



**APPROVED MINUTES**  
**COHASSET CONSERVATION COMMISSION MEETING**  
**DATE: 3/11/21 TIME: 6:30 PM**  
**MEETING PRESENTED ON A ZOOM PLATFORM**

**MEMBERS IN ATTENDANCE;**

Chris Macfarlane, Chair  
Maryanne Wetherald, Vice Chair  
Patricia Grady, Member  
Kathleen Berigan, Member  
Eric Eisenhauer, Member  
Justin Pimpare, Member

**STAFF IN ATTENDANCE:**

Jeffrey Summers, Conservation Agent  
Angela Geso, Conservation Administrator

**ASSOCIATE MEMBERS IN ATTENDANCE**

Thomas Bell  
Heather Sites

**6:35 PM: Call to Order**  
**Roll Call Attendance: Chris Macfarlane - Aye; Patricia Grady - Aye; Maryanne Wetherald - Aye; Kathleen Berigan - Aye; Eric Eisenhauer - Aye; Justin Pimpare - Aye; Tom Bell - Aye; Heather Sites-Aye**

**6:35 PM: NOI 21-12: 46 Gammons Rd – Inground Pool and Patio - Standish**

**In attendance to represent agenda item:** John Cavanaro/Cavanaro Consulting

**Documents presented to support agenda item:** NOI Application and Plan

The applicant wants to remove ledge outcroppings in the lawn area where the pool will be sited. An existing retaining wall located on the lawn will be removed and replaced by a lower retaining wall. There is a coastal bank being the most restrictive feature of the site. Agent Summers said there is no work proposed inside the 50-ft. buffer zone other than laying a silt sock along the perimeter of the work. No trees will be removed. The patio will be made of impervious pavers.

**MOTION: By Member Pimpare to close the public hearing and issue an Order of Conditions for NOI 21-12 for work proposed at 46 Gammons Road.**  
**SECOND: Vice Chair Wetherald**  
**ROLL CALL VOTE: Chris Macfarlane - Aye; Patricia Grady - Aye; Maryanne Wetherald - Aye; Kathleen Berigan - Aye; Eric Eisenhauer - Aye; Justin Pimpare - Aye;**  
**MOTION PASSES: 6-0 Unanimous**

**6:50 PM: NOI 18-08 – 126-128 Forest Ave – Extend Order of Conditions – move to 4/8/21**

**6:51 PM: RDA 21-04 – 30 Whitehead Rd – New Shed, Rebuild Garage -Bodell**  
**In attendance to represent agenda item: James Bodell/Applicant;**

**Documents presented to support agenda item: RDA Application**

The applicant wants to expand an existing garage and add a breezeway. Agent Summers said there is a Bordering Vegetated Wetland (BVW) in the back of the property and an Isolated Vegetated Wetland (IVW) to the side of the home. The only additional footprint on the ground will be in the garage area where there is mostly asphalt. The current footprint is between the 50-ft and 100-ft. buffer zone. The shed will be inside the 100-ft. buffer zone due to the 30-ft. setback requirement and is also within the 25-ft. buffer zone to the elevated IVW. Member Eisenhauer asked about siting the shed outside of the buffer zone. Mr. Bodell said the area has already been altered and the shed will be raised 8-ft. higher than the wetland area. Member Eisenhauer asked where the shed would be located if the application is not approved? Mr. Bodell said moving shed to the left would be closer to the 50-ft. buffer zone, would involve tree removal and would require a zoning variance. Mr. Bodell plans on using concrete piers and if any ledge is hit, he would pin into the ledge rather than remove it. Chair Macfarlane suggested siting the shed outside of the 25-ft. buffer zone in an area that has previously been disturbed. Mr. Bodell would revegetate the disturbed areas as needed. Member Pimpare feels this project should be a Notice of Intent rather than a Request for Determination of Applicability and wants to see a more detailed drawing of the area. Agent Summers said the 25-ft. buffer zone to the IVW is protected by a town bylaw only and not under the Wetlands Protection Act. Member Berigan asked if the dimensions of the shed could be removed from the 25-ft. buffer zone by changing the dimensions of the shed. Chair Macfarlane asked for a more detailed plan.

