



APPROVED MINUTES
CONSERVATION COMMISSION MEETING
DATE: 3/2/23 TIME: 6:30 PM

MEMBERS IN ATTENDANCE:

Will Ashton (WA), Member*
Kathy Berigan (KB), Secretary
Chris Macfarlane (CM), Chair
Chris McIntyre (CI), Member
Tom Bell (TB), Vice Chair
Eric Eisenhauer (EE), Member**

STAFF IN ATTENDANCE:

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

**Will Ashton out from 7 pm to 8 pm*

***Eric Eisenhauer out until 7:45 pm*

6:30 pm: OPEN MEETING ~ CALL TO ORDER

**Roll Call Attendance: W. Ashton – Aye; K. Berigan – Aye; T. Bell – Aye;
C. McIntyre – Aye; C. Macfarlane – Aye 5 Voting Members**

ABBREVIATIONS USED:

NOI (Notice of Intent); RDA (Request for Determination of Applicability); LSCSF (Land Subject to Coastal Storm Flowage); SWP (Stormwater Permit); R-O-W (Right of Way); IVW (Isolated Vegetated Wetland)

NOI 23-07 Annual Maintenance – Sandy Beach (con't to 3/23/23)

EMERGENCY CERTIFICATION: 63 Nichols Road – Causeway Wall Collapse

On Friday morning, February 17, a portion of the wall at 63 Nichols collapsed into the causeway. Only this portion will be repaired. A culvert further up the road needed erosion controls. The repair work will be done within 30 days. Landscape Architect Sean Papich and Brendan Sullivan of Merrill Engineering are working on the project. The applicant has submitted an NOI to do the work. CP cited a previous NOI and SWP from 2019 that said granite posts and fencing along the causeway would be replaced but that the NOI has expired. The Emergency Certification work is only for the damaged section of the wall. A new NOI will be filed for additional wall work. The repair crew is working only under low tide and there is no work in the saltmarsh. They have brought in an excavator, but it will be above the resource area.

MOTION: By Chair Macfarlane to approve the proposed work at 63 Nichols Road and ratify the work prior to 3/19/23.

SECOND: Vice Chair Bell

**ROLL CALL VOTE: W. Ashton – Aye; K. Berigan – Aye; T. Bell – Aye;
C. McIntyre – Aye; C. Macfarlane – Aye 5 Voting Members**

MOTION PASSES: 5-0-0 Unanimous

RDA 23-02: Wheelwright Park – Turtle Ramp: Emma Thornton and Miya Bishop

In attendance: Emma Thornton (ET), Miya Bishop (MB)

Documents Presented: Site Plan

The ramp is located in the southeast corner of the skating pond and consists of rocks from surrounding areas to support the ramp being used by turtles to navigate the pond. CI asked if the turtles being stuck is the reason for the ramp and was told it was. KB said she saw two (2) different designs for ramps and was told by ET and MB that the first plan included larger rocks that could ruin the ecosystem so they are using smaller rocks, a plank of wood and a hinge for the ramp. Water moves decently throughout the ramp area. CP said regarding maintenance that the stone solution is more natural and requires little maintenance. MB said the native turtles in the area include snapping and basking turtles. ET said they are putting in a longer log for the turtles to be able to bask. There are also stone islands in the skating pond for the turtles. CP said a tree that fell into the pond provides some surface area for sunning.

MOTION: By Chair Macfarlane to issue a Negative 2 determination for RDA 23-02 for a turtle ramp at Wheelwright Park with a recommendation that stones be gathered from outside of 100-ft. and an island with the ramp being constructed.

SECOND: Member McIntyre

ROLL CALL VOTE: W. Ashton – Aye; K. Berigan – Aye; T. Bell – Aye;
C. McIntyre – Aye; C. Macfarlane – Aye 5 Voting Members

MOTION PASSES: 5-0-0 Unanimous

MOTION: By Chair Macfarlane to issue a variance for work within the buffer zone from a resource area for a turtle ramp at Wheelwright Park.

