Grady, Member (joined at 6:30)
Tom Bell, Associate Member (joined at 6:30 pm)

Town Staff Present:

Jeffrey Summers, Conservation Agent
Angela Geso, Administrative Assistant, Recording Secretary

Absent

Heather Sites, Associate Member

Acting Chair MacFarlane opened the meeting at 6:00 pm

Roll Call Attendance: Berigan-aye; Eisenhauer-aye; MacFarlane-aye; Pimpare-aye; Wetherald-aye (5 Voting Members)

6.00 PM: Reorganization of Conservation Commission

Eric Eisenhauer is stepping down as Chair and the Commission needs to vote for his replacement.

MOTION: By Member Pimpare to nominate Vice Chair Macfarlane for Chair.
SECOND: By Chair Eisenhauer.
ROLL CALL VOTE: Berigan-aye; Eisenhauer-aye; Pimpare-aye; Wetherald-aye
VOTE: **4-0-1 Motion Passes** (*Macfarlane abstained*)

A vote was taken for the Vice Chair position vacated by Chair Macfarlane.

MOTION: By Chair Macfarlane to nominate Member Pimpare for Vice Chair.
SECOND: By Chair Eisenhauer.
(Member Pimpare declined the nomination)
MOTION: By Member Pimpare to nominate Maryanne Wetherald for Vice Chair.
SECOND: By Member Eisenhauer
ROLL CALL VOTE: Berigan-aye; Eisenhauer-aye; Pimpare-aye; Macfarlane-aye
VOTE: **4-0-1 Motion Passes** (*Wetherald abstained*)

6:05 pm: NOI 21-03, SWP 21-02 (87 Elm), NOI 21-04, SWP 21-03 (124 Elm) (Con't from 1/21/21)

In attendance to represent agenda item: John Cavanaro/Cavanaro Consulting; Attorney Adam Brodsky; Ted Lubitz & George McGoldrick/Applicants; Jennifer Ng/Landscape Designer; Tim Davis/Harbor Committee

Documents presented to support agenda item: Revised Landscape and Site Plans

Mr. Cavanaro discussed the areas between Margin Street and the Harbor and an area behind 87 Elm Street being turned into pervious green space with the addition of trees. Ms. Ng said there are existing healthy trees that could be transplanted in the area of Margin Street. She proposes replacing some grasses, shrubs and hedges with a total of 38 trees adding shade to the harbor walk without compromising the view corridor. Mr. Lubitz said healthy trees could also be transplanted at the Red Lion Inn property. As opposed to asphalt in parking areas near James Brook Mr. Cavanaro suggested a geo grid which is made of hard-shelled plastic to withstand pressure from vehicles,

provides a more level surface and is easier to maintain and replace than asphalt. He also showed a post integrated system at the seawall that doesn't obstruct views but keeps the public away from the seawall as a safety precaution. Chair Macfarlane asked if the majority of water within the 50-ft. and 100-ft. buffer zones infiltrates into the ground. Mr. Cavanaro said there is a large composite plan of catch basins, roof drains above and below ground which allows for some infiltration but a large amount of roof runoff goes into the harbor. Overall there is a 2,200 sq. ft. reduction in runoff between the 50-ft. and 100-ft. buffer zones. Concerns about the seawall at Margin Street being in poor condition were addressed. Mr. Cavanaro said an O&M plan for the sea wall will be in place once the demolition work in that area is done and a full evaluation can take place. The condo association will be responsible for maintaining the sea wall which Mr. Cavanaro feels is in the best interest of the association and applicants.