**HEARING CONTINUED TO 3/25/21: REVISED PLANS DUE TO STAFF BY 3/18/21.**

**7:15 PM: SWP 21-06 – 32 Windy Hill – Moved to 3/25/21 per applicant request**

**7:16 PM: NOI 21-07 – 99 Border St – Deck, Patio and Stairs – McKenna**

**In attendance to represent agenda item:** Jeff Hassett/Morse Engineering; Chris McKenna/Applicant

**Documents presented to support agenda item:** NOI Application, Site Plan

The purpose of this proposal is to stabilize the property. The applicant proposed to build a rear deck, add steps to a pervious patio and to an existing dock. There is a previous plan from 2017 from the former owner that Member Pimpare sees as relevant to the new proposal and feels the project currently in front of the commission involves stabilization of the existing bank and that removing trees could prove detrimental. The previous project showed no disturbance to the rear of the house. Chair Macfarlane feels that where nothing was previously proposed it shouldn't come into play for the new hearing and he questioned if there was any impact to the resource area. Member Pimpare wanted to refer to the Order of Conditions (OOC) from the NOI issued in 2017 but Agent Summers said the only condition was about trees remaining. Mr. Hassett said the area had been landscaped and hardscaped but the previous owner clear-cut the property. Agent Summers said the project has been abandoned without any replication but the OOC runs with the land so the new owner assumes responsibility to honor it. Applicant McKenna requests to do upgrades based on a new OOC in place of the prior one and to remove one tree that appears to be unhealthy. Member Eisenhauer requested a third party review by an arborist to determine the status of the existing tree.

**MOTION:** By Member Pimpare to request a 3<sup>rd</sup> party peer review for assessment of the 22-inch tree to be removed at the rear of the property and that the cost be assumed by the applicant.

**SECOND:** By Vice Chair Wetherald

**ROLL CALL VOTE:** 5-1 Chris Macfarlane – Nay; Patricia Grady - Aye; Maryanne Wetherald - Aye; Kathleen Berigan - Aye; Eric Eisenhauer - Aye; Justin Pimpare - Aye;

**MOTION PASSES:** 5-1-0 (Chair Macfarlane in opposition)

**HEARING CONTINUED TO 3/25/21 PENDING ARBORIST'S REVIEW**

**7:35 PM: NOI 21-08 – 73 Atlantic Ave- New Barn & Paddocks/Rebuild Garage - Sullivan**

**In attendance to represent agenda item:** Jeff Hassett/Morse Engineering; Jim Kelliher/Axiom; Brad Holmes/Environmental Consulting

**Documents presented to support agenda item:** NOI Application, Site Plans

The applicant wants to construct a horse barn and paddocks for private use only. The garage will be rebuilt to the same footprint. All work proposed in within the limit of erosion barriers and in previously disturbed land. Mr. Hassett said there is demarcation of areas subject to flooding and there will be no filling in this area or in the paddock area. There will be a berm downgrade of the paddocks where manure and urine runoff would be captured and the area will be well-maintained. Agent Summers did some research on this issue and found that a one-day removal for manure is sufficient but there is less information about urine. He did find that a vegetated buffer is a good deterrent. Mr. Holmes wants the vegetation to remain as a berm and swale to keep out phragmites and be maintained.

Commission members expressed concern over nitrates and if the water perc's too quickly the nitrates won't break down. Near the garage there is an open porch on posts with a weathertight roof but no walls or floors. It serves as a temporary shelter for the horses to get out of the sun without climbing the hill to the paddocks. Vice Chair Wetherald is reluctant to consider this project without more information and wants time to digest what has been discussed to date.