SECOND: Member McIntyre

ROLL CALL VOTE: W. Ashton – Aye; K. Berigan – Aye; T. Bell – Aye;
C. McIntyre – Aye; C. Macfarlane – Aye 5 Voting Members

MOTION PASSES: 5-0-0 Unanimous

Member Ashton stepped away from the hearing and Member Eisenhauer rejoined the hearing so there are still five (5) voting members.

RDA 23-03: North Main Street: Lighting to Little League Fields – Souza

In attendance: Darin Souza (DS)/Representative; Jeremy Williams (JW)/Abutter

Documents Presented: Site Plan

This application has already been approved by the Select Board. The site plan shows minimal work within the 100 ft. buffer zone and a single pole for trenching. All other work is outside the 100-ft. buffer zone. The area is pre-disturbed and altered. There will be no tree cutting and no removal of vegetation. A hole is being dug for positioning a light bulb and a small 18" w. x 18" d. trench. All lighting is dark star lighting. The lights will be in use from 7 pm to 9 pm and will be automatically turned off by 9:30 pm. The service is a conduit that goes around the field to minimize impact. It is standard practice to circumvent the field. The lights will have a manual cutoff as well as an auto shutoff. The illumination will be directed onto the playing field with shields on all sides. DS said the photo metrics went beyond the area of the playing field and the lights will not operate until mid-May with the season beginning in late April. Natural light will be used whenever possible. There are no light spills in areas beyond the fields. JW said the neighbors monitor the usage as asked why the teams don't just play earlier and not use lights. DS said the field is at full capacity all day during the weekends. It is a growing program but well-

managed. Besides, the lights are on for a limited time during the spring and summer and don't have that much effect on the lighting. Town Counsel had said that the lights are limited to stormwater management and wetlands protection, but they are not within the commission's purview. CP asked if the commission wanted erosion controls as a condition. TB hoped to see the conduit routed from south to the northwest rather than trenching and DS said it's acceptable, so TB added it as a condition.

MOTION: By Chair Macfarlane to close the public hearing and issue a Negative 3 Determination with the condition that the conduit between the lights in center and right field gets rerouted behind the backstop at North Main Street.

SECOND: Vice Chair Bell

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

MOTION PASSES: 5-0-1 (*Member Ashton missed the vote*)

MOTION: By Chair Macfarlane to issue a variance for work within the 100-ft. buffer of a vernal pool.

SECOND: Vice Chair Bell

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

MOTION PASSES: 5-0-1 (*Member Ashton missed the vote*)

MOTION: By Chair Macfarlane to issue a variance for work within the buffer zone of a potential vernal pool at North Main Street.

SECOND: Member McIntyre

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

MOTION PASSES: 5-0-1 (*Member Ashton missed the vote*)

NOI 23-06: 85 Jerusalem Road –Deck, Landscaping - Munro

In attendance: Bart Lipinski (BL)/Landscape Architect, Grady Engineering; Yvonne Munro (YM)/Applicant

Documents presented: Site Plans, Landscape and Deck Plans

BL said that all the work will be to the rear of the home with minor grading to create a fire pit. The first floor has a deck which is 18-ft. higher than the bottom of the property. Deck posts and footings need to be replaced. BL proposed a way to protect the footings by building a natural boulder wall around the perimeter of the above deck. New posts will be used to install a smaller deck at the bump-out area underneath. Rear steps will be added and there will be fill under the existing deck. Proposed planting areas are currently lawn with a lot of natural stone and mulch for plant beds. All grading will be outside the FEMA flood line. There will be no trees removed and some shrubs in the upper lawn area. A steep back lawn will be made more usable. CM asked about the outline of the deck and was told there is no change. Most of the work is under the existing deck. CM said the yard is steep coming from the house and the grass functions only as a buffer to keep phragmites off the hill. The area under the upper deck is gravel but BL wants to make it usable with native plants and an improved look. BL is counting all plantings as

mitigation. EE requested a site visit because he is not clear with the drawings being used and wants clarification on the buffer zone. CM said there can be no vote without a DEP number.