- MOTION:** By Member Pimpare to close the public hearing for NOI 21-03 and issue a variance for work within the 50-ft. buffer zone at 87 Elm Street.
- SECOND:** Member Eisenhauer
- ROLL CALL VOTE:** Berigan-aye; Eisenhauer-aye; MacFarlane-aye; Pimpare-aye; Wetherald-aye; Grady - aye (Member Grady joined the meeting at 6:20 pm)
- MOTION PASSES:** 6-0 Unanimous
- MOTION:** By Member Pimpare to close the public hearing for NOI 21-03, SWP 21-02 and issue an Order of Conditions for proposed work at 87 Elm Street with the following conditions:
- Intermediary mix to be of the same nature as what is currently used along James Brook
 - Create an interceptor trench at the limit of construction at the bottom of the hill to trap erosion and runoff
 - No portable toilets located next to James Brook
 - Approval of this NOI be subject to a revised site plan to be received by Conservation staff no later than close of business on February 19, 2021
 - The plan should be revised to designate an area for concrete trucks to perform truck washout processes
- SECOND:** Vice Chair Wetherald
- ROLL CALL VOTE:** Berigan-aye; Eisenhauer-aye; MacFarlane-aye; Pimpare-aye; Wetherald-aye; Grady - aye
- MOTION PASSES:** 6-0 Unanimous
- MOTION:** By Member Pimpare to issue close the public hearing and issue Stormwater Permit 21-02 for proposed work at 87 Elm Street.
- SECOND:** Member Eisenhauer
- ROLL CALL VOTE:** Berigan-aye; Eisenhauer-aye; MacFarlane-aye; Pimpare-aye; Wetherald-aye; Grady - aye
- MOTION PASSES:** 6-0 Unanimous
- MOTION:** By Member Pimpare to close the public hearing for NOI 21-04 and issue a variance for work within the 50-ft. buffer zone for proposed work at 124 Elm Street.
- SECOND:** Member Eisenhauer
- ROLL CALL VOTE:** Berigan-aye; Eisenhauer-aye; MacFarlane-aye; Pimpare-aye; Wetherald-aye; Grady - aye (Member Grady joined the meeting at 6:20 pm)
- MOTION PASSES:** 6-0 Unanimous
- MOTION:** By Member Pimpare to close the public hearing for NOI 21-04 and issue an Order of Conditions for proposed work at 124 Elm Street with the following conditions:
- An Operation and Maintenance Plan (O&M) be submitted for the coastal bank in the event of structural damage after the construction
 - Trees along Elm Street be transplanted

- The plan should be revised to designate an area for concrete trucks to perform truck washout processes

SECOND: Member Eisenhauer
ROLL CALL VOTE: Berigan-aye; Eisenhauer-aye; MacFarlane-aye; Pimpare-aye; Wetherald-aye; Grady -aye (Member Grady joined the meeting at 6:20 pm)
MOTION PASSES: 6-0 Unanimous

MOTION: By Member Pimpare to issue close the public hearing and issue Stormwater Permit 21-03 for proposed work at 124 Elm Street.
SECOND: Member Eisenhauer
ROLL CALL VOTE: Berigan-aye; Eisenhauer-aye; MacFarlane-aye; Pimpare-aye; Wetherald-aye; Grady -aye
MOTION PASSES: 6-0 Unanimous

6:45 PM **RDA 21-03, 397 Beechwood Street, Septic Installation, Ferreira**

In attendance to represent agenda item: Jeff Hassett and Greg Morse/Morse Engineering

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

An existing cesspool system failed the Title V inspection so a new septic system including a 1500-gallon tank, distribution box and leaching field is being installed to the rear of the property. All work is outside the 50-ft. buffer zone. The cesspool will be decommissioned. The new system is gravity-fed and requires no pumps or relocation on utilities. Greg Morse said the leaching field is 3-feet above the groundwater table.

MOTION: By Member Pimpare to close the public hearing for RDA 21-03 and issue a **Negative 3 Determination of Applicability with a silt sock to be extended to the 100-ft. buffer zone.**
SECOND: Member Grady
ROLL CALL VOTE: Berigan-aye; Eisenhauer-aye; MacFarlane-aye; Pimpare-aye; Wetherald-aye; Grady -aye
MOTION PASSES: 6-0 Unanimous

6:55 PM: **SWP 21-06: (Lot 32) 4 Windy Hill Rd – New Construction -Eames Management**

In attendance to represent agenda item: Jeff Hassett and Greg/Morse Engineering

Documents presented to support agenda item: Revised Site Plans; Planting Schedule

(Member Berigan recused herself from the hearing)

Two large underground infiltration systems (front and back) set in crushed stone will capture roof and driveway runoff. Roof gutters and downspouts will feed into these systems. No trees being removed are over 12-ft. diameter including those outside of the 100-ft. buffer zone that are not in the purview of the commission. Trees currently in the southwest corner of the site will remain and there will be some grading in that area. An erosion barrier will be staked prior to construction. Twenty-eight (28) new trees will be planted. Any trees and vegetation beyond the wooded area and Jerusalem Road will remain undisturbed.