**HEARING CONTINUED TO MARCH 25, 2021**

**7:55 PM: NOI 21-11 – 187 Atlantic Ave – Boardwalk, Invasive Species Removal – Schwandt**

**In attendance to represent agenda item:** Jeff Hassett/Morse Engineering; Brad Holmes/Environmental Consulting; Rob and Lynn Schwandt/Applicants

**Documents presented to support agenda item:** NOI Application and Plans

The property being discussed has no frontage on the water but has a walkway that leads to Little Harbor. The applicants want to remove a current boardwalk and install a raised walkway 2.5-ft. wide and 2.5-ft. off the ground and with decking to allow light filtration. They want to remove growth that is overtaking the front area and allow native vegetations to be restored. Member Eisenhauer asked why they aren't removing phragmites rather than the existing growth. Mr. Hassett said that would require herbicides and the commission is not in favor of using chemicals. He also stated the walkway was there in 2018 but the right-of-way goes back to 1969. Member Eisenhauer feels that the applicants are going in there to destroy anything they consider invasive with no flagging and nothing based in fact. Member Pimpare asked if the project will leave the wetlands in better condition and have no adverse effect on an area that is already disturbed.

**MOTION: By Member Pimpare to close the public hearing for Notice of Intent 21-11 and issue an Order of Conditions for 187 Atlantic Avenue with the following conditions:**

- 1. Removal of invasives done by hand only**
- 2. Planting will have periodic checks at the site done by Agent Summers**
- 3. An annual report be submitted to the Conservation Commission by December 15 for 2021 through 2023 (3 years) updating the conditions on site**
- 4. A planting plan be submitted for invasive plant removal**
- 5. Invasive areas be revegetated to industrial level standards (75% density of plants)**
- 6. No herbicides or other chemicals be used for removal of invasives**

**SECOND: By Member Grady**

**ROLL CALL VOTE: Chris Macfarlane – Aye; Patricia Grady - Aye; Maryanne Wetherald – Abstain; Kathleen Berigan - Aye; Eric Eisenhauer - Nay; Justin Pimpare - Aye;**

**MOTION PASSES: 4-1-1 (Member Eisenhauer in opposition; Vice Chair Wetherald abstains)**

**8:10 PM: NOI 21-10 – 183 Atlantic Ave –Boardwalk, Replication/Restoration – Fernando Chair Macfarlane recused himself; Vice Chair Wetherald took over the Chair**

**In attendance to represent agenda item:** Jeff Hassett/Morse Engineering; Brad Holmes/Environmental Consulting;

**Documents presented to support agenda item:** NOI Application, Site Plans

The applicants are proposing a 100-ft. long walkway to an upland knoll and a 35-ft. long walkway through a path and down to the ocean. An enforcement order was issued for unpermitted work that involved clearing a path on their property and the applicants were advised to file a mitigation plan. Mr. Hassett said some restoration work and vegetation removal was done by hand but the grading was not affected. A layer of mulch was suggested for the path but there were concerns that the mulch would scatter so Mr. Hassett said to leave the path as is. There is no removal of invasives proposed but there will be routine maintenance to keep them contained. Agent Summers said that the work proposed in the new NOI filing will negate the enforcement order as there weren't a lot of trees removed and the replanting plan will solve the concerns as presented. Member Pimpare requested a written narrative of the project to account for environmental impacts before a permit is issued.

**HEARING CONTINUED TO MARCH 25, 2021**

**8:25 PM: (11:15) NOI 20-21, SWP 20-29 – Lot C, Dolan Lane – Driveway/New Home Construction Lot C Dolan Lane Realty Trust**