PUBLIC HEARING CONTINUED TO 3/23/23 WITH SITE VISIT PRIOR TO HEARING

NOI 23-09: 78 Nichols Rd – Landscaping - Warendorf

In attendance: Paul Bakis (PB)/Grady Engineering; Nick Warendorf (NW)/Applicant; Kevin Flaherty (KF)/Abutter;

Documents presented: Site and Landscaping Plans

The applicant proposes to remove the existing lawn and replace it with natives plants. The project is within 100-ft. of a salt pond and is within LSCSF. They are removing bamboo, poison ivy and four (4) trees in front with selective tree trimming within the 100-ft. buffer zone. PB described the project as replacement of a first level deck, a retaining wall, a 12-in. drywell to work between the 50-ft. and 100-ft. buffer zone, and a footbridge. There will be a silt sock along the limits of work within the 100-ft. buffer zone. The plan shows two side-by-side r-o-w areas. CM asked if the boundary of a r-o-w is a setback or something to do with the easement. PB said the dashed line on the plan is the limit of the r-o-w. The applicant has rights within the first r-o-w and has to confirm with a surveyor if there are rights to the second r-o-w. NW said the r-o-w furthest from the house is accessed by a culvert to which the town has access. The other r-o-w is maintained as lawn. TB said it looks like the r-o-w goes right to the street with a pathway to the left. Both NW and abutter KF said they have joint rights to the r-o-w unless testimony is offered to correct that. CM said there will be no regrading of the site and the lawn will be covered. PB said the variance gives them the benefit to work within the 50-ft. buffer zone, improve erosion control and help with the removal of invasives species from the trees. CP said the trees in front are proposed to be removed and they are out of the 100-ft. buffer zone. CP said the trees are within our jurisdiction but those under 12-in. in caliper come under stormwater and we are not doing a stormwater permit for this application.

ABUTTER COMMENTS: KF said he just became aware of a r-o-w between two (2) homes that is accessible to other residents according to their deed. They were away during the preliminary preparation and have asked to be given more time to view the plans and to assure the deeded rights will be maintained. KF said there is a set of stairs over some rocks on the path and the residents walk across the grass. CM said somewhere in the 11-ft. between the center line is where the residents cut through and he is concerned that the proposed landscaped area would block access. KF does not want to crush access but wants to maintain their access and have use of the water. NW reached out to KF prior to his being away and said his intent is not to impede but to improve the r-o-w as the area is steep and overgrown with poison and other invasives. He wants to know if it would be feasible to improve the area with the existing conditions. CM said the poison ivy will be removed by hand. KF wants to further discuss things with NW before our next meeting.

PUBLIC HEARING CONTINUED TO 3/23/23

Member Ashton returned to the hearing so there are now six (6) voting members.

NOI 23-08 60 Hobart Lane – Patio and Driveway - Norris

In attendance: Carmen Hudson (CH)/Merrill Engineering; Susanne Norris (SN)/Applicant; Ashley Baskin (AB)/Landscape Architect

Documents presented: Site Plan, Abutters Letters of Support

The applicant is proposing to install a pervious pea stone patio and remove a portion of the neighbor's driveway that encroaches on the Norris' property. CH said it's a large piece of property with a coastal beach and coastal dune in the rear of the property. There is also an IVW located on the site. The entire site is within the flood plain except for the area where the house

and other structures are located. This project consists of adding pavers near the bluestone patio, putting in a landscape wall with steps and replacing 2,100 sq. ft. of lawn with a pervious patio. A portion of the pavement from the abutter's house is being removed as it's currently on the Norris property. Another patio and a fireplace will also be put in. The total increase of impervious area is less than 300 sq. ft. There is an increase of impervious surface within the area of LSCSF. CM said where the applicant is altering a previously disturbed LSCSF the project will need a variance..