Abutter Patricia Moran of 646 Jerusalem Road (Clifftop Condos) has concerns about proposed tree and ledge removal causing an increase in runoff. Mr. Hassett said that the home is designed to limit ledge removal. A 3-car garage and breezeway will be built on a slab. The main dwelling will have basement ledge removal only on the upper side. Drainage is being directed away from 646 Jerusalem Road so the impact will be limited.

Mr. Hassett is prepared to start staking out the silt sock and property line next week. He can tighten up the limit of work to the bottom of the grading and retain or add landscaping. There may be a limited amount of blasting that will be coordinated through the Cohasset Fire Department.

HEARING CONTINUED TO 2/25/21 SITE VISIT SET FOR 8 AM ON FRIDAY, FEB 12

7:35 PM: **NOI 21-06, SWP 21-07, 1 Pleasant St – Commercial Redevelopment, Marvell Properties**

In attendance to represent agenda item: Jeff Hassett and Greg/Morse Engineering; Paul Sheerin/Applicant; Brad Holmes/Environmental Consultant

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

This is an application for development in the Village Business Overlay District. The existing site is 38,249 sq. ft. and

is mostly upland area. There is an intermittent stream on site. The utilities will come in from Pleasant Street. Runoff goes into a culvert and follows James Brook to the harbor area. There will be landscaping work within the 100-ft. buffer zone and no work within the 50-ft. buffer zone. The project consists of 14 residential units on the second and third floors with retail and commercial space on the first level. The units will be serviced by a parking lot on site. A roof runoff system will be directed into chambers in back of the building. There will be two catch basins in the parking lot where runoff will be diverted through a manhole to the James Brook culvert. Landscaping will run along the lot line and parking lot and the applicant will revegetate where needed. Six maple trees 6-in. to 12-in. diameter may be cut down. Agent Summers said the existing catch basin is owned by the town and the applicant will need to get permission from the Department of Public Works. Agent Summers says there is an area around the intermittent stream but he doesn't believe it's wetlands. Chair Macfarlane said the vegetation in this area is similar to wetland vegetation and questioned if the area has in effect become an Isolated Vegetated Wetland. A third party review done in 2018 for another project showed no issues with wetlands. Member Grady would like a new third party review done.

MOTION: By Member Pimpare to obtain a third party review for wetlands delineation at 1 Pleasant Street with Agent Summers and Chair Macfarlane choosing the reviewer.
SECOND: Member Grady
ROLL CALL VOTE: Berigan-aye; Eisenhower-aye; MacFarlane-aye; Pimpare-aye; Wetherald-aye; Grady - aye
MOTION PASSES: 6-0 Unanimous

HEARING CONTINUED TO 3/25/21

7:55 PM **NOI 21-02, SWP 21-01 102 Howe Rd; New Construction (Con't from 1/7/21)**

In attendance to represent agenda item: Jeff Hassett/Morse Engineering;

Documents presented to support agenda item: Notice of Intent Application; Site Plans

Mr. Hassett reports that no changes or modifications took place since the last meeting. The limit of work has been staked and trees to be kept or removed have been designated. The driveway has been updated to provide access to 726 Jerusalem Road. There were 4 dead trees along the driveway that were removed. Agent Summers stated the MA Wetland Protection Act allows an exemption for work involving a driveway when it involves access to an additional dwelling. Member Pimpare feels the driveway should be stabilized before work progresses to accommodate heavy equipment involved in the site preparation and construction of the home. Chair Macfarlane asked that a layer of gravel be placed on the driveway prior to construction to minimize compaction of tree roots by heavy equipment.

MOTION: By Member Pimpare to close the public hearing for Notice of Intent 21-02 and issue a variance for work within the 50-ft. buffer zone at 102 Howe Road.

SECOND: Member Eisenhower

ROLL CALL VOTE: Berigan-aye; Eisenhower-aye; MacFarlane-aye; Pimpare-aye; Wetherald-aye; Grady - aye

MOTION PASSES: 6-0 Unanimous

MOTION: By Member Pimpare to close the public hearing for Notice of Intent 21-02 and issue an Order of Conditions for work proposed at 102 Howe Road.