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

**Documents presented to support agenda item:** NOI Application, Site Plan

At the last hearing the Commission agreed that this project meets the "rare and unusual" circumstances. The house is outside the buffer zone and there will be minimized disturbance in the area. The septic system will be moved to the front of the house. Two rain gardens have been added along with buffer enhancements. There will be 18 bushes planted on the site plus 55 bushes planted within the large rain gardens. The 4-inch PVC pipe connecting the Isolated Bordering Wetland (IBW) to the Bordering Vegetated Wetland (BVW) will be replaced with a culvert that makes a true connection between the IBW and BVW. Agent Summers said the PVC pipe doesn't so much function to connect the two areas but to remove overflow during rainy periods. Mr. Hassett said the area is an IVW and the other side of Dolan Lane is a BVW within the buffer zone. Chair Macfarlane said the only area of concern is the first 8-feet of the driveway but there has been serious work done to minimize the area. The majority of the commissioners feel the area is an IVW with a 25-ft. setback and that the box culvert should be left out of this discussion and, if necessary, be addressed separately. Attorney DeLisi requested that a Declaration of Restrictive Covenant be included in the conditions for the no-build area to the rear of the dwelling.

**MOTION: By Member Pimpare to close the public hearing for Notice of Intent 20-21 and issue an Order of Conditions for Lot C, Dolan Lane with the following conditions:**

- 1. A revised site plan must be provided to Agent Jeffrey Summers by the close of business on March 18, 2021 to reflect the removal of the box culvert.**
- 2. A Declaration of Restricted Covenant establishing a 'no build' area 50-ft. in width to the rear of the dwelling be prepared by the applicant and approved by Town Counsel Karis North.**
- 3. The deed restriction be recorded at the Registry of Deeds for Norfolk County.**

**SECOND: By Member Grady**

**ROLL CALL VOTE: Chris Macfarlane – Aye; Patricia Grady - Aye; Maryanne Wetherald – Aye;**

**MOTION PASSES:** Kathleen Berigan - Aye; Eric Eisenhauer - Nay; Justin Pimpare - Aye;  
6-0 Unanimous

**MOTION:** By Member Pimpare to close the public hearing for Notice of Intent 20-21 and issue a variance for work within 25-ft. of an Isolated Bordering Wetland (IBW) and within the 50-ft. buffer zone to a Bordering Vegetated Wetland (BVW).

**SECOND:** By Vice Chair Wetherald

**ROLL CALL VOTE:** Chris Macfarlane – Aye; Patricia Grady - Aye; Maryanne Wetherald – Aye; Kathleen Berigan - Aye; Eric Eisenhauer - Nay; Justin Pimpare - Aye;

**MOTION PASSES:** 6-0 Unanimous

**MOTION:** By Member Pimpare to issue Stormwater Permit 20-29 for proposed work at Lot C, Dolan Lane.

**SECOND:** By Vice Chair Wetherald

**ROLL CALL VOTE:** Chris Macfarlane – Aye; Patricia Grady - Aye; Maryanne Wetherald – Aye; Kathleen Berigan - Aye; Eric Eisenhauer - Nay; Justin Pimpare - Aye;

**MOTION PASSES:** 6-0 Unanimous

**8:45 PM:** RDA 21-02 – 15 Diab Lane – Alteration for Stormwater Mitigation Features – Shannon (con/t TO 3/25)

**8:55 PM:** Progress Discussion: SWP 19-15, 149 King Street — Shannon

Owner Matthew Shannon did clear-cutting on the site without proper permitting and was issued a 'stop work' order and told that fines would be assessed for every day he is not in compliance. In 2019 the owner wanted to plant trees and grass on the site. Mitigation required the removal of asphalt and concrete on the site but the project was not completed. On February 27, 2020 an enforcement order was issued giving Mr. Shannon until May 1, 2020 to have all stormwater mitigation features fully implemented. When the work was not done in the prescribed time, a similar enforcement order was issued on March 15, 2021 giving the Mr. Shannon until June 1, 2021. No work has been done to date and Agent Summers recommended issuing another enforcement order and continuing the fines until this matter is resolved.

**MINUTES FOR APPROVAL: January 7, 2021**

Motion made by Chair Macfarlane, second by Member Eisenhauer and approved 6-0 via roll call vote.

With no further business to discuss motion to adjourn made by Vice Chair Wetherald, second by Member Pimpare and approved 6-0 via roll call vote.

**Meeting adjourned at 11 p.m.**