MOTION: By Chair Macfarlane to close the public hearing and issue an Order of Conditions for NOI 23-08 at 60 Hobart Lane.
SECOND: By Member Eisenhauer
ROLL CALL VOTE: W. Ashton – Aye; K. Berigan – Aye; T. Bell – Aye; C. McIntyre – Aye; C. Macfarlane – Aye; E. Eisenhauer
MOTION PASSES: 6-0-0 Unanimous

MOTION: By Chair Macfarlane to issue a variance for doing greater than 1,000 sq. ft. of alteration.
SECOND: By Member McIntyre
ROLL CALL VOTE: W. Ashton – Aye; K. Berigan – Aye; T. Bell – Aye; C. McIntyre – Aye; C. Macfarlane – Aye; E. Eisenhauer
MOTION PASSES: 6-0-0 Unanimous

MOTION: By Chair Macfarlane for work w/in 50-ft. buffer to coastal dune to replace some plantings.
SECOND Vice Chair Bell
ROLL CALL VOTE: W. Ashton – Aye; K. Berigan – Aye; T. Bell – Aye; C. McIntyre – Aye; C. Macfarlane – Aye; E. Eisenhauer
MOTION PASSES: 6-0-0 Unanimous

SWP 23-05 : 724 Jerusalem Rd – Raze and Rebuild - Cotrupi

In attendance: Jeff Hassett (JH)/Morse Engineering; Anthony Cotrupi (AC)/Applicant

Documents presented: Stormwater Calculations, Site Plan

The applicant proposes to raze the existing home and rebuild a new single family dwelling with garage. The dwelling will be moved back about 18-ft. The runoff will go into three (3) drywell systems with test pits in each one. The driveway has been expanded by 400 sq. ft. The only increase in impervious surfaces is 582 sq. ft. The patio will be pervious and they are also adding a stone trench. KB asked if any ledge will be removed and JH said only for the foundation. CP said she saw wood-chipped areas and trees removed but clarified with the owners that the trees were damaged in the October 2021 storm. No trees will be removed during construction.

MOTION: By Chair Macfarlane to issue a Stormwater Permit for a raze and rebuild project at 724 Jerusalem Road.
SECOND: Member Ashton
ROLL CALL VOTE: W. Ashton – Aye; K. Berigan – Aye; T. Bell – Aye; C. McIntyre – Aye; C. Macfarlane – Aye; E. Eisenhauer - Abstain
MOTION PASSES: 5-0-1 *Member Eisenhauer abstains*

Show Cause: 692 Jerusalem Road (con't to 4/6/23)

Certificates of Compliance:

187 Atlantic Avenue – con't to 5/11/23

34 Bancroft Road – need to finish regrading and restoration – con't to 3/23/23

NOI 95-13 and NOI 97-18, Ledgewood Drive: CP recommended issuing partial certificates. Of the existing lots, two of the four were closed out but the other two remain. Of the remaining lots, only Lot 4 shows work. The attorney has requested a partial Certificate of Compliance for Lot 6 and cited a “statute of repose” for the lot as it is outside of a 3-year time limit for the current owner. If the property were to be sold to a new owner, the statute would restart.

MOTION: By Chair Macfarlane to issue a partial Certificate of Compliance for Lot 6 of Ledge Way.

SECOND: By Vice Chair Bell

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

MOTION PASSES: 6-0-0 Unanimous

Agent Updates:

- **Blasting Permits** are issued by the Fire Department
- **40 Parker Ave/Boat Ramp:** The ramp is finished and the contractor will install concrete pre-cast to be used. The project should be finished by June 2023.
- **C22-026, 147 South Main Street:** The Cohasset Police Department received a chain of command call saying that the owner cut down a large tree. The applicant will be coming in for a Show Cause hearing.
- **205 Atlantic Avenue:** This home now has a new owner and any changes to the site plan must come back before the commission. The engineer indicated the changes are not minor and might generate a new NOI.

With no further business to discuss a motion was made to adjourn.

MOTION: By Chair Macfarlane to adjourn the Conservation meeting of 3/2/23.

SECOND: By Member Berigan

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

MOTION PASSES: 6-0-0 Unanimous

Meeting adjourned at 9:35 pm