SECOND: Vice Chair Wetherald

ROLL CALL VOTE: Berigan-aye; Eisenhower-aye; MacFarlane-aye; Pimpare-aye; Wetherald-aye; Grady - aye

MOTION PASSES: 6-0 Unanimous

MOTION: By Member Pimpare to issue Stormwater Permit 21-01 for work proposed at 102 Howe Road.

SECOND: Member Eisenhower

ROLL CALL VOTE: Berigan-aye; Eisenhower-aye; MacFarlane-aye; Pimpare-aye; Wetherald-aye; Grady - aye

MOTION PASSES: 6-0 Unanimous

7:20 PM: NOI 20-21, SWP 20-29 LOT C DOLAN FROM 1/7/21

In attendance to represent agenda item: Jeff Hassett/Morse Engineering; Brad Holms/Environmental Consultants; Attorney Jeff DeLisi

Documents presented to support agenda item: Revised Plans

Some work has been moved further away from protected areas. This road is the only way to enter the property. Agent Summers explained that determining whether this is an Isolated Vegetated Wetland (IVW) or Bordering Vegetated Wetland (BVW) come down to a pipe in the road (hydrologic connection) in an area that was paved by the town in 2015. There is no indication of who is responsible for installing the pipe and it seems the work was unpermitted. The owner has an option to remove the pipe, incapacitate it to disfunction, or keep the connect and improve or maintain it as it is functioning properly. Member Eisenhauer did a site visit after recent rain showers and feels that if the pipe wasn't there that water would've flooded over towards the marsh area. He feels the pipe serves a vital function and shouldn't be removed. Mr. Holmes said that while in the course of his delineation he did not see a pipe, he does not dispute that there is a pipe. He feels the pipe is most likely undersized and not functioning correctly. Mr. Holmes feels the BVW was always there and either naturally extended or was forced by the driveway into an IVW. Member Pimpare said that the driveway could be moved out further from the buffer zone but would require ledge removal and could cause further damage. He also said the IVW acts as an IVW for the greater portion of a year and only acts as a BVW during extreme events and suggested removing the pipe and dealing with the extreme days when it happens. Member Eisenhauer feels that the upper homes would be impacted if the pipe is removed and the road accessing these homes would eventually be washed out but Member Pimpare feels the commission is responsible only for stormwater leaving the site and not for anything further. Chair Macfarlane said the bylaws say no alterations to be done in the 50-ft. buffer zone except to allow for crossing over resources. The commission was polled to determine how to proceed and the consensus was to decide what is an IVW or a BVW and move forward from there. Agent Summers stated an ecological restoration is when the primary work is restoring the resource area which is not the case with this project but restoration can be incorporated into this project if the area of work expands to other properties.

HEARING CONTINUED TO 2/25/21

8:30 PM: (11) RDA 21-02, 15 DIAB LANE – LANDSCAPING *Con't to 2/4/21 per applicant's request*

CERTIFICATE OF COMPLIANCE

231 South Main Street – Septic Upgrade – Selling house, need certificate

MOTION: By Member Pimpare to issue a Certificate of Compliance for a septic upgrade at 231 South Main Street.

SECOND: Member Eisenhauer

ROLL CALL VOTE: Berigan-aye; Eisenhauer-aye; MacFarlane-aye; Pimpare-aye; Wetherald-aye; Grady -aye

MOTION PASSES: 6-0 Unanimous

APPROVAL OF MINUTES

MOTION: By Member Pimpare to approve the minutes of December 3, 2020 and January 21, 2021.

SECOND: Member Eisenhauer

ROLL CALL VOTE: Berigan-aye; Eisenhauer-aye; MacFarlane-aye; Pimpare-aye; Wetherald-aye; Grady -aye

MOTION PASSES: 6-0 Unanimous

With no other business to discuss motion to adjourn was made by Member Pimpare, 2nd by Member Grady and passed by a unanimous roll call vote of 6-0.

Berigan – aye; Grady – aye; Pimpare- aye; Wetherald- aye; MacFarlane – aye; Eisenhauer - aye

Meeting adjourned at 11:20 pm.